



# **MINUTES**

## **Ordinary Council Meeting Tuesday, 17 May 2022**

**Date: Tuesday, 17 May 2022**

**Time: 2:00pm**

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

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**MINUTES OF SHIRE OF KELLERBERRIN  
ORDINARY COUNCIL MEETING  
HELD AT THE COUNCIL CHAMBER, 110 MASSINGHAM STREET, KELLERBERRIN WA 6410  
ON TUESDAY, 17 MAY 2022 AT 2:00PM**

**1 DECLARATION OF OPENING**

The presiding member opened the meeting at 2:03 pm.

**2 ANNOUNCEMENT BY PRESIDING PERSON WITHOUT DISCUSSION**

**2.1 PRESIDENT REPORT - APRIL 2022**

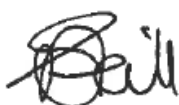
**File Ref:** ADM  
**Author:** Scott O'Neill, President  
**Authoriser:** Scott O'Neill, President  
**Attachments:** Nil

Well May has rolled in very quickly and seeding is certainly flying past with some Farmers having the goal line in sight. Hopefully as I write this the rain will come down between the 11/12<sup>th</sup> May as it is certainly needed to get crops up and away and for the germinated ones to get a well-deserved drink.

Maintenance Grading could also do with some moisture on the Gravel Roads as well. Works are continuing around town with the final touches being done on James St and Ripper St.

Deputy Chief Executive Officer, Lenin Pervan finishes up with the Shire this week and on behalf of Council I would like to thank him for his service to the Shire of Kellerberrin and wish him and his family all the best for the future.

Kind Regards



Scott O'Neill  
**Shire President**

**STAFF RECOMMENDATION**

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

**COUNCIL RESOLUTION**

**MIN 058/22      MOTION - Moved Cr. Forsyth      Seconded Cr. Gardiner**

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

**CARRIED 5/0**

### 3 RECORD OF ATTENDANCE / APOLOGIES / LEAVE OF ABSENCE

#### PRESENT:

Cr Scott O'Neill (Shire President),  
Cr Emily Ryan (Deputy President), (Entered Via Zoom at 2.10 pm)  
Cr Rod Forsyth,  
Cr David Leake, (Entered Via Zoom at 2.10 pm)  
Cr Matt Steber,  
Cr Dennis Reid,  
Cr Monica Gardiner

#### IN ATTENDANCE:

Raymond Griffiths (Chief Executive Officer),  
Mick Jones (Manager Works & Services), Exited meeting at 3.20 pm  
Codi Brindley-Mullen (Manager of Governance)

#### APOLOGIES

Nil

#### LEAVE OF ABSENCE

Nil

#### MOTION

### COUNCIL RESOLUTION

MIN 059/22      MOTION - Moved Cr. Steber      Seconded Cr. Reid

*That Council consider the request from Cr Ryan and Cr Leake to attend the meeting remotely via zoom at the following locations;*

- *Cr Ryan at 291b Marmion Street, Melville WA 6156; and*
- *Cr Leake at 53 Pearse Street, Cottesloe WA 6011.*

**CARRIED 5/0**

### 4 DECLARATION OF INTEREST

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

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

## **5 PUBLIC QUESTION TIME**

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

### **5.1 Response to Previous Public Questions taken on Notice**

### **5.2 Public Question Time**

**6 CONFIRMATION OF PREVIOUS MEETINGS MINUTES****6.1 MINUTES OF THE COUNCIL MEETING HELD ON 12 APRIL 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 12 April 2022

**HEADING****STAFF RECOMMENDATION**

That the Minutes of the Council Meeting held on 12 April 2022 be received as a true and correct record.

**COUNCIL RESOLUTION**

**MIN 060/22**      **MOTION - Moved Cr. Gardiner**      **Seconded Cr. Ryan**

*That the Minutes of the Council Meeting held on 12 April 2022 be received as a true and correct record.*

**CARRIED 7/0**

**7 PRESENTATIONS**

**7.1 Petitions**

**7.2 Presentations**

**7.3 Deputations**

## 8 REPORTS OF COMMITTEES

### 8.1 MINUTES OF THE ROADWORKS ADVISORY COMMITTEE MEETING HELD ON 13 APRIL 2022

**File Ref:** MIN  
**Author:** Codi Brindley-Mullen, Manager of Governance  
**Authoriser:** Raymond Griffiths, Chief Executive Officer  
**Attachments:** 1. Minutes of the Roadworks Advisory Committee Meeting held on 13 April 2022

#### HEADING

### STAFF RECOMMENDATION

That the Minutes of the Roadworks Advisory Committee Meeting held on 13 April 2022 be received and recommendations adopted therein.

### COUNCIL RESOLUTION

MIN 061/22      MOTION - Moved Cr. Steber      Seconded Cr. Forsyth

*That the Minutes of the Roadworks Advisory Committee Meeting held on 13 April 2022 be received and recommendations adopted therein.*

**CARRIED 7/0**

**8.2 MINUTES OF THE ARTS & CULTURE COMMITTEE MEETING HELD ON 27 APRIL 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 27 April 2022

**HEADING****STAFF RECOMMENDATION**

That the Minutes of the Arts & Culture Committee Meeting held on 27 April 2022 be received.

**COUNCIL RESOLUTION**

**MIN 062/22**      **MOTION - Moved Cr. Reid**      **Seconded Cr. Leake**

*That the Minutes of the Arts & Culture Committee Meeting held on 27 April 2022 be received.*

**CARRIED 7/0**

## 9 CORPORATE SERVICES REPORTS

### 9.1 STANDING ORDERS

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

## STAFF RECOMMENDATION

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

## COUNCIL RESOLUTION

**MIN 063/22      MOTION - Moved Cr. Steber      Seconded Cr. Forsyth**

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

**CARRIED 7/0**

**9.2 COMMUNITY REQUESTS AND DISCUSSION ITEMS**

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

**BACKGROUND**

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

April 2022 Council Meeting

**MIN 044/22      MOTION - Moved Cr. Forsyth      Seconded Cr. Steber**

***That Council;***

- 1. Investigate the broken footpath on Corner of Leake & Spring Street, Doodlakine;***
- 2. Ensure that Management incorporates a regular schedule of works for the town crew at the Doodlakine town site;***
- 3. Acknowledge correspondence from Deb Ware regarding revegetation of George Street and request staff review opportunities for revegetating George Street; and***
- 4. In light of the new redevelopment on James Street, Council provide a costing for the draft 2022/2023 budget for incorporating a vegetated traffic island on Gregory Street as per James Street construction.***

**CARRIED 7/0**

March 2022 Council Meeting

**MIN 028/22      MOTION - Moved Cr. Leake      Seconded Cr. Steber**

***That Council;***

- 1. Rescind MIN 004/22 Item 1;***
- 2. Provide additional seating to the grassed area east of the Public Toilets adjacent to the carpark.***
- 3. Adopt the following additional trees for the planting in James Street islands;***
  - a. Eucalyptus Spathulata; and***
  - b. Eucalyptus Victrix***
- 4. Write to Main Roads regarding the damaged bitumen of the corner of Scott Street & Great Eastern Highway.***
- 5. Receive and Support the plans from Kellerberrin Men's Shed for the proposed park at the western end of Lot 500 Leake Street, Kellerberrin (Centenary Park) and request that the Men's Shed work with Town Teams Committee to look at incorporating the proposed Dog Park into the design concept.***

**CARRIED 7/0**

REASON: Council rescinded Item 1 as there was seating already provided on the Western side of the toilet block and the owner has advised Council they don't wish to progress with the seat at the front of their property in the Main Street.

February 2022 Council Meeting
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**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**

**STAFF COMMENT**

April MIN 044/22
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1. Team Leader has attended site and culvert requires a plate over the top to rectify the issue.
2. A fortnightly schedule has been issued to all Town Crew employees to complete all regular tasks.

On receipt of the fortnightly schedules from all employees' a consolidated schedule for the Town Crew will be completed which will incorporate a fortnightly allocation to Doodlakine.

3. Noted
4. A quotation has been provided in Councils 2022/2023 Roadworks Budget for consideration.

March MIN 028/22
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1. No action required.
2. Information provided to Manager Works and Services for action.
3. Manager of Governance noted for incorporation into townscape plan and trees ordered. 4th April, Trees have been ordered and delivered.
4. Email has been issued to Main Roads to investigate the issue with Scott Street. On 4th April, a follow up email has been written to Main Roads WA regarding the intersection. Have also touched base with Main Roads regarding the Doodlakine-Bruce Rock Road intersection with GEH sight lines again.
5. Email has been issued to both Richard Marek and Gareth Jacobson regarding the memorial park and dog park. Men's Shed is now working with the Town Teams to include a dog park. Council has emailed the Information required from PTA to obtain permission from them for the park proposal, no response to date and have followed up again with the Men's Shed. An email has been issued to the Men's Shed advising them of the requirements from the PTA to approve the Park. Mr Marek was sent a reminder about the information request, Mr Marek attended the office on 05/04/22 to seek clarification on a few items and will complete the information and forward to Council ASAP.

<b>February MIN 004/22</b>
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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.

## TEN YEAR FINANCIAL PLAN

This does not directly affect the long term financial plan.

