

MINUTES**DECEMBER 2018****TABLE OF CONTENTS**

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1. DECLARATION OF OPENING & ANNOUNCEMENT OF VISITORS

The Chair Person, Shire President Cr Alan Smith, declared the meeting opened at 5.31pm.

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

RJ Miller	Chief Executive Officer
M Bamess	Deputy Chief Executive Officer

Members of the Public

Nil

Apologies

DW Long	Works Manager
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Members on Leave of Absence

Nil

3. DECLARATION OF INTERESTS:

- **Financial Interest:**

9.1.9 Application For Planning Consent – Outbuilding (Chemical Storage Shed) At Lot 50 Carrie Street, Pingrup – Cr TD Borgward

12.1.2 CEO Performance Review – Performance Criteria - Mr R Miller, CEO

- **Members Impartiality Interest**

Nil

- **Proximity Interest:**

Nil

4. PUBLIC QUESTION TIME:

Nil

5. APPLICATION FOR MEMBERS FOR LEAVE OF ABSENCE:

Nil

6. CONFIRMATION and RECEIVING OF MINUTES/BUSINESS ARISING:**6.1 Ordinary Meeting of Council held on Wednesday 21 November, 2018**

That the minutes of the Ordinary Meeting of the Shire of Kent held on Wednesday 21 November, 2018 in the Shire of Kent Council Chambers be confirmed as a true and accurate record of proceedings and duly signed.

4974 - COUNCIL RESOLUTION (Officer Recommendation)**MOVED Cr JN Germain / Cr SR Crosby**

That the minutes of the Ordinary Meeting of the Shire of Kent held on Wednesday 21 November, 2018 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:**

Nil

8. PETITIONS/DEPUTATIONS/PRESENTATIONS/SUBMISSIONS:

Nil

9. OFFICERS REPORTS:**9.1.1 MONTHLY FINANCIAL REPORTS TO 30 NOVEMBER 2018**

PROPOSED MEETING DATE:	19 December 2018
SUBJECT:	Monthly Financial Reports to 30 November 2018
PROPONENT:	N/A
LOCATION:	N/A
AUTHOR:	Michelle Bamess –Deputy Chief Executive Officer
REPORTING OFFICER:	Michelle Bamess –Deputy Chief Executive Officer
FILE NO:	FIN30.20
ASSESSMENT NO:	N/A
ATTACHMENTS:	Monthly Financial Reports to 30 November 2018 (including Statement of Financial Activities, Notes 3-11 and Budget Variances to 30 November 2018)

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

COMMUNITY STRATEGIC PLAN 2017-2027

Civic Leadership Objective – Outcome

4.1 An efficient and effective organization.

4.1.1 Continually improve operational efficiencies and provide effective services.

4.1.2 Continue to enhance communication and transparency.

COMMENT

The Monthly Financial Reports as presented indicate that Council continues to be in a sound financial position.

VOTING REQUIREMENT

Simple Majority

RECOMMENDATION

That the following Monthly Financial Reports be received by Council:

- Monthly Financial Reports to 30 November 2018

4975 - COUNCIL RESOLUTION (Officer Recommendation)

MOVED Cr SR Crosby / Cr BC Bamess

That the following Monthly Financial Reports be received by Council:

- **Monthly Financial Reports to 30 November 2018**

**CARRIED 8/0
By Simple Majority**

9.1.2 SCHEDULE OF ACCOUNTS PAID TO 30 NOVEMBER 2018

PROPOSED MEETING DATE:	19 December 2018
SUBJECT:	Schedule of Accounts Paid
PROponent:	N/A
LOCATION:	N/A
AUTHOR:	Michelle Bamess – Deputy Chief Executive Officer
REPORTING OFFICER:	Michelle Bamess – Deputy Chief Executive Officer
FILE NO:	N/A
ASSESSMENT NO:	N/A
ATTACHMENTS:	Schedule of Accounts submitted 19 December 2018

PURPOSE

Council endorsement of payment to Creditors.

BACKGROUND

Details payments made to creditors since last Council Meeting.

STATUTORY IMPLICATIONS

Local Government Act 1995 – Section 6.4

Local Government (Financial Management) Regulations 1996 – Part 2 – Regulation 11 and 12

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

COMMUNITY STRATEGIC PLAN 2017-2027

Civic Leadership Objective – Outcome

4.1 An efficient and effective organization.

4.1.1 Continually improve operational efficiencies and provide effective services.

4.1.2 Continue to enhance communication and transparency.

COMMENT

The Schedule of Accounts Report as presented indicates that Council continues to be in a sound financial position.

VOTING REQUIREMENT

Simple Majority

RECOMMENDATION

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

Municipal Fund	\$731,817.41
Trust Fund	\$0.00
Direct Debits	\$131,071.51
TOTAL	\$862,888.92

4976 - COUNCIL RESOLUTION (Officer Recommendation)

MOVED Cr KV Johnston / Cr JN Germain

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

Municipal Fund		\$731,817.41
Trust Fund		\$0.00
Direct Debits		\$131,071.51
	TOTAL	\$862,888.92

**CARRIED 8/0
By Simple Majority**

9.1.3 STATUS OF COUNCIL DECISIONS – NOVEMBER 2018

PROPOSED MEETING DATE:	19 December 2018
PROPONENT:	N/A
LOCATION:	N/A
SUBJECT:	Status of Council Decisions – November 2018
AUTHOR:	Christie Smith – Executive Support/Project Officer
REPORTING OFFICER:	Rick Miller – Chief Executive Officer
FILE NO:	041.1.1
ASSESSMENT NO:	N/A
ATTACHMENTS:	Council Resolution Register

PURPOSE

The purpose of this agenda item is to inform the Council of the action taken in relation to Council resolutions.

BACKGROUND

Council have previously been informed of the progress and completion of previous Council resolutions and decisions via the monthly Information Bulletin.

STATUTORY IMPLICATIONS

Nil

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

COMMUNITY STRATEGIC PLAN 2017 – 2027

Civic Leadership Objective - Outcomes

- 4.1 *An efficient and effective organisation*
- 4.1.1 *Continually improve operational efficiencies and provide effective services.*
- 4.1.2 *Continue to enhance communication and transparency*

COMMENT

The status of Council decisions is included as an attachment.

By providing this report to Council as an agenda item on a monthly basis will keep Council informed on the progress of decisions made.

It is requested that action items be reviewed at each Council meeting.

VOTING REQUIREMENT

Simple Majority

RECOMMENDATION

That Council receive the Council Resolutions Register for the month of November 2018.

