



MINUTES

Ordinary Council Meeting Tuesday, 20 August 2024

Date: Tuesday, 20 August 2024

Time: 4:00pm

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

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**MINUTES OF SHIRE OF KELLERBERRIN
ORDINARY COUNCIL MEETING
HELD AT THE COUNCIL CHAMBER, 110 MASSINGHAM STREET, KELLERBERRIN WA 6410
ON TUESDAY, 20 AUGUST 2024 AT 4:00PM**

1 DECLARATION OF OPENING

The Chairperson declared the meeting open at 4:05pm

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

PRESENT:

President Matt Steber (President),
Cr Emily Ryan (Deputy President),
Cr David Leake (attended via teams) ,
Cr Dennis Reid,
Cr Monica Gardiner,
Cr Kelsey Pryer,
Cr Paul Brown

IN ATTENDANCE:

Raymond Griffiths (Chief Executive Officer),
Morgan Ware (Manager of Governance),

APOLOGIES

Nil

LEAVE OF ABSENCE

Nil

MOTION

COUNCIL RESOLUTION

MIN 098/24 MOTION - Moved Cr. Reid Seconded Cr. Gardiner

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

- Cr David Leake – 27 Georgette Way, Prevelly WA 6285 .

In Favour: Crs David Leake, Matt Steber, Dennis Reid, Emily Ryan, Monica Gardiner, Kelsey Pryer and Paul Brown

Against: Nil

CARRIED 7/0

5 DECLARATION OF INTEREST

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

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

6 PUBLIC QUESTION TIME

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

6.1 Response to Previous Public Questions taken on Notice

Nil

6.2 Public Question Time

Nil

7 CONFIRMATION OF PREVIOUS MEETINGS MINUTES

7.1 MINUTES OF THE COUNCIL MEETING HELD ON 16 JULY 2024

File Ref: MIN
Author: Michelle Wilson, Executive Assistant
Authoriser: Raymond Griffiths, Chief Executive Officer
Attachments: 1. Minutes of the Council Meeting held on 16 July 2024

STAFF RECOMMENDATION

That the Minutes of the Council Meeting held on 16 July 2024 be received as a true and correct record of the meeting.

COUNCIL RESOLUTION

MIN 099/24 MOTION - Moved Cr. Gardiner Seconded Cr. Ryan

That the Minutes of the Council Meeting held on 16 July 2024 be received as a true and correct record of the meeting.

In Favour: Crs David Leake, Matt Steber, Dennis Reid, Emily Ryan, Monica Gardiner, Kelsey Pryer and Paul Brown

Against: Nil

CARRIED 7/0

8 PRESENTATIONS

8.1 Petitions

Nil

8.2 Presentations

Nil

8.3 Deputations

Nil

9 REPORTS OF COMMITTEES

Nil

10 CORPORATE SERVICES REPORTS

10.1 STATUS REPORT OF ACTION SHEET

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

TEN YEAR FINANCIAL PLAN

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

FINANCIAL IMPLICATIONS

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

STATUTORY IMPLICATIONS

Local Government Act 1995 (as amended)

Section 2.7. The role of the council

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

Section 2.8. The role of the mayor or president

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

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

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

Section 2.10. The role of councillors

A councillor —

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

5.60. When person has an interest

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

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

COUNCIL RESOLUTION

MIN 100/24 MOTION - Moved Cr. Pryer Seconded Cr. Brown

That Council receive the status report.

In Favour: Crs David Leake, Matt Steber, Dennis Reid, Emily Ryan, Monica Gardiner, Kelsey Pryer and Paul Brown

Against: Nil

CARRIED 7/0

10.2 CLUB NIGHT LIGHTS PROGRAM - KELLERBERRIN BOWLING CLUB

File Ref: FIN21 & SPREC09
Author: Raymond Griffiths, Chief Executive Officer
Authoriser: Raymond Griffiths, Chief Executive Officer
Attachments: Nil

BACKGROUND

The Club Night Lights Program exemplifies the State Government's commitment to the development of sustainable floodlighting infrastructure for sport across the State.

