



MINUTES

Ordinary Council Meeting Tuesday, 15 December 2020

Date: Tuesday, 15 December 2020

Time: 2.00pm

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

Order Of Business

1	Declaration of Opening	4
	The presiding member opened the meeting at 2.03pm	4
2	Announcement by Presiding Person Without Discussion.....	4
2.1	Presidents Report November 2020	4
3	Record of Attendance / Apologies / Leave of Absence.....	5
4	Declaration of Interest	5
5	Public Question Time	5
5.1	Response to Previous Public Questions taken on Notice	5
5.2	Public Question Time	5
6	Confirmation of Previous Meetings Minutes.....	6
6.1	Minutes of the Council Meeting held on 17 November 2020.....	6
7	Presentations	7
7.1	Petitions	7
7.2	Presentations	7
7.3	Deputations.....	7
8	Reports of Committees	7
	Nil	
9	Corporate Services Reports.....	8
9.1	Community Requests and Discussion Items	8
9.2	Status Report of Action Sheet	17
9.3	Sale of Land - Doodlakine (Lots 8, 9, 10 & 67 Station Street).....	25
9.4	Central East Aged Care Alliance (CEACA) - Rates Exemption Application	30
9.5	Common Seal Register and Reporting	36
9.6	Personal/Carers, Compassionate and Family & Domestic Violence Leave Management	38
9.7	Shire of Kellerberrin - Community Cropping	40
9.8	Swimming Pool - Plant and Pump Room Tender.....	43
9.9	Cheque List November 2020.....	47
9.10	Direct Debit List and Visa Card Transactions - November 2020	51
9.11	Financial Activity Statement - November 2020	55
9.12	Building Reports November 2020.....	58
10	Development Services Reports	60
	Nil	
11	Works & Services Reports	61
11.1	Development Application; CRISP Wireless	61
12	Elected Members Motions of Which Previous Notice has been Given	68
	Nil	
13	New Business of an Urgent Nature Introduced by Decision of Meeting.....	69

13.1	Development Application - Dwelling	69
14	Confidential Matters	79
14.1	Shire of Kellerberrin/Australia Day Awards Nomination	79
14.2	Three (3) Bush Fire Sheds Tender	79
15	Closure of Meeting.....	80

**MINUTES OF SHIRE OF KELLERBERRIN
ORDINARY COUNCIL MEETING
HELD AT THE COUNCIL CHAMBER, 110 MASSINGHAM STREET, KELLERBERRIN WA 6410
ON TUESDAY, 15 DECEMBER 2020 AT 2.00PM**

1 DECLARATION OF OPENING

The presiding member opened the meeting at 2.03pm

2 ANNOUNCEMENT BY PRESIDING PERSON WITHOUT DISCUSSION

2.1 PRESIDENTS REPORT NOVEMBER 2020

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

Well 2020 is nearly over, who in January would've believed what has occurred during the year. COVID 19 has had the biggest impact on our lives and we can thank our Premier, Health Department and to a lesser extent Local Government for the fact that the virus has not got out of control in WA. The Chinese are not happy with our Government, effecting our trade, and Donald Trump has continued to entertain us with his tweets on social media.

Harvest is nearly over, no surprises with the yields though for the amount of rain the yields were relatively good. Hopefully next year will be better.

I would like to wish everyone a Merry Christmas and a Happy and Prosperous New Year.

Kind Regards



Rodney Forsyth

Shire President

STAFF RECOMMENDATION

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

COUNCIL RESOLUTION

MIN 195/20 MOTION - Moved Cr. Leake

Seconded Cr. Ryan

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

CARRIED 7/0

3 RECORD OF ATTENDANCE / APOLOGIES / LEAVE OF ABSENCE

PRESENT:

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

IN ATTENDANCE:

Raymond Griffiths (Chief Executive Officer),
Lenin Pervan (Deputy Chief Executive Officer)
Natasha Giles (Community Development Officer exited the meeting at 4:30pm)

APOLOGIES

Nil

LEAVE OF ABSENCE

Nil

4 DECLARATION OF INTEREST

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

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

5 PUBLIC QUESTION TIME

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

5.1 Response to Previous Public Questions taken on Notice

5.2 Public Question Time

6 CONFIRMATION OF PREVIOUS MEETINGS MINUTES**6.1 MINUTES OF THE COUNCIL MEETING HELD ON 17 NOVEMBER 2020**

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

HEADING**STAFF RECOMMENDATION**

1. That the Minutes of the Council Meeting held on 17 November 2020 confirmed as a true and accurate record.

COUNCIL RESOLUTION

MIN 196/20 **MOTION - Moved Cr. Steber** **Seconded Cr. Leake**

1. *That the Minutes of the Council Meeting held on 17 November 2020 confirmed as a true and accurate record.*

CARRIED 7/0

7 PRESENTATIONS

7.1 Petitions

7.2 Presentations

7.3 Deputations

8 REPORTS OF COMMITTEES

Nil

9 CORPORATE SERVICES REPORTS

9.1 COMMUNITY REQUESTS AND DISCUSSION ITEMS

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

BACKGROUND

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

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.*

September 2020 Council Meeting

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

That Council;

- 1. Acknowledge receipt of correspondence received from Mr Murray Clement regarding the access to his shed from the back lane off Scott Street, Kellerberrin after new works being completed;*

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

STAFF COMMENT

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

September MIN 144/20

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

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 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.***

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: 1. Status Report November 2020

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 198/20 MOTION - Moved Cr. O'Neill

Seconded Cr. McNeil

That Council receive the Status Report.

CARRIED 7/0

9.3 SALE OF LAND - DOODLAKINE (LOTS 8, 9, 10 & 67 STATION STREET)

File Ref: ICR 202643, A1519, A1520, A1518, A279
Author: Raymond Griffiths, Chief Executive Officer
Authoriser: Raymond Griffiths, Chief Executive Officer
Attachments: 1. Offer of Purchase

BACKGROUND

Council in 2015 advertised Lots 8, 9, 10 & 67 Station Street due to two failed attempts at selling the property for development. The previous sales that occurred fell over due to the blocks that the old Doodlakine Pub was located on was listed as four separate blocks and when rating they must be rated individually as Vacant Land cannot be used for the same purpose therefore no group rating.

