



MINUTES

Ordinary Council Meeting Tuesday, 16 November 2021

Date: Tuesday, 16 November 2021

Time: 5:00pm

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

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**MINUTES OF SHIRE OF KELLERBERRIN
ORDINARY COUNCIL MEETING
HELD AT THE COUNCIL CHAMBER, 110 MASSINGHAM STREET, KELLERBERRIN WA 6410
ON TUESDAY, 16 NOVEMBER 2021 AT 5:00PM**

1 DECLARATION OF OPENING

The Presiding member opened the meeting at 5:18pm

2 ANNOUNCEMENT BY PRESIDING PERSON WITHOUT DISCUSSION

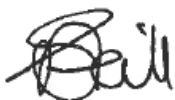
2.1 PRESIDENT REPORT - OCTOBER 2021

File Ref: ADM
Author: Scott O'Neill, President
Authoriser: Scott O'Neill, President
Attachments: Nil

With only two and a half weeks in the Presidents seat I don't have a lot to report. Harvest is underway and so far yields have been pleasing for most farmers.

Re-construction of James Street is underway and is presenting its challenges to staff especially the reaction of tree removal amongst some community members. This is nothing new to staff and am sure they will work through this as a team.

Kind Regards



Scott O'Neill

Shire President

STAFF RECOMMENDATION

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

COUNCIL RESOLUTION

MIN 179/21 MOTION - Moved Cr. Reid Seconded Cr. Steber

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

CARRIED 7/0

2.2 STANDING ORDERS

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

STAFF RECOMMENDATION

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

COUNCIL RESOLUTION

MIN 180/21 MOTION - Moved Cr. Leake Seconded Cr. Forsyth

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

.CARRIED 7/0

3 RECORD OF ATTENDANCE / APOLOGIES / LEAVE OF ABSENCE

PRESENT:

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

IN ATTENDANCE:

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

APOLOGIES

Nil

LEAVE OF ABSENCE

Nil

4 DECLARATION OF INTEREST

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

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

5 PUBLIC QUESTION TIME

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

5.1 Response to Previous Public Questions taken on Notice

5.2 Public Question Time

Mrs Rose Bowen -

- Can the Shire find ways to improve their communication abilities to improve the level of understanding among residents?
- Could the standard of the written word be improved for clarity and meaning? (several proof readings)
- Would Council consider a moratorium on further removal of town trees until both the abovementioned plans have been reviewed and brought into line with the latest understandings regarding community infrastructure:
- Would Council consider input from an independent Community based and operated think tank should one ever be formed?

Shire President

All questions will be taken on notice with;

- a formal response provided in writing to Mrs Bowen; and
- Council's response summarised in Council's December's Agenda.

Ms Renza Bishop

- Light Industrial Area: When this was approved by Council was there any stipulations placed on any business in the LIA to combat noise to the residents? If not, why not? Seeing it IS disturbing people at night, when can noise abatement measure be put in place to resolve this?
- TV Reception: What can the shire do about this? When can it be resolved? If it's not in your capabilities, where can we go for help?
- Rainwater tanks - black soot-looking build up inside peoples' water tanks and on house roofs, What can be done about this?
- Land Purchase out of town: How does that keep our town cool, help prevent salinity in the town, enhance the beauty of our town, provide for people walking down our streets, or lift the value of our properties? No-one knew about this, and were shocked, and perplexed as to why this would be approved. Please explain?
- Housing: Who decides who gets shire houses? How is this decided and by whom? As the CEO is paid an extremely adequate wage, why are we providing a new housing on a very regular basis? How many houses do we own?
- Vehicles: Is private use of shire vehicles, including heavy machinery, part of some salary packages? Could an audit be done on fuel consumption and odometer readings/services?
- Unnecessary Purchases: As our outside workers are already supplied with regulation safety vests, which did the shire feel they could waste our rates on buying 'pink' vests for 'Pink up Keller'?

- Consultation – Major Projects: Could this be looked into?
- Footpaths: Could you explain why, if regulations stipulate we need 2m wide paths, why has Bedford Street only got wide paths to Gregory Street?
- Why is the shire hell bent on making life for residents in town so hard?
- Bitumen Metal on Bitumen: Could it be swept up to prevent the excess becoming flying missiles, which could cause serious injury or damage?
- Pedestrian Railway Crossing: How come the Shire did not insist on the Railway Crossing be made that wide too? Or it a case of one law for one and a different law for another? Why didn't the shire push for regulation width, if its supposed to be?
- Main Street Seating: Whys is it the shire can spend so much money on children, but can't even provide seating out of the weather for our elderly or infirm? If this can't be done, why not?
- Flooding/run-off from Shire Property: Could you please put in measures to stop this water flooding the private – before even more damage is done?
- Permit to Remove Trees: could the permit to remove the trees in Kellerberrin please be made public with a copy put in the library? If the permit is older than three years old, do you really think it's still appropriate? Please give your reason why? Due to globally warming do you think removing any more trees and not replacing the already removed trees – is still the way to go in Kellerberrin?

Shire President

All questions will be taken on notice with;

- a formal response provided in writing to Ms Bishop; and
- Council's response summarised in Council's December's Agenda.

6 CONFIRMATION OF PREVIOUS MEETINGS MINUTES**6.1 MINUTES OF THE COUNCIL MEETING HELD ON 26 OCTOBER 2021****File Ref:** MIN**Author:** Codi Brindley-Mullen, Personal Assistant**Authoriser:** Raymond Griffiths, Chief Executive Officer**Attachments:** 1. Minutes of the Council Meeting held on 26 October 2021**HEADING****STAFF RECOMMENDATION**

1. That the Minutes of the Council Meeting held on 26 October 2021 be received as a true and accurate record.

COUNCIL RESOLUTION**MIN 181/21****MOTION - Moved Cr. Leake****Seconded Cr. Forsyth**

That the Minutes of the Council Meeting held on 26 October 2021 be received as a true and accurate record.

CARRIED 7/0

7 PRESENTATIONS

7.1 Petitions

7.2 Presentations

7.3 Deputations

8 REPORTS OF COMMITTEES

Nil

9 CORPORATE SERVICES REPORTS

9.1 COMMUNITY REQUESTS AND DISCUSSION ITEMS

File Ref: Various
Author: Codi Brindley-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.

