



MINUTES

Ordinary Council Meeting Tuesday, 15 February 2022

Date: Tuesday, 15 February 2022

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, 15 FEBRUARY 2022 AT 2:00PM**

1 DECLARATION OF OPENING

The presiding member opened the meeting at 2:04pm

2 ANNOUNCEMENT BY PRESIDING PERSON WITHOUT DISCUSSION

2.1 PRESIDENT REPORT - JANUARY 2022

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

Work is steadily progressing on the Streets in town and now that the works crew are mostly back on deck they can be finalised in the next few weeks.

Congratulations to all the award recipients on Australia Day and a big Thankyou to all staff and councillors for their contributions on the day with a special Thanks to Kelsey and Codi for a job well done. The whole day was a great success and feedback from the community has been very positive.

Kind Regards



Scott O'Neill

Shire President

STAFF RECOMMENDATION

That Council receive and note the Shire Presidents Reports for January 2022.

COUNCIL RESOLUTION

MIN 001/22 MOTION - Moved Cr. Forsyth Seconded Cr. Ryan

That Council receive and note the Shire Presidents Reports for January 2022.

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),
Codi Brindley-Mullen (Manager of Governance)

APOLOGIES

Mick Jones (Manager Works & Services)

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.

Cr David Leake declared a closely associated person in relation to item 14.2 – Sale of Toyota Prado – KE1 as the applicant is his daughter.

Raymond Griffiths – Chief Executive Officer declared a closely associated person in relation to item 14.2 – Sale of Toyota Prado – KE1 as the applicant his cousin.

5 PUBLIC QUESTION TIME

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

5.1 Response to Previous Public Questions taken on Notice

5.2 Public Question Time

6 CONFIRMATION OF PREVIOUS MEETINGS MINUTES**6.1 MINUTES OF THE COUNCIL MEETING HELD ON 21 DECEMBER 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 21 December 2021

HEADING**STAFF RECOMMENDATION**

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

COUNCIL RESOLUTION

MIN 002/22 **MOTION - Moved Cr. Gardiner** **Seconded Cr. Ryan**

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

CARRIED 7/0

7 PRESENTATIONS

7.1 Petitions

7.2 Presentations

7.3 Deputations

8 REPORTS OF COMMITTEES

Nil

9 CORPORATE SERVICES REPORTS

9.1 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 003/22 MOTION - Moved Cr. Leake Seconded Cr. Gardiner

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.

December 2021 Council Meeting

MIN 199001/21 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

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

STAFF COMMENT

December MIN 199/21

1. Council engaged an external contractor to attend Kellerberrin to complete a cull which occurred 29th & 30th January 2022
2. Council wrote to REED and acknowledged their correspondence. Council also touched base with two Family Day Care providers to see if they had any people interested in operating a family day.

In addition Council advertised for expression of interest on behalf of Willy Wag Tails and within a day they had an interested party. Currently we are waiting for the Manager to get back to us with the opportunity.

3. Plans were redesigned and provided to the residents on James Street.
4. An email has been issued to Tony Downs acknowledging receipt of his correspondence.
5. Margaret Grose was advised of Councils decision acknowledging her correspondence and Council seeking additional advice from other locals.

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.

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 Council's vision. The core drivers developed by Council are:

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

COMMUNITY CONSULTATION

The following consultation took place;

- Council Members
- Chief Executive Officer

STAFF RECOMMENDATION

That Council note any requests or ideas to be actioned.

COUNCIL RESOLUTION

MIN 004/22

MOTION - Moved Cr. Gardiner

Seconded Cr. Steber

That Council;

1. ***Acknowledge correspondence issued to business owners requesting feedback on seating down the main street and subsequent information received from business owners and adopt the following:***
 - ***Provide seating to the front of the Kellerberrin Hotel portico as per request received; and***
 - ***Provide additional seating to the west of the Public Toilets adjacent to the carpark.***

- 2. Acknowledge correspondence issued to affected residents on Hammond Street between Sewell and Scott Street regarding the footpath on the south side that has the current tripping hazard and adopt the following;**
 - **Remove the asphalt footpath and compact gravel surface as the north side has sufficient footpath and ensures the current trees remain in situ.**
- 3. Acknowledge correspondence received from various community members regarding species of vegetation for the planting in James Street islands and adopt the following;**
 - **Eucalyptus Leucoxylon;**
 - **Eucalyptus Woodwardii;**
 - **Silver gimlet; and**
 - **Various ground covers.**
- 4. In reviewing the Australia Day Awards consider a category for Seniors.**
- 5. Reviewed the suggestion of mulching green waste at the Kellerberrin Waste Transfer Station, though due to the unknown nature of the products/weeds/lawn etc. it is impractical.**

CARRIED 7/0

9.3 STATUS REPORT OF ACTION SHEET

File Ref: Various
Author: Codi Brindley-Mullen, Manager of Governance
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**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 005/22 MOTION - Moved Cr. Reid Seconded Cr. Leake

That Council receive the status report.

CARRIED 7/0

9.4 COMPLIANCE AUDIT RETURN - 2021

File Ref: FIN01

Author: Codi Brindley-Mullen, Manager of Governance

Authoriser: Raymond Griffiths, Chief Executive Officer

Attachments: 1. Compliance Audit Return 2021 (under separate cover)

BACKGROUND

The Compliance Audit Return (CAR) is a statutory reporting tool that seeks to evaluate the Shire's compliance with targeted sections of the Local Government Act 1995 during the period 1 January 2021 to 31 December 2021.

The Shire has completed the 2021 CAR and it is included in this report at Attachment 1 for the Audit Committee's consideration and Council decision. The complete 2021 CAR is recommended for adoption, after which it will be lodged with the Department of Local Government, Sport and Cultural Industries (the Department) as required by 31 March 2022.

STAFF COMMENT

The Audit Committee will meet prior to the February Ordinary Council Meeting; the staff recommendation is as follows;

STAFF RECOMMENDATION

That the Audit Committee;

1. Having received the 2021 Compliance Audit Return (Attachment A), recommend to Council to adopt the 2021 Compliance Audit Return; and
2. Recommend that Council authorises the Shire President and Chief Executive Officer to sign in joint the Certificate.
3. Recommend to Council that it authorises the CEO to submit the CAR to the department by 31 March 2022.

In completing the 2021 CAR, Council's Management have undertaken an audit of the Shire's activities, practices and procedures in line with the Act and its associated Regulations.

Integrated Planning and Reporting

Item 1 – Strategic Community Plan adopted in 2019 but a full review will be conducted in 2022.

Item 2 – Corporate Business Plan adopted in 2016 but a full review will be conducted in 2022.

TEN YEAR FINANCIAL PLAN

NIL

FINANCIAL IMPLICATIONS

NIL

STATUTORY IMPLICATIONS

Section 7.13 of the Local Government Act 1995 provides for the making of Regulations in regards to Audits. Regulation 13 of the Local Government (Audit) Regulations 1996 prescribes the statutory requirements for which compliance audit needed.

