



# **AGENDA**

## **Ordinary Council Meeting Tuesday, 18 April 2023**

**Date: Tuesday, 18 April 2023**

**Time: 4:00pm**

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

## **Shire of Kellerberrin**

### **Ordinary Council Meeting 18th April 2023**

#### **NOTICE OF MEETING**

Dear Elected Member

The next Ordinary Council Meeting of the Shire of Kellerberrin will be held on Tuesday, 18th April 2023 in the Council Chamber, 110 Massingham Street, Kellerberrin WA 6410 commencing at 4:00pm.

Raymond Griffiths  
Chief Executive Officer  
Monday, 17 April 2023

## Shire of Kellerberrin

### Disclaimer

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

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

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

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

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

Signed \_\_\_\_\_  
Chief Executive Officer

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

Chief Executive Officer, Shire of Kellerberrin

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

financial interest (Section 5.60A)

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

proximity interest (Section 5.60B)

A person has a proximity interest in a matter if the matter concerns a proposed —

- (a) change to a planning scheme affecting land that adjoins the person's land;
- (b) change to the zoning or use of land that adjoins the person's land; or
- (c) development (as defined in section 5.63(5)) of land that adjoins the person's land.

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

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

in the following Council / Committee Meetings to be held on \_\_\_\_\_

in Item number/s \_\_\_\_\_

the *nature* of the interest being \_\_\_\_\_

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

\_\_\_\_\_  
\_\_\_\_\_

Yours faithfully

(Councillor's signature)

Councillor's Name

The *Local Government Act* provides that it is the member's obligation to declare the Nature of an interest if they believe that they have a financial interest, proximity interest, closely associated persons or an interest affecting impartiality in a matter being discussed by Council.

The Act provides that the Nature of the interest may be declared in writing to the Chief Executive Officer prior to the meeting or declared prior to discussion of the Agenda Item at the meeting. The Act further provides that the Extent of the interest needs to be declared if the member seeks to remain in the Chamber during the discussion, debate or voting on the item.

A Councillor declaring a financial or proximity interest must leave the meeting prior to the matter being discussed or voted on (including the question as to whether they are permitted to remain in the Chamber). Councillors remaining in the Chamber may resolve to allow the member to return to the meeting to participate in the proceedings.

The decision of whether to disclose a financial interest is yours and yours alone. Nobody can disclose for you and you can not be forced to make a disclosure.

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- 1 **DECLARATION OF OPENING**
- 2 **ANNOUNCEMENT BY PRESIDING PERSON WITHOUT DISCUSSION**
- 3 **RECORD OF ATTENDANCE / APOLOGIES / LEAVE OF ABSENCE**
- 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**

**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.

**Response**– No.

**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.

**Response** – Council is currently reviewing the laneways accesses and on finalising the legal advice the opinion will be shared with the community.

**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.

**Response** – Council has created a google account to seek a modification to Hammond Street to end the road prior to the rear laneway of Hammond

**5.2 Public Question Time**



## **6 CONFIRMATION OF PREVIOUS MEETINGS MINUTES**

### **6.1 MINUTES OF THE COUNCIL MEETING HELD ON 21 MARCH 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 March 2023

#### **HEADING**

### **STAFF RECOMMENDATION**

That the Minutes of the Council Meeting held on 21 March 2023 be received and the recommendations therein be adopted.

**6.2 MINUTES OF THE ARTS & CULTURE COMMITTEE MEETING HELD ON 5 APRIL 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 Arts & Culture Committee Meeting held on 5 April 2023 be received and the recommendations therein be adopted.

**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

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

#### 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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### **TEN YEAR FINANCIAL PLAN**

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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.*

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

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

**BACKGROUND**

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

Council's October 2022 Ordinary Meeting of Council – 18<sup>th</sup> October 2022

**MIN 167/22      MOTION - Moved Cr. Leake      Seconded Cr. Gardiner**

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

***Briefing Session: Councillors briefing session on agenda at 1:00 pm.  
 Time: Meeting commencement time 4:00 pm.  
 Public Question Time: Commencing at 4:15 pm and limited to 15 minutes.  
 Place: Council Chambers, 110 Massingham Street Kellerberrin.  
 Meeting Day: every third Tuesday of the month.***

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

**CARRIED 7/0  
 BY ABSOLUTE MAJORITY**

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

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

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

***Briefing Session: Councillors briefing session on agenda at 1:00 pm.  
 Time: Meeting commencement time 2:00 pm.  
 Public Question Time: Commencing at 2:15 pm and limited to 15 minutes.  
 Place: Council Chambers 110 Massingham Street Kellerberrin.  
 Meeting Day: every third Tuesday of the month.***

<b>January 2022 – No Meeting</b>	
<b>Tuesday, 15<sup>th</sup> February 2022</b>	<b>Kellerberrin Council Chambers</b>
<b>Tuesday, 15<sup>th</sup> March 2022</b>	<b>Kellerberrin Council Chambers</b>
<b>Tuesday, 19<sup>th</sup> April 2022</b>	<b>Kellerberrin Council Chambers</b>
<b>Tuesday, 17<sup>th</sup> May 2022</b>	<b>Kellerberrin Council Chambers</b>
<b>Tuesday, 21<sup>st</sup> June 2022</b>	<b>Kellerberrin Council Chambers</b>
<b>Tuesday, 19<sup>th</sup> July 2022</b>	<b>Kellerberrin Council Chambers</b>
<b>Tuesday, 16<sup>th</sup> August 2022</b>	<b>Kellerberrin Council Chambers</b>
<b>Tuesday, 20<sup>th</sup> September 2022</b>	<b>Kellerberrin Council Chambers</b>
<b>Tuesday, 18<sup>th</sup> October 2022</b>	<b>Kellerberrin Council Chambers</b>
<b>Tuesday, 15<sup>th</sup> November 2022</b>	<b>Kellerberrin Council Chambers</b>
<b>Tuesday, 20<sup>th</sup> December 2022</b>	<b>Kellerberrin Council Chambers</b>

**CARRIED 7/0**

## **STAFF COMMENT**

Council is required under legislation, to advertise its meetings advising of the date, commencement time, public question time and location of the meeting once each year.

