



MINUTES

Ordinary Council Meeting Tuesday, 18 July 2023

Date: Tuesday, 18 July 2023

Time: 4.00pm

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

Order Of Business

1	Declaration of Opening	3
2	Acknowledgement of Country	3
3	Announcement by Presiding Person Without Discussion.....	3
4	Record of Attendance / Apologies / Leave of Absence.....	3
5	Declaration of Interest	4
6	Public Question Time	4
6.1	Response to Previous Public Questions taken on Notice	4
6.2	Public Question Time	4
7	Confirmation of Previous Meetings Minutes.....	5
7.1	Minutes of the Council Meeting held on 20 June 2023	5
8	Presentations	6
8.1	Petitions	6
8.2	Presentations	6
8.3	Deputations.....	6
9	Reports of Committees	6
	Nil	
10	Corporate Services Reports.....	7
10.1	Status Report of Action Sheet	7
10.2	Interim Audit 2022/2023	15
10.3	2023/2024 Budget Adoption	19
10.4	Cheque List June 2023	30
10.5	Direct Debit List and Visa Card Transactions - June 2023.....	34
10.6	Financial Activity Statement - June 2023.....	37
10.7	Building Reports June 2023	40
11	Development Services Reports	42
	Nil	
12	Works & Services Reports	43
12.1	Development Application - Change of Use - Home Occupation.....	43
13	Elected Members Motions of Which Previous Notice has been Given	52
	Nil	
14	New Business of an Urgent Nature Introduced by Decision of Meeting	52
15	Confidential Matters	52
	Nil	
16	Closure of Meeting.....	52

**MINUTES OF SHIRE OF KELLERBERRIN
ORDINARY COUNCIL MEETING
HELD AT THE COUNCIL CHAMBER, 110 MASSINGHAM STREET, KELLERBERRIN WA 6410
ON TUESDAY, 18 JULY 2023 AT 4.00PM**

1 DECLARATION OF OPENING

The presiding member opened the meeting at 4:00pm.

2 ACKNOWLEDGEMENT OF COUNTRY

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

3 ANNOUNCEMENT BY PRESIDING PERSON WITHOUT DISCUSSION

Nil

4 RECORD OF ATTENDANCE / APOLOGIES / LEAVE OF ABSENCE

PRESENT:

President Matt Steber (President)

Cr Emily Ryan (Deputy President – attendance via Zoom)

Cr Rod Forsyth

Cr David Leake

Cr Dennis Reid

Cr Monica Gardiner

Cr Kelsey Pryer

IN ATTENDANCE:

Raymond Griffiths (Chief Executive Officer)

Morgan Ware (Manager of Governance)

APOLOGIES

Nil

LEAVE OF ABSENCE

Nil

MOTION**COUNCIL RESOLUTION****MIN 070/23 MOTION - Moved Cr. Reid Seconded Cr. Gardiner**

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

- *Cr Emily Ryan – Room – 291B Marmion Street, Melville Western Australia 6156*

CARRIED 7/0**5 DECLARATION OF INTEREST**

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

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

6 PUBLIC QUESTION TIME

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

6.1 Response to Previous Public Questions taken on Notice

Nil

6.2 Public Question Time

Nil

7 CONFIRMATION OF PREVIOUS MEETINGS MINUTES**7.1 MINUTES OF THE COUNCIL MEETING HELD ON 20 JUNE 2023**

File Ref: MIN
Author: Michelle Wilson, Executive Assistant
Authoriser: Raymond Griffiths, Chief Executive Officer
Attachments: 1. Minutes of the Council Meeting held on 20 June 2023

STAFF RECOMMENDATION

That the Minutes of the Council Meeting held on 20 June 2023 be received as a true and correct record.

COUNCIL RESOLUTION

MIN 071/23 **MOTION - Moved Cr. Leake** **Seconded Cr. Forsyth**

That the Minutes of the Council Meeting held on 20 June 2023 be received as a true and accurate record.

CARRIED 7/0

8 PRESENTATIONS

8.1 Petitions

Nil

8.2 Presentations

Nil

8.3 Deputations

Nil

9 REPORTS OF COMMITTEES

Nil

10 CORPORATE SERVICES REPORTS

10.1 STATUS REPORT OF ACTION SHEET

File Ref:	Various
Author:	Michelle Wilson, Executive Assistant
Authoriser:	Raymond Griffiths, Chief Executive Officer
Attachments:	1. Status Report June 2023 (under separate cover)

BACKGROUND

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

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

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

STAFF COMMENT

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

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

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

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

TEN YEAR FINANCIAL PLAN

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

FINANCIAL IMPLICATIONS

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

STATUTORY IMPLICATIONS

NIL know at this time.

STAFF COMMENT

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

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

The concept of the report will be that every action from Council's Ordinary and Special Council Meetings will be placed into the Status Report and only when the action is fully complete can the

item be removed from the register. However the item is to be presented to the next Council Meeting shading the item prior to its removal.

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

TEN YEAR FINANCIAL PLAN

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

FINANCIAL IMPLICATIONS

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

STATUTORY IMPLICATIONS

Local Government Act 1995 (as amended)

Section 2.7. The role of the council

- (1) The council —
 - (a) Directs and controls the local government's affairs; and
 - (b) is responsible for the performance of the local government's functions.
- (2) Without limiting subsection (1), the council is to —
 - (a) oversee the allocation of the local government's finances and resources; and
 - (b) determine the local government's policies.

Section 2.8. The role of the mayor or president

- (1) The mayor or president —
 - (a) presides at meetings in accordance with this Act;
 - (b) provides leadership and guidance to the community in the district;
 - (c) carries out civic and ceremonial duties on behalf of the local government;
 - (d) speaks on behalf of the local government;
 - (e) performs such other functions as are given to the mayor or president by this Act or any other written law; and
 - (f) liaises with the CEO on the local government's affairs and the performance of its functions.
- (2) Section 2.10 applies to a councillor who is also the mayor or president and extends to a mayor or president who is not a councillor.

Section 2.9. The role of the deputy mayor or deputy president

The deputy mayor or deputy president performs the functions of the mayor or president when authorised to do so under section 5.34.

Section 2.10. The role of councillors

A councillor —

- (a) represents the interests of electors, ratepayers and residents of the district;
- (b) provides leadership and guidance to the community in the district;
- (c) facilitates communication between the community and the council;
- (d) participates in the local government's decision-making processes at council and committee meetings; and

- (e) performs such other functions as are given to a councillor by this Act or any other written law.

5.60. When person has an interest

For the purposes of this Subdivision, a relevant person has an interest in a matter if either —

- (a) the relevant person; or
- (b) a person with whom the relevant person is closely associated,

has —

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

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

5.60A. Financial interest

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

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

5.60B. Proximity interest

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

- (3) In this section a reference to a person's land is a reference to any land owned by the person or in which the person has any estate or interest.

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

5.61. Indirect financial interests

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

5.62. Closely associated persons

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

- (c) the person is a beneficiary under a trust, or an object of a discretionary trust, of which the relevant person is a trustee; or
- (ca) the person belongs to a class of persons that is prescribed; or
- (d) the person is a body corporate —
 - (i) of which the relevant person is a director, secretary or executive officer; or
 - (ii) in which the relevant person holds shares having a total value exceeding —
 - (I) the prescribed amount; or
 - (II) the prescribed percentage of the total value of the issued share capital of the company,

whichever is less;

or

- (e) the person is the spouse, de facto partner or child of the relevant person and is living with the relevant person; or
- (ea) the relevant person is a council member and the person —
 - (i) gave a notifiable gift to the relevant person in relation to the election at which the relevant person was last elected; or
 - (ii) has given a notifiable gift to the relevant person since the relevant person was last elected;

or

- (eb) the relevant person is a council member and since the relevant person was last elected the person —
 - (i) gave to the relevant person a gift that section 5.82 requires the relevant person to disclose; or
 - (ii) made a contribution to travel undertaken by the relevant person that section 5.83 requires the relevant person to disclose;

or

- (f) the person has a relationship specified in any of paragraphs (a) to (d) in respect of the relevant person's spouse or de facto partner if the spouse or de facto partner is living with the relevant person.

