



MINUTES

Ordinary Council Meeting Tuesday, 21 December 2021

Date: Tuesday, 21 December 2021

Time: 2:00pm

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

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

1 DECLARATION OF OPENING

The presiding member opened the meeting at 2:01pm.

2 ANNOUNCEMENT BY PRESIDING PERSON WITHOUT DISCUSSION

2.1 PRESIDENT REPORT - NOVEMBER 2021

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

With harvest nearing completion it is pleasing that the yield that most growers have been getting are mostly better than expected.

The work on James St is progressing and I had a look at the Baandee North Rd the other day and the outside crew have done a magnificent job in its construction.

I would like to thank all our shire staff and fellow councillors for their contribution this year, it has certainly been a testing and trying 12 months.

I wish everybody a Merry Christmas and a Happy New Year. I hope you all travel safe and enjoy your break and will see you all back in January.

Kind Regards



Scott O'Neill
Shire President

STAFF RECOMMENDATION

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

COUNCIL RESOLUTION

MIN 196/21 **MOTION - Moved Cr. Leake** **Seconded Cr. Forsyth**
That Council receive and note the Shire Presidents Reports for November 2021.

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 (Manager of Governance)

APOLOGIES

Nil

LEAVE OF ABSENCE

Nil

4 DECLARATION OF INTEREST

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

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

5 PUBLIC QUESTION TIME

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

5.1 Response to Previous Public Questions taken on Notice

5.2 Public Question Time

6 CONFIRMATION OF PREVIOUS MEETINGS MINUTES**6.1 MINUTES OF THE COUNCIL MEETING HELD ON 16 NOVEMBER 2021**

File Ref: MIN
Author: Codi Brindley-Mullen, Manager of Governance
Authoriser: Raymond Griffiths, Chief Executive Officer
Attachments: 1. Minutes of the Council Meeting held on 16 November 2021

HEADING**STAFF RECOMMENDATION**

That the Minutes of the Council Meeting held on 16 November 2021 be confirmed as a true and accurate record.

COUNCIL RESOLUTION

MIN 197/21 **MOTION - Moved Cr. Leake** **Seconded Cr. Forsyth**

That the Minutes of the Council Meeting held on 16 November 2021 be confirmed 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 STANDING ORDERS

File Ref: ADM
Author: Codi Brindley-Mullen, Manager of Governance
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 198/21 MOTION - Moved Cr. Steber Seconded Cr. Ryan

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

9.2 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.

November 2021 Council Meeting

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

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.***

STAFF COMMENT**November MIN 182/21**

1. MWS has reviewed the paths and they are cracked and damaged by tree roots and age. The paths realistically needs to be removed, though ideally this would be done at the time of reconstructing the road.
2. -
3. Paint has been ordered for Parking Bay Lines

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.

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 199/21

MOTION - Moved Cr. Leake

Seconded Cr. Forsyth

That Council

1. *Look into the white cockatoo population within the townsite;*
2. *Acknowledge receipt of the REED correspondence and Council to further investigate alternative provider options for family day care or alternatives;*
3. *Approve two smaller islands at the eastern and western ends of James Street (between Bedford & Moore St) to cater for all current driveway access;*
4. *Acknowledge the correspondence received from Tony Downs regarding the request to have a Community Recognition award incorporated into the Australia Day Awards. Council will review the suggestion in 2022;*
5. *Acknowledge correspondence from Professor Grose recommending Salmon Gum and Gimlets for the James Street islands. Council to seek additional advice from Mr Malcolm French and Chatfield's Tree Nursery to ensure full consultation has occurred.*

CARRIED 7/0

9.3 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 200/21 MOTION - Moved Cr. Ryan Seconded Cr. Reid

That Council receive the Status Report.

CARRIED 7/0

9.4 COMMON SEAL REGISTER AND REPORTING

File Ref: ADM52
Author: Codi Brindley-Mullen, Manager of Governance
Authoriser: Raymond Griffiths, Chief Executive Officer
Attachments: Nil

BACKGROUND

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

STAFF COMMENT

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

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

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

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

TEN YEAR FINANCIAL PLAN

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

FINANCIAL IMPLICATIONS

There are no financial impacts.

STATUTORY IMPLICATIONS

Shire of Kellerberrin Standing Orders Local Law 2016

Clause 19.1 The Council's Common Seal

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

Penalty \$1,000

STRATEGIC COMMUNITY PLAN

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

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

COMMUNITY CONSULTATION

The following consultation took place;

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

STAFF RECOMMENDATION

That Council acknowledge that the Shire of Kellerberrin's Common Seal was not affixed to any documents in this quarter.

COUNCIL RESOLUTION

MIN 201/21 MOTION - Moved Cr. Ryan Seconded Cr. Gardiner

That Council acknowledge that the Shire of Kellerberrin's Common Seal was not affixed to any documents in this quarter.

CARRIED 7/0

9.5 WASTE MANAGEMENT - WEROC

File Ref: ADM

Author: Raymond Griffiths, Chief Executive Officer

Authoriser: Raymond Griffiths, Chief Executive Officer

Attachments:

1. Scenarios for Review and Selection (under separate cover)
2. WEROC Strategic Waste Plan - Baseline Data (under separate cover)

BACKGROUND

WEROC Board Inc 22nd November 2021 Ordinary Meeting

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

That;

1. Each Shire to consider the four options proposed by ASK Waste Management and a fifth option of establishing a greenfield site, and advise the Executive Officer of their preferred options by the end of the year
2. The Executive Officer to advise ASK Waste Management that more time is required to consider the options and that a response will be provided after December Council Meetings.

Council in November 2021 received scenarios for WEROC to review and select as per the following;

Option 0: No change (Baseline)

The baseline option assessment assumes no change, therefore the current situation in the WEROC region would remain the same, with each Shire continuing to operate their waste facilities independently with varying levels of operational capacities, planning and budgets.

Potential Scenarios for Assessment

Four potential scenarios are summarised below, WEROC need to decide on three of these scenarios to be assessed for the project. Alternatively, the group can develop their own scenario(s) to be assessed instead.

Option 1: A single regional landfill

Establish a single regional landfill at Merredin. All other landfills would be converted to transfer stations and those that are currently unstaffed would be fitted with remote access systems. Bruce Rock would continue landfilling until their landfill was full, and then start to transfer waste to Merredin.

Option 2: Two regional landfills

Establish two regional landfills, one at Merredin and the other at Southern Cross. All other landfills would be converted to transfer stations and those that are currently unstaffed would be fitted with remote access systems. Bruce Rock would continue landfilling until their landfill was full, and then start to transfer waste to Merredin.

Option 3: A single regional landfill, plus utilise the NEWROC proposed regional landfill

Establish a single WEROC regional landfill at Southern Cross. All other landfills would be converted to transfer stations and those that are currently unstaffed would be fitted with remote access systems. Waste from the east of the WEROC region would be disposed of at Southern Cross and waste generated in the west of the region would be transferred to the NEWROC regional landfill at Wyalkatchem. Bruce Rock would continue landfilling until their landfill was full, and then start to transfer waste to Southern Cross or Wyalkatchem.

Option 4: A single regional landfill, plus utilise Avon Waste's Northam landfill

Establish a single WEROC regional landfill at Southern Cross. All other landfills would be converted to transfer stations and those that are currently unstaffed would be fitted with remote access systems. Waste from the east of the WEROC region would be disposed of at Southern Cross and waste generated in the west of the region would be transferred to the Avon Waste landfill at Northam. Bruce Rock would continue landfilling until their landfill was full, and then start to transfer waste to Southern Cross or Northam.

WEROC Board Inc – 11 th August 2021 Ordinary Meeting

Wheatbelt East Regional Organisation of Councils (WEROC) have appointed ASK Waste Management to complete a Strategic Waste Management Plan for WEROC Councils.

At the WEROC Inc. Board meeting held on 23 June 2021, Mr. Samuel Green Senior Consultant with ASK Waste Management presented a proposal to complete a Strategic Waste Management Plan and landfill rationalization study for WEROC Local Governments. In response to this presentation, the Board resolved as follows:

RESOLUTION: Moved: Mr. Raymond Griffiths **Seconded:** Mr. Darren Mollenoyux

That the quote from ASK Waste Management to develop a Strategic Waste Management Plan and landfill rationalisation study be accepted.

As per the proposal, the first step in initiating this project is a “kick-off” meeting to:

- Confirm the project objectives and deliverables;
- Discuss the proposed methodology; and
- Confirm dates for site tours and meetings.

In early December ASK Waste Management travelled the Councils to review the waste facilities in person to complete the proposed plan.

STAFF COMMENT

The Shire of Kellerberrin currently operate a transfer station that transfers waste to the Shire of Northam Regional facility once all the skip bins or the hook bin is full.

The option for a regional facility located closer to the Shire of Kellerberrin would be financially beneficial to Kellerberrin as the travel component would be less than travelling to Northam.

Council is in a different position to the other five local governments as they all currently operate their own landfill site in their own right with all of them having varying life spans and operational methods.

The idea of a regional facility to be utilised for the Shire of Kellerberrin in Merredin makes sense for Kellerberrin to utilise in the short term with consideration for a greenfield site to be considered for the long term operation of a landfill facility at Merredin should the Shire of Merredin agree to the concept and locate sufficient land to handle such a facility.

TEN YEAR FINANCIAL PLAN

The impact on the plan would be the ongoing operational cost of transferring waste from the Council transfer station to the regional facility.

With the regional facility being closer there could be potential cost savings.

FINANCIAL IMPLICATIONS

The impact on the plan would be the ongoing operational cost of transferring waste from the Council transfer station to the regional facility.