Council at its October Ordinary Meeting of Council considered the meeting date and times for the 2023 calendar year.

Council since electing to not suspend standing orders for its Ordinary Council Meeting have recognised that our listed time for Public Question is too late as majority of the meetings agenda can be completed by this time however, the meeting cannot progress until public question time has been called and completed as the public may wish to speak to an item relevant in that meeting.

It is recommended that Council modify its Public Question time from 4.15pm to 4.05pm.

## **TEN YEAR FINANCIAL PLAN**

NIL known at this time.

## **FINANCIAL IMPLICATIONS**

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

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

## **STATUTORY IMPLICATIONS**

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

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

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

Regulations about council and committee meetings and committees

- (3) Without limiting the generality of section 9.59, regulations may make provision in relation to —

- (a) the matters to be dealt with at ordinary or at special meetings of councils;
  - (b) the functions of committees or types of committee;
  - (ba) the holding of council or committee meetings by telephone, video conference or other electronic means;
  - (c) the procedure to be followed at, and in respect of, council or committee meetings;
  - (d) methods of voting at council or committee meetings;
  - (e) the circumstances and manner in which a decision made at a council or a committee meeting may be revoked or changed (which may differ from the manner in which the decision was made);
  - (f) the content and confirmation of minutes of council or committee meetings and the keeping and preserving of the minutes and any documents relating to meetings;
  - (g) the giving of public notice of the date and agenda for council or committee meetings;
  - (h) the exclusion from meetings of persons whose conduct is not conducive to the proper conduct of the meetings and the steps to be taken in the event of persons refusing to leave meetings;
  - (i) the circumstances and time in which the unconfirmed minutes of council or committee meetings are to be made available for inspection by members of the public; and
  - (j) the circumstances and time in which notice papers and agenda relating to any council or committee meeting and reports and other documents which could be —
    - (i) tabled at a council or committee meeting; or
    - (ii) produced by the local government or a committee for presentation at a council or committee meeting,are to be made available for inspection by members of the public.
- (4) Regulations providing for meetings to be held by telephone, video conference or other electronic means may modify the application of this Act in relation to those meetings to the extent necessary or convenient to facilitate the holding of those meetings in that way.

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

Local Government (Administration) Regulations 1996

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

- (1) At least once each year a local government is to give local public notice of the dates on which and the time and place at which —
  - (a) the ordinary council meetings; and
  - (b) the committee meetings that are required under the Act to be open to members of the public or that are proposed to be open to members of the public,are to be held in the next 12 months.
- (2) A local government is to give local public notice of any change to the date, time or place of a meeting referred to in subregulation (1).
- (3) Subject to subregulation (4), if a special meeting of a council is to be open to members of the public then the local government is to give local public notice of the date, time, place and purpose of the special meeting.

- (4) If a special meeting of a council is to be open to members of the public but, in the CEO's opinion, it is not practicable to give local public notice of the matters referred to in subregulation (3), then the local government is to give public notice of the date, time, place and purpose of the special meeting in the manner and to the extent that, in the CEO's opinion, is practicable.

Shire of Kellerberrin Standing Orders Local Law 2016

### **STRATEGIC COMMUNITY PLAN**

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

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

### **COMMUNITY CONSULTATION**

The following consultation took place;

- Chief Executive Officer
- Manager of Governance

### **STAFF RECOMMENDATION**

That Council modifies the Public Question Time for all Council Meetings dates listed in MIN 167/22 from 4:15pm to 4:05pm.

**9.3 COMMUNITY BUDGET SUBMISSION 2023/24**

**File Ref:** FIN24  
**Author:** Codi Brindley-Mullen, Manager of Governance  
**Authoriser:** Raymond Griffiths, Chief Executive Officer  
**Attachments:** Nil

**BACKGROUND**

Councils April 2022 Ordinary Meeting – Tuesday, 12<sup>th</sup> April 2022

**MIN 057/22 MOTION - Moved Cr. Ryan Seconded Cr. Steber**

***That Council;***

- 1. Approve the following Community Budget Submissions for 2022/2023;**
  - a. Kellerberrin Historical Society for \$2,000 for reframing and restoration of photos held at the museum and purchase display cabinets and internal signage;**
  - b. Kellerberrin Town Team Movement to supply plants for the planter boxes upgrade;**
  - c. Kellerberrin Men's Shed for up to \$3,000 for the redevelopment of bushland – Centenary Park west end for architect drawings;**
  - d. Kellerberrin District High School for In-kind and hire waiver for the following;**
    - Hall Hire and equipment;**
    - Oval Hire;**
    - Bus Hire;**
    - Pool Hire; and**
    - Construction of winter carnival arenas**
  - e. Kellerberrin Playgroup for \$2,000 for painting the interior of the building including storage rooms, kitchen and bathrooms;**
  - f. Kellerberrin Junior Fire Brigade for In-Kind of the hire of Councils community bus;**
  - g. Doodlakine community committee for \$2,000 for entertainment, catering and decorations for the 100th year of the Hall celebrations;**
  - h. Kellerberrin Hockey Club for \$2,000 for the purchase and installation of protection netting behind the goals to protect the new pool amenities building;**
  - i. Kellerberrin Community Resource Centre for \$1,200 to cover costs of fuel cards for Food Pantry volunteer driver;**
  - j. Doodlakine Bowling Club for \$2,000 for repairing of cracks and damage to the bowling greens.**
- 2. Decline the following community budget submissions for 2022/2023;**
  - a. Kellerberrin Town Team Movement for \$3,000 start-up funds for incorporation set up, post office box and welcome mats; and**
  - b. Mount Caroline Bushfire Brigade for \$3,000 for outfitting the new bushfire shed.**
- 3. Increase the Budget allocation for Community Budget Submissions to \$39,000 to incorporate the annual allocation of \$3,000 to the following groups;**
  - a. Kellerberrin Agricultural Society;**
  - b. Central Wheatbelt Harness Racing Club; and**
  - c. Add Christmas up Keller**



