



AGENDA

Ordinary Council Meeting Tuesday, 15 March 2022

Date: Tuesday, 15 March 2022

Time: 2:00pm

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

Shire of Kellerberrin

Ordinary Council Meeting 15th March 2022

NOTICE OF MEETING

Dear Elected Member

The next Ordinary Council Meeting of the Shire of Kellerberrin will be held on Tuesday, 15th March 2022 in the Council Chamber, 110 Massingham Street, Kellerberrin WA 6410 commencing at 2:00pm.



Raymond Griffiths
Chief Executive Officer
Wednesday, 9 March 2022

Shire of Kellerberrin

Disclaimer

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

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

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

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

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

Signed _____
Chief Executive Officer

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

Chief Executive Officer, Shire of Kellerberrin

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

financial interest (Section 5.60A)

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

proximity interest (Section 5.60B)

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

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

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

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

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

in Item number/s _____

the *nature* of the interest being _____

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

Yours faithfully

(Councillor's signature)

Councillor's Name

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

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

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

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

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1 DECLARATION OF OPENING

2 ANNOUNCEMENT BY PRESIDING PERSON WITHOUT DISCUSSION**2.1 PRESIDENT REPORT - FEBRUARY 2022**

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

The month of February has seen our town street works continue however with delays due to the thunderstorms received in the middle of the month.

Council held its Annual Electors meeting following its February 2022 Ordinary Council meeting with fifteen electors in attendance. The meeting was a good meeting and provided Councils ratepayers the opportunity to provide comments and feedback directly to Council.

Council entered a formal contract to purchase the vacant depot land across from the existing Depot for \$20,000 of which Council budgeted \$40,000 to complete the transaction.

There has been several complaints around town about mosquitos, Council need to consider options for attending to this issue.

Kind Regards



Scott O'Neill
Shire President

STAFF RECOMMENDATION

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

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

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

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

5 PUBLIC QUESTION TIME

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

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

6 CONFIRMATION OF PREVIOUS MEETINGS MINUTES

6.1 MINUTES OF THE ARTS & CULTURE COMMITTEE MEETING HELD ON 2 MARCH 2022

File Ref: MIN
Author: Codi Brindley-Mullen, Manager of Governance
Authoriser: Raymond Griffiths, Chief Executive Officer
Attachments: 1. Minutes of the Arts & Culture Committee Meeting held on 2 March 2022

HEADING

STAFF RECOMMENDATION

That the Minutes of the Arts & Culture Committee Meeting held on 2 March 2022 be noted.



MINUTES

Arts & Culture Committee Meeting Wednesday, 2 March 2022

Date: Wednesday, 2 March 2022

Time: 5:30pm

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

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**MINUTES OF SHIRE OF KELLERBERRIN
ARTS & CULTURE COMMITTEE MEETING
HELD AT THE COUNCIL CHAMBER, 110 MASSINGHAM STREET, KELLERBERRIN WA 6410
ON WEDNESDAY, 2 MARCH 2022 AT 5:30PM**

1 DECLARATION OF OPENING

The presiding member opened the meeting at 5:35pm.

2 RECORD OF ATTENDANCE / APOLOGIES / LEAVE OF ABSENCE

PRESENT:

Cr Emily Ryan (Deputy President),
Member Robert McCaffrey,
Member Kelsey Cox,
Member Valecia McDonald,
Member Julie Doncon,
Member Colin Weston,
Member Rebecca Parkhouse.

IN ATTENDANCE:

Codi Brindley-Mullen (Manager of Governance)

APOLOGIES

Raymond Griffiths (Chief Executive Officer)
Member Pixie O'Neill

LEAVE OF ABSENCE

Nil

3 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.

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4.1 Response to Previous Public Questions taken on Notice

4.2 Public Question Time

5 CONFIRMATION OF PREVIOUS MEETINGS MINUTES**5.1 MINUTES OF THE ARTS & CULTURE COMMITTEE MEETING HELD ON 21 JUNE 2021**

File Ref: MIN
Author: Codi Brindley-Mullen, Manager of Governance
Authoriser: Raymond Griffiths, Chief Executive Officer
Attachments: 1. Minutes of the Arts & Culture Committee Meeting held on 21 June 2021

HEADING**STAFF RECOMMENDATION**

That the Minutes of the Arts & Culture Committee Meeting held on 21 June 2021 be received as a true and accurate record.

COMMITTEE RESOLUTION

MIN 001/22 MOTION - Moved Member. McCaffrey Seconded Member. Cox

That the Minutes of the Arts & Culture Committee Meeting held on 21 June 2021 be received as a true and accurate record.

CARRIED 7/0

6 PRESENTATIONS

6.1 Petitions

6.2 Presentations

6.3 Deputations

7 CORPORATE SERVICES REPORTS

7.1 POTENTIAL PROJECTS FOR 2022

File Ref: ADM 02
Author: Codi Brindley-Mullen, Manager of Governance
Authoriser: Raymond Griffiths, Chief Executive Officer
Attachments: Nil

BACKGROUND

Arts & Culture meeting 4th August 2020

MIN 001/20 **MOTION - Moved Member. Doncon** **Seconded Member. Cox**

That the Arts & Culture Committee recommend that Council endorse these 4 categories as the priorities of the Arts & Culture Committee moving forward:

1. *Street Scaping*
2. *Live Theatre/Comedy*
3. *Silo Art*
4. *Indigenous Cultural Program*

CARRIED 8/0

STAFF COMMENT

It is recommended that the committee discuss potential projects/productions that the committee wish to undertake in the 2022 year. These projects/productions need to fit into the scope of the categories previously prioritised by the committee.

