



MINUTES

Ordinary Council Meeting Tuesday, 16 August 2022

Date: Tuesday, 16 August 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, 16 AUGUST 2022 AT 2:00PM**

1 DECLARATION OF OPENING

The presiding member opened the meeting at 2:03pm

2 ANNOUNCEMENT BY PRESIDING PERSON WITHOUT DISCUSSION

3 RECORD OF ATTENDANCE / APOLOGIES / LEAVE OF ABSENCE

PRESENT:

Cr Rod Forsyth, (via zoom)
Cr David Leake,
Cr Matt Steber,
Cr Dennis Reid,
Cr Emily Ryan (Deputy President),
Cr Monica Gardiner

IN ATTENDANCE:

Raymond Griffiths (Chief Executive Officer), (via zoom)
Mick Jones (Manager Works & Services),
Codi Brindley-Mullen (Manager of Governance)

APOLOGIES

Nil

LEAVE OF ABSENCE

Nil

MOTION

COUNCIL RESOLUTION

MIN 115/22 MOTION - Moved Cr. Leake Seconded Cr. Steber

That Council consider the request from Cr Forsyth and Chief Executive Officer, Raymond Griffiths to attend the meeting remotely via zoom at the following locations;

- ***9022 Bencubbin Road, Kellerberrin***
- ***7 Bennett Street, Kellerberrin***

CARRIED 6/0

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.

Cr Monica Gardiner declared a interest affecting impartiality in relation to Item 9.6 due to being a committee member of Milligan Units.

Cr Rod Forsyth declared a closely associated person in relation to item 9.6 due to wife being a committee member.

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 19 JULY 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 19 July 2022

HEADING**STAFF RECOMMENDATION**

That the Minutes of the Council Meeting held on 19 July 2022 be received as a true and accurate record.

COUNCIL RESOLUTION

MIN 116/22 **MOTION - Moved Cr. Leake** **Seconded Cr. Gardiner**

That the Minutes of the Council Meeting held on 19 July 2022 be received as a true and accurate record.

CARRIED 6/0

6.2 MINUTES OF THE AUDIT COMMITTEE MEETING HELD ON 19 JULY 2022

File Ref: MIN
Author: Codi Brindley-Mullen, Manager of Governance
Authoriser: Raymond Griffiths, Chief Executive Officer
Attachments: 1. Minutes of the Audit Committee Meeting held on 19 July 2022

HEADING**STAFF RECOMMENDATION**

That the Minutes of the Audit Committee Meeting held on 19 July 2022 be received and the recommendations therein be adopted.

COUNCIL RESOLUTION

MIN 117/22 **MOTION - Moved Cr. Reid** **Seconded Cr. Steber**

That the Minutes of the Audit Committee Meeting held on 19 July 2022 be received and the recommendations therein be adopted.

CARRIED 6/0

6.3 MINUTES OF THE ARTS & CULTURE COMMITTEE MEETING HELD ON 20 JULY 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 20 July 2022

HEADING**STAFF RECOMMENDATION**

That the Minutes of the Arts & Culture Committee Meeting held on 20 July 2022 be received and the recommendations therein be adopted.

COUNCIL RESOLUTION

MIN 118/22 **MOTION - Moved Cr. Gardiner** **Seconded Cr. Reid**

That the Minutes of the Arts & Culture Committee Meeting held on 20 July 2022 be received and the recommendations therein be adopted.

CARRIED 6/0

7 PRESENTATIONS

7.1 Petitions

7.2 Presentations

7.3 Deputations

8 REPORTS OF COMMITTEES

Nil

9 CORPORATE SERVICES REPORTS

9.1 ELECTION OF PRESIDENT

File Ref: ELE03
Author: Raymond Griffiths, Chief Executive Officer
Authoriser: Raymond Griffiths, Chief Executive Officer
Attachments: Nil

BACKGROUND

Councils Chief Executive Officer on the 24th June 2022 received an email from Councillor O'Neill advising of his resignation as a Councillor and Shire President as at 1st August 2022.

STAFF COMMENT

With the resignation of Councils President Council is required to elect a new Shire President.

TEN YEAR FINANCIAL PLAN

NIL

FINANCIAL IMPLICATIONS

NIL

STATUTORY IMPLICATIONS

[Local Government Act 1995](#)

[2.11. Alternative methods of filling office of mayor or president](#)

- (1) When an order is made under section 2.1 declaring an area of the State to be a district, the Governor is, by order, to specify whether the first mayor or president of the local government is to be —
 - (a) elected by electors of the district under Part 4; or
 - (b) elected by the council from amongst the councillors under Schedule 2.3, Division 1.
 - (2) A local government may change* the method of filling the office of mayor or president used by the local government from the election by the council method to the election by the electors method.
- * Absolute majority required.*
- (3) A local government may exercise the power conferred by subsection (2) whether or not a proposal has been made under section 2.12.
 - (4) The method of filling the office of mayor or president used by a local government is changed from the election by the electors method to the election by the council method if the result of a poll declared under section 2.12A(4) is that a majority of electors of the district who voted at the poll voted in favour of the change.

[Section 2.11 amended: No. 49 of 2004 s. 17(1) and (2); No. 16 of 2019 s. 7.]

2.12. Electors may propose change of method

- (1) A proposal to change the method of filling the office of mayor or president used by a local government to the other method mentioned in section 2.11(1)(a) or (b) may be made to the local government by electors of the district who —
 - (a) are at least 250 in number; or
 - (b) are at least 10% of the total number of electors of the district.
- (2) The proposal is to comply with any regulations about such proposals.
- (3) If the proposal is to change the method of filling the office of mayor or president from the election by the council method to the election by the electors method, consideration is to be given to the proposal by such means as the council thinks fit after which a motion to change the method of filling the office of mayor or president is to be put to the council for decision under section 2.11(2).

Schedule 2.3 — When and how mayors, presidents, deputy mayors and deputy presidents are elected by the council

[Sections 2.11(1)(b) and 2.15]

Division 1 — Mayors and presidents

1. Terms used

In this Division —

extraordinary vacancy means a vacancy that occurs under section 2.34(1);

office means the office of councillor mayor or president.

2. When council elects mayor or president

- (1) The office is to be filled as the first matter dealt with —
 - (a) at the first meeting of the council after an inaugural election or a section 4.13 or 4.14 election or after an ordinary elections day; and
 - (b) at the first meeting of the council after an extraordinary vacancy occurs in the office.
- (2) If the first ordinary meeting of the council is more than 3 weeks after an extraordinary vacancy occurs in the office, a special meeting of the council is to be held within that period for the purpose of filling the office.

3. CEO to preside

The CEO is to preside at the meeting until the office is filled.

4. How mayor or president is elected

- (1) The council is to elect a councillor to fill the office.
- (2) The election is to be conducted by the CEO in accordance with the procedure prescribed.
- (3) Nominations for the office are to be given to the CEO in writing before the meeting or during the meeting before the close of nominations.
- (3a) Nominations close at the meeting at a time announced by the CEO, which is to be a sufficient time after the announcement by the CEO that nominations are about to close to allow for any nominations made to be dealt with.
- (4) If a councillor is nominated by another councillor the CEO is not to accept the nomination unless the nominee has advised the CEO, orally or in writing, that he or she is willing to be nominated for the office.

- (5) The councillors are to vote on the matter by secret ballot as if they were electors voting at an election.
- (6) Subject to clause 5(1), the votes cast under subclause (5) are to be counted, and the successful candidate determined, in accordance with Schedule 4.1 (which deals with determining the result of an election) as if those votes were votes cast at an election.
- (7) As soon as is practicable after the result of the election is known, the CEO is to declare and give notice of the result in accordance with regulations, if any.

[Clause 4 amended: No. 49 of 2004 s. 69(2)-(5); No. 66 of 2006 s. 14.]

5. Votes may be cast a second time

- (1) If when the votes cast under clause 4(5) are counted there is an equality of votes between 2 or more candidates who are the only candidates in, or remaining in, the count, the count is to be discontinued and the meeting is to be adjourned for not more than 7 days.
- (2) Any nomination for the office may be withdrawn, and further nominations may be made, before or when the meeting resumes.
- (3) When the meeting resumes the councillors are to vote again on the matter by secret ballot as if they were electors voting at an election.
- (4) The votes cast under subclause (3) are to be counted, and the successful candidate determined, in accordance with Schedule 4.1 as if those votes were votes cast at an election.

Division 2 — Deputy mayors and deputy presidents

6. Terms used

In this Division —

extraordinary vacancy means a vacancy that occurs under section 2.34(1);

office means the office of deputy mayor or deputy president.

7. When council elects deputy mayor or deputy president

- (1) If the local government has an elector mayor or president the office of deputy mayor or deputy president is to be filled as the first matter dealt with —
 - (a) at the first meeting of the council after an inaugural election or a section 4.13 or 4.14 election or after an ordinary elections day; and
 - (b) at the first meeting of the council after an extraordinary vacancy occurs in the office.
- (2) If the local government has a councillor mayor or president the office of deputy mayor or deputy president is to be filled —
 - (a) as the next matter dealt with after the mayor or president is elected at the first meeting of the council after an inaugural election or a section 4.13 or 4.14 election or after an ordinary elections day; and
 - (b) subject to subclause (3), as the first matter dealt with at the first meeting of the council after an extraordinary vacancy occurs in the office.
- (3) If at a meeting referred to in clause 2(1)(b) the deputy mayor or deputy president is elected to be the mayor or president, the resulting extraordinary vacancy in the office is to be filled as the next matter dealt with at the same meeting.

8. How deputy mayor or deputy president is elected

- (1) The council is to elect a councillor (other than the mayor or president) to fill the office.

- (2) The election is to be conducted in accordance with the procedure prescribed by the mayor or president, or if he or she is not present, by the CEO.
- (3) Nominations for the office are to be given to the person conducting the election in writing before the meeting or during the meeting before the close of nominations.
- (3a) Nominations close at the meeting at a time announced by the person conducting the election, which is to be a sufficient time after the announcement by that person that nominations are about to close to allow for any nominations made to be dealt with.
- (4) If a councillor is nominated by another councillor the person conducting the election is not to accept the nomination unless the nominee has advised the person conducting the election, orally or in writing, that he or she is willing to be nominated for the office.
- (5) The council members are to vote on the matter by secret ballot as if they were electors voting at an election.
- (6) Subject to clause 9(1) the votes cast under subclause (5) are to be counted, and the successful candidate determined, in accordance with Schedule 4.1 as if those votes were votes cast at an election.
- (7) As soon as is practicable after the result of the election is known, the person conducting the election is to declare and give notice of the result in accordance with regulations, if any.

