



# **AGENDA**

## **Ordinary Council Meeting Tuesday, 21 November 2023**

**Date: Tuesday, 21 November 2023**

**Time: 4:00pm**

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

## **Shire of Kellerberrin**

### **Ordinary Council Meeting 21st November 2023**

#### **NOTICE OF MEETING**

Dear Elected Member

The next Ordinary Council Meeting of the Shire of Kellerberrin will be held on Tuesday, 21st November 2023 in the Council Chamber, 110 Massingham Street, Kellerberrin WA 6410 commencing at 4:00pm.

Raymond Griffiths  
Chief Executive Officer  
Thursday, 16 November 2023

## Disclaimer

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 24 OCTOBER 2023**

**File Ref:** MIN  
**Author:** Michelle Wilson, Executive Assistant  
**Authoriser:** Raymond Griffiths, Chief Executive Officer  
**Attachments:** 1. Minutes of the Council Meeting held on 24 October 2023

**STAFF RECOMMENDATION**

That the Minutes of the Council Meeting held on 24<sup>th</sup> October 2023 be received as a true and correct record of the meeting.



**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

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

#### BACKGROUND

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

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

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

#### STAFF COMMENT

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

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

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

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

#### TEN YEAR FINANCIAL PLAN

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

#### FINANCIAL IMPLICATIONS

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

#### STATUTORY IMPLICATIONS

NIL known at this time.

#### STAFF COMMENT

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**TEN YEAR FINANCIAL PLAN**

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**STATUTORY IMPLICATIONS**

Local Government Act 1995 (as amended)

Section 2.7. The role of the council

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

Section 2.8. The role of the mayor or president

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

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

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

Section 2.10. The role of councillors

A councillor —

- (a) represents the interests of electors, ratepayers and residents of the district;
- (b) provides leadership and guidance to the community in the district;
- (c) facilitates communication between the community and the council;
- (d) participates in the local government's decision-making processes at council and committee meetings; and
- (e) performs such other functions as are given to a councillor by this Act or any other written law.

5.60. When person has an interest

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

- (a) the relevant person; or
  - (b) a person with whom the relevant person is closely associated,
- has —
- (c) a direct or indirect financial interest in the matter; or
  - (d) a proximity interest in the matter.

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

5.60A. Financial interest

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

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

5.60B. Proximity interest

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

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

5.61. Indirect financial interests

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

5.62. Closely associated persons

- (1) For the purposes of this Subdivision a person is to be treated as being closely associated with a relevant person if —
  - (a) the person is in partnership with the relevant person; or
  - (b) the person is an employer of the relevant person; or
  - (c) the person is a beneficiary under a trust, or an object of a discretionary trust, of which the relevant person is a trustee; or
  - (ca) the person belongs to a class of persons that is prescribed; or
  - (d) the person is a body corporate —
    - (i) of which the relevant person is a director, secretary or executive officer; or
    - (ii) in which the relevant person holds shares having a total value exceeding —
      - (I) the prescribed amount; or
      - (II) the prescribed percentage of the total value of the issued share capital of the company,whichever is less;
  - or
  - (e) the person is the spouse, de facto partner or child of the relevant person and is living with the relevant person; or
  - (ea) the relevant person is a council member and the person —

- (i) gave a notifiable gift to the relevant person in relation to the election at which the relevant person was last elected; or
    - (ii) has given a notifiable gift to the relevant person since the relevant person was last elected;
  - or
  - (eb) the relevant person is a council member and since the relevant person was last elected the person —
    - (i) gave to the relevant person a gift that section 5.82 requires the relevant person to disclose; or
    - (ii) made a contribution to travel undertaken by the relevant person that section 5.83 requires the relevant person to disclose;
  - or
  - (f) the person has a relationship specified in any of paragraphs (a) to (d) in respect of the relevant person's spouse or de facto partner if the spouse or de facto partner is living with the relevant person.
- (2) In subsection (1) —
- notifiable gift** means a gift about which the relevant person was or is required by regulations under section 4.59(a) to provide information in relation to an election;
- value**, in relation to shares, means the value of the shares calculated in the prescribed manner or using the prescribed method.
- [Section 5.62 amended by No. 64 of 1998 s. 31; No. 28 of 2003 s. 110; No. 49 of 2004 s. 51; No. 17 of 2009 s. 26.]*

