



AGENDA

Ordinary Council Meeting Tuesday, 26 October 2021

Date: Tuesday, 26 October 2021

Time: 2:00pm

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

Shire of Kellerberrin

Ordinary Council Meeting 26th October 2021

NOTICE OF MEETING

Dear Elected Member

The next Ordinary Council Meeting of the Shire of Kellerberrin will be held on Tuesday, 26th October 2021 in the Council Chamber, 110 Massingham Street, Kellerberrin WA 6410 commencing at 2:00pm.



Raymond Griffiths
Chief Executive Officer
Tuesday, 19 October 2021

Shire of Kellerberrin

Disclaimer

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

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

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

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

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

Signed _____
Chief Executive Officer

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

Chief Executive Officer, Shire of Kellerberrin

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

financial interest (Section 5.60A)

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

proximity interest (Section 5.60B)

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

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

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

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

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

in Item number/s _____

the *nature* of the interest being _____

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

Yours faithfully

(Councillor's signature)

Councillor's Name

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

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

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

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

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

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

With the Kellerberrin Agricultural Society getting ready to present the 100th local show the Committee and some Shire Staff are busy preparing the new Exhibition Hall for the big day. The hall looks great and hopefully will be put to good use by the residents of Kellerberrin. With the Exhibition Hall erected the original vision for the Recreation Centre at the Showgrounds will be complete.

As I mentioned in my previous monthly report the frost event in early September effected crops in this Shire. The full extent of the damage is now becoming quite visible with some farmers in the northern part of the Shire severely affected.

With the Local Government elections being held on the 16th October, the Council will have at least one new Councillor going forward. I hope the "team" of Councillors and Staff continue to work together as they have in the past for the benefit of all the Kellerberrin community.

Kind Regards



Rodney Forsyth

Shire President

STAFF RECOMMENDATION

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

2.2 STANDING ORDERS

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

STAFF RECOMMENDATION

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

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

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

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

5 PUBLIC QUESTION TIME

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

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

6 CONFIRMATION OF PREVIOUS MEETINGS MINUTES

6.1 MINUTES OF THE COUNCIL MEETING HELD ON 21 SEPTEMBER 2021

File Ref: MIN
Author: Codi Mullen, Personal Assistant
Authoriser: Raymond Griffiths, Chief Executive Officer
Attachments: 1. Minutes of the Council Meeting held on 21 September 2021

HEADING

STAFF RECOMMENDATION

That the Minutes of the Council Meeting held on 21 September 2021 be received as a true and accurate record.

7 PRESENTATIONS

7.1 Petitions

7.2 Presentations

7.3 Deputations

8 REPORTS OF COMMITTEES

Nil

9 CORPORATE SERVICES REPORTS

9.1 COMMUNITY REQUESTS AND DISCUSSION ITEMS

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

BACKGROUND

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

September 2021 Council Meeting

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.***

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.

STAFF COMMENT**September MIN 155/21**

1. Pony Club advised of successful application and they are commencing works.
2. Mr McCaffrey advised and payment made.
3. Load of white sand provided to Restdown Playground.

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 Council's decision to decline their 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

TEN YEAR FINANCIAL PLAN

This does not directly affect the long term financial plan.

FINANCIAL IMPLICATIONS

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

STATUTORY IMPLICATIONS

Local Government Act 1995 (as amended)

Section 2.7. The role of the council

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

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

Section 2.8. The role of the mayor or president

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

- (e) performs such other functions as are given to the mayor or president by this Act or any other written law; and
 - (f) liaises with the CEO on the local government's affairs and the performance of its functions.
- (2) Section 2.10 applies to a councillor who is also the mayor or president and extends to a mayor or president who is not a councillor.

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

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

Section 2.10. The role of councillors

A councillor —

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

5.60. When person has an interest

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

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

has —

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

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

5.60A. Financial interest

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

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

5.60B. Proximity interest

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

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

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

5.61. Indirect financial interests

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

5.62. Closely associated persons

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

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

5.63. Some interests need not be disclosed

- (1) Sections 5.65, 5.70 and 5.71 do not apply to a relevant person who has any of the following interests in a matter —
- (a) an interest common to a significant number of electors or ratepayers; or
 - (b) an interest in the imposition of any rate, charge or fee by the local government; or
 - (c) an interest relating to —
 - (i) a fee, reimbursement of an expense or an allowance to which section 5.98, 5.98A, 5.99, 5.99A, 5.100 or 5.101(2) refers; or
 - (ii) a gift permitted by section 5.100A; or
 - (iii) reimbursement of an expense that is the subject of regulations made under section 5.101A;
 - or
 - (d) an interest relating to the pay, terms or conditions of an employee unless —
 - (i) the relevant person is the employee; or
 - (ii) either the relevant person's spouse, de facto partner or child is the employee if the spouse, de facto partner or child is living with the relevant person;
 - or
 - [(e) deleted]*

- (f) an interest arising only because the relevant person is, or intends to become, a member or office bearer of a body with non-profit making objects; or
 - (g) an interest arising only because the relevant person is, or intends to become, a member, office bearer, officer or employee of a department of the Public Service of the State or Commonwealth or a body established under this Act or any other written law; or
 - (h) a prescribed interest.
- (2) If a relevant person has a financial interest because the valuation of land in which the person has an interest may be affected by —
- (a) any proposed change to a planning scheme for any area in the district; or
 - (b) any proposed change to the zoning or use of land in the district; or
 - (c) the proposed development of land in the district,

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

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

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

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

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

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

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

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

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

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

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

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

5.66. Meeting to be informed of disclosures

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

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

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

5.67. Disclosing members not to participate in meetings

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

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

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

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

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

- (1) If a member has disclosed, under section 5.65, an interest in a matter, the members present at the meeting who are entitled to vote on the matter —
 - (a) may allow the disclosing member to be present during any discussion or decision making procedure relating to the matter; and
 - (b) may allow, to the extent decided by those members, the disclosing member to preside at the meeting (if otherwise qualified to preside) or to participate in discussions and the decision making procedures relating to the matter if —
 - (i) the disclosing member also discloses the extent of the interest; and
 - (ii) those members decide that the interest —
 - (I) is so trivial or insignificant as to be unlikely to influence the disclosing member's conduct in relation to the matter; or
 - (II) is common to a significant number of electors or ratepayers.
- (1A) Subsection (1) does not apply if —
 - (a) the interest disclosed is an interest relating to a gift; and
 - (b) either —
 - (i) the amount of the gift exceeds the amount prescribed for the purposes of this subsection; or

- (ii) the gift is 1 of 2 or more gifts made by 1 person to the disclosing member at any time during a year and the sum of the amounts of those 2 or more gifts exceeds the amount prescribed for the purposes of this subsection.
- (2) A decision under this section is to be recorded in the minutes of the meeting relating to the matter together with —
 - (a) the extent of any participation allowed by the council or committee; and
 - (b) if the decision concerns an interest relating to a gift, the information prescribed for the purposes of this paragraph.
 - (3) This section does not prevent the disclosing member from discussing, or participating in the decision making process on, the question of whether an application should be made to the Minister under section 5.69.

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

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

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

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

5.69A. Minister may exempt committee members from disclosure requirements

- (1) A council or a CEO may apply to the Minister to exempt the members of a committee from some or all of the provisions of this Subdivision relating to the disclosure of interests by committee members.
- (2) An application under subsection (1) is to include —
 - (a) the name of the committee, details of the function of the committee and the reasons why the exemption is sought; and
 - (b) any other information required by the Minister for the purposes of the application.
- (3) On an application under this section the Minister may grant the exemption, on any conditions determined by the Minister, if the Minister is of the opinion that it is in the interests of the electors or ratepayers to do so.

- (4) A person must not contravene a condition imposed by the Minister under this section.
Penalty: \$10 000 or imprisonment for 2 years.
[Section 5.69A inserted: No. 64 of 1998 s. 34(1)]

5.70. Employees to disclose interests relating to advice or reports

- (1) In this section —
employee includes a person who, under a contract for services with the local government, provides advice or a report on a matter.
- (2) An employee who has an interest in any matter in respect of which the employee is providing advice or a report directly to the council or a committee must disclose the nature of the interest when giving the advice or report.
Penalty for this subsection: a fine of \$10 000 or imprisonment for 2 years.
- (2A) Subsection (2) applies to a CEO even if the advice or report is provided in accordance with a decision made under section 5.71B(2) or (6).
- (3) An employee who discloses an interest under this section must, if required to do so by the council or committee, as the case may be, disclose the extent of the interest.
Penalty for this subsection: a fine of \$10 000 or imprisonment for 2 years.
[Section 5.70 amended: No. 16 of 2019 s. 32.]