Councils May 2021 Ordinary Meeting – Tuesday, 18<sup>th</sup> May 2021

**MIN 078/21      MOTION - Moved Cr. Reid      Seconded Cr. Leake**

***That Council:***

- 1. Kellerberrin District High School**
  - a. Waiving of Shire Hire Fees & use of facilities:**
    - i. Celebration Night – Memorial Hall**
    - ii. Faction Swimming Carnival – Kellerberrin Pool**
    - iii. Winter Carnival & Athletics Carnival – Sports Ground.**
    - iv. Vacswim Swimming Lessons. Pool Hire**
- 2. Kellerberrin Community Resource Centre (Food Pantry Project)**
  - a. Food Pantry – Fuel Cards for Volunteers - \$1,200**
- 3. Kellerberrin Community Resource Centre (Celebrating Volunteers Project)**
  - a. Celebrating our Volunteers Event - \$1,000**
- 4. Kellerberrin Golf Club**
  - a. Storage Room Construction at Recreation Centre - \$3,000**
- 5. Kellerberrin Local Health Advisory Group**
  - a. Ladies Day out – (Women reconnecting, inspiring and sharing) - \$3,000**

Councils May 2020 ordinary meeting – Tuesday, 19<sup>th</sup> May 2020

**MOTION - Moved Cr. Steber      Seconded Cr. Reid**

**MIN 001/20**

***That Council approves a donation of \$1,500 for the Kellerberrin Speedway for lighting of the playground.***

**MOTION - Moved Cr. Steber      Seconded Cr. Reid**

**MIN 002/20**

***That Council approves the donation of the Kellerberrin Memorial Hall hire to the Kellerberrin CWA. Should the event not go ahead due to COVID-19, Council will hold over the funding to the 21/22 financial year if required.***

**MOTION - Moved Cr. Steber      Seconded Cr. Reid**

**MIN 003/20**

***That Council approves the donation of \$2,492.00 for in-kind and hire waiver requested by the Kellerberrin District High School for;***

- Hall Hire and equipment;**
- Oval Hire;**
- Pool Hire; and**
- Construction of winter carnival arenas**

**MOTION - Moved Cr. Steber      Seconded Cr. Reid**

**MIN 004/20**



**STAFF COMMENT**

Council has widely advertised the Community Budget Submissions this year to try and ensure that the community take up the opportunity for community funding for their respective sporting or community group.

Council received nine (9) Community Budget Submissions this year for your consideration. Attached to all applications is all supporting documentation as well as any correspondence between them and either the CEO, MOG or Trainee.

1. Kellerberrin Hockey Club
2. Kellerberrin Hockey Club
3. Eastern Wheatbelt Riding Club
4. Kellerberrin Town Teams
5. Kellerberrin Playgroup
6. Kellerberrin District High School
7. Kellerberrin Community Resource Centre
8. Kellerberrin Pistol Club
9. Kellerberrin Agriculture Society
10. Better Heart Organisation

Please see the following table for a full list of application requests including project specifications and amount requested.

No	Organisation	Project	Total Project Cost	Amount Requested	Discussed Submission with Shire
1	Kellerberrin Hockey Club	New equipment	\$ 500	\$250	
2	Kellerberrin Hockey Club	Scoring System	\$1,000	\$500	
3	Eastern Wheatbelt Riding Club	Construction and Fixation of new Jumps at cross country course.	\$4,400	\$3,000	
4	Kellerberrin Town Teams	Limestone table, chair and plants installed in garden bed on Cornell Close.	\$2,260	\$2,260	
5	Kellerberrin Playgroup	Purchase of new Outdoor Cubby and removal of old Cubby	\$3,000	\$3,000	
6	Kellerberrin District High School	In – Kind of Facilities and Equipment			
7	Kellerberrin Community Resource Centre	Food Pantry Fuel Cards	\$2,113	\$2,000	
8	Kellerberrin Pistol Club	Purchase of new 10 metre retrieval system	\$6,400	\$3,000	

<b>9</b>	Kellerberrin Agriculture Society	Shed in Exhibition Hall	\$	\$	
<b>10</b>	Better Heart Aboriginal Corporation	Yorgas Backyard Yarning	\$3,000	\$3,000	
<b>TOTAL</b>			\$	\$ <b>Plus In-Kind</b>	

**TEN YEAR FINANCIAL PLAN**

Council has as part of Policy allocated the \$30,000 per year for Community Budget Submissions.

**FINANCIAL IMPLICATIONS**

Shire of Kellerberrin 2023/2024 Budget

041019 – Donations

\$20,000 - Community Donations and Grants

\$ 3,000 - Public Relations, Sponsorship, Donations and Waivers

\$ 7,000 - Donations and Gifts (provide services or programs to residents of the Shire of an ongoing basis.

Council has decided in previous years that the following events be provided with ongoing funding through the Community Budget program without having to make an application to Council:

- Kellerberrin Agricultural Society - \$3,000 to host the Annual Show.
- Central Wheatbelt Harness Racing Club - \$3,000 to host the Central Harness Racing Cup.
- Chrissy Up Keller - \$3,000 to host the Annual Christmas Community Function and Chrissy up Keller

**STATUTORY IMPLICATIONS**

Nil know at this time.

**STRATEGIC COMMUNITY PLAN**

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

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

**COMMUNITY CONSULTATION**

The following consultation took place;

- Chief Executive Officer
- Manager of Governance
- Trainee

Advertising

- The Pipeline – Newsletter

- Councils Website
- Social Media Platforms
- Letters sent via email to all community and local groups

## **STAFF RECOMMENDATION**

That Council;

1. Approve the following Community Budget Submissions for 2023/2024;
  - a. \_\_\_\_\_
  - b. \_\_\_\_\_
  - c. \_\_\_\_\_

**9.4 TRANSFER OF LAND - MATHER ROAD ROAD RESERVE**

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

**BACKGROUND**

Councils April 2010 Ordinary Council Meeting

**MIN 58/10 MOTION** - Moved Cr. Lamplugh 2<sup>nd</sup> Cr. Bee

- 1. That Council approves the sale of Council owned Part Lot 104 known as New Lot 24, 25, 26 and 27 Mather Road Kellerberrin as per subdivision plan, to Co-operative Bulk Handling of 50 Kings Park Road, West Perth, as per subdivision guide plan by private agreement for the sum of \$85,770.00*

