



MINUTES

Ordinary Council Meeting Tuesday, 21 September 2021

Date: Tuesday, 21 September 2021

Time: 2:00pm

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

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**MINUTES OF SHIRE OF KELLERBERRIN
ORDINARY COUNCIL MEETING
HELD AT THE COUNCIL CHAMBER, 110 MASSINGHAM STREET, KELLERBERRIN WA 6410
ON TUESDAY, 21 SEPTEMBER 2021 AT 2:00PM**

1 DECLARATION OF OPENING

The presiding member opened the meeting at 2:08pm

2 ANNOUNCEMENT BY PRESIDING PERSON WITHOUT DISCUSSION

2.1 PRESIDENTS REPORT AUGUST 2021

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

This will be my last report before the Kellerberrin Local Government elections. During my time on Council Kellerberrin has continued to be one of the more progressive Shires in the Wheatbelt. This is down to the passionate staff and community minded councillors we have in the Kellerberrin Shire Council.

I will take this opportunity to acknowledge the time Cr Wendy McNeil has spent on Council. Wendy has committed a lot of time to the Kellerberrin community over the years and has been a valuable contributor to Council for the past eight years.

Council elections will be held on the 16th October 2021 and also the day of the 100th Kellerberrin Agricultural Society Show. The show committee has been working hard to put on a great event and I'm sure many past residents of Kellerberrin and surrounding Shires will return to check out the town and meet old friends.

A bad frost earlier in the month has caused a reasonable amount of damage to crops, the full extent won't be known until harvest.

Kind Regards



Rodney Forsyth
Shire President

STAFF RECOMMENDATION

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

COUNCIL RESOLUTION

MIN 151/21 MOTION - Moved Cr. Steber Seconded Cr. Leake

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

CARRIED 7/0

2.2 STANDING ORDERS

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

STAFF RECOMMENDATION

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

COUNCIL RESOLUTION

MIN 152/21 MOTION - Moved Cr. Reid Seconded Cr. McNeil

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

CARRIED 7/0

3 RECORD OF ATTENDANCE / APOLOGIES / LEAVE OF ABSENCE

PRESENT:

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

IN ATTENDANCE:

Raymond Griffiths (Chief Executive Officer)
Lenin Pervan (Deputy Chief Executive Officer)
Mick Jones (Manager Works & Services)
Codi Mullen (Personal Assistant to Chief Executive Officer)

APOLOGIES

Nil

LEAVE OF ABSENCE

Nil

4 DECLARATION OF INTEREST

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

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

5 PUBLIC QUESTION TIME

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

5.1 Response to Previous Public Questions taken on Notice

5.2 Public Question Time

6 CONFIRMATION OF PREVIOUS MEETINGS MINUTES**6.1 MINUTES OF THE COUNCIL MEETING HELD ON 17 AUGUST 2021**

File Ref: MIN
Author: Codi Mullen, Personal Assistant
Authoriser: Raymond Griffiths, Chief Executive Officer
Attachments: 1. Minutes of the Council Meeting held on 17 August 2021

HEADING**STAFF RECOMMENDATION**

That the Minutes of the Council Meeting held on 17 August 2021 be received as a true and accurate record

COUNCIL RESOLUTION

MIN 153/21 **MOTION - Moved Cr. Steber** **Seconded Cr. McNeil**

That the Minutes of the Council Meeting held on 17 August 2021 be received as a true and accurate record

CARRIED 7/0

6.2 MINUTES OF THE BUSHFIRE ADVISORY COMMITTEE HELD ON 15 SEPTEMBER 2021

File Ref: MIN
Author: Codi Mullen, Personal Assistant
Authoriser: Raymond Griffiths, Chief Executive Officer
Attachments: 1. Minutes of the Bushfire Advisory Committee Meeting held on 15 September 2021 (under separate cover)

HEADING**STAFF RECOMMENDATION**

That the Minutes of the Bushfire Advisory Committee held on 15 September 2021 be adopted.

COUNCIL RESOLUTION

MIN 154/21 **MOTION - Moved Cr. O'Neill** **Seconded Cr. Reid**

That the Minutes of the Bushfire Advisory Committee held on 15 September 2021 be adopted.

CARRIED 7/0

7 PRESENTATIONS

7.1 Petitions

7.2 Presentations

7.3 Deputations

8 REPORTS OF COMMITTEES

Nil

9 CORPORATE SERVICES REPORTS

9.1 COMMUNITY REQUESTS AND DISCUSSION ITEMS

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

BACKGROUND

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

August 2021 Council Meeting

MIN 142/21 MOTION - Moved Cr. Steber Seconded Cr. Ryan

That Council;

- 1. Supports Dryandra's investigation of the proposal for the medical centre and that Council are prepared to undertake the upkeep and maintenance into the future.***
- 2. Decline the request from the Kellerberrin Men's Shed to place recycling bins for Containers for Cash at the Recreation Centre as the Kellerberrin and Districts Club has a scheme already operational at the facility.***

July 2021 Council Meeting

MIN 117/21 MOTION - Moved Cr. O'Neill Seconded Cr. Steber

That Council Investigate the merit of adding additional disabled parking outside the Co-op.

June 2021 Council Meeting

MIN 095/21 MOTION - Moved Cr. McNeil Seconded Cr. Ryan

That Council note no requests for the month June 2021.

STAFF COMMENT

August MIN 142/21

1. Email issued to Dryandra Board advising them of Council's decision to take on the ongoing Maintenance costs of the Medical Centre should Dryandra construct such a facility.
2. Email sent to the Kellerberrin Men's Shed Committee advising them of Councils decision to decline there request. Richard Marek attended the office regarding discussion with Kellerberrin Ag Society and the placing of Cash for Cans bins around the premises. Council spoke to Manager - Steve at the Kellerberrin Districts Club and Steve is happy for Tim to use the bins on show day to help promote Cash for Cans project.

July MIN 117/21

1. Completed 5th August 2021

June MIN 095/21

Nil requests

TEN YEAR FINANCIAL PLAN

This does not directly affect the long term financial plan.

FINANCIAL IMPLICATIONS

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

STATUTORY IMPLICATIONS

Local Government Act 1995 (as amended)

Section 2.7. The role of the council

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

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

Section 2.8. The role of the mayor or president

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

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

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

Section 2.10. The role of councillors

A councillor —

- (a) represents the interests of electors, ratepayers and residents of the district; and
- (b) provides leadership and guidance to the community in the district; and
- (c) facilitates communication between the community and the council; and

- (d) participates in the local government's decision-making processes at council and committee meetings; and
- (e) performs such other functions as are given to a councillor by this Act or any other written law.

5.60. When person has an interest

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

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

has —

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

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

5.60A. Financial interest

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

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

5.60B. Proximity interest

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

- (3) In this section a reference to a person's land is a reference to any land owned by the person or in which the person has any estate or interest.

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

5.61. Indirect financial interests

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

5.62. Closely associated persons

- (1) For the purposes of this Subdivision a person is to be treated as being closely associated with a relevant person if —
- (a) the person is in partnership with the relevant person; or
 - (b) the person is an employer of the relevant person; or
 - (c) the person is a beneficiary under a trust, or an object of a discretionary trust, of which the relevant person is a trustee; or
 - (ca) the person belongs to a class of persons that is prescribed; or
 - (d) the person is a body corporate —
 - (i) of which the relevant person is a director, secretary or executive officer; or
 - (ii) in which the relevant person holds shares having a total value exceeding —
 - (I) the prescribed amount; or
 - (II) the prescribed percentage of the total value of the issued share capital of the company,whichever is less;
- or
- (e) the person is the spouse, de facto partner or child of the relevant person and is living with the relevant person; or
 - (ea) the relevant person is a council member and the person —
 - (i) gave an electoral gift to the relevant person in relation to the election at which the relevant person was last elected; or
 - (ii) has given an electoral gift to the relevant person since the relevant person was last elected;
- or
- (eb) the relevant person is a council member and the person has given a gift to which this paragraph applies to the relevant person since the relevant person was last elected; or
 - (ec) the relevant person is a CEO and the person has given a gift to which this paragraph applies to the relevant person since the relevant person was last employed (or appointed to act) in the position of CEO; or
 - (f) the person has a relationship specified in any of paragraphs (a) to (d) in respect of the relevant person's spouse or de facto partner if the spouse or de facto partner is living with the relevant person.