With the regional facility being closer there could be potential cost savings.

STATUTORY IMPLICATIONS

There will be statutory regulations that will need to be complied with regarding the implementation of a greenfield site should a Council elect to host the site.

STRATEGIC COMMUNITY PLAN

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

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

COMMUNITY CONSULTATION

The following consultation took place;

- WEROC
- Chief Executive Officer
- Manager of Governance

STAFF RECOMMENDATION

That Council:

1. Elect for Option Two for the short term operation of Waste Management; and
2. Agree with an Option Five for a Greenfield site at Merredin for the long term operation of Waste management subject to Shire of Merredin's approval.

COUNCIL RESOLUTION

MIN 202/21

MOTION - Moved Cr. Forsyth

Seconded Cr. Ryan

That Council:

- 1. Elect for Option Two for the short term operation of Waste Management; and***
- 2. Agree with an Option Five for a Greenfield site at Merredin for the long term operation of Waste management subject to Shire of Merredin's approval.***

CARRIED 7/0

9.6 COUNCIL POLICY MANUAL REVIEW

File Ref: Policies
Author: Codi Brindley-Mullen, Manager of Governance
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.

November Ordinary Council Meeting – 16 November 2021

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

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:

- Event Risk Management
- Exploration Drilling on Shire Roads and Reserves
- Fire Hazard Reduction
- Flags Flown at Funerals
- Food Act 2008 Compliance and Enforcement
- Freeman of the Shire of Kellerberrin
- Harvest and Vehicle Movement Bans
- Investment
- Personal/Carer's, Compassionate and Family & Domestic Violence Leave Management
- Local Planning – Outbuildings

- Local Purchasing
- Maintenance of Unsealed Local Road Network
- Major Plant Purchasing and Hire
- Mining Tenements & Exploration licences
- Naming of Council Facilities

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

- Gravel Supplies – Agreements are in place with current contractors.
- Kellerberrin Trotting Central Wheatbelt Harness Racing Club (CWHRC) – Use of Council Facilities Reserves – No requirement for a policy as there is a Lease Agreement in place with CWHRC.
- Moveable Buildings – Duplicate policy as this is covered in the Local Planning - Outbuildings

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
- Manager of Governance

STAFF RECOMMENDATION

That Council

1. *Adopts the Policies as presented;*
2. *Endorse the removal of Policies from the 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 203/21

MOTION - Moved Cr. Steber

Seconded Cr. Leake

That Council

- 1. Adopts the Policies as presented;***
- 2. Endorse the removal of Policies from the 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

9.7 LOCAL GOVERNMENT REFORM - ACT & REGULATION REVIEW

File Ref: ADM
Author: Codi Brindley-Mullen, Manager of Governance
Authoriser: Raymond Griffiths, Chief Executive Officer
Attachments: 1. WALGA Position Paper - LG Reform (under separate cover)
2. LG Professionals Comments (under separate cover)

BACKGROUND

The State Government on the 11th November 2021 announced further Local Government Reform. The reform that has been announced is the most significant package of major reforms to local government in Western Australia since the Local Government 1995 was passed more than twenty five (25) years ago. The package is based on six major themes being;

1. Earlier intervention, effective regulation and stronger penalties;
2. Reducing red tape, increasing consistency and simplicity;
3. Greater transparency and accountability;
4. Stronger local democracy and community engagement;
5. Clear roles and responsibilities; and
6. Improved financial management and reporting.

The reforms are based on extensive consultation undertaken over the last five years, and have been developed considering;

- The Local Government Review Panel Final Report (mid 2020);
- The City of Perth Inquiry Report (mid 2020);
- Department of Local Government, Sport and Cultural Industries (DLGSC) consultation on Act Reform (2017-2020);
- The Victorian Local Government Act 2020 and other State Acts;
- The Parliament's Select Committee Report into Local Government (late 2020);
- Western Australian Local Government Association (WALGA) Submissions;
- Direct engagement with local governments;
- Correspondence and complaints;
- Miscellaneous past reports.

The review has been provided to Local Governments for review and comment. Feedback on these reforms are required by the 4th February 2022.

STAFF COMMENT

Council on the 24th November 2021 received a copy of WALGA's Advocacy Positions and Recommendations.

Please find below a summary of the comments provided by WALGA as to whether or not they support the proposed changes or they have a different position.

There is six categories the reforms have been summarised in them being:

1. Earlier intervention, effective regulation and stronger penalties
2. Reducing red tape, increasing consistency and simplicity
3. Greater transparency and accountability
4. Stronger local democracy and community engagement
5. Clear roles and responsibilities
6. Improved financial management and reporting.

Please find below a table summarising the areas being proposed to change, WALGA's position and Shire of Kellerberrin proposed position.

Heading	WALGA Position	Shire of Kellerberrin Position
<i>Early Intervention, Effective Regulation and Stronger Penalties</i>		
1.1 Early Intervention Powers	1. Support the proposed reforms as they align with the sectors position on external oversight and support. 2. Request the Minister to explore alternate mechanisms for resolving local level complaints.	Support WALGA's position
1.2 Local Government Monitors	As above	Support though seek further information on who can make complaints.
1.3 Conduct Panel	As above	Support
1.4 Review of Penalties	Supported	Support
1.5 Rapid Red Card Resolutions	As above	Support though recommend a another word then Red Tape
1.6 Vexatious Complaint Referrals	Supported	Support
1.7 Minor Other Reforms	Supported	Support
<i>Reducing Red Tape, Increasing Consistency and Simplicity</i>		
2.1 Resource Sharing	Supported	Support
2.2 Standardisation of Crossovers	Supported	Support
2.3 Introduce Innovation Provisions	Supported	Support
2.4 Streamline Local Laws	Supported	Support though full process needs review and templates for Band 3 & 4 Councils.
2.5 Simplifying Approvals for Small Business and Community Events	As above	Support as long as size and scale, regional, rural and remote examples are considered.

2.6 Standardised Meeting Procedures, Including Public Question Time	As above	Support as long as size and scale, regional, rural and remote examples are considered.
2.7 Regional Subsidiaries	Supported	Support
Greater Transparency & Accountability		
3.1 Recordings and Live-Streaming of All Council Meetings	Supported	Don't Support due to cost in setup and operation.
3.2 Recording All Votes in Council Minutes	Supported	Support
3.3 Clearer Guidance for Meeting items that may be Confidential	Supported	Support
3.4 Additional Online Registers	Supported	Support
3.5 Chief Executive Officer Key Performance Indicators (KPIs) be Published	1. Conditionally support the reporting of CEO KPI's that are consistent with the strategic direction and operational function of the Local Government, subject to exemptions for publishing KPI's of a confidential nature; 2. Do not support the results of performance review being published.	Support
Stronger Local Democracy and Community Engagement		
4.1 Community and Stakeholder Engagement Charters	Supported	Support though have different templates for Band 3 & 4.
4.2 Ratepayer Satisfaction Surveys (Band 1 and 2 local governments only)	As above	Support
4.3 Introduction of Preferential Voting	Not Supported – Local Government Feedback requested	Do not support due to cost of operation. It could then force Councils to use Electoral Commission which again will be an expensive exercise for Councils. Council look at Band 1 & 2 Preferential.
4.4 Public Vote to Elect the Mayor and President	Not Supported – Local Government Feedback requested	Don't Support, Councils have the capacity to change through referendum if required.
4.5 Tiered Limits on the Number of Councillors	Supported	Support Tiered numbers however up to 5,000 people should be 5 to 7 Council members.
4.6 No Wards for Small Councils (Band 3 and 4 Councils only)	Supported	Support

4.7 Electoral Reform – Clear Lease Requirements for Candidate and Voter Eligibility	As above	Support
4.8 Reform of Candidate Profiles	As above	Support
4.9 Minor Other Electoral Reforms	As above	Support
<i>Clear Roles and Responsibilities</i>		
5.1 Introduce Principles in the Act	Supported	Support
5.2 Greater Role Clarity		
5.2.1 Mayor or President Role	As above	Support
5.2.2 Council Role	As above	Support
5.2.3 Elected Member (Councillor role)	As above	Support
5.2.4 CEO Role	As above	Support
5.3 Council Communication Agreements	Support a consistent, regulated Communications agreement.	Support
5.4 Local Governments May Pay Superannuation Contributions for Elected members	Supported	Don't Support
5.5 Local Governments May Establish Education Allowance	Supported	Support
5.6 Standardised Election Caretaker period	Supported	Don't Support
5.7 Remove WALGA from the Act	WALGA to undertake its due diligence on this proposal and advise the sector accordingly	N/A
5.8 CEO Recruitment	Supported	Support though only if a member cannot be found locally to fill the role. The current proposal could also be an expensive operation for Band 3 & 4 Councils.
<i>Improved Financial Management and Reporting</i>		
6.1 Model Financial Statements and Tiered Financial Reporting	Supported	Support
6.2 Simply Strategic and Financial Planning	As above	Support
6.3 Rates and Revenue Policy	Supported	Support
6.4 Monthly Reporting of Credit Card Statements	Supported	Support
6.5 Amended Financial Ratios	Supported	Support

6.6 Audit Committees	1. Do not support majority independent members of the Audit Committee. 2. Support Audit Committees of Local Government with an Elected Member majority including independent members, and to consider proactive risk management issues.	Support WALGA's position.
6.7 Building Upgrade Finance	Supported	Support
6.8 Cost of Waste Service to be Specified on Rates Notices	Supported	Support

Council received an email from WALGA advising that the submission period has been extended to the 22nd February 2021.

Attached is a copy of comments made by LG Professionals WA as additional information.

TEN YEAR FINANCIAL PLAN

Nil known at this time.

