



MINUTES

Ordinary Council Meeting Tuesday, 21 March 2023

Date: Tuesday, 21 March 2023

Time: 4:00pm

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

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**MINUTES OF SHIRE OF KELLERBERRIN
ORDINARY COUNCIL MEETING
HELD AT THE COUNCIL CHAMBER, 110 MASSINGHAM STREET, KELLERBERRIN WA 6410
ON TUESDAY, 21 MARCH 2023 AT 4:00PM**

1 DECLARATION OF OPENING

The presiding member opened the meeting at 4.12pm.

2 ANNOUNCEMENT BY PRESIDING PERSON WITHOUT DISCUSSION

3 RECORD OF ATTENDANCE / APOLOGIES / LEAVE OF ABSENCE

PRESENT:

Cr Matt Steber (Shire President),
Cr Emily Ryan (Deputy President – via Zoom),
Cr Dennis Reid,
Cr David Leake, (Via Zoom)
Cr Monica Gardiner,
Cr Kelsey Pryer. (Via Zoom)

IN ATTENDANCE:

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

APOLOGIES

Cr Rod Forsyth

LEAVE OF ABSENCE

Nil

MOTION

COUNCIL RESOLUTION

MIN 016/23 MOTION - Moved Cr. Reid Seconded Cr. Gardiner

That in accordance with section 14c, (2)(b) of the Local Government (Administration) Regulations 1996, Council endorse the President’s approval for the following Councillors to attend via Zoom;

- *Cr David Leake – Hotel Room – Sleepy Hill Motor Inn, Maitland, NSW*
- *Cr Emily Ryan – Bedroom – 291B Marmion Street, Melville*
- *Cr Kelsey Pryer – Office - 24 Gregory Street, Kellerberrin*

CARRIED 6/0

4 DECLARATION OF INTEREST

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

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

5 PUBLIC QUESTION TIME

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

5.1 Response to Previous Public Questions taken on Notice

5.2 Public Question Time

Welcome Mr. Don McKay and Mr. Neville Tiller

Neville Tiller – Lot 58 Great Eastern Highway, Kellerberrin, WA 6410

Was Lot 66 on plan 3224, Certificate of Title 2810-55, or in any previous historical registrations, acquired by the Shire of Kellerberrin from Registrar of Titles or the Registrar of Deeds under Section 152 of the Planning and Development Act 2005 or historically under section 20A of the Town planning and Development Act 1928 or prior to the commencement of section 20A of the Town planning and Development Act 1928 for any of the following purposes;

- A pedestrian access way;
- Right-of-way
- Right of carriageway; or
- Reserve for water supply sewerage or drainage.

President – Thank you for your question and Council will take this question on Notice.

Neville Tiller – Can the Shire of Kellerberrin look into the other laneways and permission access and advise the community so all members are aware of rights for the laneways.

President – Thank you for your question and Council will take this question on Notice.

Don McKay - 30 Massingham Street, Kellerberrin

Mapping software – google indicates that the laneway from the Great Eastern Highway to Hammond Street past 2 Massingham Street is an extension of Hammond Street and the GPS directs you that way.

Main Roads list Hammond Street as a laneway. Put the road through to the highway or enter discussions with Main Roads.

President – Thank you for your question and Council will take this question on Notice.

6 CONFIRMATION OF PREVIOUS MEETINGS MINUTES

6.1 MINUTES OF THE COUNCIL MEETING HELD ON 21 FEBRUARY 2023

File Ref: MIN
Author: Codi Brindley-Mullen, Manager of Governance
Authoriser: Raymond Griffiths, Chief Executive Officer
Attachments: 1. Minutes of the Council Meeting held on 21 February 2023

HEADING

STAFF RECOMMENDATION

That the Minutes of the Council Meeting held on 21 February 2023 be received as a true and accurate record.

COUNCIL RESOLUTION

MIN 017/23 MOTION - Moved Cr. Leake Seconded Cr. Gardiner

That the Minutes of the Council Meeting held on 21 February 2023 be received as a true and accurate record.

CARRIED 6/0

6.2 MINUTES OF THE BUSHFIRE ADVISORY COMMITTEE MEETING HELD ON 14 MARCH 2023

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

HEADING**STAFF RECOMMENDATION**

That the Minutes of the Bushfire Advisory Committee Meeting held on 14 March 2023 be received and the recommendations therein be adopted.

COUNCIL RESOLUTION

MIN 018/23 **MOTION - Moved Cr. Gardiner** **Seconded Cr. Pryer**

That the Minutes of the Bushfire Advisory Committee Meeting held on 14 March 2023 be received and the recommendations therein be adopted.

CARRIED 6/0

7 PRESENTATIONS

7.1 Petitions

7.2 Presentations

7.3 Deputations

8 REPORTS OF COMMITTEES

Nil

9 CORPORATE SERVICES REPORTS

9.1 STATUS REPORT OF ACTION SHEET

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

BACKGROUND

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

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

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

STAFF COMMENT

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

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

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

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

TEN YEAR FINANCIAL PLAN

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

FINANCIAL IMPLICATIONS

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

STATUTORY IMPLICATIONS

NIL know at this time.

STAFF COMMENT

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

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

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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.

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FINANCIAL IMPLICATIONS

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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,

has —

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

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

5.60A. Financial interest

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

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

5.60B. Proximity interest

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

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

5.61. Indirect financial interests

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

5.62. Closely associated persons

- (1) For the purposes of this Subdivision a person is to be treated as being closely associated with a relevant person if —
 - (a) the person is in partnership with the relevant person; or
 - (b) the person is an employer of the relevant person; or

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

(2) In subsection (1) —

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

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

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

5.63. Some interests need not be disclosed

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

- (ii) either the relevant person's spouse, de facto partner or child is the employee if the spouse, de facto partner or child is living with the relevant person;

[(e) deleted]

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

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

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

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

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

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

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

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

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

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

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

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

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

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

5.66. Meeting to be informed of disclosures

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

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

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

5.67. Disclosing members not to participate in meetings

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

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

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

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

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

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

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

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

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

5.69A. Minister may exempt committee members from disclosure requirements

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

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

5.70. Employees to disclose interests relating to advice or reports

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

5.71. Employees to disclose interests relating to delegated functions

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

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

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

STRATEGIC COMMUNITY PLAN

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

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

COMMUNITY CONSULTATION

The following consultation took place;

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

STAFF RECOMMENDATION

That Council receive the status report.

COUNCIL RESOLUTION

MIN 019/23 MOTION - Moved Cr. Reid Seconded Cr. Leake

That Council receive the status report.

CARRIED 6/0

9.2 WEROC - REGIONAL WASTE FACILITY

File Ref:	ADM
Author:	Raymond Griffiths, Chief Executive Officer
Authoriser:	Raymond Griffiths, Chief Executive Officer
Attachments:	1. WEROC Waste Management Options Report (under separate cover)

BACKGROUND

Council WEROC

At the WEROC Inc. Board meeting held in Tammin on 5 September 2022, the final draft Strategic Waste Management Plan (SWMP) was presented for discussion. Mr. Giles Perryman, Director ASK Waste Management, who joined the meeting via videoconference, emphasised the importance of waste data collection and recommended that this should be a high priority for WEROC Shires. Mr. Perryman also strongly recommended that the Shire's consider co-funding a regional waste coordinator. The Board resolved to refer the matter to the WEROC CEO Committee for further consideration.

At the WEROC CEO Committee meeting on Thursday 13 October 2022, the recommendation regarding a regional waste coordinator was generally supported. It was however, requested that a position description that clearly defined the scope of the role and a possible funding model be presented for consideration before moving forward.

