



# **MINUTES**

## **Ordinary Council Meeting Tuesday, 18 October 2022**

**Date: Tuesday, 18 October 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, 18 OCTOBER 2022 AT 2:00PM**

## **1 DECLARATION OF OPENING**

The presiding member opened the meeting at 2:07pm

## **2 ANNOUNCEMENT BY PRESIDING PERSON WITHOUT DISCUSSION**

### **2.1 PRESIDENT REPORT - SEPTEMBER 2022**

**File Ref:** ADM  
**Author:** Matt Steber, Councillor  
**Authoriser:** Matt Steber, Councillor  
**Attachments:** Nil

In my first report as President of the Shire of Kellerberrin, I would like to thank my fellow Councillors for entrusting me into this position. I would also like to thank the outgoing President, Mr Scott O'Neill for his 13 years of service as a Councillor. He will be sorely missed. I would also like to welcome Cr Kelsey Pryer as our newest councillor.

Stage 3 of the Swimming Pool redevelopment is progressing well. Unfortunately this will mean no pool this summer, but I'm certain it will be worth it in the end.

On Saturday, 8<sup>th</sup> October a celebration of 50 years in business for Moylan Silos was held. A great achievement that basically started from nothing and has now developed into a very successful business that creates much employment and economic activity in our Shire. Well done to the Moylan family.

Council staff are busy organising our "Night of Colour" ball to raise funds for 5 types of cancer research. Please make an effort to attend what should be a great night on Saturday, 29<sup>th</sup> October 2022 commencing at 6pm.

With harvest about to start, please take care at this busy time, especially on our roads as there will be many trucks about. Stay safe.

Matthew Steber  
**Shire President**

## **STAFF RECOMMENDATION**

That Council note the President Report for September 2022

### **COUNCIL RESOLUTION**

**MIN 161/22      MOTION - Moved President. Steber      Seconded Cr. Leake**

***That Council note the President Report for September 2022***

**CARRIED 7/0**

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

#### **PRESENT:**

Cr Matt Steber (Shire President),  
Cr Emily Ryan (Deputy President),  
Cr Rod Forsyth,  
Cr David Leake,  
Cr Dennis Reid,  
Cr Monica Gardiner,  
Cr Kelsey Pryer

#### **IN ATTENDANCE:**

Raymond Griffiths (Chief Executive Officer),  
Codi Brindley-Mullen (Manager of Governance)

#### **APOLOGIES**

Nil

#### **LEAVE OF ABSENCE**

Nil

### **4 DECLARATION OF INTEREST**

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

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

### **5 PUBLIC QUESTION TIME**

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

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

#### **5.2 Public Question Time**

**6 CONFIRMATION OF PREVIOUS MEETINGS MINUTES****6.1 MINUTES OF THE COUNCIL MEETING HELD ON 20 SEPTEMBER 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 20 September 2022

**HEADING****STAFF RECOMMENDATION**

That the Minutes of the Council Meeting held on 20 September 2022 be received as a true and correct records of the meeting.

**COUNCIL RESOLUTION**

**MIN 162/22**      **MOTION - Moved Cr. Forsyth**      **Seconded Cr. Pryer**

*That the Minutes of the Council Meeting held on 20 September 2022 be received as a true and correct records of the meeting.*

**CARRIED 7/0**

**6.2 MINUTES OF THE ARTS & CULTURE COMMITTEE MEETING HELD ON 5 OCTOBER 2022****File Ref:** ARTS**Author:** Raymond Griffiths, Chief Executive Officer**Authoriser:** Raymond Griffiths, Chief Executive Officer**Attachments:** 1. Minutes of the Arts & Culture Committee Meeting held on 5 October 2022**HEADING**Arts and Culture Committee Meeting – 5<sup>th</sup> October 2022.**STAFF RECOMMENDATION**

That the Minutes of the Arts & Culture Committee Meeting held on 5 October 2022 be received and the recommendations therein be adopted.

**COUNCIL RESOLUTION****MIN 163/22 MOTION - Moved Cr. Ryan Seconded Cr. Gardiner**

*That the Minutes of the Arts & Culture Committee Meeting held on 5 October 2022 be received and the recommendations therein be adopted.*

**CARRIED 7/0**

**7 PRESENTATIONS**

**7.1 Petitions**

**7.2 Presentations**

**7.3 Deputations**

**8 REPORTS OF COMMITTEES**

Nil



## 9 CORPORATE SERVICES REPORTS

### 9.1 STANDING ORDERS

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

## STAFF RECOMMENDATION

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

## COUNCIL RESOLUTION

**MIN 164/22      MOTION - Moved Cr. Reid      Seconded Cr. Ryan**

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

**CARRIED 7/0**

**9.2 COMMUNITY REQUESTS AND DISCUSSION ITEMS**

**File Ref:** Various  
**Author:** Codi Brindley-Mullen, 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.

September 2022 Council Meeting

**MIN 001/22 MOTION - Moved Cr. Ryan Seconded Cr. Leake**

*That Council receive the operational items raised at the Strategic Community Plan community forum held on Thursday, 15<sup>th</sup> September 2022 and request Council staff investigate and act at their earliest convenience.*

**CARRIED 7/0**

August 2022 Council Meeting

**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**

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**

**STAFF COMMENT****September MIN**

An internal action sheet has been prepared that list all operational items provided to Councils Manager of Governance at the SCP workshops for management to work through.

**August MIN 121/22**

The Yelbeni Road Culvert works have been completed, however some damage has occurred to the seal works and the contractor has been contacted to attend site and rectify.

**July MIN 098/22**

1. Planter boxer has been ordered and delivered.
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 has installed a seat at the front of Kellerberrin Takeaway.
6. Signs have been installed at both locations.

**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 165/22      MOTION - Moved Cr. Forsyth      Seconded Cr. Pryer**

***That Council investigate the purchase of instructional signage for Baandee Lake.***

**CARRIED 7/0**

### 9.3 STATUS REPORT OF ACTION SHEET

**File Ref:** Various  
**Author:** Codi Brindley-Mullen, Manager of Governance  
**Authoriser:** Raymond Griffiths, Chief Executive Officer  
**Attachments:** 1. September Action Sheet (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 166/22

MOTION - Moved Cr. Gardiner

Seconded Cr. Ryan

*That Council receive the status report.*

**CARRIED 7/0**

**9.4 COUNCIL MEETING DATES 2023 - PUBLIC NOTICE**

**File Ref:** PUB02  
**Author:** Codi Brindley-Mullen, Manager of Governance  
**Authoriser:** Raymond Griffiths, Chief Executive Officer  
**Attachments:** Nil

**BACKGROUND**

In accordance with the *Local Government Act 1995 (as amended)* and the *local Government (Administration) Regulations 1996*, Council is required to adopt a Schedule of its Ordinary Meeting date/s including Time, Place and Public Question Time.

Council's October 2021 Ordinary Meeting of Council – 26<sup>th</sup> October 2021

**MIN 001/21 MOTION - Moved Cr. Leake Seconded Cr. Steber**

***That Council adopts the following schedule of Ordinary Council Meeting dates for 2022 incorporating meeting location/venue, meeting commencement time and public question time.***

***Briefing Session: Councillors briefing session on agenda at 1:00 pm.***

***Time: Meeting commencement time 2:00 pm.***

***Public Question Time: Commencing at 2:15 pm and limited to 15 minutes.***

***Place: Council Chambers 110 Massingham Street Kellerberrin.***

***Meeting Day: every third Tuesday of the month.***

***January 2022 – No Meeting***

***Tuesday, 15<sup>th</sup> February 2022***

***Tuesday, 15<sup>th</sup> March 2022***

***Tuesday, 19<sup>th</sup> April 2022***

***Tuesday, 17<sup>th</sup> May 2022***

***Tuesday, 21<sup>st</sup> June 2022***

***Tuesday, 19<sup>th</sup> July 2022***

***Tuesday, 16<sup>th</sup> August 2022***

***Tuesday, 20<sup>th</sup> September 2022***

***Tuesday, 18<sup>th</sup> October 2022***

***Tuesday, 15<sup>th</sup> November 2022***

***Tuesday, 20<sup>th</sup> December 2022***

***Kellerberrin Council Chambers***

***Kellerberrin Council Chambers***

***Kellerberrin Council Chambers***

***Kellerberrin Council Chambers***

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***Kellerberrin Council Chambers***

***Kellerberrin Council Chambers***

***Kellerberrin Council Chambers***

***Kellerberrin Council Chambers***

***Kellerberrin Council Chambers***

**CARRIED 7/0**

Council's October 2020 Ordinary Meeting of Council

**MIN 166/20 MOTION - Moved Cr. Steber Seconded Cr. Reid**

***That Council adopts the following schedule of Ordinary Council Meeting dates for 2021 incorporating meeting location/venue, meeting commencement time and public question time.***

***Briefing Session:***

***Councillors Briefing session on Agenda at 1.00 pm Council Meeting Time:***

***Meeting commencement time – 2.00 pm Public Question Time: Commencing at 2.15 pm and limited to 15 minutes Place of Meeting: Shire of Kellerberrin Council***