FINANCIAL IMPLICATIONS

Nil known at this time.

STATUTORY IMPLICATIONS

Local Government Act 1995

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;

- GECZ
- WEROC
- WALGA
- Chief Executive Officer
- Manager of Governance

STAFF RECOMMENDATION

That Council;

1. Support WALGA's Advocacy Positions and Recommendations as presented in their November 2021 report with the following additions/clarifications;
 - (i) 1.2 Local Government Monitors – Support though wish to seek further clarity on who can make complaints.
 - (ii) 1.5 Rapid Red Card Resolutions – Support though recommend another word then Red Card
 - (iii) 2.4 Streamline Local Laws – Support though full process needs reviewing to ensure that process isn't complete prior to all parties reviewing the proposed Local Law and templates for Band 3 & 4 Councils.
 - (iv) 2.5 Simplifying Approvals for Small Businesses and Community Events - Support as long as size and scale, regional, rural and remote examples are considered.
 - (v) 2.6 Standardised Meeting Procedures, Including Public Question Time - Support as long as size and scale, regional, rural and remote examples are considered.
 - (vi) 3.1 Recordings and Live Streaming of All Council Meetings – Don't Support due to the cost involved in setting up the new system and Councils potential capacity to retain the recordings.
 - (vii) 4.1 Community and Stakeholder Engagement Charters – Support though have different templates for Band 3 & 4
 - (viii) 4.3 Preferential Voting – Do not support due to the cost involved with the voting procedure and potentially transferring to Electoral commission to operate becomes expensive. Could look to incorporate for Band 1 & 2 Councils.
 - (ix) 4.4 Public Vote to Elect the Mayor or President (Band 1 & 2) – Do not support, Councils have the capacity to change this if they have a referendum to determine so.
 - (x) 4.5 Tiered Limits on the Number of Councillors – Support Tiered numbers however up to 5,000 people needs to be 5 – 7 Councillors not 5.
 - (xi) 5.8 CEO Recruitment – Support though only if a local member cannot be appointed.
- (b) Advise WALGA and the Department of Councils position listed above.

COUNCIL RESOLUTION

MIN 204/21

MOTION - Moved Cr. Ryan

Seconded Cr. Steber

That Council;

1. ***Support WALGA's Advocacy Positions and Recommendations as presented in their November 2021 report with the following additions/clarifications;***
 - (i) ***1.2 Local Government Monitors – Support though wish to seek further clarity on who can make complaints.***
 - (ii) ***1.5 Rapid Red Card Resolutions – Support though recommend another word then Red Card***
 - (iii) ***2.4 Streamline Local Laws – Support though full process needs reviewing to ensure that process isn't complete prior to all parties reviewing the proposed Local Law and templates for Band 3 & 4 Councils.***

- (iv) 2.5 Simplifying Approvals for Small Businesses and Community Events - Support as long as size and scale, regional, rural and remote examples are considered.**
- (v) 2.6 Standardised Meeting Procedures, Including Public Question Time - Support as long as size and scale, regional, rural and remote examples are considered.**
- (vi) 3.1 Recordings and Live Streaming of All Council Meetings – Don't Support due to the cost involved in setting up the new system and Councils potential capacity to retain the recordings.**
- (vii) 4.1 Community and Stakeholder Engagement Charters – Support though have different templates for Band 3 & 4**
- (viii) 4.3 Preferential Voting – Do not support due to the cost involved with the voting procedure and potentially transferring to Electoral commission to operate becomes expensive. Could look to incorporate for Band 1 & 2 Councils.**
- (ix) 4.4 Public Vote to Elect the Mayor or President (Band 1 & 2) – Do not support, Councils have the capacity to change this if they have a referendum to determine so.**
- (x) 4.5 Tiered Limits on the Number of Councillors – Support Tiered numbers however up to 5,000 people needs to be 5 – 7 Councillors not 5.**
- (xi) 5.8 CEO Recruitment – Support though only if a local member cannot be appointed.**
- (b) Advise WALGA and the Department of Councils position listed above.**

CARRIED 7/0

9.8 RISK REVIEW**File Ref: ADM60****Author: Raymond Griffiths, Chief Executive Officer****Authoriser: Raymond Griffiths, Chief Executive Officer****Attachments: 1. Risk Register Spreadsheet (under separate cover)****BACKGROUND**Council's December Audit Committee Meeting – 21st December 2021

The Risk Review was presented to the December Audit Committee with the following recommendation from Staff.

That the Audit Committee recommends to Council that;

- 1. Receives the updated Risk Review spreadsheet as presented;***
- 2. Notes the Actions required and proposed timeframes; and***
- 3. Removes the completed actions from the Register into Completed items spreadsheet.***

Council's July 2021 Ordinary Meeting of Council – 20th July 2021**MIN 001/21 MOTION - Moved Cr. Ryan Seconded Cr. Reid*****That Council;***

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

CARRIED 7/0

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

STAFF COMMENT

Please note below the commentary on actions completed on the Risk Register.

- Item 13 – The LEMA document has been updated including all relevant contacts, need to host a LEMC meeting to adopt the LEMA and present to Council for adoption.
- Item 16 – Councils Senior Finance Officer has finalised a new procedure for General Journals incorporating the two signatory sign off on journals.
- Item 17 – Payroll reconciliations are completed fortnightly with;
 - General Ledger reconciliations; and
 - Hour reconciliations
- Item 23 - The purchasing process has been reviewed and all staff have been briefed on requirements and provided the threshold and practices table for reference
- Item 27 – A new procedure has been developed for the processing and approving of Credit Notes for Debtors.

- Item 29 – A new procedure has been developed for processing a manual reconciliation of Employee Terminations.
- Item 30 – Item removed by OAG on additional information provided by Council on its procedures and processes for Payroll.

Please find attached a copy of the updated Risk Register.

TEN YEAR FINANCIAL PLAN

Nil known at this time.

FINANCIAL IMPLICATIONS

Nil known at this time.

STATUTORY IMPLICATIONS

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

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

STRATEGIC COMMUNITY PLAN

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

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

COMMUNITY CONSULTATION

The following consultation took place;

- Chief Executive Officer
- Deputy Chief Executive Officer
- Manager of Governance

STAFF RECOMMENDATION

That Council;

1. *Receives the updated Risk Review spreadsheet as presented;*
2. *Notes the Actions required and proposed timeframes; and*
3. *Removes the completed actions from the Register into Completed items spreadsheet.*

COUNCIL RESOLUTION

MIN 205/21

MOTION - Moved Cr. Steber

Seconded Cr. Leake

That Council;

- 1. Receives the updated Risk Review spreadsheet as presented;*
- 2. Notes the Actions required and proposed timeframes; and*
- 3. Removes the completed actions from the Register into Completed items spreadsheet.*

CARRIED 7/0

9.9 ANNUAL REPORT/ANNUAL FINANCIAL REPORT AUDIT RESULTS FOR THE YEAR ENDING 30 JUNE 2021

File Ref: FIN21
Author: Lenin Pervan, Deputy Chief Executive Officer
Authoriser: Raymond Griffiths, Chief Executive Officer
Attachments: Nil

BACKGROUND

Councils Audit Committee Meeting – 21st December 2021

That the Audit Committee recommends to Council that it;

- 1. accepts the 2020/2021 Annual Report (Attachment A);*
- 2. accepts the 2020/2021 Annual Financial Report including Auditors Report and Audit Management Report as per the attached documentation (Attachment B);*
- 3. endorses the Management comments on the Asset Sustainability Ratio finding in the Annual Audit;*
- 4. note that it has met the requirements of section 7.12A(2) of the Local Government Act with the Audit Committee, on behalf of Council, having met with a representative of the Office of the Auditor General; and*
- 5. determine that the annual general electors' meeting be held on _____ commencing at _____ in the Cuolahan/Cottle Room at the Kellerberrin Recreation and Leisure Centre.*

This report presents the Shire of Kellerberrin 2020-2021 Annual Report (Annual Report) for Council acceptance in accordance with the *Local Government Act 1995* (the Act) and seeks endorsement of a date for the holding of the annual general electors' meeting.

The Shire produces an annual report of activities at the conclusion of each financial year, in accordance with the requirements of the Act, as outlined in the Statutory Implications section of this report. The Shire's Annual Report provides information about the Shire's progress over the financial year in respect of its priorities, as outlined in the Corporate Business Plan; which contribute to achievement of the goals and aspirations contained in the Strategic Community Plan.

STAFF COMMENT

On 8 December 2021 the Chief Executive Officer, Deputy Chief Executive Officer and Cr Emily Ryan (Audit Committee) attended (via phone) the Final Audit exit interview. The OAG has since provided their audit report, opinion and signed Annual Financial Statements on 8 December 2021 which are attached to this report.

The following finding was identified during the final audit:

1. Asset Renewal Funding Ratio (Significant)**Finding**

The Shire does not maintain a current Asset Management Plan and the Long-Term Financial Plan. Both these plans were last updated in September 2016.

Rating: Significant**Implication:**

This may impact the strategic planning process and is likely to result in misstatement of the asset renewal funding ratio in the annual financial report.

Recommendation:

We recommend the Asset Management Plan and the Long-Term Financial Plan are prepared, reviewed and updated annually to ensure 10 year projections are available as required by the regulations to calculate the asset renewal funding ratio.

Management Comment:

Council has recently employed a Manager of Governance who will be tasked with ensuring both these plans are updated within the next 6-18 months.