October 2021 Council Meeting

MIN 170/21 **MOTION - Moved Cr. Steber** **Seconded Cr. Forsyth**

That Council:

- ***Notes the Ag Society concerns for the perceived limited disability access to the oval.***
- ***Research the opportunity to have the PA system connected to the new Exhibition Hall.***
- ***Research opportunities to rectify the damaged portions of the surface in the Exhibition Hall as a fix until a new surface is completed.***
- ***Research opportunities for additional ventilation/cooling of the Exhibition Hall through:***
 - ***Whirly Birds***
 - ***Quoting Evaporative Air Conditioner***
- ***The Roadworks Advisory Committee investigate overhanging trees on Goldfields Road ("S" Bend short of Doodlakine-Kununoppin Road) as currently no room for two road trains to pass each other without possible damage.***
- ***Refer David Lamplugh's request to thank Bush Fire Members for their service to the Bushfire Advisory Committee Meeting.***
- ***Complete the outstanding tasks on Bencubbin Road;***
 - ***Overhanging trees through Banksia Flats***
 - ***Road joins from new to old bitumen***
- ***Commission a survey on Child Care Service requirement within the area to update REED as per their response letter to Council.***

CARRIED 7/0

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.***

STAFF COMMENT

October MIN 170/21

1. Council has issued a letter to the Ag Society explaining the disable parking points, access and issues with the current building for a ramp at the front of the facility.
2. Council has sort clarification if the Australia Day funding can be utilised to assist with this, however we have been advised it can't. Council need to seek quotes to provide this facility.
3. Council's builder is speaking with current contractors in this space to see what can be completed to make sure the facility is useable and safe.
4. Council's Builder is current seeking quotes for the provision of Whirly birds and Air con.
5. This item will be presented to the next Roadworks Advisory Committee meeting.
6. This item will be presented to the next Bush Fire Advisory Committee meeting.
7. Council has completed works on the Bencubbin Rd to rectify the road joins and the tree pruning has been planned to be completed after harvest.
8. A survey has been created and issued out to the wider community for comment and feedback. The survey closes 19th November 2021.

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.

TEN YEAR FINANCIAL PLAN

This does not directly affect the long term financial plan.

FINANCIAL IMPLICATIONS

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

STATUTORY IMPLICATIONS

Local Government Act 1995 (as amended)

Section 2.7. The role of the council

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

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

Section 2.8. The role of the mayor or president

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

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

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

Section 2.10. The role of councillors

A councillor —

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

5.60. When person has an interest

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

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

has —

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

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

5.60A. Financial interest

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

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

5.60B. Proximity interest

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

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

5.61. Indirect financial interests

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

5.62. Closely associated persons

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

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

or

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

or

- (eb) the relevant person is a council member and the person has given a gift to which this paragraph applies to the relevant person since the relevant person was last elected; or
- (ec) the relevant person is a CEO and the person has given a gift to which this paragraph applies to the relevant person since the relevant person was last employed (or appointed to act) in the position of CEO; or
- (f) the person has a relationship specified in any of paragraphs (a) to (d) in respect of the relevant person's spouse or de facto partner if the spouse or de facto partner is living with the relevant person.

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

- (a) either —
 - (i) the amount of the gift exceeds the amount prescribed for the purposes of this subsection; or

- (ii) the gift is 1 of 2 or more gifts made by 1 person to the relevant person at any time during a year and the sum of the amounts of those 2 or more gifts exceeds the amount prescribed for the purposes of this subsection;
 - and
 - (b) the gift is not an excluded gift under subsection (1B).
- (1B) A gift is an excluded gift —
- (a) if —
 - (i) the gift is a ticket to, or otherwise relates to the relevant person's attendance at, an event as defined in section 5.90A(1); and
 - (ii) the local government approves, in accordance with the local government's policy under section 5.90A, the relevant person's attendance at the event;
 - or
 - (b) if the gift is in a class of gifts prescribed for the purposes of this subsection.

5.63. Some interests need not be disclosed

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

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

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

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

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

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

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

5.66. Meeting to be informed of disclosures

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

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

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

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

5.67. Disclosing members not to participate in meetings

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

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

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

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

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

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

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

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

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

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

5.69A. Minister may exempt committee members from disclosure requirements

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

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

5.70. Employees to disclose interests relating to advice or reports

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

- (3) An employee who discloses an interest under this section must, if required to do so by the council or committee, as the case may be, disclose the extent of the interest.

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

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

5.71. Employees to disclose interests relating to delegated functions

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

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

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

STRATEGIC COMMUNITY PLAN

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

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

COMMUNITY CONSULTATION

The following consultation took place;

- Council Members
- Chief Executive Officer

STAFF RECOMMENDATION

That Council note any requests or ideas to be actioned.

COUNCIL RESOLUTION

MIN 182/21

MOTION - Moved Cr. Steber

Seconded Cr. Gardiner

That Council;

- ***Review the footpaths around Cornell Close.***
- ***Draft a town site Revegetation Policy and review the Townscape, Road Verge and Public Open Space Management Plan.***
- ***Repaint parking lines outside the Kellerberrin IGA.***

CARRIED 7/0

9.2 STATUS REPORT OF ACTION SHEET

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

BACKGROUND

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

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

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

STAFF COMMENT

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

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

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

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

TEN YEAR FINANCIAL PLAN

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

FINANCIAL IMPLICATIONS

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

STATUTORY IMPLICATIONS

Local Government Act 1995 (as amended)

Section 2.7. The role of the council

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

Section 2.8. The role of the mayor or president

- (1) The mayor or president —

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

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

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

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

Section 2.10. The role of councillors

A councillor —

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

5.60. When person has an interest

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

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

has —

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

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

5.60A. Financial interest

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

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

5.60B. Proximity interest

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

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

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

5.61. Indirect financial interests

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

5.62. Closely associated persons

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

or

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

- (2) In subsection (1) —

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

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

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

5.63. Some interests need not be disclosed

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

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

[(e) deleted]

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

5.66. Meeting to be informed of disclosures

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

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

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

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

5.67. Disclosing members not to participate in meetings

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

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

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

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

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

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

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

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

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

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

5.69A. Minister may exempt committee members from disclosure requirements

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

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

5.70. Employees to disclose interests relating to advice or reports

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

5.71. Employees to disclose interests relating to delegated functions

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

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

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

STRATEGIC COMMUNITY PLAN

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

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

COMMUNITY CONSULTATION

The following consultation took place;

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

STAFF RECOMMENDATION

That Council receive the Status Report.

