



# **MINUTES**

## **Ordinary Council Meeting Tuesday, 16 March 2021**

**Date: Tuesday, 16 March 2021**

**Time: 2:00pm**

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

**Order Of Business**

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

**1 DECLARATION OF OPENING**

The presiding member opened the meeting at 2.01pm.

**2 ANNOUNCEMENT BY PRESIDING PERSON WITHOUT DISCUSSION****2.1 PRESIDENTS REPORT FEBRUARY 2021**

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

The road crew were busy during February reconstructing Bedford St and making a flood way on Forrest St. When these projects are completed we will have a much better street system in Kellerberrin. Rain in late February saw conditions suitable for maintenance grading. The rain has continued on into March, enough for a good germination of weeds, hopefully the rain continues on into autumn and we have an early season break. A change from the last few seasons.

With the COVID19 vaccines nearly here we still need to be conscious of our distancing and sanitisation. Australia has done the hard work to keep deaths from the virus down and it would be a shame to let new waves of the virus spread through our communities.

Kind Regards



Rodney Forsyth

**Shire President**

**STAFF RECOMMENDATION**

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

**COUNCIL RESOLUTION**

**MIN 038/21      MOTION - Moved Cr. Steber      Seconded Cr. Leake**

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

**CARRIED 7/0**

**2.2 STANDING ORDERS**

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

**STAFF RECOMMENDATION**

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

**COUNCIL RESOLUTION**

**MIN 039/21      MOTION - Moved Cr. Reid      Seconded Cr. O'Neill**

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

**.CARRIED 7/0**

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

#### **PRESENT:**

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

#### **IN ATTENDANCE:**

Mr Raymond Griffiths (Chief Executive Officer)  
Mr Lenin Pervan (Deputy Chief Executive Officer)  
Mr Mick Jones (Manager Works & Services)

#### **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 16 FEBRUARY 2021

File Ref: MIN  
 Author: Codi Mullen, Personal Assistant  
 Authoriser: Raymond Griffiths, Chief Executive Officer  
 Attachments: 1. Minutes of the Council Meeting held on 16 February 2021

#### HEADING

### STAFF RECOMMENDATION

1. That the Minutes of the Council Meeting held on 16 February 2021 be confirmed as a true and accurate record.

### COUNCIL RESOLUTION

MIN 040/21 MOTION - Moved Cr. Steber Seconded Cr. Ryan

*That the Minutes of the Council Meeting held on 16 February 2021 be confirmed as a true and accurate record.*

**CARRIED 7/0**



**7 PRESENTATIONS**

**7.1 Petitions**

**7.2 Presentations**

**7.3 Deputations**

**8 REPORTS OF COMMITTEES**

Nil

## 9 CORPORATE SERVICES REPORTS

### 9.1 COMMUNITY REQUESTS AND DISCUSSION ITEMS

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

#### BACKGROUND

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

February 2021 Council Meeting

**MIN 001/21 MOTION - Moved Cr. Reid Seconded Cr. McNeil**

*That Council:*

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

December 2020 Council Meeting

**MIN 197/20 MOTION - Moved Cr. Reid Seconded Cr. O'Neill**

*That Council:*

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

November 2020 Council Meeting

**MIN 179/20 MOTION - Moved Cr. Steber Seconded Cr. Reid**

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

**STAFF COMMENT****February MIN 006/21**

1. Council has email the Kellerberrin and Districts Club advising them of the approved trial.
2. Speed signs have been ordered and seeking confirmation from Main Roads WA on the location of the signs and what limits to go where.
3. Email has been issued to the Kellerberrin Bowling Club advising of Council's approval.

