



# **AGENDA**

## **Ordinary Council Meeting Tuesday, 15 June 2021**

**Date: Tuesday, 15 June 2021**

**Time: 2:00pm**

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

## **Shire of Kellerberrin**

### **Ordinary Council Meeting 15th June 2021**

#### **NOTICE OF MEETING**

Dear Elected Member

The next Ordinary Council Meeting of the Shire of Kellerberrin will be held on Tuesday, 15<sup>th</sup> June 2021 in the Council Chamber, 110 Massingham Street, Kellerberrin WA 6410 commencing at 2:00pm.



Raymond Griffiths  
Chief Executive Officer  
Tuesday, 8 June 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.

## Order Of Business

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9.9	Direct Debit List and Visa Card Transactions - May 2021.....	141
9.10	Financial Activity Statement - May 2021 .....	144
9.11	Building Reports May 2021 .....	147
<b>10</b>	<b>Development Services Reports .....</b>	<b>149</b>
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<b>15</b>	<b>Closure of Meeting.....</b>	<b>162</b>

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

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

The countryside is looking good and with the best start to a season for a number years and with good grain prices there is a fair amount of confidence around.

The exhibition hall / covered court shed is progressing well and the swimming pool pump and shed is nearing completion. The people in and around Kellerberrin are very fortunate to have such good facilities within the Shire.

Kind Regards



Rodney Forsyth

**Shire President**

**STAFF RECOMMENDATION**

*That Council receive and note the Shire Presidents Reports for May 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 18 MAY 2021**

**File Ref:** MIN  
**Author:** Codi Mullen, Personal Assistant  
**Authoriser:** Raymond Griffiths, Chief Executive Officer  
**Attachments:** 1. Minutes of the Council Meeting held on 18 May 2021

**HEADING****STAFF RECOMMENDATION**

1. That the Minutes of the Council Meeting held on 18 May 2021 be received as a true and accurate record.



# **MINUTES**

## **Ordinary Council Meeting Tuesday, 18 May 2021**

**Date: Tuesday, 18 May 2021**

**Time: 2:00pm**

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

## Order Of Business

<b>1</b>	<b>Declaration of Opening .....</b>	<b>2</b>
<b>2</b>	<b>Announcement by Presiding Person Without Discussion.....</b>	<b>2</b>
2.1	Presidents Report April 2021.....	2
2.2	Standing Orders.....	2
<b>3</b>	<b>Record of Attendance / Apologies / Leave of Absence.....</b>	<b>2</b>
<b>4</b>	<b>Declaration of Interest.....</b>	<b>2</b>
<b>5</b>	<b>Public Question Time .....</b>	<b>2</b>
5.1	Response to Previous Public Questions taken on Notice .....	2
5.2	Public Question Time .....	2
<b>6</b>	<b>Confirmation of Previous Meetings Minutes.....</b>	<b>2</b>
6.1	Minutes of the Council Meeting held on 20 April 2021 .....	2
6.2	Minutes of the Arts & Culture Committee Meeting held on 4 May 2021 .....	2
6.3	Minutes of the Roadworks Advisory Committee Meeting held on 16 March 2021 .....	2
<b>7</b>	<b>Presentations.....</b>	<b>2</b>
7.1	Petitions .....	2
7.2	Presentations .....	2
7.3	Deputations.....	2
<b>8</b>	<b>Reports of Committees .....</b>	<b>2</b>
	Nil	
<b>9</b>	<b>Corporate Services Reports.....</b>	<b>2</b>
9.1	Community Requests and Discussion Items .....	2
9.2	Status Report of Action Sheet .....	2
9.3	Community Budget Submissions 2021/22 .....	2
9.4	Arts and Culture Committee Membership.....	2
9.5	Mural for Exhibition Hall at Recreation Centre.....	2
9.6	Live Theatre Performances .....	2
9.7	Shire of Kellerberrin Roadworks and Capital Budget 2021/22 .....	2
9.8	Building Reports April 2021 .....	2
9.9	Cheque List April 2021 .....	2
9.10	Direct Debit List and Visa Card Transactions - April 2021 .....	2
9.11	Financial Activity Statement - April 2021 .....	2
<b>10</b>	<b>Development Services Reports .....</b>	<b>2</b>
	Nil	
<b>11</b>	<b>Works &amp; Services Reports .....</b>	<b>2</b>
	Nil	
<b>12</b>	<b>Elected Members Motions of Which Previous Notice has been Given .....</b>	<b>2</b>
	Nil	

<b>13</b>	<b>New Business of an Urgent Nature Introduced by Decision of Meeting.....</b>	<b>2</b>
13.1	Development Application - Patio .....	2
<b>14</b>	<b>Confidential Matters .....</b>	<b>2</b>
14.1	Chief Executive Officer - Performance Appraisal.....	2
14.2	2021/2022 Draft Wages Budget .....	2
<b>15</b>	<b>Closure of Meeting.....</b>	<b>2</b>

**MINUTES OF SHIRE OF KELLERBERRIN  
ORDINARY COUNCIL MEETING  
HELD AT THE COUNCIL CHAMBER, 110 MASSINGHAM STREET, KELLERBERRIN WA 6410  
ON TUESDAY, 18 MAY 2021 AT 2:00PM**

**1 DECLARATION OF OPENING**

The presiding member opened the meeting at 2.00pm

**2 ANNOUNCEMENT BY PRESIDING PERSON WITHOUT DISCUSSION**

**2.1 PRESIDENTS REPORT APRIL 2021**

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

The new Exhibition Hall/ Indoor courts shed roof was lifted into place last week with some interested locals looking on from a safe distance. The building will be completed for use before the Ag Societies 100th year show in October.

Farmers are busy seeding after receiving an opening rain last week, hope some follow up rains come soon.

The Bedford St footpath is still under construction and when completed will provide safe pedestrian access from the main st to the caravan park and other residents on the northeast side of Kellerberrin.

Kind Regards



Rodney Forsyth

**Shire President**

**STAFF RECOMMENDATION**

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

**COUNCIL RESOLUTION**

**MIN 071/21      MOTION - Moved Cr. Leake      Seconded Cr. McNeil**

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

**CARRIED 7/0**

**2.2 STANDING ORDERS**

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

**STAFF RECOMMENDATION**

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

**COUNCIL RESOLUTION**

**MIN 072/21      MOTION - Moved Cr. Steber      Seconded Cr. Reid**

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

**CARRIED 7/0**

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

#### **PRESENT:**

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

#### **IN ATTENDANCE:**

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

#### **APOLOGIES**

Nil

#### **LEAVE OF ABSENCE**

Nil

### **4 DECLARATION OF INTEREST**

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

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

### **5 PUBLIC QUESTION TIME**

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#### **5.1 Response to Previous Public Questions taken on Notice**

#### **5.2 Public Question Time**



**6 CONFIRMATION OF PREVIOUS MEETINGS MINUTES****6.1 MINUTES OF THE COUNCIL MEETING HELD ON 20 APRIL 2021**

**File Ref:** MIN  
**Author:** Codi Mullen, Personal Assistant  
**Authoriser:** Raymond Griffiths, Chief Executive Officer  
**Attachments:** 1. Minutes of the Council Meeting held on 20 April 2021

**HEADING****STAFF RECOMMENDATION**

1. *That the Minutes of the Council Meeting held on 20 April 2021 to be received as a true and accurate record.*

**COUNCIL RESOLUTION**

**MIN 073/21**      **MOTION - Moved Cr. McNeil**      **Seconded Cr. O'Neill**

1. *That the Minutes of the Council Meeting held on 20 April 2021 to be received as a true and accurate record.*

**CARRIED 7/0**

**6.2 MINUTES OF THE ARTS & CULTURE COMMITTEE MEETING HELD ON 4 MAY 2021**

**File Ref:** MIN  
**Author:** Codi Mullen, Personal Assistant  
**Authoriser:** Raymond Griffiths, Chief Executive Officer  
**Attachments:** 1. Minutes of the Arts & Culture Committee Meeting held on 4 May 2021

**HEADING****STAFF RECOMMENDATION**

1. That the Minutes of the Arts & Culture Committee Meeting held on 4 May 2021 be received as a true and accurate record.

**COUNCIL RESOLUTION**

**MIN 074/21**      **MOTION - Moved Cr. Ryan**      **Seconded Cr. McNeil**

1. *That the Minutes of the Arts & Culture Committee Meeting held on 4 May 2021 be received as a true and accurate record.*

**CARRIED 7/0**

**6.3 MINUTES OF THE ROADWORKS ADVISORY COMMITTEE 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 Roadworks Advisory Committee Meeting held on 16 March 2021**HEADING****STAFF RECOMMENDATION**

1. That the Minutes of the Roadworks Advisory Committee Meeting held on 16 March 2021 be received as a true and accurate record.

**COUNCIL RESOLUTION****MIN 075/21****MOTION - Moved Cr. Steber****Seconded Cr. Leake**

1. *That the Minutes of the Roadworks Advisory Committee Meeting held on 16 March 2021 be received as a true and accurate record.*

**CARRIED 7/0**

**7 PRESENTATIONS**

**7.1 Petitions**

**7.2 Presentations**

**7.3 Deputations**

**8 REPORTS OF COMMITTEES**

Nil

## 9 CORPORATE SERVICES REPORTS

### 9.1 COMMUNITY REQUESTS AND DISCUSSION ITEMS

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

#### BACKGROUND

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

April 2021 Council Meeting

#### **MIN 059/21 MOTION - Moved Cr. Steber Seconded Cr. Leake**

***That Council;***

- 1. Request that \$10,000 be allocated to the Arts Committee in the 2021/22 DRAFT budget as seed funding to be reviewed at Budget adoption.***
- 2. Review the opportunity of adding additional disabled parking bay on Moore Street in front of the Medical Centre.***

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.***

**STAFF COMMENT****April MIN 059/21**

1. \$10,000 has been allocated to the DRAFT Budget for 21/22

**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.

**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) governs 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 2.7 amended: No. 17 of 2009 s. 4.]*

Section 2.8. The role of the mayor or president

- (1) The mayor or president —
  - (a) presides at meetings in accordance with this Act; and
  - (b) provides leadership and guidance to the community in the district; and
  - (c) carries out civic and ceremonial duties on behalf of the local government; and
  - (d) speaks on behalf of the local government; and
  - (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; and
- (b) provides leadership and guidance to the community in the district; and
- (c) facilitates communication between the community and the council; and
- (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: 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: No. 64 of 1998 s. 30; amended: 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; or
  - (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; or
  - (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: 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 an electoral gift to the relevant person in relation to the election at which the relevant person was last elected; or
    - (ii) has given an electoral gift to the relevant person since the relevant person was last elected;or
  - (eb) the relevant person is a council member and the person has given a gift to which this paragraph applies to the relevant person since the relevant person was last elected; or



- (ec) the relevant person is a CEO and the person has given a gift to which this paragraph applies to the relevant person since the relevant person was last employed (or appointed to act) in the position of CEO; 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.
- (1A) Subsection (1)(eb) and (ec) apply to a gift if —
- (a) either —
    - (i) the amount of the gift exceeds the amount prescribed for the purposes of this subsection; or
    - (ii) the gift is 1 of 2 or more gifts made by 1 person to the relevant person at any time during a year and the sum of the amounts of those 2 or more gifts exceeds the amount prescribed for the purposes of this subsection;
  - and
  - (b) the gift is not an excluded gift under subsection (1B).
- (1B) A gift is an excluded gift —
- (a) if —
    - (i) the gift is a ticket to, or otherwise relates to the relevant person's attendance at, an event as defined in section 5.90A(1); and
    - (ii) the local government approves, in accordance with the local government's policy under section 5.90A, the relevant person's attendance at the event;
  - or
  - (b) if the gift is in a class of gifts prescribed for the purposes of this subsection.

#### 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; or
  - (b) an interest in the imposition of any rate, charge or fee by the local government; or
  - (c) an interest relating to —
    - (i) 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; or
    - (ii) a gift permitted by section 5.100A; or
    - (iii) reimbursement of an expense that is the subject of regulations made under section 5.101A;
  - or
  - (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;
  - or
  - [(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; or
  - (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; or
  - (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; or
  - (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; or
  - (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: 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; No. 26 of 2016 s. 12.]*

**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.
- (1A) Subsection (1) does not apply if —
  - (a) the interest disclosed is an interest relating to a gift; and
  - (b) either —
    - (i) the amount of the gift exceeds the amount prescribed for the purposes of this subsection; or

- (ii) the gift is 1 of 2 or more gifts made by 1 person to the disclosing member at any time during a year and the sum of the amounts of those 2 or more gifts exceeds the amount prescribed for the purposes of this subsection.
- (2) A decision under this section is to be recorded in the minutes of the meeting relating to the matter together with —
  - (a) the extent of any participation allowed by the council or committee; and
  - (b) if the decision concerns an interest relating to a gift, the information prescribed for the purposes of this paragraph.
- (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.

[Section 5.68 amended: No. 16 of 2019 s. 30.]

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.
- (5) A decision under this section must be recorded in the minutes of the meeting relating to the matter.

[Section 5.69 amended: No. 49 of 2004 s. 53; No. 16 of 2019 s. 31.]

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: 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.

Penalty for this subsection: a fine of \$10 000 or imprisonment for 2 years.

- (2A) Subsection (2) applies to a CEO even if the advice or report is provided in accordance with a decision made under section 5.71B(2) or (6).

- (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 for this subsection: a fine of \$10 000 or imprisonment for 2 years.

[Section 5.70 amended: No. 16 of 2019 s. 32.]

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

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

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

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

## STRATEGIC COMMUNITY PLAN

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

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

## COMMUNITY CONSULTATION

The following consultation took place;

- Council Members
- Chief Executive Officer

**STAFF RECOMMENDATION**

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

**COUNCIL RESOLUTION**

**MIN 076/21**

**MOTION - Moved Cr. Steber**

**Seconded Cr. McNeil**

***That Council:***

- 1. Inform CEACA that Kellerberrin would be interested in having additional Independent Living Units at the CEACA precinct should the funding be made available.***

**CARRIED 7/0**

**9.2 STATUS REPORT OF ACTION SHEET**

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

**BACKGROUND**

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

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

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

**STAFF COMMENT**

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

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

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

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

**TEN YEAR FINANCIAL PLAN**

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

**FINANCIAL IMPLICATIONS**

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

**STATUTORY IMPLICATIONS**

Local Government Act 1995 (as 3<sup>rd</sup> February 2021)

Section 2.7. The role of the council

- (1) The council —
  - (a) governs 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 2.7 amended: No. 17 of 2009 s. 4.]*

## Section 2.8. The role of the mayor or president

- (1) The mayor or president —
  - (a) presides at meetings in accordance with this Act; and
  - (b) provides leadership and guidance to the community in the district; and
  - (c) carries out civic and ceremonial duties on behalf of the local government; and
  - (d) speaks on behalf of the local government; and
  - (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; and
- (b) provides leadership and guidance to the community in the district; and
- (c) facilitates communication between the community and the council; and
- (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: 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: No. 64 of 1998 s. 30; amended: 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; or
  - (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; or
  - (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: 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 an electoral gift to the relevant person in relation to the election at which the relevant person was last elected; or
    - (ii) has given an electoral gift to the relevant person since the relevant person was last elected;
- or

- (eb) the relevant person is a council member and the person has given a gift to which this paragraph applies to the relevant person since the relevant person was last elected; or
  - (ec) the relevant person is a CEO and the person has given a gift to which this paragraph applies to the relevant person since the relevant person was last employed (or appointed to act) in the position of CEO; 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.
- (1A) Subsection (1)(eb) and (ec) apply to a gift if —
- (a) either —
    - (i) the amount of the gift exceeds the amount prescribed for the purposes of this subsection; or
    - (ii) the gift is 1 of 2 or more gifts made by 1 person to the relevant person at any time during a year and the sum of the amounts of those 2 or more gifts exceeds the amount prescribed for the purposes of this subsection;
  - and
  - (b) the gift is not an excluded gift under subsection (1B).
- (1B) A gift is an excluded gift —
- (a) if —
    - (i) the gift is a ticket to, or otherwise relates to the relevant person's attendance at, an event as defined in section 5.90A(1); and
    - (ii) the local government approves, in accordance with the local government's policy under section 5.90A, the relevant person's attendance at the event;
  - or
  - (b) if the gift is in a class of gifts prescribed for the purposes of this subsection.
- (2) In subsection (1) —
- electoral 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: No. 64 of 1998 s. 31; No. 28 of 2003 s. 110; No. 49 of 2004 s. 51; No. 17 of 2009 s. 26; No. 16 of 2019 s. 29.]*

#### 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; or
  - (b) an interest in the imposition of any rate, charge or fee by the local government; or
  - (c) an interest relating to —
    - (i) 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; or
    - (ii) a gift permitted by section 5.100A; or
    - (iii) reimbursement of an expense that is the subject of regulations made under section 5.101A;
- or

- (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;
 or
  - [(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; or
  - (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; or
  - (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; or
  - (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; or
  - (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: 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; No. 26 of 2016 s. 12.]*

**[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.

- (1A) Subsection (1) does not apply if —

- (a) the interest disclosed is an interest relating to a gift; and
  - (b) either —
    - (i) the amount of the gift exceeds the amount prescribed for the purposes of this subsection; or
    - (ii) the gift is 1 of 2 or more gifts made by 1 person to the disclosing member at any time during a year and the sum of the amounts of those 2 or more gifts exceeds the amount prescribed for the purposes of this subsection.
- (2) A decision under this section is to be recorded in the minutes of the meeting relating to the matter together with —
- (a) the extent of any participation allowed by the council or committee; and
  - (b) if the decision concerns an interest relating to a gift, the information prescribed for the purposes of this paragraph.
- (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.

*[Section 5.68 amended: No. 16 of 2019 s. 30.]*

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.
- (5) A decision under this section must be recorded in the minutes of the meeting relating to the matter.

*[Section 5.69 amended: No. 49 of 2004 s. 53; No. 16 of 2019 s. 31.]*

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: 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.  
Penalty for this subsection: a fine of \$10 000 or imprisonment for 2 years.
- (2A) Subsection (2) applies to a CEO even if the advice or report is provided in accordance with a decision made under section 5.71B(2) or (6).
- (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 for this subsection: a fine of \$10 000 or imprisonment for 2 years.

*[Section 5.70 amended: No. 16 of 2019 s. 32.]*

#### 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.

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

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

### COMMUNITY CONSULTATION

The following consultation took place;

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

## STAFF RECOMMENDATION

*That Council receive the Status Report.*

## COUNCIL RESOLUTION

MIN 077/21

MOTION - Moved Cr. McNeil

Seconded Cr. Steber

*That Council receive the Status Report.*

**CARRIED 7/0**

**9.3 COMMUNITY BUDGET SUBMISSIONS 2021/22**

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

**BACKGROUND**

Council in 2020 reviewed the application form and criteria for the funding as per below:

***Eligibility Criteria***

- Community or Sporting Group must be located within the Shire of Kellerberrin.
- Event or Project must be located within the Shire of Kellerberrin and benefit the community or address a community need.
- Submissions must be discussed with Council's Chief Executive Officer, Deputy Chief Executive Officer or Community Development Officer, applications received that haven't been discussed *may not be* considered by Council.

Applications will be assessed against the following criteria:

- Alignment with the Shire of Kellerberrin's Strategic Community Plan.
- Management and financial capacity to deliver project or event.
- Additional benefit to community including access, opportunity and participation
- Evidence of other support/funding has been obtained or is being sought.
- Anticipated outcomes in response to identified need.
- Recognition of Shire Kellerberrin support.
- All applications are presented to Council at April's Council meeting, Council's decision on the outcome of the application is final.

***Assessment Criteria***

In order to be considered for funding, applicants must provide the following by the advertised closing date:

- Completed and signed application form.
- Copy of the last financial statement and a copy of a current bank statement.
- Copy of Certificate of Incorporation (if applicable).
- Copy of all supporting documentation including quotes, confirmation of additional funding, letters of support, plans etc.
- Copy of Public Liability Insurance (if applicable).

***Application Requirements***

Consideration will not be given to the following:

- Retrospective funding.
- Recurrent Salaries or Operational Costs not directly associated with the funded project.
- Gifts, trophies or prizes.
- Costumes or Uniforms.
- Projects considered to be better funded through other sources.
- Applicants that have outstanding acquittals with the Shire of Kellerberrin.

We also added the following declaration that we asked each applicant to sign:



I hereby certify that I have been authorised to prepare and submit this application, and that the information herein is, to the best of my knowledge, true and correct.