[Clause 8 amended: No. 64 of 1998 s. 54(2)-(4); No. 49 of 2004 s. 69(6)-(9).]

9. Votes may be cast a second time

- (1) If, when the votes cast under clause 8(5) are counted, there is an equality of votes between 2 or more candidates who are the only candidates in, or remaining in, the count, the count is to be discontinued and, not more than 7 days later, a special meeting of the council is to be held.
- (2) Any nomination for the office may be withdrawn, and further nominations may be made, before or when the special meeting is held.
- (3) When the special meeting is held the council members are to vote again on the matter by secret ballot as if they were voting at an election.
- (4) The votes cast under subclause (3) are to be counted, and the successful candidate determined, under Schedule 4.1 as if those votes were votes cast at an election.

[Clause 9 amended: No. 49 of 2004 s. 69(10).]

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
- Manager of Governance

STAFF RECOMMENDATION

That the Presiding Member call for written nominations for Shire President.

COUNCIL RESOLUTION

MIN 119/22

MOTION - Moved Cr. Leake

Seconded Cr. Gardiner

That the Election of President be deferred to the September Ordinary Council Meeting to enable a full Council representation for the Election.

CARRIED 6/0

9.2 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 120/22 MOTION - Moved Cr. Steber Seconded Cr. Gardiner

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

CARRIED 6/0

9.3 COMMUNITY REQUESTS AND DISCUSSION ITEMS

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

July 2022 Council Meeting

MIN 098/22 MOTION - Moved Cr. Ryan Seconded Cr. Gardiner

That Council:

- 1. Purchase a planter box and plants to be located at the Doodlakine Town Hall.***
- 2. Acknowledge that the Town Crew fortnightly work schedule (every second Friday) incorporates the following;***
 - a. Doodlakine Townsite;***
 - b. Baandee Lake;***
 - c. Baandee CWA site; and***
 - d. Old Doodlakine Townsite***
- 3. Endorse the actions of the Chief Executive Officer in signing of the MOU for the host Council of the Wheatbelt Secondary Freight Network program.***
- 4. Approach Main Roads regarding mowing the entrances into Town.***
- 5. Approach the owners of the Black Ant Gallery and Kellerberrin Takeaway regarding seating being placed at the front of their business.***
- 6. Nalyerine Road and Laird Road to have reflective directional signage installed at the bends***

CARRIED 7/0

June 2022 Council Meeting

MIN 080/22 MOTION - Moved Cr. Leake Seconded Cr. Gardiner

That Council;

- 1. Will include an Acknowledgement of Country when opening official Council Meetings; and***
- 2. Includes Native Frangipani, Corymbia Eucalyptus and Grevilleas to the approved species list for town streets and road verge planting.***

May 2022 Council Meeting

No items were presented for actioning or review.

STAFF COMMENT**July MIN 098/22**

1. Planter boxer has been ordered
2. Email has been sent to the Doodlakine Community Committee advising of Schedule;
3. Noted;
4. Email has been sent to Main Roads WA. Council is responsible for anything inside the town boundary which we are ok on the West side, with the East we need to seek permission to go out to the 90km sign. Does Council want us to go out to the 90km sign on the eastern verge? If Council wishes to the following advice has been provided on what to do;

Should the LGA seek to expand that area (to a more suitable feature in pursuit of a more attractive Town entry), the process is to formalise with Wheatbelt Region as follows;

- *Define the area, longitudinally and laterally.*
 - *Confirm safe work practices used in the maintenance functions.*
 - *Exchange confirmation of the process with Main Roads.*
5. Contact was made with both owners and have agreed for seats to be located at the front of their business, Council is currently arranging installation.
 6. Signs have been installed at both locations.

June MIN 080/22

1. Noted
2. Noted to be incorporated into the Townscape Management Plan. Email issued to the Gregory Street resident that was planting trees on behalf of the community.

May MIN 064/22

NIL

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.

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 121/22

MOTION - Moved Cr. Reid

Seconded Cr. Gardiner

That Council;

Acknowledge the damaged sustained to Yelbeni Road. Currently no rectification works have been completed to date, as the Council administration were investigating an opportunity to have the problem rectified through 'Flood Damage' funding.

CARRIED 6/0

9.4 STATUS REPORT OF ACTION SHEET

File Ref: Various
Author: Codi Brindley-Mullen, Manager of Governance
Authoriser: Raymond Griffiths, Chief Executive Officer
Attachments: 1. Status Report - July (under separate cover)

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

NIL know at this time.

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 122/22

MOTION - Moved Cr. Gardiner

Seconded Cr. Reid

That Council receive the status report.

CARRIED 6/0

9.5 REMOTE & ISOLATED WORKERS POLICY

File Ref: ADM53
Author: Codi Brindley-Mullen, Manager of Governance
Authoriser: Raymond Griffiths, Chief Executive Officer
Attachments: Nil

BACKGROUND

In relation to the new Workplace Health & Safety (WHS) Legislation there have been Codes of Practice made redundant, reviewed and updated along with the terminology.

In 2019, the Policy Manual was reviewed and Council determined that the Communication with Isolated Employees policy was to be removed and implemented as a procedure.

STAFF COMMENT

With the changes to the new WHS legislation Council will be implementing the Remote and Isolated Workers Policy. Council will fulfil its obligation of compliance to the Occupational Safety and Health Regulation No.3.3 providing for communication with isolated employees.

TEN YEAR FINANCIAL PLAN

Nil known at this stage

FINANCIAL IMPLICATIONS

Nil known at this stage

STATUTORY IMPLICATIONS

Sections of the Regulations and/or Guidelines that apply to this item include:

- Work Health and Safety (General) Regulations 2022 (WA) – Division 6, S48.
- AS/NZS ISO 31000:2018, Risk Management – Principles and guidelines.
- Guidance Note: Working Alone, WorkSafe WA Commission (2009)

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
- LGIS – Chris Gilmour

STAFF RECOMMENDATION

That Council;

1. *Adopts the Remote and Isolated Workers policy as presented;*
2. *Deletes the previous Communication with Isolated Workers procedure; and*
3. *Instructs the Chief Executive Officer to ensure all staff receive a copy of the new Remote and Isolated Policy and have the policy placed on the website.*

COUNCIL RESOLUTION

MIN 123/22

MOTION - Moved Cr. Leake

Seconded Cr. Forsyth

That Council;

1. ***Adopts the Remote and Isolated Workers policy as presented;***
2. ***Deletes the previous Communication with Isolated Workers procedure; and***
3. ***Instructs the Chief Executive Officer to;***
 - (a) ***Ensure all staff receive a copy of the new Work Health and Safety Policy;***
 - (b) ***Ensure that staff receive training/educate on the new policy; and***
 - (c) ***Have the policy placed on the website.***

CARRIED 6/0

REASON: Council to be compliant with HR requirements needed to ensure staff are trained/educated on policies affecting staff.

9.6 MILLIGAN UNITS COMMITTEE - RATE EXEMPTION APPLICATION

File Ref: A904 & A1754
Author: Raymond Griffiths, Chief Executive Officer
Authoriser: Raymond Griffiths, Chief Executive Officer
Attachments: Nil

BACKGROUND

Council's September 2017 Ordinary Meeting of Council – 19th September 2017

MIN 101/17 MOTION - Moved Cr. Steber 2nd Cr. Reid

That Council apply a rateable status to Assessments 904 & 1754 for Milligan Units to ensure:

- a. Uniform approach to Independent Living Units with CEACA units being rateable; and***
- b. Compliance with the Joint Venture Agreement for Cuolahan Cottages.***

CARRIED 7/0
ABSOLUTE MAJORITY

Council's September 2007 Ordinary Meeting of Council – 18th September 2007

MIN 197/07 MOTION - Moved Cr. Doncon 2nd Cr. Lamplugh

That Council approves to invoke section 6.26 (2) (g) of the Local Government Act and exempt 78-80 Gregory Street, Cuolahan Cottages only from rates upon the provision of proof that Milligan Units Inc. is classified as a charitable or not for profit organization.

CARRIED 5/0

STAFF COMMENT

Council on the 26th July 2022 received correspondence from the Milligan Units Committee requesting Council to give consideration to exempting Milligan Units Inc from the payment of Shire Rates as per the following correspondence exert:

On behalf of the Milligan Units Inc Committee I am writing to request that the Shire of Kellerberrin give consideration to exempting Milligan Units Inc from the payment of Shire rates.

I have attached the documentation from The Australian Charities and Not for Profits Commission stating Milligan Units Inc holds a Charity Tax Concession Status as a Public Benevolent Institution (PBI). We have been informed that being a PBI our Not-for-Profit registered organisation is not required to pay taxes.

The committee is constantly attempting to upgrade the units. The Milligan Units are approximately 40 years old with many of them still in original condition. All monies collected from Milligan Units rent is spent on maintenance and upgrading the units as they become vacant. It is an ongoing battle to budget to upgrade and provide quality housing for the independent aged in our community and region.

The land that Milligan Units are built on is a Reserve and leased from the State Government by the Shire of Kellerberrin. The Shire of Kellerberrin then leases the land to Milligan Units Inc. The land is not owned by Milligan Units Inc.

Our Cuolahan Cottage Units operates under a joint venture between the Milligan Units Inc and The State Housing Commission (Homeswest). The annual rental income is to meet the expenses incurred in the operation, management and maintenance of the six units including provision for long term maintenance. An amount equivalent to 1% of the current replacement cost of the properties per annum must be set aside for maintenance.

If you require further information a delegation from the Milligan Units Inc committee is willing to meet with all Councilors at the August meeting public question time.

Please find attached a copy of all the documentation from Milligan Units Committee for their rate exemption application.

TEN YEAR FINANCIAL PLAN

Shire of Kellerberrin Long Term Financial Plan – Rate Income

FINANCIAL IMPLICATIONS

Assessment No	Property Address	Rates Levied 2022/2023
A904	78 Gregory Street, Kellerberrin, WA, 6410	\$5,597.28
A1754	1 – 12 Cornell Close, Kellerberrin, WA, 6410	\$9,888.53

STATUTORY IMPLICATIONS

Local Government Act 1995 – Part 3, Division 3

Local Government Act 1995 (as amended) (LGA)

LGA - 6.26. Rateable land

(1) Except as provided in this section all land within a district is rateable land.