- (2) In subsection (1) —

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

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

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

5.63. Some interests need not be disclosed

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

- (ii) either the relevant person's spouse, de facto partner or child is the employee if the spouse, de facto partner or child is living with the relevant person;
- [(e) deleted]*
- (f) an interest arising only because the relevant person is, or intends to become, a member or office bearer of a body with non-profit making objects;
 - (g) an interest arising only because the relevant person is, or intends to become, a member, office bearer, officer or employee of a department of the Public Service of the State or Commonwealth or a body established under this Act or any other written law; or
 - (h) a prescribed interest.
- (2) If a relevant person has a financial interest because the valuation of land in which the person has an interest may be affected by —
 - (a) any proposed change to a planning scheme for any area in the district;
 - (b) any proposed change to the zoning or use of land in the district; or
 - (c) the proposed development of land in the district,then, subject to subsection (3) and (4), the person is not to be treated as having an interest in a matter for the purposes of sections 5.65, 5.70 and 5.71.
- (3) If a relevant person has a financial interest because the valuation of land in which the person has an interest may be affected by —
 - (a) any proposed change to a planning scheme for that land or any land adjacent to that land;
 - (b) any proposed change to the zoning or use of that land or any land adjacent to that land; or
 - (c) the proposed development of that land or any land adjacent to that land,then nothing in this section prevents sections 5.65, 5.70 and 5.71 from applying to the relevant person.
- (4) If a relevant person has a financial interest because any land in which the person has any interest other than an interest relating to the valuation of that land or any land adjacent to that land may be affected by —
 - (a) any proposed change to a planning scheme for any area in the district;
 - (b) any proposed change to the zoning or use of land in the district; or
 - (c) the proposed development of land in the district,then nothing in this section prevents sections 5.65, 5.70 and 5.71 from applying to the relevant person.
- (5) A reference in subsection (2), (3) or (4) to the development of land is a reference to the development, maintenance or management of the land or of services or facilities on the land.

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

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

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

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

- (b) at the meeting immediately before the matter is discussed.
Penalty: \$10 000 or imprisonment for 2 years.
- (2) It is a defence to a prosecution under this section if the member proves that he or she did not know —
 - (a) that he or she had an interest in the matter; or
 - (b) that the matter in which he or she had an interest would be discussed at the meeting.
- (3) This section does not apply to a person who is a member of a committee referred to in section 5.9(2)(f).

5.66. Meeting to be informed of disclosures

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

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

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

5.67. Disclosing members not to participate in meetings

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

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

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

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

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

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

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

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

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

5.69A. Minister may exempt committee members from disclosure requirements

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

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

5.70. Employees to disclose interests relating to advice or reports

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

5.71. Employees to disclose interests relating to delegated functions

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

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

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

STRATEGIC COMMUNITY PLAN

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

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

COMMUNITY CONSULTATION

The following consultation took place;

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

STAFF RECOMMENDATION

That Council receive the status report.

COUNCIL RESOLUTION

MIN 072/23

MOTION - Moved Cr. Forsyth

Seconded Cr. Ryan

That Council receive the status report.

CARRIED 7/0

10.2 INTERIM AUDIT 2022/2023

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

BACKGROUND

The Local Government amendment (auditing) bill 2017 brings legislative change to the Local Government Act 1995, providing for the auditing of local governments by the office of the auditor general (OAG).

Being engaged by OAG (Western Australia) to perform an audit of the Shire's annual financial report for the year ending 30 June 2023, Macri Partners have recently completed their interim audit and the findings and Shire management responses are presented for Council's consideration.

Management has previously issued this to the Audit Committee for review prior to sending to Council however, the auditors have advised it isn't required to be endorsed by Council.

Management still would like to have this presented to ensure Council are fully informed on how the audits are being conducted and their outcomes.

STAFF COMMENT

Please find below a table identifying the findings from the current interim audit conducted in May 2023.

Index of findings	Potential impact on audit opinion	Rating			Prior year finding
		Significant	Moderate	Minor	
1. Encashment of cash cheque	No	✓			
2. Amendments to Supplier and Payroll masterfiles			✓		
3. Quotations			✓	✓	
4. Payroll Transactions			✓		
5. Cyber Security Risks			✓		
6. User Access Rights			✓		
7. Financial Management Review			✓		
8. Sundry Debtors			✓		
9. Corporate Credit Cards				✓	
10. Assets Register for portable and attractive assets less than \$5,000				✓	

Key to ratings

The Ratings in this management letter are based on the audit team's assessment of risks and concerns with respect to the probability and/or consequence of adverse outcomes if action is not taken. We give consideration to these potential adverse outcomes in the context of both quantitative impact (for example financial loss) and qualitative impact (for example inefficiency, non-compliance, poor service to the public or loss of public confidence).

Significant - Those findings where there is potentially a significant risk to the entity should the finding not be addressed by the entity promptly. A significant rating could indicate the need for a modified audit opinion in the current year, or in a subsequent reporting period if not addressed. However even if the issue is not likely to impact the audit opinion, it should be addressed promptly.

Moderate - Those findings which are of sufficient concern to warrant action being taken by the entity as soon as practicable.

Minor - Those findings that are not of primary concern but still warrant action being taken.

The ratings included are preliminary ratings and could be modified pending other findings being identified, rated and the consideration of them collectively on the ratings and any potential impact on the audit opinion.

Please find attached a copy of the full report including;

- Finding
- Rating
- Implication
- Recommendation
- Management Comment

TEN YEAR FINANCIAL PLAN

Nil

FINANCIAL IMPLICATIONS

Nil

STATUTORY IMPLICATIONS**Local Government Amendment (Auditing) Act 2017****7.12AJ. Conducting a performance audit**

(1) The Auditor General Act section 18 applies in relation to a local government as if —

(a) the local government were an agency; and

(b) money collected, received or held by any person for or on behalf of the local government were public money; and

(c) money collected, received or held by the local government for or on behalf of a person other than the local government were other money; and

(d) property held for or on behalf of the local government, other than money referred to in paragraph (b), were public property; and Local Government (Audit) Regulations 1996 (as amended)

(e) property held by the local government for or on behalf of a person other than the local government were other property; and

(f) the reference in the Auditor General Act section 18(2)(d) to “legislative provisions, public sector policies or its own internal policies;” were a reference to “legislative provisions or its own internal policies;”.

(2) A performance audit is taken for the purposes of the Auditor General Act to have been carried out under the Auditor General Act Part 3 Division 1.

7.12AK. Reporting on a performance audit

(1) The Auditor General Act section 25 applies in relation to a performance audit as if —

- (a) a local government were an agency; and
- (b) the council of the local government were its accountable authority.

(2) The auditor must give a report on a performance audit to the local government.

Local Government (Audit) Regulations 1996

16. *Audit committee, functions of*

An audit committee —

- (a) is to provide guidance and assistance to the local government —
 - (i) as to the carrying out of its functions in relation to audits carried out under Part 7 of the Act; and
 - (ii) as to the development of a process to be used to select and appoint a person to be an auditor;

and

- (b) may provide guidance and assistance to the local government as to —
 - (i) matters to be audited; and
 - (ii) the scope of audits; and
 - (iii) its functions under Part 6 of the Act; and
 - (iv) the carrying out of its functions relating to other audits and other matters related to financial management.

[Regulation 16 inserted in Gazette 31 Mar 2005 p. 1043.]