Should financial assistance be provided by the Shire of Kellerberrin, the organisation agrees to the following conditions of funding:

- The financial contribution from the Shire of Kellerberrin is not retrospective – funding will not be provided if the project commences prior to Shire approval.
- The financial assistance will be used only for the purpose for which it is granted, unless otherwise agreed in writing by the Shire of Kellerberrin.
- Funding will be expended by 31st May, 2021 with all grant acquittal information (copies of all invoices, proof of works etc) provided to the Shire by this date.
- The Shire of Kellerberrin will be advised of any changes in scope of the project and the Shire of Kellerberrin retains the right to refuse/reduce its level of financial assistance in that instance.
- If special conditions are applied as a condition of funding, the applicant will be required to agree in writing to these conditions prior to the financial assistance being provided.
- The applicant will acknowledge the Shire of Kellerberrin in all public communications relating to the project, including signage/posters/flyers, advertising, promotional material, event invitations and the Shire of Kellerberrin is to be tagged in all social media posts pertaining to the project or event.
- The applicant agrees and gives permission to the Shire of Kellerberrin to use mention or use photos of the project /event in any of the Shire's public relation material including and not limited to Council Matters Newsletter, Website, Social Media Accounts, external newspaper articles and future grant/funding opportunities etc.
- The applicant will return any unexpended funds to the Shire of Kellerberrin within three months of the project/event being completed or by the 31st May 2021 which ever date falls first.

Council advertised the Community Budget submissions from the 9<sup>th</sup> March 2021 as per below:

- Kellerberrin Pipeline
- Facebook
- Shire of Kellerberrin Website
- Council Matters

The official closing date for applications was Wednesday 5<sup>th</sup> May 2021 which provided the community with additional time compared to previous years to make an application to Council.

The following organisations requested for an application form to be forwarded to them:

- Kellerberrin Community Resource Centre
- Kellerberrin District High School
- Kellerberrin Golf Club
- Kellerberrin Local Health Advisory Group

Previous applications submitted to council for consideration from 2015 to 2020 are as follows:

Councils May 2020 ordinary meeting – Tuesday, 19 <sup>th</sup> May 2020
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**MOTION - Moved Cr. Steber**

**Seconded Cr. Reid**

**MIN 001/20**

*That Council approves a donation of \$1,500 for the Kellerberrin Speedway for lighting of the playground.*

**MOTION - Moved Cr. Steber**

**Seconded Cr. Reid**

**MIN 002/20**

*That Council approves the donation of the Kellerberrin Memorial Hall hire to the Kellerberrin CWA. Should the event not go ahead due to COVID-19, Council will hold over the funding to the 21/22 Financial year if required.*

**MOTION - Moved Cr. Steber**

**Seconded Cr. Reid**

**MIN 003/20**

*That Council approves the donation of \$2,492.00 for in-kind and hire waiver requested by the Kellerberrin District High School for;*

- *Hall Hire and equipment;*
- *Oval Hire;*
- *Pool Hire; and*
- *Construction of winter carnival arenas*

**MOTION - Moved Cr. Steber**

**Seconded Cr. Reid**

**MIN 004/20**

*That Council delegates authority to the Chief Executive Officer to investigate alternative sources of funding with the Kellerberrin Community Resource Centre for the Food Pantry Project.*

**MOTION - Moved Cr. Steber**

**Seconded Cr. Reid**

**MIN 005/20**

*That council approves \$1,000 to the Kellerberrin Community Resource Centre (Celebrating Volunteers Project) with these funds to be leveraged.*

**MOTION - Moved Cr. Steber**

**Seconded Cr. Reid**

**MIN 006/20**

*That council declines the Kellerberrin Community Resource Centre (Seniors Week Project)*

**MOTION - Moved Cr. Steber                      Seconded Cr. Reid**

**MIN 007/20**

***That council approves the donation of \$400.00/waiver of Community Bus Hire to the Kellerberrin Junior Fire Brigade***

**MOTION - Moved Cr. Steber                      Seconded Cr. Reid**

**MIN 008/20**

***That council declines the request for a contribution towards the purchase of a trailer for the Kellerberrin Junior Football Club as Council doesn't provide retrospective funding as per the guidelines.***

**MOTION - Moved Cr. Steber                      Seconded Cr. Reid**

**MIN 009/20**

***That council approves the request from the Kellerberrin Golf Club for the use of Council equipment for upkeep/maintenance of the course including;***

- ***Skid Steer;***
- ***Loader; and***
- ***Small Truck***

**MOTION - Moved Cr. Steber                      Seconded Cr. Reid**

**MIN 010/20**

***That council approves the waiving of hire fees for the Cuolahan/Cottle Room (Club AGM) to the Kellerberrin & Districts Club Inc.***

**MOTION - Moved Cr. Steber                      Seconded Cr. Reid**

**MIN 011/20**

***That Council:***

- 1. Approves \$2,000 to the Kellerberrin & Districts Club Inc for the Kitchen Maintenance Project; and***
- 2. Request the club to discuss further equipment upgrade options with sporting clubs to seek their support/assistance in applying for funding through their Club.***

**CARRIED 7/0**

Councils April 2019 ordinary meeting – Tuesday, 16 <sup>th</sup> April 2019
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**MIN 049/19 MOTION - Moved Cr. Steber                      2<sup>nd</sup> Cr. Reid**

***That Council approve the donation of \$2,000 to the Kellerberrin Golf Club for:***

- 1. Green Maintenance, Including resurfacing***
- 2. Replacement of Cups***
- 3. Replacement of Flags***

**CARRIED 5/0**

**MIN 050/19 MOTION** - Moved Cr. Leake                      2<sup>nd</sup> Cr. Steber

***That Council approve the In-kind and hire waiver requested by the Kellerberrin District High School as per the following:***

- 1. Athletic Carnival – Sand for jump pits (School and Oval) and hire of Recreation Centre facilities***
- 2. Primary Winter Carnival – Use of GSG Oval, Netball Courts, Hockey Oval and Recreation Centre facilities***
- 3. Swimming Pool – Waiver of Annual Hire Fee & use of pool on:***
  - a. 1<sup>st</sup> March 2019 – Swimming Carnival***
  - b. 3<sup>rd</sup> December to 13<sup>th</sup> December 2019 for Swimming Lessons***
- 4. Town Hall – Hall Hire, Air Conditioner Hire, Setup and Cleaning Waiver for Celebration Night (18<sup>th</sup> December 2019), this to include rehearsals on 16<sup>th</sup> & 17<sup>th</sup> December.***

CARRIED 5/0

**MIN 051/19 MOTION** - Moved Cr. Steber                      2<sup>nd</sup> Cr. O'Neill

***That Council approve the allocation of \$2,000 to the Agricultural Society for one Rubbish collection at sites to be advised by Council.***

CARRIED 5/0

**MIN 052/19 MOTION** - Moved Cr. O'Neill                      2<sup>nd</sup> Cr. Reid

***That Council approve the donation of the Community Bus hire to the Kellerberrin Junior Fire Brigade for the State Championships in November 2019.***

CARRIED 5/0

**MIN 053/19 MOTION** - Moved Cr. Reid                      2<sup>nd</sup> Cr. Leake

***That Council allocate \$3,000 in the 2018/2019 Budget for Milligan Units subject to Council receiving written confirmation of unsuccessful grant applications to;***

- o CBH***
- o Water Corporation***

CARRIED 5/0

**MIN 054/19 MOTION** - Moved Cr. O'Neill                      2<sup>nd</sup> Cr. Leake

***That Council:***

- 1. approve the allocation of \$300 to the Kellerberrin Hockey Club for the purchase of Hockey Goal nets; and***
- 2. Discuss alternative options for the new honour board at the Recreation Centre.***

CARRIED 5/0

**MIN 055/19 MOTION** - Moved Cr. Steber                      2<sup>nd</sup> Cr. Leake

***That Council allocates \$2,000 in the 2018/2019 Budget for the proposed Wheatbelt Art Prize Bi-Annual Awards to be hosted in Kellerberrin in 2019 subject to:***

- o Council receiving notification of unsuccessful grant applications; and***
- o Evidence of alternative sources of revenue be applied for.***

CARRIED 5/0

**MIN 056/19 MOTION** - Moved Cr. Steber                      2<sup>nd</sup> Cr. Reid

***That Council approves the \$500 contribution to the 2019 Ladies Day Out.***

CARRIED 5/0

Councils April 2018 ordinary meeting – Tuesday, 17<sup>th</sup> April 2018

## COUNCIL RECOMMENDATION

**MIN 053/18 MOTION** - Moved Cr. Reid 2<sup>nd</sup> Cr. Leake

***That Council:***

1. ***approves Kellerberrin Speedway application for \$3,000.00 towards the running of the Kellerberrin Speedway.***
2. ***approves Kellerberrin High School application request for the amount of \$782.00 being waiver of Hall hire, Pool Hire and Athletics Carnival Setup Fees.***
3. ***approves Kellerberrin District Agricultural Society application for \$2,000.00 to assist with covering costs associated with the 2018 Ag show.***
4. ***approves Kellerberrin Squash Club application for \$2,000.00 to be transferred to the Sport and Recreation Reserve to assist with future upgrades.***
5. ***approves Kellerberrin Senior's Group application for \$1,251.85 being for the following:***
  - a. ***Write off of Electric Urn account with Shire of Kellerberrin***
  - b. ***Purchase of New Laptop and Printer***
  - c. ***Purchase new Blind for window at back of Club house.***
6. ***approves Doodlakine Bowling Club application for \$2,000.00 being a contribution towards installation of lights and watering system for Bowling Green.***
7. ***approves Doodlakine Community Committee application for \$2,000.00 through a rubbish collection to assist with ongoing maintenance for the Doodlakine Hall.***

CARRIED 7/0

Councils April 2017 ordinary meeting – Wednesday, 19<sup>th</sup> April 2017

***That Council:***

1. ***Declines to fund the submission from Sean Conway as it doesn't meet the criteria set by Council's Community Budget Submission guidelines.***
2. ***Donates \$2,000 to the Kellerberrin Seniors Group for the purchase and installation of an Instantaneous Urn and Vertical Blinds at the Ex-Golf Club house.***
3. ***Declines to fund the submission from Kellerberrin Play Group and Kellerberrin Family Day Care at this point in time as Council wishes to have the outcome for the proposed grant applications that are being lodged with other agencies.***
4. ***Donates the CEO's ex-PC following the purchase of a new CEO PC, for the use of the proposed Kellerberrin Cultural Centre and purchases a printer to donate to them.***
5. ***Request that the Local Health Advisory Committee provide a costed Budget to Council upon finalising their program for the upcoming Ladies Day's Out for Council's further consideration of a donation.***

CARRIED 7/0

Councils April 2016 ordinary meeting – Tuesday, 19<sup>th</sup> April 2016

**MIN 52/16 MOTION** - Moved Cr. O'Neill 2<sup>nd</sup> Cr. Reid

***That Council donates \$3,000 to the Doodlakine Bowling club for green keeping fees.***

CARRIED 7/0

**MIN 53/16 MOTION** - Moved Cr. Leake 2<sup>nd</sup> Cr. McNeil

***That Council declines to donate \$2,870 to Community Resource Centre for an upgrade to the Kellerberrin Public Library computer, operational system and library software, until further***

***quotes are received from other IT companies that can provide a solution based on “cloud” technology.***

CARRIED 7/0

**MIN 54/16 MOTION** - Moved Cr. Leake 2nd Cr. Reid

***That Council donates \$2,000 to Doodlakine Community Committee for Roadside rubbish cleanup collection alongside Great Eastern Highway in the locality of Doodlakine, should the MRDWA funding no longer be available for Roadside rubbish cleanup.***

CARRIED 7/0

**MIN 55/16 MOTION** - Moved Cr. O'Neill 2nd Cr. White

***That Council donates \$550 to Kellerberrin Mens Shed for Installation of an air conditioner unit in the front office area of the Men's Shed.***

LOST 5/2

**MIN 56/16 MOTION** - Moved Cr. Steber 2nd Cr. Reid

***That Council declines to donate \$550 to Kellerberrin Mens Shed for Installation of an air conditioner unit in the front office area of the Men's Shed, as Council already offers the use of land for cropping purposes free of charge to the Kellerberrin Mens Shed for fund raising purposes.***

CARRIED 5/2

## STAFF COMMENT

Council received 4 Community Budget Submissions this year for your consideration. Attached to all applications is all supporting documentation as well as any correspondence between them and either the CEO, DCEO or CDO.

Applications where received from:

1. Kellerberrin District High School
2. Kellerberrin Community Resource Centre (*Food Pantry Project*)
3. Kellerberrin Community Resource Centre (*Celebrating Volunteers Project*)
4. Kellerberrin Golf Club
5. Kellerberrin Local Health Advisory Group

Please see the following table for a full list of application requests including project specifications and amount requested.

No	Organisation	Project	Total Project Cost	Amount Requested	Discussed Submission with Shire
1	Kellerberrin District High School	Waiving of Shire Hire Fees & use of facilities: Celebration Night – Memorial Hall Faction Swimming Carnival – Kellerberrin Pool Winter Carnival & Athletics Carnival – Sports Ground.	Not Provided	Not Provided	Yes

		Vacswim      Swimming Lessons. Pool Hire			
<b>2</b>	Kellerberrin Community Resource Centre	Food Pantry – Fuel Cards for Volunteers	\$1,266.00	\$1,200.00	Yes
<b>3</b>	Kellerberrin Community Resource Centre	Celebrating      our Volunteers Event	\$1,500.00	\$1,000.00	Yes
<b>4</b>	Kellerberrin Golf Club	Buggy      Room Construction	\$19,640	\$3,000	Yes
<b>5</b>	Kellerberrin Local      Health Advisory Group	Women      reconnecting, inspiring and sharing	\$19,700	\$3,000	Yes
<b>TOTAL</b>			<b>\$42,106</b>	<b>\$8,200</b>	

Please see attached the full Community Grants Application forms for Council reference. Please also note the additional comments provided by each organisation as background for the grant application to Council.

#### TEN YEAR FINANCIAL PLAN

Council has as part of Policy allocated the \$30,000 per year for Community Budget Submissions.

#### FINANCIAL IMPLICATIONS

Shire of Kellerberrin 2020/2021 Budget

041019 – Donations

\$20,000 - Community Donations and Grants

\$ 3,000 - Public Relations, Sponsorship, Donations and Waivers

\$ 7,000 - Donations and Gifts (provide services or programs to residents of the Shire of an ongoing basis.

**COUNCIL POLICY****Title:** Community Grant Allocations**Responsible Officer:** Deputy Chief Executive OfficerShire of  
**Kellerberrin****Version:** Current**1. PURPOSE**

The purpose of this policy is to provide guidance on the allocation of Grants and Donations to Community Groups and to assist with the preparation of Council's Annual Budget.

**2. SCOPE**

This policy is applied to the Shire of Kellerberrin and its elected members and employees.

**3. DEFINITIONS**

Term	Meaning

**4. STRATEGIC CONTEXT**

This policy links to key goal area....

**5. POLICY STATEMENT**

No later than 31st March each year the CEO will have advertisements placed in the local community newspaper "The Pipeline" inviting community groups within the Shire of Kellerberrin to submit applications to Council for a Council Donation or Grant to assist with the funding of projects, programs and activities for the benefit of the residents of the Shire. These applications will be considered by Council for inclusion in the forthcoming annual Budget. The application period must be open for a minimum of one month.

Applications for a Council Donation should be made by completing the adopted Donation Application Form. If the application form is not used applicants must address all criteria within the Donation Application Form. Applicants must demonstrate that they have contacted Council's Community Development Officer to research alternative funding sources before applying for funds from Council. Funding will not be provided to political organisations or events nor to commercial enterprises.

Any funding provided by Council for a specific project must be expended and claimed prior to the end of the financial year in which the request is made. An application for an extension of time may be considered by Council provided that it received no later than the end of April in the financial year in which the funds are granted. If the funds are not spent, they can not be claimed at a later period.



Maximum total funding by Council for Community Donations and Grants will be \$20,000 annually.

Maximum funding per application will be \$2,000.

Funding recipients must comply with any acquittal requirements determined by Council.

Examples of eligible projects and programs include a new initiative or significant one-off project, capital project and repairs, maintenance or improvement to Council owned/managed facilities.

Applications for community projects seeking Council funding of more than \$2,000 will be received and considered on their merit separate from the Community Donations projects.

\$3,000 is to be budgeted annually for public relations promotions through donations, sponsorships and waivers of fees and charges. The CEO is delegated authority to determine how these funds will be allocated. Examples of how these funds will be allocated include sporting event sponsorship, trophy donations and waivers of Council's fees and charges for the use of Council owned/managed facilities. Maximum funding per applicant is \$300.

Council will provide a minimum annual Budget allocation of \$3,000 for the Kellerberrin & Districts Agricultural Society as sponsorship to assist in the running of their annual show each September.

Council will make an annual Budget provision of \$7,000 for Donations and Grants to organisations that provide services or programs to residents of the Shire on an ongoing basis. These organisations can be based outside of the boundary of the Shire of Kellerberrin. Maximum funding per application is \$3,000. The continuance of financial support to organisations included in this category will be reviewed by Council annually. Examples of organisations currently receiving support under this category include Wheatbelt Agcare Counselling Services and the Eastern Districts Royal Show Display.

## 6. RELATED LEGISLATION/ DOCUMENTATION

## 7. REVIEW DETAILS

Council Adoption	Date		Resolution #	
Previous Adoption	Date	16October 2018	Resolution #	MIN182/18

## STATUTORY IMPLICATIONS

Nil

## STRATEGIC PLAN IMPLICATIONS

### Strategic Priority 1.1

**We are a vibrant and viable, culturally diverse and engaging and unified community with strong links to history, culture and the creative arts.**

<b>Goal 1.1.1</b>	<b>To foster an environment that celebrates the diversity of the community.</b>
<b>Council's Role</b>	<ul style="list-style-type: none"> <li>■ To lead and promote community programs and initiatives</li> <li>■ To facilitate discussion with community / stakeholder groups</li> <li>■ To participate in programs and initiatives as a key member of the community</li> </ul>

<b>Goal 1.1.2</b>	<b>To provide residents and visitors with access to historical knowledge, places and spaces and a range of community and cultural events.</b>
<b>Council's Role</b>	<ul style="list-style-type: none"> <li>▪ To facilitate provision of information on our community to the public</li> <li>▪ To collaborate with groups to develop community historical and cultural information</li> <li>▪ To lead, promote and participate in community cultural events and programs</li> <li>▪ To identify, advocate and lobby for recognition of key areas of significance within the community and grant funding</li> </ul>
<b>Goal 1.1.3</b>	<b>To encourage the growth of local regional and indigenous arts, culture and history.</b>
<b>Council's Role</b>	<ul style="list-style-type: none"> <li>▪ To facilitate and lead discussions with local community groups on heritage and culture</li> <li>▪ To collaborate with regional parties and neighbouring government agencies to promote local, regional and indigenous art and culture</li> <li>▪ To lobby for grants and funds from external agencies to support the development and promotion of local, regional and indigenous art and culture</li> </ul>
<b>Goal 1.1.4</b>	<b>To create opportunities to enhance community connection, belonging and encourage sharing of cultures, history and knowledge.</b>
<b>Council's Role</b>	<ul style="list-style-type: none"> <li>▪ To promote communication between Council and community members</li> <li>▪ To encourage open dialogue between community members and elected representatives</li> <li>▪ To collaborate with external parties to identify opportunities to promote local culture and history across the region</li> </ul>

### Strategic Priority 1.2

**Our residents feel supported and cared for through the provision of a range of quality community services.**

<b>Goal 1.2.1</b>	<b>To create and activate cultural places that will draw community involvement.</b>
<b>Council's Role</b>	<ul style="list-style-type: none"> <li>▪ To collaborate with community members, groups, and external parties to create an inviting space for the enjoyment of all community members</li> <li>▪ To develop a public space strategy that will activate streetscapes and provide an environment for all members of the community and visitors to enjoy.</li> <li>▪ To lobby state and federal government for funding support to develop community and public facilities and provide improved services for the community and visitors.</li> </ul>
<b>Goal 1.2.2</b>	<b>To establish relationships to develop and deliver essential health and education services to the region.</b>
<b>Council's Role</b>	<ul style="list-style-type: none"> <li>▪ To create and foster relationships with state and federal agencies and external parties to provide additional essential services to the region</li> <li>▪ To lobby for the provision of increased and improved essential health and education services to the region</li> <li>▪ To lobby for additional grants and monetary support to fund the provision of essential services</li> </ul>
<b>Goal 1.2.3</b>	<b>To collaborate with partners to provide activities and events that will educate and enrich the lives of our residents and visitors of all ages.</b>

<b>Council's Role</b>	<ul style="list-style-type: none"> <li>▪ To establish relationships with external agencies / parties / government departments and identify programs and initiatives to enhance the lifestyle and wellbeing of community members and residents</li> <li>▪ To lobby for funding and grants to support the implementation of community lifestyle and wellbeing programs and initiatives</li> </ul>
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### Strategic Priority 1.3