***Chambers 110 Massingham Street, Kellerberrin.***

***Meeting Day: Every Third Tuesday of the month.***

**January 2021 – No Meeting**  
**Tuesday, 16 February 2021 – Kellerberrin Council Chambers**  
**Tuesday, 16 March 2021 – Kellerberrin Council Chambers**  
**Tuesday, 20 April 2021 – Kellerberrin Council Chambers**  
**Tuesday, 18 May 2021 – Kellerberrin Council Chambers**  
**Tuesday, 15 June 2021 – Kellerberrin Council Chambers**  
**Tuesday, 20 July 2021 – Kellerberrin Council Chambers**  
**Tuesday, 17 August 2021 – Kellerberrin Council Chambers**  
**Tuesday, 21 September 2021 – Kellerberrin Council Chambers**  
**Tuesday, 19 October 2021 – Kellerberrin Council Chambers**  
**Tuesday, 16 November 2021 – Kellerberrin Council Chambers**  
**Tuesday, 21 December 2021 – Kellerberrin Council Chambers**

**CARRIED 6/0**  
**BY ABSOLUTE MAJORITY**

Council's October 2019 Ordinary Meeting of Council
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**MIN181/19 MOTION** - Moved Cr. Leake      2<sup>nd</sup> Cr. O'Neill

**That Council adopts the following Schedule of Council Ordinary Meeting dates for 2020 incorporating meeting location/venue, meeting commencement time and Public Question Time.**

**Briefing Session: Councillors Briefing Session on Agenda 1:00 pm Time: Meeting Commencement time 2:00 pm.**

**Public Question Time: commencing at 2:15 pm and limited to 15 minutes. Place: Council Chambers 110 Massingham Street Kellerberrin**

**Meeting Day: every third Tuesday of the month**

**January 2020 – No Meeting**  
**Friday, 7 February 2020 – Kellerberrin Council Chambers**  
**Tuesday, 18 March 2020 – Kellerberrin Council Chambers**  
**Tuesday, 21 April 2020 – Kellerberrin Council Chambers**  
**Tuesday, 19 May 2020 – Kellerberrin Council Chambers**  
**Tuesday, 16 June 2020 – Kellerberrin Council Chambers**  
**Tuesday, 21 July 2020 – Kellerberrin Council Chambers**  
**Tuesday, 18 August 2020 – Kellerberrin Council Chambers**  
**Tuesday, 15 September 2020 – Kellerberrin Council Chambers**  
**Tuesday, 20 October 2020 – Kellerberrin Council Chambers**  
**Tuesday, 17 November 2020 – Kellerberrin Council Chambers**  
**Tuesday, 15 December 2020 – Kellerberrin Council Chambers**

**CARRIED 6/0**  
**BY ABSOLUTE MAJORITY**

## **STAFF COMMENT**

Council is required under legislation, to advertise its meetings advising of the date, commencement time, public question time and location of the meeting once each year. It is generally this time of the year that Council should consider its schedule of Ordinary Meetings for the 2023 calendar year.

Council needs to remain mindful of continuing on with its meetings in an efficient and timely manner to complete required and presented business. Council meetings are conducted in a businesslike and professional manner which allows for more informal discussion to occur. This reduces the necessity to have special Council meetings for specific issues with these matters

being included as part of the monthly agenda.

Special Council meetings can be called with little notice given if required however to deal with any items that requires a decisions out of Council meeting times.

Items for consideration when adopting times and dates for the upcoming year are but not limited to;

- Preferred Council Information/Briefing Sessions (time allowance and when)
- Luncheon arrangements, if commenced with at an earlier time
- Business commitments of individual Council Members (actual meeting start time)
- Time allocation for dealing with the business of the Council including the agenda items
- Allowance for Meeting guests/presentations/petitions etc. (preferred time and length of presentation)
- Desired format for information sessions, etc.

Council at any time though can decide to modify the commencement time of their meetings though appropriate notice to the community is required.

## **TEN YEAR FINANCIAL PLAN**

NIL known at this time.

## **FINANCIAL IMPLICATIONS**

2022/2023 Budget – expense account for statutory advertising and members travelling and meeting attendance fees.

Cost of local advertising of Council meeting times. Current budget general ledger expense account for advertising will be utilised.

## **STATUTORY IMPLICATIONS**

### **Local Government Act (as amended) 1995**

#### **5.24. Question time for public**

- (1) Time is to be allocated for questions to be raised by members of the public and responded to at —
  - (a) every ordinary meeting of a council; and
  - (b) such other meetings of councils or committees as may be prescribed.
- (2) Procedures and the minimum time to be allocated for the asking of and responding to questions raised by members of the public at council or committee meetings are to be in accordance with regulations.

Regulations about council and committee meetings and committees

- (3) Without limiting the generality of section 9.59, regulations may make provision in relation to —
  - (a) the matters to be dealt with at ordinary or at special meetings of councils;
  - (b) the functions of committees or types of committee;
  - (ba) the holding of council or committee meetings by telephone, video conference or other electronic means;
  - (c) the procedure to be followed at, and in respect of, council or committee meetings;
  - (d) methods of voting at council or committee meetings;
  - (e) the circumstances and manner in which a decision made at a council or a

committee meeting may be revoked or changed (which may differ from the manner in which the decision was made);

- (f) the content and confirmation of minutes of council or committee meetings and the keeping and preserving of the minutes and any documents relating to meetings;
- (g) the giving of public notice of the date and agenda for council or committee meetings;
- (h) the exclusion from meetings of persons whose conduct is not conducive to the proper conduct of the meetings and the steps to be taken in the event of persons refusing to leave meetings;
- (i) the circumstances and time in which the unconfirmed minutes of council or committee meetings are to be made available for inspection by members of the public; and
- (j) the circumstances and time in which notice papers and agenda relating to any council or committee meeting and reports and other documents which could be —
  - (i) tabled at a council or committee meeting; or
  - (ii) produced by the local government or a committee for presentation at a council or committee meeting,

are to be made available for inspection by members of the public.

- (4) Regulations providing for meetings to be held by telephone, video conference or other electronic means may modify the application of this Act in relation to those meetings to the extent necessary or convenient to facilitate the holding of those meetings in that way.

*[Section 5.25 amended by No. 64 of 1998 s. 28.]*

#### Local Government (Administration) Regulations 1996

### **12. Public notice of council or committee meetings — s. 5.25(1)(g)**

- (1) At least once each year a local government is to give local public notice of the dates on which and the time and place at which —
  - (a) the ordinary council meetings; and
  - (b) the committee meetings that are required under the Act to be open to members of the public or that are proposed to be open to members of the public,

are to be held in the next 12 months.
- (2) A local government is to give local public notice of any change to the date, time or place of a meeting referred to in subregulation (1).
- (3) Subject to subregulation (4), if a special meeting of a council is to be open to members of the public then the local government is to give local public notice of the date, time, place and purpose of the special meeting.
- (4) If a special meeting of a council is to be open to members of the public but, in the CEO's opinion, it is not practicable to give local public notice of the matters referred to in subregulation (3), then the local government is to give public notice of the date, time, place and purpose of the special meeting in the manner and to the extent that, in the CEO's opinion, is practicable.

#### Shire of Kellerberrin Standing Orders Local Law 2016

## STRATEGIC COMMUNITY PLAN

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

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

## COMMUNITY CONSULTATION

The following consultation took place;

- Chief Executive Officer
- Manager of Governance

## STAFF RECOMMENDATION

That Council adopts the following schedule of Ordinary Council Meeting dates for 2023 incorporating meeting location/venue, meeting commencement time and public question time.

Briefing Session: Councillors briefing session on agenda at 1:00 pm.

Time: Meeting commencement time 4:00 pm.

Public Question Time: Commencing at 4:15 pm and limited to 15 minutes.

Place: Council Chambers, 110 Massingham Street Kellerberrin.

Meeting Day: every third Tuesday of the month.

