



# **AGENDA**

## **Ordinary Council Meeting Tuesday, 20 April 2021**

**Date: Tuesday, 20 April 2021**

**Time: 2:00pm**

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

## Shire of Kellerberrin

### Ordinary Council Meeting 20th April 2021

#### NOTICE OF MEETING

Dear Elected Member

The next Ordinary Council Meeting of the Shire of Kellerberrin will be held on Tuesday, 20th April 2021 in the Council Chamber, 110 Massingham Street, Kellerberrin WA 6410 commencing at 2:00pm.



Raymond Griffiths  
Chief Executive Officer  
Tuesday, 13 April 2021

## Shire of Kellerberrin

### Disclaimer

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

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

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

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

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

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

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

Chief Executive Officer, Shire of Kellerberrin

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

financial interest (Section 5.60A)

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

proximity interest (Section 5.60B)

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

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

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

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

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

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

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

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

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

Yours faithfully

(Councillor's signature)

Councillor's Name

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

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

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

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

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**1 DECLARATION OF OPENING****2 ANNOUNCEMENT BY PRESIDING PERSON WITHOUT DISCUSSION****2.1 PRESIDENTS REPORT MARCH 2021**

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

Kellerberrin escaped the full force of the cyclone that went through the northern Wheatbelt on Sunday evening. The downside was that there wasn't much rain.

Work is progressing on the three bush fire sheds being built to house the fire brigade trucks and also one to house the swimming pool pump.

Bedford St is nearly completed and is looking good.

Commiserations to the Kellerberrin 1st and 2nd division bowlers who finished the season on top but could not repeat early season form and lost out in the finals.

Hope all the farmers have a good rain soon and a safe seeding.

Kind Regards



Rodney Forsyth

**Shire President**

**STAFF RECOMMENDATION**

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

**2.2 STANDING ORDERS**

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

**STAFF RECOMMENDATION**

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

**3 RECORD OF ATTENDANCE / APOLOGIES / LEAVE OF ABSENCE****4 DECLARATION OF INTEREST**

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

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

**5 PUBLIC QUESTION TIME**

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

**5.1 Response to Previous Public Questions taken on Notice****5.2 Public Question Time**

## **6 CONFIRMATION OF PREVIOUS MEETINGS MINUTES**

### **6.1 MINUTES OF THE COUNCIL MEETING HELD ON 16 MARCH 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 March 2021

#### **HEADING**

### **STAFF RECOMMENDATION**

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

**6.2 MINUTES OF THE SPECIAL COUNCIL MEETING HELD ON 31 MARCH 2021**

**File Ref:** MIN  
**Author:** Codi Mullen, Personal Assistant  
**Authoriser:** Raymond Griffiths, Chief Executive Officer  
**Attachments:** 1. Minutes of the Special Council Meeting held on 31 March 2021

**HEADING****STAFF RECOMMENDATION**

1. That the Minutes of the Special Council Meeting held on 31 March 2021 be confirmed as a true and accurate record.

**6.3 MINUTES OF THE BUSHFIRE ADVISORY COMMITTEE MEETING HELD ON 14 APRIL 2021**

**File Ref:** MIN  
**Author:** Codi Mullen, Personal Assistant  
**Authoriser:** Raymond Griffiths, Chief Executive Officer  
**Attachments:** 1. Minutes of the Bushfire Advisory Committee Meeting held on 14 April 2021

**HEADING****STAFF RECOMMENDATION**

1. That the Minutes of the Bushfire Advisory Committee Meeting held on 14 April 2021 be confirmed as a true and accurate record.

**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.

March 2021 Council Meeting

**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 24th April 2021 as a fundraiser for the Blue Light Disco Committee.**

February 2021 Council Meeting

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

**That Council:**

- 2.) 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.**
- 3.) Ensure Speed limit signs are reinstated on the Doodlakine-Kununoppin road on the North side of Town.**
- 4.) 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.***

#### **STAFF COMMENT**

##### **March MIN 041/21**

1. Pricing being sought.

##### **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

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

This does not directly affect the long term financial plan.

#### **FINANCIAL IMPLICATIONS**

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

#### **STATUTORY IMPLICATIONS**

Local Government Act 1995 (as amended)

Section 2.7. The role of the council

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

Section 2.8. The role of the mayor or president

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

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

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

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

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

Section 2.10. The role of councillors

A councillor —

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

5.60. When person has an interest

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

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

has —

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

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

5.60A. Financial interest

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

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

5.60B. Proximity interest

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

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

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

#### 5.61. Indirect financial interests

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

#### 5.62. Closely associated persons

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

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

(2) In subsection (1) —

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

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

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

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

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

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

*[(e) deleted]*

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

5.66. Meeting to be informed of disclosures

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

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

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

5.67. Disclosing members not to participate in meetings

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

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

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

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

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

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

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

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

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

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

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

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

(4) A person must not contravene a condition imposed by the Minister under this section.  
Penalty: \$10 000 or imprisonment for 2 years.

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

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

(1) In this section —

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

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

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

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

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

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

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

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

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

## **STRATEGIC COMMUNITY PLAN**

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

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

## **COMMUNITY CONSULTATION**

The following consultation took place;

- Council Members
- Chief Executive Officer

## **STAFF RECOMMENDATION**

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

**9.2 STATUS REPORT OF ACTION SHEET**

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

**BACKGROUND**

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

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

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

**STAFF COMMENT**

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

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

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

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

**TEN YEAR FINANCIAL PLAN**

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

**FINANCIAL IMPLICATIONS**

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

**STATUTORY IMPLICATIONS**

Local Government Act 1995 (as amended)

Section 2.7. The role of the council

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

Section 2.8. The role of the mayor or president

- (1) The mayor or president —

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

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

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

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

Section 2.10. The role of councillors

A councillor —

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

5.60. When person has an interest

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

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

has —

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

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

5.60A. Financial interest

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

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

5.60B. Proximity interest

- (1) For the purposes of this Subdivision, a person has a proximity interest in a matter if the matter concerns —

- (a) a proposed change to a planning scheme affecting land that adjoins the person's land;
- (b) a proposed change to the zoning or use of land that adjoins the person's land; or

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

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

#### 5.61. Indirect financial interests

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

#### 5.62. Closely associated persons

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

or

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

- (2) In subsection (1) —

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

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

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

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

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

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

*[(e) deleted]*

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

5.69A. Minister may exempt committee members from disclosure requirements

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

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

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

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

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

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

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

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

### **STRATEGIC COMMUNITY PLAN**

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

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

### **COMMUNITY CONSULTATION**

The following consultation took place;

- Chief Executive Officer

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

## **STAFF RECOMMENDATION**

*That Council receive the Status Report.*

**9.3 SHIRE OF KELLERBERRIN ELECTORS MEETING MINUTES**

**File Ref:** FIN 01  
**Author:** Codi Mullen, Personal Assistant  
**Authoriser:** Raymond Griffiths, Chief Executive Officer  
**Attachments:** 1. Electors Meeting Minutes - March 2021

**BACKGROUND**

The Shire of Kellerberrin Annual Electors Meeting was held on Tuesday 16<sup>th</sup> March 2021. The Local Government Act requires Council to consider the minutes of the Electors Meeting at the next practicable Ordinary Meeting date.

**STAFF COMMENT**

Statutory and Compliance requirements for the Council to consider the minutes of its Electors' Meeting held on 16<sup>th</sup> March 2021.

Council in adopting the Electors Meeting minutes are adopting the motions put forward within the Electors Meeting.

Should Council wish to accept the minutes the motions are then to be discussed and voted upon within General Business of Council separately and provide reasons to the decision of Council in relation to the motion/s of the Electors Meeting.

**TEN YEAR FINANCIAL PLAN**

NIL

**FINANCIAL IMPLICATIONS**

NIL

**STATUTORY IMPLICATIONS**

Local Government Act 1995 – section 5.32 – Minutes of Electors' Meetings

*The CEO is to-*

- (a) cause minutes of the proceedings at an electors' meeting to be kept and preserved; and*
- (b) ensure that copies of the minutes are made available for inspection by members of the public before the council meeting at which decisions made at the electors' meeting are first considered.*

Local Government Act 1995 – section 5.33 – Decisions made at Electors' Meetings

- (1) All decisions made at an electors' meeting are to be considered at the next ordinary council meeting or, if that is not practicable;*
  - (a) at the first ordinary council meeting after that meeting; or*
  - (b) at a special meeting called for that purpose,**whichever happens first.*

*(2) If at a meeting of the council a local government makes a decision in response to a decision made at an electors' meeting, the reasons for the decision are to be recorded in the minutes of the council 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

### **STAFF RECOMMENDATION**

That the minutes of the Shire of Kellerberrin Electors Meeting held in the Crèche at the Kellerberrin Recreation Centre on Tuesday 16<sup>th</sup> March 2021, be adopted.

**9.4 ELECTED MEMBER CONTINUING PROFESSIONAL DEVELOPMENT POLICY**

**File Ref:** ADM53  
**Author:** Raymond Griffiths, Chief Executive Officer  
**Authoriser:** Raymond Griffiths, Chief Executive Officer  
**Attachments:** 1. Continuing Professional Development

**BACKGROUND**

This report recommends that Council adopt a Policy relating to Continuing Professional Development; and determine the preferred service provider for Elected Member Training.

