



AGENDA

Ordinary Council Meeting Tuesday, 18 November 2025

Date: Tuesday, 18 November 2025

Time: 4:00pm

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

Shire of Kellerberrin

Ordinary Council Meeting 18th November 2025

NOTICE OF MEETING

Dear Elected Member

The next Ordinary Council Meeting of the Shire of Kellerberrin will be held on Tuesday, 18th November 2025 in the Council Chamber, 110 Massingham Street, Kellerberrin WA 6410 commencing at 4:00pm.

Raymond Griffiths
Chief Executive Officer
Monday, 17 November 2025

Shire of Kellerberrin

Disclaimer

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

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

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

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

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

Signed _____
Chief Executive Officer

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

Chief Executive Officer, Shire of Kellerberrin

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

financial interest (Section 5.60A)

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

proximity interest (Section 5.60B)

A person has a proximity interest in a matter if the matter concerns a proposed —
(a) change to a planning scheme affecting land that adjoins the person’s land;
(b) change to the zoning or use of land that adjoins the person’s land; or
(c) development (as defined in section 5.63(5)) of land that adjoins the person’s land.

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

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

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

in Item number/s _____

the nature of the interest being _____

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

Yours faithfully

(Councillor’s signature)

Councillor’s Name

The *Local Government Act* provides that it is the member’s obligation to declare the Nature of an interest if they believe that they have a financial interest, proximity interest, closely associated persons or an interest affecting impartiality in a matter being discussed by Council.
The Act provides that the Nature of the interest may be declared in writing to the Chief Executive Officer prior to the meeting or declared prior to discussion of the Agenda Item at the meeting. The Act further provides that the Extent of the interest needs to be declared if the member seeks to remain in the Chamber during the discussion, debate or voting on the item.
A Councillor declaring a financial or proximity interest must leave the meeting prior to the matter being discussed or voted on (including the question as to whether they are permitted to remain in the Chamber). Councillors remaining in the Chamber may resolve to allow the member to return to the meeting to participate in the proceedings.
The decision of whether to disclose a financial interest is yours and yours alone. Nobody can disclose for you and you can not be forced to make a disclosure.

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1 DECLARATION OF OPENING**2 ACKNOWLEDGEMENT OF COUNTRY**

We begin today by acknowledging the Ballardong Noongar people as traditional custodians of the land and skies on which we gather, and we pay our respects to their elders, past, present and emerging.

3 ANNOUNCEMENT BY PRESIDING PERSON WITHOUT DISCUSSION**4 RECORD OF ATTENDANCE / APOLOGIES / LEAVE OF ABSENCE****5 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.

6 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.

6.1 Response to Previous Public Questions taken on Notice**6.2 Public Question Time**

7 CONFIRMATION OF PREVIOUS MEETINGS MINUTES

7.1 MINUTES OF THE COUNCIL MEETING HELD ON 21 OCTOBER 2025

File Ref: ADM00
Author: Raymond Griffiths, Chief Executive Officer
Authoriser: Raymond Griffiths, Chief Executive Officer
Attachments: 1. Minutes of the Council Meeting held on 21 October 2025

STAFF RECOMMENDATION

That the Minutes of the Council Meeting held on 21 October 2025 be received as a true and correct record.

8 PRESENTATIONS

8.1 Petitions

8.2 Presentations

8.3 Deputations

9 REPORTS OF COMMITTEES

Nil

10 CORPORATE SERVICES REPORTS

10.1 STATUS REPORT OF ACTION SHEET

File Ref:	Various
Author:	Michelle Wilson, Executive Assistant
Authoriser:	Raymond Griffiths, Chief Executive Officer
Attachments:	1. Status Report of Action Sheet - November 2025

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 known 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.

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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,
- (c) has —
- (d) a direct or indirect financial interest in the matter; or
- (e) 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.

10.2 SHIRE OF KELLERBERRIN - COMMUNITY CROPPING - EXTENSION REQUEST

File Ref: ADM00
Author: Raymond Griffiths, Chief Executive Officer
Authoriser: Raymond Griffiths, Chief Executive Officer
Attachments: 1. Sport and Rec Extension Letter Request

BACKGROUND

Council's September 2023 Ordinary Meeting of Council – 26th September 2023

MIN 09/23 MOTION - Moved Cr. Gardiner **Seconded Cr. Pryer**

That Council;

- 1. Offer the community cropping land to the Sport and Recreation Committee.***
- 2. Should Sport and Rec Committee decline the offer, advertise the community cropping program for a three year period.***

CARRIED 6/0

Council's December 2020 Ordinary Meeting of Council – 15th December 2020

MIN 203/20 **MOTION - Moved Cr. Leake** **Seconded Cr. McNeil**

That Council for a three year period;

- 1. Allocate the Scaddan Street property to the Kellerberrin Agricultural Society***
- 2. Allocate Restdown Estate to the Kellerberrin Bowling Club***
- 3. Allocate Industrial Area (Shire owned land) and Airstrip to FOKC***
- 4. Allocate land from the Shackleton Road re-alignment to the Kellerberrin Bowling Club.***

CARRIED 7/0

Council's March 2019 Ordinary Meeting of Council – 19th March 2019

MIN 030/19 MOTION - Moved Cr. Leake **2nd Cr. Reid**

That Council adopt to receive the late application from the Kellerberrin Agricultural Society for Community Cropping submissions for reasons as per email dated Monday 18 March.

CARRIED 6/0

MIN 031 /19 MOTION - Moved Cr. Steber **2nd Cr. O'Neill**

That Council for a two year period;

- 1. Allocate the Scaddan Street property to the Kellerberrin Agricultural Society;***
- 2. Allocate Restdown Estate to the Kellerberrin Bowling Club;***
- 3. Allocate Industrial Area (Shire owned land) and Airstrip to the Kellerberrin and Districts Club and***
- 4. Provide reimbursement of lease fees associated with lease land for Doodlakine Bowling Club up to \$3,000;***
- 5. Provide reimbursement of lease fees associated with lease land for P&C up to \$3,000;***
- 6. Allocate \$1,500 to the Men's Shed as a contribution in lieu of Community Cropping.***

CARRIED 5/1

Council's February 2019 Ordinary Meeting of Council – 12th February 2019

MIN 024/19 **MOTION - Moved Cr. O'Neill** **2nd Cr. Leake**

That Council acknowledge receipt of the letter and advise that all community cropping land will be advertised for expressions of interest in February and presented to the March Council meeting.

CARRIED 6/0

STAFF COMMENT

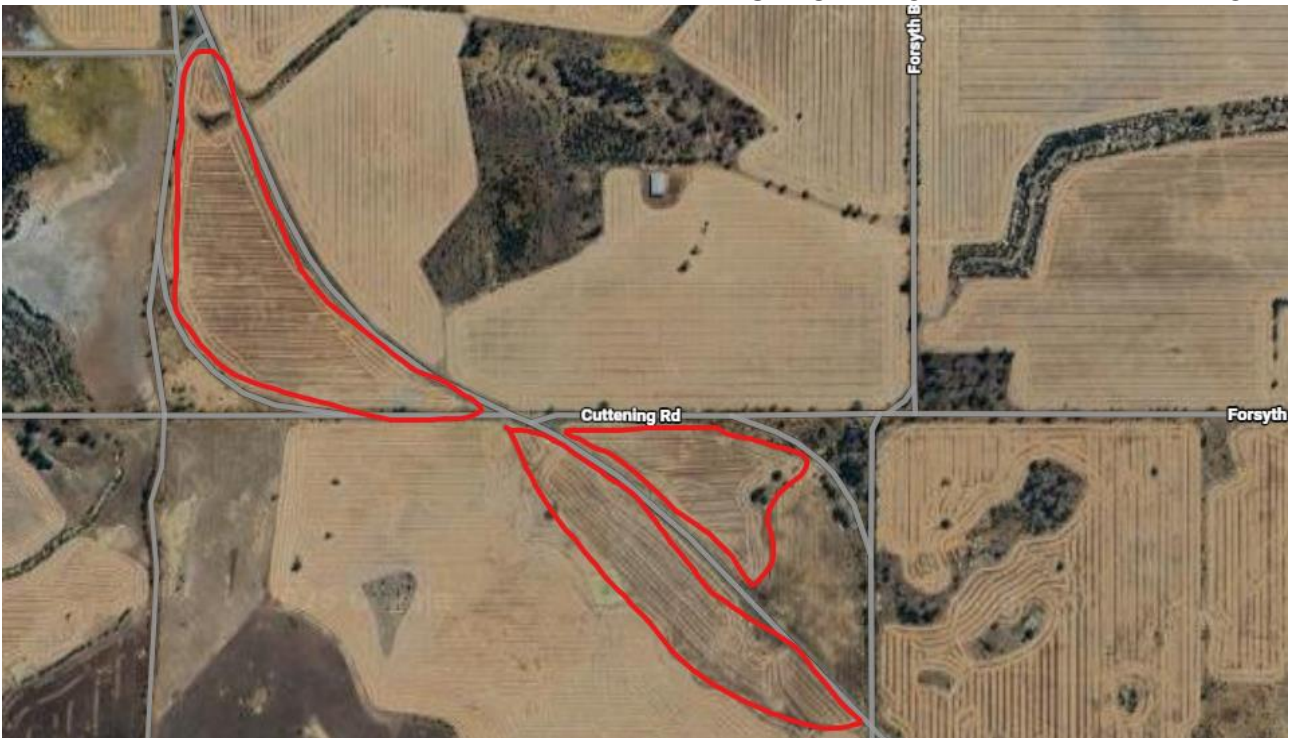
Council on the 17th October 2025 received a letter from the Kellerberrin Recreation and Leisure Centre Management Advisory Committee requesting Council consider a three year lease extension to the current lease which is set to expire at the end of 2026.