Responsible Person: Lenin Pervan

Completion Date: 2 December 2021

Council within the Independent Auditors Report received the following advice on other legal and regulatory requirements;

Matter indicating significant adverse trends in the financial position

1. The Asset Renewal Funding Ratio as reported in Note 33 of the annual financial report has been below the Department of Local Government, Sport and Cultural Industries' basic standard of 0.75 for the past three financial years.
2. The Operating Surplus Ratio as reported in Note 33 of the annual financial report has been below the Department of Local Government, Sport and Cultural Industries' basic standard of 0.01 for the past three financial years.

Matters indicating non-compliance with Part 6 of the Local Government Act 1995, the Local Government (Financial Management) Regulations 1996 or applicable financial controls of any other written law

- a) The shire has not updated the Asset Management Plan and the Long-Term Financial Plan since September 2016.
- b) Several instances of accounting journals were posted into the accounting system without being independently reviewed. Accounting journals can represent significant adjustments to previously approved accounting transactions, and therefore should be appropriately reviewed and approved.
- c) Payroll reconciliations were not performed since the introduction of the new payroll system in November 2020 until 27 May 2021; and

- d) IT security – The Shire does not have a formal IT Security Policy and does not have a formal process to review user access rights and privileges in the system. This could lead to inappropriate use of the Shire's system or information going undetected, however our audit testing did not identify any inappropriate use.

FINANCIAL IMPLICATIONS

There are no financial implications associated with the officer recommendation.

POLICY IMPLICATIONS

There are no relevant plans or policies to consider in relation to this matter.

STATUTORY IMPLICATIONS

Local Government Act 1995 (As Amended)

5.27. Electors' general meetings

- (1) A general meeting of the electors of a district is to be held once every financial year.
- (2) A general meeting is to be held on a day selected by the local government but not more than 56 days after the local government accepts the annual report for the previous financial year.
- (3) The matters to be discussed at general electors' meetings are to be those prescribed.

5.54. Acceptance of annual reports

- (1) Subject to subsection (2), the annual report for a financial year is to be accepted* by the local government no later than 31 December after that financial year.

** Absolute majority required.*

- (2) If the auditor's report is not available in time for the annual report for a financial year to be accepted by 31 December after that financial year, the annual report is to be accepted by the local government no later than 2 months after the auditor's report becomes available.

[Section 5.54 amended by No. 49 of 2004 s. 49.]

5.55. Notice of annual reports

The CEO is to give local public notice of the availability of the annual report as soon as practicable after the report has been accepted by the local government.

Division 4 — General

7.12A. Duties of local government with respect to audits

- (1) A local government is to do everything in its power to —
 - (a) assist the auditor of the local government to conduct an audit and carry out his or her other duties under this Act in respect of the local government; and
 - (b) ensure that audits are conducted successfully and expeditiously.
- (2) Without limiting the generality of subsection (1), a local government is to meet with the auditor of the local government at least once in every year.
- (3) A local government is to examine the report of the auditor prepared under section 7.9(1), and any report prepared under section 7.9(3) forwarded to it, and is to —
 - (a) determine if any matters raised by the report, or reports, require action to be taken by the local government; and
 - (b) ensure that appropriate action is taken in respect of those matters.

(4) A local government is to —

- (a) prepare a report on any actions under subsection (3) in respect of an audit conducted in respect of a financial year; and
- (b) forward a copy of that report to the Minister,

by the end of the next financial year, or 6 months after the last report prepared under section 7.9 is received by the local government, whichever is the latest in time.

[Section 7.12A inserted by No. 49 of 2004 s. 8.]

Local Government (Financial Management) Regulations 1996

51. Completion of financial report

- (1) After the annual financial report has been audited in accordance with the Act the CEO is to sign and append to the report a declaration in the form of Form 1.
- (2) A copy of the annual financial report of a local government is to be submitted to the Departmental CEO within 30 days of the receipt by the local government's CEO of the auditor's report on that financial report.

[Regulation 51 amended in Gazette 18 Jun 1999 p. 2639; 20 Jun 2008 p. 2726.]

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
- Office of Auditor General

STAFF RECOMMENDATION

That Council:

1. *accepts the 2020/2021 Annual Report (Attachment A);*
2. *accepts the 2020/2021 Annual Financial Report including Auditors Report and Audit Management Report as per the attached documentation (Attachment B);*
3. *endorses the Management comments on the Asset Sustainability Ratio finding in the Annual Audit;*

4. *note that it has met the requirements of section 7.12A(2) of the Local Government Act with the Audit Committee, on behalf of Council, having met with a representative of the Office of the Auditor General; and*
5. *determine that the annual general electors' meeting be held on _____ commencing at _____ in the Cuolahan/Cottle Room at the Kellerberrin Recreation and Leisure Centre.*

COUNCIL RESOLUTION

MIN 206/21

MOTION - Moved Cr. Leake

Seconded Cr. Forsyth

That Council:

- 1. accepts the 2020/2021 Annual Report (Attachment A);***
- 2. accepts the 2020/2021 Annual Financial Report including Auditors Report and Audit Management Report as per the attached documentation (Attachment B);***
- 3. endorses the Management comments on the Asset Sustainability Ratio finding in the Annual Audit;***
- 4. note that it has met the requirements of section 7.12A(2) of the Local Government Act with the Audit Committee, on behalf of Council, having met with a representative of the Office of the Auditor General; and***
- 5. determine that the annual general electors' meeting be held on 15th February 2022 commencing at 6:00pm in the Cuolahan/Cottle Room at the Kellerberrin Recreation and Leisure Centre.***

CARRIED 7/0

BY ABSOLUTE MAJORITY

9.10 DIRECT DEBIT LIST AND VISA CARD TRANSACTIONS - NOVEMBER 2021**File Number:** N/A**Author:** Brett Taylor, Senior Finance Officer**Authoriser:** Raymond Griffiths, Chief Executive Officer**Attachments:** Nil**BACKGROUND**

Please see below the Direct Debit List and Visa Card Transactions for the month of November 2021.

Municipal Direct Debit List				
Date	Name	Details	\$	Amount
1-Nov-21	Westnet	Internet Fees		144.94
4-Nov-21	Shire of Kellerberrin	Creditors Payment		308,225.65
5-Nov-21	Department of Transport	Vehicle Inspection		211.85
9-Nov-21	Department of Communities	Rent		420.00
11-Nov-21	Shire of Kellerberrin	Pay Run		61,805.70
17-Nov-21	Shire of Kellerberrin	Precision Superannuation		575.64
17-Nov-21	Shire of Kellerberrin	Precision Superannuation		10,369.55
18-Nov-21	Shire of Kellerberrin	Creditors Payment		205,963.63
19-Nov-21	Shire of Kellerberrin	Precision Superannuation		2.44
19-Nov-21	Shire of Kellerberrin	Precision Superannuation		200.52
19-Nov-21	Shire of Kellerberrin	Pay Run		1,720.16
19-Nov-21	Shire of Kellerberrin	Pay Run		2,119.17
23-Nov-21	Department of Communities	Rent		420.00
24-Nov-21	Nayax Australia Pty Ltd	Vending Machine Caravan Park		38.17
25-Nov-21	Shire of Kellerberrin	Precision Superannuation		16,908.72
25-Nov-21	Shire of Kellerberrin	Pay Run		60,065.09
30-Nov-21	NAB	B-Pay Charges		36.80
30-Nov-21	NAB	Account Fees - Trust		14.80
30-Nov-21	NAB	Account Fees - Muni		64.80
30-Nov-21	NAB	Merchant Fees - Trust		3.04
30-Nov-21	NAB	Merchant Fees - Caravan Park		51.90
30-Nov-21	NAB	Merchant Fees - Admin		95.51
30-Nov-21	NAB	Merchant Fees - CRC		392.46
		TOTAL	\$	669,850.54
Trust Direct Debit List				
Date	Name	Details	\$	Amount
30-Nov-21	Department of Transport	Trust Licencing Payment November 2021		\$48,984.35
		TOTAL	\$	48,984.35
Visa Transactions				

Date	Name	Details	\$	Amount
03-Nov-21	Crown Towers - Burswood	LG Pro Conference Accommodation		819.72
03-Nov-21	Flexible Drive - Welshpool	Parts Bonne Road Broom P01 C01 3010		238.93
05-Nov-21	Empire bar - Rivervale	LG Pro Conference Meals Country Dinner		1,320.00
05-Nov-21	Crown Towers - Burswood	LG Pro Conference Accommodation		465.01
17-Nov-21	Next 1 Enterprises - West Perth	Council Meeting 17/11/2021 Meals		72.00
23-Nov-21	Australian Flag Makers - Geebung	Purchase 3 New Flags		241.23
24-Nov-21	United Petroleum - Kellerberrin	Fuel KE1		58.55
29-Nov-21	NAB	Card Fee		9.00
		TOTAL - CEO	\$	3,224.44
Date	Name	Details	\$	Amount
02-Nov-21	LG Pro - East Perth	LG Pro Membership		398.25
03-Nov-21	Crown Towers Perth - Burswood	LG Pro Conference Accommodation		819.72
04-Nov-21	Crown Perth Groove Bar - Burswood	LG Pro Conference Meals		30.00
04-Nov-21	Crown Towers Perth Lobby Lounge - Burswood	LG Pro Conference Meals		12.00
04-Nov-21	Crown Towers Market - Burswood	LG Pro Conference Meals		343.50
05-Nov-21	Crown Towers Perth - Burswood	LG Pro Conference Accommodation		453.68
08-Nov-21	Swan Taxis Perth - Victoria Park	LG Pro Conference Taxi Charge		47.25
08-Nov-21	Crown Perth - Burswood	LG Pro Conference Meals		42.25
19-Nov-21	Telstra Prepaid - Melbourne	Sim Card Oval Reticulation		70.00
23-Nov-21	Flexible Drive - Welshpool	Parts - Bonne Road Broom P01 C01 3010		159.17
26-Nov-21	Survey Monkey - Sydney	Survey Monkey Annual Subscription		2,454.54
29-Nov-21	NAB	Card Fee		9.00
		TOTAL -DCEO		4,839.36
		TOTAL VISA TRANSACTIONS	\$	8,063.80