At the WEROC Board meeting held on Monday 21 November 2022 the regional waste coordinator job and person specification prepared by the Executive officer was presented for consideration along with a per-capita funding model. It was recommended that the Board:

1. Adopt the WEROC Strategic Waste Management Plan and Landfill Consolidation Report
2. Endorse the recommendation of the WEROC Inc. CEO Committee that "*WEROC Inc. progress in engaging a regional waste coordinator to implement the recommendations of the Strategic Waste Management Report and to facilitate improved waste data collection, subject to a position description and funding model being approved by the WEROC Inc. Board*"
3. Endorse the WEROC Regional Waste Coordinator job and person specification; and
4. Consider and discuss the proposed per-capita funding model.

Ms. Lisa Clack, CEO Shire of Merredin requested that this matter be laid on the table until the next meeting, as the Shire of Merredin were concerned that the position description was too broad and that the per-capita funding model would be disadvantageous for Merredin in the short-term. Ms. Clack asked that the Shire of Merredin be given more time to consider the position requirements and devise a more equitable funding model and to present the same to the group at the next meeting.

It was resolved that the WEROC Strategic Waste Management Plan and Landfill Consolidation Report would be adopted and recommendations 2 to 4, be held over until the next meeting. The Shire of Merredin have prepared an options paper which is presented for discussion.

WEROC Meeting – Monday 22nd February 2023

Comments from the meeting:

- Mr. Darren Mollenoyux requested that the item be laid on the table until the next meeting due to insufficient time to consider the proposal.
- Mr. Daniel Hay-Hendry provided an overview of the Shire of Merredin's proposal.
- Mr. Darren Mollenoyux noted that the Shire of Bruce Rock still have a 10-year lifespan for their existing landfill site and this does not seem to be catered for in the Shire of Merredin's

recommendations. Mr. Mollenoyux also noted that Bruce Rock do not use Avon waste (other than for recycling) and still have a number of years remaining on an existing contract, which needs to be accounted for.

- Mr. Nic Warren advised that the Shire of Yilgarn is on board with the recommendations put forward by the Shire of Merredin. Mr. Warren acknowledged that the number of landfill sites within their Shire and the complexity this creates, puts them in a very different space to other Shires and the work that needs to be done to plan for the consolidation of landfill sites in their Shire should not be funded by the rest of the WEROC Councils.

STAFF COMMENT

The Shire of Merredin provided a comprehensive report which is provided as an attachment for Councils review. In summary the following recommendations were provided.

In addition to the schedule of delivery which address the SWMP priority actions specifically, this report presents a set of recommendations with associated steps for the timely establishment of two regional landfill sites and the ongoing improvement of waste management practices within the WEROC region.

The recommendations are based on the review and analysis of the current waste management challenges faced by WEROC member Councils.

To address these challenges, a confirmed funding model, priorities, and method of delivery are essential. As the priorities set forth within the WEROC SWMP may not always align with the operational priorities for WEROC, the Shire of Merredin has provided an alternative implementation plan.

The steps required to establish two regional landfill sites and improve waste management practices within the WEROC region have been detailed in Table 4.1 and further summarised below. Attached as

Appendix 1 - Gantt Chart Proposed Revised Order of Works is a Gantt chart of the proposed revised order for the delivery of the WEROC SWMP priorities as a visual reference. While the revised order of works only includes the actions identified in the SWMP, further interim actions also need to be progressed. Therefore, recommended steps have been categorised into interim, short-term and medium-term actions.

Interim:

Interim actions are required which are not included in *Appendix 1 - Gantt Chart Proposed Revised Order of Works*, to meet the immediate needs of those Councils with end-of-life facilities.

Required interim steps are:

- WEROC to agree to support the general direction outlined within the WEROC SWMP and LCA Reports, subject to the changes proposed in this report.
- The Shires of Merredin and Yilgarn to develop an interim gate-fee within the next three months.
- Where Councils need a transfer option within the next 12 to 18 months, discussions held amongst WEROC CEOs and Avon Waste to consider the most effective operational model for collection and transfer of waste in the interim.

Interim Recommendations are that WEROC:

1. Endorse the WEROC Strategic Waste Management Plan, subject to:
 - a. Noting the inaccuracies in the waste generation data presented; and,
 - b. Accepting the proposed amendments to the implementation of the priorities outlined within the WEROC Waste Management Option Paper submitted by the Shire of Merredin (this report).
2. Endorse the WEROC Landfill Consolidation – Scenario Assessment Report and endorse *Option 2: implementation of two regional landfills located at Merredin and Southern Cross*, subject to;
 - a. Accepting the proposed amendments to the implementation of the priorities outlined within the WEROC Waste Management Option Paper submitted by the Shire of Merredin (this report); and
 - b. Note that with the change to a gate-fee model, each WEROC member Council will be responsible for the cost associated with the implementation of the priorities associated with their own waste management operations and sites.
3. Shires of Merredin and Yilgarn develop an interim gate fee to allow the disposal of municipal waste from WEROC member Councils with waste disposal capacity issues by April 2023.
4. Commence discussions with Avon Waste regarding interim operational options, including a review of kerbside collection days within the WEROC region to enable the efficient servicing of WEROC member Councils and disposal at one of the proposed regional landfill sites (April 23) to align with budget and fees and charges.

Short-term

Short-term actions are as identified in *Appendix 1 – Gantt Chart Proposed Revised Order of Works*, and are primarily focused on developing robust plans and costings to enable the implementation of two regional landfills. It should be noted that while the priority of some actions might not be high within the report - they may be a predecessor to some of the high priority actions. At the completion of the short-term actions, there is the option for the project to halt, or for individual local governments to exit, if the proposal is not considered viable or the preferred option.

Proposed actions are based on the assumption that WEROC will endorse the Shire of Merredin's position that the Regional Waste Coordinator role as defined in the PD developed by the WEROC EO is not feasible in its current form, and should be re-assessed following the completion of the short term priority actions outlined within the report.

Required short-term steps are:

- Municipal waste from WEROC member Councils transitioning to transfer stations can be accepted at Merredin or Southern Cross landfill sites at any stage following the development of interim gate fees.
- Shire of Yilgarn and Shire of Merredin to complete master planning documentation (including OMPs, LCMPs etc) to inform operational and capital improvements and develop an accurate whole of life cost that can be used to establish an appropriate gate fee. This is to be self-funded by each Shire.
- Other WEROC Councils to complete LCMPs and OMPs, should suitable funding and internal resources be available. Again, these would be funded by each Shire.
- Assess funding model options for waste management across the WEROC region.
- Capital and operational improvement works are completed at Merredin and Southern Cross to establish two regional landfill sites.
- Each WEROC member Council should commence the process of aligning Strategic Community Plans and Corporate Business Plans within their normal business planning schedule.

Short-term Recommendations are that WEROC:

1. Implement actions 2 to 9 inclusive of *Appendix 1 – Gantt Chart Proposed Revised Order of Works*; and Notes that;
 - a. The funding model for the Regional Waste Coordinator and relevant gate-fee will be developed during this phase of works, and will need to be agreed by the WEROC Councils prior to the implementation of any required capital works;
 - b. Some Councils may progress Action 10, should they have internal capability to do so; and
 - c. The Shires of Merredin and Yilgarn will be required to complete the short-term priority actions in advance of the other WEROC member Councils to enable the transition to two regional landfill sites.

Medium-term:

The medium-term actions are for the employment of the Regional Waste Coordinator, and the implementation of the remainder of the priority actions under the plan. While these elements may appear to be discretionary, it is recommended they are still considered high priority, as they will reduce the risk to the regional landfills and shared approach, and support the overall operational requirements.

Required medium-term steps are:

- The employment of a Regional Waste Coordinator. The Regional Waste Coordinator could be considered prior to the conversion of satellite sites. However, we feel that there is sufficient detail in the ASK LCA Report for either direct project management by member Councils or for impacted

Councils to use the report to develop a scope of works for a consultant to implement.