The committee wish to treat the land with Lime and other treatments though in undertaking this investment they would like to have an extension on the lease so that the committee can reap the rewards of this investment in the land.

TILLER DRIVE



KELLERBERRIN - SHACKLETON ROAD



AIRSTRIP BLOCK



RESTDOWN



TEN YEAR FINANCIAL PLAN

N/A

FINANCIAL IMPLICATIONS

N/A

STATUTORY IMPLICATIONS

Local Government Act 1995 (as amended)

- Schedule 6.2 relates to Provisions relating to Lease of Land where rates or service charges unpaid.
- Clause 1 details the form of lease and a local government may lease the land for such term not exceeding 7 years at one time, as it thinks fit or if the land is subject to the provisions of the Transfer of Land Act 1893, where the term of the lease exceeds 3 years, the lease shall be registered with the Register of Titles.

Local Government Act 1995 – Part 3, Division 3

Section 3.58

- (2) *Except as stated in this section, a local government can only dispose of property to;*
- a. the highest bidder at public auction; or
 - b. the person who at public tender called by the local government makes what is, in the opinion of the local government, the most acceptable tender, whether or not it is the highest tender.
- (3) *A local government can dispose of property other than under subsection (2) if, before agreeing to dispose of the property; gives local public notice of the proposed disposition*
- i. *describing the property concerned;*
 - ii. *giving details of the proposed disposition; and*
 - iii. *inviting submissions to be made to the local government before a date to be specified in the notice, being a date not less than 2 weeks after the date specified in the notice is first given;*
- and*
- b. *it considers any submissions made to it before the date specified in the notice and, if its decision is made by the council or a committee, the decision and the reasons for it are recorded in the minutes of the meeting at which the decision was made.*
- (4) *The details of a proposed disposition that are required by subsection (3)(a)(ii) include;*
- a. *the names of all other parties concerned;*
 - b. *the consideration to be received by the local government for the disposition; and*
 - c. *the market value of the disposition as ascertained by a valuation carried out not more than 6 months before the proposed disposition.*

3.59. Commercial enterprises by local governments

- (1) *In this section —*

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

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

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

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

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

- (a) *the consideration under the transaction; and*
- (b) *anything done by the local government for achieving the purpose of the transaction, is more, or is worth more, than the amount prescribed for the purposes of this definition;*

major trading undertaking *means a trading undertaking that —*

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

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

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

- (2) *Before it —*

- (a) *commences a major trading undertaking;*
- (b) *enters into a major land transaction; or*

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

requirements of this section that apply to entering into a major land transaction, and for the purpose of applying this section in that case a reference in it to entering into the transaction includes a reference to doing anything that would result in the transaction becoming a major land transaction.

- (10) *For the purposes of this section, regulations may —*
- (a) prescribe any land transaction to be an exempt land transaction;*
 - (b) prescribe any trading undertaking to be an exempt trading undertaking.*
- [Section 3.59 amended by No. 1 of 1998 s. 12; No. 64 of 1998 s. 18(1) and (2).]*

STRATEGIC COMMUNITY PLAN

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
- Kellerberrin Recreation and Leisure Centre Management Advisory Committee Inc.
- Councillors

STAFF RECOMMENDATION

That Council;

1. *Approve the lease of Council owned (Community Cropping) Lots being;*
 - a. Tiller Drive*
 - b. Restdown Estate*
 - c. Airpstrip*
 - d. Kellerberrin-Shackleton Road*

to Kellerberrin Recreation and Leisure Centre Management Committee Advisory Committee Inc, C/- Lot 260 Connelly Street, Kellerberrin, WA, 6410, by private agreement for the sum \$NIL for a three-year extension period from January 2027 to December 2029 subject to:

2. *Council advertising the disposition of property for a period of 14 days as per section 3.58 Local Government Act 1995, in a local newsletter and/or newspaper circulating in the District and/or Council Public Notice Board.*
3. *No submissions being received, Council authorises the Chief Executive Officer and President/Manager of Governance to execute the lease agreement*

10.3 MULTI PET PERMIT APPLICATION - 40 GREGORY STREET

File Ref: A

Author: Raymond Griffiths, Chief Executive Officer

Authoriser: Raymond Griffiths, Chief Executive Officer

Attachments:

1. Property Inspection Report 40 Gregory St - Tamara Morrison
2. Neighbour Consultation Letter - 40 Gregory Street

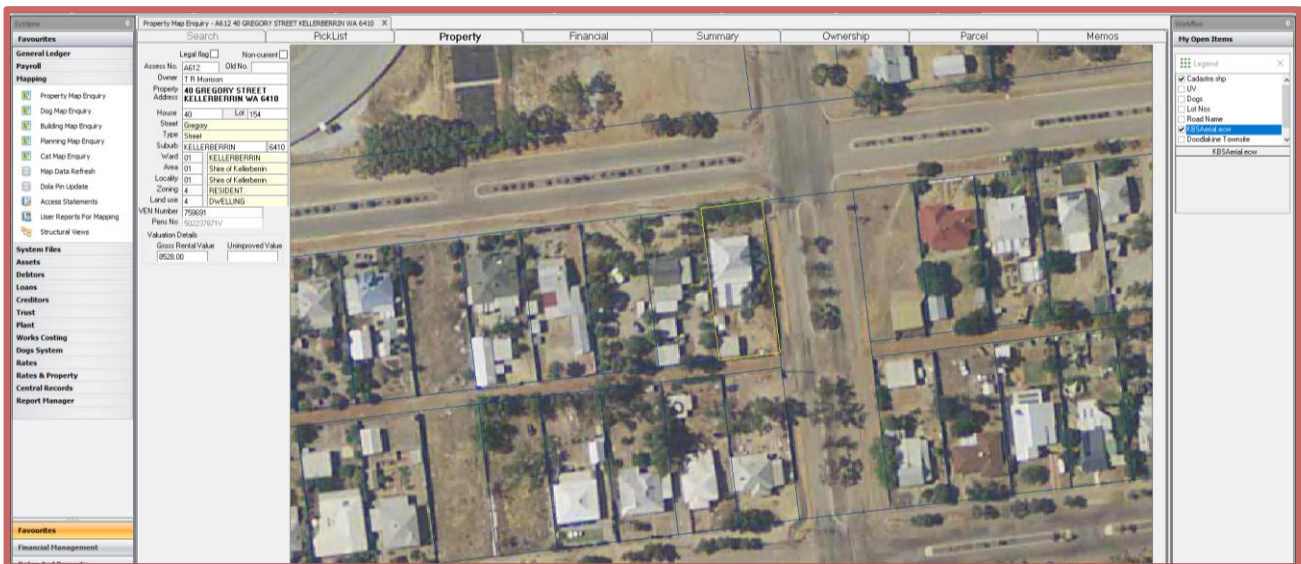
BACKGROUND

Council on Tuesday, 11th November 2025 received a formal application to Council for the keeping of four (4) dogs at 40 Gregory Street, Kellerberrin.

The property is owned by Tamara Morrison. Council on the 10th October 2025 received the original enquiry from Lewis Lawrence (Tamara’s son).

Council from this application requested the Ranger complete an onsite assessment of the property and also issued letters to adjoining neighbours seeking input on the application.

STAFF COMMENT





Tag No	Name of Dog	Desc.	Colour Marking	Sex	Sterilised	Owner Other Name	Owner Surname	Microchip No
LT0175	Zeeba	Blue Heller/ Kelpie X	Brown	Female	No	Tamara	Morrison	941000019435664
250082	Popeye	Kelpie X	Dark Tan & Black	Female	No	Tamara	Morrison	641000021470583
LT2297	Diago	Kelpie X	Tan	Male	Yes	Lewis	Lawrence	941000026656081
62521	Nova	Greyhound	Black/Brown	Female	Yes	Lewis	Lawrence	953010001303276

Popeye is registered until the 31st October 2025. Therefore, Popeye is currently unregistered.