TEN YEAR FINANCIAL PLAN

Nil known at this time

FINANCIAL IMPLICATIONS

Nil known at this time

STATUTORY IMPLICATIONS

Nil known at this time

STRATEGIC COMMUNITY PLAN

Nil known at this time

COMMUNITY CONSULTATION

That the following consultation took place;

- Cr. Ryan
- Committee Members
- Chief Executive Officer
- Manager of Governance

STAFF RECOMMENDATION

That the Arts and Culture Committee focus on the following projects in 2022:

COMMITTEE RESOLUTION**MIN 002/22 MOTION - Moved Member. Doncon Seconded Member. Cox*****That the Arts and Culture Committee focus on the following projects in 2022:***

- 1. Present the idea to Council and get an understanding of what will be required to construct a walkway of sculptures from Price Street to the lookout. Hold a competition for the sculptures and the winner goes along the walkway. Sculptures by the Hill.***
- 2. Robert McCaffrey to provide the Committee with a concept and quote for a sculpture to be placed at the front of the new Swimming Pool facilities.***
- 3. To investigate the Regional Cinema Tour and seek further availability on dates.***

CARRIED 7/0

7.2 MEETING DATES 2022

File Ref: ADM02
Author: Codi Brindley-Mullen, Manager of Governance
Authoriser: Raymond Griffiths, Chief Executive Officer
Attachments: Nil

BACKGROUND

The Arts and Culture terms of reference stipulates the committee is required to meet at least bi-annually.

STAFF COMMENT

Next Meeting date to be set at the end of the year – September 2022. If the Committee feel like this isn't adequate, more meetings can be scheduled throughout 2022.

TEN YEAR FINANCIAL PLAN

Nil known at this time.

FINANCIAL IMPLICATIONS

Nil known at this time.

STATUTORY IMPLICATIONS

Nil know at this time.

STRATEGIC COMMUNITY PLAN

Nil

COMMUNITY CONSULTATION

The following consultation took place;

- Chief Executive Officer
- Manager of Governance
- Cr. Ryan.

STAFF RECOMMENDATION

That the committee meet on the following date commencing at 5.30pm for the 2022 year;

- *Wednesday, 14th September.*

COMMITTEE RESOLUTION

MIN 003/22 MOTION - Moved Member. Cox Seconded Member. McCaffrey

That the committee meet on the following date commencing at 6:00pm for the 2022 year;

- ***Wednesday, 27th April;***
- ***Wednesday, 20th July; and***
- ***Wednesday, 14th September.***

CARRIED 7/0

7.3 SNOW WHITE AND THE SEVEN COOL DUDES 2023

File Ref: ADM 02
Author: Codi Brindley-Mullen, Manager of Governance
Authoriser: Raymond Griffiths, Chief Executive Officer
Attachments: 1. Email Correspondence

BACKGROUND

Arts & Culture Committee Meeting 6th October 2020

MIN 009/20 MOTION - Moved Member. Cox Seconded Member. McDonald

That the Arts and Culture Committee focus on the following projects in 2021:

1. *Live Theatre Performances*
 - a. *Register with CANWA*
 - b. *Discuss opportunities with Lotterywest*

STAFF COMMENT

Jally Entertainment reached out in August 2021 selling their live production 'Snow White and the Seven Cool Dudes 2023'.

In November 2021, Council wrote to Jally Entertainment seeking further information on show dates, prices etc.

Full information in attachment.

Council discussed the show with Cr Emily Ryan - Chairperson of the Arts & Culture Committee to see if this is something the Arts Committee may be interested in. At this stage we have expressed our interest.

Discussion were held to get the local school and other surrounding schools involved as part of their excursions. To date we are waiting to see if there are any other shows to be held in the Wheatbelt.

Kellerberrin has been given a date – Tuesday, 9th May 2023.

The Committee will need to make a decision on the following;

- To proceed with the Show or not
- Ticket costs

TEN YEAR FINANCIAL PLAN

Nil known at this stage

FINANCIAL IMPLICATIONS*Expenditure*

Show Cost \$3,000 + GST

Income

For council to cover the production costs it will require a minimum of 100people at \$30.00per ticket.

STATUTORY IMPLICATIONS

Nil known at this stage

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;

- Cr Emily Ryan – Chairperson
- Raymond Griffiths - Chief Executive Officer
- Codi Brindley – Mullen - Manager of Governance
- Kelsey Cox - Committee Member

STAFF RECOMMENDATION

That the Arts & Culture Committee recommend to Council;

1. Proceed with the Snow White and Seven Cool Dudes show;
2. Writes to all surrounding schools to inform them of the show and seek this as part of their curriculum for 2023.
3. To set a ticketing price of \$30.00 per ticket (for all ages)
4. Should the schools not support the project, the Arts & Culture Committee to revisit proceeding with the Snow White and Seven Cool Dudes show.

COMMITTEE RESOLUTION

MIN 004/22

MOTION - Moved Member. Doncon

Seconded Member. Parkhouse

That the Arts & Culture Committee recommend to Council;

1. *Proceed with the Snow White and Seven Cool Dudes scheduled for Tuesday 9th May 2023;*
2. *Writes to all surrounding schools to inform them of the show and seek this as part of their school curriculum for 2023.*
3. *To set a ticketing price of \$30.00 per ticket (for all ages)*
4. *Should the schools not support the project, the Arts & Culture Committee to revisit proceeding with the Snow White and Seven Cool Dudes show.*

CARRIED 7/0

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

9 CONFIDENTIAL MATTERS

Nil

10 CLOSURE OF MEETING

The Meeting closed at 6:11pm.