**Present a Shire with high visual and aesthetic appeal to neighbouring Shire Councils and visitors**

<b>Goal 1.3.1</b>	<b>To create visually appealing and inviting public and recreational places that complies with good planning and design principles.</b>
<b>Council's Role</b>	<ul style="list-style-type: none"> <li>▪ To facilitate discussions with community members to identify priority community infrastructure upgrades</li> <li>▪ To develop and implement a program of visual improvements throughout the Shire.</li> <li>▪ To facilitate discussions with external parties, state and federal agencies for funding to support improvement programs and/or partnerships to deliver and provide community facilities and amenities.</li> <li>▪ To work with contractors and service providers in delivering facilities and amenities that complies with legislative requirements and best practice planning and design principles.</li> </ul>
<b>Goal 1.3.2</b>	<b>To plan and design assets and facilities to address community needs and expectations.</b>
<b>Council's Role</b>	<ul style="list-style-type: none"> <li>▪ To facilitate discussions with community members / key users of community / public facilities to identify needs and requirements</li> <li>▪ To develop a program to upgrade / develop new community facilities</li> <li>▪ To collaborate with external parties / agencies on the possibility of working together to deliver major infrastructure</li> <li>▪ To lobby state / federal agencies for community funds to facilitate development of public / community facilities</li> </ul>

### Strategic Priority 2.1

**Provide sustainable and well managed community assets and infrastructure for the long term enjoyment by our residents and visitors.**

<b>Goal 2.1.1</b>	<b>To maintain, upgrade and renew assets to ensure condition and performance remain at the level required.</b>
<b>Council's Role</b>	<ul style="list-style-type: none"> <li>▪ To implement asset management best practice principles into our day to day operations.</li> <li>▪ To manage all assets in the most economical and efficient manner possible, from creation / acquisition through to disposal.</li> <li>▪ To develop and implement a rolling program of renewal and replacement works to ensure assets are maintained at the most optimum condition possible.</li> <li>▪ To source funding and grants to contribute to the renewal and replacement works.</li> </ul>
<b>Goal 2.1.2</b>	<b>To ensure new assets are designed and operated to incorporate the principles of value for money and life cycle costing.</b>
<b>Council's Role</b>	<ul style="list-style-type: none"> <li>▪ To implement asset management and whole of life principles to ensure the acquisition / creation of new assets identify the anticipated whole of life costs.</li> <li>▪ To operate and maintain assets in the most economical and efficient manner possible.</li> </ul>

	<ul style="list-style-type: none"> <li>▪ To implement operation and maintenance strategies to ensure assets remain in its most optimum condition possible, throughout its entire life cycle.</li> </ul>
<b>Goal 2.1.3</b>	<b>To collaborate with groups to investigate opportunities to improve road and transport network and connectivity between the Shire and beyond.</b>
<b>Council's Role</b>	<ul style="list-style-type: none"> <li>▪ To facilitate discussions with Road Authorities and external parties to improve condition of state roads.</li> <li>▪ To lobby government agencies to provide an improved road and transportation system to the Shire.</li> <li>▪ To develop a program to improve and enhance local roads and footpaths.</li> <li>▪ To seek funding and grants from government and non-government sources to undertake road and footpath improvement works.</li> </ul>

## Strategic Priority 2.2

**We are a Shire that respects and aims to preserve the quality of the natural environment and rural landscape and promote environmental sustainable initiatives.**

<b>Goal 2.2.1</b>	<b>To raise awareness and interest of the natural environment and key factors affecting the environment.</b>
<b>Council's Role</b>	<ul style="list-style-type: none"> <li>▪ To facilitate discussions with government and non-government agencies on environmental initiatives and programs.</li> <li>▪ To implement initiatives and programs that raise community awareness on environmental principles and sustainability practices.</li> <li>▪ To assess environmental risks and factors that could potentially affect the local environment and develop strategies and programs to mitigate.</li> <li>▪ To work with local environmental groups, community groups, external parties on the development and implementation of environmental based programs and initiatives.</li> <li>▪ To lobby for and seek funding and grant support for the development and implementation of environmental programs and initiatives.</li> <li>▪ To facilitate the development and provision of information relating to the maintenance of the natural environment and promotion of sustainability practices.</li> </ul>
<b>Goal 2.2.2</b>	<b>To work with organisations to promote actions to enhance the environment.</b>
<b>Council's Role</b>	<ul style="list-style-type: none"> <li>▪ To facilitate discussions and establish relationships with community groups, government and non-government agencies on environmental initiatives and programs which may be applied throughout the Shire.</li> <li>▪ To facilitate the development of environmental initiatives and programs and implement these across the community.</li> <li>▪ To encourage community participation in environmental initiatives and programs.</li> </ul>
<b>Goal 2.2.3</b>	<b>To promote opportunities to encourage sustainable environmental practices across the Shire.</b>
<b>Council's Role</b>	<ul style="list-style-type: none"> <li>▪ To identify initiatives with other government and non-government agencies on programs to raise awareness in environmental sustainability practices.</li> <li>▪ To make information and educational packages on the principles of environmental sustainability accessible to the community.</li> <li>▪ To review Council policies and practices in relation to environmental sustainability initiatives and make these available to the public.</li> <li>▪ To seek information and feedback from the community on environmental awareness initiatives and programs.</li> <li>▪ To facilitate and host community based environmental awareness initiatives and programs.</li> </ul>

**Strategic Priority 3.1****Our Elected Representatives provide effective, respected and progressive leadership**

<b>Goal 3.1.1</b>	<b>To lead and govern in a fair, transparent, ethical and responsive manner.</b>
<b>Council's Role</b>	<ul style="list-style-type: none"> <li>■ To provide up to date information on Council services, operations, activities and decisions to the community.</li> <li>■ To ensure Council information is accurate and easily accessible by the community.</li> <li>■ To provide responses and encourage feedback from the community.</li> </ul>
<b>Goal 3.1.2</b>	<b>To inform the community of activities and events that may have an impact on the way they live and/or where they live.</b>
<b>Council's Role</b>	<ul style="list-style-type: none"> <li>■ To provide up to date information on Council and community activities and events to community residents.</li> <li>■ To encourage responses and feedback from the community on Council initiatives and programs.</li> <li>■ To provide open dialogue between the community and Council members and to listen to the responses provided by the community.</li> <li>■ To facilitate and initiate community based programs, activities and events to promote community pride and participation.</li> </ul>
<b>Goal 3.1.3</b>	<b>To actively engage and consult with the community to ensure they have the opportunity to have a say and be heard.</b>
<b>Council's Role</b>	<ul style="list-style-type: none"> <li>■ To create and implement an effective communication strategy that encourages and promotes community feedback and contribution.</li> <li>■ To initiate open dialogue with the community and provide opportunity to be involved in decision making processes.</li> <li>■ To provide access to up to date information on Council and Council services.</li> <li>■ To encourage participation in community consultation events.</li> </ul>
<b>Goal 3.1.4</b>	<b>To actively pursue a positive community spirit and support.</b>
<b>Council's Role</b>	<ul style="list-style-type: none"> <li>■ To facilitate programs and initiatives that will improve the community spirit and pride.</li> <li>■ To provide open, honest and friendly discussions between Council and community members.</li> <li>■ To assist and be responsive to community requests and needs.</li> </ul>

**Strategic Priority 4.1****We are a sustainable, economically diverse and strong community**

<b>Goal 4.1.1</b>	<b>To encourage economic development through the provision of incentives to encourage new and diverse business, commercial and industrial opportunities.</b>
<b>Council's Role</b>	<ul style="list-style-type: none"> <li>■ To identify opportunities to enhance the local economy.</li> <li>■ To collaborate and facilitate discussions with external / private parties on business, commercial and industrial ventures in the Shire.</li> <li>■ To undertake long term economic development and marketing planning for the Shire, focussing on the local and regional economy and opportunities.</li> <li>■ Work with external government and non-government agencies to develop programs and initiatives to promote economic development in the region and identify new ventures / opportunities to create economic opportunities.</li> </ul>
<b>Goal 4.1.2</b>	<b>To work with local businesses to improve and enhance the quality of service provided.</b>

<b>Council's Role</b>	<ul style="list-style-type: none"> <li>■ To establish relationships with local business providers to identify and understand key issues and opportunities to assist in the promotion of services.</li> <li>■ To facilitate discussions with external agencies and government departments to identify opportunities to enhance and assist local business providers within the community.</li> <li>■ To develop initiatives with external parties to educate and improve the welfare of local businesses.</li> </ul>
<b>Goal 4.1.3</b>	<b>To identify economic trends and create employment and business opportunities for the local community.</b>
<b>Council's Role</b>	<ul style="list-style-type: none"> <li>■ To work with local business communities and education and health service providers to identify what is required to improve and enhance services.</li> <li>■ To facilitate discussions with external parties and government agencies to identify ways of improving economic, education and training opportunities within the community.</li> <li>■ To establish relationships with external parties and government / non-government agencies to identify opportunities, programs and initiatives that will benefit the community.</li> <li>■ To seek funding from external parties / government agencies to support the development and implementation of economic and employment programs and initiatives.</li> </ul>

## COMMUNITY CONSULTATION

The following consultation took place;

- Chief Executive Officer
- Deputy Chief Executive Officer
- Community Development Officer
- Pipeline Advertisement
- Shire's Website & Social Media Accounts
- Messages on-Hold On-Line service

## STAFF RECOMMENDATION

*For Council Consideration.*

1. Kellerberrin District High School
2. Kellerberrin Community Resource Centre (*Food Pantry Project*)
3. Kellerberrin Community Resource Centre (*Celebrating Volunteers Project*)
4. Kellerberrin Golf Club
5. Kellerberrin Local Health Advisory Group

## COUNCIL RESOLUTION

MIN 078/21

MOTION - Moved Cr. Reid

Seconded Cr. Leake

***That Council:***

1. ***Kellerberrin District High School***
  - a. ***Waiving of Shire Hire Fees & use of facilities:***
    - i. ***Celebration Night – Memorial Hall***
    - ii. ***Faction Swimming Carnival – Kellerberrin Pool***
    - iii. ***Winter Carnival & Athletics Carnival – Sports Ground.***
    - iv. ***Vacswim Swimming Lessons. Pool Hire***
2. ***Kellerberrin Community Resource Centre (Food Pantry Project)***
  - a. ***Food Pantry – Fuel Cards for Volunteers - \$1,200***
3. ***Kellerberrin Community Resource Centre (Celebrating Volunteers Project)***
  - a. ***Celebrating our Volunteers Event - \$1,000***
4. ***Kellerberrin Golf Club***
  - a. ***Storage Room Construction at Recreation Centre - \$3,000***
5. ***Kellerberrin Local Health Advisory Group***
  - a. ***Ladies Day out – (Women reconnecting, inspiring and sharing) - \$3,000***

**CARRIED 7/0**

**9.4 ARTS AND CULTURE COMMITTEE MEMBERSHIP**

**File Ref:** ADM02  
**Author:** Raymond Griffiths, Chief Executive Officer  
**Authoriser:** Raymond Griffiths, Chief Executive Officer  
**Attachments:** Nil

**BACKGROUND**

Council in April 2020 elected to form an Arts and Culture Committee with the following objectives in mind:

The objectives of the Arts and Culture Committee are:

- 2.1 To provide a normalised, proper and formalised forum for the discussion of issues and the formulation of suggestions and/or recommendations on issues associated with community projects.
- 2.2 Make recommendations to Council on matters associated with the future development of community projects.
- 2.3 Ensure suggestions and ideas are intended to:
  - a) reflect and promote the lifestyles, heritage and culture of the community;
  - b) encourage community connection, reflection, inspiration, celebration and well-being;
  - c) invigorate and create vibrancy in places and spaces; and support regional creative and arts industries

Council's 4<sup>th</sup> May 2021 Art and Culture Committee Meeting

**COMMITTEE RESOLUTION**

**MIN 001/21      MOTION - Moved Member. O'Neill      Seconded Member. Cox**

***That the Committee advise council of the absent of Rhoda Yarran for more than three consecutive meetings and accept Rose Bowens resignation.***

**CARRIED 5/0**

Council's June 2020 Ordinary Meeting of Council -16<sup>th</sup> June 2020

**COUNCIL RESOLUTION**

**MIN 091/20      MOTION - Moved Cr. Leake      Seconded Cr. Steber**

***That Council;***

- 1. Support the establishment of an Arts and Culture Committee with the following members;***

***Councillor: Emily Ryan***

***Shire Officer as delegated by the Chief Executive Officer:***



***Community Members: Rose Bowen, Robert McCaffrey, Kelsey Cox, Valecia McDonald, Julie Doncon, Colin Weston, Pixie O'Neill and Rhoda Yarran***

**CARRIED 7/0  
BY ABSOLUTE MAJORITY**

Council's May 2020 Ordinary Meeting of Council – 19<sup>th</sup> May 2020

## **COUNCIL RESOLUTION**

**MIN 068/20      MOTION - Moved Cr. Steber      Seconded Cr. Reid**

***That Council due to the limitation of the Terms of Reference (on advice from prospective members) request the Chief Executive Office to redraft the Terms of Reference with the view to broadening the scope to include cultural opportunities rather than specific public art.***

**CARRIED 7/0  
BY ABSOLUTE MAJORITY**

Council's March 2020 Ordinary Meeting of Council -17<sup>th</sup> March 2020

## **COUNCIL RESOLUTION**

**MIN /20      MOTION - Moved: Cr McNeil      Seconded:Cr Talbot**

***That Council;***

- 1. Support the establishment of an Arts Committee;***
- 2. Adopted the draft terms of reference as presented at attachment 1; and***
- 3. Invite community members to submit an expression of interest for membership on the committee.***

***With the inclusion of two amendments to the draft terms of reference including, reducing the elected member in attendance to one and reducing the minimum annual meeting to bi-annually.***

**In Favour:      Cr Scott O'Neill, David Leake, Dennis Reid and Emily Talbot**

**Against:      Cr Wendy McNeil**

**CARRIED  
BY ABSOLUTE MAJORITY 4/1**

## **STAFF COMMENT**

Council in establishing the Arts and Culture Committee adopted Terms of Reference for the members to adhere to and within the Terms of Reference it dictates the amount of members to be appointed and also the requirements of members for meeting attendance as per below excerpts from the Terms of Reference.

### **MEMBERSHIP**

***One elected member, one Shire officers and between six to eight community members shall be appointed to the Committee.***

**MEETINGS**

*The Committee shall meet at least bi-annually and shall report to Council annually as a minimum.*

- 5.1 Notice of meetings shall be given to members at least three days prior to each meeting.*
- 5.2 If any member is absent from three consecutive meetings without leave of the Committee, they shall forfeit their position on the Committee. The Council shall be informed, who will then appoint a replacement for the balance of the member's term of appointment.*
- 5.3 The Presiding Member shall ensure that minutes of all meetings are kept in accordance with the Shire of Kellerberrin Local Government (Council Meetings) Local Law 2016 and presented to Council where all recommendations will be considered/noted.*
- 5.4 All members of the Committee shall have one vote. If the vote of the members present is equally divided, the person presiding shall cast a second vote.*

As per advice from the Arts and Culture Committee, Member Rhoda Yarran has not attended a meeting of the Committee therefore in accordance with the above Terms of Reference the position is forfeited.

Council need to note that the committee membership is between six and eight and with the forfeiture of Member Yarran.

Council on the 25<sup>th</sup> February 2021 received the following correspondence by email from Member Rose Bowne resigning from the committee;

*Hi folks.....have decided I will step down from the Arts and Culture Committee, it is not really my thing and I am being drawn in other directions. I'm always happy to be called upon to help at grass roots level with any events the group hosts. All the best for future activities. Cheers Rose.*

With the resignation and forfeiture the committee numbers for community representation are at the minimum and therefore the Council and the committee will also need to be aware that should there be more than one absentee for the committee meeting a quorum cannot be reached.

**TEN YEAR FINANCIAL PLAN**

NIL

**FINANCIAL IMPLICATIONS**

NIL

**STATUTORY IMPLICATIONS**

Section 5.10(4) of the Act provides that the Council must appoint the President to each Committee if the President informs the Shire of their wish to be a member of a particular Committee. The Committee, once appointed, must select a Presiding Member at its first meeting.

Section 5.10 (5) of the Act provides for the CEO or their delegate to be appointed to a Committee that has or will have an employee if the CEO so wishes.

**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
- Art and Culture Committee

**STAFF RECOMMENDATION**

That Council:

1. Acknowledge the resignation of Member Rose Bowen from the Arts and Culture Committee as per email dated 25<sup>th</sup> February 2021;
2. Forfeit the position of Member Rhoda Yarran from the Arts and Culture Committee in accordance with clause 5 of the Terms of Reference.

**COUNCIL RESOLUTION**

MIN 079/21

MOTION - Moved Cr. Leake

Seconded Cr. Ryan

*That Council:*

1. *Acknowledge the resignation of Member Rose Bowen from the Arts and Culture Committee as per email dated 25<sup>th</sup> February 2021;*
2. *Forfeit the position of Member Rhoda Yarran from the Arts and Culture Committee in accordance with clause 5 of the Terms of Reference.*

**CARRIED 7/0**

**9.5 MURAL FOR EXHIBITION HALL AT RECREATION CENTRE**

**File Ref:** ADM02  
**Author:** Codi Mullen, Personal Assistant  
**Authoriser:** Raymond Griffiths, Chief Executive Officer  
**Attachments:** Nil

**BACKGROUND**

Arts & Culture Committee Meeting 4<sup>th</sup> May 2021

**MIN 001/21      MOTION - Moved Member. Cox      Seconded Member. McDonald**

***That the Arts and Culture Committee:***

- 1. Form a subcommittee of local artists and committee members to develop a design concept for the Mural consisting of;***
  - Cr Emily Ryan – Chairperson***
  - Noelene Morley***
  - Robert McCaffrey***
  - Kelsey Cox***
  - Valecia McDonald***
  - Sport & Recreation representative***
  - Ag Society representative***
  - Community members x2***
  - Artist***
- 2. Recommend to Council to appoint Jerome Davenport as the artist to work with the committee to undertake the Mural project.***
- 3. Make contact with the Kellerberrin Sport and Recreation Committee and Kellerberrin Agricultural Society for a contribution towards to the project.***
- 4. Make contact with CSBP to seek funding for the project.***
- 5. Seek Agricultural Local Business (EDSCO, MOYLAN's, DKT, FARMWAYS, HOBBS ENGINEERING) sponsorship with the view of having a piece of the wall for their contribution.***

**CARRIED 5/0**

Council's Media Officer sent initial request out seeking quotes from the below artist. Council's Personal Assistant to Chief Executive Officer has been following up with the artist to provide a quote for the mural.

- No more Blank Walls – Jerome – Emailed, 8<sup>th</sup> February 2021**
- Jackson Harvey – Emailed 22<sup>nd</sup> March 2021**
- Brenton See – Emailed 26<sup>th</sup> March 2021**
  - Brenton will not be providing a quote as he only focuses on fauna and flora**

There has been correspondence flowing between no more blank walls and Jackson Harvey regarding the project. It is hoped that Jackson Harvey will have a quote provided to us prior to the meeting.

The Committee Chairperson and Council's Chief Executive Officer met with committee member Mr Robert McCaffrey to discuss the project and design elements on the basis that we ensure that local content is considered when the design is prepared. It was on this basis we have recommended below that a sub-committee is formed to help design the mural for the Exhibition Hall to include:

- 100 years of Kellerberrin Agricultural Show
- Development of Agriculture of the years.
- Development of Kellerberrin over the years.

**From:** [arjae@westnet.com.au](mailto:arjae@westnet.com.au) <[arjae@westnet.com.au](mailto:arjae@westnet.com.au)>

**Sent:** Wednesday, 28 April 2021 3:02 PM

**To:** Raymond Griffiths <[ceo@kellerberrin.wa.gov.au](mailto:ceo@kellerberrin.wa.gov.au)>

**Subject:** Re: Mural - Local Content for design

Hi Raymond

I have spoken with a number of people and judging by the community response, it would seem that all spoken to at least, are in favour of a collaborative effort. The names below are some of those creatives I spoke with and other names I have been given as possible interested participants.

- Rebecca McIntosh
- Shane Pickett
- Michelle McDonald
- Rebecca Parkhouse
- Anne Alcock
- Rosemary Dowding
- Christine Chandler
- Sara Curtis
- Val Curtis
- Noelene Morley
- Robert J McCaffrey

Hopefully, this will assist in redirecting the focus of this project.

Robert

Arts & Culture Committee Meeting 6 <sup>th</sup> October 2020
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**MIN 009/20 MOTION - Moved Member. Cox Seconded Member. McDonald**

***That the Arts and Culture Committee focus on the following projects in 2021:  
1. Mural for Exhibition Hall at Recreation Centre***

**STAFF COMMENT**

Item 1.

It was thought that as much community input into the design would be most appropriate to ensure that we are covering all bases when trying to form up a design concept for the Mural.

Item 2.

