



MINUTES

Ordinary Council Meeting Tuesday, 15 June 2021

Date: Tuesday, 15 June 2021

Time: 2:00pm

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

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**MINUTES OF SHIRE OF KELLERBERRIN
ORDINARY COUNCIL MEETING
HELD AT THE COUNCIL CHAMBER, 110 MASSINGHAM STREET, KELLERBERRIN WA 6410
ON TUESDAY, 15 JUNE 2021 AT 2:00PM**

1 DECLARATION OF OPENING

The Presiding member opened the meeting at 2pm.

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.

COUNCIL RESOLUTION

MIN 073/21 MOTION - Moved Cr. Steber Seconded Cr. Leake

That Council receive and note the Shire Presidents Reports for May 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 074/21 MOTION - Moved Cr. Leake 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

MOTION**COUNCIL RESOLUTION****MIN 075/21****MOTION - Moved Cr. O'Neill****Seconded Cr. McNeil**

That council consider the request for Cr Ryan to attend the meeting remotely via zoom at 291b Marmion Street, Melville WA 6156.

CARRIED 7/0

4 DECLARATION OF INTEREST

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

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

5 PUBLIC QUESTION TIME

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

5.1 Response to Previous Public Questions taken on Notice

5.2 Public Question Time

6 CONFIRMATION OF PREVIOUS MEETINGS MINUTES**6.1 MINUTES OF THE COUNCIL MEETING HELD ON 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.

COUNCIL RESOLUTION

MIN 076/21 **MOTION - Moved Cr. Steber** **Seconded Cr. O'Neill**

That the Minutes of the Council Meeting held on 18 May 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.

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.

COUNCIL RESOLUTION

MIN 077/21 MOTION - Moved Cr. McNeil Seconded Cr. Ryan

That Council note no requests for the month June 2021.

CARRIED 7/0

9.2 STATUS REPORT OF ACTION SHEET

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

BACKGROUND

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

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

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

STAFF COMMENT

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

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

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

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

TEN YEAR FINANCIAL PLAN

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

FINANCIAL IMPLICATIONS

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

STATUTORY IMPLICATIONS

Local Government Act 1995 (as amended)

Section 2.7. The role of the council

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

Section 2.8. The role of the mayor or president

- (1) The mayor or president —

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

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

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

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

Section 2.10. The role of councillors

A councillor —

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

5.60. When person has an interest

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

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

has —

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

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

5.60A. Financial interest

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

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

5.60B. Proximity interest

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

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

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

5.61. Indirect financial interests

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

5.62. Closely associated persons

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

or

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

- (2) In subsection (1) —

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

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

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

5.63. Some interests need not be disclosed

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

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

[(e) deleted]

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

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

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

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

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

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

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

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

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

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

5.66. Meeting to be informed of disclosures

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

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

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

5.67. Disclosing members not to participate in meetings

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

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

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

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

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

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

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

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

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

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

5.69A. Minister may exempt committee members from disclosure requirements

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

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

5.70. Employees to disclose interests relating to advice or reports

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

5.71. Employees to disclose interests relating to delegated functions

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

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

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

STRATEGIC COMMUNITY PLAN

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

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

COMMUNITY CONSULTATION

The following consultation took place;

- Chief Executive Officer

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

STAFF RECOMMENDATION

That Council receive the Status Report.

COUNCIL RESOLUTION

MIN 078/21

MOTION - Moved Cr. Reid

Seconded Cr. McNeil

That Council receive the Status Report.

CARRIED 7/0

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 19th 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
OPERATING																
Revenues																
	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%
Expenses																
	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%
NET OPERATIONS		-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
		\$	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$
REVENUE																		
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 operation¹ 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.*

Gross Rental Value Properties		
Description	Rate in \$	Minimum Rate
<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>
Unimproved Value Properties		
<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.*

COUNCIL RESOLUTION

MIN 079/21

MOTION - Moved Cr. Steber

Seconded Cr. Leake

That Council resolve to:

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

Gross Rental Value Properties		
Description	Rate in \$	Minimum Rate
<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>
Unimproved Value Properties		
<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.*

CARRIED 7/0

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
TOTAL	\$76,684,935	\$80,890,215	\$81,896,696	\$93,073,901

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 operation¹ 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.

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

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

- | | |
|---------------------------------------|--|
| Option A - One Payment | Due By 27th August 2021 |
| Option B – 2 Instalment Option | 50% due 27th August 2021 |
| | 50% due 7th January 2022 |
| Option C – 4 Instalment Option | 25% due 27th August 2021 |
| | 25% due 29th October 2021 |
| | 25% due 7th January 2022 |
| | 25% due 11th March 2022 |
| Option D – Special Arrangement | Arrangements made prior to 27th 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. |
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 28th 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.*

COUNCIL RESOLUTION

MIN 080/21

MOTION - Moved Cr. McNeil

Seconded Cr. O'Neill

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

1. Option

- | | |
|---------------------------------------|--|
| Option A - One Payment | Due By 27th August 2021 |
| Option B – 2 Instalment Option | 50% due 27TH August 2021 |
| | 50% due 7th January 2022 |
| Option C – 4 Instalment Option | 25% due 27th August 2021 |
| | 25% due 29th October 2021 |
| | 25% due 7th January 2022 |
| | 25% due 11th March 2022 |
| Option D – Special Arrangement | Arrangements made prior to 27th 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. |
- 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 28th 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.**

**CARRIED 7/0
BY ABSOLUTE MAJORITY**

9.5 LOCAL GOVERNMENT WEEK CONFERENCE

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 19th September – Tuesday 21st 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 16th 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.

