



AGENDA

Ordinary Council Meeting Tuesday, 20 July 2021

Date: Tuesday, 20 July 2021

Time: 2:00pm

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

Shire of Kellerberrin

Ordinary Council Meeting 20th July 2021

NOTICE OF MEETING

Dear Elected Member

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

A handwritten signature in blue ink, appearing to read 'Raymond Griffiths', is written over a horizontal line.

Raymond Griffiths
Chief Executive Officer
Tuesday, 13 July 2021

Shire of Kellerberrin

Disclaimer

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

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

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

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

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

Signed _____
Chief Executive Officer

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

Chief Executive Officer, Shire of Kellerberrin

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

☐ financial interest (Section 5.60A)

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

☐ proximity interest (Section 5.60B)

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

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

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

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

in the following Council / Committee Meetings to be held on _____

in Item number/s _____

the *nature* of the interest being _____

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

Yours faithfully

(Councillor's signature)

Councillor's Name

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

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

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

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

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

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

It's good to experience some winter weather as we've had lately. A relatively dry June with the good rains in July is just what the crops and feed needed.

Congratulations to the Kellerberrin Arts Committee for organising the live show in the hall last week. It was a great success. Well done to the people of Kellerberrin and Tammin for supporting the night. Hopefully we can have a couple of events like that every year.

As you can see from the NSW experience we all still need to be mindful of the Covid19 and obey the restrictions when in place.

Kind Regards



Rodney Forsyth

Shire President

STAFF RECOMMENDATION

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

2.2 STANDING ORDERS

File Number: ADMIN

Author: Codi Mullen, Personal Assistant

Authoriser: Raymond Griffiths, Chief Executive Officer

Attachments: Nil

STAFF RECOMMENDATION

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

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

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

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

5 PUBLIC QUESTION TIME

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

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

6 CONFIRMATION OF PREVIOUS MEETINGS MINUTES

6.1 MINUTES OF THE COUNCIL MEETING HELD ON 15 JUNE 2021

File Ref: MIN
Author: Codi Mullen, Personal Assistant
Authoriser: Raymond Griffiths, Chief Executive Officer
Attachments: 1. Minutes of the Council Meeting held on 15 June 2021

STAFF RECOMMENDATION

1. That the Minutes of the Council Meeting held on 15 June 2021 be received as a true and accurate record.

6.2 MINUTES OF THE AUDIT COMMITTEE MEETING HELD ON 20 JULY 2021

File Ref: MIN
Author: Codi Mullen, Personal Assistant
Authoriser: Raymond Griffiths, Chief Executive Officer

STAFF RECOMMENDATION

1. That the Minutes of the Audit Committee Meeting held on 20 July 2021 be received as a true and accurate record.

6.3 MINUTES OF THE LEMC MEETING HELD ON 9 JUNE 2021

File Ref: MIN
Author: Codi Mullen, Personal Assistant
Authoriser: Raymond Griffiths, Chief Executive Officer

STAFF RECOMMENDATION

1. That the Minutes of the LEMC Meeting held on 9 June 2021 be received as a true and accurate record.

7 PRESENTATIONS

7.1 Petitions

7.2 Presentations

7.3 Deputations

8 REPORTS OF COMMITTEES

Nil

9 CORPORATE SERVICES REPORTS

9.1 COMMUNITY REQUESTS AND DISCUSSION ITEMS

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

BACKGROUND

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

June 2021 Council Meeting

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

That Council note no requests for the month June 2021.

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.***

STAFF COMMENT

June MIN /21

Nil requests

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

TEN YEAR FINANCIAL PLAN

This does not directly affect the long term financial plan.

FINANCIAL IMPLICATIONS

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

STATUTORY IMPLICATIONS

Local Government Act 1995 (as amended)

Section 2.7. The role of the council

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

[Section 2.7 amended: No. 17 of 2009 s. 4.]

Section 2.8. The role of the mayor or president

- (1) The mayor or president —
 - (a) presides at meetings in accordance with this Act; and
 - (b) provides leadership and guidance to the community in the district; and
 - (c) carries out civic and ceremonial duties on behalf of the local government; and
 - (d) speaks on behalf of the local government; and
 - (e) performs such other functions as are given to the mayor or president by this Act or any other written law; and
 - (f) liaises with the CEO on the local government's affairs and the performance of its functions.
- (2) Section 2.10 applies to a councillor who is also the mayor or president and extends to a mayor or president who is not a councillor.

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

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

Section 2.10. The role of councillors

A councillor —

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

5.60. When person has an interest

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

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

has —

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

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

5.60A. Financial interest

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

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

5.60B. Proximity interest

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

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

5.61. Indirect financial interests

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

5.62. Closely associated persons

- (1) For the purposes of this Subdivision a person is to be treated as being closely associated with a relevant person if —

- (a) the person is in partnership with the relevant person; or
 - (b) the person is an employer of the relevant person; or
 - (c) the person is a beneficiary under a trust, or an object of a discretionary trust, of which the relevant person is a trustee; or
 - (ca) the person belongs to a class of persons that is prescribed; or
 - (d) the person is a body corporate —
 - (i) of which the relevant person is a director, secretary or executive officer; or
 - (ii) in which the relevant person holds shares having a total value exceeding —
 - (I) the prescribed amount; or
 - (II) the prescribed percentage of the total value of the issued share capital of the company,
 whichever is less;
 - or
 - (e) the person is the spouse, de facto partner or child of the relevant person and is living with the relevant person; or
 - (ea) the relevant person is a council member and the person —
 - (i) gave an electoral gift to the relevant person in relation to the election at which the relevant person was last elected; or
 - (ii) has given an electoral gift to the relevant person since the relevant person was last elected;
 - or
 - (eb) the relevant person is a council member and the person has given a gift to which this paragraph applies to the relevant person since the relevant person was last elected; or
 - (ec) the relevant person is a CEO and the person has given a gift to which this paragraph applies to the relevant person since the relevant person was last employed (or appointed to act) in the position of CEO; or
 - (f) the person has a relationship specified in any of paragraphs (a) to (d) in respect of the relevant person's spouse or de facto partner if the spouse or de facto partner is living with the relevant person.
- (1A) Subsection (1)(eb) and (ec) apply to a gift if —
- (a) either —
 - (i) the amount of the gift exceeds the amount prescribed for the purposes of this subsection; or
 - (ii) the gift is 1 of 2 or more gifts made by 1 person to the relevant person at any time during a year and the sum of the amounts of those 2 or more gifts exceeds the amount prescribed for the purposes of this subsection;
 - and
 - (b) the gift is not an excluded gift under subsection (1B).
- (1B) A gift is an excluded gift —
- (a) if —
 - (i) the gift is a ticket to, or otherwise relates to the relevant person's attendance at, an event as defined in section 5.90A(1); and

- (ii) the local government approves, in accordance with the local government's policy under section 5.90A, the relevant person's attendance at the event;
- or
- (b) if the gift is in a class of gifts prescribed for the purposes of this subsection.

5.63. Some interests need not be disclosed

- (1) Sections 5.65, 5.70 and 5.71 do not apply to a relevant person who has any of the following interests in a matter —
 - (a) an interest common to a significant number of electors or ratepayers; or
 - (b) an interest in the imposition of any rate, charge or fee by the local government; or
 - (c) an interest relating to —
 - (i) a fee, reimbursement of an expense or an allowance to which section 5.98, 5.98A, 5.99, 5.99A, 5.100 or 5.101(2) refers; or
 - (ii) a gift permitted by section 5.100A; or
 - (iii) reimbursement of an expense that is the subject of regulations made under section 5.101A;
 - or
 - (d) an interest relating to the pay, terms or conditions of an employee unless —
 - (i) the relevant person is the employee; or
 - (ii) either the relevant person's spouse, de facto partner or child is the employee if the spouse, de facto partner or child is living with the relevant person;
 - or
 - [(e) deleted]*
 - (f) an interest arising only because the relevant person is, or intends to become, a member or office bearer of a body with non-profit making objects; or
 - (g) an interest arising only because the relevant person is, or intends to become, a member, office bearer, officer or employee of a department of the Public Service of the State or Commonwealth or a body established under this Act or any other written law; or
 - (h) a prescribed interest.
- (2) If a relevant person has a financial interest because the valuation of land in which the person has an interest may be affected by —
 - (a) any proposed change to a planning scheme for any area in the district; or
 - (b) any proposed change to the zoning or use of land in the district; or
 - (c) the proposed development of land in the district,

then, subject to subsection (3) and (4), the person is not to be treated as having an interest in a matter for the purposes of sections 5.65, 5.70 and 5.71.
- (3) If a relevant person has a financial interest because the valuation of land in which the person has an interest may be affected by —
 - (a) any proposed change to a planning scheme for that land or any land adjacent to that land; or
 - (b) any proposed change to the zoning or use of that land or any land adjacent to that land; or

- (c) the proposed development of that land or any land adjacent to that land,
then nothing in this section prevents sections 5.65, 5.70 and 5.71 from applying to the relevant person.
- (4) If a relevant person has a financial interest because any land in which the person has any interest other than an interest relating to the valuation of that land or any land adjacent to that land may be affected by —
 - (a) any proposed change to a planning scheme for any area in the district; or
 - (b) any proposed change to the zoning or use of land in the district; or
 - (c) the proposed development of land in the district,then nothing in this section prevents sections 5.65, 5.70 and 5.71 from applying to the relevant person.
- (5) A reference in subsection (2), (3) or (4) to the development of land is a reference to the development, maintenance or management of the land or of services or facilities on the land.

[Section 5.63 amended: No. 1 of 1998 s. 15; No. 64 of 1998 s. 32; No. 28 of 2003 s. 111; No. 49 of 2004 s. 52; No. 17 of 2009 s. 27; No. 26 of 2016 s. 12.]

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

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

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

5.66. Meeting to be informed of disclosures

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

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

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

5.67. Disclosing members not to participate in meetings

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

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

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

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

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

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

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

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

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

- (1) If a member has disclosed, under section 5.65, an interest in a matter, the council or the CEO may apply to the Minister to allow the disclosing member to participate in the part of the meeting, and any subsequent meeting, relating to the matter.
- (2) An application made under subsection (1) is to include —
 - (a) details of the nature of the interest disclosed and the extent of the interest; and
 - (b) any other information required by the Minister for the purposes of the application.

- (3) On an application under this section the Minister may allow, on any condition determined by the Minister, the disclosing member to preside at the meeting, and at any subsequent meeting, (if otherwise qualified to preside) or to participate in discussions or the decision making procedures relating to the matter if —
 - (a) there would not otherwise be a sufficient number of members to deal with the matter; or
 - (b) the Minister is of the opinion that it is in the interests of the electors or ratepayers to do so.
- (4) A person must not contravene a condition imposed by the Minister under this section.
Penalty: \$10 000 or imprisonment for 2 years.
- (5) A decision under this section must be recorded in the minutes of the meeting relating to the matter.