The recommendation to appoint Mr Jerome Davenport is on the basis that the project receives sufficient funding to alleviate the full financial burden to Council.

Item 3 – 5

Letters have been issued to the businesses and organisations seeking sponsorship/donations for the Mural.

**TEN YEAR FINANCIAL PLAN**

Nil known at this time

**FINANCIAL IMPLICATIONS**

Council applied for the CBH Grass Root Funding for \$20,000 and were successful in receiving \$5,000.

Council has received an indicative quote from Jerome at Blank Walls between \$35k - \$70k.

**STATUTORY IMPLICATIONS**

Nil known at this time

**STRATEGIC COMMUNITY PLAN**

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

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

**COMMUNITY CONSULTATION**

The following consultation took place;

- Cr. Emily Ryan
- Raymond Griffiths - Chief Executive Officer
- Codi Mullen - Personal Assistant to Chief Executive Officer

## STAFF RECOMMENDATION

*That Council appoint Jerome Davenport as the artist to work with the Arts and Culture Committee to undertake the Mural project at the Exhibition Hall subject to the project being financially sustainable.*

## COUNCIL RESOLUTION

MIN 080/21

MOTION - Moved Cr. O'Neill

Seconded Cr. Ryan

***That Council appoint Jerome Davenport as the artist to work with the Arts and Culture Committee to undertake the Mural project at the Exhibition Hall with the council contribution being capped at the balance in the Special Projects Reserve.***

**CARRIED 7/0**

**9.6 LIVE THEATRE PERFORMANCES**

**File Ref:** ADM02  
**Author:** Codi Mullen, Personal Assistant  
**Authoriser:** Raymond Griffiths, Chief Executive Officer  
**Attachments:** 1. Quote - Matt Hale

**BACKGROUND**

Shire of Kellerberrin – Arts and Culture Committee Meeting 4<sup>th</sup> May 2021

**COMMITTEE RESOLUTION**

**MIN 001/21 MOTION - Moved Member. Cox Seconded Member. O'Neill**

*That the Arts and Culture Committee recommend to Council that:*

- 1. Accepts the quote of \$3,500 from Matt Hale for a Comedy Hypnosis Show on Thursday 8<sup>th</sup> July 2021 commencing at 7.30pm for a 75 minute performance including a 15 minute interval.**
- 2. It sets the fee structure of:**
  - i. Tickets \$35.00**
  - ii. Concession \$27.50**
- 3. Make application for a liquor permit for the event as an additional fundraiser for the committee.**

**CARRIED 5/0**

Councils Media Officer initially made contact with three different performances.

- Matt Hale – Comedy Hypnosis
- Instinct Music – Acro Circus Comedy
- Telethon – Theatre critical thinking

Councils Personal Assistant followed up the initial correspondence in regards to the above performances as no formal response was received by any officers. After the follow up from Council responses have been received from the following; further information please see attachments.

1. Matt Hale Comedy has been tentatively booked in July 2021(Attachment1).  
Currently on tour – Bonkers!  
Performance length of 75min
2. Lengthy discussion was held with Instinct Music in regards to Acro Circus Comedy coming to Kellerberrin. Each performer is only capable of 5-6min per performance therefore to make it a show worthwhile you will be looking at asking approx. 30 performers to perform. The event generally goes over a few days to a week. Verbal quote provided was from \$10,000 - \$300,000. Each performer has additional cost associated with them.
3. For Instinct Music to provide an event to Kellerberrin on a smaller scale the Committee would be looking at a Comedy Show with a major headliner up to four (4) acts with a verbal quote of \$50,000 - \$65,000 and a musical between \$80,000 - \$100,000

Shire of Kellerberrin – Arts and Culture Committee Meeting 6<sup>th</sup> October 2020;



## COMMITTEE RESOLUTION

MIN 009/20 MOTION - Moved Member. Cox Seconded Member. McDonald

*That the Arts and Culture Committee focus on the following projects in 2021:*

**1. Live Theatre Performances**

**a. Register with CANWA**

**b. Discuss opportunities with Lotterywest**

### STAFF COMMENT

Council's officers have researched the performer through other communities where he has performed and they have advised the performance was an exceptional one and that it was the talk of the town for weeks after the event.

### TEN YEAR FINANCIAL PLAN

Nil known at this time

### FINANCIAL IMPLICATIONS

Matt Hale Comedy

#### *Expenditure*

- Show Costs - \$3,500

#### *Income*

The Shire of Kellerberrin has sought a base guide from the provider for a ticket price. The following price guide was provided:

- Adults - \$35.00
- Children 12 and under - \$20.00
- Concession - \$27.50

Should the committee recommend to Council that we operate on a similar basis we would need to following numbers to break even without any sales of drinks etc.

Numbers	Category	Units Price	Total
50	Adults	\$35.00	\$1,750.00
0	Children	\$20.00	\$0
20	Concession	\$27.50	\$550.00
		TOTAL	\$2,300.00
			<b>Loss of \$1,200</b>
50	Adults	\$40.00	\$2,000.00
0	Children	\$20.00	\$0
20	Concession	\$30.00	\$600.00
		TOTAL	\$2,600.00
			<b>Loss of \$900</b>
70	Adults	\$35.00	\$2,450.00
0	Children	\$20.00	\$0

30	Concession	\$27.50	\$825.00
		TOTAL	\$3,275.00
			<b>Loss of \$225</b>
70	Adults	\$40.00	\$2,800.00
0	Children	\$20.00	\$0
30	Concession	\$30.00	\$900.0
		TOTAL	\$3,700.00
			<b>Profit of \$200</b>
100	Adults	\$30.00	\$3,000.00
0	Children	\$20.00	\$0
30	Concession	\$20.00	\$600.00
		TOTAL	\$3,600.00
			<b>Profit of \$100</b>

### STATUTORY IMPLICATIONS

Nil known at this time

### STRATEGIC COMMUNITY PLAN

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

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

### COMMUNITY CONSULTATION

The following consultation took place;

- Cr Emily Ryan
- Raymond Griffiths – Chief Executive Officer
- Codi Mullen – Personal Assistant to CEO

## STAFF RECOMMENDATION

*That Council:*

1. *Endorses the Art and Culture Committee's recommendation to accept the quote of \$3,500 from Matt Hale for a Comedy Hypnosis Show on Thursday 8<sup>th</sup> July 2021 commencing at 7.30pm for a 75 minute performance.*
2. *Advise that the cost associated with the performance is to come out of the \$10,000 allocated to the committee in the DRAFT Budget.*
3. *Advise that any profit from the event is to be transferred to the Art and Culture Reserve that will be created in the 2021/22 Budget.*
4. *It sets the fee structure of:*
  - i. *Tickets \$35.00*
  - ii. *Concession \$27.50*
5. *Make application for a liquor permit for the event as an additional fundraiser for the committee.*

## COUNCIL RESOLUTION

MIN 081/21

MOTION - Moved Cr. Ryan

Seconded Cr. O'Neill

*That Council:*

1. ***Endorses the Art and Culture Committee's recommendation to accept the quote of \$3,500 from Matt Hale for a Comedy Hypnosis Show on Thursday 8<sup>th</sup> July 2021 commencing at 7.30pm for a 75 minute performance.***
2. ***Advise that the cost associated with the performance is to come out of the \$10,000 allocated to the committee in the DRAFT Budget.***
3. ***Advise that any profit from the event is to be transferred to the Art and Culture Reserve that will be created in the 2021/22 Budget.***
4. ***It sets the fee structure of:***
  - i. ***Tickets \$35.00***
  - ii. ***Concession \$27.50***
6. ***Make application for a liquor permit for the event as an additional fundraiser for the committee.***

**CARRIED 7/0**

**9.7 SHIRE OF KELLERBERRIN ROADWORKS AND CAPITAL BUDGET 2021/22**

**File Ref:** FIN 04  
**Author:** Raymond Griffiths, Chief Executive Officer  
**Authoriser:** Raymond Griffiths, Chief Executive Officer  
**Attachments:** Nil

**BACKGROUND**

Council's Roadworks Advisory Committee Meeting – 16<sup>th</sup> March 2021

**COMMITTEE RESOLUTION**

**MIN 001/21      MOTION - Moved Mr. Newman      Seconded Mr. Ryan**

**The Committee Recommend to Council:**

- 1. Acknowledges the Baandee North Road as Council's allocated funded road its Regional Road Group Funding for 2021/22**
- 2. That the following jobs be costed with the view to have included in the 2021/22 budget for Roads to Recovery funded jobs;**
  - a. James Street (Bedford to Moore Street)**
  - b. James Street (McCulloch to King Street)**

**CARRIED 5/0**

**STAFF COMMENT**

Council's Management and consulting Engineering has completed the costings of the abovementioned roads and issued them to the Roadworks Advisory Committee for information and included them into the 2021/22 Draft Roadworks Budget under the categories of funding listed above.

Council have input capital figures based on the Long Term Financial Plan.

Particulars	Budget 2021/22	Grants/ Contributions	Proceeds on Sale of Assets	Municipal Funds
KE1 * 2	\$ 142,590		\$ 125,402	\$ 17,188
KE002 * 2	\$ 102,748		\$ 94,362	\$ 8,386
IT Furniture & Equipment - CCTV	\$ 41,938			\$ 41,938
Staff Housing Construction	\$ 400,000			\$ 400,000
Cemetery Upgrade	\$ 5,000	\$ 5,000		
Upgrade of Community Amenities	\$ 11,263			\$ 11,263
Building Renewals	\$ 99,367			\$ 99,367
Phase 2 Swimming Pool (Changerooms, Toilets etc)	\$ 1,000,000	\$ 299,304		\$ 700,696
Minor CapEx - Rec Centre	\$ 50,595			\$ 50,595
King St Crossovers	\$ 23,100			\$ 23,100
Baandee North Road - 22.54-29.33	\$ 979,630	\$ 607,762		\$ 371,868
James Street - (Bedford - Moore St)	\$ 135,733	\$ 135,733		\$ -
James Street - (McCulloch - King St)	\$ 175,954	\$ 175,954		\$ -
Ripper Street (Forrest to Rason St)	\$ 160,000	\$ 160,000		\$ -
Gravel Sheetting - Budget Purposes	\$ 682,285			\$ 682,285
Depot Works - Infrastructure Account	\$ 40,000			\$ 40,000
Precast Panels for Storage Bunkers - Tiller Drive	\$ 70,000			\$ 70,000
KE2 * 2	\$ 102,748		\$ 94,362	\$ 8,386
Purchase of Curator Utility	\$ 92,155		\$ 30,718	\$ 61,437
Other Equip and Minor Items	\$ 9,521			\$ 9,521
Standpipe Reader Installation	\$ 30,000			\$ 30,000
	\$ 39,521	\$ -	\$ -	\$ 39,521
<b>GRAND TOTAL</b>	<b>\$ 4,354,627</b>	<b>\$ 1,383,753</b>	<b>\$ 344,844</b>	<b>\$ 2,626,030</b>

## TEN YEAR FINANCIAL PLAN

SHIRE OF KELLERBERRIN											
15 YEAR LONG TERM FINANCIAL PLAN											
FOR THE YEARS 2016/17 to 2030/31											
	NOTE	2021/22 Estimated \$	2022/23 Estimated \$	2023/24 Estimated \$	2024/25 Estimated \$	2025/26 Estimated \$	2026/27 Estimated \$	2027/28 Estimated \$	2028/29 Estimated \$	2029/30 Estimated \$	2030/31 Estimated \$
<b>Investing Activities -Capital Expenditure and Revenue</b>											
Purchase Land Held for Resale	3	-	-	-	-	-	-	-	-	-	-
Purchase Land and Buildings	3	(961,153)	(743,856)	(683,610)	(569,410)	(172,414)	(375,318)	(178,273)	(181,281)	(934,343)	(887,460)
Purchase Plant and Equipment	3	(208,512)	(433,641)	(215,046)	(539,947)	(218,484)	(686,153)	(300,304)	(692,743)	(152,276)	(679,480)
Purchase Furniture and Equipment	3	(47,000)	(50,000)	(50,000)	(50,000)	(50,000)	(60,000)	(60,000)	(60,000)	(80,000)	(80,000)
Purchase Infrastructure Assets - Roads	3	(1,798,754)	(1,852,717)	(1,908,298)	(1,965,547)	(2,024,514)	(2,085,249)	(2,147,806)	(2,212,241)	(2,278,608)	(2,346,966)
Purchase Infrastructure Assets - Other	3	(67,218)	(67,218)	(67,218)	(67,218)	(767,218)	(367,218)	(217,218)	(67,218)	(67,218)	(67,218)
Proceeds from Disposal of Assets		187,780	283,506	191,906	267,603	196,127	271,795	241,443	276,084	204,859	280,472
<b>Amount Attributable to investing activities</b>		<b>(2,894,857)</b>	<b>(2,863,926)</b>	<b>(2,732,266)</b>	<b>(2,924,519)</b>	<b>(3,036,503)</b>	<b>(3,302,143)</b>	<b>(2,662,158)</b>	<b>(2,937,398)</b>	<b>(3,307,586)</b>	<b>(3,780,652)</b>

## FINANCIAL IMPLICATIONS

Council has an allocation of funding both from Federal and State Governments for Road construction and maintenance. Council for the 21/22 Budget will receive funding on the following basis:

### Federal Government

Funding Body	2021/22 Budget Allocation
Roads to Recovery	\$365,020
Federal Assistance Grants	\$524,048 (Approx based on last year)
Heavy Safety Vehicles Productivity	\$241,036 (Balance of \$1,046,000 funding)

*State Government*

<b>Funding Body</b>	<b>2021/22 Budget Allocation</b>
Regional Road Group	\$366,726
Direct Grant (Discretionary Funding)	\$141,965 (Based on 2020/21)

**STATUTORY IMPLICATIONS**

## Division 2 — Annual budget

## 6.2. Local government to prepare annual budget

- (1) During the period from 1 June in a financial year to 31 August in the next financial year, or such extended time as the Minister allows, each local government is to prepare and adopt\*, in the form and manner prescribed, a budget for its municipal fund for the financial year ending on the 30 June next following that 31 August.

*\* Absolute majority required.*

- (2) In the preparation of the annual budget the local government is to have regard to the contents of the plan for the future of the district made in accordance with section 5.56 and to prepare a detailed estimate for the current year of —
- (a) the expenditure by the local government; and
  - (b) the revenue and income, independent of general rates, of the local government; and
  - (c) the amount required to make up the deficiency, if any, shown by comparing the estimated expenditure with the estimated revenue and income.
- (3) For the purposes of subsections (2)(a) and (b) all expenditure, revenue and income of the local government is to be taken into account unless otherwise prescribed.
- (4) The annual budget is to incorporate —
- (a) particulars of the estimated expenditure proposed to be incurred by the local government; and
  - (b) detailed information relating to the rates and service charges which will apply to land within the district including —
    - (i) the amount it is estimated will be yielded by the general rate; and
    - (ii) the rate of interest (if any) to be charged by the local government on unpaid rates and service charges;
  - and
  - (c) the fees and charges proposed to be imposed by the local government; and
  - (d) the particulars of borrowings and other financial accommodation proposed to be entered into by the local government; and
  - (e) details of the amounts to be set aside in, or used from, reserve accounts and of the purpose for which they are to be set aside or used; and
  - (f) particulars of proposed land transactions and trading undertakings (as those terms are defined in and for the purpose of section 3.59) of the local government; and
  - (g) such other matters as are prescribed.
- (5) Regulations may provide for —
- (a) the form of the annual budget; and
  - (b) the contents of the annual budget; and
  - (c) the information to be contained in or to accompany the annual budget.

*[Section 6.2 amended: No. 49 of 2004 s. 42(8) and 56.]*

*[Section 6.2 modified: SL 2020/57<sup>1M</sup>.]*

## STRATEGIC COMMUNITY PLAN

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

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

## COMMUNITY CONSULTATION

The following consultation took place;

- Shire of Kellerberrin Roadworks Advisory Committee
- Chief Executive Officer
- Manager Works and Services
- Shire of Kellerberrin – Consulting Engineer

## STAFF RECOMMENDATION

That Council:

1. accepts the 2021/22 Draft Roadworks and Capital Budget as presented; and
2. incorporates the programs into the 2021/22 Draft Budget.

## COUNCIL RESOLUTION

MIN 082/21

MOTION - Moved Cr. McNeil

Seconded Cr. Leake

***That Council:***

- 1. accepts the 2021/22 Draft Roadworks and Capital Budget as presented; and***
- 2. incorporates the programs into the 2021/22 Draft Budget.***

**CARRIED 7/0**

**BY ABSOLUTE MAJORITY**

**9.8 BUILDING REPORTS APRIL 2021**

**File Number:** BUILD06  
**Author:** Codi Mullen, Personal Assistant  
**Authoriser:** Raymond Griffiths, Chief Executive Officer  
**Attachments:** 1. Building Applications Received - April 2021  
2. Building Permits Issued - April 2021

**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 April 2021 period.*
2. *Acknowledge the "Return of Building Permits Issued" for the April 2021 period.*

## COUNCIL RESOLUTION

MIN 083/21

MOTION - Moved Cr. Reid

Seconded Cr. Steber

*That Council*

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

**CARRIED 7/0**

<b>9.9</b>	<b>CHEQUE LIST APRIL 2021</b>
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**File Number:** N/A  
**Author:** Zene Arancon, Finance Officer  
**Authoriser:** Raymond Griffiths, Chief Executive Officer  
**Attachments:** 1. April 2021 Payment List

**BACKGROUND**

Accounts for payment from 1<sup>st</sup> April to 30th April 2021

**TRUST**

<b>TRUST TOTAL</b>	<b>\$ 35,981.90</b>
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**MUNICIPAL FUND****Cheque Payments**

34856-34863	<b>\$ 43,743.46</b>
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**EFT Payments**

11982-12080	<b>\$ 795,303.12</b>
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<b>Direct Debit Payments</b>	<b>\$ 53,075.16</b>
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<b>TOTAL MUNICIPAL</b>	<b>\$ 892,121.74</b>
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**STAFF COMMENT**

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

<b>MBC Building (Majstrovich Building Co)</b>	<b>\$ 224,979.70</b>
Progress claim 1 for Swimming Pool development	
<b>Molivi Construction Pty Ltd</b>	<b>\$ 183,773.70</b>
Progress claim CL003 March 2021 Exhibition Hall	
<b>WCS Concrete Pty Ltd</b>	<b>\$ 109,736.11</b>
Supply, delivery & laying of N32 concrete Forrest St. intersection	
<b>Donovan Payne Architects</b>	<b>\$ 36,836.00</b>
Progress claim works Stages 1-2 for Swimming Pool development	
<b>Department of Transport - TRUST DIRECT DEBITS Licensing CRC</b>	<b>\$ 35,167.75</b>
Licensing Refund April 2021	
<b>Water Corporation</b>	<b>\$ 34,531.61</b>
Water charges various Shire properties February-April 2021	
<b>Rylan Concrete</b>	<b>\$ 33,721.38</b>
Kerbing of Bedford & Hammond Streets	
<b>STS West Pty Ltd</b>	<b>\$ 16,530.00</b>
Purchase of water for Shire Office, batteries & tyres for Depot vehicles	
<b>Deputy Commissioner Of Taxation</b>	<b>\$ 14,702.00</b>
PAYG Tax	
<b>R Munns Engineering Consulting Services</b>	<b>\$ 13,983.02</b>
Consulting works for various road constructions & Bushfire sheds	
<b>United Card Services Pty Ltd</b>	<b>\$ 10,414.59</b>
Total supply March 2021	
<b>Beam Superannuation</b>	<b>\$ 10,401.48</b>
Staff superannuation contributions	
<b>Beam Superannuation</b>	<b>\$ 10,308.41</b>
Staff superannuation contributions	

<b>Beam Superannuation</b>	<b>\$ 10,164.05</b>
Staff superannuation contributions	
<b>Jim McKenzie</b>	<b>\$ 8,890.75</b>
Hire of plant to bore footings & variations for Exhibition Hall	
<b>Griffin Valuation Advisory</b>	<b>\$ 8,557.36</b>
Professional valuation advisory - 2021 Land & Building Asset Valuation	
<b>Avon Waste</b>	<b>\$ 8,539.11</b>
Domestic & commercial collections March 2021	
<b>Spyker Business Solutions</b>	<b>\$ 8,538.83</b>
Replacement of licence plate camera & Q4 CCTV maintenance 2020/2021	
<b>AMD Audit &amp; Assurance Pty Ltd</b>	<b>\$ 8,448.00</b>
2021 Regulation 17 review completion	
<b>Merredin Refrigeration &amp; Gas</b>	<b>\$ 7,986.50</b>
Pre-season maintenance cleaning of Shire properties	
<b>Tom's Tree Service</b>	<b>\$ 7,920.00</b>
Tree pruning of various Shire streets	
<b>Fulton Hogan</b>	<b>\$ 7,040.00</b>
Purchase of EZ bulka bag for various road maintenance	

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

### **COMMUNITY CONSULTATION**

The following consultation took place;

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

## STAFF RECOMMENDATION

*That Council notes that during the month of April 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 \$ 892,121.74 on vouchers EFT , CHQ, Direct payments*
2. *Trust Fund payments totalling \$ 35,981.90 on vouchers EFT, CHQ, Direct payments*

## COUNCIL RESOLUTION

MIN 084/21

MOTION - Moved Cr. Steber

Seconded Cr. O'Neill

*That Council notes that during the month of April 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 \$ 892,121.74 on vouchers EFT , CHQ, Direct payments*
2. *Trust Fund payments totalling \$ 35,981.90 on vouchers EFT, CHQ, Direct payments.*

**CARRIED 7/0**

**9.10 DIRECT DEBIT LIST AND VISA CARD TRANSACTIONS - APRIL 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 April 2021.

