

## MINUTES NOVEMBER 2017

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

The Chairperson, Shire President Cr Alan Smith, declared the meeting opened at 5.45 pm.

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

#### Members

|                |                        |
|----------------|------------------------|
| Cr AL Smith    | Shire President        |
| Cr GM Collins  | Deputy Shire President |
| Cr TD Borgward | Member                 |
| Cr SR Crosby   | Member                 |
| Cr JN Germain  | Member                 |
| Cr BC Bamess   | Member                 |
| Cr KV Johnston | Member                 |
| Cr KR Stephens | Member                 |

#### Staff

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

#### Members of the Public

Mrs Cathy Crosby, JP (left the meeting at 5.48 pm)

#### 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 Justin Neville Germain

The above member signed a declaration.

**4. DECLARATION OF INTERESTS:**

- **Financial Interest:**  
Nil
- **Members Impartiality Interest - 10.1.4 – TENDER FOR PINGRUP SPORTS PAVILION MODIFICATIONS - Cr Smith, Cr Borgward**
- **Proximity Interest – Interest in Common:**  
Nil

**5. PUBLIC QUESTION TIME:**

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

**6.1 Ordinary Meeting of Council held on Wednesday 25 October 2017**

That the minutes of the Ordinary Meeting of the Shire of Kent held on Wednesday 25 October, 2017 in the Shire of Kent Council Chambers be confirmed as a true and accurate record of proceedings and duly signed.

**4852 - COUNCIL RESOLUTION (Officer Recommendation)**

**MOVED Cr Johnston / Cr Germain**

That the minutes of the Ordinary Meeting of the Shire of Kent held on Wednesday 25 October, 2017 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**

**4853 - COUNCIL RESOLUTION (Officer Recommendation)**

**MOVED Cr Bamess / Cr Johnston**

That Council take from the table Council Resolution 4849 - RECOMMENDATION 2

That the following Councillors be endorsed as the members of the Audit Committee:

Audit Committee:

Cr Borgward  
Cr Smith  
Cr Stephens  
Cr Crosby  
Cr Collins (PROXY)

CARRIED 8/0  
BY ABSOLUTE MAJORITY

|  |
|--|
| 4854 - COUNCIL RESOLUTION (Officer Recommendation 3) |
|--|

MOVED Cr Collins / Cr Borgward

That Council take from the table Council Resolution 4850 - RECOMMENDATION 3

That the following Councillors be appointed to the balance of the Committees as follows:

Great Southern Regional Recreation Committee

Cr Johnston  
Cr Borgward  
Cr Germain (PROXY)

Bushfire Advisory Committee

Cr Collins  
Cr Germain  
Cr Crosby (PROXY)

Pingrup Ground Improvement Committee, Nyabing Sports Club Committee

Cr Bamess  
Cr Borgward  
Cr Smith (PROXY)

Pingrup CRC Committee

Cr Smith  
Cr Johnston  
Cr Borgward (PROXY)

Hidden Treasures Committee

Stephanie Lloyd

Local Emergency Management Committee

Cr Collins  
Cr Stephens  
Cr Germain (PROXY)

CARRIED 8/0  
BY ABSOLUTE MAJORITY

7. ANNOUNCEMENTS BY THE PRESIDING PERSON WITHOUT DISCUSSION:

8. PETITIONS/DEPUTATIONS/PRESENTATIONS/SUBMISSIONS:

9. OFFICERS REPORTS:

10.1.1 MONTHLY FINANCIAL REPORTS TO 31 OCTOBER 2017

|                           |   |
|---------------------------|---|
| <b>DATE:</b>              | 8 November 2017                                 |
| <b>SUBJECT:</b>           | Monthly Financial Reports to 31 October 2017    |
| <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 2017 (including Statement of Financial Activities, Notes 3-11 and Budget Variances to 31 October 2017)

**VOTING REQUIREMENT**

Simple Majority

**RECOMMENDATION**

That the following Monthly Financial Reports be received by Council:

- o Monthly Financial Reports to 31 October 2017

**4855 - COUNCIL RESOLUTION (Officer Recommendation)****MOVED Cr Borgward / Cr Germain****That the following Monthly Financial Reports be received by Council:**

- o Monthly Financial Reports to 31 October 2017

**CARRIED 8/0  
By Simple Majority****10.1.2 SCHEDULE OF ACCOUNTS PAID TO 31 OCTOBER 2017**

|                           |  |
|---------------------------|--|
| <b>DATE:</b>              | 8 November 2017                                  |
| <b>SUBJECT:</b>           | Schedule of Accounts Paid                        |
| <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> | Michelle Bamess – Deputy Chief Executive Officer |
| <b>FILE NO:</b>           | N/A  |
| <b>ASSESSMENT NO:</b>     | N/A  |

**FUND VOUCHERS AMOUNT**

|                   |              |
|-------------------|--------------|
| Municipal Fund    | \$319,479.74 |
| Trust Fund        | \$400.00     |
| Direct Debits     | \$131,631.53 |
| Spoiled Cheques   |              |
| Cancelled Cheques |              |

**ATTACHMENTS**

Schedule of Accounts submitted 22 November 2017.

**VOTING REQUIREMENT**

Simple Majority

**RECOMMENDATION**

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

|                |                     |
|----------------|---------------------|
| Municipal Fund | \$319,479.74        |
| Trust Fund     | \$400.00            |
| Direct Debits  | \$131,631.53        |
| <b>TOTAL</b>   | <b>\$451,511.27</b> |

|   |
|---|
| <b>4856 - COUNCIL RESOLUTION (Officer Recommendation)</b> |
|---|

**MOVED Cr Crosby / Cr Germain**

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

|                |                     |
|----------------|---------------------|
| Municipal Fund | \$319,479.74        |
| Trust Fund     | \$400.00            |
| Direct Debits  | \$131,631.53        |
| <b>TOTAL</b>   | <b>\$451,511.27</b> |

**CARRIED 8/0**  
**By Simple Majority**

**10.1.3 SOLAR PV SYSTEM QUOTATIONS**

|                           |   |
|---------------------------|---|
| <b>DATE:</b>              | 13 November 2017                                |
| <b>SUBJECT:</b>           | Solar PV System Quotes                          |
| <b>PROponent:</b>         | N/A   |
| <b>LOCATION:</b>          | Admin Building and Work Depot Nyabing           |
| <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:**

To seek Council consideration and decision as a result of updated quotations received for the installation of a solar PV system to both the Nyabing Administration building and Nyabing Works Depot.

**BACKGROUND:**

Council approved provision of funds in its 2017/2018 Budget for the installation of a solar PV system to both the Nyabing Administration building and Nyabing Works Depot.

Updated quotes from Perth Solar Force and Solargain were requested once the Budget was adopted due the original quotes being provided at the beginning of the year.

As one of the updated quotes returned was higher than the budgeted amount and the other updated quote remained within budget constraints, a third quote was sought for comparison. Albany Solar provided the third quote which was also considerably higher than the amount budgeted for.

Research into the companies did not provide any particular reason for the reason for the discrepancies in quotations. All provided the same guarantees and warranties. All quoted for similar panels, although one company quoted for a 12.5kW inverter while the other two quoted for the supply of a 15kW inverter. Online reviews showed that the cheapest quoting company provided a satisfactory level of service to customers with a rating of 4.5 /5 from 62 reviews.

#### **STATUTORY IMPLICATIONS**

Local Government Act (1995)

#### **POLICY IMPLICATIONS**

The Council has no specific policy regarding this matter.

#### **FINANCIAL IMPLICATIONS**

Council have adopted the 2017/2018 Budget with the provision of funds provided for the Administration Building of \$22,000 and the Nyabing Depot of \$16,000. Council are to account for any additional funding required for this project within the Budget review.

#### **STRATEGIC IMPLICATIONS**

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

#### **COMMENT:**

Council to determine which provider will company to award the works to.