5.63. Some interests need not be disclosed

- (1) Sections 5.65, 5.70 and 5.71 do not apply to a relevant person who has any of the following interests in a matter —
- (a) an interest common to a significant number of electors or ratepayers;
  - (b) an interest in the imposition of any rate, charge or fee by the local government;
  - (c) an interest relating to a fee, reimbursement of an expense or an allowance to which section 5.98, 5.98A, 5.99, 5.99A, 5.100 or 5.101(2) refers;
  - (d) an interest relating to the pay, terms or conditions of an employee unless —
    - (i) the relevant person is the employee; or
    - (ii) either the relevant person's spouse, de facto partner or child is the employee if the spouse, de facto partner or child is living with the relevant person;
  - [(e) deleted]*
  - (f) an interest arising only because the relevant person is, or intends to become, a member or office bearer of a body with non-profit making objects;
  - (g) an interest arising only because the relevant person is, or intends to become, a member, office bearer, officer or employee of a department of the Public Service of the State or Commonwealth or a body established under this Act or any other written law; or
  - (h) a prescribed interest.
- (2) If a relevant person has a financial interest because the valuation of land in which the person has an interest may be affected by —
- (a) any proposed change to a planning scheme for any area in the district;
  - (b) any proposed change to the zoning or use of land in the district; or
  - (c) the proposed development of land in the district,
- then, subject to subsection (3) and (4), the person is not to be treated as having an interest in a matter for the purposes of sections 5.65, 5.70 and 5.71.
- (3) If a relevant person has a financial interest because the valuation of land in which the person has an interest may be affected by —

- (a) any proposed change to a planning scheme for that land or any land adjacent to that land;
- (b) any proposed change to the zoning or use of that land or any land adjacent to that land; or
- (c) the proposed development of that land or any land adjacent to that land,

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

- (4) If a relevant person has a financial interest because any land in which the person has any interest other than an interest relating to the valuation of that land or any land adjacent to that land may be affected by —

- (a) any proposed change to a planning scheme for any area in the district;
- (b) any proposed change to the zoning or use of land in the district; or
- (c) the proposed development of land in the district,

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

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

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

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

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

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

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

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

**5.66. Meeting to be informed of disclosures**

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

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

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

**5.67. Disclosing members not to participate in meetings**

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

- (a) preside at the part of the meeting relating to the matter; or

- (b) participate in, or be present during, any discussion or decision making procedure relating to the matter,

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

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

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

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

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

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

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

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

5.69A. Minister may exempt committee members from disclosure requirements

- (1) A council or a CEO may apply to the Minister to exempt the members of a committee from some or all of the provisions of this Subdivision relating to the disclosure of interests by committee members.
- (2) An application under subsection (1) is to include —
  - (a) the name of the committee, details of the function of the committee and the reasons why the exemption is sought; and

- (b) any other information required by the Minister for the purposes of the application.
- (3) On an application under this section the Minister may grant the exemption, on any conditions determined by the Minister, if the Minister is of the opinion that it is in the interests of the electors or ratepayers to do so.
- (4) A person must not contravene a condition imposed by the Minister under this section.  
Penalty: \$10 000 or imprisonment for 2 years.  
*[Section 5.69A inserted by No. 64 of 1998 s. 34(1).]*

5.70. Employees to disclose interests relating to advice or reports

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

5.71. Employees to disclose interests relating to delegated functions

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

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

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

## STRATEGIC COMMUNITY PLAN

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

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

## COMMUNITY CONSULTATION

The following consultation took place;

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

## STAFF RECOMMENDATION

*That Council receive the status report.*



**10.2 TERMS OF REFERENCE - AUDIT, RISK AND GOVERNANCE COMMITTEE**

**File Ref:** ADM 00

**Author:** Raymond Griffiths, Chief Executive Officer

**Authoriser:** Raymond Griffiths, Chief Executive Officer

**Attachments:** 1. Audit, Risk and Governance Committee TOR (under separate cover)

**BACKGROUND**

Council at its October 2019 Ordinary Meeting of Council adopted Terms of Reference for the Audit Committee.