Local Government Act 1995 (as amended)

- section 3.57 relates to the tendering of goods and services
- section 3.59 relates to preparation of business plan for a commercial or trading enterprise
- sections 5.16, 5.18, 5.42, 5.43, 5.44, 5.45, 5.46 relates to the delegation of power/duty
- sections 5.67, 5.68, 5.73, 5.75, 5.76, 5.77, 5.88, 5.103 relates to the Disclosure of Interest by Councillors and/or Staff

- sections 7.3 to 7.9 relates to the appointment of auditors
- section 9.4 to 9.29 relates to appeal provisions
- sections 3.58 to relates to disposal of property

Subsidiary Statutory Acts and Regulations to achieve compliance

- Local Government (Uniform Local Provisions) Regulations 1996 – regulation 9
- Local Government (Functions and General) Regulations 1997 (as amended) – tenders for the supply of goods and services
- Local Government (Administration) Regulations 1996 (as amended)
- Local Government (Financial Management) Regulations 1996 (as amended)
- Local Government (Audit) Regulations 1996
- Local Government Grants Act 1978 – section 12
- Local Government (Elections) Regulations 1997

STRATEGIC COMMUNITY PLAN

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

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

COMMUNITY CONSULTATION

The following consultation took place;

- Chief Executive Officer
- Manager of Governance
- Administration Staff
- Councillors

STAFF RECOMMENDATION

That Council endorse the findings and management comments to the Interim Audit Report as presented by staff.

COUNCIL RESOLUTION

MIN 073/23 MOTION - Moved Cr. Pryer Seconded Cr. Gardiner

That Council endorse the findings and management comments to the Interim Audit Report as presented by staff.

CARRIED 7/0

10.3 2023/2024 BUDGET ADOPTION

File Ref: FIN04
Author: Raymond Griffiths, Chief Executive Officer
Authoriser: Raymond Griffiths, Chief Executive Officer
Attachments: Nil

BACKGROUND

Council's June 2023 Ordinary Meeting of Council – 20th June 2023

MIN 061/23 MOTION - Moved Cr. Pryer Seconded Cr. Gardiner

That Council endorses the attached 2023/24 Roadworks program as presented and request this program be incorporated into its 2023/2024 Draft Budget.

CARRIED 7/0

Council's June 2023 Ordinary Meeting of Council – 20th June 2023

MIN 062/23 MOTION - Moved Cr. Leake Seconded Cr. Ryan

That Council;

- 1. Adopts the fees and charges for 2023/24 as presented; and
 - a. Increases the Rubbish Charges Domestic and Commercial to \$250 per service; and*
 - b. Increases the Rubbish Charges Additional Bin fee to \$275 per service**
- 2. Include the fees and charges in the 2023/24 Draft Budget.*

CARRIED 7/0

BY ABSOLUTE MAJORITY

Council's June 2023 Confidential Meeting of Council – 20th June 2023

MIN 057/23 MOTION - Moved Cr. Leake Seconded Cr. Forsyth

That Council;

- 1. Receives the Salaries and Wages schedule as presented*
- 2. Instructs Council's Chief Executive Officer to incorporate the Draft Salary and Wages Budget as presented into Council's 2023/24 Draft Budget.*

CARRIED 7/0

BY ABSOLUTE MAJORITY

Council's May 2023 Ordinary Meeting of Council – 16th May 2023

COUNCIL RESOLUTION

MIN 048/23 MOTION - Moved Cr. Pryer Seconded Cr. Leake

That Council endorses the following rating information and charges to be incorporated into the 2023/2024 draft budget;

1. Option

- | | |
|---------------------------------------|--|
| Option A - One Payment | Due By 1st September 2023 |
| Option B – 2 Instalment Option | 50% due 1st September 2023 |
| | 50% due 12th January 2024 |
| Option C – 4 Instalment Option | 25% due 1st September 2023 |
| | 25% due 3rd November 2023 |
| | 25% due 12th January 2024 |
| | 25% due 15th March 2024 |
| Option D – Special Arrangement | Arrangements made prior to 1st September 2023 as per approved payment arrangement ensuring rates are paid off in full as soon as possible with the final payment being no later than 30 June 2024. |
- 2. *Instalment option is offered for rubbish charges - no instalment interest or penalty interest to apply.***
 - 3. *Administration fee of \$5.00 per reminder rate notice (Options B and C)***
 - 4. *Instalment interest to be levied at 5.5%***
 - 5. *Late payment penalty interest to be levied at 7% for Rates and Emergency Services Levy for all outstanding rates from 1st September 2023.***
 - 6. *That rate incentives prizes be offered to ratepayers for early payment of rates within 35 days at no cost to Council.***
 - 7. *The draft rate model incorporating an average 3% rate increase to the total revenue received for rates across all categories.***
 - 8. *Acknowledge the rate in the dollar to facilitate a 3% rate increase in the total rate revenue;***
 - a. *GRV - Kellerberrin Residential –Increases to 0.159100c and minimum to \$880***
 - b. *GRV - Other Residential – Increases to 0.159100c minimum to \$880***
 - c. *GRV – Commercial – Increases to 0.175050c minimum to \$965***
 - d. *GRV – Industrial - Remains 0.175050c minimum to \$965***
 - e. *UV - Mining Tenements – Reduces to 0.013710c minimum to \$880***
 - f. *UV – Rural – Reduces to 0. 013710c minimum to \$880***
 - 9. *Acknowledge differential Rating for GRV Industrial and Commercial properties as shown in the modelling attached to this item, and the DLG is informed of this prior to budget adoption for 23/24.***

**CARRIED 7/0
BY ABSOLUTE MAJORITY**

Council's May 2023 Ordinary Meeting of Council – 16 th May 2023
--

MIN 001/23 MOTION - Moved Cr. Forsyth Seconded Cr. Gardiner

That Council resolve to:

- 1. Advertise the following differential rates and minimum rate for the 2023/2024 financial year.***

Gross Rental Value Properties		
Description	Rate in \$	Minimum Rate
Kellerberrin Residential	\$0.15910	\$880.00
Other Residential	\$0.15910	\$880.00
Kellerberrin Commercial	\$0.17505	\$965.00
Other Commercial	\$0.17505	\$965.00
Unimproved Value Properties		
Mining Tenements	\$0.013710	\$880.00
Rural	\$0.013710	\$880.00

- 2. Adopt the Objects and Reasons for the differential rate as shown in the attachment presented.***

CARRIED 7/0

Council's April 2023 Ordinary Meeting of Council – 18 th April 2023
--

MIN 034/23 MOTION - Moved Cr. Gardiner Seconded Cr. Ryan

That Council;

- 1. Approve the following Community Budget Submissions for 2023/2024;***
 - a. Kellerberrin Hockey Club 50% of cost for new scoring system upon receipt of quotes;***
 - b. Eastern Wheatbelt Riding Club for \$2,500 for construction and fixation of new jumps at cross country;***
 - c. Kellerberrin Town Teams for \$1,550 for limestone table, chair installed on Cornell Close;***
 - d. Kellerberrin Playgroup for \$2,000 for the purchase of new outdoor cubby and removal of old cubby;***
 - e. Kellerberrin District High School for In-kind for the hire of facilities and equipment;***
 - f. Kellerberrin Community Resource Centre for \$2,000 for Food Pantry fuel cards;***
 - g. Kellerberrin Pistol Club for \$3,000 for the purchase of new 10 metre retrieval system;***
 - h. Better Heart Aboriginal Corporation for \$3,000 for Yorgas Backyard Yarning.***
- 2. Decline the following community budget submissions for 2022/2023;***
 - a. Kellerberrin Hockey Club for \$500 for new equipment;***
 - b. Kellerberrin Agriculture Society for shed in Exhibition Hall.***

CARRIED 7/0

COMMENT

Council in producing the 2023/2024 budget has seen some challenges with the 100% upfront payment of FAG grants in the 2022/23 financial year and the extensive capital program. The Federal Government has indicative some increase in the FAG grants however Council hasn't allocated for any of this income in its 2023/24 budget. Should Council receive any additional funds this will be a bonus.

There has been significant increases in expenditure with CPI increases being passed on by all service providers.

The budget has a significant Capital Program through its Roads program and infrastructure renewal.

TEN YEAR FINANCIAL PLAN

Long term financial plan has been incorporated into the budget with modifications.