The Local Government Legislation Amendment Act 1995 received the Governor’s assent on 5 July 2019. Section 5.128 of the Act requires Councils to adopt a policy in relation to the continuing professional development of Elected Members with a requirement for a Policy to be published on the local government’s website. The Department of Local Government, Sport and Cultural Industries (DLGSC) have subsequently advised that all Council Members will need to complete the Council Member Essentials training course, within 12 months of being elected. The course has been developed to provide Council Members with the skills and knowledge to perform their roles as leaders in their district.

**STAFF COMMENT**

All Council Members will have to complete the Council Member Essentials course unless, in the previous five years, they have passed the Diploma of Local Government 52756WA (Elected Member) or the course titled LGASS00002 Elected Member Skill Set. The Council Member Essentials course comprises of the following five units:

- Understanding Local Government (1/2 day) eLearning
- Serving on Council (1/2 day) eLearning
- Meeting Procedures (2 days)
- Conflicts of interest (1 day)
- Understanding financial reports and budgets (1 day)

Courses are provided by the following two organisations with several delivery options available:

Western Australian Local Government Association (WALGA)

Options	Delivery of Training	Individual cost per person
Option 1	5 x Individual eLearning (all courses done online)	\$ 195
Option 2	5 x Individual eLearning (unlimited for Band 4)	\$4,000

South Metropolitan TAFE

Training Course	Fees – eLearning per participant	Proposed time for online learning
Understanding Local Government	\$ 440	3 – 4 hours
Serving on Council	\$ 250	3 – 4 hours
Conflicts of Interest	\$ 250	3 – 4 hours
Understanding Financial Reports & Budgets	\$ 250	3 – 4 hours
Meeting Procedures	\$ 250	3 – 4 hours
TOTAL	\$1,440	Per Councillor
TOTAL – All Six Councillors	\$8,640	

**TEN YEAR FINANCIAL PLAN**

Nil

**FINANCIAL IMPLICATIONS**

Council in its 2020/21 Budget has allocated the following funds towards Councillor Training (041067)

- Councillor Training 4 @\$2,500 - \$10,000
  - Councillor Training Allowance - \$ 5,000
- \$15,000

Councillors to date haven't expended any of these funds.

**STATUTORY IMPLICATIONS**

Pursuant to section 5.128 of the Local Government Act 1995 (the Act), all Councils are required to adopt a policy in relation to the continuing professional development of Elected Members, with a requirement that an up-to-date version of the policy be available on the Shire's website and the policy complying with any prescribed policy, if any.

There is no current prescribed policy, nor any proposed by the Department, at this time. In addition, section 5.127 of the Act, requires the Shire to report on the training completed by Elected Members each financial year, and that report is to be published on the Shire's website within 1 month after the end of the financial year.

**STRATEGIC COMMUNITY PLAN**

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

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

**COMMUNITY CONSULTATION**

The following consultation took place;

- Chief Executive Officer
- Personal Assistant to Chief Executive Officer

## **STAFF RECOMMENDATION**

That, with respect to the Continuing Professional Development of Elected Members and section 5.128 of the Local Government Act 1995, Council:

1. Adopt the draft Policy as detailed in Attachment 1; and
2. Utilise the Western Australian Local Government Association (WALGA) for delivery of Council Member Essentials Training via online delivery where practical.

**9.5 FRAUD AND CORRUPTION PREVENTION POLICY**

<b>File Ref:</b>	<b>ADM 53</b>
<b>Author:</b>	<b>Raymond Griffiths, Chief Executive Officer</b>
<b>Authoriser:</b>	<b>Raymond Griffiths, Chief Executive Officer</b>
<b>Attachments:</b>	<b>1. Fraud and Corruption Prevention Policy</b> <b>2. Fraud and Corruption Prevention Plan</b>

**BACKGROUND**

Council are asked to consider the adoption of a Fraud and Corruption Prevention Policy and Plan.

In August 2019, the WA Office of Auditor General (OAG) released Report 5:2019-20 Fraud Prevention in Local Government. The OAG Report was based on feedback drawn from a questionnaire sent to all local governments and a detailed review of five local governments being the Shire of East Pilbara, Shire of Katanning, City of Nedlands, Shire of Serpentine-Jarrahdale and City of Vincent.

The Report was investigating policies, plans, processes and procedures, and was not investigating specific incidents.

**STAFF COMMENT**

The Office of Auditor General recommended that a Fraud and Corruption Prevention Control Plan be developed and adopted, and then reviewed at least every two years.

A Fraud and Corruption Prevention Policy and Plan is not specifically required by legislation, however the purpose of both the Policy and Plan closely aligns with the Chief Executive Officer's (CEO) responsibilities in accordance with:

- Local Government (Financial Management) Regulations 1996, Regulation 5 – CEO's duties as to financial management
- Local Government (Audit) Regulations 1996, Regulation 17 – CEO to review certain systems and procedures

The Plan provides a structure for the implementation of activities designed to implement fraud and corruption prevention and control activities, covering the four crucial areas outlined in the OAG Report and Australian Standards.

- Planning
- Prevention
- Detection and
- Response.

The Plan is not intended to limit the extensive range of actions that may be taken. Other actions or initiatives may be identified at times and then implemented as deemed appropriate by Council or CEO. This is in accordance with a wide range of legislation that may have application in specific circumstances that includes, but is not limited to:

- Corruption, Crime and Misconduct Act
- Criminal Code
- Local Government Act and Regulations
- Public Sector Management Act Consultation

**TEN YEAR FINANCIAL PLAN**

NIL

**FINANCIAL IMPLICATIONS**

NIL

**STATUTORY IMPLICATIONS**

Regulation 5 – CEO's duties as to financial management - Local Government (Financial Management)

Regulations 1996,

- 1) Efficient systems and procedures are to be established by the CEO of a local government
  - a. for the proper collection of all money owing to the local government; and
  - b. for the safe custody and security of all money collected or held by the local government; and
  - c. for the proper maintenance and security of the financial records of the local government (whether maintained in written form or by electronic or other means or process); and
  - d. to ensure proper accounting for municipal or trust –
    - i. revenue received or receivable; and
    - ii. expenses paid or payable; and
    - iii. assets and liabilities; and
  - e. to ensure proper authorisation for the incurring of liabilities and the making of payments; and
  - f. for the maintenance of payroll, stock control and costing records; and
  - g. to assist in the preparation of budgets, budget reviews, accounts and reports required by the Act or these regulations.
  
- 2) The CEO is to –
  - a. ensure that the resources of the local government are effectively and efficiently managed; and
  - b. assist the council to undertake reviews of fees and charges regularly (and not less than once in every financial year); and
  - c. undertake reviews of the appropriateness and effectiveness of the financial management systems and procedures of the local government regularly (and not less than once in every 3 financial years) and report to the local government the results of those reviews.”

Regulation 17 (1) – CEO to review certain systems and procedures - Local Government (Audit)

Regulations 1996

- 1) The CEO is to review the appropriateness and effectiveness of a local government's systems and procedures in relation to –
  - a. risk management; and
  - b. internal control; and
  - c. legislative compliance.
  
- 2) The review may relate to any or all of the matters referred to in sub regulation (1)(a), (b) and (c), but each of those matters is to be the subject of a review at least once every 3 calendar years.

- 3) The CEO is to report to the audit committee the results of that review.”

### **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**

This Policy and the Fraud and Corruption Prevention Plan was prepared in consultation with:

- Chief Executive Officer
- Personal Assistant to Chief Executive Officer

### **STAFF RECOMMENDATION**

That, with respect to Fraud and Corruption Prevention, the Council:

- 1) adopt the Fraud and Corruption Prevention Policy (Attachment 1): and
- 2) note the Fraud and Corruption Prevention Plan (Attachment 2).

<b>9.6</b>	<b>ELECTED MEMBER, CHIEF EXECUTIVE OFFICER AND EMPLOYEE ATTENDANCE AT EVENTS</b>	<b>POLICY</b>
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**File Ref:** ADM 53  
**Author:** Raymond Griffiths, Chief Executive Officer  
**Authoriser:** Raymond Griffiths, Chief Executive Officer  
**Attachments:** 1. Attendance at Event Policy

## **BACKGROUND**

The State Government has released Local Government Operational Guidelines - Attendance at events policy. The administration recommends adopting the proposed draft policy as amended from the Shire, to comply (Attachment 1).

The Local Government Act 1995 was amended recently (October 2019) to require adoption of an attendance at events policy by all local governments.

## **STAFF COMMENT**

In developing and recommending the proposed policy, the Chief Executive Officer has considered custom and practice of events over the last 10 years at Kellerberrin and also in his experience in the industry over 20 years.

The majority of events that the Elected Members and Chief Executive Officer or employees at the Shire get invited to are by far free non ticketed events to present at School Awards, Central Wheatbelt Harness Racing Club (Kellerberrin Cup) and Kellerberrin Agricultural Show.