- Explore opportunities for, and implement where appropriate, regional procurement and contracts.
- If not started prior, commence the implementation of consistent waste data collection across the WEROC region. It is strongly recommended that where member Councils have capacity and capability, this should be implemented as early as possible.
- If not started prior, commence community engagement and waste education. This process should include the quantification of community opinion.
- Evaluate suitability/requirements of a regional waste team.
- Review progress against WEROC SWMP priorities and set new actions and targets.

Medium-term Recommendations are that WEROC:

1. Implement actions 10-19 inclusive of *Appendix 1 – Gantt Chart Proposed Revised Order of Works*; and
2. Notes;
 - a. The employment of the Regional Waste Coordinator should be progressed prior to the commencement of these actions.
 - b. The Regional Waste Coordinator will review and update the SWMP and associated implementation plan for the review and endorsement of WEROC during this stage.

TEN YEAR FINANCIAL PLAN

The operation of Councils Transfer Station and costs associated with the transfer of waste from Kellerberrin.

FINANCIAL IMPLICATIONS

The operation of Councils Transfer Station and costs associated with the transfer of waste from Kellerberrin.

STATUTORY IMPLICATIONS

Nil known at this time.

STRATEGIC COMMUNITY PLAN

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

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

COMMUNITY CONSULTATION

The following consultation took place;

- Chief Executive Officer
- WEROC

STAFF RECOMMENDATION

That Council support the following Interim, Short-term and Medium term solutions for Regional Waste within WEROC Councils;

Interim Recommendations are that WEROC:

1. Endorse the WEROC Strategic Waste Management Plan, subject to:
 - (a) Noting the inaccuracies in the waste generation data presented; and,
 - (b) Accepting the proposed amendments to the implementation of the priorities outlined within the WEROC Waste Management Option Paper submitted by the Shire of Merredin (this report).
2. Endorse the WEROC Landfill Consolidation – Scenario Assessment Report and endorse *Option 2: implementation of two regional landfills located at Merredin and Southern Cross*, subject to;
 - (a) Accepting the proposed amendments to the implementation of the priorities outlined within the WEROC Waste Management Option Paper submitted by the Shire of Merredin (this report); and
 - (b) Note that with the change to a gate-fee model, each WEROC member Council will be responsible for the cost associated with the implementation of the priorities associated with their own waste management operations and sites.
3. Shires of Merredin and Yilgarn develop an interim gate fee to allow the disposal of municipal waste from WEROC member Councils with waste disposal capacity issues by April 2023.
4. Commence discussions with Avon Waste regarding interim operational options, including a review of kerbside collection days within the WEROC region to enable the efficient servicing of WEROC member Councils and disposal at one of the proposed regional landfill sites (April 23) to align with budget and fees and charges.

Short-term Recommendations are that WEROC:

1. Implement actions 2 to 9 inclusive of *Appendix 1 – Gantt Chart Proposed Revised Order of Works*; and Notes that;
 - a. The funding model for the Regional Waste Coordinator and relevant gate-fee will be developed during this phase of works, and will need to be agreed by the WEROC Councils prior to the implementation of any required capital works;

- b. Some Councils may progress Action 10, should they have internal capability to do so; and
- c. The Shires of Merredin and Yilgarn will be required to complete the short-term priority actions in advance of the other WEROC member Councils to enable the transition to two regional landfill sites.

Medium-term Recommendations are that WEROC:

- 1. Implement actions 10-19 inclusive of *Appendix 1 – Gantt Chart Proposed Revised Order of Works*; and
- 2. Notes;
 - a. The employment of the Regional Waste Coordinator should be progressed prior to the commencement of these actions.
 - b. The Regional Waste Coordinator will review and update the SWMP and associated implementation plan for the review and endorsement of WEROC during this stage.

COUNCIL RESOLUTION

MIN 020/23 MOTION - Moved Cr. Gardiner Seconded Cr. Ryan

That Council support the following Interim, Short-term and Medium term solutions for Regional Waste within WEROC Councils;

Interim Recommendations are that WEROC:

- 1. ***Endorse the WEROC Strategic Waste Management Plan, subject to:***
 - (a) ***Noting the inaccuracies in the waste generation data presented; and,***
 - (b) ***Accepting the proposed amendments to the implementation of the priorities outlined within the WEROC Waste Management Option Paper submitted by the Shire of Merredin (this report).***
- 2. ***Endorse the WEROC Landfill Consolidation – Scenario Assessment Report and endorse***
Option 2: implementation of two regional landfills located at Merredin and Southern Cross, subject to;
 - (a) ***Accepting the proposed amendments to the implementation of the priorities outlined within the WEROC Waste Management Option Paper submitted by the Shire of Merredin (this report); and***
 - (b) ***Note that with the change to a gate-fee model, each WEROC member Council will be responsible for the cost associated with the implementation of the priorities associated with their own waste management operations and sites.***
- 3. ***Shires of Merredin and Yilgarn develop an interim gate fee to allow the disposal of municipal waste from WEROC member Councils with waste disposal capacity issues by April 2023.***
- 4. ***Commence discussions with Avon Waste regarding interim operational options, including a review of kerbside collection days within the WEROC region to enable the efficient servicing of WEROC member Councils and disposal at one of the proposed regional landfill sites (April 23) to align with budget and fees and charges.***

Short-term Recommendations are that WEROC:

- 1. ***Implement actions 2 to 9 inclusive of Appendix 1 – Gantt Chart Proposed Revised Order of Works; and Notes that;***
 - a. ***The funding model for the Regional Waste Coordinator and relevant gate-fee will be developed during this phase of works, and will need to be agreed by the WEROC Councils prior to the implementation of any required capital works;***
 - b. ***Some Councils may progress Action 10, should they have internal capability to do so; and***

- c. The Shires of Merredin and Yilgarn will be required to complete the short-term priority actions in advance of the other WEROC member Councils to enable the transition to two regional landfill sites.***

Medium-term Recommendations are that WEROC:

- 1. Implement actions 10-19 inclusive of Appendix 1 – Gantt Chart Proposed Revised Order of Works; and***
- 2. Notes;***
 - a. The employment of the Regional Waste Coordinator should be progressed prior to the commencement of these actions.***
 - b. The Regional Waste Coordinator will review and update the SWMP and associated implementation plan for the review and endorsement of WEROC during this stage.***

CARRIED 6/0

9.3 WEROC - TOURISM

File Ref: ADM
Author: Raymond Griffiths, Chief Executive Officer
Authoriser: Raymond Griffiths, Chief Executive Officer
Attachments: 1. WEROC Tourism Proposal (under separate cover)

BACKGROUND

WEROC

At the WEROC Inc. CEO Committee meeting held on 20 April 2022, tourism priorities arising from the WEROC Tourism Audit were discussed. It was recognised that it would be difficult to gain traction on any tourism projects without a dedicated resource and as such, it was suggested that a way forward might be to better utilise the Central Wheatbelt Visitors Centre by expanding their service offering to include destination development in addition to marketing/promotion. The Shire of Merredin advised that they would be happy to investigate this possibility and it was resolved that:

RESOLUTION: *Moved: Mr Darren Mollenoyux* *Seconded: Ms Lisa Clack*

That the Shire of Merredin will investigate an expanded service offering for the Central Wheatbelt Visitors Centre and present a proposal, inclusive of financial implications, to the WEROC Inc. Board.

WEROC Executive Officer Comment:

At the WEROC Inc. Board meeting held on 11 August 2021, Mr. Marcus Falconer, CEO of Australia's Golden Outback (AGO), presented an overview of AGO's new strategic priorities and advised that in an effort to gather momentum on localised destination development, they were trialling a co-funded destination development officer position in the Shire of Esperance. Mr. Falconer commented that a similar concept could be explored for the Wheatbelt. The Board determined that they would like to see how the position worked in Esperance before giving this further consideration.