The purpose of the program is to provide financial assistance to community groups and local governments to develop sports floodlighting infrastructure. The program aims to maintain or increase participation in sport and recreation with an emphasis on physical activity, through rational development of good quality, well-designed and well-utilised facilities.

Through the CNLP, the State Government will invest \$2.5 million per year, towards floodlighting infrastructure. There are 2 small grant rounds advertised annually (February and July) for projects with a cost up to \$500,000. The maximum grant offered for small grant applications is 50% of the project cost, capped at \$200,000. There is one forward planning round advertised each year for projects with a cost exceeding \$500,000. The maximum grant offered for forward planning grants is one third of the total estimated project cost (excluding GST) up to a maximum grant of \$1 million.

2024/2025 July small grants round - Timelines*July 2024*

- Application forms available from local governments (metro area only) and department regional offices (regional WA only).
- Applications to be lodged at local governments by the end of the month.
- Applicants should check the closing date with their local governments, as they do vary.

August 2024

- Applications are assessed by local governments staff and recommendations prepared. Local governments are required to rate and rank all applications they receive in order of priority.
- Applications presented at local government council meeting.
- Applications must be lodged at department regional offices by 4pm on the 30 August 2024

September 2024

- Applications are assessed by department regional managers.

October/November 2024

- Small Grants Committee considers applications and makes recommendations to the Minister for Sport and Recreation.
- Minister for Sport and Recreation considers recommendations and grants approvals.
- Successful/unsuccessful applicants notified.

15 June 2025

- Grants must be acquitted.

STAFF COMMENT

The Kellerberrin Bowling Club has made contact with the Shire of Kellerberrin with regards to possible upgrades to the lighting at the Kellerberrin Bowling Greens at the Recreation Centre.

The main reason for the upgrade of the lighting is due to the continued push from the East Avon Bowling League and Bowls WA to heavily regulate the heat rule which would potentially reduce the ability to play bowls regularly during the pennant season.

The ability of having lights also gives the club the option to provide alternatives to the regular start time which will enable bowls to continue.

The club has requested an allocation of funding from the Shire as pre the below breakdown.

Source of funding	\$Amount ex GST	\$ Amount inc GST		Funding confirmed Y / N	Comments to support claim (please attach relevant support)
Local government	\$21,724.98	\$23,897.47	LGA cash and in-kind	Y	
Applicant cash			Organisation's cash		
Volunteer labour			Cannot exceed applicant cash and LGA contribution – max \$50,000		
Donated materials			Cannot exceed applicant cash and LGA contribution		
Other State Government funding					
Federal Government funding					
Other funding – to be listed	\$25,000.00	\$27,500.00	Loans, sponsorship etc	Y	Kellerberrin Bowling Club
CNLP request	\$35,000.00	\$38,500.00	Up to ½ project cost but capped at \$200,000	N	
b) Total project funding	\$81,724.98	\$89,897.47	This should equal project expenditure as listed on the previous page		

TEN YEAR FINANCIAL PLAN

Council has allocated funds within the Long Term Financial Plan for the upgrades of facilities within the Recreation Centre Precinct.

FINANCIAL IMPLICATIONS

Shire of Kellerberrin

- Council currently has \$200,000 allocated for Rec centre for this financial year. The funds have been allocated to providing sub-soil drainage on the oval which will be done in-house and it won't require all of these funds.
- Council under the grant can request up to 50% of the funded amount. This being the case Council has requested just under the 50% being \$35,000 and is seeking \$21,725 from Council.

STATUTORY IMPLICATIONS

Nil

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
- Community Development Officer

- Samantha Cornthwaite – Department of Local Government, Sport and Cultural Industries
- Contractors
- Kellerberrin Bowling Club

STAFF RECOMMENDATION

That Council:

1. *Endorse the CSRFF Club Night Light Program, Small Grant Application for the Kellerberrin Bowling Club Lighting upgrade project. Funding amount applied for will be \$35,000 with a claim year of 2024/25*
2. *Authorise the lodgement of the Shire of Kellerberrin CSRFF Club Night Light Program, Small Grant Application with the Department of Local Government, Sport and Cultural Industries by Monday, 30th September 2024 by 4pm at the Northam Offices*
3. *That should funding be declined that all aspects of the project will be reviewed by Council.*
4. *Should funding be successful and the project is completed the facility will be listed on Council's Asset Management Plan and Council will accept the ongoing cost of maintaining the asset.*

