

**MINUTES
SEPTEMBER 2020
Table of Contents**

ITEM	DESCRIPTION	PAGE
1	DECLARATION OF OPENING & ANNOUNCEMENT OF VISITORS	2
2	RECORD OF ATTENDANCE/APOLOGIES & APPROVED LEAVE OF ABSENCE	2
3	DISCLOSURE OF INTERESTS:	2
	<ul style="list-style-type: none"> • Direct Financial Interest • Indirect Financial Interest • Closely Associated Persons • Proximity Interest 	
4	PUBLIC QUESTION TIME	2
5	APPLICATION FOR MEMBERS FOR LEAVE OF ABSENCE	2
6	CONFIRMATION AND RECEIVING OF MINUTES/BUSINESS ARISING	3
6.1	Ordinary Meeting of Council held Wednesday 19 August 2020	
7	ANNOUNCEMENTS BY THE PRESIDING PERSON WITHOUT DISCUSSION	3
8	PETITIONS/DEPUTATIONS/PRESENTATIONS/SUBMISSIONS	3
9	OFFICERS REPORTS	
9.1.1	Monthly Financial Reports to 31 August 2020	3
9.1.2	Schedule of Accounts Paid to 31 August 2020	4
9.1.3	Status of Council Decisions – August 2020	6
9.1.4	Ordinary Citizen Transactions	7
10	ELECTED MEMBERS MOTION OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN	9
11	NEW BUSINESS OF AN URGENT NATURE AGREED TO BY RESOLUTION OF COUNCIL	9
11.1.1	Purchase of 23 Aspendale St Nyabing	9
12	MATTERS BEHIND CLOSED DOORS	11
12.1.1	Confidential - Tender VP196854-20/21 Grader Replacement	11
13	MEETING CLOSED	12

**MINUTES
ORDINARY MEETING OF COUNCIL
16 SEPTEMBER 2020**

1 DECLARATION OF OPENING AND ANNOUNCEMENT OF VISITORS

The Chair Person, Shire President Cr Scott Crosby, declared the meeting opened at 5.31pm.

2 RECORD OF ATTENDANCE/APOLOGIES & APPROVED LEAVE OF ABSENCE

Members

Cr SR Crosby	Shire President
Cr KV Johnston	Deputy Shire President
Cr JN Germain	Member
Cr BC Bamess	Member
Cr KR Stephens	Member
Cr AL Smith	Member
Cr RA Jury	Member

Staff

RJ Miller	Chief Executive Officer
M Bamess	Deputy Chief Executive Officer

Members of the Public

Nil

Apologies

Cr TD Borgward	Member
GD Mathewson	Works Manager

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

2021/022 - COUNCIL RESOLUTION (Officer Recommendation)

MOVED Cr AL Smith / Cr KV Johnston

That Leave of Absence be granted to Cr JN Germain for the 21 October 2020 Ordinary Meeting of Council.

**CARRIED 7/0
By Simple Majority**

6 CONFIRMATION AND RECEIVING OF MINUTES/BUSINESS ARISING

6.1 Ordinary Meeting of Council held on Wednesday 16 August, 2020

That the minutes of the Ordinary Meeting of the Shire of Kent held on Wednesday 16 August, 2020 in the Shire of Kent Council Chambers be confirmed as a true and accurate record of proceedings and duly signed.

OCM2021/023 - COUNCIL RESOLUTION (Officer Recommendation)
--

MOVED Cr RA Jury / Cr JN Germain

That the minutes of the Ordinary Meeting of the Shire of Kent held on Wednesday 16 August, 2020 in the Shire of Kent Council Chambers be confirmed as a true and accurate record of proceedings and duly signed.

**CARRIED 7/0
By Simple Majority**

7 ANNOUNCEMENTS BY THE PRESIDING PERSON WITHOUT DISCUSSION

Nil

8 PETITIONS/DEPUTATIONS/PRESENTATIONS/SUBMISSIONS

Nil

9 OFFICERS REPORTS

9.1.1 MONTHLY FINANCIAL REPORTS TO 31 AUGUST 2020

PROPOSED MEETING DATE:	16 September 2020
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:	<ul style="list-style-type: none"> • Monthly Financial Reports to 31 July 2020 • Monthly Financial Reports to 31 August 2020

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.

COMMENT

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

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

Community Strategic Plan 2017-2027

Civic Leadership Objective - Continually enhance the Shire's organisational capacity to service the needs our community

Outcome 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.