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

5.69A. Minister may exempt committee members from disclosure requirements

- (1) A council or a CEO may apply to the Minister to exempt the members of a committee from some or all of the provisions of this Subdivision relating to the disclosure of interests by committee members.
- (2) An application under subsection (1) is to include —
 - (a) the name of the committee, details of the function of the committee and the reasons why the exemption is sought; and
 - (b) any other information required by the Minister for the purposes of the application.
- (3) On an application under this section the Minister may grant the exemption, on any conditions determined by the Minister, if the Minister is of the opinion that it is in the interests of the electors or ratepayers to do so.
- (4) A person must not contravene a condition imposed by the Minister under this section.
Penalty: \$10 000 or imprisonment for 2 years.

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

5.70. Employees to disclose interests relating to advice or reports

- (1) In this section —
employee includes a person who, under a contract for services with the local government, provides advice or a report on a matter.
- (2) An employee who has an interest in any matter in respect of which the employee is providing advice or a report directly to the council or a committee must disclose the nature of the interest when giving the advice or report.
Penalty for this subsection: a fine of \$10 000 or imprisonment for 2 years.
- (2A) Subsection (2) applies to a CEO even if the advice or report is provided in accordance with a decision made under section 5.71B(2) or (6).
- (3) An employee who discloses an interest under this section must, if required to do so by the council or committee, as the case may be, disclose the extent of the interest.
Penalty for this subsection: a fine of \$10 000 or imprisonment for 2 years.

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

5.71. Employees to disclose interests relating to delegated functions

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

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

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

STRATEGIC COMMUNITY PLAN

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

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

COMMUNITY CONSULTATION

The following consultation took place;

- Council Members
- Chief Executive Officer

STAFF RECOMMENDATION

That Council note any requests or ideas to be actioned.

9.2 STATUS REPORT OF ACTION SHEET

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

BACKGROUND

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

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

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

STAFF COMMENT

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

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

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

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

TEN YEAR FINANCIAL PLAN

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

FINANCIAL IMPLICATIONS

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

STATUTORY IMPLICATIONS

Local Government Act 1995 (as amended)

Section 2.7. The role of the council

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

Section 2.8. The role of the mayor or president

- (1) The mayor or president —

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

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

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

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

Section 2.10. The role of councillors

A councillor —

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

5.60. When person has an interest

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

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

has —

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

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

5.60A. Financial interest

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

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

5.60B. Proximity interest

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

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

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

5.61. Indirect financial interests

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

5.62. Closely associated persons

- (1) For the purposes of this Subdivision a person is to be treated as being closely associated with a relevant person if —
 - (a) the person is in partnership with the relevant person; or
 - (b) the person is an employer of the relevant person; or
 - (c) the person is a beneficiary under a trust, or an object of a discretionary trust, of which the relevant person is a trustee; or
 - (ca) the person belongs to a class of persons that is prescribed; or
 - (d) the person is a body corporate —
 - (i) of which the relevant person is a director, secretary or executive officer; or
 - (ii) in which the relevant person holds shares having a total value exceeding —
 - (I) the prescribed amount; or
 - (II) the prescribed percentage of the total value of the issued share capital of the company,

whichever is less;

or

 - (e) the person is the spouse, de facto partner or child of the relevant person and is living with the relevant person; or
 - (ea) the relevant person is a council member and the person —
 - (i) gave a notifiable gift to the relevant person in relation to the election at which the relevant person was last elected; or
 - (ii) has given a notifiable gift to the relevant person since the relevant person was last elected;
- or
- (eb) the relevant person is a council member and since the relevant person was last elected the person —
 - (i) gave to the relevant person a gift that section 5.82 requires the relevant person to disclose; or
 - (ii) made a contribution to travel undertaken by the relevant person that section 5.83 requires the relevant person to disclose;

or

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

- (2) In subsection (1) —

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

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

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

5.63. Some interests need not be disclosed

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

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

[(e) deleted]

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

5.66. Meeting to be informed of disclosures

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

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

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

5.67. Disclosing members not to participate in meetings

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

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

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

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

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

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

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

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

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

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

5.69A. Minister may exempt committee members from disclosure requirements

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

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

5.70. Employees to disclose interests relating to advice or reports

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

5.71. Employees to disclose interests relating to delegated functions

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

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

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

STRATEGIC COMMUNITY PLAN

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

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

COMMUNITY CONSULTATION

The following consultation took place;

- Chief Executive Officer

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

STAFF RECOMMENDATION

That Council receive the Status Report.

9.3 BUSHFIRE RISK PLAN**File Ref:** BRP**Author:** Codi Mullen, Personal Assistant**Authoriser:** Raymond Griffiths, Chief Executive Officer**Attachments:**
1. Endorsement Letter - DFES (under separate cover)
2. Bushfire Risk Plan - Kellerberrin (under separate cover)**BACKGROUND**

Under the State Hazard Plan Fire an integrated Bushfire Risk Management (BRM) Plan is to be developed for local government areas with significant bushfire risk. This BRM Plan has been prepared for the Shire of Kellerberrin in accordance with the requirements of the Guidelines for Preparing a Bushfire Risk Management Plan (the Guidelines) from the Office of Bushfire Risk Management (OBRM) within the Department of Fire and Emergency Services (DFES). The risk management processes used to develop this BRM Plan are aligned to the key principles of AS/NZ ISO 31000:2009 Risk management –Principles and guidelines and those described in the National Emergency Risk Assessment Guidelines. This approach is consistent with State Emergency Management (SEM) Policy and SEM Prevention and Mitigation Procedure 1.

This BRM Plan is a strategic document that facilitates a coordinated approach towards the identification, assessment and treatment of assets exposed to bushfire risk. The Treatment Schedule sets out a broad program of coordinated multi-agency treatments to address risks identified in the BRM Plan. Government agencies and other land managers responsible for implementing treatments participate in developing the BRM Plan and Treatment Schedule to ensure treatment strategies are collaborative and efficient, regardless of land tenure.

STAFF COMMENT

The aim of a BRM Plan is to effectively manage bushfire risk in order to protect people, assets and other things of local value in the Shire of Kellerberrin. The objectives of this BRM Plan are to:

- guide and coordinate a tenure blind, multi-agency BRM program over a five-year period;
- document the process used to identify, analyse and evaluate risk, determine priorities and develop a plan to systematically treat risk;
- facilitate the effective use of the financial and physical resources available for BRM activities;
- integrate BRM into the business processes of local government, land owners and other agencies;
- ensure there is integration between land owners, BRM programs and activities; and
- document processes used to monitor and review the implementation of treatment plans to ensure they are adaptable and that risk is managed at an acceptable level.

TEN YEAR FINANCIAL PLAN

NIL known at this time

FINANCIAL IMPLICATIONS

The BRM Plan, once adopted, will qualify the Shire of Kellerberrin as eligible to apply for the MAF (Mitigation Activity Fund). This fund allocates monies to assist in mitigation works on Shire owned land with the aim to reduce the risk to assets within the Shire of Kellerberrin from Bushfire.

STATUTORY IMPLICATIONS

Local Government Act 1995

Bushfires Act 1954

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
- Bushfire Risk Planning Coordinator
- DFES

STAFF RECOMMENDATION

That Council adopt the attached Bushfire Risk Management Plan.

9.4 ARTS AND CULTURE COMMITTEE MEMBERSHIP

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

BACKGROUND

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

The objectives of the Arts and Culture Committee are:

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

Council's 18th May 2021 Ordinary Council Meeting

COMMITTEE RESOLUTION

MIN 079/21 MOTION - Moved Cr. Leake Seconded Cr. Ryan

That Council:

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

CARRIED 7/0

Council's 4th May 2021 Art and Culture Committee Meeting

COMMITTEE RESOLUTION

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

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

CARRIED 5/0

Council's June 2020 Ordinary Meeting of Council -16th June 2020

COUNCIL RESOLUTION

MIN 091/20

MOTION - Moved Cr. Leake

Seconded Cr. Steber

That Council;

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

Councillor: Emily Ryan

Shire Officer as delegated by the Chief Executive Officer:

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

CARRIED 7/0

BY ABSOLUTE MAJORITY

Council's May 2020 Ordinary Meeting of Council – 19th May 2020

COUNCIL RESOLUTION

MIN 068/20

MOTION - Moved Cr. Steber

Seconded Cr. Reid

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

CARRIED 7/0

BY ABSOLUTE MAJORITY

Council's March 2020 Ordinary Meeting of Council -17th March 2020

COUNCIL RESOLUTION

MIN /20

MOTION - Moved: Cr McNeil

Seconded:Cr Talbot

That Council;

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

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

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

Against: Cr Wendy McNeil

CARRIED

BY ABSOLUTE MAJORITY 4/1**STAFF COMMENT**

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

MEMBERSHIP

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

MEETINGS

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

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

Council need to note that the committee membership is between six and eight.

Council on the 25th June received the following correspondence by email from Rebecca Parkhouse expressing interest in becoming a member of the committee;

To whom it may concern,

I Rebecca Parkhouse are interested in becoming a member of the Arts and Culture Committee.

Kind regards,

Rebecca Parkhouse

Council's Arts and Culture Committee has already had a situation wherein they couldn't hold an official meeting due to a lack of a quorum with the resignations and termination of members therefore the introduction of a new member would be beneficial to the committee.

TEN YEAR FINANCIAL PLAN

NIL

FINANCIAL IMPLICATIONS

NIL

STATUTORY IMPLICATIONS

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

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

STRATEGIC COMMUNITY PLAN

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

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

COMMUNITY CONSULTATION

The following consultation took place:

- Chief Executive Officer
- Personal Assistant
- Art and Culture Committee

STAFF RECOMMENDATION

That Council accepts Rebecca Parkhouse's application to be a member of the Arts and Culture Committee as per email dated 25th June 2021;

9.5 DRAFT FEES & CHARGES 2021/2022

File Ref: FIN04
Author: Codi Mullen, Personal Assistant
Authoriser: Raymond Griffiths, Chief Executive Officer
Attachments: 1. Draft Fees and Charges (under separate cover)

BACKGROUND

In accordance with Regulation 5(2) of the Local Government (Financial Management) Regulations, a local government is to undertake a review of its fees and charges regularly; and not less than once in every financial year. This report provides the council with a recommended Schedule of Fees and Charges to apply for the financial year commencing on 1st July 2021, for its consideration.

Council adopts fees and charges as part of its annual budget process, though fees and charges can be imposed or amended at any stage of the financial year provided the proposed changes are advertised accordingly (absolute majority required).

Council considers the annual schedule of fees and charges separately from the budget document to enable more time to contemplate each proposed charge for the forthcoming year.