## **TEN YEAR FINANCIAL PLAN**

NIL

## **FINANCIAL IMPLICATIONS**

NIL

## **STATUTORY IMPLICATIONS**

Section 5.90A of the Local Government Act 1995, states:

“5.90A. Policy for attendance at events

- 1) In this section —  
event includes the following —
  - a. a concert;
  - b. a conference;
  - c. a function;
  - d. a sporting event;
  - e. an occasion of a kind prescribed for the purposes of this definition.
- 2) A local government must prepare and adopt\* a policy that deals with matters relating to the attendance of council members and the CEO at events, including —
  - a. the provision of tickets to events; and
  - b. payments in respect of attendance; and
  - c. approval of attendance by the local government and criteria for approval; and

- d. any prescribed matter. \* Absolute majority required.
- 3) A local government may amend\* the policy.
- \* Absolute majority required.
- 4) When preparing the policy or an amendment to the policy, the local government must comply with any prescribed requirements relating to the form or content of a policy under this section.
- 5) The CEO must publish an up-to-date version of the policy on the local government's official website".

DLGSCI has established the following Guideline that relate:

[https://www.dlgsc.wa.gov.au/docs/default-source/local-government/operationalguidelines/operational-guideline---attendance-at-events-policy.pdf?sfvrsn=f053677a\\_9](https://www.dlgsc.wa.gov.au/docs/default-source/local-government/operationalguidelines/operational-guideline---attendance-at-events-policy.pdf?sfvrsn=f053677a_9)

### **STRATEGIC COMMUNITY PLAN**

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

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

### **COMMUNITY CONSULTATION**

The Chief Executive Officer has consulted with the following;

- Chief Executive Officer
- Personal Assistant to Chief Executive Officer

Council's CEO utilised the Department of Local Government, Sport and Cultural Industries (DLGSCI) and City of Stirling Policies as templates.

### **STAFF RECOMMENDATION**

That, with respect to the requirement to adopt an attendance at events policy pursuant to section 5.90A of the Local Government Act 1995, Council adopt the Policy as per Attachment 1 and the Chief Executive Officer include the Policy on the Shire's website.

**9.7 ACTING CHIEF EXECUTIVE OFFICER POLICY**

**File Ref:** ADM 53  
**Author:** Raymond Griffiths, Chief Executive Officer  
**Authoriser:** Raymond Griffiths, Chief Executive Officer  
**Attachments:** 1. Acting Chief Executive Officer Policy

**BACKGROUND**

The government has enacted new legislation requiring all local governments to adopt a policy that covers the process to be followed by the local government in relation to the following: a) the employment of a person in the position of CEO for a term not exceeding 1 year; b) the appointment of an employee to act in the position of CEO for a term not exceeding 1 year. The Local Government (Administration) Amendment Regulations 2021 (CEO Standards Regulations) bring into effect section 5.39C of the Local Government Act 1995.

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.

**STAFF COMMENT**

Local governments are required to adopt such a policy within a reasonable, but expeditious period of time.

WALGA has advised that it is developing a model policy, however as this Council has had an accepted process for many years, the Chief Executive Officer is of the opinion that a minor modification to the current process would suffice, from an immediate compliance perspective. The model can be reviewed once it becomes available.

In its guidance on the subject, the Department of Local Government, Sport and Cultural Industries (DLGSC) notes:

*“Where the role of CEO is not fulfilled for a significant period, this leads to increased risk to the operations and governance of the local government. Therefore, local governments are required to develop and implement a policy that outlines the arrangements to temporarily replace a CEO for any period less than twelve months, for example, when a CEO is on planned or unplanned leave. The policy must include the decision-maker(s) for appointing an acting CEO.*

*As an example, the policy may include employee position titles, specifying that the Council considers a person holding these positions to be suitably qualified and experienced for the position of CEO. In addition, the policy should also include a methodology for the CEO to appoint an Acting CEO from the listed positions for a period of absence of up to four weeks; however any decision regarding the appointment of an Acting CEO for any period exceeding four weeks must be made by the council.*

The policy must be made available on the local government’s official website”.

Currently Council has Delegation to the Chief Executive Officer for the appointment of an Acting CEO as per the following:

1.3.2	<b>Acting Chief Executive Officer</b>
<b>Legislative Power:</b>	Local Govt Act 1995 (Section 5.39)
<b>Delegate:</b>	<b>CHIEF EXECUTIVE OFFICER</b>
<b>Function:</b>	That the Chief Executive Officer is delegated authority to appoint an Acting Chief Executive Officer during periods of absence.
<b>Formal Record:</b>	Recorded in Central Records System
<b>Last Reviewed:</b>	
<b>Next Review Date:</b>	June 2021

The above delegation serves the purpose for the appointment of an Acting CEO though to be more prescriptive regarding the appointment only being appointed to a Senior Employee etc will need to be incorporated.

The DLGSC has not produced any regulations that stipulate the form or content of the required policy.

There is an expectation that the Council should adopt such a policy within a reasonable timeframe (no set date has been enshrined in legislation).

In the opinion of the author, the current process for appointing an Acting Chief Executive Officer is mostly consistent with the new requirements, however it does need to be referenced in 'Policy', rather than being solely referenced in a delegation, as currently occurs.

**TEN YEAR FINANCIAL PLAN**

NIL

**FINANCIAL IMPLICATIONS**

Salaries and Wages Budget – Council ensures during the budget process to have sufficient funds allocated for the provision of higher duties for all Acting duties including Acting CEO.

**STATUTORY IMPLICATIONS**

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

- Local Government Act 1995, Section 5.39C and 5.36 (2); and
- Local Government (Administration) Amendment Regulations 2021.

Section 5.39C states:

“5.39C. Policy for temporary employment or appointment of CEO

1. A local government must prepare and adopt\* a policy that sets out the process to be followed by the local government in relation to the following —
  - a. the employment of a person in the position of CEO for a term not exceeding 1 year;
  - b. the appointment of an employee to act in the position of CEO for a term not exceeding 1 year.

\* Absolute majority required.

2. A local government may amend\* the policy.

\* Absolute majority required.

3. When preparing the policy or an amendment to the policy, the local government must comply with any prescribed requirements relating to the form or content of a policy under this section.
4. The CEO must publish an up-to-date version of the policy on the local government's official website".

No regulations have been promulgated to give guidance on this matter at the current time, and the Administration is not aware of any proposed.

Further, it has been long held that section 5.36(2) also relates to the position of Acting Chief Executive Officers. This section states:

"A person is not to be employed in the position of CEO unless the council —

- a) believes that the person is suitably qualified for the position; and
- b) is satisfied\* with the provisions of the proposed employment contract".

Resources and further reading for local governments include:

- Government Gazette 2 February 2021

[https://www.slp.wa.gov.au/gazette/gazette.nsf/searchgazette/5581E008F93777D94825866F00094CAD/\\$file/Gg023.pdf](https://www.slp.wa.gov.au/gazette/gazette.nsf/searchgazette/5581E008F93777D94825866F00094CAD/$file/Gg023.pdf)

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

## **COMMUNITY CONSULTATION**

The following consultation took place;

- Chief Executive Officer
- Personal Assistant to Chief Executive Officer

## **STAFF RECOMMENDATION**

That with respect to the new mandatory policy that covers the appointment of local government Chief Executive Officers on terms less than one year (including those in an Acting capacity), Council:

1. Pursuant to section 5.39C (1) of the Local Government Act 1995, adopt the Policy for Appointing an Acting Chief Executive Officer – Attachment 1
2. Repeal Delegation 1.3.2 Acting Chief Executive Officer – Appointment as it is replaced by the above Policy.
3. Pursuant to section 5.39C (4) of the Local Government Act 1995, request the Chief Executive Officer to ensure that the adopted Policy is published on the Shire's official website, as soon as practical.

**9.8 PUBLIC INFORMATION DISCLOSURE POLICY**

<b>File Ref:</b>	<b>ADM 53</b>
<b>Author:</b>	<b>Raymond Griffiths, Chief Executive Officer</b>
<b>Authoriser:</b>	<b>Raymond Griffiths, Chief Executive Officer</b>
<b>Attachments:</b>	<b>1. Public Interest Disclosure Policy</b> <b>2. Public Interest Disclosure Guidelines</b>

**BACKGROUND**

For Council to consider the adoption of a policy relating to Council's position on public interest disclosure. Key Issues:

- The Public Interest Disclosure Act 2003 (PID Act) provides the legislative framework for the disclosure of information in the public good or interest.
- The principal executive officer of each public authority is required to prepare and publish internal procedures on the authority obligations under the PID Act that are consistent with the Public Sector Commission guidelines

The Public Interest Disclosure Act 2003 (PID Act) provides the legislative framework for the disclosure of information in the public good or interest. The Act also provides protection for individuals who make such disclosures and those who are the subject of disclosures. The Act provides a process for investigation and for relevant action to be taken.

Under the PID Act, the principal executive officer of each public authority is required to prepare and publish internal procedures relating to how the authority will discharge its obligations under the PID Act.

The PID Act enables people to make disclosures about wrongdoing in the State public sector, local government and public universities without fear of reprisal. It aims to ensure openness and accountability in government by encouraging people to make disclosures and protecting them when they do.

The public interest disclosure process is a process within government to deal with serious matters, which if resolved, would serve the public good.

As such, a public interest disclosure is more than a general complaint or dissatisfaction with a product, service or decision of government. It is also more than a personal grievance that can be resolved by agreement.

The public interest disclosure process enables people to disclose certain types of wrongdoing to the right person (being a proper authority), and where required, ensures that someone investigates the information and takes action in accordance with the PID Act. Once made, a disclosure cannot be withdrawn.