January 2023 – No Meeting	
Tuesday, 21 <sup>st</sup> February 2023	Kellerberrin Council Chambers
Tuesday, 21 <sup>st</sup> March 2023	Kellerberrin Council Chambers
Tuesday, 18 <sup>th</sup> April 2023	Kellerberrin Council Chambers
Tuesday, 16 <sup>th</sup> May 2023	Kellerberrin Council Chambers
Tuesday, 20 <sup>th</sup> June 2023	Kellerberrin Council Chambers
Tuesday, 18 <sup>th</sup> July 2023	Kellerberrin Council Chambers
Tuesday, 15 <sup>th</sup> August 2023	Kellerberrin Council Chambers
Tuesday, 19 <sup>th</sup> September 2023	Kellerberrin Council Chambers
Tuesday, 17 <sup>th</sup> October 2023	Kellerberrin Council Chambers
Tuesday, 21 <sup>st</sup> November 2023	Kellerberrin Council Chambers
Tuesday, 19 <sup>th</sup> December 2023	Kellerberrin Council Chambers

## COUNCIL RESOLUTION

MIN 167/22

MOTION - Moved Cr. Leake

Seconded Cr. Gardiner

*That Council adopts the following schedule of Ordinary Council Meeting dates for 2023 incorporating meeting location/venue, meeting commencement time and public question time.*

***Briefing Session: Councillors briefing session on agenda at 1:00 pm.***

***Time: Meeting commencement time 4:00 pm.***

***Public Question Time: Commencing at 4:15 pm and limited to 15 minutes.***

***Place: Council Chambers, 110 Massingham Street Kellerberrin.***

***Meeting Day: every third Tuesday of the month.***

***January 2023 – No Meeting***  
***Tuesday, 21<sup>st</sup> February 2023***  
***Tuesday, 21<sup>st</sup> March 2023***  
***Tuesday, 18<sup>th</sup> April 2023***  
***Tuesday, 16<sup>th</sup> May 2023***  
***Tuesday, 20<sup>th</sup> June 2023***  
***Tuesday, 18<sup>th</sup> July 2023***  
***Tuesday, 15<sup>th</sup> August 2023***  
***Tuesday, 19<sup>th</sup> September 2023***  
***Tuesday, 17<sup>th</sup> October 2023***  
***Tuesday, 21<sup>st</sup> November 2023***  
***Tuesday, 19<sup>th</sup> December 2023***

***Kellerberrin Council Chambers***  
***Kellerberrin Council Chambers***  
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***Kellerberrin Council Chambers***

**CARRIED 7/0**  
**BY ABSOLUTE MAJORITY**



**9.5 STAFF & COUNCIL CHRISTMAS PARTY FUNCTION**

**File Ref:** PUB00  
**Author:** Codi Brindley-Mullen, Manager of Governance  
**Authoriser:** Raymond Griffiths, Chief Executive Officer  
**Attachments:** Nil

**BACKGROUND**

Previously Council has resolved the following in relation to its annual Christmas function:

**2021 Christmas Party Function**

**MIN 001/21 MOTION - Moved Cr. Forsyth Seconded Cr. Ryan**

***That Council;***

- 1. Host a staff development function (bowls) commencing at 1:00pm, on Thursday, 23<sup>rd</sup> December 2021 at the Kellerberrin Recreation and Leisure Centre;***
- 2. Host a Christmas function being a BBQ at approx. 4:00pm following on from the staff development function.***

**CARRIED 7/0**

**2020 Christmas Party Function**

**MIN 165/20 MOTION - Moved Cr. Leake Seconded Cr. Ryan**

***That Council:***

- 1. Contribute \$2,500 to a Post-Christmas River Cruise for Staff, Councillors and Families in February 2021 (subject to boat availability).***
- 2. Provide an afternoon BBQ for staff on Tuesday 15th December 2020 following council meeting to ensure all staff that don't attend the function still receive recognition for their efforts throughout the year.***

**CARRIED 6/0**

**2019 Christmas Party Function**

**MIN180/19 MOTION - Moved Cr. Leake 2<sup>nd</sup> Cr. Talbot**

***That Council host a Christmas Party Function at the ex-golf club clubhouse on Friday 20<sup>th</sup> December 2019 as a barbeque function commencing at 6.00pm***

**CARRIED 6/0**

**STAFF COMMENT**

Whilst Council is under no obligation to do so, it has become traditional for Council to host a combined Christmas function that is enjoyed by elected members, staff and their families. In previous years a barbeque function be held at the ex-golf club clubhouse. The 2021 Christmas function Councillors still cooked and provided a salad for the barbeque.

Generally, a barbeque is well received, easy to cater, organise and extremely cost effective.

Council in 2021 decided to host a staff development function (bowls) commencing at 1:00pm for Council and Management to thank all employees for their hard work throughout the year. This was well received by all who attended.

Council's management has held discussions with staff regarding the 2022 function. The staff have indicated for this year their preference would be to hold a function from 12 noon to 4pm with staff only.

## **TEN YEAR FINANCIAL PLAN**

NIL known at this time

## **FINANCIAL IMPLICATIONS**

Cost of Christmas Function for 2021/2022, approximately \$1,550

2022/2023 Budget Document

041051 Refreshments and Receptions – Budget Allocation \$18,000

\$8,000 for Council Meetings (including Committee & Community Meetings)

\$8,000 for Council Functions – Christmas Function, Citizenship Ceremonies.

\$2,000 for Other costs.

## **STATUTORY IMPLICATIONS**

NIL known at this time.

## **STRATEGIC COMMUNITY PLAN**

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

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

## **COMMUNITY CONSULTATION**

The following consultation took place;

- Chief Executive Officer
- Manager of Governance

## **STAFF RECOMMENDATION**

That *Council*;

1. *Host a staff development function indoors commencing at 1:00pm, on Friday, 23<sup>rd</sup> December 2022 at the Kellerberrin Recreation and Leisure Centre;*
2. *Host a Christmas function being a BBQ during the staff development day.*

OR

*That Council host a Christmas Party Function at the Kellerberrin and Districts Club on 23<sup>rd</sup> Friday December 2022 as a BBQ function commencing at 6:00pm.*

**COUNCIL RESOLUTION****MIN 168/22      MOTION - Moved Cr. Forsyth      Seconded Cr. Ryan*****That Council;***

- 1. Host a Christmas Party Function at the Kellerberrin and Districts Club on Thursday, 22<sup>nd</sup> December 2022 as a BBQ function; and***
- 2. Host a staff development day in the New Year, 2023.***

**CARRIED 7/0****9.6      ANNUAL CHRISTMAS/NEW YEAR OFFICE CLOSURE**

**File Ref:** PUB02  
**Author:** Codi Brindley-Mullen, Manager of Governance  
**Authoriser:** Raymond Griffiths, Chief Executive Officer  
**Attachments:** Nil

**BACKGROUND**

Council has previously, kindly considered an application from staff to close the Administration Office during the Christmas/New Year period. This has been considered and approved by Council in consideration of the low level of business expected to be transacted and staff reducing any Time in Lieu provisions and Rostered Days Off entitlements for the month of December and/or January.

Council's October 2021 Ordinary Meeting of Council

**MIN 176/21      MOTION - Moved Cr. Ryan      Seconded Cr. Reid**

***That Council approves the closure of the Administration Office for the following inclusive dates over the Christmas / New Year holiday period and that local advertising be completed.***

<b><i>Thursday, 23<sup>rd</sup> December 2021</i></b>	<b><i>From 12:00pm Staff Development Afternoon</i></b>
<b><i>Friday, 24<sup>th</sup> December 2021</i></b>	<b><i>Public Service Day</i></b>
<b><i>Monday, 27<sup>th</sup> December, 2021</i></b>	<b><i>Public Holiday (Christmas Day)</i></b>
<b><i>Tuesday, 28<sup>th</sup> December, 2021</i></b>	<b><i>Public Holiday (Boxing Day Holiday)</i></b>
<b><i>Wednesday, 29<sup>th</sup> December, 2021</i></b>	<b><i>RDO/Annual Leave/TIL</i></b>
<b><i>Thursday, 30<sup>th</sup> December, 2021</i></b>	<b><i>RDO/Annual Leave/TIL</i></b>
<b><i>Friday, 31<sup>st</sup> December, 2021</i></b>	<b><i>RDO/Annual Leave/TIL</i></b>
<b><i>Monday, 3<sup>rd</sup> January, 2022</i></b>	<b><i>Public Holiday (New Year's Days)</i></b>

**CARRIED 7/0**

Council's October 2020 Ordinary Meeting of Council

**MIN 164/20 MOTION - Moved Cr. Leake      Seconded Cr. Ryan**  
***That Council approves the closure of the Administration Office for the following inclusive dates over the Christmas / New Year holiday period and that local advertising be completed.***

<b><i>Thursday, 24<sup>th</sup> December 2020</i></b>	<b><i>Public Service Day</i></b>
<b><i>Friday, 25<sup>th</sup> December, 2020</i></b>	<b><i>Public Holiday (Christmas Day)</i></b>
<b><i>Monday, 28<sup>th</sup> December, 2020</i></b>	<b><i>Public Holiday (Boxing Day Holiday)</i></b>
<b><i>Tuesday, 29<sup>th</sup> December, 2020</i></b>	<b><i>RDO/Annual Leave</i></b>
<b><i>Wednesday, 30<sup>th</sup> December, 2020</i></b>	<b><i>RDO/Annual Leave</i></b>
<b><i>Thursday, 31<sup>st</sup> December, 2020</i></b>	<b><i>RDO/Annual Leave</i></b>
<b><i>Friday, 1<sup>st</sup> January 2021</i></b>	<b><i>Public Holiday (New Year's Days)</i></b>

**CARRIED 6/0**

## Council's October 2019 Ordinary Meeting of Council

**MIN179/19 MOTION** - Moved Cr. O'Neill 2<sup>nd</sup> Cr. McNeil

*That Council approve the closure of the Administration Office for the following inclusive dates over the Christmas/New Year Holiday period and that the local advertising be completed;*

