

MAY 2016 MINUTES

1. DECLARATION OF OPENING & ANNOUNCEMENT OF VISITORS

The Chair Person, Shire President Cr Megan Tuffley, declared the meeting opened at 4.32pm.

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

Members

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

Staff

M Bamess	Deputy Chief Executive Officer
DW Long	Works Manager

Members of the Public

Apologies

JP Bentley	Chief Executive Officer
------------	-------------------------

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 20 April, 2016

That the minutes of the Ordinary Meeting of the Shire of Kent held on Wednesday 20 April, 2016 in the Shire of Kent Council Chambers be confirmed as a true and accurate record of proceedings and duly signed.

4577- COUNCIL RESOLUTION (Officer Recommendation)
--

MOVED Cr G Collins / Cr T Borgward

That the minutes of the Ordinary Meeting of the Shire of Kent held on Wednesday 20 April, 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:

Council considered item 13.1.1 in relation to the Renegotiation of CEO Contract which lay on the table from the meeting of 20 April 2016.

9. OFFICERS REPORTS:

9.1.1 MONTHLY FINANCIAL REPORTS TO 30 APRIL 2016

DATE:	10 May 2016
SUBJECT:	Monthly Financial Reports to 30 April 2016
PROPONENT:	N/A
LOCATION:	Whole of the Shire
AUTHOR:	Michelle Bamess –Deputy Chief Executive Officer
REPORTING OFFICER:	Michelle Bamess –Deputy Chief Executive Officer
FILE NO:	FIN30.20
ASSESSMENT NO:	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 30 April 2016 (including Statement of Financial Activities, Notes 3-11 and Budget Variances to 30 April 2016)

VOTING REQUIREMENT

Simple Majority

RECOMMENDATION

That the following Monthly Financial Reports be received by Council:

- Monthly Financial Reports to 30 April 2016

4578 - COUNCIL RESOLUTION (Officer Recommendation)

MOVED Cr R Jury / Cr T Borgward

That the following Monthly Financial Reports be received by Council:

- **Monthly Financial Reports to 30 April 2016**

**CARRIED 8/0
By Simple Majority**

9.1.2 SCHEDULE OF ACCOUNTS PAID TO 30 APRIL 2016

DATE:	9 MAY 2016
SUBJECT:	Schedule of Accounts Paid
PROPONENT:	N/A
LOCATION:	Whole of the Shire
AUTHOR:	Jill Kent – Senior Administration Officer
REPORTING OFFICER:	Michelle Bamess – Deputy Chief Executive Officer
FILE NO:	N/A
ASSESSMENT NO:	N/A

FUND VOUCHERS AMOUNT

Municipal Fund	\$391,452.27
Trust Fund	\$376.00
Direct Debits	\$93,852.32
Spoiled Cheques	
Cancelled Cheques	

ATTACHMENTS

Schedule of Accounts submitted 18 May 2016.

VOTING REQUIREMENT

Simple Majority

RECOMMENDATION

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

Municipal Fund	\$391,452.27
Trust Fund	\$376.00
Direct Debits	\$93,852.32
TOTAL	<u>\$485,680.59</u>

4579 - COUNCIL RESOLUTION (Officer Recommendation)

MOVED Cr M Stephens / Cr R Jury

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

Municipal Fund	\$391,452.27
Trust Fund	\$376.00
Direct Debits	\$93,852.32
TOTAL	<u>\$485,680.59</u>

**CARRIED 8/0
By Simple Majority**

9.1.3 DAFWA RECOGNISED BIOSECURITY GROUPS FUNDING

DATE:	11 May 2016
SUBJECT:	DAFWA funding to conduct a community survey in the Shire of Kent
PROPONENT:	Shire of Kent
LOCATION:	Whole Shire
AUTHOR:	Paul Leoni – NRM Community Support Officer, Shire of Kent
REPORTING OFFICER:	Paul Leoni – NRM Community Support Officer, Shire of Kent
FILE NO:	
ASSESSMENT NO:	

PURPOSE:

For Council to consider whether to apply for DAFWA funding (applications due 31 May 2016) to conduct a community survey to ascertain what if any community interest there is in the new DAFWA funding model for control of WA State declared species, via the establishment of Recognised Bio-Security Groups.

