



MINUTES

Ordinary Council Meeting Tuesday, 16 February 2021

Date: Tuesday, 16 February 2021

Time: 2:00pm

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

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**MINUTES OF SHIRE OF KELLERBERRIN
ORDINARY COUNCIL MEETING
HELD AT THE COUNCIL CHAMBER, 110 MASSINGHAM STREET, KELLERBERRIN WA 6410
ON TUESDAY, 16 FEBRUARY 2021 AT 2:00PM**

1 DECLARATION OF OPENING

The presiding member opened the meeting at 2.01pm

2 ANNOUNCEMENT BY PRESIDING PERSON WITHOUT DISCUSSION

2.1 PRESIDENTS REPORT JANUARY 2021

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

The Shires outside crew have used the relatively quiet time traffic wise, to complete works on Hammond St and make good progress on the Bedford St reconstruction.

There were not many farmers harvesting into December because the rain cut off early and the headers were in the paddocks in October. Mostly yields were below average which also made for a shorter harvest.

The Australia Day celebrations went well with the breakfast and presentation at the Recreation Centre, Men's Shed brunch, swimming pool activities and cricket match all being supported by many people. Congratulations to Jenna Saunders and Phil Graham who were Kellerberrin's joint Citizen of the Year recipients.

Going forward into 2021 will be interesting, the Shire has some big projects planned and COVID-19 will still be lurking around. Let's hope the plans come to fruition and COVID-19 will be kept away.

Kind Regards



Rodney Forsyth

Shire President

STAFF RECOMMENDATION

That Council receive and note the Shire Presidents Reports for January 2021.

COUNCIL RESOLUTION

MIN 001/21 MOTION - Moved Cr. Steber Seconded Cr. Leake

That Council receive and note the Shire Presidents Reports for January 2021.

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 002/21 MOTION - Moved Cr. Ryan 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 (via zoom)
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)
Mr Lewis York (Town Planner) Entered 3.45 pm

APOLOGIES

Nil

LEAVE OF ABSENCE

Nil

MOTION**COUNCIL RESOLUTION**

MIN 003/21 MOTION - Moved Cr. Reid Seconded Cr. O'Neill

That council consider the request for Cr Leake to attend the meeting remotely via zoom in Caroline Thomson Cabins, Rottnest Island WA 6161.

CARRIED 7/0

4 DECLARATION OF INTEREST

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

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

5 PUBLIC QUESTION TIME

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

5.1 Response to Previous Public Questions taken on Notice

5.2 Public Question Time

6 CONFIRMATION OF PREVIOUS MEETINGS MINUTES**6.1 MINUTES OF THE COUNCIL MEETING HELD ON 15 DECEMBER 2020**

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

HEADING**STAFF RECOMMENDATION**

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

COUNCIL RESOLUTION

MIN 004/21 **MOTION - Moved Cr. O'Neill** **Seconded Cr. Leake**

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

CARRIED 7/0

6.2 MINUTES OF LEMC MEETING HELD ON 8 FEBRUARY 2021

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

HEADING**MOTION**

1. That the Minutes of the LEMC Meeting held on 8 February 2021 be adopted as a true and accurate record.

COUNCIL RESOLUTION

MIN 005/21 **MOTION - Moved Cr. O'Neill** **Seconded Cr. McNeil**

1. *That the Minutes of the LEMC Meeting held on 8 February 2021 be adopted 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.

December 2020 Council Meeting

MIN 197/20 MOTION - Moved Cr. Reid

Seconded Cr. O'Neill

That Council:

- 1.) Waive the fees for hire of the Cuolahan/Cottle room for the Heathy Easting Active Lifestyle (HEAL) program in February and March 2021.***
- 2.) Arrange a community survey to determine the future opening hours of the Kellerberrin Memorial Swimming Pool.***
- 3.) Note receipt of the correspondence received from Dr Van Ballegooyen in response to Council's December correspondence.***
- 4.) Note receipt of Mr Clement letter dated 14th December 2020;and***
- 5.) Provided approval for the installation of "No Parking" signs on Scott St to ensure there is no obstructions for trucks accessing Scott st via Hammond St (West End), as this is the designated turning route for heavy vehicles.***

November 2020 Council Meeting

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.

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.**

STAFF COMMENT

December MIN 179/20

1. Emailed advising the waving of fees, email received advising the program has been postpone to April - June 2021.
- 2.
3. NFA
4. NFA
5. Letter response issued to Murray Clement

November MIN 179/20

1. Contract of Sale completed 19th November 2020.

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

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 006/21

MOTION - Moved Cr. Reid

Seconded Cr. McNeil

That Council:

- 1.) Approves the donation of the Shire (Small) Bus to be utilized on a trial basis on a Friday and Saturday night as a Courtesy bus for a maximum of three weeks, at which point the matter will be re-assessed with data provided by the Club.***
- 2.) Ensure Speed limit signs are reinstated on the Doodlakine-Kunnoppin road on the North side of Town.***
- 3.) Endorse that Council auspice the funds for Kellerberrin Bowling Club's for replacement of a bowling green as this will be listed as a Council asset.***

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 007/21 MOTION - Moved Cr. Steber

Seconded Cr. Reid

That Council receive the Status Report.

CARRIED 7/0

9.3 ANNUAL REPORT/ANNUAL FINANCIAL REPORT AUDIT RESULTS FOR THE YEAR ENDING 30 JUNE 2020

File Ref: FIN21
Author: Lenin Pervan, Deputy Chief Executive Officer
Authoriser: Raymond Griffiths, Chief Executive Officer
Attachments: Nil

BACKGROUND

Councils Audit Committee Meeting – 16th February 2021

That the Committee recommend to Council that it;

- 1. accept the 2019-2020 Annual Report (Attachment A);**
- 2. accept the 2019/20 Annual Financial Report including Auditors Report and Audit Management Report as per the attached documentation (Attachment B);**
- 3. note that it has met the requirements of section 7.12A(2) of the Local Government Act with the Audit Committee, on behalf of Council, having met with a representative of the Office of the Auditor General; and**
- 4. determine that the annual general electors' meeting be held on 16th March 2021 commencing at 6.00 pm in the Cuolahan/Cottle Room at the Kellerberrin Recreation and Leisure Centre.**

This report presents the Shire of Kellerberrin 2019-2020 Annual Report (Annual Report) for Council acceptance in accordance with the *Local Government Act 1995* (the Act) and seeks endorsement of a date for the holding of the annual general electors' meeting.

The Shire produces an annual report of activities at the conclusion of each financial year, in accordance with the requirements of the Act, as outlined in the Statutory Implications section of this report. The Shire's Annual Report provides information about the Shire's progress over the financial year in respect of its priorities, as outlined in the Corporate Business Plan; which contribute to achievement of the goals and aspirations contained in the Strategic Community Plan.

STAFF COMMENT

On 11 December 2020 the Chief Executive Officer and the Deputy Chief Executive Officer attended (via phone) the Final Audit exit interview. The OAG has since provided their audit report, opinion and signed Annual Financial Statements on 15 December 2020; attached to this report. The following finding were recorded:

Audit Misstatements: There were no uncorrected misstatements. Per the Interim Management Letter:

1. Procurement practices (Significant):

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

- ☐ 11 instances where the required number of quotes was not obtained prior to engaging a supplier for goods/services;
- ☐ 2 invoices without purchase orders;
- ☐ 13 purchase orders were raised after the invoice date;

- ☐ 1 instance where an invoice was not authorised by an employee with the appropriate delegated authority; and
- ☐ 17 supplier invoices were not marked by staff with a reference to the supporting PO.

2. Security access controls (Minor):

During the audit we noted that the server and records room are not securely locked and are open to unauthorized access.

Per the Final Management Letter:

No issues

Matter indicating significant adverse trends in the financial position

1. The Asset Renewal Funding Ratio as reported in Note 32 of the annual financial report has been below the Department of Local Government, Sport and Cultural Industries' basic standard of 0.75 for the past three financial years.
2. The Operating Surplus Ratio as reported in Note 32 of the annual financial report has been below the Department of Local Government, Sport and Cultural Industries' basic standard of 0.01 for the past three financial years. The OAG have confirmed that the Shire has been provided with an unqualified audit opinion (clear audit).

Matters indicating non-compliance with Part 6 of the Local Government Act 1995, the Local Government (Financial Management) Regulations 1996 or applicable financial controls of any other written law

- a) For approximately 18% (11 instances from 61 payment samples) of purchase transactions we sampled, there was inadequate or no evidence that a sufficient number of quotations were obtained to test the market, and no documentation to explain why other quotes were not sought. This practice increases the likelihood of not receiving value for money in procurement and the risk of fraud or favouritism of suppliers.
- b) We noted 21% (13 instances from 61 payment samples) of the purchase orders we sampled were dated after the dates of the corresponding supplier invoices. This practice increases the risk of fraud or favouritism of suppliers, not obtaining value for money in procurement, and inappropriate or unnecessary purchases.

The Audit Committee should note the following Auditors comments:

Opinion

I have audited the annual financial report of the Shire of Kellerberrin which comprises the Statement of Financial Position as at 30 June 2020, the Statement of Comprehensive Income by Nature or Type, Statement of Comprehensive Income by Program, Statement of Changes in Equity, Statement of Cash Flows and Rate Setting Statement for the year then ended, and notes comprising a summary of significant accounting policies and other explanatory information, and the Statement by the Chief Executive Officer.

In my opinion the annual financial report of the Shire of Kellerberrin:

- (i) is based on proper accounts and records; and

- (ii) fairly represents, in all material respects, the results of the operations of the Shire of Kellerberrin for the year ended 30 June 2020 and its financial position at the end of that period in accordance with the Local Government Act 1995 (the Act) and, to the extent that they are not inconsistent with the Act, the Australian Accounting Standards.

The Shire of Kellerberrin Annual Report 2019-2020 requires acceptance by an absolute majority of Council before being publicly released. Council is also requested to endorse the proposed date for the annual general electors' meeting.

The Financial Statements were completed and audited at the time of the audit visit with all aspects of the audit being attended to with minor changes being made following the auditors departure.

Council is continually improving its financial reporting and maintaining good Audit Reports and for this, congratulations to all staff on the efforts for the 2019-2020 financial year.

Responsible person: Raymond Griffiths

Completion date:

FINANCIAL IMPLICATIONS

There are no financial implications associated with the officer recommendation.

POLICY IMPLICATIONS

There are no relevant plans or policies to consider in relation to this matter.

STATUTORY IMPLICATIONS

Local Government Act 1995 (As Amended)

5.27. Electors' general meetings

- (1) A general meeting of the electors of a district is to be held once every financial year.
- (2) A general meeting is to be held on a day selected by the local government but not more than 56 days after the local government accepts the annual report for the previous financial year.
- (3) The matters to be discussed at general electors' meetings are to be those prescribed.

5.54. Acceptance of annual reports

- (1) Subject to subsection (2), the annual report for a financial year is to be accepted* by the local government no later than 31 December after that financial year.

** Absolute majority required.*

- (2) If the auditor's report is not available in time for the annual report for a financial year to be accepted by 31 December after that financial year, the annual report is to be accepted by the local government no later than 2 months after the auditor's report becomes available.

[Section 5.54 amended by No. 49 of 2004 s. 49.]

5.55. Notice of annual reports

The CEO is to give local public notice of the availability of the annual report as soon as practicable after the report has been accepted by the local government.

Division 4 — General

7.12A. Duties of local government with respect to audits

- (1) A local government is to do everything in its power to —
 - (a) assist the auditor of the local government to conduct an audit and carry out his or her other duties under this Act in respect of the local government; and
 - (b) ensure that audits are conducted successfully and expeditiously.
- (2) Without limiting the generality of subsection (1), a local government is to meet with the auditor of the local government at least once in every year.
- (3) A local government is to examine the report of the auditor prepared under section 7.9(1), and any report prepared under section 7.9(3) forwarded to it, and is to —
 - (a) determine if any matters raised by the report, or reports, require action to be taken by the local government; and
 - (b) ensure that appropriate action is taken in respect of those matters.
- (4) A local government is to —
 - (a) prepare a report on any actions under subsection (3) in respect of an audit conducted in respect of a financial year; and
 - (b) forward a copy of that report to the Minister,by the end of the next financial year, or 6 months after the last report prepared under section 7.9 is received by the local government, whichever is the latest in time.

[Section 7.12A inserted by No. 49 of 2004 s. 8.]

Local Government (Financial Management) Regulations 1996

51. Completion of financial report

- (1) After the annual financial report has been audited in accordance with the Act the CEO is to sign and append to the report a declaration in the form of Form 1.
- (2) A copy of the annual financial report of a local government is to be submitted to the Departmental CEO within 30 days of the receipt by the local government's CEO of the auditor's report on that financial report.

[Regulation 51 amended in Gazette 18 Jun 1999 p. 2639; 20 Jun 2008 p. 2726.]

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
- Office of Auditor General

STAFF RECOMMENDATION

That Council:

1. accept the 2019-2020 Annual Report (Attachment A);
2. accept the 2019/20 Annual Financial Report including Auditors Report and Audit Management Report as per the attached documentation (Attachment B);
3. note that it has met the requirements of section 7.12A(2) of the Local Government Act with the Audit Committee, on behalf of Council, having met with a representative of the Office of the Auditor General; and
4. determine that the annual general electors' meeting be held on _____ commencing at _____ in the Cuolahan/Cottle Room at the Kellerberrin Recreation and Leisure Centre.