Council's 30th March 2020 – Special Meeting of Council

Moved: Cr Dennis Reid **Seconded:** Cr Matt Steber

That Council;

- 1. Request the Chief Executive Officer prepare a DRAFT 2020/2021 Budget with the following considerations;***
 - (a) Zero percent (0%) rate increase, essentially a freeze on the rate in the dollar;***
 - i. Seek confirmation as to whether Council will be receiving a Rural Revaluation, as this may affect a change in rates per individual properties irrespective of rate increase freeze;***
 - (b) Zero percent (0%) increase in Councils fees and charges, (remain as per 2019/20);***
 - i. No Annual Food Licence Levies issued***
 - ii. No Alfresco Licence Levies Issued***
 - iii. No Lodging House Levies Issued.***
 - (c) 2020/2021 Non-payment of rates penalty interest not apply until March 2021;***
 - (d) No Instalment administration fees on all instalment options for 2020/2021***
 - (e) No Instalment interest applied to all instalment options for 2020/2021***
- 2. Offers, upon request, a waiver of interest on outstanding rates for those business/individuals directly affected by the Commonwealth/State Government's decision to close various businesses between 23 March and 31 July 2020;***
- 3. Offers, upon request, a waiver of interest on outstanding rates for those businesses/individuals directly affected by the State Governments decision to close Western Australia's borders, between 23 March and 31 July 2020;***
- 4. Writes to and lobbies the State Government for urgent financial assistance that can be used to assist the community as a matter of urgency; and***

5. Writes to the Federal Government and the Western Australian Local Government Association requesting an increase to the Federal Assistance Grant Scheme funding for both the 2020/21 and 2021/22 financial years.

**CARRIED 7/0
BY ABSOLUTE MAJORITY**

STAFF COMMENT

Council's administration has spent some significant time in reviewing the fees and charges from 2020/2021 financial year.

It was recognised that some of our fees and charges in comparison to surrounding similar sized Council's wasn't comparative therefore some changes have been suggested. Some of these include;

- Significant increases in Cemetery Charges (It was recognised by Funeral Directors as well that our fees were very low)
- New fees for the sale of glasses (Shire embossed)
- New fee type for additional use of Digital Notice Board
- Amendment to the full complex fee for the Golf Club and Town Hall
- Building Fees have been amended to reflect the correct statutory charges
- Incorporated a weekend rate for Animal Control.

Council needs to review the fees charged for the provision of Annual Report, Minutes and Budget as they have a significant fee that we are currently not charging.

TEN YEAR FINANCIAL PLAN

Nil

FINANCIAL IMPLICATIONS

Shire of Kellerberrin 2021/2022 Budget will be affected minimally due to some increases in fees.

STATUTORY IMPLICATIONS

Local Government Act 1995 (as amended)

6.16. Imposition of fees and charges

- (1) A local government may impose* and recover a fee or charge for any goods or service it provides or proposes to provide, other than a service for which a service charge is imposed.

** Absolute majority required.*

- (2) A fee or charge may be imposed for the following —
- (a) providing the use of, or allowing admission to, any property or facility wholly or partly owned, controlled, managed or maintained by the local government;
 - (b) supplying a service or carrying out work at the request of a person;
 - (c) subject to section 5.94, providing information from local government records;
 - (d) receiving an application for approval, granting an approval, making an inspection and issuing a licence, permit, authorisation or certificate;
 - (e) supplying goods;
 - (f) such other service as may be prescribed.

- (3) Fees and charges are to be imposed when adopting the annual budget but may be —
 - (a) imposed* during a financial year; and
 - (b) amended* from time to time during a financial year.

* *Absolute majority required.*

6.17. Setting level of fees and charges

- (1) In determining the amount of a fee or charge for a service or for goods a local government is required to take into consideration the following factors —
 - (a) the cost to the local government of providing the service or goods;
 - (b) the importance of the service or goods to the community; and
 - (c) the price at which the service or goods could be provided by an alternative provider.
- (2) A higher fee or charge or additional fee or charge may be imposed for an expedited service or supply of goods if it is requested that the service or goods be provided urgently.
- (3) The basis for determining a fee or charge is not to be limited to the cost of providing the service or goods other than a service —
 - (a) under section 5.96;
 - (b) under section 6.16(2)(d); or
 - (c) prescribed under section 6.16(2)(f), where the regulation prescribing the service also specifies that such a limit is to apply to the fee or charge for the service.
- (4) Regulations may —
 - (a) prohibit the imposition of a fee or charge in prescribed circumstances; or
 - (b) limit the amount of a fee or charge in prescribed circumstances.

STRATEGIC COMMUNITY PLAN

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

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

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

COMMUNITY CONSULTATION

The following consultation took place;

- Chief Executive Officer
- Council.

STAFF RECOMMENDATION

That Council

1. Adopts the fees and charges for 2021/22 as presented; and
2. Include the fees and charges in the 2021/22 Annual Budget Document.

9.6 PROCUREMENT POLICY

File Number: ADM53
Author: Codi Mullen, Personal Assistant
Authoriser: Raymond Griffiths, Chief Executive Officer
Attachments: 1. Procurement Policy - DRAFT (under separate cover)

BACKGROUND

Council's February 2020 Ordinary Meeting of Council. – 6th February 2020

MIN 009/20 MOTION - Moved Cr. McNeil 2nd Cr. Leake

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

CARRIED 6/0

Reason: Council felt that the investment policy required further review

Council's April 2019 Ordinary Meeting of Council. – 16th April 2019

MIN 069/19 MOTION - Moved Cr. Reid 2nd Cr. Leake

That Council

- 1. Adopts the Procurement policy as presented as its new Purchasing and Tendering Policy 2.3*
- 2. Deletes the previous Tenders – Preparation/Advertisement of Tender Documents for exiting contracts Policy 2.3 and Procurement Policy 2.4.*
- 3. Renumber the remaining policies in order on removing outdated policies.*
- 4. Instruct the Chief Executive Officer to ensure all staff are aware of the Policy Manual updates and provide copies if requested.*

CARRIED 4/0

Council's December 2018 Ordinary Meeting of Council. – 18th December 2018

MIN 226/18 MOTION - Moved Cr. Reid 2nd Cr. O'Neill

That Council

- 1. Replaces Policy 2.4 – Purchasing Policy with the Procurement policy as presented and incorporates this into the Policy Manual.*
- 2. Instruct the Chief Executive Officer to ensure all staff are aware of the Policy Manual updates and provide copies if requested.*

CARRIED 6/0

STAFF COMMENT

Council in April 2021 had a consultant complete its Regulation 17 review and in May Council's interim audit was completed.

During both reviews it was noted that Council's Procurement Policy required review due to the following:

- Expenditures were too high for verbal quotes.

- Contract Variation guidelines

The new procurement policy has been drafted from the template provided by WALGA.

TEN YEAR FINANCIAL PLAN

NIL

FINANCIAL IMPLICATIONS

NIL

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
- Councillors
- Personal Assistant to Chief Executive Officer

STAFF RECOMMENDATION

That Council;

1. *Adopts the Procurement policy as presented as its new Procurement Policy;*
2. *Deletes the previous Procurement Policy adopted in 19th May 2020; and*
3. *Instructs the Chief Executive Officer to ensure all staff receive a copy of the new Procurement Policy and have the policy placed on the website.*

9.7 INTERIM AUDIT 2020/21

File Ref: FIN02
Author: Raymond Griffiths, Chief Executive Officer
Authoriser: Raymond Griffiths, Chief Executive Officer
Attachments: 1. Interim Audit Letter (under separate cover)

BACKGROUND

Council's Audit Committee met 20th July 2021 prior to the Council meeting to discuss the interim audit finding with the below recommendation coming from staff;

That the Audit Committee:

- 1. Endorse the findings and management comments to the Interim Audit Report as presented by staff; and***
- 2. Recommend to Council that the findings and management comments to the Interim Audit Report be endorsed***

The Local Government Amendment (Auditing) Bill 2017 brings legislative change to the Local Government Act 1995, providing for the auditing of local governments by the Office of the Auditor General (OAG).

Being engaged by OAG (Western Australia) to perform an audit of the Shire's annual financial report for the year ending 30 June 2019, Butler Settineri have recently completed their interim audit and the findings and Shire management responses are presented for Council's consideration. This marks the fourth OAG audit of the Shire under the new legislation.

STAFF COMMENT

Please find below a table identifying the findings from the current interim audit conducted in May 2021.

INDEX OF FINDINGS	RATING		
	Significant	Moderate	Minor
Current year issues			
1. General Journals	✓		
2. Monthly Reconciliations		✓	
3. Investment Procedural Guideline		✓	
4. Procurement Practices		✓	
5. Contract variations		✓	
6. New Supplier checks		✓	
7. Credit Card acceptance forms		✓	
8. Credit Notes and Cancelled Receipts		✓	
9. Employee Termination Payments		✓	

10. Payroll Policies and Procedures		✓	
11. IT Security Policy and User Access Rights		✓	
12. Annual Financial Report			✓

KEY TO RATINGS

The Ratings in this management letter are based on the audit team's assessment of risks and concerns with respect to the probability and/or consequence of adverse outcomes if action is not taken. We give consideration to these potential adverse outcomes in the context of both quantitative impact (for example financial loss) and qualitative impact (for example inefficiency, non-compliance, poor service to the public or loss of public confidence).

- Significant** - Those findings where there is potentially a significant risk to the entity should the finding not be addressed by the entity promptly.
- Moderate** - Those findings which are of sufficient concern to warrant action being taken by the entity as soon as practicable.
- Minor** - Those findings that are not of primary concern but still warrant action being taken.

Please find attached a copy of the full report including;

- Finding
- Rating
- Implication
- Recommendation
- Management Comment

TEN YEAR FINANCIAL PLAN

Nil

FINANCIAL IMPLICATIONS

Nil

STATUTORY IMPLICATIONS

Local Government Amendment (Auditing) Act 2017

(1) The Auditor General Act section 18 applies in relation to a local government as if —

- (a) the local government were an agency; and
- (b) money collected, received or held by any person for or on behalf of the local government were public money; and
- (c) money collected, received or held by the local government for or on behalf of a person other than the local government were other money; and

(d) property held for or on behalf of the local government, other than money referred to in paragraph (b), were public property; and Local Government (Audit) Regulations 1996 (as amended)

(e) property held by the local government for or on behalf of a person other than the local government were other property; and

(f) the reference in the Auditor General Act section 18(2)(d) to “legislative provisions, public sector policies or its own internal policies;” were a reference to “legislative provisions or its own internal policies;”.

(2) A performance audit is taken for the purposes of the Auditor General Act to have been carried out under the Auditor General Act Part 3 Division 1.

7.12AK. Reporting on a performance audit

(1) The Auditor General Act section 25 applies in relation to a performance audit as if —

(a) a local government were an agency; and

(b) the council of the local government were its accountable authority.

(2) The auditor must give a report on a performance audit to the local government.

