



AGENDA

Ordinary Council Meeting Monday, 18 March 2024

Date: Monday, 18 March 2024

Time: 4:00pm

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

Shire of Kellerberrin

Ordinary Council Meeting 18th March 2024

NOTICE OF MEETING

Dear Elected Member

The next Ordinary Council Meeting of the Shire of Kellerberrin will be held on Monday, 18th March 2024 in the Council Chamber, 110 Massingham Street, Kellerberrin WA 6410 commencing at 4:00pm.

Raymond Griffiths
Chief Executive Officer
Friday, 15 March 2024

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 8 FEBRUARY 2024

File Ref: MIN

Author: Michelle Wilson, Executive Assistant

Authoriser: Raymond Griffiths, Chief Executive Officer

Attachments: 1. Minutes of the Council Meeting held on 8 February 2024

HEADING

STAFF RECOMMENDATION

That the Minutes of the Council Meeting held on 8 February 2024 be received as a true and correct record.

8 PRESENTATIONS

8.1 Petitions

8.2 Presentations

8.3 Deputations

9 REPORTS OF COMMITTEES

9.1 MINUTES OF THE AUDIT, RISK AND GOVERNANCE COMMITTEE MEETING HELD ON 18 MARCH 2024

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

Council's Audit and Risk Committee Meeting – 18th March 2024

STAFF RECOMMENDATION

That the Minutes of the Audit, Risk and Governance Committee Meeting held on 18 March 2024 be received and the recommendations therein be adopted.

10 CORPORATE SERVICES REPORTS

10.1 STATUS REPORT OF ACTION SHEET

File Ref: Various
Author: Michelle Wilson, Executive Assistant
Authoriser: Raymond Griffiths, Chief Executive Officer
Attachments: 1. Status Report of Action Sheet - March 2024

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

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.

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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,
- (c) has —
 - (d) a direct or indirect financial interest in the matter; or
 - (e) 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 COMMON SEAL REGISTER AND REPORTING

File Ref: ADM52
Author: Michelle Wilson, Executive Assistant
Authoriser: Raymond Griffiths, Chief Executive Officer
Attachments: Nil

BACKGROUND

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

STAFF COMMENT

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

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

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

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

TEN YEAR FINANCIAL PLAN

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

FINANCIAL IMPLICATIONS

There are no financial impacts.

STATUTORY IMPLICATIONS

Shire of Kellerberrin Standing Orders Local Law 2016

Clause 19.1 The Council's Common Seal

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

Penalty \$1,000

STRATEGIC COMMUNITY PLAN

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

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

COMMUNITY CONSULTATION

The following consultation took place;

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

STAFF RECOMMENDATION

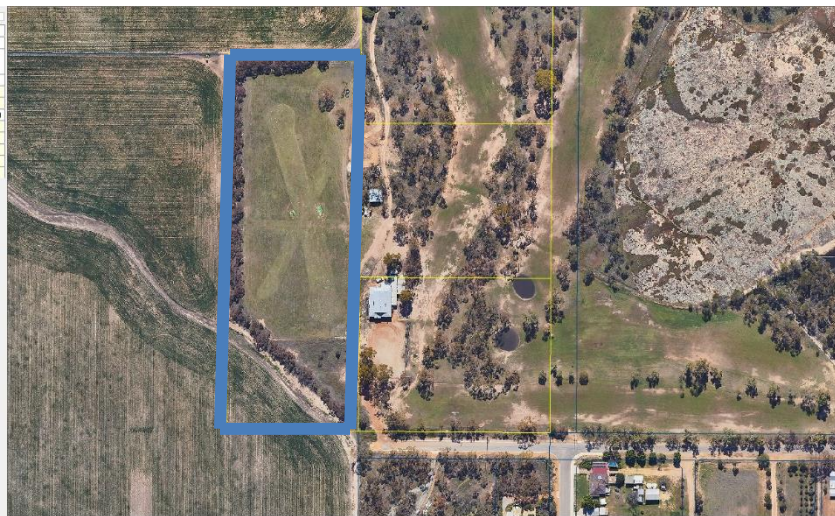
That Council acknowledge that the Shire of Kellerberrin's Common Seal was affixed to no documents in this quarter.