COUNCIL RESOLUTION

MIN 101/24 MOTION - Moved Cr. Pryer Seconded Cr. Gardiner

That Council:

1. ***Endorse the CSRFF Club Night Light Program, Small Grant Application for the Kellerberrin Bowling Club Lighting upgrade project. Funding amount applied for will be \$35,000 with a claim year of 2024/25***
2. ***Authorise the lodgement of the Shire of Kellerberrin CSRFF Club Night Light Program, Small Grant Application with the Department of Local Government, Sport and Cultural Industries by Monday, 30th September 2024 by 4pm at the Northam Offices***
3. ***That should funding be declined that all aspects of the project will be reviewed by Council.***
4. ***Should funding be successful and the project is completed the facility will be listed on Council's Asset Management Plan and Council will accept the ongoing cost of maintaining the asset.***

In Favour: Crs David Leake, Matt Steber, Dennis Reid, Emily Ryan, Monica Gardiner, Kelsey Pryer and Paul Brown

Against: Nil

**CARRIED 7/0
BY ABSOLUTE MAJORITY**

10.3 CHEQUE LIST JULY 2024

File Ref: N/A
Author: Nikayla Ovens, Finance Officer
Authoriser: Morgan Ware, Manager of Governance
Attachments: 1. July Payment List

BACKGROUND

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

TRUST

Trust Total	\$5,058.30
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MUNICIPAL FUND

Cheque	\$12,154.91
EFT	\$587,866.08
Direct Debit	\$71,893.72
Municipal Total	\$671,914.71

STAFF COMMENT

During the month of July 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.

R Munns Engineering Consulting Services	\$ 5,060.66
Consultant Expenses – 24/25 Road Projects	
RedFish Technologies	\$ 5,082.00
Annual Support Charges for Rec Centre and Admin	
Brook Technologies P/L T/as Southern Cross Scoreboards	\$ 5,799.75
50% Deposit: Supply of New Hockey Scoreboard	
Sapio Pty Ltd	\$ 6,011.48
Supply and Install Replacement Radios for the Link Between the Admin Building Roof, and the TWO Depot Yard Cameras	
Western Australian Treasury Corporation	\$ 6,644.45
Guarantee Fee for Loan	
LGIS Insurance Broking	\$ 6,758.81
Insurance premiums 24/25	
Realmark Commercial	\$ 7,258.05
WSFN: 37, 5 Keane St Midland Rent August 2024	
Tom's Tree Service	\$ 7,480.00
Tree Pruning as per 90 Notice Received from Western Power	
Corsign WA	\$ 8,195.00
PVC Flexible Guideposts - White	
Thinkproject Australia Pty Ltd	\$ 9,055.94
RAMM Transport Asset Annual Support and Maintenance	
Integrity Management Solutions PTY LTD	\$ 9,350.00
2024/25 Attain Compliance Software Subscription	
Avon Waste	\$ 9,534.28
Domestic Collections June 2024	
RedFish Technologies	\$ 11,035.20
Emerald Support Contract 24/25	

Shire Of Kellerberrin Staff Rates Subsidy 24/25 as Per Policy 4.31	\$ 11,517.66
Western Australian Local Government Association WALGA Local Government Convention, CEO, Councillors & WSN Officers	\$ 11,786.40
Wheatbelt East Regional Organisation of Councils Inc. WE-ROC Annual Financial Contribution to the Wheatbelt East Regional Organisation of Councils.	\$ 13,200.00
Central East Aged Care Alliance (CEACA) Annual Member Contribution Levy CEACA 2024/25	\$ 16,500.00
United Card Services Pty Ltd Card Fuel Purchases for the Month of June 2024	\$ 17,520.64
Western Australian Local Government Association WALGA Subscriptions 2024/25	\$ 21,956.64
Youlie and Son Contracting Maintenance Grading for the Month of June 2024	\$ 25,822.50
Western Australian Treasury Corporation Loan No. 121 Interest payment - Phase 3 - Swimming Pool	\$ 31,214.23
It Vision Australia Pty Ltd (Trading as ReadyTech) SynergySoft & Universe Annual License Fees 24/25	\$ 60,872.47
LGIS Liability LGIS Insurance 24/25 Instalment #1	\$186,399.95