Nova is registered until the 31st October 2026.

Please note the attached Multiple Dog Property Inspection report wherein the Ranger has inspected 40 Gregory Street and recommended that the LHS internal gate as well as the front gate become self-closing/self-latching.

At the closing of the submission period there was no objections received regarding this request.

Council notes that in the Rangers report that there is no history of the two (2) existing dogs walking at large or being involved in any breaches of the dog act. However Council officers are aware of the dogs walking at large at regular intervals. The recommendation of the self-closing gate will assist this.

TEN YEAR FINANCIAL PLAN

Nil (not applicable at this date and therefore unknown)

FINANCIAL IMPLICATIONS

All adult dogs are required to be registered with the Council and an annual registration fee is payable, with two dogs currently registered as life registrations.

The third dog hasn't been registered or paid for at this time.

STATUTORY IMPLICATIONS

- Dog Act 1976 as amended

Part V — The keeping of dogs

26. Limitation as to numbers

- (1) The provisions of this Part shall not operate to prevent the keeping on any premises of 2 dogs over the age of 3 months and the young of those dogs under that age.
- (2) Subject to subsection (1), a local government, pursuant to local laws, may limit the number of dogs over the age of 3 months, or the number of such dogs of any specified breed or kind, that may be kept on any premises situate in a specified area to which those local laws apply unless those premises are licensed as an approved kennel establishment or are exempt.
- (3) Where by a local law under this Act a local government has placed a limit on the keeping of dogs in any specified area but the local government is satisfied in relation to any particular premises that the provisions of this Act relating to approved kennel establishments need not be applied in the circumstances, the local government may grant an exemption in respect of those premises but any such exemption —
 - (a) may be made subject to conditions, including a condition that it applies only to the dogs specified therein;
 - (b) shall not operate to authorise the keeping of more than 6 dogs on those premises; and
 - (c) may be revoked or varied at any time.
- (4) Subject to the provisions of subsection (3), a person who keeps on any premises, not being premises licensed as an approved kennel establishment, dogs over the age of 3 months in numbers exceeding any limit imposed in relation to those dogs by a local law made under subsection (2) commits an offence.

Penalty: \$1 000 and a daily penalty of \$100.

- (5) Any person who is aggrieved —
 - (a) by the conditions imposed in relation to any exemption from the provisions of a local law placing a limitation on the number of dogs that may be kept on any premises; or

- (b) by the refusal of a local government to grant such an exemption, or by the revocation of an exemption,

may apply to the State Administrative Tribunal for a review of the decision.

- (6) An application under subsection (5) cannot be made later than the expiry of a period of 28 days after the day on which a notice of the decision is served on the person affected by that decision.

[Section 26 amended by No. 23 of 1987 s. 22; No. 14 of 1996 s. 4; No. 24 of 1996 s. 16; No. 55 of 2004 s. 256 and 268.]

Shire of Kellerberrin Dogs Local Law 2012

EXTRACT from "Dogs Local Laws"

PART 3—REQUIREMENTS AND LIMITATIONS ON THE KEEPING OF DOGS

3.1 Dogs to be confined

- (1) An occupier of premises on which a dog is kept must—
 - (a) cause a portion of the premises on which the dog is kept to be fenced in a manner capable of confining the dog;
 - (b) ensure the fence used to confine the dog and every gate or door in the fence is of a type, height and construction which having regard to the breed, age, size and physical condition of the dog is capable of preventing the dog at all times from passing over, under or through it;
 - (c) ensure that every gate or door in the fence is kept closed at all times when the dog is on the premises and is fitted with a proper latch or other means of fastening it;
 - (d) maintain the fence and all gates and doors in the fence in good order and condition; and
 - (e) where no part of the premises consists of open space, yard or garden or there is no open space or garden or yard of which the occupier has exclusive use or occupation, ensure that other means exist on the premises (other than the tethering of the dog) for effectively confining the dog within the premises.

- (2) Where an occupier fails to comply with subclause (1), he or she commits an offence.

Penalty: Where the dog kept is a dangerous dog, \$2,000; otherwise \$1,000.

3.2 Limitation on the number of dogs

- (1) This clause does not apply to premises which have been—
 - (a) licensed under Part 4 as an approved kennel establishment; or
 - (b) granted an exemption under section 26(3) of the Act.
- (2) The limit on the number of dogs which may be kept on any premises is, for the purpose of section 26(4) of the Act—
 - (a) two dogs over the age of 3 months and the young of those dogs under that age if the premises are situated within a townsite; or
 - (b) four dogs over the age of 3 months and the young of those dogs under that age if the premises is situated outside a townsite.

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 Community Consultation has been undertaken;

- Chief Executive Officer;

STAFF RECOMMENDATION

That Council approves the keeping of four (4) dogs at 40 Gregory Street Kellerberrin subject to the following conditions:-

1. *Popeye's registration is renewed and kept up to date;*
2. *Nova's registration is renewed on expiry and kept up to date;*
3. *Install self-closing/self-latching gates to the left-hand side internal gates and the front yard gate;*
4. *Maintenance of suitable fencing to contain the dog;*
5. *The dogs not causing a nuisance. This includes barking, odours emanating from the yard or house due to accumulated faeces and or urine etcetera, intimidation of lawful passers-by by the demonstration of aggressive behaviour by the dogs either singly or in concert;*
6. *The approval becomes **void** if any "condition" is breached and the approval is not transferable to another property or persons; and*
7. *The approval does not entitle the holder to replace any of the existing dogs in the event of loss, sale or dogs are given away.*

10.4 CHEQUE LIST OCTOBER 2025

File Ref: N/A
Author: Nikayla Ovens, Finance Officer
Authoriser: Morgan Ware, Manager of Governance
Attachments: 1. Payment List - October 2025

BACKGROUND

Accounts for payment from 1st October – 31st October 2025

TRUST

Trust Total **\$3,207.07**

MUNICIPAL FUND

Cheque	\$23,443.98
EFT	\$451,109.60
Direct Debit	\$1,030,742.82
Municipal Total	\$1,139,830.50

STAFF COMMENT

During the month of October 2025, the Shire of Kellerberrin made the following significant purchases:

Please note the Shire of Kellerberrin is the host to Wheatbelt Secondary Freight Network (WSFN), costs associated are reimbursed as per contractual agreement.

**Please note that all costs related to LGIS Golf Tournament have been offset by Sponsorship and Nomination Monies Received.*

Mineral Crushing Services WA PTY LTD	\$ 5,249.16
Supply of 10mm Washed Aggregate for Doodlakine South Road	
Synergy	\$ 5,255.42
Electricity Account - Streetlights 25/08/2025 - 24/09/2025	
Water Corporation	\$ 5,264.78
Water Account Doodlakine Standpipe 31/07/2025 - 06/10/2025	
Tom's Tree Service	\$ 5,280.00
Tree Clearing - Connelly and Thornton	
Shire of Northam	\$ 5,283.90
Old Quarry Tipping Fees September 2025	
Youlie and Son Contracting	\$ 5,354.25
Verge clearing at Doodlakine South Road	
Modus Natura Pty Ltd T/A Stax Chairs	\$ 5,559.40
Outdoor furniture for the Swimming Pool Surrounds	
McIntosh & Son Wa	\$ 5,722.54
Parts for New Loader	
Farmways Kellerberrin Pty Ltd	\$ 5,912.50
Purchase of Misc. Grease and Oils	
Perfect Computer Solutions	\$ 5,927.52
MS Business and Exchange Licenses	
Youlie and Son Contracting	\$ 6,352.50
Truck Hire verge clearing at Doodlakine South Road	
Industrial Asset Management	\$ 7,092.76
WSFN: Unit 37, 5 Keane St Midland Rent October 2025	
Industrial Asset Management	\$ 7,092.76
WSFN: Unit 37, 5 Keane St Midland Rent November 2025	
R Munns Engineering Consulting Services	\$ 7,209.95
Consultant Expenses - Capital Roadworks	