10.3 MANAGEMENT ORDER - RESERVE 37975 - LOT 416

File Ref: A766
Author: Raymond Griffiths, Chief Executive Officer
Authoriser: Raymond Griffiths, Chief Executive Officer
Attachments: 1. Plan Drawing (under separate cover)
2. Aerial Map (under separate cover)
3. Tenure Map (under separate cover)

BACKGROUND

Council in May 2023 received correspondence from Mr Corey Moylan seeking Council's interest and plans for Lot 416 on Reserve 37975 on Deposited Plan 185277 within the Shire of Kellerberrin. The lot is adjacent to the Ex-Golf Club house on the Western side commonly known as the Golf Club driving range as per below diagram.



Mr Moylan has requested to have this property converted to freehold title so they can develop this property for a residence.

Mr Moylan has been in contact with Department of Lands to progress the matter in consultation with Council.

The Department have written to Council on the 29th January 2024 requesting the following;

REQUEST TO ACQUIRE RESERVE 37975 IN FREEHOLD – SHIRE OF KELLERBERRIN

The Department of Planning, Lands and Heritage (DPLH) is considering a request from applicant Corey Moylan for freehold tenure over Reserve 37975, being Lot 416 on Deposited Plan 185227 within the Shire of Kellerberrin.

Reserve 37975 is currently under Management Order to the Shire of Kellerberrin (Shire). Could the Shire please confirm their intention to Revoke the Management Order as per s50 of the Land Administration Act 1997 over Reserve 37975 – being Lot 416 on Deposited Plan 185227 and provide the DPLH with the Council Resolution and minutes advising that the Council agree to revoke the Management Order over Reserve 37975.

As there is no legal access to Reserve Lot 416 on Deposited Plan 185227, could the Shire of Kellerberrin please confirm their agreeance to an access easement, as per discussions between applicant Corey Moylan and CEO of Kellerberrin, Raymond Griffiths, across the south west corner of adjacent Lot 307 on Deposited Plan 87865.

Please find attached for your reference:

- a) Aerial Map

- b) *Tenure Map*
- c) *Deposited Plan*

STAFF COMMENT

Mr Moylan contacted Council regarding the access to the property as there is no official access to the property. In discussions Council has advised that it has no issues with access being provided to the property though this would be at no cost to Council and the easiest way would be an easement due to the layout of the block and the roads etc as per below email from Councils Chief Executive Officer to Mr Moylan.

Email from Department

Thank you for your email following up on your proposal to purchase Lot 416 on DP 185227 (Reserve 37975) in Kellerberrin.

I can confirm this has been received by the Department of Planning, Lands and Heritage (Department) and initial investigation has concluded that there is currently no legal access into this lot.

Before proceeding, the Department requests that consideration to legal access (road frontage) be addressed, as this is a requirement to freeholding Lot 416.

I note that from looking at the aerial view of the area, there appears to be a track in the south-western area of Lot 307 on Deposited Plan 87865 (Reserve 15593) that goes into Reserve 37975.

As Reserve 15593 is also under Management Order to the Shire of Kellerberrin (Shire), they will need to be re-engaged in the first instance regarding the issue of legal access.

The Shire may wish to excise portion of Reserve 15593 to dedicate this track as road, include it in the proposed sale or alternatively grant an easement for access.

Email from Councils CEO to Mr Moylan

Corey

I don't have an issue either way. However, I do know that Council would indicate that they would be happy to do though it would have to be at no cost to Council.

I would think the easiest would be to have it as an easement which would only be paperwork?

What is your thoughts.

The easement would be provided where the current driveway to the Ex-Golf club is currently located therefore being consistent with current use.

TEN YEAR FINANCIAL PLAN

Nil Impact

FINANCIAL IMPLICATIONS

The transfer will have no financial cost associated to Council. Once the property is changed to freehold and owned by a private party it will be subject to rates and an income will be received from the property on this basis.

STATUTORY IMPLICATIONS

Land Administration Act 1997 – Part 4 Reserves

50. Management order, revocation of

- 1) When a management body —
 - a. agrees that its management order should be revoked; or
 - b. does not comply with its management order or with a management plan which applies to its managed reserve or does not submit a management plan in compliance with a request made under section 49(2),

the Minister may by order revoke that management order.