COUNCIL RESOLUTION

MIN 081/21

MOTION - Moved Cr. O'Neill

Seconded Cr. McNeil

That Council:

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

CARRIED 7/0

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*

COUNCIL RESOLUTION

MIN 082/21

MOTION - Moved Cr. O'Neill

Seconded Cr. Leake

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*

**CARRIED 7/0
BY ABSOLUTE MAJORITY**

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;*

COUNCIL RESOLUTION

MIN 083/21

MOTION - Moved Cr. O'Neill

Seconded Cr. Ryan

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. Steber*
 - d. Cr. Reid*
- 4. Appoint the following members as Deputy members;*
 - a. Cr. Ryan*
 - b. Cr. Leake*
- 5. Adopted the draft terms of reference as presented at attachment 1;*

CARRIED 7/0

BY ABSOLUTE MAJORITY

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 1st May to 31st May 2021

TRUST

TRUST TOTAL	\$ 43,965.88
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MUNICIPAL FUND**Cheque Payments**

34865-34872	\$ 20,473.75
-------------	---------------------

EFT Payments

12082-12177	\$ 1,167,940.37
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Direct Debit Payments

	\$ 36,692.40
--	---------------------

TOTAL MUNICIPAL

	\$ 1,225,106.52
--	------------------------

STAFF COMMENT

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

Molivi Construction Pty Ltd	\$ 481,117.58
------------------------------------	----------------------

Progress claim CL004 April 2021 for 3 Bushfire sheds

MBC Building (Majstrovich Building Co)	\$ 333,215.30
---	----------------------

Progress Claim 2 Swimming Pool redevelopment

EverGreen Synthetic Grass	\$ 82,978.20
----------------------------------	---------------------

Supply & install gold bowling green surface size 38.1m x 38.1m - 60% Payment on start date

Boral Construction Materials Group T/as	\$ 56,775.38
--	---------------------

Primer seal for Bedford Street

Department of Transport - TRUST DIRECT DEBITS Licensing CRC	\$ 40,734.70
--	---------------------

Licencing payments May 2021

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

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

Synergy	\$ 13,759.75
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Power charges various Shire properties February-April 2021

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

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

TEN YEAR FINANCIAL PLAN

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

FINANCIAL IMPLICATIONS

Shire of Kellerberrin 2020/2021 Operating Budget

STATUTORY IMPLICATIONS

Local Government (Financial Management) Regulations 1996

11. Payment of accounts

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

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

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

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

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

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

13. Lists of accounts

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

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

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

STRATEGIC COMMUNITY PLAN

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

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

COMMUNITY CONSULTATION

The following consultation took place;

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

STAFF RECOMMENDATION

That Council notes that during the month of 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*

COUNCIL RESOLUTION

MIN 084/21

MOTION - Moved Cr. McNeil

Seconded Cr. Steber

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*

CARRIED 7/0

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
		TOTAL	\$	1,330,610.78
Trust Direct Debit List				
Date	Name	Details	\$	Amount
31-May-21	Department of Transport	Licencing Payments May 2021		\$40,734.70
		TOTAL	\$	40,734.70

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
		TOTAL - CEO	\$	685.26
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
		TOTAL -DCEO		869.83
		TOTAL VISA TRANSACTIONS	\$	1,555.09

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

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

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

COMMUNITY CONSULTATION

The following consultation took place;

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

STAFF RECOMMENDATION

That Council note the direct debit list for the month of May 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. Reid Seconded Cr. Leake

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*

CARRIED 7/0

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 23rd July 2019, the Council adopted (MIN128/19) the following material variance reporting threshold for the 2019/20 financial year:

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

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

STAFF COMMENT

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

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

TEN YEAR FINANCIAL PLAN

Financial Management of 2020/2021 Budget.

FINANCIAL IMPLICATIONS

Financial Management of 2020/2021 Budget.

STATUTORY IMPLICATIONS

Local Government (Financial Management) Regulations 1996

34. Financial activity statement report — s. 6.4

(1A) In this regulation —

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

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

STRATEGIC COMMUNITY PLAN

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

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

COMMUNITY CONSULTATION

The following consultation took place;

- Chief Executive Officer
- Deputy Chief Executive Officer

STAFF RECOMMENDATION

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

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

COUNCIL RESOLUTION

MIN 086/21 MOTION - Moved Cr. McNeil Seconded Cr. Ryan

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

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

**CARRIED 7/0
BY ABSOLUTE MAJORITY**

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:

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

COMMUNITY CONSULTATION

The following consultation took place:

- Building Surveyor
- Owners
- Building Contractors

- Chief Executive Officer

STAFF RECOMMENDATION

That Council

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

COUNCIL RESOLUTION

MIN 087/21

MOTION - Moved Cr. McNeil

Seconded Cr. Ryan

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.*

CARRIED 7/0

10 DEVELOPMENT SERVICES REPORTS

Nil

11 WORKS & SERVICES REPORTS

11.1 DEVELOPMENT APPLICATION: REPURPOSED DWELLING

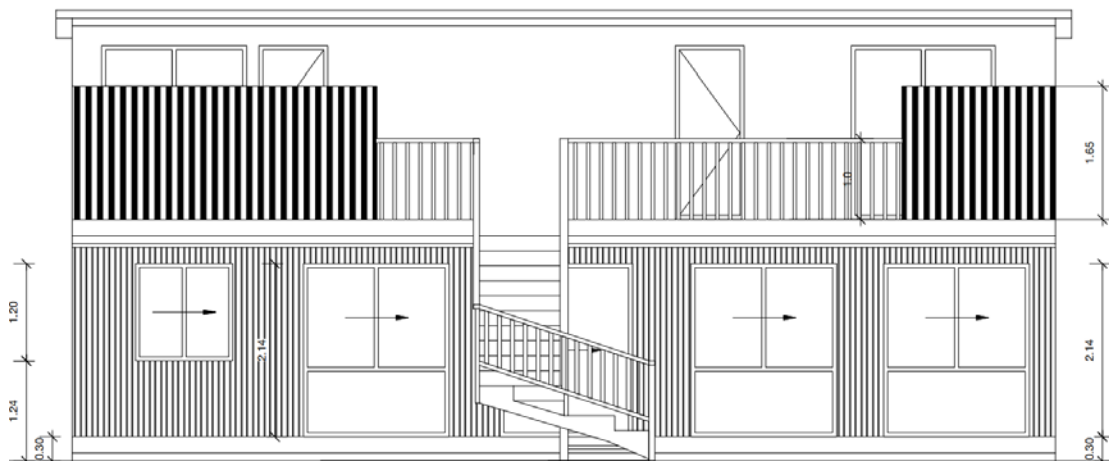
File Ref: A555
Author: Codi Mullen, Personal Assistant
Authoriser: Raymond Griffiths, Chief Executive Officer
Applicant: Ms Anne Tamang
Location: 51 Forrest Street, Kellerberrin WA 6410
Attachments: 1. House Plan 1
2. House Plan 2
3. House Plan 3
4. House Plan 4
5. House Plan 5

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: 1146m²

No restricted or additional uses

Local Planning Scheme No.4

3.2. OBJECTIVES OF THE ZONES

The objectives of the zones are —

3.2.1 Residential Zone

- (a) To retain the single dwelling as the predominant form of residential development in the Shire's townsites.
- (b) To provide for lifestyle choice in and around the townsites with a range of residential densities.
- (c) To allow for the establishment of non-residential uses subject to local amenities not being adversely affected.

INTERPRETATION OF THE ZONING TABLE

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

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

- (a) determine that the use is consistent with the objectives of the particular zone and is therefore permitted;

(b) determine that the use may be consistent with the objectives of the particular zone and thereafter follow the advertising procedures of Clause 64 of the deemed provisions in considering an application for development approval; or AMD 2 GG 12/09/17

(c) determine that the use is not consistent with the objectives of the particular zone and is therefore not permitted. 3.4.3 Clause 18(7) of the model provisions, to provide clarity to the interpretation of the zoning table.

TABLE 1 – ZONING TABLE

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

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

2.5 Exercise of judgement

2.5.1 Subject to clauses 2.5.2 and

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

2.5.2

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

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

4.1 Consultation requirement

4.1.1

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

4.1.2

Where an application is made for development approval which presents:

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

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

4.1.3

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

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

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

4.1.4

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

4.1.5

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

4.1.6

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

4.2 Consultation procedure

4.2.1

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

- (a) **site** and general nature of the proposal(s);
- (b) nature of the proposal involved;
- (c) availability to view details of the proposals; and
- (d) 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:

- i. buildings set back from lot boundaries in accordance with **Table 1**, **Tables 2a** and **2b** (refer to **Figure Series 3** and **4**);
- ii. **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;
- iii. 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;
- iv. minor projections such as a chimney, other architectural feature or an eaves overhang not projecting more than 0.75m into a **setback** area; and

5.2.3 Street surveillance

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

C3.1 The street elevation(s) of the **dwelling** to address the **street** with clearly definable entry points visible and accessed from the street.

C3.2 At least one **major opening** from a **habitable room** of the **dwelling** faces the street and the pedestrian or vehicular approach to the dwelling.

C3.3 For **battleaxe lots** or sites with internal **driveway** access, at least one major opening from a habitable room of the **dwelling** faces the approach to the dwelling.

5.1.2 Street setback

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

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

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

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

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

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

Continued next page

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

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

Legend

◆ subject to variations permitted under clause 5.1.1 C1.4

▼ only applies to single houses

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

- indicated not applicable

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

Planning and Development (Local Planning Scheme) Regulations 2015

67. Matters to be considered by local government

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

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

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

(c) any approved State planning policy;

- (d) any environmental protection policy approved under the Environmental Protection Act 1986 section 31(d);
- (e) any policy of the Commission;
- (f) any policy of the State;
- (g) any local planning policy for the Scheme area;
- (h) any structure plan, activity centre plan or local development plan that relates to the development;
- (i) any report of the review of the local planning scheme that has been published under the Planning and Development (Local Planning Schemes) Regulations 2015;
- (j) in the case of land reserved under this Scheme, the objectives for the reserve and the additional and permitted uses identified in this Scheme for the reserve;
- (k) the built heritage conservation of any place that is of cultural significance;
- (l) the effect of the proposal on the cultural heritage significance of the area in which the development is located;
- (m) the compatibility of the development with its setting including the relationship of the development to development on adjoining land or on other land in the locality including, but not limited to, the likely effect of the height, bulk, scale, orientation and appearance of the development;
- (n) the amenity of the locality including the following —
 - (i) environmental impacts of the development;
 - (ii) the character of the locality;
 - (iii) social impacts of the development;
- (o) the likely effect of the development on the natural environment or water resources and any means that are proposed to protect or to mitigate impacts on the natural environment or the water resource;
- (p) whether adequate provision has been made for the landscaping of the land to which the application relates and whether any trees or other vegetation on the land should be preserved;
- (q) the suitability of the land for the development taking into account the possible risk of flooding, tidal inundation, subsidence, landslip, bush fire, soil erosion, land degradation or any other risk;
- (r) the suitability of the land for the development taking into account the possible risk to human health or safety;
- (s) the adequacy of —
 - (i) the proposed means of access to and egress from the site; and
 - (ii) arrangements for the loading, unloading, manoeuvring and parking of vehicles;
- (t) the amount of traffic likely to be generated by the development, particularly in relation to the capacity of the road system in the locality and the probable effect on traffic flow and safety;
- (u) the availability and adequacy for the development of the following —
 - (i) public transport services;
 - (ii) public utility services;
 - (iii) storage, management and collection of waste;
 - (iv) access for pedestrians and cyclists (including end of trip storage, toilet and shower facilities);
 - (v) access by older people and people with disability;
- (v) the potential loss of any community service or benefit resulting from the development other than potential loss that may result from economic competition between new and existing businesses;

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

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

(y) any submissions received on the application;

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

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

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 110m² .