<i>Monday, 23<sup>rd</sup> December, 2019</i>	<i>RDO/Annual Leave</i>
<i>Tuesday, 24<sup>th</sup> December, 2019</i>	<i>Public Service Holiday</i>
<i>Wednesday, 25<sup>th</sup> December, 2019</i>	<i>Public Holiday (Christmas Day)</i>
<i>Thursday, 26<sup>th</sup> December, 2019</i>	<i>Public Holiday (Boxing Day)</i>
<i>Friday, 27<sup>th</sup> December, 2019</i>	<i>RDO/Annual Leave</i>
<i>Monday, 30<sup>th</sup> December, 2019</i>	<i>RDO/Annual Leave</i>
<i>Tuesday, 31<sup>st</sup> January, 2019</i>	<i>RDO/Annual Leave</i>
<i>Wednesday, 1<sup>st</sup> January, 2019</i>	<i>Public Holiday (New Years Days)</i>

CARRIED 6/0

## Council's October 2018 Ordinary Meeting of Council

**MIN 184/18 MOTION** - Moved Cr. Leake 2<sup>nd</sup> Cr. O'Neill

*That Council approve the closure of the Administration Office for the following inclusive dates over the Christmas/New Year Holiday period and that the local advertising be completed;*

<i>Friday, 21<sup>st</sup> December, 2018</i>	<i>RDO/Annual Leave</i>
<i>Monday, 24<sup>th</sup> December, 2018</i>	<i>RDO/Annual Leave</i>
<i>Tuesday, 25<sup>th</sup> December, 2018</i>	<i>Public Holiday (Christmas Day)</i>
<i>Wednesday, 26<sup>th</sup> December, 2018</i>	<i>Public Holiday (Boxing Day)</i>
<i>Thursday, 27<sup>th</sup> December, 2018</i>	<i>RDO/Annual Leave</i>
<i>Friday, 28<sup>th</sup> December, 2018</i>	<i>RDO/Annual Leave</i>
<i>Monday, 31<sup>st</sup> December, 2018</i>	<i>Public Service Holiday</i>
<i>Tuesday, 1<sup>st</sup> January, 2019</i>	<i>Public Holiday (New Years Days)</i>

CARRIED 6/0

**STAFF COMMENT**

The Christmas/New Year period gazetted Public Holidays are as follows:

Christmas Day	Sunday, 25 <sup>th</sup> December 2022
Boxing Day	Monday, 26 <sup>th</sup> December 2022
Christmas Day Holiday	Monday, 26 <sup>th</sup> December 2022
Boxing Day Holiday	Tuesday, 27 <sup>th</sup> December 2022
Public Service Holiday (in Lieu)	Wednesday, 28 <sup>th</sup> December 2022
New Year's Day	Monday 2 <sup>nd</sup> January 2023

The days in question, are the days in between Christmas Eve and New Year's i.e. Thursday 29<sup>th</sup> December 2022 and Friday 30<sup>th</sup> December 2022. The additional holiday "in lieu", which Local Government employees are entitled to can has been allocated to Wednesday 28<sup>th</sup> December 2022, should Council approve the proposal. This would be in addition to permitting the office/shire closure at 12 noon, Friday 23<sup>rd</sup> December 2022 for a Staff Development day which is proposed to include the annual Christmas Function.

This decreases the "juggling" of rosters and staffing levels to provide for the additional days. The remaining two days can be taken as either, Rostered Day Off (RDO), Annual Leave or Time in Lieu (TIL) entitlements.

The practice of closing the Office of Council is a common one for the small rural local governments and, given the expected low level of demand for Council Business to be conducted, it is a sincere request from the Staff to have the Office closed for travelling to families for the festive period.

In addition, should Council approve, extensive local advertising in local newsletters and a notice included with creditor payments will provide sufficient notice of the office closure. Emergency contacts for Council staff will be provided for the inclusion in all notices of local advertising.

### TEN YEAR FINANCIAL PLAN

Nil known at this time

### FINANCIAL IMPLICATIONS

Nil known at this time

### STATUTORY IMPLICATIONS

Advertise the closure of normal council business during the described period.

### STRATEGIC COMMUNITY PLAN

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

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

### COMMUNITY CONSULTATION

The following consultation took place

- Chief Executive Officer
- Manager of Governance
- Administration Staff

### STAFF RECOMMENDATION

That Council approves the closure of the Administration Office for the following inclusive dates over the Christmas / New Year holiday period and that local advertising be completed.

<i>Friday, 23<sup>rd</sup> December 2022</i>	<i>From 1:00pm Staff Development Afternoon</i>
<i>Monday, 26<sup>th</sup> December, 2022</i>	<i>Public Holiday (Christmas Day)</i>
<i>Tuesday, 27<sup>th</sup> December, 2022</i>	<i>Public Holiday (Boxing Day Holiday)</i>
<i>Wednesday, 28<sup>th</sup> December, 2022</i>	<i>Public Service Day</i>
<i>Thursday, 29<sup>th</sup> December, 2022</i>	<i>RDO/Annual Leave/TIL</i>
<i>Friday, 30<sup>th</sup> December, 2022</i>	<i>RDO/Annual Leave/TIL</i>
<i>Monday, 2<sup>nd</sup> January, 2023</i>	<i>Public Holiday (New Year's Days)</i>

### COUNCIL RESOLUTION

MIN 169/22

MOTION - Moved Cr. Reid

Seconded Cr. Gardiner

***That Council approves the closure of the Administration Office for the following inclusive dates over the Christmas / New Year holiday period and that local advertising be completed.***

***Friday, 23<sup>rd</sup> December 2022***

***Public Service Day***

***Monday, 26<sup>th</sup> December, 2022***

***Public Holiday (Christmas Day)***

***Tuesday, 27<sup>th</sup> December, 2022***

***Public Holiday (Boxing Day Holiday)***

***Wednesday, 28<sup>th</sup> December, 2022***

***RDO/Annual Leave/TIL***

***Thursday, 29<sup>th</sup> December, 2022***

***RDO/Annual Leave/TIL***

***Friday, 30<sup>th</sup> December, 2022***

***RDO/Annual Leave/TIL***

***Monday, 2<sup>nd</sup> January, 2023***

***Public Holiday (New Year's Days)***

**CARRIED 7/0**

REASON: Due to Staff Christmas Party to be held on Thursday, 22<sup>nd</sup> December 2022 and to enable staff to travel prior to Christmas.

## 9.11 AUSTRALIA DAY AWARDS POLICY

**File Number:** ADM53  
**Author:** Codi Brindley-Mullen, Manager of Governance  
**Authoriser:** Raymond Griffiths, Chief Executive Officer  
**Attachments:** 1. Nomination Form (under separate cover)  
 2. Membership Benefits (under separate cover)

### BACKGROUND

Council's October 2020 Ordinary Meeting of Council – 20<sup>th</sup> October 2020

**MIN 001/20**      **MOTION - Moved Cr. Steber**      **Seconded Cr. Ryan**

#### *That Council*

1. *Adopts the Australia Day policy as presented.*
2. *Deletes the previous Australia Day Policy.*
3. *Instruct the Chief Executive Officer to ensure all staff are aware of the Policy Manual updates and provide copies if requested.*

**CARRIED 6/0**

### STAFF COMMENT

Council received correspondence from the community regarding a review of the Australia Day Awards categories to incorporate a "Senior Citizen of the Year" category.

Council staff have also been reviewing the policy and reviewing what other Councils within the state are doing for their awards being;

- Categories
- Criterion
- Policy
- Nomination Forms

Council through this process found that with being a member of Auspire you can have the nomination forms, categories and criterion provided and it is in line with other Councils in the State as well as the Country. Therefore reducing the requirement for Councils officers to create advertisements, creation and review annually of nomination forms plus the concept of utilising Auspire will result in Council not requiring a policy on Australia Day Awards.

The membership also provides certificates and medals to the winners and recognition on their website.

The categories that are covered by the Auspire process is as follows;

- Community Citizen of the Year
- Community Citizen of the Year – Youth (under 25)
- Community Citizen of the Year – Senior (65 years or over)
- Active Citizenship Award (for a community group or event)

The Selection Criteria for all of the awards are based on the following;

#### **Selection Criteria**

The winners will have been judged to have shown active citizenship and:

- Significant contribution to the local community.

- Demonstrated leadership on a community issue resulting in the enhancement of community life.
- A significant initiative which has brought about positive change and added value to community life.
- Inspiring qualities as a role model for the community.

Please find attached a copy of the nomination form for further details on the awards, process, guidelines etc.

The dates for operation will change slightly as per below;

- Opening around 1<sup>st</sup> September
- Closing around 31<sup>st</sup> October
- Decision made at November Council meeting
- Notify Auspire prior to the first week in December to receive Certificate and Medals in time.