Municipal Direct Debit List				
Date	Name	Details	\$	Amount
1-Apr-21	NAB	Merchant Fees - Trust		3.19
1-Apr-21	Westnet	Internet Fees		4.99
1-Apr-21	NAB	Merchant Fees - Caravan Park		58.18
1-Apr-21	NAB	Merchant Fees - Muni		101.06
1-Apr-21	NAB	Merchant Fees- CRC		473.21
1-Apr-21	Alleasing	Gym Equipment Lease		3,121.83
1-Apr-21	Shire of Kellerberrin	Precision Superannuation		10,401.48
1-Apr-21	Shire of Kellerberrin	Pay Run		62,249.93
8-Apr-21	Shire of Kellerberrin	Creditors		500,152.13
9-Apr-21	Department of Transport	Vehicle Inspection Fees		48.20
13-Apr-21	Department of Communities	Rent		420.00
14-Apr-21	Telstra	Mobile		783.78
15-Apr-21	Shire of Kellerberrin	Precision Superannuation		10,308.41
15-Apr-21	Shire of Kellerberrin	Creditors		9,883.95
15-Apr-21	Shire of Kellerberrin	Pay Run		62,196.58
21-Apr-21	ATO	BAS April 2021		14,702.00
22-Apr-21	Shire of Kellerberrin	Creditors		285,267.04
27-Apr-21	Department of Communities	Rent		420.00
28-Apr-21	Nyax	Vending Machine Caravan Park		38.10
29-Apr-21	Telstra	Telstra Internet		110.00
29-Apr-21	Telstra	Telstra - General Charges		1,834.78
29-Apr-21	Shire of Kellerberrin	Precision Superannuation		10,164.05
29-Apr-21	Shire of Kellerberrin	Pay Run		58,943.92
29-Apr-21	NAB	NAB Connect Fee		46.24
30-Apr-21	NAB	NAB BPAY Charge		14.72
30-Apr-21	NAB	Account Fees - Trust		10.00

30-Apr-21	NAB	Account Fees - Muni		46.30
30-Apr-21	NAB	Merchant Fees - Trust		2.05
30-Apr-21	NAB	Merchant Fees - Muni		60.69
30-Apr-21	NAB	Merchant Fees - Caravan Park		62.58
30-Apr-21	NAB	Merchant Fees - CRC		146.86
		<b>TOTAL</b>	<b>\$</b>	<b>1,032,076.25</b>
Trust Direct Debit List				
<b>Date</b>	<b>Name</b>	<b>Details</b>	<b>\$</b>	<b>Amount</b>
30-Apr-21	Department of Transport	Licencing April 2021		\$35,167.75
		<b>TOTAL</b>	<b>\$</b>	<b>35,167.75</b>
Visa Transactions				
<b>Date</b>	<b>Name</b>	<b>Details</b>	<b>\$</b>	<b>Amount</b>
07-Apr-21	Metro Petroleum Geraldton	Fuel KE1		153.65
12-Apr-21	Kmart Online	Shower Curtains Caravan Park		90.00
13-Apr-21	Kmart Online	Pillows for Caravan Park		168.00
19-Apr-21	Good Guys	Vacuum Cleaner Bags Caravan Park		49.90
19-Apr-21	United Petroleum	Phone Charger		26.00
28-Apr-21	NAB	Card Fee		9.00
		<b>TOTAL - CEO</b>	<b>\$</b>	<b>496.55</b>
<b>Date</b>	<b>Name</b>	<b>Details</b>	<b>\$</b>	<b>Amount</b>
07-Apr-21	ZOOM	Zoom Annual Licence		999.79
08-Apr-21	Shire of Kellerberrin	Licence Plate Transfer KE002		28.60
14-Apr-21	Shire of Kellerberrin	Licence Plate Transfer KE002		17.30
20-Apr-21	Kellerberrin Pie Shop	Rolls (Donation Emergency Service Day)		105.00
28-Apr-21	NAB	Card Fee		9.00
		<b>TOTAL -DCEO</b>		<b>1,159.69</b>
		<b>TOTAL VISA TRANSACTIONS</b>	<b>\$</b>	<b>1,656.24</b>

### STAFF COMMENT

The Direct Debit List and Visa Card Transactions are presented for Council to note for the month of April 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:

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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
- Senior Finance Officer

**STAFF RECOMMENDATION**

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

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

**COUNCIL RESOLUTION**

**MIN 085/21**

**MOTION - Moved Cr. O'Neill**

**Seconded Cr. Reid**

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

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

**CARRIED 7/0**

**9.11 FINANCIAL ACTIVITY STATEMENT - APRIL 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

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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

## STAFF RECOMMENDATION

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

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

## COUNCIL RESOLUTION

**MIN 086/21      MOTION - Moved Cr. Reid      Seconded Cr. O'Neill**

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

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

**CARRIED 7/0  
BY ABSOLUTE MAJORITY**

**10 DEVELOPMENT SERVICES REPORTS**

Nil

**11 WORKS & SERVICES REPORTS**

Nil

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

Nil

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

### MOTION

#### COUNCIL RESOLUTION

MIN 087/21

MOTION - Moved Cr. O'Neill

Seconded Cr. Reid

*That Council receive Late Items.***CARRIED 7/0**

### 13.1 DEVELOPMENT APPLICATION - PATIO

**File Ref:** A904  
**Author:** Lewis York, Town Planner  
**Authoriser:** Raymond Griffiths, Chief Executive Officer  
**Applicant:** Mr Robert Lamplugh  
**Location:** 78 Gregory Street Kellerberrin WA 6410  
**Attachments:** 1. Plans

#### BACKGROUND

A development application has been received from Mr. Robert Lamplugh on behalf of Milligan Units for the Cuolahan Cottages located at 78 Gregory Street, Kellerberrin.

The development proposes new patios for units 1,2,3,4 and 6. Unit 5 will not seek any additions.  
**Site**



**Shire of Kellerberrin Local Planning Scheme**

Zoning: Residential

Coding: R10/40

Use: grouped dwelling: residential

**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**

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

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

4.5.2. In considering an application for development approval under this clause, where, in the opinion of the local government, the variation is likely to affect any owners or occupiers in the general locality or adjoining the site which is the subject of consideration for the variation, the local government is to —

(a) consult the affected parties by following one or more of the provisions for advertising uses under Clause 64 of the deemed provisions; and AMD 2 GG 12/09/17;

(b) have regard to any expressed views prior to making its determination to grant the variation.

4.5.3. The power conferred by this clause may only be exercised if the local government is satisfied that —

(a) approval of the proposed development would be appropriate having regard to the criteria set out in Clause 67 of the deemed provisions; and AMD 2 GG 12/09/17;

(b) the non-compliance will not have an adverse effect upon the occupiers or users of the development, the inhabitants of the locality or the likely future development of the locality.

Planning and Development (local planning schemes) Regulations 2015

**67. Matters to be considered by local government**

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

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

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

(c) any approved State planning policy;

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

(e) any policy of the Commission;

(f) any policy of the State;

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

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

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

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

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

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

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

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

(i) environmental impacts of the development;

(ii) the character of the locality;

(iii) social impacts of the development;

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

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

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

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

(s) the adequacy of —

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

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

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

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

(i) public transport services;

(ii) public utility services;

(iii) storage, management and collection of waste;

(iv) access for pedestrians and cyclists (including end of trip storage, toilet and shower facilities);



- (v) access by older people and people with disability;
- (v) the potential loss of any community service or benefit resulting from the development other than potential loss that may result from economic competition between new and existing businesses;
- (w) the history of the site where the development is to be located;
- (x) the impact of the development on the community as a whole notwithstanding the impact of the development on particular individuals;
- (y) any submissions received on the application;
- (za) the comments or submissions received from any authority consulted under clause 66;
- (zb) any other planning consideration the local government considers appropriate.

## STRATEGIC PLAN IMPLICATIONS

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

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

## COMMUNITY CONSULTATION

The following consultation took place;

- Chief Executive Officer
- Councils Town Planner
- Owner / Occupier

## PLANNING ASSESSMENT

The proposed patio additions to the grouped dwellings raises no significant planning concerns. The proposal requires Council approval due to the setbacks on the southern boundary. The proposed setback is 300mm, the R-codes permits a setback of 1.5m. It is recommended that Council approve the development with standard conditions and the reduced setbacks as per plans provided.

## STAFF RECOMMENDATION

*That Council grants conditional development approval for the construction of five (5) patios at 78 Gregory street, Kellerberrin, that will exceed the following prescriptions in Residential Codes, State Planning Policy 7.3 by:*

- a) *300mm Boundary Setback with the specification in table 2b being 1.5m*

### General Conditions

- i. *Planning approval will expire if the development is not substantially commenced within two years of this approval; and*
- ii. *The endorsed approved plans shall not be altered without prior written approval of the Shire*

### Advice Notes

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

## **COUNCIL RESOLUTION**

**MIN 088/21**

**MOTION - Moved Cr. O'Neill**

**Seconded Cr. Ryan**

***That Council grants conditional development approval for the construction of five (5) patios at 78 Gregory street, Kellerberrin, that will exceed the following prescriptions in Residential Codes, State Planning Policy 7.3 by:***

- a) 300mm Boundary Setback with the specification in table 2b being 1.5m***

### ***General Conditions***

- i. Planning approval will expire if the development is not substantially commenced within two years of this approval; and***
- ii. The endorsed approved plans shall not be altered without prior written approval of the Shire***

### ***Advice Notes***

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

**CARRIED 7/0**

**14 CONFIDENTIAL MATTERS****COUNCIL RESOLUTION**

MIN 089/21      MOTION - Moved Cr. Ryan      Seconded Cr. Leake

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

**14.1      Chief Executive Officer - Performance Appraisal**

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

**14.2      2021/2022 Draft Wages Budget**

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

**CARRIED 7/0**

**COUNCIL RESOLUTION**

MIN 090/21      MOTION - Moved Cr. Leake      Seconded Cr. Ryan

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

**CARRIED 7/0**

## **15 CLOSURE OF MEETING**

**The Meeting closed at 4.24pm.**

**The minutes of this meeting consisting of pages 1 to 83 were confirmed at the Ordinary Council Meeting held on 15 June 2021.**

.....  
**CHAIRPERSON**

**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.

May 2021 Council Meeting

**MIN 076/21 MOTION - Moved Cr. Steber Seconded Cr. McNeil**

***That Council:***

- 1. Inform CEACA that Kellerberrin would be interested in having additional Independent Living Units at the CEACA precinct should the funding be made available.***

April 2021 Council Meeting

**MIN 059/21 MOTION - Moved Cr. Steber Seconded Cr. Leake**

***That Council:***

- 1. Request that \$10,000 be allocated to the Arts Committee in the 2021/22 DRAFT budget as seed funding to be reviewed at Budget adoption.***
- 2. Review the opportunity of adding additional disabled parking bay on Moore Street in front of the Medical Centre.***

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.***

#### STAFF COMMENT

May MIN 076/21

- Council Shire President advised CEACA.

April MIN 059/21

- \$10,000 has been allocated to the DRAFT Budget for 21/22

March MIN 041/21

1. Pricing being sought.

## 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) governs 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 2.7 amended: No. 17 of 2009 s. 4.]*

Section 2.8. The role of the mayor or president

- (1) The mayor or president —
  - (a) presides at meetings in accordance with this Act; and
  - (b) provides leadership and guidance to the community in the district; and
  - (c) carries out civic and ceremonial duties on behalf of the local government; and
  - (d) speaks on behalf of the local government; and
  - (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; and
- (b) provides leadership and guidance to the community in the district; and
- (c) facilitates communication between the community and the council; and
- (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: 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: No. 64 of 1998 s. 30; amended: 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; or
  - (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; or
  - (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: 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 an electoral gift to the relevant person in relation to the election at which the relevant person was last elected; or
    - (ii) has given an electoral gift to the relevant person since the relevant person was last elected;
- or
- (eb) the relevant person is a council member and the person has given a gift to which this paragraph applies to the relevant person since the relevant person was last elected; or
  - (ec) the relevant person is a CEO and the person has given a gift to which this paragraph applies to the relevant person since the relevant person was last employed (or appointed to act) in the position of CEO; 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.

(1A) Subsection (1)(eb) and (ec) apply to a gift if —

- (a) either —
  - (i) the amount of the gift exceeds the amount prescribed for the purposes of this subsection; or
  - (ii) the gift is 1 of 2 or more gifts made by 1 person to the relevant person at any time during a year and the sum of the amounts of those 2 or more gifts exceeds the amount prescribed for the purposes of this subsection;
- and
- (b) the gift is not an excluded gift under subsection (1B).

(1B) A gift is an excluded gift —

- (a) if —
  - (i) the gift is a ticket to, or otherwise relates to the relevant person's attendance at, an event as defined in section 5.90A(1); and
  - (ii) the local government approves, in accordance with the local government's policy under section 5.90A, the relevant person's attendance at the event;
- or
- (b) if the gift is in a class of gifts prescribed for the purposes of this subsection.

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; or
  - (b) an interest in the imposition of any rate, charge or fee by the local government; or
  - (c) an interest relating to —
    - (i) 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; or
    - (ii) a gift permitted by section 5.100A; or
    - (iii) reimbursement of an expense that is the subject of regulations made under section 5.101A;
  - or
  - (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;
  - or
  - [(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; or
  - (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; or
  - (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; or
  - (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; or
  - (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: 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; No. 26 of 2016 s. 12.]*

**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.
- (1A) Subsection (1) does not apply if —
  - (a) the interest disclosed is an interest relating to a gift; and
  - (b) either —
    - (i) the amount of the gift exceeds the amount prescribed for the purposes of this subsection; or
    - (ii) the gift is 1 of 2 or more gifts made by 1 person to the disclosing member at any time during a year and the sum of the amounts of those 2 or more gifts exceeds the amount prescribed for the purposes of this subsection.
- (2) A decision under this section is to be recorded in the minutes of the meeting relating to the matter together with —
  - (a) the extent of any participation allowed by the council or committee; and
  - (b) if the decision concerns an interest relating to a gift, the information prescribed for the purposes of this paragraph.
- (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.

[Section 5.68 amended: No. 16 of 2019 s. 30.]

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.
- (5) A decision under this section must be recorded in the minutes of the meeting relating to the matter.

*[Section 5.69 amended: No. 49 of 2004 s. 53; No. 16 of 2019 s. 31.]*

#### 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: 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.  
Penalty for this subsection: a fine of \$10 000 or imprisonment for 2 years.
- (2A) Subsection (2) applies to a CEO even if the advice or report is provided in accordance with a decision made under section 5.71B(2) or (6).
- (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 for this subsection: a fine of \$10 000 or imprisonment for 2 years.

*[Section 5.70 amended: No. 16 of 2019 s. 32.]*

#### 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**

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

**BACKGROUND**

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

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

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

**STAFF COMMENT**

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

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

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

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

**TEN YEAR FINANCIAL PLAN**

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

**FINANCIAL IMPLICATIONS**

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

**STATUTORY IMPLICATIONS**

Local Government Act 1995 (as amended)

Section 2.7. The role of the council

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

Section 2.8. The role of the mayor or president

- (1) The mayor or president —

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

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

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

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

Section 2.10. The role of councillors

A councillor —

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

5.60. When person has an interest

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

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

has —

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

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

5.60A. Financial interest

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

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

5.60B. Proximity interest

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



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

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

#### 5.61. Indirect financial interests

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

#### 5.62. Closely associated persons

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

or

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

- (2) In subsection (1) —

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

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

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

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

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

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

*[(e) deleted]*

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

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

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

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

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

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

- (c) the proposed development of that land or any land adjacent to that land,  
then nothing in this section prevents sections 5.65, 5.70 and 5.71 from applying to the relevant person.
- (4) If a relevant person has a financial interest because any land in which the person has any interest other than an interest relating to the valuation of that land or any land adjacent to that land may be affected by —
  - (a) any proposed change to a planning scheme for any area in the district;
  - (b) any proposed change to the zoning or use of land in the district; or
  - (c) the proposed development of land in the district,then nothing in this section prevents sections 5.65, 5.70 and 5.71 from applying to the relevant person.
- (5) A reference in subsection (2), (3) or (4) to the development of land is a reference to the development, maintenance or management of the land or of services or facilities on the land.  
*[Section 5.63 amended by No. 1 of 1998 s. 15; No. 64 of 1998 s. 32; No. 28 of 2003 s. 111; No. 49 of 2004 s. 52; No. 17 of 2009 s. 27.]*

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

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

- (1) A member who has an interest in any matter to be discussed at a council or committee meeting that will be attended by the member must disclose the nature of the interest —
  - (a) in a written notice given to the CEO before the meeting; or
  - (b) at the meeting immediately before the matter is discussed.Penalty: \$10 000 or imprisonment for 2 years.
- (2) It is a defence to a prosecution under this section if the member proves that he or she did not know —
  - (a) that he or she had an interest in the matter; or
  - (b) that the matter in which he or she had an interest would be discussed at the meeting.
- (3) This section does not apply to a person who is a member of a committee referred to in section 5.9(2)(f).

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

5.69A. Minister may exempt committee members from disclosure requirements

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

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

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

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

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

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

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

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

### **STRATEGIC COMMUNITY PLAN**

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

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

### **COMMUNITY CONSULTATION**

The following consultation took place;

- Chief Executive Officer

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

## **STAFF RECOMMENDATION**

*That Council receive the Status Report.*

**9.3 2021/2022 DIFFERENTIAL RATES**

**File Number:** ASS  
**Author:** Brett Taylor, Senior Finance Officer  
**Authoriser:** Raymond Griffiths, Chief Executive Officer  
**Attachments:** 1. Statement of Rating - Objects and Reasons 21/22

**BACKGROUND**

The Shire's Strategic Community Plan articulates the vision for the Shire, with the Corporate Business Plan describing how that vision will be achieved over the next four years. The Annual Budget describes how services and infrastructure will be funded for the next year, with the Long Term Financial Plan setting out the financial plan for the next ten years.

The adoption of the Annual Budget will be considered at the July 2021 Ordinary Meeting of Council.

A major component of any local government funding is property rates. The Shire can apply a uniform rate or a differential rate for each of the valuation categories; gross rental and unimproved values. The intention behind applying differential rates is to take into account the levels of services provided to different types of properties, to reflect the cost of provision of services to those categories of properties as well as the need to encourage specific types of activities within the Shire.

As the Shire uses differential rates, it is required under section 6.36 of the Local Government Act 1995 (the Act) to advertise the intended differential rates for public comment and consideration by Council prior to their adoption. The Shire must give public notice of the differential rates it intends to impose. Submissions are invited, and a minimum of 21 days is required before Council can consider those submissions. The proposed differential rates and minimum payments can then be imposed, with or without modifications.

A document is required to be made available for inspection by electors and ratepayers that describes the objects of and reasons for each proposed rate and minimum payment:

- Attachment - Statement of Rating Objects and Reasons for the 2021/22 Year

**DETAILS**

The Shire has experienced growth over the past few years, generating increased demand for the services and infrastructure. In addition, the State Government has significantly increased charges that the Shire cannot avoid. This places pressure on the ability of the Shire to fund necessary services and infrastructure.

In considering the demands and needs of the community, Council is mindful of the downturn in the economy and the capacity of ratepayers to pay. In accordance with Shire plans, strict fiscal discipline will facilitate a balanced budget for a 4.5% general increase in rates yield.

The Shire has utilised the current values as at 19<sup>th</sup> May 2021 to determine the total rates revenue per differential rate type based on the proposed 4.5% increase on the 2021/22 differential rate in the dollar and minimum rates.

Based on this proposed rates revenue, the Shire has recalculated the rates in dollar utilising the new values provided by the Valuer General. It is also recommended that the minimum rates for each category increase by 4.5% for GRV properties only.

The Long Term Financial Plan for the Shire of Kellerberrin indicates a revenue requirement of \$2,377,430 with the proposed rate modelling proposing rates to earn \$2,330,320 in income. The loss in income of \$47,110 can be attributed in part to CEACA now having Charitable status meaning they are no longer deemed to be a rateable property.