RISK IMPLICATIONS

N/A

VOTING REQUIREMENT

Simple Majority

RECOMMENDATION

That Council receive the following Monthly Financial Reports as presented:

- Monthly Financial Reports to 31 July 2020
- Monthly Financial Reports to 31 August 2020

OCM2021/024 - COUNCIL RESOLUTION (Officer Recommendation)

MOVED Cr KR Stephens / Cr BC Bamess

That Council receive the following Monthly Financial Reports as presented:

- **Monthly Financial Reports to 31 July 2020**
- **Monthly Financial Reports to 31 August 2020**

**CARRIED 7/0
By Simple Majority**

9.1.2 SCHEDULE OF ACCOUNTS PAID TO 31 AUGUST 2020

PROPOSED MEETING DATE:	16 September 2020
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 as at 31 August 2020

PURPOSE

Council endorsement of payment to Creditors under CEO Delegated Authority 2.1.2.

BACKGROUND

Details payments made to creditors since last Council Meeting.

COMMENT

The Schedule of Accounts Reports as presented, indicate that Council continues to be in a sound financial position.

STATUTORY IMPLICATIONS

Local Government Act 1995 – Section 6.4

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

STRATEGIC IMPLICATIONS

Community Strategic Plan 2017-2027

Civic Leadership Objective - Continually enhance the Shire's organisational capacity to service the needs our community

Outcome 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.

RISK IMPLICATIONS

N/A

VOTING REQUIREMENT

Simple Majority

RECOMMENDATION

That Council endorse the payments from the Municipal Fund and Trust Fund:

Municipal Fund	\$ 537,713.96
Trust Fund	\$ 0.00
Direct Debits	<u>\$ 134,077.31</u>
TOTAL	\$ 671,791.67

OCM2021/025 - COUNCIL RESOLUTION (Officer Recommendation)

MOVED Cr KV Johnston / Cr JN Germain

That Council endorse the payments from the Municipal Fund and Trust Fund:

Municipal Fund	\$ 537,713.96
Trust Fund	\$ 0.00
Direct Debits	<u>\$ 134,077.31</u>
TOTAL	\$ 671,791.67

**CARRIED 7/0
By Simple Majority**

9.1.3 STATUS OF COUNCIL DECISIONS – August 2020

PROPOSED MEETING DATE:	16 September 2020
PROPONENT:	N/A
LOCATION:	N/A
AUTHOR:	Rick Miller – Chief Executive Officer
REPORTING OFFICER:	Rick Miller – Chief Executive Officer
FILE NO:	041.1.1
ASSESSMENT NO:	N/A
ATTACHMENTS:	1. Council Resolution Register

PURPOSE

To inform Council of the actions taken in relation to Council decisions.

BACKGROUND

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

COMMENT

The status of Council decisions/resolutions is included as an attachment and updated monthly.

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

STATUTORY IMPLICATIONS

Local Government Act (1995), Section 5.41

The CEO's functions are to:-

c) Cause Council decisions to be implemented

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Community Strategic Plan 2017-2027

Civic Leadership Objective - Continually enhance the Shire's organisational capacity to service the needs our community

Outcome 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.

RISK IMPLICATIONS

N/A

VOTING REQUIREMENT

Simple Majority

RECOMMENDATION

That Council receive the Council Resolutions Register for the month of August 2020.

OCM2021/026 - COUNCIL RESOLUTION (Officer Recommendation)

MOVED Cr JN Germain / Cr BC Bamess

That Council receive the Council Resolutions Register for the month of August 2020.

**CARRIED 7/0
By Simple Majority**

9.1.4 ORDINARY CITIZEN TRANSACTIONS

PROPOSED MEETING DATE:	16 September 2020
PROPONENT:	N/A
LOCATION:	N/A
AUTHOR:	Christie Smith – Executive Support/Project Officer
REPORTING OFFICER:	Michelle Bamess – Deputy Chief Executive Officer
FILE NO:	041.3.1
ASSESSMENT NO:	N/A
ATTACHMENTS:	Nil

PURPOSE

Council are required to adopt a resolution that will eliminate certain Ordinary Citizen Transactions (OCT's) from the requirement to report Related Party Disclosures quarterly.

BACKGROUND

The scope of AASB 124 *Related Party Disclosures* was extended in July 2015 to include application by not-for-profit entities, including local governments. The effective date this applied to local governments was 1 July 2016 with the first disclosures being made in the financial statements ending 30 June 2017.

The objective of the standard is to ensure that financial statements contain disclosures necessary to draw attention to the possibility that its financial position and profit or loss may have been affected by the existence of related parties and transactions.

The disclosure requirements apply to the existence of relationships regardless of whether a transaction has occurred or not. For each financial year, the Shire of Kent must make an informed judgement as to who is considered to be a related party and what transactions need to be considered, when determining if disclosure is required.

COMMENT

Since the extension of the scope Council have been provided with a Related Party Disclosure forms which are being completed on a quarterly basis.