Northam Carpet Court	
Supply and Install Pavilion Vinyl Plank – C. Park Managers Residence	\$ 7,300.00
Youlie and Son Contracting	
Verge clearing at Doodlakine South Road	\$ 9,669.00
Youlie and Son Contracting	
Shoulders on Kellerberrin-Yelbeni Rd	\$ 9,762.50
Youlie and Son Contracting	
Maintenance Grading – Various Roads	\$ 10,188.75
Avon Waste	
Rubbish Collections for the Month of September 2025	\$ 10,494.10
Merredin Glazing	
Supply and Install Blinds at the Kellerberrin & Districts Club	\$ 10,775.38
R Munns Engineering Consulting Services	
Consultant - Capital Roadworks	\$ 11,220.94
Smith Earthmoving Pty Ltd	
Bulldozer works on Doodlakine South Rd	\$ 12,276.00
Kellerberrin & Districts Club Inc.	
Refreshments for LGIS Golf Tournament	\$ 12,837.00
Youlie and Son Contracting	
Verge clearing at Doodlakine South Road	\$ 14,701.50
Youlie and Son Contracting	
Maintenance Grading – Various Roads	\$ 14,833.50
D.E.C Contracting Pty Ltd	
Mulching Kellerberrin -Shackleton Rd	\$ 14,850.00
WCS Concrete Pty Ltd	
25% Procurement Payment - Setup, Supply & Lay concrete for Footpaths & Crossovers	\$ 15,881.25
United Card Services Pty Ltd	
United Card Purchases for the Month of September 2025	\$ 18,052.39
Wichatopping Farms	
Gravel Carting for the month of September 2025	\$ 20,370.00
Sport and Recreation Surfaces Pty Ltd	
Resurfacing of Courts at Kellerberrin Recreation Centre - Part 1	\$ 21,928.50
Perth Geotechnics Pty Ltd	
Geotechnical Investigation and Pavement Design – Kellerberrin-Bencubbin Rd	\$ 22,836.00
Smith Earthmoving Pty Ltd	
Truck & Side Tipper Hire	\$ 25,443.00
Ross's Diesel Service	
Parts & Labour for repairs to Freightliner Prime Mover KE179	\$ 28,161.07
Smith Earthmoving Pty Ltd	
Gravel Extraction for various roads	\$ 45,540.00
Avon Valley Toyota	
Purchase of 2024 Isuzu D-Max 4x4	\$ 56,654.15
It Vision Australia Pty Ltd (Trading as ReadyTech)	
SynergySoft & Universe Annual License Fees	\$ 62,952.15
PEAP Contractors Pty Ltd	
Supply and Installation of AFL Oval LED Lighting	\$ 99,095.66
LGIS Liability	
25/26 Insurance Membership - Final Instalment	\$ 190,128.44

TEN YEAR FINANCIAL PLAN

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

FINANCIAL IMPLICATIONS

Shire of Kellerberrin 2024/2025 Operating Budget

STATUTORY IMPLICATIONS

Local Government (Financial Management) Regulations 1996

11. Payment of accounts

- (1) A local government is to develop procedures for the authorisation of, and the payment of, accounts to ensure that there is effective security for, and properly authorised use of —
 - (a) cheques, credit cards, computer encryption devices and passwords, purchasing cards and any other devices or methods by which goods, services, money or other benefits may be obtained; and
 - (b) Petty cash systems.
- (2) A local government is to develop procedures for the approval of accounts to ensure that before payment of an account a determination is made that the relevant debt was incurred by a person who was properly authorised to do so.
- (3) Payments made by a local government —
 - (a) Subject to sub-regulation (4), are not to be made in cash; and
 - (b) Are to be made in a manner which allows identification of —
 - (i) The method of payment;
 - (ii) The authority for the payment; and
 - (iii) The identity of the person who authorised the payment.
- (4) Nothing in sub-regulation (3) (a) prevents a local government from making payments in cash from a petty cash system.

[Regulation 11 amended in Gazette 31 Mar 2005 p. 1048.]

12. Payments from municipal fund or trust fund

- (1) A payment may only be made from the municipal fund or the trust fund —
 - (a) If the local government has delegated to the CEO the exercise of its power to make payments from those funds — by the CEO; or
 - (b) Otherwise, if the payment is authorised in advance by a resolution of the council.
- (2) The council must not authorise a payment from those funds until a list prepared under regulation 13(2) containing details of the accounts to be paid has been presented to the council.

[Regulation 12 inserted in Gazette 20 Jun 1997 p. 2838.]

13. Lists of accounts

- (1) If the local government has delegated to the CEO the exercise of its power to make payments from the municipal fund or the trust fund, a list of accounts paid by the CEO is to be prepared each month showing for each account paid since the last such list was prepared —
 - (a) The payee's name;
 - (b) The amount of the payment;
 - (c) The date of the payment; and
 - (d) Sufficient information to identify the transaction.
- (2) A list of accounts for approval to be paid is to be prepared each month showing —
 - (a) For each account which requires council authorisation in that month —
 - (i) The payee's name;
 - (ii) The amount of the payment; and
 - (iii) Sufficient information to identify the transaction;And
 - (b) The date of the meeting of the council to which the list is to be presented.
- (3) A list prepared under sub-regulation (1) or (2) is to be —

- (a) Presented to the council at the next ordinary meeting of the council after the list is prepared; and
- (b) Recorded in the minutes of that meeting.

STRATEGIC COMMUNITY PLAN

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

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

COMMUNITY CONSULTATION

The following consultation took place;

- Chief Executive Officer
- Manager of Governance
- Finance Officer

STAFF RECOMMENDATION

That Council notes that during the month of October 2025, 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 **\$1,139,830.50** on vouchers EFT, CHQ, Direct payments.*
2. *Trust Fund payments totalling **\$3,207.07** on vouchers EFT, CHQ, Direct payments.*

10.5 DIRECT DEBIT LIST AND VISA CARD TRANSACTIONS - OCTOBER 2025

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 October 2025.

Municipal Direct Debit List

Date	Name	Details	\$	Amount
1/10/2025	CHG Meridian	Gym Equipment Rental	\$	3,075.84
2/10/2025	3E Advantage	WSFN Printer Rental	\$	246.40
2/10/2025	Shire of Kellerberrin	Creditor Payments	\$	397,656.85
7/10/2025	Housing Authority	73 Gregory St Rent	\$	420.00
9/10/2025	Shire of Kellerberrin	Payroll	\$	75,628.69
9/10/2025	Shire of Kellerberrin	Precision Superannuation	\$	15,824.45
13/10/2025	Shire of Kellerberrin	BAS	\$	30,717.00
13/10/2025	NBN Co Limited	Hammond St Damaged Cable	\$	11,085.60
17/10/2025	Shire of Kellerberrin	Creditors Payments	\$	351,905.99
17/10/2025	Fluidra	Pool Block Covers	\$	2,348.32
20/10/2025	Nayax Pty Ltd	Vending Machine	\$	38.17
21/10/2025	Housing Authority	73 Gregory St Rent	\$	420.00
22/10/2025	Shire of Kellerberrin	Creditors Payments	\$	2,750.95
23/10/2025	Shire of Kellerberrin	Precision Superannuation	\$	15,946.13
23/10/2025	Shire of Kellerberrin	Payroll	\$	75,535.04
30/10/2025	Shire of Kellerberrin	Creditors Payments	\$	278,429.03
30/10/2025	NAB	NAB Connect Fee	\$	51.48
31/10/2025	NAB	B-Pay Fee	\$	87.40
31/10/2025	NAB	Account Fee – Trust	\$	10.00
31/10/2025	NAB	Account Fee – Muni	\$	70.00
31/10/2025	NAB	Merchant Fee – Trust	\$	3.92
31/10/2025	NAB	Merchant Fee – Pool	\$	62.86
31/10/2025	NAB	Merchant Fee – Muni	\$	147.84
31/10/2025	NAB	Merchant Fee - Caravan Park	\$	215.47
TOTAL			\$	1,262,677.43

Visa Transactions

Date	Name	Details	\$	Amount
02-Oct-25	DWER	Permit renewal Waste Transfer Station		347.60
08-Oct-25	Chat GPT	Chat GPT Subscription		30.41
23-Oct-25	Kellerberrin CRC	Licencing Town Leader Utility		38.80
28-Oct-25	NAB	Card Fee		10.24
TOTAL – CEO			\$	427.05

Date	Name	Details	\$	Amount
10-Oct-25	Gaming and Wagering WA	Liquor Permit Colour Ball		25.00
14-Oct-25	Seek AU	Job Advert MWS		324.50
27-Oct-25	United Petroleum	AdBlue KE002		31.82
28-Oct-25	NAB	Card Fee		9.00
TOTAL - MOG				390.32

Date	Name	Details	\$	Amount
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06-Oct-25	Raz Studios	Hire of GPS Cameras WSNF	290.40
09-Oct-25	Naremben Hotel	Meals WSNF Programme Manager	49.64
09-Oct-25	Morning Sun Motel	Accommodation WSNF Programme Manager	165.00
10-Oct-25	Rest a While Coffee	Meals WSNF Programme Manager	8.00
10-Oct-25	LQ&QU Nominees	Meals WSNF Programme Manager	23.50
13-Oct-25	Ampol Meckering	Meals WSNF Programme Manager	26.95
14-Oct-25	Riverside Roadhouse	Meals WSNF Programme Manager	28.00
14-Oct-25	Riverside Roadhouse	Meals WSNF Programme Manager	15.50
23-Oct-25	Big W Midland	Stationery WSNF Office	57.50
24-Oct-25	E Fire & Safety	Service Fire Equipment WSNF	66.00
28-Oct-25	NAB	Card Fee	9.00

TOTAL -WSFN PROGRAMME MANAGER	739.49
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Date	Name	Details	\$	Amount
28-Oct-25	NAB	Card Fee		9.00
		TOTAL -WSFN PROGRAMME DIRECTOR		9.00
		TOTAL VISA TRANSACTIONS	\$	1,565.86

STAFF COMMENT

The Direct Debit List and Visa Card Transactions are presented for Council to note for the month of October 2025.