Local Government (Audit) Regulations 1996

16. *Audit committee, functions of*

An audit committee —

(a) is to provide guidance and assistance to the local government —

(i) as to the carrying out of its functions in relation to audits carried out under Part 7 of the Act; and

(ii) as to the development of a process to be used to select and appoint a person to be an auditor;

and

(b) may provide guidance and assistance to the local government as to —

(i) matters to be audited; and

(ii) the scope of audits; and

(iii) its functions under Part 6 of the Act; and

(iv) the carrying out of its functions relating to other audits and other matters related to financial management.

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

Local Government Act 1995 (as amended)

- section 3.57 relates to the tendering of goods and services
- section 3.59 relates to preparation of business plan for a commercial or trading enterprise
- sections 5.16, 5.18, 5.42, 5.43, 5.44, 5.45, 5.46 relates to the delegation of power/duty

- sections 5.67, 5.68, 5.73, 5.75, 5.76, 5.77, 5.88, 5.103 relates to the Disclosure of Interest by Councillors and/or Staff
- sections 7.3 to 7.9 relates to the appointment of auditors
- section 9.4 to 9.29 relates to appeal provisions
- sections 3.58 to relates to disposal of property

Subsidiary Statutory Acts and Regulations to achieve compliance

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

STRATEGIC COMMUNITY PLAN

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

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
- Administration Staff
- Councillors

STAFF RECOMMENDATION

That Council endorse the findings and management comments to the Interim Audit.

9.8 RISK REVIEW

File Ref: ADM60
Author: Raymond Griffiths, Chief Executive Officer
Authoriser: Raymond Griffiths, Chief Executive Officer
Attachments: 1. Risk Review (under separate cover)

BACKGROUND

Council's July Audit Committee Meeting – 20th July 2021

The Financial Management and Risk Review was presented to the July Audit Committee with the following recommendation from Staff.

That the Audit Committee recommends to Council that;

- 1. Receives the Financial Management and Risk Review as presented; and***
- 2. Notes the Actions required and proposed timeframes for actions to be completed.***

The CEO is required to undertake a review of the appropriateness and effectiveness of financial systems and risk management, internal control and legislative compliance every three years as part of this review an external consultant to review the operations of Council as per Regulation 17.

In addition to this process the Office of the Auditor General (OAG) through its contractors conducted an Interim Audit in May 2021. The Interim Audit is being formally presented to the July Audit Committee Meeting (ACM).

The findings of the above processes have been incorporated into the Risk Review, Legislative Compliance and Internal Control and Interim Audit Implementation Plan (FMR Plan) showing the issues involved, action taken or proposed to be undertaken, and the timeframes proposed.

STAFF COMMENT

The independent Regulation 17 report was presented to the April Audit Committee Meeting with Council's Financial Management Review being completed in 2020.

The table below summarises items by risk category and timeframe.

Risk Category	Actions		
	No of Items	Completed	30 th June 2021
Significant/High	4	0	4
Moderate/Medium	25	5	20
Minor/Low	8	3	5
TOTAL	37	8	29

Council's Management have been working through the three reviews to ensure that the items listed are reviewed and rectified to ensure that we are operating at best practice.

Some of the items listed have long lead times and implementation schedules (Ie – Corporate Business Plan and Long Term Financial Plan), therefore a realistic timeframe has been allocated for this.

TEN YEAR FINANCIAL PLAN

Nil known at this time.

FINANCIAL IMPLICATIONS

Nil known at this time.

STATUTORY IMPLICATIONS

Regulation 17 of the Local Government (Audit) Regulations 1996 directs the Chief Executive Officer (CEO) to review the appropriateness and effectiveness of a local government's systems and procedures in relation to risk management; internal control and legislative compliance once every 3 financial years and to report the results of the review to the Audit Committee.

Regulation 5(2)(c) of the Local Government (Financial Management) Regulations 1996 directs the CEO undertake reviews of the appropriateness and effectiveness of the financial management systems and procedures of the local government regularly (and not less than once in every 3 financial years) and report to the local government the results of those reviews.

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. Receives the Financial Management and Risk Review as presented; and
2. Notes the Actions required and proposed timeframes for actions to be completed.

9.9 DIRECT DEBIT LIST AND VISA CARD TRANSACTIONS - JUNE 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 June 2021.

Municipal Direct Debit List

Date	Name	Details	\$	Amount
1-Jun-21	Westnet	Internet Fees		4.99
1-Jun-21	NAB	Merchant Fees - Trust		6.94
1-Jun-21	NAB	Merchant Fees - Caravan Park		51.90
1-Jun-21	NAB	Merchant Fees - Shire		96.79
1-Jun-21	NAB	Merchant Fees - CRC		132.84
3-Jun-21	Shire of Kellerberrin	Creditors Payment	174,935.79	
7-Jun-21	Department of Transport	Vehicle Inspections		23.55
8-Jun-21	Department of Communities	Rent		420.00
9-Jun-21	Telstra	Mobiles		796.05
10-Jun-21	Shire of Kellerberrin	Precision Superannuation		10,041.45
10-Jun-21	Shire of Kellerberrin	Pay Run		58,730.56
17-Jun-21	Shire of Kellerberrin	Creditors Payment	213,131.31	
18-Jun-21	Telstra	Internet Fees		100.00
15-Jun-21	Telstra	Whispr Messaging		1,946.91
22-Jun-21	Department of Communities	Rent		420.00
23-Jun-21	Nyax Australia	Vending Machine Caravan Park		38.17
24-Jun-21	Shire of Kellerberrin	Pay Run		57,621.55
24-Jun-21	Shire of Kellerberrin	Precision Superannuation		9,991.69
25-Jun-21	Shire of Kellerberrin	Creditors Payment		528.53
29-Jun-21	NAB	NAB Connect Fees		46.49
30-Jun-21	NAB	NAB BPAY Fees		14.72
30-Jun-21	NAB	Account Fees - Muni		62.40
30-Jun-21	NAB	Account Fees - Trust		10.00
TOTAL			\$	529,152.63

Trust Direct Debit List

Date	Name	Details	\$	Amount
30-Jun-21	Department of Transport	Licensing Payments		62,119.80
TOTAL			\$	62,119.80

Visa Transactions

Date	Name	Details	\$	Amount
01-Jun-21	Shire of Kellerberrin	Licensing KE1		28.60
02-Jun-21	Seek	Team Leader Road Crews Job		313.50
09-Jun-21	Shire of Kellerberrin	Advert		17.30
		Licensing KE1		17.30
		Power Upgrade Swimming Pool		
21-Jun-21	Western Power	Pump Shed		497.92

28-Jun-21	Coffee Club	Breakfast H/R Course	48.40
28-Jun-21	Perth Ambassador	Accommodation H/R Course	198.00
28-Jun-21	NAB	Card Fee	9.00
TOTAL - CEO			\$ 1,112.72
Date	Name	Details	\$ Amount
28-Jun-21	Facet	Tourism Course - K.Cox	65.01
28-Jun-21	NAB	Card Fee	9.00
TOTAL -DCEO			74.01
TOTAL VISA TRANSACTIONS			\$ 1,186.73

STAFF COMMENT

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

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

9.10 CHEQUE LIST JUNE 2021

File Number: N/A
Author: Zene Arancon, Finance Officer
Authoriser: Raymond Griffiths, Chief Executive Officer
Attachments: 1. June 2021 Payment List (under separate cover)

BACKGROUND

Accounts for payment from 1st June to 30th June 2021

TRUST

TRUST TOTAL	\$ 63,163.06
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MUNICIPAL FUND**Cheque Payments**

34873-34880	\$ 25,617.23
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EFT Payments

12179-12266	\$ 388,595.63
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Direct Debit Payments

	\$ 25,337.90
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TOTAL MUNICIPAL

	\$ 439,550.76
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STAFF COMMENT

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

Molivi Construction Pty Ltd	\$ 170,468.69
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Progress claim - CL005 May 2021 3 Bushfire Sheds

Department of Transport - TRUST DIRECT DEBITS Licensing CRC	\$ 62,119.80
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Licensing Payments June 2021

Western Australian Treasury Corporation	\$ 53,815.35
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Loan No. 118 & 120 payments Rec Centre Redevelopment & construction of GROH Housing

Greenlite Electrical Contractors P/L	\$ 43,449.49
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Progress claim 1 for Exhibition Hall lighting

Water Corporation	\$ 15,589.71
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Water charges various Shire properties April-June 2021

Blank Walls	\$ 15,059.00
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20% Deposit for Kellerberrin Exhibition Hall mural

EverGreen Synthetic Grass	\$ 11,979.70
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Supply & install gold bowling green surface size 38.1m x 38.1m for Rec Centre bowling greens

United Card Services Pty Ltd	\$ 11,180.58
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Total supply May 2021

Beam Superannuation Staff superannuation contributions	\$ 10,041.45
Beam Superannuation Staff superannuation contributions	\$ 9,991.69
Avon Waste Domestic & commercial collections May 2021	\$ 7,597.71
Landgate Rural UV general valuation first 500 shared May 2021	\$ 6,605.20
R Munns Engineering Consulting Services Consultant fee for various road works & Bushfire Sheds	\$ 6,320.82

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 June 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 \$ **439,550.76** on vouchers EFT , CHQ, Direct payments*
2. *Trust Fund payments totalling \$ **63,163.06** on vouchers EFT, CHQ, Direct payments*

9.11 FINANCIAL ACTIVITY STATEMENT - JUNE 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 June 2021 comprising;

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

9.12 BUILDING REPORTS JUNE 2021

File Number: BUILD06
Author: Codi Mullen, Personal Assistant
Authoriser: Raymond Griffiths, Chief Executive Officer
Attachments: 1. Building Applications Received June (under separate cover)
2. Building Permits Issued June (under separate cover)

BACKGROUND

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

STAFF COMMENT

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

COMMUNITY CONSULTATION

The following consultation took place:

- Building Surveyor
- Owners
- Building Contractors

- Chief Executive Officer

STAFF RECOMMENDATION

That Council

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

9.13 2021/2022 BUDGET ADOPTION

File Ref: FIN04
 Author: Lenin Pervan, Deputy Chief Executive Officer
 Authoriser: Raymond Griffiths, Chief Executive Officer
 Attachments: Nil

BACKGROUND

Council's June 2021 Ordinary Meeting of Council – 15th June 2021

MIN 001/21 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
Kellerberrin Residential	\$0. 13970	\$818.00
Other Residential	\$0.13970	\$818.00
Kellerberrin Commercial	\$0.16050	\$897.00
Other Commercial	\$0.16050	\$897.00
Unimproved Value Properties		
Mining Tenements	\$0.018620	\$818.00
Rural	\$0.018620	\$818.00

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

MIN 002/21 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;

- 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**

Council's May 2021 Ordinary Meeting of Council – 18 th May 2021
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MIN 003/21 MOTION - Moved Cr. Reid Seconded Cr. Leake

That Council:

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

LADIES DAY OUT – (WOMEN RECONNECTING, INSPIRING AND SHARING) - \$3,000**MIN 004/21 MOTION - Moved Cr. Steber Seconded Cr. Leake*****That Council:***

- 1. Receives the Salaries and Wages schedule as presented***
- 2. Instructs Council's Chief Executive Office to incorporate the Draft Salary and Wages Budget as presented into Council's 2021/22 Draft Budget.***

**CARRIED 7/0
BY ABSOLUTE MAJORITY**

COUNCIL RESOLUTION**MIN 005/21 MOTION - Moved Cr. McNeil Seconded Cr. Leake*****That Council:***

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

**CARRIED 7/0
BY ABSOLUTE MAJORITY**

TEN YEAR FINANCIAL PLAN

Long term financial plan has been incorporated into the budget with modifications.

