

OCTOBER 2015 MINUTES

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OCTOBER 2015 MINUTES

1. DECLARATION OF OPENING & ANNOUNCEMENT OF VISITORS

The Chief Executive Officer, Mr Peter Bentley, declared the meeting opened at 4.32pm.

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 G Collins	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

Mrs C Crosby – left 5.25pm
 Mrs T Collins – left meeting
 5.10pm
 Miss G Collins – left 5.10pm
 Mr G Crosby – left 5.05pm

Apologies

Members on Leave of Absence

3. SWEARING IN OF COUNCILLORS

3.1 – Swearing in of Councillors

Section 2.29 (1) of the Local Government Act 1995 (as amended) prescribes as follows:

2.29. Oath or affirmation of allegiance and declaration

(1) A person elected as an elected mayor or president or as a councillor has to make a declaration in the prescribed form before acting in the office.

- (2) A person elected by the council as mayor, president, deputy mayor or deputy president has to make a declaration in the prescribed form before acting in the office.
- (3) A declaration required by this section is to be taken or made before a prescribed person.
- (4) A person who acts in an office contrary to this section commits an offence.

Penalty: \$5 000 or imprisonment for one year.

[Section 2.29 amended by No. 24 of 2005 s. 57.]

The following Councillors require swearing in, in accordance with Section 2.29(1) of the Local Government Act 1995, as amended:

Cr Grant Collins
 Cr Alan Smith
 Cr Tim Borgward
 Cr Scott Crosby

The above members signed declarations.

3.2. ELECTION OF PRESIDENT

Schedule 2.3 - When and how mayors, presidents, deputy mayors and deputy presidents are elected by the council [Sections 2.11(1)(b) and 2.15]

Division 1 - Mayors and presidents

1. Definitions

In this Division -

"Extraordinary vacancy" means a vacancy that occurs under section 2.34(1);

"The office" means the office of councillor mayor or president.

2. When the council elects the mayor or president

- (1) The office is to be filled as the first matter dealt with –
 - (a) at the first meeting of the council after an inaugural election or a section 4.13 or 4.14 election or after an ordinary elections day; and
 - (b) at the first meeting of the council after an extraordinary vacancy occurs in the office.
- (2) If the first ordinary meeting of the council is more than 3 weeks after an extraordinary vacancy occurs in the office, a special meeting of the council is to be held within that period for the purpose of filling the office.

3. CEO to preside

The CEO is to preside at the meeting until the office is filled.

4. How the mayor or president is elected

- (1) The council is to elect a councillor to fill the office.
- (2) The election is to be conducted by the CEO in accordance with the procedure prescribed.

- (3) Nominations for the office are to be given to the CEO in writing before the meeting or during the meeting before the close of nominations.
 (3a) Nominations close at the meeting at a time announced by the CEO, which is to be a sufficient time after the announcement by the CEO that nominations are about to close to allow for any nominations made to be dealt with.
- (4) If a councillor is nominated by another councillor the CEO is not to accept the nomination unless the nominee has advised the CEO, orally or in writing, that he or she is willing to be nominated for the office.
- (5) The councillors are to vote on the matter by secret ballot as if they were electors voting at an election.
- (6) Subject to clause 5(1), the votes cast under subclause (5) are to be counted, and the successful candidate determined, in accordance with Schedule 4.1 (which deals with determining the result of an election) as if those votes were votes cast at an election.
- (7) As soon as is practicable after the result of the election is known, the CEO is to declare and give notice of the result in accordance with regulations, if any.
 [Clause 4 amended by No. 49 of 2004 s. 69(2)-(5); No. 66 of 2006 s. 14.]

5. Votes may be cast a second time

- (1) If when the votes cast under clause 4(5) are counted there is an equality of votes between 2 or more candidates who are the only candidates in, or remaining in, the count, the count is to be discontinued and the meeting is to be adjourned for not more than 7 days.
- (2) Any nomination for the office may be withdrawn, and further nominations may be made, before or when the meeting resumes.
- (3) When the meeting resumes the councillors are to vote again on the matter by secret ballot as if they were electors voting at an election.
- (4) The votes cast under subclause (3) are to be counted, and the successful candidate determined, in accordance with Schedule 4.1 as if those votes were votes cast at an election.

The Chief Executive Officer called for nominations for the position of Shire President.

A written nomination was received from Cr M Tuffley. There being no further nominations Cr M Tuffley was appointed Shire President for a period of two (2) years expiring 2017.

