

**MINUTES
NOVEMBER 2020
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**MINUTES
ORDINARY MEETING OF COUNCIL
18 NOVEMBER 2020**

1 DECLARATION OF OPENING AND ANNOUNCEMENT OF VISITORS

The Chair Person, Shire President Cr Scott Crosby, declared the meeting opened at 5.30pm.

2 RECORD OF ATTENDANCE/APOLOGIES & APPROVED LEAVE OF ABSENCE

Members

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

Staff

RJ Miller	Chief Executive Officer
M Bamess	Deputy Chief Executive Officer
GD Mathewson	Works Manager
S Lees	CESM

Members of the Public

Nil

Leave of Absence Approved

Nil

Apologies

Cr AL Smith	Member
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3. DECLARATION OF INTERESTS:

• **Direct Financial Interest:**

Nil

• **Indirect Financial Interest:**

Nil

• **Closely Associated Persons:**

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 October, 2020

That the minutes of the Ordinary Meeting of the Shire of Kent held on Wednesday 21 October, 2020 in the Shire of Kent Council Chambers be confirmed as a true and accurate record of proceedings and duly signed.

OCM2021/043 - 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 21 October, 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 OCTOBER 2020

PROPOSED MEETING DATE:	18 November 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 October 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 October 2020

OCM2021/044 - COUNCIL RESOLUTION (Officer Recommendation)

MOVED Cr KR Stephens / Cr TD Borgward

That Council receive the following Monthly Financial Reports as presented:

- **Monthly Financial Reports to 31 October 2020**

**CARRIED 7/0
By Simple Majority**

9.1.2 SCHEDULE OF ACCOUNTS PAID TO 31 OCTOBER 2020

PROPOSED MEETING DATE:	18 November 2020
PROPOSER:	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 November 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

18 November 2020 – Ordinary Meeting of Council

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	\$492,332.66
Trust Fund	\$ 820.00
Direct Debits	<u>\$ 116,872.66</u>
TOTAL	<u>\$ 610,025.32</u>

OCM2021/045 - 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	\$492,332.66
Trust Fund	\$ 820.00
Direct Debits	<u>\$ 116,872.66</u>
TOTAL	<u>\$ 610,025.32</u>

**CARRIED 7/0
By Simple Majority**

9.1.3 STATUS OF COUNCIL DECISIONS – OCTOBER 2020

PROPOSED MEETING DATE:	18 November 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

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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 October 2020.

OCM2021/046 - COUNCIL RESOLUTION (Officer Recommendation)

MOVED Cr KR Stephens / Cr BC Bamess

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

**CARRIED 7/0
By Simple Majority**

9.1.4 FREEDOM OF INFORMATION STATEMENT 2019-2020

PROPOSED MEETING DATE:	18 November 2020
PROPONENT:	N/A
LOCATION:	N/A
AUTHOR:	Michelle Bamess –Deputy Chief Executive Officer
REPORTING OFFICER:	Michelle Bamess –Deputy Chief Executive Officer
FILE NO:	043.1.1
ASSESSMENT NO:	N/A
ATTACHMENTS:	Freedom of Information Statement 2019-2020

PURPOSE

Council to approve the Shire of Kent Freedom of Information statement 2019-2020.

BACKGROUND

Under the Government of Western Australia, Freedom of Information Act (FOI Act) 1992 Section 96(1) requires each government agency, including local governments, to prepare and publish annually an Information Statement. The Shire of Kent Freedom of Information Statement has been developed in accordance with the FOI Act 1992 Section 94 that details the requirements of an information statement, in relation to an agency.

COMMENT

Freedom of Information give the public a right to access government documents, subject to some limitation, in Western Australia, under the FOI Act 1992, the right applies to documents held by most state government agencies (such as departments, public hospitals, public universities and State government authorities), Ministers and local government. Together these bodies are referred to as "agencies".

Documents accessible under the FOI Act 1992 include paper records, plans and drawings, photographs, tape recordings, films videotapes or information stored in a computerised form. Agencies are required to assist applicants to obtain access to documents at the lowest reasonable cost. Anyone can also apply to have personal information about themselves in government document amended if that information is inaccurate, incomplete, an out of date or misleading.