Mr. Falconer contacted the Executive Officer in December 2022 to ascertain if there is any interest now, in pursuing this concept of a destination development officer in collaboration with AGO. The Executive Officer advised Mr. Falconer of the forthcoming proposal from the Shire of Merredin to provide a similar position within the Central Wheatbelt Visitors Centre and agreed that WEROC would keep him apprised of any developments.

STAFF COMMENT

The request put to the Shire of Merredin was as stated above to look at expanding the services that the Central Wheatbelt Visitors Centre provide as this organisation is already in place and all WEROC Councils subscribe to this organisation.

The Shire of Merredin as part of their report (as attached) provided five (5) recommendations being;

Option 1 – Collaborative and Coordinated approach

Option 1 involves WEROC employing a full-time Tourism Projects Coordinator to develop tourism materials for the region. The materials would leverage off existing events in each Shire to create itineraries which would attract visitors. The project is recommended for a two-year commitment. Deliverables include creating itineraries for one to two events per Shire to attract tourism, website refresh, itinerary development, and some small-scale business engagement work.

Option 1 would cost approximately \$21,706.43 per participating Shire in year one, based on all six WEROC Shire's participating.

Option 2 – Branding and identity

Option 2 involves WEROC employing a full-time Tourism Projects Coordinator for a period of three years to establish a brand for the WEROC region, and develop and implement a plan of actions, including a destination website and possible signage.

Deliverables in year one would include brand delivery, destination website and marketing materials. In year two and three, deliverables include items from a budget set by WEROC to implement the brand, examples of this include signage at popular attractions and wayfinding.

Option 2 would cost approximately \$20,039.76 – \$30,206.43 per Shire in year one based on all WEROC Shire's participating.

Option 3 – Join with a developed brand

Option 3 proposes a new partnership is formed with NEWROC / NEWTravel to add WEROC Shires to the Wheatbelt Way brand and enhance our reach and investment together.

In Option 3, the WEROC Executive Officer would investigate a partnership between the two Organisations of Council to benefit tourism across the region for the ease of the consumer (visitor). Costs for this option are not known, as they are dependent on negotiations, however, Merredin is recommending WEROC to proceed with Option 4 while negotiations are being undertaken at a cost of \$15,000 total. This ensures tourism objectives are still being undertaken while negotiations take place, and, will create marketing collateral which can be used if the partnership is successful; at a low cost and low investment.

Option 4 – Increased marketing service

Option 4 is a lower cost option, which would contract a consultant for approximately three hours a week to develop marketing collateral for the WEROC region and Shires. This option is a smaller investment for WEROC, depending on competing priorities.

Option 4 would cost approximately \$2,500 - \$3,000 per Shire, depending on how the contractor is supervised (see full details for more information).

Option 5 – Destination and Product Development

Option 5 explores WEROC investing in destination and product development. This option is not being recommended as this would require significant investment, and a long-term commitment, in conjunction with AGO. This approach would be very resources intensive.

The deliverables for this would include an initial planning period resulting in a strategic plan, advocacy for funding, branding and productive development, and support towards infrastructure development and delivery, for example wayfinding signage. Outcomes would have a 5-10 year horizon and require support from experts and for State Government (AGO) to be a partner from the beginning.

The Shire of Merredin is recommending Option 3 to investigate partnering with Wheatbelt Way and in the interim, to commit to one year of Option 4 to develop the content required and commence a higher level of service while discussions with NEWTravel can be undertaken.

Recommendation:

- WEROC Executive Officer to undertake the investigations of WEROC joining Wheatbelt Way and negotiation with NEWROC; o Updates to be brought back to the WEROC board with options and costs of the possible transition; and
 - o CWVC to identify impacts and propose changes to the MoU;
- Approve Option 4 for a period of 12 months at the cost of \$15,000; o Split either \$2,500 per local government if supervised by WEROC OR \$3,000 per local government if supervised by the CWVC; and
 - o Note: cost will reduce further if Cunderdin is included in this Option; and
- If joining Wheatbelt Way is not viable, the Shire of Merredin is to update this paper with an updated recommendation.
- If supported, this paper remains confidential in the short term, to allow the WEROC Executive Officer to conduct the negotiations with NEWTravel.

TEN YEAR FINANCIAL PLAN

Operational costs associated with the above options and operations of the Central Wheatbelt Visitors Centre.

FINANCIAL IMPLICATIONS

Council's financial implications hinge on the preferred option as listed above should Council elect to take up any of the above options.

STATUTORY IMPLICATIONS

Nil known at this time.

STRATEGIC COMMUNITY PLAN

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

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

COMMUNITY CONSULTATION

The following consultation took place;

- Chief Executive Officer
- WEROC
- Cr Emily Ryan

STAFF RECOMMENDATION

That Council decline all options provided by the Shire of Merredin and request if there is the option to enhance the capacity/scope of the Central Wheatbelt Visitors Centre to take up the tourism capacity requirements of WEROC.

COUNCIL RESOLUTION

MIN 021/23

MOTION - Moved Cr. Leake

Seconded Cr. Reid

That Council decline all options provided by the Shire of Merredin and request if there is the option to enhance the capacity/scope of the Central Wheatbelt Visitors Centre to take up the tourism capacity requirements of WEROC.

CARRIED 6/0

9.4 OCTOBER 2023 LOCAL GOVERNMENT ELECTIONS – METHOD OF ELECTION

File Ref: ELE 03
Author: Codi Brindley-Mullen, Manager of Governance
Authoriser: Raymond Griffiths, Chief Executive Officer
Attachments: Nil

BACKGROUND

The Minister for Local Government is progressing a range of Local Government Act legislative reform initiatives related to the conduct of elections, notably the introduction of optional preferential voting to replace the first past the post system. Legislation will be in place for the conduct of the 2023 elections with optional preferential voting likely to significantly increase the complexity of the election count.

This report is provided to assist Council in its consideration of the method of conducting the October 2023 election, and includes the proposal that the Local Government adopted the postal voting method

In accordance with section 4.7 of the Local Government Act 1995 (Act), the next ordinary Local Government election is scheduled for Saturday, 21 October 2023.

The process to appoint the WAEC to conduct the elections is as follows:

- a. Agreement sought from the WAEC to conduct the City's elections (complete); and
- b. Formal appointment of the WAEC by the Council.

The Shire of Kellerberrin contacted the WAEC to seek agreement to conduct the 2023 Ordinary elections. One of the benefits of the WAEC conducting the elections is that the process and the Returning Officer are largely independent of the Shire of Kellerberrin. This separation may improve the community's perception and confidence in the election process. In addition, postal voting is more convenient for Electors and typically achieves a higher rate of voter participation. If the Shire of Kellerberrin was to conduct the Local Government Elections themselves without engaging the services of the WAEC this is likely to have a considerable impact on both the Shire of Kellerberrin's financial and staff resources.

Postal elections encourage greater voter participation and are generally considered to be more representative of the community. Conducting voting in-person elections presents a number of challenges, particularly on account of the role of the Chief Executive Officer who is also the Returning Officer. The requirements and expectations placed on the Chief Executive Officer when taking on this dual role can be both contentious and time consuming. In addition to dealing with complaints received during the election period the dual role can lead to an unwelcome perception of conflict of interest and bias from the community. It is the prerogative of Council to decide whether to conduct elections by postal vote and to make a declaration that the elections are to be conducted by the WAEC.