**December MIN 179/20**

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

**November MIN 179/20**

1. Contract of Sale completed 19th November 2020.

**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 041/21

MOTION - Moved Cr. Leake

Seconded Cr. Reid

*That Council:*

- 1) *Donates the buns and sausages for the Emergency Services open day on 24<sup>th</sup> April 2021 as a fundraiser for the Blue Light Disco Committee.*

**CARRIED 7/0**

**9.2 STATUS REPORT OF ACTION SHEET**

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

**BACKGROUND**

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

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

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

**STAFF COMMENT**

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

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

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

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

**TEN YEAR FINANCIAL PLAN**

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

**FINANCIAL IMPLICATIONS**

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

**STATUTORY IMPLICATIONS**

Local Government Act 1995 (as amended)

Section 2.7. The role of the council

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

Section 2.8. The role of the mayor or president

- (1) The mayor or president —

- (a) presides at meetings in accordance with this Act;
- (b) provides leadership and guidance to the community in the district;
- (c) carries out civic and ceremonial duties on behalf of the local government;
- (d) speaks on behalf of the local government;
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- (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;
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- (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 042/21**

**MOTION - Moved Cr. McNeil**

**Seconded Cr. Ryan**

*That Council receive the Status Report.*

**CARRIED 7/0**

**9.3 MODEL STANDARDS FOR CEO RECRUITMENT, PERFORMANCE & TERMINATION**

**File Ref:** OSGOV35  
**Author:** Codi Mullen, Personal Assistant  
**Authoriser:** Raymond Griffiths, Chief Executive Officer  
**Attachments:** Nil

**BACKGROUND**

The government has enacted new legislation requiring all local governments to adopt mandatory minimum standards that cover the recruitment, selection, performance review and early termination of local government Chief Executive Officers.

The Local Government (Administration) Amendment Regulations 2021 (CEO Standards Regulations) bring into effect section 22 of the Amendment Act.

The Model CEO Standards provide a framework for local governments to select a CEO, review their performance and terminate their contract of employment early, in accordance with the principles of merit, probity, fairness, equity and transparency.

The following regulations took effect on 3 February 2021, implementing the remaining parts of the Local Government Legislation Amendment Act 2019:

- Local Government (Administration) Amendment Regulations 2021;
- Local Government Regulations Amendment (Employee Code of Conduct) Regulations 2021; and
- Local Government (Model Code of Conduct) Regulations 2021.

Key features of the regulations relating to recruitment, selection, performance review and early termination of local government Chief Executive Officers include the requirements to:

- establish a selection panel comprised of council members and at least one independent person to conduct the recruitment and selection process for the position of CEO;
- establish a performance review process by agreement between the local government and the CEO; and
- conduct a recruitment and selection process where an incumbent CEO has held the position for a period of ten or more consecutive years on expiry of the CEO's contract.

In addition, requirements for advertising vacant CEO positions have been updated to align with amendments to state-wide public notice provisions.

Local governments will be required to prepare and adopt the Model Standards within three months of these regulations coming into effect (by 3 May 2021). Until such time as a local government adopts the Model Standards (with or without minor permitted variations), the regulations apply.

Local governments that have a CEO recruitment process currently underway, or are about to commence a CEO recruitment process, are encouraged to contact the department to discuss compliance with the new Standards.

**STAFF COMMENT**

The Department of Local Government, Sport and Cultural Industries (DLGSC) has produced Guidelines on the Standards, which is Attachment 1 to this item.

If the local government doesn't adopt the model standards, they are taken to be the Shire's Standards.

The Chief Executive Officer is of the opinion that they are satisfactory to be adopted without modification, (provided at Attachment 3), however the Council is at liberty to adjust them, as long as they are not inconsistent with the default standards in the regulations.

There is a requirement to adopt a set of Standards by a Complaints Office by the 3 May 2021.

The current Chief Executive Officer's contract doesn't expire until 30 June 2025 and with the new legislative changes Council will be required to advertise the Chief Executive Officers role on expiry (or earlier) as the Current CEO has been in the role since October 2012 therefore being over the permitted ten (10) years.

Council will need to ensure that they progress with the Performance Appraisal Process with the previous consultant to ensure Council is compliant with the new regulations.