Regulations 14 and 15 of the Local Government (Audit) Regulations 1996 state the following:

14. Compliance audits by local governments
 - (1) A local government is to carry out a compliance audit for the period 1 January to 31 December in each year.
 - (2) After carrying out a compliance audit the local government is to prepare a compliance audit return in a form approved by the Minister.
 - (3A) The local government's audit committee is to review the compliance audit return and is to report to the council the results of that review.
 - (3) After the audit committee has reported to the council under subregulation (3A), the compliance audit return is to be –
 - (a) presented to council at a meeting of the council; and
 - (b) adopted by council; and
 - (c) recorded in the minutes of the meeting at which it is adopted.
15. Certified copy of compliance audit return and other documents to be given to Departmental CEO
 - (1) After the compliance audit return has been presented to the council in accordance with regulation 14(3) a certified copy of the return together with-
 - (a) a copy of the relevant section of the minutes referred to in regulation 14(3)(c); and
 - (b) any additional information explaining or qualifying the compliance audit, is to be submitted to the Departmental CEO by 31 March next following the period to which the return relates.
 - (2) In this regulation – certified in relation to a compliance audit return means signed by
 - (a) the mayor or president; and
 - (b) the CEO.

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

That the following consultation took place:

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

STAFF RECOMMENDATION

That Council;

1. Adopt the 2021 Compliance Audit Return (Attachment A);
2. Authorises the Shire President and Chief Executive Officer to sign in joint the Certificate; and
3. Authorises the Manager of Governance to submit the CAR to the department by 31 March 2022.

COUNCIL RESOLUTION

MIN 006/22

MOTION - Moved Cr. Steber

Seconded Cr. Ryan

That Council;

- 1. Adopt the 2021 Compliance Audit Return (Attachment A);*
- 2. Authorises the Shire President and Chief Executive Officer to sign in joint the Certificate; and*
- 3. Authorises the Manager of Governance to submit the CAR to the department by 31 March 2022.*

CARRIED 7/0

9.5 FEES AND CHARGES UPDATE

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

BACKGROUND

In accordance with Regulation 5(2) of the Local Government (Financial Management) Regulations, a local government is to undertake a review of its fees and charges regularly; and not less than once in every financial year. This report provides the council with a recommended Schedule of amended/additional Fees and Charges to apply from 1st March 2022, for its consideration.

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

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

MIN 121/21 MOTION - Moved Cr. O'Neill Seconded Cr. McNeil

That Council

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

**CARRIED 7/0
BY ABSOLUTE MAJORITY**

STAFF COMMENT

Council over the last few months have instigated some new programs and/or have been approached for use of facilities that currently don't have a fee or charge associated to it being;

- Centenary Park – Commercial Use – Adding a fee of \$33.00
- Caravan Park – Booking Fee – Adding a fee of \$1.8% to accommodation charges for the use of stripe. This only relates to online bookings using stripe for payment.
- Exhibition Hall – Hire of Exhibition Hall Facility – Add wording Exhibition Hall courts to the fee and charge that already existing for outdoor basketball/Netball courts being \$115 per day.

TEN YEAR FINANCIAL PLAN

Nil

FINANCIAL IMPLICATIONS

Shire of Kellerberrin 2021/2022 Budget will be affected minimally due to new fees.

STATUTORY IMPLICATIONS

Local Government Act 1995 (as amended)

6.16. Imposition of fees and charges

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

** Absolute majority required.*

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

** Absolute majority required.*

6.17. Setting level of fees and charges

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

STRATEGIC COMMUNITY PLAN

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

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

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

COMMUNITY CONSULTATION

The following consultation took place;

- Chief Executive Officer
- Manager of Governance
- Council.

STAFF RECOMMENDATION

That Council;

- 1. Adopts the amendment to Councils fees and charges for 2021/22 as per the following;*
 - a. Centenary Park – Commercial Use – Adding a fee of \$33.00*
 - b. Caravan Park – Booking Fee – Adding a fee of \$1.8% to accommodation charges for the use of stripe. This only relates to online or bookings using stripe for payment.*
 - c. Exhibition Hall – Hire of Exhibition Hall Facility – Add wording Exhibition Hall courts to the fee and charge that already existing for outdoor Basketball/Netball/Tennis courts or Bowling Greens being \$115 per day.*
- 2. Incorporate the new fees and charges into the Fees and Charges 2021/2022 document.*
- 3. Advertise the new charges on Council Website, Noticeboard, CRC, Ratepayers and all Social Media Platforms.*

COUNCIL RESOLUTION

MIN 007/22

MOTION - Moved Cr. Forsyth

Seconded Cr. Gardiner

That Council;

- 1. Adopts the amendment to Councils fees and charges for 2021/22 as per the following;*
 - a. Centenary Park – Commercial Use – Adding a fee of \$33.00*
 - b. Caravan Park – Booking Fee – Adding a fee of \$1.8% to accommodation charges for the use of stripe. This only relates to online or bookings using stripe for payment.*
 - c. Exhibition Hall – Hire of Exhibition Hall Facility – Add wording Exhibition Hall courts to the fee and charge that already existing for outdoor Basketball/Netball/Tennis courts or Bowling Greens being \$115 per day.*
 - d. The water charges listed are to remain the same price, however become listed as GST free.*
- 2. Incorporate the new fees and charges into the Fees and Charges 2021/2022 document.*
- 3. Advertise the new charges on Council Website, Noticeboard, CRC, Ratepayers and all Social Media Platforms.*

**CARRIED 7/0
BY ABSOLUTE MAJORITY**

REASON: Council added the modification to the Water charges due to recent advice being received regarding GST treatment.

9.6 COMMUNITY BUDGET SUBMISSION

File Ref: FIN 04
Author: Raymond Griffiths, Chief Executive Officer
Authoriser: Raymond Griffiths, Chief Executive Officer
Attachments: Nil

BACKGROUND

Council over many years have been providing the opportunity to Community/Sporting Groups for funding through the Community Budget Submission process.

The process has only been for Community/Sporting Groups that meet either of the three (3) criterion set by Council being;

1. Community Donations (\$20,000) – Max \$2,000 per applicant.

Examples of eligible projects under this category include a new initiative or a significant one off project, capital project and repairs or maintenance or improvement to Council owned/managed facilities. Groups **MUST** contact Councils Community Development Officer's regarding the possibility of external funding prior to seeking funds from Council.

2. Public Relations (\$3,000) – Max \$300 per application

Examples of eligible projects under this category include public relations promotion through donations, sponsorships and waivers of fees and charges for Council owned/manager facilities.

3. Community Grants (\$7,000) – Max \$3,000 per applicant

Examples of eligible projects under this category include organisation that provide services or programs to residents of the Shire on an ongoing basis.

STAFF COMMENT

In reviewing surrounding Councils community budget guidelines and policies they are proving opportunities to the business sector for grant funding through Business Support Grants to encourage the growth of small business and business innovation as well as upkeep/maintenance/enhancement of infrastructure.

The process can operate in two ways, it can request applications early in the calendar year closing the applications in March/April of each year giving Council the opportunity to assess the applications prior to Budget and then making a budget allocation for the successful allocations.

OR

Council can leave the application process open all year round and assess the application of an application by application basis with a maximum amount allocated in the budget annually for this particular grant allocation and once this amount is met no further funding provided.

TEN YEAR FINANCIAL PLAN

Should Council wish to approve the additional donation/grant the Long Term Financial Plan will be affected and these additional funds will need to be sort from operations.