COUNCIL RESOLUTION

MIN 008/21

MOTION - Moved Cr. Steber

Seconded Cr. Ryan

That Council:

1. *accept the 2019-2020 Annual Report (Attachment A);*
2. *accept the 2019/20 Annual Financial Report including Auditors Report and Audit Management Report as per the attached documentation (Attachment B);*
3. *note that it has met the requirements of section 7.12A(2) of the Local Government Act with the Audit Committee, on behalf of Council, having met with a representative of the Office of the Auditor General; and*
4. *determine that the annual general electors' meeting be held on 16th March 2021 commencing at 6.00pm in the Cuolahan/Cottle Room at the Kellerberrin Recreation and Leisure Centre.*

CARRIED BY ABSOLUTE MAJORITY 7/0

9.4 CHEQUE LIST DECEMBER 2020

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

BACKGROUND

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

TRUST

TRUST TOTAL	\$ 900.00
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MUNICIPAL FUND**Cheque Payments**

34819-34828	\$ 61,203.37
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EFT Payments

11564-11700	\$ 486,793.12
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Direct Debit Payments

	\$ 31,476.87
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TOTAL MUNICIPAL

	\$ 579,473.36
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STAFF COMMENT

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

Western Australian Treasury Corporation	\$ 53,815.35
Loan 118 & 120 principal & interest payments	
Pilbara Motor Group	\$ 51,831.06
Purchase of Isuzu D-MAX SX 4x4 Auto Crew Cab for Bushfire Risk Coordinator	
Rockway Contracting	\$ 43,807.50
Equipment hire for various roadside clearing	
Water Corporation	\$ 32,240.78
Water charges of various Shire properties October-December 2020	
It Vision Australia Pty Ltd	\$ 27,874.00
Altus payroll project - milestone 2 & 3 fee	
Blackwell Plumbing Pty Ltd	\$ 27,736.50
Connection of new water pipes connected to water mains Scott Street	
Vicki Philipoff Settlements	\$ 27,207.59
Purchase Land 3 Bennett Street	
Fire And Emergency Services (WA)	\$ 21,509.10
ESL payment 2020/20221 2nd quarter	
LAC Laundry	\$ 19,659.75
Purchase of washing machine & dryer for Caravan Park	

Rockway Contracting Equipment hire for various roadside clearing	\$ 17,985.00
R Munns Engineering Consulting Services Consultant fee for various road constructions	\$ 13,553.24
Brooks Hire Service Pty Ltd Hire of smooth vib rollers for various road works November 2020	\$ 12,739.98
Water Corporation Water charges of various Shire properties October-December 2020	\$ 11,053.36
STS West Pty Ltd Purchase of tyres including disposals for various Depot vehicles	\$ 10,669.00
Triplains PTY LTD t/a L & L Steber Purchase of gravel for various road constructions	\$ 9,763.00
Synergy Power charges of various Shire properties October-December 2020	\$ 9,084.29
Avon Waste Domestic & commercial collection November 2020	\$ 8,511.27
Smith Earthmoving Pty Ltd Dozer hire October 2020 for various road works	\$ 8,415.00
United Card Services Pty Ltd Total supply November 2020	\$ 8,206.62
Conplant Purchase of shaft, plunge wheels, bolts & nuts for Depot vehicle	\$ 7,452.86
Rvend Pty Ltd Purchase of vending machine for Caravan park	\$ 6,095.00
Wheatbelt Plumbing & Gas Claim works fee for Scott Street, Baandee Nth & Doodlakine Hall	\$ 6,069.43
Merredin Refrigeration & Gas Servicing of AC for various Shire properties including labour & parts	\$ 5,707.98
Merredin Refrigeration & Gas Air-conditioning maintenance including labour & materials for Caravan park	\$ 5,525.82
R Munns Engineering Consulting Services Consulting work on Hammond St RCN project including travel to & from site	\$ 5,401.00

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 December 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 \$ 579,473.36 on vouchers EFT , CHQ, Direct payments*
2. *Trust Fund payments totalling \$ 900.00 on vouchers EFT, CHQ, Direct payments*

COUNCIL RESOLUTION

MIN 009/21 MOTION - Moved Cr. McNeil Seconded Cr. O'Neill

That Council notes that during the month of December 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 \$ 579,473.36 on vouchers EFT , CHQ, Direct payments***
- 2. Trust Fund payments totalling \$ 900.00 on vouchers EFT, CHQ, Direct payments***

CARRIED 7/0

9.5 CHEQUE LIST JANUARY 2021

File Number: N/A
Author: Zene Arancon, Finance Officer
Authoriser: Raymond Griffiths, Chief Executive Officer
Attachments: 1. Payment List January 2021

BACKGROUND

Accounts for payment from 1st January to 31st January 2021

TRUST

TRUST TOTAL	\$ 800.00
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MUNICIPAL FUND**Cheque Payments**

34829-34835	\$ 10,446.30
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EFT Payments

11701-11782	\$ 215,023.89
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Direct Debit Payments

	\$ 59,053.58
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TOTAL MUNICIPAL

	\$ 284,543.77
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STAFF COMMENT

During the month of January 2021, the Shire of Kellerberrin made the following significant purchases:

Office of the Auditor General

Fee for the attest audit Shire of Kellerberrin year ended 30 June 2020	\$ 42,900.00
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Smith Earthmoving Pty Ltd

Equipment hire for various road maintenance	\$ 34,793.00
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Deputy Commissioner Of Taxation

BAS December 2020	\$ 22,531.00
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Beam Superannuation

Staff superannuation contributions	\$ 10,718.45
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Roobix Pty Ltd

Fee for Phase 4 - Web build for Shire of Kellerberrin website	\$ 10,230.00
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Beam Superannuation

Staff superannuation contributions	\$ 10,111.07
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Beam Superannuation

Staff superannuation contributions	\$ 10,086.43
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Avon Waste

Domestic & commercial collections December 2020	\$ 8,599.27
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United Card Services Pty Ltd

Total supply December 2020	\$ 8,319.29
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Great Southern Fuel Supplies

Total supply December 2020

\$ 7,916.79**Norman Disney & Young**

Kellerberrin Recreation Centre - fire detection system extension Professional services 23 November-27 December 2020 Design documentation Phase 1

\$ 7,150.00**Shire of Quairading**

CESM Shared billing July-September & October-December 2020 Contribution - CESM Officer salary

\$ 6,981.08**Western Australian Treasury Corporation**

GFEE for Loan 118, Loan 119 & Loan 120

\$ 6,588.65**Kellerberrin & Districts Club Inc.**

Contribution towards Rec Centre Manager - January 2021 & refreshments Christmas function December 2020

\$ 5,819.63**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 January 2021, 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 \$ 284,543.77 on vouchers EFT , CHQ, Direct payments*
2. *Trust Fund payments totalling \$ 800.00 on vouchers EFT, CHQ, Direct payments*

COUNCIL RESOLUTION

MIN 010/21

MOTION - Moved Cr. Steber

Seconded Cr. Ryan

That Council notes that during the month of January 2021, 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 \$ 284,543.77 on vouchers EFT , CHQ, Direct payments*
2. *Trust Fund payments totalling \$ 800.00 on vouchers EFT, CHQ, Direct payments*

CARRIED 7/0

9.6 DIRECT DEBIT LIST AND VISA CARD TRANSACTIONS - DECEMBER 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 December 2020.

Municipal Direct Debit List				
Date	Name	Details	\$	Amount
1-Dec-20	NAB	Merchant Fees - Trust		3.92
1-Dec-20	Westnet	Internet Fees		4.99
1-Dec-20	NAB	Merchant Fees - Caravan Park		51.90
1-Dec-20	NAB	Merchant Fees - Muni		71.82
1-Dec-20	NAB	Merchant Fees - CRC		171.11
2-Dec-20	NAB	NAB Connect Fees		59.98
3-Dec-20	Shire of Kellerberrin	Creditors Payment		197,335.76
8-Dec-20	Department of Communities	Rent		420.00
8-Dec-20	Shire of Kellerberrin	Creditors Payment		19,659.75
10-Dec-20	Shire of Kellerberrin	Pay Run		58,792.02
15-Dec-20	Vicki Phillipoff	Property Settlement		27,207.59
16-Dec-20	Shire of Kellerberrin	Super Choice		9,449.82
17-Dec-20	Shire of Kellerberrin	Creditors Payment		215,902.26
18-Dec-20	Shire of Kellerberrin	Pay Run		5,938.93
21-Dec-20	NAB	NAB Connect Fees		50.48
22-Dec-20	Department of Communities	Rent		420.00
23-Dec-20	Shire of Kellerberrin	Creditors Payment		53,895.35
24-Dec-20	Shire of Kellerberrin	Precision Super		810.63
24-Dec-20	Shire of Kellerberrin	Precision Super		10,168.07
24-Dec-20	Shire of Kellerberrin	Pay Run		58,337.43
31-Dec-20	NAB	BPAY Charge		32.20
31-Dec-20	NAB	Account Fees - Trust		10.00
31-Dec-20	NAB	Account Fees - Muni		49.60
31-Dec-20	NAB	Merchant Fees - Trust		5.52
31-Dec-20	NAB	Merchant Fees - Caravan Park		51.90
31-Dec-20	NAB	Merchant Fees - Muni		70.77
31-Dec-20	NAB	Merchant Fees - CRC		193.26

		TOTAL	\$	659,165.06
Trust Direct Debit List				
Date	Name	Details	\$	Amount
31-Dec-20	Department of Transport	Licencing Payment December 2020		\$54,492.35
		TOTAL	\$	54,492.35
Visa Transactions				
Date	Name	Details	\$	Amount
03-Dec-20	Penske	Evaporator - Western Star Truck		1,288.80
08-Dec-20	Caltex Melville	Fuel KE1		166.24
29-Dec-20	NAB	Card Fee		9.00
		TOTAL - CEO	\$	1,464.04
Date	Name	Details	\$	Amount
30-Nov-20	Shire of Kellerberrin	Licencing KE147		28.60
29-Dec-20	Lancelin Roadhouse	Fuel KE002		66.42
29-Dec-20	NAB	Card Fee		9.00
		TOTAL -DCEO		104.02
		TOTAL VISA TRANSACTIONS	\$	1,568.06

STAFF COMMENT

The Direct Debit List and Visa Card Transactions are presented for Council to note for the month of December 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 December 2020 comprising of;

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

COUNCIL RESOLUTION

MIN 011/21 MOTION - Moved Cr. Reid Seconded Cr. Ryan

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

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

CARRIED 7/0

9.7 DIRECT DEBIT LIST AND VISA CARD TRANSACTIONS - JANUARY 2021

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 January 2021.

Municipal Direct Debit List				
Date	Name	Details	\$	Amount
4-Jan-21	Westnet	Internet Fees		4.99
4-Jan-21	Alleasing	Gym Equipment Lease		3,121.83
5-Jan-21	Department of Communities	Rent		420.00
7-Jan-21	Shire of Kellerberrin	Precision Clearing House Superannuation		10,111.07
7-Jan-21	Shire of Kellerberrin	Creditors		2,937.00
7-Jan-21	Shire of Kellerberrin	Payroll		59,292.48
8-Jan-21	Department of Transport	Vehicle Inspections		71.75
8-Jan-21	Shire of Kellerberrin	Precision Clearing House Superannuation		10,086.43
14-Jan-21	Shire of Kellerberrin	Creditors		140,733.67
18-Jan-21	ATO	BAS December 2020		22,531.00
19-Jan-21	Department of Communities	Rent		420.00
21-Jan-21	Shire of Kellerberrin	Payroll		64,480.46
22-Jan-21	Shire of Kellerberrin	Precision Clearing House Superannuation		10,718.45
28-Jan-21	Shire of Kellerberrin	Creditors		71,353.22
28-Jan-21	NAB	NAB Connect Fee		56.98
29-Jan-21	NAB	B-PAY Charge		75.44
29-Jan-21	NAB	Account Fees - Trust		10.00
29-Jan-21	NAB	Account Fees - Muni		55.70
29-Jan-21	NAB	Merchant Fees - Trust		3.05
29-Jan-21	NAB	Merchant Fees - Caravan Park		60.72
29-Jan-21	NAB	Merchant Fees - Muni		76.02
29-Jan-21	NAB	Merchant Fees - CRC		201.50
		TOTAL	\$	396,821.76
Trust Direct Debit List				

Date	Name	Details	\$	Amount
31-Jan-21	Department of Transport	Licencing Payments January 2021		\$46,763.45
		TOTAL	\$	46,763.45
Visa Transactions				
Date	Name	Details	\$	Amount
25-Jan-21	Jurien Bay Service Station	Fuel KE1		60.73
27-Jan-21	IGA Express Muchea	Fuel KE1		69.44
28-Jan-21	NAB	Card Fee		9.00
		TOTAL - CEO	\$	139.17
Date	Name	Details	\$	Amount
11-Jan-21	Vistaprint	Vinyl Banners Australia Day		226.31
11-Jan-21	Printed Napkins	Napkins Australia Day		123.20
11-Jan-21	NAB	Card Fee - Int Transaction Fee		6.79
14-Jan-21	Easysigns	Tablecloth Australia Day		168.00
28-Jan-21	NAB	Card Fee		9.00
		TOTAL -DCEO		533.30
		TOTAL VISA TRANSACTIONS	\$	672.47

STAFF COMMENT

The Direct Debit List and Visa Card Transactions are presented for Council to note for the month of January 2021.

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 January 2021 comprising of;

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

COUNCIL RESOLUTION

MIN 012/21

MOTION - Moved Cr. Steber

Seconded Cr. McNeil

That Council note the direct debit list for the month of January 2021 comprising of;

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

CARRIED 7/0

9.8 BUILDING REPORTS DECEMBER 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 December period. A copy of the "Australian Bureau of Statistics appends".
2. There were nil "Building Permit" issued in the December period. See attached form "Return of Building Permits Issued".