Cr M Tuffley signed a declaration.

3.3. ELECTION OF DEPUTY PRESIDENT

Division 2 - Deputy Mayors and deputy presidents

6. Definitions

In this Division -

"Extraordinary vacancy" means a vacancy that occurs under section 2.34(1);

"the office" means the office of deputy mayor or deputy president.

7. When the council elects the deputy mayor or deputy president

- (1) If the local government has an elected mayor or president the office of deputy mayor or deputy president is to be filled as the first matter dealt with -
 - (a) at the first meeting of the council after an inaugural election or a section 4.13 or 4.14 election or after an ordinary elections day; and
 - (b) at the first meeting of the council after an extraordinary vacancy occurs in the office.
- (2) If the local government has a councillor mayor or president the office of deputy mayor or deputy president is to be filled -
 - (a) as the next matter dealt with after the mayor or president is elected at the first meeting of the council after an inaugural election or a section 4.13 or 4.14 election or after an ordinary elections day; and
 - (b) subject to subclause (3), as the first matter dealt with at the first meeting of the council after an extraordinary vacancy occurs in the office.
- (3) If at a meeting referred to in clause 2(1)(b) the deputy mayor or deputy president is elected to be the mayor or president, the resulting extraordinary vacancy in the office is to be filled as the next matter dealt with at the same meeting.

8. How the deputy mayor or deputy president is elected

- (1) The council is to elect a councillor (other than the mayor or president) to fill the office.
- (2) The election is to be conducted in accordance with the procedure prescribed, by the mayor or president, or if he or she is not present, by the CEO.
- (3) Nominations for the office are to be given to the person conducting the election in writing before the meeting or during the meeting before the close of nominations.
 - (3a) Nominations close at the meeting at a time announced by the person conducting the election, which is to be a sufficient time after the announcement by that person that nominations are about to close to allow for any nominations made to be dealt with.
- (4) If a councillor is nominated by another councillor the person conducting the election is not to accept the nomination unless the nominee has advised the person conducting the election, orally or in writing, that he or she is willing to be nominated for the office.
- (5) The council members are to vote on the matter by secret ballot as if they were electors voting at an election.
- (6) Subject to clause 9(1) the votes cast under subclause (5) are to be counted, and the successful candidate determined, in accordance with Schedule 4.1 as if those votes were votes cast at an election.
- (7) As soon as is practicable after the result of the election is known, the person conducting the election is to declare and give notice of the result in accordance with regulations, if any.

[Clause 8 amended by No. 64 of 1998 s. 54(2)-(4); No. 49 of 2004 s. 69(6)-(9).]

9. Votes may be cast a second time

- (1) If, when the votes cast under clause 8(5) are counted, there is an equality of votes between 2 or more candidates who are the only candidates in, or

remaining in, the count, the count is to be discontinued and, not more than 7 days later, a special meeting of the council is to be held.

- (2) *Any nomination for the office may be withdrawn, and further nominations may be made, before or when the special meeting is held.*
- (3) *When the special meeting is held the council members are to vote again on the matter by secret ballot as if they were voting at an election.*
- (4) *The votes cast under subclause (3) are to be counted, and the successful candidate determined, under Schedule 4.1 as if those votes were votes cast at an election.*

[Clause 9 amended by No. 49 of 2004 s. 69(10).]

The Shire President called for nominations for the position of Deputy Shire President.

A written nomination was received from Cr R Jury. There being no further nominations Cr R Jury was appointed Deputy Shire President for a period of two (2) years expiring 2017.

Cr R Jury signed the declaration.

Meeting resumed at 4.50pm

4. DECLARATION OF INTERESTS:

- **Financial Interest:**
Nil
- **Members Impartiality Interest**
Cr R Jury – 10.15.5 – Request For Support For In-Kind Sponsorship Pingrup CRC – Early Childhood Development Plan
- **Proximity Interest – Interest in Common:**
Nil

5. PUBLIC QUESTION TIME:

6. APPLICATION FOR MEMBERS FOR LEAVE OF ABSENCE:

7. CONFIRMATION and RECEIVING OF MINUTES/BUSINESS ARISING:

1.1 Ordinary Meeting of Council held on Wednesday 16 September 2015

That the minutes of the Ordinary Meeting of the Shire of Kent held on Wednesday 16 September, 2015 in the Shire of Kent Council Chambers be confirmed as a true and accurate record of proceedings and duly signed.