The PID Act protects people who make disclosures and also imposes some obligations on them. The Shire's Principal Executive Officers are the Chief Executive Officer, Deputy Chief Executive Officer and CEO Personal Assistant.

Generally, disclosures about a public authority or its officer or contractors need to be made to the PID Officer of the public authority concerned. However, depending upon the nature of the matter, it may need to be made to a proper authority as identified in section 5(3) of the PID Act.

Under 5(3)(h) the PID Officer for a public authority can receive information relating to a matter which falls within the ‘sphere of responsibility’ for their public authority. ‘Sphere of responsibility’ is not defined in the PID Act but may include:

- the PID Officer’s public authority or;
- a public officer or public sector contractor of the PID Officer’s public authority or;
- a matter or person that the PID Officer’s public authority has a function or power to investigate.

**STAFF COMMENT**

A draft policy (Attachment 1) has been developed to ensure the Shire’s compliance with the requirements of public authorities under the PID Act. More importantly, having a clear policy will provide Councillors, the CEO, all staff and contractors with clear direction and understanding of their rights and responsibilities under the PID Act.

**OPTIONS**

The following options are available to Council:

OPTION		BENEFIT	RISK
1.	Council adopts the Public Interest Disclosure Policy that sets out the Council’s position on public interest disclosure.	The Shire will have a clear position on public interest disclosure in accordance with the Public Interest Disclosure Act 2003 (PID Act)	Nil
2.	Council does not adopt the Public Disclosure Policy	Nil	The Shire will rely on the provision of the Public Sector Commission for interpretation of the Public Interest Disclosure Act 2003 (PID Act)

Council’s officers recommend that Council choose Option 1.

**TEN YEAR FINANCIAL PLAN**

NIL

**FINANCIAL IMPLICATIONS**

Cost associated with advertising. These cost will be sourced from the relevant operation account in the 2020/21 Budget.

**STATUTORY IMPLICATIONS**

Section 23 of the PID Act outlines the obligations of principal executive officers of public authorities which include:

1. The principal executive officer of a public authority must —
  - a. designate the occupant of a specified position with the authority as the person responsible for receiving disclosures of public interest information;

- b. provide protection from detrimental action or the threat of detrimental action for any employee of the public authority who makes an appropriate disclosure of public interest information;
- c. ensure that his or her public authority complies with this Act;
- d. ensure that his or her public authority complies with the code established by the Commissioner under section 20;
- e. prepare and publish internal procedures relating to the authority's obligations under this Act. This draft policy complies with these requirements.

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

### **COMMUNITY CONSULTATION**

The following consultation took place;

- Chief Executive Officer
- Personal Assistant to Chief Executive Officer

### **STAFF RECOMMENDATION**

That Council:

1. adopt the Public Interest Disclosure Policy as per Attachment 1;
2. note the Public Interest Disclosure Guidelines (Attachment 2); and
3. instruct the Chief Executive Officer include the Policy Manual and place on the Shire's website.

**9.9 CODE OF CONDUCT POLICY**

**File Ref:** OSGOV35  
**Author:** Codi Mullen, Personal Assistant  
**Authoriser:** Raymond Griffiths, Chief Executive Officer  
**Attachments:** 1. Code of Conduct Policy

**BACKGROUND**

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

**COUNCIL RESOLUTION**

**MIN 001/21 MOTION - Moved Cr. Steber Seconded Cr. Ryan**

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

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

**CARRIED 7/0**

**STAFF COMMENT**

Council in the adoption of the above Code of Conduct have only adopted Code of Conduct Standards for the Council Members, Committee Members, Candidates however Council needs to formally adopt a Policy with respect to Code of Conduct, not only for the above members but for Employees also.

Council's Management has draft a new Code of Conduct policy which incorporates the Model Code of Conduct.

**TEN YEAR FINANCIAL PLAN**

NIL

**FINANCIAL IMPLICATIONS**

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

**STATUTORY IMPLICATIONS**

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

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

Resources and further reading for local governments include:

<https://www.dlgsc.wa.gov.au/local-government/strengthening-local-government/public-consultations/local-government-act-review/priority-reforms/model-code-of-conduct>

[https://www.dlgsc.wa.gov.au/docs/default-source/local-government/local-government-act-review/model-code-of-conduct-guidelines.pdf?sfvrsn=b507b9c3\\_0](https://www.dlgsc.wa.gov.au/docs/default-source/local-government/local-government-act-review/model-code-of-conduct-guidelines.pdf?sfvrsn=b507b9c3_0)

**STRATEGIC COMMUNITY PLAN**

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**COMMUNITY CONSULTATION**

The following consultation took place;

- Chief Executive Officer
- WA Local Governments

**STAFF RECOMMENDATION**

That, with respect to Council Members, Committee Members, Candidate of Local Government Elections and Employees, the Council:

- 1) repeal the existing Employee Code of Conduct;
- 2) adopt the Code of Conduct Policy (Attachment 1);
- 3) instruct the Chief Executive Officer to have the policy distributed to all Council Members, Committee Members, Candidates and Employees of Local Government; and
- 4) instruct the Chief Executive Officer to have the policy placed on Council's website as soon as practicable.

**9.10 COMMON SEAL REGISTER AND REPORTING**

**File Number:** ADM52  
**Author:** Codi Mullen, Personal Assistant  
**Authoriser:** Raymond Griffiths, Chief Executive Officer  
**Attachments:** 1. Common Seal - March 2021

**BACKGROUND**

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

**STAFF COMMENT**

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

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

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

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

**TEN YEAR FINANCIAL PLAN**

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

**FINANCIAL IMPLICATIONS**

There are no financial impacts.

**STATUTORY IMPLICATIONS**

Shire of Kellerberrin Standing Orders Local Law 2016

**Clause 19.1 The Council's Common Seal**

- (1) The CEO is to have charge of the common seal of the Local Government, and is responsible for the safe custody and proper use of it.
- (2) The common seal of the Local Government may only be used on the authority of the Council given either generally or specifically and every document to which the seal is affixed must be signed by the President and the CEO or a senior employee authorised by him or her.
- (3) The common seal of the local government is to be affixed to any local law which is made by the local government.
- (4) The CEO is to record in a register each date on which the common seal of the Local Government was affixed to a document, the nature of the document, and the parties to any agreement to which the common seal was affixed.
- (5) Any person who uses the common seal of the Local Government or a replica thereof without authority commits an offence.

Penalty \$1,000

### **STRATEGIC COMMUNITY PLAN**

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### **COMMUNITY CONSULTATION**

The following consultation took place;

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

### **STAFF RECOMMENDATION**

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

**9.11 COUNCILLOR SITTING/ATTENDANCE FEE POLICY**

**File Ref:** ADM 53  
**Author:** Raymond Griffiths, Chief Executive Officer  
**Authoriser:** Raymond Griffiths, Chief Executive Officer  
**Attachments:** 1. Councillor Sitting Fee Policy

**BACKGROUND**

**MIN 009/20 MOTION** - Moved Cr. McNeil 2<sup>nd</sup> Cr. Leake

***That Council adopts the proposed Council Policy Manual as presented with the exclusion of the investment policy.***

**CARRIED 6/0**

***Reason: Council felt that the investment policy required further review***

Council Policy current stipulates the following:

*That Council pays the President per Council Meeting an allowance consisting of;*

- o *Sitting and Attendance Fee* \$350.00
- o *Travel Allowance* \$ 50.00
- o *TOTAL FEE* \$400.00

*That Council pays the President per Quarter a Presidents allowance of;*

- o *Presidents Allowance* \$1,250.00

*That Council pays Councillors per Council Meeting an allowance consisting of;*

- o *Sitting and Attendance Fee* \$200.00
- o *Travel Allowance* \$ 50.00
- o *TOTAL FEE* \$250.00

*These fees are to be paid at the end of each quarter as per the meeting attendance records for Council's eleven Ordinary Council Meetings and up to two Special Council Meetings and all Community Committee Meetings including expenses incurred.*

*The President's Allowance is to incorporate the attendance to WEROC & GECZ meetings, travel and expenses incurred.*

*The Chief Executive Officer is responsible for implementing this policy*

**STAFF COMMENT**

Council officers have been reviewing the sitting fees provided to Councillors for their attendance at Council and other associated Council meetings.

The initial change to the policy was made as Council removed all Committee's and incorporated seven (7) Special Council Meetings to discuss specific items.

Council has now since again moved away from this with Council committee's being formed requiring Councillor Attendance.

Council officers are proposing that the sitting fee be replaced with the Annual set fee. This process is a lot easier for staff as they make quarterly payments based on the annual payment instead of

checking all minutes for Councillor activities at Ordinary and Special Council meeting and Committee Meetings.

However on review Council has been advised that we cannot undertake an annual payment and the just add some committee to receive payments, therefore we have reverted back to the sitting fee structure and incorporated the sitting fees for Council and Committee meetings.

**TEN YEAR FINANCIAL PLAN**

NIL

**FINANCIAL IMPLICATIONS**

2021/2022 annual budget.

Please see below a table recognising current and proposed costings for Councillor Sitting Fees for 2021/22.