In the opinion of the author, the proposed process for early termination of a Chief Executive Officer's contract of employment appears fair and reasonable.

**TEN YEAR FINANCIAL PLAN**

Nil at this stage, however the process of recruitment will now be more expensive then possibly previously.

**FINANCIAL IMPLICATIONS**

The adoption of the model standard – which is required by law, with only minor variations permitted, and only to the extent that it is not inconsistent, will, in all probability, add to the cost of recruitment of a Chief Executive Officer. This by virtue of the additional administrative requirements of a consultant, if a consultant is utilised, as well as the need for an external person (in addition to the consultant) to be on the recruitment panel – which may require remuneration. Typically, prior to these legislative changes, the recruitment of a Chief Executive Officer, for a band 3 local government, and utilising a consultant (who must be licensed) costs anywhere from \$15,000 to \$35,000, plus advertising.

It is not known what additional cost might be incurred with the adoption of the 'minimum' standard, however it conceivably will certainly add administrative time, due to the additional legislated components and recording requirements.

One might argue that 'gone are the days' that a local government can recruit, or certainly terminate, a Chief Executive Officer without a consultant, with these new regulatory measures.

It will almost certainly add time, as any variations (no matter how seemingly insignificant or minor) to the proposed contract to be offered, have to be previously permitted / agreed by resolution of the Council.

## STATUTORY IMPLICATIONS

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

- Local Government Act 1995, Section 5.39B;
- Local Government (Administration) Amendment Regulations 2021; and
- Local Government (Administration) Regulations 1996.

5.39B, States:

*“Adoption of model standards*

*(1) In this section —*

*model standards means the model standards prescribed under section 5.39A(1).*

*(2) Within 3 months after the day on which regulations prescribing the model standards come into operation, a local government must prepare and adopt\* standards to be observed by the local government that incorporate the model standards.*

*\* Absolute majority required.*

*(3) Within 3 months after the day on which regulations amending the model standards come into operation, the local government must amend\* the adopted standards to incorporate the amendments made to the model standards.*

*\* Absolute majority required.*

*(4) A local government may include in the adopted standards provisions that are in addition to the model standards, but any additional provisions are of no effect to the extent that they are inconsistent with the model standards.*

*(5) The model standards are taken to be a local government’s adopted standards until the local government adopts standards under this section.*

*(6) The CEO must publish an up-to-date version of the adopted standards on the local government’s official website.*

*(7) Regulations may provide for —*

*(a) the monitoring of compliance with adopted standards; and*

*(b) the way in which contraventions of adopted standards are to be dealt with”.*

Resources and further reading for local governments include:

- Attachment 1 [https://www.dlgsc.wa.gov.au/docs/default-source/local-government/local-government-act-review/ceo-standards-and-guidelines.pdf?sfvrsn=706437d2\\_0](https://www.dlgsc.wa.gov.au/docs/default-source/local-government/local-government-act-review/ceo-standards-and-guidelines.pdf?sfvrsn=706437d2_0)
- Attachment 2 [https://www.dlgsc.wa.gov.au/docs/default-source/local-government/local-government-act-review/ceo-model-standards-explanatory-notes.pdf?sfvrsn=f0e031d0\\_3](https://www.dlgsc.wa.gov.au/docs/default-source/local-government/local-government-act-review/ceo-model-standards-explanatory-notes.pdf?sfvrsn=f0e031d0_3)

## 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

There was no community consultation that took place.

## STAFF RECOMMENDATION

That with respect to the new mandatory minimum standards that cover the recruitment, selection, performance review and early termination of local government Chief Executive Officers, Council;

1. Pursuant to section 5.39B (2) of the Local Government Act 1995, adopt the new Model Standards for Chief Executive Officer Recruitment, Performance and Termination as detailed in Attachment 3;
2. Pursuant to section 5.39B (6) of the Local Government Act 1995, request the Chief Executive Officer to ensure that the adopted Standards are published on the Shire's official website, as soon as practical.