5.71. Employees to disclose interests relating to delegated functions

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

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

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

STRATEGIC COMMUNITY PLAN

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

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

COMMUNITY CONSULTATION

The following consultation took place;

- Council Members
- Chief Executive Officer

STAFF RECOMMENDATION

That Council note any requests or ideas to be actioned.

9.2 STATUS REPORT OF ACTION SHEET

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

BACKGROUND

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

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

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

STAFF COMMENT

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

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

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

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

TEN YEAR FINANCIAL PLAN

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

FINANCIAL IMPLICATIONS

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

STATUTORY IMPLICATIONS

Local Government Act 1995 (as amended)

Section 2.7. The role of the council

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

Section 2.8. The role of the mayor or president

- (1) The mayor or president —

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

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

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

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

Section 2.10. The role of councillors

A councillor —

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

5.60. When person has an interest

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

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

has —

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

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

5.60A. Financial interest

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

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

5.60B. Proximity interest

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

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

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

5.61. Indirect financial interests

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

5.62. Closely associated persons

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

or

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

- (2) In subsection (1) —

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

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

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

5.63. Some interests need not be disclosed

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

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

[(e) deleted]

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

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

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

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

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

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

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

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

(4) If a relevant person has a financial interest because any land in which the person has any interest other than an interest relating to the valuation of that land or any land adjacent to that land may be affected by —

(a) any proposed change to a planning scheme for any area in the district;

(b) any proposed change to the zoning or use of land in the district; or

(c) the proposed development of land in the district,

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

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

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

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

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

(1) A member who has an interest in any matter to be discussed at a council or committee meeting that will be attended by the member must disclose the nature of the interest —

(a) in a written notice given to the CEO before the meeting; or

(b) at the meeting immediately before the matter is discussed.

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

(2) It is a defence to a prosecution under this section if the member proves that he or she did not know —

(a) that he or she had an interest in the matter; or

(b) that the matter in which he or she had an interest would be discussed at the meeting.

(3) This section does not apply to a person who is a member of a committee referred to in section 5.9(2)(f).

5.66. Meeting to be informed of disclosures

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

(a) before the meeting the CEO is to cause the notice to be given to the person who is to preside at the meeting; and

(b) at the meeting the person presiding is to bring the notice and its contents to the attention of the persons present immediately before the matters to which the disclosure relates are discussed.

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

5.67. Disclosing members not to participate in meetings

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

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

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

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

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

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

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

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

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

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

5.69A. Minister may exempt committee members from disclosure requirements

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

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

5.70. Employees to disclose interests relating to advice or reports

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

5.71. Employees to disclose interests relating to delegated functions

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

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

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

STRATEGIC COMMUNITY PLAN

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

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

COMMUNITY CONSULTATION

The following consultation took place;

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

STAFF RECOMMENDATION

That Council receive the Status Report.

9.3 WEROC TOURISM AUDIT RECOMMENDATIONS

File Ref: ORG10
Author: Raymond Griffiths, Chief Executive Officer
Authoriser: Raymond Griffiths, Chief Executive Officer
Attachments: 1. WEROC Tourism Audit (under separate cover)

BACKGROUND

WEROC Board Meeting – 11th August 2021

RESOLUTION: **Moved:** Ms. Julie Flockart **Seconded:** Ms. Karin Day

That:

1. The final draft of the WEROC Inc. Tourism Product Audit be adopted;
2. Each Local Government to present the recommendations of the audit to their respective Council and discuss their priorities for action;
3. A workshop will be conducted at the next meeting of the WEROC Inc. Board to agree on actions for implementation;
4. Payment of \$10,320 + GST to 150 Square Strategic Solutions for completing the WEROC Inc. Tourism Audit, is approved;
5. The Executive Officer to update the information contained in the 2016 visitor accommodation study for WEROC Shires; and
6. An additional 25 to 30 hours of the Executive Officer's time is approved to complete the update of the visitor accommodation study.

CARRIED

WEROC Board Meeting – 22nd February 2021

RESOLUTION: Moved: Ms. Karin Day **Seconded:** Mr. Wayne Della Bosca

That WEROC Inc.:

1. *Accept the quote from 150 Square Strategic Solutions, as tabled at the meeting, for the quoted price of \$10,320 + GST; and*
2. *Not proceed with an application to Round 5 of the Building Better Regions Fund.*

On Tuesday 13 July 2021, the Executive Officer circulated the Draft WEROC Inc. Tourism Product Audit to all Members of the WEROC Inc. Board, inviting their input and requesting any feedback be provided by Monday 26 July 2021. Feedback received from the Shire's of Westonia, Bruce Rock, Merredin and Yilgarn has been incorporated into the Final Draft, which is now presented for endorsement.

Just to note, it was requested that all accommodation be included in the product audit rather than just caravan and camping, however this was purposely excluded from the scope of work due to a specific audit of accommodation having already been completed in recent years. A copy of the Visitor Accommodation Study is provided as an attachment.

A summary of the recommendations provided in the WEROC Inc. Tourism Product Audit is provided below:

1. **Caravan and Camping:** develop a regional caravan and camping strategy; improve understanding of self-contained traveller needs and expectations through an RV survey; improve digital access to online bookings and visitor information on free and commercial caravan and camping sites in the region.
2. **Trails:** develop an Eastern Wheatbelt Trails Master Plan; ensure all trails are entered into the Trails WA database; co-operatively promote existing walk and drive trails.
3. **Nature, Parks and Reserves:** investigate opportunities to develop priority nature reserves including through immersive tourism experiences; consider investment in a tourism development fund.
4. **Culture, Art and Heritage:** identify respectful and appropriate opportunities for Aboriginal cultural and heritage tourism; develop art tourism in the region; improve cross-marketing of cultural, heritage and art assets to encourage multi-site visitation and longer stays.
5. **Events:** develop a regional event strategy/feasibility study to identify potential for a “show-stopping” event for the Eastern Wheatbelt and new community driven events that will drive both peak and off-season visitation.
6. **Food and Drink:** test the market and logistics for agritourism initiatives; undertake a “good food” promotion to showcase the region’s best food and drink offerings; provide industry support to build the capacity of food and drink businesses in the region.
7. **Online Presence:** build local capability and digital know how; advocate for improved access to digital infrastructure; encourage passive advertising through visitor reviews and social media advocacy.
8. **Utilise the right marketing channels:** Prioritise the use of digital marketing; leverage key influencers to promote the region to a broader audience.
9. **Attract the right visitors:** develop interest-based marketing/promotion for key market segments; targeted marketing of the region to Perth residents to boost intrastate visitation; promote the Eastern Wheatbelt as a multi-experience destination to appeal to a wider market.
10. **Create a distinctive brand:** use the “Our Story: Spirit of Adventure” framework to develop a distinct brand for the Eastern Wheatbelt; build a library of visual assets to bring the story of the Eastern Wheatbelt to life; develop new signage and entry statements consistent with the brand.
11. **Champion hero regional experiences:** build a common vision around hero experiences/attractions in the region; use these hero experiences/attractions as a marketing hook to drive interest in the region; leverage existing tourism products to promote a broader offering of things to see and do around visits to the regions anchor attractions.

The Executive Officer suggests that the Board consider and discuss the recommendations and agree on priority actions to inform an implementation plan. Feedback on priorities for WEROC from the perspective of the regional tourism groups is as follows:

- **Events:**
 - Events are a good focus.
 - Need to find an iconic idea that is grounded in the Eastern Wheatbelt and attracts more than a day trip audience. Think along the lines of the Kulin Bush Races and Lake Perkolilli Red Dust Festival.
 - A series of connected wildflowers events or a walking festival are two possibilities.
 - Recommend conducting an event feasibility study that then informs a regional events strategy.

- **Trails:**

- A new touring route that highlights the nature-based attractions of the region such as the granite rocks and ties in Agri-tourism and Astro-tourism experiences has serious merit from both a product development and marketing point of view.

- **Branding:**

- A clear brand for WEROC or the Eastern Wheatbelt region as a destination is an essential first step.

- **Hero Experience/Attraction:**

- Need to agree on what the hero experiences/attractions are for the region and build experience and product development around them.
- The focus could be on one of the six product clusters identified in the Tourism Product Audit.
- The hero attractions/experiences need to highlight the regions point of difference. The granite outcrops are the most obvious differentiating feature.

