

OCTOBER 2014 MINUTES

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1. DECLARATION OF OPENING & ANNOUNCEMENT OF VISITORS

The Chair Person, the Shire President, Cr Crosby, declared the meeting opened at 5.35 pm.

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

Members

Cr C Crosby	Member
Cr M Tuffley	Member
Cr G Browne	Member
Cr G Collins	Member
Cr R Jury	Member
Cr M Stephens	Member
Cr A Smith	Member
Cr B Altham	Member

Staff

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

Members of the Public

Apologies

Members on Leave of Absence

3. DECLARATION OF INTERESTS:

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

4. PUBLIC QUESTION TIME:

Nil

5. APPLICATION FOR MEMBERS FOR LEAVE OF ABSENCE:

4378 - COUNCIL RESOLUTION (Officer Recommendation)

MOVED Cr R Jury / Cr A Smith

That Leave of Absence be granted to Cr M Stephens for the 19 November 2014 Council Meeting.

**CARRIED 8/0
By Simple Majority**

6. CONFIRMATION and RECEIVING OF MINUTES/BUSINESS ARISING:

6.1 Ordinary Meeting of Council held on Wednesday 20 August 2014

That the minutes of the Ordinary Meeting of the Shire of Kent held on Wednesday 17 September, 2014 in the Shire of Kent Council Chambers be confirmed as a true and accurate record of proceedings and duly signed.

4379 - COUNCIL RESOLUTION (Officer Recommendation)

MOVED Cr M Tuffley / Cr G Browne

That the minutes of the Ordinary Meeting of the Shire of Kent held on Wednesday 17 September 2014 in the Shire of Kent Council Chambers be confirmed as a true and accurate record of proceedings and duly signed.

**CARRIED 8/0
By Simple Majority**

7. ANNOUNCEMENTS BY THE PRESIDING PERSON WITHOUT DISCUSSION:

8. PETITIONS/DEPUTATIONS/PRESENTATIONS/SUBMISSIONS:

9. OFFICERS REPORTS:

9.1.1 MONTHLY FINANCIAL REPORTS TO 30 SEPTEMBER 2014

DATE:	1 October, 2014
SUBJECT:	Monthly Financial Reports to 30 September, 2014
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 2014 (including Statement of Financial Activities, Notes 3-11 and Budget Variances to 30 September 2014)

VOTING REQUIREMENT

Simple Majority

RECOMMENDATION

That the following Monthly Financial Reports be received by Council:

- Monthly Financial Reports to 30 September 2014

4380 - COUNCIL RESOLUTION (Officer Recommendation)

MOVED Cr R Jury / Cr M Stephens

That the following Monthly Financial Reports be received by Council:

- Monthly Financial Reports to 30 September 2014

**CARRIED 8/0
By Simple Majority**

9.1.2 SCHEDULE OF ACCOUNTS PAID TO 30 SEPTEMBER 2014

DATE:	1 October, 2014
SUBJECT:	Schedule of Accounts Paid
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:	N/A
ASSESSMENT NO:	N/A

FUND VOUCHERS AMOUNT

Municipal Fund	\$305,284.55
Trust Fund	\$0.00
Direct Debits	\$86,245.00

Spoiled Cheques
Cancelled Cheques

ATTACHMENTS

Schedule of Accounts submitted 15th October 2014.

VOTING REQUIREMENT

Simple Majority

RECOMMENDATION

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

Municipal Fund	\$305,284.55
Trust Fund	\$0.00
Direct Debits	\$86,245.00
TOTAL	<u>\$391,529.55</u>

4381 - COUNCIL RESOLUTION (Officer Recommendation)

MOVED Cr G Browne / Cr B Altham

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

Municipal Fund	\$305,284.55
Trust Fund	\$0.00
Direct Debits	\$86,245.00
TOTAL	<u>\$391,529.55</u>

**CARRIED 8/0
By Simple Majority**

9.1.3 REVIEW OF PAYMENTS AND SUBSIDIES MADE TO COMMUNITY AND SPORTING GROUPS

DATE:	7 October 2014
SUBJECT:	Review Of Payments And Subsidies Made To
PROPONENT:	Community And Sporting Groups
LOCATION:	Shire of Kent
AUTHOR:	N/A
REPORTING OFFICER:	Michelle Bamess – Deputy Chief Executive Officer
FILE NO:	Michelle Bamess – Deputy Chief Executive Officer
ASSESSMENT NO:	ADM45.10

PURPOSE

Council to review its practice of the various subsidies and payments made to and on behalf the many community and sporting groups within its boundaries for expenses in relation to insurances, electricity, telephone and water consumption charges, donations and other expenses and consider making any changes.