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

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

(1B) A gift is an excluded gift —

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

5.63. Some interests need not be disclosed

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

- (a) an interest common to a significant number of electors or ratepayers; or
- (b) an interest in the imposition of any rate, charge or fee by the local government; or
- (c) an interest relating to —
 - (i) a fee, reimbursement of an expense or an allowance to which section 5.98, 5.98A, 5.99, 5.99A, 5.100 or 5.101(2) refers; or
 - (ii) a gift permitted by section 5.100A; or
 - (iii) reimbursement of an expense that is the subject of regulations made under section 5.101A;

or

- (d) an interest relating to the pay, terms or conditions of an employee unless —
 - (i) the relevant person is the employee; or
 - (ii) either the relevant person's spouse, de facto partner or child is the employee if the spouse, de facto partner or child is living with the relevant person;

or

[(e) deleted]

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

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

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

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

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

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

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

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

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

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

5.66. Meeting to be informed of disclosures

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

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

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

5.67. Disclosing members not to participate in meetings

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

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

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

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

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

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

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

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

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

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

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

5.69A. Minister may exempt committee members from disclosure requirements

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

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

5.70. Employees to disclose interests relating to advice or reports

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

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

5.71. Employees to disclose interests relating to delegated functions

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

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

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

STRATEGIC COMMUNITY PLAN

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

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

COMMUNITY CONSULTATION

The following consultation took place;

- Council Members
- Chief Executive Officer

STAFF RECOMMENDATION

That Council note any requests or ideas to be actioned.

COUNCIL RESOLUTION

MIN 155/21

MOTION - Moved Cr. Leake

Seconded Cr. Ryan

That Council:

- 1. Approve the Pony Club request for support to construct a fence along Price Street at Recreation facility, with Council's contribution being \$2,590 worth of fencing materials.***
- 2. Endorse the sponsorship allocation of \$1,000 and waiver of hire fees for the community bus to Robert McCaffrey's art exhibition through the Arts & Culture Committee proceeds of Matt Hale Comedy night.***
- 3. Provide a load of white sand to the Scott Park Playground.***

CARRIED 7/0

9.2 STATUS REPORT OF ACTION SHEET

File Number: Various
Author: Codi Mullen, Personal Assistant
Authoriser: Raymond Griffiths, Chief Executive Officer
Attachments: 1. Action Sheet (under separate cover)

BACKGROUND

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

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

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

STAFF COMMENT

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

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

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

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

TEN YEAR FINANCIAL PLAN

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

FINANCIAL IMPLICATIONS

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

STATUTORY IMPLICATIONS

Local Government Act 1995 (as amended)

Section 2.7. The role of the council

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

Section 2.8. The role of the mayor or president

- (1) The mayor or president —

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

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

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

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

Section 2.10. The role of councillors

A councillor —

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

5.60. When person has an interest

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

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

has —

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

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

5.60A. Financial interest

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

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

5.60B. Proximity interest

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

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

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

5.61. Indirect financial interests

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

5.62. Closely associated persons

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

whichever is less;

or

- (e) the person is the spouse, de facto partner or child of the relevant person and is living with the relevant person; or
- (ea) the relevant person is a council member and the person —
 - (i) gave a notifiable gift to the relevant person in relation to the election at which the relevant person was last elected; or
 - (ii) has given a notifiable gift to the relevant person since the relevant person was last elected;

or

- (eb) the relevant person is a council member and since the relevant person was last elected the person —
 - (i) gave to the relevant person a gift that section 5.82 requires the relevant person to disclose; or
 - (ii) made a contribution to travel undertaken by the relevant person that section 5.83 requires the relevant person to disclose;

or

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

- (2) In subsection (1) —

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

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

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

5.63. Some interests need not be disclosed

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

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

[(e) deleted]

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

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

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

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

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

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

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

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

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

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

5.66. Meeting to be informed of disclosures

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

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

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

5.67. Disclosing members not to participate in meetings

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

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

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

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

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

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

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

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

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

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

5.69A. Minister may exempt committee members from disclosure requirements

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

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

5.70. Employees to disclose interests relating to advice or reports

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

5.71. Employees to disclose interests relating to delegated functions

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

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

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

STRATEGIC COMMUNITY PLAN

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

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

COMMUNITY CONSULTATION

The following consultation took place;

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

STAFF RECOMMENDATION

That Council receive the Status Report.

COUNCIL RESOLUTION

MIN 156/21 MOTION - Moved Cr. Steber

Seconded Cr. Reid

That Council receive the Status Report.

CARRIED 7/0

9.3 COMMON SEAL REGISTER AND REPORTING

File Number: ADM52
Author: Codi Mullen, Personal Assistant
Authoriser: Raymond Griffiths, Chief Executive Officer
Attachments: 1. Common Seal Register (under separate cover)

BACKGROUND

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

STAFF COMMENT

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

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

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

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

TEN YEAR FINANCIAL PLAN

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

FINANCIAL IMPLICATIONS

There are no financial impacts.

STATUTORY IMPLICATIONS

Shire of Kellerberrin Standing Orders Local Law 2016

Clause 19.1 The Council's Common Seal

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

Penalty \$1,000

STRATEGIC COMMUNITY PLAN

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;

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

STAFF RECOMMENDATION

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

COUNCIL RESOLUTION

MIN 157/21

MOTION - Moved Cr. McNeil

Seconded Cr. Ryan

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

CARRIED 7/0

9.4 REDEVELOPMENT OF KELLEBERRIN MEMORIAL POOL - DLGSC CSRFF FORWARD PLANNING GRANT APPLICATION

File Ref: FIN21 & SPREC09
Author: Codi Mullen, Personal Assistant
Authoriser: Raymond Griffiths, Chief Executive Officer
Attachments: Nil

BACKGROUND

Council's August 2020 Ordinary Meeting of Council – 18th August 2020

COUNCIL RESOLUTION

MIN 001/20 MOTION - Moved Cr. O'Neill Seconded Cr. McNeil

That Council:

- 1. Endorse the CSRFF Forward Planning Grant Application for the Shire of Kellerberrin – Redevelopment of Kellerberrin Memorial Pool project. Funding amount applied for will be \$1,000,000 with a claim year of 2022/23***
- 2. Authorise the lodgement of the Shire of Kellerberrin CSRFF Forward Planning Grant Application with the Department of Local Government, Sport and Cultural Industries by Friday 11th September 2020 by 4pm at the Northam Offices***
- 3. That should funding be declined that all aspects of the project will be reviewed by Council.***
- 4. Should funding be successful and the project is completed the facility will be listed on Council's Asset Management Plan and Council will accept the ongoing cost of maintaining the asset.***

CARRIED 7/0

BY ABSOLUTE MAJORITY

STAFF COMMENT

The Kellerberrin Memorial Pool was officially opened on December 3rd, 1960 and is rapidly reaching the end of its life. The Shire has been spending considerable amounts of money for the past few years keeping the pool going in its current state (it does not meet current benchmark standards for a public pool or does it meet current community expectations) as well as putting money aside into reserves to be used to assist with the construction of a new facility.

After weighing up our options, factoring in repair/maintenance costs each year to our operational budget and consultation with our community it was decided to move ahead with our plans to redevelop and reinvigorate the Kellerberrin Memorial pool. We feel as a whole if we do not commit to this project now and without the support from State and Federal governments we will have no option but to close our pool, thus meaning no pool will be available for our community. Public swimming pools are the lifeline in small regional communities especially during the hot and dry conditions of a wheatbelt summer.

The project will redevelop and expand the existing Kellerberrin Memorial Swimming Pool to include new multi-purpose amenities and upgrade the existing 33 meter swimming pool to a 25 meter swimming pool. The project will provide disability access and develop a range of outdoor recreation facilities to encourage physical activity and promote healthy living within the community. The upgrade of this infrastructure will provide economic and social benefits to our region.

Council have been fortunate enough to receive \$1,000,000 in funding from the Federal Government through the Drought Communities Programme (DCP) Extension. This funding is provided for the new plant and equipment room at the Kellerberrin Memorial Pool.

Stage one construction is now complete and the pool pump and plant room is connected to the existing pool for operation.

Council has allocated funds in the 2021/2022 Budget to complete Stage 2 which will construct the amenities building including;

- Male/Female/Disabled Changeroom Facilities
- First Aid Room
- Meeting Room
- Kiosk
- Store Room
- Verandahs
- Under covered Area.

This stage has been funded through the Local Roads and Community Infrastructure Program funding Phase 2 with the balance being funded through Council.

Council has made application through the Building Better Regions Funds (BBRF) Round 5 for Stage 3 being the construction of the concrete pool and surrounds of which this application for Community Sport and Recreation Facilities Fund.

Council on the 10th September 2021 received notification from the Federal Government that due to the number of high standard applications the notification for successful BBRF funding won't be available until mid-October 2021.

The Department of Local Government, Sport and Cultural Industries have over the past few years supported a number of regional Shires with grant monies towards redevelopment of their community pools through their Community Sporting and Recreation Facilities Fund (CSRFF). There are three different types of grants available through the fund –Small Grants, Annual Grants and Forward Planning Grants.