The minutes of this meeting were confirmed at the Arts & Culture Committee Meeting held on

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.....
CHAIRPERSON

6.2 MINUTES OF THE COUNCIL 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 Council Meeting held on 15 February 2022

HEADING**STAFF RECOMMENDATION**

That the Minutes of the Council Meeting held on 15 February 2022 be adopted as a true and accurate record.

7 PRESENTATIONS

7.1 Petitions

7.2 Presentations

7.3 Deputations

8 REPORTS OF COMMITTEES

Nil

9 CORPORATE SERVICES REPORTS

9.1 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.

9.2 COMMUNITY REQUESTS AND DISCUSSION ITEMS
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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.

January 2022 Council Meeting

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

December 2021 Council Meeting

MIN 199/21 MOTION - Moved Cr. Leake Seconded Cr. Forsyth

That Council

- 1. Look into the white cockatoo population within the townsite;**
- 2. Acknowledge receipt of the REED correspondence and Council to further investigate alternative provider options for family day care or alternatives;**
- 3. Approve two smaller islands at the eastern and western ends of James Street (between Bedford & Moore St) to cater for all current driveway access;**

4. **Acknowledge the correspondence received from Tony Downs regarding the request to have a Community Recognition award incorporated into the Australia Day Awards. Council will review the suggestion in 2022;**
5. **Acknowledge correspondence from Professor Grose recommending Salmon Gum and Gimlets for the James Street islands. Council to seek additional advice from Mr Malcolm French and Chatfield's Tree Nursery to ensure full consultation has occurred.**

CARRIED 7/0

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

STAFF COMMENT

January MIN 004/22

1. An email has been issued to Bruno at the Hotel to ensure he is happy with the location of the proposed seat.
2. An email has been sent to Team Leader Parks and Gardens to have this work placed on the board for completion.
3. A message was sent to Chatfields for obtaining the trees. Chatfields advised they cannot supply these species. An email has been issued to DKT to see if they can supply.
4. Item noted for review when Australia Day Awards process commences.
5. An email has been issued to Renza Bishop advising of Councils decision.

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

TEN YEAR FINANCIAL PLAN

This does not directly affect the long term financial plan.

FINANCIAL IMPLICATIONS

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

STATUTORY IMPLICATIONS

Local Government Act 1995 (as amended)

Section 2.7. The role of the council

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

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

Section 2.8. The role of the mayor or president

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

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

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

Section 2.10. The role of councillors

A councillor —

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

5.60. When person has an interest

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

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

has —

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

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

5.60A. Financial interest

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

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

5.60B. Proximity interest

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

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

5.61. Indirect financial interests

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

5.62. Closely associated persons

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

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

- (a) either —
 - (i) the amount of the gift exceeds the amount prescribed for the purposes of this subsection; or
 - (ii) the gift is 1 of 2 or more gifts made by 1 person to the relevant person at any time during a year and the sum of the amounts of those 2 or more gifts exceeds the amount prescribed for the purposes of this subsection;

and

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

5.63. Some interests need not be disclosed

- (1) Sections 5.65, 5.70 and 5.71 do not apply to a relevant person who has any of the following interests in a matter —
- (a) an interest common to a significant number of electors or ratepayers; or
 - (b) an interest in the imposition of any rate, charge or fee by the local government; or
 - (c) an interest relating to —
 - (i) a fee, reimbursement of an expense or an allowance to which section 5.98, 5.98A, 5.99, 5.99A, 5.100 or 5.101(2) refers; or
 - (ii) a gift permitted by section 5.100A; or
 - (iii) reimbursement of an expense that is the subject of regulations made under section 5.101A;
 - or
 - (d) an interest relating to the pay, terms or conditions of an employee unless —
 - (i) the relevant person is the employee; or
 - (ii) either the relevant person's spouse, de facto partner or child is the employee if the spouse, de facto partner or child is living with the relevant person;
 - or
 - [(e) deleted]*
 - (f) an interest arising only because the relevant person is, or intends to become, a member or office bearer of a body with non-profit making objects; or
 - (g) an interest arising only because the relevant person is, or intends to become, a member, office bearer, officer or employee of a department of the Public Service of the State or Commonwealth or a body established under this Act or any other written law; or
 - (h) a prescribed interest.
- (2) If a relevant person has a financial interest because the valuation of land in which the person has an interest may be affected by —
- (a) any proposed change to a planning scheme for any area in the district; or
 - (b) any proposed change to the zoning or use of land in the district; or
 - (c) the proposed development of land in the district,
- then, subject to subsection (3) and (4), the person is not to be treated as having an interest in a matter for the purposes of sections 5.65, 5.70 and 5.71.
- (3) If a relevant person has a financial interest because the valuation of land in which the person has an interest may be affected by —

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

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

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

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

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

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

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

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

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

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

- (2) It is a defence to a prosecution under this section if the member proves that he or she did not know —
 - (a) that he or she had an interest in the matter; or
 - (b) that the matter in which he or she had an interest would be discussed at the meeting.

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

5.66. Meeting to be informed of disclosures

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

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

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

5.67. Disclosing members not to participate in meetings

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

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

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

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

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

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

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

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

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

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

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

5.69A. Minister may exempt committee members from disclosure requirements

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

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

5.70. Employees to disclose interests relating to advice or reports

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

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

5.71. Employees to disclose interests relating to delegated functions

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

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

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

STRATEGIC COMMUNITY PLAN

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

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

COMMUNITY CONSULTATION

The following consultation took place;

- Council Members
- Chief Executive Officer

STAFF RECOMMENDATION

That Council note any requests or ideas to be actioned.