**CARRIED 7/0  
BY ABSOLUTE MAJORITY**

Councils March 2010 Ordinary Council Meeting

**MIN 32/10 MOTION** - Moved Cr. Bee 2<sup>nd</sup> Cr. Clarke

- 1. That Council approves the sale of Council owned Part Lot 103 and Part 104 known as New Lot 28 Mather Road Kellerberrin as per subdivision plan, to Mr Michael Joseph Moylan and Mrs Helen Moylan of 69 Moore Street, Kellerberrin, as per subdivision guide plan by private agreement for the sum of \$48,186.45.*
- 2. That Council approves the sale of Council owned Part Lot 103 known as New Lot 7 Mather Road Kellerberrin as per subdivision plan, to Eastern Districts Seed Cleaning Company of Po Box 21, Kellerberrin, as per subdivision guide plan by private agreement for the sum of \$30,023.86.*
- 3. That Council approves the sale of Council owned Part Lot 103 known as New Lot 9 Mather Road Kellerberrin as per subdivision plan, to Mr Mark Walter Harrison and Ms Lynette June Mealey of 10 Bedford Street, Kellerberrin, as per subdivision guide plan by private agreement for the sum of \$11,152.35.*
- 4. That Council approves the sale of Council owned Part Lot 103 and Part 104 known as New Lot 13 Mather Road Kellerberrin as per subdivision plan, to Premium Grain Handlers of Po Box 1311, Fremantle, as per subdivision guide plan by private agreement for the sum of \$28,912.87.*

**CARRIED 7/0  
BY ABSOLUTE MAJORITY**

**STAFF COMMENT**

Council since the sale of land to Mather Road has been finalised the portion of Mather Road that was to be transferred as part of the sale didn't occur. The road was to be transferred to CBH to enable CBH to relocate the weighbridge to this portion of Mather Road to assist with operations and produce efficiencies with a new layout.

**TEN YEAR FINANCIAL PLAN**

NIL

**FINANCIAL IMPLICATIONS**

Nil – The Transfer of the Road Reserve formed part of the original process and sale proceeds.

**STATUTORY IMPLICATIONS****Local Government Act 1995 – Part 3, Division 3****3.58. Disposing of Property**

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

*and*

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

**3.59. Commercial enterprises by local governments**

- (1) *In this section —*

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

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

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

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

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

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

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

**major trading undertaking** *means a trading undertaking that —*

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

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

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

(2) Before it —

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

a local government is to prepare a business plan.

(3) The business plan is to include an overall assessment of the major trading undertaking or major land transaction and is to include details of —

- (a) its expected effect on the provision of facilities and services by the local government;
- (b) its expected effect on other persons providing facilities and services in the district;
- (c) its expected financial effect on the local government;
- (d) its expected effect on matters referred to in the local government’s current plan prepared under section 5.56;
- (e) the ability of the local government to manage the undertaking or the performance of the transaction; and
- (f) any other matter prescribed for the purposes of this subsection.

(4) The local government is to —

- (a) give Statewide public notice stating that —
  - (i) the local government proposes to commence the major trading undertaking or enter into the major land transaction described in the notice or into a land transaction that is preparatory to that major land transaction;
  - (ii) a copy of the business plan may be inspected or obtained at any place specified in the notice; and
  - (iii) submissions about the proposed undertaking or transaction may be made to the local government before a day to be specified in the notice, being a day that is not less than 6 weeks after the notice is given;

and

- (b) make a copy of the business plan available for public inspection in accordance with the notice.

(5) After the last day for submissions, the local government is to consider any submissions made and may decide\* to proceed with the undertaking or transaction as proposed or so that it is not significantly different from what was proposed.

\* Absolute majority required.

(5a) A notice under subsection (4) is also to be published and exhibited as if it were a local public notice.

(6) If the local government wishes to commence an undertaking or transaction that is significantly different from what was proposed it can only do so after it has complied with this section in respect of its new proposal.



- (7) *The local government can only commence the undertaking or enter into the transaction with the approval of the Minister if it is of a kind for which the regulations require the Minister's approval.*
- (8) *A local government can only continue carrying on a trading undertaking after it has become a major trading undertaking if it has complied with the requirements of this section that apply to commencing a major trading undertaking, and for the purpose of applying this section in that case a reference in it to commencing the undertaking includes a reference to continuing the undertaking.*
- (9) *A local government can only enter into an agreement, or do anything else, as a result of which a land transaction would become a major land transaction if it has complied with the requirements of this section that apply to entering into a major land transaction, and for the purpose of applying this section in that case a reference in it to entering into the transaction includes a reference to doing anything that would result in the transaction becoming a major land transaction.*
- (10) *For the purposes of this section, regulations may —*
- (a) prescribe any land transaction to be an exempt land transaction;*
  - (b) prescribe any trading undertaking to be an exempt trading undertaking.*
- [Section 3.59 amended by No. 1 of 1998 s. 12; No. 64 of 1998 s. 18(1) and (2).]*

#### Land Administration Act 1997

#### 52. Local government may request acquisition as Crown land of certain land no longer required

- (1) Subject to this section, a local government may request the Minister to acquire as Crown land —
- (a) any alienated land designated for a public purpose on a plan of survey or sketch plan lodged with the Registrar;
  - (b) any private road; or
  - (c) any alienated land in a townsite which the Minister proposes to abolish under section 26,
- within the district of the local government (in this section called ***the subject land***).
- (2) A request made under subsection (1) is to be accompanied by —
- (a) a plan of survey or sketch plan —
    - (i) showing the subject land; and
    - (ii) approved by the Planning Commission;and
  - (b) copies of all objections lodged with the local government during the period referred to in subsection (3)(b)(i) or (ii), as the case requires.
- (3) Before making a request under subsection (1), a local government must —
- (a) take all reasonable steps to give notice of that request to —
    - (i) the holder of the freehold in the subject land unless the local government holds that freehold;
    - (ii) the holders of the freehold in land adjoining the subject land unless the local government holds that freehold; and
    - (iii) all suppliers of public utility services to the subject land;and