TEN YEAR FINANCIAL PLAN

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

FINANCIAL IMPLICATIONS

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

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

STATUTORY IMPLICATIONS

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

STRATEGIC COMMUNITY PLAN

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

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

COMMUNITY CONSULTATION

The following consultation took place:

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

STAFF RECOMMENDATION

That Council

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

COUNCIL RESOLUTION

MIN 013/21

MOTION - Moved Cr. Reid

Seconded Cr. Steber

That Council

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

CARRIED 7/0

9.9 BUILDING REPORTS JANUARY 2021

File Number: BUILD06
Author: Codi Mullen, Personal Assistant
Authoriser: Raymond Griffiths, Chief Executive Officer
Attachments: 1. Building Applications Received
2. Building Permits Issued

BACKGROUND

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

STAFF COMMENT

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

TEN YEAR FINANCIAL PLAN

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

FINANCIAL IMPLICATIONS

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

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

STATUTORY IMPLICATIONS

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

STRATEGIC COMMUNITY PLAN

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

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

COMMUNITY CONSULTATION

The following consultation took place:

- Building Surveyor
- Owners
- Building Contractors

- Chief Executive Officer

STAFF RECOMMENDATION

That Council

1. *Acknowledge the “Return of Proposed Building Operations” for the January 2021 period.*
2. *Acknowledge the "Return of Building Permits Issued" for the January 2021 period.*

COUNCIL RESOLUTION

MIN 014/21

MOTION - Moved Cr. Steber

Seconded Cr. Ryan

That Council

1. *Acknowledge the “Return of Proposed Building Operations” for the January 2021 period.*
2. *Acknowledge the "Return of Building Permits Issued" for the January 2021 period.*

CARRIED 7/0

9.10 FINANCIAL ACTIVITY STATEMENT - DECEMBER 2020

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

BACKGROUND

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

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

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

At its meeting on 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 December 2020 comprising;

(a) Statement of Financial Activity

(b) Note 1 to Note 13

COUNCIL RESOLUTION

MIN 015/21

MOTION - Moved Cr. McNeil

Seconded Cr. Reid

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

(a) Statement of Financial Activity

(b) Note 1 to Note 13

CARRIED BY ABSOLUTE MAJORITY 7/0

9.11 FINANCIAL ACTIVITY STATEMENT - JANUARY 2021

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

BACKGROUND

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

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

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

At its meeting on 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 January 2021 comprising;

(a) Statement of Financial Activity

(b) Note 1 to Note 13

COUNCIL RESOLUTION

MIN 016/21

MOTION - Moved Cr. Leake

Seconded Cr. O'Neill

That Council adopt the Financial Report for the month of January 2021 comprising;

(a) Statement of Financial Activity

(b) Note 1 to Note 13

CARRIED BY ABSOLUTE MAJORITY 7/0

10 DEVELOPMENT SERVICES REPORTS

Nil

3.45 pm – Mr Lewis York – Town Planner Entered Council Chambers

11 WORKS & SERVICES REPORTS

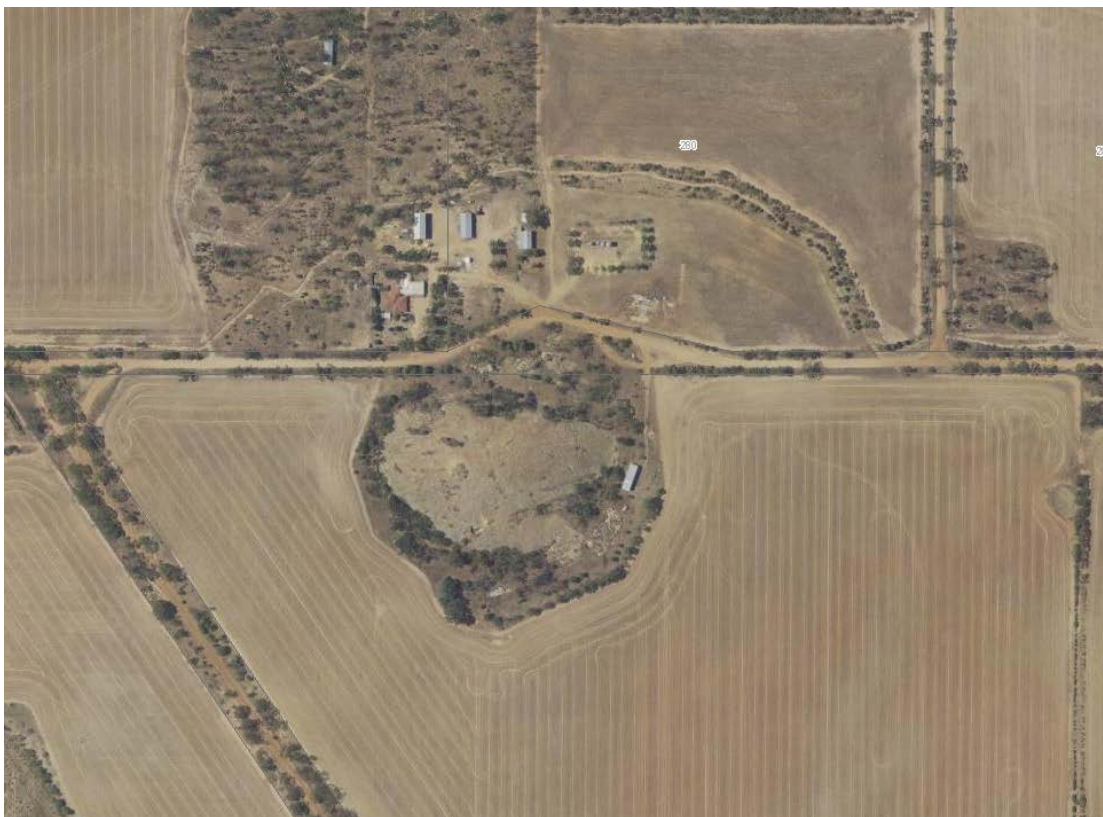
11.1 DEVELOPMENT APPLICATION: DWELLING, LOT 240 VICTORIA RD.

File Ref: A109
Author: Lewis York, Town Planner
Authoriser: Raymond Griffiths, Chief Executive Officer
Applicant: Mr Lorne Inverarity
Location: Lot 240 Victoria Road, Daadenning Creek
Attachments: 1. Development Application
2. Plan & Structure drawings
3. Donga

BACKGROUND

A development application has been received from Mr. Lorne Inverarity for second hand transportable dwelling to be located at Lot 240 Victoria Road, Daadenning Creek within the Kellerberrin townsite. The dwelling will be located on a 64ha lot, existing on the lot is a single machinery shed. The dwelling will be a steel framed construction transported from Perth and fitted with the required elements under the building code. The accommodation will be used to accommodate a worker for the operations of the farm business.

SITE



Shire of Kellerberrin Local Planning Scheme

Lot 240 Victoria Road, Kellerberrin

Zoned: General Agriculture

Use: Second Hand dwelling
Not coded
Lot size: 647,748m²
No restricted or additional uses

Local Planning Scheme No.4

3.2. OBJECTIVES OF THE ZONES

The objectives of the zones are —

3.2.6 General Agriculture Zone

- (a) To ensure the continuation of broad-hectare farming as the principal land use in the District and encouraging where appropriate the retention and expansion of agricultural activities.
- (b) To consider non-rural uses where they can be shown to be of benefit to the district and not detrimental to the natural resources or the environment.
- (c) To allow for facilities for tourists and travellers, and for recreation uses.

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.

This development will be considered as a single dwelling under the Shires LPS, therefore is assessed as a permitted 'P' use under the Shires scheme.

TABLE 1 – ZONING TABLE

USE CLASSES	ZONES					
	RESIDENTIAL	TOWN CENTRE	INDUSTRIAL	GENERAL AGRICULTURE	RURAL TOWNSITE	RURAL RESIDENTIAL
RESIDENTIAL						
Aged or dependent persons dwelling	P	D	X	X	P	X
Caretaker's dwelling	X	D	D	D	P	X
Grouped dwelling	P	D	X	D	D	X
Home business	D	D	X	D	D	D
Home occupation	D	D	X	D	D	D
Home office	P	D	X	D	D	P
Home store	A	D	X	A	D	A
Multiple dwelling	D	X	X	X	X	X
Park home park	X	A	X	X	A	X
Repurposed dwelling <i>AMD 2 GG 12/09/17</i>	D	A	X	D	D	D
Residential building	A	X	X	X	A	X
Rural home business	X	X	X	D	X	D
Second-hand dwelling <i>AMD 2 GG 12/09/17</i>	D	A	X	D	D	D
Single Dwelling	P	A	X	P	P	P
Transportable dwelling	<i>DELETED BY AMD 2 GG 12/09/17</i>					

4.11 RURAL DEVELOPMENT

4.11.1 Buildings within the General Agriculture zone shall comply with the following minimum lot boundary setbacks: Front: 20.0 metres Rear: 15.0 metres Side: 5.0 metres

4.11.2 The local government will only support further subdivision of existing lots in the General Agricultural zone where: (a) the lots have already been physically divided by significant natural or man-made features which preclude the continued operation of a farming property as a single unit (unless adjoining land could similarly be subdivided and thereby, by the process of precedent, lead to an undesirable pattern of land use in the area or in lots too small for uses compatible with the prevailing use in the area or in ribbon development alongside roads); (b) the lots are for farm adjustment and the erection of dwellings is restricted by memorials on titles; (c) the lots are for specific uses such as recreation facilities and public utilities; or (d) the lots are required for the establishment of uses ancillary to the rural use of the land or are required for the travelling public and tourists (such as service stations and motels); or (e) otherwise in accordance with the local government's policy for Homestead Lots.

4.11.3 - Additional dwellings AMD 3 GG 15/12/17 In the General Agriculture zone, the local government may, at its discretion, approve the erection of one (1) additional dwelling provided that: (a) the total number of dwellings on the lot will not exceed three (3) dwellings; (b) the additional dwelling(s) complies with the setback requirements not less than those specified for the Residential Design Code 'R2'; (c) the lot has an area of not less than 40 hectares; (d) it can be demonstrated that the additional dwelling(s) is for workers or family members employed for agricultural activities on that lot; (e) adequate provision of potable water for and disposal of sewage from the additional dwelling(s) can be demonstrated; (f) the additional dwelling(s) will not adversely detract from the rural character and amenity of the area or conflict with agricultural production on the subject lot or adjoining land; (g) access to the existing road network is to be provided for any additional dwelling(s) and shared with any existing dwelling(s) where practicable; (h) the existence of more than one dwelling on a lot in the General Agriculture zone shall not be considered by itself to be sufficient grounds for subdivision.

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.

POLICY IMPLICATIONS

LPP- Repurposed and Second Hand Dwellings

6.2 General requirements for the General Agriculture zone

6.2.1 Second Hand and Repurposed Dwelling(s) Require the approval of the Council and;

- a) Shall comply with the provisions of the Scheme;
- b) Shall be designed to reflect the existing character of development surrounding the subject site;
- c) Shall have cladding of materials to the satisfaction of the Council. Finishes such as brick vaneer, hardiplank sheets, spray render and factory painted steel are acceptable materials. Other finishes will require consideration by the Shire;
- d) Where deemed necessary by the Shire, verandah(s), carports and/or painting/recladding shall be undertaken to enhance the dwelling; and
- e) Where deemed necessary by the Shire, landscaping shall be undertaken around the dwelling;
- f) where a repurposed or second hand dwelling is proposed as a an additional (grouped) dwelling, the total floor area of the additional repurposed or second hand dwelling shall not exceed 110m²; and
- g) The Council will only permit donga type structures for uses other than residential uses where it considers the use or establishment of the structure will not be in conflict with the objectives of this policy;

STRATEGIC PLAN IMPLICATIONS

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

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

COMMUNITY CONSULTATION

The following consultation took place;

- Chief Executive Officer
- Town Planner
- Owner / Occupier

PLANNING ASSESSMENT

The proposal raises no significant planning concerns. The homestead dwelling on the north side of Victoria road is in a bushfire prone area the lot in question is not. The dwelling will be required to reach a high standard through the implementation of the building code. The provision of worker accommodation in the general agriculture zone is consistent with the Shires LPS and complies with the setback requirements. The dwellings impact upon visual amenity will be limited as the dwelling will be setback from a minor road. If Council wishes to enhance the aesthetics of the dwelling, this can be achieved through conditions in the approval. In the past conditions have been attached to approvals, relating to landscaping and cladding.

STAFF RECOMMENDATION

That Council

1. Grants development approval for a single dwelling on Lot 240 Victoria Road, Daadenning Creek with the Kellerberrin Townsite; with the following conditions;

General Conditions

- i. Planning approval will expire if the development is not substantially commenced within two years of this approval;*
- ii. The endorsed approved plans shall not be altered without prior written approval of the Shire and;*
- iii. Planning approval will expire if a building permit for a dwelling is not received within 12 months from the approval date;*

Advice Notes

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 017/21****MOTION - Moved Cr. Leake****Seconded Cr. McNeil*****That Council:***

- 1. Grants development approval for a single dwelling on Lot 240 Victoria Road, Daadenning Creek within the Kellerberrin Shire; with the following conditions;***

General Conditions

- i. Planning approval will expire if the development is not substantially commenced within two years of this approval;***
- ii. The endorsed approved plans shall not be altered without prior written approval of the Shire and;***
- iii. Planning approval will expire if a building permit for a dwelling is not received within 12 months from the approval date;***

Advice Notes

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

11.2 DEVELOPMENT APPLICATION - DWELLING, 52 FORREST ST.

File Ref: IPA20107
Author: Lewis York, Town Planner
Authoriser: Raymond Griffiths, Chief Executive Officer
Applicant: Mr. Larry Stewart
Location: 52 Forrest Street, Kellerberrin
Attachments: 1. Plans Updated - 52 Forrest Street

BACKGROUND

Council's December 2020 Ordinary Council Meeting – 15th December 2020

COUNCIL RESOLUTION

MIN 211/20 MOTION - Moved Cr. Leake Seconded Cr. Reid

That Council

- 1. Declines development approval for a dwelling at 52 Forrest Street Kellerberrin, that exceeds the following prescriptions of the Residential Design Codes (2015);***
 - Table 1 Minimum Setbacks- Primary Street: exceeded by 4.2m (allowed 7.5m, proposed 3.3m) and;***
 - 5.2.3 Street Surveillance cl. C3.2- (no major opening from habitable room),***

CARRIED 7/0

Reason: Council weren't satisfied the minimum setbacks were suitable for residential construction.

Mr. Stewart has proposed a new dwelling in the form of a 2x bedroom transportable. It is noted that a new transportable dwelling is now considered a 'single dwelling' under the shires scheme as the land use term 'transportable dwelling' was deleted as part of amendment no.2 in 2017. Existing on the lot is a 90m² shed which was approved for storage use in 2019. A further application for a 20ft sea container was not approved subject to the requirement of a building permit for a dwelling. The dwelling requires approval because it exceeds the setback and surveillance prescriptions of the R-Codes.

Council refused Mr. Stewarts initial planning application (as per minute above) due to an insufficient setback of 3.3m from the primary street (allowed 7.5m). The dwelling also did not comply with the R-codes in terms of having a major opening in the form of a window or door onto the primary street.

These two factors have been rectified by Mr. Stewart who has proposed a window be inserted into the street side of the dwelling and a setback of 6.3m (see attached plans). The existing shed is 21.9m from the lot boundary, the new transportable (14.3m) will be setback 1m from the shed therefor allowing a setback of 6.3m.

SITE**Shire of Kellerberrin Local Planning Scheme****52 Forest Street, Kellerberrin**

Zoned: Residential

R10/40 – assessed at R10 coding

Lot size: 1028m²

No restricted or additional uses

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.