## FINANCIAL IMPLICATIONS

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

## STATUTORY IMPLICATIONS

Local Government Act 1995 (as amended)

Section 2.7. The role of the council

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

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

## Section 2.8. The role of the mayor or president

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

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

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

## Section 2.10. The role of councillors

A councillor —

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

## 5.60. When person has an interest

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

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

has —

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

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

## 5.60A. Financial interest

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

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

## 5.60B. Proximity interest

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

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

#### 5.61. Indirect financial interests

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

#### 5.62. Closely associated persons

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

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

#### 5.63. Some interests need not be disclosed

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

- (ii) either the relevant person's spouse, de facto partner or child is the employee if the spouse, de facto partner or child is living with the relevant person;
  - or
  - [(e) *deleted*]
  - (f) an interest arising only because the relevant person is, or intends to become, a member or office bearer of a body with non-profit making objects; or
  - (g) an interest arising only because the relevant person is, or intends to become, a member, office bearer, officer or employee of a department of the Public Service of the State or Commonwealth or a body established under this Act or any other written law; or
  - (h) a prescribed interest.
- (2) If a relevant person has a financial interest because the valuation of land in which the person has an interest may be affected by —
  - (a) any proposed change to a planning scheme for any area in the district; or
  - (b) any proposed change to the zoning or use of land in the district; or
  - (c) the proposed development of land in the district,then, subject to subsection (3) and (4), the person is not to be treated as having an interest in a matter for the purposes of sections 5.65, 5.70 and 5.71.
- (3) If a relevant person has a financial interest because the valuation of land in which the person has an interest may be affected by —
  - (a) any proposed change to a planning scheme for that land or any land adjacent to that land; or
  - (b) any proposed change to the zoning or use of that land or any land adjacent to that land; or
  - (c) the proposed development of that land or any land adjacent to that land,then nothing in this section prevents sections 5.65, 5.70 and 5.71 from applying to the relevant person.
- (4) If a relevant person has a financial interest because any land in which the person has any interest other than an interest relating to the valuation of that land or any land adjacent to that land may be affected by —
  - (a) any proposed change to a planning scheme for any area in the district; or
  - (b) any proposed change to the zoning or use of land in the district; or
  - (c) the proposed development of land in the district,then nothing in this section prevents sections 5.65, 5.70 and 5.71 from applying to the relevant person.
- (5) A reference in subsection (2), (3) or (4) to the development of land is a reference to the development, maintenance or management of the land or of services or facilities on the land.

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

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

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

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

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

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

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

#### 5.66. Meeting to be informed of disclosures

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

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

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

#### 5.67. Disclosing members not to participate in meetings

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

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

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

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

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

- (1) If a member has disclosed, under section 5.65, an interest in a matter, the members present at the meeting who are entitled to vote on the matter —
- (a) may allow the disclosing member to be present during any discussion or decision making procedure relating to the matter; and
  - (b) may allow, to the extent decided by those members, the disclosing member to preside at the meeting (if otherwise qualified to preside) or to participate in discussions and the decision making procedures relating to the matter if —
    - (i) the disclosing member also discloses the extent of the interest; and
    - (ii) those members decide that the interest —
      - (I) is so trivial or insignificant as to be unlikely to influence the disclosing member's conduct in relation to the matter; or
      - (II) is common to a significant number of electors or ratepayers.

#### (1A) Subsection (1) does not apply if —

- (a) the interest disclosed is an interest relating to a gift; and
- (b) either —
  - (i) the amount of the gift exceeds the amount prescribed for the purposes of this subsection; or

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

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

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

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

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

5.69A. Minister may exempt committee members from disclosure requirements

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

- (4) A person must not contravene a condition imposed by the Minister under this section.

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

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

#### 5.70. Employees to disclose interests relating to advice or reports

- (1) In this section —

**employee** includes a person who, under a contract for services with the local government, provides advice or a report on a matter.

- (2) An employee who has an interest in any matter in respect of which the employee is providing advice or a report directly to the council or a committee must disclose the nature of the interest when giving the advice or report.

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

- (2A) Subsection (2) applies to a CEO even if the advice or report is provided in accordance with a decision made under section 5.71B(2) or (6).

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

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

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

#### 5.71. Employees to disclose interests relating to delegated functions

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

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

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

### STRATEGIC COMMUNITY PLAN

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

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

### COMMUNITY CONSULTATION

The following consultation took place;

- Council Members
- Chief Executive Officer

## **STAFF RECOMMENDATION**

*That Council note any requests or ideas to be actioned.*

## **COUNCIL RESOLUTION**

**MIN 064/22      MOTION - Moved Cr. Ryan      Seconded Cr. Steber**

*That Council note that no requests or ideas to be actioned from this meeting.*

**CARRIED 7/0**

**9.3 STATUS REPORT OF ACTION SHEET**

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

**BACKGROUND**

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

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

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

**STAFF COMMENT**

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

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

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

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

**TEN YEAR FINANCIAL PLAN**

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

**FINANCIAL IMPLICATIONS**

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

**STATUTORY IMPLICATIONS****STAFF COMMENT**

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

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

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

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

**TEN YEAR FINANCIAL PLAN**

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

**FINANCIAL IMPLICATIONS**

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

**STATUTORY IMPLICATIONS**

Local Government Act 1995 (as amended)

Section 2.7. The role of the council

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

Section 2.8. The role of the mayor or president

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

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

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

Section 2.10. The role of councillors

A councillor —

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

5.60. When person has an interest

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

- (a) the relevant person; or

- (b) a person with whom the relevant person is closely associated,  
has —
  - (c) a direct or indirect financial interest in the matter; or
  - (d) a proximity interest in the matter.

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

5.60A. Financial interest

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

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

5.60B. Proximity interest

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

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

5.61. Indirect financial interests

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

5.62. Closely associated persons

- (1) For the purposes of this Subdivision a person is to be treated as being closely associated with a relevant person if —
  - (a) the person is in partnership with the relevant person; or
  - (b) the person is an employer of the relevant person; or
  - (c) the person is a beneficiary under a trust, or an object of a discretionary trust, of which the relevant person is a trustee; or
  - (ca) the person belongs to a class of persons that is prescribed; or
  - (d) the person is a body corporate —
    - (i) of which the relevant person is a director, secretary or executive officer; or

- (ii) in which the relevant person holds shares having a total value exceeding —
  - (I) the prescribed amount; or
  - (II) the prescribed percentage of the total value of the issued share capital of the company,
 whichever is less;
- or
- (e) the person is the spouse, de facto partner or child of the relevant person and is living with the relevant person; or
- (ea) the relevant person is a council member and the person —
  - (i) gave a notifiable gift to the relevant person in relation to the election at which the relevant person was last elected; or
  - (ii) has given a notifiable gift to the relevant person since the relevant person was last elected;
 or
- (eb) the relevant person is a council member and since the relevant person was last elected the person —
  - (i) gave to the relevant person a gift that section 5.82 requires the relevant person to disclose; or
  - (ii) made a contribution to travel undertaken by the relevant person that section 5.83 requires the relevant person to disclose;
 or
- (f) the person has a relationship specified in any of paragraphs (a) to (d) in respect of the relevant person's spouse or de facto partner if the spouse or de facto partner is living with the relevant person.

(2) In subsection (1) —

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

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

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

5.63. Some interests need not be disclosed

- (1) Sections 5.65, 5.70 and 5.71 do not apply to a relevant person who has any of the following interests in a matter —
  - (a) an interest common to a significant number of electors or ratepayers;
  - (b) an interest in the imposition of any rate, charge or fee by the local government;
  - (c) an interest relating to a fee, reimbursement of an expense or an allowance to which section 5.98, 5.98A, 5.99, 5.99A, 5.100 or 5.101(2) refers;
  - (d) an interest relating to the pay, terms or conditions of an employee unless —
    - (i) the relevant person is the employee; or
    - (ii) either the relevant person's spouse, de facto partner or child is the employee if the spouse, de facto partner or child is living with the relevant person;
  - [(e) deleted]*
  - (f) an interest arising only because the relevant person is, or intends to become, a member or office bearer of a body with non-profit making objects;

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

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

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

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

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

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

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

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

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

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

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

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

- (2) It is a defence to a prosecution under this section if the member proves that he or she did not know —
- (a) that he or she had an interest in the matter; or

- (b) that the matter in which he or she had an interest would be discussed at the meeting.
- (3) This section does not apply to a person who is a member of a committee referred to in section 5.9(2)(f).

#### 5.66. Meeting to be informed of disclosures

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

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

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

#### 5.67. Disclosing members not to participate in meetings

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

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

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

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

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

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

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

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

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

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

5.69A. Minister may exempt committee members from disclosure requirements

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

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

5.70. Employees to disclose interests relating to advice or reports

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

5.71. Employees to disclose interests relating to delegated functions

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

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

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

## STRATEGIC COMMUNITY PLAN

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

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

## COMMUNITY CONSULTATION

The following consultation took place;

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

## STAFF RECOMMENDATION

*That Council receive the status report.*

### COUNCIL RESOLUTION

**MIN 065/22      MOTION - Moved Cr. Reid      Seconded Cr. Ryan**

***That Council receive the status report.***

**CARRIED 7/0**

**9.4 DRAFT FEES & CHARGES 2022/2023**

**File Ref:** FIN04  
**Author:** Codi Brindley-Mullen, Manager of Governance  
**Authoriser:** Raymond Griffiths, Chief Executive Officer  
**Attachments:** 1. DRAFT Fees & Charges 2022/2023 (under separate cover)

**BACKGROUND**

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

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

Council considers the annual schedule of fees and charges separately from the budget document to enable more time to contemplate each proposed charge for the forthcoming year.

Council's 15<sup>th</sup> February 2022 – Ordinary Meeting of Council

**MIN 007/22      MOTION - Moved Cr. Forsyth      Seconded Cr. Gardiner**

***That Council;***

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

**CARRIED 7/0  
BY ABSOLUTE MAJORITY**

Council's 20<sup>th</sup> July 2021 – Ordinary Meeting of Council

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

***That Council***

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

**CARRIED 7/0**

**BY ABSOLUTE MAJORITY**

Council's 30 <sup>th</sup> March 2020 – Special Meeting of Council
--

**Moved: Cr Dennis Reid Seconded: Cr Matt Steber**

***That Council;***

- 1. Request the Chief Executive Officer prepare a DRAFT 2020/2021 Budget with the following considerations;***
  - (a) Zero percent (0%) rate increase, essentially a freeze on the rate in the dollar;***
    - i. Seek confirmation as to whether Council will be receiving a Rural Revaluation, as this may affect a change in rates per individual properties irrespective of rate increase freeze;***
  - (b) Zero percent (0%) increase in Councils fees and charges, (remain as per 2019/20);***
    - i. No Annual Food Licence Levies issued***
    - ii. No Alfresco Licence Levies Issued***
    - iii. No Lodging House Levies Issued.***
  - (c) 2020/2021 Non-payment of rates penalty interest not apply until March 2021;***
  - (d) No Instalment administration fees on all instalment options for 2020/2021***
  - (e) No Instalment interest applied to all instalment options for 2020/2021***
- 2. Offers, upon request, a waiver of interest on outstanding rates for those business/individuals directly affected by the Commonwealth/State Government's decision to close various businesses between 23 March and 31 July 2020;***
- 3. Offers, upon request, a waiver of interest on outstanding rates for those businesses/individuals directly affected by the State Governments decision to close Western Australia's borders, between 23 March and 31 July 2020;***
- 4. Writes to and lobbies the State Government for urgent financial assistance that can be used to assist the community as a matter of urgency; and***
- 5. Writes to the Federal Government and the Western Australian Local Government Association requesting an increase to the Federal Assistance Grant Scheme funding for both the 2020/21 and 2021/22 financial years.***

**CARRIED 7/0**

**BY ABSOLUTE MAJORITY**

**STAFF COMMENT**

Council's administration has spent some significant time in reviewing the fees and charges from 2021/2022 financial year as to whether we have covered all aspects of Councils operations and ensure that the current charge out rates are covering the costs of operations.