Description	2020/21 Budget	2021/22 (Proposed)	Difference
President Sitting Fees	\$ 3,850	\$3,850	\$0
Councillor Sitting Fees	\$13,200	\$13,200	\$0
President Allowance	\$ 5,000	\$5,000	\$0
Deputy President Allowance	\$ 0	\$1,250	\$1,250
ICT Expenses	\$ 3,000	\$3,000	\$0
Travel Annual Allowance	\$ 3,850	\$3,850	\$0
Approved Meetings			
- GECZ	\$0	\$660	\$660
- WEROC	\$0	\$660	\$660
- CEACA	\$0	\$660	\$660
- Roadworks Advisory	\$0	\$880	\$880
- Arts Committee	\$0	\$440	\$440
- LEMC	\$0	\$220	\$220
- LEMC	\$0	\$2,310	\$2,310
- Sport and Rec			
- Audit Committee			
<b>TOTAL</b>	<b>\$28,900</b>	<b>\$36,420</b>	<b>\$7,520</b>

**STATUTORY IMPLICATIONS**

**PART 6: MEETING ATTENDANCE FEES**

*This Part deals with fees payable to council members for attendance at council and other meetings*

**6.1 GENERAL**

- 1 Pursuant to section 5.98(1)(b) of the LG Act, a council member who attends a council meeting is entitled to be paid the fee set by the local government or the regional local government within the range determined in section 6.2 of this Part for council meeting attendance fees.

- 2 Pursuant to section 5.98(1)(b) and (2A)(b) of the LG Act, a council member who attends a committee meeting or (at the request of the local government or regional local government) a meeting of a type prescribed in regulation 30(3A) of the LG Regulations is entitled to be paid the fee set by the local government or regional local government within the range determined in section 6.3 of this Part for attending committee meetings or, as the case requires, meetings of that type.
- 3 Each of the following meetings is a type of meeting prescribed in regulation 30(3A) of the LG Regulations -
  1. meeting of a WALGA Zone, where the council member is representing a local government as a delegate elected or appointed by the local government;
  2. meeting of a Regional Road Group established by Main Roads Western Australia, where the council member is representing a local government as a delegate elected or appointed by the local government;
  3. council meeting of a regional local government where the council member is the deputy of a member of the regional local government and is attending in the place of the member of the regional local government;
  4. meeting other than a council or committee meeting where the council member is attending at the request of a Minister of the Crown who is attending the meeting;
  5. meeting other than a council meeting or committee meeting where the council member is representing a local government as a delegate elected or appointed by the local government.
4. Pursuant to section 5.99 of the LG Act, a local government or regional local government may decide by an absolute majority that instead of paying council members an attendance fee referred to in section 5.98(1) of the LG Act, it will pay all council members who attend council or committee meetings a fee set within the range for annual fees determined in section 6.4 of this Part.
5. Regulation 30(3C) of the LG Regulations prevents the payment of a fee to a council member for attending a meeting of a type prescribed in regulation 30(3A) of those regulations if –
  1. the person who organises the meeting pays the council member a fee for attending the meeting; or
  2. the council member is paid an annual fee in accordance with section 5.99 of the LG Act; or
  3. the council member is deputising for a council member at a meeting of a regional local government and the member of the regional local government is paid an annual fee in accordance with section 5.99 of the LG Act.
6. In determining the fees set out in this Part, the Tribunal has taken into account a range of factors including –
  1. the time required to prepare adequately for the meetings including consideration of agenda papers, site visits related to agenda items and consultation with council staff and community members;

2. the role of the council member, mayor or president including, but not limited to, representation, advocacy, and oversight and determination of policy and local legislation;
3. particular responsibilities associated with the types of meetings attended;
4. responsibilities of a mayor, president or chair to preside over meetings; and
5. the relative “size” of the local government as reflected in the Tribunal’s local government banding model.

7. The Tribunal has not determined a specific meeting attendance fee for the purposes of section 5.98(1)(a) or (2A)(a) of the LG Act.

**6.2 COUNCIL MEETING ATTENDANCE FEES – PER MEETING**

(1) The ranges of fees in Table 4 and Table 5 apply where a local government or regional local government decides by an absolute majority to pay a council member a fee referred to in section 5.98(1)(b) of the LG Act for attendance at a council meeting.

**Table 4: Council meeting fees per meeting – local governments**

Band	For a council member other than the mayor or president		For a council member who holds the office of mayor or president	
	Minimum	Maximum	Minimum	Maximum
1	\$615	\$793	\$615	\$1,189
2	\$373	\$582	\$373	\$780
3	\$193	\$410	\$193	\$634
4	\$91	\$238	\$91	\$490

**Table 5: Council meeting fees per meeting – regional local governments**

	For a council member other than the chair		For a council member who holds the office of chair	
	Minimum	Maximum	Minimum	Maximum
All regional local governments	\$91	\$238	\$91	\$490

**6.3 COMMITTEE MEETING AND PRESCRIBED MEETING ATTENDANCE FEES – PER MEETING**

(1) The ranges of fees in Table 6 and Table 7 apply where a local government or regional local government decides to pay a council member a fee referred to in –

1. section 5.98(1)(b) of the LG Act for attendance at a committee meeting; or
2. section 5.98(2A)(b) of the LG Act for attendance at a meeting of a type prescribed in regulation 30(3A) of the LG Regulations.

**Table 6: Committee meeting and prescribed meeting fees per meeting – local governments**

For a council member (including the mayor or president)

Band	Minimum	Maximum
1	\$308	\$396
2	\$186	\$291
3	\$97	\$205
4	\$46	\$119

**Table 7: Committee meeting and prescribed meeting fees per meeting – regional local governments**

	Minimum	Maximum
All regional local governments	\$46	\$119

**6.4 ANNUAL ATTENDANCE FEES IN LIEU OF COUNCIL MEETING, COMMITTEE MEETING AND PRESCRIBED MEETING ATTENDANCE FEES**

(1) The ranges of fees in Table 8 and Table 9 apply where a local government or regional local government decides by an absolute majority that, instead of paying council members an attendance fee referred to in section 5.98 of the LG Act, it will pay an annual fee to all council members who attend council, committee or prescribed meetings.

**Table 8: Annual attendance fees in lieu of council meeting, committee meeting and prescribed meeting attendance fees – local governments**

Band	For a council member other than the mayor or president		For a council member who holds the office of mayor or president	
	Minimum	Maximum	Minimum	Maximum
1	\$24,604	\$31,678	\$24,604	\$47,516
2	\$14,865	\$23,230	\$14,865	\$31,149
3	\$6,887	\$16,367	\$7,688	\$25,342
4	\$3,589	\$9,504	\$3,589	\$19,534

**Table 9: Annual attendance fees in lieu of council meeting, committee meeting and prescribed meeting attendance fees – regional local governments**

All regional local governments	For a council member other than the chair		For a council member who holds the office of chair	
	Minimum	Maximum	Minimum	Maximum
	\$1,795	\$10,560	\$1,795	\$15,839

## **Part 7: Annual Allowance for a Mayor, President, Chair, Deputy Mayor, Deputy President and Deputy Chair**

This Part deals with annual allowances payable to mayors, presidents, chair and their deputies, in addition to any entitlement to meeting attendance fees or the reimbursement of expenses.

### **PART 7: ANNUAL ALLOWANCE FOR A MAYOR, PRESIDENT, CHAIR, DEPUTY MAYOR, DEPUTY PRESIDENT AND DEPUTY CHAIR**

*This Part deals with annual allowances payable to mayors, presidents, chair and their deputies, in addition to any entitlement to meeting attendance fees or the reimbursement of expenses.*

#### **7.1 GENERAL**

1. Pursuant to section 5.98(5) of the LG Act, the mayor or president of a local government and the chair of a regional local government are entitled, in addition to any fees or reimbursement of expenses payable under section 5.98(1) or (2), to be paid the annual allowance set by the local government or regional local government within the range determined in section 7.2 of this Part.
2. Pursuant to section 5.98A(1) of the LG Act, a local government or regional local government may decide, by an absolute majority, to pay the deputy mayor or deputy president of the local government, or the deputy chair of the regional local government, an allowance of up to the percentage that is determined by the Tribunal of the annual allowance to which the mayor or president of the local government, or the chair of the regional local government, is entitled under section 5.98(5) of the LG Act. That percentage is determined in section 7.3 of this Part. This allowance is in addition to any fees or reimbursement of expenses payable to the deputy mayor, deputy president or deputy chair under section 5.98 of the LG Act.
3. In determining the allowances set out in this Part, the Tribunal has taken into account a range of factors including the following –
  1. the leadership role of the mayor, president or chair;
  2. the statutory functions for which the mayor, president or chair is accountable;
  3. the ceremonial and civic duties required of the mayor, president or chair, including local government business related entertainment;
  4. the responsibilities of the deputy mayor, deputy president or deputy chair when deputising;
  5. the relative “size” of the local government as reflected in the Tribunal's local government banding model;
  6. the civic, ceremonial and representation duties particular to the Lord Mayor of Western Australia's capital city.

#### **7.2 ANNUAL ALLOWANCE FOR A MAYOR, PRESIDENT OR CHAIR**

1. The ranges of allowances in Table 10 apply where a local government sets the amount of the annual local government allowance to which a mayor or president is entitled under section 5.98(5) of the LG Act.