The Western Australian Electoral Commissioner (WAEC) has responded to a written request for a cost estimate to conduct the October 2023 election as a postal election. The WAEC estimates the cost of \$17,000, including GST, based on the following assumptions:

1. 1,140 electors
2. A response rate of approximately 50%
3. 4 vacancies
4. The count to be conducted at the Shire of Kellerberrin premises

5. Appointment of a local Returning Officer
6. Regular Australia Post deliver service to apply for the lodgement of the election packages. (An additional \$250 will be incurred if Council decides to opt for the Australian Post Priority Service for the lodgement of election packages).

The cost estimate does not include expenses for election functions that remain the responsibility of the Local Government, including:

1. Appointment of Deputy Returning Officer and appropriate number of additional Local Government election officers to assist with the election process
2. Any additional postage rate increases passed on by Australia Post

STAFF COMMENT

As per LGA s4.61(1), Local Government elections can be either a Postal Election or an In-Person election:

Postal Election which is an election at which the method of casting votes is by posting or delivering them to an electoral officer on or before election day; or

Voting In-Person Election which is an election at which the principal method of casting votes is by voting in person on election day but at which votes can also be cast in person before election day, or posted or delivered, in accordance with regulations.

At the 2021 ordinary Local Government elections, the WAEC conducted 98 elections (70% of the total elections held) comprising:

- 92 Postal Elections (66%) and
- 6 In-Person Elections (4%).
- The remaining 41 elections were held as in-person elections, managed by the Local Government with the CEO acting as Returning Officer

With the proposed legislative changes to Local Government elections, including the increased complexity of counting with the introduction of optional preferential voting, the Local Government should consider the option of the WAEC conducting a Postal Voting election.

If Council does not resolve to adopt the Officer Recommendation to request the WAEC to conduct a Postal Voting election, the Shire of Kellerberrin will be required to conduct the election as either an In-Person voting election managed by the Local Government, with the CEO as the Returning Officer (unless otherwise determined), or alternatively as an In-Person voting election managed by the WAEC.

An In-Person election managed by the Local Government would require a considerable resource allocation and has the potential to adversely affect service delivery.

Additionally, Local Governments may be seek access to the WAEC's proprietary CountWA vote counting software (at a cost) however the level of support and training in the use of this software is as yet unknown.

As referenced above, if Council does not resolve to adopt the Officer Recommendation, the Shire of Kellerberrin would be required to conduct an In-Person election, with the CEO as the Returning Officer. This would require a considerable resource allocation and has the potential to adversely affect service delivery.

If Council resolves to adopt the officer recommendation, the WAEC will be authorised to conduct the election and the election will be a Postal Election.

TEN YEAR FINANCIAL PLAN

Nil

FINANCIAL IMPLICATIONS

The cost of conducting the election will be accommodated in the 2023/24 budget. If the WAEC is conducting a Postal Election, this will be based on the WAEC's cost estimate. This figure will not identify the opportunity cost to the organisation in terms of the officer time and resources consumed during normal operating hours to conduct the election.

STATUTORY IMPLICATIONS

Section 4.7 of the Local Government Act 1995

This section of the Act states - That ordinary elections to elect councillors will be held on the third Saturday in October.

Section 4.20(1) of the Local Government Act 1995

This section of the Act states – 'Where a Local Government is conducting an In-Person election, the CEO is the Returning Officer'.

Section 4.20(2) of the Local Government Act 1995

This section of the Act – 'CEO is to be the Returning Officer unless other arrangements made' - enables a Local Government, having first obtained the written agreement of the Electoral Commissioner, to appoint a person (absolute majority required) other than the CEO to be the Returning Officer for the Local Government election.

Section 4.20(4) of the Local Government Act 1995

This section of the Act states – A Local Government, having first obtained the written agreement of the Electoral Commissioner, declare (absolute majority required) the Electoral Commissioner to be responsible for the conduct of an election and to appoint a Returning Officer.

Section 4.61(2) of the Local Government Act 1995

This section of the Act - 'Choice of methods of conducting election' – noting that an election can be conducted as a Postal Election or an In-Person election, this section allows a Local Government to decide (absolute majority required) to conduct the election as a postal election. A postal election must be conducted by the Electoral Commissioner.

Voting Requirement

Decisions under sections 4.20(2), 4.20(4) and 4.61(2) require an absolute majority decision of Council. The CEO does not have any delegated authority in relation to the appointment of the WA Electoral Commissioner to conduct the election or determining the method in which the election will be conducted.

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

3.1 Effective mechanisms for community representation in key decision-making

COMMUNITY CONSULTATION

The following consultation took place:

- Raymond Griffiths, CEO
- James McGovern, WA Local Government Associations

STAFF RECOMMENDATION

That Council;

1. Declare in accordance with section 4.20(4) for the Local Government Act 1995, the WA Electoral Commissioner to be responsible for the conduct of the 2023 ordinary elections together with any other elections or polls which may be required.
2. Decide in accordance with section 4.61(2) of the Local Government Act 1995, that the method of conducting the election will be a Postal Election.

COUNCIL RESOLUTION

MIN 022/23

MOTION - Moved Cr. Leake

Seconded Cr. Gardiner

That Council defer this item to the April 2023 Ordinary Meeting of Council so further research can be conducted on costs for in-house elections.

CARRIED 6/0

BY ABSOLUTE MAJORITY

9.5 2022/23 BUDGET REVIEW

File Number: FIN 04
Author: Codi Brindley-Mullen, Manager of Governance
Authoriser: Raymond Griffiths, Chief Executive Officer
Attachments: 1. Budget Review (under separate cover)

BACKGROUND

Under Regulation 33A of the Local Government (Financial Management) Regulations 1996 (FMR), between 1 January and 31 March in each financial year, a local government must carry out a review of its budget for that year. The intention of the legislation is to ensure local governments conduct at least one budget review between six and nine months into a financial year.

A budget review compares year to date actual results with the adopted or amended budget. It establishes whether a local government is meeting its budget commitments and if any variations are required. The review must:

- consider the local government's financial performance for the period 1 July 2022 to the review date in that financial year;
- amend the budget opening position at 1 July 2022 by reference to the audited closing position at 30 June 2022, including any adjustment(s) required for the introduction of new accounting standards on 1 July 2021;
- consider the local government's financial position as at the date of the review; and
- review the forecasted outcomes for the end of the financial year.

Regulation 33A(2) and (3) of the FMR states that, within 30 days after a review is carried out, it is required to be submitted to the council. In accordance with regulation 33A(4) of the FMR, a copy of the Council endorsed review must be provided to the Department of Local Government, Sport and Cultural Industries within 30 days of its endorsement by council.

If prior budget reviews have been undertaken, the Regulation 33A review must still cover the period from 1 July and also cover any adjustments made as a result of prior reviews.

STAFF COMMENT

Please find attached the Budget Review document that details the review undertaken for the 2022/23 Adopted Budget. The review provides information for proposed permanent changes to the budget and changes to the budget due to timing.

Attached is a report highlighting the significant changes which have been reflected in the budget review.

TEN YEAR FINANCIAL PLAN

Nil known at this time

FINANCIAL IMPLICATIONS

There is no financial implications associated with this review as the budget has been brought back to a balanced budget.

STATUTORY IMPLICATIONS

Local Government (Financial Management) Regulations 1996

Section 33A. Review of budget

- (1) Between 1 January and 31 March in each financial year a local government is to carry out a review of its annual budget for that year.
- (2A) The review of an annual budget for a financial year must —
 - (a) consider the local government's financial performance in the period beginning on 1 July and ending no earlier than 31 December in that financial year; and
 - (b) consider the local government's financial position as at the date of the review; and
 - (c) review the outcomes for the end of that financial year that are forecast in the budget.
- (2) Within 30 days after a review of the annual budget of a local government is carried out it is to be submitted to the council.
- (3) A council is to consider a review submitted to it and is to determine* whether or not to adopt the review, any parts of the review or any recommendations made in the review.
**Absolute majority required.*
- (4) Within 30 days after a council has made a determination, a copy of the review and determination is to be provided to the Department.