Please note The Shire of Kellerberrin is the host to Wheatbelt Secondary Freight Network (WSFN), costs associated are reimbursed as per contractual agreement.

TEN YEAR FINANCIAL PLAN

There is no direct implication on the Long-Term Financial Plan.

FINANCIAL IMPLICATIONS

Financial Management of 20205/2026 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 sub regulation (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 October 2025 comprising of,

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

10.6 FINANCIAL ACTIVITY STATEMENT - OCTOBER 2025

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 2024 Ordinary Meeting of Council – 16^h July 2024

MIN 071/25 MOTION - Moved Cr. Gardiner Seconded Cr. Brown

That Council:

PART F – MATERIAL VARIANCE REPORTING FOR 2024/2025

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 2025/2026 for reporting material variances shall be 10% or \$10,000, whichever is the greater.

**CARRIED 6/0
 BY ABSOLUTE MAJORITY**

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, monthly, a statement of financial activity that reports on the Shire’s financial performance in relation to its adopted / amended budget.

This report has been compiled to fulfil the statutory reporting requirements of the Act and associated Regulations, whilst also providing the Council with an overview of the Shire’s financial performance on a year-to-date basis for the period ending 31st October 2025.

TEN YEAR FINANCIAL PLAN

Financial Management of 2025/2026 Budget.

FINANCIAL IMPLICATIONS

Financial Management of 2025/2026 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 sub regulation (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 sub regulation (2), are to be —
 - (a) presented at an ordinary meeting of the council within 2 months after the end of the month to which the statement relates; and
 - (b) recorded in the minutes of the meeting at which it is presented.
- (5) Each financial year, a local government is to adopt a percentage or value, calculated in accordance with the AAS, to be used in statements of financial activity for reporting material variances.

STRATEGIC COMMUNITY PLAN

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

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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
- LG Corporate Solutions

STAFF RECOMMENDATION

That Council adopt the Financial Report for the month of October 2025.

The financial report comprises.

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

10.7 BUILDING REPORTS OCTOBER 2025

File Ref: BUILD06
Author: Jacki Peak, Administration Officer
Authoriser: Raymond Griffiths, Chief Executive Officer
Attachments: Nil

BACKGROUND

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

STAFF COMMENT

1. There were zero (0) application received for a "Building Permit" during the October period.
2. There were zero (0) "Building Permits" issued in the October 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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3. We are prepared for opportunities and we are innovative to ensure our relevancy and destiny

COMMUNITY CONSULTATION

The following consultation took place:

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

STAFF RECOMMENDATION

That Council;

1. Acknowledge the "Return of Proposed Building Operations" for the October 2025 period.
2. Acknowledge the "Return of Building Permits Issued" for the October 2025 period.

11 DEVELOPMENT SERVICES REPORTS

Nil

12 WORKS & SERVICES REPORTS

12.1 OUTBUILDING - 8 MOORE STREET, KELLERBERRIN

File Ref:	IPA25175
Author:	Raymond Griffiths, Chief Executive Officer
Authoriser:	Raymond Griffiths, Chief Executive Officer
Applicant:	Rex Clement
Location:	8 Moore Street, Kellerberrin
Attachments:	1. Plans for Clement Application

BACKGROUND

The council has received a planning application for an additional outbuilding at the above-mentioned address with a total floor area of 162 square meters (18 meters by 9 meters).

The proposed structure is a four bay shed with three-car garage and a storage areas with a wall height of 3.5 meters, a length of 18.0 meters, and a span of 9.00 meters, designed to accommodate extra vehicles and personal belongings for the occupant.

The proposed outbuilding exceeds the deemed-to-comply provisions outlined in Clause 5.4.3 of the Residential Design Codes (R-Codes) Volume 1. Specifically, the proposal does not comply with the deemed-to-comply requirements relating to the maximum floor area, wall height, or setback provisions for outbuildings. As such, the application must be assessed against the relevant Design Principles of Clause 5.4.3 in order to determine whether the development can appropriately meet the desired outcomes for the residential area, including minimising impact on adjoining properties and maintaining the character of the locality

According to the **Residential Design Codes Volume 1 (R-Codes)**, outbuildings that meet all **Deemed-to-Comply** standards are generally exempt from requiring development (planning) approval. However, as the proposed outbuilding exceeds the size requirements for exemption, a development application has been submitted for assessment.

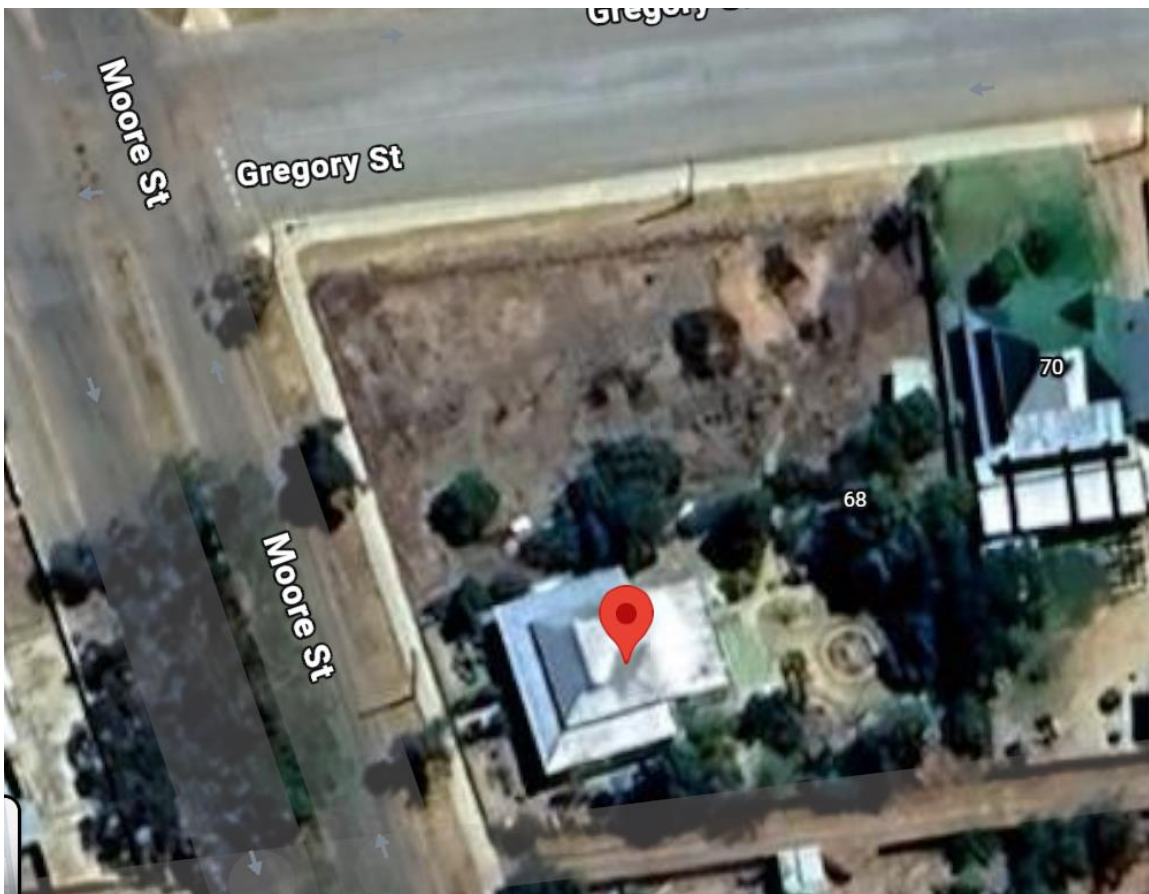
The new outbuilding is proposed on a **1,518m² R10/40-zoned lot**. The property is zoned residential. The proposed shed will be constructed with setbacks that adhere to the front setback of both Gregory Street and Moore Street residences to ensure it doesn't provide any aesthetic issues for the surrounding properties.

Residential Design Codes Volume 1 (R Codes) provide Deemed-to-Comply standards for outbuildings. Where a proposal meets all the Deemed-to-Comply standards of the R Codes, it is generally exempt from the requirement for development (planning) approval.