**MIN182/19 MOTION** - Moved Cr. Steber

2<sup>nd</sup> Cr. Talbot

That Council;

1. appoint the following members to committees/groups/panels

**Audit Committee**

That Audit Committee comprises full Council

**Emergency Committee**

Council's representatives on the Emergency Committee comprise of:

Delegate - Cr. Forsyth

Delegate – Cr. O'Neill

Delegate – Cr. Steber

**Great Eastern Country Zone – Western Australian Local Government Association**

Council Delegate to the Great Eastern Country Zone of WALGA comprise of:

Delegate - Cr. Forsyth

Delegate - Chief Executive Officer

Deputy – Cr. O'Neill

**Regional Road Group**

Council's representatives on the Wheatbelt North Regional Road Group, Kellerberrin Sub-Group are:

Delegate - Cr. Forsyth

Delegate - Chief Executive Officer

Deputy - Cr. Leake

**Local Emergency Management Committee (LEMC)**

Council's representatives on the Local Emergency Management Committee comprise of:

Delegate - Cr. Leake

Deputy - Cr. Talbot

**Wheatbelt Eastern Regional Organisation of Councils (WEROC)**

Council's representatives on the Wheatbelt East Regional Organisation of Councils are:

Delegate - Cr. Forsyth

Delegate - Chief Executive Officer

Deputy - Cr. Steber

**Sport & Recreation Steering Committee**

Council's representatives on the Sport and Recreation Steering Committee are:

Delegate - Cr. McNeil

Delegate - Chief Executive Officer

Deputy - Cr. Talbot

**Local Hospital Advisory Group (L-HAG)**

Council's representative on the Local Health Advisory Group is:

Delegate - Cr. Forsyth

Deputy - Cr. O'Neill

**Regional Development Assessment Panel**

Council's representatives on the Regional Development Assessment Panel are:

Delegate - Cr. Forsyth

Deputy - Cr. Leake

**Central East Aged Care Committee (CEACA)**

Council's representatives on the Independent Kellerberrin District High School Board are:

Delegate - Cr. Forsyth

**Roadworks Advisory Committee**

Delegate - Cr. Forsyth

Delegate - Cr. Steber

Delegate - Chief Executive Officer

Delegate - Manager of Works Services

2. disband the following as committees of council:

- Granite Way Committee
- Community Resource Centre Management Committee
- Kellerberrin Swimming Pool Facility Redevelopment Steering Committee
- Tidy Towns Committee
- Independent Kellerberrin District High School Board Panel

3. adopt the terms of reference as shown in attachment A and B for Audit Committee and the Bushfire Advisory Committee.

**CARRIED 6/0**

**STAFF COMMENT**

Since the adoption of the original Terms of Reference there has been some modifications in Regulations wherein it will become a requirement to have an external member on the Audit Committee going forward. It has also been raised with management through the Financial Management Review (FMR) that it is a recommendation for this to occur.

In addition it is recommended that the Committee is renamed to Audit, Risk and Governance Committee to capture the full role of the committee. This item has also been raised with Management as a recommendation going forward in the FMR.

Councils Management have reviewed the Model Terms of Reference provided by the Department for an Audit and Risk Committee and in turn have amended the Terms of Reference to reflect the current guide.

In addition Council has advertised for an external member to be appointed to the Committee with the attached advertisement.

**TEN YEAR FINANCIAL PLAN**

Member Committee Meeting Fees

**FINANCIAL IMPLICATIONS**

Member Committee Meeting Fees

**STATUTORY IMPLICATIONS****Local Government Act 1995****Subdivision 2 — Committees and their meetings****5.10. Appointment of committee members**

- (1) A committee is to have as its members —
- (a) persons appointed\* by the local government to be members of the committee (other than those referred to in paragraph (b)); and
  - (b) persons who are appointed to be members of the committee under subsection (4) or (5).