## **TEN YEAR FINANCIAL PLAN**

Nil known at this time

## **FINANCIAL IMPLICATIONS**

Current Membership – Standard \$370

Update Membership – Gold \$685

## **STATUTORY IMPLICATIONS**

Nil known at this time

## **STRATEGIC COMMUNITY PLAN**

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

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

## **COMMUNITY CONSULTATION**

The following consultation took place;

- Chief Executive Officer;
- Manager of Governance
- Australia Day Council, Auspire – Jenny Sophian

## **STAFF RECOMMENDATION**

*That Council;*

1. *Delete the Australia Day Policy;*
2. *Approve the upgrade of Councils Auspire membership from standard to gold to enable access to the Auspire Australia Day Awards nomination process; and*
3. *Accept the Auspire categories listed being;*
  - a. Community Citizen of the Year
  - b. Community Citizen of the Year – Youth (under 25)
  - c. Community Citizen of the Year – Senior (65 years or over)
  - d. Active Citizenship Award (for a community group or event)



**COUNCIL RESOLUTION****MIN 170/22****MOTION - Moved Cr. Gardiner****Seconded Cr. Pryer*****That Council;***

- 1. Delete the Australia Day Policy;***
- 2. Approve the upgrade of Councils Auspire membership from standard to gold to enable access to the Auspire Australia Day Awards nomination process; and***
- 3. Accept the Auspire categories listed being;***
  - a. Community Citizen of the Year***
  - b. Community Citizen of the Year – Youth (under 25)***
  - c. Community Citizen of the Year – Senior (65 years or over)***
  - d. Active Citizenship Award (for a community group or event)***

**CARRIED 7/0**

**9.7 BUILDING REPORTS SEPTEMBER 2022**

**File Ref:** BUILD06  
**Author:** Amanda Stewart, Administration Officer  
**Authoriser:** Raymond Griffiths, Chief Executive Officer  
**Attachments:** Nil

**BACKGROUND**

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

**STAFF COMMENT**

1. There were NIL applications received for a "Building Permit" during the September period.
2. There were NIL "Building Permit" issued in the September period.

**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 September 2022 period.*
2. *Acknowledge the "Return of Building Permits Issued" for the September 2022 period.*

## COUNCIL RESOLUTION

MIN 171/22

MOTION - Moved Cr. Leake

Seconded Cr. Gardiner

*That Council;*

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

**CARRIED 7/0**

**9.8 CHEQUE LIST SEPTEMBER 2022**

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

**BACKGROUND**

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

**TRUST**

<b>TRUST TOTAL</b>	<b>\$ 53,897.25</b>
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**MUNICIPAL FUND****Cheque Payments**

34970-34974	<b>\$ 8,295.07</b>
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**EFT Payments**

13844 - 13953	<b>\$ 821,294.46</b>
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**Direct Debit Payments**

	<b>\$ 71,597.97</b>
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**TOTAL MUNICIPAL**

	<b>\$ 901,385.50</b>
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**STAFF COMMENT**

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

<b>Distinctive Pools</b> Claim One (1) Stage 3 - Swimming Pool redevelopment	<b>\$ 163,790.00</b>
<b>Avon Valley Plant &amp; Equipment Pty Ltd</b> Demolition of old Swimming Pool & associated buildings	<b>\$ 96,112.50</b>
<b>Avon Concrete</b> Final payment for culvert construction, Kellerberrin-Yelbeni Road	<b>\$ 90,387.00</b>
<b>Avon Concrete</b> RFQ - Replacement & Upgrade of pipe culvert & earthworks (Yelbeni Road)	<b>\$ 71,070.00</b>
<b>Department of Transport - TRUST DIRECT DEBITS Licensing CRC</b> Licencing payments September 2022	<b>\$ 51,913.95</b>
<b>Smith Earthmoving Pty Ltd</b> Equipment & truck hire for South Doodlakine road construction and Goldfields & Mission Roads grading July-August 2022	<b>\$ 49,324.00</b>
<b>Avon Concrete</b> RFQ - Replacement & Upgrade of pipe culvert - Yelbeni Road	<b>\$ 48,737.50</b>
<b>Deputy Commissioner Of Taxation</b> BAS payment August 2022	<b>\$ 35,121.00</b>
<b>Western Australian Treasury Corporation</b> Loan No. 118 principal & interest payment - Rec Centre Redevelopment	<b>\$ 33,504.08</b>

<b>Youlie and Son Contracting</b> Equipment hire August 2022 for various road works	<b>\$ 32,037.50</b>
<b>Fire And Emergency Services (WA)</b> ESLB 1st Quarter contribution 2022/2023	<b>\$ 24,041.50</b>
<b>LG Corporate Solutions</b> Consultant fees for AFR, budget preparations & monthly's	<b>\$ 13,246.75</b>
<b>Nova Corvus Consulting Pty Ltd</b> WSFN Consultant services 29 August-9 September 2022 including travel	<b>\$ 12,416.25</b>
<b>Sapio Pty Ltd</b> Supply & install Wi-Fi at Caravan Park & T400 communicator fee September 2022	<b>\$ 11,920.41</b>
<b>Beam Superannuation</b> Superannuation Payroll 1/9/22	<b>\$ 11,527.72</b>
<b>Beam Superannuation</b> Super Payroll 15/9/22	<b>\$ 11,357.13</b>
<b>Synergy</b> Power charges various Shire properties June-August 2022	<b>\$ 10,936.21</b>
<b>Beam Superannuation</b> Superannuation Payroll 29/9/22	<b>\$ 10,851.24</b>
<b>Merredin Glazing</b> Install & supply single roller blind for Shire Hall, install & supply sliding door at 29 Hammond St. & supply mirror at 2 George St.	<b>\$ 9,144.30</b>
<b>United Card Services Pty Ltd</b> Total supply August 2022	<b>\$ 9,018.35</b>
<b>R Munns Engineering Consulting Services</b> Consultant services fees for roadworks	<b>\$ 8,599.16</b>
<b>Youlie and Son Contracting</b> Equipment hire August 2022 for Yorkrakine Rock Rd. & Nanyanine Rd gravel sheeting	<b>\$ 8,085.00</b>
<b>Major Motors Pty Ltd</b> Repairs to KE 08	<b>\$ 7,464.64</b>
<b>Shire Of Kellerberrin</b> Rates 2022-2023 for various Shire properties	<b>\$ 5,790.00</b>
<b>Western Australian Local Government Association</b> Annual eLearning subscription 1 November 2022 to 31 October 2023 for Councillors	<b>\$ 5,500.00</b>
<b>Combined Tyres</b> Tyre repairs, disposals & purchase for various Depot vehicles	<b>\$ 5,119.40</b>
<b>Cutting Edges Equipment Parts</b> Purchase of blades & tooth ripper for various Depot vehicles	<b>\$ 5,049.18</b>
<b>EFTSURE PTY LTD</b> EFTsure software 12 monthly subscription for period August 2022 to July 2023	<b>\$ 5,016.00</b>

**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 September 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 \$ 901,385.50 on vouchers EFT , CHQ, Direct payments*
2. *Trust Fund payments totalling \$ 53,897.25 on vouchers EFT, CHQ, Direct payments*

## COUNCIL RESOLUTION

**MIN 172/22      MOTION - Moved Cr. Forsyth      Seconded Cr. Gardiner**

***That Council notes that during the month of September 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 \$ 901,385.50 on vouchers EFT , CHQ, Direct payments***
2. ***Trust Fund payments totalling \$ 53,897.25 on vouchers EFT, CHQ, Direct payments***

**CARRIED 7/0**

### 9.9 DIRECT DEBIT LIST AND VISA CARD TRANSACTIONS - SEPTEMBER 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 September 2022.

Municipal Direct Debit List				
Date	Name	Details	\$	Amount
1/09/2022	NAB	Merchant Fees - Trust		6.12
1/09/2022	NAB	Merchant Fees - Caravan Park		65.64
1/09/2022	NAB	Merchant Fees - Shire Admin		320.29
1/09/2022	NAB	Merchant Fees - CRC		356.35
1/09/2022	Shire of Kellerberrin	Precision Superannuation		11,527.72
1/09/2022	Shire of Kellerberrin	Creditors Payment		48,737.50
1/09/2022	Shire of Kellerberrin	Pay Run		62,298.52
7/09/2022	Department of Transport	Vehicle Inspection Fees		116.90
8/09/2022	Shire of Kellerberrin	Creditors Payment		250,696.80
13/09/2022	Department of Communities	Rent		420.00



15/09/2022	ATO	August BAS		35,121.00
15/09/2022	Shire of Kellerberrin	Precision Superannuation		11,357.13
15/09/2022	Shire of Kellerberrin	Pay Run		62,485.29
23/09/2022	Shire of Kellerberrin	Creditors Payment		358,268.16
27/09/2022	NAB	B-Pay Fees		69.00
27/09/2022	NAB	Account Fees - Trust		13.60
27/09/2022	NAB	Account Fees - Muni		47.80
27/09/2022	NAB	Merchant Fees - Trust		6.95
27/09/2022	NAB	Merchant Fees - Caravan Park		63.44
27/09/2022	NAB	Merchant Fees - Shire Admin		117.61
27/09/2022	NAB	Merchant Fees - CRC		441.00
27/09/2022	NAB	NAB Connect Fees		47.23
		<b>TOTAL</b>	<b>\$</b>	<b>842,584.05</b>