Ordinary Citizen Transactions (OCT's) are those that an ordinary citizen would undertake with Council. They are transactions that occur on terms and conditions no different to those applying to the general public and have been provided in the course of delivering public service objectives. If Council can determine that an OCT was provided at arm's length, and in similar terms and conditions to other members of the public, and that the nature of the transaction is immaterial, no disclosure in the annual financial report will be required.

Staff are required to put forward a draft resolution to Council annually, declaring that in its opinion, based on the facts and circumstances, the following are OCT's and therefore no disclosure in the quarterly *Related Party Disclosures – Declaration* form will be required.

- Paying rates
- Fines and other Fees and Charges
- Use of Shire of Kent owned facilities such as recreation centres, public halls, libraries, parks, ovals and other public open spaces (whether charged a fee or not)
- Attending council functions that are open to the public
- Supply of gravel sand or other materials, goods or services that any other ratepayer can or does provide to Council.

STATUTORY IMPLICATIONS

Local Government Act (1995)

Local Government (Financial Management) Regulations 1996

AASB 124 Related Party Disclosures

POLICY IMPLICATIONS

Council can consider adopting a policy in relation to Related Party Disclosures.

FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Civic Leadership Objective - Continually enhance the Shire's organisational capacity to service the needs our community

Outcome 4.1 An efficient and effective organisation

4.1.2 Continue to enhance communication and transparency.

RISK IMPLICATIONS

N/A

VOTING REQUIREMENT

Simple Majority

RECOMMENDATION

That the Council:

Declare that in its opinion, based on the facts and circumstances, the following to those applying to the general public and which have been provided in the course of delivering public service objectives, are unlikely to influence the decisions that users of the Council's financial statements make. As such no disclosure in the quarterly *Related Party Disclosures – Declaration* form will be required.

- Paying rates
- Fines and other Fees and Charges
- Use of Shire of Kent owned facilities such as recreation centres, public halls, libraries, parks, ovals and other public open spaces (whether charged a fee or not)
- Attending council functions that are open to the public
- Supply of gravel sand or other materials, goods or services that any other ratepayer can or does provide to Council.
-

OCM2021/027 - COUNCIL RESOLUTION (Officer Recommendation)

MOVED Cr KR Stephens / Cr RA Jury

That the Council:

Declare that in its opinion, based on the facts and circumstances, the following Ordinary Citizen Transactions (OCT's) that are provided on terms and conditions no different to those applying to the general public and which have been provided in the course of delivering public service objectives, are unlikely to influence the decisions that users of the Council's financial statements make. As such no disclosure in the quarterly *Related Party Disclosures – Declaration* form will be required.

- **Paying rates**
- **Fines and other Fees and Charges**
- **Use of Shire of Kent owned facilities such as recreation centres, public halls, libraries, parks, ovals and other public open spaces (whether charged a fee or not)**
- **Attending council functions that are open to the public**
- **Supply of gravel sand or other materials, goods or services that any other ratepayer can or does provide to Council.**

**CARRIED 6/1
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**OCM2021/028 - COUNCIL RESOLUTION**

MOVED Cr RA Jury / Cr KV Johnston

That Council consider new business of an urgent nature as presented.

CARRIED 7/0**11.1.1 PURCHASE OF 23 ASPENDALE ST NYABING**

PROPOSED MEETING DATE:	16 September 2020
PROPONENT:	N/A
LOCATION:	N/A
AUTHOR:	Michelle Bamess – Deputy Chief Executive Officer
REPORTING OFFICER:	Rick Miller - Chief Executive Officer
FILE NO:	031.1.1
ASSESSMENT NO:	N/A
ATTACHMENTS:	<ul style="list-style-type: none"> • Confidential - Copy of letter to GW & PH Lenkeit • Confidential - Response received from GW & PH Lenkeit

PURPOSE

Council to consider obtaining by purchase from Mr and Mrs GW Lenkeit, 23 Aspendale Street Nyabing for the purpose of future housing development.

BACKGROUND

Due to limited opportunities for potential buyers to purchase vacant residential land in the Shire of Kent, Council approached a number owners of unoccupied houses with a view to purchasing these properties to create sale ready vacant land.

Three property owners responded that they were interested in selling their dwellings to the shire. At the Council Briefing session it was discussed and agreed on amounts to be offered for purchase of the subject properties. Letters were sent with an offer acceptance deadline of 11 September 2020. The property at 23 Aspendale Street Nyabing, owned by Mr and Mrs GW Lenkeit, was one such property identified as either being unoccupied or in poor condition for quite some time. Mr and Mrs Lenkeit accepted the offer to purchase their property for \$5,000 plus GST. This was the only offer to purchase that was accepted.