**STAFF COMMENT****Rating Strategy for 21/22**

The 2021/22 budget proposes:

For properties rated on a gross rental valuation method (where valuations are unchanged) the existing rate in the dollar will be multiplied with the proposed percentage increase (4.5%) to calculate 2021/22 rates.

For properties currently rated on an unimproved basis (which are subjected to a revaluation by the Valuer General) the rate yield will reflect a 4.5% increase and the rate in the dollar will be calculated in accordance with the methodology previously adopted by Council. Changes in rates levied will be as a result of the changes in values from the revaluation.

Differential rate, Statement of Objects and Reasons are detailed in Attachment 1 and will apply in 2021/22 to the following categories:

*Gross rental properties***1. Commercial/Industrial**

Minimum rates to increase by 4.5% subject to legislative requirement that no more than 50% of the number of properties per differential rate category has the minimum applied.

Separate refuse charges will be levied in 2021/22 (refer to schedule of fees and charges under waste management).

Rate in dollar applied so that the maximum rate in the dollar is no more than twice the lowest.

In accordance with *section 6.45 of the Local Government Act 1995*, penalty interest can be levied on rates instalments. Interest does not apply to current rates due by registered Pensioners and Senior's. Council has however elected to not charge any instalment charges for 2021/2022.

In accordance with *section 6.51 of the Local Government Act 1995*, Council can charge penalty interest at 7% per annum on a daily basis on all overdue rates. Penalty interest does not apply to current rates due by registered Pensioners and Senior's. Emergency Services Levy as determined by the Department of Fire and Emergency will be included in the rate assessments.

**Determination of rate revenue for 2021/22**

The calculation of the 2021/22 rate in the dollar for all rates is based on a 4.5% increase in rate yield from 2020/21.

**Methodology**

Where no revaluation has taken place the previous year's rate in the dollar is increased by the proposed increase (4.5%).

Revaluations occur every year for unimproved value properties and every five years for gross rental properties. The last revaluation of gross rental properties occurred in July 2017 (next revaluation expected 1 July, 2024).

The property values (current values) as at 19th May, 2021 have been used to determine the total rates revenue for each differential rate type. Rate modelling is conducted with data extrapolated using values that exist in the rates database. These models give Council an indicative predetermined total rates revenue figure based on the valuations at the time of calculation.

- |          |   |
|----------|---|
| Step 1 – | 2021/22 rate in dollar x proposed % increase = Proposed Rate in Dollar            |
| Step 2 - | Current Values x proposed rate in dollar = Amount Levied (including minimum rate) |



- Step 3 - Amount to be Levied divided by the new values = Proposed Rate in Dollar (including minimum rate)

As a direct result of individual changes in the valuation of each property, the rates levied per property will fluctuate each year regardless of the percentage change adopted by Council.

### **Gross rental value properties**

The Shire is proposing an increase of 4.5% on the existing differential rates in the dollar for properties rated on a gross rental valuation method (noting that 2021/22 is not a revaluation year for GRV). It is also recommended that the minimum rates for each category increase by 4.5%.

The following process applies this financial year for GRV properties:

- Step 1 – 2021/22 rate in dollar x proposed % increase = Proposed Rate in Dollar
- Step 2 - Current Values x proposed rate in dollar = Amount Levied (including minimum rate)

As a direct result of individual changes in the valuation of each property, the rates levied per property will fluctuate each year regardless of the percentage change adopted by Council.

### **COMMENT**

Council is required to advertise the Differential rating, providing a submission period as per section 6.36 – *Local Government Act 1995*, being 21 days from date of advertising.

**TEN YEAR FINANCIAL PLAN**

SHIRE OF KELLERBERRIN																
15 YEAR LONG TERM FINANCIAL PLAN																
		1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
		16/17	17/18	18/19	19/20	20/21	21/22	22/23	23/24	24/25	25/26	26/27	27/28	28/29	29/30	30/31
<b>OPERATING</b>																
<b>Revenues</b>																
	Rates	5.25%	5.00%	5.00%	4.50%	4.50%	4.50%	4.50%	3.00%	3.00%	3.00%	3.00%	3.00%	2.50%	2.50%	2.50%
	Operating grants, subsidies and contributions	1.19%	1.19%	1.19%	1.19%	1.19%	1.19%	1.19%	1.19%	1.19%	1.19%	1.19%	1.19%	1.19%	1.19%	1.19%
	Profit on Asset Disposal	0.25%	0.25%	0.25%	0.25%	0.25%	0.25%	0.25%	0.25%	0.25%	0.25%	0.25%	0.25%	0.25%	0.25%	0.25%
	Fees and charges	1.50%	1.50%	1.50%	1.50%	1.50%	1.50%	1.50%	1.50%	1.50%	1.50%	1.50%	1.50%	1.50%	1.50%	1.50%
	Interest earnings	1.50%	1.50%	1.50%	1.50%	1.50%	1.50%	1.50%	1.50%	1.50%	1.50%	1.50%	1.50%	1.50%	1.50%	1.50%
	Other revenue	1.50%	1.50%	1.50%	1.50%	1.50%	1.50%	1.50%	1.50%	1.50%	1.50%	1.50%	1.50%	1.50%	1.50%	1.50%
		11.19%	10.94%	10.94%	10.44%	10.44%	10.44%	10.44%	8.94%	8.94%	8.94%	8.94%	8.94%	8.44%	8.44%	8.44%
<b>Expenses</b>																
	Employee costs	2.50%	2.10%	2.10%	2.10%	2.10%	2.10%	2.10%	2.10%	2.10%	2.10%	2.10%	2.10%	2.10%	2.10%	2.10%
	Materials and contracts	1.19%	1.19%	1.19%	1.19%	1.19%	1.19%	1.19%	1.19%	1.19%	1.19%	1.19%	1.19%	1.19%	1.19%	1.19%
	Utility charges (electricity, gas, water etc.)	3.60%	3.60%	3.60%	3.60%	3.60%	3.60%	3.60%	3.60%	3.58%	3.50%	3.50%	3.50%	3.50%	3.50%	3.50%
	Depreciation on non-current assets	0.25%	0.25%	0.25%	0.25%	0.25%	0.25%	0.25%	0.25%	0.25%	0.25%	0.25%	0.25%	0.25%	0.25%	0.25%
	Loss on Asset Disposal	0.25%	0.25%	0.25%	0.25%	0.25%	0.25%	0.25%	0.25%	0.25%	0.25%	0.25%	0.25%	0.25%	0.25%	0.25%
	Interest Expense	1.19%	1.19%	1.19%	1.19%	1.19%	1.19%	1.19%	1.19%	1.19%	1.19%	1.19%	1.19%	1.19%	1.19%	1.19%
	Insurance expense	1.19%	1.19%	1.19%	1.19%	1.19%	1.19%	1.19%	1.19%	1.19%	1.19%	1.19%	1.19%	1.19%	1.19%	1.19%
	Other expenditure	1.19%	1.19%	1.19%	1.19%	1.19%	1.19%	1.19%	1.19%	1.19%	1.19%	1.19%	1.19%	1.19%	1.19%	1.19%
		11.36%	10.96%	10.96%	10.96%	10.96%	10.96%	10.96%	10.96%	10.94%	10.86%	10.86%	10.86%	10.86%	10.86%	10.86%
<b>NET OPERATIONS</b>		-0.17%	-0.02%	-0.02%	-0.52%	-0.52%	-0.52%	-0.52%	-2.02%	-2.00%	-1.92%	-1.92%	-1.92%	-2.42%	-2.42%	-2.42%

SHIRE OF KELLERBERRIN																		
BY NATURE OR TYPE																		
15 YEAR LONG TERM FINANCIAL PLAN																		
FOR THE YEARS 2016/17 to 2030/31																		
		As Audited	As Annual Report															
	NOTE	2014/15	2015/16	2016/17	2017/18	2018/19	2019/20	2020/21	2021/22	2022/23	2023/24	2024/25	2025/26	2026/27	2027/28	2028/29	2029/30	2030/31
		Actual	Actual	As Budget	Estimated	Estimated	Estimated	Estimated	Estimated	Estimated	Estimated	Estimated	Estimated	Estimated	Estimated	Estimated	Estimated	Estimated
		\$	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$
<b>REVENUE</b>																		
Rates	Sch 3	1,670,246	1,750,737	1,855,536	1,957,874	2,055,768	2,148,277	2,244,950	2,345,973	2,451,541	2,525,088	2,600,840	2,678,885	2,759,231	2,842,008	2,913,059	2,985,885	3,060,532

**FINANCIAL IMPLICATIONS**

Rating income for 2021/2022.

**STATUTORY IMPLICATIONS**

*Local Government Act 1995*

*Subdivision 2 — Categories of rates and service charges*

**6.32. Rates and service charges**

- (1) When adopting the annual budget, a local government —
  - (a) in order to make up the budget deficiency, is to impose\* a general rate on rateable land within its district, which rate may be imposed either —
    - (i) uniformly; or
    - (ii) differentially;
  - (b) may impose\* on rateable land within its district —
    - (i) a specified area rate; or
    - (ii) a minimum payment;and
  - (c) may impose\* a service charge on land within its district.

*\* Absolute majority required.*

- (2) Where a local government resolves to impose a rate it is required to —
  - (a) set a rate which is expressed as a rate in the dollar of the gross rental value of rateable land within its district to be rated on gross rental value; and
  - (b) set a rate which is expressed as a rate in the dollar of the unimproved value of rateable land within its district to be rated on unimproved value.
- (3) A local government —
  - (a) may, at any time after the imposition of rates in a financial year, in an emergency, impose\* a supplementary general rate or specified area rate for the unexpired portion of the current financial year; and
  - (b) is to, after a court or the State Administrative Tribunal has quashed a general valuation, rate or service charge, impose\* a new general rate, specified area rate or service charge.

*\* Absolute majority required.*

- (4) Where a court or the State Administrative Tribunal has quashed a general valuation the quashing does not render invalid a rate imposed on the basis of the quashed valuation in respect of any financial year prior to the financial year in which the proceedings which resulted in that quashing were commenced.

*[Section 6.32 amended by No. 55 of 2004 s. 690.]*

**6.33. Differential general rates**

- (1) A local government may impose differential general rates according to any, or a combination, of the following characteristics —
  - (a) the purpose for which the land is zoned, whether or not under a local planning scheme or improvement scheme in force under the *Planning and Development Act 2005*;

- (b) a purpose for which the land is held or used as determined by the local government;
- c) whether or not the land is vacant land; or
- (d) any other characteristic or combination of characteristics prescribed.

(2) Regulations may —

- (a) specify the characteristics under subsection (1) which a local government is to use; or
  - (b) limit the characteristics under subsection (1) which a local government is permitted to use.
- (3) In imposing a differential general rate a local government is not to, without the approval of the Minister, impose a differential general rate which is more than twice the lowest differential general rate imposed by it.
- (4) If during a financial year, the characteristics of any land which form the basis for the imposition of a differential general rate have changed, the local government is not to, on account of that change, amend the assessment of rates payable on that land in respect of that financial year but this subsection does not apply in any case where section 6.40(1)(a) applies.
- (5) A differential general rate that a local government purported to impose under this Act before the *Local Government Amendment Act 2009* section 39(1)(a) came into operation<sup>1</sup> is to be taken to have been as valid as if the amendment made by that paragraph had been made before the purported imposition of that rate.

[Section 6.33 amended by No. 38 of 2005 s. 15; No. 17 of 2009 s. 39; No. 28 of 2010 s. 34.]

#### 6.34. Limit on revenue or income from general rates

Unless the Minister otherwise approves, the amount shown in the annual budget as being the amount it is estimated will be yielded by the general rate is not to —

- (a) be more than 110% of the amount of the budget deficiency; or
- (b) be less than 90% of the amount of the budget deficiency.

#### 6.35. Minimum payment

- (1) Subject to this section, a local government may impose on any rateable land in its district a minimum payment which is greater than the general rate which would otherwise be payable on that land.
- (2) A minimum payment is to be a general minimum but, subject to subsection (3), a lesser minimum may be imposed in respect of any portion of the district.
- (3) In applying subsection (2) the local government is to ensure the general minimum is imposed on not less than —
  - (a) 50% of the total number of separately rated properties in the district; or
  - (b) 50% of the number of properties in each category referred to in subsection (6), on which a minimum payment is imposed.
- (4) A minimum payment is not to be imposed on more than the prescribed percentage of —
  - (a) the number of separately rated properties in the district; or
  - (b) the number of properties in each category referred to in subsection (6),

unless the general minimum does not exceed the prescribed amount.

- (5) If a local government imposes a differential general rate on any land on the basis that the land is vacant land it may, with the approval of the Minister, impose a minimum payment in a manner that does not comply with subsections (2), (3) and (4) for that land.
- (6) For the purposes of this section a minimum payment is to be applied separately, in accordance with the principles set forth in subsections (2), (3) and (4) in respect of each of the following categories —
  - (a) to land rated on gross rental value;
  - (b) to land rated on unimproved value; and
  - (c) to each differential rating category where a differential general rate is imposed.

*[Section 6.35 amended by No. 49 of 2004 s. 61.]*

#### 6.36. Local government to give notice of certain rates

- (1) Before imposing any differential general rates or a minimum payment applying to a differential rate category under section 6.35(6)(c) a local government is to give local public notice of its intention to do so.
- (2) A local government is required to ensure that a notice referred to in subsection (1) is published in sufficient time to allow compliance with the requirements specified in this section and section 6.2(1).
- (3) A notice referred to in subsection (1) —
  - (a) may be published within the period of 2 months preceding the commencement of the financial year to which the proposed rates are to apply on the basis of the local government's estimate of the budget deficiency;
  - (b) is to contain —
    - (i) details of each rate or minimum payment the local government intends to impose;
    - (ii) an invitation for submissions to be made by an elector or a ratepayer in respect of the proposed rate or minimum payment and any related matters within 21 days (or such longer period as is specified in the notice) of the notice; and
    - (iii) any further information in relation to the matters specified in subparagraphs (i) and (ii) which may be prescribed;and
  - (c) is to advise electors and ratepayers of the time and place where a document describing the objects of, and reasons for, each proposed rate and minimum payment may be inspected.
- (4) The local government is required to consider any submissions received before imposing the proposed rate or minimum payment with or without modification.
- (5) Where a local government —
  - (a) in an emergency, proposes to impose a supplementary general rate or specified area rate under section 6.32(3)(a); or(b)proposes to modify the proposed rates or minimum payments after considering any submissions under subsection (4),

it is not required to give local public notice of that proposed supplementary general rate, specified area rate, modified rate or minimum payment.

### 6.37. Specified area rates

- (1) A local government may impose a specified area rate on rateable land within a portion of its district for the purpose of meeting the cost of the provision by it of a specific work, service or facility if the local government considers that the ratepayers or residents within that area —
  - (a) have benefited or will benefit from;
  - (b) have access to or will have access to; or
  - (c) have contributed or will contribute to the need for,that work, service or facility.
- (2) A local government is required to —
  - (a) use the money from a specified area rate for the purpose for which the rate is imposed in the financial year in which the rate is imposed; or
  - (b) to place it in a reserve account established under section 6.11 for that purpose.
- (3) Where money has been placed in a reserve account under subsection (2)(b), the local government is not to —
  - (a) change the purpose of the reserve account; or
  - (b) use the money in the reserve account for a purpose other than the service for which the specified area rate was imposed,and section 6.11(2), (3) and (4) do not apply to such a reserve account.
- (4) A local government may only use the money raised from a specified area rate —
  - (a) to meet the cost of providing the specific work, service or facility for which the rate was imposed; or
  - (b) to repay money borrowed for anything referred to in paragraph (a) and interest on that money.
- (5) If a local government receives more money than it requires from a specified area rate on any land or if the money received from the rate is no longer required for the work, service or facility the local government —
  - (a) may, and if so requested by the owner of the land is required to, make a refund to that owner which is proportionate to the contributions received by the local government; or
  - (b) is required to allow a credit of an amount proportionate to the contribution received by the local government in relation to the land on which the rate was imposed against future liabilities for rates or service charges in respect of that land.
- (6) Where —
  - (a) before the coming into operation of the *Local Government Amendment Act 2012* Part 2 Division 5, a specified area rate was imposed, or purportedly imposed, under this section by a local government for the purpose of the provision of underground electricity; and
  - (b) the underground electricity was not, or will not, be provided, or not wholly provided, by the local government,

the rate is, and is taken always to have been, as validly imposed under this section as it would have been if, at the time of the imposition of the rate, the local government were to provide the underground electricity.

*[Section 6.37 amended by No. 2 of 2012 s. 20.]*

### 6.38. Service charges

- (1) A local government may impose on —
  - (a) owners; or
  - (b) occupiers,of land within the district or a defined part of the district a service charge for a financial year to meet the cost to the local government in the provision of a prescribed work, service or facility in relation to the land.
- (2) A local government is required to —
  - (a) use the money from a service charge in the financial year in which the charge is imposed; or
  - (b) to place it in a reserve account established under section 6.11 for the purpose of that work, service or facility.
- (3) Where money has been placed in a reserve account under subsection (2)(b), the local government is not to —
  - (a) change the purpose of the reserve account; or
  - (b) use the money in the reserve account for a purpose other than the work, service or facility for which the charge was imposed,and subsections (2), (3) and (4) of section 6.11 do not apply to such a reserve account.
- (4) A local government may only use the money raised from a service charge —
  - (a) to meet the cost of providing the specific service for which the work, service or facility charge was imposed; or
  - (b) to repay money borrowed for anything referred to in paragraph (a) and interest on that money.
- (5) If a local government receives more money than it requires from the service charge imposed under subsection (1)(a) it —
  - (a) may, and if so requested by the owner of the land, is required to, make a refund to the owner of the land which is proportionate to the contributions received by the local government; or
  - (b) is required to allow a credit of an amount proportionate to the contribution received by the local government in relation to any land on which the service charge was imposed against future liabilities for rates or service charges in respect of that land.
- (6) If a local government receives more money than it requires from the service charge imposed under subsection (1)(b) it is required to make a refund to the person who paid the service charge which is proportionate to the contributions received by the local government.
- (7) This section applies in respect of a prescribed work, service or facility even if the work, service or facility is not provided, or not wholly provided, by a local government if the local government has facilitated or participated in the provision of the work, service or facility.
- (8) Where —
  - (a) before the coming into operation of the *Local Government Amendment Act 2012* Part 2 Division 5, a service charge was imposed, or purportedly imposed, under this section by a local government for the purpose of the provision of underground electricity; and
  - (b) the underground electricity was not, or will not, be provided, or not wholly provided, by the local government,

the charge is, and is taken always to have been, as validly imposed under this section as it would have been if, at the time of the imposition of the charge, the amendments effected by *Local Government Amendment Act 2012* Part 2 Division 5 had been in effect and the provision of underground electricity had been a prescribed work.

*[Section 6.38 amended by No. 2 of 2012 s. 21.]*

## STRATEGIC COMMUNITY PLAN

The following consultation took place;

- Councillors
- Chief Executive Officer
- Senior Finance Officer

## STAFF RECOMMENDATION

*That Council resolve to:*

1. *Advertise the following differential rates and minimum rate for the 2021/2022 financial year.*

<b>Gross Rental Value Properties</b>		
<b>Description</b>	<b>Rate in \$</b>	<b>Minimum Rate</b>
<i>Kellerberrin Residential</i>	<i>\$0. 13970</i>	<i>\$818.00</i>
<i>Other Residential</i>	<i>\$0.13970</i>	<i>\$818.00</i>
<i>Kellerberrin Commercial</i>	<i>\$0.16050</i>	<i>\$897.00</i>
<i>Other Commercial</i>	<i>\$0.16050</i>	<i>\$897.00</i>
<b>Unimproved Value Properties</b>		
<i>Mining Tenements</i>	<i>\$0.018620</i>	<i>\$818.00</i>
<i>Rural</i>	<i>\$0.018620</i>	<i>\$818.00</i>

2. *Adopt the Objects and Reasons for the differential rate as shown in the attachment presented.*



**9.4 2021/2022 RATE PROVISIONS****File Number:** FIN04**Author:** Brett Taylor, Senior Finance Officer**Authoriser:** Raymond Griffiths, Chief Executive Officer**Attachments:**

1. Rates Model 4.5% Increase 21/22
2. Rates Comparison 21.22 using only UV Valuation Changes
3. Rates Comparison 21.22 4.5% Overall Increase.

**BACKGROUND**

Council, Under the Local Government Act 1995 (as amended) Section 6.45, may elect to review and consider for adoption the following:

**Rate Instalments**

Council can offer to their ratepayers the option to pay their rates by 4 equal or nearly equal, instalments or such other method of payment by instalments as is set in Council's Budget.