Trust Direct Debit List				
<b>Date</b>	<b>Name</b>	<b>Details</b>	<b>\$</b>	<b>Amount</b>
30/09/2022	Department of Transport	Licencing Payments September 2022		51,913.95
		<b>TOTAL</b>	<b>\$</b>	<b>51,913.95</b>
Visa Transactions				
<b>Date</b>	<b>Name</b>	<b>Details</b>	<b>\$</b>	<b>Amount</b>
19/09/2022	K-Mart	Utensils Caravan Park		36.00
28/09/2022	NAB	Card Fee		9.00
		<b>TOTAL - CEO</b>	<b>\$</b>	<b>45.00</b>
<b>Date</b>	<b>Name</b>	<b>Details</b>	<b>\$</b>	<b>Amount</b>
08-Sep-22	City Of Perth	Parking Fees Leadership Course		13.63
16-Sep-22	K-Mart	Utensils/Bedding Caravan Park		520.00
28-Sep-22	NAB	Card Fee		9.00
		<b>TOTAL -DCEO</b>	<b>\$</b>	<b>542.63</b>
31-Aug-22	Avon Valley Bakery	Meals - WSNF Officer		19.60
01-Sep-22	Hagge & Phillipson Bindoon	Meals - WSNF Officer		20.20
06-Sep-22	The Island Trust Bakers Hill	Meals - WSNF Officer		25.80
08-Sep-22	BP Koondoola	Meals - WSNF Officer		23.99
09-Sep-22	Toodyay Bakery	Meals - WSNF Officer		30.30
09-Sep-22	LG & QU Nominees Merredin	Meals - WSNF Officer		24.70
28-Sep-22	NAB	Card Fee		9.00

		<b>TOTAL -WSFN OFFICER</b>	<b>\$</b>	<b>153.59</b>
		<b>TOTAL VISA TRANSACTIONS</b>	<b>\$</b>	<b>741.22</b>

## STAFF COMMENT

The Direct Debit List and Visa Card Transactions are presented for Council to note for the month of September 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 September 2022 comprising of;*

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

## COUNCIL RESOLUTION

**MIN 173/22      MOTION - Moved Cr. Reid      Seconded Cr. Ryan**

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

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

**CARRIED 7/0**

**9.10 FINANCIAL ACTIVITY STATEMENT - SEPTEMBER 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 2022 Ordinary Meeting of Council – 19<sup>th</sup> July 2022

**MIN 109/22 MOTION - Moved Cr. Steber Seconded Cr. Reid**  
***That Council:***

***PART G – MATERIAL VARIANCE REPORTING FOR 2022/2023***

***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 2022/2023 for reporting material variances shall be 10% or \$10,000, whichever is the greater.***

**STAFF COMMENT**

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

This report has been compiled to fulfil the statutory reporting requirements of the Act and associated Regulations, whilst also providing the Council with an overview of the Shire's financial performance on a year to date basis for the period ending 30<sup>th</sup> September 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
- Deputy Chief Executive Officer
- Senior Finance Officer

## STAFF RECOMMENDATION

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

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

## COUNCIL RESOLUTION

**MIN 174/22      MOTION - Moved Cr. Ryan      Seconded Cr. Gardiner**

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

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

**CARRIED BY ABSOLUTE MAJORITY 7/0**

**10 DEVELOPMENT SERVICES REPORTS**

Nil

## 11 WORKS & SERVICES REPORTS

### 11.1 DEVELOPMENT APPLICATION - TELECOMMUNICATIONS TOWER

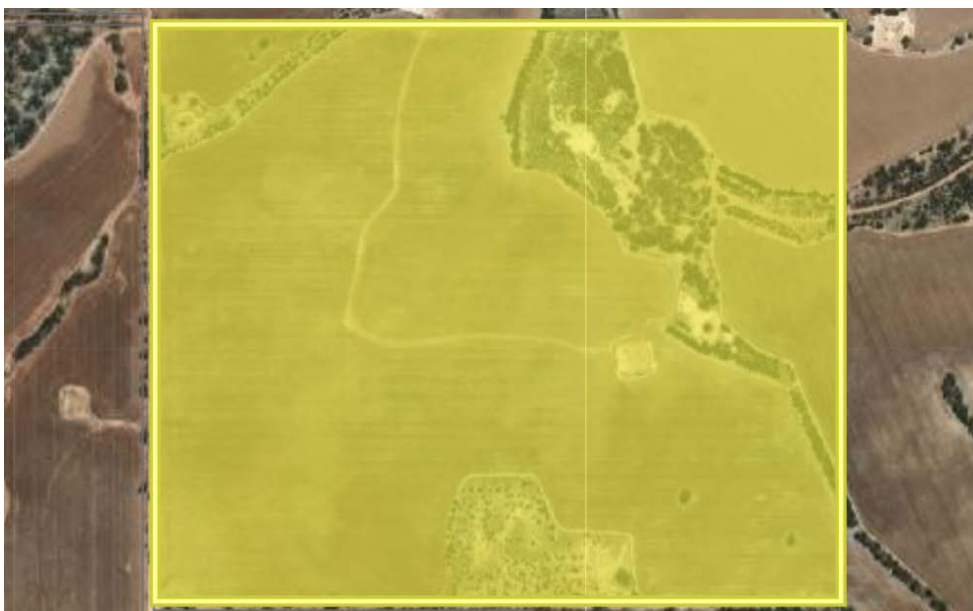
**File Ref:** TPLAN-09  
**Author:** Lewis York, Town Planner  
**Authoriser:** Raymond Griffiths, Chief Executive Officer  
**Applicant:** Ryan Forsyth (Crisp Wireless)  
**Location:** Lot 17790 on DP 139230  
**Attachments:** 1. Crisp Wireless Dev App (under separate cover)

#### BACKGROUND

An application has been received from Crisp Wireless for the development and use of a 30m telecommunications tower that will be used to transmit wireless internet signal to the Kellerberrin district and surrounds. The tower will be located at Lot 17790, which is accessed from Bencubbin-Kellerberrin Road. No dwellings exist on the lot and it is zoned General Agriculture for the purpose of broad acre farming. The location of the tower will be in the vegetated area to the north-east of the lot.

“The telecommunications infrastructure will consist of the following:

- A 30m steel tower
- A combination of Dual Pole Parabolic Antennas (Dishes) and Sector Antennas • A sea container housing the communications equipment; and
- Solar panels to power the system on the roof of the sea container.



“Access to the site will be off the Bencubbin-Kellerberrin Road through Lots 15264, 20168, 16915, 17789 and then into Lot 17790 via internal all-weather farm access track through the property as shown in the Site Plan. Access to the site during construction will amount to one semi-trailer accessing the site on one occasion (total of two ‘movements’ – one in and one out); followed by one six-wheeler Hiab accessing the site on one occasion (total of two ‘movements’ – one in and one out); and then lastly one commercial ute on two occasions (total of four ‘movements’ – two in and two out) – with construction anticipated to take two days.”





## **SITE**

Location 17790 on DP 139230.

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

#### ***Local Planning Scheme No.4***

#### ***Zone: General Agriculture***

##### **3.2.6 General Agriculture Zone**

- a) To ensure the continuation of broad-hectare farming as the principal land use in the District and encouraging where appropriate the retention and expansion of agricultural activities.
- b) To consider non-rural uses where they can be shown to be of benefit to the district and not detrimental to the natural resources or the environment.
- c) To allow for facilities for tourists and travellers, and for recreation uses.

#### ***Use class: Telecommunications infrastructure***

#### ***Discretionary Use 'D'***

### **3.3. ZONING TABLE**

3.3.1. The Zoning Table indicates, subject to the provisions of the Scheme, the uses permitted in the Scheme area in the various zones. The permissibility of any uses is determined by cross

reference between the list of use classes on the left hand side of the Zoning Table and the list of zones at the top of the Zoning Table.

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

USE CLASSES	ZONES			
	RESIDENTIAL	TOWN CENTRE	INDUSTRIAL	GENERAL AGRICULTURE
Restricted premises	X	D	X	X
Service station	X	D	P	X
Shop	X	P	X	X
Showroom	X	D	P	X
Trade display	X	D	P	X
<b>OTHER</b>				
Corrective institution	X	X	X	X
Essential service utility	D	D	D	D
Funeral parlour	X	A	P	X
Telecommunications infrastructure	D	D	P	D