BACKGROUND:

The Department of Agriculture and Food Western Australia (DAFWA) under the *Biosecurity and Agriculture Management Act 2007* (the BAM Act) is supporting the establishment of Recognised Biosecurity Groups (RBGs), the aim being to develop self-determining groups with the ability to manage local declared species. Through the *Transforming Regional Biosecurity Response Project*, made possible by Royalties for Regionals, DAFWA are offering funding to facilitate communities interest in setting up RBGs.

Council have previously discussed this new DAFWA funding program and concluded they did not support the Shire taking on such a program due to fact that the program introduces a rated levy on Shire rate payers. However with the advent of funding provided by DAFWA the Council may gain an advantage by ascertaining whether there is any community interest for the program, independent of council itself.

STATUTORY IMPLICATIONS:

BAM Act

POLICY IMPLICATION:

Nil

FINANCIAL IMPLICATIONS:

Nil

STRATEGIC IMPLICATIONS:

There is no direct reference to this subject within the Shire of Kent Community Strategic Plan however participating in the survey may provide a strategic advantage in future by having solid community feedback regarding the proposed funding model at the very least.

COMMENT:

Council has considered the proposed funding model in the past and has rejected moves to participate in Recognised Biosecurity Groups due to the unsecured nature of the model, in particular the ability for funds to be moved to another biosecurity issue or region for that matter. Council would be well within its rights to not participate however the CEO has suggested that the matter should be dealt with by the Council given that there is a funding component attached with no compulsion to actually join a group.

ATTACHMENTS:

Email from Bruno Rikli, Community Engagement Officer - DAFWA
Application for Funding for Biosecurity Groups - DAFWA

VOTING REQUIRED:

Simple Majority

RECOMMENDATION:

That the Council:

Council to consider whether to participate in this program.

4580 - COUNCIL RESOLUTION (Officer Recommendation)

MOVED Cr G Collins / Cr S Crosby

That the Council:

Council do not participate in this program.

**CARRIED 8/0
By Simple Majority**

9.1.4 APPLICATION TO KEEP DOGS IN TOWNSITE

DATE:	9 May 2016
SUBJECT:	Application to keep dogs in townsite
PROponent:	N/A
LOCATION:	Whole of the Shire
AUTHOR:	Michelle Bamess - Acting Chief Executive Officer
REPORTING OFFICER:	Michelle Bamess - Acting Chief Executive Officer
FILE NO:	
ASSESSMENT NO:	N/A

PURPOSE

Council to consider an application for keeping dogs above the allowed number as per our Local Laws in a residential area.

BACKGROUND

An email has been received from Mr Martin Stone requesting permission to have four (4) dogs at a residence in the Shire of Kent in line with Section 26(3) of the Dog Act 1976. Mr Stone is seeking to purchase property within the Shire but as he has four (4) greyhounds, all retired racing dogs, his decision to relocate is dependent upon gaining permission from Council to bring his dogs with him.

Mr Stone advises in his email that he would ensure that the property he purchases would be fully fenced to contain his dogs and that they are all ear branded and micro-chipped. He also outlines how he would provide exercise and care for these dogs.

Mr Stone advises that he has gained permission from the Shire he currently resides in to keep his four (4) dogs at his current address in Mandurah. While in Nyabing recently to view property Mr Stone visited the Shire office to seek advice about our regulations for keeping dogs and was very aware of his responsibilities as a dog owner. He hopes to be able to relocate to the Shire to expand his kangaroo and vermin control business and as he is also a mechanic by trade, gain work in this area as well

STATUTORY IMPLICATIONS

Nil

POLICY IMPLICATIONS

Council has no set policy on this matter.

FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

SHIRE OF KENT HEALTH LOCAL LAW 2011

5.2.2 Cleanliness

An owner or occupier of premises, excluding an extensive farming premises, in or on which an animal or bird is kept shall—

- (a) keep the premises free from excrement, filth, food waste and all other matter which is or likely to become offensive or injurious to health or to attract rats or other vectors of disease;*
- (b) when so directed by an EHO, clean and disinfect the premises;*
- (c) keep the premises, so far as possible, free from flies or other vectors of disease by spraying with a residual insecticide or other effective means; and*
- (d) ensure the animal or bird kept is not causing a nuisance or is injurious, offensive or dangerous to health.*

5.2.3 Animal Enclosures

- (1) A person shall not keep or cause or permit to be kept any animals or birds on premises, which are not effectively drained.*
- (2) The owner or occupier of premises, where animals or birds are kept shall, when directed by the local government, pave, grade and drain the floors of all structures and the surface of the ground of all enclosures used for the keeping of animals or birds.*

SHIRE OF KENT DOGS LOCAL LAW 2011

3.1 Dogs to be confined

- (1) An occupier of premises on which a dog is kept must –
- (a) cause a portion of the premises on which the dog is kept to be fenced in a manner capable of confining the dog;
 - (b) ensure the fence used to confine the dog and every gate or door in the fence is of a type, height and construction which having regard to the breed, age, size and physical condition of the dog is capable of preventing the dog at all times from passing over, under or through it;
 - (c) ensure that every gate or door in the fence is kept closed at all times when the dog is on the premises and is fitted with a proper latch or other means of fastening it;
 - (d) maintain the fence and all gates and doors in the fence in good order and condition; and
 - (e) where no part of the premises consists of open space, yard or garden or there is no open space or garden or yard of which the occupier has exclusive use or occupation, ensure that other means exist on the premises (other than the tethering of the dog) for effectively confining the dog within the premises.

3.2 Limitation on the number of dogs

- (1) This clause does not apply to premises which have been –
- (a) licensed under Part 4 as an approved kennel establishment; or
 - (b) granted an exemption under section 26(3) of the Act.
- (2) The limit on the number of dogs which may be kept on any premises is, for the purpose of section 26(4) of the Act –
- (a) 2 dogs over the age of 3 months and the young of those dogs under that age if the premises are situated within a townsite; or
 - (b) 4 dogs over the age of 3 months and the young of those dogs under that age if the premises are situated outside a townsite.

The Dog Act 1976 Part V — The keeping of dogs

26. Limitation as to numbers

- (3) Where by a local law under this Act a local government has placed a limit on the keeping of dogs in any specified area but the local government is satisfied in relation to any particular premises that the provisions of this Act relating to approved kennel establishments need not be applied in the circumstances, the local government may grant an exemption in respect of those premises but any such exemption –
- (a) may be made subject to conditions, including a condition that it applies only to the dogs specified in the exemption; and
 - (b) cannot authorise the keeping in or at those premises of –
 - (i) more than 6 dogs that have reached 3 months of age; or
 - (ii) a dog under that age unless it is a pup of a dog whose keeping is authorised by the exemption; and
 - (c) may be revoked or varied at any time

COMMENT

The Council has the ability to make determination over the keeping of more than two (2) dogs as per section 26 (3) of the Dog Act 1976.

ATTACHMENTS

- Copy of an email from Mr Martin Stone requesting permission to have four dogs

VOTING REQUIREMENT

Simple Majority

RECOMMENDATION

That the Council:

Grant permission for Mr Martin Stone to keep four (4) dogs subject to the following:

1. Any dogs kept on the premises are kept in an enclosure and in a manner as prescribed by the proposed Shire of Kent Health Local Law,
2. The approval is granted on the basis that should noise or other complaint be made regarding the animals the Council reserves the right to withdraw the approval unconditionally.

OR

Do not grant permission for Mr Martin Stone to keep four (4) dogs

4581 - COUNCIL RESOLUTION (Officer Recommendation)

MOVED Cr G Browne / Cr R Jury

That the Council:

Grant permission for Mr Martin Stone to keep four (4) dogs subject to the following:

1. Any dogs kept on the premises are kept in an enclosure and in a manner as prescribed by the proposed Shire of Kent Health Local Law,
2. The approval is granted on the basis that should noise or other complaint be made regarding the animals the Council reserves the right to withdraw the approval unconditionally.

CARRIED 8/0

By Simple Majority

9.1.5 LOCAL EMERGENCY MANAGEMENT ARRANGEMENTS

DATE: PROPONENT: LOCATION: SUBJECT: AUTHOR: REPORTING OFFICER: FILE NO: ASSESSMENT NO:	10 May 2016 Local Emergency Management Arrangements Peter Bentley – Chief Executive Officer Peter Bentley – Chief Executive Officer
---	--

PURPOSE

To endorse the Local Emergency Management Arrangements which have had some small changes within the documents.