(2) The following land is not rateable land-

(a) land which is the property of the Crown and-

(i) is being used or held for a public purpose; or

(ii) is unoccupied, except-

- I. where any person is, under paragraph (e) of the definition of “owner” in section 1.4, the owner of the land other than by reason of that person being the holder of a prospecting licence held under the *Mining Act 1978* in respect of land the area of which does not exceed 10 hectares or a miscellaneous licence held under that Act; or

- II. where and to the extent and manner in which a person mentioned in paragraph (f) of the definition of “owner” in section 1.4 occupies or makes use of the land;
 - (b) land in the district of a local government while it is owned by the local government and is used for the purposes of that local government other than for purposes of a trading undertaking (as that term is defined in and for the purpose of section 3.59) of the local government;
 - (c) land in a district while it is owned by a regional local government and is used for the purposes of that regional local government other than for the purposes of a trading undertaking (as that term is defined in and for the purpose of section 3.59) of the regional local government;
 - (d) land used or held exclusively by a religious body as a place of public worship or in relation to that worship, a place of residence of a minister of religion, a convent, nunnery or monastery, or occupied exclusively by a religious brotherhood or sisterhood;
 - (e) land used exclusively by a religious body as a school for the religious instruction of children;
 - (f) land used exclusively as a non-government school within the meaning of the *School Education Act 1999*;
 - (g) land used exclusively for charitable purposes;
 - (h) land vested in trustees for agricultural or horticultural show purposes;
 - (i) land owned by Co-operative Bulk Handling Limited or leased from the Crown or a statutory authority (within the meaning of that term in the *Financial Administration and Audit Act 1985*) by that company and used solely for the storage of grain where that company has agreed in writing to make a contribution to the local government;
 - (j) land which is exempt from rates under any other written law; and
 - (k) land which is declared by the Minister to be exempt from rates.
- (3) If Co-operative Bulk Handling Limited and the relevant local government cannot reach an agreement under subsection (2)(i) either that company or the local government may refer the matter to the Minister for determination of the terms of the agreement and the decision of the Minister is final.
- (4) The Minister may from time to time, under subsection (2)(k), declare that any land or part of any land is exempt from rates and by subsequent declaration cancel or vary the declaration.
- (5) Notice of any declaration made under subsection (4) is to be published in the *Gazette*.
- (6) Land does not cease to be used exclusively for a purpose mentioned in subsection (2) merely because it is used occasionally for another purpose which is of a charitable, benevolent, religious or public nature.

[Section 6.26 amended by No. 36 of 1999 s. 247.]

LGA : s6.47 – Concessions

Subject to the *Rates and Charges (Rebates and Deferments) Act 1992*, a local government may at the time of imposing a rate or service charge or at a later date resolve to waive a rate or service charge or resolve to grant other concessions in relation to a rate or service charge.

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
- Milligan Units Committee

STAFF RECOMMENDATION

That Council lay the matter on the table to seek legal advice regarding the joint venture.

COUNCIL RESOLUTION

MIN 124/22 MOTION - Moved Cr. Reid Seconded Cr. Steber

That Council lay the matter on the table to seek legal advice regarding the joint venture.

CARRIED 6/0

BY ABSOLUTE MAJORITY

9.7 DOODALKINE QUARRY - LEASE EXTENSION

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

BACKGROUND

Councils August 2017 Ordinary Meeting of Council – 15th August 2017

MIN 144/17 MOTION - Moved Cr. White 2nd Cr. Leake

That Council:

- 1. advertises the proposed lease of Reserve #30607 – Mather Road, Doodlakine (Doodlakine Quarry) to Mineral Crushing Services WA Pty Ltd in the “Pipeline” in accordance with Section 3.58 of the Local Government Act 1995***
- 2. writes to adjoining land owners seeking their submissions into the proposal***
- 3. authorise the Chief Executive Officer to have McCleods Lawyers draft a Lease Agreement for the Doodlakine Quarry, ensuring appropriate coverage for Council regarding quarries.***
- 4. subject to no submissions being received, delegates authority to the Chief Executive Officer to enter into a lease agreement prepared by McCleods Lawyers with Mineral Crushing Services WA for Reserve #30607 – Mather Road, Doodlakine with a Royalty fee of \$12,000 pa. and \$0.60 cents per tonne for sales over 20,000 tonne pa; and***
- 5. advises the Lessee that it meets all costs associated with the preparation and stamping of the lease agreement.***

CARRIED 7/0

REASON: Council believed the Royalty fee should be a combination and not one or the other.

The Shire of Kellerberrin on the basis of the above minute entered into a lease agreement with Mineral Crushing Services WA Pty Ltd for a five year period expiring September 2022. The lease agreement has an extension clause as per the following;

21. Option to Renew

If the Lessee at least one month, but not earlier than 6 months, prior to the date for commencement of the Further Term gives the Lessor a Notice to grant the Further Term and;

- a) all consents and approvals required by the terms of this Lease or at law have been obtained; and*
- b) there is no subsisting default by the Lessee at the date of service of the Notice in;*
 - i. the payment of Amounts Payable; or*
 - ii. the performance or observance of the Lessee’s Covenants,*

the Lessor shall grant to the Lessee a lease for the Further Term at the Rent and on the same terms as this Lease other than this clause.

STAFF COMMENT

Council on the 25th July 2022 issued a letter to Mineral Crushing Services WA Pty Ltd (MCS) seeking their advice on whether they would be looking to renew the lease agreement.

Council on the 25th July 2022 met with Mineral Crushing Services WA Pty Ltd representatives and discussed the option for renewal with the owners requesting the potential to have a new lease for twenty one (21) years.

Further follow up was undertaken with MCS after this meeting to obtain formal notification of their intentions.

Council on the 2nd August 2022 received the below email correspondence relating to a request for a new lease;

Raymond ,

We wish to renew the lease of the Doodlakine Quarry for a further 16 years, this would then be in line with the maximum time not exceeding 21 years allowed for by the Lessor (Shire of Kellerberrin) unless with written approval of the Minister for Lands.

This is noted in the current contract document under the heading of Background Paragraph B.

This is in line with our Regional Business Development and Commitment to creating local jobs.

Council issued this correspondence to our lawyers for review and provision of new draft lease agreement for the Doodlakine Quarry.

Council's lawyers are still currently reviewing the lease agreement to ascertain with the new request is a new lease agreement required or can we extend the current lease.

TEN YEAR FINANCIAL PLAN

Lease Fees and Royalty Fees

FINANCIAL IMPLICATIONS

The current lease agreement is on the following basis;

- \$12,000 per year (Plus GST) Lease Fee
- \$0.60 (Plus GST) Royalty payment for any rock extracted from the Premises during the term of the agreement in excess of 20,000 tonne per annum payable in arrears at the expiration of the Term of the Lease.

STATUTORY IMPLICATIONS

Local Government Act 1995 – Part 3, Division 3

Section 3.58

- (2) *Except as stated in this section, a local government can only dispose of property to;*
- a. *the highest bidder at public auction; or*
 - b. *the person who at public tender called by the local government makes what is, in the opinion of the local government, the most acceptable tender, whether or not it is the highest tender.*
- (3) *A local government can dispose of property other than under subsection (2) if, before agreeing to dispose of the property; gives local public notice of the proposed disposition*
- i. *describing the property concerned;*
 - ii. *giving details of the proposed disposition; and*
 - iii. *inviting submissions to be made to the local government before a date to be specified in the notice, being a date not less than 2 weeks after the date specified in the notice is first given;*

and

- b. it considers any submissions made to it before the date specified in the notice and, if its decision is made by the council or a committee, the decision and the reasons for it are recorded in the minutes of the meeting at which the decision was made.*
- (4) *The details of a proposed disposition that are required by subsection (3)(a)(ii) include;*
 - a. the names of all other parties concerned;*
 - b. the consideration to be received by the local government for the disposition; and*
 - c. the market value of the disposition as ascertained by a valuation carried out not more than 6 months before the proposed disposition.*

3.59. Commercial enterprises by local governments

- (1) *In this section —*

acquire *has a meaning that accords with the meaning of “dispose”;*

dispose *includes to sell, lease, or otherwise dispose of, whether absolutely or not;*

land transaction *means an agreement, or several agreements for a common purpose, under which a local government is to —*

- (a) acquire or dispose of an interest in land; or*
- (b) develop land;*

major land transaction *means a land transaction other than an exempt land transaction if the total value of —*

- (a) the consideration under the transaction; and*
- (b) anything done by the local government for achieving the purpose of the transaction,*

is more, or is worth more, than the amount prescribed for the purposes of this definition;

major trading undertaking *means a trading undertaking that —*

- (a) in the last completed financial year, involved; or*
- (b) in the current financial year or the financial year after the current financial year, is likely to involve,*

expenditure by the local government of more than the amount prescribed for the purposes of this definition, except an exempt trading undertaking;

trading undertaking *means an activity carried on by a local government with a view to producing profit to it, or any other activity carried on by it that is of a kind prescribed for the purposes of this definition, but does not include anything referred to in paragraph (a) or (b) of the definition of “land transaction”.*

- (2) *Before it —*

- (a) commences a major trading undertaking;*
- (b) enters into a major land transaction; or*
- (c) enters into a land transaction that is preparatory to entry into a major land transaction,*

a local government is to prepare a business plan.