2. The range of allowances in Table 11 apply where a regional local government sets the amount of the annual local government allowance to which a chair is entitled under section 5.98(5) of the LG Act.
3. Despite the provisions of subsection (1), the Perth City Council is to set the amount of the annual local government allowance to which the Lord Mayor is entitled within the range of \$61,509 to \$137,268.

**Table 10: Annual allowance for a mayor or president of a local government**

Band	Minimum	Maximum
1	\$51,258	\$89,753
2	\$15,377	\$63,354
3	\$1,025	\$36,957
4	\$513	\$20,063

**Table 11: Annual allowance for a chair of a regional local government**

	Minimum	Maximum
All regional local governments	\$513	\$20,063

**7.3 ANNUAL ALLOWANCE FOR A DEPUTY MAYOR, DEPUTY PRESIDENT OR DEPUTY CHAIR**

1. The percentage determined for the purposes of section 5.98A(1) of the LG Act is 25 per cent.

This Part deals with expenses for which council members are entitled to be reimbursed.

**PART 8: EXPENSES TO BE REIMBURSED**

*This Part deals with expenses for which council members are entitled to be reimbursed.*

**8.1 GENERAL**

1. Pursuant to section 5.98(2)(a) and (3) of the LG Act, a council member who incurs an expense of a kind prescribed in regulation 31(1) of the LG Regulations is entitled to be reimbursed for the expense to the extent determined in section 8.2(1) to (5) of this Part.
2. Regulation 31(1) of the LG Regulations prescribes the following kinds of expenses that are to be reimbursed:
3. Rental charges incurred by a council member in relation to one telephone and one facsimile machine; and
4. child care and travel costs incurred by a council member because of the member’s attendance at a council meeting or a meeting of a committee of which he or she is also a member

5. Pursuant to section 5.98(2)(a) and (3) of the LG Act, a council member who incurs an expense of a kind prescribed in regulation 32(1) of the LG Regulations is entitled to be reimbursed for the expense to the extent determined in section 8.2(6) to (8) of this Part.
6. Regulation 32(1) of the LG Regulations prescribes the following kinds of expenses that may be approved by a local government for reimbursement –
  1. an expense incurred by a council member in performing a function under the express authority of the local government;
  2. an expense incurred by a council member to whom paragraph (a) applies by reason of the council member being accompanied by not more than one other person while performing the function if, having regard to the nature of the function, the local government considers that it is appropriate for the council member to be accompanied by that other person; and
  3. an expense incurred by a council member in performing a function in his or her capacity as a council member.

### **8.2 EXTENT OF EXPENSES TO BE REIMBURSED**

- 1 The extent to which a council member can be reimbursed for rental charges in relation to one telephone and one facsimile machine is the actual expense incurred by the council member.
- 2 The extent to which a council member can be reimbursed for child care costs incurred because of attendance at a meeting referred to in regulation 31(1)(b) of the LG Regulations is the actual cost per hour or \$30 per hour, whichever is the lesser amount.
- 3 The extent to which a council member of a local government can be reimbursed for reasonable travel costs referred to in regulation 31(1)(b) of the LG Regulations is:
  1. if the person lives or works in the local government district or an adjoining local government district, the actual cost for the person to travel from the person's place of residence or work to the meeting and back; or
  2. if the person does not live or work in the local government district or an adjoining local government district, the actual cost, in relation to a journey from the person's place of residence or work and back:
    1. for the person to travel from the person's place of residence or work to the meeting and back; or
    2. if the distance travelled referred to in subparagraph (i) is more than 100 kilometres, for the person to travel from the outer boundary of an adjoining local government district to the meeting and back to that boundary.
- 4 The extent to which a council member of a regional local government can be reimbursed for reasonable travel costs referred to in regulation 31(1)(b) of the LG Regulations is the actual cost for the person to travel from the person's place of residence or work to the meeting and back.
- 5 For the purposes of subsections (3) and (4), travel costs incurred while driving a privately owned or leased vehicle (rather than a commercially hired vehicle) are to be calculated at the same rate contained in Section 30.6 of the *Local Government Officers' (Western Australia) Interim Award 2011* as at the date of this determination.

- 6 The extent to which a council member can be reimbursed for child care costs incurred in any of the circumstances referred to in regulation 32(1) of the LG Regulations is the actual cost per hour or \$30 per hour, whichever is the lesser amount.
- 7 The extent to which a council member can be reimbursed for intrastate or interstate travel and accommodation costs incurred in any of the circumstances referred to in regulation 32(1) of the LG Regulations is at the same rate applicable to the reimbursement of travel and accommodation costs in the same or similar circumstances under the *Public Service Award 1992* issued by the Western Australian Industrial Relations Commission as at the date of this determination.
- 8 The extent to which a council member can be reimbursed for any other cost incurred under regulation 32(1) of the LG Regulations is the actual cost upon presentation of sufficient evidence of the cost incurred.

### **Part 9: Annual Allowances in Lieu of Reimbursement of Expenses**

This Part deals with annual allowances that a local government or regional local government may decide to pay.

### **PART 9: ANNUAL ALLOWANCES IN LIEU OF REIMBURSEMENT OF EXPENSES**

*This Part deals with annual allowances that a local government or regional local government may decide to pay.*

#### **9.1 GENERAL**

(1) Pursuant to section 5.99A of the LG Act, a local government or regional local government may decide by absolute majority that instead of reimbursing council members under the LG Act section 5.98(2) for all of a particular type of expense, it will pay all council members, for that type of expense, the annual allowance determined in section 9.2 of this Part or, as the case requires, an annual allowance within the range determined in that section.

(2) Where a local government or regional local government has decided to pay council members an annual allowance for an expense of a particular type instead of reimbursing expenses of that type under section 5.98(2) of the LG Act, section 5.99A of the LG Act provides for reimbursement of expenses of that type in excess of the amount of the allowance.

(3) In determining the maximum annual allowance for expenses of a particular type, the Tribunal has taken into account a range of factors including the following:

1. the intent of the allowance to reflect the extent and nature of the expenses incurred and not to result in a windfall gain for council members;
2. the capacity of local governments to set allowances appropriate to their varying operational needs;
3. the particular practices of local governments in the use of information and communication technology (e.g. laptop computers, iPads); and
4. the varying travel requirements of council members in local governments associated with geography, isolation and other factors.

#### **9.2 ANNUAL ALLOWANCES DETERMINED INSTEAD OF REIMBURSEMENT FOR PARTICULAR TYPES OF EXPENSES**

(1) In this section:

**ICT expenses means:**

1. rental charges in relation to one telephone and one facsimile machine, as prescribed by regulation 31(1)(a) of the LG Regulations; or
2. any other expenses that relate to information and communications technology (for example, telephone call charges and internet service provider fees) and that are a kind of expense prescribed by regulation 32(1) of the LG Regulations;

**travel and accommodation expenses means:**

1. travel costs, as prescribed by regulation 31(1)(b) of the LG Regulations; or
2. any other expenses that relate to travel or accommodation and that are a kind of expense prescribed by regulation 32(1) of the LG Regulations.

(2) For the purposes of section 5.99A(b) of the LG Act, the minimum annual allowance for ICT expenses is \$500 and the maximum annual allowance for ICT expenses is \$3,500.

(3) For the purposes of section 5.99A(a) of the LG Act, the annual allowance for travel and accommodation expenses is \$50.

**STRATEGIC COMMUNITY PLAN**

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

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

**COMMUNITY CONSULTATION**

The following consultation took place;

- Chief Executive Officer
- Personal Assistant to Chief Executive Officer

**STAFF RECOMMENDATION**

That Council:

1. Adopt the Councillor Sitting Fees Policy (Attachment 1) as presented;
2. Incorporate the Councillor Sitting Fees Policy into Council's Policy Manual
3. Make the effective date for this policy the 1<sup>st</sup> July 2021.

**9.12 2020/21 BUDGET REVIEW**

**File Number:** FIN 04  
**Author:** Raymond Griffiths, Chief Executive Officer  
**Authoriser:** Raymond Griffiths, Chief Executive Officer  
**Attachments:** 1. Budget Review

**BACKGROUND**

Under Regulation 33A of the Local Government (Financial Management) Regulations 1996 (FMR), between 1 January and 31 March in each financial year, a local government must carry out a review of its budget for that year. The intention of the legislation is to ensure local governments conduct at least one budget review between six and nine months into a financial year.

A budget review compares year to date actual results with the adopted or amended budget. It establishes whether a local government is meeting its budget commitments and if any variations are required. The review must:

- consider the local government's financial performance for the period 1 July 2020 to the review date in that financial year;
- amend the budget opening position at 1 July 2020 by reference to the audited closing position at 30 June 2021, including any adjustment(s) required for the introduction of new accounting standards on 1 July 2020;
- consider the local government's financial position as at the date of the review; and
- review the forecasted outcomes for the end of the financial year.

Regulation 33A(2) and (3) of the FMR states that, within 30 days after a review is carried out, it is required to be submitted to the council. In accordance with regulation 33A(4) of the FMR, a copy of the Council endorsed review must be provided to the Department of Local Government, Sport and Cultural Industries within 30 days of its endorsement by council.

If prior budget reviews have been undertaken, the Reg 33A review must still cover the period from 1 July and also cover any adjustments made as a result of prior reviews.