STAFF COMMENT

Council need to review the above recommendations and consider which of the recommendations they see as a priority for WEROC to concentrate on.

TEN YEAR FINANCIAL PLAN

NIL known at this stage

FINANCIAL IMPLICATIONS

NIL to Council at this stage

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;

- WEROC
- Chief Executive Officer
- Personal Assistant to the CEO

STAFF RECOMMENDATION

That Council advise WEROC of Kellerberrin's priorities being;

1. **Events:** develop a regional event strategy/feasibility study to identify potential for a "show-stopping" event for the Eastern Wheatbelt and new community driven events that will drive both peak and off-season visitation.
2. **Caravan and Camping:** develop a regional caravan and camping strategy; improve understanding of self-contained traveller needs and expectations through an RV survey; improve digital access to online bookings and visitor information on free and commercial caravan and camping sites in the region.
3. **Nature, Parks and Reserves:** investigate opportunities to develop priority nature reserves including through immersive tourism experiences; consider investment in a tourism development fund.

9.4 COMMITTEE REPRESENTATION

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

BACKGROUND

On 16th October 2021 the local government elections took place. The Shire of Kellerberrin had five candidates run for three positions. Council will now need to determine the distribution of duties across Community based Committees. An extract of the minutes from 23rd October 2019 is shown below. This outlines existing committees and the members that were appointed for the previous term of council.

Council's October 2019 Ordinary Meeting of Council – 23rd October 2019

MIN182/19 MOTION - Moved Cr. Steber 2nd Cr. Talbot

That Council;

1. **appoint the following members to committees/groups/panels**

Audit Committee

That Audit Committee comprises full Council

Emergency Committee

Council's representatives on the Emergency Committee comprise of:

Delegate - Cr. Forsyth

Delegate – Cr. O’Neill

Delegate – Cr. Steber

Great Eastern Country Zone – Western Australian Local Government Association

Council Delegate to the Great Eastern Country Zone of WALGA comprise of:

Delegate - Cr. Forsyth

Delegate - Chief Executive Officer

Deputy – Cr. O’Neill

Regional Road Group

Council's representatives on the Wheatbelt North Regional Road Group, Kellerberrin Sub-Group are:

Delegate - Cr.Forsyth

Delegate - Chief Executive Officer

Deputy - Cr. Leake

Local Emergency Management Committee (LEMC)

Council's representatives on the Local Emergency Management Committee comprise of:

Delegate - Cr. Leake

Deputy - Cr. Talbot

Wheatbelt Eastern Regional Organisation of Councils (WEROC)

Council's representatives on the Wheatbelt East Regional Organisation of Councils are:

Delegate - Cr. Forsyth

Delegate - Chief Executive Officer

Deputy - Cr. Steber**Sport & Recreation Steering Committee****Council's representatives on the Sport and Recreation Steering Committee are:****Delegate - Cr. McNeil****Delegate - Chief Executive Officer****Deputy - Cr. Talbot****Local Hospital Advisory Group (L-HAG)****Council's representative on the Local Health Advisory Group is:****Delegate - Cr. Forsyth****Deputy - Cr. O'Neill****Regional Development Assessment Panel****Council's representatives on the Regional Development Assessment Panel are:****Delegate - Cr. Forsyth****Deputy - Cr. Leake****Central East Aged Care Committee (CEACA)****Council's representatives on the Independent Kellerberrin District High School Board are:****Delegate - Cr. Forsyth****Roadworks Advisory Committee****Delegate - Cr. Forsyth****Delegate - Cr. Steber****Delegate - Chief Executive Officer****Delegate - Manger of Works Services****STAFF COMMENT**

Officers have conducted a review on all committees and have suggested that the following committees remain -

Current Committees/Groups/Panels with Council representation:

- Audit Committee
- Bushfire Advisory Committee
- Emergency Committee
- Great Eastern Country Zone – Western Australian Local Government Association
- Regional Road Group
- Local Emergency Management Committee (LEMC)
- Wheatbelt Eastern Regional Organisation of Councils (WEROC)
- Sport & Recreation Steering Committee
- Local Hospital Advisory Group (L-HAG)
- Regional Development Assessment Panel
- Central East Aged Care Committee (CEACA)
- Roadworks Advisory Committee

That the following committee be an addition:

- Arts & Culture Committee
- Behaviour Complaints Committee

TEN YEAR FINANCIAL PLAN

Nil known at this time.

FINANCIAL IMPLICATIONS

Nil known at this time.

STATUTORY IMPLICATIONS

Local Government Act 1995

Subdivision 2 — Committees and their meetings

5.10. Appointment of committee members

- (1) A committee is to have as its members —
 - (a) persons appointed* by the local government to be members of the committee (other than those referred to in paragraph (b)); and
 - (b) persons who are appointed to be members of the committee under subsection (4) or (5).

** Absolute majority required.*

- (2) At any given time each council member is entitled to be a member of at least one committee referred to in section 5.9(2)(a) or (b) and if a council member nominates himself or herself to be a member of such a committee or committees, the local government is to include that council member in the persons appointed under subsection (1)(a) to at least one of those committees as the local government decides.
- (3) Section 52 of the *Interpretation Act 1984* applies to appointments of committee members other than those appointed under subsection (4) or (5) but any power exercised under section 52(1) of that Act can only be exercised on the decision of an absolute majority of the local government.
- (4) If at a meeting of the council a local government is to make an appointment to a committee that has or could have a council member as a member and the mayor or president informs the local government of his or her wish to be a member of the committee, the local government is to appoint the mayor or president to be a member of the committee.
- (5) If at a meeting of the council a local government is to make an appointment to a committee that has or will have an employee as a member and the CEO informs the local government of his or her wish —
 - (a) to be a member of the committee; or
 - (b) that a representative of the CEO be a member of the committee,

the local government is to appoint the CEO or the CEO's representative, as the case may be, to be a member of the committee.

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

Community groups will be advised of the membership outcome following the council decision.

STAFF RECOMMENDATION

That Council appoint the following members to committees/groups/panels

Audit Committee

That Audit Committee comprises full Council

Arts & Culture Committee

Council's representatives on the Arts & Culture Committee are:

Delegate – Cr.

Delegate – **Chief Executive Officer or Delegate**

Behaviour Complaints Committee

Council's representatives on the Behaviour Complaints Committee are:

Delegate – Cr. (**Shire President**)

Delegate – Cr. (**Shire Deputy President**)

Delegate – Cr.

Delegate – Cr.

Deputy Delegate – Cr.

Deputy Delegate – Cr.

Emergency Committee

Council's representatives on the Emergency Committee comprise of:

Delegate - Cr. (**Shire President**)

Delegate – Cr. (**Deputy Shire President**)

Deputy Delegate – Cr.

Great Eastern Country Zone – Western Australian Local Government Association

Council Delegate to the Great Eastern Country Zone of WALGA comprise of:

Delegate - Cr.

Delegate - **Chief Executive Officer**

Deputy Delegate – Cr.

Regional Road Group

Council's representatives on the Wheatbelt North Regional Road Group, Kellerberrin Sub-Group are:

Delegate - Cr.

Delegate - **Chief Executive Officer**

Deputy Delegate – Cr.

Local Emergency Management Committee (LEMC)

Council's representatives on the Local Emergency Management Committee comprise of:

Delegate - Cr.

Deputy Delegate – Cr.

Wheatbelt Eastern Regional Organisation of Councils (WEROC)

Council's representatives on the Wheatbelt East Regional Organisation of Councils are:

Delegate - Cr.

Delegate - Chief Executive Officer

Deputy Delegate – Cr.

Sport & Recreation Steering Committee

Council's representatives on the Sport and Recreation Steering Committee are:

Delegate - Cr.

Deputy Delegate – Cr.

Local Hospital Advisory Group (L-HAG)

Council's representative on the Local Health Advisory Group is:

Delegate - Cr.

Deputy Delegate – Cr.

Regional Development Assessment Panel

Council's representatives on the Regional Development Assessment Panel are:

Delegate - Cr.

Deputy Delegate – Cr.

Central East Aged Care Committee (CEACA)

Council's representatives on the Central East Aged Care Committee are:

Delegate - Cr.

Deputy Delegate Cr.

Roadworks Advisory Committee

Councils representatives on the Roadworks Advisory Committee are:

Delegate - Cr.

Delegate - Cr.