TEN YEAR FINANCIAL PLAN

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

FINANCIAL IMPLICATIONS

Shire of Kellerberrin 2024/2025 Operating Budget

STATUTORY IMPLICATIONS

Local Government (Financial Management) Regulations 1996

11. Payment of accounts

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

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

12. Payments from municipal fund or trust fund

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

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

13. Lists of accounts

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

STRATEGIC COMMUNITY PLAN

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

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

COMMUNITY CONSULTATION

The following consultation took place;

- Chief Executive Officer
- Manager of Governance
- Finance Officer

STAFF RECOMMENDATION

That Council notes that during the month of July 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 **\$671,914.71** on vouchers EFT, CHQ, Direct payments.*
2. *Trust Fund payments totalling **\$5,058.30** on vouchers EFT, CHQ, Direct payments.*

COUNCIL RESOLUTION

MIN 102/24 MOTION - Moved Cr. Reid Seconded Cr. Brown

That Council notes that during the month of July 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 \$671,914.71 on vouchers EFT, CHQ, Direct payments.***
2. ***Trust Fund payments totalling \$5,058.30 on vouchers EFT, CHQ, Direct payments.***

In Favour: Crs David Leake, Matt Steber, Dennis Reid, Emily Ryan, Monica Gardiner, Kelsey Pryer and Paul Brown

Against: Nil

CARRIED 7/0

10.4 DIRECT DEBIT LIST AND VISA CARD TRANSACTIONS - JULY 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 July 2024.

Municipal Direct Debit List

Date	Name	Details	\$	Amount
1-Jul-24	3 E Equipment	WSFN Copier Rental		246.40
2-Jul-24	Department of Communities	Rent 73 Gregory Street		420.00
4-Jul-24	Shire of Kellerberrin	Precision Superannuation		14,657.22
4-Jul-24	Shire of Kellerberrin	Creditors Payments		5,799.75
4-Jul-24	Shire of Kellerberrin	Pay Run		71,620.45
5-Jul-24	Shire of Kellerberrin	Creditors Payments		522.50
8-Jul-24	ACMA	Licences DFES Kellerberrin Hill & Doodlakine		92.00
11-Jul-24	Shire of Kellerberrin	Creditors Payments		426,081.74
11-Jul-24	Shire of Kellerberrin	Creditors Payments		17,520.64
16-Jul-24	Department of Communities	Rent 73 Gregory Street		420.00
17-Jul-24	ATO	BAS Payment June 2024		36,725.00
18-Jul-24	Shire of Kellerberrin	Precision Superannuation		14,498.38
18-Jul-24	Shire of Kellerberrin	Pay Run		70,397.44
22-Jul-24	Nayax Australia Pty Ltd	Vending Machine Caravan Park		38.17
25-Jul-24	Shire of Kellerberrin	Creditors Payments		137,941.45
30-Jul-24	Department of Communities	Rent 73 Gregory Street		420.00
30-Jul-24	NAB	NAB Connect Fees		54.98
31-Jul-24	NAB	Merchant Fees - Pool		20.00
31-Jul-24	NAB	Merchant Fees - Trust		6.15
31-Jul-24	NAB	Merchant Fees - Muni		225.94
31-Jul-24	NAB	Merchnaty Fees - Caravan Park		94.59
31-Jul-24	NAB	B-Pay Charge		49.68
31-Jul-24	NAB	Account Fees - Muni		70.20
31-Jul-24	NAB	Account Fees - Trust		10.00
TOTAL			\$	797,932.68

Visa Transactions

Date	Name	Details	\$	Amount
03-Jul-24	WA Newspaper Subscriptions	Yearly Subscriptions		96.00
12-Jul-24	Foam Sales	Parts Ammann Roller		63.00
12-Jul-24	Carsales.com	Advert Freightliner Truck		479.00
15-Jul-24	DMIRS East Perth	HRWL Simon Beckham		44.00
15-Jul-24	Carsales.com	Advert Toyota Prado		579.00
15-Jul-24	Edible Blooms	Hamper Caravan Park Manager		155.00
17-Jul-24	Kellerberrin CRC	Licencing KE1		31.10
29-Jul-24	Nab	Card Fee		9.00