[Regulation 33A inserted in Gazette 31 Mar 2005 p. 1048-9; amended in Gazette 20 Jun 2008 p. 2723-4.]

STRATEGIC COMMUNITY PLAN

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

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

COMMUNITY CONSULTATION

The following consultation took place;

- Chief Executive Officer
- Manager of Governance

STAFF RECOMMENDATION

That Council:

1. adopt the 2022/23 Budget Review at 28th February 2023 as presented comprising;
 - a) Statement of Budget Review by Nature and Type;

- b) *Note 1 to Note 5; and*
2. *Instruct the Chief Executive Officer lodge the Budget Review to the Department of Local Government, Sport and Cultural Industries in accordance with Section 33A, Local Government (Financial Management) Regulations 1996.*

COUNCIL RESOLUTION

MIN 023/23 MOTION - Moved Cr. Pryer Seconded Cr. Leake

That Council:

1. ***adopt the 2022/23 Budget Review at 28th February 2023 as presented comprising;***
 - a) ***Statement of Budget Review by Nature and Type;***
 - b) ***Note 1 to Note 5; and***
2. ***Instruct the Chief Executive Officer lodge the Budget Review to the Department of Local Government, Sport and Cultural Industries in accordance with Section 33A, Local Government (Financial Management) Regulations 1996.***

**CARRIED 6/0
BY ABSOLUTE MAJORITY**

9.6 COMMON SEAL REGISTER AND REPORTING

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

BACKGROUND

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

STAFF COMMENT

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

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

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

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

TEN YEAR FINANCIAL PLAN

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

FINANCIAL IMPLICATIONS

There are no financial impacts.

STATUTORY IMPLICATIONS

Shire of Kellerberrin Standing Orders Local Law 2016

Clause 19.1 The Council's Common Seal

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

Penalty \$1,000

STRATEGIC COMMUNITY PLAN

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

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

COMMUNITY CONSULTATION

The following consultation took place;

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

STAFF RECOMMENDATION

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

COUNCIL RESOLUTION

MIN 024/23 MOTION - Moved Cr. Reid Seconded Cr. Gardiner

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

CARRIED 6/0

9.7 CHEQUE LIST FEBRUARY 2023

File Number: N/A
Author: Zene Arancon, Finance Officer
Authoriser: Raymond Griffiths, Chief Executive Officer
Attachments: 1. February 2023 Payment List (under separate cover)

BACKGROUND

Accounts for payment from 1st February to 28th February 2023.

TRUST

TRUST TOTAL	\$ 74,751.35
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MUNICIPAL FUND**Cheque Payments**

35003-35006	\$ 39,439.75
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EFT Payments

14430-14546	\$ 803,821.41
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Direct Debit Payments

	\$ 68,322.35
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TOTAL MUNICIPAL

	\$ 911,583.51
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STAFF COMMENT

During the month of February 2023, the Shire of Kellerberrin made the following significant purchases:

Distinctive Pools Claim #7 February 2023 - Swimming Pool redevelopment	\$ 484,160.38
Department of Transport - TRUST DIRECT DEBITS Licensing CRC Licencing payments February 2023	\$ 59,341.65
Smith Earthmoving Pty Ltd Equipment hire - remove topsoil, push gravel, rehabilitate old pit & mob/demob for Goldfields Rd. works	\$ 53,878.00
Deputy Commissioner Of Taxation GST debtors January 2023 BAS	\$ 39,182.00
Water Corporation Water charges various Shire properties & buildings December 2022 to February 2023	\$ 38,217.60
Mineral Crushing Services WA PTY LTD Gravel carting for Goldfields Rd. for January 2023	\$ 20,640.92
Western Australian Treasury Corporation Loan No. 120 Principal & interest payment - Construction of Two GROH Houses	\$ 20,311.27
Smith Earthmoving Pty Ltd Equipment hire: Remove top soil, push up gravel & sandpit for South Doodlakine Rd. works	\$ 20,240.00
United Card Services Pty Ltd Total fuel supplies January 2023	\$ 14,722.19

Beam Superannuation Superannuation pay run 16/02/2023	\$ 12,581.74
Perth Patios and Sheds Supply & install 4x4 patios.	\$ 12,100.00
Beam Superannuation Superannuation pay run 02/02/2023	\$ 11,842.99
R Munns Engineering Consulting Services Hire of road counters for Doodlakine-Bruce Rock Rd & KBN-Shackleton Rd. and consulting work fees for South Doodlakine Rd. & Goldfields Rd.	\$ 11,826.51
Western Australian Treasury Corporation Loan No. 119 Principal & interest payment - construction of CEACA Senior Units - Hammond St.	\$ 11,140.49
Donovan Payne Architects Phase 3 Swimming Pool redevelopment contract administration	\$ 10,862.50
Avon Waste Domestic & commercial collections - January 2023	\$ 9,629.26
Brooks Hire Service Pty Ltd Hire of excavator & roller for Goldfields Rd. works & fuel charges knuckle boom for WWH Training	\$ 8,538.82
BCITF BCITF Commissions - January 2021, July 2022 & November 2022	\$ 8,470.65
Mineral Crushing Services WA PTY LTD Supply of 14mm washed aggregate including delivery for South Doodlakine Rd. works	\$ 8,386.95
Synergy Power charges various Shire properties & buildings December 2022-February 2023	\$ 7,414.34
Nelgara Pty Ltd Assist in developing strategy for additional funding from Commonwealth & State Governments for WSN	\$ 7,220.40
Shire of Northam Old quarry tipping fees November-December 2022	\$ 6,629.24
Building and Energy / Department of Mines, Industry Regulation and Safety BSL COMMISSION - January 2021, July 2022 & November 2022 and BP 15-2022 & BP 16-2022	\$ 5,917.65
Farmways Kellerberrin Pty Ltd Purchase of Toro rotor turf sprinkler, patio tube for various Shire roads, timer valve & orbit junction for Town garden and various under \$200	\$ 5,813.58
Greenfield Technical Services Level 1 bridge inspection & associated reports for various Shire bridges	\$ 5,445.00
Synergy Power charges various Shire properties October-December 2022	\$ 5,014.18

TEN YEAR FINANCIAL PLAN

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

FINANCIAL IMPLICATIONS

Shire of Kellerberrin 2022/2023 Operating Budget

STATUTORY IMPLICATIONS

Local Government (Financial Management) Regulations 1996

11. Payment of accounts

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

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

12. Payments from municipal fund or trust fund

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

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

13. Lists of accounts

- (1) If the local government has delegated to the CEO the exercise of its power to make payments from the municipal fund or the trust fund, a list of accounts paid by the CEO is to be prepared each month showing for each account paid since the last such list was prepared —
 - (a) The payee's name;
 - (b) The amount of the payment;
 - (c) The date of the payment; and

- (d) Sufficient information to identify the transaction.
- (2) A list of accounts for approval to be paid is to be prepared each month showing —
 - (a) For each account which requires council authorisation in that month —
 - (i) The payee’s name;
 - (ii) The amount of the payment; and
 - (iii) Sufficient information to identify the transaction;
 And
 - (b) The date of the meeting of the council to which the list is to be presented.
- (3) A list prepared under sub-regulation (1) or (2) is to be —
 - (a) Presented to the council at the next ordinary meeting of the council after the list is prepared; and
 - (b) Recorded in the minutes of that meeting.