FINANCIAL IMPLICATIONS

The Shire of Kellerberrin 2023/2024 Budget

STATUTORY IMPLICATIONS

Local Government Act 1995 (as amended)

6.45. Options for payment of rates or service charges

- (1) A rate or service charge is ordinarily payable to a local government by a single payment but the person liable for the payment of a rate or service charge may elect to make that payment to a local government, subject to subsection (3), by —
 - (a) 4 equal or nearly equal installments; or
 - (b) Such other method of payment by installments as is set forth in the local government's annual budget.
- (2) Where, during a financial year, a rate notice is given after a reassessment of rates under section 6.40 the person to whom the notice is given may pay the rate or service charge —
 - (a) by a single payment; or
 - (b) by such installments as are remaining under subsection (1)(a) or (b) for the remainder of that financial year.
- (3) A local government may impose an additional charge (including an amount by way of interest) where payment of a rate or service charge is made by instalments and that additional charge is, for the purpose of its recovery, taken to be a rate or service charge, as the case requires, that is due and payable.
- (4) Regulations may —
 - (a) provide for the manner of making an election to pay by installments under subsection (1) or (2);
 - (b) prescribe circumstances in which payments may or may not be made by installments;
 - (c) prohibit or regulate any matters relating to payments by installments;
 - (d) provide for the time when, and manner in which, installments are to be paid;
 - (e) prescribe the maximum amount (including the maximum interest component) which may be imposed under subsection (3) by way of an additional charge; and

- (f) provide for any other matter relating to the payment of rates or service charges.

6.46. Discounts

Subject to the *Rates and Charges (Rebates and Deferments) Act 1992*, a local government may, when imposing a rate or service charge, resolve* to grant a discount or other incentive for the early payment of any rate or service charge.

** Absolute majority required*

Local Government Act 1995

6.2. Local government to prepare annual budget

- (1) During the period from 1 June in a financial year to 31 August in the next financial year, or such extended time as the Minister allows, each local government is to prepare and adopt*, in the form and manner prescribed, a budget for its municipal fund for the financial year ending on the 30 June next following that 31 August.

** Absolute majority required.*

- (2) In the preparation of the annual budget the local government is to have regard to the contents of the plan for the future of the district made in accordance with section 5.56 and to prepare a detailed estimate for the current year of —
 - (a) the expenditure by the local government;
 - (b) the revenue and income, independent of general rates, of the local government; and
 - (c) the amount required to make up the deficiency, if any, shown by comparing the estimated expenditure with the estimated revenue and income.
- (3) For the purposes of subsections (2)(a) and (b) all expenditure, revenue and income of the local government is to be taken into account unless otherwise prescribed.
- (4) The annual budget is to incorporate —
 - (a) particulars of the estimated expenditure proposed to be incurred by the local government;
 - (b) detailed information relating to the rates and service charges which will apply to land within the district including —
 - (i) the amount it is estimated will be yielded by the general rate; and
 - (ii) the rate of interest (if any) to be charged by the local government on unpaid rates and service charges;
 - (c) the fees and charges proposed to be imposed by the local government;
 - (d) the particulars of borrowings and other financial accommodation proposed to be entered into by the local government;
 - (e) details of the amounts to be set aside in, or used from, reserve accounts and of the purpose for which they are to be set aside or used;
 - (f) particulars of proposed land transactions and trading undertakings (as those terms are defined in and for the purpose of section 3.59) of the local government; and
 - (g) such other matters as are prescribed.
- (5) Regulations may provide for —
 - (a) the form of the annual budget;
 - (b) the contents of the annual budget; and
 - (c) the information to be contained in or to accompany the annual budget.

[Section 6.2 amended by No. 49 of 2004 s. 42(8) and 56.]

STRATEGIC COMMUNITY PLAN

Council's Vision – To welcome diversity, culture and industry; promote a safe and prosperous community with a rich, vibrant and sustainable lifestyle for all to enjoy.

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

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

COMMUNITY CONSULTATION

The following consultation took place;

- Chief Executive Officer
- Manager of Governance
- Senior Finance Officer
- Manager Works & Services
- Council

STAFF RECOMMENDATION

That Council:

PART A – MUNICIPAL FUND BUDGET FOR 2023/2024

Pursuant to the provisions of Section 6.2 of the *Local Government Act 1995* and Part 3 of the *Local Government (Financial Management) Regulations 1996*, the council adopt the Municipal Fund Budget as contained in the Attachments of this agenda and the minutes, for the Shire of Kellerberrin for the 2023/2024 financial year which includes the following:

- Statement of Comprehensive Income by Nature and Type and by Program;
- *Statement of Cash Flows of the Statutory Budget.*
- *Rate Setting Statement of the Statutory Budget showing an amount required to be raised from rates of \$2,513,608.*
- *Notes to and Forming Part of the Budget*
- *Budget Program Schedules as detailed in attachments*
- *Transfers to / from Reserve Accounts as detailed*

PART B – GENERAL AND MINIMUM RATES, INSTALMENT PAYMENT ARRANGEMENTS

1. For the purpose of yielding the deficiency disclosed by the Municipal Fund Budget adopted at Part A above, council pursuant to Sections 6.32, 6.33, 6.34 and 6.35 of the *Local Government Act 1995* impose the following differential general rates and minimum payments on Gross Rental and Unimproved Values. 1.1. General Rates*
 - Kellerberrin Residential (GRV) 15.9100 cents in the dollar
 - Other Residential (GRV) 15.9100 cents in the dollar
 - Kellerberrin Commercial (GRV) 17.5050 cents in the dollar

- Other Commercial (GRV) 17.5050 cents in the dollar
 - Rural (UV) 1.3710 cents in the dollar
 - Mining (UV) 1.3710 cents in the dollar
 - Kellerberrin Residential (GRV) \$880
 - Other Residential (GRV) \$880
 - Kellerberrin Commercial (GRV) \$965
 - Other Commercial (GRV) \$965
 - Rural (UV) \$880
 - Mining Tenements (UV) \$880
2. Pursuant to Section 6.45 of the *Local Government Act 1995* and regulation 64(2) of the *Local Government (Financial Management) Regulations 1996*, council nominates the following due dates for the payment in full by instalments:
- Full payment and instalment due date 1st September 2023
 - 2nd half instalment (Option 2) due date 03rd November 2023
 - 2nd quarterly instalment due date 03rd November 2023
 - 3rd quarterly instalment due date 12th January 2024
 - 4th quarterly instalment due date 15th March 2024
3. Pursuant to Section 6.45 of the *Local Government Act 1995* and regulation 67 of the *Local Government (Financial Management) Regulations 1996*, council adopts an instalment administration charge where the owner has elected to pay rates (and service charges) through an instalment option of \$5.00 for each instalment after the initial instalment is paid.
4. Pursuant to Section 6.45 of the *Local Government Act 1995* and regulation 68 of the *Local Government (Financial Management) Regulations 1996*, council adopts an interest rate of 5% where the owner has elected to pay rates and service charges through an instalment option.
5. Pursuant to Section 6.51(1) and subject to Section 6.51(4) of the *Local Government Act 1995* and regulation 70 of the *Local Government (Financial Management) Regulations 1996*, council adopts an interest rate of 7% for rates (and service charges) and costs of proceedings to recover such charges that remains unpaid after becoming due and payable.

PART C – GENERAL FEES AND CHARGES FOR 2023/2024

Pursuant to Section 6.16 of the *Local Government Act 1995*, council adopts the Fees and Charges included, inclusive of the draft 2023/2024 budget included as Attachments of this agenda and minutes.

