

## NOVEMBER 2015 MINUTES

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

The Chair Person, Shire President Cr Megan Tuffley, declared the meeting opened at 6.15pm.

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

#### **Members**

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

#### **Staff**

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

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

#### **Apologies**

Cr G Collins	Member
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#### **Members on Leave of Absence**

### 3. DECLARATION OF INTERESTS:

- **Financial Interest:**  
Nil
- **Members Impartiality Interest**  
Cr A Smith - 9.1.5 Planning Approval – Lot 337 Trawter & Newdegate – Pingrup Road
- **Proximity Interest – Interest in Common:**  
Nil

### 4. PUBLIC QUESTION TIME:

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

<b>4518 - COUNCIL RESOLUTION (Officer Recommendation)</b>
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**MOVED Cr A Smith / Cr G Browne**

**That Leave of Absence be granted to Cr M Stephens for the 17 December 2015 Council Meeting.**

**CARRIED 6/0  
By Simple Majority**

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

**1.1 Ordinary Meeting of Council held on Wednesday 21 October 2015**

That the minutes of the Ordinary Meeting of the Shire of Kent held on Wednesday 21 October, 2015 in the Shire of Kent Council Chambers be confirmed as a true and accurate record of proceedings and duly signed.

<b>4519 - COUNCIL RESOLUTION (Officer Recommendation)</b>
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**MOVED Cr G Browne / Cr R Jury**

**That the minutes of the Ordinary Meeting of the Shire of Kent held on Wednesday 21 October, 2015 in the Shire of Kent Council Chambers be confirmed as a true and accurate record of proceedings and duly signed.**

**CARRIED 7/0  
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 OCTOBER 2015**

<b>DATE:</b>	9 November 2015
<b>SUBJECT:</b>	Monthly Financial Reports to 31 October 2015
<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 October, 2015 (including Statement of Financial Activities, Notes 3-11 and Budget Variances to 31 October, 2015)

**VOTING REQUIREMENT**

Simple Majority

**RECOMMENDATION**

That the following Monthly Financial Reports be received by Council:

- o Monthly Financial Reports to 31 October, 2015

**4520 - COUNCIL RESOLUTION (Officer Recommendation)**

**MOVED Cr S Crosby / Cr R Jury**

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

- **Monthly Financial Reports to 31 October, 2015**

**CARRIED 7/0  
By Simple Majority**

### 9.1.2 SCHEDULE OF ACCOUNTS PAID TO 31 OCTOBER 2015

<b>DATE:</b>	6 November 2015
<b>SUBJECT:</b>	Schedule of Accounts Paid
<b>PROPONENT:</b>	N/A
<b>LOCATION:</b>	Whole of the Shire
<b>AUTHOR:</b>	Jill Kent – Senior Administration 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	\$320,032.90
Trust Fund	\$1,088.00
Direct Debits	\$108,766.26
Spoiled Cheques	
Cancelled Cheques	

#### **ATTACHMENTS**

Schedule of Accounts submitted 18 November, 2015.

#### **VOTING REQUIREMENT**

Simple Majority

#### **RECOMMENDATION**

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

Municipal Fund	\$320,032.90
Trust Fund	\$1,088.00
Direct Debits	\$108,766.26
<b>TOTAL</b>	<b><u>\$429,887.16</u></b>

#### **4521 - COUNCIL RESOLUTION (Officer Recommendation)**

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

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

Municipal Fund	\$320,032.90
Trust Fund	\$1,088.00
Direct Debits	\$108,766.26
<b>TOTAL</b>	<b><u>\$429,887.16</u></b>