The Shire has decided to apply for the Forward Planning Grants program with a claim year of 2022/23. The total project cost of a Forward Planning Grant must exceed \$500,000 and you can request funds from \$166,667 to \$2,000,000 for your project – saying that the Department will only fund a maximum of 1/3 of the project cost.

The Shire is applying for \$700,000 which is less than the application made last year though represents more of an acceptable funding figure.

We have been working with Jen Collins at the Northam Regional Office of the Department of Local Government and Cultural, she has been assisting us with our application and offering advice and assistance where required. Hopefully this will place us in good stead with our application moving forward and being recommended for consideration from the regional office.

TEN YEAR FINANCIAL PLAN

Council's current plan indicated the construction of the Swimming Pool project in 2018/19 – 2019/20 however due to funding availability this has now been pushed back.

FINANCIAL IMPLICATIONS

Shire of Kellerberrin

- Currently placing money into reserves to go towards the redevelopment of the pool – we are anticipating to have \$2,000,000 in reserves by 2022/23 with the current balance budgeted to be at \$1.6 million by the end of June 2021.
- In-Kind work if the project was to proceed.
- \$1,000,000 secured in funding from the Federal Government through the Drought Communities Programme (DCP) Extension
- Council will require BBRF funding and this is the proposed reasoning for future program funding not immediate funding.
- Possibility of the Shire having to take out a loan to cover any shortfalls if funding applications are not successful or other avenues are exhausted

STATUTORY IMPLICATIONS

Nil

STRATEGIC COMMUNITY PLAN

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

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

COMMUNITY CONSULTATION

The following consultation took place;

- Chief Executive Officer
- Deputy Chief Executive Officer
- Personal Assistant to Chief Executive Officer
- Community Development Officer
- Jenifer Collins – Department of Local Government, Sport and Cultural Industries
- Public Feedback
- Donovan & Payne
- ABV Consultants

STAFF RECOMMENDATION

That Council:

1. *Endorse the CSRFF Forward Planning Grant Application for the Shire of Kellerberrin – Redevelopment of Kellerberrin Memorial Pool project. Funding amount applied for will be \$738,767 with a claim year of 2022/23*
2. *Authorise the lodgement of the Shire of Kellerberrin CSRFF Forward Planning Grant Application with the Department of Local Government, Sport and Cultural Industries by Thursday, 30th September 2021 by 4pm at the Northam Offices*
3. *That should funding be declined that Stage 3 (three) of the project will be reviewed by Council.*
4. *Should the funding be successful however the amount is less the following is to occur:*
 - (a) *Shortfall \$50,000 or less – Budget in the 2022/2023 Municipal Funds*
 - (b) *Shortfall \$50,000 - \$100,000 – Budget to loan funds to cover shortfall.*
 - (c) *Shortfall over \$100,000 – Council review the project.*
5. *Should funding be successful and the project is completed the facility will be listed on Council's Asset Management Plan and Council will accept the ongoing cost of maintaining the asset.*

COUNCIL RESOLUTION

MIN 158/21

MOTION - Moved Cr. McNeil

Seconded Cr. Steber

That Council:

1. ***Endorse the CSRFF Forward Planning Grant Application for the Shire of Kellerberrin – Redevelopment of Kellerberrin Memorial Swimming Pool project. Funding amount applied for will be \$738,767 with a claim year of 2022/23***
2. ***Authorise the lodgement of the Shire of Kellerberrin CSRFF Forward Planning Grant Application with the Department of Local Government, Sport and Cultural Industries by Thursday, 30th September 2021 by 4pm at the Northam Offices***
3. ***That should funding be declined that Stage three (3) of the project will be reviewed by Council.***
4. ***Should the funding be successful however the amount is less the following is to occur:***
 - (a) ***Shortfall \$50,000 or less – Budget in the 2022/2023 Municipal Funds***
 - (b) ***Shortfall \$50,000 - \$100,000 – Budget to loan funds to cover shortfall.***
 - (c) ***Shortfall over \$100,000 – Council review the project.***
5. ***Should funding be successful and the project is completed the facility will be listed on Council's Asset Management Plan and Council will accept the ongoing cost of maintaining the asset.***

CARRIED 7/0

BY ABSOLUTE MAJORITY

9.5 BUILDING REPORTS AUGUST 2021

File Number: BUILD06
Author: Codi Mullen, Personal Assistant
Authoriser: Raymond Griffiths, Chief Executive Officer
Attachments: 1. Building Licences Issued (under separate cover)
2. Building Applications Received (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 were nil (0) applications received for a "Building Permit" during the August period. A copy of the "Australian Bureau of Statistics appends".
2. There was one (1) "Building Permit" issued in the August period. See attached form "Return of Building Permits Issued".

TEN YEAR FINANCIAL PLAN

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

FINANCIAL IMPLICATIONS

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

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

STATUTORY IMPLICATIONS

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

STRATEGIC COMMUNITY PLAN

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

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

COMMUNITY CONSULTATION

The following consultation took place:

- Building Surveyor
- Owners
- Building Contractors
- Chief Executive Officer

STAFF RECOMMENDATION

That Council

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

COUNCIL RESOLUTION

MIN 159/21

MOTION - Moved Cr. McNeil

Seconded Cr. Ryan

That Council

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

CARRIED 7/0

9.6 CHEQUE LIST AUGUST 2021

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

BACKGROUND

Accounts for payment from 1st August to 31th August 2021

TRUST

TRUST TOTAL	\$ 500.00
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MUNICIPAL FUND**Cheque Payments**

34893-34897	\$ 17,510.81
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EFT Payments

12414-12521	\$ 425,269.03
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Direct Debit Payments	\$ 22,398.76
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TOTAL MUNICIPAL	\$ 465,178.60
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STAFF COMMENT

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

Molivi Construction Pty Ltd	\$ 183,578.48
Progress claim CL 0007 July 2021 for Exhibition Hall	

WCS Concrete Pty Ltd	\$ 24,086.70
Supply, delivery & laying of N25 concrete pad for Rec Centre Exhibition Hall	

Western Australian Treasury Corporation	\$ 20,311.27
Loan No. 120 interest & principal payment - construction of two GROH houses	

Water Corporation	\$ 15,853.34
Water charges various Shire properties June-August 2021	

Brooks Hire Service Pty Ltd	\$ 13,968.24
Excavator hire for various road maintenance works July 2021	

United Card Services Pty Ltd	\$ 11,148.78
Total supply July 2021	

Western Australian Treasury Corporation	\$ 11,140.49
Loan No. 119 interest & principal payment - Construction CEACA Senior Units - Hammond Street	

Beam Superannuation	\$ 10,207.52
Staff superannuation contributions	

Beam Superannuation	\$ 10,136.99
Staff superannuation contributions	

LGIS Workcare	\$ 9,341.38
Insurance Ref# 000563 Policy# 000041 Inception 30/06/2020 to 30/06/2021 endorsement	
Actual wages adjustment for period 30/06/2020 to 30/06/2021	
Avon Waste	\$ 9,291.17
Domestic & commercial collections July 2021	
Great Southern Fuel Supplies	\$ 8,704.90
Total supply July 2021	
R Munns Engineering Consulting Services	\$ 8,614.45
Consulting work on Baandee Nth RCN project & RAMM inventory 20/21 roadworks	
Woodstock Electrical Services	\$ 8,463.68
Claim works done for GSG work shed, Caravan Park, Shire Hall & Bowling greens July 2021	
Uniforms At Work Australia Pty Ltd	\$ 8,403.94
Uniform allowance 2021-2022 for Admin Staff & Outside Crew	
Synergy	\$ 7,813.44
Power charges various Shire properties June-August 2021	
Westrac	\$ 6,346.30
Purchase of compressors, seal, o-rings & deposit core charge for Depot vehicles	
Merredin Refrigeration & Gas	\$ 5,846.50
Purchase of bromic GD1500LF TRIP/DR fridge for Kellerberrin Memorial Hall	

TEN YEAR FINANCIAL PLAN

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

FINANCIAL IMPLICATIONS

Shire of Kellerberrin 2021/2022 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 August 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 \$ 465,178.60 on vouchers EFT , CHQ, Direct payments*
2. *Trust Fund payments totalling \$ 500.00 on vouchers EFT, CHQ, Direct payments*

COUNCIL RESOLUTION

MIN 160/21

MOTION - Moved Cr. McNeil

Seconded Cr. Reid

That Council notes that during the month of August 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 \$ 465,178.60 on vouchers EFT , CHQ, Direct payments*
2. *Trust Fund payments totalling \$ 500.00 on vouchers EFT, CHQ, Direct payments.*

CARRIED 7/0

9.7 DIRECT DEBIT LIST AND VISA CARD TRANSACTIONS - AUGUST 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 August 2021.