- (3) *The business plan is to include an overall assessment of the major trading undertaking or major land transaction and is to include details of —*
- (a) its expected effect on the provision of facilities and services by the local government;*
 - (b) its expected effect on other persons providing facilities and services in the district;*
 - (c) its expected financial effect on the local government;*

- (d) *its expected effect on matters referred to in the local government's current plan prepared under section 5.56;*
 - (e) *the ability of the local government to manage the undertaking or the performance of the transaction; and*
 - (f) *any other matter prescribed for the purposes of this subsection.*
- (4) *The local government is to —*
- (a) *give Statewide public notice stating that —*
 - (i) *the local government proposes to commence the major trading undertaking or enter into the major land transaction described in the notice or into a land transaction that is preparatory to that major land transaction;*
 - (ii) *a copy of the business plan may be inspected or obtained at any place specified in the notice; and*
 - (iii) *submissions about the proposed undertaking or transaction may be made to the local government before a day to be specified in the notice, being a day that is not less than 6 weeks after the notice is given;*
 - and*
 - (b) *make a copy of the business plan available for public inspection in accordance with the notice.*
- (5) *After the last day for submissions, the local government is to consider any submissions made and may decide* to proceed with the undertaking or transaction as proposed or so that it is not significantly different from what was proposed.*
- * Absolute majority required.*
- (5a) *A notice under subsection (4) is also to be published and exhibited as if it were a local public notice.*
- (6) *If the local government wishes to commence an undertaking or transaction that is significantly different from what was proposed it can only do so after it has complied with this section in respect of its new proposal.*
- (7) *The local government can only commence the undertaking or enter into the transaction with the approval of the Minister if it is of a kind for which the regulations require the Minister's approval.*
- (8) *A local government can only continue carrying on a trading undertaking after it has become a major trading undertaking if it has complied with the requirements of this section that apply to commencing a major trading undertaking, and for the purpose of applying this section in that case a reference in it to commencing the undertaking includes a reference to continuing the undertaking.*
- (9) *A local government can only enter into an agreement, or do anything else, as a result of which a land transaction would become a major land transaction if it has complied with the requirements of this section that apply to entering into a major land transaction, and for the purpose of applying this section in that case a reference in it to entering into the transaction includes a reference to doing anything that would result in the transaction becoming a major land transaction.*
- (10) *For the purposes of this section, regulations may —*
- (a) *prescribe any land transaction to be an exempt land transaction;*
 - (b) *prescribe any trading undertaking to be an exempt trading undertaking.*

[Section 3.59 amended by No. 1 of 1998 s. 12; No. 64 of 1998 s. 18(1) and (2).]

STRATEGIC COMMUNITY PLAN

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

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

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

COMMUNITY CONSULTATION

The following consultation took place;

- Chief Executive Officer
- Manager of Governance
- Council
- McLeods Barristers & Solicitors
- Mineral Crushing Services

STAFF RECOMMENDATION

That Council;

1. Acknowledge receipt of Mineral Crushing Services request for a sixteen (16) year lease extension;
2. Contact McLeods Barristers & Solicitors for confirmation of legal requirements and whether the current lease can be extended by that term considering the extension terms or a new lease agreement is required.

COUNCIL RESOLUTION

MIN 125/22

MOTION - Moved Cr. Leake

Seconded Cr. Steber

That Council;

1. ***Acknowledge receipt of Mineral Crushing Services request for a sixteen (16) year lease extension;***
2. ***Contact McLeods Barristers & Solicitors to prepare a new lease agreement for the Doodlakine Quarry with the following;***
 - a) ***Term – sixteen (16) years***
 - b) ***Lease Fee***
 - c) ***Royalty Fee***
 - d) ***CPI adjustments***

CARRIED 6/0

9.8 BUILDING REPORTS JULY 2022

File Ref: BUILD06

Author: Amanda Stewart, Administration Officer

Authoriser: Raymond Griffiths, Chief Executive Officer

Attachments: 1. Building Permits Licences Issued July 2022 (under separate cover)
2. Building Applications Received July 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 (3) applications received for a "Building Permit" during the July period. A copy of the "Australian Bureau of Statistics appends".
2. There was one (3) "Building Permit" issued in the July period. See attached form "Return of Building Permits Issued".

TEN YEAR FINANCIAL PLAN

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

FINANCIAL IMPLICATIONS

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

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

STATUTORY IMPLICATIONS

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

STRATEGIC COMMUNITY PLAN

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

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

COMMUNITY CONSULTATION

The following consultation took place:

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

STAFF RECOMMENDATION

That Council

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

COUNCIL RESOLUTION

MIN 126/22

MOTION - Moved Cr. Steber

Seconded Cr. Gardiner

That Council

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

CARRIED 6/0

9.9 CHEQUE LIST JULY 2022

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

BACKGROUND

Accounts for payment from 1st July to 31st July 2022.

TRUST

TRUST TOTAL	\$ 44,106.75
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MUNICIPAL FUND**Cheque Payments**

34959-34965	\$ 14,145.71
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EFT Payments

13638-13743	\$ 541,878.40
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Direct Debit Payments

	\$ 75,984.51
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TOTAL MUNICIPAL

	\$ 632,008.62
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STAFF COMMENT

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

LGIS Workcare Renewal of various LGIS insurance for the financial year 2022-2023	\$ 138,295.56
MBC (Majstrovich Building Co) Progress claim Phase 2 Swimming Pool redevelopment	\$ 81,400.00
It Vision Australia Pty Ltd Renew SynergySoft & Universe annual licence fees 1 July 2022-30 June 2023	\$ 50,703.83
Department of Transport - TRUST DIRECT DEBITS Licensing CRC Licencing payments July 2022	\$ 42,945.10
Youlie and Son Contracting Maintenance grading various roads June 2022	\$ 30,365.50
Deputy Commissioner Of Taxation PAYG Tax	\$ 27,210.00
Vicki Philipoff Settlements Purchase of 76 & 78 Hammond Street Kellerberrin	\$ 20,386.30
Donovan Payne Architects Progress claim Swimming Pool Redevelopment Stage 2	\$ 18,480.00
Central East Aged Care Alliance (CEACA) Annual member contribution levy CEACA 2022/2023	\$ 16,500.00
United Card Services Pty Ltd Total supply June 2022	\$ 16,305.43

Shire of Kellerberrin Staff rates subsidies 2022-2023	\$ 11,867.40
Kellerberrin Community Resource Centre Monthly Library payments & Information Bay contributions various months, Shire Office supplies & ATM Commission May 2022	\$ 11,746.64
Beam Superannuation Superannuation Payrun 21/07/2022	\$ 11,483.64
InfoCouncil Pty Ltd Annual licence fee 01/07/2022 to 30/06/2023	\$ 11,275.00
Midway Ford Repairs to KE529	\$ 11,140.00
EE & JM Newman Gravel supply 11000m3 for Goldfields Rd	\$ 11,000.00
Beam Superannuation Superannuation Payrun 07/07/2022	\$ 10,666.03
Maurice Walsh Environmental health / building services Officer fees January-June 2022	\$ 8,727.00
Avon Waste Domestic & commercial rubbish collections June 2022	\$ 8,181.72
Thinkproject Australia Pty Ltd RAMM Transport Asset Annual Support and Maintenance fee for 1 July 20 2022-1 June 2023	\$ 8,169.39
Synergy Power charges various Shire properties June-July 2022	\$ 6,583.42
Synergy Power charges various Shire properties April-June 2022	\$ 6,431.91
LGIS Insurance Broking Renewal of LGIS Insurance policies 63-2215318-ZAH & M1M032560CAN 2022-2023	\$ 5,814.34
Kellerberrin Community Resource Centre Public access internet grant & licencing commissions June 2022	\$ 5,804.29
Western Australian Treasury Corporation GFEE Loan 118, 199 & 120 June 2022	\$ 5,635.23
Buttco Fencing Supply and install of fencing at Hockey Oval	\$ 5,500.00
Farmways Kellerberrin Pty Ltd Purchase of gas bottles, white line markers, gyprock, weed chemicals & various under \$200	\$ 5,115.28
Fulton Hogan Purchase of EZI street bulka bags & IBC for various Shire streets	\$ 5,049.00
Scott O'Neill Meeting attendance fee – ordinary council meeting dates: January-June 2022	\$ 5,010.00

TEN YEAR FINANCIAL PLAN

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

FINANCIAL IMPLICATIONS

Shire of Kellerberrin 2022/2023 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 July 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 \$ 632,008.62 on vouchers EFT , CHQ, Direct payments*
2. *Trust Fund payments totalling \$ 44,106.75 on vouchers EFT, CHQ, Direct payments*

COUNCIL RESOLUTION

MIN 127/22 MOTION - Moved Cr. Reid Seconded Cr. Gardiner

That Council notes that during the month of July 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 \$ 632,008.62 on vouchers EFT , CHQ, Direct payments***
- 2. *Trust Fund payments totalling \$ 44,106.75 on vouchers EFT, CHQ, Direct payments***

CARRIED 6/0

9.10 DIRECT DEBIT LIST AND VISA CARD TRANSACTIONS - JULY 2022

File Number: N/A
Author: Brett Taylor, Senior Finance Officer
Authoriser: Raymond Griffiths, Chief Executive Officer
Attachments: Nil

BACKGROUND

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

Municipal Direct Debit List				
Date	Name	Details	\$	Amount
1-Jul-22	Westnet	Internet Fee		4.99
1-Jul-22	NAB	Merchant Fee - Trust		11.59
1-Jul-22	NAB	Merchant Fee - Caravan Park		62.74
1-Jul-22	NAB	Merchant Fee - Muni		70.10
1-Jul-22	NAB	Merchant Fee - CRC		266.54
5-Jul-22	Department of Communities	Rent		420.00
5-Jul-22	Alleasing	Lease Gym Equipment		3,470.84
7-Jul-22	Department of Transport	Vehicle Inspection Fees		147.90
7-Jul-22	Shire of Kellerberrin	Precision Superannuation		10,666.03
7-Jul-22	Shire of Kellerberrin	Payrun		57,211.48
7-Jul-22	ACMA	Licence Communications Hut		91.00
14-Jul-22	Shire of Kellerberrin	Creditors Payments		246,910.20
15-Jul-22	WFI	Town Teams Insurance - Private Works		547.00
19-Jul-22	ATO	June BAS 2022		27,210.00
19-Jul-22	Department of Communities	Rent		420.00
21-Jul-22	Shire of Kellerberrin	Precision Superannuation		11,483.64
21-Jul-22	Shire of Kellerberrin	Payrun		61,742.96
25-Jul-22	ACMA	Licence Airport Communications		45.00
25-Jul-22	Nayax Australia	Vending Machine Caravan Park		38.17
26-Jul-22	Vicki Philipoff Settlements	Purchase Lots Hammond Street Depot		20,386.30
28-Jul-22	Shire of Kellerberrin	Creditors Payments		294,968.20
28-Jul-22	NAB	NAB Connect Fees		53.48
28-Jul-22	NAB	B-Pay Charge		39.56
28-Jul-22	NAB	Account Fees - Trust		17.80
28-Jul-22	NAB	Account Fees - Muni		56.70
28-Jul-22	NAB	Merchant Fees - Muni		116.81
28-Jul-22	NAB	Merchant Fees - CRC		206.24
28-Jul-22	NAB	Merchant Fees - Trust		4.65
28-Jul-22	NAB	Merchant Fees - Caravan Park		59.29