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.

COUNCIL RESOLUTION**MIN 088/21****MOTION - Moved Cr. Steber****Seconded Cr. Leake*****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.

CARRIED 7/0

12 ELECTED MEMBERS MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

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

MOTION

COUNCIL RESOLUTION

MIN 089/21 MOTION - Moved Cr. Reid Seconded Cr. Steber

That Council accepts Late Items as per the following;

- ***Delegated Authority Review to CEO.***

CARRIED 7/0

13.1 DELEGATED AUTHORITY REVIEW TO CEO

File Ref: SAFE
Author: Codi Mullen, Personal Assistant
Authoriser: Raymond Griffiths, Chief Executive Officer
Attachments: 1. Delegation Register 2021

BACKGROUND

The Local Government Act 1995 as amended, the associated Regulations and the Compliance Audit Return requires the Local Government to review its delegation of Powers/Authority to the Chief Executive Officer, at least once in every twelve (12) months and then for the Chief Executive Officer to review his Delegation of Authority to identified Senior Staff and Management Staff within the same review period.

June 2020 Council Meeting

MIN 086/20 MOTION - Moved Cr. McNeil Seconded Cr. Ryan

That Council:

- 1. in accordance with section 5.42 of the Local Government Act 1995 as amended;***
- 2. in accordance with sections 10, 14, 17, 48 and 50 of the Bush Fires Act 1954;***
- 3. adopts the defined delegations as per the attached Delegations Schedule to the Chief Executive Officer, be made to the Chief Executive Officer and remain in place until the next Delegations Review has been completed.***
- 4. Cancel all previous Delegations to the Chief Executive Officer***

**CARRIED 7/0
BY ABSOLUTE MAJORITY**

June 2019 Council Meeting

MIN107/19 MOTION - Moved Cr. Reid 2nd Cr. McNeil

That Council:

- 1. in accordance with section 5.42 of the Local Government Act 1995 as amended***
- 2. in accordance with sections 10, 14, 17, 48 and 50 of the Bush Fires Act 1954,***
- 3. the defined delegations as per the attached Delegations Schedule to the Chief Executive Officer, be made to the Chief Executive Officer and remain in place until the next Delegations Review has been completed.***
- 4. Cancel all previous Delegations to the Chief Executive Officer.***

**CARRIED 6/0
BY ABSOLUTE MAJORITY**

June 2018 Council Meeting

MIN 091/18 MOTION - Moved Cr. Steber2nd Cr. Reid***That Council:***

- 1. in accordance with section 5.42 of the Local Government Act 1995 as amended***
- 2. in accordance with sections 10, 14, 17, 48 and 50 of the Bush Fires Act 1954,***
- 3. the defined delegations as per the attached Delegations Schedule to the Chief Executive Officer, be made to the Chief Executive Officer and remain in place until the next Delegations Review has been completed.***
- 4. Cancel all previous Delegations to the Chief Executive Officer.***

CARRIED 6/0

BY ABSOLUTE MAJORITY

STAFF COMMENT

The only modification to the previous adopted delegated authority is the providing Council's Chief Executive Officer the ability to write off rates, sundry debtors to the value of \$300.00

The proposed delegations are summarised as per the enclosed Delegations Schedule and has been presented on the basis of;

1. Statutory Requirement to do so under the Local Government Act 1995 associated Regulations of the Local Government Act 1995, the Bush Fires Act 1954 and the Compulsory Annual Compliance Audit Return.
2. For continued and efficient Management of daily Functions of the Staff to completing Business and Administrative requirements of the Council.
3. The proposed Delegations are in accordance with Local Government Industry Standards of a Local Government Operation of this size.
4. The attached Delegations Schedule has been amended to include Local Government Act changes and associated Regulations changes to keep the list at a minimum standard for efficient and effective management of Councils daily business requirements and in accordance with the statutory functions of the Council and that of the Chief Executive Officer.

TEN YEAR FINANCIAL PLAN

Not known at this time

FINANCIAL IMPLICATIONS

Not known at this time

STATUTORY IMPLICATIONS**Local Government Act 1995 (as amended)****5.41. Functions of CEO**

The CEO's functions are to —

- (a) advise the council in relation to the functions of a local government under this Act and other written laws;
- (b) ensure that advice and information is available to the council so that informed decisions can be made;
- (c) cause council decisions to be implemented;

- (d) manage the day to day operations of the local government;
- (e) liaise with the mayor or president on the local government's affairs and the performance of the local government's functions;
- (f) speak on behalf of the local government if the mayor or president agrees;
- (g) be responsible for the employment, management supervision, direction and dismissal of other employees (subject to section 5.37(2) in relation to senior employees);
- (h) ensure that records and documents of the local government are properly kept for the purposes of this Act and any other written law; and
- (i) perform any other function specified or delegated by the local government or imposed under this Act or any other written law as a function to be performed by the CEO.

5.42. Delegation of some powers and duties to CEO

- (1) A local government may delegate* to the CEO the exercise of any of its powers or the discharge of any of its duties under this Act other than those referred to in section 5.43.

** Absolute majority required.*

- (2) A delegation under this section is to be in writing and may be general or as otherwise provided in the instrument of delegation.