#### **ATTACHMENTS**

Quotes from:

- Perth Solar Force
- Solargain
- Albany Solar
- Spreadsheet showing comparisons between quotes

#### **VOTING REQUIREMENT**

Simple Majority

#### **RECOMMENDATION**

That the Council:

**Award the project for the installation of a solar PV system to both the Nyabing Administration building and the Nyabing Works Depot to Perth Solar Force, Solargain or Albany Solar as per their quote and that any additional expense (if required) be considered as part of the 2017/18 Budget Review.**

|   |
|---|
| <b>4857 - COUNCIL RESOLUTION (Officer Recommendation)</b> |
|---|

MOVED Cr Crosby / Cr Johnston

That the Council:

Award the project for the installation of a solar PV system to both the Nyabing Administration building and the Nyabing Works Depot to Perth Solar Force, as per their quote and that \$33,000 be allocated to the budget (if required) and be considered as part of the 2017/18 Budget Review.

**CARRIED 8/0**  
**By Simple Majority**

Cr Smith and Cr Borgward left room at 6.40pm

Cr Collins assumed the Chair

#### 10.1.4 TENDER FOR PINGRUP SPORTS PAVILION MODIFICATIONS

|                           |   |
|---------------------------|---|
| <b>DATE:</b>              | 31 October 2017                         |
| <b>PROPONENT:</b>         | N/A                                     |
| <b>LOCATION:</b>          | Pingrup Sports Pavilion                 |
| <b>SUBJECT:</b>           | Tender – Pingrup Pavilion Modifications |
| <b>AUTHOR:</b>            | Christie Smith – Executive Assistant    |
| <b>REPORTING OFFICER:</b> | Peter Bentley – Chief Executive Officer |
| <b>FILE NO:</b>           | 111.2.2                                 |
| <b>ASSESSMENT NO:</b>     | N/A                                     |

#### **PURPOSE**

Council to accept the recommended tenderer from information received for the Pingrup Sports Pavilion modifications from H & H Architects.

#### **BACKGROUND**

The tender process for the Pingrup Sports Pavilion modifications was managed by H + H Architects in Albany.

Tenders for the project closed on 25 October 2017 with two tenders being received. The two tenders received were as follows (all tender sums *exclude* GST):

|                     |              |
|---------------------|--------------|
| Smith Constructions | \$420,974.00 |
| Solutions4Building  | \$558,022.51 |

#### **STATUTORY IMPLICATIONS**

Local Government Act 1995 (Section 3.57)

Local Government (Functions and General) Regulations 1996 (Division 2)

#### **POLICY IMPLICATIONS**

The Council has no specific policy regarding this matter.

#### **FINANCIAL IMPLICATIONS**

Council has made provision for expenditure of \$550,000 in the 2017-2018 Budget for the modifications to the Pingrup Sports Pavilion.

An amount of \$119,400 income was received in the 16/17 financial year which was the first milestone payment received from the Great Southern Development Commission (GSDC), the remaining \$30,600 of the \$150,000 grant funding will be paid in January 2018.

The funding contribution of \$70,000 from CSRFF and also \$130,000 from Pingrup Ground Improvement Committee/Pingrup Race Club will also be expected within this financial year.

#### **STRATEGIC IMPLICATIONS**



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

**COMMENT**

The advertised tender was based on the original schematic drawings with some minor additional items/changes included to the design scope since the original preparation.

At \$420,974 (GST ex), Smith Constructions tender price was the lowest which was approximately 20% less than the second tender price. The tender was assessed by H + H Architects on qualitative criteria comprising of relevant project experience, personnel and experience, resources and demonstrated understanding. Smith Constructions' tender submission scored very highly in these areas.

Smith Constructions have 45 years' experience in the commercial, industrial and residential sector and are based in Albany and Bunbury.

H + H Architects have previous experience in working with this company and from the tenders received have recommended Smith Constructions as the contractor for the Pingrup Sports Pavilion modifications.

A copy of the full specifications of the tender will be tabled at the council meeting for Councillor's perusal if required.