Municipal Direct Debit List

Date	Name	Details	\$	Amount
2-Aug-21	Westnet	Internet Fees		4.99
3-Aug-21	Department of Communities	Rent		420.00
5-Aug-21	Shire of Kellerberrin	Precision Superannuation		10,136.99
5-Aug-21	Shire of Kellerberrin	Pay Run		58,303.88
6-Aug-21	Department of Transport	Vehicle Inspection Fees		92.15
12-Aug-21	Shire of Kellerberrin	Creditors Payments		319,244.47
17-Aug-21	Department of Communities	Rent		420.00
19-Aug-21	Shire of Kellerberrin	Precision Superannuation		10,207.52
19-Aug-21	Shire of Kellerberrin	Pay Run		58,049.81
25-Aug-21	Nyax Australia	Vending Machine Caravan Park		38.17
26-Aug-21	Shire of Kellerberrin	Creditors Payments		106,024.56
30-Aug-21	NAB	NAB Connect Fees		57.23
31-Aug-21	NAB	BPAY Fees		216.20
31-Aug-21	NAB	Account Fees - Trust		10.00
31-Aug-21	NAB	Account Fees - Muni		109.00
31-Aug-21	Department of Communities	Rent		420.00
TOTAL			\$	563,754.97

Trust Direct Debit List

Date	Name	Details	\$	Amount
31-Aug-21	Department of Transport	Licencing Payments August 2021		79,031.25
TOTAL			\$	79,031.25

Visa Transactions

Date	Name	Details	\$	Amount
16-Aug-21	Dropbox International	Dropbox Annual Subscription		306.90
23-Aug-21	Eskdale Enterprises	Refreshments - Goomalling Hotel		571.90
24-Aug-21	BP Wagin	Fuel KE 1		99.00
27-Aug-21	NAB	Card Fee		9.00
TOTAL - CEO			\$	986.80
Date	Name	Details	\$	Amount
16-Aug-21	House Melbourne	Utensils Council Office Kitchen		261.11
20-Aug-21	Esplanade Hotel Fremantle The Silver Possum	Accommodation P. Arthur Lifeguard Course		631.75
23-Aug-21	Goomalling	Accommodation LGIS		1,012.50
23-Aug-21	RLSSWA	P. Arthur Lifeguard Course		159.00
27-Aug-21	Secure Parking	Parking WALGA Course		12.30
27-Aug-21	NAB	Card Fee		9.00
27-Aug-21	NAB	Card Fee		9.21
TOTAL -DCEO				2,094.87
TOTAL VISA TRANSACTIONS			\$	3,081.67

STAFF COMMENT

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

TEN YEAR FINANCIAL PLAN

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

FINANCIAL IMPLICATIONS

Financial Management of 2021/2022 Budget.

STATUTORY IMPLICATIONS

Local Government (Financial Management) Regulations 1996

34. Financial activity statement report — s. 6.4

(1A) In this regulation —

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

(1) A local government is to prepare each month a statement of financial activity reporting on the revenue and expenditure, as set out in the annual budget under regulation 22(1)(d), for that month in the following detail —

- (a) annual budget estimates, taking into account any expenditure incurred for an additional purpose under section 6.8(1)(b) or (c);
- (b) budget estimates to the end of the month to which the statement relates;
- (c) actual amounts of expenditure, revenue and income to the end of the month to which the statement relates;
- (d) material variances between the comparable amounts referred to in paragraphs (b) and (c); and
- (e) the net current assets at the end of the month to which the statement relates.

(2) Each statement of financial activity is to be accompanied by documents containing —

- (a) an explanation of the composition of the net current assets of the month to which the statement relates, less committed assets and restricted assets;
- (b) an explanation of each of the material variances referred to in subregulation (1)(d); and
- (c) such other supporting information as is considered relevant by the local government.

(3) The information in a statement of financial activity December be shown —

- (a) according to nature and type classification; or
- (b) by program; or
- (c) by business unit.

(4) A statement of financial activity, and the accompanying documents referred to in sub regulation (2), are to be —

- (a) presented at an ordinary meeting of the council within 2 months after the end of the month to which the statement relates; and
- (b) recorded in the minutes of the meeting at which it is presented.

- (5) Each financial year, a local government is to adopt a percentage or value, calculated in accordance with the AAS, to be used in statements of financial activity for reporting material variances.

STRATEGIC COMMUNITY PLAN

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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 August 2021 comprising of;

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

COUNCIL RESOLUTION

MIN 161/21 MOTION - Moved Cr. Reid Seconded Cr. McNeil

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

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

CARRIED 7/0

9.8 FINANCIAL ACTIVITY STATEMENT - AUGUST 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.

Council's July 2021 Ordinary Meeting of Council – 20th July 2021

MIN 001/21 MOTION - Moved Cr. Reid Seconded Cr. Steber

That Council:

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.

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 July 2021.

TEN YEAR FINANCIAL PLAN

Financial Management of 2021/2022 Budget.

FINANCIAL IMPLICATIONS

Financial Management of 2021/2022 Budget.

STATUTORY IMPLICATIONS

Local Government (Financial Management) Regulations 1996

34. Financial activity statement report — s. 6.4

(1A) In this regulation —

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

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

STRATEGIC COMMUNITY PLAN

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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 August 2021 comprising;

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

COUNCIL RESOLUTION

MIN 162/21 MOTION - Moved Cr. Ryan Seconded Cr. McNeil

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

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

**CARRIED 7/0
BY ABSOLUTE MAJORITY**

10 DEVELOPMENT SERVICES REPORTS

Nil

11 WORKS & SERVICES REPORTS

11.1 LOCAL PLANNING SCHEME 4 - AMENDMENT

File Ref:	ADM
Author:	Raymond Griffiths, Chief Executive Officer
Authoriser:	Raymond Griffiths, Chief Executive Officer
Applicant:	Shire of Kellerberrin
Location:	Shire of Kellerberrin
Attachments:	1. Planning Scheme Amendments (under separate cover) 2. The Prev Lot 265 - Zoning Clarification (under separate cover)

BACKGROUND

In 2020 the Shire began to investigate several proposed changes to the Local Planning Scheme No.4 (LPS4). The proposed changes to the scheme have arisen due the Shires desire to ensure current land uses are reflected in the zoning maps and scheme. Furthermore, some of the changes proposed have been initiated by landowners to allow future developments to proceed.

The Department of Planning, Lands and Heritage have undertaken a minor review of LPS4 and determined that Amendment No.4 (AM4) should only seek to make minor zoning and textual changes within the scheme. It was encouraged that the scheme be amended in the future with a much larger omnibus amendment to ensure that LPS4 reflects wording outlined in government regulations.

Scheme changes in AM4 include; Amending the Zoning Table to include the land use Tourist Development with permissibility in the Town Centre, General Agriculture, Rural Residential and Rural Townsite zones; rezoning Lot 600 Leake Street, Kellerberrin from Public Purpose reserve to Special Use No.7, updating terms in Schedule 1, provisions in Schedule 4 and the Scheme maps.

SITE

Shire of Kellerberrin Local Planning Scheme

Local Planning Scheme 4

Planning and Development (Local Planning Scheme) Regulations 2015

An amendment to the scheme is required to follow the abovementioned regulations, the relevant clauses include;

Part 5 — Amending local planning scheme

standard amendment means any of the following amendments to a local planning scheme —

- (a) an amendment relating to a zone or reserve that is consistent with the objectives identified in the scheme for that zone or reserve;
- (b) an amendment that is consistent with a local planning strategy for the scheme that has been endorsed by the Commission;
- (c) an amendment to the scheme so that it is consistent with a region planning scheme that applies to the scheme area, other than an amendment that is a basic amendment;

(d) an amendment to the scheme map that is consistent with a structure plan or local development plan that has been approved under the scheme for the land to which the amendment relates if the scheme does not currently include zones of all the types that are outlined in the plan;

(e) an amendment that would have minimal impact on land in the scheme area that is not the subject of the amendment;

(f) an amendment that does not result in any significant environmental, social, economic or governance impacts on land in the scheme area;

(g) any other amendment that is not a complex or basic amendment.

35. Resolution to prepare or adopt amendment to local planning scheme

(1) A resolution of a local government to prepare or adopt an amendment to a local planning scheme must be in a form approved by the Commission.

Note for this subregulation: Section 75 of the Act provides for a local government to amend a local planning scheme or adopt an amendment to a local planning scheme proposed by all or any of the owners of land in the scheme area.

(2) A resolution must — (a) specify whether, in the opinion of the local government, the amendment is a complex amendment, a standard amendment or a basic amendment; and (b) include an explanation of the reason for the local government forming that opinion.

(3) An amendment to a local planning scheme must be accompanied by all documents necessary to convey the intent and reasons for the amendment.