- (b) in the case of —
  - (i) alienated land referred to in subsection (1)(a) or a private road referred to in subsection (1)(b), state in the notice a period of not less than 30 days from the day of that notice during which period persons may lodge objections with it against the making of that request; or
  - (ii) any land referred to in subsection (1)(c), advertise or take such steps as may be prescribed to notify interested persons of an intention to make the request and state in the notification a period of not less than 30 days from the day of that notification during which period persons may lodge objections with it against the making of that request.
- (4) The Minister may, on receiving a request made under subsection (1), the accompanying plan of survey or sketch plan referred to in subsection (2)(a) and copies of all objections referred to in subsection (2)(b) —
  - (a) by order grant that request;
  - (b) direct the local government to reconsider that request, having regard to such matters as he or she thinks fit to mention in that direction; or
  - (c) refuse to grant that request.
- (5) On the registration of an order made under subsection (4)(a), the subject land —
  - (a) ceases to belong to the holder of its freehold;
  - (b) is freed from all encumbrances; and
  - (c) becomes Crown land.
- (6) Subject to subsection (7), compensation is payable under Part 10 to any holder of the freehold in the subject land who suffers loss on the registration of an order referred to in subsection (5) as if that loss resulted from a taking under Part 9.
- (7) A person with an interest in land that is a private road (including a person who has the benefit of an easement created under section 167A of the TLA) the subject of an order under subsection (4)(a) who suffers loss on the registration of the order is not entitled to compensation under Part 10.
- (8) Sections 188, 189, 190 and 191 do not apply to a private road or an interest in land that is a private road if the land is the subject of an order under subsection (4)(a) and the land was taken or resumed or purportedly taken or resumed under a written law for the purpose of a right of way or a right of way and recreation.

*[Section 52 amended by No. 59 of 2000 s. 14.]*

## **Part 5 — Roads**

### Division 1 — Conventional roads

#### 53. *Status of Main Roads Act 1930 in respect of highways and main roads*

To the extent that there is in the case of a road which is a highway or main road within the meaning of the *Main Roads Act 1930* an inconsistency between this Act and that Act, that Act prevails.

#### 54. *Configuration and situation of roads*

A road may have —

- (a) a 2 dimensional configuration consisting of —
  - (i) length; and
  - (ii) width;

or

- (b) a 3 dimensional configuration consisting of —
  - (i) length;
  - (ii) width; and
  - (iii) height or depth or both,

as specified in the relevant plan of survey or sketch plan lodged with the Registrar and may be situated in airspace or waters or on the surface of or below the ground (including the bed of waters) or in any combination of 2 or more of these situations.

#### 55. Property in roads etc.

- (1) Subject to this section and to section 57, the absolute property in land comprising a road is by this subsection —
  - (a) revested in the Crown; and
  - (b) in the case of land under the operation of the TLA or the *Registration of Deeds Act 1856*, removed from that operation and so revested.
- (2) Subject to the *Main Roads Act 1930* and the *Public Works Act 1902*, the local government within the district of which a road is situated has the care, control and management of the road.
- (3) The operation of subsection (1) —
  - (a) suspends, until the relevant road is closed under section 58, any rights to mine for minerals within the meaning of the *Mining Act 1978* excepted from the acquisition of the land reserved, declared or dedicated as that road; but
  - (b) does not affect the functions of a local government in respect of a road of which it has the care, control and management.
- (4) If land comprising a private road is revested in the Crown under this section, a person with an interest in that land (including a person who has the benefit of an easement created under section 167A of the TLA) is not entitled to compensation because of that reversioning.

*[Section 55 amended by No. 59 of 2000 s. 15.]*

#### 56. Dedication of roads

- (1) If in the district of a local government —
    - (a) land is reserved or acquired for use by the public, or is used by the public, as a road under the care, control and management of the local government;
    - (b) in the case of land comprising a private road constructed and maintained to the satisfaction of the local government —
      - (i) the holder of the freehold in that land applies to the local government, requesting it to do so; or
      - (ii) those holders of the freehold in rateable land abutting the private road, the aggregate of the rateable value of whose land is greater than one half of the rateable value of all the rateable land abutting the private road, apply to the local government, requesting it to do so;
- or
- (c) land comprises a private road of which the public has had uninterrupted use for a period of not less than 10 years,

and that land is described in a plan of survey, sketch plan or document, the local government may request the Minister to dedicate that land as a road.

- (2) If a local government resolves to make a request under subsection (1), it must —
  - (a) in accordance with the regulations prepare and deliver the request to the Minister; and
  - (b) provide the Minister with sufficient information in a plan of survey, sketch plan or document to describe the dimensions of the proposed road.
- (3) On receiving a request delivered to him or her under subsection (2), the Minister must consider the request and may then —
  - (a) subject to subsection (5), by order grant the request;
  - (b) direct the relevant local government to reconsider the request, having regard to such matters as he or she thinks fit to mention in that direction; or
  - (c) refuse the request.
- (4) On the Minister granting a request under subsection (3), the relevant local government is liable to indemnify the Minister against any claim for compensation (not being a claim for compensation in respect of land referred to in subsection (6)) in an amount equal to the amount of all costs and expenses reasonably incurred by the Minister in considering and granting the request.
- (5) To be dedicated under subsection (3)(a), land must immediately before the time of dedication be —
  - (a) unallocated Crown land or, in the case of a private road, alienated land; and
  - (b) designated in the relevant plan of survey, sketch plan or document as having the purpose of a road.
- (6) If land referred to in subsection (1)(b) or (c) is dedicated under subsection (3)(a), a person with an interest in that land (including a person who has the benefit of an easement created under section 167A of the TLA) is not entitled to compensation because of that dedication.