COMMENT

HR Settlements in Albany have been approached for advice regarding the purchase of 23 Aspendale Street and have advised the sellers must ensure that residual current devices (RCDs) are installed in accordance with the Electricity Regulations to protect all power and lighting circuits. In addition to this RCDs requirement, there is also a requirement to have hard-wired smoke alarms, no more than ten years old, in all residential properties being sold.

In early 2018 the regulations were changed to provide an exemption to the requirement in cases where the buyer intends to demolish the built structures within six months of becoming the registered proprietor.

To comply with the exemption the buyer needs to make a declaration

Due to the age of the property and the time since it was last occupied, it is unlikely that this work has been carried out. Therefore to avoid any unnecessary expense to the sellers it is recommended that Council utilise the Annexure for RCD and add this to the Special Conditions on the Contract of Sale. Demolition of the property would need to be completed within six months of the purchase.

This would provide one block either for immediate sale or for use in the future.

STATUTORY IMPLICATIONS

Local Government Act 1995

POLICY IMPLICATIONS

4.1.3 Land Acquisition and Disposal

FINANCIAL IMPLICATIONS

Council has made an allocation of \$50,000 for Urban Regeneration in its 2020/2021 Budget.

STRATEGIC IMPLICATIONS

Community Strategic Plan 2017-2027

Economic Objective - Support growth and progress, locally and regionally.

Outcome 1.1 Growth in business opportunities

1.1.1 Attract new industry, business, investment and encourage diversity whilst encouraging growth of local business.

1.1.2 Promote the Shire of Kent and the Region in general.

RISK IMPLICATIONS

N/A

VOTING REQUIREMENT

Absolute Majority

RECOMMENDATION

That Council:

- Authorise the CEO to execute the Contract of Sale for the purchase of 23 Aspendale Street Nyabing for \$5,500 (inclusive of GST) and utilise the RCD Exemption Annexure to be added to the Special Conditions on the Contract of Sale;

and

- Direct the CEO to facilitate the demolition of the house at 23 Aspendale Street Nyabing within six (6) months of the purchase of the property.

OCM2021/029 - COUNCIL RESOLUTION (Officer Recommendation)
--

MOVED Cr KR Stephens / Cr JN Germain

That Council:

- 1. Authorise the CEO to execute the Contract of Sale for the purchase of 23 Aspendale Street Nyabing for \$5,000 (plus GST) if applicable, and utilise the RCD Exemption Annexure to be added to the Special Conditions on the Contract of Sale, if required;**
- 2. Direct the CEO to facilitate the demolition of the house at 23 Aspendale Street Nyabing within six (6) months of the purchase of the property.**
- 3. Direct CEO to ensure all costs involved with the purchase and demolition of the building are recorded and reported back to council, including settlement agent costs and all expenses and costs related to the site works for clearing of the block.**

**CARRIED 6/1
By Absolute Majority**

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.

2021/030 - COUNCIL RESOLUTION (Officer Recommendation)

MOVED Cr AL Smith / Cr BC Bamess

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

**CARRIED 7/0
By Simple Majority**

12.1.1 CONFIDENTIAL – TENDER VP196854-20/21 GRADER REPLACEMENT

PROPOSED MEETING DATE: PROPONENT: LOCATION: AUTHOR: REPORTING OFFICER: FILE NO: ASSESSMENT NO: ATTACHMENTS:	16 September 2020 N/A N/A Gary Mathewson – Manager Works Rick Miller - CEO 046.1.1 N/A 1. Confidential Evaluation Report 2. Grader Specifications 3. Tenderer Pricing Submissions
--	--

PURPOSE

For Council to consider tenders for purchase of replacement grader and trade in of councils existing 2010 John Deere 670G Grader KT030

REASON FOR CONFIDENTIALITY

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

- (c) Commercial Confidentiality

2021/031 - COUNCIL RESOLUTION (Officer Recommendation)

MOVED Cr JN Germain / Cr RA Jury

That Council:

- 1. Accepts the most advantageous tender, that being submitted by Komatsu Australia Pty Ltd , to provide in accordance with tender VP196845 Supply and Delivery of One New Motor Grader (\$367,400 inc GST) and Trade of Councils existing grader (\$99,000 inc GST), for a total net payment of \$268,400 inc GST.**
- 2. Authorises the Chief Executive Officer, in accordance with section 9.49A(4) of the Local Government Act 1995, to execute the contract for purchase for tender VP196845 Supply and Delivery of One New Motor Grader and Trade of Councils existing grader.**

**CARRIED 7/0
By Simple Majority**

2021/032 - COUNCIL RESOLUTION (Officer Recommendation)

MOVED Cr KR Stephens/ Cr KV Johnston

That Council re-open the meeting to the general public

CARRIED 7/0

13. MEETING CLOSED

There being no further business the Shire President Cr Scott Crosby, closed the meeting at 5.58pm.