FINANCIAL IMPLICATIONS

The Shire of Kellerberrin 2021/2022 Budget

STATUTORY IMPLICATIONS

Local Government Act 1995 (as amended)

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 installments; or
 - (b) Such other method of payment by installments 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 installments 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 installments under subsection (1) or (2);
- (b) prescribe circumstances in which payments may or may not be made by installments;
- (c) prohibit or regulate any matters relating to payments by installments;
- (d) provide for the time when, and manner in which, installments 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*

Local Government Act 1995

6.2. Local government to prepare annual budget

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

** Absolute majority required.*

- (2) In the preparation of the annual budget the local government is to have regard to the contents of the plan for the future of the district made in accordance with section 5.56 and to prepare a detailed estimate for the current year of —
- (a) the expenditure by the local government;
 - (b) the revenue and income, independent of general rates, of the local government; and
 - (c) the amount required to make up the deficiency, if any, shown by comparing the estimated expenditure with the estimated revenue and income.
- (3) For the purposes of subsections (2)(a) and (b) all expenditure, revenue and income of the local government is to be taken into account unless otherwise prescribed.
- (4) The annual budget is to incorporate —
- (a) particulars of the estimated expenditure proposed to be incurred by the local government;
 - (b) detailed information relating to the rates and service charges which will apply to land within the district including —
 - (i) the amount it is estimated will be yielded by the general rate; and
 - (ii) the rate of interest (if any) to be charged by the local government on unpaid rates and service charges;
 - (c) the fees and charges proposed to be imposed by the local government;
 - (d) the particulars of borrowings and other financial accommodation proposed to

- be entered into by the local government;
 - (e) details of the amounts to be set aside in, or used from, reserve accounts and of the purpose for which they are to be set aside or used;
 - (f) particulars of proposed land transactions and trading undertakings (as those terms are defined in and for the purpose of section 3.59) of the local government; and
 - (g) such other matters as are prescribed.
- (5) Regulations may provide for —
- (a) the form of the annual budget;
 - (b) the contents of the annual budget; and
 - (c) the information to be contained in or to accompany the annual budget.

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

STRATEGIC COMMUNITY PLAN

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

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

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

COMMUNITY CONSULTATION

The following consultation took place;

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

STAFF RECOMMENDATION

That Council:

PART A – MUNICIPAL FUND BUDGET FOR 2021/2022

Pursuant to the provisions of Section 6.2 of the *Local Government Act 1995* and Part 3 of the *Local Government (Financial Management) Regulations 1996*, the council adopt the Municipal Fund Budget as contained in the Attachments of this agenda and the minutes, for the Shire of Kellerberrin for the 2021/2022 financial year which includes the following:

- Statement of Comprehensive Income by Nature and Type showing a net result for that year of \$1,186,720
- Statement of Comprehensive Income by Program showing a net result for that year of \$1,186,720
- *Statement of Cash Flows of the Statutory Budget.*

- *Rate Setting Statement of the Statutory Budget showing an amount required to be raised from rates of \$2,335,320.*
- *Notes to and Forming Part of the Budget*
- *Budget Program Schedules as detailed in attachments*
- *Transfers to / from Reserve Accounts as detailed*

PART B – GENERAL AND MINIMUM RATES, INSTALMENT PAYMENT ARRANGEMENTS

1. For the purpose of yielding the deficiency disclosed by the Municipal Fund Budget adopted at Part A above, council pursuant to Sections 6.32, 6.33, 6.34 and 6.35 of the *Local Government Act 1995* impose the following differential general rates and minimum payments on Gross Rental and Unimproved Values. 1.1. General Rates*
 - Kellerberrin Residential (GRV) 13.9700 cents in the dollar
 - Other Residential (GRV) 13.9700 cents in the dollar
 - Kellerberrin Commercial (GRV) 16.0500 cents in the dollar
 - Other Commercial (GRV) 16.0500 cents in the dollar
 - Rural (UV) 1.8620 cents in the dollar
 - Mining (UV) 1.8620 cents in the dollar
 - Kellerberrin Residential (GRV) \$818
 - Other Residential (GRV) \$818
 - Kellerberrin Commercial (GRV) \$897
 - Other Commercial (GRV) \$897
 - Rural (UV) \$818
 - Mining Tenements (UV) \$818
2. Pursuant to Section 6.45 of the *Local Government Act 1995* and regulation 64(2) of the *Local Government (Financial Management) Regulations 1996*, council nominates the following due dates for the payment in full by instalments:
 - Full payment and instalment due date 27th August 2021
 - 2nd half instalment (Option 2) due date 7th January 2022
 - 2nd quarterly instalment due date 29th October 2021
 - 3rd quarterly instalment due date 7th January 2022
 - 4th quarterly instalment due date 11th March 2022
3. Pursuant to Section 6.45 of the *Local Government Act 1995* and regulation 67 of the *Local Government (Financial Management) Regulations 1996*, council adopts an instalment administration charge where the owner has elected to pay rates (and service charges) through an instalment option of \$5.00 for each instalment after the initial instalment is paid.
4. Pursuant to Section 6.45 of the *Local Government Act 1995* and regulation 68 of the *Local Government (Financial Management) Regulations 1996*, council adopts an interest rate of 5% where the owner has elected to pay rates and service charges through an instalment option.
5. Pursuant to Section 6.51(1) and subject to Section 6.51(4) of the *Local Government Act 1995* and regulation 70 of the *Local Government (Financial Management) Regulations 1996*, council adopts an interest rate of 7% for rates (and service charges) and costs of proceedings to recover such charges that remains unpaid after becoming due and payable.

PART C – RESERVE FUNDS – NEW RESERVE ESTABLISHED

Pursuant to Section 6.11 of the *Local Government Act 1995* an Arts and Culture Reserve be established. The purpose of this Reserve is to hold any Arts and Culture savings/profits that may be made each year and to fund any additional Arts and Culture programs/projects from time to time.

PART D – GENERAL FEES AND CHARGES FOR 2021/2022

Pursuant to Section 6.16 of the Local Government Act 1995, council adopts the Fees and Charges included, inclusive of the draft 2021/2022 budget included as Attachments of this agenda and minutes.

PART E – OTHER STATUTORY FEES FOR 2021/2022

1. Pursuant to Section 53 of the *Cemeteries Act 1986* the council adopts the Fees and Charges for the Kellerberrin Cemetery
2. Pursuant to Section 245A(8) of the *Local Government (Miscellaneous Provisions) Act 1960* the council adopts a swimming pool inspection fee of \$57.45 inclusive of GST.
3. Pursuant to Section 67 of the *Waste Avoidance and Resources Recovery Act 2007*, council adopt the following charges for the removal and deposit of domestic and commercial waste:
 - a. Residential Premises
 - i. 240ltr bin per weekly collection \$203 pa
 - ii. Additional Bins \$223 pa
 - b. Commercial Premises
 - i. 240ltr bin per weekly collection \$203 pa
 - ii. Additional Bins \$223 pa

SIMPLE MAJORITY

4. Pursuant to Section 67 of the *Waste Avoidance and Resources Recovery Act 2007*, and Section 6.16 of the Local Government Act 1995 council adopt the following charges for the deposit of domestic and commercial waste:
 - a. Kellerberrin Waste Transfer Station

Load or volume:

- Trailer (6 x 4) – First Per Annum – Free
- Trailer (6 x 4) – After First Load Per Annum – \$30.00
- Trailer (8 x 5) – First Per Annum – Free
- Trailer (8 x 5) – After First Load Per Annum – \$40.00
- Commercial waste (per cubic metre) – Cost Recovery Plus 5%
- Bed Mattress - \$10 per mattress

PART F – ELECTED MEMBERS' FEES AND ALLOWANCES FOR 2021/2022

1. Pursuant to Section 5.99 of the *Local Government Act 1995* and regulation 34 of the *Local Government (Administration) Regulations 1996*, council adopts the following meeting attendance fees for payment of elected members in lieu of Annual fees:
 - President \$350 per meeting.
 - Councillors \$200 per meeting
2. Pursuant to Section 5.99A of the *Local Government Act 1995* and regulations 34A and 34AA of the *Local Government (Administration) Regulations 1996*, council adopts the following annual allowances for elected members:
 - Travel Allowance – President - \$550

- Travel Allowance – Councillor - \$550
 - ICT Allowance – President - \$429
 - ICT Allowance – Councillor - \$429
3. Pursuant to Section 5.98(5) of the *Local Government Act 1995* and regulation 33 of the *Local Government (Administration) Regulations 1996*, council adopts the following annual local government allowance to be paid in addition to the annual meeting allowance:
- President \$5,000
 - Deputy President \$1,250
4. Pursuant to Section 5.98(1)(b) and (2A)(b) of the *Local Government Act 1995*, council adopts the following meeting attendance fees
- GECZ \$110 per member, per meeting plus travel allowance
 - WEROC \$110 per member, per meeting plus travel allowance
 - CEACA \$110 per member, per meeting plus travel allowance
 - Roadworks Advisory \$110 per member, per meeting plus travel allowance
 - LEMC \$110 per member, per meeting plus travel allowance
 - Sport and Rec \$110 per member, per meeting plus travel allowance
 - Audit Committee \$110 per member, per meeting plus travel allowance

PART G – MATERIAL VARIANCE REPORTING FOR 2021/2022

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 2021/2022 for reporting material variances shall be 10% or \$10,000, whichever is the greater.

10 DEVELOPMENT SERVICES REPORTS

Nil

11 WORKS & SERVICES REPORTS

11.1 DEVELOPMENT APPLICATION - OUTBUILDING

File Ref: A533
Author: Lewis York, Town Planner
Authoriser: Raymond Griffiths, Chief Executive Officer
Applicant: Mr Derek Mitchell
Location: 67 Forrest Street, Kellerberrin
Attachments: 1. Development Application (under separate cover)
2. Drawings (under separate cover)

BACKGROUND

An application has been received from Mr. Derek Mitchell on behalf of Mr. Phil Stevens for a sea container for storage purposes and the construction of a shed at 67 Forrest Street, Kellerberrin.

