



AGENDA

Ordinary Council Meeting Tuesday, 15 August 2023

Date: Tuesday, 15 August 2023

Time: 4:00pm

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

Shire of Kellerberrin

Ordinary Council Meeting 15th August 2023

NOTICE OF MEETING

Dear Elected Member

The next Ordinary Council Meeting of the Shire of Kellerberrin will be held on Tuesday, 15th August 2023 in the Council Chamber, 110 Massingham Street, Kellerberrin WA 6410 commencing at 4:00pm.



Raymond Griffiths
Chief Executive Officer
Wednesday, 9 August 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 ACKNOWLEDGEMENT OF COUNTRY**

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

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

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

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

6 PUBLIC QUESTION TIME

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

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

7 CONFIRMATION OF PREVIOUS MEETINGS MINUTES

7.1 MINUTES OF THE COUNCIL MEETING HELD ON 18 JULY 2023

File Ref: MIN
Author: Michelle Wilson, Executive Assistant
Authoriser: Raymond Griffiths, Chief Executive Officer
Attachments: 1. Minutes of the Council Meeting held on 18 July 2023

STAFF RECOMMENDATION

That the Minutes of the Council Meeting held on 18 July 2023 be received as a true and accurate record.

8 PRESENTATIONS

8.1 Petitions

8.2 Presentations

8.3 Deputations

9 REPORTS OF COMMITTEES

Nil

10 CORPORATE SERVICES REPORTS

10.1 STATUS REPORT OF ACTION SHEET

File Ref: Various
Author: Michelle Wilson, Executive Assistant
Authoriser: Raymond Griffiths, Chief Executive Officer
Attachments: Nil

BACKGROUND

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

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

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

STAFF COMMENT

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

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

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

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

TEN YEAR FINANCIAL PLAN

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

FINANCIAL IMPLICATIONS

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

STATUTORY IMPLICATIONS

NIL know at this time.

STAFF COMMENT

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

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

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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 —
 - (l) the prescribed amount; or

- (II) the prescribed percentage of the total value of the issued share capital of the company,
- whichever is less;
- or
- (e) the person is the spouse, de facto partner or child of the relevant person and is living with the relevant person; or
- (ea) the relevant person is a council member and the person —
- (i) gave a notifiable gift to the relevant person in relation to the election at which the relevant person was last elected; or
- (ii) has given a notifiable gift to the relevant person since the relevant person was last elected;
- or
- (eb) the relevant person is a council member and since the relevant person was last elected the person —
- (i) gave to the relevant person a gift that section 5.82 requires the relevant person to disclose; or
- (ii) made a contribution to travel undertaken by the relevant person that section 5.83 requires the relevant person to disclose;
- or
- (f) the person has a relationship specified in any of paragraphs (a) to (d) in respect of the relevant person's spouse or de facto partner if the spouse or de facto partner is living with the relevant person.

- (2) In subsection (1) —

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

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

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

5.63. Some interests need not be disclosed

- (1) Sections 5.65, 5.70 and 5.71 do not apply to a relevant person who has any of the following interests in a matter —
- (a) an interest common to a significant number of electors or ratepayers;
- (b) an interest in the imposition of any rate, charge or fee by the local government;
- (c) an interest relating to a fee, reimbursement of an expense or an allowance to which section 5.98, 5.98A, 5.99, 5.99A, 5.100 or 5.101(2) refers;
- (d) an interest relating to the pay, terms or conditions of an employee unless —
- (i) the relevant person is the employee; or
- (ii) either the relevant person's spouse, de facto partner or child is the employee if the spouse, de facto partner or child is living with the relevant person;
- [(e) deleted]*
- (f) an interest arising only because the relevant person is, or intends to become, a member or office bearer of a body with non-profit making objects;
- (g) an interest arising only because the relevant person is, or intends to become, a member, office bearer, officer or employee of a department of the Public Service of the State or Commonwealth or a body established under this Act or any other written law; or

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

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

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

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

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

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

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

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

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

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

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

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

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

5.66. Meeting to be informed of disclosures

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

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

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

5.67. Disclosing members not to participate in meetings

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

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

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

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

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

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

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

- (1) If a member has disclosed, under section 5.65, an interest in a matter, the council or the CEO may apply to the Minister to allow the disclosing member to participate in the part of the meeting, and any subsequent meeting, relating to the matter.
- (2) An application made under subsection (1) is to include —
 - (a) details of the nature of the interest disclosed and the extent of the interest; and
 - (b) any other information required by the Minister for the purposes of the application.
- (3) On an application under this section the Minister may allow, on any condition determined by the Minister, the disclosing member to preside at the meeting, and at any subsequent meeting, (if otherwise qualified to preside) or to participate in discussions or the decision making procedures relating to the matter if —

- (a) there would not otherwise be a sufficient number of members to deal with the matter; or
- (b) the Minister is of the opinion that it is in the interests of the electors or ratepayers to do so.