- 2) If, in the absence of agreement or non-compliance referred to in subsection (1), the Minister considers that it is in the public interest to revoke a management order, the Minister may by order revoke the management order.
- 3) On the revocation of a management order or an order made under section 33 of the repealed Act or section 42 or 43 of the Land Act 1898 4 that subsists as if it were a management order under subsection (2), the former management body may claim compensation under Part 10 for any improvement made on the relevant reserve in accordance with the management order or an order made under section 33 of the repealed Act or section 42 or 43 of the Land Act 1898 4 that subsists as if it were a management order as if that revocation were a taking under Part 9.
- 4) Despite the revocation of a management order —
 - a. under subsection (1), if the Minister so specifies in the revocation order; or
 - b. under subsection (2),

an interest (including an interest under Part 9 or under the Public Works Act 1902) which existed in, or any caveat which existed in respect of, the relevant land immediately before that revocation continues, irrespective of any subsequent creation of interests in or use of that land but subject to this Act, so to exist.
- 5) Despite anything in an order revoking a management order, the Minister may, with the consent of the management lessee, vary the terms of a management lease continued in existence by subsection (4).
- 6) In subsection (5) —

management lease means lease granted or a lease that subsists as if it were a lease granted under a power conferred under section 46(3);

management lessee means person to whom a management lease is granted.
- 7) In subsections (1), (2), (4) and (5) —

management order includes an order made under section 46(3)(a) or an order made under section 33 of the repealed Act or section 42 or 43 of the Land Act 1898 4 that subsists as if it were a management order or an order made under section 46(3)(a).

[Section 50 amended: No. 59 of 2000 s. 13.]

Nil known at this time.

STRATEGIC COMMUNITY PLAN

Council Strategy

4.1 Encouragement of establishing Housing within the Shire

Measurement of goals

To identify economic trends and create employment and business opportunities for the local community. Foster relationships with State, Federal and external agencies to seek funding for additional housing, land availability and service provision. Maintain and renew Council Housing for attracting/retaining staff.

COMMUNITY CONSULTATION

The following consultation took place;

- Chief Executive Officer
- Council
- Corey Moylan
- Department of Lands

STAFF RECOMMENDATION

That Council;

1. Revokes the Management order over Reserve 37975, being Lot 416 on Deposited Plan 185227 to enable this lot to become freehold title.
2. Agrees to an access easement across the south west corner of Lot 307 on Deposited Plan 87865 for access to Lot 416 on Deposited Plan 185227.

10.4 2023/24 BUDGET REVIEW**File Number: FIN 04****Author: Morgan Ware, Manager of Governance****Authoriser: Raymond Griffiths, Chief Executive Officer****Attachments: 1. Budget Review 2023/24 (under separate cover)****BACKGROUND**

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

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

- consider the local government's financial performance for the period 1 July 2023 to the review date in that financial year;
- amend the budget opening position at 1 July 2023 by reference to the audited closing position at 30 June 2023, including any adjustment(s) required for the introduction of new accounting standards on 1 July 2021;
- consider the local government's financial position as at the date of the review; and
- review the forecasted outcomes for the end of the financial year.

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

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

STAFF COMMENT

Please find attached the Budget Review document that details the review undertaken for the 2023/24 Adopted Budget. The review provides information for proposed permanent changes to the budget and changes to the budget due to timing.

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

TEN YEAR FINANCIAL PLAN

Nil known at this time

FINANCIAL IMPLICATIONS

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

STATUTORY IMPLICATIONS

Local Government (Financial Management) Regulations 1996

Section 33A. Review of budget

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

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

STRATEGIC COMMUNITY PLAN

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

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

COMMUNITY CONSULTATION

The following consultation took place;

- Chief Executive Officer
- Manager of Governance

STAFF RECOMMENDATION

That Council:

1. adopt the 2023/24 Budget Review at 8th February 2024 as presented comprising;
 - a) Statement of Budget Review by Nature and Type;
 - b) Note 1 to Note 5; and
2. Instruct the Chief Executive Officer lodge the Budget Review to the Department of Local Government, Sport and Cultural Industries in accordance with Section 33A, Local Government (Financial Management) Regulations 1996.