4977 - COUNCIL RESOLUTION

MOVED Cr TD Borgward / Cr KV Johnston

That the Council:

Receive the Council Resolutions Register for the month of November 2018.

**CARRIED 8/0
By Simple Majority**

9.1.4 AMENDMENT DELEGATION 4.1 – STAFF RELOCATION EXPENSES

PROPOSED MEETING DATE:	19 December 2018
PROPONENT:	N/A
LOCATION:	Whole of Shire
SUBJECT:	Amendment to Delegation 4.1
AUTHOR:	Christie Smith – Executive Support/Project Officer
REPORTING OFFICER:	Rick Miller – Chief Executive Officer
FILE NO:	041.4.1
ASSESSMENT NO:	N/A
ATTACHMENTS:	Nil

PURPOSE

Council are to consider an amendment to Delegation 4.1 – Staff Relocation Expenses.

BACKGROUND

The following is Council's current delegation in relation to Staff Relocation Expenses:

4.1 Staff Relocation Expenses

DELEGATION NUMBER - 4.1

LEGISLATIVE POWER - Local Government Act (1995) (Section 5.42)

DELEGATION SUBJECT - Staff Relocation Expenses

DELEGATE - Chief Executive Officer

The Chief Executive Officer is delegated authority to determine any application for relocation expenses based on the following guidelines:

1. *The relocation expenses are not to include any personal travelling expense.*
2. *Expenses are to be paid only on the production of receipts.*

3. 50% of the relocation expenses may be paid on the employee commencing duties with the Shire and the remaining 50% paid after twelve (12) months service.
4. Relocation expenses paid to any employee shall not exceed \$4,000 unless otherwise approved by Council.

The above delegation was implemented by Council in June 2015, there have been no amendments made to the delegation since original adoption.

STATUTORY IMPLICATIONS

Local Government Act (1995)

Local Government (Administration) Regulations 1996

POLICY IMPLICATIONS

Council do not currently have a policy in relation to staff relocation expenses.

FINANCIAL IMPLICATIONS

Minimal impact in this financial year as an allowance has been made for recruitment expenses.

COMMUNITY STRATEGIC PLAN 2017 – 2027

Civic Leadership Objectives - Outcomes

- 4.1 An efficient and effective organisation
 - 4.1.1 Continually improve operational efficiencies and provide effective services.
 - 4.1.2 Continue to enhance communication and transparency
- 4.2 An employer of choice
 - 4.2.1 Provide a positive, desirable workplace.

COMMENT

The following amendments are proposed to Delegation 4.1 – Staff Relocation expenses:

- 4.1 Staff Relocation Expenses

DELEGATION NUMBER - 4.1

LEGISLATIVE POWER - Local Government Act (1995) (Section 5.42)

DELEGATION SUBJECT - Staff Relocation Expenses

DELEGATE - Chief Executive Officer

The Chief Executive Officer is delegated authority to determine any application for relocation expenses based on the following guidelines:

- ~~1. The relocation expenses are not to include any personal travelling expense.~~
1. The Shire of Kent will pay all reasonable relocation expenses up to a maximum valuation agreed to facilitate relocation.
2. Expenses are to be paid only on the production of receipts. /invoices for services provided.
3. 50% of the relocation expenses may be paid on the employee commencing duties with the Shire and the remaining 50% paid after twelve (12) months service.
4. Should an employee leave prior to completing twelve (12) months service, they will be required to reimburse the Shire of Kent any amounts that have been paid to the employee in relation to relocation expenses.
- ~~4. Relocation expenses paid to any employee shall not exceed \$4,000 unless otherwise approved by Council.~~
5. Relocation expenses paid to any employee shall not exceed \$6,000 unless otherwise approved by Council.

The main reasons for the amendments are to add clause 4 which gives Council some security in recouping costs if the staff member leaves their employment with the Shire of Kent within 12 months of commencement.

Also to increase the amount from \$4,000 to \$6,000 as removalist expenses are generally greater than \$4,000. Amending the delegation will give the CEO authority to approve the cost without resolution by Council unless costs exceed \$6,000.

VOTING REQUIREMENT

Absolute Majority

RECOMMENDATION

That the Council:

Amend and adopt Delegation 4.1 – Staff Relocation Expenses as follows;

4.1 Staff Relocation Expenses

DELEGATION NUMBER - 4.1
LEGISLATIVE POWER - Local Government Act (1995) (Section 5.42)
DELEGATION SUBJECT - Staff Relocation Expenses
DELEGATE - Chief Executive Officer

The Chief Executive Officer is delegated authority to determine any application for relocation expenses based on the following guidelines:

- 1. The Shire of Kent will pay all reasonable relocation expenses up to a maximum valuation agreed to facilitate relocation.***
- 2. Expenses are to be paid only on the production of receipts/invoices for services provided.***
- 3. 50% of the relocation expenses may be paid on the employee commencing duties with the Shire and the remaining 50% paid after twelve (12) months service.***
- 4. Should an employee leave prior to completing twelve (12) months service, they will be required to reimburse the Shire of Kent any amounts that have been paid to the employee in relation to relocation expenses.***
- 5. Relocation expenses paid to any employee shall not exceed \$6,000 unless otherwise approved by Council.***

4978 - COUNCIL RESOLUTION

MOVED Cr JN Germain / Cr SR Crosby

That the Council:

4.1 Staff Relocation Expenses

DELEGATION NUMBER - 4.1
LEGISLATIVE POWER - Local Government Act (1995) (Section 5.42)
DELEGATION SUBJECT - Staff Relocation Expenses
DELEGATE - Chief Executive Officer

The Chief Executive Officer is delegated authority to determine any application for relocation expenses based on the following guidelines:

1. **The Shire of Kent will pay all reasonable relocation expenses up to a maximum valuation agreed to facilitate relocation.**
2. **Expenses are to be paid only on the production of receipts/invoices for services provided.**
3. **50% of the relocation expenses may be paid on the employee commencing duties with the Shire and the remaining 50% paid after twelve (12) months service.**
4. **Should an employee leave prior to completing twelve (12) months service, they will be required to reimburse the Shire of Kent any amounts that have been paid to the employee in relation to relocation expenses.**
5. **Relocation expenses paid to any employee shall not exceed \$6,000 unless otherwise approved by Council.**

**CARRIED 8/0
By Simple Majority**

9.1.5 COUNCIL MEETING DATES AND TIMES 2019

PROPOSED MEETING DATE:	19 December 2018
SUBJECT:	Council Meeting Dates and Times 2019
PROPOSER:	N/A
LOCATION:	Whole of the Shire
AUTHOR:	Michelle Bamess – Deputy Chief Executive Officer
REPORTING OFFICER:	Rick Miller - Chief Executive Officer
FILE NO:	COU45.5
ASSESSMENT NO:	N/A
ATTACHMENTS:	Nil

PURPOSE

Council is to endorse meeting dates and times for Ordinary Meetings of Council for the year 2019.

