



MINUTES

Ordinary Council Meeting Tuesday, 20 December 2022

Date: Tuesday, 20 December 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, 20 DECEMBER 2022 AT 2:00PM**

1 DECLARATION OF OPENING

The presiding member opened the meeting at 2:06pm

2 ANNOUNCEMENT BY PRESIDING PERSON WITHOUT DISCUSSION

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 15 NOVEMBER 2022**

File Ref: MIN
Author: Codi Brindley-Mullen, Manager of Governance
Authoriser: Raymond Griffiths, Chief Executive Officer
Attachments: 1. Minutes of the Council Meeting held on 15 November 2022

HEADING**STAFF RECOMMENDATION**

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

COUNCIL RESOLUTION

MIN 197/22 **MOTION - Moved Cr. Gardiner** **Seconded Cr. Forsyth**

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

CARRIED 7/0

6.2 MINUTES OF THE AUDIT COMMITTEE MEETING HELD ON 7 DECEMBER 2022

File Ref: MIN
Author: Codi Brindley-Mullen, Manager of Governance
Authoriser: Raymond Griffiths, Chief Executive Officer
Attachments: 1. Minutes of the Audit Committee Meeting held on 7 December 2022

HEADING**STAFF RECOMMENDATION**

That the Minutes of the Audit Committee Meeting held on 7 December 2022 be received.

COUNCIL RESOLUTION

MIN 198/22 **MOTION - Moved Cr. Ryan** **Seconded Cr. Reid**

That the Minutes of the Audit Committee Meeting held on 7 December 2022 be received.

CARRIED 7/0

0.0 MINUTES OF THE SPECIAL COUNCIL MEETING HELD ON 7 DECEMBER 2022

File Ref: MIN
Author: Codi Brindley-Mullen, Manager of Governance
Authoriser: Raymond Griffiths, Chief Executive Officer
Attachments: 1. Minutes of the Special Council Meeting held on 7 December 2022

HEADING**STAFF RECOMMENDATION**

That the Minutes of the Special Council Meeting held on 7 December 2022 be received as a true and accurate record.

COUNCIL RESOLUTION

MIN 199/22 **MOTION - Moved Cr. Gardiner** **Seconded Cr. Leake**

That the Minutes of the Special Council Meeting held on 7 December 2022 be received as a true and accurate record.

CARRIED 7/0

7 PRESENTATIONS

7.1 Petitions

7.2 Presentations

7.3 Deputations

8 REPORTS OF COMMITTEES

Nil

9 CORPORATE SERVICES REPORTS

9.1 STANDING ORDERS

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

STAFF RECOMMENDATION

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

COUNCIL RESOLUTION

MIN 200/22 MOTION - Moved Cr. Reid Seconded Cr. Leake

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.

November 2022 Council Meeting

MIN 184/22 MOTION - Moved Cr. Forsyth Seconded Cr. Leake***That Council;***

- 1. Provide a letter of in principal support to the Kellerberrin Men's Shed for the hosting of their Inaugural Western Australian Festival of Men's Sheds;***
- 2. Provide a letter of support to the Kellerberrin District High School, School Board regarding 2023 operations; and***
- 3. Acknowledge the advertising for expressions of interest for the operation of family day care services in Kellerberrin.***

October 2022 Council Meeting

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

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

CARRIED 7/0

September 2022 Council Meeting

MIN 143/22 MOTION - Moved Cr. Ryan Seconded Cr. Leake

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

CARRIED 7/0

STAFF COMMENT**November MIN 184/22**

1. Letter sent to Kellerberrin Mens Shed on 16th November 2022
2. Letter issued via email on 16th November 2022 to Department of Education, Doug Cook, Ministers, Mia Davies & Darren Legh
3. Completed and Advertised.

October MIN 165/22

Design and pricing being investigated

September MIN 143/22

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.

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 201/22

MOTION - Moved Cr. Forsyth

Seconded Cr. Pryer

That Council;

1. *Rectify Ski Lake Road with the current corrugations and pot hole;*
2. *Acknowledge communication regarding Centenary Park;*
3. *Acknowledge communication regarding RAV review requests;*
4. *Follow up on its Gravel Agreements and processes.*

CARRIED 7/0

9.3 STATUS REPORT OF ACTION SHEET

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

BACKGROUND

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

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

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

STAFF COMMENT

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

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

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

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

TEN YEAR FINANCIAL PLAN

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

FINANCIAL IMPLICATIONS

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

STATUTORY IMPLICATIONS

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 202/22 MOTION - Moved Cr. Pryer Seconded Cr. Gardiner

That Council receive the status report.

CARRIED 7/0

9.4 COMMON SEAL REGISTER AND REPORTING

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

BACKGROUND

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

STAFF COMMENT

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

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

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

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

TEN YEAR FINANCIAL PLAN

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

FINANCIAL IMPLICATIONS

There are no financial impacts.

STATUTORY IMPLICATIONS

Shire of Kellerberrin Standing Orders Local Law 2016

Clause 19.1 The Council's Common Seal

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

Penalty \$1,000

STRATEGIC COMMUNITY PLAN

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

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

COMMUNITY CONSULTATION

The following consultation took place;

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

STAFF RECOMMENDATION

That Council acknowledge that the Shire of Kellerberrin's Common Seal was one affixed to any documents in this quarter.

COUNCIL RESOLUTION

MIN 203/22

MOTION - Moved Cr. Leake

Seconded Cr. Reid

That Council acknowledge that the Shire of Kellerberrin's Common Seal was one affixed to any documents in this quarter.

CARRIED 7/0

9.5 ANNUAL REPORT/ANNUAL FINANCIAL REPORT AUDIT RESULTS FOR THE YEAR ENDING 30 JUNE 2022**File Ref:** FIN21**Author:** Raymond Griffiths, Chief Executive Officer**Authoriser:** Raymond Griffiths, Chief Executive Officer**Attachments:**

1. Financial Statements (under separate cover)
2. Management Letter (under separate cover)
3. Audit Opinion (under separate cover)
4. Letter to President (under separate cover)

BACKGROUNDCouncils Audit Committee Meeting – 7th December 2022**MIN 001/22 MOTION - Moved Cr. Leake Seconded Cr. Gardiner*****That the Audit Committee recommends to Council that it;***

- 1. accepts the 2021/2022 Annual Report (Attachment A);***
- 2. accepts the 2021/2022 Annual Financial Report including Auditors Report and Audit Management Report as per the attached documentation (Attachment B);***
- 3. endorses the Management comments listed within the Management Letter and additional comments provided within the agenda;***
- 4. note that it has met the requirements of section 7.12A(2) of the Local Government Act with the Audit Committee, on behalf of Council, having met with a representative of the Office of the Auditor General; and***
- 5. Determine that the annual general electors' meeting be held on Wednesday, 8th February 2023 commencing at 7:00pm in the Crèche at the Kellerberrin Recreation and Leisure Centre.***

CARRIED 7/0Councils Ordinary Council Meeting – 19th July 2022**MIN 100/22 MOTION - Moved Cr. Forsyth Seconded Cr. Gardiner*****That Council endorse the findings and management comments to the Interim Audit Report as presented by staff.*****CARRIED 7/0**Councils July 2022 Audit Committee Meeting – 19th July 2022**MIN 005/22 MOTION - Moved Cr. Leake Seconded Cr. Ryan*****That the Audit Committee:***

- 1. Endorse the findings and management comments to the Interim Audit Report as presented by staff; and***
- 2. Recommend to Council that the findings and management comments to the Interim Audit Report be endorsed.***

CARRIED 7/0

This report presents the Shire of Kellerberrin 2021-22 Annual Report (Annual Report) for Council acceptance in accordance with the *Local Government Act 1995* (the Act) and seeks endorsement of a date for the holding of the annual general electors' meeting.

The Shire produces an annual report of activities at the conclusion of each financial year, in accordance with the requirements of the Act, as outlined in the Statutory Implications section of this report.

The Shire's Annual Report provides information about the Shire's progress over the financial year in respect of its priorities, as outlined in the Corporate Business Plan; which contribute to achievement of the goals and aspirations contained in the Strategic Community Plan.

STAFF COMMENT

On Friday, 2nd December 2022 the Chief Executive Officer, Manager of Governance, Senior Finance Officer and Cr Emily Ryan (Audit Committee) attended (via phone) the Final Audit exit interview. The OAG has since provided their audit report, opinion and signed Annual Financial Statements Friday, 5th December 2022 which is attached to this report.

Please find below the Management Letter issued to the Shire of Kellerberrin on completion of the 2021/2022 Annual Audit;

INDEX OF FINDINGS	RATING		
	Significant	Moderate	Minor
Current year issues			
1. Fair value of land and building and infrastructure assets	✓		
2. Variance between purchase order value and invoice value		✓	
Prior year issues			
3. Monthly reconciliations		✓	
4. Contract price variations		✓	
5. IT Security policy and user access rights		✓	
6. Annual financial report		✓	

1. Fair value of land and buildings and infrastructure assets - frequency of valuations

Finding

The Shire has performed an assessment to determine whether its land and buildings, roads, drainage and footpaths infrastructure assets represent fair value. This assessment has relied on the Shire's internal assessment by management of the current market conditions. Although the high level assessment indicated there could be significant movements or impacts on its land and buildings, roads, drainage and footpaths infrastructure assets, management advised that they are comfortable with the value of the land and buildings and infrastructure assets as at 30 June 2022 and that they did not consider any potential change in fair value to be material.