### ***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;

- c) any approved State planning policy;
- d) any environmental protection policy approved under the Environmental Protection Act 1986 section 31(d);
- e) any policy of the Commission;
- f) any policy of the State;
- g) any local planning policy for the Scheme area;
- h) any structure plan, activity centre plan or local development plan that relates to the development;
- i) any report of the review of the local planning scheme that has been published under the *Planning and Development (Local Planning Schemes) Regulations 2015*;
- j) in the case of land reserved under this Scheme, the objectives for the reserve and the additional and permitted uses identified in this Scheme for the reserve;
- k) the built heritage conservation of any place that is of cultural significance;
- l) the effect of the proposal on the cultural heritage significance of the area in which the development is located;
- m) the compatibility of the development with its setting including the relationship of the development to development on adjoining land or on other land in the locality including, but not limited to, the likely effect of the height, bulk, scale, orientation and appearance of the development;
- n) the amenity of the locality including the following —
  - i. environmental impacts of the development;
  - ii. the character of the locality;
  - iii. social impacts of the development;
- o) the likely effect of the development on the natural environment or water resources and any means that are proposed to protect or to mitigate impacts on the natural environment or the water resource;
- p) whether adequate provision has been made for the landscaping of the land to which the application relates and whether any trees or other vegetation on the land should be preserved;
- q) the suitability of the land for the development taking into account the possible risk of flooding, tidal inundation, subsidence, landslip, bush fire, soil erosion, land degradation or any other risk;
- r) the suitability of the land for the development taking into account the possible risk to human health or safety;
- s) the adequacy of —
  - i. the proposed means of access to and egress from the site; and
  - ii. arrangements for the loading, unloading, manoeuvring and parking of vehicles;
- t) the amount of traffic likely to be generated by the development, particularly in relation to the capacity of the road system in the locality and the probable effect on traffic flow and safety;
- u) the availability and adequacy for the development of the following —
  - i. public transport services;
  - ii. public utility services;
  - iii. storage, management and collection of waste;
  - iv. access for pedestrians and cyclists (including end of trip storage, toilet and shower facilities);
  - v. access by older people and people with disability;
- v) the potential loss of any community service or benefit resulting from the development other than potential loss that may result from economic competition between new and existing businesses;
- w) the history of the site where the development is to be located;
- x) the impact of the development on the community as a whole notwithstanding the impact of the development on particular individuals;
- y) any submissions received on the application;
- za) the comments or submissions received from any authority consulted under clause 66;
- zb) any other planning consideration the local government considers appropriate.

**State Planning Policy 5.2- Telecommunications infrastructure****5. POLICY MEASURES**

- 5.1 Visual impacts For telecommunications infrastructure to be effective, structures are generally located prominently, at high points in the landscape or on top of buildings, where they are more likely to be visible to the public. The planning authority may exercise discretion in addressing the visual impacts of telecommunications infrastructure. Visual impacts of an infrastructure development proposal should be assessed by applying the following set of policy measures to guide the location, siting and design of the structure;
- 5.1.1 The benefit of improved telecommunications services should be balanced with the visual impact on the surrounding area.
- i. Assessment of the visual impact of development proposals for telecommunications infrastructure should be made on a case by case basis;
  - ii. Telecommunications infrastructure should be sited and designed to minimise visual impact and whenever possible:
    - a. be located where it will not be prominently visible from significant viewing locations such as scenic routes, lookouts and recreation sites;
    - b. be located to avoid detracting from a significant view of a heritage item or place, a landmark, a streetscape, vista or a panorama, whether viewed from public or private land;
    - c. not be located on sites where environmental, cultural heritage, social and visual landscape values maybe compromised and
    - d. display design features, including scale, materials, external colours and finishes that are sympathetic to the surrounding landscape;
  - iii. In addition to the existing exemptions under the Telecommunication Act, local governments should consider exempting telecommunications infrastructure from the requirement for development approval where:
    - a. he infrastructure has a maximum height of 30 metres from finished ground level;
    - b. The proposal complies with the policy measures outlined in this policy; and
    - c. The proponent has undertaken notification of the proposal in a similar manner to 'low impact facilities' as defined and set out in the Mobile Phone Base Station Deployment Industry Code (C564:2011);
  - iv. Telecommunications infrastructure should be located where it will facilitate continuous network coverage and/or improved telecommunications services to the community; and
  - v. Telecommunications infrastructure should be colocated and whenever possible:
    - a. Cables and lines should be located within an existing underground conduit or duct; and
    - b. Overhead lines and towers should be co-located with existing infrastructure and/or within existing infrastructure corridors and/or mounted on existing or proposed buildings. Section 6.3.1 provides guidance on what applicants should submit in support of a development application to assist planning assessment.

**SPP 3.7- Bushfire Prone Areas**

As no dwellings or outbuildings are proposed as part of this application no BAL assessment is necessary.

**STRATEGIC PLAN IMPLICATIONS**

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
- Town Planner
- Ryan & Kerry Forsyth
- Crisp Wireless

## PLANNING ASSESSMENT

The proposed development raises no major planning concerns. The location of the tower means the primary purpose of the lot (broad acre agriculture) will not be impacted, as the tower is located on land that is not used for cropping. The development application outlines that the impact upon vegetation at the site will be minimal as the site is already clear. Furthermore the development is consistent with all other development standards set out in Local Planning Scheme No.4, SPP 3.7 and 5.2. The ability for Crisp wireless to provide improved internet connection to the surrounding area should be seen as a positive.

## STAFF RECOMMENDATION

*That Council approves the development and use of a 30m telecommunications tower and supporting infrastructure; including one sea container at Lot 17790 Deep Well Road, Kellerberrin, with the following conditions;*

### General Conditions

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

### Advice Notes

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

## COUNCIL RESOLUTION

**MIN 175/22**

**MOTION - Moved Cr. Leake**

**Seconded Cr. Pryer**

***That Council approves the development and use of a 30m telecommunications tower and supporting infrastructure; including one sea container at Lot 17790 Deep Well Road, Kellerberrin, with the following conditions;***

### General Conditions

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

### Advice Notes

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

**CARRIED 7/0**

**12 ELECTED MEMBERS MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN****12.1 CEACA****COUNCIL RESOLUTION****MIN 176/22      MOTION - Moved Cr. Forsyth      Seconded Cr. Reid**

*Cr Rod Forsyth would like the Shire of Kellerberrin to take to the next scheduled CEACA meeting the following;*

- 1. Membership fee be \$1,000 per year per Independent Living Units (ILU);*
- 2. Communities with no ILU pay a minimum of \$2,000 per year;*
- 3. Memberships for three (3) year term, if the community breaks the contract they are to pay the remainder of the contract.*

**CARRIED 7/0****MOTION****COUNCIL RESOLUTION****MIN 177/22      MOTION - Moved Cr. Leake      Seconded Cr. Gardiner**

*That Council accept the following late items;*

- 1. Development Application – Outbuilding; and*
- 2. Sale of Ford Everest Trend – KE 002 (Confidential Item).*

**CARRIED 7/0**



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

#### 13.1 DEVELOPMENT APPLICATION - OUTBUILDING

**File Ref:** A731  
**Author:** Raymond Griffiths, Chief Executive Officer  
**Authoriser:** Raymond Griffiths, Chief Executive Officer  
**Applicant:** Amanda Stewart  
**Location:** 27 Moore Street, Kellerberrin  
**Attachments:** 1. Development Application (under separate cover)

#### BACKGROUND

An application has been received from Amanda Stewart for the development of an outbuilding at 27 Moore Street, Kellerberrin. The development exceeds Councils Local Planning Policy; Outbuildings, therefore requiring approval. Existing on the lot is a dwelling and an outbuilding, the existing shed will be removed and replaced by a 9x12m new outbuilding.



#### SITE

***Residential Zone***

***Coding: r5***

Site area: 1043m<sup>2</sup>



## 5.4.3 Outbuildings

P3 **Outbuildings** that do not detract from the streetscape or the visual amenity of residents or neighbouring properties.

C3 **Outbuildings** associated with a **dwelling site** address either:

- the standards for small outbuildings (A. Small outbuilding); or
- the standards for large and multiple outbuildings (B. Large and multiple outbuildings).

A. Small outbuilding	(i)	no more than one outbuilding per <b>dwelling site</b> ;
	(ii)	has no more than two <b>boundary walls</b> ;
	(iii)	does not exceed 10m <sup>2</sup> in area;
	(iv)	does not exceed a <b>wall</b> and ridge <b>height</b> of 2.7m;
	(v)	not located within the <b>primary</b> or <b>secondary street setback</b> area; and
	(vi)	does not reduce <b>open space</b> and <b>outdoor living area</b> requirements in <b>Table 1</b> .
OR		
B. Large and multiple outbuildings	(i)	individually or collectively does not exceed 60m <sup>2</sup> in area or 10 per cent in aggregate of the <b>site area</b> , whichever is the lesser;
	(ii)	set back in accordance with <b>Table 2a</b> ;
	(iii)	does not exceed a <b>wall height</b> of 2.4m;
	(iv)	does not exceed a ridge height of 4.2m;
	(v)	not located within the <b>primary</b> or <b>secondary street setback</b> area; and
	(vi)	does not reduce the <b>open space</b> and <b>outdoor living area</b> requirements in <b>Table 1</b> .

## Minimum Open Space Requirements (Table 1)

The proposal raises no POS issues.