(4) The local government may refuse to adopt an amendment to a local planning scheme proposed by a landowner if the local government is not satisfied that there is in place an agreement for the local government to use any copyrighted material provided in support of the proposed amendment — (a) for the purpose of preparing and implementing the amendment; and (b) for zero remuneration.

Division 3 — Process for standard amendments to local planning scheme 47.

Advertisement of standard amendment

- (1) Subject to sections 81 and 82 of the Act, if a local government resolves under regulation 35(1) to prepare a standard amendment to a local planning scheme or to adopt a standard amendment to a local planning scheme proposed by the owner of land in the scheme area, the local government must, as soon as is reasonably practicable, prepare a notice in a form approved by the Commission giving details of — (a) the purpose of the amendment; and (b) how the amendment is to be made available to the public in accordance with regulation 76A; and (c) the manner and form in which submissions may be made; and (d) the period under subregulation (3) for making submissions and the last day of that period. (2) On completion of the preparation of the notice, the local government must advertise the standard amendment to a local planning scheme as follows — (a) publish in accordance with regulation 76A — (i) the notice; and (ii) the amendment; [(b) deleted] (c) give a copy of the notice to each public authority that the local government considers is likely to be affected by the amendment; (e) advertise the amendment as directed by the Commission and in any other way the local government considers appropriate. (3) The period for making submissions on a standard amendment to a local planning scheme is — (a) the period of 42 days after the day on which the notice is first published under subregulation (2)(a)(i); or (b) a longer period approved by the Commission.

49. Submissions on standard amendment

- (1) A submission on a standard amendment to a local planning scheme must — (a) be made in writing to the relevant local government in a form approved by the Commission; and (b)

state the name and address of the person making the submission; and (c) include a statement about the capacity in which the person makes the submission.

(2) A local government must acknowledge in writing the receipt of each submission received by it.

50. Consideration of submissions on standard amendments

(1) In this regulation — consideration period, in relation to a standard amendment to a local planning scheme, means the period ending on the latest of the following days — (a) the day that is 60 days after the end of the submission period for the amendment; (b) the day that is 21 days after the receipt of a statement in respect of the amendment delivered under section 48F(2)(a) of the EP Act; (c) the day that is 21 days after the receipt of a statement in respect of the amendment delivered under section 48G(3) of the EP Act if that statement is in response to a request by the local government made under section 48G(1) of the EP Act before the later of the days set out in paragraphs (a) and (b); (d) a day approved by the Commission; submission period, in relation to a standard amendment to a local planning scheme, means the period for making submissions that applies under regulation 47(3).

(2) The local government — (a) must consider all submissions in relation to a standard amendment to a local planning scheme lodged with the local government within the submission period; and (b) may, at the discretion of the local government, consider submissions in relation to the amendment lodged after the end of the submission period but before the end of the consideration period.

(3) Before the end of the consideration period for a standard amendment to a local planning scheme, or a later date approved

51. Local government may advertise proposed modifications to standard amendment

(1) The local government may decide to advertise a modification to a standard amendment to a local planning scheme if — (a) the local government proposes the modification to address issues raised in submissions made on the amendment; and (b) the local government is of the opinion that the proposed modification to the amendment is significant.

(2) If a local government makes a decision under subregulation (1) the local government must take any steps the local government considers appropriate to advertise the proposed modification to the standard amendment.

(3) A proposed modification to a standard amendment to a local planning scheme may not be advertised on more than one occasion without the approval of the Commission.

(4) Any advertisement of a proposed modification to a standard amendment to a local planning scheme must include a notice specifying — (a) the proposed modification to be made to the advertised amendment to the local planning scheme; and (b) details of how the proposed modification is made available to the public; and (c) the manner and form in which submissions may be made; and (d) the period under subregulation

(5) for making submissions and the last day of that period. (5) The period for making submissions on the proposed modification is — (a) the period of 21 days after the day on which the notice under subregulation (4) is first advertised; or (b) a longer period approved by the Commission.

(6) A person may make a submission on a proposed modification to a standard amendment to a local planning scheme that has been advertised in accordance with subregulation (2) — (a) in the manner and form specified in the notice; and (b) within the period specified in the notice.

(7) If a proposed modification to an amendment to a local planning scheme is advertised in accordance with this regulation, a local government — (a) must consider all submissions on the proposed modification made to the local government within the period specified in the notice; and (b) may, at the discretion of the local government, consider submissions on the proposed modification made to the local government after the period specified in the notice; and (c) must make a recommendation in respect of each submission considered.

53. Information on standard amendment to be provided to the Commission

(1) After passing a resolution under regulation 50(3) the local government must provide the

advertised amendment to the local planning scheme to the Commission together with the following — (a) a schedule of submissions made on the amendment; (b) the response of the local government in respect of the submissions; (c) particulars of each modification to the amendment proposed by the local government in response to the submissions; (d) if any proposed modification to the amendment was advertised — (i) an explanation of the reasons for advertising the modification; and (ii) particulars of how the modification was advertised; and (iii) a schedule of submissions made on the proposed modifications; and (iv) the recommendation of the local government in accordance with regulation 51(7)(c) in respect of each submission; (e) a copy of the resolution passed under regulation 50(3); (f) if that resolution was a resolution under regulation 50(3)(c) — a summary of the reasons why the local government does not support the amendment; (g) details of any provision in the local planning scheme that varies or excludes a provision set out in Schedule 1; (h) details of any provision in the local planning scheme as it will be amended that supplements a provision set out in Schedule 2; (i) any relevant maps, plans, specifications and particulars required by the Commission.

(2) The schedule of submissions referred to in subregulation (1)(a) and (d)(iii) must include the following — (a) the name and address of the person making the submission; (b) where it is relevant, a description of the property that is the subject of the submission; (c) the submission or a summary of the submission.

(3) The documents referred to in subregulation (1) must be provided to the Commission — (a) in the case of a resolution to support an amendment to a local planning scheme without modification or not to support an amendment to a local planning scheme — within 21 days of passing the resolution; or (b) in the case of a resolution to support an amendment to a local planning scheme with proposed modifications — (i) if the local government decides not to advertise the proposed modification — within 21 days of passing the resolution; or (ii) otherwise — within 21 days of complying with regulation 51(7); or (c) if the Commission in any case approves a longer period — within that longer period.

STRATEGIC PLAN IMPLICATIONS

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COMMUNITY CONSULTATION

The following consultation took place:

- Chief Executive Officer
- Councils Town Planner
- Mrs Pauline Scott
- Mr John Mizzi

PLANNING ASSESSMENT

The amendment proposed will make several changes to LPS4, all of which are outlined in the amendment document. Firstly, the land use term of 'Tourist Development' will be included in the zoning table to allow for discretionary permissibility in the town centre, general agriculture, rural townsite and rural residential zones. This change was initiated by Mr. John Mizzi's proposed tourist development facility east of the Kellerberrin townsite. Currently the proposal could be considered as a 'use not listed' in the scheme, however including the land use of tourist development in the scheme will allow for greater consistency when assessing future proposals.

A **tourist development** means a building, or a group of buildings forming a complex, other than a bed and breakfast, a caravan park or holiday accommodation, used to provide —

- (a) short-term accommodation for guests; and
- (b) onsite facilities for the use of guests; and
- (c) facilities for the management of the development;

The terms 'tourist accommodation' and 'rural home business' will be subsequently deleted from LPS4.

The second major proposal of the amendment regards the Burswood Care run aged care facility, known as 'Dryandra'. Councils wish to create a long term base for age care facilities in the Kellerberrin townsite means rezoning Lot 600 Leake Street from 'Public Purpose' to Special use No.7. Due to the change in ownership, the existing classification as a local reserve under LPS4 does not appropriately reflect the land tenure of the subject site, and requires updating to rectify this. The central location of the subject site is the primary reason behind the Shires desire to secure the land use on a long-term basis. As such, Amendment No. 4 seeks to ensure a long term arrangement for the subject site for aged care purposes by reclassifying it as a Special Use zone in LPS4 and designating 'Residential Aged Care Facility' as the special use. LPS4 does not have a suitable land use class for aged care proposals and therefore seeks to adopt the land use and definition from the WAPC's *Residential Accommodation For Ageing Persons Position Statement*.

Minor changes to the conditions of the special use zones are also proposed.