Rating: Significant

Implication

Without a robust assessment of fair value of Shire's land and buildings and infrastructure assets there is a risk that the fair value of land and buildings and infrastructure assets may not have been assessed adequately and in compliance with *AASB 13 Fair Value Measurement*, as well as Regulation 17A(4)(b) of the Local Government (Financial Management) Regulations 1996 (the Regulations).

Recommendation

The Shire consider implementing as part of the preparation of financial statements a formal robust process to determine whether indicators exist that would trigger a requirement to perform a formal revaluation of land and buildings and infrastructure assets. This process is to ensure that the Shire's land and buildings and infrastructure assets are recorded at fair value in compliance with *AASB 13 Fair Value Measurement* and the Regulations.

This may entail obtaining relevant input from an independent valuer as to whether or not they consider there are any prevailing market factors which may indicate that the fair value of relevant assets are likely to have been impacted to any significant / material extent from the prior year. Where a fair value assessment has been performed internally the Shire may consider having this assessment peer reviewed by an independent valuer to obtain assurance over the valuation methodology applied, inputs and the reasonableness of the valuation model applied.

Management comment

Management have noted the recommendation and will take into consideration prior to preparing the Annual Financial Report for each financial year.

Additional Commentary

This item has been raised with every Council. The advice to Council is that this has been raised due to the inflation rate (CPI) and the fact our assets may be undervalued due to this. However the CPI figure at June 2022 wasn't significant.

2. Variance between purchase order value and invoice value**Finding**

We noted that there were variances of more than 10% between purchase order value and the related invoice value in six out of 24 purchase transactions we tested.

Rating: Moderate**Implication**

Discrepancies between prices and quantities agreed upon with the supplier and actual prices and quantities charged by the supplier could go undetected resulting in financial losses to the Shire.

Recommendation

Management should raise an amended purchase order properly authorised by the responsible purchasing officer to ensure it aligns with the invoice value if the management concurs with the prices and quantities reflected in the invoice and the explanations for the adjustment.

Management comment

Councils Management feels that making commentary on the bottom of the original purchase order advising as to why the invoice is more than 10% above or below the purchase order and then signing the bottom of the purchase order authorising the invoice for payment would be sufficient.

Responsible person: Manager of Governance

Completion date: 30 June 2022

Additional Commentary

A new process has been put in place, which the auditors have approved. This process has been in operation since the completion of the Interim Audit.

3. Monthly reconciliations**Status in 2022**

Out of a sample of 24 pay periods selected for testing the following was identified:

- there was no evidence that payroll reconciliations had been performed for 10 pay periods
- there was no evidence of a review for four pay periods where a reconciliation had been performed
- for two pay periods where a reconciliation had been performed the reviewer had not indicated the date of review.

Monthly creditor reconciliations were not dated by the reviewer for July 2021 and September 2021 through to February 2022.

Finding in 2021

We noted the following in relation to monthly reconciliations:

- payroll - reconciliation between the payroll reports and the general ledger had not been performed since the new payroll system Altus was introduced in November 2020
- bank – although review sign off was evident it's unclear the date the review took place
- Investments – although review sign off was evident it's unclear the date the review took place.

Rating: Moderate**Implication**

In the absence of monthly reconciliations being performed or evidence to confirm the review was undertaken in a timely manner, posting errors in the general ledger (if any) may not be detected. This could have various consequences including misreporting to Council and in the annual financial report.

Recommendation

Monthly reconciliations should be prepared and reviewed in a timely manner. Evidence to support the timely preparation and review should be documented on the reconciliation.

Management comment 2021

Council's Management acknowledges that the payroll reconciliation hasn't been completed on a fortnightly basis since the operation of a new Payroll system being Altus. It will also acknowledge that this was a formal procedure that occurred every fortnight and has now been re-established with a new formulated spreadsheet for fortnightly processing. The gap was due to ironing out all the issues presented by the new system.

Council acknowledges that no dates were provided adjacent to the signature for the Bank Reconciliations or the Investment Register. This process has now been rectified.

Responsible person: Deputy Chief Executive Officer

Completion date: 30 June 2021

Management comment 2022

This item has been raised with staff and a new reconciliation sheet has been prepared for signing to deal with Management not dating their review of the reconciliation.

Council's Management has met with all staff and requested a new procedure be produced for management review for reconciliations and end of month procedures to alleviate the above occurring again.

Responsible person: Manager of Governance

Completion date: 31 July 2022

Additional Commentary

A new procedure has been implemented and all reconciliations are being completed in a timely manner and are dated for referencing that timeliness.

4. Contract price variations**Status in 2022**

The Shire has since adopted a contract management policy. However, it does not specify the delegation thresholds as recommended.

Finding 2021

We noted that there are no limits on the delegations for entering into contract variations. Paragraph 21A of the Local Government (Functions and General) Regulations 1996, allows local governments to make variations to the original contract price under certain circumstances.

Rating: Moderate**Implication**

In the absence of management approved thresholds for variations to contracts, there is a greater risk that contract variations are approved by staff who do not have the necessary skills of knowledge of the contract and could result in the Shire not obtaining value for money.

Recommendation

We recommend that delegation thresholds be established that specify which staff/positions can approve contract variations, based on value and/or the type of contract.

Management comment 2021

New Procurement Policy was recently endorsed by Council. When Council review the delegations register next it will take into consideration the delegation of Contract Variations.

Responsible person: Chief Executive Officer

Completion date: 31 July 2021

Management comment 2022

Council will review the policy to incorporate delegated authority to the CEO for a limit of variations.

Responsible person: Manager of Governance

Completion date: 31 December 2022

Additional Comments

Council adopted an amended purchasing policy in July 2022 ensuring this item was handled.

5. IT security policy and user access rights**Status in 2022**

The finding remains outstanding at the time of the interim audit being undertaken.

Finding in 2021

We noted that the Shire does not have a formal Information Technology (IT) Security Policy. Furthermore, there's no formal process to review user access rights and privileges in the system to ensure they're in line with the responsibilities of individual staff member's roles/positions.

Rating: Moderate**Implication**

In the absence of a formal IT Security Policy, management and users will not have guidance as to what constitutes best practice in relation to IT security. The lack of a formal process to review user access rights and privileges to the system increases the risk of unauthorised access to the system which could compromise data integrity.

Recommendation

The Shire should develop a formal IT Security Policy and ensure user access rights are periodically reviewed to ensure they're in line with individual staff roles and responsibilities.

Management comment 2021

Council's Management will take this item on board and look to implement a policy for Council.

Responsible person: Chief Executive Officer

Completion date: 31 October 2021

Management comment 2022

Council adopted a policy for this in June 2022.

Responsible person: Manager of Governance

Completion date: 21 June 2022

Additional Comments

No change to interim audit comments as a new policy adopted in June 2022.

6. Annual Financial Report**Status in 2022**

The Shire received the 30 June 2021 audit report on 8 December 2021, but it was submitted to the Departmental CEO only on 8 February 2022.

Finding in 2021

In accordance with Regulation 51(2) Local Government (Financial Management) Regulations 1996, a copy of the annual financial report of the local government should be submitted to the Departmental CEO within 30 days of the receipt by the local government's CEO of the auditor's report on that financial report. The Shire received the 30 June 2020 audit report on 16 December 2020, but it was only submitted to the Departmental CEO on 23 March 2021.

Rating: Minor**Implication**

Non-compliance with Regulation 51(2) Local Government (Financial Management) Regulations 1996.

Recommendation

The Shire should submit the annual financial report to the Departmental CEO within 30 days of receipt of the auditor's report on that financial report.

Management comment 2021

Council's Management understands this process and the requirement to have this lodged within 30 days, however with new staff and learning the roles this unfortunately was missed.

Responsible person: Deputy Chief Executive Officer

Completion date: 30 June 2021

Management comment 2022

The process has been placed into Council compliance calendar program (Attain) so that it provides weekly updates after the deadline reminding officers to complete this process.

Responsible person: Manager of Governance

Completion date: 31 March 2022

Additional Comments

New procedure introduced to ensure this compliance matter is met each year

FINANCIAL IMPLICATIONS

There are no financial implications associated with the officer recommendation.

POLICY IMPLICATIONS

There are no relevant plans or policies to consider in relation to this matter.

STATUTORY IMPLICATIONS

Local Government Act 1995 (As Amended)

5.27. Electors' general meetings

- (1) A general meeting of the electors of a district is to be held once every financial year.
- (2) A general meeting is to be held on a day selected by the local government but not more than 56 days after the local government accepts the annual report for the previous financial year.
- (3) The matters to be discussed at general electors' meetings are to be those prescribed.

5.54. Acceptance of annual reports

- (1) Subject to subsection (2), the annual report for a financial year is to be accepted* by the local government no later than 31 December after that financial year.