## COUNCIL RESOLUTION

MIN 043/21

MOTION - Moved Cr. O'Neill

Seconded Cr. Steber

*That with respect to the new mandatory minimum standards that cover the recruitment, selection, performance review and early termination of local government Chief Executive Officers, Council;*

1. *Pursuant to section 5.39B (2) of the Local Government Act 1995, adopt the new Model Standards for Chief Executive Officer Recruitment, Performance and Termination as detailed in Attachment 3;*
2. *Pursuant to section 5.39B (6) of the Local Government Act 1995, request the Chief Executive Officer to ensure that the adopted Standards are published on the Shire's official website, as soon as practical.*

CARRIED 7/0

BY ABSOLUTE MAJORITY

**9.4 CHEQUE LIST FEBRUARY 2021**

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

**BACKGROUND**

Accounts for payment from 1<sup>st</sup> February to 28<sup>th</sup> February 2021

**TRUST**

<b>TRUST TOTAL</b>	<b>\$ 47,063.45</b>
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**MUNICIPAL FUND****Cheque Payments**

34836-34844	<b>\$ 72,483.99</b>
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**EFT Payments**

11783-11887	<b>\$ 845,512.06</b>
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<b>Direct Debit Payments</b>	<b>\$ 41,800.99</b>
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<b>TOTAL MUNICIPAL</b>	<b>\$ 959,797.04</b>
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**STAFF COMMENT**

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

**Auspan Group**

Exhibition Hall construction progress claim	<b>\$ 312,084.96</b>
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**Donovan Payne Architects**

Consultant fees for Swimming Pool construction & development	<b>\$ 78,925.00</b>
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**Molivi Construction Pty Ltd**

Progress claim for the construction of 3 Bushfire sheds	<b>\$ 78,705.00</b>
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**Water Corporation**

Water charges various Shire properties December 2020-February 2021	<b>\$ 49,632.32</b>
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**Boral Construction Materials Group T/as**

Bitumen surfacing application Forrest & Hammond St road constructions	<b>\$ 49,590.64</b>
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**Department of Transport - TRUST DIRECT DEBITS Licensing CRC**

Licensing payments December 2020-January 2021	<b>\$ 46,763.45</b>
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**EverGreen Synthetic Grass**

Supply & install gold bowling green surface Rec Centre	<b>\$ 41,489.10</b>
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**WCS Concrete Pty Ltd**

Supply, deliver & laying footpath Forrest St.	<b>\$ 25,694.35</b>
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**West Coast Profilers Pty Ltd**

Profiling of Bedford Street including mob & demob	<b>\$ 23,419.00</b>
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**Western Australian Treasury Corporation**

Loan No. 120 Principal & interest payment - construction of 2 GROH Houses	<b>\$ 20,311.27</b>
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**Perfect Computer Solutions**

Purchase of Ipads & keyboards for Shire Councillors	<b>\$ 18,981.60</b>
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**Deputy Commissioner Of Taxation**

PAYG Tax	<b>\$ 18,638.00</b>
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**R Munns Engineering Consulting Services**

Consulting works for Bedford St. & 3 Bushfire sheds constructions	<b>\$ 15,853.60</b>
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**Kellerberrin & Districts Club Inc.**

Expenses for Australia Day Breakfast 2021 & contribution to Rec Centre Manager salary February 2021 **\$ 11,843.67**

**Western Australian Treasury Corporation**

Loan No. 119 Principal & interest payment construction of CEACA Units **\$ 11,140.49**

**Avon Waste**

Domestic & commercial collections January 2021 **\$ 11,107.25**

**Peak Transport**

Truck hire gravel sheeting for various Shire roads **\$ 11,026.18**

**Synergy**

Power charges for various Shire properties December 2020-February 2021 **\$ 10,972.19**