Delegate - Chief Executive Officer

Delegate - Manger of Works Services

9.5 COUNCIL MEETING DATES 2022 - PUBLIC NOTICE

File Ref: PUB02
Author: Codi Mullen, Personal Assistant
Authoriser: Raymond Griffiths, Chief Executive Officer
Attachments: Nil

BACKGROUND

In accordance with the *Local Government Act 1995 (as amended)* and the *Local Government (Administration) Regulations 1996*, Council is required to adopt a Schedule of its Ordinary Meeting date/s including Time, Place and Public Question Time.

Council's October 2020 Ordinary Meeting of Council
--

MIN 166/20 MOTION - Moved Cr. Steber Seconded Cr. Reid

That Council adopts the following schedule of Ordinary Council Meeting dates for 2021 incorporating meeting location/venue, meeting commencement time and public question time. Briefing Session:

Councillors Briefing session on Agenda at 1.00 pm Council Meeting Time: Meeting commencement time – 2.00 pm Public Question Time: Commencing at 2.15 pm and limited to 15 minutes Place of Meeting: Shire of Kellerberrin Council Chambers 110 Massingham Street, Kellerberrin. Meeting Day: Every Third Tuesday of the month.

January 2021 – No Meeting

Tuesday, 16 February 2021 – Kellerberrin Council Chambers

Tuesday, 16 March 2021 – Kellerberrin Council Chambers

Tuesday, 20 April 2021 – Kellerberrin Council Chambers

Tuesday, 18 May 2021 – Kellerberrin Council Chambers

Tuesday, 15 June 2021 – Kellerberrin Council Chambers

Tuesday, 20 July 2021 – Kellerberrin Council Chambers

Tuesday, 17 August 2021 – Kellerberrin Council Chambers

Tuesday, 21 September 2021 – Kellerberrin Council Chambers

Tuesday, 19 October 2021 – Kellerberrin Council Chambers

Tuesday, 16 November 2021 – Kellerberrin Council Chambers

Tuesday, 21 December 2021 – Kellerberrin Council Chambers

**CARRIED 6/0
BY ABSOLUTE MAJORITY**

Council's October 2019 Ordinary Meeting of Council
--

MIN181/19 MOTION - Moved Cr. Leake 2nd Cr. O'Neill

That Council adopts the following Schedule of Council Ordinary Meeting dates for 2020 incorporating meeting location/venue, meeting commencement time and Public Question Time.

Briefing Session: Councillors Briefing Session on Agenda 1:00 pm Time: Meeting Commencement time 2:00 pm.

Public Question Time: commencing at 2:15 pm and limited to 15 minutes. Place: Council Chambers 110 Massingham Street Kellerberrin

Meeting Day: every third Tuesday of the month

January 2020 – No Meeting

Friday, 7 February 2020 – Kellerberrin Council Chambers
 Tuesday, 18 March 2020 – Kellerberrin Council Chambers
 Tuesday, 21 April 2020 – Kellerberrin Council Chambers
 Tuesday, 19 May 2020 – Kellerberrin Council Chambers
 Tuesday, 16 June 2020 – Kellerberrin Council Chambers
 Tuesday, 21 July 2020 – Kellerberrin Council Chambers
 Tuesday, 18 August 2020 – Kellerberrin Council Chambers
 Tuesday, 15 September 2020 – Kellerberrin Council Chambers
 Tuesday, 20 October 2020 – Kellerberrin Council Chambers
 Tuesday, 17 November 2020 – Kellerberrin Council Chambers
 Tuesday, 15 December 2020 – Kellerberrin Council Chambers

**CARRIED 6/0
 BY ABSOLUTE MAJORITY**

Council's October 2018 Ordinary Meeting of Council
--

MIN 185/18 MOTION - Moved Cr. Reid 2nd Cr. Leake

That Council adopts the following Schedule of Council Ordinary Meeting dates for 2019 at Council Chambers 110 Massingham Street Kellerberrin with meeting commencement time and Public Question Time:

Briefing Session: Councillors Briefing Session on Agenda 1:00 pm

Meeting Commencement time 2:00 pm.

Public Question Time: commencing at 2:15 pm and limited to 15 minutes. Place:

Meeting Day: every third Tuesday of the month

January 2019 – No Meeting

Tuesday, 12th February 2019 – Kellerberrin Council Chambers

Tuesday, 19th March 2019 – Kellerberrin Council Chamber

Tuesday, 16th April 2019 – Kellerberrin Council Chambers

Tuesday, 21st May 2019 – Kellerberrin Council Chambers

Tuesday, 18th June 2019 – Kellerberrin Council Chambers

Tuesday, 16th July 2019 – Kellerberrin Council Chambers

Tuesday, 20th August 2019 – Kellerberrin Council Chambers

Tuesday, 17th September 2019 – Kellerberrin Council Chambers

Tuesday, 15th October 2019 – Kellerberrin Council Chambers

Tuesday, 19th November 2019 – Kellerberrin Council Chambers

Tuesday, 17th December 2019 – Kellerberrin Council Chambers

CARRIED 6/0

STAFF COMMENT

Council is required under legislation, to advertise its meetings advising of the date, commencement time, public question time and location of the meeting once each year. It is generally this time of the year that Council should consider its schedule of Ordinary Meetings for the 2022 calendar year.

Council needs to remain mindful of continuing on with its meetings in an efficient and timely manner to complete required and presented business. Council meetings are conducted in a businesslike and professional manner which allows for more informal discussion to occur. This reduces the necessity to have special Council meetings for specific issues with these matters being included as part of the monthly agenda.

Special Council meetings can be called with little notice given if required however to deal with any items that requires a decisions out of Council meeting times.

Items for consideration when adopting times and dates for the upcoming year are but not limited to;

- Preferred Council Information/Briefing Sessions (time allowance and when)
- Luncheon arrangements, if commenced with at an earlier time
- Business commitments of individual Council Members (actual meeting start time)
- Time allocation for dealing with the business of the Council including the agenda items
- Allowance for Meeting guests/presentations/petitions etc. (preferred time and length of presentation)
- Desired format for information sessions, etc.

Council at any time though can decide to modify the commencement time of their meetings though appropriate notice to the community is required.

TEN YEAR FINANCIAL PLAN

NIL known at this time.

FINANCIAL IMPLICATIONS

2021/2022 Budget – expense account for statutory advertising and members travelling and meeting attendance fees.

Cost of local advertising of Council meeting times. Current budget general ledger expense account for advertising will be utilised.

STATUTORY IMPLICATIONS

Local Government Act (as amended) 1995

5.24. Question time for public

- (1) Time is to be allocated for questions to be raised by members of the public and responded to at —
 - (a) every ordinary meeting of a council; and
 - (b) such other meetings of councils or committees as may be prescribed.
- (2) Procedures and the minimum time to be allocated for the asking of and responding to questions raised by members of the public at council or committee meetings are to be in accordance with regulations.

Regulations about council and committee meetings and committees

- (3) Without limiting the generality of section 9.59, regulations may make provision in relation to —
 - (a) the matters to be dealt with at ordinary or at special meetings of councils;
 - (b) the functions of committees or types of committee;
 - (ba) the holding of council or committee meetings by telephone, video conference or other electronic means;
 - (c) the procedure to be followed at, and in respect of, council or committee meetings;
 - (d) methods of voting at council or committee meetings;
 - (e) the circumstances and manner in which a decision made at a council or a committee meeting may be revoked or changed (which may differ from the manner in which the decision was made);
 - (f) the content and confirmation of minutes of council or committee meetings and the keeping and preserving of the minutes and any documents relating to

- meetings;
- (g) the giving of public notice of the date and agenda for council or committee meetings;
- (h) the exclusion from meetings of persons whose conduct is not conducive to the proper conduct of the meetings and the steps to be taken in the event of persons refusing to leave meetings;
- (i) the circumstances and time in which the unconfirmed minutes of council or committee meetings are to be made available for inspection by members of the public; and
- (j) the circumstances and time in which notice papers and agenda relating to any council or committee meeting and reports and other documents which could be —
 - (i) tabled at a council or committee meeting; or
 - (ii) produced by the local government or a committee for presentation at a council or committee meeting,
 are to be made available for inspection by members of the public.
- (4) Regulations providing for meetings to be held by telephone, video conference or other electronic means may modify the application of this Act in relation to those meetings to the extent necessary or convenient to facilitate the holding of those meetings in that way.

[Section 5.25 amended by No. 64 of 1998 s. 28.]