The proposed development consists of a four bay shed with a wall height of 3.5 meters, a length of 18.0 meters, and a span of 9.00 meters. The structure is designed to provide secure storage for extra vehicles and personal belongings, offering additional utility to the occupant.

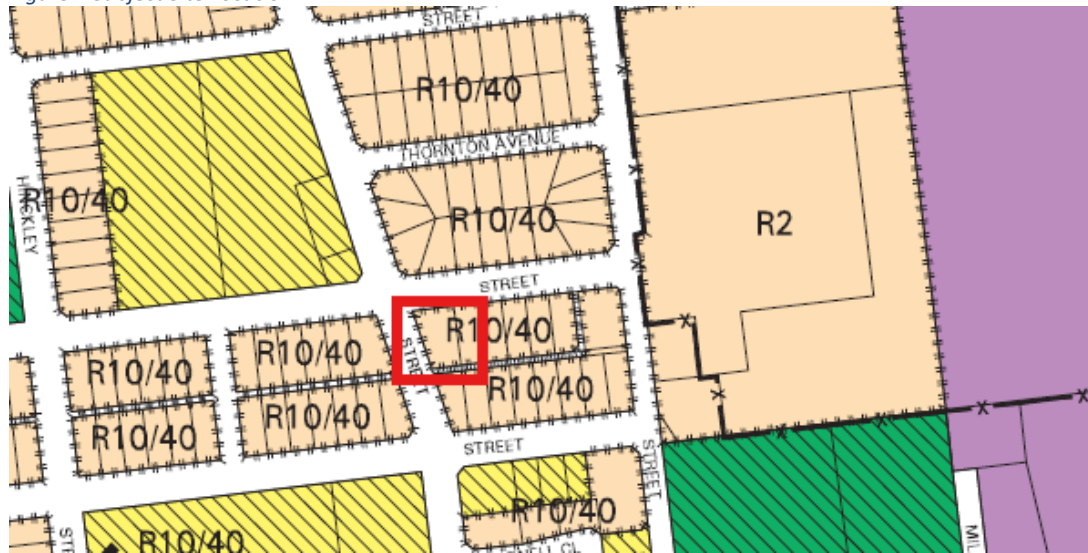
The proposed outbuilding will be constructed using Zinalume trimclad. The plans indicate it will feature a gabled roof with a pitch that has the Ridge height at 4.29m.

The new outbuilding is planned for a 1,518m² R10/40-zoned lot. While the property is classified as residential, the proposed location for the new outbuilding is adjacent to the current residence and is setback on both streets of Moore and Gregory Street. As a result, the development will have no adverse impact on privacy, sightlines, or the overall character of the area.



SITE

Figure 1 Subject Site Locatio





Legend

- Cadastre
- Local Planning Scheme - Zone:
and Reserves (DPLH-071)
 - Industrial
 - Public purpose
 - Recreation and open space
 - Residential
 - Special use

Figure 2 Subject site Land Scheme Zone- Residential

Figure 3 Subject Site Arial Image

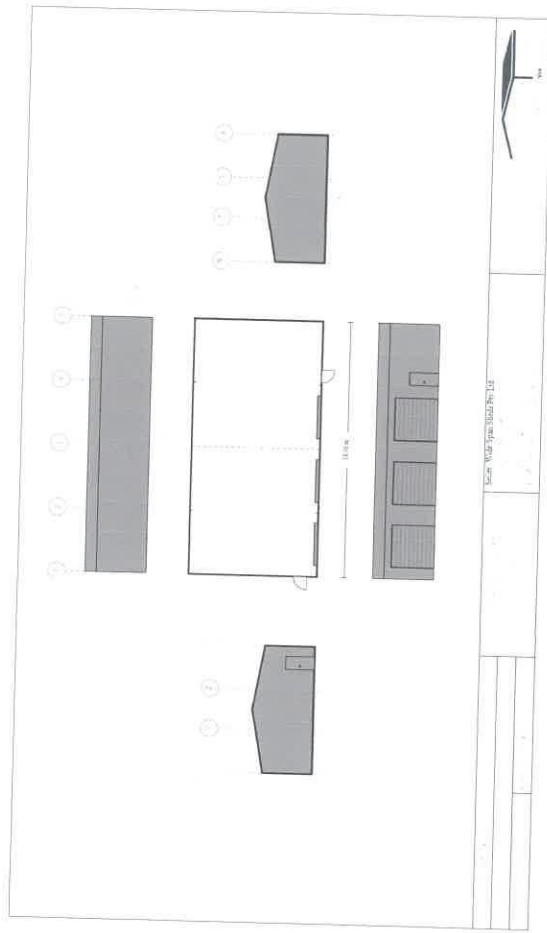


Figure 4 Floor Plan & Elevation



Figure 5: Site plan

Residential dwelling is currently onsite with a small shed.

Shire of Kellerberrin Local Planning Scheme

Residential Design Codes Volume 1 (R Codes) provide Deemed-to-Comply standards for outbuildings. Where a proposal meets all the Deemed-to-Comply standards of the R Codes, it is generally exempt from the requirement for development (planning) approval.

The proposed development consists of a four bay shed with a wall height of 3.5 meters, a length of 18.0 meters, and a span of 9.00 meters. The structure is designed to provide secure storage for extra vehicles and personal belongings, offering additional utility to the occupant.

The proposed outbuilding will be constructed using Zinalume trimclad. The plans indicate it will feature a gabled roof with a pitch that has the Ridge height at 4.29m.

The new outbuilding is planned for a 1,518m² R10/40-zoned lot. While the property is classified as residential, the proposed location for the new outbuilding is adjacent to the current residence and is setback on both streets of Moore and Gregory Street. As a result, the development will have no adverse impact on privacy, sightlines, or the overall character of the area.

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:

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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

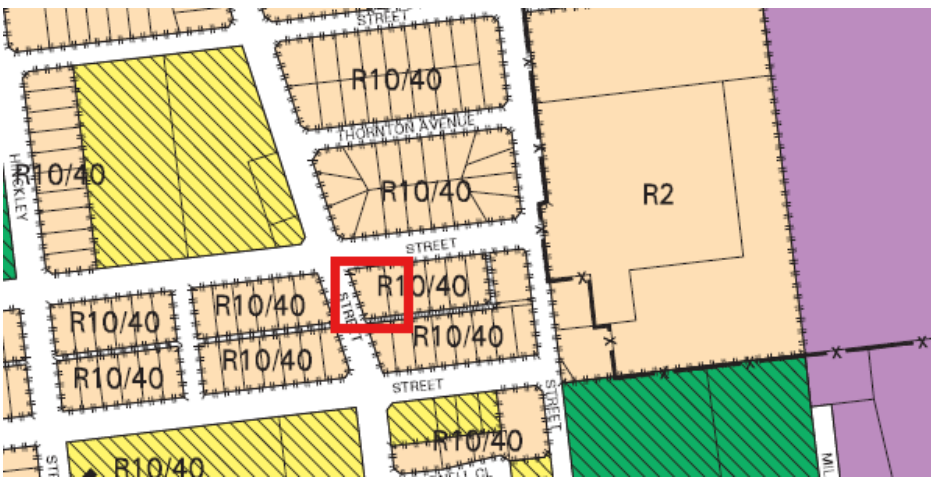
COMMUNITY CONSULTATION

The following consultation took place;

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

PLANNING ASSESSMENT

The following table provides a summary of legal and other requirements in relation to this proposal:

Shire of Kellerberrin Local Planning Scheme (LPS) No.4 <i>(Statutory instrument)</i>	
<p>Current Zoning</p>	<p><i>'Residential – See extract of Zoning Map below – Beige in Colour</i></p>  <p><i>Figure 6 Extract of zoning map</i></p>
<p>Permissibility (Table 1 – Zoning Table)</p>	<p><i>An 'outbuilding' is an enclosed non-habitable structure that is detached from any dwelling. This includes structures used as garages if they are not attached to a dwelling.</i></p> <p><i>Residential Design Codes Volume 1 (R Codes) provide Deemed-to-Comply standards for outbuildings. Where a proposal meets all the Deemed-to-Comply standards of the R Codes, it is generally exempt from the requirement for development (planning) approval.</i></p>