In this case it was costing the owner over between \$2k - \$3k over the past year for these property each year.

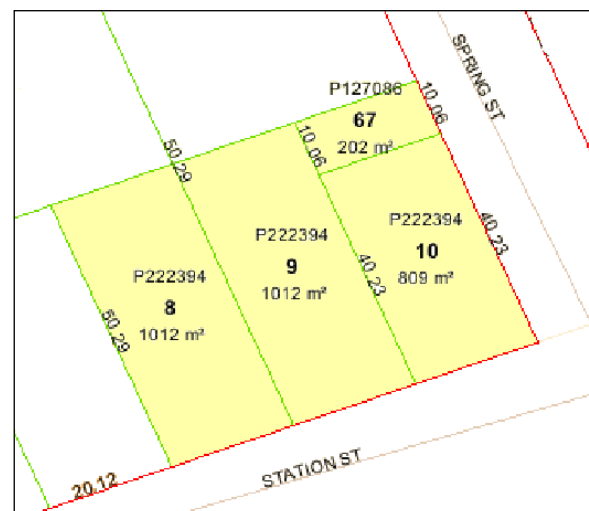


Invitation to Tender on Lots 8,9,10 and 67 Station Street, Doodlakine

Council is currently inviting tenders for the purchase of lots 8, 9, 10, and 67 Station Street, Doodlakine under Section 3.58 of the Local Government Act 1995.

Submissions are invited on the property disposition are to be forwarded to the undersigned by Friday 10th April 2015

Raymond Griffiths
 Chief Executive Officer
 Shire of Kellerberrin

**STAFF COMMENT**

Council on the 20th November 2020 received an offer from Mr Joe Fondacaro to purchase the four lots for \$5,000 with the intent to amalgamate the properties and develop the property.

Mr Fondacaro currently has the lease on the Doodlakine Quarry.

TEN YEAR FINANCIAL PLAN

NIL at this stage.

FINANCIAL IMPLICATIONS

There will be some settlement costs associated with the sale. However with the sale the properties will now become rateable land into the future.

STATUTORY IMPLICATIONS

Local Government Act 1995 – Part 3, Division 3

Section 3.58

- (2) *Except as stated in this section, a local government can only dispose of property to;*
- a. the highest bidder at public auction; or
 - b. the person who at public tender called by the local government makes what is, in the opinion of the local government, the most acceptable tender, whether or not it is the highest tender.
- (3) *A local government can dispose of property other than under subsection (2) if, before agreeing to dispose of the property; gives local public notice of the proposed disposition*
- i. describing the property concerned;
 - ii. giving details of the proposed disposition; and
 - iii. inviting submissions to be made to the local government before a date to be specified in the notice, being a date not less than 2 weeks after the date specified in the notice is first given;

and

- b. *it considers any submissions made to it before the date specified in the notice and, if its decision is made by the council or a committee, the decision and the reasons for it are recorded in the minutes of the meeting at which the decision was made.*
- (4) *The details of a proposed disposition that are required by subsection (3)(a)(ii) include;*
- a. the names of all other parties concerned;
 - b. the consideration to be received by the local government for the disposition; and
 - c. the market value of the disposition as ascertained by a valuation carried out not more than 6 months before the proposed disposition.

3.59. Commercial enterprises by local governments

- (1) *In this section —*

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

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

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

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

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

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

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

major trading undertaking means a trading undertaking that —

- (a) in the last completed financial year, involved; or

- (b) *in the current financial year or the financial year after the current financial year, is likely to involve,*

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

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

- (2) *Before it —*

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

a local government is to prepare a business plan.

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

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

- (4) *The local government is to —*

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

and

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

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

** Absolute majority required.*

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

- (6) *If the local government wishes to commence an undertaking or transaction that is significantly different from what was proposed it can only do so after it has complied with this section in respect of its new proposal.*
- (7) *The local government can only commence the undertaking or enter into the transaction with the approval of the Minister if it is of a kind for which the regulations require the Minister's approval.*
- (8) *A local government can only continue carrying on a trading undertaking after it has become a major trading undertaking if it has complied with the requirements of this section that apply to commencing a major trading undertaking, and for the purpose of applying this section in that case a reference in it to commencing the undertaking includes a reference to continuing the undertaking.*
- (9) *A local government can only enter into an agreement, or do anything else, as a result of which a land transaction would become a major land transaction if it has complied with the requirements of this section that apply to entering into a major land transaction, and for the purpose of applying this section in that case a reference in it to entering into the transaction includes a reference to doing anything that would result in the transaction becoming a major land transaction.*
- (10) *For the purposes of this section, regulations may —*
- (a) prescribe any land transaction to be an exempt land transaction;*
 - (b) prescribe any trading undertaking to be an exempt trading undertaking.*

[Section 3.59 amended by No. 1 of 1998 s. 12; No. 64 of 1998 s. 18(1) and (2).]

STRATEGIC COMMUNITY PLAN

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

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

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

COMMUNITY CONSULTATION

The following consultation took place;

- Chief Executive Officer
- Joe Fondacaro
- Kellerberrin Community through public Tender 2015

STAFF RECOMMENDATION

That Council:

- 1. Approve the sale of Council owned Lots 8, 9, 10 & 67 Station Street, Doodlakine to Joe Fondacaro of Mather Road, Doodlakine, WA, 6411, by private agreement for the sum of \$5,000: and*
- 2. Council advertising the disposition of property for a period of 14 days as per section 3.58 Local Government Act 1995, in a local newsletter and/or newspaper circulating in the District and/or Council Public Notice Board.*
- 3. No submissions being received, Council authorises the Chief Executive Officer and Shire President to execute required Land Transfer documentation for Sale of Property.*

COUNCIL RESOLUTION

MIN 199/20

MOTION - Moved Cr. O'Neill

Seconded Cr. Reid

That Council:

- 1. Approve the sale of Council owned Lots 8, 9, 10 & 67 Station Street, Doodlakine to Joe Fondacaro of Mather Road, Doodlakine, WA, 6411, by private agreement for the sum of \$5,000: and*
- 2. Council advertising the disposition of property for a period of 14 days as per section 3.58 Local Government Act 1995, in a local newsletter and/or newspaper circulating in the District and/or Council Public Notice Board.*
- 3. No submissions being received, Council authorises the Chief Executive Officer and Shire President to execute required Land Transfer documentation for Sale of Property.*

CARRIED 7/0

9.4 CENTRAL EAST AGED CARE ALLIANCE (CEACA) - RATES EXEMPTION APPLICATION

File Ref: ORGL 15

Author: Raymond Griffiths, Chief Executive Officer

Authoriser: Raymond Griffiths, Chief Executive Officer

Attachments:

1. CEACA 13 units
2. CEACA ACNC Certificate
3. CEACA ATO Endorsement
4. CEACA Certificate of Incorporation
5. CEACA Consitution
6. CEACA Summary 2020

BACKGROUND

 Council's November 2020 Ordinary Meeting of Council – 17th November 2020

MIN 001/20 MOTION - Moved Cr. Reid Seconded Cr. Steber

That Council:

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

CARRIED 7/0

BY ABSOLUTE MAJORITY

Council on the 19th October 2020 received the below correspondence from CEACA.