Councils Management and Staff reviewed the fees and charges in line with current operations and reviewed surrounding Councils fees and charges as a comparison and have come up with the following suggested changes;

**REMOVED**

The following fees & charges are no longer applicable;

- Circus fees at the Kellerberrin Great Sports Ground

**ADDED**

The following fees and charges have been added due to a review of other Councils fees and charges and our Council not having it;

- Vehicle Impounding Fee + Towing Charge. \$60.00

Animal Control

- Infringements. Various charges as per the Dog & Cat Act Schedule

Recreation & Leisure Centre

- Additional fees (if required)
  - Cleaning / setup costs \$70.00
  - Reimbursement of Repairs at cost
- Portable Air Conditioner Hire – Per Day, Per Unit \$110.00
- Portable Air Conditioner Hire – Per Week, Per Unit \$330.00

**INCREASE**

The following fees & Charges have been increased due to

Governance

- Rate Enquiry Fee only or order & requisitions only up to \$77.00
- Rate Enquiry Fee (including orders & requisitions) up to \$121.00

Recreation & Leisure Centre

- Hire Cuolahan/Cottle Room (Function) up to \$220.00 which includes the provision of tables, chairs, tea & coffee and audio equipment

Private Works Plant Hire

- Lighting Tower up to \$220.00

**COMMENTS**

Council Feedback is required for the Hire of the Tree Planters.

The current Dance Club fee of \$77.00 is to remain but staff feel that fitness is to be included in this fee therefore the fee now stipulates Dance/Fitness Club.

Hire Cuolahan/Cottle Room (Meeting only) stipulates that this fee of \$77.000 includes the provision of tables & chairs only

A review on the Fees & Charges GST took place and we noticed that some items were charged at GST included instead of GST Exempt as per the regulations. These has been modified to reflect this.

**TEN YEAR FINANCIAL PLAN**

NIL

**FINANCIAL IMPLICATIONS**

Shire of Kellerberrin 2021/2022 Budget will be affected minimally due to some increases in fees.

**STATUTORY IMPLICATIONS**

*Local Government Act 1995 (as amended)*

**6.16. Imposition of fees and charges**

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

*\* Absolute majority required.*

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

*\* Absolute majority required.*

**6.17. Setting level of fees and charges**

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

## STRATEGIC COMMUNITY PLAN

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

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

## COMMUNITY CONSULTATION

The following consultation took place;

- Chief Executive Officer
- Manager of Governance
- Administration Staff
- Council

## STAFF RECOMMENDATION

That Council;

1. Adopts the fees and charges for 2022/23 as presented; and
2. Include the fees and charges in the 2022/23 Draft Budget.

## COUNCIL RESOLUTION

MIN 066/22

MOTION - Moved Cr. Leake

Seconded Cr. Forsyth

*That Council;*

1. *Adopts the fees and charges for 2022/23 as presented with the following amendments;*
  - a. *Increase Tree Planter to \$200.00 per day*
  - b. *Gym per year to \$180.00*
    - i. *Pensioner/Senior/Disability discount of 30% on all gym fees excluding bond.*
2. *Include the fees and charges in the 2022/23 Draft Budget.*

**CARRIED 7/0**

**BY ABSOLUTE MAJORITY**

**REASON:** Council increased Tree Planter and Gym charges to help cover the cost to operate both items.

**9.5 2022/2023 RATE PROVISIONS**

**File Number:** FIN04

**Author:** Brett Taylor, Senior Finance Officer

**Authoriser:** Raymond Griffiths, Chief Executive Officer

**Attachments:**

1. Rate Model 2022/2023 (under separate cover)
2. Long Term Financial Plan Extract (under separate cover)

**BACKGROUND**

Council, under the *Local Government Act 1995 (as amended)* Section 6.45, may elect to review and consider for adoption the following:

**Rate Instalments**

Council can offer to their ratepayers the option to pay their rates by four (4) equal or nearly equal, instalments or such other method of payment by instalments as is set in Council's Budget.

The first instalment of any instalment plan becomes due and payable on the same date those rates paid by a single payment become due and payable. Council is still able to offer incentives to ratepayers who pay their rates in full early (by the first instalment date).

**Rubbish Charges**

Ratepayers will not be entitled to pay rubbish charges by instalments, but if Council wished to extend the facility by using its general powers, it could do so.

**Interest and Administration Charges***Interest on Instalments*

Council is able to charge an interest and administration charge to offset the loss of investment opportunity and the cost of new administrative requirements. This is not to be confused with penalty interest, which can be applied to any instalment not paid by the due date. The maximum rate of interest under the Local Government Act Section 6.45 (3) noted in Financial Management Regulation 68 is 5.5%.

*Interest Penalties*

Interest on late payments will accrue after the date the payment falls due on the rate notice if no election is made to pay by instalments. Where an election has been made to pay by instalments, interest will accrue from the day after an instalment is due and payable until the day before the instalment is paid but will apply only to the amount of the overdue instalment.

The maximum rate of interest under Local Government Act Section 6.51 noted in Financial Management Regulation 70 is 7%.

**Council has previously:****Administration Charge**

In determining the administration recovery related to instalment plans the local government is;

- to have regard to the cost of providing the additional administration and Instalment reminder notices;
- to consider the administration charge as a full or partial reimbursement of the costs involved;
- without intent to profit from the administration charges adopted.

*Instalments Not Available if Payment in Arrears*

Payment of a rate or service charge on any land may not be made by instalments if, at the date for payment of the first instalment, any part of a rate or service charge imposed on that land in a previous financial year (or interest accrued thereon at the date of issue of the rate notice) remains unpaid.

*Instalments Not Available for Small Amounts*

Payment may not be made by instalments if the total amount shown in the rate notice as being payable to the local government for rates, service charges or minimum payments, other than amounts remaining unpaid from a previous financial year, is less than the minimum rate.

*Discounts*

Council under section 6.46 of the Local Government Act 1995 (as amended) when imposing a rate or service charge, may resolve by absolute majority to grant a discount or other incentive for the early payment of any rate or service charge.

*2021/2022 Rates Review*

In 2021/2022 Council offered the following incentives for early payment of rates within the discount period.

1. Discount

NIL

2. Prizes for early payment of rates

Ratepayers paying their rates within the discount period went into a draw to win various prizes being donated to Council including accommodation packages and passes.

Cost to Council - \$0.00

3. Instalments Revenue

	Actual Revenue 2021/2022 Year to Date	Budget Revenue 2022/2023
Instalment Interest	\$5,554.36	\$6,500.00
Administration Fee	\$1,720.00	\$2,000.00

4. Non-payment Penalty

Non-payment penalty interest received during the 2021/22 year was \$8,410.46 year to date compared to \$3,559.66 during the 2020/2021.

**STAFF COMMENT*****Rate Increase***

Council's Management in accordance with the Long Term Financial Plan have development a Rate Model with an overall increase of 4.5%.

The 4.5 percent increase incorporates the following:

- 6.6% Increase in the Rate in Dollar for GRV
- 8.80% Decrease in the Rate in Dollar for UV
- 17.81% Increase in UV Valuations from Valuer General

**Valuation and Rate Model Summary**

Below is a table the represents the Valuation Changes for the Shire of Kellerberrin.

Rate	19/20	20/21	21/22	22/23
GRV	\$ 3,837,948	\$ 3,938,905	\$ 3,957,335	\$ 3,846,645
UV	\$76,949,100	\$ 77,884,405	\$88,939,900	\$104,764,400
Mining	\$ 2,805	\$ 2,805	\$ 14,895	\$ 69,169
Non-Rateable	\$ 100,362	\$ 170,581	\$ 161,771	\$ 268,301
<b>TOTAL</b>	<b>\$80,890,215</b>	<b>\$81,896,696</b>	<b>\$93,073,901</b>	<b>\$108,948,515</b>

Over the last five years Council has increased rates as follows;

2021/22 4.76%

2020/21 0.00%

2019/20 4.51 %

2018/19 5.22%

2017/18 4.21% and reduction of Discount from 2% to NIL

2016/17 5.11%

Please note Council's administration has provided what they believe is the preferred option though Council can modify the recommendation what they desire.

***Rate Instalments***

Council in previous years elected to offer electors the opportunity of paying via 4 options:

- Payment in Full or
- Payment via 2 equal instalments or
- Payment via 4 equal instalments.
- Enter into a formal "Special Payment Arrangement

***Interest of Instalments***

Council in previous years elected to charge 5.5% Interest on Instalments when electors choose to pay via the above instalments with the limit set at 5.5% as per the Act.

***Interest Penalties***

Council in previous years elected to charge 7% penalty interest on rates that remain outstanding past the due date (35 days).

**Proposed Payment Options:**

1. Pay in full prior to the due date and be eligible for the discount (if applicable) and incentive prize draw
2. Pay by 2 equal instalments
3. Pay by 4 equal instalments or
4. Enter into a formal 'Special Payment Arrangement'

All other properties that remain unpaid or have not opted to do any of the above would incur interest at 7% after the due date.

**Administration Charges**

Council last year elected to charge \$5 per instalment as an administration charge in offering the instalment option. There is no minimum or maximum for the administration charge though it states that the charges are for reimbursement of expenses not for raising of profits.