[Section 5.42 amended by No. 1 of 1998 s. 13.]

5.43. Limits on delegations to CEO

A local government cannot delegate to a CEO any of the following powers or duties —

- (a) any power or duty that requires a decision of an absolute majority or a 75% majority of the local government;
- (b) accepting a tender which exceeds an amount determined by the local government for the purpose of this paragraph;
- (c) appointing an auditor;
- (d) acquiring or disposing of any property valued at an amount exceeding an amount determined by the local government for the purpose of this paragraph;
- (e) any of the local government's powers under section 5.98, 5.98A, 5.99, 5.99A or 5.100;
- (f) borrowing money on behalf of the local government;
- (g) hearing or determining an objection of a kind referred to in section 9.5;
- (ha) the power under section 9.49A(4) to authorise a person to sign documents on behalf of the local government;
- (h) any power or duty that requires the approval of the Minister or the Governor;
- (i) such other powers or duties as may be prescribed.

[Section 5.43 amended by No. 49 of 2004 s. 16(3) and 47; No. 17 of 2009 s. 23.]

5.44. CEO may delegate powers and duties to other employees

- (1) A CEO may delegate to any employee of the local government the exercise of any of the CEO's powers or the discharge of any of the CEO's duties under this Act other than this power of delegation.
- (2) A delegation under this section is to be in writing and may be general or as otherwise provided in the instrument of delegation.

- (3) This section extends to a power or duty the exercise or discharge of which has been delegated by a local government to the CEO under section 5.42, but in the case of such a power or duty —
- (a) the CEO's power under this section to delegate the exercise of that power or the discharge of that duty; and
 - (b) the exercise of that power or the discharge of that duty by the CEO's delegate,
- are subject to any conditions imposed by the local government on its delegation to the CEO.
- (4) Subsection (3)(b) does not limit the CEO's power to impose conditions or further conditions on a delegation under this section.
- (5) In subsections (3) and (4) —
- conditions** includes qualifications, limitations or exceptions.
- [Section 5.44 amended by No. 1 of 1998 s. 14(1).]*

5.45. Other matters relevant to delegations under this Division

- (1) Without limiting the application of sections 58 and 59 of the *Interpretation Act 1984* —
- (a) a delegation made under this Division has effect for the period of time specified in the delegation or where no period has been specified, indefinitely; and
 - (b) any decision to amend or revoke a delegation by a local government under this Division is to be by an absolute majority.
- (2) Nothing in this Division is to be read as preventing —
- (a) a local government from performing any of its functions by acting through a person other than the CEO; or
 - (b) a CEO from performing any of his or her functions by acting through another person.

5.46. Register of, and records relevant to, delegations to CEO and employees

- (1) The CEO is to keep a register of the delegations made under this Division to the CEO and to employees.
- (2) At least once every financial year, delegations made under this Division are to be reviewed by the delegator.
- (3) A person to whom a power or duty is delegated under this Act is to keep records in accordance with regulations in relation to the exercise of the power or the discharge of the duty.

Bush Fires Act 1954

7. Interpretation

- (1) In this Act unless the context otherwise indicates or requires —
- adjoining**, when used with respect to 2 or more pieces of land, extends to pieces of land which are separated only by a road or roads or by a railway or by a water-course;
- authorised CALM Act officer** means a wildlife officer, forest officer, ranger or conservation and land management officer who is authorised for the purposes of section 45(3a) of the *Conservation and Land Management Act 1984*;
- Authority** means the Fire and Emergency Services Authority of Western Australia established by section 4 of the FESA Act;
- bush** includes trees, bushes, plants, stubble, scrub, and undergrowth of all kinds whatsoever whether alive or dead and whether standing or not standing and also a

part of a tree, bush, plant, or undergrowth, and whether severed therefrom or not so severed. The term does not include sawdust, and other waste timber resulting from the sawmilling of timber in a sawmill whilst the sawdust and other waste timber remains upon the premises of the sawmill in which the sawmilling is carried on;

bush fire brigade means a bush fire brigade for the time being registered in a register kept pursuant to section 41;

CALM Act CEO has the meaning given to “CEO” by section 3 of the *Conservation and Land Management Act 1984*;

CALM Act Department has the meaning given to “Department” by section 3 of the *Conservation and Land Management Act 1984*;

Chief Executive Officer means the person holding, acting in, or otherwise discharging the duties of, the office of chief executive officer of the Authority, as referred to in section 19 of the FESA Act;

forest land means State forest and timber reserves within the meaning of the *Conservation and Land Management Act 1984* and any land to which section 131 of that Act applies;

member of the Authority means a member of the board of management referred to in section 6 of the FESA Act;

occupier of land means, subject to subsection (2), a person residing on the land or having charge or control of it, whether the person is the owner or tenant or a bailiff, servant, caretaker, or other person residing or having charge or control of the land and includes a person who as mortgagee in possession has possession of the land, while the land is unoccupied, and also a person who has the charge or control of 2 or more separate parcels of land, although the person resides on only one of the parcels;

prohibited burning times means the times of the year during which it is declared by the Minister under section 17 to be unlawful to set fire to the bush within a zone of the State and, in relation to any land in such a zone —

- (a) includes any extension of those times made, or any further times imposed, under that section in respect of the whole of that zone or in respect of the part of that zone, or the district or part of a district, in which that land is situated; but
- (b) does not include any period by which those times are reduced, or for which those times are suspended, under that section in respect of the whole of that zone or in respect of the part of that zone, or the district or part of a district, in which that land is situated or in respect of that land in particular;

restricted burning times means the times of the year during which it is declared by the Authority under section 18 to be unlawful to set fire to the bush within a zone of the State except in accordance with a permit obtained under that section and with the conditions prescribed for the purposes of that section and, in relation to land in such a zone —

- (a) includes any extension of those times made, or any further times imposed, under that section in respect of the whole of that zone or in respect of the part of that zone, or the district or part of a district, in which that land is situated; but
- (b) does not include any period by which those times are reduced, or for which those times are suspended, under that section in respect of the whole of that zone or in respect of that part of that zone, or the district or part of a district, in which that land is situated;

the FESA Act means the *Fire and Emergency Services Authority of Western Australia Act 1998*.