The first instalment of any instalment plan becomes due and payable on the same date those rates paid by a single payment become due and payable. Council is still able to offer incentives to ratepayers who pay their rates in full early (by the first instalment date).

**Rubbish Charges**

Ratepayers will not be entitled to pay rubbish charges by instalments, but if Council wished to extend the facility by using its general powers, it could do so.

**Interest and Administration Charges***Interest on Instalments*

Council is able to charge an interest and administration charge to offset the loss of investment opportunity and the cost of new administrative requirements. This is not to be confused with penalty interest, which can be applied to any instalment not paid by the due date. The maximum rate of interest under the Local Government Act Section 6.45 (3) noted in Financial Management Regulation 68 is 5.5%.

*Interest Penalties*

Interest on late payments will accrue after the date the payment falls due on the rate notice if no election is made to pay by instalments. Where an election has been made to pay by instalments, interest will accrue from the day after an instalment is due and payable until the day before the instalment is paid but will apply only to the amount of the overdue instalment.

The maximum rate of interest under Local Government Act Section 6.51 noted in Financial Management Regulation 70 is 7%.

**Council has previously:****Administration Charge**

In determining the administration recovery related to instalment plans the local government is;

- to have regard to the cost of providing the additional administration and Installment reminder notices;
- to consider the administration charge as a full or partial reimbursement of the costs involved;
- Without intent to profit from the administration charges adopted.

*Instalments Not Available if Payment in Arrears*

Payment of a rate or service charge on any land may not be made by instalments if, at the date for payment of the first instalment, any part of a rate or service charge imposed on that land in a previous financial year (or interest accrued thereon at the date of issue of the rate notice) remains unpaid.

*Instalments Not Available for Small Amounts*

Payment may not be made by instalments if the total amount shown in the rate notice as being payable to the local government for rates, service charges or minimum payments, other than amounts remaining unpaid from a previous financial year, is less than the minimum rate.

*Discounts*

Council under section 6.46 of the Local Government Act 1995 (as amended) when imposing a rate or service charge, may resolve by absolute majority to grant a discount or other incentive for the early payment of any rate or service charge.

*2020/2021 Rates Review*

In 2020/2021 Council offered the following incentives for early payment of rates within the discount period.

1. Discount

Council removed the early discount option.

2. Prizes for early payment of rates

Ratepayers paying their rates within the discount period went into a draw to win various prizes being donated to Council including accommodation packages and passes.

Cost to Council - \$0.00

3. Instalments Revenue

	Actual Revenue 2020/2021 Year to Date	Budget Revenue 2021/2022
Instalment Interest	\$0.00	\$6,000.00
Administration Fee	\$0.00	\$2,000.00

4. Non-payment Penalty

Non-payment penalty interest received during the 2020/21 year was \$2203.78 year to date compared to \$18,478.78 during the 2019/20 financial year with the significant difference being the restrictions placed on local governments in regards to charging penalty interest due to COVID-19.

**STAFF COMMENT*****Rate Increase***

Council's Management in accordance with the Long Term Financial Plan have development a Rate Model with an overall increase of 4.5%.

The 4.5 percent increase incorporates the following:

- 4.5% Increase in the Rate in Dollar for GRV
- 5.0% Decrease in the Rate in Dollar for UV
- 14.19% Increase in UV Valuations from Valuer General

**Valuation and Rate Model Summary**

Below is a table the represents the Valuation Changes for the Shire of Kellerberrin.

Rate	18/19	19/20	20/21	21/22
GRV	\$ 3,675,669	\$ 3,837,948	\$ 3,938,905	\$ 3,957,335
UV	\$72,906,000	\$76,949,100	\$ 77,884,405	\$ 88,939,900
Mining	\$ 2,904	\$ 2,805	\$ 2,805	\$ 14,895
Non-Rateable	\$ 100,362	\$ 100,362	\$ 170,581	\$ 161,771
<b>TOTAL</b>	<b>\$76,684,935</b>	<b>\$80,890,215</b>	<b>\$81,896,696</b>	<b>\$93,073,901</b>

Over the last five years Council has increased rates as follows;

2020/21 0.00%

2019/20 4.51 %

2018/19 5.22%

2017/18 4.21% and reduction of Discount from 2% to NIL

2016/17 5.11%

2015/16 4.42%

Please note Council's administration has provided what they believe is the preferred option though Council can modify the recommendation what they desire.

***Rate Instalments***

Council in previous years elected to offer electors the opportunity of paying via 4 options:

- Payment in Full or
- Payment via 2 equal instalments or
- Payment via 4 equal instalments.
- Enter into a formal "Special Payment Arrangement

***Interest of Instalments***

Council in previous years elected to charge 5.5% Interest on Instalments when electors choose to pay via the above instalments with the limit set at 5.5% as per the Act.

***Interest Penalties***

Council in previous years elected to charge 7% penalty interest on rates that remain outstanding past the due date (35 days).

***Proposed Payment Options:***

1. Pay in full prior to the due date and be eligible for the discount (if applicable) and incentive prize draw
2. Pay by 2 equal instalments
3. Pay by 4 equal instalments or
4. Enter into a formal 'Special Payment Arrangement'

All other properties that remain unpaid or have not opted to do any of the above would incur interest at 11% after the due date.

***Administration Charges***

Council last year elected to charge \$5 per instalment as an administration charge in offering the instalment option. There is no minimum or maximum for the administration charge though it states that the charges are for reimbursement of expenses not for raising of profits.

- Payment via 2 instalments - \$ 5.00
- Payment via 4 instalments - \$15.00

***Discount / Prizes***

2019/20 Council removed the Discount for early payment of rates, however Council offered incentive prizes at no cost to Council to provide an incentive for people to pay rates in full within the discount period.

**FINANCIAL IMPLICATIONS**

- Shire of Kellerberrin 2021/22 Budget

Council has elected as per above to charge;

- Instalment Interest
- Administration Fee on Instalments
- Interest on Overdue rates if rates are still outstanding 35 days from issue date at a rate of 7%.

**STATUTORY IMPLICATIONS –**

Local Government Act 1995 (as amended)

**6.33. Differential general rates**

- (1) A local government may impose differential general rates according to any, or a combination, of the following characteristics —
  - (a) the purpose for which the land is zoned, whether or not under a local planning scheme or improvement scheme in force under the *Planning and Development Act 2005*;

- (b) a purpose for which the land is held or used as determined by the local government;
  - (c) whether or not the land is vacant land; or
  - (d) any other characteristic or combination of characteristics prescribed.
- (2) Regulations may —
  - (a) specify the characteristics under subsection (1) which a local government is to use; or
  - (b) limit the characteristics under subsection (1) which a local government is permitted to use.
- (3) In imposing a differential general rate a local government is not to, without the approval of the Minister, impose a differential general rate which is more than twice the lowest differential general rate imposed by it.
- (4) If during a financial year, the characteristics of any land which form the basis for the imposition of a differential general rate have changed, the local government is not to, on account of that change, amend the assessment of rates payable on that land in respect of that financial year but this subsection does not apply in any case where section 6.40(1)(a) applies.
- (5) A differential general rate that a local government purported to impose under this Act before the *Local Government Amendment Act 2009* section 39(1)(a) came into operation<sup>1</sup> is to be taken to have been as valid as if the amendment made by that paragraph had been made before the purported imposition of that rate.

[Section 6.33 amended by No. 38 of 2005 s. 15; No. 17 of 2009 s. 39; No. 28 of 2010 s. 34.]

#### 6.45. Options for payment of rates or service charges

- (1) A rate or service charge is ordinarily payable to a local government by a single payment but the person liable for the payment of a rate or service charge may elect to make that payment to a local government, subject to subsection (3), by —
  - (a) 4 equal or nearly equal instalments; or
  - (b) Such other method of payment by instalments as is set forth in the local government's annual budget.
- (2) Where, during a financial year, a rate notice is given after a reassessment of rates under section 6.40 the person to whom the notice is given may pay the rate or service charge —
  - (a) By a single payment; or
  - (b) By such instalments as are remaining under subsection (1) (a) or (b) for the remainder of that financial year.
- (3) A local government may impose an additional charge (including an amount by way of interest) where payment of a rate or service charge is made by instalments and that additional charge is, for the purpose of its recovery, taken to be a rate or service charge, as the case requires, that is due and payable.
- (4) Regulations may —
  - (a) Provide for the manner of making an election to pay by instalments under subsection (1) or (2);
  - (b) Prescribe circumstances in which payments may or may not be made by instalments;
  - (c) Prohibit or regulate any matters relating to payments by instalments;

- (d) Provide for the time when, and manner in which, instalments are to be paid;
- (e) Prescribe the maximum amount (including the maximum interest component) which may be imposed under subsection (3) by way of an additional charge; and
- (f) Provide for any other matter relating to the payment of rates or service charges.

#### 6.46. Discounts

Subject to the *Rates and Charges (Rebates and Deferments) Act 1992*, a local government may, when imposing a rate or service charge, resolve\* to grant a discount or other incentive for the early payment of any rate or service charge.

\* *Absolute majority required*

#### 6.50. Rates or service charges due and payable

- (1) Subject to —
  - (a) subsections (2) and (3);
  - (b) any concession granted under section 6.47; and
  - (c) the *Rates and Charges (Rebates and Deferments) Act 1992*,a rate or service charge becomes due and payable on such date as is determined by the local government.
- (2) The date determined by a local government under subsection (1) is not to be earlier than 35 days after the date noted on the rate notice as the date the rate notice was issued.
- (3) Where a person elects to pay a rate or service charge by instalments the second and each subsequent instalment does not become due and payable at intervals of less than 2 months.

#### 6.51. Accrual of interest on overdue rates or service charges

- (1) A local government may at the time of imposing a rate or service charge resolve\* to impose interest (at the rate set in its annual budget) on —
    - (a) a rate or service charge (or any instalment of a rate or service charge); and
    - (b) any costs of proceedings to recover any such charge,that remains unpaid after becoming due and payable.

\* *Absolute majority required.*
  - (2) The rate of interest that may be set by the local government under this section is not to exceed the rate for the time being prescribed as the maximum rate of interest that may be set for the purposes of this section.
  - (3) Accrued interest is, for the purpose of its recovery, taken to be a rate or service charge, as the case requires, that is due and payable.
  - (4) If a person is entitled under the *Rates and Charges (Rebates and Deferments) Act 1992* or under this Act (if the local government in a particular case so resolves) to a rebate or deferment in respect of a rate or service charge —
    - (a) no interest is to accrue in respect of that rate or service charge payable by that person; and
    - (b) no additional charge is to be imposed under section 6.45(3) on that person.
  - (5) Regulations may provide for the method of calculation of interest.
- [Section 6.51 amended by No. 1 of 1998 s. 21(1); No. 49 of 2004 s. 62.]

## TEN YEAR FINANCIAL PLAN

	3	4	5	6	7	8	9	10	11	12	13	14	15
	2018/19	2019/20	2020/21	2021/22	2022/23	2023/24	2024/25	2025/26	2026/27	2027/28	2028/29	2029/30	2030/31
Rates	5.00%	4.50%	4.50%	4.50%	4.50%	3.00%	3.00%	3.00%	3.00%	3.00%	2.50%	2.50%	2.50%

Council's Long Term Financial Plan indicated that Rates Levied for 2021/2022 equated to \$2,330,320.

Council's plan indicated that a 4.5% increase was to occur this financial year.

## STRATEGIC COMMUNITY PLAN

### Strategic Priority 2.1

**Provide sustainable and well managed community assets and infrastructure for the long term enjoyment by our residents and visitors.**

<b>Goal 2.1.1</b>	<b>To maintain, upgrade and renew assets to ensure condition and performance remain at the level required.</b>
<b>Council's Role</b>	<ul style="list-style-type: none"> <li>■ To implement asset management best practice principles into our day to day operations.</li> <li>■ To manage all assets in the most economical and efficient manner possible, from creation / acquisition through to disposal.</li> <li>■ To develop and implement a rolling program of renewal and replacement works to ensure assets are maintained at the most optimum condition possible.</li> <li>■ To source funding and grants to contribute to the renewal and replacement works.</li> </ul>

## CORPORATE BUSINESS PLAN IMPLICATIONS

**(Including Workforce Plan and Asset Management Plan Implications)**

Service	Business unit responsible	Enabling assets
Manage resources efficiently and effectively to deliver services, programs, and infrastructure to the community.	Corporate Services	Council Offices, Vehicles Council Owned Dwellings

## COMMUNITY CONSULTATION

The following consultation took place;

- Chief Executive Officer
- Senior Finance Officer

## STAFF RECOMMENDATION

*That Council endorses the following rating information and charges to be incorporated into the 2021/2022 budget;*

### 1. Option

- |                                       |  |
|---------------------------------------|--|
| <b>Option A - One Payment</b>         | <b>Due By 27<sup>th</sup> August 2021</b>  |
| <b>Option B – 2 Instalment Option</b> | <b>50% due 27<sup>th</sup> August 2021</b>   |
|                                       | <b>50% due 7<sup>th</sup> January 2022</b>   |
| <b>Option C – 4 Instalment Option</b> | <b>25% due 27<sup>th</sup> August 2021</b>   |
|                                       | <b>25% due 29<sup>th</sup> October 2021</b>  |
|                                       | <b>25% due 7<sup>th</sup> January 2022</b>   |
|                                       | <b>25% due 11<sup>th</sup> March 2022</b>  |
| <b>Option D – Special Arrangement</b> | <b>Arrangements made prior to 27<sup>th</sup> August 2021 as per approved payment arrangement ensuring rates are paid off in full as soon as possible with the final payment being no later than 30 June 2022.</b> |
2. *Instalment option is offered for rubbish charges - no instalment interest or penalty interest to apply.*
  3. *Administration fee of \$5.00 per reminder rate notice (Options B and C)*
  4. *Instalment interest to be levied at 5.5%*
  5. *Late payment penalty interest to be levied at 7% for Rates and Emergency Services Levy for all outstanding rates from 28<sup>th</sup> August 2021.*
  6. *That rate incentives prizes be offered to ratepayers for early payment of rates within 35 days at no cost to Council.*
  7. *That Council recommends an overall 4.5% increase of the rates revenue for its 2021/22 Draft Budget, inclusive of the revaluations received from VGO 19.05.21 effective 01.07.21, which decreased UV values and increased GRV values: Rate In the Dollar being;*
    - a. *GRV - Kellerberrin Residential -Remains at 0.139700c minimum remains \$818*
    - b. *GRV - Other Residential -Remains at 0.139700c minimum remains \$818*
    - c. *GRV – Commercial - Remains 0.160500c minimum remains \$897*
    - d. *GRV – Industrial - Remains 0.160500c minimum remains \$897*
    - e. *UV - Mining Tenements – Reduces to 0.018620c minimum remains \$818*
    - f. *UV – Rural – Reduces to 0.018620c minimum remains \$818*
  8. *That Council adopts differential Rating for GRV Industrial and Commercial properties as shown in the modelling attached to this item, and the DLG is informed of this prior to budget adoption for 21/22.*



<b>9.5 LOCAL GOVERNMENT WEEK CONFERENCE</b>
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**File Ref:** ADM 41  
**Author:** Raymond Griffiths, Chief Executive Officer  
**Authoriser:** Raymond Griffiths, Chief Executive Officer  
**Attachments:** Nil

**BACKGROUND**

The 2021 Local Government Week Convention and Exhibition is to be held at Crown Perth from Sunday 19<sup>th</sup> September – Tuesday 21<sup>st</sup> September 2021.

Council's policy automatically permits the President, Deputy President and Chief Executive Officer to attend Local Government Week, should any other member wish to attend Council will need to endorse their attendance.

Additionally WALGA provide Council's the opportunity to have items presented to the Annual General Meeting for consideration and deliberation by the meeting should Council have an issue they would like discussed.

**STAFF COMMENT**

Council is permitted two voting rights at the AGM, if the President or Deputy President are unable to attend Council may nominate other Councillors to attend.

The format of the conference is different to previous years with the new venue they have also elected to change the days for the conference as illustrated above. The conference was previously held from a Wednesday to a Friday.

This has now changed to Sunday to Tuesday with post-conference Field trips being provided on the Wednesday.

**TEN YEAR FINANCIAL PLAN**

Operational expenses for Conferences.

**FINANCIAL IMPLICATIONS**

Please find below a listing of the Convention Fees, inclusive of GST up to 16<sup>th</sup> July 2019:

- Convention Registration Full Delegate
  - Full Delegate \$1,200
  - Corporate \$1,500
- Optional Extras
  - Breakfast ALGWA Breakfast (Monday) \$70
  - Gala Dinner at Optus Stadium (Monday)
    - Delegates/Exhibitors/Partners \$165
    - Life Members and their partners \$ 95
  - Convention Breakfast with Jelena Dokic (Tuesday) \$ 95
- Partners/Guests
  - Opening Reception (Sunday) \$ 85
  - Lunch (Monday/Tuesday) \$ 50
  - Partner Tours (Individual Tour fees as listed)

**STATUTORY IMPLICATIONS**

Nil

**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;

- Raymond Griffiths - Chief Executive Officer
- Codi Mullen - Personal Assistant to Chief Executive Officer
- Councillors

**STAFF RECOMMENDATION**

That Council:

1. Appoints Cr. \_\_\_\_\_ & Cr. \_\_\_\_\_ as voting Delegates for the Annual General Meeting.
2. Endorses Cr. \_\_\_\_\_ attending the conference; and
3. Allocate sufficient funds within the conference budget for the attendance of Councillors to the 2021 Local Government Convention.

**9.6 AUTHORISED & REGISTRATION OFFICERS**

**File Ref:** ENG01  
**Author:** Codi Mullen, Personal Assistant  
**Authoriser:** Raymond Griffiths, Chief Executive Officer  
**Attachments:** 1. Authorised Officers 2021

**BACKGROUND**

To authorise employees to act on behalf of Council as an Authorised and/or Registration Officer of Council.

**STAFF COMMENT**

Council annually reviews the Authorised and Registration Officers for Council to act on behalf of Council under the provision of the provided Legislation.

**TEN YEAR FINANCIAL PLAN**

NIL

**FINANCIAL IMPLICATIONS**

Cost of advertising within the Government Gazette

**STATUTORY IMPLICATIONS**

The following legislation is referred to for Council's Authorised and Registration Officers;

- Caravan Park and Camping Ground Act 1995
- Shire of Kellerberrin Cemetery Local Law 2003
- Local Government Property Local Law 2006
- Local Government Act 1995
- Litter Act 1979
- Control of Vehicles (Off-Road Areas) Act 1978
- Bush Fires Act 1954
- Cat Act 2011
- Dog Act 1976
- Local Government (Miscellaneous Provisions) Act 1960
- Food Act 2008
- Building Act 2011

**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. *revokes all previous Authorised and Registration Officer Schedules*
2. *adopts the Authorised Officers Schedule as presented*
3. *adopts the Registration Officers Schedule as presented*

**9.7 BEHAVIOUR COMPLAINTS COMMITTEE****File Number: ADMIN****Author: Codi Mullen, Personal Assistant****Authoriser: Raymond Griffiths, Chief Executive Officer****Attachments: 1. Behaviour Complaints Committee - Terms of Reference****BACKGROUND**

In accordance with the Local Government Act 1995 and section 5.8. Establishment of Committees. A local government may establish committees of three or more persons to assist the council and to exercise the powers and discharge the duties of the local government that can be delegated to committees.

**STAFF COMMENT**

Council in February 2021 adopted the Shire of Kellerberrin Code of Conduct for Council Members, Committee Members and Candidates (Code of Conduct) and Council members to handle specific behaviour complaints as per the below:

Council's February 2021 Ordinary Meeting of Council

***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**

Within the Code of Conduct it provides clear and concise procedures for how complaints are to be dealt with and part of this in accordance with *Clause 11 (3) The local government must, in writing, authorise 1 or more persons to receive complaints and withdrawals of complaints.*

Therefore Council has elected to form a Behaviour Complaints Committee to handle these complaints.

### **FINANCIAL IMPLICATIONS**

There are no direct financial implications.

### **STATUTORY IMPLICATIONS**

Section 5.10(4) of the Act provides that the Council must appoint the President to each Committee if the President informs the Shire of their wish to be a member of a particular Committee. The Committee, once appointed, must select a Presiding Member at its first meeting.

Section 5.10 (5) of the Act provides for the CEO or their delegate to be appointed to a Committee that has or will have an employee if the CEO so wishes.