- Payment via 2 instalments - \$ 5.00
- Payment via 4 instalments - \$15.00

**Discount / Prizes**

2019/20 Council removed the Discount for early payment of rates, however Council offered incentive prizes at no cost to Council to provide an incentive for people to pay rates in full within the discount period.

**FINANCIAL IMPLICATIONS**

Shire of Kellerberrin 2022/23 Budget

Council has elected as per above to charge;

- Instalment Interest
- Administration Fee on Instalments
- Interest on Overdue rates if rates are still outstanding 35 days from issue date at a rate of 7%.

**STATUTORY IMPLICATIONS –**

Local Government Act 1995 (as amended)

**6.33. Differential general rates**

- (1) A local government may impose differential general rates according to any, or a combination, of the following characteristics —
  - (a) the purpose for which the land is zoned, whether or not under a local planning scheme or improvement scheme in force under the *Planning and Development Act 2005*;
  - (b) a purpose for which the land is held or used as determined by the local government;
  - (c) whether or not the land is vacant land; or
  - (d) any other characteristic or combination of characteristics prescribed.

- (2) Regulations may —
  - (a) specify the characteristics under subsection (1) which a local government is to use; or
  - (b) limit the characteristics under subsection (1) which a local government is permitted to use.
- (3) In imposing a differential general rate a local government is not to, without the approval of the Minister, impose a differential general rate which is more than twice the lowest differential general rate imposed by it.
- (4) If during a financial year, the characteristics of any land which form the basis for the imposition of a differential general rate have changed, the local government is not to, on account of that change, amend the assessment of rates payable on that land in respect of that financial year but this subsection does not apply in any case where section 6.40(1)(a) applies.
- (5) A differential general rate that a local government purported to impose under this Act before the *Local Government Amendment Act 2009* section 39(1)(a) came into operation<sup>1</sup> is to be taken to have been as valid as if the amendment made by that paragraph had been made before the purported imposition of that rate.

[Section 6.33 amended by No. 38 of 2005 s. 15; No. 17 of 2009 s. 39; No. 28 of 2010 s. 34.]

#### 6.45. Options for payment of rates or service charges

- (1) A rate or service charge is ordinarily payable to a local government by a single payment but the person liable for the payment of a rate or service charge may elect to make that payment to a local government, subject to subsection (3), by —
  - (a) 4 equal or nearly equal instalments; or
  - (b) Such other method of payment by instalments as is set forth in the local government's annual budget.
- (2) Where, during a financial year, a rate notice is given after a reassessment of rates under section 6.40 the person to whom the notice is given may pay the rate or service charge —
  - (a) By a single payment; or
  - (b) By such instalments as are remaining under subsection (1) (a) or (b) for the remainder of that financial year.
- (3) A local government may impose an additional charge (including an amount by way of interest) where payment of a rate or service charge is made by instalments and that additional charge is, for the purpose of its recovery, taken to be a rate or service charge, as the case requires, that is due and payable.
- (4) Regulations may —
  - (a) Provide for the manner of making an election to pay by instalments under subsection (1) or (2);
  - (b) Prescribe circumstances in which payments may or may not be made by instalments;
  - (c) Prohibit or regulate any matters relating to payments by instalments;
  - (d) Provide for the time when, and manner in which, instalments are to be paid;
  - (e) Prescribe the maximum amount (including the maximum interest component) which may be imposed under subsection (3) by way of an additional charge; and
  - (f) Provide for any other matter relating to the payment of rates or service charges.

#### 6.46. Discounts

Subject to the *Rates and Charges (Rebates and Deferments) Act 1992*, a local government may, when imposing a rate or service charge, resolve\* to grant a discount or other incentive for the early payment of any rate or service charge.

*\* Absolute majority required*

#### 6.50. Rates or service charges due and payable

- (1) Subject to —
  - (a) subsections (2) and (3);
  - (b) any concession granted under section 6.47; and
  - (c) the *Rates and Charges (Rebates and Deferments) Act 1992*,a rate or service charge becomes due and payable on such date as is determined by the local government.
- (2) The date determined by a local government under subsection (1) is not to be earlier than 35 days after the date noted on the rate notice as the date the rate notice was issued.
- (3) Where a person elects to pay a rate or service charge by instalments the second and each subsequent instalment does not become due and payable at intervals of less than 2 months.

#### 6.51. Accrual of interest on overdue rates or service charges

- (1) A local government may at the time of imposing a rate or service charge resolve\* to impose interest (at the rate set in its annual budget) on —
  - (a) a rate or service charge (or any instalment of a rate or service charge); and
  - (b) any costs of proceedings to recover any such charge,that remains unpaid after becoming due and payable.

*\* Absolute majority required.*
- (2) The rate of interest that may be set by the local government under this section is not to exceed the rate for the time being prescribed as the maximum rate of interest that may be set for the purposes of this section.
- (3) Accrued interest is, for the purpose of its recovery, taken to be a rate or service charge, as the case requires, that is due and payable.
- (4) If a person is entitled under the *Rates and Charges (Rebates and Deferments) Act 1992* or under this Act (if the local government in a particular case so resolves) to a rebate or deferment in respect of a rate or service charge —
  - (a) no interest is to accrue in respect of that rate or service charge payable by that person; and
  - (b) no additional charge is to be imposed under section 6.45(3) on that person.

- (5) Regulations may provide for the method of calculation of interest.

[Section 6.51 amended by No. 1 of 1998 s. 21(1); No. 49 of 2004 s. 62.]

**TEN YEAR FINANCIAL PLAN**

	3	4	5	6	7	8	9	10	11	12	13	14	15
	2018/19	2019/20	2020/21	2021/22	2022/23	2023/24	2024/25	2025/26	2026/27	2027/28	2028/29	2029/30	2030/31
Rates	5.00%	4.50%	4.50%	4.50%	4.50%	3.00%	3.00%	3.00%	3.00%	3.00%	2.50%	2.50%	2.50%

Council's Long Term Financial Plan indicated that Rates Levied for 2022/2023 equated to \$2,483,674 being \$44,202 over the amount the Council is proposing to rate in the 2022/23 financial year as per attached model.

Council's plan indicated that a 4.5% increase was to occur this financial year.

**STRATEGIC COMMUNITY PLAN**

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

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

**COMMUNITY CONSULTATION**

The following consultation took place;

- Chief Executive Officer
- Manager of Governance
- Senior Finance Officer

**STAFF RECOMMENDATION**

*That Council endorses the following rating information and charges to be incorporated into the 2022/2023 draft budget;*

**1. Option**

**Option A - One Payment**

**Due By 26<sup>th</sup> August 2022**

**Option B – 2 Instalment Option**

**50% due 26<sup>th</sup> August 2022**

**50% due 6<sup>th</sup> January 2023**

**Option C – 4 Instalment Option**

**25% due 26<sup>th</sup> August 2022**

**25% due 28<sup>th</sup> October 2022**

**25% due 6<sup>th</sup> January 2023**

**25% due 10<sup>th</sup> March 2023**

**Option D – Special Arrangement**

**Arrangements made prior to 26<sup>th</sup> August 2022 as per approved payment arrangement ensuring rates are paid off in full as soon as possible with the final payment being no later than 30 June 2023.**

2. *Instalment option is offered for rubbish charges - no instalment interest or penalty interest to apply.*
3. *Administration fee of \$5.00 per reminder rate notice (Options B and C)*
4. *Instalment interest to be levied at 5.5%*
5. *Late payment penalty interest to be levied at 7% for Rates and Emergency Services Levy for all outstanding rates from 26<sup>th</sup> August 2022.*
6. *That rate incentives prizes be offered to ratepayers for early payment of rates within 35 days at no cost to Council.*
7. *That Council recommends an overall 4.5% increase of the rates revenue for its 2022/23 Draft Budget, inclusive of the revaluations received from VGO 26.04.22 effective 01.07.22, which decreased UV values and increased GRV values: Rate In the Dollar being;*
  - a. *GRV - Kellerberrin Residential –Increases to 0.149500c and minimum to \$855*
  - b. *GRV - Other Residential – Increases to 0.149500c minimum to \$855*
  - c. *GRV – Commercial – Increases to 0.169750c minimum to \$937*
  - d. *GRV – Industrial - Remains 0.169750c minimum to \$937*
  - e. *UV - Mining Tenements – Reduces to 0.0165250c minimum to \$855*
  - f. *UV – Rural – Reduces to 0. 0165250c minimum to \$855*
8. *That Council adopts differential Rating for GRV Industrial and Commercial properties as shown in the modelling attached to this item, and the DLG is informed of this prior to budget adoption for 22/23.*

## COUNCIL RESOLUTION

MIN 067/22

MOTION - Moved Cr. Steber

Seconded Cr. Reid

*That Council endorses the following rating information and charges to be incorporated into the 2022/2023 draft budget;*

### 1. Option

<i>Option A - One Payment</i>	<i>Due By 26<sup>th</sup> August 2022</i>
<i>Option B – 2 Instalment Option</i>	<i>50% due 26<sup>TH</sup> August 2022</i>
	<i>50% due 6<sup>th</sup> January 2023</i>
<i>Option C – 4 Instalment Option</i>	<i>25% due 26<sup>th</sup> August 2022</i>
	<i>25% due 28<sup>th</sup> October 2022</i>
	<i>25% due 6<sup>th</sup> January 2023</i>
	<i>25% due 10<sup>th</sup> March 2023</i>
<i>Option D – Special Arrangement</i>	<i>Arrangements made prior to 26<sup>th</sup> August 2022 as per approved payment arrangement ensuring rates are paid off in full as soon as possible with the final payment being no later than 30 June 2023.</i>

2. *Instalment option is offered for rubbish charges - no instalment interest or penalty interest to apply.*
3. *Administration fee of \$5.00 per reminder rate notice (Options B and C)*
4. *Instalment interest to be levied at 5.5%*