(4) A person must not contravene a condition imposed by the Minister under this section.

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

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

5.69A. Minister may exempt committee members from disclosure requirements

(1) A council or a CEO may apply to the Minister to exempt the members of a committee from some or all of the provisions of this Subdivision relating to the disclosure of interests by committee members.

(2) An application under subsection (1) is to include —

- (a) the name of the committee, details of the function of the committee and the reasons why the exemption is sought; and
- (b) any other information required by the Minister for the purposes of the application.

(3) On an application under this section the Minister may grant the exemption, on any conditions determined by the Minister, if the Minister is of the opinion that it is in the interests of the electors or ratepayers to do so.

(4) A person must not contravene a condition imposed by the Minister under this section.

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

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

5.70. Employees to disclose interests relating to advice or reports

(1) In this section —

employee includes a person who, under a contract for services with the local government, provides advice or a report on a matter.

(2) An employee who has an interest in any matter in respect of which the employee is providing advice or a report directly to the council or a committee must disclose the nature of the interest when giving the advice or report.

(3) An employee who discloses an interest under this section must, if required to do so by the council or committee, as the case may be, disclose the extent of the interest.

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

5.71. Employees to disclose interests relating to delegated functions

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

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

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

STRATEGIC COMMUNITY PLAN

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

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

COMMUNITY CONSULTATION

The following consultation took place;

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

STAFF RECOMMENDATION

That Council receive the status report.

10.2 CHEQUE LIST JULY 2023

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

BACKGROUND

Accounts for payment from 1st July to 31st July 2023

TRUST

Trust Total	\$1,050.00
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MUNICIPAL FUND

Cheque	\$12,101.96
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EFT	\$958,054.29
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Direct Debit	\$135,387.39
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Municipal Total	\$1,105,543.64
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STAFF COMMENT

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

Integrity Management Solutions PTY LTD	\$ 9,350.00
2023-2024 Attain Compliance Software Subscription Renewal	
Avon Waste	\$ 10,832.98
Waste Collections June 2023	
United Card Services Pty Ltd	\$ 10,941.11
Card Fuel Purchases for the Month of June 2023	
Shire of Kellerberrin	\$ 11,286.00
Staff Rates Subsidies 2023/24	
Central East Aged Care Alliance (CEACA)	\$ 16,500.00
CEACA Annual Contribution 2023/24	
Western Australian Treasury Corporation	\$ 31,214.23
Loan No. 121 Capital & Interest payment - Phase 3 - Swimming Pool	
Northam Holden/Mazda	\$ 59,095.50
Purchase of BT50 Ute - Builder	
McInerney Ford	\$ 61,666.20
Purchase of 2023 Ford Ranger - MWS	
ARRB Group Pty Ltd	\$ 133,202.52
WSFN - Preparation, Project Management, Data Processing and Reporting	
Rosmech Sales & Service Pty Ltd	\$ 463,623.33
Purchase Street Sweeper Truck with requested options.	

TEN YEAR FINANCIAL PLAN

There is no direct impact on the Long Term Financial Plan

FINANCIAL IMPLICATIONS

Shire of Kellerberrin 2023/2024 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 July 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 \$1,105,543.64 on vouchers EFT , CHQ, Direct payments*
2. *Trust Fund payments totalling \$1,050.00 on vouchers EFT, CHQ, Direct payments*

10.3 DIRECT DEBIT LIST AND VISA CARD TRANSACTIONS - JULY 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 July 2023.