TOTAL - CEO **\$** **1,456.10**

Date	Name	Details	\$	Amount
18-Jul-24	Canva	Canva Subscription Renewal		164.99
23-Jul-24	UBWH Australia	Ubiquity switch digital scoreboard		147.19
24-Jul-24	Athletes Foot	Workboots Ian Kent		229.99

25-Jul-24	Department of Transport	Licencing KE002	125.25
29-Jul-24	NAB	Card Fee	9.00
		TOTAL -DCEO	676.42
11-Jul-24	NAB	Refund of disputed transaction	-274.41
11-Jul-24	NAB	International Fee Refund for disputed transaction	-8.23
29-Jul-24	NAB	Card Fee	9.00
		TOTAL WSFN PROGRAMME MANAGER	-273.64
10-Jul-24	Big W Midland Gate	Stationery WSFN Office	104.00
15-Jul-24	Wyalkatchem Garden Café	Meals WSFN Programme Manager	43.00
17-Jul-24	Muka Café	Meals WSFN Programme Manager	44.00
18-Jul-24	Wickepin Newsagency	Meals WSFN Programme Manager	47.16
22-Jul-24	Wendy Miller Hyden	Meals WSFN Programme Manager	51.75
29-Jul-24	NAB	Card Fee	9.00
		TOTAL WSFN PROGRAMME DIRECTOR	298.91
		TOTAL VISA TRANSACTIONS	\$ 2,157.79

STAFF COMMENT

The Direct Debit List and Visa Card Transactions are presented for Council to note for the month of July 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 2024/2025 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 December be shown —
- (a) according to nature and type classification; or
 - (b) by program; or
 - (c) by business unit.
- (4) A statement of financial activity, and the accompanying documents referred to in sub regulation (2), are to be —
- (a) presented at an ordinary meeting of the council within 2 months after the end of the month to which the statement relates; and
 - (b) recorded in the minutes of the meeting at which it is presented.
- (5) Each financial year, a local government is to adopt a percentage or value, calculated in accordance with the AAS, to be used in statements of financial activity for reporting material variances.

STRATEGIC COMMUNITY PLAN

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

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

COMMUNITY CONSULTATION

The following consultation took place.

- Chief Executive Officer
- Manager of Governance
- Senior Finance Officer

STAFF RECOMMENDATION

That Council note the direct debit list for the month of July 2024 comprising of,

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

COUNCIL RESOLUTION

MIN 103/24 MOTION - Moved Cr. Ryan Seconded Cr. Gardiner

That Council note the direct debit list for the month of July 2024 comprising of,

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

In Favour: Crs David Leake, Matt Steber, Dennis Reid, Emily Ryan, Monica Gardiner, Kelsey Pryer and Paul Brown

Against: Nil

CARRIED 7/0

10.5 FINANCIAL ACTIVITY STATEMENT - JULY 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 20234 Ordinary Meeting of Council – 16^h July 2024

MIN 090/24 MOTION - Moved Cr. Leake Seconded Cr. Ryan

That Council:

PART F – MATERIAL VARIANCE REPORTING FOR 2024/2025

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 2024/2025 for reporting material variances shall be 10% or \$10,000, whichever is the greater.

**CARRIED 5/0
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 July 2024.

TEN YEAR FINANCIAL PLAN

Financial Management of 2024/2025 Budget.

FINANCIAL IMPLICATIONS

Financial Management of 2024/2025 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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2. Our lifestyle and strong sense of community
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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 July 2024 comprising:

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

COUNCIL RESOLUTION

MIN 104/24 MOTION - Moved Cr. Brown Seconded Cr. Pryer

That Council adopt the Financial Report for the month of July 2024 comprising:

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

In Favour: Crs David Leake, Matt Steber, Dennis Reid, Emily Ryan, Monica Gardiner, Kelsey Pryer and Paul Brown

Against: Nil

**CARRIED 7/0
BY ABSOLUTE MAJORITY**

10.6 BUILDING REPORTS JULY 2024

File Ref: BUILD06
Author: Jacki Peak, Administration Officer
Authoriser: Raymond Griffiths, Chief Executive Officer
Attachments: 1. Building Applications Received July 2024

BACKGROUND

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

STAFF COMMENT

1. There was one (1) application received for a "Building Permit" during the July period.
2. There were zero (0) "Building Permits" issued in the July period.