**CARRIED 7/0  
By Simple Majority**

**9.1.3 AMENDED STATE PLANNING POLICY 2.5: LAND USE PLANNING IN RURAL AREAS**

<b>DATE:</b>	6 November 2015
<b>PROPONENT:</b>	Western Australian Planning Commission
<b>LOCATION:</b>	N/A
<b>SUBJECT:</b>	Amended State Planning Policy 2.5
<b>AUTHOR:</b>	Christie Smith – Executive Assistant
<b>REPORTING OFFICER:</b>	Peter Bentley – Chief Executive Officer
<b>FILE NO:</b>	TOW10.5
<b>ASSESSMENT NO:</b>	N/A

**PURPOSE**

Council to consider commenting on the proposed amendments by the Western Australian Planning Commission (WAPC) in the *State Planning Policy 2.5: Land Use Planning in Rural Areas* (SPP2.5).

**BACKGROUND**

Notification has been received from WAPC advising they are proposing to amend SPP2.5 and is seeking public comment on the proposed amendments.

SPP2.5 is the key planning policy that guides decision-making on rural land and for rural living purposes throughout the state. WAPC have advised that the amended policy is mostly unchanged following its review in 2013. The proposed amended policy does provide more detailed policy guidance for development issues on rural land and includes policy measures for basic raw materials outside of the Perth and Peel planning regions.

**STATUTORY IMPLICATIONS**

No known statutory implications.

**POLICY IMPLICATIONS**

The Council has no specific policy regarding this matter.

**FINANCIAL IMPLICATIONS**

There will be no financial implications for Council to provide feedback to WAPC.

**STRATEGIC IMPLICATIONS**

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

**COMMENT**

Under section 4 of the draft policy, it outlines the objectives of the policy as follows:

- (a) support existing and future primary production through the protection of rural land, particularly priority agricultural land and land required for animal premises;
- (b) provide investment security for existing and future primary production and promote economic growth and regional development on rural land for rural land uses;
- (c) outside of the Perth and Peel planning regions, secure regionally significant basic raw material resources and provide for their extraction;
- (d) provide a planning framework that considers rural land and land uses comprehensively, and facilitates consistent and timely decision-making;
- (e) avoid and minimise land use conflicts;
- (f) promote sustainable settlement in, and adjacent to, existing urban areas; and
- (g) protect and improve environmental and landscape assets.

The policy is to assist Council planning decision-making for local planning strategies and schemes, subdivision proposals for rural zoned land, development proposals on rural zoned land and other planning strategies.

Submissions on the draft policy are required by 5.00pm 19 January 2016.

#### **ATTACHMENTS**

- Amended State Planning Policy 2.5: Land Use Planning in Rural Areas (Draft)

#### **VOTING REQUIREMENT**

Simple Majority

#### **RECOMMENDATION**

**That the Council:**

**Consider the Amended State Planning Policy 2.5: Land Use Planning in Rural Areas (Draft) proposed by the Western Australian Planning Commission and provides feedback if required.**

<b>4522 - COUNCIL RESOLUTION (Officer Recommendation)</b>
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**MOVED Cr G Browne / Cr M Stephens**

**That the Council:**

**Make no comment on the Amended State Planning Policy 2.5: Land Use Planning in Rural Areas (Draft) proposed by the Western Australian Planning Commission.**

**CARRIED 7/0  
By Simple Majority**

#### **9.1.4 NOMINATION FOR GREAT SOUTHERN ZONE OF WALGA POSITIONS**

<b>DATE:</b>	6 November 2015
<b>PROPONENT:</b>	N/A
<b>LOCATION:</b>	N/A
<b>SUBJECT:</b>	Nomination for Great Southern Zone of WALGA Positions
<b>AUTHOR:</b>	Michelle Bamess – Deputy Chief Executive Officer
<b>REPORTING OFFICER:</b>	Peter Bentley – Chief Executive Officer
<b>FILE NO:</b>	
<b>ASSESSMENT NO:</b>	

#### **PURPOSE**

To consider nominations of Elected Members for Great Southern Zone of WALGA positions.