**Beam Superannuation**

Staff superannuation contributions **\$ 10,611.21**

**Beam Superannuation**

Staff superannuation contributions **\$ 10,606.62**

**United Card Services Pty Ltd**

Total supply January 2021 **\$ 9,786.89**

**Smith Earthmoving Pty Ltd**

Equipment hire rehabilitation of Nelson Rd & push over trees **\$ 8,976.00**

**It Vision Australia Pty Ltd**

Altus payroll implementation service fees **\$ 6,387.69**

**Santaleuca Forestry**

Vegetation condition survey Burges Spring Reserve & Durokoppin Reserve including mileage & herbarium costs **\$ 6,198.50**

**Merredin Glazing Service**

Supply & install new glass for CEO's office **\$ 5,811.52**

**Farmways Kellerberrin Pty Ltd**

Purchase of lubricants, panel trim, stainless steel sheets & various under \$200 **\$ 5,437.69**

**Farmways Kellerberrin Pty Ltd**

Purchase of trimdeck colourbond & various under \$200 **\$ 5,067.31**

**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 February 2021, the Chief Executive Officer has made the following payments under council's delegated authority as listed in appendix A to the minutes.*

1. *Municipal Fund payments totalling \$ 959,797.04 on vouchers EFT , CHQ, Direct payments*
2. *Trust Fund payments totalling \$ 47,063.45 on vouchers EFT, CHQ, Direct payments*

### **COUNCIL RESOLUTION**

**MIN 044/21**

**MOTION - Moved Cr. Steber**

**Seconded Cr. Leake**

*That Council notes that during the month of February 2021, the Chief Executive Officer has made the following payments under council's delegated authority as listed in appendix A to the minutes.*

1. *Municipal Fund payments totalling \$ 959,797.04 on vouchers EFT , CHQ, Direct payments*
2. *Trust Fund payments totalling \$ 47,063.45 on vouchers EFT, CHQ, Direct payments*

**CARRIED 7/0**

**9.5 DIRECT DEBIT LIST AND VISA CARD TRANSACTIONS - FEBRUARY 2021****File Number:** N/A**Author:** Brett Taylor, Senior Finance Officer**Authoriser:** Raymond Griffiths, Chief Executive Officer**Attachments:** Nil**BACKGROUND**

Please see below the Direct Debit List and Visa Card Transactions for the month of February 2021.

Municipal Direct Debit List				
Date	Name	Details	\$	Amount
1-Feb-21	Westnet	Internet Fees		4.99
1-Feb-21	Nayax Australia	Caravan Park - Vending Machine		165.00
2-Feb-21	Department Communities	Rent		420.00
3-Feb-21	Shire of Kellerberrin	Creditors Payment		41,489.10
4-Feb-21	Shire of Kellerberrin	Precision Superannuation		10,611.21
4-Feb-21	Shire of Kellerberrin	Pay Run		63,699.02
5-Feb-21	Department of Transport	Vehicle Inspections		98.30
11-Feb-21	ATO	BAS Payment February		18,638.00
11-Feb-21	Shire of Kellerberrin	Creditors Payment		321,663.01
16-Feb-21	Department Communities	Rent		420.00
18-Feb-21	Shire of Kellerberrin	Precision Superannuation		10,606.62
18-Feb-21	Shire of Kellerberrin	Pay Run		62,164.64
19-Feb-21	Nayax Australia	Caravan Park - Vending Machine		38.17
25-Feb-21	Shire of Kellerberrin	Creditors Payment		482,359.95
26-Feb-21	NAB	B-Pay Fees		27.60
26-Feb-21	NAB	Account Fees - Trust		10.00
26-Feb-21	NAB	Account Fees - Muni		51.40
26-Feb-21	NAB	Merchant Fees - Trust		5.70
26-Feb-21	NAB	Merchant Fees - Caravan Park		51.90
26-Feb-21	NAB	Merchant Fees - Muni		68.97
26-Feb-21	NAB	Merchant Fees - CRC		607.52
26-Feb-21	NAB	NAB Connect Fees		42.49
		<b>TOTAL</b>	<b>\$</b>	<b>1,013,243.59</b>
Trust Direct Debit List				
Date	Name	Details	\$	Amount
28-Feb-21	Department Of Transport	Licensing Payment February 2021		\$62,086.70
		<b>TOTAL</b>	<b>\$</b>	<b>62,086.70</b>
Visa Transactions				
Date	Name	Details	\$	Amount
19-Feb-21	St Anne's Florist	Flowers - K. O'Neill		88.00