FINANCIAL IMPLICATIONS

Should Council wish to approve the additional donation/grant the Long Term Financial Plan will be affected and these additional funds will need to be sort from operations.

STATUTORY IMPLICATIONS

Nil known at this time.

STRATEGIC COMMUNITY PLAN

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

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

COMMUNITY CONSULTATION

The following consultation took place;

- Chief Executive Officer
- Manager of Governance

STAFF RECOMMENDATION

That Council;

1. approves the incorporation of a Business Support Grant to be added to the Community Grants Program;
2. instructs the Manager of Governance to prepare a draft policy and application form for Councils approval;
3. Set an annual figure during the budget process for allocation to this new Community Grant funding pool.

COUNCIL RESOLUTION

Moved Cr. Steber

Seconded Cr. Ryan

That Council;

1. approves the incorporation of a Business Support Grant to be added to the Community Grants Program;
2. instructs the Manager of Governance to prepare a draft policy and application form for Councils approval;
3. Set an annual figure during the budget process for allocation to this new Community Grant funding pool.

LOST 1/6

REASON: That Council feels the proposed grant is subsidising private enterprises and Council community grants is for the purpose of benefiting community groups.

MOTION

COUNCIL RESOLUTION

MIN 008/22

MOTION - Moved Cr. Steber

Seconded Cr. Ryan

That Council declines the incorporation of a Business Support Grant to be added to the Community Grants Program.

CARRIED 6/1

9.7 COVID-19 LEAVE POLICY

File Ref:	Policies
Author:	Codi Brindley-Mullen, Manager of Governance
Authoriser:	Raymond Griffiths, Chief Executive Officer
Attachments:	1. New Testing and Isolation Protocols - High Caseload (under separate cover) 2. COVID-19 Leave Policy (under separate cover) 3. COVID-19 Leave Taken Register (under separate cover)

BACKGROUND

The current COVID-19 pandemic now approaches levels in WA that haven't previously been seen. With infections continuing and the opportunity for the borders to be re-opening it provides the potential for further cases and exposure sites.

Therefore the risk of employees being infected with COVID or becoming a close contact requiring them to self-isolate for a period of time is increased.

STAFF COMMENT

Currently at the moment Council doesn't have a formal policy or understanding on what leave employees are expected to utilise in the case of COVID outcomes. There are several different circumstances that can occur that would force an employee to be absent from work due to COVID being;

- Testing positive to COVID
- Being a close contact of COVID
- Self-isolation for COVID as completed/completing a PCR test.

The Government as of 7th February 2022 have regulated the isolation rules move to the new rules for when we are in a high caseload environment. Therefore the new isolation timeline is seven (7) days as per attached flyers.

It is proposed that this leave only be applicable while the State is declared a State of Emergency.

TEN YEAR FINANCIAL PLAN

Nil (not applicable at this date and therefore unknown)

FINANCIAL IMPLICATIONS

Employees will be receiving normal rate of pay without exhausting any of their leave entitlements unless the full ten (10) days COVID leave has been exhausted.

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
- Deputy Chief Executive Officer

STAFF RECOMMENDATION

That Council;

1. *Adopts the COVID-19 Leave Policy as presented;*
2. *Instruct the Chief Executive Officer to ensure all staff are aware of the COVID-19 Leave Policy and provide copies if requested.*

COUNCIL RESOLUTION

MIN 009/22

MOTION - Moved Cr. Gardiner

Seconded Cr. Leake

That Council;

1. *Adopts the COVID-19 Leave Policy as presented;*
2. *Instruct the Chief Executive Officer to ensure all staff are aware of the COVID-19 Leave Policy and provide copies if requested.*

CARRIED 7/0

9.8 CHEQUE LIST DECEMBER 2021

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

BACKGROUND

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

TRUST

TRUST TOTAL	\$ 65,002.79
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MUNICIPAL FUND**Cheque Payments**

34915-34925	\$ 53,958.80
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EFT Payments

12874-13027	\$ 450,024.99
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Direct Debit Payments	\$ 20,559.15
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TOTAL MUNICIPAL	\$ 552,298.09
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STAFF COMMENT

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

Downer EDI Works Pty Ltd Wetmixing for Baandee Nth Rd construction	\$ 81,925.67
Department of Transport - TRUST DIRECT DEBITS Licensing CRC Licencing payment December 2021	\$ 61,109.60
Western Australian Treasury Corporation Loan No. 118 & 120 Interest & principal payments	\$ 53,815.35
Water Corporation Water charges various Shire properties October-December 2021	\$ 32,901.36
Fire And Emergency Services (WA) ESLB 2nd Quarter contribution 2021/2022	\$ 23,311.29
United Card Services Pty Ltd Total supply November 2021	\$ 21,416.56
Water Corporation Water charges various Shire properties October-December 2021	\$ 18,816.48
Mineral Crushing Services WA PTY LTD Purchase of 14mm aggregates for Baandee Nth Rd constructions	\$ 17,696.16
Brooks Hire Service Pty Ltd Hire of rollers November 2021 for Baandee Nth Rd constructions	\$ 13,528.15

Perfect Computer Solutions	\$ 13,130.00
IT support July to November and purchase of desktop computers for Shire Office	
Able Sales Pty Ltd	\$ 12,900.00
Purchase of generator for Admin Office	
Smith Earthmoving Pty Ltd	\$ 12,870.00
Hire of semi October 2021 for Baandee Nth Rd constructions	
Peak Transport	\$ 11,797.50
Truck hire November 2021 for Baandee Nth Rd constructions	
Beam Superannuation	\$ 11,415.99
Superannuation from Payrun 09/12/2021	
Avon Waste	\$ 8,704.66
Domestic & commercial collections November 2021	
Not Too Dusty Plant Hire	\$ 8,415.00
Water truck hire for Baandee Nth Road works November-December 2021	
VISA Payments - National Australia Bank	\$ 8,063.80
Various visa transactions CEO & DCEO November 2021	
Synergy	\$ 7,181.58
Power charges various Shire properties November-December 2021	
Synergy	\$ 6,951.87
Power charges various Shire properties October-December 2021	
Local Pest Control	\$ 6,754.00
General pest treatment various Shire properties	
Merredin Refrigeration & Gas	\$ 5,931.44
Claim works for Rec Centre & Caravan Park including parts, labour & travel	
Maurice Walsh	\$ 5,477.00
Environmental health / building services for November 2021	
Shire Of Quairading	\$ 5,475.89
CESM contribution cost July-September 2021	

TEN YEAR FINANCIAL PLAN

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

FINANCIAL IMPLICATIONS

Shire of Kellerberrin 2021/2022 Operating Budget

STATUTORY IMPLICATIONS

Local Government (Financial Management) Regulations 1996

11. Payment of accounts

- (1) A local government is to develop procedures for the authorisation of, and the payment of, accounts to ensure that there is effective security for, and properly authorised use of —

- (a) cheques, credit cards, computer encryption devices and passwords, purchasing cards and any other devices or methods by which goods, services, money or other benefits may be obtained; and
 - (b) Petty cash systems.
- (2) A local government is to develop procedures for the approval of accounts to ensure that before payment of an account a determination is made that the relevant debt was incurred by a person who was properly authorised to do so.
- (3) Payments made by a local government —
 - (a) Subject to sub-regulation (4), are not to be made in cash; and
 - (b) Are to be made in a manner which allows identification of —
 - (i) The method of payment;
 - (ii) The authority for the payment; and
 - (iii) The identity of the person who authorised the payment.
- (4) Nothing in sub-regulation (3) (a) prevents a local government from making payments in cash from a petty cash system.