#### **BACKGROUND**

The Great Southern Zone of the WA Local Government Association is holding its annual general meeting on Friday 27 November 2015. All Zone positions are vacant as follows:

1. Zone Representative to the WALGA State Council
2. Zone Deputy Representative to the WALGA State Council
3. Zone President
4. Zone Deputy President

5. Local Government Grain Freight Group – delegate and proxy
6. Great Southern Human Services Forum – CEO representation
7. Great Southern District Emergency Management Committee (DEMC) – delegate/officer
8. South Coast Natural Resource Management – delegate and proxy
9. Zone Auditor – Council CEO

Only Elected Members who are nominated Zone delegates are eligible to nominate for positions 1 to 4.

Elected members who are not Zone delegates may nominate for positions on external committees but they must provide a report to the Zone after each meeting.

**STATUTORY IMPLICATIONS**

Local Government Act (1995)

**POLICY IMPLICATIONS**

The Council has no specific policy regarding this matter.

**FINANCIAL IMPLICATIONS**

Nil

**STRATEGIC IMPLICATIONS**

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

**COMMENT**

Council to discuss and advise any nominations in writing to the Zone Executive Officer by 5pm on Thursday 19 November 2015.

**ATTACHMENTS**

Nil

**VOTING REQUIREMENT**

Simple Majority

**RECOMMENDATION**

**That the Council:**

**advise the nomination of Cr \_\_\_\_\_ for the position of \_\_\_\_\_ in writing to the Zone Executive Officer by 5pm on Thursday 19 November 2015.**

<b>4523 - COUNCIL RESOLUTION (Officer Recommendation)</b>
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**Motion lapsed due to lack of nominations.**

**9.1.5 PLANNING APPROVAL – LOT 337 TRAWTER & NEWDEGATE – PINGRUP ROAD**

<b>DATE:</b>	6 November 2015
<b>PROPONENT:</b>	Harley Dykstra Pty Ltd
<b>LOCATION:</b>	Lot 337 Trawter/Newdegate – Pingrup Rd
<b>SUBJECT:</b>	Subdivision Approval
<b>AUTHOR:</b>	Christie Smith – Executive Assistant
<b>REPORTING OFFICER:</b>	Peter Bentley – Chief Executive Officer
<b>FILE NO:</b>	TOW5.5
<b>ASSESSMENT NO:</b>	

**PURPOSE**

Council are to consider an application received by the Western Australian Planning Commission (WAPC) for subdivision of Lot 337 Trawter & Newdegate – Pingrup Road, Pingrup.

**BACKGROUND**

Harley Dykstra Pty Ltd submitted an application to WAPC for subdivision approval of Lot 337 Lot 337 Trawter & Newdegate – Pingrup Road, Pingrup.

The reason for the application is to seek approval for a road widening on the corner of Newdegate – Pingrup Road and Trawter Road, in accordance with the bitumen road-way that is currently being constructed at this location. The road widening will allow trucks to safely enter the Co-operative Bulk Handling Ltd site entrance on the opposite side of Trawter Road.

The landowner of Lot 337 is in agreement with the road widening and has provided consent.

**STATUTORY IMPLICATIONS.**

Local Government Act (1995).  
 Planning and Development Act (2005)  
 Shire of Kent Town Planning Scheme No. 2

**POLICY IMPLICATIONS**

The Council has no specific policy regarding this matter.  
 Western Australian Planning Commission Development Control Policy No. 3.4 – Subdivision of Rural Land

**FINANCIAL IMPLICATIONS**

Nil

**STRATEGIC IMPLICATIONS**

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

**COMMENT**

In considering this subdivision application Council is required to have due regard for provisions contained in the following planning documents prior to formulating its response to the WAPC:

- Shire of Kent Town Planning Scheme No.2 (TPS 2);
  - WAPC Development Control Policy No. DC 3.4 – Subdivision of Rural Land (DC 3.4);
- and

Approval of the application as proposed is generally consistent and will not therefore conflict with any relevant provisions of the Shire's current TPS No.2 or WAPC Policy No. DC 3.4, and subsequently SPP2.5.