TEN YEAR FINANCIAL PLAN

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

FINANCIAL IMPLICATIONS

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

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

STATUTORY IMPLICATIONS

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

STRATEGIC COMMUNITY PLAN

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

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

COUNCIL RESOLUTION

MIN 105/24

MOTION - Moved Cr. Leake

Seconded Cr. Brown

That Council;

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

In Favour: Crs David Leake, Matt Steber, Dennis Reid, Emily Ryan, Monica Gardiner, Kelsey Pryer and Paul Brown

Against: Nil

CARRIED 7/0

11 DEVELOPMENT SERVICES REPORTS

Nil

12 WORKS & SERVICES REPORTS

12.1 DEVELOPMENT APPLICATION - SEA CONTAINER - 61 FORREST STREET

File Ref: IPA24166, Ass
Author: Raymond Griffiths, Chief Executive Officer
Authoriser: Raymond Griffiths, Chief Executive Officer
Applicant: David Cole
Location: 61 Forrest Street, Kellerberrin
Attachments: Nil

BACKGROUND

An application has been received from David Cole for the development and use of a sea container for storage purposes at 61 Forrest Street, Kellerberrin. The applicant proposes a 20ft sea container to be located on the Eastern side of the property adjacent to the fence as per plan below.



SITE

61 Forrest Street, Kellerberrin

Lot size: 1,682 m²

Zoning: Residential

Coding: R10/40

Proposed Use: storage purposes

Shire of Kellerberrin Local Planning Scheme**Local Planning Scheme No.4****Zone: General Agriculture**

4.2.1 Residential Zone

- (a) To retain the single dwelling as the predominant form of residential development in the Shire's townsites.
- (b) To provide for lifestyle choice in and around the townsites with a range of residential densities.
- (c) To allow for the establishment of non-residential uses subject to local amenities not being adversely affected.

Local Planning Policy- Sea Containers**5.0 POLICY STATEMENT**

5.1 Exemptions from planning approval Planning consent is not required for:

- a) the use of sea containers fully enclosed within a building.
- b) the loading or unloading of containers for shipping, provided that the container(s) does not remain on the lot for longer than seven (7) days.
- c) the use of up to two (2) containers on land in the General Agriculture or Industrial zones (per rate notice),
- d) the temporary storage of equipment and materials during construction works (maximum of 12 months), where: i.building approval has been issued for the construction works and remains valid; and ii.the sea container has been removed from the site within a month of completing construction works.

5.2 General Requirements for Sea Containers

5.2.1 Unless exempt from planning approval requirements specified in Clause 5.1 above, Approval by the Shire is required for use of all sea containers. Sea containers shall:

- i. comply with the requirements of the Scheme;
- ii. comply with the criteria set out in Table 1 of this policy; I. be used as detached outbuildings and not as ancillary accommodation; II. be fitted with doors that can be opened from the inside to ensure safety of users;
- iii. be painted to match either the existing dwelling or other outbuildings on the lot;
- iv. be located a minimum of 1.8m from septic tanks, leach drains and utilities;
- v. be located to the rear of a the dwelling on the lot (as depicted in Schedule 1 of this Policy);
- vi. be suitably screened from road frontages, public space and neighbouring properties. Where a sea container is visible from a public space, the installation of screening to a minimum height of that of the sea container may be required; and
- vii. not be located on vacant land in the Residential, Rural Residential, Rural Townsite and Town Centre zones unless for the storage for building and construction purposes, as outlined in Clause 5.1 (d).

5.2.2 If a landowner wishes to exceed the acceptable standards in Table 1, the application will be formally referred to Council for determination.