### **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
- Personal Assistant to Chief Executive Officer

## STAFF RECOMMENDATION

*That Council;*

- 1. Rescind MIN 025/1 point 3 (b)(i),(ii),(iii) & (iv)*
- 2. Appoints the Chief Executive Officers as the Complaints Officer*
- 3. Support the establishment of Behaviour Complaints Committee comprising of the following members;*
  - a. Shire President;*
  - b. Deputy Shire President;*
  - c. Cr. \_\_\_\_\_*
  - d. Cr. \_\_\_\_\_*
- 4. Appoint the following members as Deputy members;*
  - a. Cr. \_\_\_\_\_*
  - b. Cr. \_\_\_\_\_*
- 5. Adopted the draft terms of reference as presented at attachment 1;*

**9.8 CHEQUE LIST MAY 2021**

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

**BACKGROUND**

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

**TRUST**

<b>TRUST TOTAL</b>	<b>\$ 43,965.88</b>
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**MUNICIPAL FUND****Cheque Payments**

34865-34872	<b>\$ 20,473.75</b>
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**EFT Payments**

12082-12177	<b>\$ 1,167,940.37</b>
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**Direct Debit Payments**

	<b>\$ 36,692.40</b>
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**TOTAL MUNICIPAL**

	<b>\$ 1,225,106.52</b>
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**STAFF COMMENT**

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

<b>Molivi Construction Pty Ltd</b>	<b>\$ 481,117.58</b>
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Progress claim CL004 April 2021 for 3 Bushfire sheds

<b>MBC Building (Majstrovich Building Co)</b>	<b>\$ 333,215.30</b>
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Progress Claim 2 Swimming Pool redevelopment

<b>EverGreen Synthetic Grass</b>	<b>\$ 82,978.20</b>
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Supply & install gold bowling green surface size 38.1m x 38.1m - 60% Payment on start date

<b>Boral Construction Materials Group T/as</b>	<b>\$ 56,775.38</b>
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Primer seal for Bedford Street

<b>Department of Transport - TRUST DIRECT DEBITS Licensing CRC</b>	<b>\$ 40,734.70</b>
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Licencing payments May 2021

<b>WCS Concrete Pty Ltd</b>	<b>\$ 26,094.42</b>
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Supply & laying of N25/14 concrete for Forrest Street footpath

<b>Woodstock Electrical Services</b>	<b>\$ 15,682.02</b>
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Claim works done for Rec Centre, Caravan Park, Dam & Hockey Oval

<b>Synergy</b>	<b>\$ 13,759.75</b>
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Power charges various Shire properties February-April 2021

<b>Penske Australia</b>	<b>\$ 12,503.51</b>
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Repairs & service for 1DLX390 including diagnostics, parts & labour



<b>Farmways Kellerberrin Pty Ltd</b> Purchase of oils, pool chemicals, hand sanitising stations, battery & various under \$200	<b>\$ 11,734.86</b>
<b>Merredin Glazing</b> Supply & install clear & laminated glass at Shire Office	<b>\$ 11,425.92</b>
<b>Western Australian Treasury Corporation</b> Loan No. 119 Interest payment – Construction CEACA Senior Units -Hammond Street	<b>\$ 11,140.49</b>
<b>Beam Superannuation</b> Staff superannuation contributions	<b>\$ 10,595.96</b>
<b>Beam Superannuation</b> Staff superannuation contributions	<b>\$ 10,325.78</b>
<b>Avon Waste</b> Domestic & commercial collections April 2021	<b>\$ 10,111.64</b>
<b>Kellerberrin &amp; Districts Agricultural Society</b> Community budget submission 100 year show celebrations	<b>\$ 10,000.00</b>
<b>United Card Services Pty Ltd</b> Total supply April 2021	<b>\$ 9,954.37</b>
<b>Deputy Commissioner Of Taxation</b> GST debtors, PAYG Tax, GST creditors & fuel tax credits	<b>\$ 8,949.00</b>
<b>WCS Concrete Pty Ltd</b> Supply & delivery of concrete for footings to Kellerberrin Rec Centre Exhibition Hall	<b>\$ 7,867.20</b>
<b>Synergy</b> Power charges Streetlights & various Shire properties February-April 2021	<b>\$ 5,606.96</b>
<b>Kellerberrin Community Resource Centre</b> Licencing commissions, March MDL, Library & Information Bay contribution, ATM Commissions April 2021	<b>\$ 5,308.08</b>
<b>Smith Earthmoving Pty Ltd</b> Hire of dozer for clearing of Nth Kellerberrin Bushfire shed construction	<b>\$ 5,302.00</b>
<b>AMD Audit &amp; Assurance Pty Ltd</b> Completion of Shire of Kellerberrin Regulation 17 review	<b>\$ 5,104.00</b>

## TEN YEAR FINANCIAL PLAN

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

## FINANCIAL IMPLICATIONS

Shire of Kellerberrin 2020/2021 Operating Budget

## STATUTORY IMPLICATIONS

Local Government (Financial Management) Regulations 1996

## 11. Payment of accounts

- (1) A local government is to develop procedures for the authorisation of, and the payment of, accounts to ensure that there is effective security for, and properly authorised use of —

- (a) cheques, credit cards, computer encryption devices and passwords, purchasing cards and any other devices or methods by which goods, services, money or other benefits may be obtained; and
  - (b) Petty cash systems.
- (2) A local government is to develop procedures for the approval of accounts to ensure that before payment of an account a determination is made that the relevant debt was incurred by a person who was properly authorised to do so.
- (3) Payments made by a local government —
  - (a) Subject to sub-regulation (4), are not to be made in cash; and
  - (b) Are to be made in a manner which allows identification of —
    - (i) The method of payment;
    - (ii) The authority for the payment; and
    - (iii) The identity of the person who authorised the payment.
- (4) Nothing in sub-regulation (3) (a) prevents a local government from making payments in cash from a petty cash system.

*[Regulation 11 amended in Gazette 31 Mar 2005 p. 1048.]*

**12. Payments from municipal fund or trust fund** (1) A payment may only be made from the municipal fund or the trust fund —

- (a) If the local government has delegated to the CEO the exercise of its power to make payments from those funds — by the CEO; or
  - (b) Otherwise, if the payment is authorised in advance by a resolution of the council.
- (2) The council must not authorise a payment from those funds until a list prepared under regulation 13(2) containing details of the accounts to be paid has been presented to the council.

*[Regulation 12 inserted in Gazette 20 Jun 1997 p. 2838.]*

**13. Lists of accounts**

- (1) If the local government has delegated to the CEO the exercise of its power to make payments from the municipal fund or the trust fund, a list of accounts paid by the CEO is to be prepared each month showing for each account paid since the last such list was prepared —
  - (a) The payee's name;
  - (b) The amount of the payment;
  - (c) The date of the payment; and
  - (d) Sufficient information to identify the transaction.
- (2) A list of accounts for approval to be paid is to be prepared each month showing —
  - (a) For each account which requires council authorisation in that month —
    - (i) The payee's name;
    - (ii) The amount of the payment; and
    - (iii) Sufficient information to identify the transaction;

And
  - (b) The date of the meeting of the council to which the list is to be presented.
- (3) A list prepared under sub-regulation (1) or (2) is to be —

- (a) Presented to the council at the next ordinary meeting of the council after the list is prepared; and
- (b) Recorded in the minutes of that meeting.

### **STRATEGIC COMMUNITY PLAN**

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

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

### **COMMUNITY CONSULTATION**

The following consultation took place;

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

## STAFF RECOMMENDATION

*That Council notes that during the month of May 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 \$ **1,225,106.52** on vouchers EFT , CHQ, Direct payments*
2. *Trust Fund payments totalling \$ **43,965.88** on vouchers EFT, CHQ, Direct payments*

**9.9 DIRECT DEBIT LIST AND VISA CARD TRANSACTIONS - MAY 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 April 2021.

Municipal Direct Debit List				
Date	Name	Details	\$	Amount
3-May-21	Westnet	Internet Fees		4.99
6-May-21	Shire of Kellerberrin	Creditors Payment		72,209.33
7-May-21	Department of Transport	Vehicle Inspection Fees		82.70
7-May-21	Telstra	Mobile Charges		797.73
7-May-21	Shire of Kellerberrin	Creditors Payment		481,117.58
11-May-21	Department of Communities	Rent		420.00
11-May-21	Vicki Philipoff	Fees Property Amalgamation		1,273.59
13-May-21	ATO	BAS April 2021		8,949.00
13-May-21	Shire of Kellerberrin	Precision Superannuation		10,325.78
13-May-21	Shire of Kellerberrin	Pay Run		61,163.70
20-May-21	Shire of Kellerberrin	Creditors Payment		281,398.16
21-May-21	Shire of Kellerberrin	Creditors Payment		333,215.30
24-May-21	Nyax Australia	Vending Machine Caravan Park		38.17
24-May-21	Telstra	Internet Fees		102.30
24-May-21	Telstra	Phone Charges		1,995.95
25-May-21	Department of Communities	Rent		420.00
27-May-21	Shire of Kellerberrin	Pay Run		66,373.03
27-May-21	Shire of Kellerberrin	Precision Superannuation		10,595.96
28-May-21	NAB	NAB Connect Fees		57.23
31-May-21	NAB	B-Pay Charge		12.88
31-May-21	NAB	Account Fees - Trust		47.40
31-May-21	NAB	Account Fees - Muni		10.00
		<b>TOTAL</b>	<b>\$</b>	<b>1,330,610.78</b>
Trust Direct Debit List				
Date	Name	Details	\$	Amount
31-May-21	Department of Transport	Licencing Payments May 2021		\$40,734.70
		<b>TOTAL</b>	<b>\$</b>	<b>40,734.70</b>

Visa Transactions				
Date	Name	Details	\$	Amount
10-May-21	Succulent Foods	Refreshments		31.00
13-May-21	Department Health	Chlorine Permit Pool		127.00
24-May-21	BP Quairading	Fuel KE1		158.76
24-May-21	Department Racing & Gaming	Liquor Permit - Hypnotist Evening		114.50
25-May-21	St John of God Hospital	Flowers Baby Pervan		95.00
27-May-21	Telstra	Recharge Sim - Digital Notice Board		150.00
28-May-21	NAB	Card Fee		9.00
		<b>TOTAL - CEO</b>	<b>\$</b>	<b>685.26</b>
Date	Name	Details	\$	Amount
12-May-21	Auto tools	Parts Mitsubishi Rosa Bus P1		360.83
20-May-21	Department Local Government	Reconciliation Banners		500.00
28-May-21	NAB	Card Fee		9.00
		<b>TOTAL -DCEO</b>		<b>869.83</b>
		<b>TOTAL VISA TRANSACTIONS</b>	<b>\$</b>	<b>1,555.09</b>

## STAFF COMMENT

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

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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 May 2021 comprising of;*

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

**9.10 FINANCIAL ACTIVITY STATEMENT - MAY 2021**

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

**BACKGROUND**

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

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

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

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

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

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

**STAFF COMMENT**

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

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

**TEN YEAR FINANCIAL PLAN**

Financial Management of 2020/2021 Budget.



**FINANCIAL IMPLICATIONS**

Financial Management of 2020/2021 Budget.

**STATUTORY IMPLICATIONS**

Local Government (Financial Management) Regulations 1996

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

(1A) In this regulation —

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

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

**STRATEGIC COMMUNITY PLAN**

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

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

## **COMMUNITY CONSULTATION**

The following consultation took place;

- Chief Executive Officer
- Deputy Chief Executive Officer

## **STAFF RECOMMENDATION**

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

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

**9.11 BUILDING REPORTS MAY 2021**

**File Number:** BUILD06  
**Author:** Codi Mullen, Personal Assistant  
**Authoriser:** Raymond Griffiths, Chief Executive Officer  
**Attachments:** 1. Building Applications Received May 2021  
2. Building Permits Issued May 2021

**BACKGROUND**

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

**STAFF COMMENT**

1. There were (4) applications received for a "Building Permit" during the May period. A copy of the "Australian Bureau of Statistics appends".
2. There were (3) "Building Permit" issued in the May 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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3. We are prepared for opportunities and we are innovative to ensure our relevancy and destiny

**COMMUNITY CONSULTATION**

The following consultation took place:

- Building Surveyor
- Owners
- Building Contractors

- Chief Executive Officer

## **STAFF RECOMMENDATION**

*That Council*

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

**10      DEVELOPMENT SERVICES REPORTS**

Nil

**11 WORKS & SERVICES REPORTS****11.1 DEVELOPMENT APPLICATION: REPURPOSED DWELLING**

**File Ref:** A555  
**Author:** Codi Mullen, Personal Assistant  
**Authoriser:** Raymond Griffiths, Chief Executive Officer  
**Applicant:** Ms Anne Tamang  
**Location:** 51 Forrest Street, Kellerberrin WA 6410  
**Attachments:** 1. House Plan 1  
2. House Plan 2  
3. House Plan 3  
4. House Plan 4  
5. House Plan 5

**BACKGROUND**

A development application has been received from Ms. Anne Tamang for the construction of a container home, which will be considered as a repurposed dwelling under the Shires Local Planning Scheme No.4. The lot is currently vacant with no existing vegetation. The development application proposes a dual story dwelling with 4 bedrooms and two bathrooms. Ms. Tamang seeks to use 3 second-hand containers that are in good condition. The design will also incorporate a carport.

**SITE****Shire of Kellerberrin Local Planning Scheme****51 Forest Street, Kellerberrin**

Zoned: Residential

R10/40 – assessed at R10 coding

Lot size: 1146m<sup>2</sup>

No restricted or additional uses

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

The objectives of the zones are —

**3.2.1 Residential Zone**

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

- (b) To provide for lifestyle choice in and around the townsites with a range of residential densities.
- (c) To allow for the establishment of non-residential uses subject to local amenities not being adversely affected.

## INTERPRETATION OF THE ZONING TABLE

3.4.1. Where a specific use is mentioned in the Zoning Table, it is deemed to be excluded from the general terms used to describe any other use.

3.4.2. If a person proposes to carry out on land any use that is not specifically mentioned in the Zoning Table and cannot reasonably be determined as falling within the type, class or genus of activity of any other use category the local government may —

- (a) determine that the use is consistent with the objectives of the particular zone and is therefore permitted;
- (b) determine that the use may be consistent with the objectives of the particular zone and thereafter follow the advertising procedures of Clause 64 of the deemed provisions in considering an application for development approval; or AMD 2 GG 12/09/17
- (c) determine that the use is not consistent with the objectives of the particular zone and is therefore not permitted. 3.4.3 Clause 18(7) of the model provisions, to provide clarity to the interpretation of the zoning table.

**TABLE 1 – ZONING TABLE**

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

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

A repurposed dwelling is a discretionary ‘D’ use, thus requiring development approval.



## **PART 4 — GENERAL DEVELOPMENT REQUIREMENTS**

### **4.1. COMPLIANCE WITH DEVELOPMENT STANDARDS AND REQUIREMENTS**

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

### **4.2. RESIDENTIAL DESIGN CODES**

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

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

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

### **4.3. SPECIAL APPLICATION OF RESIDENTIAL DESIGN CODES**

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

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

## ***Residential Design Codes 2015***

### **2.2 Single house approval**

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

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

2.3 Planning approval for single houses on small lots Development approval is required for the erection of a single house on any lot smaller than 260m<sup>2</sup>, except where the single house complies with a structure plan or local development plan. 2.4 Judging merit of proposals Where a proposal does not meet deemed-to-comply provision(s) of the R-Codes Volume 1 and addresses design principle(s), the decision-maker is required to exercise judgement to determine the proposal. Judgement of merit is exercised only for specific element(s) of a proposal which do not satisfy the relevant deemed-to-comply provision(s).

### **2.5 Exercise of judgement**

#### **2.5.1 Subject to clauses 2.5.2 and**

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

## 2.5.2

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

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

## 4.1 Consultation requirement

### 4.1.1

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

### 4.1.2

Where an application is made for development approval which presents:

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

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

### 4.1.3

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

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

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

### 4.1.4

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

### 4.1.5

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

### 4.1.6

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

## 4.2 Consultation procedure

### 4.2.1

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

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

### 4.2.2

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

### 4.2.3

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

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

### 4.2.4

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

## 4.3 Opportunity to respond

### 4.3.1

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

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

### 5.1.3 Lot boundary setback

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

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

### 5.2.3 Street surveillance

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

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

### 5.1.2 Street setback

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

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

Continued next page

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

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

**Legend**

◆ subject to variations permitted under clause 5.1.1 C1.4

▼ only applies to single houses

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

- indicated not applicable

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

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

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

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

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

(c) any approved State planning policy;

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

(e) any policy of the Commission;

(f) any policy of the State;

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

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

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

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

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

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

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

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

(i) environmental impacts of the development;

(ii) the character of the locality;

(iii) social impacts of the development;

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

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

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

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

(s) the adequacy of —

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

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

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

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

(i) public transport services;

(ii) public utility services;

(iii) storage, management and collection of waste;

(iv) access for pedestrians and cyclists (including end of trip storage, toilet and shower facilities);

(v) access by older people and people with disability;

(v) the potential loss of any community service or benefit resulting from the development other than potential loss that may result from economic competition between new and existing businesses;

(w) the history of the site where the development is to be located;

(x) the impact of the development on the community as a whole notwithstanding the impact of the development on particular individuals;

(y) any submissions received on the application;

(za) the comments or submissions received from any authority consulted under clause 66;

(zb) any other planning consideration the local government considers appropriate.

## **Shire of Kellerberrin- Repurposed and Second Hand Dwellings Policy**

### **6.0 POLICY STATEMENT**

General requirements for repurposed and second hand dwellings:

- Council will generally not support an application for the occupation and erection of a repurposed or second hand dwelling in the town centre zone.

- Council will only support an application for the erection and occupation of a repurposed or second hand dwelling in the Residential, Rural Residential, and Rural Townsite zones if: a) the dwelling(s) is to be used for accommodating a workforce or for tourist accommodation purposes, b) the repurposed or second hand dwelling is proposed on the same lot as an existing dwelling in the residential zone and complies with the requirements of the Scheme, Residential Design Codes (R-Codes) and provisions of this policy

#### 6.1.2 Repurposed Dwelling(s) Require the approval of the Council and;

- a) Shall comply with requirements of the Scheme and satisfy the provisions of the R-Codes (where applicable);
- b) The application is to be accompanied by plans, photographs of each elevation and a report of the condition of the dwelling to be relocated;
- c) The Council will only permit donga type structures for uses other than residential uses where it considers the use or establishment of the structure will not be in conflict with the objectives of this policy;
- d) The Council will only permit repurposed dwellings where it is satisfied that the standard and quality of building can satisfactorily be integrated into a residential area, and that the buildings do not contain unacceptable materials. Where any material containing asbestos fibres remains in or on the dwelling, including cement asbestos roofing or cladding, roof insulation or for any other purpose, such material shall be removed prior to the building being transported within or into the Council; and
- e) where a repurposed dwelling(s) is proposed as a an additional (grouped) dwelling, the total floor area of the additional repurposed dwelling(s) shall not exceed 110m<sup>2</sup> .

### STRATEGIC PLAN IMPLICATIONS

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

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

### COMMUNITY CONSULTATION

The following consultation took place:

- Chief Executive Officer
- Councils Town Planner
- Owner / Occupier

### PLANNING ASSESSMENT

The proposed container home raises no significant planning concerns. The prescriptions of the R-Codes have been considered, including factors such as setbacks, open space and visual privacy. The screening on the second story balcony ensures that the privacy of neighbouring property owners is protected. Furthermore the large rear setback is sufficient to ensure the north facing windows do not impede upon the privacy of the neighbouring outdoor living area.

Council should consider the aesthetic appeal of dwelling, including the external finish of the containers and colour scheme and the dwellings fit within the existing neighbourhood.



Councils Repurposed and Second Hand dwellings policy states it will generally not support a repurposed dwelling where it is proposed as a 'standalone' dwelling, however Council has considered proposals of this nature in recent times (Doodlakine townsite). Council has been more inclined to approve a repurposed dwelling as a standalone dwelling if the proposal is complete and includes all the features of other dwellings in residential areas. The current economic climate and the desire for cheaper accommodation typologies has meant that development of this nature is ever increasing, thus the need for Council to constantly review Local Planning Policies.

The below information was provided by email for colour information.

*Hi Lewis.*

*That's ok, thank you for taking time to sort permit for us.*

*Sorry had intended on visiting Northam Bunning to sort materials, obviously quarantine has put halt to that!*

*Please see colour bond chart attachment for*

*Panelling on outer of container home this will be*

*Deep Ocean Blue,*

*There will be EKODECKING HIGH BA rating on patio bottom and upper level Colour ...GREYSTONE*

*Fencing colour WOODLAND GREY*

## STAFF RECOMMENDATION

That Council

1. *Grants conditional development approval for a repurposed dwelling and carport at 51 Forrest Street Kellerberrin, with the following conditions;*

### General Conditions

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

### Advice Notes

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

**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****RECOMMENDATION**

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

**14.1 Sale of Excess Items**

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

**14.2 Chief Executive Officer - New Contract**

This matter is considered to be confidential under Section 5.23(2) - a of the Local Government Act, and the Council is satisfied that discussion of this matter in an open meeting would, on balance, be contrary to the public interest as it deals with a matter affecting an employee or employees.

**15 CLOSURE OF MEETING**