Accordingly, it is recommended that Council advise the WAPC that it unconditionally supports the application in accordance with the details of the submitted plans.

#### **ATTACHMENTS**

- Application No: 152797 – Lot 337 Trawter & Newdegate – Pingrup Road

#### **VOTING REQUIREMENT**

Simple Majority

#### **RECOMMENDATION**

**That the Council:**

**Resolve to respond to the Western Australian Planning Commission that it unconditionally supports the proposed subdivision of Lot 337 Trawter and Newdegate – Pingrup Road, Pingrup in accordance with the details of the plans submitted by Harley Dykstra Pty Ltd.**

<b>4524 - COUNCIL RESOLUTION (Officer Recommendation)</b>
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**MOVED Cr M Stephens / Cr S Crosby**

**That the Council:**

**Respond to the Western Australian Planning Commission advising that it unconditionally supports the proposed subdivision of Lot 337 Trawter and Newdegate – Pingrup Road, Pingrup in accordance with the details of the plans submitted by Harley Dykstra Pty Ltd, providing Cr A Smith's Easement is taken into consideration.**

**CARRIED 6/0  
By Simple Majority**

**Impartiality Interest - Cr A Smith**

#### **9.1.6 REQUEST FROM NYABING PROGRESS ASSOCIATION FOR APPROVAL FOR A ROAD CLOSURE FOR CHRISTMAS STREET PARTY**

<b>DATE:</b>	6 November 2015
<b>PROPONENT:</b>	N/A
<b>LOCATION:</b>	N/A
<b>SUBJECT:</b>	Request from Nyabing Progress Association for Approval for Road Closure for Christmas Street Party
<b>AUTHOR:</b>	Michelle Bamess – Deputy Chief Executive Officer
<b>REPORTING OFFICER:</b>	Peter Bentley – Chief Executive Officer
<b>FILE NO:</b>	
<b>ASSESSMENT NO:</b>	

#### **PURPOSE**

To consider a request from the Nyabing Progress Association (NPA) for a road closure to host a Christmas street party on 20 December 2015.

#### **BACKGROUND**

The NPA has hosted community Christmas functions in previous years at the Nyabing Pavilion and this year would like to host a community street party along Richmond Street, Nyabing on

Sunday 20 December 2015 from 2.pm to 10.pm. The community Christmas functions are supported financially by most local businesses.

This event will promote community engagement with the NPA planning a number of family activities and a children's outdoor movie throughout the party. The NPA will be applying to the WA Police to have a portion of Richmond Street closed to traffic during the Christmas party and have sent consent request to businesses and residences in the area of the proposed closed zone.

In order to proceed further the NPA is seeking Council approval for closure of the road from the Jury Street intersection near the CWA Hall through to the Eastern Car Park Entry/Exit lanes. Vehicles will still be able to utilise the Car Park and traffic can flow through the intersections unaffected.

Upon receiving Council support for their request, the NPA also seek assistance from Council with the supply of appropriate road closure signage for the event.

#### **STATUTORY IMPLICATIONS**

Local Government Act (1995)

#### **POLICY IMPLICATIONS**

The Council has no specific policy regarding this matter.

#### **FINANCIAL IMPLICATIONS**

Nil

#### **STRATEGIC IMPLICATIONS**

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

#### **COMMENT**

Council are to discuss the request from the NPA for road closure for their 2015 Christmas Party and decide whether or not they will support this event.

Discussions have been held with representatives from the NPA about the proposed change of venue for the event. As the community have purchased the Nyabing Inn and envisage to turn this into a "Community Hub" it was felt that this would be the perfect opportunity to utilise the community asset.

#### **ATTACHMENTS**

Letter from Nyabing Progress Association  
Application for Road Closure  
Map showing proposed road closure.