9.3 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.

9.4 COMMON SEAL REGISTER AND REPORTING

File Ref: ADM52
Author: Codi Brindley-Mullen, Manager of Governance
Authoriser: Raymond Griffiths, Chief Executive Officer
Attachments: 1. Common Seal Register (under separate cover)

BACKGROUND

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

STAFF COMMENT

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

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

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

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

TEN YEAR FINANCIAL PLAN

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

FINANCIAL IMPLICATIONS

There are no financial impacts.

STATUTORY IMPLICATIONS

Shire of Kellerberrin Standing Orders Local Law 2016

Clause 19.1 The Council's Common Seal

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

Penalty \$1,000

STRATEGIC COMMUNITY PLAN

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

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

COMMUNITY CONSULTATION

The following consultation took place;

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

STAFF RECOMMENDATION

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

9.5 ARTS & CULTURE PROJECTS 2022

File Ref: ADM02
Author: Codi Brindley-Mullen, Manager of Governance
Authoriser: Raymond Griffiths, Chief Executive Officer
Attachments: Nil

BACKGROUND

Arts & Culture Committee Meeting – 2 March 2022

MIN 001/22 MOTION - Moved Member. Doncon Seconded Member. Cox

That the Arts and Culture Committee focus on the following projects in 2022:

- 1. Present the idea to Council and get an understanding of what will be required to construct a walkway of sculptures from Price Street to the lookout. Hold a competition for the sculptures and the winner goes along the walkway. Sculptures by the Hill.*
- 2. Robert McCaffrey to provide the Committee with a concept and quote for a sculpture to be placed at the front of the new Swimming Pool facilities.*
- 3. To investigate the Regional Cinema Tour and seek further availability on dates.*

CARRIED 7/0

STAFF COMMENT

On 2nd March 2022, the Arts & Culture Committee met in regards to what their focus would be on for projects in 2022.

1. The Committee decided to focus on getting Council approval to start a 'Sculpture by the Hill' project. The Committee are also seeking Council approval to construct a walkway from Price Street through to the top of the Lookout.

The Committee aim to hold an annual competition that can have many categories with the winner having their sculpture placed on display along the walkway. This will promote Tourism for Kellerberrin as well as enjoying an annual event that Kellerberrin can be known for.

2. The Committee have approached local artist Mr Robert McCaffrey to come up with a design concept and quote for a sculpture to be placed at the newly developed Swimming Pool Facilities. The Committee are seeking Councils approval to have the Sculpture placed on display at the Swimming Pool.

TEN YEAR FINANCIAL PLAN

Nil know at this time

FINANCIAL IMPLICATIONS

Nil know at this time

STATUTORY IMPLICATIONS

Nil know 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;

- Cr Emily Ryan
- Arts & Culture Committee Members
- Raymond Griffiths – Chief Executive Officer
- Codi Brindley- Mullen – Manager of Governance

STAFF RECOMMENDATION

That Council

1. *Endorse the concept for a walkway of sculptures, however request the Arts Committee review the location to the already existing path from the South side of the Hill that goes to the Hill Lockout access road.*
2. *Endorse the Committees approach for a sculpture to be incorporated into the upgrade of the pool.*

9.6 LIVE THEATRE PERFORMANCES - SNOW WHITE AND THE SEVEN COOL DUDES

File Ref: ADM02
Author: Codi Mullen, Personal Assistant
Authoriser: Raymond Griffiths, Chief Executive Officer
Attachments: Nil

BACKGROUND

Shire of Kellerberrin – Arts & Culture Committee Meeting – 2nd March 2022

COMMITTEE RESOLUTION

MIN 001/22 **MOTION - Moved Member. Doncon** **Seconded Member. Parkhouse**

That the Arts & Culture Committee recommend to Council;

- 1. Proceed with the Snow White and Seven Cool Dudes scheduled for Tuesday 9th May 2023;*
- 2. Writes to all surrounding schools to inform them of the show and seek this as part of their school curriculum for 2023.*
- 3. To set a ticketing price of \$30.00 per ticket (for all ages)*
- 4. Should the schools not support the project, the Arts & Culture Committee to revisit proceeding with the Snow White and Seven Cool Dudes show.*

Shire of Kellerberrin – May 2021 Ordinary Meeting of Council – 18th May 2021

COUNCIL RESOLUTION

MIN 002/21 **MOTION - Moved Cr. Ryan** **Seconded Cr. O’Neill**

That Council:

- 1. Endorses the Art and Culture Committee’s recommendation to accept the quote of \$3,500 from Matt Hale for a Comedy Hypnosis Show on Thursday 8th July 2021 commencing at 7.30pm for a 75 minute performance.*
- 2. Advise that the cost associated with the performance is to come out of the \$10,000 allocated to the committee in the DRAFT Budget.*
- 3. Advise that any profit from the event is to be transferred to the Art and Culture Reserve that will be created in the 2021/22 Budget.*
- 4. It sets the fee structure of:*
 - i. Tickets \$35.00*
 - ii. Concession \$27.50*
- 5. Make application for a liquor permit for the event as an additional fundraiser for the committee.*

Shire of Kellerberrin – April 2021 Ordinary Meeting of Council – 20th April 2021

COUNCIL RESOLUTION

MIN 003/21

MOTION - Moved Cr. Steber

Seconded Cr. Leake

That Council;

- 1. Request that \$10,000 be allocated to the Arts Committee in the 2021/22 DRAFT budget as seed funding to be reviewed at Budget adoption.**
- 2. Review the opportunity of adding additional disabled parking bay on Moore Street in front of the Medical Centre.**