4505 - COUNCIL RESOLUTION (Officer Recommendation)

MOVED Cr R Jury / Cr M Stephens

That the minutes of the Ordinary Meeting of the Shire of Kent held on Wednesday 16 September, 2015 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

8. ANNOUNCEMENTS BY THE PRESIDING PERSON WITHOUT DISCUSSION:

9. PETITIONS/DEPUTATIONS/PRESENTATIONS/SUBMISSIONS:

10. OFFICERS REPORTS:

10.1.1 MONTHLY FINANCIAL REPORTS TO 30 SEPTEMBER 2015

DATE:	9 October 2015
SUBJECT:	Monthly Financial Reports to 30 September 2015
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 September, 2015 (including Statement of Financial Activities, Notes 3-11 and Budget Variances to 30 September, 2015)

VOTING REQUIREMENT

Simple Majority

RECOMMENDATION

That the following Monthly Financial Reports be received by Council:

- Monthly Financial Reports to 30 September, 2015

4506 - COUNCIL RESOLUTION (Officer Recommendation)

MOVED Cr G Browne / Cr R Jury

That the following Monthly Financial Reports be received by Council:

Monthly Financial Reports to 30 September, 2015

**CARRIED 8/0
By Simple Majority**

10.1.2 SCHEDULE OF ACCOUNTS PAID TO 30 SEPTEMBER 2015

DATE:	2 October 2015
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	\$176,770.47
Trust Fund	\$592.04
Direct Debits	\$104,514.54
Spoiled Cheques	
Cancelled Cheques	

ATTACHMENTS

Schedule of Accounts submitted 21 October, 2015.

VOTING REQUIREMENT

Simple Majority

RECOMMENDATION

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

Municipal Fund	\$176,770.47
Trust Fund	\$592.04
Direct Debits	\$104,514.54
TOTAL	<u>\$281,877.05</u>

4507 - 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	\$176,770.47
Trust Fund	\$592.04
Direct Debits	\$104,514.54
TOTAL	<u>\$281,877.05</u>

**CARRIED 8/0
By Simple Majority**

10.1.3 DEVELOPMENT ASSESSMENT PANELS

DATE:	13 October 2015
PROPONENT:	N/A
LOCATION:	N/A
SUBJECT:	Local Government Nominations
AUTHOR:	Christie Smith – Executive Assistant
REPORTING OFFICER:	Peter Bentley – Chief Executive Officer
FILE NO:	COU25.15
ASSESSMENT NO:	

PURPOSE

Council are to nominate four elected members of Council, comprising two local members and two alternate local members to sit on your local DAP as required.

BACKGROUND

In July 2011 fifteen Development Assessment Panels (DAP) came into operation to determine development applications that meet a certain threshold value.

The Shire of Kent falls within the Great Southern DAP and our current local members are Cr Mark Stephens and Cr Gordon Browne. The alternate local members are Cr Renae Jury and Cr Megan Tuffley. These members were appointed at the Ordinary Meeting of Council on the 20 May 2015 and the term will end 26 April 2017.

STATUTORY IMPLICATIONS

Regulation 26 of the *Planning and Development (Development Assessment Panels) Regulations 2011*

POLICY IMPLICATIONS

No known policy implications.

FINANCIAL IMPLICATIONS

Local DAP members are entitled to be paid for their attendance at DAP training and at DAP meetings, unless they fall within a class of persons excluded from payment.

STRATEGIC IMPLICATIONS

Not applicable.

COMMENT

With the upcoming elections being held 17 October 2015 there may be a change in DAP membership if the composition in Council changes. If there is no change in representatives following the election, confirmation is also required to be sent to the DAPs Secretariat.

The term for appointed DAP members will remain the same ending of 26 April 2017.

It is a mandatory requirement that all DAP members attend the appropriate training before they can sit on a DAP and determine applications. Local government representatives who have previously been appointed to a DAP and have received training are not required to undergo further training.

If both local and alternate (deputy) local members are not re-elected, the local government will need to re-nominate for the Minister's consideration of appointment.

Council should consider the above matters in selecting nominees as local DAP members.

ATTACHMENTS

Nil

VOTING REQUIREMENT

Simple Majority

RECOMMENDATION

That The Council nominates two local members and two alternate local members for the Great Southern Development Assessment Panel.