Definitions	<p>The Planning and Development (Local Planning Schemes) Regulations 2015 define outbuilding as the following:</p> <p><i>An ‘outbuilding’ is an enclosed non-habitable structure that is detached from any dwelling</i></p> <p>The R-Codes define an outbuilding as the following: An enclosed non-habitable structure that is detached from any dwelling</p> <p>Following Design requirements for deemed to satisfy:</p> <p>Maximum floor area: 60m² or 10% of the site area, whichever is the lesser;</p> <p>Maximum wall height: 2.4 metres;</p> <p>Maximum ridge height: 4.2 metres;</p> <p>Not attached to a dwelling</p> <p>Not located within the primary street setback area;</p> <p>Does not reduce open space below the minimum required by the R-Codes;</p> <p>Complies with setback requirements of Tables 1–2 of the R-Codes.</p>
Objectives	<p><i>Residential zone the objectives are—</i></p> <p><i>The objectives of the zones are —</i></p> <p><i>3.2.1 Residential Zone</i></p> <p><i>(a) To retain the single dwelling as the predominant form of residential development in the Shire’s townsites.</i></p> <p><i>(b) To provide for lifestyle choice in and around the townsites with a range of residential densities.</i></p> <p><i>(c) To allow for the establishment of non-residential uses subject to local amenities not being adversely affected</i></p>
Development Standards	<p><i>LPS 4 stipulates the following standards for development in the Residential Zone :</i></p> <ul style="list-style-type: none"> • R Code
<p>Planning and Development (Local Planning Scheme) Regulations 2015 <i>(Statutory instrument)</i></p>	
Schedule 2; Part 9; Clause 68(2)	<p><i>This clause empowers Council to determine Development Applications under the planning legislation having regard to the zoning and other Scheme provisions pertinent to the application under consideration.</i></p>
Schedule 2; Part 9; Clause 76 (1) and (2)	<p><i>This part of the Planning Regulations affords the applicant the right to apply to the State Administration Tribunal (SAT) for a review of the Council’s decision in relation to the decision on the proposed use and or development of the land.</i></p>
<p>State Planning Policy 3.7 – Planning in Bushfire Prone Areas <i>(Statutory instrument – tied to Planning Regulations)</i></p>	
Generally	<p><i>Not Applicable Development not in Bushfire Prone Area</i></p>

Risk Assessment:

The risk assessment in relation to this development is low it poses no significant environmental implications to the site or neighbouring properties. The development is minor.

Consequence	Insignificant	Minor	Moderate	Major	Extreme
Likelihood					
Almost Certain	Medium	High	High	Severe	Severe
Likely	Low	Medium	High	High	Severe
Possible	Low	Medium	Medium	High	High
Unlikely	Low	Low	Medium	Medium	High
Rare	Low	Low	Low	Low	Medium

Risk Rating	Action
LOW	Monitor for continuous improvement.
MEDIUM	Comply with risk reduction measures to keep risk as low as reasonably practical.
HIGH	Review risk reduction and take additional measures to ensure risk is as low as reasonably achievable.
SEVERE	Unacceptable. Risk reduction measures must be implemented before proceeding.

PLANNING ASSESSMENT

The proposed outbuilding has an apex height of 4.29 metres and a wall height of 3.5 metres, which exceeds the deemed-to-comply standards of Clause 5.4.3 of the Residential Design Codes (R-Codes) Volume 1. However, the design presents a rural and open character, consistent with the broader setting of the site, which includes adjacent properties.

To minimise its visual impact and integrate the structure into the residential streetscape, the following measures are proposed:

- Use of sympathetic colours and materials to match or complement the surrounding built environment.
- The setbacks of the shed is to be conducive to adjacent properties on both Moore and Gregory Streets so all frontages are level with the outbuilding.
- Landscaping treatments along the visible boundaries to soften the appearance and provide visual screening.

Given these design features and mitigation strategies, the proposal is considered to align with the Design Principles of Clause 5.4.3, which allow for variations where the outbuilding:

- Does not detract from the streetscape or amenity of adjoining properties,
- Remains compatible with the scale and character of the dwelling and locality, and

Maintains adequate open space and access to natural light and ventilation.

STAFF RECOMMENDATION

That Council grants conditional approval for the construction of an outbuilding at 8 Moore Street, Kellerberrin, that exceeds the deemed-to-comply standards of Clause 5.4.3 of the Residential Design Codes (R-Codes) Volume 1 with an apex height of 4.29 meters and wall height of 3.5 meters.

(Standards state wall height of 2.4m & ridge height of 4.2m. Therefore, exceeding the standards by 1.1m & 0.09m respectively).

To minimise its visual impact and integrate the structure into the residential streetscape, the following measures are proposed:

- Use of sympathetic colours and materials to match or complement the surrounding built environment.
- The setbacks of the shed is to be conducive to adjacent properties on both Moore and Gregory Streets so all frontages are level with the outbuilding.
- Landscaping treatments along the visible boundaries to soften the appearance and provide visual screening.

Given these design features and mitigation strategies, the proposal is considered to align with the Design Principles of Clause 5.4.3, which allow for variations where the outbuilding:

- Does not detract from the streetscape or amenity of adjoining properties,
- Remains compatible with the scale and character of the dwelling and locality, and
- Maintains adequate open space and access to natural light and ventilation.

General Conditions

It is recommended that the application be supported, subject to conditions requiring:

1. Final colours and materials to be approved by the Shire to ensure compatibility with the surrounding environment;
2. Landscaping plan to be submitted to reduce visual impact and to be maintained for the life of the development
3. The structure to remain non-habitable and used only for storage purposes
4. Stormwater plan submitted to Council for approval.

Advice Notes

The following advice notes are offered in addition to the notes provided in Form 4 of Clause 86 of the Deemed Provisions on the approval granted in condition(s) above:

- a) This approval does not confer approval under other relevant legislation, including but not limited to, the Building Act 2011 and Health Act 2016. It is the responsibility of the Applicant to determine any necessary approvals required and obtain such approvals prior to the commencement of development and use. However, to assist in understanding the necessary requirements and approvals, further information can be obtained by contacting the Shire of Kellerberrin
- b) Nothing in the approval shall excuse compliance with all relevant written laws in the commencement and carrying out of the development.
- c) The applicant is advised a Building Permit is required prior to commencement of any building works. In this regard the applicant is advised that conditions relating to BAL assessment may result in conditions being imposed at the building permit stage to mitigate the risk for burning embers as part of a preventative approach to bushfire attack.
- d) In addition to planning and building requirements, the development must comply with Environmental Protection (Noise) Regulations 1997).

The applicant is advised of a right of appeal to the State Administrative Tribunal (SAT) subject to Part 14 of the Planning and Development Act, 2005. Appeals must be lodged to SAT within 28 days. Further information can be obtained from the SAT website – www.sat.justice.wa.gov.au.

12.2 DEVELOPMENT APPLICATION; MILLIGAN UNITS

File Number: IPA25176, A1754
Author: Raymond Griffiths, Chief Executive Officer
Authoriser: Raymond Griffiths, Chief Executive Officer
Applicant: Frances Ibbotson
Location: Units 6, 7 & 12 Cornell Close, Kellerberrin
Attachments: 1. Development Application - Milligan Units

BACKGROUND

An application has been received from Frances Ibbotson on behalf of Milligan Units - Cornell Close for carports on Units 6, 7 & 12 with Unit 7 construction that exceeds a requirement of the Residential Design Codes (2015). Existing on the lot is a unit with some surrounding vegetation.

SITE



Shire of Kellerberrin Local Planning Scheme

PLANNING ASSESSMENT

Planning Scheme No.4

3.2. OBJECTIVES OF THE ZONES

The objectives of the zones are —

3.2.1 Residential Zone

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

4.5. VARIATIONS TO SITE AND DEVELOPMENT STANDARDS AND REQUIREMENTS

4.5.1. Except for development in respect of which the Residential Design Codes apply, if a development is the subject of an application for development approval and does not comply with a standard or requirement prescribed under the Scheme, the local government may, despite the non-compliance, approve the application unconditionally or subject to such conditions as the local government thinks fit.

4.5.2. In considering an application for development approval under this clause, where, in the opinion of the local government, the variation is likely to affect any owners or occupiers in the general locality or adjoining the site which is the subject of consideration for the variation, the local government is to

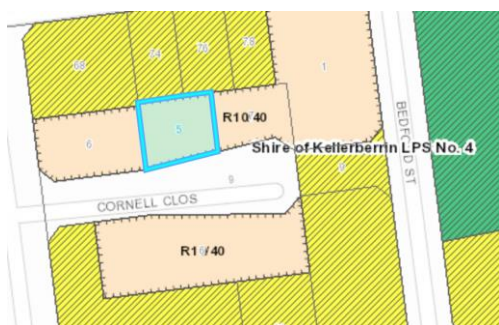
- a) consult the affected parties by following one or more of the provisions for advertising uses under Clause 64 of the deemed provisions; and AMD 2 GG 12/09/17
- b) have regard to any expressed views prior to making its determination to grant the variation.

4.5.3. The power conferred by this clause may only be exercised if the local government is satisfied that

- a) approval of the proposed development would be appropriate having regard to the criteria set out in Clause 67 of the deemed provisions; and AMD 2 GG 12/09/17
- b) the non-compliance will not have an adverse effect upon the occupiers or users of the development, the inhabitants of the locality or the likely future development of the locality.