BACKGROUND

The Shire of Kent is part of a joint Local Emergency Management Committee (LEMC) with the Shires of Woodanilling & Katanning.

Under Section 41 of the Emergency Management Act 2005 Local Government has a responsibility to prepare and endorse Local Emergency Management Arrangements as defined below.

STATUTORY IMPLICATIONS

Under Sect 41 of the Emergency Management Act 2005 Local Government has a responsibility to prepare and endorse Local Emergency Management Arrangements

41 Emergency management arrangements in local government district

- (1) A local government is to ensure that arrangements ("**local emergency management arrangements**") for emergency management in the local government's district are prepared.
- (2) The local emergency management arrangements are to set out —
 - (a) the local government's policies for emergency management;
 - (b) the roles and responsibilities of public authorities and other persons involved in emergency management in the local government district;
 - (c) provisions about the coordination of emergency operations and activities relating to emergency management performed by the persons mentioned in paragraph (b);

- (d) a description of emergencies that are likely to occur in the local government district;
 - (e) strategies and priorities for emergency management in the local government district;
 - (f) other matters about emergency management in the local government district prescribed by the regulations; and
 - (g) other matters about emergency management in the local government district the local government considers appropriate.
- (3) Local emergency management arrangements are to be consistent with the State emergency management policies and State emergency management plans.
- (4) Local emergency management arrangements are to include a recovery plan and the nomination of a local recovery coordinator.
- (5) A local government is to deliver a copy of its local emergency management arrangements, and any amendment to the arrangements, to the SEMC as soon as is practicable after they are prepared.

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil. Financial arrangements for the funding of emergency works are defined under the State Emergency Management Policy 4.2 "Funding for Emergencies" (see page 18 of document). Councils responsibilities will not change by approving this document.

STRATEGIC IMPLICATIONS

Under Sect 41 of the Emergency Management Act 2005 Local Government has a responsibility to prepare and endorse Local Emergency Management Arrangements.

COMMENT

The attached Local Emergency Management Arrangement document has been developed in consultation with the LEMC as a representative committee providing advice and information to each Council on behalf of the community.

The document has been produced using the supplied format and in close liaison with the Department of Fire & Emergency Service (DFES) Great Southern Region Community Emergency Management Officer to ensure it meets all planning requirements.

The original document was endorsed by the LEMC committee at its meeting on 10th November 2010.

Once approved by the 3 partner Councils, the document will be forwarded to State Emergency Management Committee (SEMC).

ATTACHMENTS

- Local Emergency Management Arrangements – Shire of Katanning, Shire of Woodanilling and Shire of Kent
- Emergency Contacts and Resource List – Shire of Katanning, Shire of Woodanilling and Shire of Kent

VOTING REQUIREMENT

Simple Majority

RECOMMENDATION

That the Council:

Endorse the Local Emergency Management Arrangements included in the attached “Local Emergency Management Arrangements, Shire of Katanning, Shire of Woodanilling & Shire of Kent” document.

4582 - COUNCIL RESOLUTION (Officer Recommendation)

MOVED Cr R Jury / Cr M Stephens

That the Council:

Endorse the Local Emergency Management Arrangements included in the attached “Local Emergency Management Arrangements, Shire of Katanning, Shire of Woodanilling & Shire of Kent” document.

**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**
12. **INFORMATION BULLETIN**

4583 - COUNCIL RESOLUTION (Officer Recommendation)

MOVED Cr A Smith / Cr G Collins

That the Information Bulletin be received by Council.

**CARRIED 8/0
By Simple Majority**

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.

Moved Cr M Stephens / Cr R Jury

That Council closes the meeting to the public to consider matters of a confidential nature, previously laid on the table, behind closed doors.

4585- COUNCIL RESOLUTION (Officer Recommendation)
--

MOVED CR R Jury / Cr M Stephens

That Council:

Re-open the meeting to the general public

**CARRIED 8/0
By Simple Majority**

14. MEETING CLOSURE

There being no further business the Shire President Cr Megan Tuffley, closed the meeting at 5.50pm.