The lot has been used as a storage yards for several decades thus being considered a 'Non-Conforming Use'. Mr. Mitchell has proposed the development of a 18x23m steel shed which will be setback in the north-east corner of the lot. The lot is currently used for the load and unloading of goods for transport purposes.

The site currently has an unapproved sea container for storage purposes. Mr. Mitchell intends on completion of the new proposed shed, store the container inside the shed.

SITE



Shire of Kellerberrin Local Planning Scheme *Local Planning Scheme No.4*

Zoned: Residential

Coded: r 10/40

Lot size: 2023m²

Setbacks proposed: rear: 2m, side (east): 2m, side (west) 10m, front 42m.

Outbuilding size: 18x24m= 432m²

Height: 6.5m

Use Scheme determination: The land has been determined as a Non-Conforming as its use was ongoing before the introduction of the scheme and not adequately zoned. The lot is used for the loading and un-loading of goods for the purpose of a transportation and logistics business.

3.8. NON-CONFORMING USES

Except as otherwise provided in the Scheme, no provision of the Scheme is to be taken to prevent — (a) the continued use of any land for the purpose for which it was being lawfully used immediately prior to the Gazettal date;

(b) the carrying out of any development on that land for which, immediately prior to the Gazettal date, an approval or approvals, lawfully required to authorise the development to be carried out, were duly obtained and are current; or

(c) subject to Clause 80 of the deemed provisions, the continued display of advertisements which were lawfully erected, placed or displayed prior to the Gazettal date. AMD 2 GG 12/09/17

Note: “Land” has the same meaning as in the Planning and Development Act and includes houses, buildings and other works and structures.

3.9. EXTENSIONS AND CHANGES TO A NON-CONFORMING USE

3.9.1. A person must not — (a) alter or extend a non-conforming use; (b) erect, alter or extend a building used in conjunction with or in furtherance of a non-conforming use; or (c) change the use of land from a non-conforming use to another non-conforming use, without first having applied for and obtained development approval under the Scheme.

3.9.2. An application for development approval under this clause is to be advertised in accordance with Clause 64 of the deemed provisions. AMD 2 GG 12/09/17

3.9.3. Where an application is for a change of use from an existing non-conforming use to another non-conforming use, the local government is not to grant its development approval unless the proposed use is less detrimental to the amenity of the locality than the existing non-conforming use and is, in the opinion of the local government, closer to the intended purpose of the zone

Planning and Development (Local Planning Schemes) Regulations 2015

64. Advertising applications

(1) The local government —

(a) must advertise a complex application for development approval in accordance with subclause (3); and

(b) must advertise an application for development approval in accordance with subclause (4) if the application is not a complex application and —

(i) relates to development that is a class A use in relation to the zone in which the development is located; or

(ii) relates to the extension of a non-conforming use; or

(iii) relates to development that does not comply with the requirements of this Scheme; or

(iv) relates to development for which the local government requires a heritage assessment to be carried out under clause 11(1); or

(v) is of a kind identified elsewhere in this Scheme as an application that is required to be advertised; and

(c) may advertise any other application for development approval in accordance with subclause (4).

(2) Subclause (1)(b)(iii) does not apply if the local government is satisfied that the non-compliance with the requirements of this Scheme is of a minor nature.

(3) For the purposes of subclause (1)(a), a complex application is advertised by doing all of the following —

(a) publishing in accordance with clause 87 —

(i) a notice of the proposed development in the form set out in clause 86(3); and

(ii) the application for development approval; and

(iii) any accompanying material in relation to the application that the local government considers should be published;

(b) giving notice of the proposed development —

(i) to the owners and occupiers of every property that is within 200 m of the proposed development; and

(ii) to any other owners and occupiers of properties in the vicinity of the proposed development who, in the opinion of the local government, are likely to be affected by the granting of development approval;

(c) erecting, in the manner and form approved by the Commission, a sign or signs in a conspicuous place on the land the subject of the application giving notice of the proposed development in the form set out in clause 86(3). Note for this subclause: Under clause 88, the Commission may approve varied requirements that apply if it is not practicable for the local government to comply with subclause (3)(b) or (c).

(4) For the purposes of subclause (1)(b) or (c), an application that is not a complex application is advertised by doing any or all of the following, as determined by the local government —

(a) publishing in accordance with clause 87 — (i) a notice of the proposed development in the form set out in clause 86(3); and (ii) the application for development approval; and (iii) any accompanying material in relation to the application that the local government considers should be published;

(b) giving notice of the proposed development to owners and occupiers of properties in the vicinity of the development who, in the opinion of the local government, are likely to be affected by the granting of development approval; (c) erecting, in the manner and form approved by the Commission, a sign or signs in a conspicuous place on the land the subject of the application giving notice of the proposed development in the form set out in clause 86(3).

(5) A notice published or given, or on a sign erected, in accordance with subclause (3) or (4) in relation to an application for development approval must specify — (a) the manner and form in which submissions may be made; and (b) the applicable period under subclause (6) or (7) for making submissions and the last day of that period.

(6) The period to be specified in a notice published or given, or on a sign erected, in accordance with subclause (3) in relation to a complex application is —

(a) the period of 28 days after the day on which the notice of the application is first published under subclause (3)(a); or (b) a longer period agreed in writing between the applicant and the local government.

(7) The period to be specified in a notice published or given, or on a sign erected, in accordance with subclause (4) in relation to an application that is not a complex application is — (a) the period of 14 days after the day on which the notice of the application is first published or given, or the sign is first

erected, as the case requires; or (b) a longer period agreed in writing between the applicant and the local government.

67. Consideration of application by local government

(1) Development approval cannot be granted on an application for approval of —

(a) development that is a class X use in relation to the zone in which the development is located, unless — (i) the development relates to land that is being used for a non-conforming use; and (ii) the local government considers that the proposed use of the land would be less detrimental than the non-conforming use; or Planning and Development (Local Planning Schemes) Regulations 2015 Schedule 2 Deemed

(b) development that otherwise does not comply with a requirement of this Scheme, unless — (i) this Scheme gives the local government discretion to waive or vary the requirement or to grant development approval despite non-compliance with the requirement; or (ii) the development is permitted under a provision of this Scheme in relation to non-conforming uses. (2) In considering an application for development approval (other than an application on which approval cannot be granted under subclause (1)), 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; (fa) any local planning strategy for this Scheme endorsed by the Commission;

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

(h) any structure 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 — (i) the compatibility of the development with the desired future character of its setting; and (ii) 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.

POLICY IMPLICATIONS

Local Planning Policy- Outbuildings

7.0 MAXIMUM DEVELOPMENT REQUIREMENTS

7.1 Maximum standards for outbuildings in R-Codes areas

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

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

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

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

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

It is recommend that the provisions of this policy be disregarded for the abovementioned application as it is has been deemed non-conforming use under LPS4.

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;

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

PLANNING ASSESSMENT

The proposal triggers the need for Council approval as the lot is considered a non-conforming use under LPS4. As the proposed development proposes no change to the current use of the site it raises no major concerns from a use perspective. While the size of the shed is substantial the landowner has stressed that the development will not result in further noise on the lot once completed.

The development will also improve the visual aesthetics of the lot on a long-term basis as the storage of goods will be contained within the shed. The setback of the shed is consistent with others approved within the townsite. The development supports the continuance of a business in the Shire and this can only be seen as a positive.

Council is required to advertise the policy, however it is recommended that the application for development be approved by the CEO if no major submissions are received from advertising.

As the sea container will be incorporated into the shed it is determined that the need for a pitched roof be waived. However should the shed not be approved then the conditions for a sea container need to apply.

STAFF RECOMMENDATION

That Council

1. *Advertise the development application to nearby landowners to approve the construction of a storage shed and use of a single sea container at 67 Forrest Street, Kellerberrin;*
2. *Following the advertising period, give delegated authority to the Chief Executive Officer to determine the development approval application for the applicant to construct a shed and use a sea container; providing:*
 - a. *No objections are received.*
 - b. *No significant negative feedback or comments are received.*

General Conditions - Outbuilding

- i. *Planning approval will expire if the development is not substantially commenced within two years of this approval;*
- ii. *The endorsed approved plans shall not be altered without prior written approval of the Shire;*
- iii. *Use of the building shall be for storage purposes only; and*
- iv. *The outbuilding shall not be used for human habitation at any given time, unless written approval has been granted by the shire.*

General Conditions – Sea Container (If not relocated to the new outbuilding on final approval/completion)

- i. *comply with the requirements of the Scheme;*
- I. *be used as detached outbuildings and not as ancillary accommodation;*
- II. *be fitted with doors that can be opened from the inside to ensure safety of users;*
- ii. *be painted to match either the existing dwelling or other outbuildings on the lot;*
- iii. *be located a minimum of 1.8m from septic tanks, leach drains and utilities;*
- iv. *be located to the rear of a the dwelling on the lot;*
- v. *be suitably screened from road frontages, public space and neighbouring properties. Where a sea container is visible from a public space, the installation of screening to a minimum height of that of the sea container may be required; and*

Advice Notes

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

11.2 DEVELOPMENT APPLICATION - SECOND HAND DWELLING - STATION STREET

File Ref: A1519
Author: Lewis York, Town Planner
Authoriser: Raymond Griffiths, Chief Executive Officer
Applicant: Mr Joe Fondacaro
Location: Lot 10 Station Street, Doodlakine
Attachments: 1. Engineer Report (under separate cover)
2. Drawings (under separate cover)

BACKGROUND

A development application has been received from Mr. Joe Fondacaro for the development and use of two second hand transportable dwellings. The dwelling will be located on Lot 10 Station street, Doodlakine (the lot is currently vacant). The second hand transportable site huts are proposed to be constructed into a two-bedroom dwelling and is 72m² (12mx6m), it will have 2 bedrooms, kitchen, shower, toilet, and laundry. The applicant intends to paint the external walls in a two-tone grey upon completion of the verandahs.

Upon receiving the application for development approval, Mr. Fondacaro was advised that Councils second hand dwelling policy stated that it 'generally does not support' second hand dwellings where no primary dwelling exists. The lot is the former site of the Doodlakine Hotel.

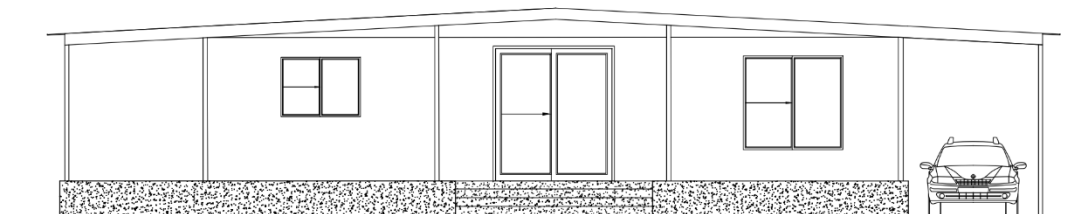
Council at its February Ordinary Council meeting – 16th February 2021

MIN 020/21 MOTION – Moved Cr. McNeil Seconded Cr. O'Neill

That Council refuses the development application on the grounds that the development is inconsistent with LPP- Repurposed and Second Hand Dwellings and does not reflect development within the surrounding Doodlakine townsite area.