STRATEGIC COMMUNITY PLAN

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

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

COMMUNITY CONSULTATION

The following consultation took place;

- Chief Executive Officer
- Manager of Governance
- Finance Officer

STAFF RECOMMENDATION

That Council notes that during the month of Februarys 2023, 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 \$911,583.51 on vouchers EFT , CHQ, Direct payments*
2. *Trust Fund payments totalling \$74,751.35 on vouchers EFT, CHQ, Direct payments*

COUNCIL RESOLUTION

MIN 025/23 MOTION - Moved Cr. Leake Seconded Cr. Pryer

That Council notes that during the month of Februarys 2023, 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 \$911,583.51 on vouchers EFT , CHQ, Direct payments***
2. ***Trust Fund payments totalling \$74,751.35 on vouchers EFT, CHQ, Direct payments***

CARRIED 6/0

9.8 DIRECT DEBIT LIST AND VISA CARD TRANSACTIONS - FEBRUARY 2023

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 February 2023.

Municipal Direct Debit List

Date	Name	Details	\$	Amount
1-Feb-23	NAB	Nab Connect Fee February 2023		57.73
2-Feb-23	Shire of Kellerberrin	Precision Superannuation		11,842.99
2-Feb-23	Shire of Kellerberrin	Pay Run		68,312.89
6-Feb-23	Eastway's Food Supplies	Australia Day Food		343.11
7-Feb-23	Department of Transport	Vehicle Inspection		84.00
9-Feb-23	ATO	Tax Payments		39,182.00
9-Feb-23	Shire of Kellerberrin	Creditors Payment		127,038.57
9-Feb-23	Australian Truck & Trailer Parts	Parts for Tanker P80		37.44
9-Feb-23	Australian Truck & Trailer Parts	Parts for Tanker P80		374.40
14-Feb-23	Department of Communities	Rent		420.00
16-Feb-23	Shire of Kellerberrin	Precision Superannuation		12,581.74
16-Feb-23	Shire of Kellerberrin	Pay Run		80,087.86
22-Feb-23	Nayax Australia Pty Ltd	Vending Machine Caravan Park		38.17
23-Feb-23	Shire of Kellerberrin	Creditors Payment		676,782.84
28-Feb-23	NAB	National BPAY Charge		34.04
28-Feb-23	NAB	Account Fees - Trust		10.00
28-Feb-23	NAB	Account Fees - Muni		47.30
28-Feb-23	NAB	Merchant Fees - Trust		0.55
28-Feb-23	NAB	Merchant Fees - Caravan Park		72.38
28-Feb-23	NAB	Merchant Fees - Admin		76.21
28-Feb-23	Department of Communities	Rent		420.00
28-Feb-23	NAB	Merchant Fees - CRC		428.25
TOTAL			\$	1,018,272.47

Trust Direct Debit List

Date	Name	Details	\$	Amount
28-Feb-23	Department of Transport	Trust Licencing Payments		59,341.65
TOTAL			\$	59,341.65

Visa Transactions

Date	Name	Details	\$	Amount
26-Jan-23	Eastern Hills Soft Serve	Food Australia Day		224.00
28-Feb-23	NAB	Card Fee		9.00
TOTAL - CEO			\$	233.00
Date	Name	Details	\$	Amount
26-Jan-23	Succulent Foods	Food Australia Day		57.00
09-Feb-23	Ebay	Purchase parts P8		158.83
16-Feb-23	Lions Cancer Institute	Donation to Lions Cancer Institute		300.00
24-Feb-23	Dezigna Clontarf	NAIDOC Week Information Packs		903.00
28-Feb-23	NAB	Card Fees		13.76
TOTAL -MOG				1,432.59

01-Feb-23	Officeworks Malaga	Stationery WSNF Officer	199.00
02-Feb-23	300 Acres Wembly Downs	Meals WSNF Officer	60.40
02-Feb-23	SEEK Australia	Advert Executive Officer WSNF	335.50
06-Feb-23	United Petroleum Kellerberrin	Meals WSNF Officer	16.50
06-Feb-23	Kellerberrin Hotel	Meals WSNF Officer	35.00
06-Feb-23	Kellerberrin Hotel	Accommodation WSNF Officer	130.00
13-Feb-23	Dome Warwick	Meals WSNF Officer	5.95
16-Feb-23	Lucy's Tearooms Northam	Catering - Meeting	255.00
23-Feb-23	City of Perth Parking	Parking WSNF Officer	4.54
23-Feb-23	City of Perth Parking	Parking WSNF Officer	5.55
24-Feb-23	Merredin Leisure Centre	Meals WSNF Officer	38.00
24-Feb-23	Merredin Leisure Centre	Meals WSNF Officer	19.00
24-Feb-23	City of Swan	Parking WSNF Officer	2.50
24-Feb-23	City of Swan	Parking WSNF Officer	2.50
24-Feb-23	Emerge Safe Pty Ltd	Hire of Meeting Room	97.93
27-Feb-23	Hawkins Corporation Merredin	Accommodation WSNF Officer	149.00
28-Feb-23	NAB	Card Fee	9.00
TOTAL -WSNF OFFICER			1,365.37
TOTAL VISA TRANSACTIONS			\$ 3,030.96

STAFF COMMENT

The Direct Debit List and Visa Card Transactions are presented for Council to note for the month of February 2023.

TEN YEAR FINANCIAL PLAN

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

FINANCIAL IMPLICATIONS

Financial Management of 2022/2023 Budget.

STATUTORY IMPLICATIONS

Local Government (Financial Management) Regulations 1996

34. Financial activity statement report — s. 6.4

(1A) In this regulation —

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

- (1) A local government is to prepare each month a statement of financial activity reporting on the revenue and expenditure, as set out in the annual budget under regulation 22(1)(d), for that month in the following detail —
 - (a) annual budget estimates, taking into account any expenditure incurred for an additional purpose under section 6.8(1)(b) or (c);
 - (b) budget estimates to the end of the month to which the statement relates;
 - (c) actual amounts of expenditure, revenue and income to the end of the month to which the statement relates;
 - (d) material variances between the comparable amounts referred to in paragraphs (b) and (c); and
 - (e) the net current assets at the end of the month to which the statement relates.
- (2) Each statement of financial activity is to be accompanied by documents containing —

- (a) an explanation of the composition of the net current assets of the month to which the statement relates, less committed assets and restricted assets;
 - (b) an explanation of each of the material variances referred to in subregulation (1)(d); and
 - (c) such other supporting information as is considered relevant by the local government.
- (3) The information in a statement of financial activity December be shown —
 - (a) according to nature and type classification; or
 - (b) by program; or
 - (c) by business unit.
- (4) A statement of financial activity, and the accompanying documents referred to in sub regulation (2), are to be —
 - (a) presented at an ordinary meeting of the council within 2 months after the end of the month to which the statement relates; and
 - (b) recorded in the minutes of the meeting at which it is presented.
- (5) Each financial year, a local government is to adopt a percentage or value, calculated in accordance with the AAS, to be used in statements of financial activity for reporting material variances.

STRATEGIC COMMUNITY PLAN

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

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

COMMUNITY CONSULTATION

The following consultation took place;

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

STAFF RECOMMENDATION

That Council note the direct debit list for the month of February 2023 comprising of;

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

COUNCIL RESOLUTION

MIN 026/23 MOTION - Moved Cr. Pryer Seconded Cr. Gardiner

That Council note the direct debit list for the month of February 2023 comprising of;

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

CARRIED 6/0

9.9 FINANCIAL ACTIVITY STATEMENT - FEBRUARY 2023

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

BACKGROUND

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

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

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

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

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

PART G – MATERIAL VARIANCE REPORTING FOR 2022/2023

In accordance with regulation 34(5) of the Local Government (Financial Management) Regulations 1996, and AASB 1031 Materiality, the level to be used in statements of financial activity in 2022/2023 for reporting material variances shall be 10% or \$10,000, whichever is the greater.