Local Government (Administration) Regulations 1996

12. Public notice of council or committee meetings — s. 5.25(1)(g)

- (1) At least once each year a local government is to give local public notice of the dates on which and the time and place at which —
 - (a) the ordinary council meetings; and
 - (b) the committee meetings that are required under the Act to be open to members of the public or that are proposed to be open to members of the public,
 are to be held in the next 12 months.
- (2) A local government is to give local public notice of any change to the date, time or place of a meeting referred to in subregulation (1).
- (3) Subject to subregulation (4), if a special meeting of a council is to be open to members of the public then the local government is to give local public notice of the date, time, place and purpose of the special meeting.
- (4) If a special meeting of a council is to be open to members of the public but, in the CEO's opinion, it is not practicable to give local public notice of the matters referred to in subregulation (3), then the local government is to give public notice of the date, time, place and purpose of the special meeting in the manner and to the extent that, in the CEO's opinion, is practicable.

Shire of Kellerberrin Standing Orders Local Law 2006

STRATEGIC COMMUNITY PLAN

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

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

COMMUNITY CONSULTATION

The following consultation took place;

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

STAFF RECOMMENDATION

That Council adopts the following schedule of Ordinary Council Meeting dates for 2022 incorporating meeting location/venue, meeting commencement time and public question time.

Briefing Session: Councillors briefing session on agenda at 1:00 pm.

Time: Meeting commencement time 2:00 pm.

Public Question Time: Commencing at 2:15 pm and limited to 15 minutes.

Place: Council Chambers 110 Massingham Street Kellerberrin.

Meeting Day: every third Tuesday of the month.

January 2022 – No Meeting

Tuesday, 15 th February 2022	Kellerberrin Council Chambers
Tuesday, 15 th March 2022	Kellerberrin Council Chambers
Tuesday, 19 th April 2022	Kellerberrin Council Chambers
Tuesday, 17 th May 2022	Kellerberrin Council Chambers
Tuesday, 21 st June 2022	Kellerberrin Council Chambers
Tuesday, 19 th July 2022	Kellerberrin Council Chambers
Tuesday, 16 th August 2022	Kellerberrin Council Chambers
Tuesday, 20 th September 2022	Kellerberrin Council Chambers
Tuesday, 18 th October 2022	Kellerberrin Council Chambers
Tuesday, 15 th November 2022	Kellerberrin Council Chambers
Tuesday, 20 th December 2022	Kellerberrin Council Chambers

9.6 ANNUAL CHRISTMAS/NEW YEAR OFFICE CLOSURE

File Ref: PUB02
Author: Codi Mullen, Personal Assistant
Authoriser: Raymond Griffiths, Chief Executive Officer
Attachments: Nil

BACKGROUND

Council has previously, kindly considered an application from staff to close the Administration Office during the Christmas/New Year period. This has been considered and approved by Council in consideration of the low level of business expected to be transacted and staff reducing any Time in Lieu provisions and Rostered Days Off entitlements for the month of December and/or January.

Council's October 2020 Ordinary Meeting of Council

MIN 164/20 MOTION - Moved Cr. Leake Seconded Cr. Ryan

That Council approves the closure of the Administration Office for the following inclusive dates over the Christmas / New Year holiday period and that local advertising be completed.

<i>Thursday, 24th December 2020</i>	<i>Public Service Day</i>
<i>Friday, 25th December, 2020</i>	<i>Public Holiday (Christmas Day)</i>
<i>Monday, 28th December, 2020</i>	<i>Public Holiday (Boxing Day Holiday)</i>
<i>Tuesday, 29th December, 2020</i>	<i>RDO/Annual Leave</i>
<i>Wednesday, 30th December, 2020</i>	<i>RDO/Annual Leave</i>
<i>Thursday, 31st December, 2020</i>	<i>RDO/Annual Leave</i>
<i>Friday, 1st January 2021</i>	<i>Public Holiday (New Year's Days)</i>

CARRIED 6/0

Council's October 2019 Ordinary Meeting of Council

MIN179/19 MOTION - Moved Cr. O'Neill 2nd Cr. McNeil

That Council approve the closure of the Administration Office for the following inclusive dates over the Christmas/New Year Holiday period and that the local advertising be completed;

<i>Monday, 23rd December, 2019</i>	<i>RDO/Annual Leave</i>
<i>Tuesday, 24th December, 2019</i>	<i>Public Service Holiday</i>
<i>Wednesday, 25th December, 2019</i>	<i>Public Holiday (Christmas Day)</i>
<i>Thursday, 26th December, 2019</i>	<i>Public Holiday (Boxing Day)</i>
<i>Friday, 27th December, 2019</i>	<i>RDO/Annual Leave</i>
<i>Monday, 30th December, 2019</i>	<i>RDO/Annual Leave</i>
<i>Tuesday, 31st January, 2019</i>	<i>RDO/Annual Leave</i>
<i>Wednesday, 1st January, 2019</i>	<i>Public Holiday (New Years Days)</i>

CARRIED 6/0

Council's October 2018 Ordinary Meeting of Council

MIN 184/18 MOTION - Moved Cr. Leake 2nd Cr. O'Neill

That Council approve the closure of the Administration Office for the following inclusive dates over the Christmas/New Year Holiday period and that the local advertising be completed;

<i>Friday, 21st December, 2018</i>	<i>RDO/Annual Leave</i>	
<i>Monday, 24th December, 2018</i>	<i>RDO/Annual Leave</i>	
<i>Tuesday, 25th December, 2018</i>	<i>Public Holiday (Christmas Day)</i>	
<i>Wednesday, 26th December, 2018</i>	<i>Public Holiday (Boxing Day)</i>	
<i>Thursday, 27th December, 2018</i>	<i>RDO/Annual Leave</i>	
<i>Friday, 28th December, 2018</i>	<i>RDO/Annual Leave</i>	
<i>Monday, 31st December, 2018</i>	<i>Public Service Holiday</i>	
<i>Tuesday, 1st January, 2019</i>	<i>Public Holiday (New Years Days)</i>	
		CARRIED 6/0

Council's October 2017 Ordinary Meeting of Council
--

MIN 180/17 MOTION - Moved Cr. White 2nd Cr. Leake

That Council approve the closure of the Administration Office for the following inclusive dates over the Christmas/New Year Holiday period and that local advertising be completed;

<i>Friday, 22nd December 2017</i>	<i>Public Service Day</i>	
<i>Monday, 25th December 2017</i>	<i>Public Holiday (Christmas Day)</i>	
<i>Tuesday, 26th December 2017</i>	<i>Public Holiday (Boxing Day)</i>	
<i>Wednesday, 27th December 2017</i>	<i>RDO/Annual Leave</i>	
<i>Thursday, 28th December 2017</i>	<i>RDO/Annual Leave</i>	
<i>Friday, 29th December 2017</i>	<i>RDO/Annual Leave</i>	
<i>Monday, 1st January 2018</i>	<i>Public Holiday (New Year's Day)</i>	
		CARRIED 7/0

STAFF COMMENT

The Christmas/New Year period gazetted Public Holidays are as follows:

Christmas Day	Saturday 25 th December 2021
Boxing Day	Sunday 26 th December 2021
Christmas Day Holiday	Monday 27 th December 2021
Boxing Day Holiday	Tuesday 28 th December 2021
Public Service Holiday (in Lieu)	Friday 24 th December 2021
New Year's Day	Monday 3 rd January 2022

The days in question, are the days in between Christmas Eve and New Year's i.e. Thursday 23rd December 2021 from 12:00pm, Friday 24th December 2021, Wednesday 29th December 2021 through to Friday 31st December 2021. The additional holiday "in lieu", which Local Government employees are entitled to can be utilised on one of these four days, should Council approve the proposal. This decreases the "juggling" of rosters and staffing levels to provide for the additional days. The remaining three days can be taken as either, Rostered Day Off (RDO), Annual Leave or Time in Lieu (TIL) entitlements.

The practice of closing the Office of Council is a common one for the small rural local governments and, given the expected low level or demand for Council Business to be conducted, it is a sincere request from the Staff to have the Office closed for travelling to families for the festive period.

In addition, should Council approve, extensive local advertising in local newsletters and a notice included with creditor payments will provide sufficient notice of the office closure. Emergency contacts for Council staff will be provided for the inclusion in all notices of local advertising.

TEN YEAR FINANCIAL PLAN

Nil known at this time

FINANCIAL IMPLICATIONS

Nil known at this time

STATUTORY IMPLICATIONS

Advertise the closure of normal council business during the described period.

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
- Administration Staff

STAFF RECOMMENDATION

That Council approves the closure of the Administration Office for the following inclusive dates over the Christmas / New Year holiday period and that local advertising be completed.