**STAFF COMMENT**

Please find attached the Budget Review document that details the changes proposed to the 2020/21 Adopted Budget. The changes are due mainly to Capital programs running over budget, therefore some capital programs have been postponed.

The additional items are mainly due to funding being announced after the adoption of the budget with the majority being fully funded.

**TEN YEAR FINANCIAL PLAN**

Nil at this time

## FINANCIAL IMPLICATIONS

There is no financial implications associated with this review as the budget has been brought back to a balanced budget.

## STATUTORY IMPLICATIONS

Local Government (Financial Management) Regulations 1996

Section 33A. Review of budget

- (1) Between 1 January and 31 March in each financial year a local government is to carry out a review of its annual budget for that year.
- (2A) The review of an annual budget for a financial year must —
  - (a) consider the local government's financial performance in the period beginning on 1 July and ending no earlier than 31 December in that financial year; and
  - (b) consider the local government's financial position as at the date of the review; and
  - (c) review the outcomes for the end of that financial year that are forecast in the budget.
- (2) Within 30 days after a review of the annual budget of a local government is carried out it is to be submitted to the council.
- (3) A council is to consider a review submitted to it and is to determine\* whether or not to adopt the review, any parts of the review or any recommendations made in the review.  
*\*Absolute majority required.*
- (4) Within 30 days after a council has made a determination, a copy of the review and determination is to be provided to the Department.

*[Regulation 33A inserted in Gazette 31 Mar 2005 p. 1048-9; amended in Gazette 20 Jun 2008 p. 2723-4.]*

## STRATEGIC COMMUNITY PLAN

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## COMMUNITY CONSULTATION

The following consultation took place;

- Chief Executive Officer
- Deputy Chief Executive Officer
- Manager Works & Services

## **STAFF RECOMMENDATION**

*That Council:*

1. *adopt the 2020/21 Budget Review at 31<sup>st</sup> March 2021 as presented comprising;*
  - a) *Statement of Budget Review by Nature and Type;*
  - b) *Statement of Budget Review by Program;*
  - c) *Note 1 to Note 5; and*
2. *Instruct the Chief Executive Officer lodge the Budget Review to the Department of Local Government, Sport and Cultural Industries in accordance with Section 33A, Local Government (Financial Management) Regulations 1996.*

<b>9.13 REGULATION 17 AUDIT - DRAFT REPORT</b>
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**File Ref:** FIN 04  
**Author:** Raymond Griffiths, Chief Executive Officer  
**Authoriser:** Raymond Griffiths, Chief Executive Officer  
**Attachments:** 1. DRAFT - Regulation 17 Report

**BACKGROUND****BACKGROUND**

Council's Audit Committee have been provided with the draft report and have been provided with the following draft officer recommendation.

Shire of Kellerberrin Audit Committee Meeting – 20 <sup>th</sup> April 2021
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***That the Audit Committee:***

- 1. Note the findings and recommendation of the Regulation 17 Report as presented; and***
- 2. Recommends to Council that the findings and Management Comments to the Regulation 17 Report be endorsed.***

The Local Government (Audit) Regulations 1996, Regulation 17 requires the CEO to review the appropriateness and effectiveness of a local government's systems and procedures in relation to risk management, internal control and legislative compliance.

Auditor Moore Stephens was engaged to perform this review on behalf of the CEO

**STAFF COMMENT**

Council as part of the requirement for the Regulation 17 Audit requested quotes from three firms to undertake the audit process.

The quotes were sought from:

- |                                    |             |
|------------------------------------|-------------|
| • Butler Settineri (Audit) Pty Ltd | \$ 6,500.00 |
| • Moore Australia                  | \$15,000.00 |
| • AMD Chartered Accountants.       | \$12,800.00 |

Council contacted Butler Settineri requesting they undertake the works however they couldn't commit to the process as the new Audit contracts haven't been issued and they have sought our contract again therefore they feel creating a conflict of interest.

Council therefore elected to have AMD Chartered Accountants undertake the process. The audit took place from 22<sup>nd</sup> March 2021 through to 26<sup>th</sup> March 2021.

Please find attached a copy of the report provided by the Auditors which list all of the recommendations to come out of the Regulation 17 audit.

**TEN YEAR FINANCIAL PLAN**

Nil Known at this time

**FINANCIAL IMPLICATIONS**

Nil known at this time.

**STATUTORY IMPLICATIONS**

**The Local Government (Audit) Regulations 1996, Regulation 17**

The Local Government (Audit) Regulations 1996, Regulation 17, requires the following: The CEO is to review the appropriateness and effectiveness of a local government's systems and procedures in relation to:

- A) risk management;
- B) internal control; and
- C) legislative compliance.

The review may relate to any or all of the matters referred to in sub regulation (1) (a), (b) and (c), but each of those matters is to be the subject of a review no less than once every three (3) financial years (with effect 28 June 2018) The CEO is to report to the audit committee the results of that review.

### **Local Government (Audit) Regulations 1996**

#### 16. [Audit committee, functions of](#)

An audit committee —

- (a) is to provide guidance and assistance to the local government —
  - (i) as to the carrying out of its functions in relation to audits carried out under Part 7 of the Act; and
  - (ii) as to the development of a process to be used to select and appoint a person to be an auditor;
- and
- (b) may provide guidance and assistance to the local government as to —
  - (i) matters to be audited; and
  - (ii) the scope of audits; and
  - (iii) its functions under Part 6 of the Act; and
  - (iv) the carrying out of its functions relating to other audits and other matters related to financial management.

*[Regulation 16 inserted in Gazette 31 Mar 2005 p. 1043.]*

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

- section 3.57 relates to the tendering of goods and services
- section 3.59 relates to preparation of business plan for a commercial or trading enterprise
- sections 5.16, 5.18, 5.42, 5.43, 5.44, 5.45, 5.46 relates to the delegation of power/duty
- sections 5.67, 5.68, 5.73, 5.75, 5.76, 5.77, 5.88, 5.103 relates to the Disclosure of Interest by Councillors and/or Staff
- sections 7.3 to 7.9 relates to the appointment of auditors
- section 9.4 to 9.29 relates to appeal provisions
- sections 3.58 to relates to disposal of property

### **Subsidiary Statutory Acts and Regulations to achieve compliance**

- Local Government (Uniform Local Provisions) Regulations 1996 – regulation 9
- Local Government (Functions and General) Regulations 1997 (as amended) – tenders for the supply of goods and services
- Local Government (Administration) Regulations 1996 (as amended)
- Local Government (Financial Management) Regulations 1996 (as amended)
- Local Government (Audit) Regulations 1996
- Local Government Grants Act 1978 – section 12

Local Government (Elections) Regulations 1997

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

### **COMMUNITY CONSULTATION**

The following consultation took place;

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

### **STAFF RECOMMENDATION**

*That Council:*

1. *Note the findings and recommendation of the Regulation 17 Report as presented; and*
2. *Endorse the findings and Management Comments to the Regulation 17 Report.*

**9.14 BUILDING REPORTS MARCH 2021**

**File Number:** BUILD06  
**Author:** Codi Mullen, Personal Assistant  
**Authoriser:** Raymond Griffiths, Chief Executive Officer  
**Attachments:** Nil

**BACKGROUND**

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

**STAFF COMMENT**

1. There was one (1) applications received for a "Building Permit" during the March period. A copy of the "Australian Bureau of Statistics appends".
2. There was one (1) "Building Permit" issued in the March 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 March 2021 period.*
2. *Acknowledge the "Return of Building Permits Issued" for the March 2021 period.*

**9.15 DIRECT DEBIT LIST AND VISA CARD TRANSACTIONS - MARCH 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 March 2021.

Municipal Direct Debit List				
Date	Name	Details	\$	Amount
1-Mar-21	Westnet	Internet Fees		103.99
2-Mar-21	Department of Communities	Rent		420.00
4-Mar-21	Shire of Kellerberrin	Precision Superannuation Payment		10,308.13
4-Mar-21	Shire of Kellerberrin	Pay Run		61,258.82
8-Mar-21	Department of Transport	Vehicle Inspection Fees		50.10
10-Mar-21	Shire of Kellerberrin	Precision Superannuation Payment		206.10
10-Mar-21	Shire of Kellerberrin	Pay Run		1,805.52
11-Mar-21	Shire of Kellerberrin	Creditors Payments		209,566.94
16-Mar-21	Department of Communities	Rent		420.00
18-Mar-21	Shire of Kellerberrin	Precision Superannuation Payment		10,584.72
18-Mar-21	Shire of Kellerberrin	Pay Run		62,448.38
19-Mar-21	Nayax Australia	Vending Machine - Caravan Park		38.17
19-Mar-21	Shire of Kellerberrin	Precision Superannuation Payment		51.07
19-Mar-21	Shire of Kellerberrin	Pay Run		412.83
25-Mar-21	Shire of Kellerberrin	Creditors Payments		106,529.87
29-Mar-21	NAB	Bank Fees - NAB Connect		48.98
30-Mar-21	Department of Communities	Rent		420.00
31-Mar-21	NAB	Bank Fees - Trust		10.00
31-Mar-21	NAB	Bank Fees- Muni		68.00
31-Mar-21	NAB	Bank Fees - B Pay		66.24
		<b>TOTAL</b>	<b>\$</b>	<b>464,817.86</b>
Trust Direct Debit List				
Date	Name	Details	\$	Amount
31-Mar-21	Department of Transport	Licensing Payments March 2021		\$164,930.95
		<b>TOTAL</b>	<b>\$</b>	<b>164,930.95</b>

