

## **MINUTES MARCH 2017**

### **1. DECLARATION OF OPENING & ANNOUNCEMENT OF VISITORS**

The Chair Person, Shire President Cr Megan Tuffley, declared the meeting opened at 4.28pm

### **2. RECORD OF ATTENDANCE/APOLOGIES & APPROVED LEAVE OF ABSENCE**

#### **Members**

Cr M Tuffley	Shire President
Cr R Jury	Deputy Shire President
Cr T Borgward	Member
Cr A Smith	Member
Cr G Browne	Member
Cr S Crosby	Member
Cr G Collins	Member
Cr M Stephens	Member

#### **Staff**

JP Bentley	Chief Executive Officer
M Bamess	Deputy Chief Executive Officer
DW Long	Works Manager

#### **Members of the Public**

#### **Apologies**

#### **Members on Leave of Absence**

### **3. DECLARATION OF INTERESTS:**

- **Financial Interest:**  
Nil
- **Members Impartiality Interest**  
Nil
- **Proximity Interest:**  
Nil

### **4. PUBLIC QUESTION TIME:**

### **5. APPLICATION FOR MEMBERS FOR LEAVE OF ABSENCE:**

### **6. CONFIRMATION and RECEIVING OF MINUTES/BUSINESS ARISING:**

#### **6.1 Ordinary Meeting of Council held on Wednesday 15 February, 2017**

That the minutes of the Ordinary Meeting of the Shire of Kent held on Wednesday 15 February, 2017 in the Shire of Kent Council Chambers be confirmed as a true and accurate record of proceedings and duly signed.

<b>4759 - COUNCIL RESOLUTION (Officer Recommendation)</b>
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**MOVED Cr G Browne / Cr M Stephens**

**That the minutes of the Ordinary Meeting of the Shire of Kent held on Wednesday 15 February, 2017 in the Shire of Kent Council Chambers be confirmed as a true and accurate record of proceedings and duly signed.**

**CARRIED 8/0  
By Simple Majority**

**7. ANNOUNCEMENTS BY THE PRESIDING PERSON WITHOUT DISCUSSION:**

**8. PETITIONS/DEPUTATIONS/PRESENTATIONS/SUBMISSIONS:**

**9. OFFICERS REPORTS:**

**9.1.1 MONTHLY FINANCIAL REPORTS TO 28 FEBRUARY 201**

<b>DATE:</b>	3 March 2017
<b>SUBJECT:</b>	Monthly Financial Reports to 28 February 2017
<b>PROPONENT:</b>	N/A
<b>LOCATION:</b>	Whole of the Shire
<b>AUTHOR:</b>	Michelle Bamess –Deputy Chief Executive Officer
<b>REPORTING OFFICER:</b>	Michelle Bamess –Deputy Chief Executive Officer
<b>FILE NO:</b>	FIN30.20
<b>ASSESSMENT NO:</b>	N/A

**PURPOSE**

In accordance with the Local Government (Financial Management) Regulations 1996, to follow is the presentation of the Monthly Financial Reports to Council.

**BACKGROUND**

Monthly Financial Reports are to be presented to Council and are to be received by Council resolution.

**STATUTORY IMPLICATIONS**

Local Government Act 1995 – Section 6.4

Local Government (Financial Management) Regulations 1996 – Clause 34 and 35

**POLICY IMPLICATIONS**

Policy 4.1 Accounting Policies

Objective: To provide the basis for Council's accounting concepts and reporting guidelines.

To maintain accounting reporting procedures which comply with Statutory Requirements and to demonstrate Council's financial position.

### **FINANCIAL IMPLICATIONS**

Ongoing management of Council funds

### **STRATEGIC IMPLICATIONS**

This matter is not dealt with in the Shire of Kent Community Strategic Plan.

### **COMMENT**

The Monthly Financial Reports as presented indicate that Council continues to be in a sound financial position.