Proposal

1. Modify Table 1, by inserting the following land use and permissibility, as follows:

USE CLASSES	ZONES					
	RESIDENTIAL	TOWN CENTRE	INDUSTRIAL	GENERAL AGRICULTURE	RURAL TOWNSITE	RURAL RESIDENTIAL
TOURIST AND ENTERTAINEMENT						
Tourist development	X	A	X	D	D	D

2. Rename "Schedule 1 - Dictionary of defined words and expressions" to "Schedule 1 - Terms referred to in Scheme".
3. In Schedule 1, delete paragraph 1 and replace with the following:

A word or expression in this Scheme -

- (a) *has the same meaning it has in the Planning and Development Act 2005; or*
- (b) *if not defined in that Act - has the same meaning it has in the R-Codes; or*

(c) *has the same meaning it has in the Planning and Development (Local Planning Schemes) Regulations 2015 (as amended); or*

(d) *has the meaning as listed below.*

4. In Schedule 1, delete the definitions for 'Rural home business' and 'Tourist accommodation'.

5. In Schedule 1, insert the following definition for 'Residential aged care facility':

'residential aged care facility' - *means a residential facility providing personal and/or nursing care primarily to people who are frail and aged or dependent persons which, as well as accommodation, includes:*

a) appropriate staffing to meet the nursing and personal care needs of residents

b) meals and cleaning services

c) furnishings, furniture and equipment.

This may consist of multiple components that include communal amenities and facilities for residents and staff that are incidental and ancillary to the provision of such accommodation, residential respite (short-term) care, and/or an independent living complex, but does not include a hospital, rehabilitation or psychiatric facility.

6. Replace the land use term 'Tourist accommodation' with 'Tourist development' throughout the Scheme text.

7. Reclassify Lot 600 on Deposited Plan 74558 (No. 45 Leake Street, Kellerberrin) from Public Purpose reserve to Special Use No.7 (SU 7) - 'Residential Aged Care Facility' in Schedule 4, and amend the Scheme maps.

8. In Schedule 4, insert Special Use provisions for Special Use No.7, as follows:

No.	Description of land	Special use	Conditions
7	Lot 600 Leake Street, Kellerberrin	<ul style="list-style-type: none"> Residential aged care facility 	1. Development is not permitted unless the local government has exercised its discretion by granting development approval.

9. In Schedule 4, amend the Special Use provisions for Special Use No.1 to 3, & No. 6, as follows:

No.	Description of land	Special use	Conditions
1	Lots 404 and 405 George/Moore/Bedford Streets, Kellerberrin	<ul style="list-style-type: none"> Caravan Park Single Dwelling (Managers residence) 	<p>1. Development is not permitted unless the local government has exercised its discretion by granting development approval.</p> <p>2. Only one Single dwelling shall be permitted in the Special use zone for use as a manger's residence.</p>

2	Lots 508, 2 and 75 Massingham Street, Kellerberrin	<ul style="list-style-type: none"> • Industry-light • Recreation-private 	1. Development is not permitted unless the local government has exercised its discretion by granting development approval.
3	Lot 500 Massingham Street, Kellerberrin	<ul style="list-style-type: none"> • Roadhouse 	<p>1. Development is not permitted unless the local government has exercised its discretion by granting development approval.</p> <p>2. Development is to address, but not limited to, the following matters:</p> <p>a) Impact of vehicle access on the operation of the highway and the Main Roads Parking Bay, and on the safety of road users; and</p> <p>b) Any potential adverse noise, odour, visual and light spill impacts on nearby residential areas; and</p> <p>c) Setback of bulk storage tanks and fuel pumps from roads reserves and boundaries.</p>
6	Lots 265, 266 and 267 George Street, Kellerberrin	<ul style="list-style-type: none"> • Tourist Development • Reception Centre 	<p>1. Development is not permitted unless the local government has exercised its discretion by granting development approval.</p> <p>2. The operations of the function centre shall be limited to Lot 267.</p> <p>3. Development is to consider the heritage significance of the site.</p> <p>4. All other conditions of operation as determined by local government.</p>

STAFF RECOMMENDATION

That Council

1. *pursuant to section 75 of the Planning and Development Act 2005, resolves to amend the Shire of Kellerberrin Local Planning Scheme No.4 with the following;*
 - a) *Modify Table 1, by inserting the following land use and permissibility, as follows:*

b)

	ZONES					
USE CLASSES	RESIDENTIAL	TOWN CENTRE	INDUSTRIAL	GENERAL AGRICULTURE	RURAL TOWNSITE	RURAL RESIDENTIAL
TOURIST AND ENTERTAINEMENT						
Tourist development	X	A	X	D	D	D

Rename "Schedule 1 - Dictionary of defined words and expressions" to "Schedule 1 - Terms referred to in Scheme".

c) In Schedule 1, delete paragraph 1 and replace with the following:

A word or expression in this Scheme -

(e) has the same meaning it has in the Planning and Development Act 2005; or

(f) if not defined in that Act - has the same meaning it has in the R-Codes; or

(g) has the same meaning it has in the Planning and Development (Local Planning Schemes) Regulations 2015 (as amended); or

(h) has the meaning as listed below.

d) In Schedule 1, delete the definitions for 'Rural home business' and 'Tourist accommodation'.

e) In Schedule 1, insert the following definition for 'Residential aged care facility':

'residential aged care facility' - means a residential facility providing personal and/or nursing care primarily to people who are frail and aged or dependent persons which, as well as accommodation, includes:

a) appropriate staffing to meet the nursing and personal care needs of residents

b) meals and cleaning services

c) furnishings, furniture and equipment.

This may consist of multiple components that include communal amenities and facilities for residents and staff that are incidental and ancillary to the provision of such accommodation, residential respite (short-term) care, and/or an independent living complex, but does not include a hospital, rehabilitation or psychiatric facility.

f) Replace the land use term 'Tourist accommodation' with 'Tourist development' throughout the Scheme text.

- g) *Reclassify Lot 600 on Deposited Plan 74558 (No. 45 Leake Street, Kellerberrin) from Public Purpose reserve to Special Use No.7 (SU 7) - 'Residential Aged Care Facility' in Schedule 4, and amend the Scheme maps.*

- h) *In Schedule 4, insert Special Use provisions for Special Use No.7, as follows:*

No.	Description of land	Special use	Conditions
7	Lot 600 Leake Street, Kellerberrin	<ul style="list-style-type: none"> Residential aged care facility 	2. Development is not permitted unless the local government has exercised its discretion by granting development approval.

- i) *In Schedule 4, amend the Special Use provisions for Special Use No.1 to 3, & No. 6, as follows:*

No.	Description of land	Special use	Conditions
1	Lots 404 and 405 George/Moore/Bedford Streets, Kellerberrin	<ul style="list-style-type: none"> Caravan Park Single Dwelling (Managers residence) 	<p>3. Development is not permitted unless the local government has exercised its discretion by granting development approval.</p> <p>4. Only one Single dwelling shall be permitted in the Special use zone for use as a manger's residence.</p>
2	Lots 508, 2 and 75 Massingham Street, Kellerberrin	<ul style="list-style-type: none"> Industry-light Recreation-private 	2. Development is not permitted unless the local government has exercised its discretion by granting development approval.
3	Lot 500 Massingham Street, Kellerberrin	<ul style="list-style-type: none"> Roadhouse 	<p>3. Development is not permitted unless the local government has exercised its discretion by granting development approval.</p> <p>4. Development is to address, but not limited to, the following matters:</p> <p>d) Impact of vehicle access on the operation of the highway and the Main Roads Parking Bay, and on the</p>

			<p>safety of road users; and</p> <p>e) Any potential adverse noise, odour, visual and light spill impacts on nearby residential areas; and</p> <p>f) Setback of bulk storage tanks and fuel pumps from roads reserves and boundaries.</p>
6	Lots 265, 266 and 267 George Street, Kellerberrin	<ul style="list-style-type: none"> • Tourist Development • Reception Centre 	<p>5. Development is not permitted unless the local government has exercised its discretion by granting development approval.</p> <p>6. The operations of the reception centre shall be limited to Lot 267.</p> <p>7. Development is to consider the heritage significance of the site.</p> <p>8. All other conditions of operation as determined by local government.</p>

2. pursuant to regulation 35(2) of the Planning and Development (Local Planning Schemes) Regulations 2015 considers that Amendment No.4 is a standard amendment for the following reasons:
 - (a) the amendment is consistent with the Local Planning Strategy endorsed by the Commission; and
 - (b) the amendment does not result in any significant, environmental, social economic or governance impacts on land in the scheme area.
3. authorise the affixing of the common seal to, and endorse the signing of, the amendment documentation;
4. pursuant to section 81 of the Planning and Development Act 2005, refer Amendment No.4 to the Environmental Protection Authority for clearance;
5. proceed to advertise Amendment No.4 for 42 days in accordance with Regulation 47(4) of the Planning and Development (Local Planning Schemes) Regulations 2015 once the Environmental Protection Authority clearance has been received.