4508 - COUNCIL RESOLUTION (Officer Recommendation)

MOVED Cr G Collins / Cr M Stephens

That The Council nominates two local members, Cr M Tuffley and Cr R Jury and two alternate local members, Cr A Smith and Cr G Browne for the Great Southern Development Assessment Panel.

**CARRIED 8/0
By Simple Majority**

10.1.4 CLOSURE OF UN-NAMED ROAD BETWEEN FENCE AND MCLAREN ROADS, NYABING

DATE:	22 September 2015
PROPONENT:	Department of Parks and Wildlife
LOCATION:	Fence/McLaren Roads
SUBJECT:	Closure of Un-named Road
AUTHOR:	Christie Smith – Executive Assistant
REPORTING OFFICER:	Peter Bentley – Chief Executive Officer
FILE NO:	WOR39.30
ASSESSMENT NO:	N/A

PURPOSE

Final action required to process the application made by the Department of Parks and Wildlife to close an un-named and un-made road located between Reserves 10188 and 21162.

BACKGROUND

In October 2010 a letter was received from the Department of Environment and Conservation proposing to amalgamate Reserves 10188, 14417 and 21162 within the Shire of Kent. Both reserves are unvested and are situated in the vicinity of Fence and McLaren Roads.

Council resolved the following at the Ordinary Meeting of Council held 22 July 2015:

4478 - COUNCIL RESOLUTION (Officer Recommendation)

MOVED Cr M Tuffley / Cr G Browne

That Council agree in principal to an application made by the Department of Parks and Wildlife to close an un-named and un-made road located between reserves 10188 and 21162 as shown on the appended map, subject to compliance with section 58 of the Land Administration Act 1997.

**CARRIED 5/0
By Simple Majority**

Public notice of the proposed road closure was advertised in the Nyabing News and Pingrup Post. Letters were also written to all public utility service providers advising of the proposal. At

18 September 2015, being the closing date for submissions, no objections to Council was received.

STATUTORY IMPLICATIONS

Land Administration Act 1997, Section 58

POLICY IMPLICATIONS

The Council has no specific policy regarding this matter.

FINANCIAL IMPLICATIONS

There are no material financial implications should Council agree to this request.

STRATEGIC IMPLICATIONS

Nil

COMMENT

Once Council resolution has been made, taking into consideration any submissions received, a request will be forwarded to the Minister to close the road permanently.

To date letters with no objections has been received by the public utility service providers, and no submissions have been received from members of the public.

ATTACHMENTS

Nil

VOTING REQUIREMENT

Simple Majority

RECOMMENDATION

That the Council:

endorse the closure of un-named and un-made road located between Reserves 10188 and 21162.

4509 - COUNCIL RESOLUTION (Officer Recommendation)

MOVED Cr G Collins / Cr M Stephens

That the Council:

Endorse the closure of un-named and un-made road located between Reserves 10188 and 21162.

**CARRIED 8/0
By Simple Majority**

10.1.5 REQUEST FOR SUPPORT FOR IN-KIND SPONSORSHIP FOR PINGRUP CRC – EARLY CHILDHOOD DEVELOPMENT PLAN

DATE:	23 September 2015
PROPONENT:	Pingrup Community Resource Centre
LOCATION:	N/A
SUBJECT:	Letter of Support for In-kind Sponsorship for Pingrup CRC – Early Childhood Plan
AUTHOR:	Michelle Bamess – Deputy Chief Executive Officer
REPORTING OFFICER:	Peter Bentley – Chief Executive Officer
FILE NO:	
ASSESSMENT NO:	N/A

PURPOSE

To consider a request from the Pingrup Community Resource Centre for in-kind sponsorship for their proposal to Amity Health for an early childhood program – Play in the Paddock.

BACKGROUND

A letter has been received from Kate Bishop, Manager at the Pingrup CRC, requesting Council provide in-kind support of the Play in the Paddock Early Childhood Program.

The 'Play in the Paddock' program has been put together to address a need within the community to continue delivering a program which is aimed at improving early childhood development, safety and family functioning through support services for all families with children up to the age of 12.

With the 'Play in the Park' program is no longer available to the community, the Pingrup CRC is seeking to provide a similar program that will ensure that the children in Nyabing and Pingrup have access to programs in a number of developmental areas. This program will also provide an outlet for parents to meet up and enjoy the benefits of socialisation, new ideas and will be an avenue to discuss issues with qualified educators.

The CRC are requesting \$8,000 from Amity Health to go towards supporting the delivery of the 12 month program, provide equipment and access to resources to attract quality workshop presenters.