#### **VOTING REQUIREMENT**

Simple Majority

#### **RECOMMENDATION**

**That the Council:**

**Will / will not support Nyabing Progress Association's request for a road closure to host their 2015 Christmas Street Party and will / will not assist with appropriate road closure signage for this event.**

<b>4525- COUNCIL RESOLUTION (Officer Recommendation)</b>
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**Motion was withdrawn at the request of the proponent**

**9.1.7 REQUEST TO UTILISE NYABING INFANT HEALTH CLINIC ROOM**

<b>DATE:</b>	10 November 2015
<b>PROPONENT:</b>	Tanya Moore
<b>LOCATION:</b>	N/A
<b>SUBJECT:</b>	Use of Nyabing Infant Health Clinic
<b>AUTHOR:</b>	Christie Smith – Executive Assistant
<b>REPORTING OFFICER:</b>	Peter Bentley – Chief Executive Officer
<b>FILE NO:</b>	PRO15.5
<b>ASSESSMENT NO:</b>	N/A

**PURPOSE**

Consideration of a request from Tanya Moore for approval to operate a mobile massage business, on a monthly basis, from the infant health clinic located at the Nyabing Town Hall.

**BACKGROUND**

A request has been received from Tanya Moore requesting permission to operate a mobile massage business, on a monthly basis, from the infant health clinic located at the Nyabing Town Hall.

Tanya has advised that she is an ex Badgebup/Katanning local heading into her final year as a paramedic student and to fund her university study has become a fully qualified massage therapist.

**STATUTORY IMPLICATIONS**

Local Government Act (1995)

**POLICY IMPLICATIONS**

The Council has no specific policy regarding this matter.

**FINANCIAL IMPLICATIONS**

Councils current Schedule of Fees & Charges provides for a half daily rate of hire for the hall of \$66.00 or a low impact charge of \$12.00 per hour. The infant health clinic facility is small by comparison to the hall and as such would be expected to be somewhat less than the full charge of \$66.00 per half day.

**STRATEGIC IMPLICATIONS**

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

**COMMENT**

Nyabing Child Health Clinic takes priority and is held at the facility on the 3<sup>rd</sup> Wednesday of every month, if permission is granted to Tanya Moore she would not be allowed use on this day.

In the past, after receiving a request from the Nyabing Progress Association, Katanning's Great Southern Chiropractic has been granted use of the facility but no longer hold clinics in Nyabing.

At the Ordinary Meeting of Council held 20 August 2014, Council resolved (resolution 4368) to agree to allow use of the Nyabing Infant Health Clinic Facility to the Nyabing Progress Association and Great Southern Chiropractic for the purposes of conducting a monthly chiropractic clinic for a fee of \$50 per day.

Perhaps the Council could consider also consider offering a discounted rate to Tanya Moore to cover a small amount for cleaning and water & power use.

#### **ATTACHMENTS**

Nil

#### **VOTING REQUIREMENT**

Absolute Majority if Council wish to grant a concession  
(Section 6.12 – Granting a concession)

#### **RECOMMENDATION**

That the Council:

Agree to allow use of the Nyabing Infant Health Clinic Facility to Tanya Moore for the purposes of conduction a monthly massage business for a fee of \$\_\_\_\_\_

<b>4526 - COUNCIL RESOLUTION (Officer Recommendation)</b>
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MOVED Cr M Stephens / Cr A Smith

That the Council:

Agree to allow use of the Nyabing Infant Health Clinic Facility to Tanya Moore for the purposes of conduction a monthly massage business for a fee of \$50 per day on a three month trial basis.