*[Section 56 amended by No. 59 of 2000 s. 16.]*

#### 57. Leases in relation to roads

- (1) The Minister may —
  - (a) grant a lease in respect of land above or below a road; or
  - (b) with the consent of the relevant local government, the Commissioner of Main Roads, or the Minister responsible for the administration of the *Public Works Act 1902*, as the case requires, grant a lease in respect of land comprising a road, if —
    - (i) there are structures above the road; or
    - (ii) the purpose of that lease is consistent with the use of the road by the public.
- (2) When a lease is granted under subsection (1)(b) in respect of land comprising a road and the road is closed under section 58 during the subsistence of the lease, the lease continues to subsist as an interest in Crown land until it terminates in accordance with law.

*[Section 57 amended by No. 59 of 2000 s. 17.]*

## 58. Closure of roads

- (1) When a local government wishes a road in its district to be closed permanently, the local government may, subject to subsection (3), request the Minister to close the road.
- (2) When a local government resolves to make a request under subsection (1), the local government must in accordance with the regulations prepare and deliver the request to the Minister.
- (3) A local government must not resolve to make a request under subsection (1) until a period of 35 days has elapsed from the publication in a newspaper circulating in its district of notice of motion for that resolution, and the local government has considered any objections made to it within that period concerning the proposals set out in that notice.
- (4) On receiving a request delivered to him or her under subsection (2), the Minister may, if he or she is satisfied that the relevant local government has complied with the requirements of subsections (2) and (3) —
  - (a) by order grant the request;
  - (b) direct the relevant local government to reconsider the request, having regard to such matters as he or she thinks fit to mention in that direction; or
  - (c) refuse the request.
- (5) If the Minister grants a request under subsection (4) —
  - (a) the road concerned is closed on and from the day on which the relevant order is registered; and
  - (b) any rights suspended under section 55(3)(a) cease to be so suspended.
- (6) When a road is closed under this section, the land comprising the former road —
  - (a) becomes unallocated Crown land; or
  - (b) if a lease continues to subsist in that land by virtue of section 57(2), remains Crown land.

*[Section 58 amended by No. 59 of 2000 s. 18(1) <sup>9</sup>.]*

## 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
- CBH

## STAFF RECOMMENDATION

*That Council*

1. *Resolves to close*
  - a) *Mather Road from 3.70 kms to 5.27 kms*
2. *Advertises the part closure of Mather Road in accordance with section 58 of the Land Administration Act 1997.*
3. *Indemnifies Department of Regional Development and Lands against all claims and costs associated with the road closure*
4. *Transfers the closed Road Reserve to Co-operative Bulk Handling as Free hold land.*
5. *Nominates Mr Ahmad Chami of Automated Surveys as its appointed surveyor.*
6. *Delegates authority to the Chief Executive Officer to formerly close the above mentioned roads should Council receive no objections.*

**9.5 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**

Councils March Ordinary Meeting of Council – 21<sup>st</sup> March 2023

**MIN 001/23 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**

*Please note the below information provided as Background to the March 2023 Ordinary Meeting of Council.*

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**

Council at its March 2023 Ordinary Meeting of Council requested Councils Management contact the WA Electoral Commission (WAEC) and obtain a price to purchase the CountWA Software for the 2023 Local Government Ordinary Election.

Please find below the quote of options provided by the WAEC;

#### ***Option 1 – CountWA software and support only***

1. This is a single computer installation of CountWA and is best suited to smaller counts where there is a single operator undertaking the role of supervisor and data entry operator. There is no ability to connect any other computer to CountWA or show progressive results while data entering.
2. WAEC will provide:
  - a. Installation package for CountWA. This will be supplied on a suitable download link.
  - b. Technical support (during business hours on phone) prior to election day to assist with the installation and setup of CountWA (times will be advised).
  - c. Training materials and documentation related to CountWA.
  - d. Training of use of CountWA (via Teams)
  - e. Helpdesk support on Election Day from 10.00am – 10.00pm.
3. The Local Government will:
  - a. Supply all equipment.
  - b. Have Windows 10 installed on the computer.
  - c. Need appropriate IT capacity to install and setup software on the computer.
4. The cost for Option 1 is \$5,300 (ex GST) per Local Government, plus additional costs for helpdesk support and couriers.



**Option 2 – Complete CountWA installation, including all hardware and equipment.**

1. This can be used for a range of count sizes, requiring two to 20 computers. It also allows results to be progressively displayed.
2. WAEC will provide:
  - a. Two or more pre-networked laptops with CountWA pre-installed. This package includes all IT equipment needed to run CountWA, including laptop, numeric keypads, networking equipment, extension cords, power boards, etc.
  - b. Printer and modem.
  - c. Technical support (during business hour on phone) prior to Election Day to assist with setup of CountWA (times will be advised).
  - d. Training materials and documentation related to CountWA.
  - e. Training of use of CountWA (via Teams).
  - f. Helpdesk support on Election Day from 10.00am – 10.00pm.
  - g. Secure transport of the CountWA equipment to/from the Local Government. The equipment will be sent to the Local Government 1-2 weeks prior to the election so that there is time to setup and test.
3. The Local Government will:
  - a. Be responsible for unpacking and setting up the IT equipment. Clear instructions will be provided by WAEC, and telephone support will be available.
  - b. Provide a suitable HDMI compatible digital projector or large screen should they wish to display the progressive results on a large screen.
  - c. After the election, pack up all equipment and follow instructions provided by the WAEC for the return of all supplied equipment within 2 weeks after the election.
4. The cost for Options 2 is \$8,000 (ex GST) per Local Government. This includes software license, laptop (one), printer, networked modem, technical support (install), training and materials, WAEC administration support. Please note that:
  - a. There is an additional \$1,000 as a bond which is refundable when equipment is returned and if there are no damages.
  - b. There is an additional cost of \$650 per additional laptop required for either data entry or progressive display.
  - c. The cost of helpdesk support, packaging and couriers are variable costs to be added when confirmed.

*Please note below additional commentary which was provided at the March 2023 Ordinary Meeting of Council.*

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.

## 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.

Postal Election - \$17,000

In house Election

Option 1 - \$5,300 plus administration expenses

Option 2 - \$8,000 plus administration expenses and additional costs listed above.

## 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:

- Chief Executive Officer
- Manager of Governance
- Executive Assistant
- 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.