STAFF COMMENT

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

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

COUNCIL RESOLUTION

MIN 207/21 MOTION - Moved Cr. Ryan Seconded Cr. Leake

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

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

CARRIED 7/0

9.11 CHEQUE LIST NOVEMBER 2021

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

BACKGROUND

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

TRUST

TRUST TOTAL	\$ 49,489.35
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MUNICIPAL FUND**Cheque Payments**

34909-34914	\$ 8,016.29
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EFT Payments

12654-12869	\$ 514,189.28
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Direct Debit Payments

	\$ 30,092.52
--	---------------------

TOTAL MUNICIPAL

	\$ 552,298.09
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STAFF COMMENT

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

Molivi Construction Pty Ltd	\$ 93,073.13
Progress claim - CL009 October 2021	

Smith Earthmoving Pty Ltd	\$ 49,142.50
Truck hire October 2021 for Baandee Nth Road constructions	

Department of Transport - TRUST DIRECT DEBITS Licensing CRC	\$ 48,984.35
Licensing payments 2021	

Peak Transport	\$ 35,887.94
Truck hire October 2021 for Baandee Nth Road constructions	

WCS Concrete Pty Ltd	\$ 22,001.10
Supply, delivery & laying of N25 concrete for Exhibition Hall & Kellerberrin Golf Club	

United Card Services Pty Ltd	\$ 20,680.07
Total supply October 2021	

Innes & Co	\$ 19,734.00
Hire of semi September 2021 for Baandee Nth Road constructions	

Stirling Asphalt (Juel Enterprises PTY LTD)	\$ 19,250.00
Mob/demob, profiling, sweeping, paving equipment & crew and supply & machine lay dense grade asphalt for Ripper Street and Kellerberrin-Bencubbin Road	

Beam Superannuation	\$ 16,908.72
Staff superannuation contributions	

Mineral Crushing Services WA PTY LTD	\$ 16,678.40
Purchase of 10mm aggregates for Baandee Nth Road constructions	
Brooks Hire Service Pty Ltd	\$ 15,337.08
Hire of excavator for tree removal & culverts for James St. & Baandee Nth Road construction & smooth vibe roller	
Cloud Collections Pty Ltd	\$ 13,986.90
Costs October 2021	
Synergy	\$ 11,330.07
Power charges various Shire properties August-October 2021	
Western Australian Treasury Corporation	\$ 11,140.49
Loan No. 119 principal & interest payment - Construction CEACA Senior Units -Hammond Street	
Beam Superannuation	\$ 10,945.19
Staff superannuation contributions	
Garwood International	\$ 10,424.15
Replacement kohler diesel engine for bonne road broom P01	
D.E.C Contracting Pty Ltd	\$ 10,157.40
Hire of excavator/grapple saw & tow for tree removal including mobilization for James Street & Kellerberrin-Bencubbin Road	
Merredin Refrigeration & Gas	\$ 10,110.50
Pre-season service of all Shire properties & purchase of AC for Caravan Park	
Avon Waste	\$ 9,674.21
Domestic & commercial collections October 2021	
Synergy	\$ 9,036.71
Power charges various Shire properties September-November 2021	
Woodstock Electrical Services	\$ 8,612.68
Claim works for various Shire properties October 2021	
R Munns Engineering Consulting Services	\$ 8,553.95
Consulting work on Baandee Nth Road construction & Rec Centre catchment area	
DKT Rural Agencies	\$ 7,068.90
Purchase of storm pipe & fence droppers for Baandee Nth Road and various under \$200	
Wheatbelt Painting	\$ 6,770.00
Paint and labour of entire interior of 2 George Street	
Farmways Kellerberrin Pty Ltd	\$ 6,449.18
Purchase of digital preset nozzle for Depot, pool chemicals, gas bottles for Caravan Park, bricks for Town Entry Statements & various under \$200	
Kellerberrin & Districts Club Inc.	\$ 6,398.43
Contribution towards Rec Centre Manager October 2021 & farewell dinner for former Councillor McNeil	
Maurice Walsh	\$ 5,474.00
Environmental health / building services for October 2021	
Innes & Co	\$ 5,362.50
Truck hire October 2021 for Baandee Nth Road construction	

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

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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
- Finance Officer

STAFF RECOMMENDATION

That Council notes that during the month of November 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 208/21

MOTION - Moved Cr. Steber

Seconded Cr. Reid

That Council notes that during the month of November 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

9.12 FINANCIAL ACTIVITY STATEMENT - NOVEMBER 2021

File Number: FIN
Author: Lenin Pervan, Deputy Chief Executive Officer
Authoriser: Raymond Griffiths, Chief Executive Officer
Attachments: Nil

BACKGROUND

The Regulations detail the form and manner in which financial activity statements are to be presented to the Council on a monthly basis, and are to include the following:

- Annual budget estimates
- Budget estimates to the end of the month in which the statement relates
- Actual amounts of revenue and expenditure to the end of the month in which the statement relates
- Material variances between budget estimates and actual revenue/expenditure (including an explanation of any material variances)
- The net current assets at the end of the month to which the statement relates (including an explanation of the composition of the net current position)

Additionally, and pursuant to Regulation 34(5) of the Regulations, a local government is required to adopt a material variance reporting threshold in each financial year.

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

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

That Council:

PART G – MATERIAL VARIANCE REPORTING FOR 2021/2022

In accordance with regulation 34(5) of the Local Government (Financial Management) Regulations 1996, and AASB 1031 Materiality, the level to be used in statements of financial activity in 2021/2022 for reporting material variances shall be 10% or \$10,000, whichever is the greater.

STAFF COMMENT

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

This report has been compiled to fulfil the statutory reporting requirements of the Act and associated Regulations, whilst also providing the Council with an overview of the Shire's financial performance on a year to date basis for the period ending 31 July 2021.

TEN YEAR FINANCIAL PLAN

Financial Management of 2021/2022 Budget.

FINANCIAL IMPLICATIONS

Financial Management of 2021/2022 Budget.

STATUTORY IMPLICATIONS

Local Government (Financial Management) Regulations 1996

34. Financial activity statement report — s. 6.4

(1A) In this regulation —

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

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

STRATEGIC COMMUNITY PLAN

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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 November 2021 comprising;

(a) Statement of Financial Activity

(b) Note 1 to Note 13

COUNCIL RESOLUTION

MIN 209/21 MOTION - Moved Cr. Gardiner Seconded Cr. Ryan

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

(a) Statement of Financial Activity

(b) Note 1 to Note 13

**CARRIED 7/0
BY ABSOLUTE MAJORITY**

9.13 BUILDING REPORTS NOVEMBER 2021

File Ref: BUILD06

Author: Codi Brindley-Mullen, Personal Assistant

Authoriser: Raymond Griffiths, Chief Executive Officer

Attachments: 1. Building Applications Received - November (under separate cover)
2. Building Permits Issued - November (under separate cover)

BACKGROUND

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

STAFF COMMENT

1. There were three (3) applications received for a "Building Permit" during the November period. A copy of the "Australian Bureau of Statistics appends".
2. There was two (2) "Building Permit" issued in the November 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

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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 November 2021 period.*
2. *Acknowledge the "Return of Building Permits Issued" for the November 2021 period.*

COUNCIL RESOLUTION

MIN 210/21

MOTION - Moved Cr. Reid

Seconded Cr. Steber

That Council

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

CARRIED 7/0

10 DEVELOPMENT SERVICES REPORTS

Nil

11 WORKS & SERVICES REPORTS

Nil

12 ELECTED MEMBERS MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

MOTION

COUNCIL RESOLUTION

MIN 211/21 MOTION - Moved Cr. Forsyth Seconded Cr. Gardiner

That Council accepts the following Late Items;

- *Concrete Batching Plant and Accommodation Units; and*
- *Town Planning Scheme 4 – Amendment 4.*