[Regulation 11 amended in Gazette 31 Mar 2005 p. 1048.]

12. Payments from municipal fund or trust fund

- (1) A payment may only be made from the municipal fund or the trust fund —
 - (a) If the local government has delegated to the CEO the exercise of its power to make payments from those funds — by the CEO; or
 - (b) Otherwise, if the payment is authorised in advance by a resolution of the council.
- (2) The council must not authorise a payment from those funds until a list prepared under regulation 13(2) containing details of the accounts to be paid has been presented to the council.

[Regulation 12 inserted in Gazette 20 Jun 1997 p. 2838.]

13. Lists of accounts

- (1) If the local government has delegated to the CEO the exercise of its power to make payments from the municipal fund or the trust fund, a list of accounts paid by the CEO is to be prepared each month showing for each account paid since the last such list was prepared —
 - (a) The payee's name;
 - (b) The amount of the payment;
 - (c) The date of the payment; and
 - (d) Sufficient information to identify the transaction.
- (2) A list of accounts for approval to be paid is to be prepared each month showing —
 - (a) For each account which requires council authorisation in that month —
 - (i) The payee's name;
 - (ii) The amount of the payment; and
 - (iii) Sufficient information to identify the transaction;
 - And
 - (b) The date of the meeting of the council to which the list is to be presented.

- (3) A list prepared under sub-regulation (1) or (2) is to be —
- (a) Presented to the council at the next ordinary meeting of the council after the list is prepared; and
 - (b) Recorded in the minutes of that meeting.

STRATEGIC COMMUNITY PLAN

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

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

COMMUNITY CONSULTATION

The following consultation took place;

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

STAFF RECOMMENDATION

That Council notes that during the month of December 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 \$ 524,542.94 on vouchers EFT , CHQ, Direct payments*
2. *Trust Fund payments totalling \$ 65,002.79 on vouchers EFT, CHQ, Direct payments*

COUNCIL RESOLUTION

MIN 010/22 MOTION - Moved Cr. Reid Seconded Cr. Ryan

That Council notes that during the month of December 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 \$ 524,542.94 on vouchers EFT , CHQ, Direct payments***
- 2. Trust Fund payments totalling \$ 65,002.79 on vouchers EFT, CHQ, Direct payments***

CARRIED 7/0

9.9 CHEQUE LIST JANUARY 2022

File Number: N/A
Author: Zene Arancon, Finance Officer
Authoriser: Raymond Griffiths, Chief Executive Officer
Attachments: 1. January 2022 Payment List (under separate cover)

BACKGROUND

Accounts for payment from 1st January to 31st January 2022

TRUST

TRUST TOTAL	\$ 35,786.20
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MUNICIPAL FUND**Cheque Payments**

34926-34929	\$ 1,963.12
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EFT Payments

13028-13126	\$ 559,784.56
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Direct Debit Payments	\$ 66,297.51
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TOTAL MUNICIPAL	\$ 628,045.19
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STAFF COMMENT

During the month of January 2022, the Shire of Kellerberrin made the following significant purchases:

Fulton Hogan	\$ 346,300.06
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10/14mm Two coat cutback bitumen primer seal for 6kms Baandee Nth road
Construction

Office of the Auditor General	\$ 43,780.00
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Audit fee for the attest audit of the Shire of Kellerberrin for year end 30 June
2021

Department of Transport - TRUST DIRECT DEBITS Licensing CRC	\$ 35,286.20
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Licencing payment January 2022

Deputy Commissioner Of Taxation	\$ 23,520.00
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December BAS Payment 2022

West Coast Profilers Pty Ltd	\$ 18,103.80
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Profiling of James St. road construction

United Card Services Pty Ltd	\$ 12,486.07
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Total supply December 2021

Synergy	\$ 12,449.48
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Power charges October-December 2021 for various Shire properties

Beam Superannuation	\$ 11,552.81
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Superannuation Payrun 23/12/21

Avon Waste	\$ 11,539.94
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Domestic & commercial collections December 2021

Beam Superannuation Superannuation payrun 6/1/22	\$ 11,457.69
Beam Superannuation Superannuation Pay Run 20/01/2022	\$ 11,418.38
Donovan Payne Architects Kellerberrin Swimming Pool Redevelopment Stage 2 - Amenities building structural service fee	\$ 10,725.00
Farmways Kellerberrin Pty Ltd Purchase of oil for Depot, hydraulic hoses, Pool chemicals, gas bottles, gyprock & various under \$200	\$ 8,626.42
Synergy Power charges various Shire properties November 2021-January 2022	\$ 6,755.77
Maurice Walsh Environmental health / building services for December 2021	\$ 5,379.00

TEN YEAR FINANCIAL PLAN

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

FINANCIAL IMPLICATIONS

Shire of Kellerberrin 2021/2022 Operating Budget

STATUTORY IMPLICATIONS

Local Government (Financial Management) Regulations 1996

11. Payment of accounts

- (1) A local government is to develop procedures for the authorisation of, and the payment of, accounts to ensure that there is effective security for, and properly authorised use of —
 - (a) cheques, credit cards, computer encryption devices and passwords, purchasing cards and any other devices or methods by which goods, services, money or other benefits may be obtained; and
 - (b) Petty cash systems.
- (2) A local government is to develop procedures for the approval of accounts to ensure that before payment of an account a determination is made that the relevant debt was incurred by a person who was properly authorised to do so.
- (3) Payments made by a local government —
 - (a) Subject to sub-regulation (4), are not to be made in cash; and
 - (b) Are to be made in a manner which allows identification of —
 - (i) The method of payment;
 - (ii) The authority for the payment; and
 - (iii) The identity of the person who authorised the payment.
- (4) Nothing in sub-regulation (3) (a) prevents a local government from making payments in cash from a petty cash system.

[Regulation 11 amended in Gazette 31 Mar 2005 p. 1048.]

12. Payments from municipal fund or trust fund

- (1) A payment may only be made from the municipal fund or the trust fund —
- (a) If the local government has delegated to the CEO the exercise of its power to make payments from those funds — by the CEO; or
 - (b) Otherwise, if the payment is authorised in advance by a resolution of the council.
- (2) The council must not authorise a payment from those funds until a list prepared under regulation 13(2) containing details of the accounts to be paid has been presented to the council.

[Regulation 12 inserted in Gazette 20 Jun 1997 p. 2838.]

13. Lists of accounts

- (1) If the local government has delegated to the CEO the exercise of its power to make payments from the municipal fund or the trust fund, a list of accounts paid by the CEO is to be prepared each month showing for each account paid since the last such list was prepared —
- (a) The payee's name;
 - (b) The amount of the payment;
 - (c) The date of the payment; and
 - (d) Sufficient information to identify the transaction.
- (2) A list of accounts for approval to be paid is to be prepared each month showing —
- (a) For each account which requires council authorisation in that month —
 - (i) The payee's name;
 - (ii) The amount of the payment; and
 - (iii) Sufficient information to identify the transaction;
- And
- (b) The date of the meeting of the council to which the list is to be presented.
- (3) A list prepared under sub-regulation (1) or (2) is to be —
- (a) Presented to the council at the next ordinary meeting of the council after the list is prepared; and
 - (b) Recorded in the minutes of that meeting.