Date	Name	Details	\$	Amount
04-Mar-21	Florsheim Australia	CEO - Uniform		299.92
05-Mar-21	St John of God Subiaco	Flowers - N.Giles		95.00
25-Mar-21	E.H.A	Inspection Pads - EHO		48.95
27-Mar-21	Coles Express	Fuel - KE 1		178.93
31-Mar-21	NAB	Card Fee		9.00
		<b>TOTAL - CEO</b>	<b>\$</b>	<b>631.80</b>
Date	Name	Details	\$	Amount
07-Mar-21	United Fuels	Fuel - KE 002		76.67
31-Mar-21	NAB	Card Fee		9.00
		<b>TOTAL -DCEO</b>		<b>85.67</b>
		<b>TOTAL VISA TRANSACTIONS</b>	<b>\$</b>	<b>717.47</b>

### STAFF COMMENT

The Direct Debit List and Visa Card Transactions are presented for Council to note for the month of March 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 March 2021 comprising of;*

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

<b>9.16 CHEQUE LIST MARCH 2021</b>
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**File Number:** N/A  
**Author:** Zene Arancon, Finance Officer  
**Authoriser:** Raymond Griffiths, Chief Executive Officer  
**Attachments:** 1. March Payment List 2021

**BACKGROUND**

Accounts for payment from 1<sup>st</sup> March to 31<sup>st</sup> March 2021

**TRUST**

<b>TRUST TOTAL</b>	<b>\$ 168,338.00</b>
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**MUNICIPAL FUND****Cheque Payments**

34845-34855	\$ 25,324.63
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**EFT Payments**

11888-11981	\$ 316,096.91
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**Direct Debit Payments**

	\$ 22,708.28
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**TOTAL MUNICIPAL**

	<b>\$ 364,129.72</b>
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**STAFF COMMENT**

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

<b>Department of Transport - TRUST DIRECT DEBITS Licensing CRC</b> Licencing payments March 2021	<b>\$ 164,930.95</b>
<b>WCS Concrete Pty Ltd</b> Supply & laying of N25 concrete for footpaths Hammond Street	<b>\$ 67,195.04</b>
<b>Molivi Construction Pty Ltd</b> Progress claim 2 - construction of bushfire sheds	<b>\$ 57,463.56</b>
<b>Western Australian Treasury Corporation</b> Loan No. 118 payment Rec Centre Redevelopment	<b>\$ 33,504.08</b>
<b>Downer EDI Works Pty Ltd</b> Wetmixing Bedford Street road construction	<b>\$ 23,303.75</b>
<b>Fire And Emergency Services (WA)</b> ESLB 3rd Quarter contribution 2020/2021	<b>\$ 23,009.26</b>
<b>Wheatbelt Plumbing &amp; Gas</b> Claim works for Caravan Park, Forrest St., Public toilet & other Shire properties	<b>\$ 13,114.45</b>
<b>United Card Services Pty Ltd</b> Total supply February 2021	<b>\$ 12,014.16</b>
<b>Shire Of Kellerberrin</b> Building & BCITF fees March 2021	<b>\$ 10,863.66</b>
<b>Beam Superannuation</b> Staff superannuation contribution	<b>\$ 10,584.72</b>
<b>Beam Superannuation</b> Staff superannuation contributions	<b>\$ 10,308.13</b>
<b>R Munns Engineering Consulting Services</b> Consulting works for various Shire road constructions & bushfire sheds	<b>\$ 8,595.58</b>
<b>Avon Waste</b> Domestic & commercial collections February 2021	<b>\$ 8,539.11</b>

**Synergy****\$ 5,721.63**

Power charges various Shire properties December-February 2021

**Boral Construction Materials Group T/as****\$ 5,216.24**

Primer seal for Hammond Street road construction

**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

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## 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 March 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 \$ 364,129.72 on vouchers EFT , CHQ, Direct payments*
2. *Trust Fund payments totalling \$ 168,338.00 on vouchers EFT, CHQ, Direct payments*

**9.17 FINANCIAL ACTIVITY STATEMENT - MARCH 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:

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### **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*

**10 DEVELOPMENT SERVICES REPORTS**

Nil

**11 WORKS & SERVICES REPORTS**

**11.1 DEVELOPMENT APPLICATION: CHANGE OF USE**

**File Ref:** IPA21116  
**Author:** Lewis York, Town Planner  
**Authoriser:** Raymond Griffiths, Chief Executive Officer  
**Applicant:** Shane and Lauren Starling  
**Location:** 61 James Street, Kellerberrin  
**Attachments:** 1. Development Application - Stevens  
 2. Site Plans & Registration Certificates

**BACKGROUND**

A development application has been received from Lauren Starling for a change of use. In 2016 Council approved an application for a 'Home Occupation' for the purpose of a hairdressing business. However, Lauren is willing to allow Donna Stevens to operate a beauty therapy business on alternate days to the hairdressing salon, using the existing facilities at the dwelling.

The previous approval was given to the occupier of the land and was non transferrable. The application proposes no works component and the beauty therapy component will take place in the existing salon room. A home business is a 'D' use in the residential zone.

**SITE**



**Shire of Kellerberrin Local Planning Scheme**

Zoning: Residential

Coding: r10/40

Current use: single dwelling- residential/ Home occupation (hair dressing)

Lot size: 1012m<sup>2</sup>

**Local Planning Scheme No.4**

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

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

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

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

**3.3. ZONING TABLE**

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

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

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

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

‘X’ means a use that is not permitted by the Scheme

**TABLE 1 – ZONING TABLE**

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

**4.12 CAR PARKING REQUIREMENTS**

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

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

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

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

(b) will not cause injury to or adversely affect the amenity of the neighbourhood; and

(c) does not occupy an area greater than 50 m<sup>2</sup> ; and

(d) does not involve the retail sale, display or hire of any goods unless the sale, display or hire is done only by means of the Internet; and

(e) does not result in traffic difficulties as a result of the inadequacy of parking or an increase in traffic volumes in the neighbourhood; and

(f) does not involve the presence, use or calling of a vehicle of more than 4.5 tonnes tare weight; and

(g) does not involve the use of an essential service that is greater than the use normally required in the zone in which the dwelling is located;

#### **64. Advertising applications**

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

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

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

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

(5) If an application for development approval is advertised under this clause, the local government — (a) must make the application and the material accompanying it available for public inspection

during business hours at the offices of the local government; and (b) may publish the application and the material accompanying it on the website of the local government.

## 67. Matters to be considered by local government

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

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

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

(c) any approved State planning policy;

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

(e) any policy of the Commission;

(f) any policy of the State;

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

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

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

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

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

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

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

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

(i) environmental impacts of the development;

(ii) the character of the locality;

(iii) social impacts of the development;

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

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

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

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

(s) the adequacy of —

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

- (ii) arrangements for the loading, unloading, manoeuvring and parking of vehicles;
- (t) the amount of traffic likely to be generated by the development, particularly in relation to the capacity of the road system in the locality and the probable effect on traffic flow and safety;
- (u) the availability and adequacy for the development of the following —
  - (i) public transport services;
  - (ii) public utility services;
  - (iii) storage, management and collection of waste;
  - (iv) access for pedestrians and cyclists (including end of trip storage, toilet and shower facilities);
  - (v) access by older people and people with disability;
- (v) the potential loss of any community service or benefit resulting from the development other than potential loss that may result from economic competition between new and existing businesses;
- (w) the history of the site where the development is to be located;
- (x) the impact of the development on the community as a whole notwithstanding the impact of the development on particular individuals;
- (y) any submissions received on the application;
- (za) the comments or submissions received from any authority consulted under clause 66;
- (zb) any other planning consideration the local government considers appropriate.

### **STRATEGIC PLAN IMPLICATIONS**

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### **COMMUNITY CONSULTATION**

The following consultation took place;

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

### **PLANNING ASSESSMENT**

Whilst the definition of a home business only allows the occupier of the dwelling to operate a business, up to two people can be employed as part of the home business that are not occupiers of the lot. Donna Stevens intent was to operate a separate business operation, however the shires planning scheme does not allow this. Thus, it is recommended that the home business be approved in Laurens name and Donna be considered as part of the staff of the primary operation. Council should consider whether they allow Donna to advertise her beauty therapy operations using her name or Laurens.

## STAFF RECOMMENDATION

1. *That Council; revoke the development approval for a Home Occupation at 61 James Street, Kellerberrin dated 22 December 2016.*
2. *That Council; approve the use of a Home Business at 61 James Street, Kellerberrin for the purposes of hair dressing and beauty therapy with the following conditions;*
  - a) *No more than 2 people who are not members of the occupier's household can be employed at the home business;*
  - b) *No goods can be sold on the premises;*
  - c) *The home business shall be limited to the hours of 7am – 7pm on weekdays and Saturdays and from 9am – 5pm on Sundays and public holidays; and*
  - d) *Signage placed at the dwelling shall be approved by the Chief Executive Officer.*

- 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**  
Nil
- 15 CLOSURE OF MEETING**