CARRIED 7/0

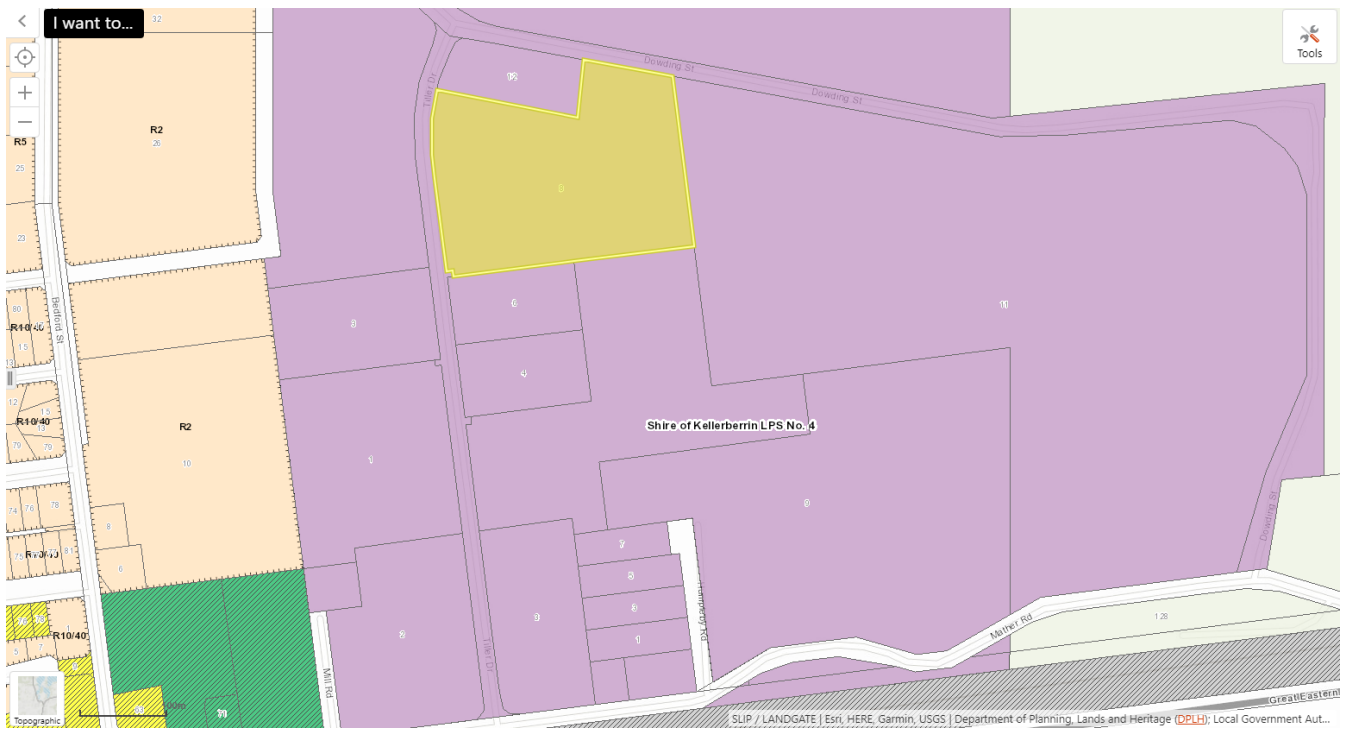
13 NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF MEETING**13.1 CONCRETE BATCHING PLANT AND ACCOMMODATION UNITS**

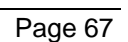
File Ref: A1833
Author: Lewis York, Town Planner
Authoriser: Raymond Griffiths, Chief Executive Officer
Applicant: Joe Fondacaro
Location: Tiller Drive, Kellerberrin
Attachments: 1. Site Map (under separate cover)
2. Application document (under separate cover)

BACKGROUND

An application has been received from Mr. Joe Fondacaro for the development of a mobile concrete batching plant, workshop, site office and accommodation units to be located at Lot 55 Tiller Drive, Kellerberrin which is zoned 'Industrial'. The concrete batching plant is proposed on the eastern boundary of the lot while the 8 accommodation and site office is proposed on the western boundary adjacent to the Tiller Drive entry. The workshop is proposed on the north facing boundary adjacent to Lot 54 which is the BP fuel depot. Lot 308 to the south of the subject site is used by Mr. Noel Lawrence for construction and fabrication purposes. The subject site is currently cleared and contains no vegetation.

SITE





Accommodation Units :

The accommodation units are like what the shire has at the Kellerberrin shire caravan park .4 bedroom , Self-contained units and facing each other with a 5-metre gable breezeway .

Colour scheme is the same beige colour .

Situated in the South west corner of the block on Tiller Drive

Photos are attached

Set back from fences : 3 metres from Tiller drive boundary
: 3 metres from Lot 552 boundary

Workshop :

We will be utilising 6 x 12 metre x 2.45 metre containers , these will be placed with 3 containers on each side as walls and a Dome shelter as a roof .

Length : 36 metres

Width : 20 metres

Height : 8 metres to the top of the dome .

Setback from fence : 3 metres from lot 54
: 30 metre setback from Tiller Drive

Colour Scheme : White dome
: Beige container walls

Office : 2 piece transportable

Length : 12 metres

Width : 6 metres

Height : 3 metres

Verandas : 3 metres front and rear

Colour Scheme : Red roof
: Beige sides

Fencing : Chain mesh

Height : 2.6 metres

Lewis ,

I will arrange for the surveyors to do an exact layout plan with true dimensions for the site and will also get the drawings from the transportable supplier .

Shire of Kellerberrin Local Planning Scheme

Local Planning Scheme No.4

Zoning: Industrial

Lot Size: 59210m²

3.2.4 Industrial Zone

- (a) To encourage industrial development with diverse employment opportunities.
- (b) To provide for industry to support development in the District.

3.3. ZONING TABLE

3.3.1. The Zoning Table indicates, subject to the provisions of the Scheme, the uses permitted in the Scheme area in the various zones. The permissibility of any uses is determined by cross reference between the list of use classes on the left hand side of the Zoning Table and the list of zones at the top of the Zoning Table.

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

3.3.3. A change in the use of land from one use to another is permitted if — (a) the local government has exercised its discretion by granting development approval; (b) the change is to a use which is designated with the symbol 'P' in the cross reference to that zone in the Zoning Table and the proposed use complies with all the relevant development standards and any requirements of the Scheme; (c) the change is an extension of a use within the boundary of the lot which does not change the predominant use of the lot; or (d) the change is to an incidental use that does not change the predominant use of the land. Note: 1. The development approval of the local government is required for the development of land in addition to any approval granted for the use of land. In normal circumstances one application is made for both the use and development of land.

2. The local government will not refuse a 'P' use because of the unsuitability of the use for the zone but may impose conditions on the use of the land to comply with any relevant development standards or requirements of the Scheme, and may refuse or impose conditions on any development of the land.

3. In considering a 'D' or 'A' use, the local government will have regard to the matters set out in clause 67 of the deemed provisions.

4. The local government must refuse to approve any 'X' use of land. Approval to an 'X' use of land may only proceed by way of an amendment to the Scheme.

4.9 INDUSTRIAL DEVELOPMENT

4.9.1 Buildings within the Industrial zone shall comply with the following minimum lot boundary setbacks: Front: 7.5 metres Rear: 7.5 metres Side: 5.0 metres (on one side) 4.9.2 The first 5 metres of the front setback on any lot shall be landscaped to the satisfaction of the local government. Where a lot has frontage to two streets the local government may vary the landscaping requirement only where the setback is reduced in which case the whole of the setback so reduced shall be landscaped to the satisfaction of the local government.

4.9.3 All other development standards for development in the Industrial zone are at Local government's discretion.

	RESIDENTIAL	TOWN CENT	INDUSTRIAL
Shop	X	P	X
Showroom	X	D	P
Trade display	X	D	P
OTHER			
Corrective institution	X	X	X
Essential service utility	D	D	D
Funeral parlour	X	A	P
Telecommunications infrastructure	D	D	P
Veterinary centre	X	A	P
INDUSTRY			
Fuel depot	X	X	A
Industry	X	X	P
Industry - cottage	A	D	P
Industry - extractive	X	X	X
Industry - general	<i>DELETED BY AM</i>		
Industry - light	X	X	P
Industry – primary production <i>AMD 2 GG 12/09/17</i>	X	X	P
Industry - service	X	D	P

The primary use of the site for concrete batching has been determined as the following :

industry means premises used for the manufacture, dismantling, processing, assembly, treating, testing, servicing, maintenance or repairing of goods, products, articles, materials or substances and includes facilities on the premises for any of the following purposes —

- (a) the storage of goods;
- (b) the work of administration or accounting;
- (c) the selling of goods by wholesale or retail;
- (d) the provision of amenities for employees;
- (e) incidental purposes;

This definition also covers the use of the workshop and site office, however does not facilitate the accommodation use. The only accommodation typology that is allowed in the Industrial zone is a **'caretakers dwelling'** which is defined as: dwelling on the same site as a building, operation or plant used for industry, and occupied by a supervisor of that building, operation or plant.

A caretakers dwelling is a 'd' use in the industrial zone.

The Western Australian Planning Commission releases a planning bulletin in 2017 outlining the use of caretakers dwellings in industrial zones.

4. Objectives The objectives of this policy are:

- (a) To discourage the establishment of residential uses in industrial areas which may compromise the integrity of industrial areas and create unacceptable residential environments.
- (b) To provide for caretakers' dwellings in industrial areas in limited circumstances and subject to appropriate planning controls.

5. Recommended policy measures and implementation

5.1 Local Planning Strategies There should be a general presumption against the establishment of caretakers' dwellings in industrial areas to avoid potential conflict and associated environmental problems. Regional and Local Planning Strategies should acknowledge where there is demand for caretakers' dwellings and manage the issue by:

- Planning for a range of residential accommodation to avoid shortages and high costs which create demand for housing in industrial areas. This may include consideration of potential sites for workforce accommodation.
- Investigating the potential for designation of composite zones which can accommodate residential and light industrial uses on single parcels of land.
- Designating strategic or general industrial zones which accommodate the larger and heavier industries, provide adequate buffers to handle the off-site impacts from adjoining land uses such as strategic industrial buffers, port activities, waste treatment plants and prohibit caretakers' dwellings.
- Designating light industrial zones to accommodate the lighter and service industries where caretakers' dwellings may be permissible and the relationship to the town and cost of providing services to residents in the industrial areas is taken into account.