TABLE 1 – ZONING TABLE

USE CLASSES	ZONES					
	RESIDENTIAL	TOWN CENTRE	INDUSTRIAL	GENERAL AGRICULTURE	RURAL TOWNSITE	RURAL RESIDENTIAL
RESIDENTIAL						
Aged or dependent persons dwelling	P	D	X	X	P	X
Caretaker's dwelling	X	D	D	D	P	X
Grouped dwelling	P	D	X	D	D	X
Home business	D	D	X	D	D	D
Home occupation	D	D	X	D	D	D
Home office	P	D	X	D	D	P
Home store	A	D	X	A	D	A
Multiple dwelling	D	X	X	X	X	X
Park home park	X	A	X	X	A	X
Repurposed dwelling <i>AMD 2 GG 12/09/17</i>	D	A	X	D	D	D
Residential building	A	X	X	X	A	X
Rural home business	X	X	X	D	X	D
Second-hand dwelling <i>AMD 2 GG 12/09/17</i>	D	A	X	D	D	D
Single Dwelling	P	A	X	P	P	P
Transportable dwelling	<i>DELETED BY AMD 2 GG 12/09/17</i>					

PART 4 — GENERAL DEVELOPMENT REQUIREMENTS

4.1. COMPLIANCE WITH DEVELOPMENT STANDARDS AND REQUIREMENTS

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

4.2. RESIDENTIAL DESIGN CODES

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

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

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

4.3. SPECIAL APPLICATION OF RESIDENTIAL DESIGN CODES

4.3.1 The Residential Design Code for land zoned 'Residential' and 'Commercial' shall be R10/40 unless otherwise indicated on the Scheme Maps. 4.3.2 Residential development with the R10/40 code shall be permitted at the R10 density, however the local government may approve developments up to the R40 density as a 'D' use.

4.3.3 The local government shall only support subdivision in accordance with the R10 Coding, unless a development approval at the higher coding of R40 has been approved.

Residential Design Codes 2015

2.2 Single house approval

2.2.1 A proposal for a single house that meets the deemed-to-comply provisions of R-Codes Volume 1 does not require development approval, unless otherwise required by the scheme or clause 2.3.

2.2.2 Where a proposal for a single house*: (a) does not satisfy the deemed-to-comply provisions; and (b) proposes to address a design principle of Part 5 of R-Codes Volume 1; an application for development approval under the scheme shall be made and determined prior to the issuing of a building permit. Note: * includes the erection or extension to a single house, ancillary dwelling, outbuilding, external fixture, boundary wall or fence, patio, pergola, veranda, garage, carport or swimming pool – refer to schedule 2, clause 61 (c) and (d) of the Planning and Development (Local Planning Schemes) Regulations 2015 (as amended).

2.3 Planning approval for single houses on small lots Development approval is required for the erection of a single house on any lot smaller than 260m², except where the single house complies with a structure plan or local development plan. 2.4 Judging merit of proposals Where a proposal does not meet deemed-to-comply provision(s) of the R-Codes Volume 1 and addresses design principle(s), the decision-maker is required to exercise judgement to determine the proposal. Judgement of merit is exercised only for specific element(s) of a proposal which do not satisfy the relevant deemed-to-comply provision(s).

2.5 Exercise of judgement

2.5.1 Subject to clauses 2.5.2 and

2.5.3, the decision-maker is to exercise its judgement to consider the merits of proposals having regard to objectives and balancing these with the consideration of design principles provided in the R-Codes Volume 1. The decision-maker, in its assessment of a proposal that addresses the design principle(s), should not apply the corresponding deemed-to-comply provision(s).

2.5.2

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

- (a) any relevant purpose, objectives and provisions of the **scheme**;
- (b) any relevant objectives and provisions of the R-Codes Volume 1;
- (c) a provision of a **local planning policy** adopted by the decision-maker consistent with and pursuant to the R-Codes Volume 1; and
- (d) orderly and proper planning.

4.1 Consultation requirement

4.1.1

Where a **development** proposal is **deemed-to-comply** in accordance with the R Codes Volume 1, it will not require advertising to adjoining owners and occupiers.

4.1.2

Where an application is made for development approval which presents:

- (a) a proposal against one or more **design principles** of the R-Codes in accordance with the R Codes Volume 1; and
- (b) a possible impact on the amenity of adjoining owners and occupiers;

then there may be grounds for the decision-maker to advertise the proposal to these owners and occupiers.

4.1.3

Where the **decision-maker** is to judge the merits of a proposal and:

- (a) the merits of the proposal are a matter of technical opinion; and
- (b) the decision-maker is satisfied it will not adversely impact the adjoining residential property or the **street**.

it is not necessary to seek comment from adjoining owners and occupiers about the proposal, except where specifically required by the **scheme** or relevant **local planning policy**.

4.1.4

The provisions of clauses 4.2 and 4.3 apply to provide for adjoining owners and occupiers, who in the opinion of the **decision-maker** are likely to be affected, to view and comment on the proposal.

4.1.5

Where a matter is advertised for comment the notification should direct adjoining owners and occupiers to focus their comments to the particular **design principle(s)** that the proposal is addressing.

4.1.6

The **decision-maker**, upon receipt of any comment(s) from adjoining owners and occupiers, is required to consider and balance comment(s) with its technical opinion when it exercises its judgement to determine the proposal.

4.2 Consultation procedure

4.2.1

In the circumstances prescribed in clause 4.1, any owner and occupier of **adjoining properties**, as identified by the **decision-maker**, shall be notified of the:

- site** and general nature of the proposal(s);
- nature of the proposal involved;
- availability to view details of the proposals; and
- due date by which any comments are to be lodged with the decision-maker, being at least fourteen (14) days after date of posting of notification, or as specified within the **scheme**, and invited to comment on that part of the proposed **development** that does not meet the **deemed-to-comply** provisions of the R-Codes Volume 1.

4.2.2

Where no response is received within the time specified from the date of notification, the **decision-maker** may determine the proposal on its merits and issue its decision.

4.2.3

Where a notification has been satisfactorily carried out (in the opinion of the **decision-maker**) by the proponent, and comments are provided which accompany the proposal, the decision-maker may consider and determine the proposal without further notification.

The decision-maker shall be satisfied the information provided and comments tendered are accurate and verified subject to the notification of the information in clause 4.2.1 and proof of posting by registered post provided to the decision-maker.

4.2.4

Where the **decision-maker** considers a proposal to be unacceptable it may determine to refuse the proposal without undertaking neighbour consultation.

4.3 Opportunity to respond

4.3.1

A summary of all comments received in response to an invitation under clause 4.2 shall be provided to the proponent on request and, if so requested, a period of not more than 10 days should be allowed within which the proponent may submit a response to the comments prior to the **decision-maker** considering the proposal.

In making a determination, the decision-maker shall consider the comments made and the proponent's response to the comments made on the proposal.

5.1.3 Lot boundary setback

- P3.1 **Buildings** set back from **lot** boundaries or adjacent **buildings** on the same lot so as to:
- reduce impacts of building bulk on **adjoining properties**;
 - provide adequate direct sun and ventilation to the building and **open spaces** on the **site** and adjoining properties; and
 - minimise the extent of overlooking and resultant loss of privacy on adjoining properties.
- P3.2 **Buildings** built up to boundaries (other than the **street boundary**) where this:
- makes more effective use of space for enhanced privacy for the occupant/s or **outdoor living areas**;
 - does not compromise the **design principle** contained in clause 5.1.3 P3.1;
 - does not have any adverse impact on the amenity of the **adjoining property**;

- C3.1 **Buildings** which are set back in accordance with the following provisions, subject to any additional measures in other elements of the R-Codes:
- buildings set back from lot boundaries in accordance with **Table 1, Tables 2a and 2b** (refer to **Figure Series 3 and 4**);
 - unenclosed** areas accessible for use as **outdoor living areas**, elevated 0.5m or more above **natural ground level**, set back as though they were **major openings to habitable rooms** with a **wall height** of 2.4m above their floor level;
 - separate **single house, grouped** or **multiple dwelling** buildings on the same **site**, or facing portions of the same multiple dwelling building, set back from each other as though there were a boundary between them;
 - minor projections such as a chimney, other architectural feature or an eaves overhang not projecting more than 0.75m into a **setback** area; and

5.2.3 Street surveillance

- P3 **Buildings** designed to provide for surveillance (actual or perceived) between individual **dwellings** and the **street** and between common areas and the street, which minimise opportunities for concealment and entrapment.

- C3.1 The street elevation(s) of the **dwelling** to address the **street** with clearly definable entry points visible and accessed from the street.
- C3.2 At least one **major opening** from a **habitable room** of the **dwelling** faces the street and the pedestrian or vehicular approach to the dwelling.
- C3.3 For **battleaxe lots** or sites with internal **driveway** access, at least one major opening from a habitable room of the **dwelling** faces the approach to the dwelling.

5.1.2 Street setback

- P2.1 **Buildings** set back from **street boundaries** an appropriate distance to ensure they:
- contribute to, and are consistent with, an established streetscape;
 - provide adequate privacy and **open space** for dwellings;
 - accommodate site planning requirements such as parking, **landscape** and utilities; and
 - allow safety clearances for easements for essential service corridors.
- P2.2 **Buildings** mass and form that:
- uses design features to affect the size and scale of the building;
 - uses appropriate minor projections that do not detract from the character of the streetscape;
 - minimises the proportion of the façade at ground level taken up by building services, vehicle entries and parking supply, blank **walls**, servicing infrastructure access and meters and the like; and
 - positively contributes to the prevailing or future development context and streetscape as outlined in the **local planning framework**.

- C2.1 **Buildings** set back from the **primary street** boundary:
- in accordance with **Table 1**;
 - corresponding to the average of the **setback** of existing **dwellings** on each adjacent property fronting the same **street**;
 - reduced by up to 50 per cent provided that the area of any building, including a **carport** or **garage**, intruding into the setback area is compensated for by at least an equal area of **open space** between the setback line and line drawn parallel to it at twice the setback distance (refer **Figure 2a, 2b and 2c**);
 - in the case of areas coded R15 or higher, where:
 - a **grouped dwelling** has its main **frontage** to a **secondary street**;
 - a **single house** results from subdivision of an original corner lot and has its frontage to the original secondary street; or
 - a single house or grouped dwelling (where that grouped dwelling is not adjacent to the primary street), has its main frontage to a **communal street, right-of-way** or shared pedestrian or vehicle access way;

Continued next page

Table 1: General site requirements for all single house(s) and grouped dwellings; and multiple dwellings in areas coded less than R40

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

Legend

◆ subject to variations permitted under clause 5.1.1 C1.4

▼ only applies to single houses

● secondary street: includes communal street, private street, right-of-way as street

- indicated not applicable

* see Tables 2a and 2b and clause 5.1.3

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.

STRATEGIC PLAN IMPLICATIONS

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

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

COMMUNITY CONSULTATION

The following consultation took place;

- Chief Executive Officer
- Councils Town Planner

The following consultation to take place;

- Surrounding landowners

PLANNING ASSESSMENT

Planning comment from Ordinary Council Meeting December 2020:

The abovementioned proposal raises some planning considerations that Council should consider before deciding on the suitability of the development. The proposal satisfies the objectives of the scheme and is a permitted use in the Shire's LPS4. It is noted that the proposal does not comply with all of the prescriptions outlined in the Residential Design Codes (2015), these include; street setbacks and street surveillance.

The dwelling proposed is setback 3.3m from the primary street, the r code deemed-to-comply prescription in table 1 prescribes a 7.5m setback. This means that Mr. Stewarts dwelling will be set forward in front of neighbouring dwellings which are setback 7.5m and 11m respectively. Throughout the Kellerberrin townsite a number of dwellings built before the introduction of the codes are not compliant with this setback. If no issues are raised by surrounding landowners to the east and west of 52 Forrest Street, the prescription breach should not be considered an obstruction to development approval. Lot 52 Forrest Street is only 15m wide which Mr. Stewart deemed as the major concern for altering the orientation of the dwelling. The r codes explanatory guidelines stresses the importance of a transition between public and private spaces through adequate setbacks.

The proposal seeks to disregard deemed-to-comply requirement 5.2.3 street surveillance, which defines the need for a major opening that faces the street. Mr. Stewarts proposed dwelling does not include a major opening on the northern (street) side. The r code explanatory guidelines states that a major opening is necessary for street surveillance purposes.

Whilst assessing the abovementioned proposal Council shall consider the impact the proposed dwelling will have upon the visual amenity of Forrest Street. However this must also be weighed up against the practicality of the lot shape and the desire to encourage development within the Kellerberrin townsite.

Planning comment for amended application:

The additional setback provided by Mr. Stewart ensures the dwelling will be consistent with other setbacks on Forrest Street, ensuring the visual amenity of the street is kept to a high standard. Furthermore the provision of a window on the northern side of the property improves both the safety and aesthetics of the dwelling.

Mr Stewart also advised that the issue with the setbacks was caused by a contractor who constructed the shed floor in the incorrect position therefore they couldn't move the shed and had to try and fit the house within the parameters left on the block.

STAFF RECOMMENDATION

That Council

1. *Grants conditional development approval for a dwelling at 52 Forrest Street Kellerberrin, that exceeds the following prescriptions of the Residential Design Codes (2015);*
 - *Table 1 Minimum Setbacks- Primary Street: exceeded by 4.2m (allowed 7.5m, proposed 3.3m)*

General Conditions

- i. *Planning approval will expire if the development is not substantially commenced within two years of this approval;*
- ii. *The endorsed approved plans shall not be altered without prior written approval of the Shire;*
- iii. *Planning approval will expire if a building permit for a dwelling is not received within 12 months from the approval date;*

Advice Notes

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 018/21

MOTION - Moved Cr. O'Neill

Seconded Cr. McNeil

That Council

1. ***Grants conditional development approval for a dwelling at 52 Forrest Street Kellerberrin, that exceeds the following prescriptions of the Residential Design Codes (2015);***
 - ***Table 1 Minimum Setbacks- Primary Street: exceeded by 4.2m (allowed 7.5m, proposed 3.3m)***

General Conditions

- i. ***Planning approval will expire if the development is not substantially commenced within two years of this approval;***
- ii. ***The endorsed approved plans shall not be altered without prior written approval of the Shire;***
- iii. ***Planning approval will expire if a building permit for a dwelling is not received within 12 months from the approval date;***

Advice Notes

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

11.3 DEVELOPMENT APPLICATION: SEA CONTAINER

File Ref: A876
Author: Lewis York, Town Planner
Authoriser: Raymond Griffiths, Chief Executive Officer
Applicant: Mr Stephen Cole
Location: 37 Connelly Street, Kellerberrin
Attachments: 1. Development Application
2. Plans
3. Sit Plan

BACKGROUND

An application has been received from Mr. Stephen Cole at 37 (Lot 22) Connelly Street, Kellerberrin. Mr. Cole proposes to locate a single 20ft sea container next to an existing outbuilding on the lot and construct a lean to incorporating the sea container. The roof will be cladded with new corrugated colourbond steel sheets. Existing on Lot 22 is a single outbuilding, Lot 20 contains a dwelling and an outbuilding and Lot 21 is vacant, all of which are owned by Mrs. Katherine Cole.