BACKGROUND

Ordinary Meetings of Council are usually held on the third Wednesday of every month with the exception of January. The meeting dates held for 2018 are as follows:

14 February (included Electors Meeting)	15 August
21 March	19 September
18 April	17 October
16 May	21 November
20 June	19 December
18 July	

At the Ordinary Meeting of Council held on 20 December 2017 Council resolved to hold its February Ordinary Meeting one week earlier to coincide with the Annual Electors Meeting.

4865 - COUNCIL RESOLUTION (Officer Recommendation)

MOVED Cr G Collins / Cr T Borgward

That Council:

Hold the Shire of Kent Annual Electors Meeting at Nyabing in accordance with 5.27 (2) of the Local Government Act 1995, prior to Wednesday 21 February 2018 subject to approval from the Department to hold the meeting one week later to coincide with the February Council Meeting.

CARRIED 8/0
By Simple Majority

As all meeting dates and times are required to be advertised, pursuant to Regulation 12 of the Local Government Act (Administration) Regulation 1996, it is proposed that the Ordinary Meetings of Council for 2019 be held at 5.30pm in Council Chambers, 24-26 Richmond Street Nyabing, on the following dates:

DATE	TIME	VENUE	DATE	TIME	VENUE
13 February	5.30pm	Council Chambers	21 August	5.30pm	Council Chambers
20 March	5.30pm	Council Chambers	18 September	5.30pm	Council Chambers
17 April	5.30pm	Council Chambers	16 October	5.30pm	Council Chambers
15 May	5.30pm	Council Chambers	20 November	5.30pm	Council Chambers
19 June	5.30pm	Council Chambers	18 December	5.30pm	Council Chambers
17 July	5.30pm	Council Chambers			

STATUTORY IMPLICATIONS

Local Government Act 1995

Part 5, Division 2, Subdivision 1, Section 5.3, 5.4, and 5.5

POLICY IMPLICATIONS

There are no known policy implications.

FINANCIAL IMPLICATIONS

Council is required to advertise the meeting dates and times for Ordinary Meetings of Council; minimal costs will be incurred for this advertising and are allocated within the Budget.

Catering costs for all meetings are also allocated in the Budget, as are Councilor and President sitting, communication and travel allowances.

COMMUNITY STRATEGIC PLAN 2017-2027

Civic Leadership Objectives - Outcomes

4.1 *An efficient and effective organisation*

4.1.1 *Continually improve operational efficiencies and provide effective services.*

4.1.2 *Continue to enhance communication and transparency*

COMMENT

Currently the Ordinary Meetings of Council commence at 5.30pm and held at Shire of Kent Administration Office, Council may wish to review commencement times.

VOTING REQUIREMENT

Simple Majority

RECOMMENDATION

That Council;

- 1) **Adopt the following meeting dates for Ordinary Meetings of Council for 2019:**

DATE	TIME	VENUE	DATE	TIME	VENUE
13 February	5.30pm	Council Chambers	21 August	5.30pm	Council Chambers
20 March	5.30pm	Council Chambers	18 September	5.30pm	Council Chambers
17 April	5.30pm	Council Chambers	16 October	5.30pm	Council Chambers

15 May	5.30pm	Council Chambers	20 November	5.30pm	Council Chambers
19 June	5.30pm	Council Chambers	18 December	5.30pm	Council Chambers
17 July	5.30pm	Council Chambers			

4979 - COUNCIL RESOLUTION

MOVED Cr KR Stephens / Cr BC Bamess

That the Council:

Adopt the meeting dates as recommended for Ordinary Meetings of Council for 2019 but with the venue for the meeting scheduled for 13 February 2019 changed to *Pingrup Pavilion* and the October meeting date be changed from 16 to 23 to take into consideration the 2019 Council Elections:

DATE	TIME	VENUE	DATE	TIME	VENUE
13 February	5.30pm	<i>Pingrup Pavilion</i>	21 August	5.30pm	Council Chambers
20 March	5.30pm	Council Chambers	18 September	5.30pm	Council Chambers
17 April	5.30pm	Council Chambers	23 October	5.30pm	Council Chambers
15 May	5.30pm	Council Chambers	20 November	5.30pm	Council Chambers
19 June	5.30pm	Council Chambers	18 December	5.30pm	Council Chambers
17 July	5.30pm	Council Chambers			

**CARRIED 8/0
By Simple Majority**

NOTE: The officer motion was moved, and minor changes were made with Council nominating the 13 February 2019 meeting to be held at the Pingrup Pavilion and that the October meeting to be held on the 23 October 2019. The mover and seconder were in agreeance therefore, there was no need to put forward an amendment to the substantive motion.

9.1.6 2019 LOCAL GOVERNMENT ELECTIONS

PROPOSED MEETING DATE:	19 December 2018
PROPOSER:	N/A
LOCATION:	N/A
SUBJECT:	Local Government Ordinary Election 2019
AUTHOR:	Michelle Bamess – Deputy Chief Executive Officer
REPORTING OFFICER:	Rick Miller – Chief Executive Officer
FILE NO:	COU25.15
ASSESSMENT NO:	N/A
ATTACHMENTS:	Quote to conduct the election from the WAEC.

PURPOSE

To consider a quote from the WA Electoral Commission (WAEC) to conduct the 2019 Local Government Ordinary Election on our behalf as a postal election.

BACKGROUND

Local Government elections are held every two years and the next election is due 19th October 2019. There will be 4 vacancies contested at that election. The positions of Councillors Crosby, Borgward, Smith and Collins will be up for election this year. The Council has the opportunity to either conduct a voting in person election or conduct a postal election. The Previous election was conducted by post and saw a response rate similar to that experienced for voting in person elections in the past.

STATUTORY IMPLICATIONS

The Council must decide, in accordance with section 4.61(2) of the *Local Government Act 1995* that the method of conducting the election will be as a postal election or voting in person election.

POLICY IMPLICATIONS

Council has no set policy on this matter.