The Information Commissioner is an independent officer who reports directly to Parliament. The position is established by the FOI Act and is supported by staff of the Office of the Information Commissioner.

STATUTORY IMPLICATIONS

Freedom of Information Act (1992)

Part 5 Publication of information about agencies

96. Information statement, each agency to publish annually

(1) An agency (other than a Minister or an exempt agency) has to cause an up-to-date information statement about the agency to be published in a manner approved by the Minister administering this Act —

(a) within 12 months after the commencement of this Act; and

(b) at subsequent intervals of not more than 12 months.

(2) In giving approval under subsection (1) the Minister has to have regard, amongst other things, to the need to assist members of the public to exercise their rights under this Act effectively.

(3) In the case of an agency that comes into existence after the commencement of this Act the reference in subsection (1)(a) to the commencement of this Act is to be read as a reference to the time when the agency commences its operations.

(4) A subcontractor does not have to comply with subsection (1) if the relevant contractor has complied with that subsection on behalf of the subcontractor.

[Section 96 amended: No. 47 of 1999 s. 13.]

94. Term used: information statement

A reference in this Act to an information statement, in relation to an agency, is a reference to a statement that contains —

- (a) a statement of the structure and functions of the agency;
- (b) a description of the ways in which the functions (including, in particular, the decision-making functions) of the agency affect members of the public;
- (c) a description of any arrangements that exist to enable members of the public to participate in the formulation of the agency's policy and the performance of the agency's functions;
- (d) a description of the kinds of documents that are usually held by the agency including —
 - (i) which kinds of documents can be inspected at the agency under a written law other than this Act (whether or not inspection is subject to a fee or charge); and
 - (ii) which kinds of documents can be purchased; and
 - (iii) which kinds of documents can be obtained free of charge;
- (e) a description of the agency's arrangements for giving members of the public access to documents mentioned in paragraph (d) (i), (ii) or (iii) including details of library facilities of the agency that are available for use by members of the public;
- (f) a description of the agency's procedures for giving members of the public access to the documents of the agency under Part 2 including —
 - (i) the designation of the officer or officers to whom initial inquiries as to access to documents can be made; and
 - (ii) the address or addresses at which access applications can be lodged;
- (g) a description of the agency's procedures for amending personal information in the documents of the agency under Part 3 including —
 - (i) the designation of the officer or officers to whom initial inquiries as to amendment of personal information can be made; and
 - (ii) the address or addresses at which applications for amendment of personal information can be lodged.

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 of 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:

Adopt the Shire of Kent Freedom of Information Statement 2019-2020

OCM2021/047 - COUNCIL RESOLUTION (Officer Recommendation)
--

MOVED Cr JN Germain / Cr RA Jury

That Council Adopt the Shire of Kent Freedom of Information Statement 2019-2020

**CARRIED 7/0
By Simple Majority**

9.1.5 EXCAVATOR ATTACHMENTS – UNBUDGETED EXPENSE

PROPOSED MEETING DATE:	18 November 2020
PROPONENT:	N/A
LOCATION:	N/A
AUTHOR:	Christie Smith – Executive Support Officer
REPORTING OFFICER:	Gary Mathewson – Works Manager
FILE NO:	123.1.1/144.1.1
ASSESSMENT NO:	N/A
ATTACHMENTS:	Nil

PURPOSE

Council are to consider an unbudgeted expense for the purchase of new attachments for the excavator and also to authorise the sale of the original attachments.

BACKGROUND

The Case CX210C Excavator was purchased in November 2018, included in the purchase was a batter bucket with tilt and hitch. In April 2020 Council purchased a tilting rotating head attachment for the excavator for \$71,720.

COMMENT

The hitch and bucket that initially came with the excavator is not suitable for the new tilting rotating head attachment. To modify the hitch would be just as expensive if not more than purchasing a new one.