**CARRIED 7/0**  
**By Absolute Majority**

#### **9.1.8 GREAT SOUTHERN DEVELOPMENT COMMISSION BOARD VACANCY**

<b>DATE:</b>	11 November 2015
<b>PROPONENT:</b>	N/A
<b>LOCATION:</b>	N/A
<b>SUBJECT:</b>	Great Southern Development Commission Board Vacancy
<b>AUTHOR:</b>	Michelle Bamess – Deputy Chief Executive Officer
<b>REPORTING OFFICER:</b>	Peter Bentley – Chief Executive Officer
<b>FILE NO:</b>	PRO15.5
<b>ASSESSMENT NO:</b>	

#### **PURPOSE**

To consider nominations for a vacancy on the Board of the Great Southern Development Commission (GSDC).

#### **BACKGROUND**

The Great Southern Development Commission Board of Management has advised that there is one vacancy which is to be filled by an elected representative from local government in our region.

The vacancy has eventuated as a result of the decision of former Shire of Kojonup Councillor, Mrs Jane Trethowan, who had already completed a three-year term on the GSDC Board, stepping down from Council at the October 2015 elections.

In accordance with Regional Development Commission Regulations 1994, the GSDC is now seeking two nominations from Council, and others, to fill this Board vacancy.

The Board of Management is the governing body of the Commission and meets regularly to set policy direction, make decisions on major budget and expenditure matters and provide advice to the Minister for Regional Development on regional issues. Formal meetings are held every second month.

Nominations should be accompanied with a current CV and be submitted by COB Friday 18 December 2015. The Hon Terry Redman MLA, Minister for Regional Development will make the appointment to the GSDC Board following consultation with Cabinet.

#### **STATUTORY IMPLICATIONS**

Local Government Act (1995)

#### **POLICY IMPLICATIONS**

The Council has no specific policy regarding this matter.

#### **FINANCIAL IMPLICATIONS**

Nil

#### **STRATEGIC IMPLICATIONS**

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

#### **COMMENT**

Council to discuss and advise nominations, if any, to the Chief Executive Officer, Great Southern Development Commission by COB on Friday 18 December 2015.

#### **ATTACHMENTS**

Letter from Great Southern Development Commission  
Nomination Form

#### **VOTING REQUIREMENT**

Simple Majority

#### **RECOMMENDATION**

**That the Council:**

- 1. Advise the nominations of Cr M Stephens to fill the vacancy on the GSDC Board of Management.**
- 2. Has no nominations for the GSDC Board of Management vacancy.**

<b>4527 - COUNCIL RESOLUTION (Officer Recommendation)</b>
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**MOVED Cr T Borgward / Cr S Crosby**

**That the Council:**

Advise the nomination of Cr M Stephens to fill the vacancy on the GSDC Board of Management.

**CARRIED 7/0  
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

**4528 - COUNCIL RESOLUTION**

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

**That the council:**

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

**CARRIED 7/0  
By Simple Majority**

**11.1.1 REQUEST TO WRITE OFF PENALTY INTEREST– ASSESSMENT 887 - HEILONGJIANG  
FENG AO AGRICULTURAL AND ANIMAL HUSBANDRY GROUP CO PTY LTD**

<b>DATE:</b>	16 November 2015
<b>SUBJECT:</b>	Request to Refund Penalty Interest
<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>	Peter Bentley - Chief Executive Officer
<b>FILE NO:</b>	RAT15.5
<b>ASSESSMENT NO:</b>	

**PURPOSE**

Council are to consider a request from Heilongjiang Feng AO Agricultural and Animal Husbandry Group Co Pty Ltd to have the penalty interest raised on rates Assessment 887 written off as the company did not receive their original Rates Notice prior to the due date of 4 September 2015.

**BACKGROUND**

2015/2016 rates were raised on the 27 July 2015 and mailed out to ratepayers on 31 July 2015. The amount due for Assessment 887, Heilongjiang Feng AO Agricultural and Animal Husbandry Group Co Pty Ltd, was \$28,565.10. The closing date for payment of rates, either in full or by instalment, was 4 September 2015.