**9.6 CHEQUE LIST MARCH 2023**

**File Number:** N/A  
**Author:** Zene Arancon, Finance Officer  
**Authoriser:** Raymond Griffiths, Chief Executive Officer  
**Attachments:** 1. March Payment List

**BACKGROUND**

Accounts for payment from 1<sup>st</sup> March to 31<sup>st</sup> March 2023.

**TRUST**

**TRUST TOTAL** **\$ 137,379.00**

**MUNICIPAL FUND**

**Cheque Payments**  
 35007-35009 **\$ 3,842.69**

**EFT Payments**  
 14549-14649 **\$ 496,590.37**

**Direct Debit Payments** **\$ 42,150.07**

**TOTAL MUNICIPAL** **\$ 542,583.13**

**STAFF COMMENT**

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

**Department of Transport - TRUST DIRECT DEBITS Licensing CRC** **\$ 136,559.00**  
 Licencing payment March 2023

**Stirling Asphalt (Juel Enterprises PTY LTD)** **\$ 102,396.80**  
 Asphalt intersections of Smith & Fire Roads on the South Doodlakine Rd.

**Downer EDI Works Pty Ltd** **\$ 77,557.74**  
 Wetmixing of South Doodlakine Rd. construction

**Mineral Crushing Services WA PTY LTD** **\$ 36,260.73**  
 Supply of 5mm, 10mm & 14mm aggregates, gabion stones for potholes & South Doodlakine Rd. works

**Western Australian Treasury Corporation** **\$ 33,504.08**  
 Loan No. 118 Interest payment - Rec Centre Redevelopment

**Farmways Kellerberrin Pty Ltd** **\$ 28,991.65**  
 Purchase of building materials for Exhibition Hall, Old Golf Club & Bushfire Sheds, private works for Succulent Foods, fence for Leake Street residences, rotary hammer for Depot & various under \$200

**Fire And Emergency Services (WA)** **\$ 24,041.50**  
 ESLB 3rd Quarter contribution 2022/2023

**United Card Services Pty Ltd** **\$ 20,773.93**  
 Total fuel supplies February 2023

<b>Beam Superannuation</b> Superannuation Payrun 16/03/2023	<b>\$ 12,896.68</b>
<b>Beam Superannuation</b> Superannuation payrun 02/03/2023	<b>\$ 12,743.31</b>
<b>WCS Concrete Pty Ltd</b> Supply, delivery & laying of N35 concrete for Rec Centre storage & garden soil for Swimming Pool	<b>\$ 12,541.10</b>
<b>Synergy</b> Power charges various Shire properties & buildings December 2022 to February 2023	<b>\$ 12,249.61</b>
<b>Innes &amp; Co</b> Hire of equipment single side tipper push up gravel/carting for Goldfields Rd. - January to February 2023	<b>\$ 12,012.00</b>
<b>Brooks Hire Service Pty Ltd</b> Hire of pad foot roller & smooth drum roller for South Doodlakine Rd. works February 2023	<b>\$ 10,624.48</b>
<b>Synergy</b> Power charges various Shire properties & buildings January-March 2023	<b>\$ 9,586.15</b>
<b>Barbeques Galore</b> Purchase of BBQs for Swimming Pool	<b>\$ 9,027.00</b>
<b>Avon Waste</b> Domestic & commercial collections - February 2023	<b>\$ 8,910.05</b>
<b>Busselton Advanced Driver Training</b> HR course 19/04/2023 for 4 Outside Crew	<b>\$ 7,180.00</b>
<b>Combined Tyres</b> Purchase of tyres, batteries, wheel rotation & disposals for various Depot vehicles	<b>\$ 6,910.20</b>
<b>LG Corporate Solutions</b> Preparation of Asset Management plan, assistance with grants return & review of monthly financials - January 2023	<b>\$ 5,087.50</b>

**TEN YEAR FINANCIAL PLAN**

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

**FINANCIAL IMPLICATIONS**

Shire of Kellerberrin 2022/2023 Operating Budget

**STATUTORY IMPLICATIONS**

Local Government (Financial Management) Regulations 1996

**11. Payment of accounts**

- (1) A local government is to develop procedures for the authorisation of, and the payment of, accounts to ensure that there is effective security for, and properly authorised use of —

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

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

## **12. Payments from municipal fund or trust fund**

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

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

## **13. Lists of accounts**

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

- (3) A list prepared under sub-regulation (1) or (2) is to be —
- (a) Presented to the council at the next ordinary meeting of the council after the list is prepared; and
  - (b) Recorded in the minutes of that meeting.

### **STRATEGIC COMMUNITY PLAN**

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

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

### **COMMUNITY CONSULTATION**

The following consultation took place;

- Chief Executive Officer
- Manager of Governance
- Finance Officer

### **STAFF RECOMMENDATION**

*That Council notes that during the month of March 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 \$542,583.13 on vouchers EFT , CHQ, Direct payments*
2. *Trust Fund payments totalling \$137,379.00 on vouchers EFT, CHQ, Direct payments*

**9.7 DIRECT DEBIT LIST AND VISA CARD TRANSACTIONS - MARCH 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 March 2023.

**Municipal Direct Debit List**

<b>Date</b>	<b>Name</b>	<b>Details</b>	<b>\$</b>	<b>Amount</b>
2-Mar-23	NAB	Nab Connect Fees		52.98
2-Mar-23	Shire of Kellerberrin	Precision Superannuation		12,743.31
2-Mar-23	Shire of Kellerberrin	Pay Run		74,823.79
8-Mar-23	Department of Transport	DOT Inspection		144.60
9-Mar-23	Shire of Kellerberrin	Creditors Payment		247,279.53
14-Mar-23	Department of Communities	Rent		420.00
14-Mar-23	Shire of Kellerberrin	Creditors Payment		9,027.00
16-Mar-23	Shire of Kellerberrin	Precision Superannuation		12,896.68
16-Mar-23	Shire of Kellerberrin	Pay Run		79,989.25
21-Mar-23	Nayax Australia Pty Ltd	Vending Machine Caravan Park		38.17
22-Mar-23	Shire of Kellerberrin	Creditors Payment		2,800.00
23-Mar-23	Shire of Kellerberrin	Creditors Payment		237,383.84
28-Mar-23	Department of Communities	Rent		420.00
30-Mar-23	Shire of Kellerberrin	Precision Superannuation		12,456.35
30-Mar-23	Shire of Kellerberrin	Pay Run		73,363.64
		Account Fees - National BPAY		
31-Mar-23	NAB	Charge		69.00
31-Mar-23	NAB	Account Fees - Trust		11.80
31-Mar-23	NAB	Merchant Fees - Trust		50.40
31-Mar-23	NAB	Merchant Fees - Trust		1.68
31-Mar-23	NAB	Merchant Fees - Muni		64.02
31-Mar-23	NAB	Merchant Fees - Caravan Park		106.79
31-Mar-23	NAB	Merchant Fees - CRC		594.02
31-Mar-23	NAB	NAB Connect Fees		54.98
		<b>TOTAL</b>	<b>\$</b>	<b><u>764,791.83</u></b>