COUNCIL RESOLUTION

MIN 183/21 MOTION - Moved Cr. Reid

Seconded Cr. Steber

That Council receive the Status Report.

CARRIED 7/0

9.3 COUNCIL POLICY MANUAL REVIEW

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

BACKGROUND

Council undertakes an annual review of its policies and determines new or updated policies to guide its day to day operations and responsibilities in regards to its adopted structure and legislative requirements.

February Ordinary Council Meeting – 6 February 2020

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

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

CARRIED 6/0

Reason: Council felt that the investment policy required further review

STAFF COMMENT

Policy making is an important function of local government. Policies guide decision making and therefore affect all those who may be impacted by a decision.

Council's staff continually review its Policy Manual to ensure its current with the operations of the day.

Council's Management due to the complexity and size of the Policy Manual is taking a staged approach to the Policy Manual review to ensure that we have appropriate/efficient and effective Policies in place. The below policies have been reviewed and are provided to Council to adopt:

- Australia Day Awards
- Bush Fire Advisory Committee
- Centenary Park Playground – Community Usage
- Collection of Seeds from Road Reserves
- Community Bus Hire – General
- Community Engagement
- Conference and Meeting Attendance & Expenses
- Consumption of Liquor within Council Public Facilities
- Corporate Credit Card
- Council Member Access to Office and Staff
- Council Owned Vehicle Allocation Standards
- Crossovers
- Deep Drainage
- Designated Senior Employees
- Elected Member Training

- Employee Gratuity Policy
- End of Year Surplus
- Equal Employment Opportunity

The below policies have been removed from the Policy Manual as Management feels they are no longer a required policy;

- Councillor Sitting Fees – This is completed by a separate Agenda item when required, therefore no policy required
- Community Group Clean up on Highway Verges – This is only access during Community Budget submissions and incorporates Council roads, more procedure than policy.
- Citizenship Ceremonies – This is determined by a State Department and procedures issued to Council for operation.
- Call-out Tenders Outside of Brigade Area – DFES owned vehicles now.

TEN YEAR FINANCIAL PLAN

Nil (not applicable at this date and therefore unknown)

FINANCIAL IMPLICATIONS

Nil (not applicable at this date and therefore unknown)

STATUTORY IMPLICATIONS

Nil (not applicable at this date and therefore unknown)

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. *Adopts the Policies as presented;*
2. *Endorse the removal of Policies from Policy manual as presented;*
3. *Instruct the Chief Executive Officer to ensure all staff are aware of the Policy Manual updates and provide copies if requested.*

COUNCIL RESOLUTION

MIN 184/21

MOTION - Moved Cr. Leake

Seconded Cr. Gardiner

That Council;

- 1. Adopts the Policies as presented;***
- 2. Endorse the removal of Policies from Policy manual as presented;***
- 3. Instruct the Chief Executive Officer to ensure all staff are aware of the Policy Manual updates and provide copies if requested.***

CARRIED 7/0

9.4 BUSHFIRE ADVISORY COMMITTEE

File Ref: BUSH17.1

Author: Codi Brindley-Mullen, Personal Assistant

Authoriser: Raymond Griffiths, Chief Executive Officer

Attachments: 1. Bushfire Advisory Committee - TOR (under separate cover)

BACKGROUND

October Ordinary Council Meeting – 23 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

2. disband the following as committees of council:

- **Granite Way Committee**
- **Community Resource Centre Management Committee**
- **Kellerberrin Swimming Pool Facility Redevelopment Steering Committee**
- **Tidy Towns Committee**
- **Independent Kellerberrin District High School Board Panel**

3. adopt the terms of reference as shown in attachment A and B for Audit Committee and the Bushfire Advisory Committee.

CARRIED 6/0

STAFF COMMENT

Council at the October Ordinary Meeting of Council – 26th October 2021 adopted the 2021 Organisation Structure as presented incorporating the new role Manager of Governance and advised the Shire of Quairading of its withdrawal from the CESM scheme in accordance with the termination clause 12 listed in the MOU.

With the recent appointed of the Manager of Governance, a review has been undertaken to ensure that the Terms of Reference for the Bushfire Advisory Committee incorporates the Manager of Governance officer and remove the Community Emergency Services Manager (CESM) and general tidy up of the Policy to ensure it is presented consistently with our other documents.

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;

- 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;

- 1. appoint the following members to the Bushfire Advisory Committee:*
 - a. Delegate:*
 - b. Delegate: Manager of Governance*
 - c. Delegate: Chief Executive Officer*
 - d. Deputy Delegate:*
- 2. endorse the terms of reference as shown in the attachment.*

COUNCIL RESOLUTION

MIN 185/21

MOTION - Moved Cr. Reid

Seconded Cr. Forsyth

That Council;

- 1. appoint the following members to the Bushfire Advisory Committee:*
 - a. Delegate: Cr. Steber*
 - b. Delegate: Manager of Governance*
 - c. Delegate: Chief Executive Officer*
 - d. Deputy Delegate: Cr. Forsyth*
- 2. endorse the terms of reference as shown in the attachment.*

CARRIED 7/0

9.5 BUILDING REPORTS OCTOBER 2021

File Ref: BUILD06
Author: Codi Brindley-Mullen, Personal Assistant
Authoriser: Raymond Griffiths, Chief Executive Officer
Attachments: 1. Building Permits Issued - October (under separate cover)

BACKGROUND

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

STAFF COMMENT

1. There was nil (0) applications received for a "Building Permit" during the October period. A copy of the "Australian Bureau of Statistics appends".
2. There was one (1) "Building Permit" issued in the October 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 October 2021 period.*
2. *Acknowledge the "Return of Building Permits Issued" for the October 2021 period.*

COUNCIL RESOLUTION

MIN 186/21

MOTION - Moved Cr. Steber

Seconded Cr. Gardiner

That Council

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

CARRIED 7/0

9.6 CHEQUE LIST OCTOBER 2021

File Number: N/A
Author: Zene Arancon, Finance Officer
Authoriser: Raymond Griffiths, Chief Executive Officer
Attachments: 1. October 2021 Payment List

BACKGROUND

Accounts for payment from 1st October to 31st October 2021

TRUST

TRUST TOTAL	\$ 51,111.60
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MUNICIPAL FUND**Cheque Payments**