26-Feb-21	NAB	Card Fee		9.00
		<b>TOTAL - CEO</b>	<b>\$</b>	<b>97.00</b>
<b>Date</b>	<b>Name</b>	<b>Details</b>	<b>\$</b>	<b>Amount</b>
26-Feb-21	NAB	Card Fee		9.00
		<b>TOTAL -DCEO</b>		<b>9.00</b>
		<b>TOTAL VISA TRANSACTIONS</b>	<b>\$</b>	<b>106.00</b>

## STAFF COMMENT

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

## TEN YEAR FINANCIAL PLAN

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

## FINANCIAL IMPLICATIONS

Financial Management of 2020/2021 Budget.

## STATUTORY IMPLICATIONS

### Local Government (Financial Management) Regulations 1996

34. Financial activity statement report — s. 6.4

(1A) In this regulation —

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

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

- (4) A statement of financial activity, and the accompanying documents referred to in sub regulation (2), are to be —
  - (a) presented at an ordinary meeting of the council within 2 months after the end of the month to which the statement relates; and
  - (b) recorded in the minutes of the meeting at which it is presented.
- (5) Each financial year, a local government is to adopt a percentage or value, calculated in accordance with the AAS, to be used in statements of financial activity for reporting material variances.

## STRATEGIC COMMUNITY PLAN

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

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

## COMMUNITY CONSULTATION

The following consultation took place;

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

## STAFF RECOMMENDATION

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

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

## COUNCIL RESOLUTION

**MIN 045/21      MOTION - Moved Cr. Reid      Seconded Cr. McNeil**

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

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

**CARRIED 7/0**

**9.6 FINANCIAL ACTIVITY STATEMENT - FEBRUARY 2021**

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

**BACKGROUND**

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

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

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

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

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

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

**STAFF COMMENT**

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

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

**TEN YEAR FINANCIAL PLAN**

Financial Management of 2020/2021 Budget.

**FINANCIAL IMPLICATIONS**

Financial Management of 2020/2021 Budget.

**STATUTORY IMPLICATIONS**

Local Government (Financial Management) Regulations 1996

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

(1A) In this regulation —

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

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

**STRATEGIC COMMUNITY PLAN**

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

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

### **COMMUNITY CONSULTATION**

The following consultation took place;

- Chief Executive Officer
- Deputy Chief Executive Officer

### **STAFF RECOMMENDATION**

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

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

### **COUNCIL RESOLUTION**

**MIN 046/21**

**MOTION - Moved Cr. McNeil**

**Seconded Cr. O'Neill**

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

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

**CARRIED 7/0**

**BY ABSOLUTE MAJORITY**



**9.7 BUILDING REPORTS FEBRUARY 2021**

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

**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 four (4) applications received for a "Building Permit" during the February period. A copy of the "Australian Bureau of Statistics appends".
2. There were four (4) "Building Permit" issued in the February period. See attached form "Return of Building Permits Issued".