**Trust Direct Debit List**

<b>Date</b>	<b>Name</b>	<b>Details</b>	<b>\$</b>	<b>Amount</b>
31-Mar-23	Department of Transport	Licencing Payments March 2023		136,559.00
		<b>TOTAL</b>	<b>\$</b>	<b><u>136,559.00</u></b>



**Visa Transactions**

<b>Date</b>	<b>Name</b>	<b>Details</b>	<b>\$</b>	<b>Amount</b>
06-Mar-23	Maxiparts Welshpool	Parts Freightliner Truck		123.69
06-Mar-23	Maxiparts Welshpool	Parts Freightliner Truck		105.60
09-Mar-23	KMART Belmont	Materials Harmony Week		27.00
09-Mar-23	Spotlight Belmont	Materials Harmony Week		107.80
28-Mar-23	NAB	Card Fee		9.00
<b>TOTAL - CEO</b>			<b>\$</b>	<b>373.09</b>
<b>Date</b>	<b>Name</b>	<b>Details</b>	<b>\$</b>	<b>Amount</b>
02-Mar-23	Discount Party Supplies	Materials Harmony Week		164.77
09-Mar-23	Reconciliation Day	Banner Reconciliation Day		600.00
15-Mar-23	Harness Master Wiring	Parts Freightliner Truck		477.48
20-Mar-23	Balshaws	Flowers Cr Ryan		113.00
28-Mar-23	NAB	Card Fee		9.00
<b>TOTAL - MOG</b>				<b>1,364.25</b>
01-Mar-23	Avon Valley Bakery	Meals WSNF Programme Manager		17.10
01-Mar-23	Dunning's Toodyay	Fuel KE147		142.84
01-Mar-23	Corrigin Hotel	Accommodation WSNF Programme Manager		130.00
02-Mar-23	City of Swan	Parking WSNF Programme Manager		2.50
06-Mar-23	BP Cunderdin	Meals WSNF Programme Manager		23.19
		Office Hire WSNF Programme Manager		117.52
08-Mar-23	Emerge Safe Pty Ltd	Manager		117.52
10-Mar-23	City of Swan	Parking WSNF Programme Manager		2.50
		Office Hire WSNF Programme Manager		117.52
13-Mar-23	Emerge Safe Pty Ltd	Manager		117.52
		Office Hire WSNF Programme Manager		78.35
20-Mar-23	Emerge Safe Pty Ltd	Manager		78.35
21-Mar-23	City of Swan	Parking WSNF Programme Manager		2.50
22-Mar-23	City of Perth	Parking WSNF Programme Manager		7.57
		Office Hire WSNF Programme Manager		117.52
22-Mar-23	Emerge Safe Pty Ltd	Manager		117.52
24-Mar-23	Merredin IGA	Meals WSNF Programme Manager		22.18
27-Mar-23	Succulent Foods	Meals WSNF Programme Manager		33.00
		Accommodation WSNF Programme Manager		155.00
27-Mar-23	Merredin Tourist Park	Manager		155.00
28-Mar-23	Crooked Aspire Coffee	Meals WSNF Programme Manager		38.95
28-Mar-23	NAB	Card Fee		9.00
<b>TOTAL - WSNF PROGRAMME MANAGER</b>				<b>1,017.24</b>
02-Mar-23	City Of Swan	Parking WSNF Technical Director		2.50
10-Mar-23	City of Swan	Parking WSNF Technical Director		2.50
16-Mar-23	City of Perth	Parking WSNF Technical Director		14.13
16-Mar-23	Dome Midland	Meals WSNF Technical Director		11.90
21-Mar-23	City of Swan	Parking WSNF Technical Director		2.50
22-Mar-23	City of Perth	Parking WSNF Technical Director		7.57
22-Mar-23	Ritz Café	Meals WSNF Technical Director		15.50
27-Mar-23	City of Swan	Parking WSNF Technical Director		2.50
28-Mar-23	NAB	Card Fee		9.00
<b>TOTAL - WSNF TECHNICAL DIRECTOR</b>				<b>68.10</b>
<b>TOTAL VISA TRANSACTIONS</b>			<b>\$</b>	<b>2,822.68</b>

**STAFF COMMENT**

The Direct Debit List and Visa Card Transactions are presented for Council to note for the month of March 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 March 2023 comprising of;*

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

**9.8 FINANCIAL ACTIVITY STATEMENT - MARCH 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 – 19<sup>th</sup> July 2022

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

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

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

**STAFF COMMENT**

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

This report has been compiled to fulfil the statutory reporting requirements of the Act and associated Regulations, whilst also providing the Council with an overview of the Shire's financial performance on a year to date basis for the period ending 31<sup>st</sup> March 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 March 2023 comprising;*

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

**9.9 BUILDING REPORTS MARCH 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 March period.
2. There were zero (0) "Building Permit" issued in the March period.

**TEN YEAR FINANCIAL PLAN**

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

**FINANCIAL IMPLICATIONS**

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

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

**STATUTORY IMPLICATIONS**

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

**STRATEGIC COMMUNITY PLAN**

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

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

**COMMUNITY CONSULTATION**

The following consultation took place:

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

## **STAFF RECOMMENDATION**

*That Council;*

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



**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**