5.2.3 Sea containers will not be permitted for habitable use or conversion for habitable use unless it can be demonstrated that the proposal meets the provisions of the Building Code of Australia and will not detrimentally impact the amenity of the locality where the development is to be situated. The use of sea containers as a dwelling is considered a repurposed dwelling under the Scheme and all applications should comply with the provisions of Scheme, Residential Design Codes (R-Codes) and Local Planning Policy 4.0 'Repurposed and Second Hand Dwellings'.

5.2.4 Sea containers are to be included in the gross total allowable area for outbuildings and are required satisfy open space requirements as set out in the R-Codes. Gross total area maximums are outlined in Local Planning Policy 1.0 'Outbuildings' (Section 7).

5.2.5 Sea containers that are not permanent are not required to conform with Clauses 5.2.1 (ii) and (v) or the special requirements in table 1).

5.2.6 All applicants will be required to gain a building permit from the Shire of Kellerberrin

Zone (s):	Setback:	Number and size of Sea Container(s) allowed:	Special requirements:
Town Centre	In accordance with the R-Codes	1 x 12m (40 ft)	The sea containers shall be fitted with a pitched roof. The sea container shall not compromised or obstruct vehicle access ways, vehicle truncations, access to parking areas or parking bays provided on the site. The sea container shall only be used for storage purposes.
Residential and Rural Townsite	In accordance with the R-Codes	1x 12m (40 ft)	The sea container shall be fitted with a pitched roof. The sea containers shall be used in association with the approved use of the property.

Planning and Development (Local Planning Scheme) Regulations 2015

67. Matters to be considered by local government

In considering an application for development approval the local government is to have due regard to the following matters to the extent that, in the opinion of the local government, those matters are relevant to the development the subject of the application —

- a) the aims and provisions of this Scheme and any other local planning scheme operating within the Scheme area;
- b) the requirements of orderly and proper planning including any proposed local planning scheme or amendment to this Scheme that has been advertised under the Planning and Development (Local Planning Schemes) Regulations 2015 or any other proposed planning instrument that the local government is seriously considering adopting or approving;
- c) any approved State planning policy;
- d) any environmental protection policy approved under the Environmental Protection Act 1986 section 31(d);
- e) any policy of the Commission;
- f) any policy of the State;
- g) any local planning policy for the Scheme area;
- h) any structure plan, activity centre plan or local development plan that relates to the development;
- i) any report of the review of the local planning scheme that has been published under the *Planning and Development (Local Planning Schemes) Regulations 2015*;

- j) in the case of land reserved under this Scheme, the objectives for the reserve and the additional and permitted uses identified in this Scheme for the reserve;
- k) the built heritage conservation of any place that is of cultural significance;
- l) the effect of the proposal on the cultural heritage significance of the area in which the development is located;
- m) the compatibility of the development with its setting including the relationship of the development to development on adjoining land or on other land in the locality including, but not limited to, the likely effect of the height, bulk, scale, orientation and appearance of the development;
- n) the amenity of the locality including the following —
 - i. environmental impacts of the development;
 - ii. the character of the locality;
 - iii. social impacts of the development;
- o) the likely effect of the development on the natural environment or water resources and any means that are proposed to protect or to mitigate impacts on the natural environment or the water resource;
- p) whether adequate provision has been made for the landscaping of the land to which the application relates and whether any trees or other vegetation on the land should be preserved;
- q) the suitability of the land for the development taking into account the possible risk of flooding, tidal inundation, subsidence, landslip, bush fire, soil erosion, land degradation or any other risk;
- r) the suitability of the land for the development taking into account the possible risk to human health or safety;
- s) the adequacy of —
 - i. the proposed means of access to and egress from the site; and
 - ii. arrangements for the loading, unloading, manoeuvring and parking of vehicles;
- t) the amount of traffic likely to be generated by the development, particularly in relation to the capacity of the road system in the locality and the probable effect on traffic flow and safety;
- u) the availability and adequacy for the development of the following —
 - i. public transport services;
 - ii. public utility services;
 - iii. storage, management and collection of waste;
 - iv. access for pedestrians and cyclists (including end of trip storage, toilet and shower facilities);
 - v. access by older people and people with disability;
- v) the potential loss of any community service or benefit resulting from the development other than potential loss that may result from economic competition between new and existing businesses;
- w) the history of the site where the development is to be located;
- x) the impact of the development on the community as a whole notwithstanding the impact of the development on particular individuals;
- y) any submissions received on the application;
- za) the comments or submissions received from any authority consulted under clause 66;
- zb) any other planning consideration the local government considers appropriate.