		TOTAL	\$	736,729.21
	Trust Direct Debit List			
Date	Name	Details	\$	Amount
31-Jul-22	Department of Transport	Licencing Payments July 2022		42,945.10
		TOTAL	\$	42,945.10
Visa Transactions				
Date	Name	Details	\$	Amount
18-Jul-22	CANVA	CANVA - Subscription		164.99
20-Jul-22	Kellerberrin and Districts Club	Refreshments – 2 x Bags Ice		12.00
28-Jul-22	NAB	Card Fee		13.95
		TOTAL - CEO	\$	190.94
Date	Name	Details	\$	Amount
15-Jul-22	ACMA	Land Mobile Charge Communications Hut		224.00
20-Jul-22	Amazon	Steam Mop - Rec Centre Cleaner		236.15
25-Jul-22	Cleaners Supermarket	Modacrylic Dust Mop - Hall		154.27
25-Jul-22	K-Mart	Linen & Kitchen Equipment		331.25
28-Jul-22	NAB	Card Fee		9.00
		TOTAL - MOG		954.67
13-Jul-22	Wyalkatchem Hotel	Meals		25.00
14-Jul-22	Greenway Grocers	Meals		14.50
15-Jul-22	Pioneer Bakery	Meals		21.20
18-Jul-22	BP Cunderdin	Meals		19.00
28-Jul-22	NAB	Card Fee		9.00
		TOTAL - WSFN OFFICER		88.70
		TOTAL VISA TRANSACTIONS	\$	1,234.31

STAFF COMMENT

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

TEN YEAR FINANCIAL PLAN

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

FINANCIAL IMPLICATIONS

Financial Management of 2022/2023 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 July 2022 comprising of;

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

COUNCIL RESOLUTION

MIN 128/22

MOTION - Moved Cr. Forsyth

Seconded Cr. Gardiner

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

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

CARRIED 6/0

9.11 FINANCIAL ACTIVITY STATEMENT - JULY 2022

File Number: FIN
Author: Brett Taylor, Senior Finance Officer
Authoriser: Raymond Griffiths, Chief Executive Officer
Attachments: Nil

BACKGROUND

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

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

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

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

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

That Council:

PART G – MATERIAL VARIANCE REPORTING FOR 2021/2022

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

STAFF COMMENT

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

This report has been compiled to fulfil the statutory reporting requirements of the Act and associated Regulations, whilst also providing the Council with an overview of the Shire's financial performance on a year to date basis for the period ending 31st July 2022.

TEN YEAR FINANCIAL PLAN

Financial Management of 2022/2023 Budget.

FINANCIAL IMPLICATIONS

Financial Management of 2022/2023 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
- Manager of Governance
- Senior Finance Officer

STAFF RECOMMENDATION

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

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

COUNCIL RESOLUTION

MIN 129/22 MOTION - Moved Cr. Gardiner Seconded Cr. Reid

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

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

**CARRIED 6/0
BY ABSOLUTE MAJORITY**

10 DEVELOPMENT SERVICES REPORTS

Nil

11 WORKS & SERVICES REPORTS

Nil

12 ELECTED MEMBERS MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**12.1 YELBENI ROAD****COUNCIL RESOLUTION****MIN 130/22 MOTION - Moved Cr. Leake Seconded Cr. Reid**

Cr Matt Steber recommends Council to instruct the CEO to engage a suitably qualified contractor for the rectification works at Yelbeni Road (Burgess Spring) in accordance with Councils Procurement Policy.

CARRIED 6/0**MOTION****COUNCIL RESOLUTION****MIN 131/22 MOTION - Moved Cr. Leake Seconded Cr. Gardiner**

That Council bring confidential item 14.1 Sale of Industrial Land, Lot 312 Dowding Street forward due to enabling Council to deal with Item 13.1 Development Application – CBH – Lot 312 Dowding Street.

CARRIED 6/0**MOTION****COUNCIL RESOLUTION****MIN 132/22 MOTION - Moved Cr. Steber Seconded Cr. Gardiner**

That Council accepts the following late items:

- *Development Application – CBH – Lot 312 Dowding Street*
- *Development Application - Boundary Fence; and*
- *Work Health & Safety Policy*

CARRIED 6/0

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

13.1 DEVELOPMENT APPLICATION - CBH - LOT 312 DOWDING STREET

File Ref: A1733
Author: Lewis York, Town Planner
Authoriser: Raymond Griffiths, Chief Executive Officer
Applicant: Co-operative Bulk Handling
Location: Lot 312, Dowding Stret, Kellerberrin
Attachments: Nil

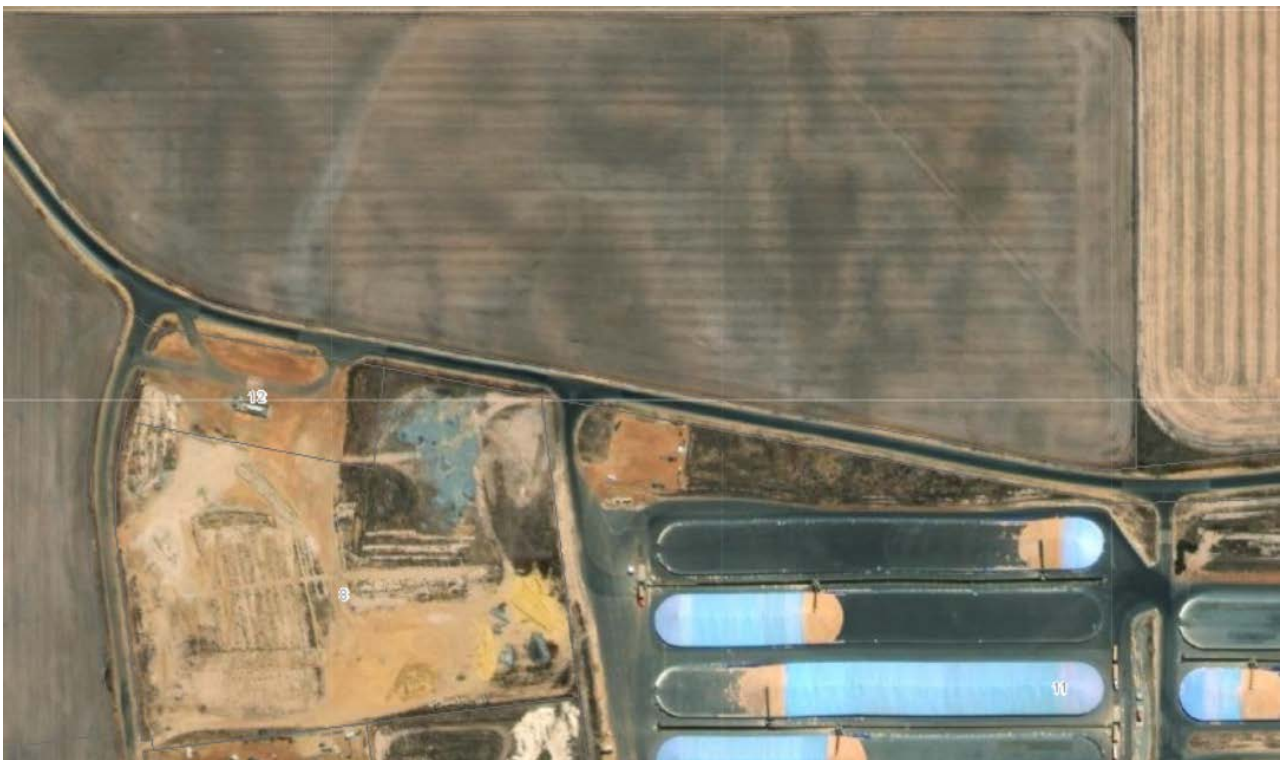
BACKGROUND

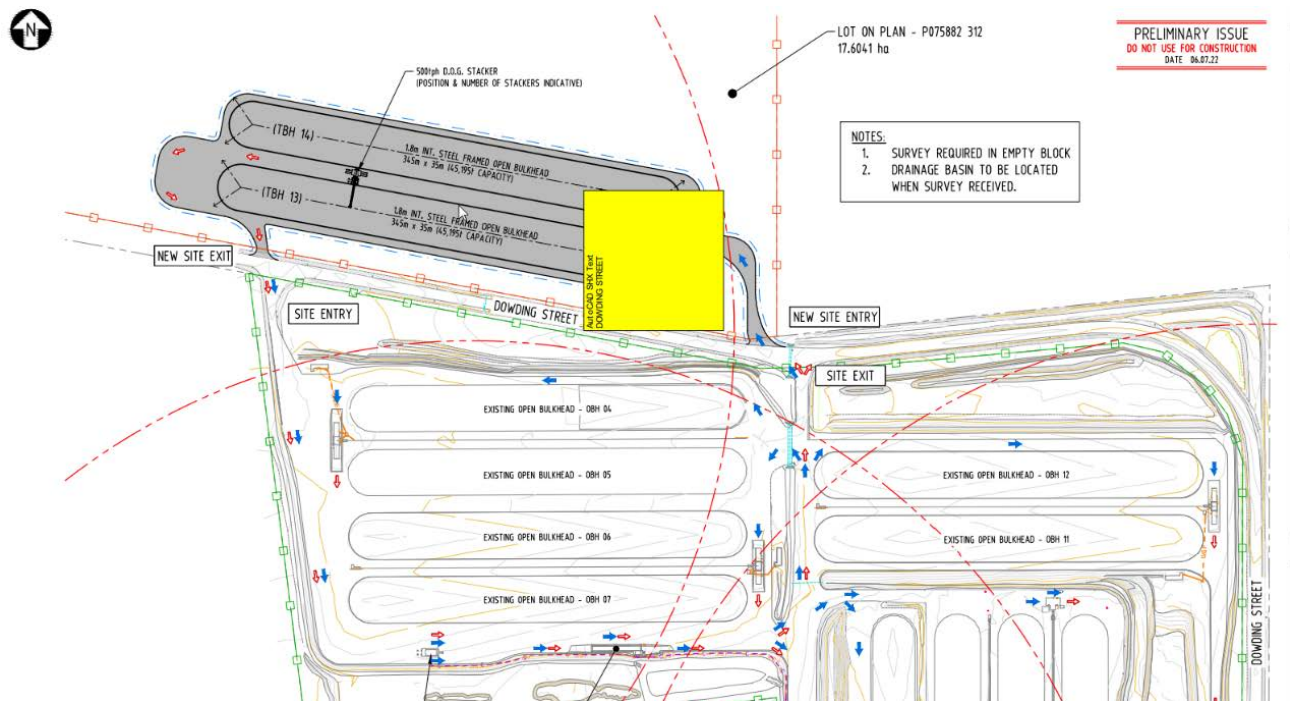
Council at its July 2022 Ordinary Meeting of Council approved a twelve (12) month lease with an option to buy after that period for Lot 312 Dowding Street to Co-operative Bulk Handling (CBH) subject to no submissions being received.