STRATEGIC COMMUNITY PLAN

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

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

COMMUNITY CONSULTATION

The following consultation took place;

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

STAFF RECOMMENDATION

That Council notes that during the month of January 2022, 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 \$ 628,045.19 on vouchers EFT , CHQ, Direct payments*
2. *Trust Fund payments totalling \$ 35,786.20 on vouchers EFT, CHQ, Direct payments*

COUNCIL RESOLUTION

MIN 011/22

MOTION - Moved Cr. Steber

Seconded Cr. Gardiner

That Council notes that during the month of January 2022, 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 \$ 628,045.19 on vouchers EFT , CHQ, Direct payments*
2. *Trust Fund payments totalling \$ 35,786.20 on vouchers EFT, CHQ, Direct payments*

CARRIED 7/0

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

BACKGROUND

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

Municipal Direct Debit List

Date	Name	Details	\$	Amount
1-Dec-21	Westnet	Internet Fees		4.99
2-Dec-21	Shire of Kellerberrin	Creditors Payment	260,762.54	
6-Dec-21	NAB	NAB Credit Card	8,063.80	
7-Dec-21	Department of Transport	Vehicle Inspection	196.20	
7-Dec-21	Department of Communities	Rent	420.00	
8-Dec-21	NAB	NAB Connect Fee October 2021	54.23	
9-Dec-21	Shire of Kellerberrin	Precision Superannuation	11,415.99	
9-Dec-21	Shire of Kellerberrin	Pay Run	61,422.99	
16-Dec-21	Shire of Kellerberrin	Creditors Payment	139,652.86	
22-Dec-21	Department of Communities	Rent	420.00	
23-Dec-21	Shire of Kellerberrin	Creditors Payment	49,609.59	
23-Dec-21	Shire of Kellerberrin	Pay Run	62,976.17	
24-Dec-21	Nayax Australia Pty Ltd	Vending Machine Caravan Park	38.17	
31-Dec-21	NAB	B-Pay Charges	47.84	
31-Dec-21	NAB	Account Fees - Trust	13.00	
31-Dec-21	NAB	Account Fees - Muni	57.60	
31-Dec-21	NAB	Merchant Fees - Trust	1.79	
31-Dec-21	NAB	Merchant Fees - Caravan Park	51.90	
31-Dec-21	NAB	Merchant Fees - Admin	106.22	
31-Dec-21	NAB	Merchant Fees - CRC	555.11	
TOTAL			\$	595,870.99

Trust Direct Debit List

Date	Name	Details	\$	Amount
31-Dec-21	Department of Transport	Trust Licencing Payment	61,109.60	
TOTAL			\$	61,109.60

Visa Transactions

Date	Name	Details	\$	Amount
30-Nov-21	St. Anne's Florist & Gifts - Perth	Flowers Ashleigh Silver	101.00	
10-Dec-21	United Petroleum Pty - Kellerberrin	Fuel P1	43.81	
14-Dec-21	United Petroleum Pty - Kellerberrin	Fuel P25	57.60	
22-Dec-21	Braun Aus - Sydney	Cleaner Coffee Machine	89.50	
22-Dec-21	First 5 Minutes - Fortitude Val	Frames Evac Plan Rec Centre	127.29	
23-Dec-21	Telstra Prepaid - Melbourne	Answer Machine Pre-paid Phone	10.00	
29-Dec-21	NAB	Card Fee	9.00	
TOTAL - CEO			\$	438.20

Date	Name	Details	\$	Amount
08-Dec-21	Kmart Online	Caravan Park Utensils		240.00
16-Dec-21	Discount Party - Reynella	Australia Day Merchandise		438.47
17-Dec-21	SP Australia Day SA - Walkerie	Bookmarks		595.75
	Mister Magnet Print -			
17-Dec-21	Tullamarine	Magnets Australia Day		156.00
20-Dec-21	SP Australia Day SA - Walkerie	Australia Day Merchandise		1,279.00
20-Dec-21	Super Retail Group Ltd	Cricket Equipment Australia Day		287.94
20-Dec-21	Dynamic Gift - Tuncurry	Wristbands Australia Day		198.00
20-Dec-21	Dynamic Gift - Tuncurry	Notebooks Australia Day		574.20
20-Dec-21	NAB	Card Fee		9.00
		TOTAL -DCEO		3,778.36
		TOTAL VISA TRANSACTIONS	\$	4,216.56

STAFF COMMENT

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

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

COUNCIL RESOLUTION

MIN 012/22

MOTION - Moved Cr. Gardiner

Seconded Cr. Forsyth

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

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

CARRIED 7/0

9.11 DIRECT DEBIT LIST AND VISA CARD TRANSACTIONS - JANUARY 2022

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 January 2022.

Municipal Direct Debit List

Date	Name	Details	\$	Amount
4-Jan-22	Westnet	Internet Fees		4.99
4-Jan-22	Department of Communities	Rent		420.00
4-Jan-22	Alleasing	Gym Equipment Lease		3,121.83
4-Jan-22	NAB	NAB Connect Fees November 2021		54.48
5-Jan-22	Shire of Kellerberrin	Precision Superannuation		11,552.81
6-Jan-22	Shire of Kellerberrin	Pay Run		65,488.31
7-Jan-22	Shire of Kellerberrin	Precision Superannuation		11,457.69
10-Jan-22	Department of Transport	Vehicle Inspection		165.25
13-Jan-22	Shire of Kellerberrin	Creditors Payment		145,407.90
18-Jan-22	Department of Communities	Rent		420.00
20-Jan-22	Shire of Kellerberrin	Precision Superannuation		11,418.38
20-Jan-22	Shire of Kellerberrin	Pay Run		68,017.35
24-Jan-22	Nayax Australia Pty Ltd	Vending Machine Caravan Park		38.17
27-Jan-22	Shire of Kellerberrin	Creditors Payment		414,376.66
31-Jan-22	NAB	Account Fees - National BPAY Charge		77.28
31-Jan-22	NAB	Account Fees - Trust		10.00
31-Jan-22	NAB	Account Fees - Muni		46.00
TOTAL			\$	732,077.10

Trust Direct Debit List

Date	Name	Details	\$	Amount
31-Jan-22	Department of Transport	Trust Licencing Payment		35,286.20
TOTAL			\$	35,286.20