34903-34908	\$ 20,712.96
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EFT Payments

12632-12748	\$ 450,740.64
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Direct Debit Payments

	\$ 8,650.23
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TOTAL MUNICIPAL

	\$ 480,103.83
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STAFF COMMENT

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

Department of Transport - TRUST DIRECT DEBITS Licensing CRC	\$ 49,079.95
Licencing payments October 2021	

LGIS Property	\$ 40,391.00
Ref# 000717 Policy# 000042 Instalment 2 LGIS Property renewal 30/06/2021 to 30/06/2022	

Rockway Contracting	\$ 37,857.20
Tree pruning of various Shire roads September 2021	

Blank Walls	\$ 37,647.50
Installation of wall art for Exhibition Hall	

LGIS Workcare	\$ 33,124.37
Ref# 000563 Policy# 000041 Instalment 2 LGIS Workcare 30/06/2021 to 30/06/2022	

Rockway Contracting	\$ 23,969.60
Hire of excavator for various road maintenance	

Water Corporation	\$ 18,751.00
Water charges various Shire properties August-October 2021	

United Card Services Pty Ltd	\$ 18,614.13
Total supply September 2021	

Brooks Hire Service Pty Ltd	\$ 16,932.83
Truck hire for Baandee Nth Rd construction September 2021	

Smith Earthmoving Pty Ltd	\$ 16,588.00
Hire of semi for Baandee Nth Rd construction	

D. Ryan Bricklaying Limestone blockwork for Rec Centre	\$ 14,575.00
VS Fencing Services Supply & install 90m of black flat top tubular fencing mounted with base plates	\$ 13,000.00
LGIS Liability Ref# 000042 Policy# 000042 Instalment 2 LGIS Liability 30/06/2021 to 30/06/2022 renewal	\$ 12,818.42
Ligna Construction Maintenance carried out for Centenary Park	\$ 12,221.00
Industrial Automation Purchase of auto standpipe system for main standpipe	\$ 10,682.10
Midway Ford Purchase of Ford Everest 2021 SUV Trend 3.2L for DCEO including trade in	\$ 10,640.27
Dylan Copeland NRMO consultant fee September 2021	\$ 8,536.00
Avon Waste Domestic & commercial collections September 2021	\$ 8,203.93
Australian Fire Door Company Supply & install of fire door for Exhibition Hall	\$ 7,887.00
Synergy Power charges various Shire properties August-October 2021	\$ 7,778.35
Farmways Kellerberrin Pty Ltd Purchase of pan brakes, Swimming Pool chemicals, couplings, crimps & various under \$200	\$ 7,354.39
R Munns Engineering Consulting Services Consulting work Baandee Nth Rd & Doodli-Kunno Rd projects	\$ 7,322.48
Fulton Hogan Purchase of EZ street bulka bags for various road works	\$ 7,040.00
Maurice Walsh Environmental health / building services for September 2021	\$ 5,825.00
Innes & Co Hire of semi for Baandee Nth Rd construction September 2021	\$ 5,434.00
Fire And Emergency Services (WA) ESL payment for various Shire properties	\$ 5,189.48
STS West Pty Ltd Purchase of tyres, batteries & disposal for various Depot vehicles	\$ 5,070.00

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 October 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 \$ 480,103.83 on vouchers EFT , CHQ, Direct payments*
2. *Trust Fund payments totalling \$ 51,111.60 on vouchers EFT, CHQ, Direct payments*

COUNCIL RESOLUTION

MIN 187/21

MOTION - Moved Cr. Steber

Seconded Cr. Gardiner

That Council notes that during the month of October 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 \$ 480,103.83 on vouchers EFT , CHQ, Direct payments*
2. *Trust Fund payments totalling \$ 51,111.60 on vouchers EFT, CHQ, Direct payments*

CARRIED 7/0

9.7 DIRECT DEBIT LIST AND VISA CARD TRANSACTIONS - OCTOBER 2021
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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 October 2021.

Municipal Direct Debit List

Date	Name	Details	\$	Amount
1/10/2021	Westnet	Internet Fees		4.99
1/10/2021	NAB	Merchant Fees -Trust		22.17
1/10/2021	NAB	Merchant Fees - Caravan Park		53.15
1/10/2021	NAB	Merchant Fees- Admin		81.00
1/10/2021	NAB	Merchant Fees - CRC		217.16
1/10/2021	Alleasing	Gym Equipment Lease		3,121.83
4/10/2021	Shire of Kellerberrin	Creditors Payment		13,000.00
7/10/2021	Shire of Kellerberrin	Creditors Payment		175,601.19
12/10/2021	Department of Communities	Rent		420.00
14/10/2021	Shire of Kellerberrin	Pay Run		60,644.26
21/10/2021	Shire of Kellerberrin	Creditors Payment		262,139.45
25/10/2021	Nyax Australia Pty Ltd	Vending Machine Caravan Park		38.17
26/10/2021	Department of Communities	Rent		420.00
28/10/2021	Shire of Kellerberrin	Precision Superannuation		22,030.49
28/10/2021	Shire of Kellerberrin	Pay Run		63,062.99
29/10/2021	NAB	B-Pay Charges		77.28
29/10/2021	NAB	Account Fees - Trust		19.60
29/10/2021	NAB	Account Fees - Muni		64.30
29/10/2021	NAB	Merchant Fees - Trust		3.74
29/10/2021	NAB	Merchant Fees - Caravan Park		58.55
29/10/2021	NAB	Merchant Fees - Admin		103.97
29/10/2021	NAB	Merchant Fees - CRC		357.99
29/10/2021	NAB	NAB Connect Fees		61.73
TOTAL			\$	409,502.52

Trust Direct Debit List

Date	Name	Details	\$	Amount
31/10/2021	Department of Transport	Licencing Payments October 2021		49,079.95
TOTAL			\$	49,079.95

Visa Transactions

Date	Name	Details	\$	Amount
13/10/2021	Main Roads WA	Class 1 Rav Permit		50.00
18/10/2021	United Petroleum	Lunches Council Election Day		25.50
28/10/2021	NAB	Card Fee		9.00
TOTAL - CEO			\$	84.50
Date	Name	Details	\$	Amount
8/10/2021	Grenveld Australia	John Deere Grader P03 Parts		349.80
15/10/2021	Live Taxi Australia	Taxi IT Vision Course		39.90
15/10/2021	BWC Perth	Taxi IT Vision Course		37.75
19/10/2021	National Pen	Pen Order		271.59
28/10/2021	NAB	Card Fee		17.15
TOTAL -DCEO				716.19