### **ATTACHMENTS**

- Monthly Financial Reports to 28 February 2017 (including Statement of Financial Activities, Notes 3-11 and Budget Variances to 28 February 2017)

### **VOTING REQUIREMENT**

Simple Majority

### **RECOMMENDATION**

That the following Monthly Financial Reports be received by Council:

- Monthly Financial Reports to 28 February 2017

<b>4760 - COUNCIL RESOLUTION (Officer Recommendation)</b>
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**MOVED Cr R Jury / Cr G Collins**

**That the following Monthly Financial Reports be received by Council:**

**Monthly Financial Reports to 28 February 2017**

**CARRIED 8/0  
By Simple Majority**

#### **9.1.2 SCHEDULE OF ACCOUNTS PAID TO 28 FEBRUARY 2017**

<b>DATE:</b>	3 March 2017
<b>SUBJECT:</b>	Schedule of Accounts Paid
<b>PROONENT:</b>	N/A
<b>LOCATION:</b>	Whole of the Shire
<b>AUTHOR:</b>	Michelle Bamess – Deputy Chief Executive Officer
<b>REPORTING OFFICER:</b>	Michelle Bamess – Deputy Chief Executive Officer
<b>FILE NO:</b>	N/A
<b>ASSESSMENT NO:</b>	N/A

**FUND VOUCHERS AMOUNT**

Municipal Fund	\$162,063.70
Trust Fund	\$0.00
Direct Debits	\$122,747.74
Spoiled Cheques	
Cancelled Cheques	

**ATTACHMENTS**

Schedule of Accounts submitted 15 March 2017.

**VOTING REQUIREMENT**

Simple Majority

**RECOMMENDATION**

That vouchers from the Municipal Fund and Trust Fund as detailed, be approved by Council:

Municipal Fund	\$162,063.70
Trust Fund	\$0.00
Direct Debits	\$122,747.74
<b>TOTAL</b>	<b>\$284,811.44</b>

**4761 - COUNCIL RESOLUTION (Officer Recommendation)**

**MOVED Cr M Stephens / Cr G Browne**

**That vouchers from the Municipal Fund and Trust Fund as detailed, be approved by Council:**

<b>Municipal Fund</b>	<b>\$162,063.70</b>
<b>Trust Fund</b>	<b>\$0.00</b>
<b>Direct Debits</b>	<b>\$122,747.74</b>
<b>TOTAL</b>	<b>\$284,811.44</b>

**CARRIED 8/0  
By Simple Majority**

**9.1.3 2016/17 BUDGET REVIEW**

<b>DATE:</b>	8 March 2017
<b>SUBJECT:</b>	2016/17 Budget Review
<b>PROPONENT:</b>	Department of Local Government and Regional Development
<b>LOCATION:</b>	N/A
<b>AUTHOR:</b>	Christie Smith – Executive Assistant
<b>REPORTING OFFICER:</b>	Peter Bentley - Chief Executive Officer
<b>FILE NO:</b>	FIN5.15
<b>ASSESSMENT NO:</b>	N/A

**PURPOSE**

In accordance with Regulation 33A of the Local Government (Financial Management) Regulations, a review of the 2016/17 Budget is presented to Council.

**BACKGROUND**

Council adopted the Annual Budget on 1 August 2016. A review of the budget is required between 1 January and 31 March each year.

**STATUTORY IMPLICATIONS**

Local Government Act 1995

Local Government (Financial Management) Regulations 1996, Section 33A;

***33A. Review of budget***

*(1) Between 1 January and 31 March in each year a local government is to carry out a review of its annual budget for that year.*

*(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.*

**POLICY IMPLICATIONS**

Nil

**FINANCIAL IMPLICATIONS**

There are no financial implications as all financial variations will be within the existing Adopted Budget.

**STRATEGIC IMPLICATIONS**

Nil

**COMMENT**

A copy of the review is to be sent to the Department of Local Government and Regional Development within 30 days from Council endorsement.

**ATTACHMENTS**

Required variations to 2016/17 Budget.

**VOTING REQUIREMENT**

Absolute Majority

**RECOMMENDATION**

That the Budget Review and the variations as discussed therein be confirmed and adopted.

<b>4762 - COUNCIL RESOLUTION (Officer Recommendation)</b>
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MOVED Cr M Stephens / Cr T Borgward

That the Budget Review and the variations as discussed therein be confirmed and adopted.