STAFF COMMENT

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

This report has been compiled to fulfil the statutory reporting requirements of the Act and associated Regulations, whilst also providing the Council with an overview of the Shire's financial performance on a year to date basis for the period ending 28th February 2023.

TEN YEAR FINANCIAL PLAN

Financial Management of 2022/2023 Budget.

FINANCIAL IMPLICATIONS

Financial Management of 2022/2023 Budget.

STATUTORY IMPLICATIONS

Local Government (Financial Management) Regulations 1996

34. Financial activity statement report — s. 6.4

(1A) In this regulation —

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

- (1) A local government is to prepare each month a statement of financial activity reporting on the revenue and expenditure, as set out in the annual budget under regulation 22(1)(d), for that month in the following detail —
 - (a) annual budget estimates, taking into account any expenditure incurred for an additional purpose under section 6.8(1)(b) or (c);
 - (b) budget estimates to the end of the month to which the statement relates;
 - (c) actual amounts of expenditure, revenue and income to the end of the month to which the statement relates;
 - (d) material variances between the comparable amounts referred to in paragraphs (b) and (c); and
 - (e) the net current assets at the end of the month to which the statement relates.
- (2) Each statement of financial activity is to be accompanied by documents containing —
 - (a) an explanation of the composition of the net current assets of the month to which the statement relates, less committed assets and restricted assets;
 - (b) an explanation of each of the material variances referred to in subregulation (1)(d); and
 - (c) such other supporting information as is considered relevant by the local government.
- (3) The information in a statement of financial activity be shown —
 - (a) according to nature and type classification; or
 - (b) by program; or
 - (c) by business unit.
- (4) A statement of financial activity, and the accompanying documents referred to in subregulation (2), are to be —
 - (a) presented at an ordinary meeting of the council within 2 months after the end of the month to which the statement relates; and
 - (b) recorded in the minutes of the meeting at which it is presented.
- (5) Each financial year, a local government is to adopt a percentage or value, calculated in accordance with the AAS, to be used in statements of financial activity for reporting material variances.

STRATEGIC COMMUNITY PLAN

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

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

COMMUNITY CONSULTATION

The following consultation took place;

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

STAFF RECOMMENDATION

That Council adopt the Financial Report for the month of February 2023 comprising;

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

COUNCIL RESOLUTION

MIN 027/23 MOTION - Moved Cr. Leake Seconded Cr. Reid

That Council adopt the Financial Report for the month of February 2023 comprising;

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

**CARRIED 6/0
BY ABSOLUTE MAJORITY**

9.10 BUILDING REPORTS FEBRUARY 2023

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

BACKGROUND

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

STAFF COMMENT

1. There were zero (0) applications received for a "Building Permit" during the February period.
2. There were zero (0) "Building Permit" issued in the February period.

TEN YEAR FINANCIAL PLAN

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

FINANCIAL IMPLICATIONS

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

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

STATUTORY IMPLICATIONS

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

STRATEGIC COMMUNITY PLAN

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COMMUNITY CONSULTATION

The following consultation took place:

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

STAFF RECOMMENDATION

That Council;

- 1. Acknowledge the "Return of Proposed Building Operations" for the February 2023 period.*
- 2. Acknowledge the "Return of Building Permits Issued" for the February 2023 period.*

COUNCIL RESOLUTION

MIN 028/23

MOTION - Moved Cr. Gardiner

Seconded Cr. Ryan

That Council;

- 1. Acknowledge the "Return of Proposed Building Operations" for the February 2023 period.*
- 2. Acknowledge the "Return of Building Permits Issued" for the February 2023 period.*

CARRIED 6/0

9.11 COMPLIANCE AUDIT RETURN - 2022

File Ref: FIN01
Author: Codi Brindley-Mullen, Manager of Governance
Authoriser: Raymond Griffiths, Chief Executive Officer
Attachments: 1. Compliance Audit Return (under separate cover)

BACKGROUND

The Compliance Audit Return (CAR) is a statutory reporting tool that seeks to evaluate the Shire's compliance with targeted sections of the Local Government Act 1995 during the period 1 January 2022 to 31 December 2022.

The Shire has completed the 2022 CAR and it is included in this report at Attachment 1 for the Audit Committee's consideration and Council decision. The complete 2022 CAR is recommended for adoption, after which it will be lodged with the Department of Local Government, Sport and Cultural Industries (the Department) as required by 31 March 2023.

STAFF COMMENT

The Audit Committee will meet prior to the March Ordinary Council Meeting; the staff recommendation is as follows;

STAFF RECOMMENDATION

That the Audit Committee;

1. Having received the 2022 Compliance Audit Return (Attachment A), recommend to Council to adopt the 2022 Compliance Audit Return; and
2. Recommend that Council authorises the Shire President and Chief Executive Officer to sign in joint the Certificate.
3. Recommend to Council that it authorises the CEO to submit the CAR to the department by 31 March 2023.

In completing the 2022 CAR, Council's Management have undertaken an audit of the Shire's activities, practices and procedures in line with the Act and its associated Regulations.

TEN YEAR FINANCIAL PLAN

NIL

FINANCIAL IMPLICATIONS

NIL

STATUTORY IMPLICATIONS

Section 7.13 of the Local Government Act 1995 provides for the making of Regulations in regards to Audits. Regulation 13 of the Local Government (Audit) Regulations 1996 prescribes the statutory requirements for which compliance audit needed.

Regulations 14 and 15 of the Local Government (Audit) Regulations 1996 state the following:

14. Compliance audits by local governments
 - (1) A local government is to carry out a compliance audit for the period 1 January to 31 December in each year.

(2) After carrying out a compliance audit the local government is to prepare a compliance audit return in a form approved by the Minister.

(3A) The local government's audit committee is to review the compliance audit return and is to report to the council the results of that review.

(3) After the audit committee has reported to the council under subregulation

(3A), the compliance audit return is to be –

(a) presented to council at a meeting of the council; and

(b) adopted by council; and

(c) recorded in the minutes of the meeting at which it is adopted.

15. Certified copy of compliance audit return and other documents to be given to Departmental CEO

(1) After the compliance audit return has been presented to the council in accordance with regulation 14(3) a certified copy of the return together with-

(a) a copy of the relevant section of the minutes referred to in regulation 14(3)(c); and

(b) any additional information explaining or qualifying the compliance audit, is to be submitted to the Departmental CEO by 31 March next following the period to which the return relates.

(2) In this regulation – certified in relation to a compliance audit return means signed by

(a) the mayor or president; and

(b) the CEO.

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

That the following consultation took place:

- Chief Executive Officer
- Manager of Governance

STAFF RECOMMENDATION

That Council;

1. Adopt the 2022 Compliance Audit Return (Attachment A);
2. Authorises the Shire President and Chief Executive Officer to sign in joint the Certificate; and
3. Authorises the Manager of Governance to submit the CAR to the department by 31 March 2023.

COUNCIL RESOLUTION

MIN 029/23

MOTION - Moved Cr. Leake

Seconded Cr. Pryer

That Council;

- 1. Adopt the 2022 Compliance Audit Return (Attachment A);***
- 2. Authorises the Shire President and Chief Executive Officer to sign in joint the Certificate; and***
- 3. Authorises the Manager of Governance to submit the CAR to the department by 31 March 2023.***

CARRIED 6/0

10 DEVELOPMENT SERVICES REPORTS

Nil

11 WORKS & SERVICES REPORTS

Nil

12 ELECTED MEMBERS MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

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

14 CONFIDENTIAL MATTERS

Nil

15 CLOSURE OF MEETING

The Meeting closed at 4:36pm.

The minutes of this meeting were confirmed at the Ordinary Council Meeting held on 18 April 2023.

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CHAIRPERSON