**TEN YEAR FINANCIAL PLAN**

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

**FINANCIAL IMPLICATIONS**

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

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

**STATUTORY IMPLICATIONS**

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

**STRATEGIC COMMUNITY PLAN**

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

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**COMMUNITY CONSULTATION**

The following consultation took place:

- Building Surveyor
- Owners
- Building Contractors

- Chief Executive Officer

## **STAFF RECOMMENDATION**

*That Council*

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

## **COUNCIL RESOLUTION**

**MIN 047/21**

**MOTION - Moved Cr. Reid**

**Seconded Cr. Ryan**

*That Council*

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

**CARRIED 7/0**

**9.8 PLANNING APPLICATION - SEA CONTAINER - 37 CONNELLY STREET**

**File Ref:** MIN 019/21, IPA21111,A876  
**Author:** Raymond Griffiths, Chief Executive Officer  
**Authoriser:** Raymond Griffiths, Chief Executive Officer  
**Attachments:** Nil

**BACKGROUND**

Council's February 2021 Ordinary Meeting of Council – 16<sup>th</sup> February 2021

**MIN 001/21 MOTION - Moved Cr. Reid Seconded Cr. O'Neill**

***That Council***

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

***General Conditions***

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

***Advice Notes***

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

**CARRIED 7/0**

**STAFF COMMENT**

Council wrote to the applicant regarding Council's decision and received the following response relating to condition (vii) for the amalgamation of the lots.

*Hi Lewis*

*I received Development approval for the addition of a sea container at 37 Connelly St Kellerberrin today and would like clarification of one of the general conditions:*

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

*I understand the shires policy on not allowing outbuildings to be built before residences are on a*

block of land however in the case of this development there are some factors that I believe make amalgamation unnecessary:

1. The three lots are already amalgamated into 1 title. I don't believe it is possible to sell any of the lots separately without Landgate issuing a new title which the Shire of Kellerberrin would have to approve. Therefore council already has the right to veto the sale of the block with only an outbuilding on it.
2. There is already and has been for some decades an outbuilding on this lot, this application was only to add an addition to the existing outbuilding. Therefore the situation concerning an outbuilding on a lot without a residence has not changed with this application.
3. It is not uncommon to have multiple lots on one title. Through my business dealing with commercial buildings in Kellerberrin I know that the titles for retail storefronts on Massingham St are made up of multiple lots due to common walls and shared alleyways.

Kate and myself aren't concerned by the implications of amalgamating the lot's as we can't envisage a situation where we would wish to subdivide it off, we are just questioning the necessity and cost of doing this. It is after all just a sea container being placed next to an existing outbuilding.

Could you clarify why the Shire would require this when it is within the power of the Shire to stop the sale of the lot if we tried to separate it. This is one land title with one house and two outbuilding, the number of lots on the one title I believe is irrelevant.

Regards  
Steve Cole

Council has researched through landgate regarding the process and opportunity for the owners to have the lot removed from the title, the advice is from landgate is it will cost \$178 per title issue and would take around two weeks to complete and there is no consultation process with Council for this to occur.

The lots aren't amalgamated they are grouped onto the one title which can be easily changed. The difficulty could be if there is mortgages on the property and the like however should it be green title then the process wouldn't be difficult to complete.

Council in the minute above have provided a condition on the property that it is not habitable unless prior approval from Council. This does reduce the risk to Council.

### **TEN YEAR FINANCIAL PLAN**

Nil

### **FINANCIAL IMPLICATIONS**

Nil known at this time.

### **STATUTORY IMPLICATIONS**

#### **Shire of Kellerberrin Local Planning Scheme**

Lot size: 931m<sup>2</sup>

Zoning: Residential

Coding: R10/40

Proposed Use: domestic storage purposes

### Local Planning Scheme No.4

The objectives of the zones are — 3.2.1 Residential Zone

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

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

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

### 4.5. VARIATIONS TO SITE AND DEVELOPMENT STANDARDS AND REQUIREMENTS

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

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

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

### R-Codes 2015

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

### Setbacks (Table 2b)

**Setback requirements secondary street: 3m**

**Proposed: 6.3m**

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

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

## Using Discretion

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

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

### 2.5.2

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

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

### 2.5.3

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

### 2.5.4

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

### 2.5.5

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

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

## Local Planning Policy- Outbuildings

### 7.0 MAXIMUM DEVELOPMENT REQUIREMENTS

#### 7.1 Maximum standards for outbuildings in R-Codes areas

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

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

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

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

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

#### Area of outbuildings:

#### Minimum Open Space Requirements

Proposed on lot: 79m<sup>2</sup>

Allowed: 80m<sup>2</sup>

The proposal raises no POS issues.