Visa Transactions

Date	Name	Details	\$	Amount
30-Dec-21	Telstra Prepaid Melbourne	Prepaid Mobile Office Phone		10.00
31-Dec-21	United Petroleum Pty Kellerberrin	Sport & Rec Busy Bee		62.05
06-Jan-22	Telstra Prepaid Melbourne	Prepaid Mobile Office Phone		10.00
10-Jan-22	Bruno Greci Kellerberrin	Refreshments		90.00
13-Jan-22	Telstra Prepaid Melbourne	Prepaid Mobile Office Phone		10.00
17-Jan-22	SP PPE Supplier Balaclava	Facemask		1,870.00
20-Jan-22	Telstra Prepaid Melbourne	Prepaid Mobile Office Phone		10.00
21-Jan-22	WA Police Finance Division Perth Post Kellerberrin LPKE	Traffic Infringement D. Fox		28.90
21-Jan-22	Kellerberrin	National Police Clearance R. Griffiths		57.60
24-Jan-22	Red Dot Stores Northam	Lollies Australia Day 2022		72.98
24-Jan-22	Red Dot Stores Northam Post Kellerberrin LPKE	Lollies Australia Day 2022		53.99
27-Jan-22	Kellerberrin	National Police Clearance D. Fox		57.60
28-Jan-22	NAB	Card Fee		9.00
TOTAL - CEO			\$	2,342.12

Date	Name	Details	\$	Amount
06-Jan-22	Electrical Home Aids Glen Waverley	Vacuum Bags Caravan Park		72.98
18-Jan-22	SP Mad Hat's	Bucket Hats Australia Day 2022		2,800.00
28-Jan-22	NAB	Card fee		9.00
		TOTAL -DCEO		2,881.98
		TOTAL VISA TRANSACTIONS	\$	5,224.10

STAFF COMMENT

The Direct Debit List and Visa Card Transactions are presented for Council to note for the month of January 2022.

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 January 2022 comprising of;

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

COUNCIL RESOLUTION

MIN 013/22

MOTION - Moved Cr. Steber

Seconded Cr. Gardiner

That Council note the direct debit list for the month of January 2022 comprising of;

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

CARRIED 7/0

9.12 FINANCIAL ACTIVITY STATEMENT - DECEMBER 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 December 2021.

TEN YEAR FINANCIAL PLAN

Financial Management of 2021/2022 Budget.

FINANCIAL IMPLICATIONS

Financial Management of 2021/2022 Budget.

STATUTORY IMPLICATIONS

Local Government (Financial Management) Regulations 1996

34. Financial activity statement report — s. 6.4

(1A) In this regulation —

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

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

STRATEGIC COMMUNITY PLAN

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

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

COMMUNITY CONSULTATION

The following consultation took place;

- Chief Executive Officer
- Deputy Chief Executive Officer

STAFF RECOMMENDATION

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

(a) Statement of Financial Activity

(b) Note 1 to Note 13

COUNCIL RESOLUTION

MIN 014/22

MOTION - Moved Cr. Forsyth

Seconded Cr. Gardiner

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

(a) Statement of Financial Activity

(b) Note 1 to Note 13

**CARRIED 7/0
BY ABSOLUTE MAJORITY**

9.13 FINANCIAL ACTIVITY STATEMENT - JANUARY 2022

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 January 2022.

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 January 2022 comprising;

(a) Statement of Financial Activity

(b) Note 1 to Note 13

COUNCIL RESOLUTION

MIN 015/22

MOTION - Moved Cr. Steber

Seconded Cr. Leake

That Council adopt the Financial Report for the month of January 2022 comprising;

(a) Statement of Financial Activity

(b) Note 1 to Note 13

**CARRIED 7/0
BY ABSOLUTE MAJORITY**

9.14 BUILDING REPORTS DECEMBER 2021

File Ref: BUILD06
Author: Codi Brindley-Mullen, Personal Assistant
Authoriser: Raymond Griffiths, Chief Executive Officer
Attachments: Nil

BACKGROUND

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

STAFF COMMENT

1. There were NIL applications received for a "Building Permit" during the December period. A copy of the "Australian Bureau of Statistics appends".
2. There was NIL "Building Permit" issued in the December 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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2. Our lifestyle and strong sense of community
3. We are prepared for opportunities and we are innovative to ensure our relevancy and destiny

COMMUNITY CONSULTATION

The following consultation took place:

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

STAFF RECOMMENDATION

That Council

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

COUNCIL RESOLUTION

MIN 016/22

MOTION - Moved Cr. Steber

Seconded Cr. Reid

That Council

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

CARRIED 7/0

9.15 BUILDING REPORTS JANUARY 2022

File Ref: BUILD06
Author: Codi Brindley-Mullen, Personal Assistant
Authoriser: Raymond Griffiths, Chief Executive Officer
Attachments: Nil

BACKGROUND

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

STAFF COMMENT

1. There were NIL applications received for a "Building Permit" during the January period. A copy of the "Australian Bureau of Statistics appends".
2. There was NIL "Building Permit" issued in the January period. See attached form "Return of Building Permits Issued".

TEN YEAR FINANCIAL PLAN

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

FINANCIAL IMPLICATIONS

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

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

STATUTORY IMPLICATIONS

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

STRATEGIC COMMUNITY PLAN

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

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

COMMUNITY CONSULTATION

The following consultation took place:

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

STAFF RECOMMENDATION

That Council

1. *Acknowledge the "Return of Proposed Building Operations" for the January 2022 period.*
2. *Acknowledge the "Return of Building Permits Issued" for the January 2022 period.*

COUNCIL RESOLUTION

MIN 017/22

MOTION - Moved Cr. Forsyth

Seconded Cr. Gardiner

That Council

1. *Acknowledge the "Return of Proposed Building Operations" for the January 2022 period.*
2. *Acknowledge the "Return of Building Permits Issued" for the January 2022 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 018/22 MOTION - Moved Cr. Steber Seconded Cr. Leake

That Council accepts Late Items as per the following;

- ***Minutes from the Roadworks Advisory Meeting;***
- ***Development Application - Storage - Lot 126 Barr St, Doodlakine; and***
- ***Sale of Toyota Prado – KE1***

CARRIED 7/0

13 NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF MEETING**13.1 MINUTES OF THE ROADWORKS ADVISORY COMMITTEE MEETING HELD ON 15 FEBRUARY 2022****File Ref:** MIN**Author:** Codi Brindley-Mullen, Manager of Governance**Authoriser:** Raymond Griffiths, Chief Executive Officer**Attachments:** 1. Minutes of the Roadworks Advisory Committee Meeting held on 15 February 2022**HEADING****STAFF RECOMMENDATION**

That the Minutes of the Roadworks Advisory Committee Meeting held on 15 February 2022 be adopted.

COUNCIL RESOLUTION**MIN 019/22** **MOTION - Moved Cr. Leake** **Seconded Cr. Ryan**

That the Minutes of the Roadworks Advisory Committee Meeting held on 15 February 2022 be adopted.

CARRIED 7/0

13.2 DEVELOPMENT APPLICATION - STORAGE - LOT 126 BARR ST, DOODLAKINE

File Ref: A936
Author: Lewis York, Town Planner
Authoriser: Raymond Griffiths, Chief Executive Officer
Applicant: Mrs Jennifer Zalmstra
Location: Lot 126 Barr Street, Doodlakine
Attachments: 1. Additional Information (under separate cover)
2. Development Application (under separate cover)
3. Wide Span Sheds Plan (under separate cover)

BACKGROUND

An application has been received from Mrs. Jenny Zalmstra for the development and use of an outbuilding for the purpose of storage at Lot 126 Barr Street, Doodlakine.

The outbuilding will be 12m x 9m and be used to store possessions of the applicants. No immediate plans for a dwelling have been lodged. The dwelling shown in the images was destroyed in fire and has been demolished, meaning Lot 126 is now vacant, only vegetation exists on the lot.