Area of buildings proposed: 285m<sup>2</sup>

Table 1: General site requirements for all single house(s) and grouped dwellings; and multiple dwellings in areas coded less than R40

1 R-Code	2 Dwelling type	3 Minimum site area per dwelling (m <sup>2</sup> ) ◆	4 Minimum lot area/rear battleaxe (m <sup>2</sup> ) ▼	5 Minimum frontage (m) ▼	6 Open space		7 Minimum setbacks (m)		
					min total (% of site)	min outdoor living (m <sup>2</sup> )	primary street	secondary street ●	other/rear
R2	Single house or grouped dwelling	Min 5000	-	50	80	-	20	10	10
R2.5	Single house or grouped dwelling	Min 4000	-	40	80	-	15	7.5	7.5
R5	Single house or grouped dwelling	Min 2000	-	30	70	-	12	6	*6
R10	Single house or grouped dwelling	Min 875 Av 1000	925	20	60	-	7.5	3	*6
	Multiple dwelling	1000	-	-	60	-	7.5	3	*6
R12.5	Single house or grouped dwelling	Min 700 Av 800	762.5	17	55	-	7.5	2	*6
	Multiple dwelling	800	-	-	55	-	7.5	2	*6
R15	Single house or grouped dwelling	Min 580 Av 666	655	12	50	-	6	1.5	*6
	Multiple dwelling	666	-	-	50	-	6	1.5	*
R17.5	Single house or grouped dwelling	Min 500 Av 571	587.5	12	50	36	6	1.5	*
	Multiple dwelling	571	-	-	-	-	6	1.5	*
R20	Single house or grouped dwelling	Min 350 Av 450	450	10	50	30	6	1.5	*
	Multiple dwelling	450	-	-	50	-	6	1.5	*
R25	Single house or grouped dwelling	Min 300 Av 350	425	8	50	30	6	1.5	*
	Multiple dwelling	350	-	-	50	-	6	1.5	*
R30	Single house or grouped dwelling	Min 260 Av 300	410	-	45	24	4	1.5	*
	Multiple dwelling	300	-	-	45	-	4	1.5	*
R35	Single house or grouped dwelling	Min 220 Av 260	395	-	45	24	4	1.5	*
	Multiple dwelling	260	-	-	45	-	4	1.5	*
R40	Single house or grouped dwelling	Min 180 Av 220	380	-	45	20	4	1	*
R50	Single house or grouped dwelling	Min 160 Av 180	380	-	40	16	2	1	*
R60	Single house or grouped dwelling	Min 120 Av 150	380	-	40	16	2	1	*
R80	Single house or grouped dwelling	Min 100 Av 120	380	-	30	16	1	1	*

All standards for single house or grouped dwellings within R100, R160 and R-AC areas are as for the R80 Code

## Legend

◆ subject to variations permitted under clause 5.1.1 C1.4

▼ only applies to single houses

● **secondary street:** includes **communal street**, private street, **right-of-way** as street

- indicated not applicable

\* see **Tables 2a** and **2b** and clause 5.1.3

Av. average **site area**

Open Space proposed: 27%

Open Space Minimum: 30%

**Setbacks (Table 2b)**

Setback requirement Table 2a: 1.5m

Proposed: 4m and 2m

Setbacks: the side street is not considered a secondary street for the purposes of this application. Therefore the application complies with the above-mentioned standards.

**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 —

- a) the aims and provisions of this Scheme and any other local planning scheme operating within the Scheme area;
- b) the requirements of orderly and proper planning including any proposed local planning scheme or amendment to this Scheme that has been advertised under the Planning and Development (Local Planning Schemes) Regulations 2015 or any other proposed planning instrument that the local government is seriously considering adopting or approving;
- c) any approved State planning policy;
- d) any environmental protection policy approved under the Environmental Protection Act 1986 section 31(d);
- e) any policy of the Commission;
- f) any policy of the State;
- g) any local planning policy for the Scheme area;
- h) any structure plan, activity centre plan or local development plan that relates to the development;
- i) any report of the review of the local planning scheme that has been published under the Planning and Development (Local Planning Schemes) Regulations 2015;
- j) in the case of land reserved under this Scheme, the objectives for the reserve and the additional and permitted uses identified in this Scheme for the reserve;
- k) the built heritage conservation of any place that is of cultural significance;
- l) the effect of the proposal on the cultural heritage significance of the area in which the development is located;
- m) the compatibility of the development with its setting including the relationship of the development to development on adjoining land or on other land in the locality including, but not limited to, the likely effect of the height, bulk, scale, orientation and appearance of the development;
- n) the amenity of the locality including the following —
  - i. environmental impacts of the development;
  - ii. the character of the locality;
  - iii. social impacts of the development;

- o) the likely effect of the development on the natural environment or water resources and any means that are proposed to protect or to mitigate impacts on the natural environment or the water resource;
- p) whether adequate provision has been made for the landscaping of the land to which the application relates and whether any trees or other vegetation on the land should be preserved;
- q) the suitability of the land for the development taking into account the possible risk of flooding, tidal inundation, subsidence, landslip, bush fire, soil erosion, land degradation or any other risk;
- r) the suitability of the land for the development taking into account the possible risk to human health or safety;
- s) the adequacy of —
  - i. the proposed means of access to and egress from the site; and
  - ii. arrangements for the loading, unloading, manoeuvring and parking of vehicles;
- t) the amount of traffic likely to be generated by the development, particularly in relation to the capacity of the road system in the locality and the probable effect on traffic flow and safety;
- u) the availability and adequacy for the development of the following —
  - i. public transport services;
  - ii. public utility services;
  - iii. storage, management and collection of waste;
  - iv. access for pedestrians and cyclists (including end of trip storage, toilet and shower facilities);
- v) access by older people and people with disability; 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.

## **Shire of Kellerberrin Policy Manual**

### **Local Policy Outbuildings**

The Shires Local Planning Policy was set up to vary some of the standards set out in the R Codes. The relevant standards are outlined below. All other standards are outlined above in the R Code prescriptions.

## 7.0 MAXIMUM DEVELOPMENT REQUIREMENTS

### 7.1 Maximum standards for outbuildings in R-Codes areas

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

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

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

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

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

Total Area of outbuildings allowed in r5 coded zone: 10% of site area

104m<sup>2</sup>

Proposed: 108m<sup>2</sup>

Exceeding standard in Clause 7.1.1 by 4m<sup>2</sup>.

Wall Height under LPP: 3.5m

Proposed: 2.7m

Ridge Height LPP: 4.5m

Proposed: 3.8m

## 9.0 USE OF OUTBUILDINGS

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

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

## 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
- Shire of Kellerberrin - Town Planner
- Land Owner

## PLANNING ASSESSMENT

The proposal triggers the need for Council approval as the outbuilding exceeds the acceptable standards set out in the Shires Local Planning Policy by 4m<sup>2</sup>. The outbuilding raises no further planning concerns.

## STAFF RECOMMENDATION

*That Council grants conditional development approval for the construction of a shed at 27 Moore Street, Kellerberrin, that will exceed Local Planning Policy 'Outbuildings' Cl.7.1.1: Gross total allowable area of outbuildings by 4m<sup>2</sup>;*

*(150m<sup>2</sup> or 10% of site area whichever is the lesser, 104m<sup>2</sup> allowed therefore; exceeding policy by 4m<sup>2</sup>)*

### General Conditions

- i. Planning approval will expire if the development is not substantially commenced within two years of this approval;*
- ii. The endorsed approved plans shall not be altered without prior written approval of the Shire;*
- iii. The outbuilding shall be in a similar colour scheme to existing buildings on the lot;*
- iv. Use of the building shall be for domestic purposes only; and*
- v. The outbuilding shall not be used for human habitation at any given time, unless written approval has been granted by the shire.*

### Advice Notes

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

## COUNCIL RESOLUTION

MIN 178/22      MOTION - Moved Cr. Pryer      Seconded Cr. Gardiner

***That Council grants conditional development approval for the construction of a shed at 27 Moore Street, Kellerberrin, that will exceed Local Planning Policy 'Outbuildings' Cl.7.1.1: Gross total allowable area of outbuildings by 4m<sup>2</sup>;***

***(150m<sup>2</sup> or 10% of site area whichever is the lesser, 104m<sup>2</sup> allowed therefore; exceeding policy by 4m<sup>2</sup>)***

### ***General Conditions***

- i. Planning approval will expire if the development is not substantially commenced within two years of this approval;***
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- iii. The outbuilding shall be in a similar colour scheme to existing buildings on the lot;***
- iv. Use of the building shall be for domestic purposes only; and***
- v. The outbuilding shall not be used for human habitation at any given time, unless written approval has been granted by the shire.***

### ***Advice Notes***

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

**CARRIED 7/0**

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

**MIN 179/22      MOTION - Moved Cr. Reid      Seconded Cr. Ryan**

*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      Doodlakine Quarry - Lease Extension**

*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.*

**14.2      Shire of Kellerberrin - Builder/Carpenter Position**

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

**14.3      Sale of Ford Everest Trend - KE 002**

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

**CARRIED 7/0**

**MOTION**

Moved Cr. Forsyth      Seconded Cr. Pryer

That Council moves out of Closed Council into Open Council.

**MOTION****COUNCIL RESOLUTION**

**MIN 180/22      MOTION - Moved Cr. Forsyth      Seconded Cr. Leake**

*That Council considered and adopted the following confidential items;*

- 1. Doodlakine Quarry Lease renewal approved;*
- 2. Ford Everest Trend – KE002 be traded; and*
- 3. Advertise for an additional Builder/Carpenter position.*

**CARRIED 7/0**

## **15 CLOSURE OF MEETING**

**The Meeting closed at 4:49pm.**

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

.....  
**CHAIRPERSON**