<i>Thursday, 23rd December 2021</i>	<i>From 12:00pm Staff Development Afternoon</i>
<i>Friday, 24th December 2021</i>	<i>Public Service Day</i>
<i>Monday, 27th December, 2021</i>	<i>Public Holiday (Christmas Day)</i>
<i>Tuesday, 28th December, 2021</i>	<i>Public Holiday (Boxing Day Holiday)</i>
<i>Wednesday, 29th December, 2021</i>	<i>RDO/Annual Leave/TIL</i>
<i>Thursday, 30th December, 2021</i>	<i>RDO/Annual Leave/TIL</i>
<i>Friday, 31st December, 2021</i>	<i>RDO/Annual Leave/TIL</i>
<i>Monday, 3rd January, 2022</i>	<i>Public Holiday (New Year's Days)</i>

9.7 STAFF & COUNCIL CHRISTMAS PARTY FUNCTION

File Ref: PUB00
Author: Codi Mullen, Personal Assistant
Authoriser: Raymond Griffiths, Chief Executive Officer
Attachments: Nil

BACKGROUND

Previously Council has resolved the following in relation to its annual Christmas function:

2020 Christmas Party Function

MIN 165/20 MOTION - Moved Cr. Leake Seconded Cr. Ryan

That Council:

- 1. Contribute \$2,500 to a Post-Christmas River Cruise for Staff, Councillors and Families in February 2021 (subject to boat availability).**
- 2. Provide an afternoon BBQ for staff on Tuesday 15th December 2020 following council meeting to ensure all staff that don't attend the function still receive recognition for their efforts throughout the year.**

CARRIED 6/0

2019 Christmas Party Function

MIN180/19 MOTION - Moved Cr. Leake 2nd Cr. Talbot

That Council host a Christmas Party Function at the ex-golf club clubhouse on Friday 20th December 2019 as a barbeque function commencing at 6.00pm

CARRIED 6/0

2018 Christmas Party Function

MIN 183/18 MOTION - Moved Cr. Steber 2nd Cr. Reid

That Council host its Christmas Party Function for Councillors, Staff and Families at the ex-golf club clubhouse on Thursday the 20th December 2018 as a barbeque function commencing at 6.00pm

CARRIED 6/0

2017 Christmas Party Function

MIN 182/17 MOTION - Moved Cr. Leake 2nd Cr. O'Neill

That Council:

- 1. Host a Christmas Party Function at the ex-golf club clubhouse on Thursday the 21st December 2017 as a barbeque function commencing at 6.00pm.**

CARRIED 7/0

2016 Christmas Party Function

MIN 166/16 MOTION - Moved Cr. O'Neill 2nd Cr. White

That Council hosts a Christmas Party Function for Staff, Councillors and Families, at the ex-golf club clubhouse on Thursday the 22nd December 2016 as a barbeque function commencing at 6.00pm.

STAFF COMMENT

Whilst Council is under no obligation to do so, it has become traditional for Council to host a combined Christmas function that is enjoyed by elected members, staff and their families. In previous years a barbeque function be held at the ex-golf club clubhouse. The 2020 Christmas function Council sought catering from the Kellerberrin and Districts Club while Councillors still cooked and provided a salad for the barbeque.

Generally, a barbeque is well received, easy to cater and organise and extremely cost effective.

Council in 2020 approved to contribute \$2,500 to a Post-Christmas River Cruise for Staff, Councillors and Families in February 2021 (subject to boat availability). This function unfortunately never occurred.

TEN YEAR FINANCIAL PLAN

NIL known at this time

FINANCIAL IMPLICATIONS

Cost of Christmas Function for 2020/2021, approximately \$1,500

2021/2022 Budget Document

041051 Refreshments and Receptions – Budget Allocation \$18,000

\$8,000 for Council Meetings (including Committee & Community Meetings)

\$8,000 for Council Functions – Christmas Function, Citizenship Ceremonies.

\$2,000 for Other costs.

STATUTORY IMPLICATIONS

NIL known at this time.

STRATEGIC COMMUNITY PLAN

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

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

COMMUNITY CONSULTATION

The following consultation took place;

- Chief Executive Officer
- Personal Assistant to Chief Executive Officer

STAFF RECOMMENDATION

That Council;

1. Host a staff development function (bowls) commencing at 1:00pm, on Thursday, 23rd December 2021 at the Kellerberrin Recreation and Leisure Centre;
2. Host a Christmas function being a BBQ at approx. 4:00pm following on from the staff development function.

OR

That Council host a Christmas Party Function at the Kellerberrin and Districts Club on Thursday 23rd December 2021 as a barbeque function commencing at 6:00pm.

9.8 BUILDING REPORTS SEPTEMBER 2021

File Number:	BUILD06
Author:	Codi Mullen, Personal Assistant
Authoriser:	Raymond Griffiths, Chief Executive Officer
Attachments:	1. Building Applications Received - September (under separate cover) 2. Building Permits Issued - September (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 two (2) applications received for a "Building Permit" during the September period. A copy of the "Australian Bureau of Statistics appends".
2. There was one (1) "Building Permit" issued in the September 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 September 2021 period.*
2. *Acknowledge the "Return of Building Permits Issued" for the September 2021 period.*

9.9 CHEQUE LIST SEPTEMBER 2021

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

BACKGROUND

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

TRUST

TRUST TOTAL	\$ 40,777.80
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MUNICIPAL FUND**Cheque Payments**

34898-34902	\$ 4,492.19
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EFT Payments

12522-12631	\$ 741,233.47
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Direct Debit Payments

	\$ 88,802.01
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TOTAL MUNICIPAL

	\$ 834,527.67
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STAFF COMMENT

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

MBC (Majstrovich Building Co) Sewer pump station & associated works Swimming Pool redevelopment	\$ 165,462.00
Molivi Construction Pty Ltd Progress claim - CL008 August 2021	\$ 144,229.66
Auspan Group Exhibition Hall Construction balance upon completion payment	\$ 114,519.02
Deputy Commissioner Of Taxation GST Debtors, PAYG Tax, GST Creditors, Rounding, Fuel Tax Credits	\$ 54,014.00
Department of Transport - TRUST DIRECT DEBITS Licensing CRC Licencing payments September 2021	\$ 38,377.80
WCS Concrete Pty Ltd Supply, delivery & laying of N25 concrete for shed floor Rec Centre Exhibition Hall including earthworks	\$ 38,076.50
Western Australian Treasury Corporation Loan No. 118 Principal & interest payment - Rec Centre Redevelopment	\$ 33,504.08
Fire And Emergency Services (WA) ESLB 1st quarter contribution 2021/2022 ESL Quarter 1 payments	\$ 23,544.66
Blank Walls 30% Commencement fee - Exhibition Hall wall mural	\$ 22,588.50

United Card Services Pty Ltd Total supply August 2021	\$ 15,529.60
Brooks Hire Service Pty Ltd Hire full charge August 2021 Baandee Nth Road construction	\$ 13,968.24
Synergy Power charges various Shire properties June-August 2021	\$ 11,133.43
Beam Superannuation Superannuation Pay Run 02/09/2021	\$ 10,354.25
Beam Superannuation Superannuation Pay Run 16/09/2021	\$ 10,271.42
Beam Superannuation Superannuation Pay Run 30/09/2021	\$ 10,154.31
Industrial Automation 50% Deposit for electronic standpipe readers	\$ 9,802.10
Smith Earthmoving Pty Ltd Hire of Single side tipper August 2021 for Baandee Nth Rd	\$ 9,009.00
Avon Waste Domestic & commercial collections August 2021	\$ 7,323.11
DKT Rural Agencies Purchase of vinidex storm pipe, week chemicals & various under \$200	\$ 7,079.40
Yorky Farms Gravel used for Yelbeni Rd & compensation for crop seeding	\$ 6,844.20
STS West Pty Ltd Purchase of various tyres & batteries for Depot vehicles	\$ 6,555.00
Farmways Kellerberrin Pty Ltd Purchase of antennas for Bushfire trucks, mosquito ULV 20LT & various under \$200	\$ 6,054.89
McLeods Barristers And Solicitors Professional legal fees for Matter# 47964 & 47919	\$ 5,334.07
Lucid Economics Swimming Pool consultant fee - Adverse event plan	\$ 5,225.00
Maurice Walsh Environmental health / building services for August 2021	\$ 5,171.00

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 September 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 \$ 834,527.67 on vouchers EFT , CHQ, Direct payments*
2. *Trust Fund payments totalling \$ 40,777.80 on vouchers EFT, CHQ, Direct payments*

9.10 FINANCIAL ACTIVITY STATEMENT - SEPTEMBER 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

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

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

COMMUNITY CONSULTATION

The following consultation took place;

- Chief Executive Officer
- Deputy Chief Executive Officer

STAFF RECOMMENDATION

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

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

9.11 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 September 2021.