SITE

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

Zoned: Rural Townsite

Coded: r 10

Lot size: 2197m²

Setbacks proposed:

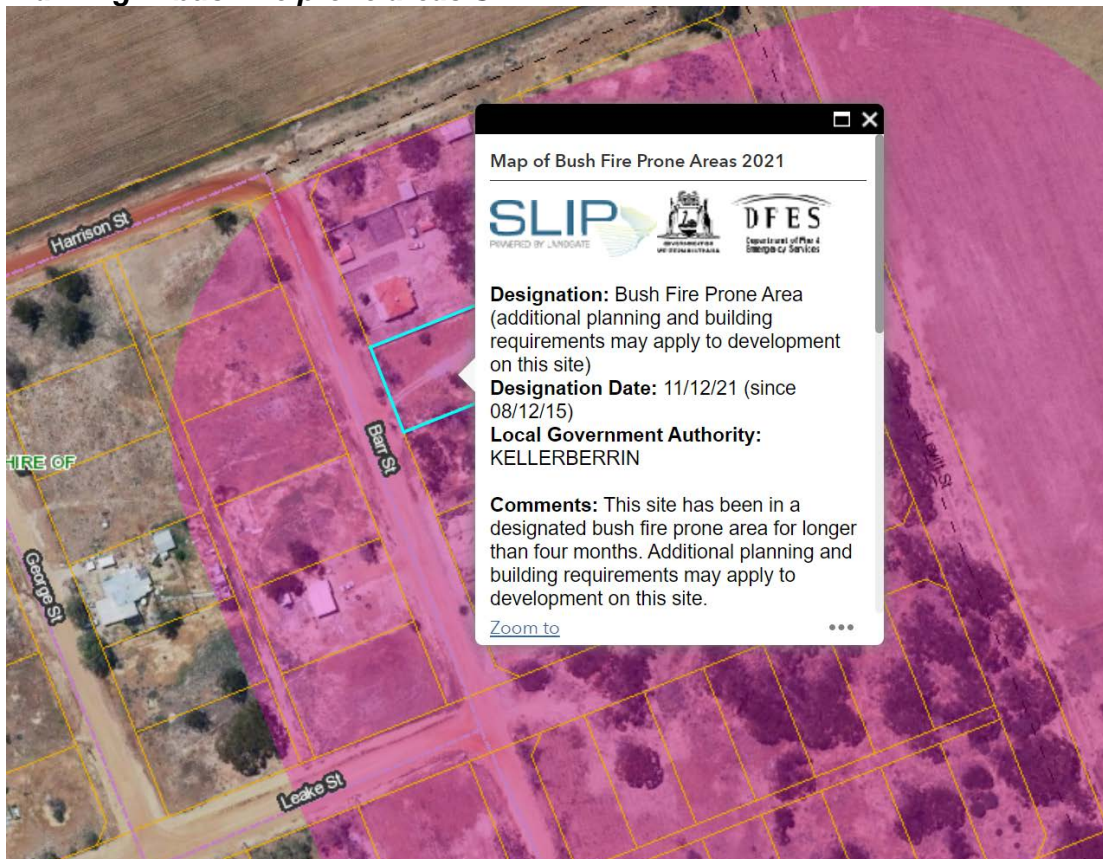
Outbuilding size: 12x9= 72m²

Height:

Use Scheme determination: The proposed use will be considered as 'Storage' as per WAPC factsheet 'Outbuildings'.

'Storage' - means premises used for the storage of goods, equipment, plant or materials.

Zoning table: 'A' use

Planning in bushfire prone areas SPP***Local planning Scheme No.4*****3.2.3 Rural Townsite Zone**

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

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.

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

WAPC- Factsheet 'Outbuildings'

Purpose of outbuilding

A shed structure is not an outbuilding if it is proposed on a lot without a dwelling. A land use must then be identified in the proposal consistent with the purpose of the proposed structure.

The 'warehouse / storage' use is the most suitable if the shed is not associated with a land use such as agriculture or light industry. Outbuildings and sheds are not land uses in themselves, therefore a land use needs to be established to determine whether it is permissible under the local planning scheme. For example, if a property has an approved or permitted use, the proposed shed may be applied for to store materials, equipment, plant associated with that use.

Where outbuildings are proposed to be separated from a dwelling by way of subdivision, there will often be a condition to demolish the separated outbuilding.

Without a dwelling, a shed by itself takes on a warehouse / storage land use, which is not usually permitted in a residential zone.

Temporary habitation of outbuildings

A shed cannot be characterised as an outbuilding if there is no association with a habitable dwelling on the same lot.

However, an outbuilding may be part of a development proposal that includes a dwelling, with the outbuilding intended to be constructed first, to store the materials/equipment for the dwelling construction. As there is a risk that the outbuilding may be constructed and used without a dwelling, conditions of development approval may be required to control the timing of construction to ensure that the outbuilding is developed in association with the dwelling and not before.

While some local governments have allowed people to live in sheds while dwellings are constructed, this is a breach of building legislation unless they have been converted to a habitable standard (class 1), as sheds are classified as class 10 structures, which are non-habitable.

Regulation 11(2)(c) of the *Caravan Parks and Camping Grounds Regulations 1997* provides for occupation of one caravan on site for up to year, which may be considered in conjunction with a development application. Such use may be linked to conditions such as; having a building permit for the dwelling; a statutory declaration acknowledging that use of the caravan is temporary; ensuring there is suitable provision made for water supply and effluent disposal; and the caravan being located within an outbuilding.

Temporary uses are also considered under section 61 of the deemed provisions, which could also be used for a caravan.

<https://www.wa.gov.au/system/files/2021-06/FS-outbuildings.pdf>

STRATEGIC PLAN IMPLICATIONS

Planning and Development (Local Planning Schemes) Regulations 2015

64. Advertising applications

1. The local government —

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

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

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

- a. publishing in accordance with clause 87 —
 - i. a notice of the proposed development in the form set out in clause 86(3); and
 - ii. the application for development approval; and
 - iii. any accompanying material in relation to the application that the local government considers should be published;
- b. giving notice of the proposed development — (i) to the owners and occupiers of every property that is within 200 m of the proposed development; and (ii) to any other owners and occupiers of properties in the vicinity of the proposed development who,

- in the opinion of the local government, are likely to be affected by the granting of development approval;
- c. erecting, in the manner and form approved by the Commission, a sign or signs in a conspicuous place on the land the subject of the application giving notice of the proposed development in the form set out in clause 86(3). Note for this subclause: Under clause 88, the Commission may approve varied requirements that apply if it is not practicable for the local government to comply with subclause (3)(b) or (c).
4. For the purposes of subclause (1)(b) or (c), an application that is not a complex application is advertised by doing any or all of the following, as determined by the local government —
 - a. publishing in accordance with clause 87 — (i) a notice of the proposed development in the form set out in clause 86(3); and (ii) the application for development approval; and (iii) any accompanying material in relation to the application that the local government considers should be published;
 - b. giving notice of the proposed development to owners and occupiers of properties in the vicinity of the development who, in the opinion of the local government, are likely to be affected by the granting of development approval;
 - c. erecting, in the manner and form approved by the Commission, a sign or signs in a conspicuous place on the land the subject of the application giving notice of the proposed development in the form set out in clause 86(3).
 5. A notice published or given, or on a sign erected, in accordance with subclause (3) or (4) in relation to an application for development approval must specify —
 - a. the manner and form in which submissions may be made; and
 - b. the applicable period under subclause (6) or (7) for making submissions and the last day of that period.
 6. The period to be specified in a notice published or given, or on a sign erected, in accordance with subclause (3) in relation to a complex application is —
 - a. the period of 28 days after the day on which the notice of the application is first published under subclause (3)(a); or
 - b. a longer period agreed in writing between the applicant and the local government.
 7. The period to be specified in a notice published or given, or on a sign erected, in accordance with subclause (4) in relation to an application that is not a complex application is —
 - a. the period of 14 days after the day on which the notice of the application is first published or given, or the sign is first erected, as the case requires; or
 - b. a longer period agreed in writing between the applicant and the local government.