SITE**Shire of Kellerberrin Local Planning Scheme**

Lot size: 931m²

Zoning: Residential

Coding: R10/40

Proposed Use: domestic storage purposes

Local Planning Scheme No.4

The objectives of the zones are — 3.2.1 Residential Zone

(a) To retain the single dwelling as the predominant form of residential development in the Shire's townsites.

(b) To provide for lifestyle choice in and around the townsites with a range of residential densities.

(c) To allow for the establishment of non-residential uses subject to local amenities not being adversely affected

4.5. VARIATIONS TO SITE AND DEVELOPMENT STANDARDS AND REQUIREMENTS

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

4.5.2. In considering an application for development approval under this clause, where, in the opinion of the local government, the variation is likely to affect any owners or occupiers in the general locality or adjoining the site which is the subject of consideration for the variation, the local government is to — (a) consult the affected parties by following one or more of the provisions for advertising uses under Clause 64 of the deemed provisions; and AMD 2 GG 12/09/17 (b) have regard to any expressed views prior to making its determination to grant the variation.

4.5.3. The power conferred by this clause may only be exercised if the local government is satisfied that — (a) approval of the proposed development would be appropriate having regard to the criteria set out in Clause 67 of the deemed provisions; and AMD 2 GG 12/09/17 (b) the non-compliance will not have an adverse effect upon the occupiers or users of the development, the inhabitants of the locality or the likely future development of the locality.

R-Codes 2015

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

Setbacks (Table 2b)

Setback requirements secondary street: 3m

Proposed: 6.3m

Table 1: General site requirements for all single house(s) and grouped dwellings; and multiple dwellings in areas coded less than R40

1 R-Code	2 Dwelling type	3 Minimum site area per dwelling (m ²) ⬇	4 Minimum lot area/rear battlexe (m ²) ⬇	5 Minimum frontage (m) ⬇	6 Open space		7 Minimum setbacks (m)		
					min total (% of site)	min outdoor living (m ²)	primary street	secondary street ●	other/rear
R2	Single house or grouped dwelling	Min 5000	-	50	80	-	20	10	10
R2.5	Single house or grouped dwelling	Min 4000	-	40	80	-	15	7.5	7.5
R5	Single house or grouped dwelling	Min 2000	-	30	70	-	12	6	*6
R10	Single house or grouped dwelling	Min 875 Av 1000	925	20	60	-	7.5	3	*6

Using Discretion

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

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

2.5.2

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

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

2.5.3

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

2.5.4

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

2.5.5

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

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

Local Planning Policy- Outbuildings

7.0 MAXIMUM DEVELOPMENT REQUIREMENTS

7.1 Maximum standards for outbuildings in R-Codes areas

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

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

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

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

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

Area of outbuildings:

Minimum Open Space Requirements

Proposed on lot: 79m²

Allowed: 80m²

The proposal raises no POS issues.

Building heights:

Wall Height under LPP: 3.5m

Proposed: 3m

Ridge Height LPP: 4.5m

Proposed: 3.7m

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.

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

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

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

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

9.0 USE OF OUTBUILDINGS

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

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

Zone (s):	Setback:	Number and size of Sea Container(s) allowed:	Special requirements:
Town Centre	In accordance with the R-Codes	1 x 12m (40 ft)	<p>The sea containers shall be fitted with a pitched roof.</p> <p>The sea container shall not compromised or obstruct vehicle access ways, vehicle truncations, access to parking areas or parking bays provided on the site.</p> <p>The sea container shall only be used for storage purposes.</p>
Residential and Rural Townsite	In accordance with the R-Codes	1x 12m (40 ft)	<p>The sea container shall be fitted with a pitched roof.</p> <p>The sea containers shall be used in association with the approved use of the property.</p>

STRATEGIC PLAN IMPLICATIONS

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

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

COMMUNITY CONSULTATION

The following consultation took place;

- Chief Executive Officer
- Town Planner
- Owner/Occupier

PLANNING ASSESSMENT

The proposal complies with the provisions of the r-codes and POS requirements of the shires LPP. It is noted that the outbuilding extension and location of sea container will be on a lot that does not contain a dwelling as the dwelling exists on Lot 20, while Lot 21 is completely vacant. All three lots are owned by the applicant and it is recommend that they be amalgamated in the future. As the sea container will be incorporated into the shed it is determined that the need for a pitched roof be waived.

STAFF RECOMMENDATION

That Council

1. *Grants development approval for a lean-to incorporating one (1) 20ft sea container at Lot 22 Connolly Street , Kellerberrin, with the following conditions;*

General Conditions

- i. Planning approval will expire if the development is not substantially commenced within two years of this approval;*
- ii. The endorsed approved plans shall not be altered without prior written approval of the Shire;*
- iii. The outbuilding shall be in a similar colour scheme to existing buildings on the lot;*
- iv. The Sea Container be fitted with doors that can be opened from the inside to ensure safety of users;*
- v. Use of the building shall be for domestic purposes only; and*
- vi. The outbuilding shall not be used for human habitation at any given time unless written approval has been granted by the shire.*

Advice Notes

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

COUNCIL RESOLUTION

MIN 019/21 MOTION - Moved Cr. Reid Seconded Cr. O'Neill

That Council

1. *Grants development approval for a lean-to incorporating one (1) 20ft sea container at Lot 22 Connolly Street , Kellerberrin, with the following conditions;*

General Conditions

- i. Planning approval will expire if the development is not substantially commenced within two years of this approval;*
- ii. The endorsed approved plans shall not be altered without prior written approval of the Shire;*
- iii. The outbuilding shall be in a similar colour scheme to existing buildings on the lot;*
- iv. The Sea Container be fitted with doors that can be opened from the inside to ensure safety of users;*
- v. Use of the building shall be for domestic purposes only; and*
- vi. The outbuilding shall not be used for human habitation at any given time unless written approval has been granted by the shire.*

vii. That the three lots be amalgamated to ensure the proposal is in accordance with Council's policy. Council permits up to two years for this to occur.

Advice Notes

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

CARRIED 7/0

REASON: Council wanted to ensure that consistency with the Policy was adhered to by not approving the sea container on a vacant land therefore requested the property be amalgamated as a condition.

11.4 DEVELOPMENT APPLICATION: SECONDHAND DWELLING

File Ref: A1519
Author: Lewis York, Town Planner
Authoriser: Raymond Griffiths, Chief Executive Officer
Applicant: Mr. Joe Fondacaro
Location: Lot 10 Station Street, Doodlakine
Attachments: 1. Site drawing
2. Donga
3. Donga inside

BACKGROUND

A development application has been received from Mr. Joe Fondacaro for the development and use of a second hand transportable dwelling. The dwelling will be located on Lot 10 Station street, Doodlakine. The lot is currently vacant and surrounding Lots 8, 9 and 67 are also owned by Mr. Fondacaro. The second hand transportable site huts are proposed to be constructed into a two-bedroom demountable and is 72m² (12mx6m), it will have 2 bedrooms, kitchen, shower, toilet, and laundry. The outside walls are to be painted in two tone colouring before patio verandas are fitted. The applicant will not be cladding the outside walls, as they are a fireproof panel.

Upon receiving the application for development approval, Mr. Fondacaro was advised that Councils second hand dwelling policy stated that it 'generally does not support' secondhand dwellings where no primary dwelling exists. The lot is the former site of the Doodlakine Hotel.

SITE**Shire of Kellerberrin Local Planning Scheme**

Zoned: Rural Townsite

Coding: R10

Lot size: 809m²

No restricted or additional uses

Use class: Repurposed Dwelling

Local Planning Scheme No.4**3.2. OBJECTIVES OF THE ZONES**

The objectives of the zones are —

3.2.3 Rural Townsite Zone (a) To allow for a wide range of land uses such as may be found in a small country town, but subject to preservation of local amenities

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.

TABLE 1 – ZONING TABLE

USE CLASSES	ZONES					
	RESIDENTIAL	TOWN CENTRE	INDUSTRIAL	GENERAL AGRICULTURE	RURAL TOWNSITE	RURAL RESIDENTIAL
RESIDENTIAL						
Aged or dependent persons dwelling	P	D	X	X	P	X
Caretaker's dwelling	X	D	D	D	P	X
Grouped dwelling	P	D	X	D	D	X
Home business	D	D	X	D	D	D
Home occupation	D	D	X	D	D	D
Home office	P	D	X	D	D	P
Home store	A	D	X	A	D	A
Multiple dwelling	D	X	X	X	X	X
Park home park	X	A	X	X	A	X
Repurposed dwelling <i>AMD 2 GG 12/09/17</i>	D	A	X	D	D	D
Residential building	A	X	X	X	A	X
Rural home business	X	X	X	D	X	D
Second-hand dwelling <i>AMD 2 GG 12/09/17</i>	D	A	X	D	D	D
Single Dwelling	P	A	X	P	P	P
Transportable dwelling	<i>DELETED BY AMD 2 GG 12/09/17</i>					

A repurposed dwelling is a **discretionary 'D'** use in the Rural townsite zone.

'D' means that the use is not permitted unless the local government has exercised its discretion by granting development approval;

'Repurposed Dwelling' - means a building or structure not previously used as a single house, which has been repurposed for use as a dwelling.

'Second-Hand Dwelling' - means a dwelling that has been in a different location, and has been dismantled and transported to another location, but does not include a new modular or transportable dwelling.

PART 4 — GENERAL DEVELOPMENT REQUIREMENTS

4.1. COMPLIANCE WITH DEVELOPMENT STANDARDS AND REQUIREMENTS

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

4.2. RESIDENTIAL DESIGN CODES

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

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

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

4.3. SPECIAL APPLICATION OF RESIDENTIAL DESIGN CODES

4.3.1 The Residential Design Code for land zoned 'Residential' and 'Commercial' shall be R10/40 unless otherwise indicated on the Scheme Maps. 4.3.2 Residential development with the R10/40 code shall be permitted at the R10 density, however the local government may approve developments up to the R40 density as a 'D' use.

4.3.3 The local government shall only support subdivision in accordance with the R10 Coding, unless a development approval at the higher coding of R40 has been approved.

Residential Design Codes 2015

2.2 Single house approval

2.2.1 A proposal for a single house that meets the deemed-to-comply provisions of R-Codes Volume 1 does not require development approval, unless otherwise required by the scheme or clause 2.3.

2.2.2 Where a proposal for a single house*: (a) does not satisfy the deemed-to-comply provisions; and (b) proposes to address a design principle of Part 5 of R-Codes Volume 1; an application for development approval under the scheme shall be made and determined prior to the issuing of a building permit. Note: * includes the erection or extension to a single house, ancillary dwelling, outbuilding, external fixture, boundary wall or fence, patio, pergola, veranda, garage, carport or swimming pool – refer to schedule 2, clause 61 (c) and (d) of the Planning and Development (Local Planning Schemes) Regulations 2015 (as amended).

2.3 Planning approval for single houses on small lots Development approval is required for the erection of a single house on any lot smaller than 260m², except where the single house complies with a structure plan or local development plan. 2.4 Judging merit of proposals Where a proposal does not meet deemed-to comply provision(s) of the R-Codes Volume 1 and addresses design principle(s), the decision-maker is required to exercise judgement to determine the proposal. Judgement of merit is exercised only for specific element(s) of a proposal which do not satisfy the relevant deemed-to-comply provision(s).

2.5 Exercise of judgement

2.5.1 Subject to clauses 2.5.2 and

2.5.3, the decision-maker is to exercise its judgement to consider the merits of proposals having regard to objectives and balancing these with the consideration of design principles provided in the R-Codes Volume 1. The decision-maker, in its assessment of a proposal that addresses the design principle(s), should not apply the corresponding deemed-to-comply provision(s).

2.5.2

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

- (a) any relevant purpose, objectives and provisions of the **scheme**;
- (b) any relevant objectives and provisions of the R-Codes Volume 1;
- (c) a provision of a **local planning policy** adopted by the decision-maker consistent with and pursuant to the R-Codes Volume 1; and
- (d) orderly and proper planning.

4.1 Consultation requirement

4.1.1

Where a **development** proposal is **deemed-to-comply** in accordance with the R Codes Volume 1, it will not require advertising to adjoining owners and occupiers.

4.1.2

Where an application is made for development approval which presents:

- a proposal against one or more **design principles** of the R-Codes in accordance with the R Codes Volume 1; and
- a possible impact on the amenity of adjoining owners and occupiers;

then there may be grounds for the decision-maker to advertise the proposal to these owners and occupiers.

4.1.3

Where the **decision-maker** is to judge the merits of a proposal and:

- the merits of the proposal are a matter of technical opinion; and
- the decision-maker is satisfied it will not adversely impact the adjoining residential property or the **street**;

it is not necessary to seek comment from adjoining owners and occupiers about the proposal, except where specifically required by the **scheme** or relevant **local planning policy**.

4.1.4

The provisions of clauses 4.2 and 4.3 apply to provide for adjoining owners and occupiers, who in the opinion of the **decision-maker** are likely to be affected, to view and comment on the proposal.

4.1.5

Where a matter is advertised for comment the notification should direct adjoining owners and occupiers to focus their comments to the particular **design principle(s)** that the proposal is addressing.

4.1.6

The **decision-maker**, upon receipt of any comment(s) from adjoining owners and occupiers, is required to consider and balance comment(s) with its technical opinion when it exercises its judgement to determine the proposal.

4.2 Consultation procedure

4.2.1

In the circumstances prescribed in clause 4.1, any owner and occupier of **adjoining properties**, as identified by the **decision-maker**, shall be notified of the:

- site** and general nature of the proposal(s);
- nature of the proposal involved;
- availability to view details of the proposals; and
- due date by which any comments are to be lodged with the decision-maker, being at least fourteen (14) days after date of posting of notification, or as specified within the **scheme**, and invited to comment on that part of the proposed **development** that does not meet the **deemed-to-comply** provisions of the R-Codes Volume 1.

4.2.2

Where no response is received within the time specified from the date of notification, the **decision-maker** may determine the proposal on its merits and issue its decision.

4.2.3

Where a notification has been satisfactorily carried out (in the opinion of the **decision-maker**) by the proponent, and comments are provided which accompany the proposal, the decision-maker may consider and determine the proposal without further notification.

The decision-maker shall be satisfied the information provided and comments tendered are accurate and verified subject to the notification of the information in clause 4.2.1 and proof of posting by registered post provided to the decision-maker.

4.2.4

Where the **decision-maker** considers a proposal to be unacceptable it may determine to refuse the proposal without undertaking neighbour consultation.

4.3 Opportunity to respond

4.3.1

A summary of all comments received in response to an invitation under clause 4.2 shall be provided to the proponent on request and, if so requested, a period of not more than 10 days should be allowed within which the proponent may submit a response to the comments prior to the **decision-maker** considering the proposal.