- 5. Late payment penalty interest to be levied at 7% for Rates and Emergency Services Levy for all outstanding rates from 26<sup>th</sup> August 2022.**
- 6. That rate incentives prizes be offered to ratepayers for early payment of rates within 35 days at no cost to Council.**
- 7. That Council recommends an overall 4.5% increase of the rates revenue for its 2022/23 Draft Budget, inclusive of the revaluations received from VGO 26.04.22 effective 01.07.22, which decreased UV values and increased GRV values: Rate In the Dollar being;**
  - a. GRV - Kellerberrin Residential –Increases to 0.149500c and minimum to \$855**
  - b. GRV - Other Residential – Increases to 0.149500c minimum to \$855**
  - c. GRV – Commercial – Increases to 0.169750c minimum to \$937**
  - d. GRV – Industrial - Remains 0.169750c minimum to \$937**
  - e. UV - Mining Tenements – Reduces to 0.0165250c minimum to \$855**
  - f. UV – Rural – Reduces to 0. 0165250c minimum to \$855**
- 8. That Council adopts differential Rating for GRV Industrial and Commercial properties as shown in the modelling attached to this item, and the DLG is informed of this prior to budget adoption for 22/23.**

**CARRIED 7/0  
BY ABSOLUTE MAJORITY**

**9.6 2022/2023 DIFFERENTIAL RATES**

**File Number:** ASS  
**Author:** Brett Taylor, Senior Finance Officer  
**Authoriser:** Raymond Griffiths, Chief Executive Officer  
**Attachments:** 1. Statement of Differential Ratings and Reasons 22/23 (under separate cover)

**BACKGROUND**

The Shire's Strategic Community Plan articulates the vision for the Shire, with the Corporate Business Plan describing how that vision will be achieved over the next four years. The Annual Budget describes how services and infrastructure will be funded for the next year, with the Long Term Financial Plan setting out the financial plan for the next ten years.

The adoption of the Annual Budget will be considered at the July 2022 Ordinary Meeting of Council.

A major component of any local government funding is property rates. The Shire can apply a uniform rate or a differential rate for each of the valuation categories; gross rental and unimproved values. The intention behind applying differential rates is to take into account the levels of services provided to different types of properties, to reflect the cost of provision of services to those categories of properties as well as the need to encourage specific types of activities within the Shire.

As the Shire uses differential rates, it is required under section 6.36 of the Local Government Act 1995 (the Act) to advertise the intended differential rates for public comment and consideration by Council prior to their adoption. The Shire must give public notice of the differential rates it intends to impose. Submissions are invited, and a minimum of 21 days is required before Council can consider those submissions. The proposed differential rates and minimum payments can then be imposed, with or without modifications.

A document is required to be made available for inspection by electors and ratepayers that describes the objects of and reasons for each proposed rate and minimum payment:

- Attachment - Statement of Rating Objects and Reasons for the 2022/2023 Year

The Shire has experienced growth over the past few years, generating increased demand for the services and infrastructure. In addition, the State Government has significantly increased charges that the Shire cannot avoid. This places pressure on the ability of the Shire to fund necessary services and infrastructure.

**STAFF COMMENT**

In considering the demands and needs of the community, Council is mindful of the downturn in the economy and the capacity of ratepayers to pay. In accordance with Shire plans, strict fiscal discipline will facilitate a balanced budget for a 4.5% general increase in rates yield.

The Shire has utilised the current values as at 4<sup>th</sup> May 2022 to determine the total rates revenue per differential rate type based on the proposed 4.5% increase on the 2022/2023 differential rate in the dollar and minimum rates.

Based on this proposed rates revenue, the Shire has recalculated the rates in dollar utilising the new values provided by the Valuer General. It is also recommended that the minimum rates for each category increase by 4.5% for both UV & GRV properties.

The Long Term Financial Plan for the Shire of Kellerberrin indicates a revenue requirement of \$2,483,674 with the proposed rate modelling proposing rates to earn \$2,439,472 in income. The loss in income of \$44,202 can be attributed to no increase in rates revenue for the 19/20 due to COVID restrictions be that Local Government rates were not increased for that rating year.

**Rating Strategy for 22/23**

The 2022/2023 budget proposes:

For properties rated on a gross rental valuation method (where valuations are unchanged) the existing rate in the dollar will be multiplied with the proposed percentage increase (4.5%) to calculate 2021/2022 rates.

For properties currently rated on an unimproved basis (which are subjected to a revaluation by the Valuer General) the rate yield will reflect a 4.5% increase and the rate in the dollar will be calculated in accordance with the methodology previously adopted by Council. Changes in rates levied will be as a result of the changes in values from the revaluation.

Differential rate, Statement of Objects and Reasons are detailed in Attachment 1 and will apply in 2022/2023 to the following categories:

***Gross rental properties*****1. Commercial/Industrial**

Minimum rates to increase by 4.5% subject to legislative requirement that no more than 50% of the number of properties per differential rate category has the minimum applied.

Separate refuse charges will be levied in 2022/2023 (refer to schedule of fees and charges under waste management).

Rate in dollar applied so that the maximum rate in the dollar is no more than twice the lowest.

In accordance with *section 6.45 of the Local Government Act 1995*, penalty interest can be levied on rates instalments. Interest does not apply to current rates due by registered Pensioners and Senior's. Council has however elected to not charge any instalment charges for 2022/2023.

In accordance with *section 6.51 of the Local Government Act 1995*, Council can charge penalty interest at 7% per annum on a daily basis on all overdue rates. Penalty interest does not apply to current rates due by registered Pensioners and Senior's. Emergency Services Levy as determined by the Department of Fire and Emergency will be included in the rate assessments.

**Determination of rate revenue for 2022/2023**

The calculation of the 2022/2023 rate in the dollar for all rates is based on a 4.5% increase in rate yield from 2021/2022.

**Methodology**

Where no revaluation has taken place the previous year's rate in the dollar is increased by the proposed increase (4.5%).

Revaluations occur every year for unimproved value properties and every five years for gross rental properties. The last revaluation of gross rental properties occurred in July 2017 (next revaluation expected 1 July, 2024).

The property values (current values) as at 4th May, 2022 have been used to determine the total rates revenue for each differential rate type. Rate modelling is conducted with data extrapolated using values that exist in the rates database. These models give Council an indicative predetermined total rates revenue figure based on the valuations at the time of calculation.

- |          |  |
|----------|--|
| Step 1 – | 2022/23 rate in dollar x proposed % increase = Proposed Rate in Dollar                           |
| Step 2 - | Current Values x proposed rate in dollar = Amount Levied (including minimum rate)                |
| Step 3 - | Amount to be Levied divided by the new values = Proposed Rate in Dollar (including minimum rate) |

As a direct result of individual changes in the valuation of each property, the rates levied per property will fluctuate each year regardless of the percentage change adopted by Council.

**Gross rental value properties**

The Shire is proposing an increase of 4.5% on the existing differential rates in the dollar for properties rated on a gross rental valuation method (noting that 2022/23 is not a revaluation year for GRV). It is also recommended that the minimum rates for each category increase by 4.5%.

The following process applies this financial year for GRV properties:

- Step 1 –  $2022/23 \text{ rate in dollar} \times \text{proposed \% increase} = \text{Proposed Rate in Dollar}$
- Step 2 -  $\text{Current Values} \times \text{proposed rate in dollar} = \text{Amount Levied (including minimum rate)}$

As a direct result of individual changes in the valuation of each property, the rates levied per property will fluctuate each year regardless of the percentage change adopted by Council.

Council is required to advertise the Differential rating, providing a submission period as per section 6.36 – *Local Government Act 1995*, being 21 days from date of advertising.

**TEN YEAR FINANCIAL PLAN**

*See attachments*

**FINANCIAL IMPLICATIONS**

Rating income for 2022/2023.

**STATUTORY IMPLICATIONS**

*Local Government Act 1995*

*Subdivision 2 — Categories of rates and service charges*

**6.32. Rates and service charges**

- (1) When adopting the annual budget, a local government —
  - (a) in order to make up the budget deficiency, is to impose\* a general rate on rateable land within its district, which rate may be imposed either —
    - (i) uniformly; or
    - (ii) differentially;
  - (b) may impose\* on rateable land within its district —
    - (i) a specified area rate; or
    - (ii) a minimum payment;and
  - (c) may impose\* a service charge on land within its district.

*\* Absolute majority required.*

- (2) Where a local government resolves to impose a rate it is required to —
  - (a) set a rate which is expressed as a rate in the dollar of the gross rental value of rateable land within its district to be rated on gross rental value; and
  - (b) set a rate which is expressed as a rate in the dollar of the unimproved value of rateable land within its district to be rated on unimproved value.
- (3) A local government —
  - (a) may, at any time after the imposition of rates in a financial year, in an emergency, impose\* a supplementary general rate or specified area rate for the unexpired portion of the current financial year; and
  - (b) is to, after a court or the State Administrative Tribunal has quashed a general valuation, rate or service charge, impose\* a new general rate, specified area rate or service charge.

*\* Absolute majority required.*

- (4) Where a court or the State Administrative Tribunal has quashed a general valuation the quashing does not render invalid a rate imposed on the basis of the quashed valuation in respect of any financial year prior to the financial year in which the proceedings which resulted in that quashing were commenced.

*[Section 6.32 amended by No. 55 of 2004 s. 690.]*

**6.33. Differential general rates**

- (1) A local government may impose differential general rates according to any, or a combination, of the following characteristics —
  - (a) the purpose for which the land is zoned, whether or not under a local planning scheme or improvement scheme in force under the *Planning and Development Act 2005*;

- (b) a purpose for which the land is held or used as determined by the local government;
- c) whether or not the land is vacant land; or
- (d) any other characteristic or combination of characteristics prescribed.

(2) Regulations may —

- (a) specify the characteristics under subsection (1) which a local government is to use; or
  - (b) limit the characteristics under subsection (1) which a local government is permitted to use.
- (3) In imposing a differential general rate a local government is not to, without the approval of the Minister, impose a differential general rate which is more than twice the lowest differential general rate imposed by it.
- (4) If during a financial year, the characteristics of any land which form the basis for the imposition of a differential general rate have changed, the local government is not to, on account of that change, amend the assessment of rates payable on that land in respect of that financial year but this subsection does not apply in any case where section 6.40(1)(a) applies.
- (5) A differential general rate that a local government purported to impose under this Act before the *Local Government Amendment Act 2009* section 39(1)(a) came into operation<sup>1</sup> is to be taken to have been as valid as if the amendment made by that paragraph had been made before the purported imposition of that rate.