The CRC will require the use of several shire owned buildings to run the program and request that Council provide a letter of support/endorsement stating that Council supports the CRC running the Play in the Park early childhood program.

Support is also requested in the form of waiving of fees for venue hire as well as financial support of \$2,000 to go towards assisting in attracting a workshop or speaker, should funding received from Amity Health not be sufficient to cover the Early Childhood Development Program.

STATUTORY IMPLICATIONS

No known statutory implications.

POLICY IMPLICATIONS

The Council has no specific policy regarding this matter.

FINANCIAL IMPLICATIONS

The requested level of support would be \$2,000 as fees for venue hire are waived for not for profit organisations. Provision has not been included in the Budget for 2015- 2016. Council may wish to consider making provision in the 2015-2016 Budget Review.

STRATEGIC IMPLICATIONS

Whilst no specific reference is made to the provision of early childhood services in the Shire of Kent Community Strategic Plan, one of the Communities Key Priorities is to continue the support education services (Community Priorities Against Key Areas – Social – Building a Sense of Community 1(d) and Appendix A – Top Priorities (3) Maintain and Improve Essential Services)

COMMENT

Council to consider the request made by the Pingrup CRC to provide a letter of support for the Play in the Paddock early childhood program and also determine what dollar value support the Shire of Kent is prepared to provide, should the CRC receive insufficient funding for this program to meet its objectives.

ATTACHMENTS

Letter – Pingrup CRC
Play in the Paddock Proposal

VOTING REQUIREMENT

Absolute Majority

RECOMMENDATION

That the Council:

Provide a letter of support for the Pingrup CRC to run the Play in the Paddock early childhood program and also determine what dollar value support the Shire of Kent is prepared to provide in the event that the Pingrup CRC does not receive sufficient funding for this program to meet its objectives.

4510 - COUNCIL RESOLUTION (Officer Recommendation)

MOVED Cr M Stephens / Cr G Collins

That the Council:

Provide a letter of support for the Pingrup CRC to run the Play in the Paddock early childhood program and provide financial support of up to \$2,000 in the event that the Pingrup CRC does not receive sufficient funding for this program to meet its objectives.

**CARRIED 8/0
By Absolute Majority**

10.1.6 REVIEW OF CARAVAN PARK AND CAMPING GROUNDS LEGISLATION

DATE:	13 October 2015
PROPONENT:	N/A
LOCATION:	N/A
SUBJECT:	Review of Caravan Parks & Camping Grounds Legislation
AUTHOR:	Peter Bentley – Chief Executive Officer
REPORTING OFFICER:	Peter Bentley – Chief Executive Officer
FILE NO:	
ASSESSMENT NO:	

PURPOSE

To consider the second consultation paper regarding this legislation.

BACKGROUND

The Department of Local Government and Communities has been conducting a review of the Caravan Parks and Camping Grounds legislation and it has produced a second consultation paper for Local Governments to consider.

The paper contains 10 recommendations and is seeking Council comment on these recommendations.

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**ATTACHMENTS**

Department of Regional Development – Consultation Paper: Proposal for Holiday Parks and Camping Grounds Legislation.

VOTING REQUIREMENT

Simple Majority

RECOMMENDATION

That the Council:

advise the CEO of any comment it wishes to make regarding the consultation paper.

4511 - COUNCIL RESOLUTION

Council resolved to make no comment regarding the consultation paper.

10.1.7 SOUTH WEST NATIVE TITLE SETTLEMENT

DATE:	13 October 2015
PROPONENT:	N/A
LOCATION:	N/A
SUBJECT:	South West Native Title Settlement
AUTHOR:	Peter Bentley – Chief Executive Officer
REPORTING OFFICER:	Peter Bentley – Chief Executive Officer
FILE NO:	
ASSESSMENT NO:	

PURPOSE

To consider any comments that Council may wish to make regarding a proposal to offer Reserve 23585 up in the above claim.

BACKGROUND

Council will be aware of the ongoing and various native title claims that have been in the process of negotiation for some years now. The negotiations are coming to point of resolution and the State Government is considering a variety of reserves and freehold land to offer up as compensation related to the claim. The only land within the Shire of Kent being considered as compensation is Reserve 23585 which is the old school oval – the land that Council has previously sought to develop through the RDAP program.