In making a determination, the decision-maker shall consider the comments made and the proponent's response to the comments made on the proposal.

5.1.3 Lot boundary setback

- P3.1 **Buildings** set back from **lot** boundaries or adjacent **buildings** on the same lot so as to:
- reduce impacts of building bulk on **adjoining properties**;
 - provide adequate direct sun and ventilation to the building and **open spaces** on the **site** and adjoining properties; and
 - minimise the extent of overlooking and resultant loss of privacy on adjoining properties.
- P3.2 **Buildings** built up to boundaries (other than the **street boundary**) where this:
- makes more effective use of space for enhanced privacy for the occupant/s or **outdoor living areas**;
 - does not compromise the **design principle** contained in clause 5.1.3 P3.1;
 - does not have any adverse impact on the amenity of the **adjoining property**;

- C3.1 **Buildings** which are set back in accordance with the following provisions, subject to any additional measures in other elements of the R-Codes:
- buildings set back from lot boundaries in accordance with **Table 1, Tables 2a and 2b** (refer to **Figure Series 3 and 4**);
 - unenclosed** areas accessible for use as **outdoor living areas**, elevated 0.5m or more above **natural ground level**, set back as though they were **major openings** to **habitable rooms** with a **wall height** of 2.4m above their floor level;
 - separate **single house, grouped** or **multiple dwelling** buildings on the same **site**, or facing portions of the same multiple dwelling building, set back from each other as though there were a boundary between them;
 - minor projections such as a chimney, other architectural feature or an eaves overhang not projecting more than 0.75m into a **setback** area; and

5.2.3 Street surveillance

- P3 **Buildings** designed to provide for surveillance (actual or perceived) between individual **dwellings** and the **street** and between common areas and the street, which minimise opportunities for concealment and entrapment.

- C3.1 The street elevation(s) of the **dwelling** to address the **street** with clearly definable entry points visible and accessed from the street.
- C3.2 At least one **major opening** from a **habitable room** of the **dwelling** faces the street and the pedestrian or vehicular approach to the dwelling.
- C3.3 For **battleaxe lots** or sites with internal **driveway** access, at least one major opening from a habitable room of the **dwelling** faces the approach to the dwelling.

5.1.2 Street setback

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

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

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

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

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

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

Continued next page

Table 1: General site requirements for all single house(s) and grouped dwellings; and multiple dwellings in areas coded less than R40

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

Legend

◆ subject to variations permitted under clause 5.1.1 C1.4

▼ only applies to single houses

● **secondary street:** includes **communal street**, private street, **right-of-way** as street

- indicated not applicable

* see **Tables 2a** and **2b** and clause 5.1.3

Setbacks:

Primary: 7.5m

Secondary: 3m

Rear: 6m

Proposed:

Primary: 15m

Secondary: 4m

Rear: 15m

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.

LPP- Repurposed and Secondhand Dwellings

4.0 POLICY OBJECTIVES The objectives of this policy are:

- a) To maintain high amenity standards for repurposed and second hand dwellings within the Shire;
- b) To avoid the erection and use of repurposed or second hand dwellings for accommodating temporary workforces, or other business or company activities, in inappropriate areas;
- c) To provide a consistent approach to assessing applications for repurposed and second hand dwellings within the Shire.

6.0 POLICY STATEMENT

General requirements for repurposed and second hand dwellings:

- Council will generally not support an application for the occupation and erection of a repurposed or second hand dwelling in the town centre zone.
- Council will only support an application for the erection and occupation of a repurposed or second hand dwelling in the Residential, Rural Residential, and Rural Townsite zones if:
 - a) the dwelling(s) is to be used for accommodating a workforce or for tourist accommodation purposes,
 - b) the repurposed or second hand dwelling is proposed on the same lot as an existing dwelling in the residential zone and complies with the requirements of the Scheme, Reside

6.1 General Requirements for the Residential, Rural Residential, Rural Townsite and Town Centre zones for:

6.1.1 Second Hand Dwelling(s) Require the approval of the Council and;

- a) Shall comply with provisions of the Scheme and satisfy the requirements of the R-Codes (where applicable);
- b) Shall be designed to reflect the existing character of development surrounding the subject site;
- c) Shall have cladding of materials to the satisfaction of the Council. Finishes such as brick vaneer, hardiplank sheets, spray render and factory painted steel are acceptable materials. Other finishes will require consideration by the Shire;
- d) Where deemed necessary by the Council, verandah(s), carports and/or painting/recladding shall be undertaken to enhance the dwelling;
- e) Where deemed necessary by the Council, landscaping shall be undertaken around the dwelling;

f) The Council will only permit donga type structures for uses other than residential uses where it considers the use or establishment of the structure will not be in conflict with the objectives of this policy; and

g) where a second hand dwelling(s) is proposed as a an additional (grouped) dwelling, the total floor area of the additional second hand dwelling(s) shall not exceed 110m² .

6.2.3 Upgrading Repurposed or Second Hand Dwellings

a) The use of new transported dwellings is preferred over the use of second hand or repurposed dwellings. Notwithstanding the above, it is recognised that some second hand dwellings may be in excellent condition, or can be upgraded/renovated.

b) The onus is on the applicant to provide a detailed list and description of any upgrading. Council may require additional upgrading to improve the appearance or aesthetics of the repurposed or second hand dwelling including and not limited to;

- Bagging, rendering or painting the external walls of the existing house;
- Replacing or professionally recoating roof sheeting;
- Replacing/repairing and painting gutters and downpipes;
- Concealing or removal of plumbing fittings, meter boxes and other utilities visible from a street or public place;
- Modifying, upgrading or replacing older steel or wood framed windows;
- Replacing flat, skillion roofs, or low roof pitches that do not fit in with a existing streetscape;
- Demolishing/ removing unattractive additions such as metal awnings, filled in verandahs / sleepouts and the like;
- Upgrading can also involve the construction of new entry statements, porticos, new front doors, verandahs, and so forth; and
- Stump infill to give the appearance of a 'permanent' building undistinguishable from others constructed in the same area.

STRATEGIC PLAN IMPLICATIONS

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

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

COMMUNITY CONSULTATION

The following consultation took place;

- Chief Executive Officer
- Town Planner
- Owner / Occupier

PLANNING ASSESSMENT

The proposed repurposed dwelling raises several issues that must be considered by Council before either approving the development with conditions or refusing. Such issues include the visual appearance of the dwelling and its suitability within a residential area. Furthermore, Council shall also consider precedent, noting that in the past transportable buildings of this nature have raised

issues for Council and subsequently been rejected. While transportable dwellings have been approved within residential areas these have been of a new standard or as an additional dwelling.

The dwelling in its current state is unsightly and appears as mining accommodation. If the dwelling is to be approved it is recommend that the walls be cladded or fitted with coloured iron sheeting to improve aesthetics or all walls be painted as indicated by the applicant. However it is advised that Council see the finished product before approving development plans.

STAFF RECOMMENDATION

That Council refuses the development application on the grounds that the development is inconsistent with LPP- Repurposed and Second Hand Dwellings and does not reflect development within the surrounding Doodlakine townsite area.

COUNCIL RESOLUTION

MIN 020/21

MOTION - Moved Cr. McNeil

Seconded Cr. O'Neill

That Council refuses the development application on the grounds that the development is inconsistent with LPP- Repurposed and Second Hand Dwellings and does not reflect development within the surrounding Doodlakine townsite area.

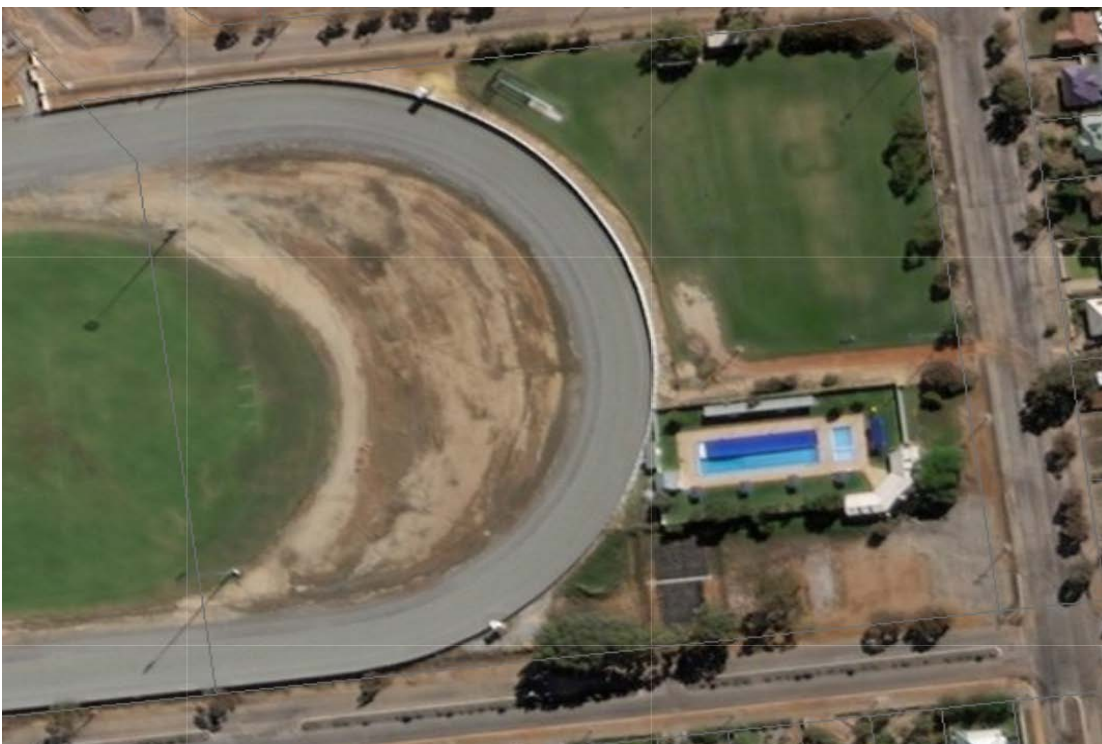
CARRIED 7/0

11.5 SWIMMING POOL DEVELOPMENT

File Ref: Pool
Author: Lewis York, Town Planner
Authoriser: Raymond Griffiths, Chief Executive Officer
Applicant: Shire of Kellerberrin
Location: 20 Hinckley Street, Kellerberrin
Attachments: Nil

BACKGROUND

The Shire of Kellerberrin is seeking planning approval of the development plans for the new aquatic facility which will be located at the existing swimming pool site. The development will include upgrades to both internal and external features of the facility. New facilities will include a playground, sporting courts along with a new change room block and pools.

SITE**Shire of Kellerberrin Local Planning Scheme****Local Planning Policy- Repurposed and Second Hand Dwellings*****Local Planning Scheme No.4*****PART 2 — RESERVES**

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

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

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

2.4. USE AND DEVELOPMENT OF LOCAL RESERVES AMD 2 GG 12/09/17 2.4.1. **A person must not — (a) use a Local Reserve; or (b) commence or carry out development on a Local Reserve, without first having obtained development approval under Part 7 of the deemed provisions.**

2.4.2. In determining an application for development approval the local government is to have due regard to — (a) the matters set out in Clause 67 of the deemed provisions; and (b) the ultimate purpose intended for the Reserve.

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

Planning and Development (Local Planning Scheme) Regulations 2015

64. Advertising applications

(1) An application for development approval must be advertised under this clause if the proposed development — (a) relates to the extension of a non-conforming use; or (b) relates to a use if — (i) the use is not specifically referred to in the zoning table for this Scheme in respect of the zone in which the development is located; and (ii) the local government determines that the use may be consistent with the objective of that zone and that notice of the application should be given; or (c) does not comply with a requirement of this Scheme; or (d) is a development for which the local government requires a heritage assessment to be carried out under clause 11(1); or (e) is of a type that this Scheme requires to be advertised.

(2) The local government may waive a requirement for an application to be advertised in the circumstances set out in subclause (1)(c) if the local government is satisfied that the departure from the requirements of this Scheme is of a minor nature.

(3) The local government may advertise, or require the applicant to advertise, an application for development approval in one or more of the following ways — (a) by giving notice of the proposed use or development to owners and occupiers of properties in the vicinity of the development who, in the opinion of the local government, are likely to be affected by the granting of development approval, including a statement that submissions may be made to the local government by a specified day being a day not less than 14 days from the day on which the notice is given to the person; (b) by publishing a notice of the proposed use or development in a newspaper circulating in the Scheme area including a statement that submissions may be made to the local government by a specified day being a day not less than 14 days from the day on which the notice is published; (c) by publishing a notice of the proposed use or development by electronic means in a form approved by the local government CEO including a statement that submissions may be made to the local government by a specified day being a day not less than 14 days from the day on which the notice is published; (d) by erecting a sign or signs in a conspicuous place on the land the subject of the application giving notice of the proposed use or development for a period of not less than 14 days from the day on which the sign is erected including on each sign a statement that submissions may be made to the local government by a specified day being a day not less than 14 days from the day on which the sign is erected.

(4) Notice referred to in subclause (3) must be in the form of the “Notice of public advertisement of planning proposal” set out in clause 86(3) unless the local government specifies otherwise.

(5) If an application for development approval is advertised under this clause, the local government — (a) must make the application and the material accompanying it available for public inspection during business hours at the offices of the local government; and (b) may publish the application and the material accompanying it on the website of the local government.