FINANCIAL IMPLICATIONS

Costs associated will be budgeted for in the 2019/2020 Budget.

COMMUNITY STRATEGIC PLAN 2017-2027

Civic Leadership Objectives - Outcomes

- 4.1 *An efficient and effective organisation*
- 4.1.1 *Continually improve operational efficiencies and provide effective services.*
- 4.1.2 *Continue to enhance communication and transparency*
- 4.1.3 *Continue to search out advantageous resource sharing opportunities*

COMMENT

The WAEC has provided a quote to undertake the entire process on the Councils behalf of \$12,000, inc GST, however this does not include the costs any non-statutory advertising, legal expenses other than those that are determined to be borne by WAEC in a Court of Disputed Returns, a local government staff member to work in the polling place on election day or additional postage rate increases.

Should the Council wish to undertake a postal ballot the following motions must be passed:

- The Council declares, in accordance with section 4.20(4) of the *Local Government Act 1995*, the Electoral Commissioner to be responsible for the conduct of the 2019 ordinary elections together with any other elections or polls which may also be required;

And

- In accordance with section 4.61(2) of the *Local Government Act 1995* that the method of conducting the October 19th 2019 election will be as a postal election.

VOTING REQUIREMENT

Absolute Majority

RECOMMENDATION

That Council:

1. Declares, in accordance with section 4.20(4) of the *Local Government Act 1995*, the WA Electoral Commissioner to be responsible for the conduct of the 2019 ordinary elections together with any other elections or polls which may also be required;

AND

2. In accordance with section 4.61(2) of the *Local Government Act 1995* that the method of conducting the October 19th 2019 election will be as a postal election.

4980 - COUNCIL RESOLUTION

MOVED Cr JN Germain / Cr SR Crosby

That the Council:

1. Declares, in accordance with section 4.20(4) of the *Local Government Act 1995*, the WA Electoral Commissioner to be responsible for the conduct of the 2019 ordinary elections together with any other elections or polls which may also be required;

AND

2. In accordance with section 4.61(2) of the *Local Government Act 1995* that the method of conducting the October 19th 2019 election will be as a postal election.

CARRIED 8/0
By Absolute Majority

9.1.7 REQUEST FOR APPROVAL TO COLLECT SEED FROM ROAD RESERVES

PROPOSED MEETING DATE:	19 December 2018
PROPONENT:	Department of Biodiversity Conservation and Attractions
LOCATION:	Whole of Shire
SUBJECT:	Permission to collect seed from Road Reserves in the Shire of Kent
AUTHOR:	Christie Smith – Executive Support/Project Officer
REPORTING OFFICER:	Rick Miller – Chief Executive Officer
FILE NO:	053.1.5
ASSESSMENT NO:	N/A
ATTACHMENTS:	Nil

PURPOSE

Council to consider an application from Parks and Wildlife Services, Department of Biodiversity, Conservation and Attractions to collect seed from road reserves within the Shire of Kent.

BACKGROUND

Parks and Wildlife Services, Department of Biodiversity, Conservation and Attractions are required by legislation to seek the permission of the authority which holds control of land prior to collecting seed.

STATUTORY IMPLICATIONS

Local Government Act (1995)

POLICY IMPLICATIONS

The Council has no specific policy regarding this matter.

FINANCIAL IMPLICATIONS

There are no specific financial implications.

COMMUNITY STRATEGIC PLAN 2017-2027

Environmental Objective – Outcomes

3.1 A preserved natural environment

3.1.1 Conserve, enhance, promote and rehabilitate the natural environment

COMMENT

Permission has been granted in the past for such organisations to collect seed from native species for programs such as this and further detail is provided within the letter of request.

The following email has been received:

The Department of Biodiversity, Conservation and Attractions has undertaken revegetation projects in the Lake Bryde catchment for several years, both on private property and on crown land. We have a number of projects to be completed in 2019 and 2010, for which seed will be required.

We usually source the seed from local nature reserves but for a small group of species that prefer frequent disturbance, the healthiest and most sustainable seed source is located on road reserves.

I therefore seek your approval to collect seed from road verges in the vicinity of Lake Bryde, East Lake Bryde and Lakelands Nature Reserves, subject to our following commitments:

- *The work would be undertaken primarily in December-January, though there may be some later fruiting species collected outside of this period.*
- *The quantity of seed to be collected from Shire lands could involve up to 10 species, but is unlikely to exceed 2 kilograms in total.*
- *The collected seed would only be used on revegetation projects in the local Lake Bryde area.*
- *The seed collection would be undertaken sustainably.*
- *We would comply with any conditions you may wish to impose.*

Previously, the Shire has granted permission subject to the following conditions

0. *All persons collecting native seed are licensed according to the Wildlife and Conservation Act (1950) and will abide by the conditions of the licence.*
1. *This approval is for the period 1 July 2017 to 30 June 2018. (the new period would run from 1 July 2018 to 30th June 2019)*

2. *This approval applies to collection by Parks and Wildlife Services, Department of Biodiversity, Conservation and Attractions staff only.*
3. *Appropriate hygiene measures will be followed at all times to prevent the spread of plant disease and weeds.*
4. *All care is to be taken to avoid the disturbance of fauna habitat.*
5. *All care be taken to avoid any disturbance that may lead to soil degradation.*

Please call me should you require any additional information.

Regards

Peter White
Operations Officer (Lake Bryde)
Wheatbelt Region
Parks and Wildlife Service
Department of Biodiversity, Conservation and Attractions

VOTING REQUIREMENT

Simple Majority

RECOMMENDATION

That the Council:

Advise Parks and Wildlife Services, Department of Biodiversity, Conservation and Attractions that permission is granted to collect seed from road reserves within the Shire of Kent subject to the following conditions:

1. **All persons collecting native seed are licensed according to the Wildlife and Conservation Act (1950) and will abide by the conditions of the licence.**
2. **This approval is for the period 20 December 2018 to 19 December 2019.**
3. **This approval applies to collection by Parks and Wildlife Services, Department of Biodiversity, Conservation and Attractions staff only.**
4. **Appropriate hygiene measures will be followed at all times to prevent the spread of plant disease and weeds.**
5. **All care is to be taken to avoid the disturbance of fauna habitat.**
6. **All care is taken to avoid any disturbance that may lead to soil degradation.**

4981 - COUNCIL RESOLUTION

MOVED Cr GC Collins / Cr KV Johnston

That the Council:

Advise Parks and Wildlife Services, Department of Biodiversity, Conservation and Attractions that permission is granted to collect seed from road reserves within the Shire of Kent subject to the following conditions:

1. All persons collecting native seed are licensed according to the Wildlife and Conservation Act (1950) and will abide by the conditions of the licence.
2. This approval is for the period 20 December 2018 to 19 December 2019.
3. This approval applies to collection by Parks and Wildlife Services, Department of Biodiversity, Conservation and Attractions staff only.
4. Appropriate hygiene measures will be followed at all times to prevent the spread of plant disease and weeds.
5. All care is to be taken to avoid the disturbance of fauna habitat.
6. All care is taken to avoid any disturbance that may lead to soil degradation.