** Absolute majority required.*

- (2) If the auditor's report is not available in time for the annual report for a financial year to be accepted by 31 December after that financial year, the annual report is to be accepted by the local government no later than 2 months after the auditor's report becomes available.

[Section 5.54 amended by No. 49 of 2004 s. 49.]

5.55. Notice of annual reports

The CEO is to give local public notice of the availability of the annual report as soon as practicable after the report has been accepted by the local government.

Division 4 — General

7.12A. Duties of local government with respect to audits

- (1) A local government is to do everything in its power to —
 - (a) assist the auditor of the local government to conduct an audit and carry out his or her other duties under this Act in respect of the local government; and
 - (b) ensure that audits are conducted successfully and expeditiously.
- (2) Without limiting the generality of subsection (1), a local government is to meet with the auditor of the local government at least once in every year.
- (3) A local government is to examine the report of the auditor prepared under section 7.9(1), and any report prepared under section 7.9(3) forwarded to it, and is to —
 - (a) determine if any matters raised by the report, or reports, require action to be taken by the local government; and
 - (b) ensure that appropriate action is taken in respect of those matters.
- (4) A local government is to —
 - (a) prepare a report on any actions under subsection (3) in respect of an audit conducted in respect of a financial year; and
 - (b) forward a copy of that report to the Minister,

by the end of the next financial year, or 6 months after the last report prepared under section 7.9 is received by the local government, whichever is the latest in time.

[Section 7.12A inserted by No. 49 of 2004 s. 8.]

Local Government (Financial Management) Regulations 1996

51. Completion of financial report

- (1) After the annual financial report has been audited in accordance with the Act the CEO is to sign and append to the report a declaration in the form of Form 1.
- (2) A copy of the annual financial report of a local government is to be submitted to the Departmental CEO within 30 days of the receipt by the local government's CEO of the auditor's report on that financial report.

[Regulation 51 amended in Gazette 18 Jun 1999 p. 2639; 20 Jun 2008 p. 2726.]

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
- Office of Auditor General

STAFF RECOMMENDATION

That Council;

1. *accepts the 2021/2022 Annual Report (Attachment A);*
2. *accepts the 2021/2022 Annual Financial Report including Auditors Report and Audit Management Report as per the attached documentation (Attachment B);*
3. *endorses the Management comments listed within the Management Letter and additional comments provided within the agenda;*
4. *note that it has met the requirements of section 7.12A(2) of the Local Government Act with the Audit Committee, on behalf of Council, having met with a representative of the Office of the Auditor General; and*
5. *Determine that the annual general electors' meeting be held on Wednesday, 8th February 2023 commencing at 7:00pm in the Crèche at the Kellerberrin Recreation and Leisure Centre..*

COUNCIL RESOLUTION**MIN 204/22****MOTION - Moved Cr. Reid****Seconded Cr. Ryan*****That Council;***

- 1. accepts the 2021/2022 Annual Report (Attachment A);***
- 2. accepts the 2021/2022 Annual Financial Report including Auditors Report and Audit Management Report as per the attached documentation (Attachment B);***
- 3. endorses the Management comments listed within the Management Letter and additional comments provided within the agenda;***
- 4. note that it has met the requirements of section 7.12A(2) of the Local Government Act with the Audit Committee, on behalf of Council, having met with a representative of the Office of the Auditor General; and***
- 5. Determine that the annual general electors' meeting be held on Wednesday, 8th February 2023 commencing at 7:00pm in the Crèche at the Kellerberrin Recreation and Leisure Centre.***

CARRIED 7/0**BY ABSOLUTE MAJORITY**

9.6 RISK REGISTER REVIEW

File Ref: ADM 60
Author: Raymond Griffiths, Chief Executive Officer
Authoriser: Raymond Griffiths, Chief Executive Officer
Attachments: 1. Risk Register (under separate cover)

BACKGROUND

Council's Audit Committee Meeting – 7th December 2022

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

That the Audit Committee recommends to Council that;

- 1. Receives the updated Risk Review spreadsheet as presented;*
- 2. Notes the Actions required and proposed timeframes; and*
- 3. Removes the completed actions from the Register into Completed items spreadsheet.*

CARRIED 6/0

Council's July Ordinary Council Meeting – 19th July 2022

MIN 101/22 MOTION - Moved Cr. Steber Seconded Cr. Reid

That Council;

- 1. Receives the updated Risk Review spreadsheet as presented;*
- 2. Notes the Actions required and proposed timeframes; and*
- 3. Removes the completed actions from the Register into Completed items spreadsheet.*

CARRIED 7/0

Council's July Audit Committee Meeting – 19th July 2022

MIN 006/22 MOTION - Moved Cr. Leake Seconded Cr. Gardiner

That the Audit Committee recommends to Council that;

- 1. Receives the updated Risk Review spreadsheet as presented;*
- 2. Notes the Actions required and proposed timeframes; and*
- 3. Removes the completed actions from the Register into Completed items spreadsheet.*

CARRIED 7/0

The CEO is required to undertake a review of the appropriateness and effectiveness of financial systems and risk management, internal control and legislative compliance every three years as part of this review an external consultant to review the operations of Council as per Regulation 17.

STAFF COMMENT

Please note below the commentary on actions completed on the Risk Register.

Please note the following items remain outstanding on the Register:

Item Number	Source Document	Risk Assessment Category	Risk Issue and Failure Modes
1	Reg 17 Review (2021)	Risk Management Framework	We acknowledge that a Strategic Risk Report and Operating Risk Report for the period ended 31st March 2017 (the "reports") was prepared indicating that a risk assessment had been previously conducted, however perusal of the reports identified that risks had not been re-assessed on a periodic basis with completion dates noted as 2018 and risks were generic in nature.
2	Reg 17 Review (2021)	Contract Management	There is no contract management framework in place for Formal Risk Assessment, Formal Contract Review and no register of contractors
13	Reg 17 Review (2021)	Outdated Plans and Reports	Local Emergency Management Arrangements Plan dated 9 May 2018 of more than 2.5 years old;
14	Reg 17 Review (2021)	Outdated Plans and Reports	Corporate Business Plan dated 2016 of more than 4 years old; and
15	Reg 17 Review (2021)	Outdated Plans and Reports	Long Term Financial Plan dated 20 September 2016 of more than 4.5 years old.
24	OAG Interim Audit 2021	Contract Variations	There are no limits on the delegations for entering into contract variations. Paragraph 21A of the Local Government (Functions and General) Regulations 1996, allows local governments to make variations to the original contract price under certain circumstances.
38	OAG Annual Audit	Variance between purchase orders and invoice value	It was noted that there were variances of more than 10% between purchase order value and the related invoice value in 6 out of 24 transactions.

Councils Management is working through the outstanding items and provide the below update;

Item No	Risk Issue	Status
1	We acknowledge that a Strategic Risk Report and Operating Risk Report for the period ended 31st March 2017 (the "reports") was prepared indicating that a risk assessment had been previously conducted, however perusal of the reports identified that risks had not been re-assessed on a periodic basis with completion dates noted as 2018 and risks were generic in nature.	Reg 17 has been reviewed, staff need to ensure that what has been completed adheres to the requirements prior to finalising this outstanding item.
2	There is no contract management framework in place for Formal Risk Assessment, Formal Contract Review and no register of contractors	Still to be completed.
13	Local Emergency Management Arrangements Plan dated 9 May 2018 of more than 2.5 years old;	
14	Corporate Business Plan dated 2016 of more than 4 years old; and	The CBP will be completed once the SCP is complete
15	Long Term Financial Plan dated 20 September 2016 of more than 4.5 years old.	The LTFP will be completed by internal staff and external consultant. The Long Term Financial Plan is planned for presentation to the February 2023 Council meeting.
38	It was noted that there were variances of more than 10% between purchase order value and the related invoice value in 6 out of 24 transactions.	Management recommendation has been presented to auditor to sign off on. Councils staff have prepared a prepared a new procedure and incorporated this into our processes at the 6 th October 2022.

TEN YEAR FINANCIAL PLAN

Nil known at this time.

FINANCIAL IMPLICATIONS

Nil known at this time.

STATUTORY IMPLICATIONS

Regulation 17 of the Local Government (Audit) Regulations 1996 directs the Chief Executive Officer (CEO) to review the appropriateness and effectiveness of a local government's systems and

procedures in relation to risk management; internal control and legislative compliance once every 3 financial years and to report the results of the review to the Audit Committee.

Regulation 5(2)(c) of the Local Government (Financial Management) Regulations 1996 directs the CEO undertake reviews of the appropriateness and effectiveness of the financial management systems and procedures of the local government regularly (and not less than once in every 3 financial years) and report to the local government the results of those reviews.

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
- Internal Staff.