**ATTACHMENTS**

Nil

**VOTING REQUIREMENT**

Simple Majority

**RECOMMENDATION**

**That the Council:**

**Accept the tender received from Smith Constructions for an amount of \$420,974 (Ex GST) for the modifications to the Pingrup Sports Pavilion, as recommended by project managers H + H Architects.**

|   |
|---|
| <b>4858 - COUNCIL RESOLUTION (Officer Recommendation)</b> |
|---|

**MOVED Cr Crosby / Cr Stephens**

**That the Council:**

**Accept the tender received from Smith Constructions for an amount of \$420,974 (Ex GST) for the modifications to the Pingrup Sports Pavilion, as recommended by project managers H + H Architects.**

**CARRIED 6/0  
By Simple Majority**

**Cr Smith and Cr Borgward returned to the room at 6.45  
Cr Smith resumed the Chair**

**10.1.5 LOCAL GOVERNMENT ACT REVIEW**

|                           |   |
|---------------------------|---|
| <b>DATE:</b>              | 15 November 2017                        |
| <b>PROPONENT:</b>         | DLGSPI                                  |
| <b>LOCATION:</b>          | N/A                                     |
| <b>SUBJECT:</b>           | Local Government Act Review – Phase 1   |
| <b>AUTHOR:</b>            | Peter Bentley - Chief Executive Officer |
| <b>REPORTING OFFICER:</b> | Peter Bentley - Chief Executive Officer |
| <b>FILE NO:</b>           | N/A                                     |
| <b>ASSESSMENT NO:</b>     | N/A                                     |

**PURPOSE**

Council to consider what issues it may wish to comment on in relation to the proposed review of the Local Government Act (2005)

**BACKGROUND**

The Department of Local Government, Sport and Cultural Industries has announced a review of the Act and released a consultation paper at the LGPro Conference last week. The Act has been in force since 1995 and has had few modifications during that time beyond gift provisions, reporting and the odd bits here and there.

**STATUTORY IMPLICATIONS**

Local Government Act (1995)

**POLICY IMPLICATIONS**

Nil

**FINANCIAL IMPLICATIONS**

Nil

**STRATEGIC IMPLICATIONS**

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

**COMMENT**

The consultation paper is some 130 pages in length and represents phase one of the proposed review. The issues to be covered are as follow;

- Councillor/Administration relationships
- Training for Councillors and required competencies
- Elected Member behaviour
- Local Government Administration including;
  - Recruitment and selection of CEO, whether by council, by PSC or on advice of PSC by Council
  - CEO performance review by PSC, by Council, or a combination of both or another third party
  - Acting CEO's and their selection
  - Extension/termination of CEO Contracts before of after LG elections
  - Public expectations of staff performance.
- Supporting Local Governments in challenging times

- Movement between state and local government employment – making it easier
- Gifts
- Access to information – Public notice, information available for public inspection, and expanding the information provided
- Red Tape Reduction – assessing the regulatory burden on LG, defining what red tape is, measuring red tape, potential reductions in red tape, Related Party exemptions and disposal of property.
- Regional Subsidiaries.

Submissions close 9 February 2018 however Council should be aware that submissions need to be detailed and as such will take some time to complete if a credible case is to be put on its behalf.

### **ATTACHMENTS**

Phase 1 Consultation Paper (Under Separate Cover)

### **VOTING REQUIREMENT**

Simple Majority

### **RECOMMENDATION**

That the Council review the attached consultation paper and provide comment to the CEO with regard to what submission if any it would like to be made to the review by the CEO.

**4859 - COUNCIL RESOLUTION (Officer Recommendation)**

MOVED Cr Stephens / Cr Borgward

That the matter lay on the table until the December meeting

**CARRIED 8/0  
By Simple 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

**4860 - COUNCIL RESOLUTION (Officer Recommendation)**

MOVED Cr Borgward / Cr Bamess

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.

**15. MEETING CLOSED**

There being no further business the Shire President Cr Alan Smith, closed the meeting at 6.56 pm.