CARRIED 8/0
By Simple Majority

9.1.8 REQUEST FOR APPROVAL TO COLLECT SEED FROM SHIRE RESERVES

PROPOSED MEETING DATE:	19 December 2018
PROPONENT:	Johnny and Kerry Rodd
LOCATION:	Whole of Shire
SUBJECT:	Permission to collect seed from Shire Reserves in the of Kent
AUTHOR:	Michelle Bamess –Deputy Chief Executive Officer
REPORTING OFFICER:	Rick Miller – Chief Executive Officer
FILE NO:	053.1.5
ASSESSMENT NO:	N/A
ATTACHMENTS:	Nil

PURPOSE

Council to consider an application from Johnny and Kerry Rodd to collect seed from reserves vested within the Shire of Kent.

BACKGROUND

Johnny and Kerry Rodd are required by legislation to seek the permission of the authority which holds control of land prior to collecting seed.

STATUTORY IMPLICATIONS

Local Government Act (1995)

POLICY IMPLICATIONS

The Council has no specific policy regarding this matter.

FINANCIAL IMPLICATIONS

There are no specific financial implications.

COMMUNITY STRATEGIC PLAN 2017-2027

Environmental Objective – Outcomes

3.1 A preserved natural environment

3.1.1 Conserve, enhance, promote and rehabilitate the natural environment

COMMENT

Permission has been granted in the past for such organisations to collect seed from native species for programs such as this and further detail is provided within the letter of request.

An email was received from Bayden Smith, Greening Australia, advising that a Badgebup couple would like to get a Commercial Seed Collection Licence as a result of attending a seed collection training and requesting permission from the Shire to allow them collect seed on Shire reserves etc.

The following email was then received from Johnny and Kerry Rodd:

Dear Sir/Madam

We are seeking permission to collect native seed from within reserves vested to the Shire of Kent including shire managed road reserves.

All seed collection will be completed under the Wildlife Conservation Act (1950). Any collection of seed is required to abide by the conditions of the commercial of the Commercial Purposes licence.

Seed collected from within your reserves will generally be utilised in strategic re-vegetation projects throughout the region.

We are seeking this permission for a twelve month period beginning December 2018.

I have attached a draft letter of permission for your convenience and consideration. Should this letter require further clarification, I may be contacted as detailed below.

I look forward to your favourable response.

Yours sincerely

*Johnny and Kerry Rodd
3110 Katanning Nyabing Rd Badgebup 6317
Ph: 0407 939 896*

VOTING REQUIREMENT

Simple Majority

RECOMMENDATION

That the Council:

Advise Johnny and Kerry Rodd that permission is granted to collect seed from Shire controlled reserves within the Shire of Kent subject to the following conditions:

1. All persons collecting native seed are licensed according to the Wildlife and Conservation Act (1950) and will abide by the conditions of the licence.
2. This approval is for the period 20 December 2018 to 19 December 2019.
3. This approval applies to collection by Johnny and Kerry Rodd only.
4. Appropriate hygiene measures will be followed at all times to prevent the spread of plant disease and weeds.
5. All care is to be taken to avoid the disturbance of fauna habitat.
6. All care is taken to avoid any disturbance that may lead to soil degradation.

4982 - COUNCIL RESOLUTION

MOVED Cr KV Johnston / Cr BC Bamess

That the Council:

Advise Johnny and Kerry Rodd that permission is granted to collect seed from road reserves within the Shire of Kent subject to the following conditions:

1. All persons collecting native seed are licensed according to the Wildlife and Conservation Act (1950) and will abide by the conditions of the licence.
2. This approval is for the period 20 December 2018 to 19 December 2019.
3. This approval applies to collection by Johnny and Kerry Rodd only.
4. Appropriate hygiene measures will be followed at all times to prevent the spread of plant disease and weeds.
5. All care is to be taken to avoid the disturbance of fauna habitat.
6. All care is taken to avoid any disturbance that may lead to soil degradation.

**CARRIED 7/1
By Simple Majority**

9.1.9 APPLICATION FOR PLANNING CONSENT – OUTBUILDING (CHEMICAL STORAGE SHED) AT LOT 50 CARRIE STREET, PINGRUP

Cr TD Borgward declared a Financial Interest in this item and left the room at 6.08pm

PROPOSED MEETING DATE:	19 December 2018
PROPONENT:	Timothy D Borgward
LOCATION:	Lot 50 Carrie Street, Pingrup
SUBJECT:	Proposed Outbuilding – Chemical Storage Shed
AUTHOR:	Eric Anderson – Planning Officer (Shire of Narrogin) Azhar Awang – Executive Manager Development and Regulatory Services
REPORTING OFFICER:	Rick Miller – Chief Executive Officer
FILE NO:	NA
ASSESSMENT NO:	A819
ATTACHMENTS:	1. Locality Plan 2. Application for Planning Consent 3. Plans and Specifications

PURPOSE

Council is requested to consider the application for planning consent for a proposed outbuilding for a Chemical Storage Shed (industry-service) at Lot 50 Carrie Street, Pingrup.

BACKGROUND

On 19 November 2018, the Shire received an application from Mr Timothy D Borgward seeking the Shire's Planning Approval for a proposed outbuilding.

The proposal is to construct a 486m² outbuilding (shed) for the purpose of storing chemicals for Pingrup traders (currently operating on Lot 25 (No. 31) Carrie Street Pingrup). Some of the chemicals intended to be stored inside the shed include Trifluralin, Glyphosate, Paraquat, Boxer Gold, Alhpa Cypermethrin and Chlorpyrifo. The proposed outbuilding is 27m long, 18m wide and 6.6m high and constructed from steel frame construction cladged Trimdek and Zincalume roofing.

It should be noted that this approval allows development to occur on proposed site but, is not a Building Licence for which a separate application is required to be submitted to the Shire to before construction is allowed to commence.