Shire of Kellerberrin – Arts and Culture Committee Meeting 4th May 2021

COMMITTEE RESOLUTION

MIN 004/21

MOTION - Moved Member. Cox

Seconded Member. O'Neill

That the Arts and Culture Committee recommend to Council that:

- 1. Accepts the quote of \$3,500 from Matt Hale for a Comedy Hypnosis Show on Thursday 8th July 2021 commencing at 7.30pm for a 75 minute performance including a 15 minute interval.**
- 2. It sets the fee structure of:**
 - i. Tickets \$35.00**
 - ii. Concession \$27.50**
- 3. Make application for a liquor permit for the event as an additional fundraiser for the committee.**

STAFF COMMENT

Councils staff have been in discussion with the organisers regarding this performance for several months though due to COVID the interaction has been slow as with the ever changing regulations the ability to be sure we can host the event was fluid at best.

Since advising that we would be interested in the event the organisers have advised that should we host the performance they would place an exclusion zone from Bruce Rock, Merredin, Nungarin, Trayning, Wyalkatchem, Tammin, Cunderdin, Meckering and Quairading to ensure the performance is viable.

TEN YEAR FINANCIAL PLAN

Nil known at this time

FINANCIAL IMPLICATIONS

Snow White and the Seven Cool Dudes

Expenditure

- Show Costs - \$3,000

Income

The Arts Committee reviewed the costs and provided Council with a charge out rate of \$30 per person regardless of Adult/Child/Pensioner.

- Ticket Price - \$3000

Numbers	Category	Units Price	Total
			Profit of \$200
100	Adults	\$30.00	\$3,000.00
		TOTAL	\$3,000.00
			Break Even

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;

- Cr Emily Ryan
- Raymond Griffiths – Chief Executive Officer
- Codi Brindley- Mullen – Manager of Governance
- Kelsey Cox – Customer Service Officer/Community Development Officer.

STAFF RECOMMENDATION

That Council;

1. *Endorses the Art and Culture Committee’s recommendation to accept the quote of \$3,000 excluding GST from Jally Entertainment for the production of Snow White and Seven Cool Dudes scheduled for Tuesday 9th May 2023;*
2. *Writes to all surrounding schools to inform them of the show and seek this as part of their school curriculum for 2023.*
3. *To set a ticketing price of \$30.00 per ticket (for all ages)*
4. *Should the schools not support the project, the Arts & Culture Committee to revisit proceeding with the Snow White and Seven Cool Dudes show.*

9.7 COUNCILS CORPORATE DOCUMENT TIMEFRAME

File Ref: ADM56
Author: Codi Brindley-Mullen, Manager of Governance
Authoriser: Raymond Griffiths, Chief Executive Officer
Attachments: 1. Schedule - Major Plan Review (under separate cover)

BACKGROUND

All local governments are required to plan for the future of their district under *Section 5.56* of the *Local Government Act 1995*. The Act outlines the minimum requirement to achieve this. The minimum requirement of the plan for the future is the development of:

- A Strategic Community Plan; and
- A Corporate Business Plan.

Integrated Planning and Reporting has core components being;

Strategic Community Plan	Community vision, strategic direction, long and medium term priorities and resourcing implications with a horizon of 10+ years
Corporate Business Plan (CBP)	Four year delivery program, aligned to the Strategic Community Plan, and accompanied by four year financial projections
Informing Strategies	
<ul style="list-style-type: none"> • Long Term Financial Plan • Asset Management Plans • Workforce Plan • Issue or Area Specific Plans 	<p>Long term financial position</p> <p>Approach to managing assets to deliver chosen service levels</p> <p>Shaping workforce to deliver organisational objectives now and in the future</p> <p>Any other informing plans or strategies (e.g. ICT, business continuity plan, disability access plan etc.)</p>
Annual Report	Financial statements and policies for one year

Council engaged a consultant back in 2019 to undertake a major review on Councils Strategic Community Plan.

After reviewing Councils other Corporate Documents I have found that another major review needs to be undertaken on Councils Strategic Community Plan (SCP). The reason being is the current SCP, I believe is a very poor document and is not up to Councils standards.

STAFF COMMENT

Council over the past years have received commentary on its Annual Audit Report regarding non-compliance for the Community Business Plan and the fact it hasn't been reviewed in the correct timeframes.

Council at its February 2022 Ordinary Meeting of Council discussed the opportunity for staff to conduct a desktop review of the Community Business Plan and then at the end of this calendar year complete a full review. This was to ensure that we were compliant and didn't have this as an item on our audit report again.

However on review of the document it doesn't align with our Strategic Community Plan and with the Strategic Community Plan in my opinion being a very poor document and is not up to Councils standards this document will need to be reviewed prior to any review of the Community Business Plan.

Therefore I will be conducting a major review of Councils SCP in the coming weeks. This involves re-engagement with the community on vision, outcomes and priorities and a comprehensive review of the whole Integrated Planning and Reporting suite including its informing strategies.

With the review of the Strategic Community Plan being undertaken first the timing of the Corporate Business Plan review won't be completed by the end of this financial year, therefore it will potentially be reported within the Audit Report for 21/22. Council's Management in understanding this has sent an email to the auditors explaining the current situation and the review process timelines to see if they accept this and not report on Council's Audit Report.

This request is currently being presented to the OAG for consideration.