*\* Absolute majority required.*

- (2) At any given time each council member is entitled to be a member of at least one committee referred to in section 5.9(2)(a) or (b) and if a council member nominates himself or herself to be a member of such a committee or committees, the local government is to include that council member in the persons appointed under subsection (1)(a) to at least one of those committees as the local government decides.
- (3) Section 52 of the *Interpretation Act 1984* applies to appointments of committee members other than those appointed under subsection (4) or (5) but any power exercised under section 52(1) of that Act can only be exercised on the decision of an absolute majority of the local government.
- (4) If at a meeting of the council a local government is to make an appointment to a committee that has or could have a council member as a member and the mayor or president informs the local government of his or her wish to be a member of the committee, the local government is to appoint the mayor or president to be a member of the committee.
- (5) If at a meeting of the council a local government is to make an appointment to a committee that has or will have an employee as a member and the CEO informs the local government of his or her wish —
- (a) to be a member of the committee; or
  - (b) that a representative of the CEO be a member of the committee,

the local government is to appoint the CEO or the CEO's representative to be a member of the committee.

**STRATEGIC COMMUNITY PLAN**

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

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2. Our lifestyle and strong sense of community
3. We are prepared for opportunities and we are innovative to ensure our relevancy and destiny

## **COMMUNITY CONSULTATION**

The following consultation took place;

- Chief Executive Officer

## **STAFF RECOMMENDATION**

That Council;

1. Rename the Audit Committee to Audit, Risk and Governance Committee; and
2. Adopt the Terms of Reference for the Audit, Risk and Governance Committee as presented.

**10.3 CHEQUE LIST OCTOBER 2023**

**File Ref:** N/A  
**Author:** Nikayla Ovens, Finance Officer  
**Authoriser:** Morgan Ware, Manager of Governance  
**Attachments:** 1. Payment List - October 2023 (under separate cover)

**BACKGROUND**

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

**TRUST**

<b>Trust Total</b>	<b>\$58,525.45</b>
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**MUNICIPAL FUND**

<b>Cheque</b>	<b>\$12,057.06</b>
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<b>EFT</b>	<b>\$617,289.53</b>
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<b>Direct Debit</b>	<b>\$69,332.94</b>
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<b>Municipal Total</b>	<b>\$698,679.53</b>
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**STAFF COMMENT**

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

<b>WCS Concrete Pty Ltd</b>	\$	6,010.95
Headwalls, GP Cement and Crushed Rock for Goldfields Rd		
<b>Youlie and Son Contracting</b>	\$	8,530.50
Contracted Maintenance Grading		
<b>Thinkproject Australia Pty Ltd</b>	\$	8,741.25
RAMM Transport Asset Annual Support and Maintenance Fee		
<b>Australian Audit</b>	\$	10,395.00
Financial Management Review Audit		
<b>Avon Waste</b>	\$	10,868.40
Avon Waste Rubbish Collections September 2023		
<b>R Munns Engineering Consulting Services</b>	\$	12,924.84
Consulting Works for the Kellerberrin Swimming Pool		
<b>United Card Services Pty Ltd</b>	\$	17,938.27
United Fuel Purchases for the Month of September 2023		
<b>Youlie and Son Contracting</b>	\$	21,450.00
Maintenance Grading 22/08/2023 - 18/09/2023		
<b>Penske Australia</b>	\$	21,513.10
Freightliner Tiptruck – Replace clutch, 120 pin engine harness, and rear engine mounts, repair injector tube and engine oil leak, and pressure clean engine.		
<b>Shire of Northam</b>	\$	21,703.50
Bushfire Risk Mitigation Coordinator Grant Agreement 2023/24		
<b>Smith Earthmoving Pty Ltd</b>	\$	24,640.00
Semi-Truck Hire – August & September 2023		
<b>KLM Mining &amp; Industrial Pty Ltd</b>	\$	26,642.00
Supply and Lay Synthetic Turf to Carpark islands – Swimming Pool		
<b>R Munns Engineering Consulting Services</b>	\$	32,278.40
Road & Other Assets Valuation 22/23		