- (2) Subject to section 33(9), a reference in this Act to an owner or occupier of land does not include a reference to a department of the Public Service that occupies land or a State agency or instrumentality that owns or occupies land.

10. Powers of Authority

- (1) The Authority shall —
- (a) report to the Minister as often as it thinks expedient so to do on the best means to be taken for preventing or extinguishing bush fires;
 - (b) perform and undertake such powers and duties as may be entrusted to it by the Minister;
 - (c) subject to the general control of and direction by the Minister, be responsible for the administration of this Act;
 - (d) recommend to the Minister the prohibited burning times to be declared for the whole or any part of the State;
 - (e) carry out such fire prevention measures as it considers necessary;
 - (f) carry out research in connection with fire prevention and control and matters pertaining to fire prevention and control;
 - (g) conduct publicity campaigns for the purpose of improving fire prevention measures.
- (2) The Authority may —
- (a) recommend that the Chief Executive Officer appoint and employ such persons as the Authority considers necessary for carrying out the provisions of this Act;
 - (b) organise and conduct bush fire brigade demonstrations and competitions and provide prizes and certificates for presentation to bush fire brigades and competitors;
 - (c) pay the expenses of bush fire brigades attending bush fire brigade demonstrations.

[Section 10 amended by No. 65 of 1977 s. 7; No. 42 of 1998 s. 8 and 16.]

12. Appointment of bush fire liaison officers

- (1) The Chief Executive Officer may, on the recommendation of the Authority and with the approval of the Minister, appoint persons under section 20 of the FESA Act to be bush fire liaison officers for the purposes of this Act.
- (2) Any person who was a bush fire warden immediately before the coming into operation of section 9 of the *Bush Fires Act Amendment Act 1977*¹ shall be deemed to have been appointed to be a bush fire liaison officer under subsection (1).

[Section 12 inserted by No. 65 of 1977 s. 9; amended by No. 42 of 1998 s. 10.]

14. Members of the Authority and other persons may enter land or buildings for purposes of the Act

- (1) A member of the Authority, an officer who is authorised by the Authority so to do, a bush fire liaison officer and a bush fire control officer, appointed in accordance with the provisions of this Act, and, subject to the proviso to this section, a member of the Police Force, is empowered to enter any land or building at any time to —
- (a) examine a fire which he has reason to believe has been lit, or maintained, or used in contravention of this Act;
 - (b) examine a fire which he believes is not under proper control;
 - (c) examine fire-breaks on the land;
 - (d) examine anything which he considers to be a fire hazard existing on the land;

- (e) investigate the cause and origin of a fire which has been burning on the land or building;
- (f) inspect fire precaution measures taken on the land;
- (g) investigate and examine the equipment of a bush fire brigade;
- (h) do all things necessary for the purpose of giving effect to this Act.

Provided that a member of the Police Force is not empowered under this section to enter any land or building for any purpose other than those specified in paragraphs (a), (b) and (e).

- (2) A bush fire liaison officer or a member of the Police Force exercising the power conferred by subsection (1)(e) may remove from the land or building, and keep possession of, anything which may tend to prove the origin of the fire.

[Section 14 amended by No. 11 of 1963 s. 5; No. 65 of 1977 s. 11 and 47; No. 60 of 1992 s. 8; No. 42 of 1998 s. 16; No. 38 of 2002 s. 20.]

[Divisions 3 and 4 (s. 15-16E) deleted by No. 42 of 1998 s. 11(1).]

Part III — Prevention of bush fires

[Division 1 deleted by No. 65 of 1977 s. 12.]

Division 2 — Prohibited burning times

17. Prohibited burning times may be declared by Minister

- (1) The Minister may, by declaration published in the *Gazette*, declare the times of the year during which it is unlawful to set fire to the bush within a zone of the State mentioned in the declaration and may, by subsequent declaration so published, vary that declaration or revoke that declaration either absolutely or for the purpose of substituting another declaration for the declaration so revoked.
- (2) Where by declaration made under subsection (1) prohibited burning times have been declared in respect of a zone of the State then, subject to such variations (if any) as are made under that subsection from time to time, those prohibited burning times shall have effect in respect of that zone in each year until that declaration is revoked.
- (3) A copy of the *Gazette* containing a declaration published under subsection (1) shall be received in all courts as evidence of the matters set out in the declaration.
- (4) Where the Authority considers that burning should be carried out on any land, the Authority may suspend the operation of a declaration made under subsection (1), so far as the declaration extends to that land, for such period as it thinks fit and specifies and subject to such conditions as may be prescribed or as it thinks fit and specifies.
- (5) The Authority may authorise a person appointed by it to regulate, permit or define the class of burning that may be carried out, and the times when and conditions under which a fire may be lit, on the land referred to in subsection (4) during the period of suspension granted under that subsection.
- (6) In any year in which the Authority considers that seasonal conditions warrant a variation of the prohibited burning times in a zone of the State the Authority may, by notice published in the *Gazette*, vary the prohibited burning times in respect of that year in the zone or a part of the zone by —
 - (a) shortening, extending, suspending or reimposing a period of prohibited burning times; or
 - (b) imposing a further period of prohibited burning times.
- (7)(a) Subject to paragraph (b), in any year in which a local government considers that seasonal conditions warrant a variation of the prohibited burning times in its district the local

government may, after consultation with an authorised CALM Act officer if forest land is situated in the district, vary the prohibited burning times in respect of that year in the district or a part of the district by —