STATUTORY ENVIRONMENT

Shire of Kent Town Planning Scheme No. 2.

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Application for Planning Consent Fee to the Value of \$308.70 to made payable to the Shire of Kent and borne by the applicant prior to the issuing of a building permit.

Community Strategic Plan 2017 - 2027

Economic Outcomes

- 1.1 Growth in business opportunities
- 1.4 Support development of agricultural services

Environment Outcomes

- 3.4 A well maintained built environment

COMMENT**Zoning**

The subject land is zoned 'Industrial' under the Shire of Kent Town Planning Scheme (SK-TPS) No. 2 with an area of approximately 2023m². The adjoining properties to the west are also zoned "industrial" with the existing Pingrup Rural Traders being zoned "Commercial". The proposed use of the land can best be defined as "Industry-Service" which is defined under the (SK-TPS) No. 2 as;

"means a light industry carried out on land or in buildings which may have a retail shop front and from which goods manufactured on the premises may be sold; or land and buildings having a retail shop front and used as a depot for receiving goods to be serviced".

The use of "Industry-Service" is a permitted use within the "Industrial" zone.

Access and Egress

Currently the access to the site is predominantly off of the unconstructed portion of Carrie Street. There is evidence that there has been egress from the site through what was assumed to be a public laneway. A close inspection of the aerial photograph (attachment one) shows that egress has not been contained within the laneway reserve and has been through privately owned land and crown land to the west of the site. It also appears that there has been access between the existing structures on Lot 25 Carrie Street. As the laneway at the back of the property is a 5m wide reserve it is not recommended that it be utilised for the access of delivery vehicles particularly restricted access vehicles (RAV).

Industrial Development Standards

Clause 5.5.2 of the (SK-TPS) No. 2 set the following parameters for assessing industrial development;

"The following provisions shall apply to the Industrial zone;

- i. All sites shall be screened and landscaped to the satisfaction of Council.*
- ii. Car parking, loading bays and access ways shall be designed to enable all vehicles to enter and leave the site in forward gear.*
- iii. All effluent and waste products shall be retained within the site and disposed of to the satisfaction of Council."*

It is therefore recommended that council condition the application to stipulate that parking must be contained on the site.

VOTING REQUIREMENT

Simple Majority

RECOMMENDATION

That Council approve the application for planning consent for the outbuilding (industry – service) for the purpose of storage of Chemical products at Lot 50 Carrie Street, Pingrup subject to the following conditions:

- 1. This approval shall expire if the development hereby permitted, is not completed within two years of the date hereof, or within any extension of that time which, upon written application (made before or within 21 days after the expiry of the approval) to the Shire, is granted in writing.**
- 2. The development approved shall be in accordance with the plans and specifications submitted with the application and these shall not be altered or modified without the prior written approval of Council.**

3. All storm-water drainage and run-off associated with the development shall be contained on site or connected to the Shire's storm water drainage system to the satisfaction of the Chief Executive Officer.
4. If excavation or fill is required all finished levels shall respect the natural ground level of the lot boundary and shall not exceed 0.5 metres of filling.
5. Building materials are to be sympathetic to the existing dwelling and rural landscape.
6. Construction of the outbuilding shall be kept clear from all service connections.
7. All parking associated with the activity approved shall be wholly contained on site to the satisfaction of the Chief Executive Officer.
8. Car parking, loading bays and access ways shall be designed to enable all vehicles to enter and leave the site in forward gear.
9. Bins and storage areas shall be screened from public view to the satisfaction of the Chief Executive Officer.
10. Any outside lighting is to comply with Australian Standard AS4282-1997.
11. Areas for the loading and unloading of goods are to be clearly marked and clear of all streets.

Advice Note:

1. If the applicant and/or owner are aggrieved by this decision as a result of the conditions of approval or by a determination of refusal, there may be a right of review under the provisions of Part 14 of the Planning and Development Act 2005. A review must be lodged with the State Administrative Tribunal and must be lodged within 28 days of the decision.
2. This is not a Building Licence for which a separate application is required to the Shire.

4983 - COUNCIL RESOLUTION

MOVED Cr KV Johnston / Cr SR Crosby

That the Council:

Approve the application for planning consent for the outbuilding (industry – service) for the purpose of storage of Chemical products at Lot 50 Carrie Street, Pingrup subject to the following conditions:

1. This approval shall expire if the development hereby permitted, is not completed within two years of the date hereof, or within any extension of that time which, upon written application (made before or within 21 days after the expiry of the approval) to the Shire, is granted in writing.
2. The development approved shall be in accordance with the plans and specifications submitted with the application and these shall not be altered or modified without the prior written approval of Council.
3. All storm-water drainage and run-off associated with the development shall be contained on site or connected to the Shire's storm water drainage system to the satisfaction of the Chief Executive Officer.
4. If excavation or fill is required all finished levels shall respect the natural ground level of the lot boundary and shall not exceed 0.5 metres of filling.
5. Building materials are to be sympathetic to the existing dwelling and rural landscape.
6. Construction of the outbuilding shall be kept clear from all service connections.
7. All parking associated with the activity approved shall be wholly contained on site to the satisfaction of the Chief Executive Officer.

8. Car parking, loading bays and access ways shall be designed to enable all vehicles to enter and leave the site in forward gear.
9. Bins and storage areas shall be screened from public view to the satisfaction of the Chief Executive Officer.
10. Any outside lighting is to comply with Australian Standard AS4282-1997.
11. Areas for the loading and unloading of goods are to be clearly marked and clear of all streets.

Advice Note:

1. If the applicant and/or owner are aggrieved by this decision as a result of the conditions of approval or by a determination of refusal, there may be a right of review under the provisions of Part 14 of the Planning and Development Act 2005. A review must be lodged with the State Administrative Tribunal and must be lodged within 28 days of the decision.
2. This is not a Building Licence for which a separate application is required to the Shire.

CARRIED 7/0
By Simple Majority

Cr TD Borgward returned to the room at 6.09pm

9.1.10 AUDIT COMMITTEE MINUTES - MANAGEMENT REPORTS AND ANNUAL FINANCIAL STATEMENTS – 30 JUNE 2018

DATE:	19 December 2018
SUBJECT:	Audit Committee Minutes
PROONENT:	N/A
LOCATION:	Whole of the Shire
AUTHOR:	Michelle Bamess - Deputy Chief Executive Officer
REPORTING OFFICER:	Rick Miller - Chief Executive Officer
FILE NO:	FIN30.5
ASSESSMENT NO:	N/A
ATTACHMENTS:	Minutes of the Audit, Finance and Administration Committee Meeting.