67. Consideration of application by local government

1. Development approval cannot be granted on an application for approval of —
 - a. development that is a class X use in relation to the zone in which the development is located, unless —
 - i. the development relates to land that is being used for a non-conforming use; and
 - ii. the local government considers that the proposed use of the land would be less detrimental than the non-conforming use; or Planning and Development (Local Planning Schemes) Regulations 2015 Schedule 2 Deemed
 - b. development that otherwise does not comply with a requirement of this Scheme, unless —

- i. this Scheme gives the local government discretion to waive or vary the requirement or to grant development approval despite non-compliance with the requirement; or
 - ii. the development is permitted under a provision of this Scheme in relation to non-conforming uses.
- 2. In considering an application for development approval (other than an application on which approval cannot be granted under subclause (1)), the local government is to have due regard to the following matters to the extent that, in the opinion of the local government, those matters are relevant to the development the subject of the application —
 - a. the aims and provisions of this Scheme and any other local planning scheme operating within the Scheme area;
 - b. the requirements of orderly and proper planning including any proposed local planning scheme or amendment to this Scheme that has been advertised under the Planning and Development (Local Planning Schemes) Regulations 2015 or any other proposed planning instrument that the local government is seriously considering adopting or approving;
 - c. any approved State planning policy;
 - d. any environmental protection policy approved under the Environmental Protection Act 1986 section 31(d);
 - e. any policy of the Commission;
 - f. any policy of the State; (fa) any local planning strategy for this Scheme endorsed by the Commission;
 - g. any local planning policy for the Scheme area;
 - h. any structure plan or local development plan that relates to the development;
 - i. any report of the review of the local planning scheme that has been published under the Planning and Development (Local Planning Schemes) Regulations 2015;
 - j. in the case of land reserved under this Scheme, the objectives for the reserve and the additional and permitted uses identified in this Scheme for the reserve;
 - k. the built heritage conservation of any place that is of cultural significance;
 - l. the effect of the proposal on the cultural heritage significance of the area in which the development is located;
 - m. the compatibility of the development with its setting, including — (i) the compatibility of the development with the desired future character of its setting; and (ii) the relationship of the development to development on adjoining land or on other land in the locality including, but not limited to, the likely effect of the height, bulk, scale, orientation and appearance of the development;
 - n. the amenity of the locality including the following — (i) environmental impacts of the development; (ii) the character of the locality; (iii) social impacts of the development;
 - o. the likely effect of the development on the natural environment or water resources and any means that are proposed to protect or to mitigate impacts on the natural environment or the water resource;
 - p. whether adequate provision has been made for the landscaping of the land to which the application relates and whether any trees or other vegetation on the land should be preserved;
 - q. the suitability of the land for the development taking into account the possible risk of flooding, tidal inundation, subsidence, landslip, bush fire, soil erosion, land degradation or any other risk;

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

POLICY IMPLICATIONS

Local Planning Policy- Outbuildings

7.0 MAXIMUM DEVELOPMENT REQUIREMENTS

7.1 Maximum standards for outbuildings in R-Codes areas

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

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

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

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

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

9.0 USE OF OUTBUILDINGS

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

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

COMMUNITY CONSULTATION

The following consultation has occurred;

- Chief Executive Officer
- Town Planner

PLANNING ASSESSMENT

The proposal triggers the need for Council approval as the use of 'storage' in the rural townsite zone is required to be advertised ('A' use). The proposal raises several concerns, firstly the outbuilding is proposed on a lot where no dwelling exists. Council in the past have only issued development approvals for outbuildings on vacant lots where development plans for a dwelling have also been submitted and such works will be substantially commenced within a 12 month period- as per Councils LPP- Outbuildings. Council have made decisions in the past regarding vacant lots to ensure that landowners don't use the outbuildings as a dwelling. Outbuildings as storage facilities on vacant land create the potential for a decrease in the visual amenity of the rural townsite zone. It is recommended that the development application either be a) deferred until plans for a dwelling can be submitted with the outbuilding or b) refused due to the fact that an outbuilding to be used as a storage facility on a lot with no existing dwelling is inconsistent with Councils Local Planning Policy and the Planning and Development (Local Planning Schemes) Regulations (2015) Cl. 67.

STAFF RECOMMENDATION

That Council;

- Defer the development application for a period of 6 months until plans for a dwelling can be submitted with the outbuilding;
OR
- Refuse the development application because an outbuilding to be used as a storage facility on a lot with no existing dwelling is inconsistent with Councils Local Planning Policy- Outbuildings Cl. 9.1.1 and the Planning and Development (Local Planning Schemes) Regulations (2015) Cl. 67General Conditions

COUNCIL RESOLUTION

MIN 020/22

MOTION - Moved Cr. Steber

Seconded Cr. Leake

That Council approve the development of a shed at Lot 126 Barr Street, Doodlakine with the following conditions.

General Conditions;

- The application shall be advertised for a period of 28 days as per Cl. 64 of the Planning and Development 'Local Planning Schemes' Regulations (2015);***
- Planning approval will expire if the development is not substantially commenced within two years of this approval;***
- The storage shed shall be setback a minimum of 7.5m from the front boundary and 1.5m from the side boundary;***
- The endorsed approved plans shall not be altered without prior written approval of the Shire;***
- Use of the building shall be for domestic purposes only;***
- The outbuilding shall not be used for human habitation at any given time; and***
- Require plans for a dwelling shall be submitted to Council within 24 months of the approval date***

Advice Notes

Planning approval is not considered Building approval. A Building Permit should also be obtained.

CARRIED 7/0

14 CONFIDENTIAL MATTERS**COUNCIL RESOLUTION**

MIN 021/22 MOTION - Moved Cr. Steber Seconded Cr. Reid

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 *Write Off Outstanding Balance - Lot 126 Barr Street Doodlakine*

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.

14.2 *Sale of Toyota Prado - KE1*

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

CARRIED 7/0

COUNCIL RESOLUTION

MIN 022/22 MOTION - Moved Cr. Ryan Seconded Cr. Forsyth

That Council moves out of Closed Council into Open Council.

CARRIED 7/0

15 CLOSURE OF MEETING

The Meeting closed at 4:56pm.

The minutes of this meeting were confirmed at the Ordinary Council Meeting held on 15 March 2022.

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CHAIRPERSON