TEN YEAR FINANCIAL PLAN

Nil (not applicable at this date and therefore unknown)

FINANCIAL IMPLICATIONS

Nil (not applicable at this date and therefore unknown)

STATUTORY IMPLICATIONS

Local Government Act 1995

5.56. Planning for the future

- 1) A local government is to plan for the future of the district.*
- 2) A local government is to ensure that plans made under subsection (1) are in accordance with any regulations made about planning for the future of the district.*

STRATEGIC COMMUNITY PLAN

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COMMUNITY CONSULTATION

The following consultation took place;

- Chief Executive Officer
- Manager of Governance

STAFF RECOMMENDATION

That Council endorses the proposed timeframes for all Councils Corporate Documents to be reviewed as per Attachment 1.

9.8 2021/22 BUDGET REVIEW**File Number: FIN 04****Author: Lenin Pervan, Deputy Chief Executive Officer****Authoriser: Raymond Griffiths, Chief Executive Officer****Attachments:**

- 1. 2021-22 Budget Review (under separate cover)**
- 2. Significant items arising from Budget Review (under separate cover)**

BACKGROUND

Under Regulation 33A of the Local Government (Financial Management) Regulations 1996 (FMR), between 1 January and 31 March in each financial year, a local government must carry out a review of its budget for that year. The intention of the legislation is to ensure local governments conduct at least one budget review between six and nine months into a financial year.

A budget review compares year to date actual results with the adopted or amended budget. It establishes whether a local government is meeting its budget commitments and if any variations are required. The review must:

- consider the local government's financial performance for the period 1 July 2021 to the review date in that financial year;
- amend the budget opening position at 1 July 2021 by reference to the audited closing position at 30 June 2022, including any adjustment(s) required for the introduction of new accounting standards on 1 July 2021;
- consider the local government's financial position as at the date of the review; and
- review the forecasted outcomes for the end of the financial year.

Regulation 33A(2) and (3) of the FMR states that, within 30 days after a review is carried out, it is required to be submitted to the council. In accordance with regulation 33A(4) of the FMR, a copy of the Council endorsed review must be provided to the Department of Local Government, Sport and Cultural Industries within 30 days of its endorsement by council.

If prior budget reviews have been undertaken, the Regulation 33A review must still cover the period from 1 July and also cover any adjustments made as a result of prior reviews.

STAFF COMMENT

Please find attached the Budget Review document that details the changes proposed to the 2021/22 Adopted Budget.

Attached is a report highlighting the significant changes which have been reflected in the budget review.

TEN YEAR FINANCIAL PLAN

Nil known at this time

FINANCIAL IMPLICATIONS

There is no financial implications associated with this review as the budget has been brought back to a balanced budget.

STATUTORY IMPLICATIONS

Local Government (Financial Management) Regulations 1996

Section 33A. Review of budget

- (1) Between 1 January and 31 March in each financial year a local government is to carry out a review of its annual budget for that year.
- (2A) The review of an annual budget for a financial year must —
 - (a) consider the local government's financial performance in the period beginning on 1 July and ending no earlier than 31 December in that financial year; and
 - (b) consider the local government's financial position as at the date of the review; and
 - (c) review the outcomes for the end of that financial year that are forecast in the budget.
- (2) Within 30 days after a review of the annual budget of a local government is carried out it is to be submitted to the council.
- (3) A council is to consider a review submitted to it and is to determine* whether or not to adopt the review, any parts of the review or any recommendations made in the review.
**Absolute majority required.*
- (4) Within 30 days after a council has made a determination, a copy of the review and determination is to be provided to the Department.

[Regulation 33A inserted in Gazette 31 Mar 2005 p. 1048-9; amended in Gazette 20 Jun 2008 p. 2723-4.]

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:

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COMMUNITY CONSULTATION

The following consultation took place;

- Chief Executive Officer
- Deputy Chief Executive Officer
- Manager Works & Services

STAFF RECOMMENDATION

That Council:

1. *adopt the 2021/22 Budget Review at 31st January 2021 as presented comprising;*
 - a) *Statement of Budget Review by Nature and Type;*

- b) *Statement of Budget Review by Program;*
 - c) *Note 1 to Note 5; and*
2. *Instruct the Chief Executive Officer lodge the Budget Review to the Department of Local Government, Sport and Cultural Industries in accordance with Section 33A, Local Government (Financial Management) Regulations 1996.*

9.9 DIRECT DEBIT LIST AND VISA CARD TRANSACTIONS - FEBRUARY 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
1-Feb-22	NAB	Merchant Fees - Trust		3.53
1-Feb-22	Westnet	Internet Fees		4.99
1-Feb-22	NAB	Merchant Fees - Caravan Park		60.32
1-Feb-22	NAB	Merchant Fees - Muni		72.42
1-Feb-22	NAB	Merchant Fees - CRC		209.63
1-Feb-22	Department of Communities	Rent		420.00
2-Feb-22	NAB	NAB Connect Fees		61.98
3-Feb-22	Shire of Kellerberrin	Precision Superannuation		11,381.20
3-Feb-22	Shire of Kellerberrin	Pay Run		62,360.84
10-Feb-22	Shire of Kellerberrin	Creditors Payments		498,138.07
15-Feb-22	Department of Communities	Rent		420.00
17-Feb-22	ATO	BAS January 2022		18,084.00
17-Feb-22	Nayax Australia	Vending Machine - Caravan Park		38.17
17-Feb-22	Shire of Kellerberrin	Precision Superannuation		11,458.92
17-Feb-22	Shire of Kellerberrin	Pay Run		62,673.38
23-Feb-22	Atrada Group Pty Ltd	Purchase Forklift Platform		1,549.19
24-Feb-22	Department Planning	Deposit purchase of new depot lots		3,174.18
24-Feb-22	Shire of Kellerberrin	Creditors Payments		286,534.66
24-Feb-22	NAB	NAB Connect Fees		48.73
28-Feb-22	NAB	B Pay Charge		26.68
28-Feb-22	NAB	Account Fees - Trust		10.00
28-Feb-22	NAB	Account Fees - Muni		46.50
TOTAL			\$	956,777.39