CARRIED 7/0

SITE



1 East Elevation

SCALE: 1:100



Shire of Kellerberrin Local Planning Scheme**10 Station Street, Doodlakine**

Zoned: Rural Townsite

Coding: R10

Lot size: 809m²

No restricted or additional uses

Use class: Repurposed Dwelling

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

The objectives of the zones are —

3.2.3 Rural Townsite Zone (a) To allow for a wide range of land uses such as may be found in a small country town, but subject to preservation of local amenities

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 <small>AMD 2 GG 12/09/17</small>	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 <small>AMD 2 GG 12/09/17</small>	D	A	X	D	D	D
Single Dwelling	P	A	X	P	P	P
Transportable dwelling	DELETED BY AMD 2 GG 12/09/17					

A repurposed dwelling is a **discretionary 'D'** use in the Rural townsites zone.

'D' means that the use is not permitted unless the local government has exercised its discretion by granting development approval;

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

'Second-Hand Dwelling' - means a dwelling that has been in a different location, and has been dismantled and transported to another location, but does not include a new modular or transportable dwelling.

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:
- i. in accordance with **Table 1**;
 - ii. corresponding to the average of the **setback** of existing **dwellings** on each adjacent property fronting the same **street**;
 - iii. 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**);
 - iv. 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

Setbacks:

Primary: 7.5m

Secondary: 3m

Rear: 1.5m

Proposed:

Primary: 6.15m

Secondary: 14.3m

Rear: 1.5m

Landscaping requirements:

Deemed-to-comply

Development satisfies the following **deemed-to-comply** requirements (C)

C2.2 **Landscaping** of **single houses, grouped dwellings** and **multiple dwellings** to include the following:

- the minimum number of trees and associated planting areas in the table below; and
- landscaping of the **street setback area**, with not more than 50 per cent of this area to consist of impervious surfaces.

Dwelling type		Minimum tree requirement	Minimum tree planting area
Single houses and grouped dwellings (tree per dwelling)		1 tree	2m x 2m
Multiple dwellings (trees per site)	Less than 700m ²	2 trees	
	700 - 1000m ²	3 trees	
		Greater than 1000m ²	4 trees

Note:

- The minimum tree planting area is to be provided for each tree and shown on the site plan that is submitted with the application.
- The tree planting area is to be free of **impervious surfaces** and roof cover.

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.

FINANCIAL IMPLICATIONS (ANNUAL BUDGET)

\$384 Planning fee paid

POLICY IMPLICATIONS

LPP- Repurposed and Secondhand Dwellings

4.0 POLICY OBJECTIVES The objectives of this policy are:

- a) To maintain high amenity standards for repurposed and second hand dwellings within the Shire;
- b) To avoid the erection and use of repurposed or second hand dwellings for accommodating temporary workforces, or other business or company activities, in inappropriate areas;
- c) To provide a consistent approach to assessing applications for repurposed and second hand dwellings within the Shire.

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, Reside

6.1 General Requirements for the Residential, Rural Residential, Rural Townsite and Town Centre zones for:

6.1.1 Second Hand Dwelling(s) Require the approval of the Council and;

a) Shall comply with provisions of the Scheme and satisfy the requirements of the R-Codes (where applicable);

b) Shall be designed to reflect the existing character of development surrounding the subject site;

c) Shall have cladding of materials to the satisfaction of the Council. Finishes such as brick vaneer, hardiplank sheets, spray render and factory painted steel are acceptable materials. Other finishes will require consideration by the Shire; d) Where deemed necessary by the Council, verandah(s), carports and/or painting/recladding shall be undertaken to enhance the dwelling;

e) Where deemed necessary by the Council, landscaping shall be undertaken around the dwelling;

f) 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; and

g) where a second hand dwelling(s) is proposed as a an additional (grouped) dwelling, the total floor area of the additional second hand dwelling(s) shall not exceed 110m2 .

6.2.3 Upgrading Repurposed or Second Hand Dwellings

a) The use of new transported dwellings is preferred over the use of second hand or repurposed dwellings. Notwithstanding the above, it is recognised that some second hand dwellings may be in excellent condition, or can be upgraded/renovated.

b) The onus is on the applicant to provide a detailed list and description of any upgrading. Council may require additional upgrading to improve the appearance or aesthetics of the repurposed or second hand dwelling including and not limited to;

- Bagging, rendering or painting the external walls of the existing house;
- Replacing or professionally recoating roof sheeting;
- Replacing/repairing and painting gutters and downpipes;
- Concealing or removal of plumbing fittings, meter boxes and other utilities visible from a street or public place;
- Modifying, upgrading or replacing older steel or wood framed windows;
- Replacing flat, skillion roofs, or low roof pitches that do not fit in with a existing streetscape;
- Demolishing/ removing unattractive additions such as metal awnings, filled in verandahs / sleepouts and the like;
- Upgrading can also involve the construction of new entry statements, porticos, new front doors, verandahs, and so forth; and
- Stump infill to give the appearance of a 'permanent' building undistinguishable from others constructed in the same area.

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;

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

PLANNING ASSESSMENT

The proposed second hand dwelling raises several issues that must be considered by Council before either approving the development with conditions or refusing. At Councils February meeting the application was refused on the grounds that the development plans did not contain the essential features of a dwelling; such as a verandah and carport. Furthermore the dwelling design did not reflect other dwelling design in the Doodlakine townscape. While Council was willing to disregard its Repurposed and Second Hand Dwelling Policy, the need for high quality design was still nonnegotiable.

The current plans provide Council with greater clarity of the finished product in a structural sense, however the external finish of the dwelling is still somewhat unknown. While Council has shown a desire to approve development that encourages new residents to the Shire, the primary focus has still been on approving designs that will not impact upon the visual amenity of the streetscape. The improvements to the dwelling design provide Council with an opportunity to reconsider the application. It is noted that the verandah and carport are a significant improvement, while Council must consider the suitability of the roof pitch and external finish.

STAFF RECOMMENDATION

That Council

1. *Grants development approval of two second hand transportables to form a single dwelling at Lot 10 Station Street, Doodlakine that exceeds the following R-Code Provision 5.1.2 (C2.1);*
 - *Street Setbacks- allowed 7.5, proposed 6.15m with the following conditions;*

General Conditions

- i. *Planning approval will expire if the development is not substantially commenced within two years of this approval;*
- ii. *The endorsed approved plans shall not be altered without prior written approval of the Shire;*
- iii. *Planning approval will expire if a building permit for a dwelling is not received within 12 months from the approval date;*
- iv. *The development hereby approved, or any works required to implement the development, shall not commence until the following plans or details*

have been submitted to the Shire's Planning department and have been approved in writing:

- a. Details of external colours shall be submitted to the Shire for approval, (Including photos).*
- b. Landscaping plans supporting R-Codes Deemed to comply clause 2.2; including a minimum of one tree.*
- c. The second hand dwellings be externally cladded.*

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.

11.3 DEVELOPMENT APPLICATION - CHANGE OF USE

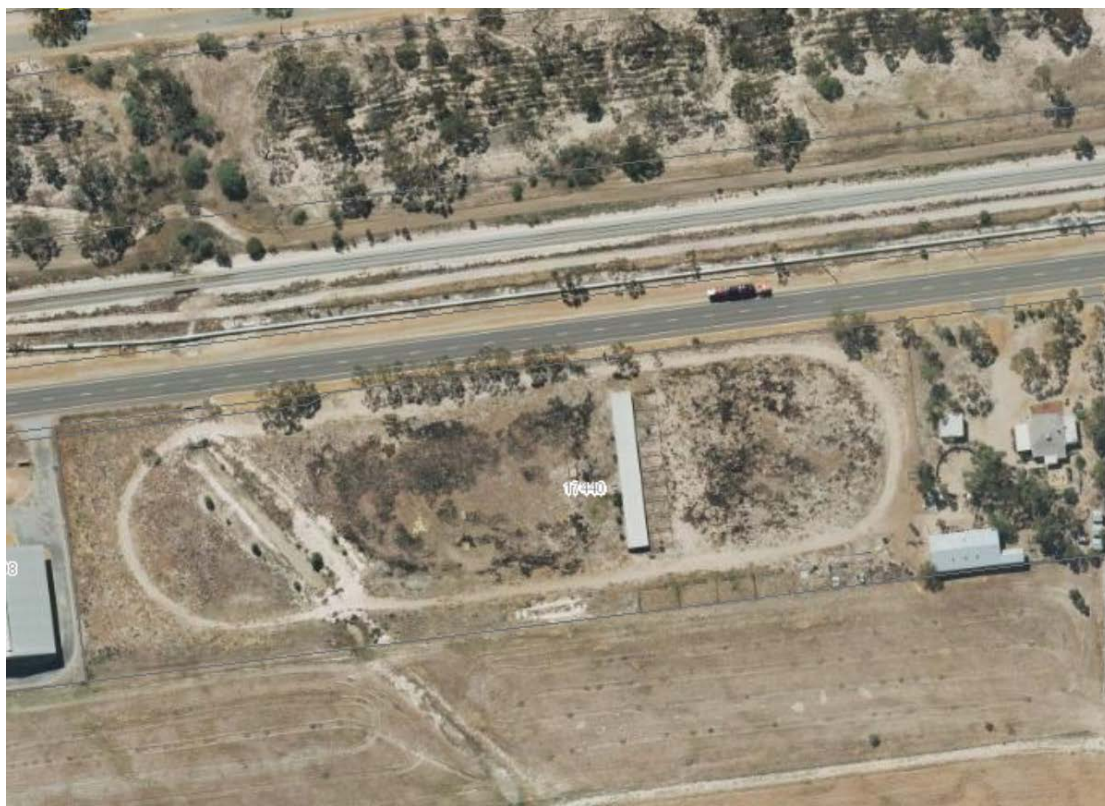
File Ref: A134
Author: Lewis York, Town Planner
Authoriser: Raymond Griffiths, Chief Executive Officer
Applicant: Mr Robert Stevens – STS West Pty Ltd
Location: Lot 800 Great Eastern Highway, Kellerberrin
Attachments: 1. Development Application and Site Plan (under separate cover)

BACKGROUND

A change of use application has been received from Mr. Robert Stevens on behalf of STS West PTY LTD at Lot 800 Great Eastern Highway, Kellerberrin. STS West intends to use the lot owned by Christa Stevens for logistics and freight storage of goods sold on consignment, including the pickup and drop of truck trailers.