STAFF RECOMMENDATION

That Council;

1. *Receives the updated Risk Review spreadsheet as presented;*
2. *Notes the Actions required and proposed timeframes; and*
3. *Removes the completed actions from the Register into Completed items spreadsheet.*

COUNCIL RESOLUTION

MIN 205/22

MOTION - Moved Cr. Gardiner

Seconded Cr. Forsyth

That Council;

1. *Receives the updated Risk Review spreadsheet as presented;*
2. *Notes the Actions required and proposed timeframes; and*
3. *Removes the completed actions from the Register into Completed items spreadsheet.*

CARRIED 7/0

9.7 ASSET MANAGEMENT PLAN (AMP) REVIEW 2022

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

BACKGROUND

Council's September Ordinary Council Meeting – 20th September 2022

MIN 156/22 MOTION - Moved Cr. Forsyth Seconded Cr. Leake

That Council adopt the 2022 Strategic Community Plan 2022-2032 as shown in Attachment A.

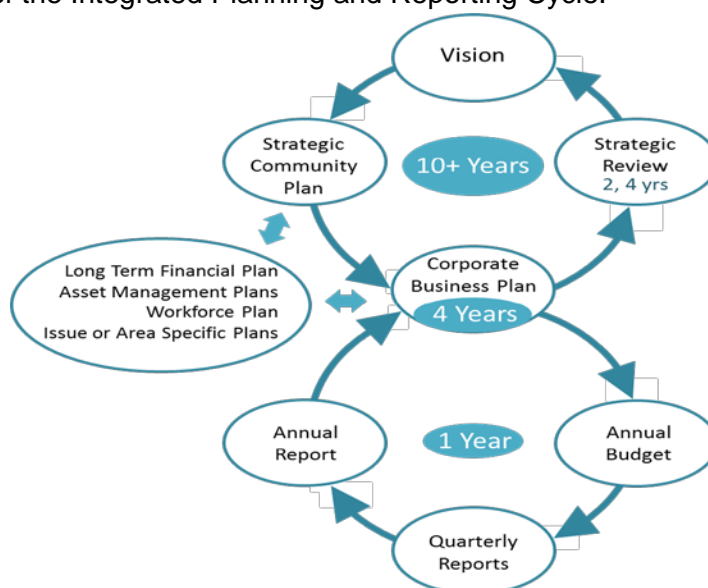
CARRIED 7/0

BY ABSOLUTE MAJORITY

The Asset Management Plan identifies the required asset renewals to maintain and/or increase the Shire's level of service to the community and is therefore an integral part of the Long Term Financial Plan. The plan spans 15 years and a whole of life view is taken to operational, maintenance, renewal and acquisition plans and funding levels, ensuring that assets deliver the required levels of service. Levels of service and risks are considered in the development of operational, maintenance, renewal and acquisition plans and the performance of assets are measured and reported as appropriate.

Under section 5.56 of the Local Government Act 1995 a local government is to have a plan for the future. While this Plan for Future only requires the Community Strategic Plan and the Corporate Business Plan, both Long Term Financial Plans and Asset Management Plans are required to calculate key asset financial ratios which are included as part of the Shire's annual audit process. The core components of the Integrated Planning and Reporting Framework (IPRF) consist of the Strategic Community Plan, Corporate Business Plan, Long Term Financial Plan Asset Management Plans, Workforce plans, Area Specific Plans and the Annual Budget.

Below is an outline of the Integrated Planning and Reporting Cycle.



STAFF COMMENT

The primary purpose of this Asset Management Plan is to ensure that assets provide their required levels of service in the most cost effective manner to cater for both the present and future community. This Asset Management Plan has been prepared to assist Council's long term financial planning and support the delivery of Council services to the community through its infrastructure including buildings, roads, bridges, footpaths, drainage, parks and recreation facilities, airfield and other infrastructure.

The Asset Management Plan covers the period from adoption to 30th June 2035.

The primary objective of this plan is to ensure the current assets owned and operated by the Shire of Kellerberrin are managed in terms of ongoing maintenance, renewal activity and expenditure, such that all desired levels of service are met now and into the future.

Generally speaking, the cost of maintaining an asset decreases with planned maintenance rather than unplanned maintenance, however, excessive planned maintenance increases costs. An objective of asset management is to strategically time infrastructure renewals before unplanned maintenance costs become excessive, but not so soon that assets are renewed before it is really needed. Council's goal in managing assets is to meet the required levels of service in the most cost effective manner for present and future customers.

To achieve this objective, a number of goals have been identified, in line with Council's strategic vision, including:

- the effective management of Council's assets in line with corporate policies, strategies and objectives, statutory and legislative requirements and regulations.
- ensuring that assets are safe, appropriately accessible, well maintained and meet customers' needs in a manner that is sustainable.
- recognising appropriate levels and sources of capital investment required to meet Council's asset renewal and replacement needs.
- maximising the service potential of current assets by ensuring they are used and maintained appropriately.
- achieving better value for money through evaluation processes that consider lifecycle costing.
- minimising Council's exposure to risk as a result of asset failures.

TEN YEAR FINANCIAL PLAN

Budgets 2022/2023 – 2032/2035

FINANCIAL IMPLICATIONS

The Shire of Kellerberrin's Asset Management Plan 2021–2035 is an informing document for the preparation of Council's annual budget and long term financial plan, ensuring long term sustainability of funding decisions of Council.

STATUTORY IMPLICATIONS

Local Government Act 1995

5.56. Planning for the future

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

[Section 5.56 inserted by No. 49 of 2004 s. 42(6).]

Local Government (Administration) Regulations 1996**Part 5 — Annual reports and planning**

[Heading inserted in Gazette 26 Aug 2011 p. 3482.]

Division 1 — Preliminary

[Heading inserted in Gazette 26 Aug 2011 p. 3482.]

19BA. Terms used

In this Part —

corporate business plan means a plan made under regulation 19DA that, together with a strategic community plan, forms a plan for the future of a district made in accordance with section 5.56;

strategic community plan means a plan made under regulation 19C that, together with a corporate business plan, forms a plan for the future of a district made in accordance with section 5.56.

[Regulation 19BA inserted in Gazette 26 Aug 2011 p. 3482-3.]

Division 3 — Planning for the future

[Heading inserted in Gazette 26 Aug 2011 p. 3483.]

19C. Strategic community plans, requirements for (Act s. 5.56)

- (1) A local government is to ensure that a strategic community plan is made for its district in accordance with this regulation in respect of each financial year after the financial year ending 30 June 2013.
- (2) A strategic community plan for a district is to cover the period specified in the plan, which is to be at least 10 financial years.
- (3) A strategic community plan for a district is to set out the vision, aspirations and objectives of the community in the district.
- (4) A local government is to review the current strategic community plan for its district at least once every 4 years.
- (5) In making or reviewing a strategic community plan, a local government is to have regard to —
 - (a) the capacity of its current resources and the anticipated capacity of its future resources; and
 - (b) strategic performance indicators and the ways of measuring its strategic performance by the application of those indicators; and
 - (c) demographic trends.
- (6) Subject to subregulation (9), a local government may modify its strategic community plan, including extending the period the plan is made in respect of.
- (7) A council is to consider a strategic community plan, or modifications of such a plan, submitted to it and is to determine* whether or not to adopt the plan or the modifications.
*Absolute majority required.
- (8) If a strategic community plan is, or modifications of a strategic community plan are, adopted by the council, the plan or modified plan applies to the district for the period specified in the plan.

- (9) A local government is to ensure that the electors and ratepayers of its district are consulted during the development of a strategic community plan and when preparing modifications of a strategic community plan.
- (10) A strategic community plan for a district is to contain a description of the involvement of the electors and ratepayers of the district in the development of the plan or the preparation of modifications of the plan.

[Regulation 19C inserted in Gazette 26 Aug 2011 p. 3483-4.]

19DA. Corporate business plans, requirements for (Act s. 5.56)

- (1) A local government is to ensure that a corporate business plan is made for its district in accordance with this regulation in respect of each financial year after the financial year ending 30 June 2013.
- (2) A corporate business plan for a district is to cover the period specified in the plan, which is to be at least 4 financial years.
- (3) A corporate business plan for a district is to —
 - (a) set out, consistently with any relevant priorities set out in the strategic community plan for the district, a local government's priorities for dealing with the objectives and aspirations of the community in the district; and
 - (b) govern a local government's internal business planning by expressing a local government's priorities by reference to operations that are within the capacity of the local government's resources; and
 - (c) develop and integrate matters relating to resources, including asset management, workforce planning and long-term financial planning.
- (4) A local government is to review the current corporate business plan for its district every year.
- (5) A local government may modify a corporate business plan, including extending the period the plan is made in respect of and modifying the plan if required because of modification of the local government's strategic community plan.
- (6) A council is to consider a corporate business plan, or modifications of such a plan, submitted to it and is to determine* whether or not to adopt the plan or the modifications.
*Absolute majority required.
- (7) If a corporate business plan is, or modifications of a corporate business plan are, adopted by the council, the plan or modified plan applies to the district for the period specified in the plan.

[Regulation 19DA inserted in Gazette 26 Aug 2011 p. 3484-5.]