TOTAL VISA TRANSACTIONS	\$ <u>800.69</u>
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STAFF COMMENT

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

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

COUNCIL RESOLUTION

MIN 188/21

MOTION - Moved Cr. Steber

Seconded Cr. Forsyth

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

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

CARRIED 7/0

9.8 FINANCIAL ACTIVITY STATEMENT - OCTOBER 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 October 2021 comprising;

(a) Statement of Financial Activity

(b) Note 1 to Note 13

COUNCIL RESOLUTION

MIN 189/21

MOTION - Moved Cr. Forsyth

Seconded Cr. Ryan

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

(a) Statement of Financial Activity

(b) Note 1 to Note 13

**CARRIED 7/0
BY ABSOLUTE MAJORITY**

10 DEVELOPMENT SERVICES REPORTS

Nil

11 WORKS & SERVICES REPORTS

Nil

12 ELECTED MEMBERS MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

13 NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF MEETING**MOTION****COUNCIL RESOLUTION****MIN 190/21 MOTION - Moved Cr. Forsyth Seconded Cr. Steber*****That Council accepts Late Items as follows:***

- ***Development Application – Art Studio***
- ***Development Application – Sea Container***

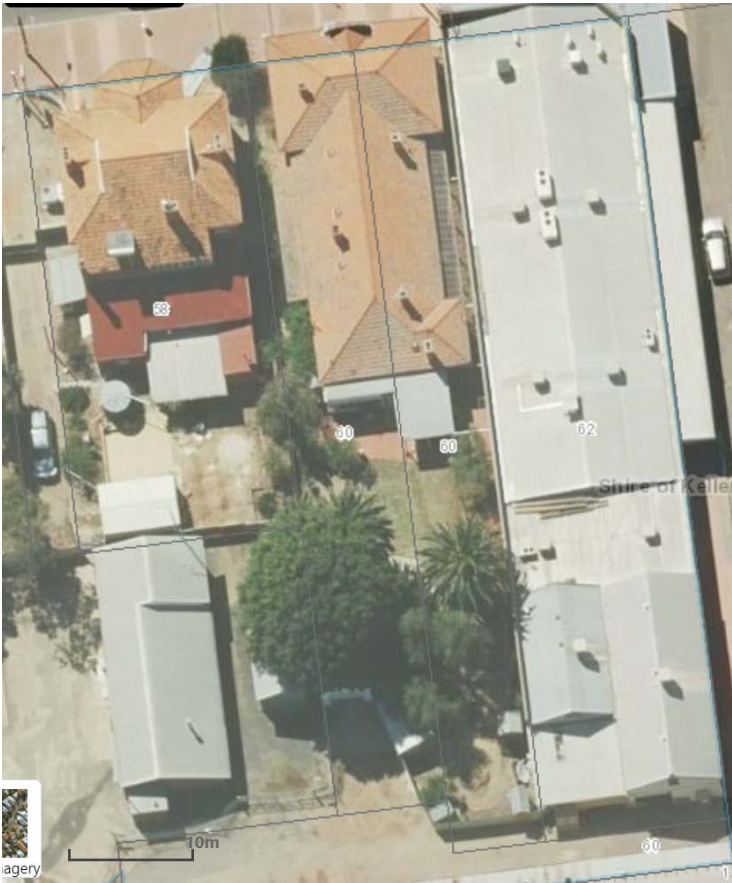
CARRIED 7/0**13.1 DEVELOPMENT APPLICATION - ART STUDIO**

File Ref: A441
Author: Lewis York, Town Planner
Authoriser: Raymond Griffiths, Chief Executive Officer
Applicant: Robert McCaffrey
Location: Lot 2 Massingham Street, Kellerberrin
Attachments: 1. McCaffrey Art Studio (under separate cover)

BACKGROUND

A development application has been received from Mr. Robert McCaffery for an addition to an existing building for the purpose of an art studio. The building is currently being used for residential purposes and is in the town centre zone. The art studio will be for private use. The building covers two lots (2 and 49), both of which are listed on the Local Government heritage places register.

SITE



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

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

- a) the aims and provisions of this Scheme and any other local planning scheme operating within the Scheme area;
- b) the requirements of orderly and proper planning including any proposed local planning scheme or amendment to this Scheme that has been advertised under the Planning and Development (Local Planning Schemes) Regulations 2015 or any other proposed planning instrument that the local government is seriously considering adopting or approving;
- c) any approved State planning policy;
- d) any environmental protection policy approved under the Environmental Protection Act 1986 section 31(d);
- e) any policy of the Commission;
- f) any policy of the State;
- g) any local planning policy for the Scheme area;
- h) any structure plan, activity centre plan or local development plan that relates to the development;
- i) any report of the review of the local planning scheme that has been published under the Planning and Development (Local Planning Schemes) Regulations 2015;
- j) in the case of land reserved under this Scheme, the objectives for the reserve and the additional and permitted uses identified in this Scheme for the reserve;
- k) the built heritage conservation of any place that is of cultural significance;
- l) the effect of the proposal on the cultural heritage significance of the area in which the development is located;
- m) the compatibility of the development with its setting including the relationship of the development to development on adjoining land or on other land in the locality including, but not limited to, the likely effect of the height, bulk, scale, orientation and appearance of the development;
- n) the amenity of the locality including the following —
 - i. environmental impacts of the development;
 - ii. the character of the locality;
 - iii. social impacts of the development;
- o) the likely effect of the development on the natural environment or water resources and any means that are proposed to protect or to mitigate impacts on the natural environment or the water resource;
- p) whether adequate provision has been made for the landscaping of the land to which the application relates and whether any trees or other vegetation on the land should be preserved;
- q) the suitability of the land for the development taking into account the possible risk of flooding, tidal inundation, subsidence, landslip, bush fire, soil erosion, land degradation or any other risk;

- r) the suitability of the land for the development taking into account the possible risk to human health or safety;
- s) the adequacy of —
 - i. the proposed means of access to and egress from the site; and
 - ii. arrangements for the loading, unloading, manoeuvring and parking of vehicles;
- t) the amount of traffic likely to be generated by the development, particularly in relation to the capacity of the road system in the locality and the probable effect on traffic flow and safety;
- u) the availability and adequacy for the development of the following —
 - i. public transport services;
 - ii. public utility services;
 - iii. storage, management and collection of waste;
 - iv. access for pedestrians and cyclists (including end of trip storage, toilet and shower facilities);
- v) access by older people and people with disability;
- w) 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;
- x) the history of the site where the development is to be located;
- y) the impact of the development on the community as a whole notwithstanding the impact of the development on particular individuals;
- z) any submissions received on the application;
- aa) the comments or submissions received from any authority consulted under clause 66;
- bb) any other planning consideration the local government considers appropriate.