5.2 Local Planning Schemes and Local Planning Policies In the preparation of local planning schemes and scheme amendments the following principles should be applied:

- Caretakers' dwellings should be a prohibited use in zones which are designed to accommodate strategic industry and industries of a noxious or hazardous nature and zones which are in proximity to existing or proposed major infrastructure or other potentially incompatible uses.
- Caretakers' dwellings should generally be prohibited in zones designed for general industrial uses.
- Caretakers' dwellings may be an incidental use in industrial areas accommodating light, service or commercial activity subject to specific provisions included in the scheme which emphasise the incidental nature of the dwelling to the predominant industrial land use and limit the floor area of the dwelling to not more than 100m² in accordance with the model provisions set out below.
- The local government may consider the use of notifications on title to advise prospective purchasers of potential impacts from noise, dust, odour or amenity that may arise from the location of a caretaker's dwelling within the zone. Criteria for assessing such applications with a view to mitigating any potential impact from existing or potential land uses in the vicinity should be developed as a Local Planning Policy. These criteria may include encouraging temporary rather than permanent accommodation structures, placing time limits on use and the design and siting of such dwellings.

5.3 Model provisions for caretakers' dwellings The purpose and intent of the following provisions is to limit the scale of caretakers' dwellings in industrial areas to be incidental to the predominant industrial use. The provisions of this clause are to apply for all caretakers' dwellings in the Industrial zone:

3 (a) a caretaker's dwelling should be incidental to the predominant industrial use of the site. **(b) only one caretaker's dwelling is permitted on a lot and that dwelling should be on the same lot as the associated industrial use. (c) a caretaker's dwelling is to have a total floor area that does not exceed 100 square metres measured from the external face of walls; and** (d) open verandahs may be permitted but must not be enclosed by any means unless the total floor area remains within the 100 square metres referred to in criteria (c). (e) where the dominant industrial use ceases the right to occupy the caretaker's dwelling expires.

Caretakers' dwellings should generally be prohibited in zones designed for general industrial uses.

Planning and Development (Local Planning Scheme) Regulations 2015

64. Advertising applications

(1) The local government —

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

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

(2) Subclause (1)(b)(iii) does not apply if the local government is satisfied that the non-compliance with the requirements of this Scheme is of a minor nature. (3) For the purposes of subclause (1)(a), a complex application is advertised by doing all of the following — (a) publishing in accordance with clause 87 — (i) a notice of the proposed development in the form set out in clause 86(3); and (ii) the application for development approval; and (iii) any accompanying material in relation to the application that the local government considers should be published;

(b) giving notice of the proposed development — (i) to the owners and occupiers of every property that is within 200 m of the proposed development; and (ii) to any other owners and occupiers of properties in the vicinity of the proposed development who, in the opinion of the local government, are likely to be affected by the granting of development approval;

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

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

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

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

(5) A notice published or given, or on a sign erected, in accordance with subclause (3) or (4) in relation to an application for development approval must specify —

(a) the manner and form in which submissions may be made; and

(b) the applicable period under subclause (6) or (7) for making submissions and the last day of that period.

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

(a) the period of 28 days after the day on which the notice of the application is first published under subclause (3)(a); or

(b) a longer period agreed in writing between the applicant and the local government.

(7) The period to be specified in a notice published or given, or on a sign erected, in accordance with subclause (4) in relation to an application that is not a complex application is —

(a) the period of 14 days after the day on which the notice of the application is first published or given, or the sign is first erected, as the case requires; or

(b) a longer period agreed in writing between the applicant and the local government.

67. Matters to be considered by local government

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

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

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

(c) any approved State planning policy;

(d) any environmental protection policy approved under the Environmental Protection Act 1986 section 31(d);

(e) any policy of the Commission;

(f) any policy of the State;

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

(h) any structure plan, activity centre plan or local development plan that relates to the development;

(i) any report of the review of the local planning scheme that has been published under the Planning and Development (Local

Planning Schemes) Regulations 2015;

(j) in the case of land reserved under this Scheme, the objectives for the reserve and the additional and permitted uses identified in this Scheme for the reserve;

(k) the built heritage conservation of any place that is of cultural significance;

(l) the effect of the proposal on the cultural heritage significance of the area in which the development is located;

(m) the compatibility of the development with its setting including the relationship of the development to development on adjoining land or on other land in the locality including, but not limited to, the likely effect of the height, bulk, scale, orientation and appearance of the development;

(n) the amenity of the locality including the following —

(i) environmental impacts of the development;

(ii) the character of the locality;

- (iii) social impacts of the development;
- (o) the likely effect of the development on the natural environment or water resources and any means that are proposed to protect or to mitigate impacts on the natural environment or the water resource;
- (p) whether adequate provision has been made for the landscaping of the land to which the application relates and whether any trees or other vegetation on the land should be preserved;
- (q) the suitability of the land for the development taking into account the possible risk of flooding, tidal inundation, subsidence, landslip, bush fire, soil erosion, land degradation or any other risk;
- (r) the suitability of the land for the development taking into account the possible risk to human health or safety;
- (s) the adequacy of —
 - (i) the proposed means of access to and egress from the site; and
 - (ii) arrangements for the loading, unloading, manoeuvring and parking of vehicles;
- (t) the amount of traffic likely to be generated by the development, particularly in relation to the capacity of the road system in the locality and the probable effect on traffic flow and safety;
- (u) the availability and adequacy for the development of the following —
 - (i) public transport services;
 - (ii) public utility services;
 - (iii) storage, management and collection of waste;
 - (iv) access for pedestrians and cyclists (including end of trip storage, toilet and shower facilities);
 - (v) access by older people and people with disability;
- (v) the potential loss of any community service or benefit resulting from the development other than potential loss that may result from economic competition between new and existing businesses;
- (w) the history of the site where the development is to be located;
- (x) the impact of the development on the community as a whole notwithstanding the impact of the development on particular individuals;
- (y) any submissions received on the application;
 - (za) the comments or submissions received from any authority consulted under clause 66;
 - (zb) any other planning consideration the local government considers appropriate.

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

- The proximity to the emission source and estimated level of impact and/or risk on the use or development;
- The sensitivity of the proposed use or development to off-site emissions and risk;
- The mitigation measures proposed to be undertaken to reduce the level of off-site emissions or risk, including proposed cleaner production or resources recovery techniques;

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

STRATEGIC PLAN IMPLICATIONS

Nil known at this time.

COMMUNITY CONSULTATION

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

PLANNING ASSESSMENT

The proposed batching plant, site office and workshop raise no major planning concerns. The main priorities that relate to these developments include; adhering to relevant setbacks, ensuring hours of operation are consistent with surrounding industrial businesses, along with dust, noise and odor mitigation strategies. It is noted that Council informed the applicant that the industrial zone would be a better location for the abovementioned practices than the existing quarry site in Doodlakine because of land tenure constraints. The setbacks proposed shall be altered by the applicant to; front: 7.5m, proposed site office: 3m. Workshop shall be setback to 5m, proposed: 3m. Whilst the batching plant shall be 7.5m off the rear boundary.

However the 8 accommodation units raise a number of concerns. Firstly, the number of units proposed doesn't fit within the definition of a 'caretakers dwelling' which is stated in WAPC's planning bulletin as not to exceed 1x 100m² dwelling. The dwellings are also proposed inside the front setback, proposed: 3m, allowed in scheme: 7.5m. In light of the WAPC planning bulletin related to caretakers dwellings in industrial areas it is recommended that Council refuse the accommodation to ensure that the industrial land use does not conflict with a residential use. Both environmental and community factors have been considered including the potential for poor amenity to residents. It is advised that a single caretakers dwelling could be considered, however further advice from the Department of Planning should be considered before any approval is granted. It is also noted that the use of accommodation units at Wongan Concretes industrial lot be examined, as this was approved pre 2015. It is recommended that the Shire work with the applicant to explore other accommodation options that are consistent with the Shires scheme.

STAFF RECOMMENDATION

That Council;

- 1. Refuse the development of accommodation units at Lot 55, Tiller Drive, Kellerberrin due to inconsistencies with Local Planning Scheme No.4.*
- 2. Grant development approval for the use and development of a concrete batching plant, site office, boundary fencing and workshop at Lot 55, Tiller Drive, Kellerberrin with the following conditions;*

General Conditions

- 1. All development shall be setback in accordance Local Planning Scheme No.4 , Front: 7.5m, Rear: 7.5m, Side: 5m.*
- 2. Development shall not commence until engineering site plans are submitted to the CEO showing abovementioned setbacks.*
- 3. Planning approval will expire if the development is not substantially commenced within two years of this approval;*

Advice Notes

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

COUNCIL RESOLUTION

MIN 212/21

MOTION - Moved Cr. Ryan

Seconded Cr. Gardiner

That Council;

- 1. Refuse the development of accommodation units at Lot 55, Tiller Drive, Kellerberrin due to inconsistencies with Local Planning Scheme No.4 and the size of the development being over the prescribed 100m2 for a caretakers dwelling.*
- 2. Grant development approval for the use and development of a concrete batching plant, site office, boundary fencing and workshop at Lot 55, Tiller Drive, Kellerberrin with the following conditions;*

General Conditions

- 1. All development shall be setback in accordance Local Planning Scheme No.4 , Front: 7.5m, Rear: 7.5m, Side: 5m.*
- 2. Development shall not commence until engineering site plans are submitted to the CEO showing abovementioned setbacks.*
- 3. Planning approval will expire if the development is not substantially commenced within two years of this approval;*

Advice Notes

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

CARRIED 7/0

13.2 TOWN PLANNING SCHEME 4 - AMENDMENT 4

File Ref: TPLAN04.1
 Author: Raymond Griffiths, Chief Executive Officer
 Authoriser: Raymond Griffiths, Chief Executive Officer
 Attachments: 1. Amendment 4 (under separate cover)

BACKGROUND

Councils September Ordinary Meeting of Council – 21st September 2021

MIN 001/21 MOTION - Moved Cr. Leake Seconded Cr. McNeil

That Council

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

b)