10.5 CHEQUE LIST JANUARY 2024

File Ref: N/A
Author: Nikayla Ovens, Finance Officer
Authoriser: Morgan Ware, Manager of Governance
Attachments: 1. Payment List January 2024 (under separate cover)

BACKGROUND

Accounts for payment from 1st January – 31st January 2024

TRUST

Trust Total	\$250.00
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MUNICIPAL FUND

Cheque	\$1,831.07
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EFT	\$252,933.37
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Direct Debit	\$32,184.50
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Municipal Total	\$286,948.94
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STAFF COMMENT

During the month of January 2024, the Shire of Kellerberrin made the following significant purchases:

Please note the Shire of Kellerberrin is the host to Wheatbelt Secondary Freight Network (WSFN), costs associated are reimbursed as per contractual agreement.

Shire of Northam	
Old Quarry Tipping Fees	\$ 5,177.88
Realmark Commercial	
WSFN – Rent for 37/5 Keane St	\$ 6,709.27
John Merrick Consulting	
Consultant Expenses: Acting CEO	\$ 7,700.00
John Merrick Consulting	
Consultant Expenses: Acting CEO	\$ 7,700.00
Sapio Pty Ltd	
Repairs to CCTV System following electrical storm as per quote 1028657	\$ 7,708.07
Wheatbelt Mobile Tyre Service	
Tyre Repair and Replacement – Various Plant & grader	\$ 7,920.00
Asset Valuation Advisory	
Land & Building Revaluations 23/24 as per quote #158-L&B2024	\$ 9,020.00
LG Corporate Solutions	
Preparation of 2022/23 Annual Financial Statement	\$10,450.00
Avon Waste	
Domestic, Commercial & Recycling Collections for the Month of December 2023	\$11,107.51
Department of Primary Industries & Regional Development (DPIRD)	
Recoup of Unspent Funds Project CSGS185155 - Continuing to Combat Vegetation Decline within Shire of Kellerberrin	\$13,406.80
KR & JM Tiller	
Purchase of Gravel for Goldfields Rd (3.37-4.87), Purchase of Gravel for Goldfields Rd (4.87-5.77)	\$16,500.00
United Card Services Pty Ltd	
Fuel Purchases for the Month of December 2023	\$17,162.58
Youlie and Son Contracting	
Maintenance Grading for the Month of December 2023	\$19,148.25

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 January 2024, 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 **\$286,948.94** on vouchers EFT, CHQ, Direct payments*
2. *Trust Fund payments totalling **\$250.00** on vouchers EFT, CHQ, Direct payments*

10.6 CHEQUE LIST FEBRUARY 2024

File Ref: N/A
Author: Nikayla Ovens, Finance Officer
Authoriser: Morgan Ware, Manager of Governance
Attachments: 1. Payment List February 2024 (under separate cover)

BACKGROUND

Accounts for payment from 1st February – 29th February 2024

TRUST

Trust Total	\$49,954.25
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MUNICIPAL FUND

Cheque	\$40,872.72
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EFT	\$524,303.67
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Direct Debit	\$92,497.23
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Municipal Total	\$657,673.62
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STAFF COMMENT

During the month of February 2024, the Shire of Kellerberrin made the following significant purchases:

Please note the Shire of Kellerberrin is the host to Wheatbelt Secondary Freight Network (WSFN), costs associated are reimbursed as per contractual agreement.