BACKGROUND

There is currently no specific policy regarding the payment of utilities and insurance costs for sporting bodies and community groups who have their own facilities. At the Council meeting held in May 2014 it was requested that letters be sent to these groups within Council boundaries seeking submissions regarding their current level of support and providing them with the opportunity to justify what they considered to be a fair proposal for future funding. This feedback will be used to review the payments and subsidies currently being made in order to gain some consistency when making these contributions.

Letters were sent out to:

- Nyabing Golf Club
- Pingrup Golf Club
- Kent District Pistol Club
- Pingrup Potters
- Pingrup St John Ambulance

At a recent general meeting of the Nyabing St John Sub Centre, who currently use the RSL Hall for their trainings (1 per month) and meetings (1 per every 2 months), this matter was raised and discussed.

At this point in time responses were received from all with the exception of the Pingrup Golf Club. The Pingrup Potters advised that while they appreciate the financial support from Council they were happy to pay the electricity account for their building. The Nyabing Golf Club and the Kent District's Pistol Club advised that they appreciated Council paying their water and electricity accounts and requested that this practice be continued as they pay all other costs involved in the running of their clubs. The Pingrup and Nyabing St John's Ambulance Sub Centres advised that they appreciate the financial support provided and would be happy for this to continue as they are an emergency service who do not receive any other external funding than membership subscriptions, provided this financial support is equal for both centres.

STATUTORY IMPLICATIONS

Local Government Act 1995

POLICY IMPLICATIONS

The Council has no specific policy regarding this matter.

FINANCIAL IMPLICATIONS

Council currently make provision in the Budget for costs incurred by Non- Shire owned facilities for insurances, water consumption charges, electricity and telephone charges and other expenses.

STRATEGIC IMPLICATIONS

No known strategic implications.

COMMENT

Council may wish to consider reviewing what changes, if any, need to be made to its current practice regarding the various subsidies and payments to and on behalf of community bodies and sporting groups.

The current policy in relation to donations and grants is as follows:

4.8 REQUESTS FOR DONATIONS AND GRANTS

That requests for contributions to fund raising appeals be declined unless the organisation is of a local nature, where such requests will be considered by Council. However, other requests may be presented to Council at the discretion of the Chief Executive Officer.

Council may at its discretion, grant a donation of up to 100% of the rates, levied on land, leased by various bodies for the purpose of raising funds to be utilised on improvements to facilities at recreation grounds within this Municipality.

An annual donation will be made to the host Golf Club and Cricket Club (ie. Either Pingrup or Nyabing) in respect of the Annual Jubilee Shield Tournament.

REVIEWED: 30/05/12

ATTACHMENTS

- Letter from Pingrup Potters
- Letter from Nyabing Golf Club
- Spreadsheet showing breakdown of expenses for facilities that are not owned by the Shire of Kent for the last two financial years, ending 30th June 2013 and 30th June 2014.

VOTING REQUIREMENT

Absolute majority

RECOMMENDATION

That the Council:

Review its practice of paying costs for facilities that are not owned by the Shire of Kent and to consider a policy for the ongoing costs of utilities and other expenses on behalf of community groups.

4382 - COUNCIL RESOLUTION (Officer Recommendation)

MOVED Cr A Smith / Cr G Browne

That the Council: **PETE TO CHECK WORDING AND EDIT AS NECESSARY**

Continue its current practice of paying costs for utilities for sporting bodies and community groups to the end of this financial year (2014-15) under the proviso that sporting bodies and community groups become more responsible in their utilities management practices and educate their members in responsible use to reduce costs wherever practicable. This practice will be reviewed for the 2015-16 Budget, with a view that if costs are not reduced Council may choose to cap future contributions. A list of conditions to assist in the management of utilities to be provided to each club or body.