PART D – OTHER STATUTORY FEES FOR 2023/2024

1. Pursuant to Section 53 of the *Cemeteries Act 1986* the council adopts the Fees and Charges for the Kellerberrin Cemetery
2. Pursuant to Section 245A(8) of the *Local Government (Miscellaneous Provisions) Act 1960* the council adopts a swimming pool inspection fee of \$58.45 inclusive of GST.
3. Pursuant to Section 67 of the *Waste Avoidance and Resources Recovery Act 2007*, council adopt the following charges for the removal and deposit of domestic and commercial waste:
 - a. Residential Premises
 - i. 240ltr bin per weekly collection \$250 pa
 - ii. Additional Bins \$275 pa

- b. Commercial Premises
 - i. 240ltr bin per weekly collection \$250 pa
 - ii. Additional Bins \$275 pa

SIMPLE MAJORITY

4. Pursuant to Section 67 of the *Waste Avoidance and Resources Recovery Act 2007*, and Section 6.16 of the *Local Government Act 1995* council adopt the following charges for the deposit of domestic and commercial waste:
 - a. Kellerberrin Waste Transfer Station

Load or volume:

- Trailer (6 x 4) – First Per Annum – Free
- Trailer (6 x 4) – After First Load Per Annum – \$30.00
- Trailer (8 x 5) – First Per Annum – Free
- Trailer (8 x 5) – After First Load Per Annum – \$40.00
- Commercial waste (per cubic metre) – Cost Recovery Plus 5%
- Bed Mattress - \$10 per mattress

PART E – ELECTED MEMBERS' FEES AND ALLOWANCES FOR 2023/2024

1. Pursuant to Section 5.99 of the *Local Government Act 1995* and regulation 34 of the *Local Government (Administration) Regulations 1996*, council adopts the following meeting attendance fees for payment of elected members in lieu of Annual fees:
 - President \$350 per meeting.
 - Councillors \$200 per meeting
2. Pursuant to Section 5.99A of the *Local Government Act 1995* and regulations 34A and 34AA of the *Local Government (Administration) Regulations 1996*, council adopts the following annual allowances for elected members:
 - Travel Allowance – President - \$550
 - Travel Allowance – Councillor - \$550
 - ICT Allowance – President - \$429
 - ICT Allowance – Councillor - \$429
3. Pursuant to Section 5.98(5) of the *Local Government Act 1995* and regulation 33 of the *Local Government (Administration) Regulations 1996*, council adopts the following annual local government allowance to be paid in addition to the annual meeting allowance:
 - President \$5,000
 - Deputy President \$1,250
4. Pursuant to Section 5.98(1)(b) and (2A)(b) of the *Local Government Act 1995*, council adopts the following meeting attendance fees
 - GECZ \$110 per member, per meeting plus travel allowance
 - WEROC \$110 per member, per meeting plus travel allowance
 - CEACA \$110 per member, per meeting plus travel allowance
 - Roadworks Advisory \$110 per member, per meeting plus travel allowance
 - LEMC \$110 per member, per meeting plus travel allowance
 - Sport and Rec \$110 per member, per meeting plus travel allowance
 - Audit Committee \$110 per member, per meeting plus travel allowance

PART F – MATERIAL VARIANCE REPORTING FOR 2023/2024

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 2023/2024 for reporting material variances shall be 10% or \$10,000, whichever is the greater.

COUNCIL RESOLUTION**MIN 074/23****MOTION - Moved Cr. Forsyth****Seconded Cr. Reid*****That Council:******PART A – MUNICIPAL FUND BUDGET FOR 2023/2024***

Pursuant to the provisions of Section 6.2 of the Local Government Act 1995 and Part 3 of the Local Government (Financial Management) Regulations 1996, the council adopt the Municipal Fund Budget as contained in the Attachments of this agenda and the minutes, for the Shire of Kellerberrin for the 2023/2024 financial year which includes the following:

- ***Statement of Comprehensive Income by Nature and Type and by Program;***
- ***Statement of Cash Flows of the Statutory Budget.***
- ***Rate Setting Statement of the Statutory Budget showing an amount required to be raised from rates of \$2,513,608.***
- ***Notes to and Forming Part of the Budget***
- ***Budget Program Schedules as detailed in attachments***
- ***Transfers to / from Reserve Accounts as detailed***

PART B – GENERAL AND MINIMUM RATES, INSTALMENT PAYMENT ARRANGEMENTS

1. ***For the purpose of yielding the deficiency disclosed by the Municipal Fund Budget adopted at Part A above, council pursuant to Sections 6.32, 6.33, 6.34 and 6.35 of the Local Government Act 1995 impose the following differential general rates and minimum payments on Gross Rental and Unimproved Values. 1.1. General Rates****
 - ***Kellerberrin Residential (GRV) 15.9100 cents in the dollar***
 - ***Other Residential (GRV) 15.9100 cents in the dollar***
 - ***Kellerberrin Commercial (GRV) 17.5050 cents in the dollar***
 - ***Other Commercial (GRV) 17.5050 cents in the dollar***
 - ***Rural (UV) 1.3710 cents in the dollar***
 - ***Mining (UV) 1.3710 cents in the dollar***
 - ***Kellerberrin Residential (GRV) \$880***
 - ***Other Residential (GRV) \$880***
 - ***Kellerberrin Commercial (GRV) \$965***
 - ***Other Commercial (GRV) \$965***
 - ***Rural (UV) \$880***
 - ***Mining Tenements (UV) \$880***
2. ***Pursuant to Section 6.45 of the Local Government Act 1995 and regulation 64(2) of the Local Government (Financial Management) Regulations 1996, council nominates the following due dates for the payment in full by instalments:***
 - ***Full payment and instalment due date 1st September 2023***

- **2nd half instalment (Option 2) due date 03rd November 2023**
- **2nd quarterly instalment due date 03rd November 2023**
- **3rd quarterly instalment due date 12th January 2024**
- **4th quarterly instalment due date 15th March 2024**

3. **Pursuant to Section 6.45 of the Local Government Act 1995 and regulation 67 of the Local Government (Financial Management) Regulations 1996, council adopts an instalment administration charge where the owner has elected to pay rates (and service charges) through an instalment option of \$5.00 for each instalment after the initial instalment is paid.**
4. **Pursuant to Section 6.45 of the Local Government Act 1995 and regulation 68 of the Local Government (Financial Management) Regulations 1996, council adopts an interest rate of 5% where the owner has elected to pay rates and service charges through an instalment option.**
5. **Pursuant to Section 6.51(1) and subject to Section 6.51(4) of the Local Government Act 1995 and regulation 70 of the Local Government (Financial Management) Regulations 1996, council adopts an interest rate of 7% for rates (and service charges) and costs of proceedings to recover such charges that remains unpaid after becoming due and payable.**

PART C – GENERAL FEES AND CHARGES FOR 2023/2024

Pursuant to Section 6.16 of the Local Government Act 1995, council adopts the Fees and Charges included, inclusive of the draft 2023/2024 budget included as Attachments of this agenda and minutes.

PART D – OTHER STATUTORY FEES FOR 2023/2024

1. **Pursuant to Section 53 of the Cemeteries Act 1986 the council adopts the Fees and Charges for the Kellerberrin Cemetery**
2. **Pursuant to Section 245A(8) of the Local Government (Miscellaneous Provisions) Act 1960 the council adopts a swimming pool inspection fee of \$58.45 inclusive of GST.**
3. **Pursuant to Section 67 of the Waste Avoidance and Resources Recovery Act 2007, council adopt the following charges for the removal and deposit of domestic and commercial waste:**
 - a. **Residential Premises**
 - i. **240ltr bin per weekly collection \$250 pa**
 - ii. **Additional Bins \$275 pa**
 - b. **Commercial Premises**
 - i. **240ltr bin per weekly collection \$250 pa**
 - ii. **Additional Bins \$275 pa**

SIMPLE MAJORITY

4. **Pursuant to Section 67 of the Waste Avoidance and Resources Recovery Act 2007, and Section 6.16 of the Local Government Act 1995 council adopt the following charges for the deposit of domestic and commercial waste:**
 - a. **Kellerberrin Waste Transfer Station**

Load or volume:

- *Trailer (6 x 4) – First Per Annum – Free*
- *Trailer (6 x 4) – After First Load Per Annum – \$30.00*
- *Trailer (8 x 5) – First Per Annum – Free*
- *Trailer (8 x 5) – After First Load Per Annum – \$40.00*
- *Commercial waste (per cubic metre) – Cost Recovery Plus 5%*
- *Bed Mattress - \$10 per mattress*