19DB. Transitional provisions for plans for the future until 30 June 2013

- (1) In this regulation —
former regulation 19C means regulation 19C as in force immediately before 26 August 2011 and continued under subregulation (2);
former regulation 19D means regulation 19D as in force immediately before 26 August 2011;
plan for the future means a plan for the future of its district made by a local government in accordance with former regulation 19C.
- (2) Except as stated in this regulation, former regulation 19C continues to have effect on and after 26 August 2011 until this regulation expires under subregulation (7).
- (3) A local government is to ensure that a plan for the future applies in respect of each financial year before the financial year ending 30 June 2014.
- (4) A local government is not required to review a plan for the future under former regulation 19C(4) on or after 26 August 2011.
- (5) If, for the purposes of complying with subregulation (3), a local government makes a new plan for the future, local public notice of the adoption of the plan is to be given in accordance with former regulation 19D.

- (6) If a local government modifies a plan for the future under former regulation 19C(4), whether for the purposes of complying with subregulation (3) or otherwise —
- (a) the local government is not required to comply with former regulation 19C(7) or (8) in relation to the modifications of the plan; and
 - (b) local public notice of the adoption of the modifications of the plan is to be given in accordance with former regulation 19D.
- (7) This regulation expires at the end of 30 June 2013.

[Regulation 19DB inserted in Gazette 26 Aug 2011 p. 3485-6.]

19D. Adoption of plan, public notice of to be given

- (1) After the adoption of a strategic community plan, or modifications of a strategic community plan, under regulation 19C, the local government is to give local public notice in accordance with subregulation (2).
- (2) The local public notice is to contain —
- (a) notification that —
 - (i) a strategic community plan for the district has been adopted by the council and is to apply to the district for the period specified in the plan; and
 - (ii) details of where and when the plan may be inspected;
 - or
 - (b) where a strategic community plan for the district has been modified —
 - (i) notification that the modifications to the plan have been adopted by the council and the plan as modified is to apply to the district for the period specified in the plan; and
 - (ii) details of where and when the modified plan may be inspected.

[Regulation 19D inserted in Gazette 31 Mar 2005 p. 1033-4; amended in Gazette 26 Aug 2011 p. 3486.]

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;

- Manager of Governance
- Finance Consultant – Martin Whitely
- Community members
- Councillors

STAFF RECOMMENDATION

That Council adopt the Asset Management Plan 2022-2035 as per attached document, as shown in Attachment A.

COUNCIL RESOLUTION

MIN 206/22

MOTION - Moved Cr. Gardiner

Seconded Cr. Leake

That Council adopt the Asset Management Plan 2022-2035 as per attached document, as shown in Attachment A.

CARRIED 7/0

BY ABSOLUTE MAJORITY

9.8 BUSINESS CONTINUITY AND DISASTER RECOVERY PLAN**File Ref:** ADM**Author:** Codi Brindley-Mullen, Manager of Governance**Authoriser:** Raymond Griffiths, Chief Executive Officer**Attachments:** 1. **REVIEW - Business Continuity and Disaster Recovery Plan (under separate cover)****BACKGROUND**

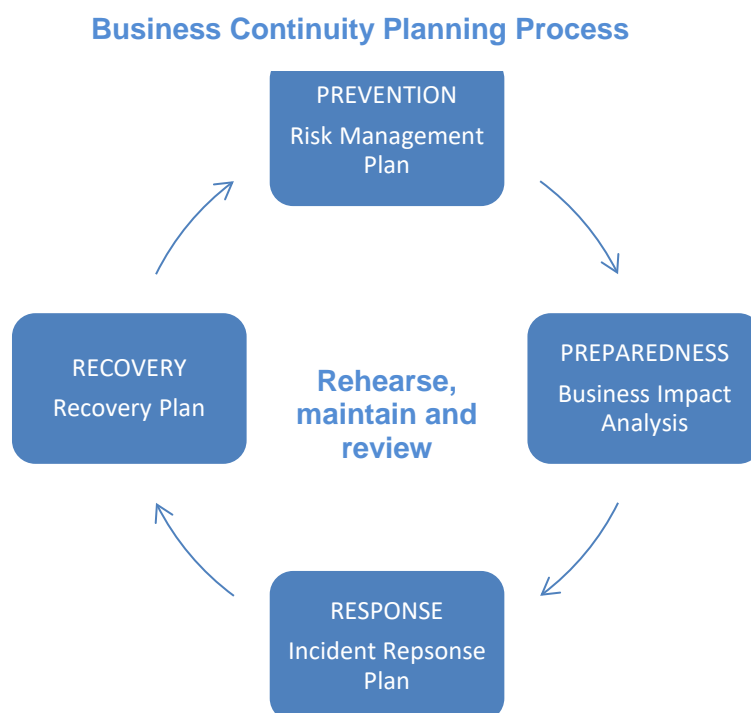
The Shire of Kellerberrin as with all Local Governments and Businesses are required to have a Business Continuity Plan in place to ensure the continuation of the business during any event that results in disruption to normal operational capability. Business Continuity Management (BCM) is critical to responsible management practice and an important element in the Shire's integrated approach to risk management.

Business Continuity Management deals specifically with business disruption risks.

The Shire of Kellerberrin recognises that some events may exceed the capacity of routine management methods and structure. The policy and Plan aim to provide a mechanism for the development of contingent capacity and plans that will enable management to focus on maintaining and resuming the Shire's most critical functions; whilst working in a planned way toward eventual restoration of operations and ensuring unaffected operations are able to continue.

The document is prepared considering the below;

This document incorporates the Prevention, Preparedness, Response and Recovery (PPRR) framework. Each of the four key elements is represented by a part in the Business Continuity Planning Process.



- **PREVENTION - Risk Management Planning**
 - Incorporates the Prevention element that identifies and manages the likelihood and/or effects of risk associated with an incident.
- **PREPAREDNESS - Business Impact Analysis**
 - Incorporates the Preparedness element that identifies and prioritises the key activities of a business that may be adversely affected by any disruptions.
- **RESPONSE – Incident Response Planning**
 - Incorporates the Response element and outlines immediate actions taken to respond to an incident in terms of containment, control and minimising impacts.
- **RECOVERY - Recovery Planning**
 - Incorporates the Recovery element that outlines actions taken to recover from an incident in order to minimise disruption and recovery times.

STAFF COMMENT

The Shire of Kellerberrin has maintained a Business Continuity Plan and is required to ensure the information is maintained to be relevant and up to date.

TEN YEAR FINANCIAL PLAN

Nil known at this time.

FINANCIAL IMPLICATIONS

Nil known at this time.

STATUTORY IMPLICATIONS

NIL

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 adopt the Business Continuity and Disaster Recovery Plan 2022 as presented.

COUNCIL RESOLUTION

MIN 207/22

MOTION - Moved Cr. Gardiner

Seconded Cr. Forsyth

That Council adopt the Business Continuity and Disaster Recovery Plan 2022 as presented.

CARRIED 7/0

9.9 DIRECT DEBIT LIST AND VISA CARD TRANSACTIONS - NOVEMBER 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 November 2022.

Municipal Direct Debit List				
Date	Name	Details	\$	Amount
1-Nov-22	NAB	Merchant Fees - Trust		3.65
1-Nov-22	NAB	Merchant Fees - Caravan Park		77.94
1-Nov-22	NAB	Merchant Fees - Muni		109.50
1-Nov-22	NAB	Merchant Fees - CRC		269.58
4-Nov-22	Shire of Kellerberrin	Creditors		464,456.44
7-Nov-22	Department of Transport	Vehicle Inspection Fees		94.20
7-Nov-22	NAB	NAB Connect Fee		63.98
8-Nov-22	Department of Communities	Rent		420.00
10-Nov-22	Shire of Kellerberrin	Precision Superannuation		11,292.84
10-Nov-22	Shire of Kellerberrin	Pay Run		68,931.69
10-Nov-22	OEM Group	Parts Spit Water Steam Cleaner		524.82
11-Nov-22	Jason Ames	Pay Run (Incorrect Bank Account Supplied)		527.14
16-Nov-22	Commonwealth Bank of Australia	Transfer to Investment Account		1,000,000.00
17-Nov-22	Shire of Kellerberrin	Creditors		209,489.43
22-Nov-22	Department of Communities	Rent		420.00
24-Nov-22	Shire of Kellerberrin	Precision Superannuation		11,483.92
24-Nov-22	Shire of Kellerberrin	Pay Run		69,381.74
28-Nov-22	Nayax Australia	Caravan Park Vending Machine		38.17
30-Nov-22	NAB	BPAY Fee		39.56
30-Nov-22	NAB	Account Fees - Trust		10.00
30-Nov-22	NAB	Account Fees - Muni		49.90
30-Nov-22	NAB	Merchant Fees - Trust		2.63
30-Nov-22	NAB	Merchant Fees - Caravan Park		67.47
30-Nov-22	NAB	Merchant Fees - Muni		86.55
30-Nov-22	NAB	Merchant Fees - CRC		390.47