STRATEGIC PLAN IMPLICATIONS

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

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

COMMUNITY CONSULTATION

The following consultation took place;

- Chief Executive Officer
- Town Planner

PLANNING ASSESSMENT

As the development is located to the rear of the property the additions will not impact upon the aesthetics of the heritage building from Massingham Street. The additions raise no other major concerns, however it is suggested that the application be forwarded to the Heritage Council to ensure its suitability. The development will not impact upon the current setbacks.

60 Massingham Street, Kellerberrin

Zoned: Town centre

Historic Heritage Places (Heritage Council)

[» 1371 Bank of New South Wales \(fmr\), Kellerberrin](#)

[» 17504 Kellerberrin Post Office and Bank of New South Wales \(fmr\) Group](#)

Historic Heritage Places (LGA)

[» 1371 Bank of New South Wales \(fmr\), Kellerberrin](#)

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

The objectives of the zones are —

3.2.2 Town Centre Zone

- (a) To ensure the town centre remains the principal place for business and administration within the District.
- (b) To encourage a high standard of development including buildings, landscaping and car parking.

INTERPRETATION OF THE ZONING TABLE

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

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

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

TABLE 1 – ZONING TABLE

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

4.7 COMMERCIAL DEVELOPMENT

- 4.7.1 Commercial development shall not exceed two (2) storeys in height except where the local government considers that particular circumstances may warrant an exception being made and provided such development will not affect local amenity and will enhance the character of the town centre.
- 4.7.2 In considering an application for development approval for a proposed commercial development (including additions and alterations to existing development) in the town centre the local government shall have regard to the following: (a) the colour and texture of external building materials; the local government may require the building façade and side walls to a building depth of 3m to be constructed of masonry; (b) building size, height, bulk, roof pitch; (c) setback and location of the building on its lot; (d) architectural style and design details of the building; (e) function of the building; (f) relationship to surrounding development; and (g) other characteristics considered by the local government to be relevant.
- 4.7.3 Landscaping should complement the appearance of the proposed development and town centre.
- 4.7.4 The layout of car parking shall have regard for traffic circulation in existing car parking areas and shall be integrated with any existing and adjoining carpark.
- 4.7.5 All other development standards for development in the Town Centre zone are at local government's discretion.

STAFF RECOMMENDATION

That Council

1. *Grants conditional development approval for a additions to Lot 2 and 49 Massingham Street, Kellerberrin, with the following conditions;*

General Conditions

- i. *The plans be presented to the Heritage Council for approval/endorsement as the property is listed on the Municipal Inventory List.*
- ii. *Planning approval will expire if the development is not substantially commenced within two years of this approval;*
- iii. *The development plans shall be submitted to the Heritage Council;*
- iv. *The endorsed approved plans shall not be altered without prior written approval of the Shire; and*
- v. *Planning approval will expire if a building permit for a dwelling is not received within 12 months from the approval date;*

Advice Notes

Planning approval is not considered building approval. A building permit shall also be obtained. Development plans will not be endorsed until they reflect the conditions of the approval.

COUNCIL RESOLUTION

MIN 191/21

MOTION - Moved Cr. Leake

Seconded Cr. Forsyth

That Council

1. ***Grants conditional development approval for a additions to Lot 2 and 49 Massingham Street, Kellerberrin, with the following conditions;***

General Conditions

- i. ***The plans be presented to the Heritage Council for approval/endorsement as the property is listed on the Municipal Inventory List.***
- ii. ***Planning approval will expire if the development is not substantially commenced within two years of this approval;***
- iii. ***The development plans shall be submitted to the Heritage Council;***
- iv. ***The endorsed approved plans shall not be altered without prior written approval of the Shire; and***
- v. ***Planning approval will expire if a building permit for a dwelling is not received within 12 months from the approval date;***

Advice Notes

Planning approval is not considered building approval. A building permit shall also be obtained. Development plans will not be endorsed until they reflect the conditions of the approval.

CARRIED 7/0

13.2 DEVELOPMENT APPLICATION - SEA CONTAINER

File Ref: Ass 838
Author: Lewis York, Town Planner
Authoriser: Raymond Griffiths, Chief Executive Officer
Applicant: Kim Canhoto
Location: 8 Bedford Street
Attachments: 1. Development Application - Mr K.Canhoto (under separate cover)

BACKGROUND

An application has been received from Mr. Kim Canhoto for the retrospective approval of two x 6m sea containers and a water tank. The sea containers are already fitted with a pitched roof and are located behind the dwelling.



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

The objectives of the zones are — 3.2.1 Residential Zone

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

4.5. VARIATIONS TO SITE AND DEVELOPMENT STANDARDS AND REQUIREMENTS

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

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

- a) consult the affected parties by following one or more of the provisions for advertising uses under Clause 64 of the deemed provisions; and AMD 2 GG 12/09/17
- b) have regard to any expressed views prior to making its determination to grant the variation.

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

- a) approval of the proposed development would be appropriate having regard to the criteria set out in Clause 67 of the deemed provisions; and AMD 2 GG 12/09/17
- b) the non-compliance will not have an adverse effect upon the occupiers or users of the development, the inhabitants of the locality or the likely future development of the locality.

Local Planning Policy- Sea Containers**5.0 POLICY STATEMENT**

- a) 5.1 Exemptions from planning approval Planning consent is not required for:
 - b) the use of sea containers fully enclosed within a building.
 - c) the loading or unloading of containers for shipping, provided that the container(s) does not remain on the lot for longer than seven (7) days.
 - d) the use of up to two (2) containers on land in the General Agriculture or Industrial zones (per rate notice),
 - e) the temporary storage of equipment and materials during construction works (maximum of 12 months), where:
 - i. building approval has been issued for the construction works and remains valid; and
 - ii. the sea container has been removed from the site within a month of completing construction works.