The lot is currently a vacant lot that has had approval to store some items for a six week period due to a time delay in a company requiring the goods onsite in Kalgoorlie. This time has now expired.

The site will allow for the manoeuvrability of 36m road trains through a single-entry point at the west end of the lot. The site is also accessible to oversize freight (8m). The applicant also intends to display items for sale to be viewed by passing traffic. No accommodation or site office is proposed. Lot 800 is zoned Rural Residential in Local Planning Scheme No.4.

SITE

Shire of Kellerberrin Local Planning Scheme
Planning Scheme No.4

3.2.5 Rural Residential Zone

- (a) To select areas wherein closer subdivision will be permitted to provide for such uses as hobby farms, horse breeding, rural residential retreats.
- (b) To make provision for retention of the rural landscape and amenity in a manner consistent with the orderly and proper planning of such areas.

4.10 RURAL RESIDENTIAL DEVELOPMENT

4.10.1 Development shall comply with the R2 general site requirements of the Residential Design Codes.

4.10.2 Subdivision and development shall only occur in accordance with an adopted Structure Plan prepared in accordance with Part 4 of the deemed provisions. AMD 2 GG 12/09/17

4.10.3 In addition to the Structure Plan, any special provisions appropriate to secure the objectives of the zone for controlling subdivision and development in specific Rural Residential zones shall be included in Schedule 7.

4.10.4 Uses shall only be permitted in accordance with Table 1 - Zoning Table.

4.10.5 Not more than one dwelling per lot shall be erected, however the local government may, at its discretion, approve ancillary accommodation.

4.10.6 In considering an application for development approval for a proposed development (including additions and alterations to existing development) the local government shall have regard to the following:

- (a) the colour and texture of external building materials;
- (b) building size, height, bulk, roof pitch;
- (c) setback and location of the building on its lot;
- (d) architectural style and design details of the building;
- (e) function of the building;
- (f) relationship to surrounding development;
- (g) other characteristics considered by the local government to be relevant; and
- (h) provision to be made for bush fire control in accordance with a Local Planning Scheme Policy adopted by local government.

4.10.7 Buildings shall comply with the following minimum lot boundary setbacks: Front: 15.0 metres
Rear: 10.0 metres Side: 10.0 metres

4.10.8 In order to conserve the rural environment or features of natural beauty, all trees shall be retained unless their removal is authorised by the local government. Revegetation or replanting may also be required where specified by the local government.

4.10.9 Any person who keeps an animal or animals or who uses any land for exercising or training of an animal or animals shall be responsible for appropriate measures to prevent noise, odour, or dust pollution or soil erosion to the satisfaction of the local government.

4.10.10 All other development standards for development in the Rural Residential zone are at local government's discretion.

3.3. ZONING TABLE

3.3.1. The Zoning Table indicates, subject to the provisions of the Scheme, the uses permitted in the Scheme area in the various zones. The permissibility of any uses is determined by cross reference

between the list of use classes on the left hand side of the Zoning Table and the list of zones at the top of the Zoning Table.

3.3.2. The symbols used in the cross reference in the Zoning Table have the following meanings — ‘P’ means that the use is permitted by the Scheme providing the use complies with the relevant development standards and the requirements of the Scheme; ‘D’ means that the use is not permitted unless the local government has exercised its discretion by granting development approval; ‘A’ means that the use is not permitted unless the local government has exercised its discretion by granting development approval after giving notice in accordance with clause 64 of the deemed provisions. ‘X’ means a use that is not permitted by the Scheme.

3.3.3. A change in the use of land from one use to another is permitted if — (a) the local government has exercised its discretion by granting development approval; (b) the change is to a use which is designated with the symbol ‘P’ in the cross reference to that zone in the Zoning Table and the proposed use complies with all the relevant development standards and any requirements of the Scheme; (c) the change is an extension of a use within the boundary of the lot which does not change the predominant use of the lot; or (d) the change is to an incidental use that does not change the predominant use of the land.

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

Note: 1. The development approval of the local government is required for the development of land in addition to any approval granted for the use of land. In normal circumstances one application is made for both the use and development of land. 2. The local government will not refuse a 'P' use because of the unsuitability of the use for the zone but may impose conditions on the use of the land to comply with any relevant development standards or requirements of the Scheme, and may refuse or impose conditions on any development of the land. 3. In considering a 'D' or 'A' use, the local government will have regard to the matters set out in clause 67 of the deemed provisions. 4. The local government must refuse to approve any 'X' use of land. Approval to an 'X' use of land may only proceed by way of an amendment to the Scheme.

3.4. 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

SCHEDULE 7— RURAL RESIDENTIAL ZONES

No.	Description of land	Special Provisions
RR1	Lot 1 Price Street; Lot 2,3 & 310 Bath Street, Lot 311 Scaddan St, Lot 438 Scutter Rd and Lots 3 and 800 Great Eastern Highway, Kellerberrin	<ol style="list-style-type: none"> 1. Subdivision shall be in accordance with the Structure Plan adopted by the local government, certified by the Chief Executive officer and approved by the Western Australian Planning Commission. 2. The minimum lot size for all lots shall be two (2.0) hectares. 3. Each dwelling must be connected to a reticulated potable water supply to an appropriate standard as determined by the licence holder.

Use Class determination under LPS4:

Cl. 3.4.2- Use not listed in Scheme

Planning and Development (Local Planning Schemes) Regulations 2015

Transport Depot- means premises used primarily for the parking or garaging of 3 or more commercial vehicles including — (a) any ancillary maintenance or refuelling of those vehicles; and (b) any ancillary storage of goods brought to the premises by those vehicles; and (c) the transfer of goods or persons from one vehicle to another.

Therefore must have regard for cl. 64- advertising and 67- matters to be considered by LG in LPS regs.

Planning and Development (Local Planning Schemes) Regulations 2015**64. Advertising applications**

(1) The local government — (a) must advertise a complex application for development approval in accordance with subclause (3); and (b) must advertise an application for development approval in accordance with subclause (4) if the application is not a complex application and — (i) relates to development that is a class A use in relation to the zone in which the development is located; or (ii) relates to the extension of a non-conforming use; or (iii) relates to development that does not comply with the requirements of this Scheme; or (iv) relates to development for which the local government requires a heritage assessment to be carried out under clause 11(1); or (v) is of a kind identified elsewhere in this Scheme as an application that is required to be advertised; and (c) may advertise any other application for development approval in accordance with subclause (4).

(2) Subclause (1)(b)(iii) does not apply if the local government is satisfied that the non-compliance with the requirements of this Scheme is of a minor nature. (3) For the purposes of subclause (1)(a), a complex application is advertised by doing all of the following — (a) publishing in accordance with clause 87 — (i) a notice of the proposed development in the form set out in clause 86(3); and (ii) the application for development approval; and (iii) any accompanying material in relation to the application that the local government considers should be published; (b) giving notice of the proposed development — (i) to the owners and occupiers of every property that is within 200 m of the proposed development; and (ii) to any other owners and occupiers of properties in the vicinity of the proposed development who, in the opinion of the local government, are likely to be affected by the granting of development approval; (c) erecting, in the manner and form approved by the Commission, a sign or signs in a conspicuous place on the land the subject of the application giving notice of the proposed development in the form set out in clause 86(3). Note for this subclause: Under clause 88, the Commission may approve varied requirements that apply if it is not practicable for the local government to comply with subclause (3)(b) or (c).

(4) For the purposes of subclause (1)(b) or (c), an application that is not a complex application is advertised by doing any or all of the following, as determined by the local government — (a) publishing in accordance with clause 87 — (i) a notice of the proposed development in the form set out in clause 86(3); and (ii) the application for development approval; and (iii) any accompanying material in relation to the application that the local government considers should be published; (b) giving notice of the proposed development to owners and occupiers of properties in the vicinity of the development who, in the opinion of the local government, are likely to be affected by the granting of development approval; (c) erecting, in the manner and form approved by the Commission, a sign or signs in a conspicuous place on the land the subject of the application giving notice of the proposed development in the form set out in clause 86(3).

(5) A notice published or given, or on a sign erected, in accordance with subclause (3) or (4) in relation to an application for development approval must specify — (a) the manner and form in which submissions may be made; and (b) the applicable period under subclause (6) or (7) for making submissions and the last day of that period.

(6) The period to be specified in a notice published or given, or on a sign erected, in accordance with subclause (3) in relation to a complex application is — (a) the period of 28 days after the day on which the notice of the application is first published under subclause (3)(a); or (b) a longer period agreed in writing between the applicant and the local government.

(7) The period to be specified in a notice published or given, or on a sign erected, in accordance with subclause (4) in relation to an application that is not a complex application is — (a) the period of 14 days after the day on which the notice of the application is first published or given, or the sign is first erected, as the case requires; or (b) a longer period agreed in writing between the applicant and the local government. [Clause 64 inserted: SL 2020/252 r. 71.]

67. Matters to be considered by local government

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

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

- (x) the impact of the development on the community as a whole notwithstanding the impact of the development on particular individuals;
- (y) any submissions received on the application;
- (za) the comments or submissions received from any authority consulted under clause 66;
- (zb) any other planning consideration the local government considers appropriate.

STRATEGIC PLAN IMPLICATIONS

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

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

COMMUNITY CONSULTATION

The following consultation took place;

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

PLANNING ASSESSMENT

The proposed use does raise some major inconsistencies with the objectives of the Rural Residential zone. LPS4 objectives set out the desire for retention of the rural landscape and amenity within rural residential zoned land. If Council believe that the inconsistency with the Scheme is too significant then the application should be declined. Ultimately the proposed use would be a better fit on land zoned general agriculture or in the Shires industrial zone.

Council must consider if a 'transport depot' will have a significant impact upon visual amenity, this point is particularly relevant as the subject site is located at the entry to the Kellerberrin townsite. Mining equipment is currently being displayed at the lot. The aesthetics of the subject site also extend to the display of advertisements which should be of a high quality.

If Council wish to approve the application with conditions, the application will require advertising. It is recommended that Main Roads be consulted for comment as to the suitability of the site.

Transport Depot- means premises used primarily for the parking or garaging of 3 or more commercial vehicles including — (a) any ancillary maintenance or refuelling of those vehicles; and (b) any ancillary storage of goods brought to the premises by those vehicles; and (c) the transfer of goods or persons from one vehicle to another.

STAFF RECOMMENDATION

That Council;

1. Refuse the application as doesn't align with the objectives of Rural Residential Zone;
2. Write to the owners seeking their desire to explore rezoning the lot as either light industry or a transport depot to ensure the land use is consistent with the objectives of the zone and the Local Planning Scheme.

12 ELECTED MEMBERS MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

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

14 CONFIDENTIAL MATTERS**RECOMMENDATION**

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

14.1 Swimming Pool - Stage 2 - Amenities Building

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.

15 CLOSURE OF MEETING