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 dealt with in the Shire of Kent Community Strategic Plan as a future land issue but not in terms of Native Title or Aboriginal Heritage.

COMMENT

Council has not had a full briefing as to why the RDAP project was rejected but I suspect that this land was considered as potentially culturally sensitive to a member or members of the South West claim group. Given that this was the case there would have needed to be an investigation and assessment for Aboriginal Heritage purposes and this would have potentially cost tens of thousands of dollars to complete.

It is possible that the RDAP program (Landcorp) may have found this difficult to justify for this project given the relatively small nature of the project.

The Department of Lands has written to Council seeking comments regarding the proposal to offer the reserve as part of the overall compensation package for the South West Claim. As a matter of course I will make comment regarding the residential housing project and I am seeking any further information from Councillors as to what other issues may surround the reserve or its suitability.

It should be noted that the use of this land for the compensation package does not preclude the ultimate use for residential purposes and does not mean that titles cannot be obtained

however it does complicate the process and likely will add cost to the project if Council decides to pick it up again in the future.

ATTACHMENTS

Letter: Department of Lands – South West native Title Settlement – Land Base Consultation

VOTING REQUIREMENT

Simple Majority

RECOMMENDATION

That the Council:

provide any further comment to the CEO for incorporation into the submission to the Department of Lands regarding the use of Reserve 23585 as potential compensation for the South West Native Title Claim.

4512 - COUNCIL RESOLUTION (Officer Recommendation)

MOVED Cr M Stephens / Cr R Jury

That the Council:

Not provide any further comment for incorporation into the submission to the Department of Lands regarding the use of Reserve 23585 as potential compensation for the South West Native Title Claim.

**CARRIED 8/0
By Simple Majority**

10.1.8 PLANNING APPROVAL – CBH PINGRUP TRANTER ROAD ENTRY MODIFICATION

DATE:	13 October 2015
PROPONENT:	N/A
LOCATION:	N/A
SUBJECT:	CBH Pingrup Entry Modifications
AUTHOR:	Peter Bentley – Chief Executive Officer
REPORTING OFFICER:	Peter Bentley – Chief Executive Officer
FILE NO:	
ASSESSMENT NO:	

PURPOSE

To consider a proposal by CBH to upgrade the entry at the Tranter Road intersection to the Pingrup grain receival facility in accordance with condition 6 of the original planning consent for the overall upgrade of the facility.

BACKGROUND

Planning approval was granted in May 2014 for the above upgrade and the following conditions were imposed:

Grant Planning Approval to Cooperative Bulk Handling Ltd to construct a new site entry from Tranter Road, closure of the existing site entry from Jolley Road, construction of new truck marshalling facilities and upgrading capacity of ground

conveyancer at Lots 10, 51, and 101 Jolley Road, Pingrup subject to the following conditions:

1. The development hereby approved shall be substantially commenced within two years of the date of this decision notice.
2. The development hereby approved shall be undertaken in accordance with the signed and stamped, Approved Development Plan(s) (enclosed), including any notes placed thereon in red by the City and except as may be modified by the following conditions.
3. A Landscape plan being approved and implemented to the satisfaction of the Shire of Kent.
4. The redundant vehicle crossover(s) to be removed and verge reinstated with landscaping to the satisfaction of the local government. (Local Government).
5. Details of the crossover to Tranter Road, and finished treatment of all hard surfaced areas to be used for the construction of the new truck marshalling area as shown on the Approved Development Plans and implemented to the satisfaction of the Shire of Kent.
6. **Satisfactory arrangements being made with the local government for the cost of upgrading and/or construction of Tranter Road to the satisfaction of the Shire of Kent.**
7. **The applicant contributing either the upgrade of the area by the CBH or a contribution to the Council to upgrade Tranter Road to a sealed standard to the satisfaction of the Shire of Kent.**

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

Staff have been in consultations with CBH with regard to this particular section of Tranter road. The original design requires some modification given that there are issues with a power pole and general traffic management during busy times at the facility. In addition the road surface was likely to degrade significantly under the changed conditions for entry and the resurfacing of the southern side of the intersection, as a bare minimum, was identified within the Planning consent conditions and subsequent discussions.

The proposal from CBH is to Asphalt the southern side of the intersection and flare out the entry point to Tranter road to accommodate the increased traffic to the entry point to the CBH facility.

ATTACHMENTS

Letter – CBH Group – Planning Approval

VOTING REQUIREMENT

Simple Majority

RECOMMENDATION**That the Council:**

Advise CBH that the proposed upgrade to the southern side of the Tranter Road intersection accepted and grants approval for CBH to undertake the works.