Municipal Direct Debit List

Date	Name	Details	\$	Amount
3-Jul-23	Alleasing	Lease Payment Gym Equipment		3,075.84
3-Jul-23	Shire of Kellerberrin	Creditors Payments		194,868.72
4-Jul-23	Vestone	Photocopier Lease WSNF		246.40
4-Jul-23	Department of Communities	Rent		420.00
6-Jul-23	Shire of Kellerberrin	Precision Superannuation		13,450.14
6-Jul-23	Shire of Kellerberrin	Pay Run		73,744.91
7-Jul-23	Department of Transport	Vehicle Inspection Fees		65.00
13-Jul-23	Shire of Kellerberrin	Creditors Payments		628,298.62
14-Jul-23	ATO	June BAS Payment		57,518.00
18-Jul-23	Department of Communities	Rent		420.00
20-Jul-23	Nayax Australia Pty Ltd	Vending Machine Caravan Park		38.17
20-Jul-23	Shire of Kellerberrin	Precision Superannuation		14,013.31
20-Jul-23	Shire of Kellerberrin	Creditors Payments		10,941.11
20-Jul-23	Shire of Kellerberrin	Pay Run		76,012.90
27-Jul-23	Shire of Kellerberrin	Creditors Payments		123,945.84
31-Jul-23	NAB	BPAY Charge		51.52
31-Jul-23	NAB	Account Fees - Trust		10.00
31-Jul-23	NAB	Account Fees - Muni		52.60
31-Jul-23	NAB	Merchant Fees - Trust		7.32
31-Jul-23	NAB	Merchant Fees - Muni		130.10
31-Jul-23	NAB	Merchant Fees - Caravan Park		135.56
31-Jul-23	NAB	Merchant Fees - CRC		304.60
TOTAL			\$	<u>1,197,750.66</u>

Trust Direct Debit List

Date	Name	Details	\$	Amount
31-Jul-23	Department of Transport	Licencing Payments July 2023		45,424.20
TOTAL			\$	<u>45,424.20</u>

Visa Transactions

Date	Name	Details	\$	Amount
30-Jun-23	Shire of Kellerberrin	Licencing KE1		75.00
30-Jun-23	Shire of Kellerberrin	Licencing KE02		37.00
04-Jul-23	Shire of Kellerberrin	Licencing KE1		18.90
11-Jul-23	Shire of Kellerberrin	Licencing KE06		46.50
17-Jul-23	Tony's Auto Wreckers	New Seats KE546		880.00
18-Jul-23	Zoom US	Zoom Subscription		230.89
19-Jul-23	Shire of Kellerberrin	Licencing KE546		18.90
28-Jul-23	NAB	Card Fee		15.93
TOTAL - CEO			\$	<u>1,323.12</u>

Date	Name	Details	\$	Amount
18-Jul-23	CANVA	Canva Subscription		164.99
20-Jul-23	Kellerberrin Farmers Coop	Council Budget Meeting Refreshments		90.50
28-Jul-23	NAB	Card Fee		9.00
		TOTAL -DCEO		264.49
28-Jul-23	NAB	Card Fee		9.00
		TOTAL WSFN PROGRAMME DIRECTOR		9.00
29-Jun-23	Riverside Roadhouse	Meals WSFN Programme Manager		23.00
30-Jun-23	Riverside Roadhouse	Meals WSFN Programme Manager		23.30
30-Jun-23	Narrogin Motel	Accommodation WSFN Programme Manager		298.00
03-Jul-23	Cuballing Roadhouse	Meals WSFN Programme Manager		27.70
03-Jul-23	Narrogin Motel	Meals WSFN Programme Manager		88.50
03-Jul-23	Narrogin Motel	Meals WSFN Programme Manager - Refund		-28.00
04-Jul-23	Bella's on Caversham	Meals WSFN Programme Manager		48.00
12-Jul-23	Wongan Hills Hotel	Meals WSFN Programme Manager		37.00
12-Jul-23	Wongan Hills Bakery	Meals WSFN Programme Manager		29.30
12-Jul-23	Wongan Hills Hotel	Accommodation WSFN Programme Manager		130.00
13-Jul-23	Corrigin Motel	Accommodation WSFN Programme Manager		260.00
17-Jul-23	The Mallee Tree Café	Meals WSFN Programme Manager		48.50
20-Jul-23	Avon Trading	Stationery WSFN Programme Manager		5.20
20-Jul-23	Beverley Bakehouse	Meals WSFN Programme Manager		17.80
25-Jul-23	Lake Grace Betta Electrical	Stationery WSFN Programme Manager		90.00
26-Jul-23	Lake Grace Roadhouse	Meals WSFN Programme Manager		17.10
27-Jul-23	Wendy Miller - Hyden	Meals WSFN Programme Manager		15.50
28-Jul-23	Hyden IGA	Meals WSFN Programme Manager		9.75
28-Jul-23	Magadashly Pty Ltd	Accommodation WSFN Programme Manager		526.00
28-Jul-23	Combine Tyres	Vehicle Parts WSFN Programme Manager		132.00
28-Jul-23	NAB	Card Fee		9.00
		TOTAL WSFN PROGRAMME MANAGER		1,807.65
		TOTAL VISA TRANSACTIONS	\$	3,404.26