67. Matters to be considered by local government

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

(a) the aims and provisions of this Scheme and any other local planning scheme operating within the Scheme area;

(b) the requirements of orderly and proper planning including any proposed local planning scheme or amendment to this Scheme that has been advertised under the Planning and Development (Local Planning Schemes) Regulations 2015 or any other proposed planning instrument that the local government is seriously considering adopting or approving;

(c) any approved State planning policy;

(d) any environmental protection policy approved under the Environmental Protection Act 1986 section 31(d);

(e) any policy of the Commission;

(f) any policy of the State;

(g) any local planning policy for the Scheme area;

(h) any structure plan, activity centre plan or local development plan that relates to the development;

(i) any report of the review of the local planning scheme that has been published under the Planning and Development (Local Planning Schemes) Regulations 2015;

(j) in the case of land reserved under this Scheme, the objectives for the reserve and the additional and permitted uses identified in this Scheme for the reserve;

(k) the built heritage conservation of any place that is of cultural significance;

(l) the effect of the proposal on the cultural heritage significance of the area in which the development is located;

(m) the compatibility of the development with its setting including the relationship of the development to development on adjoining land or on other land in the locality including, but not limited to, the likely effect of the height, bulk, scale, orientation and appearance of the development;

(n) the amenity of the locality including the following —

(i) environmental impacts of the development;

(ii) the character of the locality;

(iii) social impacts of the development;

(o) the likely effect of the development on the natural environment or water resources and any means that are proposed to protect or to mitigate impacts on the natural environment or the water resource;

(p) whether adequate provision has been made for the landscaping of the land to which the application relates and whether any trees or other vegetation on the land should be preserved;

(q) the suitability of the land for the development taking into account the possible risk of flooding, tidal inundation, subsidence, landslip, bush fire, soil erosion, land degradation or any other risk;

(r) the suitability of the land for the development taking into account the possible risk to human health or safety;

(s) the adequacy of —

(i) the proposed means of access to and egress from the site; and

(ii) arrangements for the loading, unloading, manoeuvring and parking of vehicles;

(t) the amount of traffic likely to be generated by the development, particularly in relation to the capacity of the road system in the locality and the probable effect on traffic flow and safety;

(u) the availability and adequacy for the development of the following —

- (i) public transport services;
- (ii) public utility services;
- (iii) storage, management and collection of waste;
- (iv) access for pedestrians and cyclists (including end of trip storage, toilet and shower facilities);
- (v) access by older people and people with disability;
- (v) the potential loss of any community service or benefit resulting from the development other than potential loss that may result from economic competition between new and existing businesses;
- (w) the history of the site where the development is to be located;
- (x) the impact of the development on the community as a whole notwithstanding the impact of the development on particular individuals;
- (y) any submissions received on the application;
- (za) the comments or submissions received from any authority consulted under clause 66;
- (zb) any other planning consideration the local government considers appropriate.

STRATEGIC PLAN IMPLICATIONS

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

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

COMMUNITY CONSULTATION

The following consultation took place;

- Chief Executive Officer
- Councils Town Planner

PLANNING ASSESSMENT

The proposed development raises no major planning concerns. The facility design is aesthetically pleasing and will provide the Kellerberrin townsite with a major node. Its design incorporates parking, landscaping and features that allow the development to fit within the existing streetscape. The provision of sporting courts allows for the towns recreational activities to be further consolidated in a central location.

STAFF RECOMMENDATION

That Council approve the development plans provided for the Kellerberrin Aquatic precinct Redevelopment dated- 27/9/2019 with the following conditions;

1. *The approval will expire if the development is not substantially commenced within two years of the approval date; and*
2. *Development is to be undertaken in accordance with the endorsed approved plans, changes to development plans shall be resubmitted to Council for approval.*

COUNCIL RESOLUTION**MIN 021/21****MOTION - Moved Cr. McNeil****Seconded Cr. Reid**

That Council approve the development plans provided for the Kellerberrin Aquatic precinct Redevelopment dated- 27/9/2019 with the following conditions;

- 1. The approval will expire if the development is not substantially commenced within two years of the approval date; and***
- 2. Development is to be undertaken in accordance with the endorsed approved plans, changes to development plans shall be resubmitted to Council for approval.***

CARRIED 7/0

11.6 DEVELOPMENT APPLICATION: CHANGE OF USE

File Ref: IPA21114
Author: Lewis York, Town Planner
Authoriser: Raymond Griffiths, Chief Executive Officer
Applicant: Mrs Colleen Toovey
Location: 17 James Street, Kellerberrin
Attachments: 1. Development Application and Site Plan

BACKGROUND

A development application has been received from Colleen Toovey for a change of use at 17 James Street, Kellerberrin. The dwelling is currently only being used for residential purposes, however the applicant intends to use a spare room of the home to undertake massage therapy sessions. No physical changes will be made to the building. The applicant has certificates in Indian head massage, Lymphatic drainage and ear candling, and full body massage, furthermore is also completing certificates in hand and foot reflexology and upper body massage. The application will be considered as a home business.

SITE**Shire of Kellerberrin Local Planning Scheme**

Zoning: Residential

Coding: r10/40

Current use: single dwelling- residential

Lot size: 1012m²

Local Planning Scheme No.4

3.2. OBJECTIVES OF THE ZONES The objectives of the zones are — 3.2.1 Residential Zone

(a) **To retain the single dwelling as the predominant form of residential development in the Shire's townsites.**

(b) To provide for lifestyle choice in and around the townsites with a range of residential densities.

(c) **To allow for the establishment of non-residential uses subject to local amenities not being adversely affected**

3.3. ZONING TABLE

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

3.3.2. The symbols used in the cross reference in the Zoning Table have the following meanings —

'P' means that the use is permitted by the Scheme providing the use complies with the relevant development standards and the requirements of the Scheme; **'D' means that the use is not permitted unless the local government has exercised its discretion by granting development approval;**

'A' means that the use is not permitted unless the local government has exercised its discretion by granting development approval after giving notice in accordance with clause 64 of the deemed provisions.

'X' means a use that is not permitted by the Scheme

TABLE 1 – ZONING TABLE

USE CLASSES	ZONES					
	RESIDENTIAL	TOWN CENTRE	INDUSTRIAL	GENERAL AGRICULTURE	RURAL TOWNSITE	RURAL RESIDENTIAL
RESIDENTIAL						
Aged or dependent persons dwelling	P	D	X	X	P	X
Caretaker's dwelling	X	D	D	D	P	X
Grouped dwelling	P	D	X	D	D	X
Home business	D	D	X	D	D	D

4.12 CAR PARKING REQUIREMENTS

4.12.1 A person shall not develop or use any land or erect, use or adapt any building unless car parking spaces specified by the local government are provided and such spaces are constructed and maintained in accordance with the requirements of the local government.

Planning and Development (Local Planning Scheme) Regulations 2015

'home business' means a dwelling or land around a dwelling used by an occupier of the dwelling to carry out a business, service or profession if the carrying out of the business, service or profession —

(a) does not involve employing more than 2 people who are not members of the occupier's household; and

- (b) will not cause injury to or adversely affect the amenity of the neighbourhood; and
- (c) does not occupy an area greater than 50 m² ; and
- (d) does not involve the retail sale, display or hire of any goods unless the sale, display or hire is done only by means of the Internet; and
- (e) does not result in traffic difficulties as a result of the inadequacy of parking or an increase in traffic volumes in the neighbourhood; and
- (f) does not involve the presence, use or calling of a vehicle of more than 4.5 tonnes tare weight; and
- (g) does not involve the use of an essential service that is greater than the use normally required in the zone in which the dwelling is located;

64. Advertising applications

(1) An application for development approval must be advertised under this clause if the proposed development — (a) relates to the extension of a non-conforming use; or (b) relates to a use if — (i) the use is not specifically referred to in the zoning table for this Scheme in respect of the zone in which the development is located; and (ii) the local government determines that the use may be consistent with the objective of that zone and that notice of the application should be given; or (c) does not comply with a requirement of this Scheme; or (d) is a development for which the local government requires a heritage assessment to be carried out under clause 11(1); or (e) is of a type that this Scheme requires to be advertised.

(2) The local government may waive a requirement for an application to be advertised in the circumstances set out in subclause (1)(c) if the local government is satisfied that the departure from the requirements of this Scheme is of a minor nature.

(3) The local government may advertise, or require the applicant to advertise, an application for development approval in one or more of the following ways — (a) by giving notice of the proposed use or development to owners and occupiers of properties in the vicinity of the development who, in the opinion of the local government, are likely to be affected by the granting of development approval, including a statement that submissions may be made to the local government by a specified day being a day not less than 14 days from the day on which the notice is given to the person; (b) by publishing a notice of the proposed use or development in a newspaper circulating in the Scheme area including a statement that submissions may be made to the local government by a specified day being a day not less than 14 days from the day on which the notice is published; (c) by publishing a notice of the proposed use or development by electronic means in a form approved by the local government CEO including a statement that submissions may be made to the local government by a specified day being a day not less than 14 days from the day on which the notice is published; (d) by erecting a sign or signs in a conspicuous place on the land the subject of the application giving notice of the proposed use or development for a period of not less than 14 days from the day on which the sign is erected including on each sign a statement that submissions may be made to the local government by a specified day being a day not less than 14 days from the day on which the sign is erected.

(4) Notice referred to in subclause (3) must be in the form of the “Notice of public advertisement of planning proposal” set out in clause 86(3) unless the local government specifies otherwise.

(5) If an application for development approval is advertised under this clause, the local government — (a) must make the application and the material accompanying it available for public inspection during business hours at the offices of the local government; and (b) may publish the application and the material accompanying it on the website of the local government.

67. Matters to be considered by local government

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

- (a) the aims and provisions of this Scheme and any other local planning scheme operating within the Scheme area;
- (b) the requirements of orderly and proper planning including any proposed local planning scheme or amendment to this Scheme that has been advertised under the Planning and Development (Local Planning Schemes) Regulations 2015 or any other proposed planning instrument that the local government is seriously considering adopting or approving;
- (c) any approved State planning policy;
- (d) any environmental protection policy approved under the Environmental Protection Act 1986 section 31(d);
- (e) any policy of the Commission;
- (f) any policy of the State;
- (g) any local planning policy for the Scheme area;
- (h) any structure plan, activity centre plan or local development plan that relates to the development;
- (i) any report of the review of the local planning scheme that has been published under the Planning and Development (Local Planning Schemes) Regulations 2015;
- (j) in the case of land reserved under this Scheme, the objectives for the reserve and the additional and permitted uses identified in this Scheme for the reserve;
- (k) the built heritage conservation of any place that is of cultural significance;
- (l) the effect of the proposal on the cultural heritage significance of the area in which the development is located;
- (m) the compatibility of the development with its setting including the relationship of the development to development on adjoining land or on other land in the locality including, but not limited to, the likely effect of the height, bulk, scale, orientation and appearance of the development;
- (n) the amenity of the locality including the following —
 - (i) environmental impacts of the development;
 - (ii) the character of the locality;
 - (iii) social impacts of the development;
- (o) the likely effect of the development on the natural environment or water resources and any means that are proposed to protect or to mitigate impacts on the natural environment or the water resource;
- (p) whether adequate provision has been made for the landscaping of the land to which the application relates and whether any trees or other vegetation on the land should be preserved;
- (q) the suitability of the land for the development taking into account the possible risk of flooding, tidal inundation, subsidence, landslip, bush fire, soil erosion, land degradation or any other risk;
- (r) the suitability of the land for the development taking into account the possible risk to human health or safety;
- (s) the adequacy of —
 - (i) the proposed means of access to and egress from the site; and
 - (ii) arrangements for the loading, unloading, manoeuvring and parking of vehicles;
- (t) the amount of traffic likely to be generated by the development, particularly in relation to the capacity of the road system in the locality and the probable effect on traffic flow and safety;
- (u) the availability and adequacy for the development of the following —
 - (i) public transport services;

- (ii) public utility services;
- (iii) storage, management and collection of waste;
- (iv) access for pedestrians and cyclists (including end of trip storage, toilet and shower facilities);
- (v) access by older people and people with disability;
- (v) the potential loss of any community service or benefit resulting from the development other than potential loss that may result from economic competition between new and existing businesses;
- (w) the history of the site where the development is to be located;
- (x) the impact of the development on the community as a whole notwithstanding the impact of the development on particular individuals;
- (y) any submissions received on the application;
- (za) the comments or submissions received from any authority consulted under clause 66;
- (zb) any other planning consideration the local government considers appropriate.

STRATEGIC PLAN IMPLICATIONS

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

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

COMMUNITY CONSULTATION

The following consultation took place;

- Chief Executive Officer
- Council's Town Planner
- Owner / Occupier

PLANNING ASSESSMENT

The change of use proposal raises no significant planning concerns. However it is important that basic planning constraints be considered by Council as conditions of approval. For example, setting restrictions on the home business operation hours would ensure that traffic and noise does not impact upon residents of James Street. It is recommended that the home business be limited to the hours of 7am – 7pm on weekdays and 9am – 5pm on Sundays and public holidays. Furthermore it is also advised that a condition be considered that requires guests to park on the south side of James Street to ensure resident parking is not impacted. It is also recommended that Council delegate authority for the Chief Executive Officer to approve any signing placed at the dwelling relating to the home business.

STAFF RECOMMENDATION

That Council; approve the use of a home business- for the purpose of massage therapy at 17 James Street, Kellerberrin with the following conditions;

- 1. The endorsed approved plans shall not be altered without prior written approval of the Shire;*
- 2. No more than 2 people who are not members of the occupier's household can be employed at the home business;*
- 3. No goods can be sold on the premises;*
- 4. The home business shall be limited to the hours of 7am – 7pm on weekdays and Saturdays from and 9am – 5pm on Sundays and public holidays; and*
- 5. Signage placed at the dwelling shall be approved by the Chief Executive Officer.*

COUNCIL RESOLUTION

MIN 022/21

MOTION - Moved Cr. Steber

Seconded Cr. Reid

That Council; approve the use of a home business- for the purpose of massage therapy at 17 James Street, Kellerberrin with the following conditions;

- 1. The endorsed approved plans shall not be altered without prior written approval of the Shire;*
- 2. No more than 2 people who are not members of the occupier's household can be employed at the home business;*
- 3. No goods can be sold on the premises;*
- 4. The home business shall be limited to the hours of 7am – 7pm on weekdays and Saturdays from and 9am – 5pm on Sundays and public holidays; and*
- 5. Signage placed at the dwelling shall be approved by the Chief Executive Officer.*

CARRIED 7/0

11.7 DEVELOPMENT APPLICATION: CASH FOR CANS PROPOSAL

File Ref: A876
Author: Lewis York, Town Planner
Authoriser: Raymond Griffiths, Chief Executive Officer
Applicant: Mr Richard Marek
Location: 132 Massingham St, Kellerberrin
Attachments: 1. Development Application
2. Site Plan

BACKGROUND

An application has been received from the Kellerberrin Men's Shed (132 Massingham Street Kellerberrin) to use an area of the pre-existing facility to count cans. The subject site is zoned SU2 under the Shires LPS. It is noted that Council approved the use of a sea container in conjunction with the container deposit scheme, which will now be removed. The proposed counting area will be located on the south west side of the men's shed, accessed via a gate on Mitchell Street. The below map encompasses all landowners that could be potentially impacted by the counting station.