Good Afternoon Raymond,

RATES EXEMPTION

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

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

Please note that we have not included the following:

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

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

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

Charity Number	Charity Name
	BICKMORE'S BEANIES 4 BRAIN CANCER LIMITED ATF
21417	CASTLE LEGACY INC.
21664	CAT STERILISATION SOCIETY INCORPORATED
17686	CAT WELFARE SOCIETY INC
21403	CATCH MUSIC INC
22251	CATENIAN CHARITY INC
20302	CATHOLIC ARCHDIOCESE OF PERTH, PERSONAL ADVOCACY SERVICE
20530	CATHOLIC CARE TRUST (THE ROMAN CATHOLIC BISHOP OF BUNBURY AS TRUSTEE FOR)
21236	CATHY FREEMAN FOUNDATION
20478	CBM AUSTRALIA
21673	CDH AUSTRALIA
21127	CENTENARY INSTITUTE MEDICAL RESEARCH FOUNDATION (JOSEPH CARROZZI AND ELIZABETH DIBBS AS TRUSTEES)
21974	CENTRAL DESERT NATIVE TITLE SERVICES LTD
20668	CENTRE FOR ADVOCACY SUPPORT AND EDUCATION FOR REFUGEES INCORPORATED
20570	CENTRE FOR ASYLUM SEEKERS, REFUGEES AND DETAINEES INC
20215	CENTRE FOR ATTITUDINAL HEALING (INC)
21651	CENTRE OF PERINATAL EXCELLENCE
17688	CENTRE CARE INCORPORATED

STAFF COMMENT

Council wanted the item to lay on the table to see if there was a better representation of Council's decisions as Council was still unsure on the item. Council feel they should have the capacity to rate

CEACA as part of the agreement for the original \$380K outlay from the Shire in contributions was on the basis Council would receive a return on their investment through rates of which CEACA had agreed.

Council's Chief Executive Officer and President attended the CEACA Management Committee on the 23rd November 2020 and the matter of rates exemptions was discussed and at this time the Shire of Mt Marshall advised that they have approved the rate exemption status.

I have been in contact with the remaining ten (10) Councils to obtain what they have decided or what the CEO has recommended to the Council to adopt and they have advised the following:

Council	Approve/Reject the Rate Exemption
Shire of Mt Marshall	Approve
Shire of Merredin	No Advice at time of report
Shire of Bruce Rock	Approve
Shire of Westonia	No advice at time of report
Shire of Yilgarn	Waiting on land to be transferred to CEACA, recommendation will be to approve
Shire of Nungarin	Considering options, thinking of not providing exemption.
Shire of Mukinbudin	No advice at time of report
Shire of Trayning	Waiting on Landgate Valuation, report not prepared
Shire of Koorda	Proposing Approval
Shire of Wyalkatchem	No advice at time of report.

TEN YEAR FINANCIAL PLAN

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

FINANCIAL IMPLICATIONS

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

STATUTORY IMPLICATIONS

Local Government Act 1995 – Part 3, Division 3

Local Government Act 1995 (as amended) (LGA)

LGA - 6.26. Rateable land

(1) Except as provided in this section all land within a district is rateable land.

(2) The following land is not rateable land-

(a) land which is the property of the Crown and-

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

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

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

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

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

LGA : s6.47 – Concessions

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

STRATEGIC COMMUNITY PLAN

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

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

COMMUNITY CONSULTATION

The following consultation took place;

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

STAFF RECOMMENDATION

That Council:

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

COUNCIL RESOLUTION

MIN 200/20

MOTION - Moved Cr. McNeil

Seconded Cr. Leake

That Council:

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

CARRIED BY 7/0

ABSOLUTE MAJORITY

9.5 COMMON SEAL REGISTER AND REPORTING

File Number: ADM52
Author: Codi Mullen, Personal Assistant
Authoriser: Raymond Griffiths, Chief Executive Officer
Attachments: 1. Common Seal Register

BACKGROUND

To seek Council's endorsement for the application of the Shire of Kellerberrin Common Seal in accordance with the Common Seal Register.

STAFF COMMENT

The Shire of Kellerberrin's Common Seal is applied in circumstances where the Shire enters into a legal agreement, lease or undertakes the disposal or acquisition of land.

Application of the Seal is accompanied by the signatures of the President and Chief Executive Officer.

A register is maintained to record all occasions on which the Seal is applied. The register is maintained, updated and should be presented to Council on a quarterly basis. A process will be put in place to ensure that this occurs. It is recommended that Council formalises the receipt of the affixation of the Common Seal Report for endorsement.

Generally, the Common Seal is only applied in circumstances where the Council has specifically resolved to enter into an agreement, lease or dispose of or acquire land. There are however, occasions where the Seal is required to be applied urgently and Council's endorsement is sought retrospectively.

Attached to this report is a short list of agreements that require Council endorsement for use of the Common Seal.

TEN YEAR FINANCIAL PLAN

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

FINANCIAL IMPLICATIONS

There are no financial impacts.

STATUTORY IMPLICATIONS

Shire of Kellerberrin Standing Orders Local Law 2006

Clause 19.1 The Council's Common Seal

- (1) The CEO is to have charge of the common seal of the Local Government, and is responsible for the safe custody and proper use of it.
- (2) The common seal of the Local Government may only be used on the authority of the Council given either generally or specifically and every document to which the seal is affixed must be signed by the President and the CEO or a senior employee authorised by him or her.
- (3) The common seal of the local government is to be affixed to any local law which is made by the local government.