**CARRIED 8/0**  
**By Absolute Majority**

10. ELECTED MEMBERS MOTION OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

11. NEW BUSINESS OF AN URGENT NATURE AGREED TO BY RESOLUTION OF COUNCIL

<b>4763 - COUNCIL RESOLUTION</b>
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MOVED Cr M Stephens /Cr G Collins

That the council:

Consider the new business of urgent nature as presented.

**CARRIED 8/0**

**11.1.1 PINGRUP PROGRESS ASSOCIATION**

<b>DATE:</b>	13 March 2017
<b>PROPONENT:</b>	Pingrup Progress Association
<b>LOCATION:</b>	Pingrup
<b>SUBJECT:</b>	Winding up – Pingrup Progress Association
<b>AUTHOR:</b>	Peter Bentley – Chief Executive Officer
<b>REPORTING OFFICER:</b>	Peter Bentley – Chief Executive Officer
<b>FILE NO:</b>	
<b>ASSESSMENT NO:</b>	N/A

**PURPOSE**

To consider a request from the Pingrup Progress Association with regard to the winding up of that body.

**BACKGROUND**

As Councillors will be aware, The Pingrup Progress Association (PPA) has been in a state of recess for some time now with no real activity taking place for over three years. The PPA recently held a meeting to discuss the future of the association and it was unable to achieve a quorum. It is my understanding that those present were able to determine the fate of the associations' assets and the PPA president has forwarded a letter to the Council asking if the Council can accommodate the committee's wishes with regard to winding up of the group.

**STATUTORY IMPLICATIONS**

Local Government Act (1995)

**POLICY IMPLICATIONS**

The Council has no specific policy regarding this matter.

**FINANCIAL IMPLICATIONS**

**Fed Shed acquisition** – Nil

**4 Industrial Lots** – Purchase price offset against the outstanding rates. The blocks will have a resale value into the future or could be returned to the State Government.

**Dongas** - Units have little if any material value to Council and will attract a cost to remove them.

**STRATEGIC IMPLICATIONS**

This matter is not dealt with in the Shire of Kent Strategic Plan 2010 - 2014

**COMMENT**

The Association has a number of assets as follow;

- **Fed Shed** – This asset resides on land owned by the Council and is in good condition. Currently the building houses some historical artefacts and while it has not been maintained to any great degree is still in good condition
- **4 Industrial Lots** – these lots are undeveloped and were gifted to the PPA by the State Government. The PPA have not paid rates for 3 years on these lots (Assessment No's A795, A796, A797, A798) and each lot has \$1,779.21 in outstandings. This totals \$7,116.84.
- The Dongas at the Caravan Park and the Campers Kitchen. These have been in place for some years and were originally managed by the PPA however it has been increasingly difficult to find volunteers to both manage the bookings and maintain the facility in an acceptable manner. The campers kitchen has been managed by the Council and has been of value to the facility.
- The PPA has some funds available for distribution and it has specified that it would like these funds to go to the PGIC to assist with improvements to facilities in Pingrup.

I attended this meeting and in relation to the groups constitution it is required to pass on its unspent funds to a like-minded organisation within Pingrup and accordingly the PGIC would be a good fit for such distribution.

With regard to the 4 industrial lots the PPA are seeking that the Council buys the lots from them for a price equal to the outstanding rates or \$7,116.84 in total so that there is no exchange of funds required.

Although the lots are undeveloped the price would not be extraordinary and would represent reasonable value to the Council.

With regard to the Fed Shed, the PPA would like to see that the building is used as a historical repository or that it is made available to a business start-up should it be suited to doing so. While the building is owned by the PPA the land that it sits upon is Council owned. There is reasonable value in the building and Council already maintains it to the greater degree and insures it.

The Dongas have been discussed on many occasions in the past with the PPA having offered them to the council on a couple of occasions. A recent inspection has discovered white ants within the structures and this is being further assessed.