COUNCIL RESOLUTION

MIN 163/21

MOTION - Moved Cr. Leake

Seconded Cr. McNeil

That Council

1. *pursuant to section 75 of the Planning and Development Act 2005, resolves to amend the Shire of Kellerberrin Local Planning Scheme No.4 with the following;*

a) Modify Table 1, by inserting the following land use and permissibility, as follows:

b)

	ZONES					
USE CLASSES	RESIDENTIAL	TOWN CENTRE	INDUSTRIAL	GENERAL AGRICULTURE	RURAL TOWNSITE	RURAL RESIDENTIAL
TOURIST AND ENTERTAINEMENT						
Tourist development	X	A	X	D	D	D

Rename "Schedule 1 - Dictionary of defined words and expressions" to "Schedule 1 - Terms referred to in Scheme".

c) In Schedule 1, delete paragraph 1 and replace with the following:

A word or expression in this Scheme -

(e) has the same meaning it has in the Planning and Development Act 2005; or

(f) if not defined in that Act - has the same meaning it has in the R-Codes; or

(g) has the same meaning it has in the Planning and Development (Local Planning Schemes) Regulations 2015 (as amended); or

(h) has the meaning as listed below.

d) In Schedule 1, delete the definitions for 'Rural home business' and 'Tourist accommodation'.

e) In Schedule 1, insert the following definition for 'Residential aged care facility':

'residential aged care facility' - means a residential facility providing personal and/or nursing care primarily to people who are frail and aged or dependent persons which, as well as accommodation, includes:

- a) *appropriate staffing to meet the nursing and personal care needs of residents*
- b) *meals and cleaning services*
- c) *furnishings, furniture and equipment.*

This may consist of multiple components that include communal amenities and facilities for residents and staff that are incidental and ancillary to the provision of such accommodation, residential respite (short-term) care, and/or an independent living complex, but does not include a hospital, rehabilitation or psychiatric facility.

- f) *Replace the land use term 'Tourist accommodation' with 'Tourist development' throughout the Scheme text.*
- g) *Reclassify Lot 600 on Deposited Plan 74558 (No. 45 Leake Street, Kellerberrin) from Public Purpose reserve to Special Use No.7 (SU 7) - 'Residential Aged Care Facility' in Schedule 4, and amend the Scheme maps.*
- h) *In Schedule 4, insert Special Use provisions for Special Use No.7, as follows:*

No.	Description of land	Special use	Conditions
7	Lot 600 Leake Street, Kellerberrin	<ul style="list-style-type: none"> Residential aged care facility 	2. Development is not permitted unless the local government has exercised its discretion by granting development approval.

- i) *In Schedule 4, amend the Special Use provisions for Special Use No.1 to 3, & No. 6, as follows:*

No.	Description of land	Special use	Conditions
1	Lots 404 and 405 George/Moore/Bedford Streets, Kellerberrin	<ul style="list-style-type: none"> Caravan Park Single Dwelling (Managers residence) 	3. Development is not permitted unless the local government has exercised its discretion by granting development approval. 4. Only one Single dwelling shall be permitted in the Special use zone for use as a manger's residence.
2	Lots 508, 2 and 75 Massingham Street, Kellerberrin	<ul style="list-style-type: none"> Industry-light Recreation-private 	2. Development is not permitted unless the local government has exercised its discretion by granting development approval.

3	Lot 500 Massingham Street, Kellerberrin	<ul style="list-style-type: none"> • Roadhouse 	<p>3. Development is not permitted unless the local government has exercised its discretion by granting development approval.</p> <p>4. Development is to address, but not limited to, the following matters:</p> <p>d) Impact of vehicle access on the operation of the highway and the Main Roads Parking Bay, and on the safety of road users; and</p> <p>e) Any potential adverse noise, odour, visual and light spill impacts on nearby residential areas; and</p> <p>f) Setback of bulk storage tanks and fuel pumps from roads reserves and boundaries.</p>
6	Lots 265, 266 and 267 George Street, Kellerberrin	<ul style="list-style-type: none"> • Tourist Development • Reception Centre 	<p>5. Development is not permitted unless the local government has exercised its discretion by granting development approval.</p> <p>6. The operations of the reception centre shall be limited to Lot 267.</p> <p>7. Development is to consider the heritage significance of the site.</p> <p>8. All other conditions of operation as determined by local government.</p>

- 2. pursuant to regulation 35(2) of the Planning and Development (Local Planning Schemes) Regulations 2015 considers that Amendment No.4 is a standard amendment for the following reasons:**
 - (a) the amendment is consistent with the Local Planning Strategy endorsed by the Commission; and**
 - (b) the amendment does not result in any significant, environmental, social economic or governance impacts on land in the scheme area.**
- 3. authorise the affixing of the common seal to, and endorse the signing of, the amendment documentation;**
- 4. pursuant to section 81 of the Planning and Development Act 2005, refer Amendment No.4 to the Environmental Protection Authority for clearance;**
- 5. proceed to advertise Amendment No.4 for 42 days in accordance with Regulation 47(4) of the Planning and Development (Local Planning Schemes) Regulations 2015 once the Environmental Protection Authority clearance has been received.**

CARRIED 7/0

BY ABSOLUTE MAJORITY

3.30 pm – Council adjourned for afternoon tea and to visit the Recreation Centre.

4.20 pm – Council resumed Council meeting.

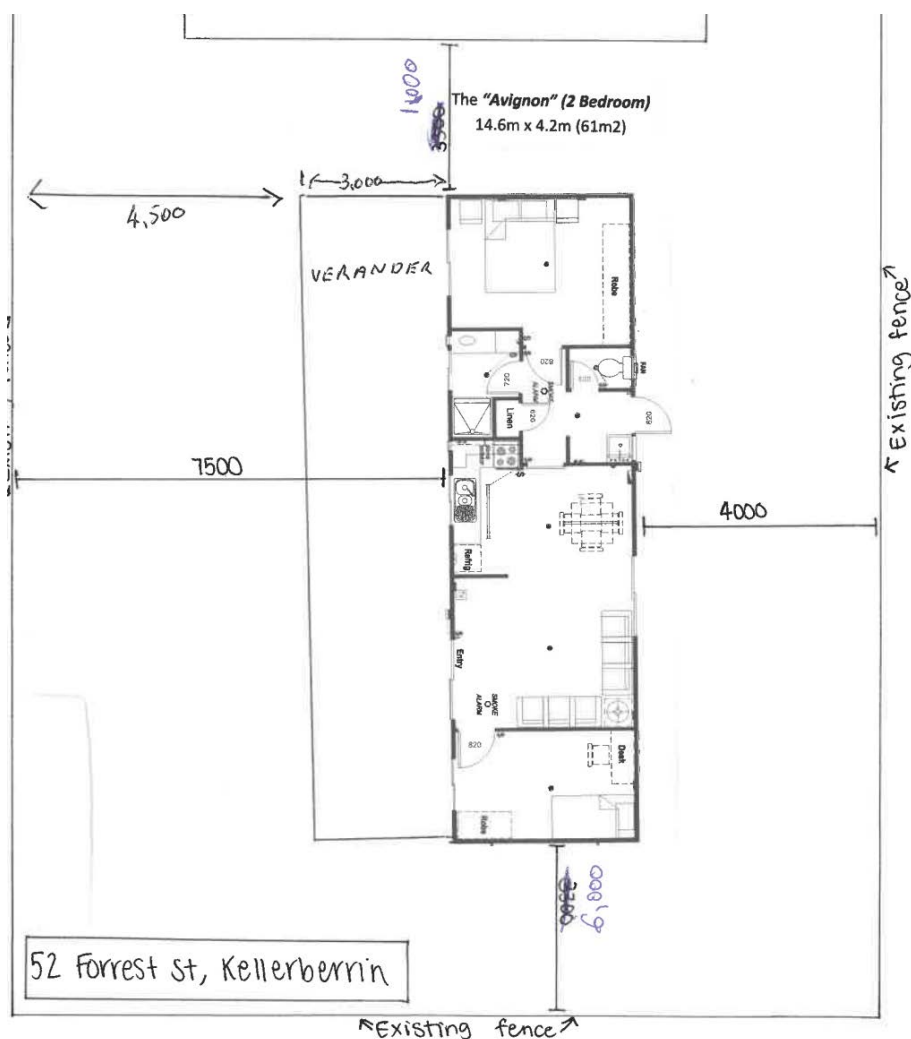
11.2 PATIO DEVELOPMENT - LARRY STEWART

File Ref: IPA21124 & A565
Author: Lewis York, Town Planner
Authoriser: Raymond Griffiths, Chief Executive Officer
Applicant: Mr Larry Stewart
Location: 52 Forrest Street, Kellerberrin WA 6410
Attachments: 1. Development Application and Plans (under separate cover)

BACKGROUND

A development application has been received from Mr. Larry Stewart for the addition of a patio/verandah at Lot 5, 52 Forrest Street, Kellerberrin. Council approved a single dwelling that exceeded the R-Codes front setback requirements in February 2021. The patio requires development approval due to exceeding the R-Codes front setback requirement of 7.5m (proposed 6m). The patio will be located on the east side of the dwelling and span its full extent.

