

## SEPTEMBER 2016 MINUTES

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

The Chair Person, Shire President Cr Megan Tuffley, declared the meeting opened at 4.40 pm.

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

#### Members

Cr M Tuffley	Member
Cr R Jury	Member
Cr S Crosby	Member
Cr G Collins	Member
Cr T Borgward	Member
Cr M Stephens	Member
Cr A Smith	Member
Cr G Browne	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 17 August 2016

That the minutes of the Ordinary Meeting of the Shire of Kent held on Wednesday 17 August, 2016 in the Shire of Kent Council Chambers be confirmed as a true and accurate record of proceedings and duly signed.

<b>4715 - COUNCIL RESOLUTION (Officer Recommendation)</b>
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**MOVED Cr T Borgward / Cr G Browne**

**That the minutes of the Ordinary Meeting of the Shire of Kent held on Wednesday 17 August, 2016 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 31 AUGUST 2016**

<b>DATE:</b>	2 September 2016
<b>SUBJECT:</b>	Monthly Financial Reports to 31 August 2016
<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 31 July 2016 (including Statement of Financial Activities, Notes 3-11 and Budget Variances to 31 July 2016)
- Monthly Financial Reports to 31 August 2016 (including Statement of Financial Activities, Notes 3-11 and Budget Variances to 31 August 2016)

**VOTING REQUIREMENT**

Simple Majority

**RECOMMENDATION**

That the following Monthly Financial Reports be received by Council:

- Monthly Financial Reports to 31 July 2016
- Monthly Financial Reports to 31 August 2016

**4716 - COUNCIL RESOLUTION (Officer Recommendation)**

**MOVED Cr R Jury / Cr G Browne**

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

- **Monthly Financial Reports to 31 July 2016**
- **Monthly Financial Reports to 31 August 2016**

**CARRIED 8/0  
By Simple Majority**

**9.1.2 SCHEDULE OF ACCOUNTS PAID TO 31 AUGUST 2016**

<b>DATE:</b>	2 September 2016
<b>SUBJECT:</b>	Schedule of Accounts Paid
<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>	N/A
<b>ASSESSMENT NO:</b>	N/A

**FUND VOUCHERS AMOUNT**

Municipal Fund	\$ 306,966.00
Trust Fund	
Direct Debits	\$ 101,588.25
Spoiled Cheques	
Cancelled Cheques	

**ATTACHMENTS**

Schedule of Accounts submitted 21 September 2016.

**VOTING REQUIREMENT**

Simple Majority

**RECOMMENDATION**

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

Municipal Fund	\$ 306,966.00
Trust Fund	
Direct Debits	\$ 101,588.25
<b>TOTAL</b>	<b>\$408,554.25</b>

**4717 - COUNCIL RESOLUTION (Officer Recommendation)**

**MOVED Cr M Stephens / Cr S Crosby**

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

<b>Municipal Fund</b>	<b>\$ 306,966.00</b>
<b>Trust Fund</b>	
<b>Direct Debits</b>	<b>\$ 101,588.25</b>
<b>TOTAL</b>	<b>\$408,554.25</b>

**CARRIED 8/0  
By Simple Majority**

**9.1.3 CSRFF APPLICATION – PINGRUP PAVILION**

<b>DATE:</b>	6 September 2016
<b>PROPONENT:</b>	N/A
<b>LOCATION:</b>	Pingrup Pavilion
<b>SUBJECT:</b>	CSRFF Application – Pingrup Pavilion
<b>AUTHOR:</b>	Christie Smith – Executive Assistant
<b>REPORTING OFFICER:</b>	Peter Bentley – Chief Executive Officer
<b>FILE NO:</b>	GRA35.5
<b>ASSESSMENT NO:</b>	N/A

**PURPOSE**

Council are to consider the ranking of projects put forward for the Community Sporting and Recreation Facilities Fund (CSRFF Funding).

**BACKGROUND**

Each year sporting bodies and Local Governments have the opportunity to source funding from the CSRFF Fund through the Department of Sport and Recreation. This funding can be for smaller club based projects to larger sporting infrastructure projects.

During the process the Council must rank its projects if more than one is submitted from that Local Government area.

The change room portion from the proposed upgrades to the Pingrup Pavilion meets the guidelines in applying for a CSRFF grant. Council, on behalf of the Pingrup Ground Improvement Committee (PGIC), has prepared an application to be submitted.