- (4) The CEO is to record in a register each date on which the common seal of the Local Government was affixed to a document, the nature of the document, and the parties to any agreement to which the common seal was affixed.
- (5) Any person who uses the common seal of the Local Government or a replica thereof without authority commits an offence.

Penalty \$1,000

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;

- Councils President
- Councils Deputy President
- Chief Executive Officer
- Personal Assistant to Chief Executive Officer

STAFF RECOMMENDATION

That Council endorse the affixing of the Shire of Kellerberrin's Common Seal as per the attached Common Seal Register document.

COUNCIL RESOLUTION

MIN 201/20

MOTION - Moved Cr. Leake

Seconded Cr. Reid

That Council endorse the affixing of the Shire of Kellerberrin's Common Seal as per the attached Common Seal Register document.

CARRIED 7/0

**9.6 PERSONAL/CARERS, COMPASSIONATE AND FAMILY & DOMESTIC VIOLENCE
LEAVE MANAGEMENT**

File Number: ADM53
Author: Codi Mullen, Personal Assistant
Authoriser: Raymond Griffiths, Chief Executive Officer
Attachments: 1. Leave Management Policy
2. Leave Management Procedure

BACKGROUND

Council's employees are currently employed under the Local Government Industry Award 2020 and operate under the National Employment Standards for all leave requirements.

The wording is legislation based and at times can be difficult to read and understand for all employees especially when it comes to sick/personal leave and what employees are entitled to, therefore Council in consultation with WALGA have developed the attached policy and procedure to ensure all staff are aware of all leave types and what the leave type covers.

STAFF COMMENT

Council needed to implement the Leave Management policy and procedure to reflect current practices.

TEN YEAR FINANCIAL PLAN

Nil known at this time

FINANCIAL IMPLICATIONS

Nil known at this time

STATUTORY IMPLICATIONS

Nil known at this time

STRATEGIC COMMUNITY PLAN

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

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

COMMUNITY CONSULTATION

The following consultation took place;

- Chief Executive Officer
- Deputy Chief Executive Officer
- Shire of Kellerberrin Administration Staff
- WALGA Employee Relations

STAFF RECOMMENDATION

That Council

- 1. Adopts the Personal/Carers, Compassionate and Family & Domestic Violence Leave Management policy as presented;*
- 2. Adopts the Personal/Carers, Compassionate and Family & Domestic Violence Leave Management procedure as presented;*
- 3. Instruct the Chief Executive Officer to ensure all staff are aware of the Policy Manual updates and provide copies if requested.*

COUNCIL RESOLUTION

MIN 202/20

MOTION - Moved Cr. Leake

Seconded Cr. Steber

That Council

- 1. Adopts the Personal/Carers, Compassionate and Family & Domestic Violence Leave Management policy as presented;*
- 2. Adopts the Personal/Carers, Compassionate and Family & Domestic Violence Leave Management procedure as presented;*
- 3. Instruct the Chief Executive Officer to ensure all staff are aware of the Policy Manual updates and provide copies if requested.*

CARRIED 7/0

9.7 SHIRE OF KELLERBERRIN - COMMUNITY CROPPING

File Ref: ICR202644 & ADM00
Author: Raymond Griffiths, Chief Executive Officer
Authoriser: Raymond Griffiths, Chief Executive Officer
Attachments: 1. Bowling Club Submission

BACKGROUND

Council's March 2019 Ordinary Meeting of Council – 19th March 2019

MIN 030/19 MOTION - Moved Cr. Leake 2nd Cr. Reid

That Council adopt to receive the late application from the Kellerberrin Agricultural Society for Community Cropping submissions for reasons as per email dated Monday 18 March.

CARRIED 6/0

MIN 031 /19 MOTION - Moved Cr. Steber 2nd Cr. O'Neill

That Council for a two year period;

- 1. Allocate the Scaddan Street property to the Kellerberrin Agricultural Society;*
- 2. Allocate Restdown Estate to the Kellerberrin Bowling Club;*
- 3. Allocate Industrial Area (Shire owned land) and Airstrip to the Kellerberrin and Districts Club and*
- 4. Provide reimbursement of lease fees associated with lease land for Doodlakine Bowling Club up to \$3,000;*
- 5. Provide reimbursement of lease fees associated with lease land for P&C up to \$3,000;*
- 6. Allocate \$1,500 to the Men's Shed as a contribution in lieu of Community Cropping.*

CARRIED 5/1

Council's February 2019 Ordinary Meeting of Council – 12th February 2019

MIN 024/19 MOTION - Moved Cr. O'Neill 2nd Cr. Leake

That Council acknowledge receipt of the letter and advise that all community cropping land will be advertised for expressions of interest in February and presented to the March Council meeting.

CARRIED 6/0

Council's March 2018 Ordinary Meeting of Council – 20th March 2018

MIN 033/18 MOTION - Moved Cr. White 2nd Cr. Leake

That Council:

- 1. approves the cropping rights lease to the Kellerberrin Men's Shed on land described as Restdown Estate, Scott Street, Kellerberrin to the following conditions;*
- 2. approves the cropping rights lease to the Kellerberrin Bowling Club on lands described as lot 428 Scadden Street, Industrial Area and Air Strip, Kellerberrin to the following conditions;*

CONDITIONS

- a) One Year Lease Term**
- b) Fees be waived subject to compliance of conditions outlined in the Agreement**
- c) authorises the Chief Executive Officer and Shire President to execute the Lease Agreement.**

CARRIED 6/0

BY ABSOLUTE MAJORITY

Council's August 2013 Ordinary Meeting of Council – 20 th August 2013
--

MIN 122/13 MOTION - Moved Cr Bee. 2nd Cr O'Neill.**That Council;**

- 1. Advertise in the local pipeline the following lease (disposition) inviting submissions;**
 - five year lease to the Kellerberrin Community Men's Shed for the fenced off area of Restdown Estate commencing 1st January 2014.**
 - Offers the lease at nil cost, in lieu of its \$1,500.00 contribution through community budget.**
- 2. Subject to no submissions being received, delegates authority to the Chief Executive Officer to execute the lease documents.**

CARRIED 6 /0

BY ABSOLUTE MAJORITY**STAFF COMMENT**

Council has previously provided Council owned farmland available to the community for Community Cropping to enable a fundraising venture for Sporting and Community Clubs. The main areas have previously been:

- a) Restdown Estate
- b) Industrial Area
- a) Airport
- b) Lot 428 Scadden Street (Paddock west of Golf Course – previously leased by Lamplugh's)

Council recently has approved the use of the paddocks created from the re-alignment of Shackleton Road for community cropping until the requirement for offsets is needed. Council will be using part of the land for offsets this year, this will be around the rock affected areas.