Trust Direct Debit List

Date	Name	Details	\$	Amount
28-Feb-22	Department of Transport	Licencing Payments February 2022		48,937.25
TOTAL			\$	48,937.25

Visa Transactions

Date	Name	Details	\$	Amount
14-Feb-22	Lions Cancer Institute	Donation Lions Cancer		300.00
23-Feb-22	Department Transport	Licence Plates KE 1		30.50
23-Feb-22	Star Car Wash	Detail of KE1 prior to sale		399.00
28-Feb-22	NAB	Card Fee		9.00
TOTAL - CEO			\$	738.50
Date	Name	Details	\$	Amount
02-Feb-22	Australia Post	WA Police Clearance		57.60
18-Feb-22	Booktopia	Book Purchase Angus Lavery		165.50
28-Feb-22	NAB	Card Fee		9.00
TOTAL -DCEO				232.10

TOTAL VISA TRANSACTIONS	\$ <u>970.60</u>
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STAFF COMMENT

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

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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 February 2022 comprising of;

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

9.10 CHEQUE LIST FEBRUARY 2022

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

BACKGROUND

Accounts for payment from 1st February to 28th February 2022

TRUST

TRUST TOTAL **\$ 52,776.70**

MUNICIPAL FUND

Cheque Payments
 34930-34934 **\$ 103,024.07**

EFT Payments
 13139-13252 **\$ 783,737.73**

Direct Debit Payments **\$ 51,800.60**

TOTAL MUNICIPAL **\$ 938,562.40**

STAFF COMMENT

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

MBC (Majstrovich Building Co) **\$ 316,800.00**
 Progress claim no. 1 - Stage 2 Swimming Pool redevelopment

Stirling Asphalt (Juel Enterprises PTY LTD) **\$ 140,601.45**
 Asphalt works for Baandee Nth Rd intersection, Doodli-Kunno Rd intersection & Dowding St. intersection

Molivi Construction Pty Ltd **\$ 80,626.13**
 Progress claim CL010 - final claim for Bushfire Sheds

Shire Of Kellerberrin **\$ 52,173.00**
 Reimbursements project management services Bushfire Sheds January 2021 to December 2021

Department of Transport - TRUST DIRECT DEBITS Licensing CRC **\$ 48,937.25**
 Licencing payments February 2022

Water Corporation **\$ 47,332.24**
 Water charges various Shire properties December 2021-February 2022

Smith Earthmoving Pty Ltd **\$ 37,752.00**
 Hire of semi for James St. road works, push gravel for Benderine Nth Rd & Kellerberrin-Yelbeni Rd including mob/demob

Western Australian Treasury Corporation **\$ 20,311.27**
 Payment for Loan 120 - construction of 2 GROH houses

Deputy Commissioner Of Taxation PAYG Tax	\$ 18,084.00
Western Australian Treasury Corporation Loan payments for Loan 119 - construction of CEACA Units and GFEE for Loans 118, 119 & 120	\$ 17,162.42
Beam Superannuation Superannuation Pay Run 17/02/2022	\$ 11,458.92
Beam Superannuation Superannuation Pay Run 03/02/2022	\$ 11,381.20
Kellerberrin & Districts Club Inc. Contributions towards Rec Centre Manager January 2022, catering for Australia Day 2022 & Gym cleaning	\$ 8,797.42
Down to Earth Training & Assessing Civil construction training Outside Crew for heavy vehicles 15-18 January 2022	\$ 8,493.75
Avon Waste Domestic & commercial collections January 2022	\$ 8,104.72
Synergy Power charges various Shire properties December 2021-February 2022	\$ 7,811.15
STS West Pty Ltd Purchase of tyres, puncture repairs & batteries for various Depot vehicles and water bottle refills for Admin Office	\$ 7,794.00
United Card Services Pty Ltd Total supply January 2022	\$ 7,431.00
Innes & Co Hire of semi January 2022 for James Street road works	\$ 7,007.00
Bucher Municipal Pty Ltd Service & repairs for KE 06 road sweeper including parts & labour	\$ 6,682.19
Kellerberrin Community Resource Centre Licencing commissions November-December 2021 and ATM commissions November 2021-January 2022	\$ 6,306.21
Australian Fire Door Company Supply of fire rated doors for Exhibition Hall	\$ 6,182.00
VISA Payments - National Australia Bank Various visa transactions CEO & DCEO January 2022	\$ 5,224.10
Great Southern Fuel Supplies Total supply January 2022	\$ 5,051.21

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 February 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 \$ 938,562.40 on vouchers EFT , CHQ, Direct payments*
2. *Trust Fund payments totalling \$ 52,776.70 on vouchers EFT, CHQ, Direct payments*

9.11 FINANCIAL ACTIVITY STATEMENT - FEBRUARY 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 28 February 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
- Senior Finance Officer

STAFF RECOMMENDATION

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

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

9.12 BUILDING REPORTS FEBRUARY 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 February period. A copy of the "Australian Bureau of Statistics appends".
2. There was NIL "Building Permit" issued in the February period. See attached form "Return of Building Permits Issued".