**STATUTORY IMPLICATIONS**

Nil

**POLICY IMPLICATIONS**

Nil

**FINANCIAL IMPLICATIONS**

Council has budgeted to assist in funding this project.

**STRATEGIC IMPLICATIONS**

A community strategic plan was reviewed by the Shire of Kent in 2015. Identified under Key Focus Area 5, Infrastructure Development, the objective is "to provide and maintain infrastructure at a level expected by our community and at an affordable cost to our community."

Under Key Focus Area 6, Community and Social, the scope includes:

- Social welfare.
- Support for community groups and clubs.
- Support for local emergency management services.
- Community events.
- Community safety and crime prevention.

With the main outcomes being:

- A safe community including local emergency response strategies.
- An inclusive, supportive and harmonious community, with integration of young people and involvement of older people.
- A community of strong connections, clubs and participation in community life.

#### **COMMENT**

CSRFF funding can attract multiple applications from community sporting groups within the same funding round. In such a circumstance Council would be required to rank the applications numerically based on merit and community benefit.

As only one application has been received no ranking is required, just endorsement of the single application

#### **ATTACHMENTS**

Nil

#### **VOTING REQUIREMENT**

Simple Majority

#### **RECOMMENDATION**

**That the Council:**

**Endorses the application being submitted to the Department of Sport and Recreation under the CSRFF funding program to upgrade the Pingrup Pavilion change rooms, Councils ranks this as its number one project.**

<b>4718 - COUNCIL RESOLUTION (Officer Recommendation)</b>
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**MOVED Cr A Smith / Cr R Jury**

**That the Council:**

**Endorses the application being submitted to the Department of Sport and Recreation under the CSRFF funding program to upgrade the Pingrup Pavilion change rooms, Councils ranks this as its number one project.**

**CARRIED 8/0  
By Simple Majority**

#### **9.1.4 DRAFT FITNESS FOR WORK POLICY (DRUGS, ALCOHOL AND IMPAIRMENT)**

<b>DATE:</b>	6 September 2016
<b>PROPONENT:</b>	N/A
<b>LOCATION:</b>	
<b>SUBJECT:</b>	Draft Fitness for Work Policy
<b>AUTHOR:</b>	Michelle Bamess – Deputy Chief Executive Officer
<b>REPORTING OFFICER:</b>	Peter Bentley – Chief Executive Officer
<b>FILE NO:</b>	POLICY
<b>ASSESSMENT NO:</b>	N/A

**PURPOSE**

A DRAFT Drugs and Alcohol policy is presented for Council for consideration and comment.

**BACKGROUND**

The Shire of Kent is committed to meeting its obligations in accordance with the Occupational Safety & Health Act 1984 and accepts responsibility for providing a safe working environment in which the employee is not exposed to hazards.

The purpose of this policy is to ensure a safe workplace free from the effects of drugs and alcohol and is directed towards the welfare of the individual and the safety and health of other people in the workplace. Although disciplinary action may be necessary, the focus is on preventative measures such as utilising the Employee Assistance Program, counselling options and information sessions. A range of factors, both at the workplace and in peoples personal lives, impact on the ability to work safely. The use of alcohol and/or other drugs may only be one of them.

For employers, alcohol and other drugs can cause a range of problems. In some cases, their use may lead to loss of life, injury and damage to plant or equipment. Employers have a general 'duty of care' obligation to ensure that, as far as practicable, workers are not exposed to hazards and risks that could arise from workers being impaired by alcohol and/or other drugs and, where they may arise, address them through a systematic risk management process.

The focus at the workplace will be on occupational safety and health management rather than more general concerns about personal health. It will not be assumed that any observed impairment is caused by alcohol and/or other drug use. Other impairment factors may include fatigue, medical conditions, chemicals, heat, noise and symptoms of work-related stress.

Workers must take reasonable care of their own safety and health and not endanger the safety and health of others at the workplace and all employees should present themselves' for work and remain, while at work, capable of performing their work duties safely. The consumption of alcohol and illicit drugs while at work is therefore unacceptable, except in relation to any authorised and responsible use of alcohol at the workplace social functions.

**STATUTORY IMPLICATIONS**

Occupational Safety and Health Act 1984

Occupational Safety and Health Regulations 1996

AS 4760:2006: Procedures for specimen collection and the detection and quantitation of drugs of abuse in oral fluid.

AS/NZS 4308:2008: Procedures for specimen collection and the detection and quantitation of drugs of abuse in urine.