SITE



Shire of Kellerberrin Local Planning Scheme

Local Planning Scheme No.4

Zoning: Residential

Coding: r10/40

Use: residential

Lot size: 1028m²

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

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

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

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

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.

Residential Design Codes 2015

Patio: An unenclosed structure covered in a water

impermeable material which may or may not be attached to a dwelling.

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1 R-Code	2 Dwelling type	3 Minimum site	4 Minimum	5 Minimum	6 Open space	7 Minimum setbacks (m)
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Core drivers identify what Council will be concentrating on as it works towards achieving Councils vision. The core drivers developed by Council are:

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

The following consultation took place:

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

The proposed patio additions to the dwelling raises no major planning concerns. The patio roof colour will be 'sand dune', which will fit in with the existing features on the lot. The patio will not be enclosed on any side and will enhance the overall aesthetics of the dwelling.

STAFF RECOMMENDATION

That Council approve the development of an unenclosed patio at Lot 52 Forrest Street, Kellerberrin with the following conditions;

General Conditions

- a) Planning approval will expire if the development is not substantially commenced within two years of this approval;*
- b) The endorsed approved plans shall not be altered without prior written approval of the Shire; and*
- c) The patio shall be in a similar colour scheme to existing buildings on the lot.*

Advice Notes

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

COUNCIL RESOLUTION

MIN 164/21

MOTION - Moved Cr. Steber

Seconded Cr. McNeil

That Council approve the development of an unenclosed patio at Lot 52 Forrest Street, Kellerberrin with the following conditions;

General Conditions

- a) Planning approval will expire if the development is not substantially commenced within two years of this approval;***
- b) The endorsed approved plans shall not be altered without prior written approval of the Shire; and***
- c) The patio shall be in a similar colour scheme to existing buildings on the lot.***

Advice Notes

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

CARRIED 7/0

12 ELECTED MEMBERS MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

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

MOTION

COUNCIL RESOLUTION

MIN 165/21 MOTION - Moved Cr. McNeil Seconded Cr. Leake

That Council accepts Late Items as per the following;

- ***33 Hammond Street – Patio Construction***

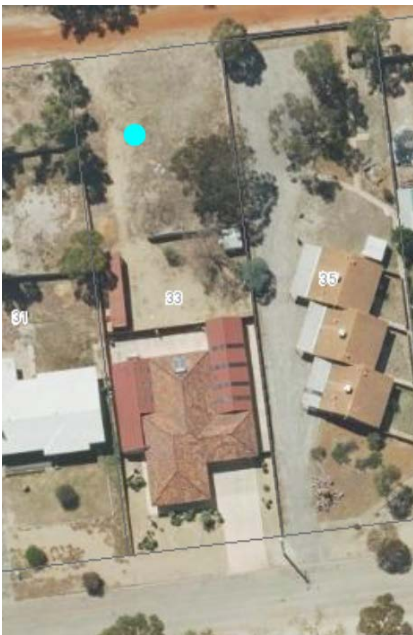
CARRIED 7/0

13.1 33 HAMMOND STREET - PATIO CONSTRUCTION

File Ref: A417
Author: Lewis York, Town Planner
Authoriser: Raymond Griffiths, Chief Executive Officer
Applicant: Jenna Jacobson & Brendan Kelly
Location: 33 Hammond Street, KELLERBERRIN
Attachments: 1. Development Application and Site Plan (under separate cover)

BACKGROUND

A development application has been received from Jenna Jacobson for the development of a patio at 33 Hammond Street, Kellerberrin. Patios normally do not require Shire approval, however the proposed patio sits inside the 1.5m side setback outlined in the R-Codes.

SITE**Shire of Kellerberrin Local Planning Scheme**

Zoning: Residential

Coding: r10/40

Use: single residential dwelling

Lot size: 2023m²

Setback proposed: 600mm

R-Code Setback: 1.5m

Patio size: 4.6x6.4m

Local Planning Scheme No.4

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

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

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

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

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.

Residential Design Codes 2015

Patio

An unenclosed structure covered in a water impermeable material which may or may not be attached to a dwelling.

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

Table 2b: Boundary setbacks - Walls with major openings

Wall height (m)	Wall length (m)													
	9 or less	10	11	12	13	14	15	16	17	18	19	20	25	Over 25
3.5 or less*	1.5	1.5	1.5	1.5	1.5	1.5	1.5	1.5	1.5	1.5	1.5	1.5	1.5	1.5
4.0	1.8	2.0	2.2	2.4	2.5	2.7	2.8	3.0	3.1	3.3	3.4	3.6	4.5	5.0
4.5	2.0	2.2	2.4	2.6	2.8	3.0	3.1	3.2	3.4	3.7	3.8	4.0	4.8	5.4
5.0	2.3	2.5	2.6	2.8	3.0	3.2	3.3	3.5	3.7	3.9	4.0	4.2	5.1	5.7
5.5	2.5	2.7	2.9	3.1	3.3	3.5	3.6	3.7	3.9	4.2	4.4	4.6	5.5	6.0
6.0	2.8	3.0	3.1	3.3	3.5	3.8	3.9	4.0	4.2	4.5	4.7	4.9	5.7	6.3
6.5	3.0	3.2	3.4	3.6	3.8	4.0	4.1	4.2	4.4	4.7	4.9	5.2	6.1	6.6
7.0	3.3	3.5	3.7	3.8	4.1	4.3	4.4	4.6	4.8	5.0	5.2	5.5	6.4	7.0
7.5	3.5	3.7	3.9	4.2	4.4	4.6	4.7	4.9	5.1	5.3	5.5	5.7	6.6	7.3
8.0	3.8	4.0	4.2	4.4	4.6	4.8	5.0	5.2	5.4	5.6	5.8	6.0	7.0	7.7
8.5	4.0	4.3	4.5	4.7	4.9	5.2	5.3	5.5	5.7	5.9	6.1	6.3	7.3	8.0
9.0	4.3	4.5	4.7	5.0	5.2	5.4	5.6	5.8	6.0	6.2	6.4	6.6	7.6	8.3
9.5	4.6	4.8	5.0	5.2	5.4	5.7	5.8	5.0	6.2	6.4	6.6	6.9	8.0	8.7
10.0	4.8	5.0	5.2	5.4	5.7	6.0	6.1	6.3	6.5	6.7	6.9	7.2	8.2	9.0

i
ii

STRATEGIC PLAN IMPLICATIONS

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

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

COMMUNITY CONSULTATION

The following consultation took place;

- Chief Executive Officer
- Town Planner
- Owner/Occupier

PLANNING ASSESSMENT

The proposed patio additions at 33 Hammond Street, Kellerberrin raises no significant planning concerns. The proposal requires Council approval due to the setbacks on the western lot boundary. The proposed setback is 600mm, the R-codes allows a setback of 1.5m. Many urban Councils have local policies relating to patios and shade sails which allow for development to occur up to 500mm from the boundary.

STAFF RECOMMENDATION

That Council approve the development of a patio at 33 Hammond Street, Kellerberrin that exceeds the following R-Code prescription;

- *Table 2b- Setback 1.5m (proposed: 600mm) with the following conditions;*

General Conditions

- a) Planning approval will expire if the development is not substantially commenced within two years of this approval;*
- b) The endorsed approved plans shall not be altered without prior written approval of the Shire; and*
- c) The patio shall be in a similar colour scheme to existing buildings on the lot*

Advice Notes

The provision of planning approval is not considered Building approval and such works should be accompanied with a building permit.

COUNCIL RESOLUTION

MIN 166/21

MOTION - Moved Cr. McNeil

Seconded Cr. O'Neill

That Council approve the development of a patio at 33 Hammond Street, Kellerberrin that exceeds the following R-Code prescription;

- ***Table 2b- Setback 1.5m (proposed: 600mm) with the following conditions;***

General Conditions

- a) Planning approval will expire if the development is not substantially commenced within two years of this approval;***
- b) The endorsed approved plans shall not be altered without prior written approval of the Shire; and***
- c) The patio shall be in a similar colour scheme to existing buildings on the lot***

Advice Notes

The provision of planning approval is not considered Building approval and such works should be accompanied with a building permit.

CARRIED 7/0

14 CONFIDENTIAL MATTERS

Nil

15 CLOSURE OF MEETING

The Meeting closed at 4:46pm.

The minutes of this meeting consisting of pages 1 to 70 were confirmed at the Ordinary Council Meeting held on 19 October 2021.

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CHAIRPERSON