4513 - COUNCIL RESOLUTION (Officer Recommendation)**MOVED Cr G Browne / Cr R Jury****That the Council:**

Advise CBH that the proposed upgrade to the southern side of the Tranter Road intersection accepted and grants approval for CBH to undertake the works.

**CARRIED 8/0
By Simple Majority**

10.1.9 REVIEW OF POLICY OPTIONS FOR ELECTED MEMBER TRAINING

DATE:	13 October 2015
PROPONENT:	N/A
LOCATION:	N/A
SUBJECT:	WALGA Policy options for elected member training
AUTHOR:	Peter Bentley – Chief Executive Officer
REPORTING OFFICER:	Peter Bentley – Chief Executive Officer
FILE NO:	
ASSESSMENT NO:	

PURPOSE

To consider a discussion paper produced by WALGA with regard to policy options for elected member training.

BACKGROUND

WALGA has produced a discussion paper on elected member training following the Ministers announcement that he was considering a proposal to make training compulsory for elect members. The paper discusses such matters as inquiries into local governments, potential frameworks, scales of training and policy options and incentivisation.

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 the CEO of any comment it wishes to make regarding the paper.

ATTACHMENTS

Nil

VOTING REQUIREMENT

Simple Majority

RECOMMENDATION

That the Council:

Advise the CEO of any comment it wishes to make regarding the discussion paper.

4514 - COUNCIL RESOLUTION

Council resolved that the CEO will make relevant comment regarding the discussion paper.

10.1.10 COMMITTEE MEMBERSHIP

DATE:	13 October 2015
PROPONENT:	N/A
LOCATION:	N/A
SUBJECT:	Committee Memberships
AUTHOR:	Peter Bentley – Chief Executive Officer
REPORTING OFFICER:	Peter Bentley – Chief Executive Officer
FILE NO:	
ASSESSMENT NO:	

PURPOSE

To allocate committee memberships for the period 2015 – 2017.

BACKGROUND

After each election the Council must elect new members for its standing committees and for each community committee that it has representation on. Council agreed to restrict the number of its own committees to one – the Audit, Finance and Administration Committee during the last electoral cycle.

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 Committees

5.10. Appointment of committee members

- (1) A committee is to have as its members -
- (a) persons appointed* by the local government to be members of the committee (other than those referred to in paragraph (b)); and
 - (b) persons who are appointed to be members of the committee under subsection (4) or (5).

*** Absolute majority required.**

- (2) At any given time each council member is entitled to be a member of at least one committee referred to in section 5.9(2)(a) or (b) and if a council member nominates himself or herself to be a member of such a committee or committees, the local government is to include that council member in the persons appointed under subsection (1)(a) to at least one of those committees as the local government decides.
- (3) Section 52 of the Interpretation Act 1984 applies to appointments of committee members other than those appointed under subsection (4) or (5) but any power exercised under section 52(1) of that Act can only be exercised on the decision of an absolute majority of the local government.
- (4) If at a meeting of the council a local government is to make an appointment to a committee that has or could have a council member as a member and the mayor or president informs the local government of his or her wish to be a member of the committee, the local government is to appoint the mayor or president to be a member of the committee.
- (5) If at a meeting of the council a local government is to make an appointment to a committee that has or will have an employee as a member and the CEO informs the local government of his or her wish-
- (a) to be a member of the committee; or
 - (b) that a representative of the CEO be a member of the committee, the local government is to appoint the CEO or the CEO's representative, as the case may be, to be a member of the committee.

The following Committees are Standing Committees of Council and in the past representation has been (4) Councillors with a fifth Council member as proxy:

Audit, Finance and Administration Committee

Works, Plant and Services Committee – currently in recess

Building, Health and Town Planning Committee – currently In recess

Council's Standing Committees do not have any Delegated Authority.