A letter was mailed to Heilongjiang Feng AO Agricultural and Animal Husbandry Group Co Pty Ltd on 2 November 2015 advising payment for rates on Assessment 887 had not been

received and that the current balance on outstanding rates, including penalty interest, was \$29,123.13.

A phone call was received at the Shire of Kent administration office on 13 November 2015 from Heilongjiang Feng AO Agricultural and Animal Husbandry Group Co Pty Ltd agent, Adeline Hong of New Solution Accounts Pty Ltd, advising that they did not receive their Rates Notice for the 2015/2016 financial year and that this letter was the first notification the company had received of rates due to the Shire of Kent. It was also claimed that a letter in relation to the interest being applied in addition to an administration fee for payments made by selecting instalment options (mailed to ratepayers on 12 August 2015) was not received. All correspondence was sent to the same address, which was confirmed by Adeline as being correct,

Staff were asked by Adeline to remove the penalty interest as she believed it was not fair as the original notice had not received. Adeline was advised that staff did not have the authority to remove penalty interest without permission to do so by Council and it was recommended that a request be made in writing to Council to have the penalty interest removed. It was also recommended during this conversation that the outstanding amount of \$29,157.47 at 13 November 2015, including penalty interest of \$592.37 be paid in full to avoid further penalty interest being applied on the outstanding rates and that should Council agree to the removal of penalty interest on Assessment 887 then that penalty interest will be reimbursed.

To follow up the phone conversation on 13 November 2015 an email was sent to the company with a copy of the original Rates Notice attached as per their request, advising them of the current outstanding balance, including penalty interest. This email also advised that penalty interest would continue to be applied until the amount outstanding was paid in full. Payment of \$29,071.62, including penalty interest of \$506.52 was received into the Shire of Kent Municipal bank account on 17 November 2015. Penalty interest of \$120.20 as at 19 November 2015 remains outstanding.

#### **STATUTORY IMPLICATIONS**

Local Government Act 1995

#### **POLICY IMPLICATIONS**

Council do not currently have a policy in relation to writing off penalty interest on outstanding rates where it is claimed by the ratepayer that they did not receive their original Rates Notice.

#### **FINANCIAL IMPLICATIONS**

A refund of \$506.52 for penalty interest has been requested.

#### **STRATEGIC IMPLICATIONS**

Not applicable.

#### **COMMENT**

Staff guidelines in the past have been that at the end of each month penalty interest will be applied to outstanding rates. Letters advising of the current outstanding balance, including penalty interest, are then forwarded to all ratepayers who have not paid their rates by the due date.

All written correspondence is posted at the Australia Post agency at the Nyabing General Store in good faith and once accepted by the agency, the Shire of Kent cannot be held responsible for ensuring the delivery of this correspondence.

Staff do not have the authority to write-off penalty interest applied to outstanding rates, unless the amount is below \$10.00 at 30 June, and ratepayers are advised that all applications for penalty interest to be written off must be submitted to Council.

### **ATTACHMENTS**

- Letter from Heilongjiang Feng AO Agricultural and Animal Husbandry Group Co Pty Ltd
- Copy of outgoing postage record.
- Timeline of contact with Heilongjiang Feng AO Agricultural and Animal Husbandry Group Co Pty Ltd
- Copies of correspondence with Heilongjiang Feng AO Agricultural and Animal Husbandry Group Co Pty Ltd

### **VOTING REQUIREMENT**

Absolute Majority

### **RECOMMENDATION**

**That the Council:**

**Make a determination as to whether penalty interest charged to Assessment 887, Heilongjiang Feng AO Agricultural and Animal Husbandry Group Co Pty Ltd, should be written off.**

<b>4529 - COUNCIL RESOLUTION (Officer Recommendation)</b>
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**MOVED Cr M Stephens / Cr S Crosby**

**That the council:**

**Does not refund penalty interest charged to Assessment 887, Heilongjiang Feng AO Agricultural and Animal Husbandry Group Co Pty Ltd.**