<b>MetroCount</b>	
Customer Survey Roadpod VT5900 – Wheatbelt Secondary Freight Network (WSFN)	\$ 118,519.50
<b>LGIS Liability</b>	
Insurance Premiums 23/24	\$ 160,802.88

## 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:

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2. Our lifestyle and strong sense of community
3. We are prepared for opportunities, and we are innovative to ensure our relevancy and destiny

### COMMUNITY CONSULTATION

The following consultation took place;

- Chief Executive Officer
- Manager of Governance
- Finance Officer

### STAFF RECOMMENDATION

*That Council notes that during the month of October 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 **\$698,679.53** on vouchers EFT, CHQ, Direct payments*
2. *Trust Fund payments totalling **\$58,525.45** on vouchers EFT, CHQ, Direct payments*

**10.4 DIRECT DEBIT LIST AND VISA CARD TRANSACTIONS - OCTOBER 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 October 2023.

**Municipal Direct Debit List**

<b>Date</b>	<b>Name</b>	<b>Details</b>	<b>\$</b>	<b>Amount</b>
3/10/2023	Shire of Kellerberrin	Creditors Payments		267,811.71
3/10/2023	3-E Advantage	Photocopier Rental WSNF Office		246.40
3/10/2023	Alleasing	Gym Equipment Lease		3,075.84
6/10/2023	Department of Transport	Vehicle Inspection Fees		118.15
10/10/2023	Department of Communities	Rent		420.00
12/10/2023	Shire of Kellerberrin	Precision Superannuation		13,208.20
12/10/2023	Shire of Kellerberrin	Pay Run		67,276.07
17/10/2023	ATO	BAS September 2023		29,475.00
17/10/2023	NAB	NAB Connect Fee		61.23
20/10/2023	Nayax Australia Pty Ltd	Caravan Park Vending Machine		38.17
20/10/2023	Shire of Kellerberrin	Creditors Payments		349,977.79
24/10/2023	Department of Communities	Rent		420.00
26/10/2023	Shire of Kellerberrin	Precision Superannuation		12,989.23
26/10/2023	Shire of Kellerberrin	Pay Run		67,731.13
31/10/2023	NAB	Merchant Fees -Swimming Pool		49.31
31/10/2023	NAB	Merchant Fees- Trust		8.50
31/10/2023	NAB	Merchant Fees - Admin Office		93.81
31/10/2023	NAB	Merchant Fees - Caravan Park		110.85
31/10/2023	NAB	Merchant Fees - Caravan Park		331.23
31/10/2023	NAB	B-Pay Charge		67.16
31/10/2023	NAB	Account Fees - Muni		72.70
31/10/2023	NAB	Account Fees - Trust		10.00
<b>TOTAL</b>			<b>\$</b>	<b>813,592.48</b>

**Trust Direct Debit List**

<b>Date</b>	<b>Name</b>	<b>Details</b>	<b>\$</b>	<b>Amount</b>
31/10/2023	Department of Transport	Licensing Payments October 2023		57,375.45
<b>TOTAL</b>			<b>\$</b>	<b>57,375.45</b>

**Visa Transactions**

<b>Date</b>	<b>Name</b>	<b>Details</b>	<b>\$</b>	<b>Amount</b>
	Royal Life Saving WA	Signage Swimming Pool		39.35
	Telstra	Recharge Waste Transfer Station Phone		35.00
27-Oct-23	NAB	Card Fee		9.00
<b>TOTAL - CEO</b>			<b>\$</b>	<b>83.35</b>
<b>Date</b>	<b>Name</b>	<b>Details</b>	<b>\$</b>	<b>Amount</b>
10-Oct-23	Kellerberrin Takeaway	Retirement Function		156.00
16-Oct-23	H&H Houbert Northam	Entertainment Swimming Pool Opening		218.72
23-Oct-23	BIG W Belmont	Decorations Colour Week		93.00
25-Oct-23	Cheryl Toovey	Ribbon for Swimming Pool Official Opening		12.00
27-Oct-23	NAB	Card Fee		9.00
<b>TOTAL -DCEO</b>				<b>488.72</b>