The Dongas don't represent particularly good value for the Council even without the white and issue as for Council to offer these units as accommodation we would need to upgrade them significantly and this would be both costly and time consuming. In discussions in the past I have recommended to the Council that they be removed and that the area be developed into an undercover area. If the Campers Kitchen is recoverable then it should be retained and used for its intended purpose. The units should be removed and disposed of.

### **ATTACHMENTS**

Letter - PPA.

### **VOTING REQUIREMENT**

Simple Majority

### **RECOMMENDATION**

**That the Council:**

- 1. Delegate authority to the CEO to accept the offer of sale of 4 industrial lots from the Pingrup Progress Association for a price equal to the current outstanding rates for those lots;**

**AND;**



2. Delegate authority to the CEO to accept the gifting of the Fed Shed to the Shire by the Pingrup Progress Association;

**AND;**

3. Delegate Authority to the CEO to accept the gifting of the Dongas and camp kitchen by the Pingrup Progress Association on the understanding that the units will be used or disposed of appropriately at the discretion of the Council.

<b>4764 - COUNCIL RESOLUTION</b>
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**MOVED Cr G Browne / Cr R Jury**

**That the council:**

1. Delegate authority to the CEO to accept the offer of sale of 4 industrial lots from the Pingrup Progress Association for a price equal to the current outstanding rates for those lots;

**AND;**

2. Delegate authority to the CEO to accept the gifting of the Fed Shed to the Shire by the Pingrup Progress Association;

**AND;**

3. Delegate Authority to the CEO to accept the gifting of the Dongas and camp kitchen by the Pingrup Progress Association on the understanding that the units will be used or disposed of appropriately at the discretion of the Council.

**CARRIED 8/0  
By Simple Majority**

**11.1.2 PINGRUP PAVILION UPGRADE**

<b>DATE:</b>	13 March 2017
<b>PROPONENT:</b>	Pingrup Ground Improvement Committee
<b>LOCATION:</b>	Pingrup
<b>SUBJECT:</b>	Pingrup Pavilion Upgrade
<b>AUTHOR:</b>	Peter Bentley – Chief Executive Officer
<b>REPORTING OFFICER:</b>	Peter Bentley – Chief Executive Officer
<b>FILE NO:</b>	
<b>ASSESSMENT NO:</b>	N/A

**PURPOSE**

To take up motion 4537 which was laid on the table at the December 2015 Ordinary Meeting. The officer's recommendation at that meeting was as follows;

**Advise the Pingrup Ground Improvement Committee that the Council will engage in a further period of public comment (6 weeks) in relation to the Pingrup Pavilion proposal and that the committee should seek firm commitments from the Pingrup community and sporting groups as to what level of financial contribution will be forthcoming to assist with the project.**

The following motions were moved at the December 2015 ordinary meeting;

<b>4537 - COUNCIL RESOLUTION (Officer Recommendation)</b>
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**MOVED Cr G Browne / Cr A Smith**

**Recommendation was discussed by councillors. Proposed to make available for community comment. Further meeting to be held in February, possibly in conjunction with elector's meeting.**

**CARRIED 6/0  
By Absolute Majority**

**MOVED Cr A Smith/ Cr G Browne**

**That this motion lay on the table**

**CARRIED 6/0**

**By Absolute Majority**

**BACKGROUND**

This matter was taken to a meeting held in conjunction with the 2015 Annual Electors Meeting and there was a significant turnout at that meeting. There was both support and opposition to the proposal and much of the opposition was based upon the costs and more specifically the proposal to borrow some \$200,000 or more to fully fund the project in its various incarnations.

Council staff took on board wishes of the meeting to fund the project through grants and applied to Lotterywest, the Great Southern Development Commission and the CSRFF program to ensure that sufficient funds were available to complete the project.

Council had committed \$190,000 to the project to upgrade the kitchen and bar area and at that time the community had promised \$100,000 toward the completion of works. As the project stands today the funding model is as follows;

Shire of Kent	\$200,000
GSDC	\$150,000
Pingrup Community	\$120,000
CSRFF	\$ 80,000
<b>Total Funding</b>	<b>\$550,000</b>

The project cost at December 2015 was \$398,000 and this would have escalated somewhat since that time. Suffice to say that there should be sufficient funds available to complete the project within this funding model.