- (i) shortening, extending, suspending or reimposing a period of prohibited burning times; or
 - (ii) imposing a further period of prohibited burning times.
- (b) A variation of prohibited burning times shall not be made under this subsection if that variation would have the effect of shortening or suspending those prohibited burning times by, or for, more than 14 successive days.
- (8) Where, under subsection (7), a local government makes a variation to the prohibited burning times in respect of its district or a part of its district the following provisions shall apply —
 - (a) the local government —
 - (i) shall, by the quickest means available to it and not later than 2 days before the first day affected by the variation, give notice of the variation to any local government whose district adjoins that district;
 - (ii) shall, by the quickest means available to it, give particulars of the variation to the Authority and to any Government department or instrumentality which has land in that district under its care, control and management and which has requested the local government to notify it of all variations made from time to time by the local government under this section or section 18;
 - (iii) shall, as soon as is practicable publish particulars of the variation in that district;
 - (b) the Minister, on the recommendation of the Authority, may give notice in writing to the local government directing it —
 - (i) to rescind the variation; or
 - (ii) to modify the variation in such manner as is specified in the notice;
 - (c) on receipt of a notice given under paragraph (b) the local government shall forthwith —
 - (i) rescind or modify the variation as directed in the notice; and
 - (ii) publish in that district notice of the rescission or particulars of the modification, as the case may require.
- (9) For the purposes of subsections (7) and (8) **publish** means to publish in a newspaper circulating in the district of the local government, to broadcast from a radio broadcasting station that gives radio broadcasting coverage to that district, to place notices in prominent positions in that district, or to publish by such other method as the Authority may specify in writing.
- (10) A local government may by resolution delegate to its mayor, or president, and its Chief Bush Fire Control Officer, jointly its powers and duties under subsections (7) and (8).
- (11) A local government may by resolution revoke a delegation it has given under subsection (10) and no delegation so given prevents the exercise and discharge by the local government of its powers and duties under subsections (7) and (8).
- (12) Subject to this Act a person who sets fire to the bush on land within a zone of the State during the prohibited burning times for that zone is guilty of an offence.

Penalty: \$10 000 or 12 months' imprisonment or both.

[Section 17 inserted by No. 65 of 1977 s. 13; amended by No. 8 of 1987 s. 8; No. 14 of 1996 s. 4; No. 42 of 1998 s. 16; No. 38 of 2002 s. 21 and 40(1).]

Division 3 — Restricted burning times

18. Restricted burning times may be declared by Authority

- (1) Nothing contained in this section authorises the burning of bush during the prohibited burning times.
- (2) The Authority may, by notice published in the *Gazette*, declare the times of the year during which it is unlawful to set fire to the bush within a zone of the State mentioned in the notice except in accordance with a permit obtained under this section and with the conditions prescribed for the purposes of this section, and may, by subsequent notice so published, vary that declaration or revoke that declaration either wholly or for the purpose of substituting another declaration for the declaration so revoked.
- (3) Where by declaration made under subsection (2) restricted burning times have been declared in respect of a zone of the State then, subject to such variations (if any) as are made under that subsection from time to time, those restricted burning times shall have effect in respect of that zone in each year until that declaration is revoked.
- (4) A copy of the *Gazette* containing a declaration published under subsection (2) shall be received in all courts as evidence of the matters set out in the declaration.
- (4a) In any year in which the Authority considers that seasonal conditions warrant a variation of the restricted burning times in a zone, or part of a zone, of the State the Authority may, by notice published in the *Gazette*, vary the restricted burning times in respect of that year in the zone or part of the zone by —
 - (a) shortening, extending, suspending or reimposing a period of restricted burning times; or
 - (b) imposing a further period of restricted burning times.
- (5)(a) Subject to paragraph (b) in any year in which a local government considers that seasonal conditions so warrant the local government may, after consultation with an authorised CALM Act officer if forest land is situated in its district —
 - (i) vary the restricted burning times in respect of that year in the district or a part of the district by —
 - (A) shortening, extending, suspending or reimposing a period of restricted burning times; or
 - (B) imposing a further period of restricted burning times;or
 - (ii) vary the prescribed conditions by modifying or suspending all or any of those conditions.
- (b) A variation shall not be made under this subsection if that variation would have the effect of —
 - (i) shortening the restricted burning times by; or
 - (ii) suspending the restricted burning times, or any prescribed condition, for, more than 14 successive days during a period that would, in the absence of the variation under this subsection, be part of the restricted burning times for that zone in that year.
- (c) The provisions of section 17(8), (9), (10) and (11), with the necessary adaptations and modifications, apply to and in relation to the variation of restricted burning times or prescribed conditions by a local government, as if those provisions were expressly incorporated in this section.
- (d) For the purposes of this subsection **prescribed condition** includes the requirement of subsection (6)(a).