Council advertised the Community Cropping program through the local pipeline and social media platforms with submissions due Friday 4th December 2020.

Council at the closing of submissions received the following submission;

- Kellerberrin Bowling Club.

TEN YEAR FINANCIAL PLAN

N/A

FINANCIAL IMPLICATIONS

N/A

STATUTORY IMPLICATIONS

Local Government Act 1995 (as amended)

- Schedule 6.2 relates to Provisions relating to Lease of Land where rates or service charges unpaid.
- Clause 1 details the form of lease and a local government may lease the land for such term not exceeding 7 years at one time, as it thinks fit or if the land is subject to the provisions of the Transfer of Land Act 1893, where the term of the lease exceeds 3 years, the lease shall be registered with the Register of Titles.

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;

- Community
- Council's Executive Staff
- Councillors

STAFF RECOMMENDATION

That Council for a three year period;

1. *Allocate the Scaddan Street property to the Kellerberrin Agricultural Society*
2. *Allocate Restdown Estate to the Kellerberrin Bowling Club*
3. *Allocate Industrial Area (Shire owned land) and Airstrip to FOKC*
4. *Allocate land from the Shackleton Road re-alignment to the Kellerberrin Bowling Club.*

COUNCIL RESOLUTION**MIN 203/20****MOTION - Moved Cr. Leake****Seconded Cr. McNeil**

That Council for a three year period;

1. *Allocate the Scaddan Street property to the Kellerberrin Agricultural Society*
2. *Allocate Restdown Estate to the Kellerberrin Bowling Club*
3. *Allocate Industrial Area (Shire owned land) and Airstrip to FOKC*
4. *Allocate land from the Shackleton Road re-alignment to the Kellerberrin Bowling Club.*

CARRIED 7/0

9.8 SWIMMING POOL - PLANT AND PUMP ROOM TENDER

File Ref: TEND 72
Author: Raymond Griffiths, Chief Executive Officer
Authoriser: Raymond Griffiths, Chief Executive Officer
Attachments: Nil

BACKGROUND

Council advertised the tender in the "West Australian" on Saturday, 31st October 2020 with a closing date of Friday, 27th November 2020 at 12 noon.

Council over the past ten years or more have been working through plans and a process to enable the Kellerberrin Memorial Swimming Pool to be replaced due to the current state of the pool and the fact the bowl cannot be saved due to significant cracking. In addition to the cracking the current State Government guidelines for funding don't fund the last 8 meters of a 33 meter pool therefore this would be at the cost of Council so a reduction of the pool size to 25m is required.

Council setup a Swimming Pool committee that visited pools in the district and proposed plans for our proposed upgrade. The committee settled on a design which was left in abeyance as Council didn't have the funds available to undertake the project, however over the past few years Council has had the capacity to set aside significant funds to enable the project to seek further consideration.

Council in early 2020 was advised it will receive \$1,000,000 due to meeting the requirement of a drought area and therefore needed to provide a project that would met the guidelines provided. The guidelines indicated that the works at the pool would be eligible.

On acceptance of our project Council re-engaged Donovan Payne Architects to finalise drawings for the Pool and Plant room only to enable this tender process to be completed.

STAFF COMMENT

Council at the closing of Tenders received tenders from the following Respondents:

- Cooper & Oxley
- A Corp Construction
- Majstrovich Building Co

Please find attached an evaluation summary for all respondents.

Council in executing the agreement with Department of Industry, Science, Energy and Resources for the Drought Communities Funding agreed to terms ensuring the project would be completed by the 30th June 2020. This timeline has been tight since the agreement was only received and executed on the 28th August 2020.

The current timelines provided by the Architect to confirm with the successful tenderer is for works to commence mid-January to enable the project to be completed by mid-May 2020 therefore enabling the balance of May and June to finalise the project from an administration process.

Council in considering the tenders need to consider the full Tender documentation, please see below an extract from the Tender document regarding the Evaluation process;

SELECTION CRITERIA

The Contract may be awarded to a Tenderer who best demonstrates the ability to provide quality products and/or services at a competitive price. The tendered prices will be assessed together with qualitative and compliance criteria to determine the most advantageous outcome to the Principal.

The Principal has adopted a best value for money approach to this Request.

This means that, although price is considered, the Tender containing the lowest price will not necessarily be accepted, nor will the Tender ranked the highest on the qualitative criteria.

A scoring system will be used as part of the assessment of the qualitative criteria. Unless otherwise stated, a Tender that provides all the information requested will be assessed as satisfactory. The extent to which a Tender demonstrates greater satisfaction of each of these criteria will result in a greater score. The aggregate score of each Tender will be used as one of the factors in the final assessment of the qualitative criteria and in the overall assessment of value for money.

COMPLIANCE CRITERIA

These criteria are detailed within Part 5 of this document and will not be point scored. Each Tender will be assessed on a Yes/No basis as to whether the criterion is satisfactorily met. An assessment of "No" against any criterion may eliminate the Tender from consideration.

QUALITATIVE CRITERIA

In determining the most advantageous Tender, the Evaluation Panel will score each Tenderer against the qualitative criteria as detailed within Part 5 of this document. Each criterion will be weighted to indicate the relative degree of importance that the Principal places on the capabilities and experience of the proponent and the technical aspects of the goods or services being purchased.

It is essential that Tenderers address each qualitative criterion. Information that you provide addressing each qualitative criterion will be point scored by the Evaluation Panel. Failure to provide the specified information may result in elimination from the tender evaluation process or a low score.