That the following Councillors be appointed to the following Committees:

Councillor Representation on Community/Other Committees
Lakes VROC Committee – no longer members of a VROC
South Eastern Agricultural Road Group (Great Southern Road Group)
Great Southern Zone WALGA
Regional Recreation Planning Committee
Bushfire Advisory Committee, Nyabing/Pingrup Land Conservation Committee,
and Lake Magenta Nature Reserve Advisory Committee
Pingrup Ground Improvement Committee, Nyabing Sports Club Committee
Pingrup CRC and Hidden Treasures
Occupational Health and Safety Committee

ATTACHMENTS

Nil

VOTING REQUIREMENT

Absolute Majority

RECOMMENDATION 1

That the following Committees remain in recess until the Council sees a need to reactivate those committees:

Works, Plant and Services Committee

Building, Health and Town Planning Committee

RECOMMENDATION 2

That the following Councillors be endorsed as the members of the Audit, Finance and Administration Committee:

Audit, Finance and Administration Committee

Cr M Tuffley

Cr R Jury

Cr G Collins

Cr A Smith

Cr S Crosby (PROXY)

That the following Councillors be appointed to the Community Committees as Council representatives as follows:

South East Agricultural Road Group (Great Southern Regional Road Group)

Cr G Browne

Cr G Collins

Cr T Borgward_(PROXY)

Great Southern Zone WALGA

Cr M Tuffley

Cr R Jury

Cr M Stephens (PROXY)

Great Southern Regional Recreation Committee

Cr A Smith

Cr T Borgward

Cr S Crosby (PROXY)

Bushfire Advisory Committee, Nyabing/Pingrup Land Conservation Committee and Lake Magenta Nature Reserve Advisory Committee

Cr S Crosby

Cr G Collins

Cr G Browne (PROXY)

Pingrup Ground Improvement Committee, Nyabing Sports Club Committee

Cr A Smith (PGIC)

Cr M Tuffley (NGIC)

Cr T Borgward (PROXY)

Pingrup CRC and Hidden Treasures

Cr M Tuffley (CRC)

Mrs C Crosby (HT)

Cr R Jury (PROXY)

Occupational Health and Safety Committee

Cr

Cr

Cr (PROXY)

Local Emergency Management Committee

Cr G Collins

Cr G Browne

Cr S Crosby (PROXY)

4515 - COUNCIL RESOLUTION (Officer Recommendation)

MOVED Cr M Stephens / Cr T Borgward

RECOMMENDATION 1

That the following Committees remain in recess until the Council sees a need to reactivate those committees:

Works, Plant and Services Committee

Building, Health and Town Planning Committee

**CARRIED 8/0
BY ABSOLUTE MAJORITY**

4516 - COUNCIL RESOLUTION (Officer Recommendation)

MOVED Cr S Crosby / Cr R Jury

That the following Councillors be endorsed as the members of the Audit, Finance and Administration Committee:

Audit, Finance and Administration Committee

Cr M Tuffley

Cr R Jury

Cr G Collins

Cr A Smith

Cr S Crosby (PROXY)

**CARRIED 8/0
BY ABSOLUTE MAJORITY**

RECOMMENDATION 2

MOVED Cr M Stephens / Cr A Smith

That the following Councillors be appointed to the Community Committees as Council representatives as follows:

South East Agricultural Road Group (Great Southern Regional Road Group)

Cr G Browne

Cr G Collins

Cr T Borgward_(PROXY)

Great Southern Zone WALGA

Cr M Tuffley

Cr R Jury

Cr M Stephens (PROXY)

Great Southern Regional Recreation Committee

Cr A Smith

Cr T Borgward

Cr S Crosby (PROXY)

Bushfire Advisory Committee, Nyabing/Pingrup Land Conservation Committee and Lake Magenta Nature Reserve Advisory Committee

Cr S Crosby

Cr G Collins

Cr G Browne (PROXY)

Pingrup Ground Improvement Committee, Nyabing Sports Club Committee

Cr A Smith

Cr M Tuffley

Cr T Borgward (PROXY)

Pingrup CRC and Hidden Treasures

Cr M Tuffley

Mrs C Crosby

Cr R Jury (PROXY)

Occupational Health and Safety Committee

Cr

Cr

Cr (PROXY)

Local Emergency Management Committee

Cr G Collins

Cr G Browne

Cr S Crosby (PROXY)

**CARRIED 8/0
By Absolute Majority**

11. **ELECTED MEMBERS MOTION OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**
12. **NEW BUSINESS OF AN URGENT NATURE AGREED TO BY RESOLUTION OF COUNCIL**
13. **INFORMATION BULLETIN**

4517 - COUNCIL RESOLUTION (Officer Recommendation)

MOVED Cr R Jury / Cr G Browne

That the Information Bulletin be received by Council.

CARRIED 8/0

14. **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 M Tuffley, closed the meeting at 6.00 pm.