[Section 6.33 amended by No. 38 of 2005 s. 15; No. 17 of 2009 s. 39; No. 28 of 2010 s. 34.]

#### 6.34. Limit on revenue or income from general rates

Unless the Minister otherwise approves, the amount shown in the annual budget as being the amount it is estimated will be yielded by the general rate is not to —

- (a) be more than 110% of the amount of the budget deficiency; or
- (b) be less than 90% of the amount of the budget deficiency.

#### 6.35. Minimum payment

- (1) Subject to this section, a local government may impose on any rateable land in its district a minimum payment which is greater than the general rate which would otherwise be payable on that land.
- (2) A minimum payment is to be a general minimum but, subject to subsection (3), a lesser minimum may be imposed in respect of any portion of the district.
- (3) In applying subsection (2) the local government is to ensure the general minimum is imposed on not less than —
  - (a) 50% of the total number of separately rated properties in the district; or
  - (b) 50% of the number of properties in each category referred to in subsection (6), on which a minimum payment is imposed.
- (4) A minimum payment is not to be imposed on more than the prescribed percentage of —
  - (a) the number of separately rated properties in the district; or
  - (b) the number of properties in each category referred to in subsection (6),

unless the general minimum does not exceed the prescribed amount.

- (5) If a local government imposes a differential general rate on any land on the basis that the land is vacant land it may, with the approval of the Minister, impose a minimum payment in a manner that does not comply with subsections (2), (3) and (4) for that land.
- (6) For the purposes of this section a minimum payment is to be applied separately, in accordance with the principles set forth in subsections (2), (3) and (4) in respect of each of the following categories —
  - (a) to land rated on gross rental value;
  - (b) to land rated on unimproved value; and
  - (c) to each differential rating category where a differential general rate is imposed.

*[Section 6.35 amended by No. 49 of 2004 s. 61.]*

#### 6.36. Local government to give notice of certain rates

- (1) Before imposing any differential general rates or a minimum payment applying to a differential rate category under section 6.35(6)(c) a local government is to give local public notice of its intention to do so.
  - (2) A local government is required to ensure that a notice referred to in subsection (1) is published in sufficient time to allow compliance with the requirements specified in this section and section 6.2(1).
  - (3) A notice referred to in subsection (1) —
    - (a) may be published within the period of 2 months preceding the commencement of the financial year to which the proposed rates are to apply on the basis of the local government's estimate of the budget deficiency;
    - (b) is to contain —
      - (i) details of each rate or minimum payment the local government intends to impose;
      - (ii) an invitation for submissions to be made by an elector or a ratepayer in respect of the proposed rate or minimum payment and any related matters within 21 days (or such longer period as is specified in the notice) of the notice; and
      - (iii) any further information in relation to the matters specified in subparagraphs (i) and (ii) which may be prescribed;and
    - (c) is to advise electors and ratepayers of the time and place where a document describing the objects of, and reasons for, each proposed rate and minimum payment may be inspected.
  - (4) The local government is required to consider any submissions received before imposing the proposed rate or minimum payment with or without modification.
  - (5) Where a local government —
    - (a) in an emergency, proposes to impose a supplementary general rate or specified area rate under section 6.32(3)(a); or
- (b)proposes to modify the proposed rates or minimum payments after considering any submissions under subsection (4),
- it is not required to give local public notice of that proposed supplementary general rate, specified area rate, modified rate or minimum payment.

### 6.37. Specified area rates

- (1) A local government may impose a specified area rate on rateable land within a portion of its district for the purpose of meeting the cost of the provision by it of a specific work, service or facility if the local government considers that the ratepayers or residents within that area —
  - (a) have benefited or will benefit from;
  - (b) have access to or will have access to; or
  - (c) have contributed or will contribute to the need for,that work, service or facility.
- (2) A local government is required to —
  - (a) use the money from a specified area rate for the purpose for which the rate is imposed in the financial year in which the rate is imposed; or
  - (b) to place it in a reserve account established under section 6.11 for that purpose.
- (3) Where money has been placed in a reserve account under subsection (2)(b), the local government is not to —
  - (a) change the purpose of the reserve account; or
  - (b) use the money in the reserve account for a purpose other than the service for which the specified area rate was imposed,and section 6.11(2), (3) and (4) do not apply to such a reserve account.
- (4) A local government may only use the money raised from a specified area rate —
  - (a) to meet the cost of providing the specific work, service or facility for which the rate was imposed; or
  - (b) to repay money borrowed for anything referred to in paragraph (a) and interest on that money.
- (5) If a local government receives more money than it requires from a specified area rate on any land or if the money received from the rate is no longer required for the work, service or facility the local government —
  - (a) may, and if so requested by the owner of the land is required to, make a refund to that owner which is proportionate to the contributions received by the local government; or
  - (b) is required to allow a credit of an amount proportionate to the contribution received by the local government in relation to the land on which the rate was imposed against future liabilities for rates or service charges in respect of that land.
- (6) Where —
  - (a) before the coming into operation of the *Local Government Amendment Act 2012* Part 2 Division 5, a specified area rate was imposed, or purportedly imposed, under this section by a local government for the purpose of the provision of underground electricity; and
  - (b) the underground electricity was not, or will not, be provided, or not wholly provided, by the local government,

the rate is, and is taken always to have been, as validly imposed under this section as it would have been if, at the time of the imposition of the rate, the local government were to provide the underground electricity.

*[Section 6.37 amended by No. 2 of 2012 s. 20.]*

### 6.38. Service charges

- (1) A local government may impose on —
  - (a) owners; or
  - (b) occupiers,of land within the district or a defined part of the district a service charge for a financial year to meet the cost to the local government in the provision of a prescribed work, service or facility in relation to the land.
- (2) A local government is required to —
  - (a) use the money from a service charge in the financial year in which the charge is imposed; or
  - (b) to place it in a reserve account established under section 6.11 for the purpose of that work, service or facility.
- (3) Where money has been placed in a reserve account under subsection (2)(b), the local government is not to —
  - (a) change the purpose of the reserve account; or
  - (b) use the money in the reserve account for a purpose other than the work, service or facility for which the charge was imposed,and subsections (2), (3) and (4) of section 6.11 do not apply to such a reserve account.
- (4) A local government may only use the money raised from a service charge —
  - (a) to meet the cost of providing the specific service for which the work, service or facility charge was imposed; or
  - (b) to repay money borrowed for anything referred to in paragraph (a) and interest on that money.
- (5) If a local government receives more money than it requires from the service charge imposed under subsection (1)(a) it —
  - (a) may, and if so requested by the owner of the land, is required to, make a refund to the owner of the land which is proportionate to the contributions received by the local government; or
  - (b) is required to allow a credit of an amount proportionate to the contribution received by the local government in relation to any land on which the service charge was imposed against future liabilities for rates or service charges in respect of that land.
- (6) If a local government receives more money than it requires from the service charge imposed under subsection (1)(b) it is required to make a refund to the person who paid the service charge which is proportionate to the contributions received by the local government.
- (7) This section applies in respect of a prescribed work, service or facility even if the work, service or facility is not provided, or not wholly provided, by a local government if the local government has facilitated or participated in the provision of the work, service or facility.
- (8) Where —
  - (a) before the coming into operation of the *Local Government Amendment Act 2012* Part 2 Division 5, a service charge was imposed, or purportedly imposed, under this section by a local government for the purpose of the provision of underground electricity; and
  - (b) the underground electricity was not, or will not, be provided, or not wholly provided, by the local government,

the charge is, and is taken always to have been, as validly imposed under this section as it would have been if, at the time of the imposition of the charge, the amendments effected by *Local Government Amendment Act 2012* Part 2 Division 5 had been in effect and the provision of underground electricity had been a prescribed work.

*[Section 6.38 amended by No. 2 of 2012 s. 21.]*

## 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;

- Councillors
- Chief Executive Officer
- Senior Finance Officer

## STAFF RECOMMENDATION

*That Council resolve to:*

1. *Advertise the following differential rates and minimum rate for the 2022/2023 financial year.*

<b>Gross Rental Value Properties</b>		
<b>Description</b>	<b>Rate in \$</b>	<b>Minimum Rate</b>
<i>Kellerberrin Residential</i>	<i>\$0.14950</i>	<i>\$855.00</i>
<i>Other Residential</i>	<i>\$0.14950</i>	<i>\$855.00</i>
<i>Kellerberrin Commercial</i>	<i>\$0.16975</i>	<i>\$937.00</i>
<i>Other Commercial</i>	<i>\$0.16975</i>	<i>\$937.00</i>
<b>Unimproved Value Properties</b>		
<i>Mining Tenements</i>	<i>\$0.016525</i>	<i>\$855.00</i>
<i>Rural</i>	<i>\$0.016525</i>	<i>\$855.00</i>

2. *Adopt the Objects and Reasons for the differential rate as shown in the attachment presented.*

## COUNCIL RESOLUTION

**MIN 068/22**

**MOTION - Moved Cr. Steber**

**Seconded Cr. Forsyth**

***That Council resolve to:***

- 1. Advertise the following differential rates and minimum rate for the 2022/2023 financial year.**

**Gross Rental Value Properties**

<b>Description</b>	<b>Rate in \$</b>	<b>Minimum Rate</b>
<b>Kellerberrin Residential</b>	<b>\$0.14950</b>	<b>\$855.00</b>
<b>Other Residential</b>	<b>\$0.14950</b>	<b>\$855.00</b>
<b>Kellerberrin Commercial</b>	<b>\$0.16975</b>	<b>\$937.00</b>
<b>Other Commercial</b>	<b>\$0.16975</b>	<b>\$937.00</b>

**Unimproved Value Properties**

<b>Mining Tenements</b>	<b>\$0.016525</b>	<b>\$855.00</b>
<b>Rural</b>	<b>\$0.016525</b>	<b>\$855.00</b>

- 2. Adopt the Objects and Reasons for the differential rate as shown in the attachment presented.**

**CARRIED 7/0**

<b>9.7 DIRECT DEBIT LIST AND VISA CARD TRANSACTIONS - APRIL 2022</b>
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**File Number:** N/A  
**Author:** Brett Taylor, Senior Finance Officer  
**Authoriser:** Raymond Griffiths, Chief Executive Officer  
**Attachments:** Nil

**BACKGROUND**

Please see below the Direct Debit List and Visa Card Transactions for the month of April 2022.