5.2 General Requirements for Sea Containers

5.2.1 Unless exempt from planning approval requirements specified in Clause 5.1 above, Approval by the Shire is required for use of all sea containers. Sea containers shall:

- i. comply with the requirements of the Scheme;
- ii. comply with the criteria set out in Table 1 of this policy; I. be used as detached outbuildings and not as ancillary accommodation; II. be fitted with doors that can be opened from the inside to ensure safety of users;
- iii. be painted to match either the existing dwelling or other outbuildings on the lot;
- iv. be located a minimum of 1.8m from septic tanks, leach drains and utilities;
- v. be located to the rear of a the dwelling on the lot (as depicted in Schedule 1 of this Policy);
- vi. be suitably screened from road frontages, public space and neighbouring properties. Where a sea container is visible from a public space, the installation of screening to a minimum height of that of the sea container may be required; and vii. not be located on vacant land in the Residential, Rural Residential, Rural Townsite and Town Centre zones unless for the storage for building and construction purposes, as outlined in Clause 5.1 (d).

5.2.2 If a landowner wishes to exceed the acceptable standards in Table 1, the application will be formally referred to Council for determination.

5.2.3 Sea containers will not be permitted for habitable use or conversion for habitable use unless it can be demonstrated that the proposal meets the provisions of the Building Code of Australia and will not detrimentally impact the amenity of the locality where the development is to be situated. The use of sea containers as a dwelling is considered a repurposed dwelling under the Scheme and all applications should comply with the provisions of Scheme, Residential Design Codes (R-Codes) and Local Planning Policy 4.0 'Repurposed and Second Hand Dwellings'.

5.2.4 Sea containers are to be included in the gross total allowable area for outbuildings and are required satisfy open space requirements as set out in the R-Codes. Gross total area maximums are outlined in Local Planning Policy 1.0 'Outbuildings' (Section 7).

5.2.5 Sea containers that are not permanent are not required to conform with Clauses 5.2.1 (ii) and (v) or the special requirements in table 1).

5.2.6 All applicants will be required to gain a building permit from the Shire of Kellerberrin

9.0 USE OF OUTBUILDINGS

9.1.1 Outbuildings shall only be used for incidental uses associated with a residential use and/or rural purpose.

9.1.2 The Shire may grant approval for the use of an outbuilding to accommodate a caravan for the purposes of temporary accommodation for a period not exceeding twelve (12) months, where a building permit has been approved and work has substantially commenced on the development site.

Zone (s):	Setback:	Number and size of Sea Container(s) allowed:	Special requirements:
Town Centre	In accordance with the R-Codes	1 x 12m (40 ft)	<p>The sea containers shall be fitted with a pitched roof.</p> <p>The sea container shall not compromised or obstruct vehicle access ways, vehicle truncations, access to parking areas or parking bays provided on the site.</p> <p>The sea container shall only be used for storage purposes.</p>
Residential and Rural Townsite	In accordance with the R-Codes	1x 12m (40 ft)	<p>The sea container shall be fitted with a pitched roof.</p> <p>The sea containers shall be used in association with the approved use of the property.</p>

STRATEGIC PLAN IMPLICATIONS

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

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

COMMUNITY CONSULTATION

The following consultation took place;

- Chief Executive Officer
- Town Planner
- Land Owner

PLANNING ASSESSMENT

The proposal raises some concerns in terms of the setbacks of the water tank. The r2 zone requires a setback of 20m from the primary street, however as the dwelling was built before the introduction of the codes it is setback 8m from the lot boundary. The water tank is proposed to be located 13m from the lot boundary. As the tank is located behind the main residential line it is not a major concern, however it is recommended that the codes be applied to the tank and be setback 20m from the front setback.

Over the past few years Council have had a number of applications that have proposed more than one sea container, Councils policy states only 1 container is allowed in the residential zone. However it is recommended that the policy be revisited to allow for a second container only when the containers are fixed with a pitched roof spanning the two containers.

Lot size: 2023m²

Zoning: Residential

Coding: R2

Proposed Use: domestic storage purposes

R-Codes 2015

Design principles	Deemed-to-comply
<i>Development demonstrates compliance with the following design principles (P)</i>	<i>Development satisfies the following deemed-to-comply requirements (C)</i>
5.4.3 Outbuildings P3 Outbuildings that do not detract from the streetscape or the visual amenity of residents or neighbouring properties.	C3 Outbuildings that: <ol style="list-style-type: none"> are not attached to a dwelling; are non-habitable; collectively do not exceed 60m² in area or 10 per cent in aggregate of the site area, whichever is the lesser; do not exceed a wall height of 2.4m; do not exceed ridge height of 4.2m; are not within the primary or secondary street setback area; do not reduce the amount of open space required in Table 1; and are set back in accordance with Tables 2a and 2b.

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

1 R-Code	2 Dwelling type	3 Minimum site area per dwelling (m ²) ↓	4 Minimum lot area/rear battleaxe (m ²) ↓	5 Minimum frontage (m) ↓	6 Open space		7 Minimum setbacks (m)		
					min total (% of site)	min outdoor living (m ²)	primary street	secondary street	other/rear
R2	Single house or grouped dwelling	Min 5000	-	50	80	-	20	10	10
R2.5	Single house or grouped dwelling	Min 4000	-	40	80	-	15	7.5	7.5
R5	Single house or grouped dwelling	Min 2000	-	30	70	-	12	6	*6
R10	Single house or grouped dwelling	Min 875 Av 1000	925	20	60	-	7.5	3	*6