- (6) Subject to this Act a person shall not set fire to the bush on land within a zone of the State during the restricted burning times for that zone of the State unless —
- (a) he has obtained a permit in writing to burn the bush from a bush fire control officer of the local government in whose district the land upon which the bush proposed to be burnt is situated, or from the chief executive officer of the local government if a bush fire control officer is not available; and
 - (b) the conditions prescribed for the purposes of this section are complied with in relation to the burning of the bush.
- (7) The person issuing a permit to burn under this section may, by endorsement on the permit —
- (a) incorporate therein any additional requirements and directions considered necessary by him relative to the burning; or
 - (b) modify or dispense with any of the conditions prescribed for the purposes of this section in so far as those conditions are applicable to the burning.
- (8) The holder of a permit to burn under this section —
- (a) shall observe and carry out any requirement or direction incorporated therein pursuant to subsection (7)(a);
 - (b) shall, where any prescribed condition is modified pursuant to subsection (5) or subsection (7)(b), comply with that condition as so modified;
 - (c) need not comply with any prescribed condition that is suspended or dispensed with pursuant to subsection (5) or (7)(b).
- (9) A permit issued under this section may authorise the owner or occupier of land to burn the bush on a road reserve adjoining that land.
- (10)(a) Subject to the regulations a local government may by resolution declare that within its district bush may be burnt only on such dates and by such persons as are prescribed by a schedule of burning times adopted by the local government.
- (b) A person desiring to set fire to bush within the district of the local government that has so resolved shall, by such date as may be determined by the local government, apply to the local government for permission to set fire to the bush, and the local government shall allocate a day or days on which the burning may take place.
 - (c) The burning shall be done only on the day or days and in the manner specified by the local government and subject to the conditions prescribed for the purposes of this section except that any prescribed period of notice may be varied by the local government in order to enable the schedule of burning times adopted by it to be given effect to.
- (11) Where a person starts a fire on land, if the fire escapes from the land or if the fire is in the opinion of a bush fire control officer or an officer of a bush fire brigade out of control on the land, the person shall be liable to pay to the local government on the request of and for recoup to its bush fire brigade, any expenses up to a maximum amount of \$10 000 incurred by it in preventing the extension of or extinguishing the fire, and such expenses may be recovered in any court of competent jurisdiction.
- (12) A person who commits a breach of this section other than subsection (11) is guilty of an offence.
- Penalty: For a first offence \$4 500.
For a second or subsequent offence \$10 000.

[Section 18 inserted by No. 65 of 1977 s. 14; amended by No. 8 of 1987 s. 8; No. 14 of 1996 s. 4; No. 42 of 1998 s. 16; No. 38 of 2002 s. 22, 39 and 40(1).]

Part V — Miscellaneous**48. Delegation by local governments**

- (1) A local government may, in writing, delegate to its chief executive officer the performance of any of its functions under this Act.
- (2) Performance by the chief executive officer of a local government of a function delegated under subsection (1) —
 - (a) is taken to be in accordance with the terms of a delegation under this section, unless the contrary is shown; and
 - (b) is to be treated as performance by the local government.
- (3) A delegation under this section does not include the power to subdelegate.
- (4) Nothing in this section is to be read as limiting the ability of a local government to act through its council, members of staff or agents in the normal course of business.

[Section 48 inserted by No. 38 of 2002 s. 35.]

50. Records to be maintained by local governments

- (1) A local government shall maintain records containing the following information —
 - (a) the names, addresses, and usual occupations of all the bush fire control officers and bush fire brigade officers appointed by or holding office under the local government;
 - (b) where a bush fire control officer holds office in respect of part only of the district of the local government, descriptive particulars of that part of the district in respect of which the bush fire control officer holds office;
 - (c) particulars of the nature, quantity, and quality of the bush fire fighting equipment and appliances which are generally available within the district of the local government for use in controlling and extinguishing bush fires.
- (2) The Governor may make regulations —
 - (a) requiring an owner or occupier of land to notify the local government in whose district the land is situated of the occurrence of any bush fire on the land;
 - (b) requiring a local government to send to the Authority particulars of losses caused by bush fires in its district;
 - (c) prescribing the times at or within which, and the manner in which, the requirements of the regulations shall be complied with;
 - (d) imposing a maximum penalty of \$1 000 for any breach of the regulations.

[Section 50 amended by No. 113 of 1965 s. 8(1); No. 65 of 1977 s. 39; No. 14 of 1996 s. 4; No. 42 of 1998 s. 16; No. 38 of 2002 s. 39.]

Compliance Audit Report

Annual endorsement and certification, that the process of Council and CEO has reviewed its delegated authority respectively.

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. *in accordance with section 5.42 of the Local Government Act 1995 as amended;*
2. *in accordance with sections 10, 14, 17, 48 and 50 of the Bush Fires Act 1954;*
3. *adopts the defined delegations as per the attached Delegations Schedule to the Chief Executive Officer, be made to the Chief Executive Officer and remain in place until the next Delegations Review has been completed.*
4. *Cancel all previous Delegations to the Chief Executive Officer.*

COUNCIL RESOLUTION

MIN 090/21

MOTION - Moved Cr. McNeil

Seconded Cr. O'Neill

That Council:

1. *in accordance with section 5.42 of the Local Government Act 1995 as amended;*
2. *in accordance with sections 10, 14, 17, 48 and 50 of the Bush Fires Act 1954;*
3. *adopts the defined delegations as per the attached Delegations Schedule to the Chief Executive Officer, be made to the Chief Executive Officer and remain in place until the next Delegations Review has been completed.*
4. *Cancel all previous Delegations to the Chief Executive Officer.*

CARRIED BY ABSOLUTE MAJORITY 7/0

14 CONFIDENTIAL MATTERS**COUNCIL RESOLUTION**

MIN 091/21 MOTION - Moved Cr. Reid Seconded Cr. McNeil

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

14.1 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.

CARRIED 7/0

COUNCIL RESOLUTION

MIN 092/21 MOTION - Moved Cr. Steber Seconded Cr. Leake

That Council moves out of Closed Council into Open Council.

CARRIED 7/0

15 CLOSURE OF MEETING

The Meeting closed at 3.50pm.

The minutes of this meeting consisting of pages 1 to 94 were confirmed at the Ordinary Council Meeting held on 20 July 2021.

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CHAIRPERSON