PRICE CONSIDERATIONS

NON WEIGHTED COST CRITERIA

The non-weighted cost method is to be used to assess functional considerations such as capacity, experience, quality, reputation and adaptability which are seen to be crucial to the outcome of the contract. The evaluation panel will make a series of value judgements based on the capability of the Tenderers to complete the Requirements and a number of factors will be considered including:

- (a) the qualitative ranking of each Tenderer; and*
- (b) the pricing submitted by each Tenderer.*
- (c) Ability to meet programme expectations*

Once the tenders have been ranked, the evaluation panel will make a value judgement as to the cost affordability, qualitative ranking and risk of each Tender, in order to determine the Tender which is most advantageous to the Principal.

The tendered price will be considered along with related factors affecting the total cost and any benefits to the to the Principal and the local community eg the value of goods or services proposed to be purchased locally, lifetime operating costs of equipment and goods or the Principal's contract management costs may also be considered in assessing the best value for money outcome.

The Tender evaluation panel consisted of:

1. Mr Raymond Griffiths – Chief Executive Officer – Chair
2. Mr Lenin Pervan – Deputy Chief Executive Officer
3. Mr Kim Donovan – Architect.

The evaluation panel when considering its recommendation for a preferred tenderer took into consideration both the weighted and non-weighted criteria provided for in the Tender evaluation.

The evaluation panel has reviewed the tenders on a value for money basis.

TEN YEAR FINANCIAL PLAN

Council in its adopted ten year financial plan incorporated the construction of a new pool complex for \$3,000,000. This value was based on values at the time of in 2016 for the pool replacement process.

FINANCIAL IMPLICATIONS

Council has received \$1,000,000 in grant funding for this project through the Drought Communities Project. The project had a total costing of \$1,113,000 split up as per the following:

Eligible expenditure	Project cost
Other costs	\$ 10,000
Suppliers, consultants and contracted labour	\$ 344,795
Equipment	\$ 540,000
Materials	\$ 218,205
Total	\$1,113,000

The current tenders received for the construction process only ranges from \$891,000 to \$1,197,000.

The costs of the consultants and architects are not incorporated into the above figures. The total for the design and consultancy works for this project total \$92,000.

Council will need to review the full cost of the project on adopting a preferred tenderer.

STATUTORY IMPLICATIONS

Local Government Act 1995 (As Amended)

Section 3.57

- (1) A local government is required to invite tenders before it enters into a contract of a prescribed kind under which another person is to supply goods or services.
- (2) Regulations may make provision about tenders.

Local Government (Function and General) Regulations No. 2 2005

Regulations 11 to 24 deals with tenders for providing goods and services in detail.

Annual Compliance Audit Return – certification of compliance relating to tender processes and accountability toward the advertising and consideration of tenders received and awarded.

STRATEGIC COMMUNITY PLAN

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

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

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

COMMUNITY CONSULTATION

The following consultation took place;

- Swimming Pool Sub-Committee
- Council
- Community
- All Shire Employees

STAFF RECOMMENDATION

That Council accepts Majstrovich Building Co for the Kellerberrin Swimming Pool New Filtration Plant and Building Tender for \$891,000 Excluding GST on a value for money basis.

COUNCIL RESOLUTION

MIN 204/20

MOTION - Moved Cr. O'Neill

Seconded Cr. Reid

That Council;

- 1. Accept the tender submitted by Majstrovich Building Company of 2 Crest Avenue, Mt Pleasant WA 6153, for Tender 04-2020, Kellerberrin Swimming Pool New Filtration Plant and Building on a value for money basis in accordance with the tender documentation and for the fixed lump sum price of \$891,000 excluding GST.*
- 2. Enter into a contract with Majstrovich Building Co of 2 Crest Ave MT PLEASANT WA 6153, for Tender 04/2020 in accordance with the tender documentation and for the fixed lump sum price of \$891,000 excluding GST*
- 3. Authorise the Chief Executive Officer and Shire President to execute the Minor Works contract for the Tender.*

CARRIED 7/0

BY ABSOLUTE MAJORITY

REASON: To ensure approval for the provision of entering into a contract and authorising the execution of the contract.

9.9 CHEQUE LIST NOVEMBER 2020

File Number: N/A
Author: Zene Arancon, Finance Officer
Authoriser: Raymond Griffiths, Chief Executive Officer
Attachments: 1. Payment List November 2020

BACKGROUND

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

TRUST

TRUST TOTAL	\$ 46,857.40
--------------------	---------------------

MUNICIPAL FUND**Cheque Payments**

34810-34818	\$ 28,573.04
-------------	--------------

EFT Payments

11449-11560	\$ 754,629.09
-------------	---------------

Direct Debit Payments	\$ 22,739.13
------------------------------	---------------------

TOTAL MUNICIPAL	\$ 805,941.26
------------------------	----------------------

STAFF COMMENT

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

Bucher Municipal Pty Ltd	\$ 374,506.00
Purchase of Shire Road Sweeper	
Boral Construction Materials Group T/as	\$ 76,573.09
Primer sealing, mob & demob fees for Doodlakine-Kununoppin Rd construction	
Department of Transport - TRUST DIRECT DEBITS Licensing CRC	\$ 46,295.75
Licencing payments November 2020	
R Munns Engineering Consulting Services	\$ 30,917.88
Consultant fee for various road constructions	
Downer EDI Works Pty Ltd	\$ 30,864.86
Wetmixing for Doodlakine-Kununoppin Rd construction	
Farmways Kellerberrin Pty Ltd	\$ 18,692.31
Purchase of outside crew uniforms, plant oils & various under \$200	
Youlie and Son Spreading Services	\$ 16,839.90
Equipment hire October 2020 for various road maintenance	
Water Corporation	\$ 13,651.16
Water charges various Shire properties August-October 2020	
WCS Concrete Pty Ltd	\$ 12,761.10
Purchase of headwalls, culvert extensions & concrete pipes for road works	
United Card Services Pty Ltd	\$ 12,092.56
Total supply October 2020	
West Coast Profilers Pty Ltd	\$ 11,528.00
Hire of profilers for various road works	
Western Australian Treasury Corporation	\$ 11,140.49
Loan No. 119 Principal & interest payment construction of CEACA units	
Avon Waste	\$ 10,061.80
Domestic & commercial rubbish collection fees October 2020	