02-Oct-23	Officeworks Malaga	Stationery WSFN Programme Manager	34.98
02-Oct-23	Narrogin Motel	Meals WSFN Programme Manager	124.00
03-Oct-23	Riverside Roadhouse	Meals WSFN Programme Manager	58.00
04-Oct-23	Coles Narrogin	Meals WSFN Programme Manager	19.50
05-Oct-23	6 Seasons Café Pingelly	Meals WSFN Programme Manager	40.66
06-Oct-23	Narrogin Tuckerbox	Meals WSFN Programme Manager	44.00
09-Oct-23	Narrogin Tuckerbox	Meals WSFN Programme Manager	32.00
	Banh Mi Thit Phuong NG		
09-Oct-23	Midland	Meals WSFN Programme Manager	22.50
09-Oct-23	Narrogin Tuckerbox	Meals WSFN Programme Manager	51.00
09-Oct-23	Narrogin Motel	Accommodation WSFN Programme Manager	1,433.50
20-Nov-23	NAB	Card Fee	9.00
<b>TOTAL -WSFN PROGRAMME MANAGER</b>			<b>1,869.14</b>
29-Sep-23	Ryan Family Group	Employee Medical WSFN Programme Director	120.00
12-Oct-23	Australia Post Midland	Postage WSFN Programme Director	50.70
13-Oct-23	Australian Local Govt Assoc.	Conference Expenses WSFN Programme Director	995.00
27-Oct-23	NAB	Card Fee	9.00
<b>TOTAL - WSFN PROGRAMME DIRECTOR</b>			<b>1,174.70</b>
<b>TOTAL VISA TRANSACTIONS</b>			<b>\$ 3,615.91</b>

## STAFF COMMENT

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

## TEN YEAR FINANCIAL PLAN

There is 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 October 2023 comprising of;*

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

**10.5 FINANCIAL ACTIVITY STATEMENT - OCTOBER 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 – 18<sup>th</sup> 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 31<sup>st</sup> October 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 sub regulation (1)(d); and
  - (c) such other supporting information as is considered relevant by the local government.
- (3) The information in a statement of financial activity be shown —
  - (a) according to nature and type classification; or
  - (b) by program; or
  - (c) by business unit.
- (4) A statement of financial activity, and the accompanying documents referred to in sub regulation (2), are to be —
  - (a) presented at an ordinary meeting of the council within 2 months after the end of the month to which the statement relates; and
  - (b) recorded in the minutes of the meeting at which it is presented.
- (5) Each financial year, a local government is to adopt a percentage or value, calculated in accordance with the AAS, to be used in statements of financial activity for reporting material variances.

**STRATEGIC COMMUNITY PLAN**

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

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**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 October 2023 comprising.*

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

**10.6 BUILDING REPORTS OCTOBER 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 October period.
2. There were zero (0) "Building Permit" issued in the October period.

**TEN YEAR FINANCIAL PLAN**

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

**FINANCIAL IMPLICATIONS**

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

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

**STATUTORY IMPLICATIONS**

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

**STRATEGIC COMMUNITY PLAN**

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**COMMUNITY CONSULTATION**

The following consultation took place:

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

**STAFF RECOMMENDATION**

*That Council;*

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

**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 Write Off Outstanding Balance - 5 Chambers Street Kellerberrin WA**

This matter is considered to be confidential under Section 5.23(2) - e(iii) 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 that if disclosed, would reveal information about the business, professional, commercial or financial affairs of a person, where the information is held by, or is about, a person other than the local government.

#### **15.2 Shire of Kellerberrin/Australia Day Awards Nomination**

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



**16 CLOSURE OF MEETING**