Western Australian Electoral Commission	
2023 Local Government Ordinary Election Expenses	\$ 7,168.52
Western Australian Treasury Corporation	
Loans - Government Guarantee Fee	\$ 7,205.46
John Merrick Consulting	
Consultant Expenses: Acting CEO	\$ 7,700.00
Matt Gilbert Carpentry and Maintenance	
Entrance Sign Piers – Swimming Pool & Light Industrial Area	\$ 7,788.00
Innes & Co	
Hire of Equipment December 2023	\$ 7,931.00
Peak Transport	
Hire of Equipment January 2024	\$ 9,163.00
Avon Waste	
Avon Waste Collections January 2024	\$ 10,400.18
Western Australian Treasury Corporation	
Loan No. 119 Interest payment - Construct CEACA Senior Units -Hammond St	\$ 11,140.49
Water Corporation	
Standpipe Charges 28/11/2023-30/01/2024	\$ 11,604.29
Mineral Crushing Services WA PTY LTD	
Supply and deliver 200t 14mm washed granite – Doodlakine South Road	\$ 11,671.66
Cutting Edges Equipment Parts	
Bolts, Edges and Blades for the Bobcat, Loaders and Graders	\$ 11,766.65
Protection Engineering Pty Ltd	
Supply & Install Fire Equipment Signage – Recreation Centre	\$ 12,734.70
Innes & Co	
Hire of Equipment January 2024	\$ 15,053.50
United Card Services Pty Ltd	
	\$ 17,251.64

United Card Fuel Purchases for the Month of January 2024

Western Australian Treasury Corporation

Loan No. 120 Interest payment - Construction of Two GROH Houses

\$ 20,311.27

Youlie and Son Contracting

Wet Hire of Grader and Other Machines

\$ 20,880.75

Rylan Concrete

Kerbing Works on Hammond and Connelly St

\$ 23,861.20

Western Australian Treasury Corporation

Loan No. 121 Interest payment - Phase 3 - Swimming Pool

\$ 31,214.23

Office of the Auditor General

Fee for Attest Audit for the year ended 30 June 2023

\$ 32,824.00

Colas WA Pty Ltd

Two Coat Bitumen Seal - Goldfields Road as per RFQ06-2023

\$ 142,682.14

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 February 2024, 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 **\$657,673.62** on vouchers EFT, CHQ, Direct payments*
2. *Trust Fund payments totalling **\$49,954.25** on vouchers EFT, CHQ, Direct payments*

10.7 DIRECT DEBIT LIST AND VISA CARD TRANSACTIONS - JANUARY 2024

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 January 2024.

Municipal Direct Debit List

Date	Name	Details	\$	Amount
2-Jan-24	Department of Communities	Rent 73 Gregory Street		420.00
2-Jan-24	3 E Advantage	WSFN Photocopier Lease		246.40
2-Jan-24	Alleasing	Lease Gym Equipment		3,075.84
4-Jan-24	Shire of Kellerberrin	Precision Superannuation		12,276.09
4-Jan-24	Shire of Kellerberrin	Pay Run		66,407.13
16-Jan-24	Department of Communities	Rent 73 Gregory Street		420.00
16-Jan-24	Shire of Kellerberrin	Creditors Payments		114,630.65
18-Jan-24	Shire of Kellerberrin	Pay Run		69,371.13
19-Jan-24	Shire of Kellerberrin	Precision Superannuation		13,054.61
19-Jan-24	Shire of Kellerberrin	Creditors Payments		61,299.68
22-Jan-24	Nayax Australia Pty Ltd	Vending Machine Caravan Park		38.17
25-Jan-24	NAB	NAB Connect Fee		51.73
29-Jan-24	Shire of Kellerberrin	Creditors Payments		77,003.04
30-Jan-24	Department of Communities	Rent 73 Gregory Street		420.00
31-Jan-24	NAB	B-Pay Fee		94.76
31-Jan-24	NAB	Account Fee - Trust		10.00
31-Jan-24	NAB	Account Fee - Muni		65.80
31-Jan-24	NAB	Merchant Fee - Trust		6.21
31-Jan-24	NAB	Merchant Fee - Pool		36.05
31-Jan-24	NAB	Merchant Fee - Caravan Park		113.62
31-Jan-24	NAB	Merchant Fee - Muni		129.09
31-Jan-24	NAB	Merchant Fee - CRC		350.22
TOTAL			\$	419,520.22

Trust Direct Debit List

Date	Name	Details	\$	Amount
31-Jan-24	Department of Transport	Licensing Payments January 2024		\$45,577.00
TOTAL			\$	45,577.00