PART E – ELECTED MEMBERS’ FEES AND ALLOWANCES FOR 2023/2024

1. *Pursuant to Section 5.99 of the Local Government Act 1995 and regulation 34 of the Local Government (Administration) Regulations 1996, council adopts the following meeting attendance fees for payment of elected members in lieu of Annual fees:*
 - *President \$350 per meeting.*
 - *Councillors \$200 per meeting*
2. *Pursuant to Section 5.99A of the Local Government Act 1995 and regulations 34A and 34AA of the Local Government (Administration) Regulations 1996, council adopts the following annual allowances for elected members:*
 - *Travel Allowance – President - \$550*
 - *Travel Allowance – Councillor - \$550*
 - *ICT Allowance -- President - \$429*
 - *ICT Allowance – Councillor - \$429*
3. *Pursuant to Section 5.98(5) of the Local Government Act 1995 and regulation 33 of the Local Government (Administration) Regulations 1996, council adopts the following annual local government allowance to be paid in addition to the annual meeting allowance:*
 - *President \$5,000*
 - *Deputy President \$1,250*
4. *Pursuant to Section 5.98(1)(b) and (2A)(b) of the Local Government Act 1995, council adopts the following meeting attendance fees*
 - *GECZ \$110 per member, per meeting plus travel allowance*
 - *WEROC \$110 per member, per meeting plus travel allowance*
 - *CEACA \$110 per member, per meeting plus travel allowance*
 - *Roadworks Advisory \$110 per member, per meeting plus travel allowance*
 - *LEMC \$110 per member, per meeting plus travel allowance*
 - *Sport and Rec \$110 per member, per meeting plus travel allowance*
 - *Audit Committee \$110 per member, per meeting plus travel allowance*

PART F – MATERIAL VARIANCE REPORTING FOR 2023/2024

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 2023/2024 for reporting material variances shall be 10% or \$10,000, whichever is the greater.

CARRIED 7/0

BY ABSOLUTE MAJORITY

10.4 CHEQUE LIST JUNE 2023

File Ref: N/A
Author: Nikayla Ovens, Finance Officer
Authoriser: Raymond Griffiths, Chief Executive Officer
Attachments: 1. June 2023 Payment List (under separate cover)

BACKGROUND

Accounts for payment from 1st June to 30th June 2023

TRUST

Trust Total	\$49,940.95
--------------------	--------------------

MUNICIPAL FUND

Cheque	\$29,919.71
---------------	--------------------

EFT	\$920,516.49
------------	---------------------

Direct Debit	\$53,638.47
---------------------	--------------------

Municipal Total	\$1,004,074.67
------------------------	-----------------------

STAFF COMMENT

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

MBC (Majstrovich Building Co)	\$ 239,949.60
Final Claim on Stage 2 - Swimming Pool	
ARRB Group Pty Ltd	\$ 182,050.00
Progress Claim 2 - Project Management, Data Collection, Processing and Reporting	
Distinctive Pools	\$ 90,667.50
Stage 3 Swimming Pool and Surrounds	
Western Australian Treasury Corporation	\$ 53,815.35
Loan No. 118 Interest payment - Rec Centre Redevelopment	
Brooks Hire Service Pty Ltd	\$ 20,749.04
Hire of Excavator and Compactor Attachment	
Distinctive Pools	\$ 16,720.00
Stage 3 Swimming Pool and Surrounds & Dolphin Cleaner	
Youlie and Son Contracting	\$ 14,344.00
Contract Grading - Wilkins Rd, Yelbeni Rd and Bencubbin Rd	
United Card Services Pty Ltd	\$ 13,950.11
United Fuel Allocations - May 2023	
R Munns Engineering Consulting Services	\$ 13,035.64
Consulting Work on 23/24 FY Road Projects	
Brooks Hire Service Pty Ltd	\$ 11,995.76
Hire of Excavator and Compactor Attachment	
InfoCouncil Pty Ltd	\$ 11,841.50
Info Council Annual Licence Fee 01/07/2023 - 30/06/2024	
Avon Waste	\$ 8,828.86
Rubbish Collection for the Month of May 2023	
Safemaster Safety Products Pty Ltd	\$ 8,354.50

Surface mount energy absorbing safety anchor points	
Fire And Emergency Services (WA)	\$ 8,013.84
2022/23 ESL Quarter 4	
Ross's Discount Home Centre	\$ 7,260.00
Kitchen Furniture for Private Works Job. To be reimbursed.	
Landgate	\$ 6,817.25
Rural UV General Revaluations Costs 2022/23	
Cloud Collections Pty Ltd	\$ 6,646.26
Costs 3 Years Unpaid Rates	
Realmark Commercial	\$ 6,554.04
WSFN:	
Rent 01/06/2023 to 30/06/2023 representing rent for Unit37/5 Keane Street	
Donovan Payne Architects	\$ 5,555.00
Phase 3 Kellerberrin Memorial Swimming Pool	
Merredin Refrigeration & Gas	\$ 5,375.71
Caravan Park & Recreation Centre Air Con Servicing. Repairs on Recreation Centre cool room.	
Combined Tyres	\$ 5,174.40
Tyres, Fitting, Disposal and Alignment – Various Plant	

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 June 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 **\$1,004,074.67** on vouchers EFT , CHQ, Direct payments*
2. *Trust Fund payments totalling **\$49,940.95** on vouchers EFT, CHQ, Direct payments*

COUNCIL RESOLUTION

MIN 075/23

MOTION - Moved Cr. Leake

Seconded Cr. Pryer

That Council notes that during the month of June 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 **\$1,004,074.67** on vouchers EFT , CHQ, Direct payments*
2. *Trust Fund payments totalling **\$49,940.95** on vouchers EFT, CHQ, Direct payments*

CARRIED 7/0

10.5 DIRECT DEBIT LIST AND VISA CARD TRANSACTIONS - JUNE 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 June 2023.

Municipal Direct Debit List

Date	Name	Details	\$	Amount
1-Jun-23	Shire of Kellerberrin	Creditors Payment		247,257.53
6-Jun-23	Department of Communities	Rent		420.00
8-Jun-23	Department of Communities	Vehicle Inspections		91.70
8-Jun-23	Shire of Kellerberrin	Precision Superannuation		13,335.45
8-Jun-23	Shire of Kellerberrin	Pay Run		81,755.65
12-Jun-23	JLT	Stall Holders Insurance Premium		698.50
12-Jun-23	ATO	May BAS		24,664.00
20-Jun-23	Nayax Australia Pty Ltd	Vending Machine Caravan Park		38.17
20-Jun-23	Department of Communities	Rent		420.00
22-Jun-23	Shire of Kellerberrin	Precision Superannuation		13,970.65
22-Jun-23	Shire of Kellerberrin	Pay Run		86,534.85
29-Jun-23	Shire of Kellerberrin	Creditors Payment		239,949.60
30-Jun-23	NAB	B Pay Charge		22.08
30-Jun-23	NAB	Bank Fees		14.20
30-Jun-23	NAB	Bank Fees		50.30
30-Jun-23	NAB	Merchant Fees- Trust		8.70
30-Jun-23	NAB	Merchant Fees - Muni		78.30
30-Jun-23	NAB	Merchant Fees - Caravan Park		95.70
30-Jun-23	NAB	Merchant Fees - CRC		390.84
30-Jun-23	Shire of Kellerberrin	Creditors Payment		223,235.70
TOTAL			\$	933,031.92

Trust Direct Debit List

Date	Name	Details	\$	Amount
30-Jun-23	Department of Transport	Licensing Payments June 2023		\$49,267.65
TOTAL			\$	49,267.65

Visa Transactions

Date	Name	Details	\$	Amount
01-Jun-23	Zoom	Zoom Meeting Subscription		166.63
20-Jun-23	Shire of Kellerberrin	Licensing KE2		37.00
28-Jun-23	SP Deigna	Naidoc Week Shirts		267.00
28-Jun-23	NAB	Card Fee		14.00
TOTAL - CEO			\$	484.63