STAFF COMMENT

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

TEN YEAR FINANCIAL PLAN

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

FINANCIAL IMPLICATIONS

Financial Management of 2023/2024 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 July 2023 comprising of;

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

10.4 FINANCIAL ACTIVITY STATEMENT - JULY 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 2023 Ordinary Meeting of Council – 18th July 2023

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

That Council:

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

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 31st July 2023.

TEN YEAR FINANCIAL PLAN

Financial Management of 2023/2024 Budget.

FINANCIAL IMPLICATIONS

Financial Management of 2023/2024 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 July 2023 comprising;

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

10.5 BUILDING REPORTS JULY 2023

File Ref:	BUILD06
Author:	Jacki Peak, Administration Officer
Authoriser:	Raymond Griffiths, Chief Executive Officer
Attachments:	1. Applications Received - July (under separate cover) 2. Permits Issued - July (under separate cover)

BACKGROUND

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

STAFF COMMENT

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

10.6 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 2023 Ordinary Council Meeting – 18th April 2023

MIN 035/23 MOTION - Moved Cr. Leake Seconded Cr. Ryan

That Council;

- 1. Resolves to request the Minister for Lands 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(3) of the Land Administration Act 1997.***
- 3. Resolves to request the Minister to transfer the close road reserve to form part of Lot 311 Dowding Street owned by Cooperative Bulk Handling.***
- 4. Delegates authority to the Chief Executive Officer to appointed to suitably qualified surveyor.***

CARRIED 7/0

Councils April 2010 Ordinary Council Meeting

MIN 58/10 MOTION - Moved Cr. Lamplugh 2nd 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 2nd 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 advertised the proposed closure for portion of Mather Road, Kellerberrin for its statutory 35 days closing on Monday 7th August 2023.

Within the advertising period there was no submissions received.

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 reversion.

[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) ⁹.]

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. *Acknowledge that no objection was made in response to the publication in the West Australian newspaper published on Wednesday, 28th June 2023 published in accordance with section 58(3) of the Land Administration Act 1997, within the specified 35 day publication period.*
2. *Resolves to –*
 - a. *Make a request to the Minister for Lands under section 58(1) of the Land Administration Act 1997 for a permanent closure of Mather Road from 3.70 kms to 5.27 kms.*
 - b. *Indemnify the Department of Regional Development and Lands against all claims and costs associated with the road closure.*
 - c. *Request the Minister for Lands to transfer the permanently closed portion of Mather Road by amalgamating that part into Lot 311 Dowding Street.*
 - d. *Nominates Mr Ahmad Chami of Automated Surveys as its appointed surveyor.*
 - e. *Delegates authority to the Chief Executive Officer to do all acts necessary to make the requests to the Minister for Lands*

10.7 PROPOSED NEW RESERVE ACCOUNT - MEDICAL CENTRE

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

BACKGROUND

Dryandra Residential and Community Care Committee Meeting – 24th July 2023

MOTION - Moved Phil Graham Seconded Helen Thornton

That the Dryandra Board to commit to construction of new Medical Centre in Kellerberrin subject to;

- Construction doesn't exceed Dryandra cash reserve, unless Shire of Kellerberrin is able to fund shortfall;
- Funds are transferred to Shire of Kellerberrin reserve account which identifies as Kellerberrin Medical Centre Building Fund;
- Shire of Kellerberrin will manage tenders, project management, construction of new medical centre ;
- Dryandra Board to be consulted for design; and
- The named medical centre funds cannot be used anything but the new medical centre

CARRIED 9/0

Shire of Kellerberrin August 2021 Ordinary Meeting of Council – 17th August 2021

MIN 142/21 MOTION - Moved Cr. Steber Seconded Cr. Ryan

That Council;

- 1. Supports Dryandra's investigation of the proposal for the medical centre and that Council are prepared to undertake the upkeep and maintenance into the future.***

CARRIED 7/0

The Dryandra Residential and Community Care Board into 2021 called for submissions from the Community for ideas to expend the proceeds received by the board for the sale of the Aged Care Facility.

The board received three (3) separate submissions from their request.