Visa Transactions

Date	Name	Details	\$	Amount
08-Jan-24	Fuel Distributors Cunderdin	Fuel KE1		20.00
15-Jan-24	Fuel Distributors Cunderdin	Fuel KE1		223.75
29-Jan-24	Telstra	Refund Prepaid		-7.50
29-Jan-24	NAB	Card Fee		9.00
TOTAL - CEO			\$	245.25
Date	Name	Details	\$	Amount
08-Jan-24	Kellerberrin Hotel	Staff Function		206.60
12-Jan-24	Big W Online	Australia Day Materials		28.75
15-Jan-24	K Mart	Australia Day Materials		36.00
25-Jan-24	Rebel	Australia Day Materials		167.91
25-Jan-24	United Petroleum	Ice Australia Day		18.00
29-Jan-24	NAB	Card Fee		9.00

		TOTAL - MOG	\$	466.26
Date	Name	Details	\$	Amount
16-Jan-24	Miss Mauds	Catering WSFN Programme Manager		157.75
17-Jan-24	BP Goomalling	Meals WSFN Programme Manager		17.23
18-Jan-24	Puma Dalwallinu	Meals WSFN Programme Manager		27.15
19-Jan-24	Delambre Contracting	Meals WSFN Programme Manager		42.46
19-Jan-24	Riverside Roadhouse	Meals WSFN Programme Manager		34.30
19-Jan-24	Shire of Dumbleyung	Accommodation WSFN Programme Manager		150.00
25-Jan-24	Miss Mauds	Catering WSFN Programme Manager		316.65
29-Jan-24	BP Muchea	Meals WSFN Programme Manager		14.10
29-Jan-24	NAB	Card Fee		9.00
		TOTAL -WSFN PROGRAMME MANAGER		768.64
Date	Name	Details	\$	Amount
22-Jan-24	Woolworths Midland	Catering WSFN Programme Director		8.95
29-Jan-24	NAB	Card Fee		9.00
		TOTAL -WSFN PROGRAMME DIRECTOR		17.95
		TOTAL VISA TRANSACTIONS	\$	1,498.10

STAFF COMMENT

The Direct Debit List and Visa Card Transactions are presented for Council to note for the month of January 2024.

Please note The Shire of Kellerberrin is the host to Wheatbelt Secondary Freight Network (WSFN), costs associated are reimbursed as per contractual agreement.

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 January 2024 comprising of,

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

10.8 DIRECT DEBIT LIST AND VISA CARD TRANSACTIONS - FEBRUARY 2024

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

BACKGROUND

Please see below the Direct Debit List and Visa Card Transactions for the month of February 2024.

Municipal Direct Debit List

Date	Name	Details	\$	Amount
1-Feb-24	3 E Advantage	WSFN Photocopier Lease		246.40
1-Feb-24	Shire of Kellerberrin	Pay Run		70,918.86
2-Feb-24	Shire of Kellerberrin	Precision Superannuation		13,079.84
5-Feb-24	Shire of Kellerberrin	Creditors Payments		7,205.46
7-Feb-24	ATO	January 2024 BAS		50,699.00
8-Feb-24	Shire of Kellerberrin	Creditors Payments		318,605.10
13-Feb-24	Department of Communities	Rent 73 Gregory Street		420.00
15-Feb-24	Shire of Kellerberrin	Pay Run		69,777.34
15-Feb-24	Shire of Kellerberrin	Precision Superannuation		13,035.28
22-Feb-24	Nyax Australia	Vending Machine Caravan Park		38.17
23-Feb-24	Shire of Kellerberrin	Creditors Payments		198,143.11
27-Feb-24	Department of Communities	Rent 73 Gregory Street		420.00
28-Feb-24	NAB	NAB Connect		49.23
28-Feb-24	NAB	Account Fees - Trust		10.00
28-Feb-24	NAB	Account Fees - Muni		56.30
28-Feb-24	NAB	B-Pay Fee		33.12
28-Feb-24	NAB	Merchant Fee - CRC		388.67
28-Feb-24	NAB	Merchant Fee - Caravan Park		73.89
28-Feb-24	NAB	Merchant Fee - Muni		535.14
28-Feb-24	NAB	Merchant Fee - Trust		9.28
28-Feb-24	NAB	Merchant Fee - Pool		29.33
TOTAL			\$	743,773.52

Trust Direct Debit List

Date	Name	Details	\$	Amount
29-Feb-24	Department of Transport	Licencing Payments February 2024		\$47,504.25
TOTAL			\$	47,504.25