#### **STATUTORY IMPLICATIONS**

Local Government Act (1995)

#### **POLICY IMPLICATIONS**

The Council has no specific policy regarding this matter.

#### **FINANCIAL IMPLICATIONS**

The project is fully funded

#### **STRATEGIC IMPLICATIONS**

This matter is not dealt with in the Shire of Kent Community Strategic Plan

#### **COMMENT**

The Council must now take this matter from the table and deal with the substantive motion/recommendation. The Funding model suggested at the February 2016 meeting has been achieved and a recent meeting at Pingrup (March 13<sup>th</sup> 2017) saw no reservations raised regarding the project as it now stands.

The PGIC has committed to \$120,000 in community funding subsequent to the December 2016 meeting. Council has hosted a meeting in association with the 2015 Annual Electors meeting in February 2016 and has held a further meeting in March 2017 following the funding targets being met.

Arguably Council has already provided a significant opportunity for public comment given that the proposed (and achieved) funding model formed part of the 2016/2017 budget and that these funds have been committed by Council for two years now. The Council should now make a decision as to whether a further public comment period be entered into prior to commissioning construction drawings and detailed costings. It is proposed that once drawings are completed that a final meeting will be held regarding the layout.

Following this the Council would go to tender for the construction of the upgrade as soon as possible with view to commencing work within the first few months of the 2017/18 financial year to ensure completion prior to the Pingrup Races in March 2018.

#### **ATTACHMENTS**

Original concept drawings and costings.

#### **VOTING REQUIREMENT**

Simple Majority

#### **RECOMMENDATION**

**That the Council:**

1. Take up item 9.1.4 (motion 4537) from the December 2015 Ordinary Meeting of Council from the table

AND;

2. Determine whether to pass the officer recommendation as was,

“Advise the Pingrup Ground Improvement Committee that the Council will engage in a further period of public comment (6 weeks) in relation to the Pingrup Pavilion proposal and that the committee should seek firm commitments from the Pingrup community and sporting groups as to what level of financial contribution will be forthcoming to assist with the project”.

AND/OR;

3. Delegate Authority to the CEO to negotiate with H & H Architects for the provision of detailed construction drawings suitable for tendering purposes.

**4765 - COUNCIL RESOLUTION**

MOVED Cr M Stephens / Cr R Jury

That the council:

1. Take up item 9.1.4 (motion 4537) from the December 2015 Ordinary Meeting of Council from the table

CARRIED 6/0  
By Simple Majority

**4766 - COUNCIL RESOLUTION**

MOVED Cr R Jury / Cr M Stephens

2. Determine whether to pass the officer recommendation as was,

“Advise the Pingrup Ground Improvement Committee that the Council will engage in a further period of public comment (6 weeks) in relation to the Pingrup Pavilion proposal and that the committee should seek firm commitments from the Pingrup community and sporting groups as to what level of financial contribution will be forthcoming to assist with the project”.

The motion was lost 0/6

<b>4767 - COUNCIL RESOLUTION</b>
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**MOVED Cr M Stephens / Cr R Jury**

3. **Delegate Authority to the CEO to negotiate with H & H Architects for the provision of detailed construction drawings suitable for tendering purposes.**

**CARRIED 6/0  
By Simple Majority**

**12. INFORMATION BULLETIN**

<b>4768 - COUNCIL RESOLUTION (Officer Recommendation)</b>
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**MOVED Cr G Browne / Cr R Jury**

**That the Information Bulletin be received by Council.**

**CARRIED 8/0**

**13. MATTERS BEHIND CLOSED DOORS**

That the meeting be closed to the public in accordance with section 5.23 Local Government Act 1995, 5.5.23(2))

- Matters affecting employee(s)
- Personal affairs of any person(s), including financial and/or commercial Contracts
- Commercial Confidentiality
- Legal advice/matters
- Public safety/security matters where public knowledge may be prejudicial.

**14. MEETING CLOSED**

There being no further business the Shire President Cr Megan Tuffley, closed the meeting at 5.29pm.