Municipal Direct Debit List			
Date	Name	Details	Amount
1/09/2021	Westnet	Internet Fees	4.99
1/09/2021	NAB	Merchant Fees - Trust	6.81
1/09/2021	NAB	Merchant Fees - Caravan Park	51.90
1/09/2021	NAB	Merchant Fees - Admin Office	332.64
1/09/2021	NAB	Merchant Fees - CRC	381.80
2/09/2021	Shire of Kellerberrin	Precision Superannuation	10,354.25
2/09/2021	Shire of Kellerberrin	Pay Run	59,749.09
2/09/2021	Shire of Kellerberrin	Creditors Payment	114,519.02
7/09/2021	Department of Transport	Vehicle Inspection Fees	43.20
9/09/2021	Shire of Kellerberrin	Creditors Payment	296,255.95
13/09/2021	ATO	August BAS	54,014.00
14/09/2021	Department of Communities	Rent	420.00
22/09/2021	Nyax Australia	Vending Machine Caravan Park	38.17
23/09/2021	Shire of Kellerberrin	Creditors Payment	30,7870.00
28/09/2021	Department of Communities	Rent	420.00
30/09/2021	NAB	B-PAY Fees	53.36
30/09/2021	NAB	Account Fees	10.00
30/09/2021	NAB	Account Fees - Muni	60.60
30/09/2021	Shire of Kellerberrin	Precision Superannuation	10,154.31
30/09/2021	Shire of Kellerberrin	Pay Run	60,810.57
30/09/2021	NAB	NAB Connect Fees	50.98
		TOTAL	915,601.64
Trust Direct Debit List			
Date	Name	Details	Amount
30/09/2021	Department of Transport	Licencing Payments September 2021	38,377.80
		TOTAL	38,377.80
Visa Transactions			

Date	Name	Details	Amount
30/08/2021	United Petroleum	Fuel KE1	140.01
23/09/2021	Austral Masonry	Limestone Blocks Rec Centre Fence	4,380.48
28/09/2021	NAB	Card Fee	9.00
		TOTAL - CEO	4,529.49
Date	Name	Details	Amount
30/08/2021	Secure Parking	Parking WALGA Conference	12.30
31/08/2021	Secure Parking	Parking WALGA Conference	12.30
15/09/2021	Enjo Pty Ltd	Window Blade Cleaner	38.95
28/09/2021	NAB	Card Fee	9.00
		TOTAL -DCEO	72.55
		TOTAL VISA TRANSACTIONS	4,602.04

STAFF COMMENT

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

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

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

COMMUNITY CONSULTATION

The following consultation took place;

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

STAFF RECOMMENDATION

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

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

10 DEVELOPMENT SERVICES REPORTS

Nil

11 WORKS & SERVICES REPORTS

11.1 DEVELOPMENT APPLICATION: CONCRETE BATCHING PLANT

File Ref: A1747
Author: Lewis York, Town Planner
Authoriser: Raymond Griffiths, Chief Executive Officer
Applicant: Mr Joe Fondacaro
Location: 106-107 Mather Road, Doodlakine
Attachments: Nil

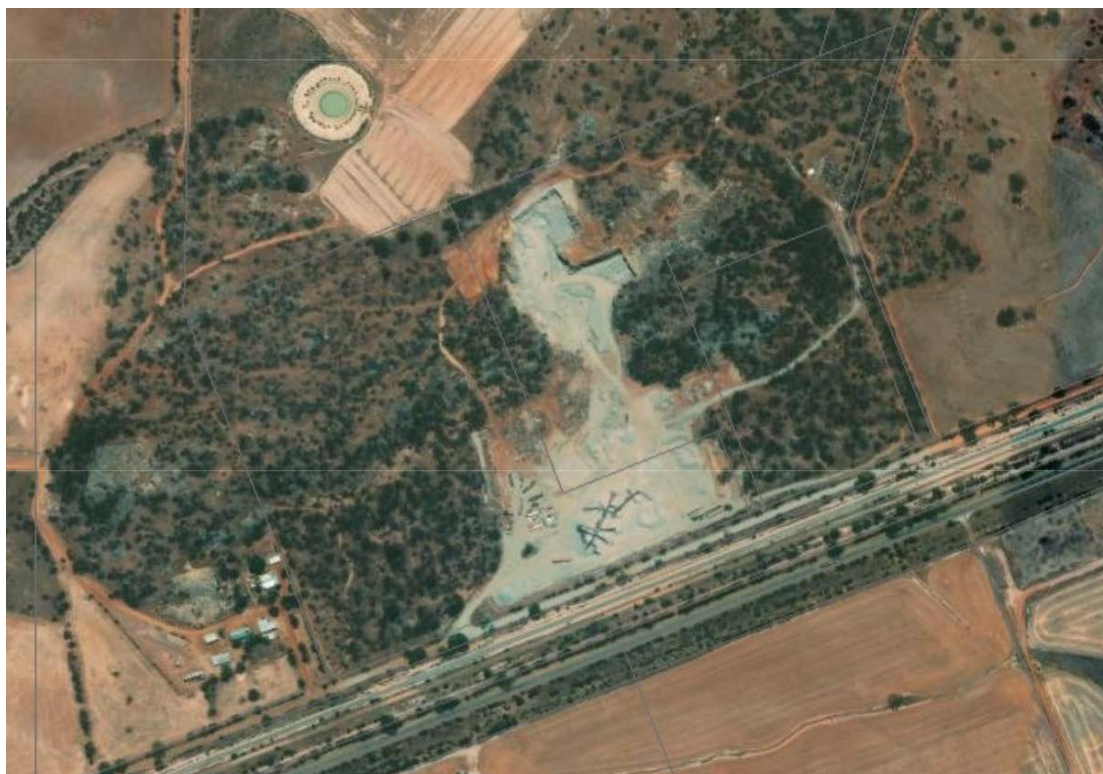
BACKGROUND

An application has been received from Mr. Joe Fondacaro for the development of a mobile concrete batching plant at the existing Doodlakine Quarry operated by Mineral Crushing Services at 106 Mather Road, Doodlakine.

The site currently has a transportable site office and a crushing plant for the operation of a quarry.

The new proposal is to for Hanson construction to supply a batching plant, they have also supplied a detailed environmental management plan. The new batching plant will be located to the north-east of the existing quarry site. Lot 106 is Reserved under the LPS4 for Public Purposes; Lot 107 is Reserved under LPS4 as Recreation and Open Space, both lots are listed on the Aboriginal Heritage Register (5604).

SITE



Shire of Kellerberrin Local Planning Scheme

2.3. LOCAL RESERVES

“Local Reserves” are delineated and depicted on the Scheme Map according to the legend on the Scheme Map.

2.4. USE AND DEVELOPMENT OF LOCAL RESERVES AMD 2 GG 12/09/17

2.4.1. A person must not —

- a) use a Local Reserve; or
- b) commence or carry out development on a Local Reserve, without first having obtained development approval under Part 7 of the deemed provisions.

2.4.2. In determining an application for development approval the local government is to have due regard to —

- a) the matters set out in Clause 67 of the deemed provisions; and
- b) the ultimate purpose intended for the Reserve.

2.4.3. In the case of land reserved for the purposes of a public authority, the local government is to consult with that authority before determining an application for development approval.

Reserve Objectives as per the *Planning and Development (Local Planning Schemes) Regulations*

Public Purposes

- To provide a range of essential and physical and community infrastructure.

Recreation and Open Space

- Not defined.