**POLICY IMPLICATIONS**

Nil

**FINANCIAL IMPLICATIONS**

If adopted, the Fitness for Work Policy will have a financial impact to Council that will be covered under current and future Occupational Health and Safety budget.

**STRATEGIC IMPLICATIONS**

Nil

**COMMENT**

The Shire of Kent currently has no Drug and Alcohol Testing policy in place. All employees engaged by the Shire of Kent are required to be "fit for work" at all times. Any employee who the Shire of Kent reasonably considers is unfit for work will not be permitted to commence or continue work and will be required to leave the premises.

The Shire of Kent will take reasonable steps to ensure employees are in a fit state to work safely and to minimise risks to both themselves and others in the workplace

This policy is part of a broader Health and Wellbeing Program provided by the Shire to its employees.

Council is required to provide feedback and comment on the proposed Fitness for Work Policy (Drug, Alcohol and Impairment).

**ATTACHMENTS**

- DRAFT Fitness for Work Policy (Drugs, Alcohol and Impairment)

**VOTING REQUIREMENT**

Simple Majority

**RECOMMENDATION**

**That the Council:**

**provide feedback and comment on the proposed Fitness for Work Policy (Drug, Alcohol and Impairment).**

**4719 - COUNCIL RESOLUTION (Officer Recommendation)**

**MOVED Cr M Stephens / Cr R Jury**

**That the Council:**

**provide feedback and comment on the proposed Fitness for Work Policy (Drug, Alcohol and Impairment).**

**CARRIED 8/0  
By Simple 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>4720 - COUNCIL RESOLUTION (Officer Recommendation)</b>
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**MOVED Cr M Stephens / Cr G Browne**

**That the council:**

**Consider the new business of urgent nature as presented.**

**CARRIED 8/0  
By Simple Majority**

**11.1.1 11 ASPENDALE STREET NYABING – ASBESTOS CONTAMINATION**

<b>DATE:</b>	21 September 2016
<b>PROPONENT:</b>	Shire of Kent
<b>LOCATION:</b>	11 Aspendale Street Nyabing
<b>SUBJECT:</b>	Asbestos Removal
<b>AUTHOR:</b>	Peter Bentley – Chief Executive Officer
<b>REPORTING OFFICER:</b>	Peter Bentley – Chief Executive Officer
<b>FILE NO:</b>	BUI10.5
<b>ASSESSMENT NO:</b>	N/A

**PURPOSE**

To endorse the actions of the CEO in issuing a Building Order for the above property for the removal of Asbestos.

**BACKGROUND**

Council is aware of the issues at 11 Aspendale Street where the house burnt down several months ago and that the house was of asbestos construction. As previously discussed the CEO has made several attempts to gain information from the owner without success.

Following the last briefing session the CEO issued a Draft Building Order to which the owner had 14 days to respond. There has been no response to date.

**STATUTORY IMPLICATIONS**

Building Act 2011

**POLICY IMPLICATIONS**

The Council has no specific policy regarding this matter.

**FINANCIAL IMPLICATIONS**

Council may be required to carry the cost of the removal of the asbestos until the costs can be recovered from the owner should they choose not to undertake the required work.

**STRATEGIC IMPLICATIONS**

This matter is not dealt with in the Shire of Kent Community Strategic Plan 2013 - 2022

### **COMMENT**

As there has been no response to the Draft Building Order the CEO has today issued a Building Order as attached. The owner has 30 days from the date of the order to comply.

### **ATTACHMENTS**

Letter to owner from Shire of Kent  
Building Order

### **VOTING REQUIREMENT**

Simple Majority

### **RECOMMENDATION**

**That the Council:**

**Endorse the actions of the CEO in issuing a Building Order to the owners of 11 Aspendale Street Nyabing for the removal of asbestos and the decommissioning of the septic system.**

<b>4721 - COUNCIL RESOLUTION (Officer Recommendation)</b>
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**MOVED Cr M Stephens / Cr S Crosby**

**That the Council:**

**Endorse the actions of the CEO in issuing a Building Order to the owners of 11 Aspendale Street Nyabing for the removal of asbestos and the decommissioning of the septic system.**

**CARRIED 8/0  
By Simple Majority**

## **12. INFORMATION BULLETIN**

<b>4722 - 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 CLOSURE**

There being no further business the Shire President Cr Megan Tuffley, closed the meeting at 5.22pm.