#### Building heights:

Wall Height under LPP: 3.5m

Proposed: 3m

Ridge Height LPP: 4.5m

Proposed: 3.7m

## Local Planning Policy- Sea Containers

### 5.0 POLICY STATEMENT

5.1 Exemptions from planning approval Planning consent is not required for:

a) the use of sea containers fully enclosed within a building.

b) the loading or unloading of containers for shipping, provided that the container(s) does not remain on the lot for longer than seven (7) days.

c) the use of up to two (2) containers on land in the General Agriculture or Industrial zones (per rate notice),

d) the temporary storage of equipment and materials during construction works (maximum of 12 months), where:

i. building approval has been issued for the construction works and remains valid; and

- ii. the sea container has been removed from the site within a month of completing construction works.

## 5.2 General Requirements for Sea Containers

5.2.1 Unless exempt from planning approval requirements specified in Clause 5.1 above, Approval by the Shire is required for use of all sea containers. Sea containers shall:

- i. comply with the requirements of the Scheme;
- ii. comply with the criteria set out in Table 1 of this policy; I. be used as detached outbuildings and not as ancillary accommodation; II. be fitted with doors that can be opened from the inside to ensure safety of users;
- iii. be painted to match either the existing dwelling or other outbuildings on the lot; iv. be located a minimum of 1.8m from septic tanks, leach drains and utilities;
- v. be located to the rear of a the dwelling on the lot (as depicted in Schedule 1 of this Policy);
- vi. be suitably screened from road frontages, public space and neighbouring properties. Where a sea container is visible from a public space, the installation of screening to a minimum height of that of the sea container may be required; and vii. not be located on vacant land in the Residential, Rural Residential, Rural Townsite and Town Centre zones unless for the storage for building and construction purposes, as outlined in Clause 5.1 (d).

5.2.2 If a landowner wishes to exceed the acceptable standards in Table 1, the application will be formally referred to Council for determination.

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

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

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

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

## 9.0 USE OF OUTBUILDINGS

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

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



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

### **STRATEGIC 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
- Town Planner
- Owner/Occupier
- Council

### **PLANNING ASSESSMENT**

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

### **STAFF RECOMMENDATION**

That Council:

1. Rescind condition (vii) from Minute 019/021 advising the three lots are to be amalgamated and replace with;
2. Permission is sought from Council should the owners wish to have the multi lot title modified to individual titles.

## **COUNCIL RESOLUTION**

**MIN 048/21**

**MOTION - Moved Cr. Steber**

**Seconded Cr. Leake**

***That Council:***

- 1. Rescind condition (vii) from Minute 019/021 advising the three lots are to be amalgamated and replace with;***
- 2. Advise permission is to be sought from Council should the owners wish to have the multi lot title modified to individual titles.***

**CARRIED 7/0**

**10 DEVELOPMENT SERVICES REPORTS**

Nil

**11 WORKS & SERVICES REPORTS**

Nil

**12 ELECTED MEMBERS MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**

Nil

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

## 14 CONFIDENTIAL MATTERS

### COUNCIL RESOLUTION

MIN 049/21 MOTION - Moved Cr. O'Neill Seconded Cr. McNeil

*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 Outstanding Rates - Recoverable on Sale - Doodlakine

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

#### 14.2 Outstanding Rates - Recoverable on Sale - Kellerberrin

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

CARRIED 7/0

### COUNCIL RESOLUTION

MIN 050/21 MOTION - Moved Cr. Leake Seconded Cr. Steber

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

CARRIED 7/0

## **15 CLOSURE OF MEETING**

**The Meeting closed at 3.14pm.**

**The minutes of this meeting were confirmed at the Ordinary Council Meeting held on 20<sup>th</sup> April 2021.**

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**CHAIRPERSON**