**CARRIED 6/2
By Simple Majority**

Against: Cr M Tuffley, Cr M Stephens

9.1.4 DRAFT AMENDMENT TO STATE PLANNING POLICY 3.1 RESIDENTIAL DESIGN CODES

DATE:	7 th October 2014
SUBJECT:	Department of Planning
PROPONENT:	Whole of Shire
LOCATION:	Draft Amendments to SPP 3.1
AUTHOR:	Peter Bentley – Chief Executive Officer
REPORTING OFFICER:	Peter Bentley – Chief Executive Officer
FILE NO:	
ASSESSMENT NO:	

PURPOSE

For Council to consider the draft amendments to the residential design codes as attached.

BACKGROUND

There have been some unintended consequences from changes made in 2010 to the Residential Design Codes (SPP 3.1) which has created problems with on-street parking and the like in many city suburbs. These consequences have been deemed as out of character or having detrimental effect by many and the WA Planning Commission is proposing changes to the policy to help alleviate some of the problems which have arisen.

STATUTORY IMPLICATIONS

Local Government Act (1995)
Planning & Development Act

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

The Shire of Kent is not really affected by the proposed changes as it was not really affected by the initial changes. These types of development are unlikely to take place in our district.

Council has the opportunity to make comment should it wish to do so however on this occasion it is suggested that comment is left to those councils that are affected by the proposal.

ATTACHMENTS

Letter – Department of Planning
Proposed change

VOTING REQUIREMENT

Absolute Majority

RECOMMENDATION

That the Council:

Provide no comment to with regard to the proposed amendment to SPP 3.1 to the Department of Planning.

4383 - COUNCIL RESOLUTION (Officer Recommendation)

MOVED Cr M Stephens / Cr G Collins

That the Council:

Provide no comment to with regard to the proposed amendment to SPP 3.1 to the Department of Planning.

**CARRIED 8/0
By Simple Majority**

9.1.5 DRAFT PLANNING AND DEVELOPMENT REGULATIONS (BUSHFIRE RISK MANAGEMENT)

DATE:	7 th October 2014
SUBJECT:	Department of Planning
PROPONENT:	Whole of Shire
LOCATION:	Draft Amendments to SPP 3.1
AUTHOR:	Peter Bentley – Chief Executive Officer
REPORTING OFFICER:	Peter Bentley – Chief Executive Officer
FILE NO:	
ASSESSMENT NO:	

PURPOSE

For Council to consider the Draft Planning and Development (Bushfire Risk Management) regulations and make comment if required.

BACKGROUND

Council will be aware of the significant body of work which has taken place since the several bushfires over recent years that have resulted in loss of significant property in the hills and Margaret River. Both areas are significant bushfire risk areas as they are located adjacent to highly populated areas. The State Government has undertaken a significant project to identify bushfire prone areas within the state and has produced maps and now draft regulations for planning and development purposes

The Shire of Kent has a number of sites designated as bushfire risk areas by virtue of there being contiguous coverage shrubs and trees through reserves, natural bush on farming properties and grasslands. Also within the Shire such areas as Lakes Magenta and Bryde and the Chinocup reserves are considered high risk areas.

STATUTORY IMPLICATIONS

Local Government Act (1995)
Planning & Development Act

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

The Shire of Kent lacks the highly populated areas such as the Perth Hills area and the Margaret River region and the extremely high property values that are associated with those areas however

there is still risk associated with bushfires should they arise within the identified risk areas – some more than others.

Council has the opportunity to make comment regarding the draft regulations and a copy of those regulations is attached for your perusal. I have also provided a copy of areal mapping highlighting those areas.

ATTACHMENTS

Letter – Department of Planning
Aerial Photography/Mapping
Draft Regulations

VOTING REQUIREMENT

Absolute Majority

RECOMMENDATION

That the Council:

Provide comment to the CEO for distribution to the Department of Planning.