Date	Name	Details	\$	Amount
01-Sep-23	Bruno Greci	Meeting -Lunch		150.00
TOTAL -DCEO				150.00

02-Jun-23	Coppenclan Nominees	Meals WSNF Officer	24.80
21-Jun-23	Corrigin Windmill Motel	Accommodation WSNF Officer	130.00
22-Jun-23	Crewz Kitchen	Meals WSNF Officer	27.00
22-Jun-23	Quairading Coop	Meals WSNF Officer	21.82
22-Jun-23	BP Cunderdin	Meals WSNF Officer	16.48
22-Jun-23	Quairading Coop	Meals WSNF Officer	16.45
23-Jun-23	Coppenclan Nominees	Meals WSNF Officer	32.50
26-Jun-23	Rest a While Coffee	Meals WSNF Officer	5.50
26-Jun-23	Flavour Town Catering	Meals WSNF Officer	10.00
28-Jun-23	Woolworths Midland	Meals WSNF Officer	25.55
28-Jun-23	NAB	Card Fee	9.00
TOTAL -WSNF Programme Manager			319.10
28-Jun-23	NAB	Card Fee	9.00
TOTAL -WSNF Programme Director			9.00
TOTAL VISA TRANSACTIONS			\$ 962.73

STAFF COMMENT

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

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

COUNCIL RESOLUTION

MIN 076/23 MOTION - Moved Cr. Reid Seconded Cr. Gardiner

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

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

CARRIED 7/0

10.6 FINANCIAL ACTIVITY STATEMENT - JUNE 2023

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

BACKGROUND

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

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

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

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

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

PART G – MATERIAL VARIANCE REPORTING FOR 2022/2023

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

STAFF COMMENT

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

This report has been compiled to fulfil the statutory reporting requirements of the Act and associated Regulations, whilst also providing the Council with an overview of the Shire's financial performance on a year to date basis for the period ending 30th June 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 June 2023 comprising;

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

COUNCIL RESOLUTION

MIN 077/23 MOTION - Moved Cr. Pryer Seconded Cr. Ryan

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

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

**CARRIED 7/0
BY ABSOLUTE MAJORITY**

10.7 BUILDING REPORTS JUNE 2023

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

BACKGROUND

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

STAFF COMMENT

1. There were zero (0) applications received for a "Building Permit" during the June period.
2. There were zero (0) "Building Permit" issued in the June 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 June 2023 period.*
2. *Acknowledge the "Return of Building Permits Issued" for the June 2023 period.*

COUNCIL RESOLUTION

MIN 078/23

MOTION - Moved Cr. Leake

Seconded Cr. Pryer

That Council;

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

CARRIED 7/0

11 DEVELOPMENT SERVICES REPORTS

Nil

12 WORKS & SERVICES REPORTS

12.1 DEVELOPMENT APPLICATION - CHANGE OF USE - HOME OCCUPATION

File Ref: Ass 751
Author: Raymond Griffiths, Chief Executive Officer
Authoriser: Raymond Griffiths, Chief Executive Officer
Applicant: Halliki Aasmae
Location: 9 George Street
Attachments: Nil

BACKGROUND

An application has been received from Halliki Aasmae for a secondary use at 9 George Street Kellerberrin. The application proposes that the residence also be used for the purposes of a Family Day Care. The day care intends to have four children under four and three school aged children to total seven. The day care intends to operate during the working week from 8am to 4pm. The property is currently used as a residence.

SITE





Figure 2 Subject site Land Scheme Zone- Residential



Figure 3 Subject Site Arial Image

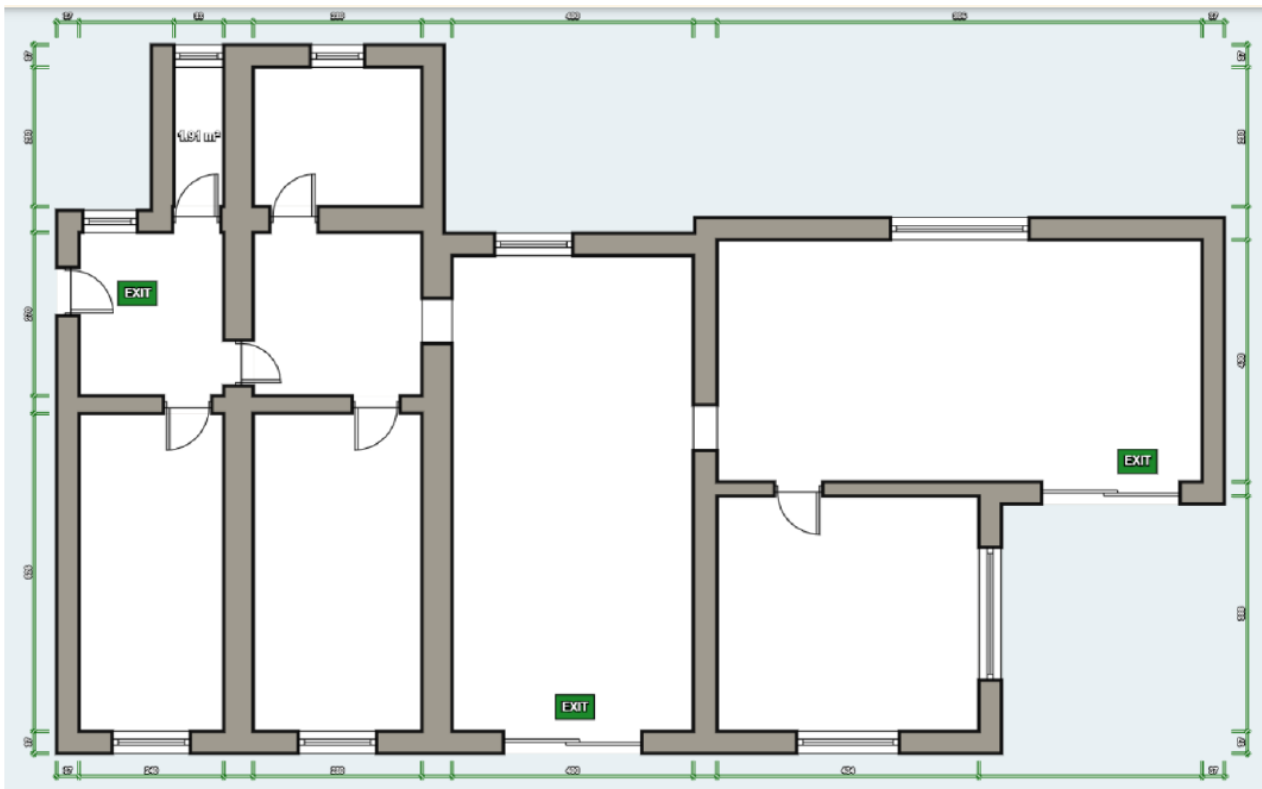




Figure 4 Floor Plan

<p>Shire of Kellerberrin Local Planning Scheme (LPS) No.4 <i>(Statutory instrument)</i></p>	
<p>Current Zoning</p>	<p><i>'Residential – See extract of Zoning Map below – Beige in Colour</i></p>  <p><i>Figure4 Extract of zoning map</i></p>
<p>Permissibility (Table 1 – Zoning Table)</p>	<p><i>Table 1 – Zoning Table of LPS 1 qualifies a family day care in a residential zone as 'D' means that the use is not permitted unless the local government has exercised its discretion by granting development approval;</i></p>