Council advertised the Sale of land and received a submission for the sale.

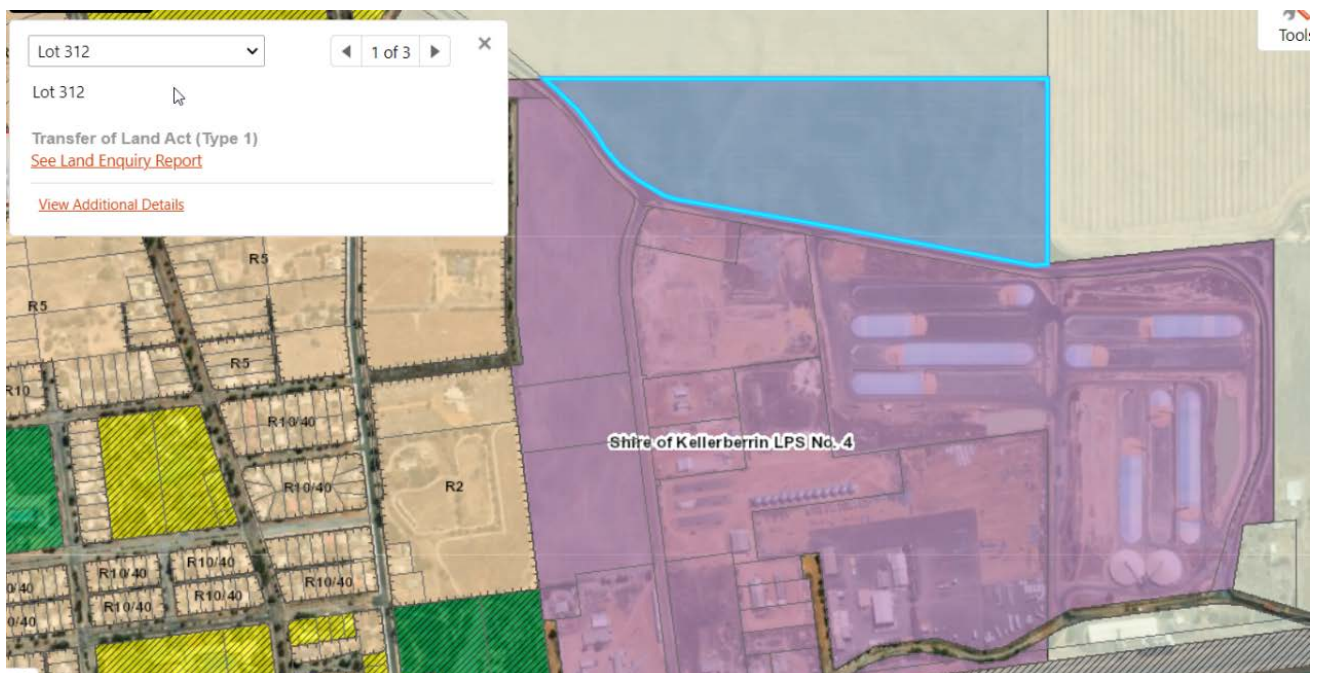
Co-operative Bulk Handling due to the limited timeframe (for construction of Emergency Storage) requested to provide a Development Application for the property.

A development application has been received from CBH group for additions to their Kellerberrin receival site. The proposed 2x (345mx35m) bulkheads and 2x 500tph drive over grid stackers are to be located at Lot 312 Dowding Street, Kellerberrin. The lot proposed is currently owned by the Shire of Kellerberrin and zoned industrial. The development plans also included road and drainage plans, as the lot doesn't currently have any heavy vehicle access. Access to the proposed development will be from Dowding Street.





SITE



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

3.2.4 Industrial Zone

(a) To encourage industrial development with diverse employment opportunities.

(b) To provide for industry to support development in the District.

Use determination: **industry** means premises used for the manufacture, dismantling, processing, assembly, treating, testing, servicing, maintenance or

repairing of goods, products, articles, materials or substances and includes facilities on the premises for any of the following purposes —

(a) the storage of goods;

(b) the work of administration or accounting;

(c) the selling of goods by wholesale or retail;

(d) the provision of amenities for employees;

(e) incidental purposes;

Industry is a 'P'- Permitted use in the Industrial zone

4.9 INDUSTRIAL DEVELOPMENT

4.9.1 Buildings within the Industrial zone shall comply with the following minimum lot boundary setbacks:

Front: 7.5 metres

Rear: 7.5 metres

Side: 5.0 metres (on one side)

4.9.2 The first 5 metres of the front setback on any lot shall be landscaped to the satisfaction of the local government. Where a lot has frontage to two streets the local government may vary the landscaping requirement only where the setback is reduced in which case the whole of the setback so reduced shall be landscaped to the satisfaction of the local government.

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

STRATEGIC PLAN IMPLICATIONS

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

COMMUNITY CONSULTATION

The following consultation took place;

- Chief Executive Officer
- Manager of Governance
- Councils Town Planner
- Internal Staff

PLANNING ASSESSMENT

Lot 312 Dowding Street, Kellerberrin

Zoning: Industrial

Lot size: 17.6ha

Cost of Development: \$1,500,000

Nature of land: Cleared

The proposed CBH expansion is seen as a positive addition to the Kellerberrin receival site. As described in CBH's planning report; "additional storage capacity does not change local production or the number of trucks coming to and from the site, it just changes the way grain is managed and handled onsite. The effect of constructing the emergency storage is that out loading movements during the busy harvest period, to keep the site open for grower receivals, are eliminated".

Furthermore, the development is compliant with the framework of the Shires Local Planning Scheme and desires for the Industrial zone more broadly.

STAFF RECOMMENDATION

That Council;

1. Grants development approval for the construction and use of two (2) Open Bulk Heads, two (2) drive over grid stackers and associated internal roads and drainage at Lot 312 Dowding Street, Kellerberrin with the following conditions;

General Conditions

- i. The endorsed approved plans shall not be altered without prior written approval of the Shire and
- ii. The land on the expiration of the twelve (12) month lease be left clear of structures.

Advice Notes

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

Council has accepted the submission from Mineral Crushing Services for purchase of Lot 312 Dowding Street, Kellerberrin.

OR

That Council;

1. Grants development approval for the construction and use of two (2) Open Bulk Heads, two (2) drive over grid stackers and associated internal roads and drainage at Lot 312 Dowding Street, Kellerberrin with the following conditions;

General Conditions

- i. Planning approval will expire if the development is not substantially commenced within two (2) 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 133/22****MOTION - Moved Cr. Leake****Seconded Cr. Forsyth*****That Council;***

- 1. Grants development approval for the construction and use of two (2) Open Bulk Heads, two (2) drive over grid stackers and associated internal roads and drainage at Lot 312 Dowding Street, Kellerberrin with the following conditions;***

General Conditions

- i. Planning approval will expire if the development is not substantially commenced within two (2) 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 6/0

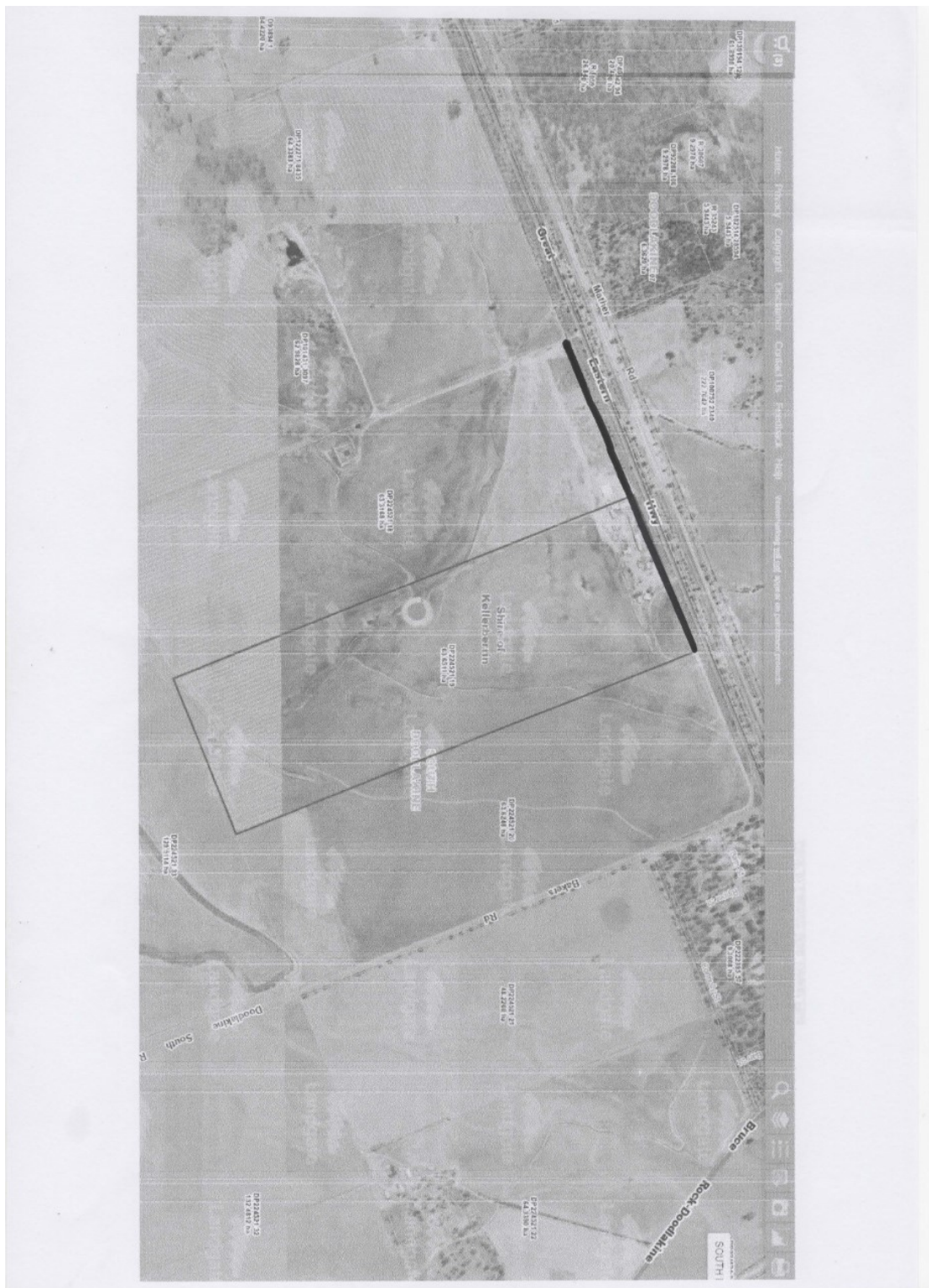
13.2 DEVELOPMENT APPLICATION - BOUNDARY FENCE