**CARRIED 7/0  
By Absolute Majority**

### **NEW BUSINESS OF AN URGENT NATURE AGREED TO BY RESOLUTION OF COUNCIL**

<b>4530 - COUNCIL RESOLUTION</b>
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**MOVED Cr S Crosby/ Cr T Borgward**



**That the council:**

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

**CARRIED 7/0  
By Simple Majority**

#### **11.1.2 REPLACEMENT VEHICLE - CESM**

<p><b>DATE:</b> <b>PROPONENT:</b> <b>LOCATION:</b> <b>SUBJECT:</b> <b>AUTHOR:</b> <b>REPORTING OFFICER:</b> <b>FILE NO:</b> <b>ASSESSMENT NO:</b></p>	<p>17<sup>th</sup> November 2014 Shire of Kent Whole of Shire Vehicle Replacement - CESM Peter Bentley – Chief Executive Officer Peter Bentley – Chief Executive Officer</p>
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#### **PURPOSE**

For Council to consider an increase in the replacement costs of the CESM vehicle..

#### **BACKGROUND**

Council has entered into an agreement with the Shires of Lake Grace, Dumbleyung and DFES with regard to the employment of a Community Emergency Services Manager and the funding arrangements are 70% DFES, 10% each by the three Councils concerned.

The officer is currently driving a vehicle supplied to the previous officer who was a Lake Grace/DFES officer and the two organisations are the joint owners of that vehicle. The vehicle is due for change and a new vehicle will be required to be fully funded as per the above split with the trade-in proceeds to be returned to DFES and the Shire of Lake Grace.

Three quotes were obtained for a Mazda, Mitsubishi and Toyota utility appropriately kitted out and a spreadsheet showing the costs is attached. It has come to light that the cost of the vehicle is greater than originally presented to the Council.

#### **STATUTORY IMPLICATIONS**

Local Government Act (1995)

#### **POLICY IMPLICATIONS**

The Council has no specific policy regarding this matter.

#### **FINANCIAL IMPLICATIONS**

The 2014 budget review provided for operating expense for the Officer for the balance of the 2014/15 financial year but not capital expense. The vehicle has been re-budgeted at the original \$53,694.48 amount as per the attached information. The actual expense to the Shire of Kent for this vehicle will be approximately \$7,000 with the balance funded through the other partners.

#### **STRATEGIC IMPLICATIONS**

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

**COMMENT**

The cost of the vehicle has escalated by \$5,000 due to a new model and costs not allowed for were the supply and installation of radios at \$2725 excl GST, Costs of signage of \$863 excl GST and the costs of emergency services of \$3085 excl GST. This has lead to \$12,000 of unbudgeted expenditure of which the Shire of Kent's component will be \$an extra \$1,200 approximately.

**ATTACHMENTS**

Quotes and Spreadsheet

**VOTING REQUIREMENT**

Absolute Majority

**RECOMMENDATION**

**That the Council:**

**Approve the purchase of a Toyota Hilux utility for the CESM and note that the extra \$12,000 capital expenditure is unbudgeted resulting in a \$1,200 increase in costs to the Shire of Kent.**

**4531 - COUNCIL RESOLUTION (Officer Recommendation)**

**MOVED Cr A Smith / Cr R Jury**

**Approve the purchase of a Toyota Hilux utility for the CESM and note that the extra \$12,000 capital expenditure is unbudgeted resulting in a \$1,200 increase in costs to the Shire of Kent.**

**CARRIED 7/0  
By Absolute Majority**

**12. INFORMATION BULLETIN**

**4532 - COUNCIL RESOLUTION (Officer Recommendation)**

**MOVED Cr R Jury / Cr T Borgward**

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

**CARRIED 7/0  
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.

**14. MEETING CLOSURE**

There being no further business the Shire President Cr Megan Tuffley, closed the meeting at 6.58pm.