USE CLASSES	ZONES					
	RESIDENTIAL	TOWN CENTRE	INDUSTRIAL	GENERAL AGRICULTURE	RURAL TOWNSITE	RURAL RESIDENTIAL
Shop	X	P	X	X	A	X
Showroom	X	D	P	X	A	X
Trade display	X	D	P	X	A	X
OTHER						
Corrective institution	X	X	X	X	X	X
Essential service utility	D	D	D	D	D	D
Funeral parlour	X	A	P	X	A	X
Telecommunications infrastructure	D	D	P	D	A	D
Veterinary centre	X	A	P	A	A	A
INDUSTRY						
Fuel depot	X	X	A	X	X	X
Industry	X	X	P	X	X	X
Industry - cottage	A	D	P	A	D	A
Industry - extractive	X	X	X	D	X	X
Industry - general	DELETED BY AMD 2 GG 12/09/17					
Industry - light	X	X	P	X	A	X
Industry – primary production AMD 2 GG 12/09/17	X	X	P	D	A	A
Industry - service	X	D	P	X	A	X
Mining operations AMD 2 GG 12/09/17	X	X	X	D	X	X
Motor vehicle repair	X	D	P	X	A	X
Storage	X	D	P	D	A	X
Warehouse	X	D	P	X	A	X
CIVIC AND COMMUNITY						
Child care premises	A	A	X	X	A	X
Civic use	D	D	D	X	A	X
Club premises	D	P	D	X	A	X
Community purpose	A	P	A	X	A	X
Educational establishment	X	P	A	X	A	X
Exhibition centre	X	D	X	X	A	X
Family day care	D	D	X	A	A	D
Hospital	X	X	X	X	A	X
Place of worship	A	A	X	X	A	X
Recreation - private	D	D	D	D	A	D
Definitions	<p>The Planning and Development (Local Planning Schemes) Regulations 2015 define family day care as:</p> <p><i>family day care means premises where a family day care service as defined in the Education and Care Services National Law (Western Australia) is provided;</i></p>					
Objectives	<p>Residential zone the objectives are—</p> <p>The objectives of the zones are —</p> <p>3.2.1 Residential Zone</p> <p>(a) To retain the single dwelling as the predominant form of residential development in the Shire's townsites.</p> <p>(b) To provide for lifestyle choice in and around the townsites with a range of residential densities.</p>					

	<i>(c) To allow for the establishment of non-residential uses subject to local amenities not being adversely affected</i>
Development Standards	<p><i>LPS 4 stipulates the following standards for development in the Rural Zone:</i></p> <ul style="list-style-type: none"> • R Code
<p align="center">Planning and Development (Local Planning Scheme) Regulations 2015 <i>(Statutory instrument)</i></p>	
Schedule 2; Part 9; Clause 68(2)	<i>This clause empowers Council to determine Development Applications under the planning legislation having regard to the zoning and other Scheme provisions pertinent to the application under consideration.</i>
Schedule 2; Part 9; Clause 76 (1) and (2)	<i>This part of the Planning Regulations affords the applicant the right to apply to the State Administration Tribunal (SAT) for a review of the Council's decision in relation to the decision on the proposed use and or development of the land.</i>
<p align="center">State Planning Policy 3.7 – Planning in Bushfire Prone Areas <i>(Statutory instrument – tied to Planning Regulations)</i></p>	
Generally	 <p><i>Not Applicable Development not in Bushfire Prone Area</i></p>

STRATEGIC PLAN IMPLICATIONS

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

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

COMMUNITY CONSULTATION

The following consultation took place;

- Chief Executive Officer
- Manager of Governance
- Town Planner

PLANNING ASSESSMENT

The applicant intends to offer a family day care service within their residential property. The requirements for operating a family day care service are defined within the National Quality Framework, encompassing the Education and Care Services National Law (WA) Act 2012 and the Education and Care Services National Regulations 2012. It is important to note that the Shire is not involved in the registration process for family day care educators or their day-to-day operations. The application process solely focuses on assessing the suitability of the land use at the proposed site and any potential impacts on neighbouring developments.

Risk Assessment:

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

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

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

STAFF RECOMMENDATION

That Council grants conditional development approval for the use of 9 George Street as a Home Occupation for the purposes of a Family Day Care;

General Conditions

- i. The approval for use is subject to the approval of the relevant approving authorities for Day Care Services;*
- ii. The endorsed approved plans shall not be altered without prior written approval of the Shire;*
- iii. No more than 2 people who are not members of the occupier's household can be employed at the home business;*
- iv. No goods can be sold on the premises;*
- v. The home business shall be limited to the hours of 7am – 7pm, Monday to Friday;*
- vi. Signage placed at the dwelling shall be approved by the Chief Executive Officer.*
- vii. If food is to be provided to children a Food Business Registration in compliance with the Food Act 2008 must be obtained for the Shires Health Services; and*
- viii. Must comply Education and Care Services National Law (WA) Act 2012 and the Education and Care Services National Regulations 2012*

Advice Notes

- a) This approval does not confer approval under other relevant legislation, including but not limited to, the Building Act 2011 and Health Act 2016. It is the responsibility of the Applicant to determine any necessary approvals required and obtain such approvals prior to the commencement of development and use. However, to assist in understanding the necessary requirements and approvals, further information can be obtained by contacting the Shire of Kellerberrin
- b) Nothing in the approval shall excuse compliance with all relevant written laws in the commencement and carrying out of the development.
- c) The applicant is advised a Building Permit is required prior to commencement of any building works. In this regard the applicant is advised that conditions relating to BAL assessment may result in conditions being imposed at the building permit stage to mitigate the risk for burning embers as part of a preventative approach to bushfire attack.
- d) In addition to planning and building requirements, the development must comply with Environmental Protection (Noise) Regulations 1997).
- e) The applicant is advised of a right of appeal to the State Administrative Tribunal (SAT) subject to Part 14 of the Planning and Development Act, 2005. Appeals must be lodged to SAT within 28 days. Further information can be obtained from the SAT website – www.sat.justice.wa.gov.au.

COUNCIL RESOLUTION

MIN 079/23 MOTION - Moved Cr. Pryer Seconded Cr. Forsyth

That Council grants conditional development approval for the use of 9 George Street as a Home Occupation for the purposes of a Family Day Care;

General Conditions

- i. The approval for use is subject to the approval of the relevant approving authorities for Day Care Services;***
- ii. The endorsed approved plans shall not be altered without prior written approval of the Shire;***
- iii. No more than 2 people who are not members of the occupier's household can be employed at the home business;***
- iv. No goods can be sold on the premises;***
- v. The home business shall be limited to the hours of 7am – 7pm, Monday to Friday;***
- vi. Signage placed at the dwelling shall be approved by the Chief Executive Officer.***
- vii. If food is to be provided to children a Food Business Registration in compliance with the Food Act 2008 must be obtained for the Shires Health Services; and***
- viii. Must comply Education and Care Services National Law (WA) Act 2012 and the Education and Care Services National Regulations 2012***

Advice Notes

- a) This approval does not confer approval under other relevant legislation, including but not limited to, the Building Act 2011 and Health Act 2016. It is the responsibility of the Applicant to determine any necessary approvals required and obtain such approvals prior to the commencement of development and use. However, to assist in understanding the necessary requirements and approvals, further information can be obtained by contacting the Shire of Kellerberrin***
- b) Nothing in the approval shall excuse compliance with all relevant written laws in the commencement and carrying out of the development.***
- c) The applicant is advised a Building Permit is required prior to commencement of any building works. In this regard the applicant is advised that conditions relating to BAL assessment may result in conditions being imposed at the building permit stage to mitigate the risk for burning embers as part of a preventative approach to bushfire attack.***
- d) In addition to planning and building requirements, the development must comply with Environmental Protection (Noise) Regulations 1997).***
- e) The applicant is advised of a right of appeal to the State Administrative Tribunal (SAT) subject to Part 14 of the Planning and Development Act, 2005. Appeals must be lodged to SAT within 28 days. Further information can be obtained from the SAT website – www.sat.justice.wa.gov.au.***

CARRIED 7/0

13 ELECTED MEMBERS MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

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

Nil

15 CONFIDENTIAL MATTERS

Nil

16 CLOSURE OF MEETING

The Meeting closed at 4:08pm.

The minutes of this meeting were confirmed at the Ordinary Council Meeting held on 15 August 2023.

.....
CHAIRPERSON