PURPOSE

Council to formally receive and accept minutes of the Audit Committee held on Wednesday 19 December 2018.

BACKGROUND

The Audit Committee met to consider the Management Report and Annual Financial Statements for the year ended 30 June 2018 completed by Council's appointed Auditor, Leanne Oliver, from Byfields.

STATUTORY IMPLICATIONS

Local Government Act 1995
Local Government (Audit) Regulations 1996

LGA Section 7.12A (3) & (4) Duties of local government with respect to audits

- (3) A local government is to examine the report of the auditor prepared under section 7.9(1), and any report prepared under section 7.9(3) forwarded to it, and is to —
- (a) determine if any matters raised by the report, or reports, require action to be taken by the local government; and
 - (b) ensure that appropriate action is taken in respect of those matters.
- (4) A local government is to —
- (a) prepare a report on any actions under subsection (3) in respect of an audit conducted in respect of a financial year; and
 - (b) forward a copy of that report to the Minister,

POLICY IMPLICATIONS

Not applicable

FINANCIAL IMPLICATIONS

Not applicable

COMMUNITY STRATEGIC PLAN 2017-2027

Civic Leadership Objective

- 4.1 An efficient and effective organisation
 - 4.1.1 Continually improve operational efficiencies and provide effective services.
 - 4.1.2 Continue to enhance communication and transparency.

COMMENT

Any issues raised by auditors are identified within the Management Report.

VOTING REQUIREMENT

Simple Majority

RECOMMENDATION

That the Council:

- 1. Receives the minutes of the Audit Committee held at 4.00pm in Council Chambers on Wednesday 19 December 2018, and the recommendations contained therein be adopted.**
- 2. Hold the Shire of Kent Annual Electors Meeting at Pingrup on Wednesday 13/02/2019 in accordance with 5.27 (2) of the Local Government Act 1995, to coincide with the proposed February Council Meeting.**

4984 - COUNCIL RESOLUTION

MOVED Cr KR Stephens / Cr KV Johnston

That the Council:

- 1. Receives the minutes of the Audit Committee held at 4.00pm in Council Chambers on Wednesday 19 December 2018, and the recommendations contained therein be adopted.**

2. **Hold the Shire of Kent Annual Electors Meeting at Pingrup on Wednesday 13/02/2019 in accordance with 5.27 (2) of the Local Government Act 1995, to coincide with the proposed February Council Meeting.**

**CARRIED 8/0
By Simple Majority**

10. ELECTED MEMBERS MOTION OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

11. NEW BUSINESS OF AN URGENT NATURE AGREED TO BY RESOLUTION OF COUNCIL

Nil

12. 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.

4985 - COUNCIL RESOLUTION (Officer Recommendation)

MOVED Cr KR Stephens / Cr JN Germain

That Council closes the meeting to the public to consider matters of a confidential nature behind closed doors.

**CARRIED 8/0
By Simple Majority**

M Bamess left the room at 6.10pm

12.1.1 CONFIDENTIAL - CEO Performance Review – Selection of Reviewer to Conduct Performance Reviews

PROPOSED MEETING DATE:	19 December 2018
PROPONENT:	N/A
LOCATION:	N/A
SUBJECT:	CEO Performance Review – Selection of Reviewer to Conduct Performance Reviews
AUTHOR:	Rick Miller - Chief Executive Officer
REPORTING OFFICER:	Cr Alan Smith – Shire President
FILE NO:	Personal
ASSESSMENT NO:	N/A
ATTACHMENTS:	Nil

PURPOSE

To consider the selection reviewer (process) for the future performance reviews of the CEO.

REASON FOR CONFIDENTIALITY

That in accordance with Section 5.23 (2) of the *Local Government Act 1995* which permits the meeting to be closed to members of the public for business relating to the following:

- (b) the personal affairs of any person

OFFICER INTEREST DECLARATION

Rick Miller - Chief Executive Officer – Financial

As the officer does not participate in voting Council felt it beneficial for the CEO to stay to answer questions and join discussion.

BACKGROUND

The CEO is a designated senior employee in accordance with Section 5.37 of the *Local Government Act 1995*. As such, this appointment is made by Council. Annual Performance Reviews are conducted in accordance with Section 5.38 of the *Local Government Act 1995* and also in accordance with the current Contract of Employment.

The process to be undertaken for a Performance Review is set out in Clause 3.2 and 3.3 of the current Contract of Employment for the CEO.

3.2 – Performance Criteria and performance review

- (a) by reference to the Performance Criteria;
- (b) At least annually; or
- (c) More frequently if the Council or You perceives there is a need to do so and, in that case to the other party a Review Notice.

3.3 – Selection of Reviewer

- 1) The Council, in consultation with You, is to determine, in respect of each review under clause 3.2 –
 - a) Who the Reviewer is to be: and
 - b) Whether the Reviewer is to be accompanied or assisted by any other person and, if so, the identity of that person.
- 2) You will be required to provide a report to council for consideration, within 3 months of the commencement date, in relation to clause 3.3(1)(a)
- 3) For example, the Reviewer may be -
 - a) The Council;
 - b) a committee to which the conduct of the performance review has been delegated by the Council under Section 5.16 of the Act; or
 - c) a person or body who has been authorised by the Council to conduct the performance review.
- 4) For the avoidance of doubt, if the Council and You are unable to agree on any of the matters set out in clause 3.3(1)(a), the Council is to make the relevant determination.

STATUTORY IMPLICATIONS

Local Government Act 1995

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

The Contract of Employment with the CEO will not have an impact upon the current 2018/19 Budget.

COMMUNITY STRATEGIC PLAN 2017 – 2027**Civic Leadership Objectives - Outcomes****4.1 An efficient and effective organisation**

4.1.1 *Continually improve operational efficiencies and provide effective services.*

4.1.2 *Continue to enhance communication and transparency*

4.2 An employer of choice

4.2.1 *Provide a positive, desirable workplace.*

COMMENT

The question as to how the Council would like to conduct Performance Reviews of the CEO has not been formally resolved by the Council, however as it will be the first review with a new CEO it would be reasonable to have full Council involved. The other options are to have a Council subcommittee, or to seek the services of a consultant to assist. It is noted that no delegated authority has been given by Council for a subcommittee and I understand that reviews have been previously undertaken by full Council. This will provide opportunity for all to be involved in discussions on the performance criteria and changes that, Council may wish to see, or may be satisfied with current criteria.