Merredin Refrigeration & Gas	\$ 8,360.00
Pre-season service fees for Shire properties	
WA Local Government Superannuation Plan Pty Ltd	\$ 8,183.73
Staff payroll superannuation deductions & contributions	
WA Local Government Superannuation Plan Pty Ltd	\$ 7,194.86
Staff payroll superannuation deductions & contributions	
Brooks Hire Service Pty Ltd	\$ 6,505.49
Hire full charge October 2020 for various road works	
Mineral Crushing Services WA PTY LTD	\$ 6,343.04
Purchase of aggregates for various road constructions	
J.Blackwood & Son Pty Ltd	\$ 6,247.20
Purchase of sidchrome & kit tool for Depot vehicles	
D.E.C Contracting Pty Ltd	\$ 5,808.00
Excavator & grapple saw hire fee for trees removal	
Synergy	\$ 5,577.25
Power charges various Shire properties August-October 2020	
Bamford Consulting Ecologist	\$ 5,450.50
Consultant fee for spider survey for Nth Baandee	
Synergy	\$ 5,419.20
Power charges various Shire properties August-October 2020	

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 November 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 \$ 805,941.26 on vouchers EFT , CHQ, Direct payments*
2. *Trust Fund payments totalling \$ 46,857.40 on vouchers EFT, CHQ, Direct payments*

COUNCIL RESOLUTION

MIN 205/20

MOTION - Moved Cr. Steber

Seconded Cr. McNeil

That Council notes that during the month of November 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 \$ 805,941.26 on vouchers EFT , CHQ, Direct payments*
2. *Trust Fund payments totalling \$ 46,857.40 on vouchers EFT, CHQ, Direct payments*

CARRIED 7/0

9.10 DIRECT DEBIT LIST AND VISA CARD TRANSACTIONS - NOVEMBER 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 November 2020.

Municipal Direct Debit List				
Date	Name	Details	\$	Amount
2-Nov-20	Westnet	Internet Fees		144.94
5-Nov-20	Shire of Kellerberrin	Creditors Payment		568,219.76
6-Nov-20	Department of Transport	Vehicle Inspections		134.20
10-Nov-20	Department of Communities	Rent		420.00
12-Nov-20	ATO	BAS October 2020		893.00
12-Nov-20	Shire of Kellerberrin	Super Choice		10,230.94
12-Nov-20	Shire of Kellerberrin	Pay Run		54,997.50
19-Nov-20	Shire of Kellerberrin	Creditors Payment		186,409.33
24-Nov-20	Department of Communities	Rent		420.00
26-Nov-20	Shire of Kellerberrin	Pay Run		57,152.27
30-Nov-20	NAB	B-Pay Charge		33.12
30-Nov-20	NAB	Account Fees - Trust		10.00
30-Nov-20	NAB	Account Fees - Muni		58.20
		TOTAL	\$	879,123.26
Trust Direct Debit List				
Date	Name	Details	\$	Amount
30-Nov-20	Department of Transport	Licencing Payment November 2020		\$46,295.75
		TOTAL	\$	46,295.75
Visa Transactions				
Date	Name	Details	\$	Amount
02-Nov-20	Brianology	Phone Repairs		30.00
04-Nov-20	Shire of Kellerberrin	Licence Plate Transfer KE1		28.60
05-Nov-20	Wilson Parking	Parking Fees - Lotterywest Meeting		6.08
06-Nov-20	GM Cabs	Cab Fare - LG Pro Conference		25.04
06-Nov-20	Empire Bar	LG Pro Conference - Meals		1,177.50
09-Nov-20	Crown Towers Perth	LG Pro Conference - CEO		812.82
09-Nov-20	Crown Towers Perth	LG Pro Conference - DCEO		1,011.11

10-Nov-20	Shire of Kellerberrin	Licencing KE 1		17.30
13-Nov-20	Shire of Kellerberrin	Licencing KE 06		34.60
27-Nov-20	NAB	Card Fee		9.00
		TOTAL - CEO	\$	3,152.05
Date	Name	Details	\$	Amount
04-Nov-20	Crown Perth	LG Pro Conference		9.00
05-Nov-20	Wilson Parking	Parking Fees - Lotterywest Meeting		3.04
06-Nov-20	Crown Perth	LG Pro Conference		92.40
06-Nov-20	Grilld Pty Ltd - Subiaco	Meal - Lotterywest Meeting		76.20
09-Nov-20	Swan Taxi	LG Pro Conference		52.50
23-Nov-20	Secure Parking	WALGA Training - Parking		12.30
27-Nov-20	NAB	Card Fee		9.00
		TOTAL -DCEO		254.44
		TOTAL VISA TRANSACTIONS	\$	3,406.49

STAFF COMMENT

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

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

COUNCIL RESOLUTION

MIN 206/20

MOTION - Moved Cr. O'Neill

Seconded Cr. McNeil

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

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

CARRIED 7/0

9.11 FINANCIAL ACTIVITY STATEMENT - NOVEMBER 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 November 2020 comprising;

(a) Statement of Financial Activity

(b) Note 1 to Note 13

COUNCIL RESOLUTION

MIN 207/20

MOTION - Moved Cr. O'Neill

Seconded Cr. Reid

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

(a) Statement of Financial Activity

(b) Note 1 to Note 13

CARRIED 7/0

BY ABSOLUTE MAJORITY

9.12 BUILDING REPORTS NOVEMBER 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 November period. A copy of the "Australian Bureau of Statistics appends".
2. There were nil "Building Permit" issued in the November 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 November 2020 period.*
2. *Acknowledge the "Return of Building Permits Issued" for the November 2020 period.*

COUNCIL RESOLUTION

MIN 208/20

MOTION - Moved Cr. McNeil

Seconded Cr. Leake

That Council

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

CARRIED 7/0

10 DEVELOPMENT SERVICES REPORTS

Nil

11 WORKS & SERVICES REPORTS

11.1 DEVELOPMENT APPLICATION; CRISP WIRELESS

File Ref:	IPA
Author:	Lewis York, Town Planner
Authoriser:	Raymond Griffiths, Chief Executive Officer
Applicant:	Mr. Leigh Ballard
Location:	254 Hewitt Road, Baandee
Attachments:	1. Development Application 2. CRISP Supporting Documentation 3. Plans