SITE

Shire of Kellerberrin Local Planning Scheme

Local Planning Scheme No.4

Special use zone 2- Industry Light and Private Recreation

SCHEDULE 4 — SPECIAL USE ZONES

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

Planning and Development (Local Planning Scheme) Regulations 2015**67. Matters to be considered by local government**

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

(a) the aims and provisions of this Scheme and any other local planning scheme operating within the Scheme area;

(b) the requirements of orderly and proper planning including any proposed local planning scheme or amendment to this Scheme that has been advertised under the Planning and Development (Local Planning Schemes) Regulations 2015 or any other proposed planning instrument that the local government is seriously considering adopting or approving;

(c) any approved State planning policy;

(d) any environmental protection policy approved under the Environmental Protection Act 1986 section 31(d);

(e) any policy of the Commission;

(f) any policy of the State;

(g) any local planning policy for the Scheme area;

(h) any structure plan, activity centre plan or local development plan that relates to the development;

(i) any report of the review of the local planning scheme that has been published under the Planning and Development (Local

Planning Schemes) Regulations 2015;

(j) in the case of land reserved under this Scheme, the objectives for the reserve and the additional and permitted uses identified in this Scheme for the reserve;

(k) the built heritage conservation of any place that is of cultural significance;

(l) the effect of the proposal on the cultural heritage significance of the area in which the development is located;

- (m) the compatibility of the development with its setting including the relationship of the development to development on adjoining land or on other land in the locality including, but not limited to, the likely effect of the height, bulk, scale, orientation and appearance of the development;
- (n) the amenity of the locality including the following —
 - (i) environmental impacts of the development;
 - (ii) the character of the locality;
 - (iii) social impacts of the development;
- (o) the likely effect of the development on the natural environment or water resources and any means that are proposed to protect or to mitigate impacts on the natural environment or the water resource;
- (p) whether adequate provision has been made for the landscaping of the land to which the application relates and whether any trees or other vegetation on the land should be preserved;
- (q) the suitability of the land for the development taking into account the possible risk of flooding, tidal inundation, subsidence, landslip, bush fire, soil erosion, land degradation or any other risk;
- (r) the suitability of the land for the development taking into account the possible risk to human health or safety;
- (s) the adequacy of —
 - (i) the proposed means of access to and egress from the site; and
 - (ii) arrangements for the loading, unloading, manoeuvring and parking of vehicles;
- (t) the amount of traffic likely to be generated by the development, particularly in relation to the capacity of the road system in the locality and the probable effect on traffic flow and safety;
- (u) the availability and adequacy for the development of the following —
 - (i) public transport services;
 - (ii) public utility services;
 - (iii) storage, management and collection of waste;
 - (iv) access for pedestrians and cyclists (including end of trip storage, toilet and shower facilities);
 - (v) access by older people and people with disability;
- (v) the potential loss of any community service or benefit resulting from the development other than potential loss that may result from economic competition between new and existing businesses;
- (w) the history of the site where the development is to be located;
- (x) the impact of the development on the community as a whole notwithstanding the impact of the development on particular individuals;
- (y) any submissions received on the application;
- (za) the comments or submissions received from any authority consulted under clause 66;
- (zb) any other planning consideration the local government considers appropriate.

STRATEGIC PLAN IMPLICATIONS

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

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

COMMUNITY CONSULTATION

The following consultation took place;

- Chief Executive Officer
- Town Planner
- Owner/Occupier

PLANNING ASSESSMENT

The proposed cash for cans counting station raises no major planning concerns, however it is recommended that residential property owners in the immediate vicinity be directly consulted and advised of the proposed development and activities, providing the neighbours an opportunity to raise any objections or concerns.

On the completion of the advertising, consideration of any objections, comments or concerns need to be taken into consideration on the final assessment of the application.

Should Council grant the application, in principal, then proceed with advertising, the application would not be considered until the next Council meeting in May.

To allow for a timely decision, Council may want to provide the Chief Executive Officer delegated authority to determine the application, should there be no significant objections or concerns raised. If the Chief Executive Officer deems that that Council needs to consider the submissions, then the matter will be presented to Council at a later date.

When considering the application, in particular the proposed use within a residential area, Council should have regard to the following matters, which may impact residential property owners;

- Traffic Management – including traffic flow and parking
- Noise Management
- Health Management – including vermin and odour
- Impact on the residential streetscape and amenity of the area

Council may want to consider applying conditions to the planning approval to mediate the possible impacts of the above.

Should Council proceed with granting planning approval, the following conditions are recommended.

- Hours of operation are limited to
Monday to Saturday 7.30am to 5.30pm
Sunday 9am to 5pm
Public holidays 9am to 5pm.
- Appropriate measures are in place to prevent noise, odour and vermin infestation to the satisfaction of the Council.
- A traffic management plan to the satisfaction of the Council.
- Approval is granted for a period of 12 months.

STAFF RECOMMENDATION

That Council

1. *Advertise the development application to nearby landowners to operate a Cash for Cans counting station at the Kellerberrin Men's Shed;*
2. *Following the advertising period, give delegated authority to the Chief Executive Officer to determine the development approval application for the Kellerberrin Men's Shed to operate a cash for cans counting station; providing:*
 - a. *No objections are received.*
 - b. *No significant negative feedback or comments are received.*
 - c. *That a determination may include the following conditions*
 - i. *Hours of operation for the Deposit Scheme Refund point shall be limited to:*
 - *Monday to Saturday 7.30am to 5.30pm*
 - *Sunday 9am to 5pm*
 - *Public holidays 9am to 5pm.*
 - ii. *Appropriate measures are in place to prevent noise, odour and vermin infestation to the satisfaction of the Council.*
 - iii. *Traffic management plans are in place to the satisfaction of the Council.*
 - iv. *Approval is for a period of 12 months expiring 02 June 2021.*

Advice Notes

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

COUNCIL RESOLUTION

MIN 023/21

MOTION - Moved Cr. Steber

Seconded Cr. O'Neill

That Council

1. ***Advertise the development application to nearby landowners to operate a Cash for Cans counting station at the Kellerberrin Men's Shed;***
2. ***Following the advertising period, give delegated authority to the Chief Executive Officer to determine the development approval application for the Kellerberrin Men's Shed to operate a cash for cans counting station; providing:***
 - a. ***No objections are received.***
 - b. ***No significant negative feedback or comments are received.***
 - c. ***That a determination may include the following conditions***
 - i. ***Hours of operation for the Deposit Scheme Refund point shall be limited to:***
 - ***Monday to Saturday 7.30am to 5.30pm***
 - ***Sunday 9am to 5pm***
 - ***Public holidays 9am to 5pm.***
 - ii. ***Appropriate measures are in place to prevent noise, odour and vermin infestation to the satisfaction of the Council.***
 - iii. ***Traffic management plans are in place to the satisfaction of the Council.***
 - iv. ***Approval is for a period of 12 months expiring on the anniversary of the commencement.***

Advice Notes

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

CARRIED 7/0

12 ELECTED MEMBERS MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

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

MOTION

COUNCIL RESOLUTION

MIN 024/21 MOTION - Moved Cr. Reid Seconded Cr. Leake

That Council accepts Late Items as per the following;

- *Code of Conduct for Council Members, Committee Members and Candidates*

CARRIED 7/0

13.1 CODE OF CONDUCT FOR COUNCIL MEMBERS, COMMITTEE MEMBERS AND CANDIDATES

File Ref: OSGOV35
Author: Codi Mullen, Personal Assistant
Authoriser: Raymond Griffiths, Chief Executive Officer
Attachments: 1. Model of Code of Conduct Guidelines
2. DRAFT - Code of Conduct
3. Complaint about Alleged Breach Form

BACKGROUND

The government has enacted new legislation requiring all local governments to adopt a new Code of Conduct for Council Members, Committee Members and Candidates for a local government election, and to deal with ancillary matters.

Section 5.104 of the Act requires that local governments adopt the Model Code as their Code of Conduct within three months of the Regulations coming into operation (by 3 May 2021). Note: The operational requirements of Division 3 require local governments to take certain initial actions within three weeks (by 24 February 2021).

In accordance with section 5.104(4), the Model Code applies until the local government adopts it as their Code. This means that the principles, behaviour requirements and rules of conduct of the Regulations apply to council members, committee members and candidates even if their local government has not yet adopted the Model Code.

While local governments may not amend Division 2 (Principles) or Division 4 (Rules of Conduct), additional behaviour requirements can be included in Division 3 (Behaviours) if deemed appropriate by the local government. Any additions must be consistent with the Model Code of Conduct (section 5.104(3) of the Act).

In preparing the Code for adoption, local governments are encouraged to review their existing Code and consider incorporating any additional behaviour requirements that are not represented in the Model Code. This may include specific dress standards or the appropriate use of technology.

To adopt the Code, a resolution passed by an absolute majority of the council is required. Once the Code is adopted, it must be published on the local government's official website (section 5.104(7)).

STAFF COMMENT

The Department of Local Government, Sport and Cultural Industries (DLGSC) has produced Guidelines on the Model Code of Conduct for Council Members, Committee Members and Candidates, which is an attachment to this item (Attachment 1). It is expected that a Model Code will be developed in coming months to meet the three (3) month deadline and its adoption will be the subject of a separate consideration / approval by Council.

In the interim, the Model Code of Conduct has been recommended and appears to be satisfactory. The Chief Executive Officer has proposed replacing the word 'work' in clause 5 of the Model, with 'working' due to Elected Members and Committee Member not considered to be 'workers' or at 'work' from an employer / employee perspective.

The guidelines indicate that local governments must authorise at least one person to receive complaints regarding members and candidates. The Regulations state that the Local Government must, in writing, authorise one or more persons to receive complaints and withdrawals of complaints, but they do not specify who that person(s) will be. The Complaints Officer could be:

- President,
- Deputy President (especially for complaints about the President),
- Chief Executive Officer, or
- External Consultant

The DLGSC has also produced a template complaints form as the Regulations state that complaints are to be made in writing in a form approved by the Local Government. The DLGSC template form is another attachment to this item (Attachment 3).

While there is a requirement to appoint a Complaints Officer by the 24 February 2021.

For clarity, it is noted that there is still a requirement for a local government to have a Complaints Officer (section 5.120 of the Local Government Act 1995), to process allegations of 'Rules of Conduct' breaches, and these alleged breaches are still to be referred to the Local Government Standards Panel (refer Division 4 of the Model Code of Conduct). Currently the Chief Executive is the Complaints Officer, however this is being reviewed and an item will be presented to the March 2021 meeting for consideration.

In time, with the development of templates by industry or the Western Australian Local Government Association (WALGA), Local Governments can determine the most appropriate and effective process for dealing with complaints under Division 3 of the Code of Conduct and how they are prioritised and managed. Having such processes at the moment is not required by the law and nor considered critical.

TEN YEAR FINANCIAL PLAN

NIL

FINANCIAL IMPLICATIONS

There are no known meaningful financial implications relative to this matter in excess of officer time and minor administrative cost.

STATUTORY IMPLICATIONS

Sections of the Acts, Regulations and/or Local Laws that apply to this item include:

- Local Government Act 1995
- Local Government (Administration) Amendment Regulations 2021
- Local Government (Model Code of Conduct) Regulations 2021.

Resources and further reading for local governments include:

<https://www.dlgsc.wa.gov.au/local-government/strengthening-local-government/public-consultations/local-government-act-review/priority-reforms/model-code-of-conduct>
https://www.dlgsc.wa.gov.au/docs/default-source/local-government/local-government-act-review/model-code-of-conduct-guidelines.pdf?sfvrsn=b507b9c3_0

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
- WA Local Governments

STAFF RECOMMENDATION

That with respect to the new Model Code of Conduct for Council Members, Committee Members and Candidates for a local government election, Council;

1. Repeal the existing Code of Conduct for Council Members;
2. Pursuant to section 5.104 of the Local Government Act 1995, adopt the new Code of Conduct for Council Members, Committee Members and Candidates for local government elections for Kellerberrin, listed as Attachment 2, subject to the deletion of the word 'work' in clause 5 and replacement of it with the word 'working' and request the Chief Executive Officer to ensure all Elected Members and Committee Members are aware of its content;
3. Pursuant to the Local Government (Model Code of Conduct) Regulations 2021;
 - a. Clause 11 (2), adopt the form for lodging complaints, listed as Attachment 3;
 - b. Clause 11 (3), authorise the following persons to receive Division 3 complaints and withdrawals of same, relating to about Council Members, Committee Members and Candidates:
 - i. Complaints about Council Members or candidates for elections that become Council Members, excluding those made by the Shire President – the Shire President;
 - ii. Complaints made by the Shire President excluding those made by the Deputy Shire President – the Deputy Shire President;
 - iii. Complaints about the Shire President – the Deputy Shire President; and

- iv. Complaints about the Deputy Shire President made by the Shire President – a committee comprising the remaining Council Members.
- 4. Pursuant to sections 5.551A (3) and 5.104 (7) of the Local Government Act 1995, request the Chief Executive Officer to ensure that both of the updated / adopted Codes of Conduct are published on the Shire's official website, as soon as practical.

COUNCIL RESOLUTION

MIN 025/21

MOTION - Moved Cr. Steber

Seconded Cr. Ryan

That with respect to the new Model Code of Conduct for Council Members, Committee Members and Candidates for a local government election, Council;

- 1. Repeal the existing Code of Conduct for Council Members;***
- 2. Pursuant to section 5.104 of the Local Government Act 1995, adopt the new Code of Conduct for Council Members, Committee Members and Candidates for local government elections for Kellerberrin, listed as Attachment 2, subject to the deletion of the word 'work' in clause 5 and replacement of it with the word 'working' and request the Chief Executive Officer to ensure all Elected Members and Committee Members are aware of its content;***
- 3. Pursuant to the Local Government (Model Code of Conduct) Regulations 2021;***
 - a. Clause 11 (2), adopt the form for lodging complaints, listed as Attachment 3;***
 - b. Clause 11 (3), authorise the following persons to receive Division 3 complaints and withdrawals of same, relating to about Council Members, Committee Members and Candidates:***
 - i. Complaints about Council Members or candidates for elections that become Council Members, excluding those made by the Shire President – the Shire President;***
 - ii. Complaints made by the Shire President excluding those made by the Deputy Shire President – the Deputy Shire President;***
 - iii. Complaints about the Shire President – the Deputy Shire President; and***
 - iv. Complaints about the Deputy Shire President made by the Shire President – a committee comprising the remaining Council Members.***
- 4. Pursuant to sections 5.551A (3) and 5.104 (7) of the Local Government Act 1995, request the Chief Executive Officer to ensure that both of the updated/adopted Codes of Conduct are published on the Shire's official website, as soon as practical.***

CARRIED 7/0

14 CONFIDENTIAL MATTERS

Nil

15 CLOSURE OF MEETING

The Meeting closed at 4.42pm.

The minutes of this meeting consisting of pages 1 to 116 were confirmed at the Ordinary Council Meeting held on 16 March 2021.

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CHAIRPERSON