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

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

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

A word or expression in this Scheme -

- (e) *has the same meaning it has in the Planning and Development Act 2005; or*
- (f) *if not defined in that Act - has the same meaning it has in the R-Codes; or*
- (g) *has the same meaning it has in the Planning and Development (Local Planning Schemes) Regulations 2015 (as amended); or*
- (h) *has the meaning as listed below.*

- d) ***In Schedule 1, delete the definitions for 'Rural home business' and 'Tourist accommodation'.***
- e) ***In Schedule 1, insert the following definition for 'Residential aged care facility':***

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

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

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

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

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

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

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

2	<i>Lots 508, 2 and 75 Massingham Street, Kellerberrin</i>	<ul style="list-style-type: none"> • <i>Industry-light</i> • <i>Recreation-private</i> 	2. <i>Development is not permitted unless the local government has exercised its discretion by granting development approval.</i>
3	<i>Lot 500 Massingham Street, Kellerberrin</i>	<ul style="list-style-type: none"> • <i>Roadhouse</i> 	<p>3. <i>Development is not permitted unless the local government has exercised its discretion by granting development approval.</i></p> <p>4. <i>Development is to address, but not limited to, the following matters:</i></p> <p>d) <i>Impact of vehicle access on the operation of the highway and the Main Roads Parking Bay, and on the safety of road users; and</i></p> <p>e) <i>Any potential adverse noise, odour, visual and light spill impacts on nearby residential areas; and</i></p> <p>f) <i>Setback of bulk storage tanks and fuel pumps from roads reserves and boundaries.</i></p>
6	<i>Lots 265, 266 and 267 George Street, Kellerberrin</i>	<ul style="list-style-type: none"> • <i>Tourist Development</i> • <i>Reception Centre</i> 	<p>5. <i>Development is not permitted unless the local government has exercised its discretion by granting development approval.</i></p> <p>6. <i>The operations of the reception centre shall be limited to Lot 267.</i></p> <p>7. <i>Development is to consider the heritage significance of the site.</i></p> <p>8. <i>All other conditions of operation as determined by local government.</i></p>

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

CARRIED 7/0

BY ABSOLUTE MAJORITY

STAFF COMMENT

Council in adopting to advertise the abovementioned Town Planning Scheme amendment wrote to the Environmental Protection Authority (EPA) seeking approval for the Amendment.

Council on the 2nd November 2021 received written advice from the EPA advising that the proposed scheme should not be assessed under Part IV Division 3 of the *Environmental Protection Act 1986* (EP Act) and that it is not necessary to provide any advice or recommendations.

Therefore Council wrote to the required Departments/Agencies seeking comment/feedback as per the following table;

Who	Date Letter Sent	Date Reply Received	Comment / Feedback
EPA	05/10/2021	29/10/2021	The scheme and amendment should not be assessed under Part IV Division . No advice given
Main Roads Western Australia	02/11/2021		
Water Corporation	02/11/2021	07/12/2021	No Objection
Department of Health	02/11/2021		
Department of Education	02/11/2021		
Department of Agriculture and Food	02/11/2021		
Public Transport Authority	02/11/2021		
Tourism WA	02/11/2021	08/11/2021	Supports the changes recommended.
Department of Mines, Industry Regulations and Safety	02/11/2021	19/11/2021	Raises no significant issues to the Department.
Department of Environment Regulation	02/11/2021		
Department of Fire & Emergency Services	02/11/2021	30/11/2021	Supports the changes, though was unsure if we have applied <i>State Planning Policy 3.7 – Planning in Bushfire Prone Areas</i> (SPP 3.7) to the proposal.
Department of Aboriginal Affairs	02/11/2021		
Western Power	02/11/2021		
Heritage Council	02/11/2021	15/12/2021	No Objection
Department of Water	02/11/2021		
Department of Primary Industries and Regional Development	02/11/2021	15/12/2021	No Objection

TEN YEAR FINANCIAL PLAN

Nil known at this time.

FINANCIAL IMPLICATIONS

Nil known at this time

STATUTORY IMPLICATIONS**Local Planning Scheme 4*****Planning and Development (Local Planning Scheme) Regulations 2015***

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

Part 5 — Amending local planning scheme

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

- a) an amendment relating to a zone or reserve that is consistent with the objectives identified in the scheme for that zone or reserve;
- b) an amendment that is consistent with a local planning strategy for the scheme that has been endorsed by the Commission;
- c) an amendment to the scheme so that it is consistent with a region planning scheme that applies to the scheme area, other than an amendment that is a basic amendment;
- d) an amendment to the scheme map that is consistent with a structure plan or local development plan that has been approved under the scheme for the land to which the amendment relates if the scheme does not currently include zones of all the types that are outlined in the plan;
- e) **an amendment that would have minimal impact on land in the scheme area that is not the subject of the amendment;**
- f) **an amendment that does not result in any significant environmental, social, economic or governance impacts on land in the scheme area;**
- g) any other amendment that is not a complex or basic amendment.

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

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

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

- 2) **A resolution must —**

- a. **specify whether, in the opinion of the local government, the amendment is a complex amendment, a standard amendment or a basic amendment; and**
- b. **include an explanation of the reason for the local government forming that opinion.**

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

- 4) The local government may refuse to adopt an amendment to a local planning scheme proposed by a landowner if the local government is not satisfied that there is in place an agreement for the local government to use any copyrighted material provided in support of the proposed amendment —

- a. for the purpose of preparing and implementing the amendment; and
- b. for zero remuneration.

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

Advertisement of standard amendment

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

49. Submissions on standard amendment

- 1) A submission on a standard amendment to a local planning scheme must —
 - a. be made in writing to the relevant local government in a form approved by the Commission; and
 - b. state the name and address of the person making the submission; and
 - c. include a statement about the capacity in which the person makes the submission.
- 2) A local government must acknowledge in writing the receipt of each submission received by it.

50. Consideration of submissions on standard amendments

- 1) In this regulation —

consideration period, in relation to a standard amendment to a local planning scheme, means the period ending on the latest of the following days —

- a. the day that is 60 days after the end of the submission period for the amendment;

- b. the day that is 21 days after the receipt of a statement in respect of the amendment delivered under section 48F(2)(a) of the EP Act;
- c. the day that is 21 days after the receipt of a statement in respect of the amendment delivered under section 48G(3) of the EP Act if that statement is in response to a request by the local government made under section 48G(1) of the EP Act before the later of the days set out in paragraphs (a) and (b);
- d. a day approved by the Commission;

submission period, in relation to a standard amendment to a local planning scheme, means the period for making submissions that applies under regulation 47(3).

2) The local government —

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

3) Before the end of the consideration period for a standard amendment to a local planning scheme, or a later date approved by the Commission, the local government must pass a resolution —

- a. To support the amendment without modification; or
- b. To support the amendment with proposed modifications to address issues raised in the submissions; or
- c. Not to support the amendment.

4) If no submissions have been received within the submission period, the resolution referred to in sub regulation (3) must be passed as soon as is reasonably practicable after the end of the submission period.

51. Local government may advertise proposed modifications to standard amendment

1) The local government may decide to advertise a modification to a standard amendment to a local planning scheme if —

- a. the local government proposes the modification to address issues raised in submissions made on the amendment; and
- b. the local government is of the opinion that the proposed modification to the amendment is significant.

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

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

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

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

- 6) A person may make a submission on a proposed modification to a standard amendment to a local planning scheme that has been advertised in accordance with subregulation (2) — (a) in the manner and form specified in the notice; and (b) within the period specified in the notice.
- 7) If a proposed modification to an amendment to a local planning scheme is advertised in accordance with this regulation, a local government —
 - a. must consider all submissions on the proposed modification made to the local government within the period specified in the notice; and
 - b. may, at the discretion of the local government, consider submissions on the proposed modification made to the local government after the period specified in the notice; and
 - c. must make a recommendation in respect of each submission considered.

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

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

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

STRATEGIC 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
- Manager of Governance
- Councils Town Planner
- Mrs Pauline Scott
- Mr John Mizzi
- Kellerberrin Community
- Agencies listed above.

STAFF RECOMMENDATION

That Council Pursuant to Section 50 (3) of the Planning & Development Act 2015, hereby support the Local Planning Scheme 4, Amendment 4 without modification.

COUNCIL RESOLUTION**MIN 213/21****MOTION - Moved Cr. Forsyth****Seconded Cr. Reid**

That Council Pursuant to Section 50 (3) of the Planning & Development Act 2015, hereby support the Local Planning Scheme 4, Amendment 4 without modification.

CARRIED 7/0**BY ABSOLUTE MAJORITY**

14 CONFIDENTIAL MATTERS

COUNCIL RESOLUTION

MIN 214/21 MOTION - Moved Cr. Leake 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 Shire of Kellerberrin/Australia Day Awards Nomination

This matter is considered to be confidential under Section 5.23(2) - h 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 such other matters as may be prescribed (consider regulations).

14.2 Write Off Legal Fees - 1468 Shackleton Road Kellerberrin

This matter is considered to be confidential under Section 5.23(2) - e(iii) of the Local Government Act, and the Council is satisfied that discussion of this matter in an open meeting would, on balance, be contrary to the public interest as it deals with a matter that if disclosed, would reveal information about the business, professional, commercial or financial affairs of a person, where the information is held by, or is about, a person other than the local government.

CARRIED 7/0

COUNCIL RESOLUTION

MIN 215/21 MOTION - Moved Cr. Reid Seconded Cr. Gardiner

That Council moves out of Closed Council into Open Council.

CARRIED 7/0

15 CLOSURE OF MEETING

The Meeting closed at 5:11pm.

The minutes of this meeting consisting of pages 1 to 89 were confirmed at the Ordinary Council Meeting held on 15th February 2022.

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CHAIRPERSON