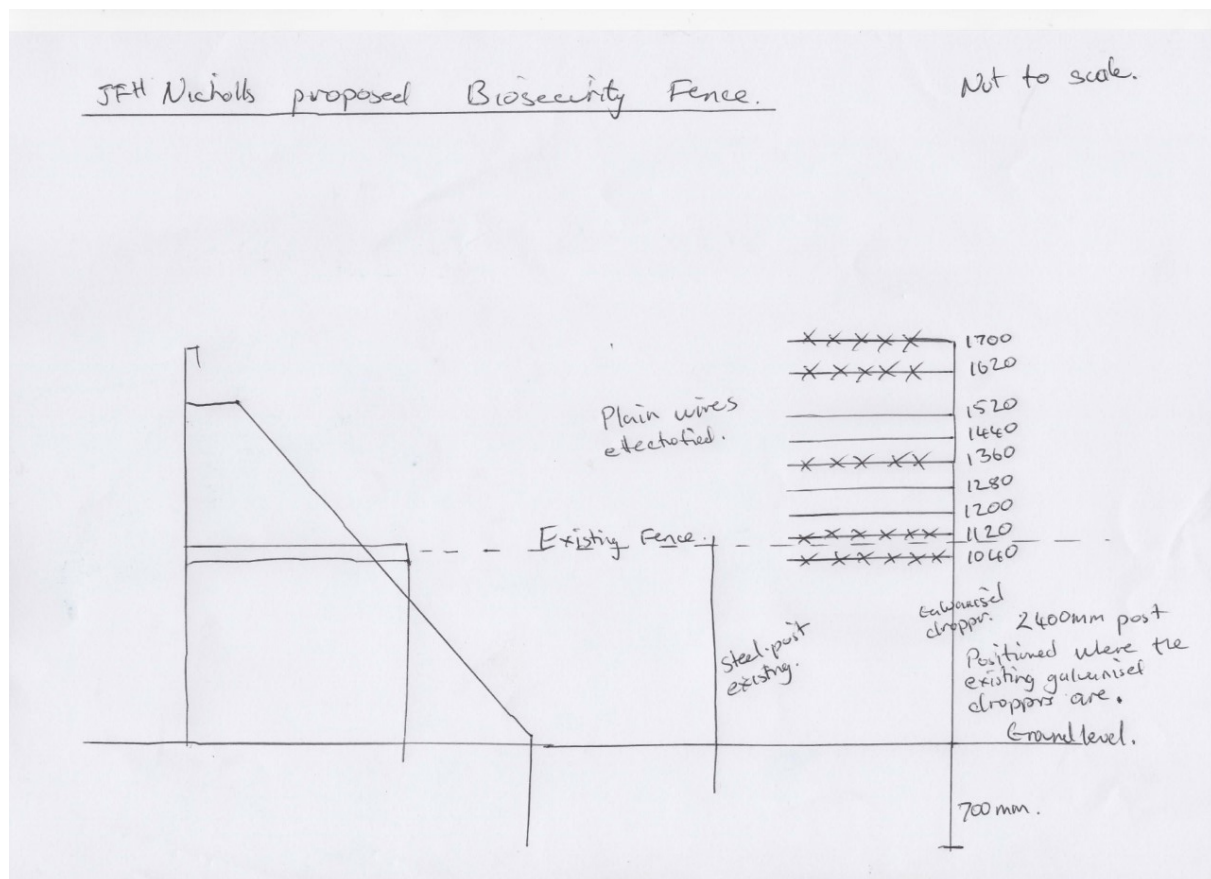
File Ref: A231
Author: Lewis York, Town Planner
Authoriser: Raymond Griffiths, Chief Executive Officer
Applicant: Mr John Nicholls
Location: 18984 Great Eastern Highway, Kellerberrin.
Attachments: 1. Development Application - Back Page (under separate cover)
2. Development Application - Front Page (under separate cover)

BACKGROUND

A development application has been received from Mr. John Nicholls for a new fence along Great Eastern Highway. The property has recently been a target of theft and Mr. Nicholls is seeking greater security of his equipment and stock. The fence proposes new materials and will be 1.7m high and include 4 barbed wires and 4 plain electrified wires. The fence will also be compliant with the biosecurity needs of the piggery. The land is zoned general agriculture and is used for the purposes of broad acre farming and a piggery. The number of barbed wires proposed has triggered the need for Council approval.







SITE

Lot 18 & 19 (18984) Great Eastern Highway, Doodlakine, WA, 6411

Shire of Kellerberrin Local Planning Scheme

Planning and Development (Local Planning Scheme) Regulations 2015

67. Matters to be considered by local government

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

- the aims and provisions of this Scheme and any other local planning scheme operating within the Scheme area;
- 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;
- any approved State planning policy;
- any environmental protection policy approved under the Environmental Protection Act 1986 section 31(d);
- any policy of the Commission;

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

- v) the potential loss of any community service or benefit resulting from the development other than potential loss that may result from economic competition between new and existing businesses;
 - w) the history of the site where the development is to be located;
 - x) the impact of the development on the community as a whole notwithstanding the impact of the development on particular individuals;
 - y) any submissions received on the application;
- (za) the comments or submissions received from any authority consulted under clause 66;
- (zb) any other planning consideration the local government considers appropriate.

Fencing Local Law 2016

PART 2—FENCES

Division 1—Sufficient fences

2.1 Sufficient fences

- (1) A person shall not erect a dividing fence or a boundary fence that is not a sufficient fence.
- (2) Pursuant to section 24 of the *Dividing Fences Act 1961* and subject to subclauses (3), (4) and (5), a sufficient fence—
 - (a) on a residential lot is a dividing fence or a boundary fence constructed and maintained in accordance with the specifications and requirements of Schedule 2;
 - (b) on a town centre lot is a dividing fence or a boundary fence constructed and maintained in accordance with the specifications and requirements of Schedule 3;
 - (c) on an industrial lot is a dividing fence or a boundary fence constructed and maintained in accordance with the specifications and requirements of Schedule 3A;
 - (d) on a general agriculture lot is a dividing fence or a boundary fence constructed and maintained in accordance with the specifications and requirements of Schedule 4; and
 - (e) on a rural residential lot is a dividing fence or a boundary fence constructed and maintained in accordance with the specifications and requirements of Schedule 4A.
- (3) Where a fence is erected on or near the boundary between a residential lot and a town centre lot, industrial lot, general agriculture lot or a rural residential lot, a sufficient fence is a dividing fence constructed and maintained in accordance with the specifications and requirements of Schedule 2.
- (4) Unless an authorised person determines otherwise, a sufficient fence on a boundary between lots other than those specified in subclauses (2) and (3) is a dividing fence constructed in accordance with the specifications and requirements of Schedule 2.
- (5) Notwithstanding any other provisions in this local law, a dividing fence or boundary fence constructed of masonry, stone or concrete shall be a sufficient fence only if it is designed by a suitably qualified structural engineer and constructed in accordance with that design

where—

- (a) it is greater than 1,800 millimetres in height; or
- (b) the Building Surveyor so requires.

- (6) Notwithstanding any other provision in this local law, a dividing fence or boundary fence shall not exceed 1,800 millimetres in height unless the approval of the local government has been obtained to such a fence.

Division 2—General

2.2 Fences within front or rear setback areas

- (1) Notwithstanding the provisions of clause 2.1, a person shall not erect a fence within the front or rear setback areas, including along the side boundaries, unless the fence complies with the provisions of the local planning scheme or the Residential Design Codes.
- (2) Where there is inconsistency between the standards and requirements of the local planning scheme and those specified in the Residential Design Codes, the standards and requirements of the local planning scheme shall prevail to the extent of the inconsistency.

2.3 Gates in fences

A person shall not erect a gate in a fence, which does not—

- (a) open into the lot; or
- (b) open by sliding parallel and on the inside of the fence, which it forms part of, when closed.

2.4 Depositing fencing material on public place

A person shall not deposit or permit the deposit of any materials whatsoever used in the construction or maintenance of any fence, on any thoroughfare, public place or local government property without the approval of the local government.

2.5 Alteration of ground levels

- (1) A fence constructed of corrugated fibre-reinforced pressed cement shall not have more than 150 millimetres difference in the ground levels on each side of the fence.
- (2) Where land has been filled or retained to a height of more than 500 millimetres above natural ground level at or within 1,000 millimetres of a boundary of a lot, a person shall only erect a dividing fence that is a sufficient fence on the said filled land or retaining wall if the person produces to the local government the written agreement of the owners of the adjoining lot.
- (3) A person shall not alter the natural ground level of land on or within 1,000 millimetres of the boundary of a lot, whether by removing soil or bringing onto the land any fill of any kind, by more than 500 millimetres without the approval of the local government.

2.6 Maintenance of fences

An owner of a lot on which a fence is erected shall maintain the fence in good condition so as to prevent it from becoming dangerous, dilapidated or unsightly to the amenity of the locality.

2.7 Fences and sight lines

- (1) Where a front fence or a boundary fence is adjacent to a vehicle access point or a thoroughfare, the front fence or boundary fence is to have a sight line truncation or a reduction

in height shall be provided at the property line to ensure adequate visibility, as follows—

- (a) at an intersection of a driveway with a road or right-of-way a minimum sight line truncation of 1.5 meters x 1.5 meters, unless the local government approves otherwise, or as a minimum a sight line truncation of 1 metre x 1 metre for low and medium peak vehicle movements, and a sight line truncation of 3 metres x 3 metres where achievable, for high peak vehicle movements; and
 - (b) at an intersection of 2 roads a minimum sight line truncation of 3 metres x 3 metres. A sight line truncation is not required on the entry side of a driveway where it is clearly defined as “ENTRY ONLY” or where a driveway is not less than 6 metres wide, and where appropriate signage and line marking is provided.
- (2) Subclause (1) does not apply to a fence of open construction that does not obscure the lines of vision of a motorist using a vehicle access point or thoroughfare.
 - (3) A person shall not erect or maintain a fence without the sight line or height reduction required under subclause (1).