30-Nov-22	NAB	NAB Connect Fee		49.48
		TOTAL	\$	1,838,281.10
Trust Direct Debit List				
Date	Name	Details	\$	Amount
30-Nov-22	Department of Transport	Licencing Payments November		55,376.00
		TOTAL	\$	55,376.00
Visa Transactions				
Date	Name	Details	\$	Amount
31-Oct-22	Spotlight	Tablecloths etc. Night of Colour		28.00
31-Oct-22	McDonalds Northam	Meal Staff Collection Night of Colour Materials		12.40
31-Oct-22	Bunnings Northam	Lights Night of Colour		129.69
31-Oct-22	Spotlight	Decorations Night of Colour		112.50
01-Nov-22	Shire of Kellerberrin	Licencing KE002		18.50
09-Nov-22	K-Mart	Fit out Bush Fire Sheds		347.50
11-Nov-22	K-Mart	Lights Admin Office		74.00
14-Nov-22	United Petroleum	Refreshments Truck Crash GEH		126.50
16-Nov-22	Invarion	Subscription TMP (S.Beckham)		76.95
18-Nov-22	Flexible Drive	Parts Toyota Bus		59.98
21-Nov-22	Telstra	Recharge SIM Card Oval Reticulation		100.00
28-Nov-22	Survey Monkey	Subscription Survey Monkey		2,454.54
29-Nov-22	NAB	Card Fee		9.00
		TOTAL - CEO	\$	3,549.56
Date	Name	Details	\$	Amount
31-Oct-22	Lucky Charm Mirrabooka	Stationery - WSNF Officer		4.95
01-Nov-22	Clark Rubber Balcatta	Parts Vehicle - WSNF Officer		23.00
08-Nov-22	Dome Warwick	Meals - WSNF Officer		9.90
15-Nov-22	Dome Warwick	Meals - WSNF Officer		9.90
17-Nov-22	4th Enterprise Bindoon	Meals - WSNF Officer		30.70
22-Nov-22	Officeworks Malaga	Stationery - WSNF Officer		11.50
23-Nov-22	Acres of Taste - Kulin	Meals - WSNF Officer		19.60
24-Nov-22	BP Cunderdin	Meals - WSNF Officer		21.20
24-Nov-22	Cuballing Roadhouse	Meals - WSNF Officer		19.50
24-Nov-22	Corrigin Motel	Accommodation - WSNF Officer		240.00

24-Nov-22	Corrigin Motel	Accommodation - WSFN Officer		120.00
25-Nov-22	Narrogin Motel	Meals - WSFN Officer		23.50
25-Nov-22	Kulin Hotel	Meals - WSFN Officer		22.00
25-Nov-22	Coppencian Corrigin	Nominees Meals - WSFN Officer		20.00
25-Nov-22	Kulin Hotel	Accommodation - WSFN Officer		100.00
25-Nov-22	Narrogin Motel	Accommodation - WSFN Officer		144.00
29-Nov-22	NAB	Card Fee		9.00
		TOTAL - WSFN Officer		828.75
		TOTAL VISA TRANSACTIONS		4,378.31

STAFF COMMENT

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

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

COUNCIL RESOLUTION

MIN 208/22 MOTION - Moved Cr. Pryer Seconded Cr. Reid

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

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

CARRIED 7/0

9.10 CHEQUE LIST NOVEMBER 2022

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

BACKGROUND

Accounts for payment from 1st November 2022 to 30th November 2022.

TRUST

TRUST TOTAL	\$ 55,991.05
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MUNICIPAL FUND**Cheque Payments**

34984 - 34988	\$ 20,502.03
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EFT Payments

14065 - 14176	\$ 673,926.07
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Direct Debit Payments

	\$ 25,208.94
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TOTAL MUNICIPAL

	\$ 719,637.04
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STAFF COMMENT

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

Distinctive Pools Claim #3: Phase 3 - Swimming Pool redevelopment	\$ 274,895.67
Youlie and Son Contracting Equipment 672GP grader, loader 644K, 670GP, roller hire & carting gravel October 2022 for Yorkrakine Rock Rd, Benderine Nth Rd., Curtis Rd. & Cemetery Rd.	\$ 56,270.50
Department of Transport - TRUST DIRECT DEBITS Licensing CRC Licencing payment November 2022	\$ 55,375.00
Innes & Co Equipment hire SS tipper October 2022 for South Doodlakine Rd.	\$ 17,633.00
United Card Services Pty Ltd Total supplies October 2022	\$ 15,905.47
D.E.C Contracting Pty Ltd Hire of excavator with grapple saw & tow behind chipper to cut/prune & chip trees including mobilisation for South Doodlakine Rd. & Goldfields Rd.	\$ 14,718.00
Molivi Construction Pty Ltd DLP retention for 3 Bushfire Sheds	\$ 14,373.71
Synergy Power charge various Shire properties & buildings S-October 2022	\$ 14,050.15
Water Corporation Water charges various Shire properties, buildings & standpipes for August-October 2022	\$ 13, 941.43

Nova Corvus Consulting Pty Ltd WSFN Consultant services 10 October 2022 to 21 October 2022	\$ 13,406.25
Farmways Kellerberrin Pty Ltd Purchase of gas bottle for CEO's residence, grease & oils for Depot, small appliances for Bushfire Sheds, bitumen tape for Depot & various under \$200	\$ 13,274.84
Nova Corvus Consulting Pty Ltd WSFN consultant services 24 October to 4 November 2022	\$ 12,622.50
Beam Superannuation Superannuation Payrun 24/11/2022	\$ 11,483.92
Beam Superannuation Superannuation Payrun 10/11/2022	\$ 11,292.84
Western Australian Treasury Corporation Loan No. 119 Principal & interest payment - constructions of CEACA Units	\$ 11,140.49
R Munns Engineering Consulting Services Consulting works on South Doodlakine Rd., Kellerberrin-Yelbeni Rd. Goldfields Rd. Yorkrakine Rock Rd. Deep Well Rd., Kellerberrin-Yoting Rd. & Kellerberrin-Bencubbin Rd.	\$ 10,977.12
Donovan Payne Architects Consultant fee - Stage 2 & 3 Swimming Pool redevelopment	\$ 9,955.00
Brooks Hire Service Pty Ltd Hire of 70T excavator for South Doodlakine Rd. October 2022	\$ 9,188.85
McInerney Ford Purchase of Ford Everest 2022 for MOG	\$ 8,368.93
Autobarn Opposite Lock Balcatta Additions & refurbishments for KE 147	\$ 8,162.95
Avon Waste Domestic & commercial rubbish collections October 2022	\$ 7,962.30
Combined Tyres Purchase of tyres, tyre repairs including disposals for P07, P01, P6 & P16	\$ 7,461.30
Great Southern Fuel Supplies Total supplies October 2022	\$ 6,425.04
Smith Earthmoving Pty Ltd Equipment hire single side tipper October 2022 for South Doodlakine Rd.	\$ 5,984.00
Merredin Refrigeration & Gas Pre-season maintenance service to AC Caravan Park, Moylans & various Shire properties for October 2022 and AC replacements of parts for Gym, kitchen evap & clubrooms	\$ 5,729.11
Synergy Power charges various Shire properties & buildings August-October 2022	\$ 5,559.54

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

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

COMMUNITY CONSULTATION

The following consultation took place;

- Chief Executive Officer
- Manager of Governance
- Finance Officer

STAFF RECOMMENDATION

That Council notes that during the month of November 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 \$ 719,637.04 on vouchers EFT , CHQ, Direct payments*
2. *Trust Fund payments totalling \$ 55,991.05 on vouchers EFT, CHQ, Direct payments*

COUNCIL RESOLUTION

MIN 209/22 MOTION - Moved Cr. Leake Seconded Cr. Gardiner

That Council notes that during the month of November 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 \$ 719,637.04 on vouchers EFT, CHQ, Direct payments***
- 2. Trust Fund payments totalling \$ 55,991.05 on vouchers EFT, CHQ, Direct payments***

CARRIED 7/0

9.11 FINANCIAL ACTIVITY STATEMENT - NOVEMBER 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 – 19th 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 30th November 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:

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

COMMUNITY CONSULTATION

The following consultation took place;

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

STAFF RECOMMENDATION

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

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

COUNCIL RESOLUTION

MIN 210/22 MOTION - Moved Cr. Ryan Seconded Cr. Forsyth

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

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

**CARRIED 7/0
BY ABSOLUTE MAJORITY**

9.12 BUILDING REPORTS NOVEMBER 2022

File Ref: BUILD06

Author: Amanda Stewart, Administration Officer

Authoriser: Raymond Griffiths, Chief Executive Officer

Attachments:

1. Building Applications Received November 2022 (under separate cover)
2. Building Permits Licences Issued November 2022 (under separate cover)

BACKGROUND

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

STAFF COMMENT

1. There were two (2) applications received for a "Building Permit" during the November period.
2. There was one (1) "Building Permit" issued in the November 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

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COMMUNITY CONSULTATION

The following consultation took place:

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

STAFF RECOMMENDATION

That Council;

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

COUNCIL RESOLUTION

MIN 211/22

MOTION - Moved Cr. Leake

Seconded Cr. Ryan

That Council;