In relation to 3.3 (1), the 3 months for the current CEO's contract would have aligned to a meeting in January but as there is no meeting in January 2019, it has been brought forward to December 2018. With the shortened timeline CEO has held some informal discussions with the President in regards to the options available and this is reflected in the officer's recommendation.

VOTING REQUIREMENT

Simple Majority

RECOMMENDATION

That Council as a whole, will conduct the performance review of the Chief Executive Officer for 2019/20.

4987 - COUNCIL RESOLUTION (Officer Recommendation)

MOVED Cr TD Borgward / Cr KV Johnston

That Council as a whole, will conduct the performance review of the Chief Executive Officer for 2019/20.

**CARRIED 8/0
By Simple Majority**

12.1.2 CONFIDENTIAL - CEO Performance Review – Performance Criteria

PROPOSED MEETING DATE:	19 December 2018
PROPONENT:	N/A
LOCATION:	N/A
SUBJECT:	CEO Performance Review - Performance Criteria Rick Miller - Chief Executive Officer
AUTHOR:	Cr Alan Smith – Shire President
REPORTING OFFICER:	Personal
FILE NO:	N/A
ASSESSMENT NO:	Nil
ATTACHMENTS:	Example Performance Criteria's

PURPOSE

To consider the establishment of Performance Criteria for the CEO.

REASON FOR CONFIDENTIALITY

That in accordance with Section 5.23 (2) of the *Local Government Act 1995* which permits the meeting to be closed to members of the public for business relating to the following:

- (b) the personal affairs of any person

OFFICER INTEREST DECLARATION

Rick Miller - Chief Executive Officer – Financial

BACKGROUND

The CEO is a designated senior employee in accordance with Section 5.37 of the *Local Government Act 1995*. As such, this appointment is made by Council. Annual Performance Reviews are conducted in accordance with Section 5.38 of the *Local Government Act 1995* and also in accordance with the current Contract of Employment.

The process to be undertaken for establishing Performance Criteria is set out in Clause 3.1 and 3.2 of the current Contract of Employment for the CEO.

3.1 – Performance Criteria

- (1) Within 3 months of the commencement Date, the Council and You must negotiate and determine the Performance Criteria.
- (2) The performance criteria must be reasonably achievable by You.
- (3) You must use every reasonable endeavour to comply with the Performance Criteria.
- (4) The Performance Criteria –
 - (a) Must be reviewed annually by the parties; and
 - (b) May be amended, from time to time, by agreement in writing between the parties.

3.2 – Performance Criteria and performance review

- (d) by reference to the Performance Criteria;
- (e) At least annually; or
- (f) More frequently if the Council or You perceives there is a need to do so and, in that case to the other party a Review Notice.

STATUTORY IMPLICATIONS

Local Government Act 1995

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

The Contract of Employment with the CEO will not have an impact upon the current 2018/19 Budget.

COMMUNITY STRATEGIC PLAN 2017 – 2027**Civic Leadership Objectives - Outcomes****4.1 An efficient and effective organisation**

4.1.1 Continually improve operational efficiencies and provide effective services.

4.1.2 Continue to enhance communication and transparency

4.2 An employer of choice

4.2.1 Provide a positive, desirable workplace.

COMMENT

In relation to 3.1 (1), the 3 months for the current CEO's contract would have aligned to a meeting in January but as there is no meeting in January 2019, it has been brought forward to December 2018. With the shortened timeline the CEO has held some informal discussions with the President in regards to the options available and this is reflected in the officer's recommendation.

The existing criteria used for the previous CEO is attached and it is noted that at Ordinary Council Meeting(OCM) 18 April 2018 that it was suggested that it was a good time to review criteria but it is not evident if this occurred. Other criteria's may more closely align the CEO Criteria to the Strategic Community Plan (key themes- Economic, Social, Environment and Civic Leadership) and or specific deliveries and additional examples have been provided.

The intent between now and the next Council meeting would be:

- Review the Community Strategic Plan and Corporate Business Plan for suitability to align CEO Performance Criteria;
- Review and develop agreed criteria in conjunction with Council;
- Complete CEO Organisational Health Check - Which will include SWOT (Strengths, Weaknesses, Opportunities, Threats) observations and to interview staff and Councillor's to assist with analysis.

This will allow for valuable input from all areas to develop achievable suitable criteria to deliver on the aspirations of Council and the community.

The Department of Local Government Operational Guidelines advise:

"Performance criteria are quantitative and/or qualitative measures of performance. There are two broad categories of performance criteria; those that have general application and apply at all times and specific criteria that apply for a limited period of time. An example of the first type would be, "Advice to council is relevant, accurate and timely." An example of the second type of performance criteria would be, "Calling of tenders for the new recreation centre is undertaken on time and in compliance with the law." It is obvious that the first is always going to be required, whereas the second is specific to the project of the new recreation centre.

Council may set ongoing permanent performance criteria that will be included in the contract. The successful applicant needs to be informed that performance criteria relevant to a specific project/s will also be subject to annual negotiation. These will be assessed at least once during each year. In setting performance criteria, council will need to determine what it is they want their CEO to do over and above legislative requirements. Councils need to be realistic in terms of their expectations and provide appropriate resources to facilitate achievement of performance criteria. The performance criteria must be consistent with the position description and the selection criteria. It is not essential that performance criteria relating to a specific project/s are identified prior to the appointment but, if not, they must be identified very soon after so that the new CEO is aware of what is required of him or her in the coming year or years."

VOTING REQUIREMENT

Simple Majority

RECOMMENDATION

That Council receive and review the CEO Performance Criteria Options and continue to negotiate with the CEO to determine the final Criteria to be presented for consideration by Council at the Ordinary Council Meeting in February 2019.

4988 - COUNCIL RESOLUTION (Officer Recommendation)

MOVED Cr TD Borgward / Cr KV Johnston

That Council receive and review the CEO Performance Criteria Options and continue to negotiate with the CEO to determine the final Criteria to be presented for consideration by Council at the Ordinary Council Meeting in February 2019.

**CARRIED 8/0
By Simple Majority**

4989 - COUNCIL RESOLUTION (Officer Recommendation)

MOVED Cr KR Stephens / Cr SR Crosby

That Council:

Re-open the meeting to the general public

CARRIED 8/0

13. MEETING CLOSED

There being no further business the Shire President Cr Alan Smith, closed the meeting at 6.22 pm.