TEN YEAR FINANCIAL PLAN

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

FINANCIAL IMPLICATIONS

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

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

STATUTORY IMPLICATIONS

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

STRATEGIC COMMUNITY PLAN

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COMMUNITY CONSULTATION

The following consultation took place:

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

STAFF RECOMMENDATION

That Council

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

10 DEVELOPMENT SERVICES REPORTS

Nil

11 WORKS & SERVICES REPORTS

11.1 DEVELOPMENT APPLICATION - CHANGE OF USE - HOME OCCUPATION

File Ref: Ass 716
Author: Lewis York, Town Planner
Authoriser: Raymond Griffiths, Chief Executive Officer
Applicant: Mrs Libby Trewren
Location: 33 Moore Street
Attachments: 1. Development Application Paperwork (under separate cover)

BACKGROUND

An application has been received from Mrs. Libby Trewren for a secondary use at 33 Moore Street Kelleberrin. The application proposes that the residence also be used for the purposes of a Family Day Care. The day care intends to have four children under four and three school aged children to total seven. The day care intends to operate during the working week from 8am to 4pm. The property is currently used as a residence.



Hi Lewis

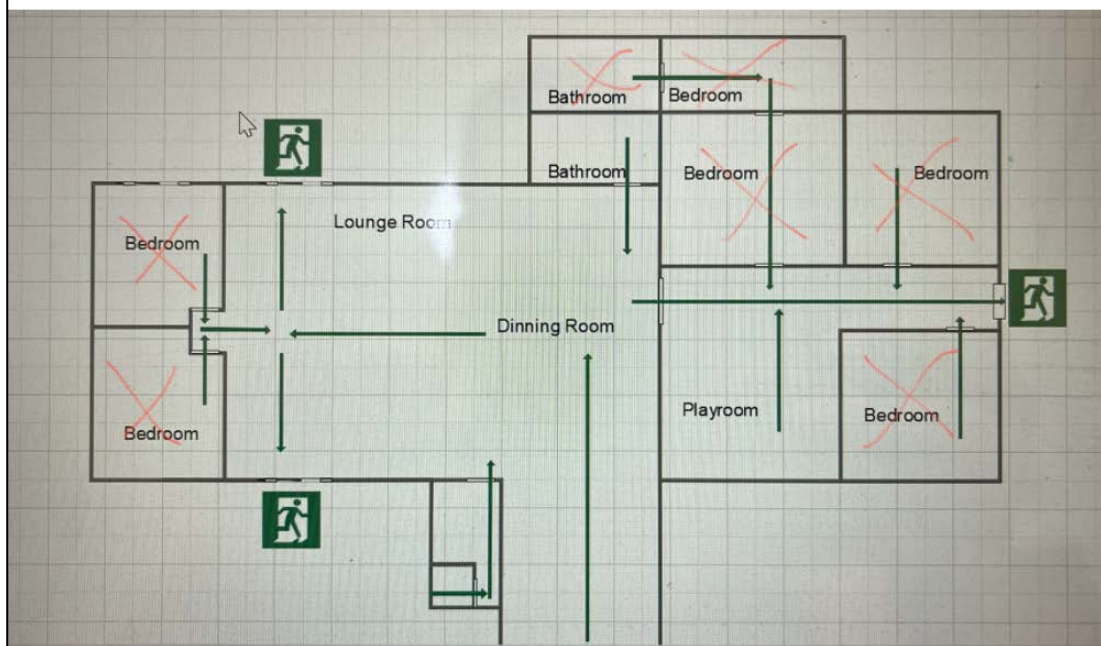
Thanks for getting back to me

Operating hours will be 8am to 4pm Monday to Friday.

Maximum of Four children under 4 and 3 school aged at any one time.

We will be using the back yard the kitchen, bathroom and dining room plus the second lounge room as a play room.

I have attached my emergency evacuation floor plan. Areas marked in red won't be used by the day care



SITE

Shire of Kellerberrin Local Planning Scheme

Local Planning Scheme No.4

The objectives of the zones are —

3.2.1 Residential Zone

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

‘D’ means that the use is not permitted unless the local government has exercised its discretion by granting development approval;

Family day care	D
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STRATEGIC PLAN IMPLICATIONS

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COMMUNITY CONSULTATION

The following consultation took place;

- Chief Executive Officer
- Manager of Governance
- Town Planner

PLANNING ASSESSMENT

The proposed use raises no major concerns as it will comply with the requirements and definition of a ‘family day care’. The hours of operation mean that the impact on nearby landowners should be minimal. The lot provides sufficient car parking space inside the front of the lot and on the primary street. Council can ensure that the number of children at the dwelling is controlled through the conditions of development approval. Family day care providers need to be registered as a Family Day Care Educator. This requires satisfactory completion of the registration and membership process through Family Day Care WA.

STAFF RECOMMENDATION

That Council grants conditional development approval for the use of 33 Moore Street as a Home Occupation for the purposes of a Family Day Care;

General Conditions

- i. The approval for use is subject to the approval of the relevant approving authorities for day care services;*
- ii. The endorsed approved plans shall not be altered without prior written approval of the Shire;*
- iii. No more than 2 people who are not members of the occupier’s household can be employed at the home business;*
- iv. No goods can be sold on the premises;*
- v. The home business shall be limited to the hours of 7am – 7pm, Monday to Friday; and*
- vi. Signage placed at the dwelling shall be approved by the Chief Executive Officer.*

Advice Notes

Advice Note: Any changes to this approval shall be submitted to the Shire in writing.

12 ELECTED MEMBERS MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

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

14 CONFIDENTIAL MATTERS

Nil

15 CLOSURE OF MEETING