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

CARRIED 7/0

10 DEVELOPMENT SERVICES REPORTS

Nil

11 WORKS & SERVICES REPORTS

11.1 DEVELOPMENT APPLICATION - TELECOMMUNICATIONS TOWER - MCCLELLAND (CRISP WIRELESS)

File Ref: TPLAN-09
Author: Lewis York, Town Planner
Authoriser: Raymond Griffiths, Chief Executive Officer
Applicant: William and Dorothy McClelland (Crisp Wireless)
Location: Lot 13955 on DP 135728
Attachments: 1. Development Application Document (under separate cover)

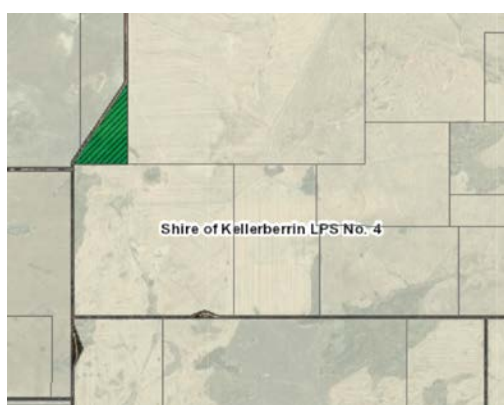
BACKGROUND

An application has been received from Crisp Wireless for the development and use of a 30m communications tower, a container to house communications equipment and solar panels to power the equipment, at Lot 13955 Hanlon Road, Kellerberrin. Crisp wireless have set up a number of communications towers across the Wheatbelt region to increase the connectivity of the region through their provision of internet services. The application will not impact the primary use of the land which is for agricultural production. The land is zoned General Agriculture under the shires LPS4.





Address of subject land	Lot 13955 on DP 135728
Real Property Description	13955/135728
Area of Subject Land	203.4369 ha
Existing buildings on Subject Land	Farming related infrastructure
Road Frontages	McLellan Road & Hanlon Road, Kellerberrin
Zone	General Agriculture Zone
Overlays	Bushfire Prone Area, Native Vegetation
Landowners	Dorothy Anne McClelland and William Herbert McClelland
Easements/Encumbrances	O242678: Mortgage to Australia and New Zealand Banking Group Ltd – Registered 23/09/2019



SITE

Location 13955 on DP135728

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
OTHER				
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 —

- a) the aims and provisions of this Scheme and any other local planning scheme operating within the Scheme area;
- b) the requirements of orderly and proper planning including any proposed local planning scheme or amendment to this Scheme that has been advertised under the Planning and Development (Local Planning Schemes) Regulations 2015 or any other proposed planning instrument that the local government is seriously considering adopting or approving;
- c) any approved State planning policy;
- d) any environmental protection policy approved under the Environmental Protection Act 1986 section 31(d);
- e) any policy of the Commission;
- f) any policy of the State;
- g) any local planning policy for the Scheme area;
- h) any structure plan, activity centre plan or local development plan that relates to the development;
- i) any report of the review of the local planning scheme that has been published under the *Planning and Development (Local Planning Schemes) Regulations 2015*;
- j) in the case of land reserved under this Scheme, the objectives for the reserve and the additional and permitted uses identified in this Scheme for the reserve;
- k) the built heritage conservation of any place that is of cultural significance;

- l) the effect of the proposal on the cultural heritage significance of the area in which the development is located;
- m) the compatibility of the development with its setting including the relationship of the development to development on adjoining land or on other land in the locality including, but not limited to, the likely effect of the height, bulk, scale, orientation and appearance of the development;
- n) the amenity of the locality including the following —
 - i. environmental impacts of the development;
 - ii. the character of the locality;
 - iii. social impacts of the development;
- o) the likely effect of the development on the natural environment or water resources and any means that are proposed to protect or to mitigate impacts on the natural environment or the water resource;
- p) whether adequate provision has been made for the landscaping of the land to which the application relates and whether any trees or other vegetation on the land should be preserved;
- q) the suitability of the land for the development taking into account the possible risk of flooding, tidal inundation, subsidence, landslip, bush fire, soil erosion, land degradation or any other risk;
- r) the suitability of the land for the development taking into account the possible risk to human health or safety;
- s) the adequacy of —
 - i. the proposed means of access to and egress from the site; and
 - ii. arrangements for the loading, unloading, manoeuvring and parking of vehicles;
- t) the amount of traffic likely to be generated by the development, particularly in relation to the capacity of the road system in the locality and the probable effect on traffic flow and safety;
- u) the availability and adequacy for the development of the following —
 - i. public transport services;
 - ii. public utility services;
 - iii. storage, management and collection of waste;
 - iv. access for pedestrians and cyclists (including end of trip storage, toilet and shower facilities);
 - v. access by older people and people with disability;
- v) the potential loss of any community service or benefit resulting from the development other than potential loss that may result from economic competition between new and existing businesses;
- w) the history of the site where the development is to be located;
- x) the impact of the development on the community as a whole notwithstanding the impact of the development on particular individuals;
- y) any submissions received on the application;
- 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 may be 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. the 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

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

COMMUNITY CONSULTATION

The following consultation took place;

- Chief Executive Officer
- Town Planner
- William & Dorothy McClelland
- 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 a portion of 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. The development complies with all other requirements of the general agriculture zone, including setbacks. It is advised that the application be approved subject to advertising to a nearby landowner.

STAFF RECOMMENDATION

That Council approves the development and use of a 30m telecommunications tower and supporting infrastructure; including one sea container at Lot 13955, Hanlon 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 212/22 MOTION - Moved Cr. Pryer Seconded Cr. Reid

That Council approves the development and use of a 30m telecommunications tower and supporting infrastructure; including one sea container at Lot 13955, Hanlon 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.

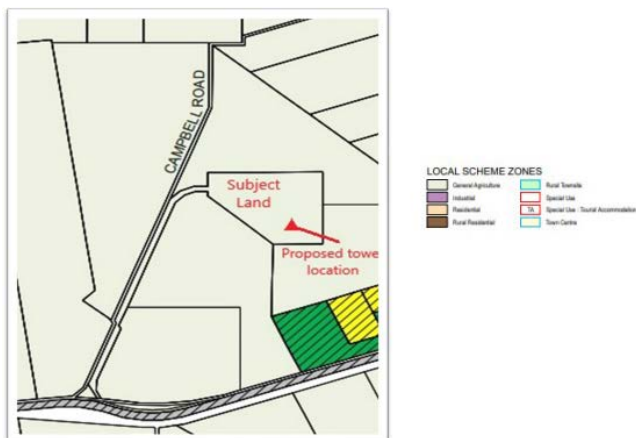
CARRIED 7/0

11.2 DEVELOPMENT APPLICATION - TELECOMMUNICATIONS TOWER - MCFARLANE (CRISP WIRELESS)

File Ref: TPLAN-09
Author: Lewis York, Town Planner
Authoriser: Raymond Griffiths, Chief Executive Officer
Applicant: Michael and Sue McFarlane (Crisp Wireless)
Location: Lot 11842 on DP 225330
Attachments: 1. DA Application - McFarlane (under separate cover)

BACKGROUND

An application has been received from Crisp Wireless for the development and use of a 12m communications tower, a container to house communications equipment and solar panels to power the equipment, at Lot 11842 Campbell Road, Kellerberrin. Crisp wireless have set up a number of communications towers across the Wheatbelt region to increase the connectivity of the region through their provision of internet services. The application will not impact the primary use of the land which is for agricultural production. The land is zoned General Agriculture under the shires LPS4. The tower will be in southern side of the subject land as shown in the Site Plan in Attachment 4. The tower and associated infrastructure will occupy an area of approximately 400m². The subject land is located outside of mapped remnant vegetation, with no vegetation clearing required for the construction of the tower.





SITE

Address of subject land	Lot 11842 on DP 225330
Real Property Description	11842/225330
Area of Subject Land	42.3070 ha
Existing buildings on Subject Land	Farming related infrastructure
Road Frontages	Campbell Road
Zone	General Agriculture Zone
Overlays	Bushfire Prone Area, Native Vegetation
Landowners	Michael Robert McFarlane and Susanne Maree McFarlane
Easements/Encumbrances	Nil

Shire of Kellerberrin Local Planning Scheme

Local Planning Scheme No.4

Zone: General Agriculture

3.2.6 General Agriculture Zone

- 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.
- 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.
- 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
OTHER				
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
- Michael & Sue McFarlane
- 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 a portion of land that is not used for cropping. The development application outlines that the impact upon vegetation at the site will be minimal as no further clearing is required. 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. The development complies with all other requirements of the general agriculture zone, including setbacks.

STAFF RECOMMENDATION

That Council approves the development and use of a 12m telecommunications tower and supporting infrastructure; including one sea container at Lot 11842, Campbell 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 213/22

MOTION - Moved Cr. Leake

Seconded Cr. Ryan

That Council approves the development and use of a 12m telecommunications tower and supporting infrastructure; including one sea container at Lot 11842, Campbell 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

11.3 DEVELOPMENT APPLICATION - SEA CONTAINER - 4 RIPPER ST

File Ref: A1690
Author: Lewis York, Town Planner
Authoriser: Raymond Griffiths, Chief Executive Officer
Applicant: Graham Wardley
Location: 4 Ripper Street, Kellerberrin
Attachments: 1. Heritage Letter (under separate cover)
2. Ripper St DA (under separate cover)
3. Ripper Site Map (under separate cover)

BACKGROUND

An application has been received from Graham Wardley for the development and use of a sea container for storage purposes at 4 Ripper Street, Kellerberrin (former fire station). The applicant proposes a 20ft sea container to be located at the rear of the property (north east corner). The container will be a light colour in appearance and be located 1.2m from the boundary.