STRATEGIC PLAN IMPLICATIONS

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

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

COMMUNITY CONSULTATION

The following consultation took place;

- Chief Executive Officer
- Consulting own Planner
- Dave Cole

PLANNING ASSESSMENT

The proposed container raises no significant planning concerns as it is believed the screening from Sewell Street is adequate with the fence.

Furthermore, as advised the owner has advised the container shall be painted the same colour as the rear fence to blend in with the view from Forrest Street.

STAFF RECOMMENDATION

That Council Grants development approval for one 20ft sea container to be located at 61 Forrest Street, Kellerberrin with the following conditions;

General Conditions

- i. Planning approval will expire if the development is not substantially commenced within two years of this approval;*
- ii. The endorsed approved plans shall not be altered without prior written approval of the Shire;*
- iii. the character of the significant fabric, the finishes of the proposed sea container and roofing are to match with the external colour scheme of the current residence or to the satisfaction of the CEO.*
- iv. The Sea Container be fitted with doors that can be opened from the inside to ensure safety of users;*
- v. Use of the building shall be for domestic purposes only; and*
- vi. The outbuilding shall not be used for human habitation at any given time unless written approval has been granted by the shire.*

Advice Notes

Planning approval is not considered building approval. A building permit shall also be obtained.

COUNCIL RESOLUTION

MIN 106/24 MOTION - Moved Cr. Reid Seconded Cr. Pryer

That Council Grants development approval for one 20ft sea container to be located at 61 Forrest Street, Kellerberrin with the following conditions;

General Conditions

- i. Planning approval will expire if the development is not substantially commenced within two years of this approval;***

- ii. The endorsed approved plans shall not be altered without prior written approval of the Shire;**
- iii. the character of the significant fabric, the finishes of the proposed sea container and roofing are to match with the external colour scheme of the current residence or to the satisfaction of the CEO.**
- iv. The Sea Container be fitted with doors that can be opened from the inside to ensure safety of users;**
- v. Use of the building shall be for domestic purposes only; and**
- vi. The outbuilding shall not be used for human habitation at any given time unless written approval has been granted by the shire.**

Advice Notes

Planning approval is not considered building approval. A building permit shall also be obtained.

In Favour: Crs David Leake, Matt Steber, Dennis Reid, Emily Ryan, Monica Gardiner, Kelsey Pryer and Paul Brown

Against: Nil

CARRIED 7/0

13 ELECTED MEMBERS MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

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

15 CONFIDENTIAL MATTERS

COUNCIL RESOLUTION

MIN 107/24 MOTION - Moved Cr. Gardiner Seconded Cr. Ryan

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

15.1 Chief Executive Officer - Performance Appraisal

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

In Favour: Crs David Leake, Matt Steber, Dennis Reid, Emily Ryan, Monica Gardiner, Kelsey Pryer and Paul Brown

Against: Nil

CARRIED 7/0

COUNCIL RESOLUTION

MIN 108/24 MOTION - Moved Cr. Reid Seconded Cr. Brown

That Council moves out of Closed Council into Open Council.

In Favour: Crs David Leake, Matt Steber, Dennis Reid, Emily Ryan, Monica Gardiner, Kelsey Pryer and Paul Brown

Against: Nil

CARRIED 7/0

MOTION

COUNCIL RESOLUTION

MIN 109/24 MOTION - Moved Cr. Ryan Seconded Cr. Pryer

That Council endorses the completed 2023/24 Chief Executive Officer Performance Appraisal.

In Favour: Crs David Leake, Matt Steber, Dennis Reid, Emily Ryan, Monica Gardiner, Kelsey Pryer and Paul Brown

Against: Nil

CARRIED 7/0

16 CLOSURE OF MEETING

The Meeting closed at 4:15pm.

The minutes of this meeting were confirmed at the Ordinary Council Meeting held on 17 September 2024.

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CHAIRPERSON