Planning and Development (Local Planning Scheme) Regulations 2015

64. Advertising applications

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

2. Subclause (1)(b)(iii) does not apply if the local government is satisfied that the non-compliance with the requirements of this Scheme is of a minor nature.
3. For the purposes of subclause (1)(a), a complex application is advertised by doing all of the following —
 - a. publishing in accordance with clause 87 —
 - i. a notice of the proposed development in the form set out in clause 86(3); and
 - ii. the application for development approval; and
 - iii. any accompanying material in relation to the application that the local government considers should be published;
 - b. giving notice of the proposed development —
 - i. to the owners and occupiers of every property that is within 200 m of the proposed development; and
 - ii. to any other owners and occupiers of properties in the vicinity of the proposed development who, in the opinion of the local government, are likely to be affected by the granting of development approval;
 - c. erecting, in the manner and form approved by the Commission, a sign or signs in a conspicuous place on the land the subject of the application giving notice of the proposed development in the form set out in clause 86(3). Note for this subclause: Under clause 88, the Commission may approve varied requirements that apply if it is not practicable for the local government to comply with subclause (3)(b) or (c).
4. For the purposes of subclause (1)(b) or (c), an application that is not a complex application is advertised by doing any or all of the following, as determined by the local government —
 - a. publishing in accordance with clause 87 —
 - i. a notice of the proposed development in the form set out in clause 86(3); and
 - ii. the application for development approval; and
 - iii. any accompanying material in relation to the application that the local government considers should be published;
 - b. giving notice of the proposed development to owners and occupiers of properties in the vicinity of the development who, in the opinion of the local government, are likely to be affected by the granting of development approval;
 - c. erecting, in the manner and form approved by the Commission, a sign or signs in a conspicuous place on the land the subject of the application giving notice of the proposed development in the form set out in clause 86(3).
5. A notice published or given, or on a sign erected, in accordance with subclause (3) or (4) in relation to an application for development approval must specify —
 - a. the manner and form in which submissions may be made; and
 - b. the applicable period under subclause (6) or (7) for making submissions and the last day of that period.
6. The period to be specified in a notice published or given, or on a sign erected, in accordance with subclause (3) in relation to a complex application is —
 - a. the period of 28 days after the day on which the notice of the application is first published under subclause (3)(a); or
 - b. a longer period agreed in writing between the applicant and the local government.
7. The period to be specified in a notice published or given, or on a sign erected, in accordance with subclause (4) in relation to an application that is not a complex application is —

- a. the period of 14 days after the day on which the notice of the application is first published or given, or the sign is first erected, as the case requires; or
- b. a longer period agreed in writing between the applicant and the local government.

67. 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.

87. Requirements for making documents available to public

1. This clause applies if under a provision of this Scheme the local government is required to publish in accordance with this clause a notice, plan, application or other document (the document).
2. The local government must make the document available in accordance with the applicable requirements of subclauses (3) to (5). Note for this subclause: Under clause 88, the Commission may approve varied requirements that apply if it is not practicable for the local government to publish documents in accordance with subclauses (3) to (5).
3. For all documents, the local government must —
 - a. publish on the website of the local government —
 - i. the document; or
 - ii. a hyperlink to a webpage on which the document is published;
 - and
 - b. if it is reasonably practicable to do so — make a copy of the document available for public inspection at a place in the district of the local government during normal business hours.
4. If the document is a notice and the local government considers that it is appropriate in the circumstances for the notice to be published in a newspaper, the local government must also

ensure that the notice is published in a newspaper circulating in the relevant locality in the local government district.

5. The local government must ensure that the document remains published under subclause (3)(a) and (if applicable) available for public inspection under subclause (3)(b) —
 - a. if the document is published in compliance with a requirement that is expressed to be an ongoing publication requirement — at all times that the document is in effect; or
 - b. if the document is published in compliance with a requirement to advertise for submissions under this Scheme — during the whole of the period within which submissions may be made; or
 - c. if paragraphs (a) and (b) do not apply — during a period that the local government considers is reasonable.

[Clause 87 inserted: SL 2020/252 r. 79.]

State Planning Policies

State Planning Policy No. 2.5 - Rural Planning The provisions of this policy relate to all rural land in Western Australia. The purpose of this policy is to inform the preparation of Local Planning Schemes, Local Planning Strategies and Local Planning Policies. The policy seeks to protect agricultural land resources, whilst also acknowledging the benefits of some non-agricultural uses. Within the 'priority agriculture' zone extractive industries are to be considered as discretionary and minimising land use conflicts is the primary concern. The policy recognises the need to extract basic raw materials and recommends, "these activities be regarded as generally acceptable, subject to assessment on their individual merits in rural areas".

State Planning Policy 4.1 – State Industrial Buffer The policy explains the need for buffers and principles behind establishing buffers. The policy also provides guidance for decision-making authorities in considering development or planning proposals in a buffer area. Supported by an endorsed technical analysis, regard should be given to:

- The proximity to the emission source and estimated level of impact and/or risk on the use or development;
- The sensitivity of the proposed use or development to off-site emissions and risk;
- The mitigation measures proposed to be undertaken to reduce the level of off-site emissions or risk, including proposed cleaner production or resources recovery techniques;
- The level of understanding demonstrated by existing landowners as to the potential likely impact (including an acceptance of likely reduced amenity) and/or risk, and the mechanisms proposed to ensure that prospective purchasers or future landowners will be made aware of the likelihood of reduced amenity or potential risk from those impacts;
- The known potential for any increase or reduction in off-site emissions or risk impacts in the future;
- The potential for the proposal to constrain the operation of existing or future industry or infrastructure protected by the buffer;
- Applicable state, regional or local planning statutes and policies;
- Advice received from appropriate government agencies;
- Local Government views or submissions made during any public consultation period and any other relevant town planning consideration.

Aboriginal Heritage:

Description

Registered Aboriginal Site 5604
DOODLAKINE

Details

ID
5604

Name
DOODLAKINE

Status
Registered Site

Type
Painting

Region
Metro/Wheatbelt

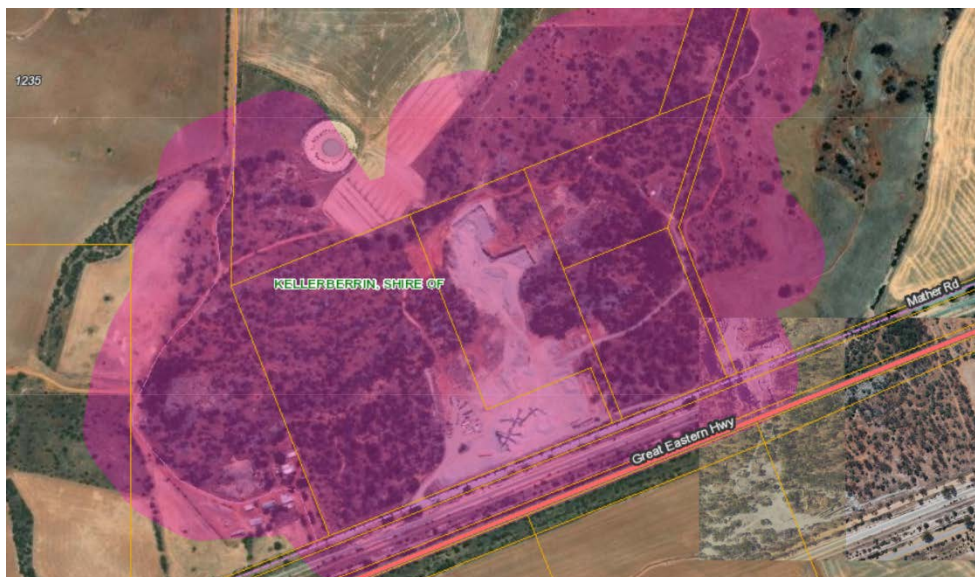
Restrictions
No Gender Restrictions

File Restricted
No

Location Restricted
No



Bushfire Prone Areas Mapping:



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:

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2. Our lifestyle and strong sense of community
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COMMUNITY CONSULTATION

The following consultation took place;

- Chief Executive Officer
- Town Planner

PLANNING ASSESSMENT

The proposed development raises several planning concerns that require greater clarity before any decision can be made to approve or refuse the application. Such matters include;

- Aboriginal Heritage on the site; and
- the purpose of the reserve and the impact on surrounding landowners

Therefore, it is recommended that the application be advertised for a period of 28 days. It is also requested that the applicant provide a more detailed site plan that includes; setbacks and clarity surrounding the clearing of vegetation.

STAFF RECOMMENDATION

That Council;

1. *Advertise the application for 28 days in accordance with Schedule 2, Part 8 Clause 64 of the Planning and Development (Local Planning Schemes) Regulations 2015, seeking comment on the application; and*
2. *Request a detailed site plan from the applicant showing the entirety of site operations.*

12 ELECTED MEMBERS MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

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

14 CONFIDENTIAL MATTERS

RECOMMENDATION

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

**14.1 Shire of Kellerberrin - Organisation Structure -
Manager of Governance**

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

15 CLOSURE OF MEETING