4384 - COUNCIL RESOLUTION (Officer Recommendation)

MOVED Cr M Stephens / Cr G Collins

That the Council:

Provide no comment to the CEO for distribution to the Department of Planning.

**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

4385 - COUNCIL RESOLUTION

MOVED Cr G Browne /Cr M Tuffley

That the council:

Consider the new business of urgent nature as presented.

**CARRIED 8/0
By Simple Majority**

11.1 CBH OPEN BULKHEAD STORAGE - NYABING

DATE:	14 th October 2014
PROPONENT:	Cooperative Bulk Handling
LOCATION:	Whole of Shire
SUBJECT:	OBH Storage Nyabing
AUTHOR:	Peter Bentley – Chief Executive Officer
REPORTING OFFICER:	Peter Bentley – Chief Executive Officer
FILE NO:	
ASSESSMENT NO:	

Councillors Crosby, Tuffley, Smith, Brown, Jury, Altham and Collins all have a financial interest in this item as they are likely all shareholders in CBH. Considering that most farming families within the district are also shareholders which also equates to most ratepayers in the district, the interest is considered to be an interest in common and as such the Councillors will not declare an interest in this matter and will debate and vote accordingly.

PURPOSE

For Council to consider an application for planning consent from CBH to erect 2 open bulkhead storage facilities at Nyabing.

BACKGROUND

CBH is preparing for a large harvest in the Albany Zone at the same time as holding significant carryover stocks.

The latest planning, which includes estimating new crop production, carryover and harvest shipping has identified a shortage of storage capacity in the Albany and Kwinana Zones. To ensure CBH can provide adequate receival services to grain grower members it is looking to build additional Open Bulkhead storage at a number of receival points for use in the coming harvest.

Nyabing is one of the sites selected for additional storage. Attached is a drawing of the proposed development.

Key points of Nyabing proposal.

- Construction of 2 x 15,000 tonne OBH Storages and associated access roads
- Due to limited time the earthworks will be built to our minimum "emergency" standard of construction
 - Storage floors will be existing soil, water bound & compacted
 - Roadways will be gravel
 - Stabilised gravel will be used for anchoring wall frames
- The Walls will be CBH standard low steel frame and metal cladding (similar to those already on site)
- Storages will be filled with a portable drive over grid and stacker
- The operation of these 2 storages will essentially be the same as the existing 4 OBH's at the site.
- There will be no change to our existing traffic interface with Bin Rd

CBH would like to commence construction of this storage at the earliest possible time to ensure it can provide adequate grain receival services for our grower members.

CBH would appreciate all the assistance the Shire can provide in facilitating the required approvals at the earliest possible time.

STATUTORY IMPLICATIONS

Local Government Act (1995)
Planning & Development Act

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

CBH will construct the proposed facility within the confines of CBH land and there is no real barrier to it doing so, the materials to be used are consistent with normal practice, the facility is contained within its existing compound, and the extra storage is an appropriate methodology for dealing with what is expected to be a significant harvest this year.

The proposal is consistent with the objectives of the Shire of Kent TPS No 2, and Council, while having a short time to deal with this item, is well within its jurisdiction to approve this application.

ATTACHMENTS

Proposed Site Plan

VOTING REQUIREMENT

Simple Majority

RECOMMENDATION

That the Council:

Grant approval to Co-operative Bulk Handling Ltd to construct 2 x 15,000 tonne Open Bulkhead Storage facilities at the Nyabing Bin as per the attached site plan.

4386 - COUNCIL RESOLUTION (Officer Recommendation)

MOVED Cr A Smith / Cr G Collins

That the Council:

Grant approval to Co-operative Bulk Handling Ltd to construct 2 x 15,000 tonne Open Bulkhead Storage facilities at the Nyabing Bin as per the attached site plan.

**CARRIED 8/0
By Simple Majority**

12. INFORMATION BULLETIN

4387 - COUNCIL RESOLUTION (Officer Recommendation)

MOVED Cr M Stephens / Cr R Jury

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.

14. MEETING CLOSURE

There being no further business the Shire President Cr Cathy Crosby, closed the meeting at 6.25pm.