## Municipal Direct Debit List

Date	Name	Details	\$	Amount
1-Apr-22	NAB	Merchant Fees - Trust		3.32
1-Apr-22	Westnet	Internet Fees		4.99
1-Apr-22	NAB	Merchant Fees - Caravan Park		51.90
1-Apr-22	NAB	Merchant Fees		273.34
1-Apr-22	NAB	Merchant Fees - Muni		403.05
1-Apr-22	Alleasing	Gym Equipment Rental		3,121.83
7-Apr-22	Department of Transport	Vehicle Inspections		140.45
7-Apr-22	Shire of Kellerberrin	Creditors Payment		440,473.73
11-Apr-22	Shire of Kellerberrin	BAS Payment March		76,034.00
12-Apr-22	Department of Communities	Rent		420.00
14-Apr-22	Shire of Kellerberrin	Precision Superannuation		10,692.47
14-Apr-22	Shire of Kellerberrin	Pay Run		61,393.14
21-Apr-22	Shire of Kellerberrin	Creditors Payment		130,164.23
22-Apr-22	Nayax Australia	Vending Machine - Caravan Park		38.17
26-Apr-22	Department of Communities	Rent		420.00
28-Apr-22	Shire of Kellerberrin	Precision Superannuation		10,617.44
28-Apr-22	Shire of Kellerberrin	Pay Run		61,607.16
28-Apr-22	NAB	NAB Connect Fees		60.23
29-Apr-22	NAB	National BPAY Charge		25.76
29-Apr-22	NAB	Bank Fees		13.60
29-Apr-22	NAB	Bank Fees		36.00
<b>TOTAL</b>			<b>\$</b>	<b>795,994.81</b>

## Trust Direct Debit List

Date	Name	Details	\$	Amount
30-Apr-22	Department of Transport	Licencing Payments April 2022		\$37,250.45
<b>TOTAL</b>			<b>\$</b>	<b>37,250.45</b>

## Visa Transactions

Date	Name	Details	\$	Amount
29-Mar-22	DWER	Clearing Permit Goldfields Road Parking C. Brindley-Mullen Contract		2,600.00
05-Apr-22	City Of Perth Parking	Course		13.63
05-Apr-22	Sabaz Enterprises	Meal C Brindley Mullen - Contract Course Parking C. Brindley-Mullen Contract		22.75
06-Apr-22	City Of Perth Parking	Course		13.63
06-Apr-22	Guild Undergrad UWA	Meal C Brindley Mullen - Contract Course Accommodation C. Brindley Mullen Contract		13.00
06-Apr-22	Quest Kings Park	Course		348.00
11-Apr-22	Shire of Kellerberrin	HC Licences G. Main & S. Humphry		148.20
26-Apr-22	Office Works	Stationery - Private Works PWE2683		29.50
26-Apr-22	Office Works	Stationery Shire of Kellerberrin		76.75
28-Apr-22	Shire of Kellerberrin	Licencing KE003		18.30
28-Apr-22	Shire of Kellerberrin	Licencing KE870		30.50

28-Apr-22	NAB	Card Fee	9.00
		<b>TOTAL - CEO</b>	<b>\$ 3,323.26</b>
<b>Date</b>	<b>Name</b>	<b>Details</b>	<b>\$ Amount</b>
29-Mar-22	ZOOM	Annual Subscription	999.79
14-Apr-22	United Petroleum	Fuel KE002	30.09
28-Apr-22	NAB	Card Fee	9.00
		<b>TOTAL -DCEO</b>	<b>1,038.88</b>
		<b>TOTAL VISA TRANSACTIONS</b>	<b>\$ 4,362.14</b>

## STAFF COMMENT

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

## TEN YEAR FINANCIAL PLAN

There are no direct implication on the Long Term Financial Plan.

## FINANCIAL IMPLICATIONS

Financial Management of 2021/2022 Budget.

## STATUTORY IMPLICATIONS

### Local Government (Financial Management) Regulations 1996

34. Financial activity statement report — s. 6.4

(1A) In this regulation —

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

- (1) A local government is to prepare each month a statement of financial activity reporting on the revenue and expenditure, as set out in the annual budget under regulation 22(1)(d), for that month in the following detail —
  - (a) annual budget estimates, taking into account any expenditure incurred for an additional purpose under section 6.8(1)(b) or (c);
  - (b) budget estimates to the end of the month to which the statement relates;
  - (c) actual amounts of expenditure, revenue and income to the end of the month to which the statement relates;
  - (d) material variances between the comparable amounts referred to in paragraphs (b) and (c); and
  - (e) the net current assets at the end of the month to which the statement relates.
- (2) Each statement of financial activity is to be accompanied by documents containing —
  - (a) an explanation of the composition of the net current assets of the month to which the statement relates, less committed assets and restricted assets;
  - (b) an explanation of each of the material variances referred to in subregulation (1)(d); and
  - (c) such other supporting information as is considered relevant by the local government.
- (3) The information in a statement of financial activity December be shown —
  - (a) according to nature and type classification; or
  - (b) by program; or

- (c) by business unit.
- (4) A statement of financial activity, and the accompanying documents referred to in sub regulation (2), are to be —
  - (a) presented at an ordinary meeting of the council within 2 months after the end of the month to which the statement relates; and
  - (b) recorded in the minutes of the meeting at which it is presented.
- (5) Each financial year, a local government is to adopt a percentage or value, calculated in accordance with the AAS, to be used in statements of financial activity for reporting material variances.

## STRATEGIC COMMUNITY PLAN

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

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

## COMMUNITY CONSULTATION

The following consultation took place;

- Chief Executive Officer
- Manager of Governance
- Senior Finance Officer

## STAFF RECOMMENDATION

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

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

## COUNCIL RESOLUTION

**MIN 069/22      MOTION - Moved Cr. Ryan      Seconded Cr. Gardiner**

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

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

**CARRIED 7/0**

**9.8 CHEQUE LIST APRIL 2022**

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

**BACKGROUND**

Accounts for payment from 1<sup>st</sup> April to 30<sup>th</sup> April 2022

**TRUST**

<b>TRUST TOTAL</b>	<b>\$ 37,522.10</b>
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**MUNICIPAL FUND****Cheque Payments**

34939-34941	\$ 69,446.65
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**EFT Payments**

13349-13425	\$ 570637.96
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<b>Direct Debit Payments</b>	<b>\$ 122,152.43</b>
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<b>TOTAL MUNICIPAL</b>	<b>\$ 762,237.04</b>
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**STAFF COMMENT**

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

<b>MBC (Majstrovich Building Co)</b>	<b>\$ 388,080.00</b>
Claim 2 Swimming Pool redevelopment	
<b>Deputy Commissioner Of Taxation</b>	<b>\$ 76,034.00</b>
ATO tax payments	
<b>Water Corporation</b>	<b>\$ 69,119.60</b>
Water charges various Shire properties February-April 2022	
<b>Fulton Hogan</b>	<b>\$ 57,760.07</b>
Primerseal of James St. & Ripper St. road constructions	
<b>Department of Transport - TRUST DIRECT DEBITS Licensing CRC</b>	<b>\$ 37,250.45</b>
Licensing payments April 2022	
<b>Rylan Concrete</b>	<b>\$ 22,962.50</b>
Kerbing for Doodli-Kunnu Rd, James St. & Ripper St. road constructions	
<b>Vicki Philipoff Settlements</b>	<b>\$ 20,599.29</b>
Settlement - purchase of 76 & 78 Hammond Street Kellerberrin	
<b>United Card Services Pty Ltd</b>	<b>\$ 12,243.20</b>
Total supply March 2022	
<b>Beam Superannuation</b>	<b>\$ 10,692.47</b>
Superannuation Payrun	

<b>Beam Superannuation</b> Superannuation Payrun	<b>\$ 10,617.44</b>
<b>Avon Waste</b> Domestic & commercial collections March 2022	<b>\$ 8,810.87</b>
<b>Great Southern Fuel Supplies</b> Total supply March 2022	<b>\$ 6,825.72</b>
<b>Spyker Business Solutions</b> Q.3 & Q.4 CCTV maintenance July 2021 to June 2022 & T400 communicator fee April 2022	<b>\$ 5,466.30</b>
<b>Kellerberrin Community Resource Centre</b> HC Licence for outside crew, monthly Information Bay & Library payment & ATM Commission February 2022	<b>\$ 5,235.00</b>

## 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
- Manager of Governance
- Finance Officer

## STAFF RECOMMENDATION

*That Council notes that during the month of April 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 \$ 762,237.04 on vouchers EFT , CHQ, Direct payments*
2. *Trust Fund payments totalling \$ 37,522.10 on vouchers EFT, CHQ, Direct payments*

## COUNCIL RESOLUTION

MIN 070/22

MOTION - Moved Cr. Steber

Seconded Cr. Leake

*That Council notes that during the month of April 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 \$ 762,237.04 on vouchers EFT , CHQ, Direct payments*
2. *Trust Fund payments totalling \$ 37,522.10 on vouchers EFT, CHQ, Direct payments.*

**CARRIED 7/0**

<b>9.9 FINANCIAL ACTIVITY STATEMENT - APRIL 2022</b>
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**File Number:** FIN

**Author:** Brett Taylor, Senior Finance Officer

**Authoriser:** Raymond Griffiths, Chief Executive Officer

**Attachments:** 1. Financial Activity Statement - April 2022 (under separate cover)

### 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 – 20 <sup>th</sup> July 2021
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**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 30<sup>th</sup> April 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