The board reviewed the submissions received and adopted the following;

Dryandra Residential and Community Care Committee Meeting – 16th August 2021

MOTION - Moved Phil Graham Seconded Gavin Morgan

The Board of Dryandra Residential and Community Care Inc:

1. Investigate the construction of a Medical Centre; and
2. Approach Kellerberrin Shire for management and upkeep of infrastructure

CARRIED 9/0

STAFF COMMENT

The Dryandra Residential and Community Care Board have currently invested \$1,000,000 for a twelve (12) month period to expire in late July 2024. It is then intended for these funds to then be on expiration will be transferred to the Shire of Kellerberrin Reserve.

The board have also advised that they have a meeting with Roshana to discuss the payment of the remaining funds. On receipt of these funds this will also be transferred to the Reserve.

It is proposed to establish a new reserve as per the following;

Name of Reserve	Kellerberrin Medical Centre Reserve
Purpose	To be used to fund for the provision of Medical Centre Facilities.

TEN YEAR FINANCIAL PLAN

There is no current plan for this reserve or expenditure for a new medical centre I the Long Term Financial Plan.

FINANCIAL IMPLICATIONS

The creation of this reserve has no immediate financial implication on Council as the funds utilised to establish the reserve and further contributions will be provided from the Dryandra Residential and Community Care Inc body.

The funds are the proceeds received from the sale of the Aged Care Facility.

STATUTORY IMPLICATIONS

Local Government Act 1995

6.11. Reserve accounts

- (1) Subject to subsection (5), where a local government wishes to set aside money for use for a purpose in a future financial year, it is to establish and maintain a reserve account for each such purpose.
- (2) Subject to subsection (3), before a local government —
 - (a) changes* the purpose of a reserve account; or
 - (b) uses* the money in a reserve account for another purpose,
 it must give one month’s local public notice of the proposed change of purpose or proposed use.

* *Absolute majority required.*

- (3) A local government is not required to give local public notice under subsection (2) —
 - (a) where the change of purpose or of proposed use of money has been disclosed in the annual budget of the local government for that financial year; or
 - (b) in such other circumstances as are prescribed.
- (4) A change of purpose of, or use of money in, a reserve account is to be disclosed in the annual financial report for the year in which the change occurs.
- (5) Regulations may prescribe the circumstances and the manner in which a local government may set aside money for use for a purpose in a future financial year without the requirement to establish and maintain a reserve account.

Local Government (Financial Management) Regulations 1996

17. Title of reserve accounts

- (1) A reserve account is to have a title that clearly identifies the purpose for which the money in the account is set aside.
- (2) In the accounts, annual budget and financial reports of the local government a reserve account is to be referred to —
 - (a) in the information required by regulations 27(g) and (ga) and 38, by its full title; and

- (b) otherwise, by its full title or by an abbreviation of that title.

18. When local public notice not required for change of use of money in reserve account (Act s. 6.11(3)(b))

A local government is not required to give local public notice of a proposed change of use of money in a reserve account —

- (a) where the money is to be used to meet expenditure authorised by the mayor or president under section 6.8(1)(c); or
- (b) where the total amount to be so used does not exceed \$5 000 in a financial year; or
- (c) where each of the following conditions is satisfied —
 - (i) a decision to change the use of the money is made while there is in force a state of emergency declaration applying to the district, or part of the district, of the local government;
 - (ii) the local government considers that the change of use is required to address a need arising from the hazard, or from the impact or consequences of the hazard, to which the state of emergency declaration relates;
 - (iii) the decision and the reasons for it are recorded in the minutes of the meeting at which the decision is made;
 or
- (d) where each of the following conditions is satisfied —
 - (i) a decision to change the use of the money is made while there is in force a COVID-19 declaration under the *Emergency Management Act 2005* Part 6A applying to the district, or part of the district, of the local government;

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;

- Dryandra Residential and Community Care Inc Board
- Chief Executive Officer
- Councillors

STAFF RECOMMENDATION

That Council establish a new Reserve account as per the following;

Name of Reserve	Kellerberrin Medical Centre Reserve
Purpose	To be used to fund for the provision of Medical Centre Facilities.

11 DEVELOPMENT SERVICES REPORTS

Nil

12 WORKS & SERVICES REPORTS

Nil

13 ELECTED MEMBERS MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

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

15 CONFIDENTIAL MATTERS**RECOMMENDATION**

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

15.1 Chief Executive Officer - Performance Appraisal

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

16 CLOSURE OF MEETING