Table 2a: Boundary setbacks - Walls with no major openings

		Wall length (m)													
	9 or less	10	11	12	13	14	15	16	17	18	19	20	25	Over 25	
Wall height (m)															
3.5 or less*	1	1	1	1	1	1	1.5	1.5	1.5	1.5	1.5	1.5	1.5	1.5	
4.0	1.1	1.5	1.5	1.5	1.5	1.5	1.5	1.6	1.6	1.6	1.6	1.7	1.7	1.8	
4.5	1.1	1.5	1.5	1.5	1.5	1.5	1.6	1.7	1.7	1.7	1.7	1.7	1.8	2.0	
5.0	1.1	1.5	1.5	1.5	1.5	1.6	1.7	1.8	1.8	1.8	1.8	1.9	2.0	2.3	
5.5	1.2	1.5	1.5	1.5	1.6	1.7	1.8	1.9	1.9	2.0	2.0	2.1	2.3	2.5	
6.0	1.2	1.5	1.5	1.5	1.6	1.8	1.9	2.0	2.0	2.1	2.1	2.2	2.4	2.8	
6.5	1.2	1.5	1.5	1.6	1.7	1.9	2.0	2.1	2.1	2.2	2.2	2.3	2.7	3.0	
7.0	1.2	1.5	1.5	1.6	1.8	2.0	2.1	2.2	2.2	2.3	2.4	2.5	2.8	3.3	
7.5	1.3	1.5	1.6	1.7	1.9	2.1	2.2	2.3	2.3	2.4	2.5	2.6	3.0	3.5	
8.0	1.3	1.5	1.6	1.7	1.9	2.1	2.2	2.4	2.4	2.5	2.6	2.7	3.1	3.8	
8.5	1.4	1.6	1.7	1.8	2.0	2.2	2.3	2.5	2.6	2.7	2.8	2.9	3.3	4.1	
9.0	1.4	1.7	1.7	1.8	2.0	2.3	2.4	2.6	2.7	2.8	2.9	3.0	3.6	4.3	
9.5	1.4	1.7	1.8	1.9	2.1	2.4	2.5	2.7	2.8	2.9	3.0	3.2	3.8	4.6	
10.0	1.5	1.8	1.9	2.0	2.2	2.4	2.6	2.8	2.9	3.0	3.1	3.3	4.0	4.8	

Tables

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

1 R-Code	2 Dwelling type	3 Minimum site area per dwelling (m ²) ↓	4 Minimum lot area/rear battleaxe (m ²) ↓	5 Minimum frontage (m) ↓	6 Open space		7 Minimum setbacks (m)		
					min total (% of site)	min outdoor living (m ²)	primary street	secondary street	other/rear
R2	Single house or grouped dwelling	Min 5000	-	50	80	-	20	10	10

Using Discretion

As the application does not satisfy all the provisions of the R-Codes (principles C3iii and iv), Council can use its discretion to either;

- Approve
- approve with conditions; or
- refuse the application under clause 2.4 of the R-Codes.

As the proposal breaches one of the R Codes requirements (table 2-setbacks) Council approval is required and therefor discretion can be applied.

2.5.2

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

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

2.5.3

The **decision-maker** shall not vary the minimum or average **site area** per **dwelling** requirements set out in **Table 1** (except as provided in the R-Codes or the **scheme**).

2.5.4

The **decision-maker** shall not refuse to grant approval to an application where the application satisfies the **deemed-to-comply** provisions of the R-Codes and the relevant provisions of the **scheme** and any relevant **local planning policy**.

2.5.5

For the purpose of the R-Codes, a **local structure plan, local development plan or local planning policy**, will only be a relevant consideration in the exercise of judgement where it is:

- (a) specifically sanctioned by a provision of the R-Codes;
- (b) consistent with the **design principles** of the R-Codes; and
- (c) consistent with the objectives of the R-Codes.

STAFF RECOMMENDATION

That Council

1. *Grants development approval for 2 x 6m Sea Containers and a water tank to be located 8 Bedford Street, Kellerberrin, with the following conditions;*

General Conditions

- i. *Planning approval will expire if the development is not substantially commenced within two years of this approval;*
- ii. *The endorsed approved plans shall not be altered without prior written approval of the Shire;*
- iii. *The containers shall be painted in a similar colour scheme to existing buildings on the lot;*
- iv. *The Sea Container be fitted with doors that can be opened from the inside to ensure safety of users;*
- v. *Use of the building shall be for domestic purposes only;*
- vi. *The water tank shall be located a minimum of 20m from the front boundary setback as per the R-Codes Table 1;*
- vii. *The container shall be fitted with a single pitched roof; and*
- viii. *The outbuilding shall not be used for human habitation at any given time unless written approval has been granted by the shire.*

Advice Notes

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

COUNCIL RESOLUTION

MIN 192/21

MOTION - Moved Cr. Steber

Seconded Cr. Reid

That Council

1. *Grants retrospective development approval for 2 x 6m Sea Containers;*
2. *Grants retrospective development approval for a water tank to be located 8 Bedford Street, Kellerberrin, that exceeds the following R-codes prescriptions;*
 - a. *Table 1 - Front setback 20m (proposed 13m)*
 - b. *Table 1 - Side setback 10m (proposed 3m)*

with the following conditions;

General Conditions

- i. *Planning approval will expire if the development is not substantially commenced within two years of this approval;*
- ii. *The endorsed approved plans shall not be altered without prior written approval of the Shire;*
- iii. *The containers shall be painted in a similar colour scheme to existing buildings on the lot;*
- iv. *The Sea Container be fitted with doors that can be opened from the inside to ensure safety of users;*
- v. *Use of the building shall be for domestic purposes only;*

- vii. The container shall be fitted with a common single pitched roof not exceeding the R-codes; and*
- viii. The outbuilding shall not be used for human habitation at any given time unless written approval has been granted by the shire.*

Advice Notes

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

CARRIED 7/0

14 CONFIDENTIAL MATTERS

- 6.35 pm – Mick Jones, Manager Works and Services exited Council Chambers
- 6.35 pm – Codi Brindley-Mullen, Personal Assistant to Chief Executive officer exited Council Chambers

COUNCIL RESOLUTION

MIN 193/21 MOTION - Moved Cr. Ryan Seconded Cr. Forsyth

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 Manager of Governance Recruitment

This matter is considered to be confidential under Section 5.23(2) - c of the Local Government Act, and the Council is satisfied that discussion of this matter in an open meeting would, on balance, be contrary to the public interest as it deals with a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting.

CARRIED 7/0

COUNCIL RESOLUTION

MIN 194/21 MOTION - Moved Cr. Leake Seconded Cr. Forsyth

That Council moves out of Closed Council into Open Council.

CARRIED 7/0

- 6.55 pm – Mick Jones, Manager Works and Services entered Council Chambers
- 6.55 pm – Codi Brindley-Mullen, Personal Assistant to Chief Executive officer entered Council Chambers

15 CLOSURE OF MEETING

The Meeting closed at 7.09pm.

The minutes of this meeting consisting of pages 1 to 65 were confirmed at the Ordinary Council Meeting held on 21 December 2021.

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CHAIRPERSON