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
- Senior Finance Officer

## STAFF RECOMMENDATION

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

*(a) Statement of Financial Activity*

*(b) Note 1 to Note 13*

## COUNCIL RESOLUTION

**MIN 071/22**

**MOTION - Moved Cr. Forsyth**

**Seconded Cr. Gardiner**

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

***(a) Statement of Financial Activity***

***(b) Note 1 to Note 13***

**CARRIED 7/0  
BY ABSOLUTE MAJORITY**

**9.10 BUILDING REPORTS APRIL 2022**

**File Ref:** BUILD06

**Author:** Amanda Stewart, Administration Officer

**Authoriser:** Raymond Griffiths, Chief Executive Officer

**Attachments:** 1. Building Permit Issued - April 2022 (under separate cover)  
2. Building Applications Received - April 2022 (under separate cover)

**BACKGROUND**

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

**STAFF COMMENT**

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

**TEN YEAR FINANCIAL PLAN**

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

**FINANCIAL IMPLICATIONS**

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

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

**STATUTORY IMPLICATIONS**

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

**STRATEGIC COMMUNITY PLAN**

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

**COMMUNITY CONSULTATION**

The following consultation took place:

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

## STAFF RECOMMENDATION

*That Council*

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

## COUNCIL RESOLUTION

**MIN 072/22      MOTION - Moved Cr. Ryan      Seconded Cr. Steber**

*That Council*

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

**CARRIED 7/0**

**10 DEVELOPMENT SERVICES REPORTS**

Nil

**11 WORKS & SERVICES REPORTS**

Nil

**12 ELECTED MEMBERS MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**

Nil

**13 NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF MEETING****MOTION****COUNCIL RESOLUTION****MIN 073/22      MOTION - Moved Cr. Forsyth      Seconded Cr. Gardiner*****That Council accepts the following late items;***

- ***Development Application – Water Tank.***

**CARRIED 7/0****13.1 DEVELOPMENT APPLICATION - WATER TANK**

**File Ref:** A895  
**Author:** Lewis York, Town Planner  
**Authoriser:** Raymond Griffiths, Chief Executive Officer  
**Applicant:** Ms Margaret Grose  
**Location:** 69 James Street, Kellerberrin  
**Attachments:** 1. Development Application - Water Tank (under separate cover)

**BACKGROUND**

A development application has been received from Margaret Grose for the installation of a 22,500L water tank at 69 James Street, Kellerberrin which incorporates three lots being Lot 1 (location of residence), Lot 180 (location of carport), Lot 179 (location of Shed).

This application is in relation to Lot 180 which has a carport only on it, however the lot has long been used in conjunction with 69 James Street (Lot 1 and Lot 179) which contains a dwelling and outbuilding.

**SITE**





### **Shire of Kellerberrin Local Planning Scheme**

3.2. OBJECTIVES OF THE ZONES 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**

### **67. Matters to be considered by local government**

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

- a) the aims and provisions of this Scheme and any other local planning scheme operating within the Scheme area;
- b) the requirements of orderly and proper planning including any proposed local planning scheme or amendment to this Scheme that has been advertised under the Planning and Development (Local Planning Schemes) Regulations 2015 or any other proposed planning instrument that the local government is seriously considering adopting or approving;
- c) any approved State planning policy;
- d) any environmental protection policy approved under the Environmental Protection Act 1986 section 31(d);
- e) any policy of the Commission;
- f) any policy of the State;
- g) any local planning policy for the Scheme area;

- h) any structure plan, activity centre plan or local development plan that relates to the development;
- i) any report of the review of the local planning scheme that has been published under the Planning and Development (Local Planning Schemes) Regulations 2015;
- j) in the case of land reserved under this Scheme, the objectives for the reserve and the additional and permitted uses identified in this Scheme for the reserve;
- k) the built heritage conservation of any place that is of cultural significance;
- l) the effect of the proposal on the cultural heritage significance of the area in which the development is located;
- m) the compatibility of the development with its setting including the relationship of the development to development on adjoining land or on other land in the locality including, but not limited to, the likely effect of the height, bulk, scale, orientation and appearance of the development;
- n) the amenity of the locality including the following —
  - i. environmental impacts of the development;
  - ii. the character of the locality;
  - iii. social impacts of the development;
- o) the likely effect of the development on the natural environment or water resources and any means that are proposed to protect or to mitigate impacts on the natural environment or the water resource;
- p) whether adequate provision has been made for the landscaping of the land to which the application relates and whether any trees or other vegetation on the land should be preserved;
- q) the suitability of the land for the development taking into account the possible risk of flooding, tidal inundation, subsidence, landslip, bush fire, soil erosion, land degradation or any other risk;
- r) the suitability of the land for the development taking into account the possible risk to human health or safety;
- s) the adequacy of —
  - i. the proposed means of access to and egress from the site; and
  - ii. arrangements for the loading, unloading, manoeuvring and parking of vehicles;
- t) the amount of traffic likely to be generated by the development, particularly in relation to the capacity of the road system in the locality and the probable effect on traffic flow and safety;
- u) the availability and adequacy for the development of the following —
  - i. public transport services;
  - ii. public utility services;
  - iii. storage, management and collection of waste;
  - iv. access for pedestrians and cyclists (including end of trip storage, toilet and shower facilities);
  - v. access by older people and people with disability;
- v) the potential loss of any community service or benefit resulting from the development other than potential loss that may result from economic competition between new and existing businesses;
- w) the history of the site where the development is to be located;

- x) the impact of the development on the community as a whole notwithstanding the impact of the development on particular individuals;
- y) any submissions received on the application;
- z) the comments or submissions received from any authority consulted under clause 66;
- aa) any other planning consideration the local government considers appropriate.

## POLICY IMPLICATIONS

### Residential Design Codes 2015

*Setback proposed side: 6m, rear 18m, front 30m*

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

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

Table 2b: Boundary setbacks - Walls with major openings

Wall height (m)	Wall length (m)														
	9 or less	10	11	12	13	14	15	16	17	18	19	20	25	Over 25	
3.5 or less*	1.5	1.5	1.5	1.5	1.5	1.5	1.5	1.5	1.5	1.5	1.5	1.5	1.5	1.5	
4.0	1.8	2.0	2.2	2.4	2.5	2.7	2.8	3.0	3.1	3.3	3.4	3.6	4.5	5.0	
4.5	2.0	2.2	2.4	2.6	2.8	3.0	3.1	3.2	3.4	3.7	3.8	4.0	4.8	5.4	
5.0	2.3	2.5	2.6	2.8	3.0	3.2	3.3	3.5	3.7	3.9	4.0	4.2	5.1	5.7	
5.5	2.5	2.7	2.9	3.1	3.3	3.5	3.6	3.7	3.9	4.2	4.4	4.6	5.5	6.0	
6.0	2.8	3.0	3.1	3.3	3.5	3.8	3.9	4.0	4.2	4.5	4.7	4.9	5.7	6.3	
6.5	3.0	3.2	3.4	3.6	3.8	4.0	4.1	4.2	4.4	4.7	4.9	5.2	6.1	6.6	
7.0	3.3	3.5	3.7	3.8	4.1	4.3	4.4	4.6	4.8	5.0	5.2	5.5	6.4	7.0	
7.5	3.5	3.7	3.9	4.2	4.4	4.6	4.7	4.9	5.1	5.3	5.5	5.7	6.6	7.3	
8.0	3.8	4.0	4.2	4.4	4.6	4.8	5.0	5.2	5.4	5.6	5.8	6.0	7.0	7.7	
8.5	4.0	4.3	4.5	4.7	4.9	5.2	5.3	5.5	5.7	5.9	6.1	6.3	7.3	8.0	
9.0	4.3	4.5	4.7	5.0	5.2	5.4	5.6	5.8	6.0	6.2	6.4	6.6	7.6	8.3	
9.5	4.6	4.8	5.0	5.2	5.4	5.7	5.8	5.0	6.2	6.4	6.6	6.9	8.0	8.7	i
10.0	4.8	5.0	5.2	5.4	5.7	6.0	6.1	6.3	6.5	6.7	6.9	7.2	8.2	9.0	ii

## STRATEGIC PLAN IMPLICATIONS

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

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

## COMMUNITY CONSULTATION

The following consultation took place;

- Chief Executive Officer
- Councils Town Planner
- Owner/Occupier

**PLANNING ASSESSMENT**

The proposed water tank raises no planning concerns. The water tank will be located behind the patio on the lot and therefore not visible from the primary street. The water tank adheres to all setbacks in the R-Codes. It is noted that only water tanks below 5000L capacity are exempt from planning approval requirements.

**STAFF RECOMMENDATION**

That Council approve the development of a 22,500L water tank to be located at Lot 179 James Street, Kellerberrin;

**General Conditions**

- i. Planning approval will expire if the development is not substantially commenced within two years of this approval; and
- ii. The endorsed approved plans shall not be altered without prior written approval of the Shire.

**Advice Notes**

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

**COUNCIL RESOLUTION**

**MIN 074/22      MOTION - Moved Cr. Steber      Seconded Cr. Forsyth**

***That Council approve the development of a 22,500L water tank to be located at Lot 179 James Street, Kellerberrin;***

***General Conditions***

- i. Planning approval will expire if the development is not substantially commenced within two years of this approval; and***
- ii. The endorsed approved plans shall not be altered without prior written approval of the Shire.***

***Advice Notes***

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

**CARRIED 7/0**

3.20 pm – Mr Mick Jones – Manager of Works and Services exited the Meeting.

**14 CONFIDENTIAL MATTERS****COUNCIL RESOLUTION**

MIN 075/22      MOTION - Moved Cr. Leake      Seconded Cr. Reid

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

**14.1      2022/2023 Draft Wages Budget**

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

**14.2      Chief Executive Officer - Performance Appraisal**

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

**CARRIED 7/0**

**COUNCIL RESOLUTION**

MIN 076/22      MOTION - Moved Cr. Forsyth      Seconded Cr. Ryan

*That Council moves out of Closed Council into Open Council.*

**CARRIED 7/0**

## **15 CLOSURE OF MEETING**

**The Meeting closed at 4:40pm.**

**The minutes of this meeting were confirmed at the Ordinary Council Meeting held on 21 June 2022.**

.....  
**CHAIRPERSON**