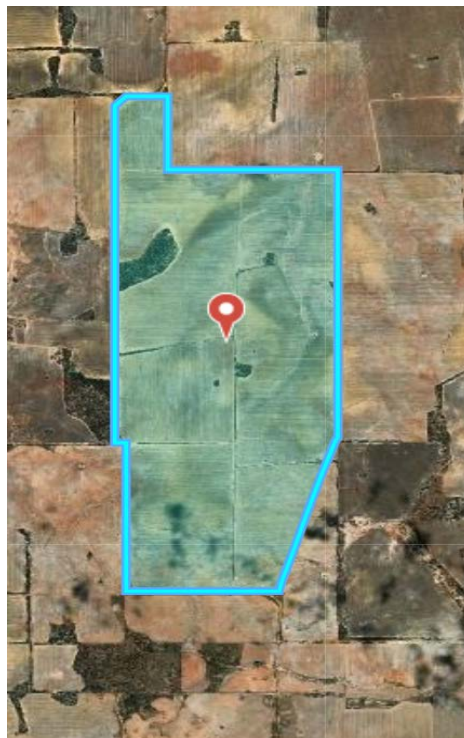
BACKGROUND

A development application has been received from Mr. Leigh Hewitt on behalf of Crisp Wireless. Crisp Wireless are a regional internet provider which use existing communications towers to provide point to point internet services. The existing site has a tower used for farm auto steer technologies. The proposal seeks to install one (1) 20ft sea container at the base of the tower for the storage of equipment to maintain the tower. The development will not impact upon farming practices on the lot.

COMMENTS

The proposed storage container raises no significant planning concerns as it will have not negatively impact upon local amenity. The site provided hosts existing infrastructure which is a key factor when considering additions to telecommunication sites. The development proposed is a 'D' use in the shires planning scheme, thus the need for Council consideration. The proposal does not seek to exceed any conditions of Councils sea container policy. Furthermore the proposal is consistent with the objectives of the General Agriculture zone.

SITE



PLANNING ASSESMENT

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.

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

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

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.

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.

Sea Container Policy LPP

Zone (s):	Setback:	Number and size of Sea Container(s) allowed:	Special requirements:
Town Centre	In accordance with the R-Codes	1 x 12m (40 ft)	The sea containers shall be fitted with a pitched roof. The sea container shall not compromised or obstruct vehicle access ways, vehicle truncations, access to parking areas or parking bays provided on the site. The sea container shall only be used for storage purposes.
Residential and Rural Townsite	In accordance with the R-Codes	1x 12m (40 ft)	The sea container shall be fitted with a pitched roof. The sea containers shall be used in association with the approved use of the property.
Rural Residential	In accordance with the R-Codes	1x 12m (40 ft)	The sea container shall only be used for storage purposes.
General Agriculture	In accordance with the setbacks outlined in the Scheme (Clause 4.11.1)	2x 12m (40ft)* (per rate notice)	The sea container shall only be used for storage purposes. * Where more than two (2) containers are proposed, the application will be considered on its merits.

SPP 5.2 Telecommunications infrastructure – Considered

STRATEGIC PLAN IMPLICATIONS

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

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

COMMUNITY CONSULTATION

The following consultation took place;

- Chief Executive Officer
- Council's Town Planner

PLANNING ASSESSMENT

STAFF RECOMMENDATION

That Council

1. *Grants conditional development approval for the development and use of a single (1) 20ft sea container for storage purposes at Lot 24800 Arthur Road, Baandee;*

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. The container shall be fitted with doors that open from the inside for safety purposes*

Advice Note: Planning approval is not considered building approval. A building permit shall also be obtained. Development plans will not be endorsed until they reflect the conditions of the approval.

COUNCIL RESOLUTION

MIN 209/20

MOTION - Moved Cr. Steber

Seconded Cr. O'Neill

That Council

1. ***Grants conditional development approval for the development and use of a single (1) 20ft sea container for storage purposes at Lot 24800 Arthur Road, Baandee;***

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. The container shall be fitted with doors that open from the inside for safety purposes***

Advice Note: Planning approval is not considered building approval. A building permit shall also be obtained. Development plans will not be endorsed until they reflect the conditions of the approval.

CARRIED 7/0

12 ELECTED MEMBERS MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

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

MOTION

COUNCIL RESOLUTION

MIN 210/20 MOTION - Moved Cr. O'Neill Seconded Cr. Leake

That Council accepts Late Items as per the following;

- ***Three (3) Bush Fire Sheds Tender and that this item should be marked confidential for following reason:***
 - (c) a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting.*
- ***Development Application Dwelling***

CARRIED 7/0

13.1 DEVELOPMENT APPLICATION - DWELLING

File Ref: IPA20107
Author: Codi Mullen, Personal Assistant
Authoriser: Raymond Griffiths, Chief Executive Officer
Applicant: Mr. Larry Stewart
Location: 52 Forrest Street, Kellerberrin
Attachments: 1. Transportable Plan
2. Design Plan

BACKGROUND

A development application has been received from Mr. Larry Stewart for the use and development of a dwelling at Lot 5, 52 Forest Street, Kellerberrin. 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.

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 battlease (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

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 be 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 the encourage development within the Kellerberrin townsite.

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) and;*
 - *5.2.3 Street Surveillance cl. C3.2- (no major opening from habitable room),*

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 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.

4:15pm – Natasha Giles, Community Development Officer entered the meeting.

14 CONFIDENTIAL MATTERS

RECOMMENDATION

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

14.1 Shire of Kellerberrin/Australia Day Awards Nomination

This matter is considered to be confidential under Section 5.23(2) - h of the Local Government Act, and the Council is satisfied that discussion of this matter in an open meeting would, on balance, be contrary to the public interest as it deals with such other matters as may be prescribed (consider regulations).

14.2 Three (3) Bush Fire Sheds Tender

This matter is considered to be confidential under Section 5.23(2) - c of the Local Government Act, and the Council is satisfied that discussion of this matter in an open meeting would, on balance, be contrary to the public interest as it deals with a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting.

COUNCIL RESOLUTION

MIN 212/20 MOTION - Moved Cr. Leake Seconded Cr. Ryan

That Council moves out of Closed Council into Open Council.

CARRIED 7/0

15 CLOSURE OF MEETING

The Meeting closed at 4.23pm

The minutes of this meeting consisting of pages 1 to 80 were confirmed at the Ordinary Council Meeting held on 16 February 2021.

.....
CHAIRPERSON