R-Codes

Land Coding: R10/40



Carport A roofed structure designed to accommodate one or more motor vehicles unenclosed except to the extent that it abuts a dwelling or a property boundary on one side, and being without a door unless that door is visually permeable.

5.2.1

Setback of garages and carports

P1 The setting back of carports and garages to maintain clear sight lines along the street and not to detract from the streetscape or appearance of dwellings; or obstruct views of dwellings from the street and vice versa.

Deemed to comply

C1.1 Garages set back 4.5m from the primary street except that the setback may be reduced: i. in accordance with Figure 8b where the garage adjoins a dwelling provided the garage is at least 0.5m behind the dwelling alignment (excluding any porch, verandah or balcony); or ii. to 3m where the garage allows vehicles to be parked parallel to the street. The wall parallel to the street must include openings.

C.1.2 Carports set back from the primary street in accordance with clause 5.1.2 C2.1. C1.3 Garages and carports built up to the boundary abutting a private street or right-of-way which is not the primary or secondary street boundary for the dwelling, with manoeuvring space of at least 6m, located immediately in front of the opening to the garage or carport and permanently available.

C1.4 Garages and carports set back 1.5m from a secondary street.

C1.5 Carports within the street setback area in accordance with clause 5.1.2 C2.1iii provided that the width of the carport does not exceed 50 per cent of the frontage at the building line and the construction allows an unobstructed view between the dwelling and the street, right-of-way or equivalent (refer to Figure 8a).

Setbacks (Table 2b)

Using Discretion

As the application does not satisfy all the provisions of the R-Codes (principles C3iii and iv), Council can use its discretion to either a) approve b) approve with conditions or c) refuse the application under clause 2.4 of the R-Codes.

As the proposal breaches one of the R Codes requirements (table 2-setbacks) Council approval is

Table 2a: Boundary setbacks - Walls with no major openings

Wall height (m)	Wall length (m)													
	9 or less	10	11	12	13	14	15	16	17	18	19	20	25	Over 25
3.5 or less*	1	1.5	1.5	1.5	1.5	1.5	1.5	1.5	1.5	1.5	1.5	1.5	1.5	1.5
4.0	1.1	1.5	1.5	1.5	1.5	1.5	1.5	1.6	1.6	1.6	1.6	1.7	1.7	1.8
4.5	1.1	1.5	1.5	1.5	1.5	1.5	1.6	1.7	1.7	1.7	1.7	1.8	1.8	2.0
5.0	1.1	1.5	1.5	1.5	1.5	1.6	1.7	1.8	1.8	1.8	1.8	1.9	2.0	2.3
5.5	1.2	1.5	1.5	1.5	1.6	1.7	1.8	1.9	1.9	2.0	2.0	2.1	2.3	2.5
6.0	1.2	1.5	1.5	1.5	1.6	1.8	1.9	2.0	2.0	2.1	2.1	2.2	2.4	2.8
6.5	1.2	1.5	1.5	1.6	1.7	1.9	2.0	2.1	2.1	2.2	2.2	2.3	2.7	3.0
7.0	1.2	1.5	1.5	1.6	1.8	2.0	2.1	2.2	2.2	2.3	2.4	2.5	2.8	3.3
7.5	1.3	1.5	1.6	1.7	1.9	2.1	2.2	2.3	2.3	2.4	2.5	2.6	3.0	3.5
8.0	1.3	1.5	1.6	1.7	1.9	2.1	2.2	2.4	2.4	2.5	2.6	2.7	3.1	3.8
8.5	1.4	1.6	1.7	1.8	2.0	2.2	2.3	2.5	2.6	2.7	2.8	2.9	3.3	4.1
9.0	1.4	1.7	1.7	1.8	2.0	2.3	2.4	2.6	2.7	2.8	2.9	3.0	3.6	4.3
9.5	1.4	1.7	1.8	1.9	2.1	2.4	2.5	2.7	2.8	2.9	3.0	3.2	3.8	4.6
10.0	1.5	1.8	1.9	2.0	2.2	2.4	2.6	2.8	2.9	3.0	3.1	3.3	4.0	4.8

Take the nearest higher value for all intermediate height and length values.

* Possible nil setback in accordance with clause 5.1.3.

Table 2b: Boundary setbacks - Walls with major openings

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

Take the nearest higher value for all intermediate height and length values.

required and therefor discretion can be applied.

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

1 R-Code	2 Dwelling type	3 Minimum site area per dwelling (m ²)	4 Minimum lot area/rear battleaxe (m ²)	5 Minimum frontage (m)	6 Open space		7 Minimum setbacks (m)		
					min total (% of site)	min outdoor living (m ²)	primary street	secondary street	other/rear
R2	Single house or grouped dwelling	Min 5000	-	50	80	-	20	10	10
R2.5	Single house or grouped dwelling	Min 4000	-	40	80	-	15	7.5	7.5
R5	Single house or grouped dwelling	Min 2000	-	30	70	-	12	6	*/6
R10	Single house or grouped dwelling	Min 875 Av 1000	925	20	60	-	7.5	3	*/6
R12.5	Multiple dwelling	1000	-	-	60	-	7.5	3	*/6
	Single house or grouped dwelling	Min 700 Av 800	762.5	17	55	-	7.5	2	*/6
R15	Multiple dwelling	800	-	-	55	-	7.5	2	*/6
	Single house or grouped dwelling	Min 580 Av 666	555	12	50	-	6	1.5	*/6
R17.5	Multiple dwelling	666	-	-	50	-	6	1.5	*
	Single house or grouped dwelling	Min 500 Av 571	587.5	12	50	36	6	1.5	*
R20	Multiple dwelling	571	-	-	-	-	6	1.5	*
	Single house or grouped dwelling	Min 350 Av 450	450	10	50	30	6	1.5	*
R25	Multiple dwelling	450	-	-	50	-	6	1.5	*
	Single house or grouped dwelling	Min 300 Av 350	425	8	50	30	6	1.5	*
R30	Multiple dwelling	350	-	-	50	-	6	1.5	*
	Single house or grouped dwelling	Min 260 Av 300	410	-	45	24	4	1.5	*
R35	Multiple dwelling	300	-	-	45	-	4	1.5	*
	Single house or grouped dwelling	Min 220 Av 260	395	-	45	24	4	1.5	*
R40	Multiple dwelling	260	-	-	45	-	4	1.5	*
	Single house or grouped dwelling	Min 180 Av 220	380	-	45	20	4	1	*
R50	Multiple dwelling	150	-	-	40	-	2	1	*
	Single house or grouped dwelling	Min 160 Av 180	380	-	40	16	2	1	*
R60	Multiple dwelling	120	-	-	40	-	2	1	*
	Single house or grouped dwelling	Min 120 Av 150	380	-	40	16	2	1	*
R80	Multiple dwelling	100	-	-	30	-	1	1	*
	Single house or grouped dwelling	Min 100 Av 120	380	-	30	16	1	1	*

Legend

◆ subject to variations permitted under clause 5.1.1 C1.4

▼ only applies to single houses

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

- indicated not applicable

* see Tables 2a and 2b and clause 5.1.3

Av. average site area

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

Comment

As seen in the attached plans the carport will be located 0.3m from the side boundary.

Table 2b of the R Codes requires the carport to be setback 1.5 m from the lot boundary. However, Council in the past has approved applications that have no major impact on surrounding land owners. The application does not impact the neighbouring property. The application complies with all other R Code and Local Planning Scheme parameters.

STRATEGIC PLAN IMPLICATIONS

As contained in the body of this item.

COMMUNITY CONSULTATION

The following consultation took place;

- Chief Executive Officer
- Town Planning Consultant
- Owner

STAFF RECOMMENDATION

That Council

1. *Grants conditional development approval for the construction of a carport at Unit 7 Cornell Close, Kellerberrin, that will exceed the following prescriptions in Residential Codes, State Planning Policy 7.3 by:
 - a) *Table 2b: Boundary Setback: 1.5m (proposed no setback)**
2. *Grants conditional development approval for the construction of a carport at Unit 6 & 12 Cornell Close, Kellerberrin,*

GENERAL CONDITIONS:

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

ADVICE NOTE:

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

13 ELECTED MEMBERS MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

14 NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF MEETING**15 CONFIDENTIAL MATTERS****RECOMMENDATION**

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

15.1 Outstanding Rates - Recoverable on Sale - Kellerberrin

This matter is considered to be confidential under Section 5.23(2) - b of the Local Government Act, and the Council is satisfied that discussion of this matter in an open meeting would, on balance, be contrary to the public interest as it deals with the personal affairs of any person.

15.2 Shire of Kellerberrin/Australia Day Awards Nomination

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

15.3 Chief Executive Officer - Job Description Form (JDF)

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

16 CLOSURE OF MEETING