2.8 Fences across rights-of-way, public access ways or thoroughfares

A person must not, without the approval of the local government, erect or maintain a fence or obstruction of a temporary or permanent nature across any right-of-way, public access way or thoroughfare so as to impede or prevent use of those facilities in the manner for which they are intended and constructed.

2.9 General discretion of the local government

- (1) Notwithstanding the provisions of clause 2.1, the local government may approve the erection or repair of a dividing fence which is not a sufficient fence, where all of the owners of the lots to be separated by the dividing fence make an application for approval for that purpose.
- (2) In determining whether to grant its approval under subclause (1), the local government may consider whether the erection or repair of the fence would have an adverse effect on—
 - (a) the safe or convenient use of any land;
 - (b) the safety or convenience of any person; or
 - (c) the visual amenity of the locality.

Division 3—Fencing Materials

2.10 Pre-used fencing materials

- (1) Notwithstanding clause 2.1, a person shall not construct a fence on a residential lot, a town centre lot or an industrial lot from pre-used materials without the approval of the local government.
- (2) Where the local government approves the use of preused materials in the construction of a fence under subclause (1) that approval shall be conditional on the applicant painting or treating the pre- used material as stated in or attached to the form of approval issued by the local government under clause 3.2.

2.11 Barbed wire fences and spiked or jagged materials

- (1) An owner or occupier of a residential lot, a town centre lot or an industrial lot shall not erect, affix to or allow to remain on any fence on such a lot any barbed wire or other material with spiked or jagged projections, without the approval of the local government.
- (2) Where an approval has been obtained in accordance with subclause (1), the owner or occupier shall not erect, affix or allow to remain on any fence bounding that lot, any barbed wire or other materials with spiked or jagged projections unless -
 - (a) such wire or materials are carried on posts set at an angle of 45 degrees into the lot;
 - (b) the bottom row of wire or other materials is setback 150 millimetres from the face of the fence and is at least 2,000 millimetres above ground level; and
 - (c) the total height of the barbed wire or other materials with spiked or jagged projections does not exceed 2,400 millimetres.

2.12 Electrified and razor wire fences

- (1) An owner or occupier of a lot, shall not -
 - (a) except on a rural lot, construct or use an electrified fence on that lot without the approval of the local government; or
 - (b) construct a fence wholly or partly of razor wire on that lot without the approval of the local government.
- (2) The local government shall not approve an application for the purpose of subclause (1)(a) -
 - (a) in respect of a lot which is or which abuts a residential lot;
 - (b) fence will comply with “AS/NZS 3016:2002 Electrical installations—Electricity security fences”; and
 - (c) unless provision is made so as to enable the fence to be rendered inoperable during the hours of business operations, if any, on the lot where it is erected.
- (3) The local government shall not approve an application for the purpose of subclause (1)(b) -
 - (a) if the fence is within 3,000 millimetres of the boundary of the lot; or
 - (b) where any razor wire used in the construction of the fence is less than 2,000 millimetres or more than 2,400 millimetres above the ground level.
- (4) An application for approval for the purpose of subclause (1) shall be made by the owner of the lot on which the fence is or is to be erected, or by the occupier of the lot with the written consent of the owner.
- (5) Where the local government approves an application made under this clause, it shall provide a licence to the applicant in the form of -
 - (a) Schedule 5, where an application is made under subclause (1)(a); or
 - (b) Schedule 6, where an application is made under subclause (1)(b).

2.13 Prohibited fencing materials

A person shall not affix or use broken glass in the construction of any fence.

Schedule 4**GENERAL AGRICULTURE LOT**

[Clause 2.1(2)(d)]

Specifications for a sufficient fence on a rural lot

1. Each of the identified categories in this Schedule, with minimum and maximum specifications where stated, is a sufficient fence on a general agriculture lot.
2. An application must be made to the local government for grant of consent to any variation to the specifications in this Schedule.

(A) Non-electrified fence

A fence that is a fence of posts and wire construction and satisfies the following specifications—

- (a) wire is to be high-tensile wire and not less than 2.5 millimetres;
- (b) minimum of 5 wires are to be used, generally with the lower wires spaced closer together than the higher wires so as to prevent smaller stock passing through, and connected to posts in all cases; or
- (c) minimum 5 line ring lock type fencing fitted to the manufacturer's specifications;
- (d) posts are to be of indigenous timber or other suitable material including—
 - (i) timber impregnated with a termite and fungicidal preservative;
 - (ii) standard iron star pickets; or
 - (iii) concrete;
- (e) posts are to be placed at not more than 5,000 millimetres intervals, set minimum 600 millimetres in the ground and 1,200 millimetres above the ground;
- (f) if timber posts are used, posts are to be cut not less than 1,800 millimetres long x 50 millimetres diameter at small end if round, or 125 millimetres x 60 millimetres if split or sawn;
- (g) if strainer posts are to be not less than 2,250 millimetres long and 150 millimetres in diameter at the small end (tubular steel to be 50 millimetres in diameter) these strainer posts shall be placed a minimum of 1,000 millimetres in the ground and set at all corners, gateways and fence line angles but are not to exceed 200 metres apart; and
- (h) **barbed wire may be used to replace a maximum of 2 wires. Where a fence adjoins a thoroughfare barbed wire is to be affixed to the inside of the fence if barbed wire has been used.**

(B) Electrified fence

An electrified fence having 4 wires is a sufficient fence that is constructed in accordance with a non-electrified fence.

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
- John Nicholls
- Councils Administration Officer

PLANNING ASSESSMENT

The proposed fence raises no significant planning concerns. The fence will be made of new materials and therefore be neat in appearance.

STAFF RECOMMENDATION

That Council conditionally approve the construction of a front boundary fence at Lot 18 and 19 (18984) Great Eastern Highway, Doodlakine, that exceeds Fencing Local Law Schedule 4 (h) barbed wire maximums by have three additional barb wires ;

General Conditions

1. *The approval will expire if the development is not substantially commenced within two years of the approval date;*
2. *Development is to be undertaken in accordance with the endorsed approved plans;*
3. *Additions to the fence shall be with new materials only;*

Advice Notes

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

COUNCIL RESOLUTION

MIN 134/22

MOTION - Moved Cr. Steber

Seconded Cr. Leake

That Council conditionally approve the construction of a front boundary fence at Lot 18 and 19 (18984) Great Eastern Highway, Doodlakine, that exceeds Fencing Local Law Schedule 4 (h) barbed wire maximums by having three additional barb wires;

General Conditions

1. ***The approval will expire if the development is not substantially commenced within two years of the approval date;***
2. ***Development is to be undertaken in accordance with the endorsed approved plans;***
3. ***Additions to the fence shall be with new materials only.***

Advice Notes

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

CARRIED 6/0

13.3 WORK HEALTH AND SAFETY POLICY

File Ref: ADM53
Author: Codi Brindley-Mullen, Manager of Governance
Authoriser: Raymond Griffiths, Chief Executive Officer
Attachments: Nil

BACKGROUND

In relation to the new Work Health and Safety (WHS) Legislation there have been Codes of Practice made redundant, reviewed and updated along with the terminology.

In 2019, the Policy Manual was reviewed and Council determined that the Communication with Isolated Employees policy was to be removed and implemented as a procedure.

STAFF COMMENT

With the changes to the new WHS legislation Council will be implementing the attached Work Health and Safety Policy.

Council will fulfil its obligation of compliance to the Workplace Health and Safety requirements as per the new legislation.

TEN YEAR FINANCIAL PLAN

Nil known at this stage

FINANCIAL IMPLICATIONS

Nil known at this stage

STATUTORY IMPLICATIONS

Sections of the Regulations and/or Guidelines that apply to this item include:

- Work Health and Safety (General) Regulations 2022 (WA) – Division 6, S48.
- AS/NZS ISO 31000:2018, Risk Management – Principles and guidelines.
- Guidance Note: Working Alone, WorkSafe WA Commission (2009)

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
- LGIS – Chris Gilmour

STAFF RECOMMENDATION

That Council;

1. *Adopts the Work Health and Safety policy as presented;*
2. *Deletes the previous Occupational Health and Safety Policy; and*
3. *Instructs the Chief Executive Officer to;*
 - (a) *Ensure all staff receive a copy of the new Work Health and Safety Policy;*
 - (b) *Ensure that staff receive training/educate on the new policy; and*
 - (c) *Have the policy placed on the website.*

COUNCIL RESOLUTION

MIN 135/22

MOTION - Moved Cr. Gardiner

Seconded Cr. Leake

That Council;

1. ***Adopts the Work Health and Safety policy as presented;***
2. ***Deletes the previous Occupational Health and Safety Policy; and***
3. ***Instructs the Chief Executive Officer to;***
 - (a) ***Ensure all staff receive a copy of the new Work Health and Safety Policy;***
 - (b) ***Ensure that staff receive training/educate on the new policy; and***
 - (c) ***Have the policy placed on the website.***

CARRIED 6/0

14 CONFIDENTIAL MATTERS**COUNCIL RESOLUTION**

MIN 136/22 MOTION - Moved Cr. Steber Seconded Cr. Gardiner

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 Sale of Industrial Land, Lot 312 Dowding Street

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

CARRIED 6/0

COUNCIL RESOLUTION

MIN 137/22 MOTION - Moved Cr. Leake Seconded Cr. Gardiner

That Council moves out of Closed Council into Open Council.

CARRIED 6/0

MOTION**COUNCIL RESOLUTION**

MIN 138/22 MOTION - Moved Cr. Reid Seconded Cr. Steber

That Council considered and adopted the following confidential item;

The sale of industrial land being Lot 312, Dowding Street, Kellerberrin to Co-operative Bulk Handling Limited.

CARRIED 6/0

15 CLOSURE OF MEETING

The Meeting closed at 4:26pm.

The minutes of this meeting were confirmed at the Ordinary Council Meeting held on 20 September 2022.

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CHAIRPERSON