**SITE**

4 Ripper Street, Kellerberrin

Lot size: 759m²

Zoning: Town Centre

Coding: Not coded

Proposed Use: storage purposes

State Registered Heritage Place: 1379



Shire of Kellerberrin Local Planning Scheme***Local Planning Scheme No.4******Zone: General Agriculture*****3.2.2 Town Centre Zone**

- a) To ensure the town centre remains the principal place for business and administration within the District
- b) To encourage a high standard of development including buildings, landscaping and car parking.

4.7 COMMERCIAL DEVELOPMENT

4.7.1 Commercial development shall not exceed two (2) storeys in height except where the local government considers that particular circumstances may warrant an exception being made and provided such development will not affect local amenity and will enhance the character of the town centre.

4.7.2 In considering an application for development approval for a proposed commercial development (including additions and alterations to existing development) in the town centre the local government shall have regard to the following:

- a) the colour and texture of external building materials; the local government may require the building façade and side walls to a building depth of 3m to be constructed of masonry;
- b) building size, height, bulk, roof pitch;
- c) setback and location of the building on its lot;
- d) architectural style and design details of the building;
- e) function of the building;
- f) relationship to surrounding development; and
- g) other characteristics considered by the local government to be relevant.

4.7.3 Landscaping should complement the appearance of the proposed development and town centre.

4.7.4 The layout of carparking shall have regard for traffic circulation in existing carparking areas and shall be integrated with any existing and adjoining carpark.

4.7.5 All other development standards for development in the Town Centre zone are at local government's discretion.

Planning and Development Local Planning Schemes Regulations 2015**1A. Heritage-protected places**

- (1) A heritage-protected place is a place —
 - a. that is entered in the State Register of Heritage Places under the Heritage Act 2018 section 42; or
 - b. that is under consideration for entry into the State Register of Heritage Places as described in subclause (2); or

- c. that is the subject of an order under the Heritage Act 2018 Part 4; or
- d. that is the subject of a heritage agreement that has been certified under the Heritage Act 2018 section 90; or
- e. that is included on a heritage list as defined in clause 7; or
- f. that is within a heritage area as defined in clause 7.

Heritage place means a place that is on the heritage list or located in a heritage area;

When undertaking certain works for places on the State Register, a development referral is required under the Heritage Act 2018.

Local Planning Policy- Sea Containers

5.0 POLICY STATEMENT

5.1 Exemptions from planning approval Planning consent is not required for:

- a) the use of sea containers fully enclosed within a building.
- b) the loading or unloading of containers for shipping, provided that the container(s) does not remain on the lot for longer than seven (7) days.
- c) the use of up to two (2) containers on land in the General Agriculture or Industrial zones (per rate notice),
- d) the temporary storage of equipment and materials during construction works (maximum of 12 months), where: i. building approval has been issued for the construction works and remains valid; and ii. the sea container has been removed from the site within a month of completing construction works.

5.2 General Requirements for Sea Containers

5.2.1 Unless exempt from planning approval requirements specified in Clause 5.1 above, Approval by the Shire is required for use of all sea containers. Sea containers shall:

- i. comply with the requirements of the Scheme;
- ii. comply with the criteria set out in Table 1 of this policy; I. be used as detached outbuildings and not as ancillary accommodation; II. be fitted with doors that can be opened from the inside to ensure safety of users;
- iii. be painted to match either the existing dwelling or other outbuildings on the lot;
- iv. be located a minimum of 1.8m from septic tanks, leach drains and utilities;
- v. be located to the rear of a the dwelling on the lot (as depicted in Schedule 1 of this Policy);
- vi. be suitably screened from road frontages, public space and neighbouring properties. Where a sea container is visible from a public space, the installation of screening to a minimum height of that of the sea container may be required; and
- vii. not be located on vacant land in the Residential, Rural Residential, Rural Townsite and Town Centre zones unless for the storage for building and construction purposes, as outlined in Clause 5.1 (d).

5.2.2 If a landowner wishes to exceed the acceptable standards in Table 1, the application will be formally referred to Council for determination.

5.2.3 Sea containers will not be permitted for habitable use or conversion for habitable use unless it can be demonstrated that the proposal meets the provisions of the Building Code of Australia and will not detrimentally impact the amenity of the locality where the development is to be situated. The use of sea containers as a dwelling is considered a repurposed dwelling under the Scheme and all applications should comply with the provisions of Scheme, Residential Design Codes (R-Codes) and Local Planning Policy 4.0 'Repurposed and Second Hand Dwellings'.

5.2.4 Sea containers are to be included in the gross total allowable area for outbuildings and are required satisfy open space requirements as set out in the R-Codes. Gross total area maximums are outlined in Local Planning Policy 1.0 'Outbuildings' (Section 7).

5.2.5 Sea containers that are not permanent are not required to conform with Clauses 5.2.1 (ii) and (v) or the special requirements in table 1).

5.2.6 All applicants will be required to gain a building permit from the Shire of Kellerberrin

Zone (s):	Setback:	Number and size of Sea Container(s) allowed:	Special requirements:
Town Centre	In accordance with the R-Codes	1 x 12m (40 ft)	The sea containers shall be fitted with a pitched roof. The sea container shall not compromise or obstruct vehicle access ways, vehicle truncations, access to parking areas or parking bays provided on the site. The sea container shall only be used for storage purposes.
Residential and Rural Townsite	In accordance with the R-Codes	1x 12m (40 ft)	The sea container shall be fitted with a pitched roof. The sea containers shall be used in association with the approved use of the property.

Planning and Development (Local Planning Scheme) Regulations 2015

67. Matters to be considered by local government

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

- the aims and provisions of this Scheme and any other local planning scheme operating within the Scheme area;
- the requirements of orderly and proper planning including any proposed local planning scheme or amendment to this Scheme that has been advertised under the Planning and Development (Local Planning Schemes) Regulations 2015 or any other proposed planning instrument that the local government is seriously considering adopting or approving;
- any approved State planning policy;
- any environmental protection policy approved under the Environmental Protection Act 1986 section 31(d);
- any policy of the Commission;
- any policy of the State;
- any local planning policy for the Scheme area;
- any structure plan, activity centre plan or local development plan that relates to the development;
- any report of the review of the local planning scheme that has been published under the *Planning and Development (Local Planning Schemes) Regulations 2015*;
- 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;
- 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.

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
- Town Planner
- Heritage and Property Services
- Graham Wardley

PLANNING ASSESSMENT

As the proposed development is located within a heritage place, the application was referred to the Department of Planning, Lands and Heritage. On the 22nd of November, the Shire received the following advice from Adelyn Siew;

Advice: The proposal, in accordance with the plans submitted, is supported subject to the following condition:

To respect the character of the significant fabric, the finishes of the proposed sea container and roofing are to match with the external white colour scheme and unpainted galvanised roofing of the Kellerberrin Fire Station.

The proposed container raises no significant planning concerns as it is believed the screening from Ripper Street is adequate. Furthermore, as advised from the Department of planning, Lands and Heritage, the container shall be painted in a light or white colour to ensure it fits with the existing fire station. It was also advised that the need for a pitched roof on the container be waived. A pitched roof could create a greater need for screening of the container due to its potential unsightly nature.

STAFF RECOMMENDATION

That Council Grants development approval for one 20ft sea container to be located at 4 Ripper Street, Kellerberrin with the following conditions;

General Conditions

- Planning approval will expire if the development is not substantially commenced within two years of this approval;*
- The endorsed approved plans shall not be altered without prior written approval of the Shire;*
- the character of the significant fabric, the finishes of the proposed sea container and roofing are to match with the external white colour scheme and unpainted galvanised roofing of the Kellerberrin Fire Station*
- The Sea Container be fitted with doors that can be opened from the inside to ensure safety of users;*
- Use of the building shall be for domestic purposes only; and*
- 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 214/22

MOTION - Moved Cr. Ryan

Seconded Cr. Reid

That Council Grants development approval for one 20ft sea container to be located at 4 Ripper Street, 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;***
- ii. The endorsed approved plans shall not be altered without prior written approval of the Shire;***
- iii. The character of the significant fabric, the finishes of the proposed sea container and roofing are to match with the external white colour scheme and unpainted galvanised roofing of the Kellerberrin Fire Station***
- iv. The Sea Container be fitted with doors that can be opened from the inside to ensure safety of users;***
- v. Use of the building shall be for domestic purposes only; and***
- vi. 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

12 ELECTED MEMBERS MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

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

14 CONFIDENTIAL MATTERS

Nil

15 CLOSURE OF MEETING

The Meeting closed at 4:40pm.

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

.....
CHAIRPERSON