Visa Transactions

Date	Name	Details	\$	Amount
21-Feb-24	Pinnacle Height Safety	Working at Heights Course Toby Barker		195.00
28-Feb-24	Land and Water Technology	Purchase Sewerage Pump Caravan Park		1,434.38
28-Feb-24	NAB	Card Fee		9.00
TOTAL - CEO			\$	1,638.38
Date	Name	Details	\$	Amount
02-Feb-24	John Deere	Manuals Trainee Mechanic		747.18
09-Feb-24	Shire of Kellerberrin	Licencing KE2		31.10
09-Feb-24	Kellerberrin B&P	Refreshments Shire Council Meeting		127.50
22-Feb-24	Kellerberrin B&P	Refreshments Morning Tea Hon Darren West		156.50
23-Feb-24	Shire of Kellerberrin	Licencing KE2		18.90
28-Feb-24	NAB	Card Fee - Includes International Fee		31.42
TOTAL -MOG				1,112.60

31-Jan-24	Woolworths Midland	Meals WSFN Programme Manager	29.75
20-Feb-24	Katems Corrigin	Meals WSFN Programme Manager	9.75
21-Feb-24	Mallee Tree Café Corrigin	Meals WSFN Programme Manager	5.00
21-Feb-24	Corrigin Hotel	Meals WSFN Programme Manager	35.18
21-Feb-24	Mallee Tree Café Corrigin	Meals WSFN Programme Manager	23.00
21-Feb-24	Corrigin Hotel	Accommodation WSFN Programme Manager	130.65
22-Feb-24	Wongan Hills Bakery	Meals WSFN Programme Manager	26.50
28-Feb-24	CARCO	Service KE147	496.00
28-Feb-24	NAB	Card Fee	9.00
TOTAL -WSFN PROGRAMME MANAGER			764.83
05-Feb-24	Midland Toyota	Service KE3	600.89
28-Feb-24	NAB	Card Fee	9.00
TOTAL -WSFN PROGRAMME DIRECTOR			609.89
TOTAL VISA TRANSACTIONS			\$ 4,125.70

STAFF COMMENT

The Direct Debit List and Visa Card Transactions are presented for Council to note for the month of February 2024.

Please note The Shire of Kellerberrin is the host to Wheatbelt Secondary Freight Network (WSFN), costs associated are reimbursed as per contractual agreement.

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 February 2024 comprising of,

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

10.9 FINANCIAL ACTIVITY STATEMENT - JANUARY 2024

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, monthly, 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 January 2024.

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

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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
- LG Corporate Solutions

STAFF RECOMMENDATION

That Council adopt the Financial Report for the month of January 2024 comprising.

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

10.10 FINANCIAL ACTIVITY STATEMENT - FEBRUARY 2024

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, monthly, 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 29th February 2024.

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

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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
- Senior Finance Officer
- LG Corporate Solutions

STAFF RECOMMENDATION

That Council adopt the Financial Report for the month of February 2024 comprising.

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

10.11 BUILDING REPORTS JANUARY 2024

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 January period.
2. There were zero (0) "Building Permit" issued in the January 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:

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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:

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

STAFF RECOMMENDATION

That Council;

1. Acknowledge the "Return of Proposed Building Operations" for the January 2024 period.
2. Acknowledge the "Return of Building Permits Issued" for the January 2024 period.

10.12 BUILDING REPORTS FEBRUARY 2024**File Ref:** BUILD06**Author:** Jacki Peak, Administration Officer**Authoriser:** Raymond Griffiths, Chief Executive Officer**Attachments:**
1. Return of Building Applications Received (under separate cover)
2. Return of Building Permits Licences Issued (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 were zero (1) applications received for a "Building Permit" during the February period.
2. There were zero (1) "Building Permit" issued in the February period.

TEN YEAR FINANCIAL PLAN

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

FINANCIAL IMPLICATIONS

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

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

STATUTORY IMPLICATIONS

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

STRATEGIC COMMUNITY PLAN

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 February 2024 period.
2. Acknowledge the "Return of Building Permits Issued" for the February 2024 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

Nil

16 CLOSURE OF MEETING