Quotations have been received for a new hitch and bucket that amount to \$11,890 ex GST. Have been in touch with Smith Broughton Auctions who have advised that the original attachments could be auctioned off with an estimated value of between \$13,000 - \$16,000.

STATUTORY IMPLICATIONS

As this expenditure was not included in the budget, it is an unbudgeted expense and a decision of Council is required.

LOCAL GOVERNMENT ACT 1995 - SECT 6.8

6.8 . Expenditure from municipal fund not included in annual budget

- (1) A local government is not to incur expenditure from its municipal fund for an additional purpose except where the expenditure —
- (a) is incurred in a financial year before the adoption of the annual budget by the local government; or
 - (b) is authorised in advance by resolution*; or
 - (c) is authorised in advance by the mayor or president in an emergency.
- * *Absolute majority required.*

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

The income received from the sale of the original attachments will cover the cost of the new attachments.

STRATEGIC IMPLICATIONS

Community Strategic Plan 2017-2027

Civic Leadership Objective – Continually enhance the Shire's organisational capacity to service the needs of 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

Absolute Majority

RECOMMENDATION

That Council:

Authorise the unbudgeted expenditure of \$11,890 ex GST for the new attachments for the Excavator and authorise the Works Manager to liaise with the auctioneer to sell the original attachments.

OCM2021/048 - COUNCIL RESOLUTION (Officer Recommendation)
--

MOVED Cr JN Germain / Cr TD Borgward

That Council:

Authorise the unbudgeted expenditure of \$11,890 ex GST for the new attachments for the Excavator and authorise the Works Manager to liaise with the auctioneer to sell the original attachments.

**CARRIED 7/0
By Absolute Majority**

9.1.6 INTRODUCTION OF A NEW FEE TO THE SCHEDULE OF FEES & CHARGES – 2020/2021

PROPOSED MEETING DATE:	18 November 2020
PROPONENT:	N/A
LOCATION:	Whole of the Shire
AUTHOR:	Michelle Bamess - Deputy Chief Executive Officer
REPORTING OFFICER:	Rick Miller - Chief Executive Officer
FILE NO:	101.1.1
ASSESSMENT NO:	N/A
ATTACHMENTS:	

PURPOSE

For Council to consider and adopt a fee for replacement refuse site access swipe cards.

BACKGROUND

As part of the shire's plan to extend the life of it's landfill refuse sites and to meet Department Water & Environmental Regulations (DWER), automatic gate systems with CCTV have been installed at both the Nyabing and Pingrup refuse sites.

To ensure convenience to the Shire of Kent community, ratepayers and residents have been provided with swipe cards to be able to access these sites.

COMMENT

18 November 2020 – Ordinary Meeting of Council

Access swipe cards were provided to all ratepayers at no charge as the cost for these was included in the set up expenses for the automatic gate system. However there is currently no replacement fee for access swipe cards included in the current 2020-2021 Schedule of Fees & Charges.

To assist with covering Shire costs incurred in providing replacement or additional access swipe cards to community members, it is proposed that a fee of \$25 per card be introduced.

STATUTORY IMPLICATIONS

Local Government Act 1995 – Section 6.16 and 6.19

6.16. Imposition of fees and charges

- (1) A local government may impose* and recover a fee or charge for any goods or service it provides or proposes to provide, other than a service for which a service charge is imposed.

* Absolute majority required.

- (3) Fees and charges are to be imposed when adopting the annual budget but may be —

- (a) imposed* during a financial year; and
(b) amended* from time to time during a financial year.

* Absolute majority required.

6.19. Local government to give notice of fees and charges

If a local government wishes to impose any fees or charges under this Subdivision after the annual budget has been adopted it must, before introducing the fees or charges, give local public notice of —

- (a) its intention to do so; and
(b) the date from which it is proposed the fees or charges will be imposed.

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

An additional income receivable of \$25 for replacement access swipe cards.

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

Absolute Majority

RECOMMENDATION

That Council:

1. Introduce a new fee for replacement additional access swipe cards of \$25 (inc-GST) per card; and
2. Give public notice of 7 days of the intent to introduce the newly adopted fee and charge.

OCM2021/049 - COUNCIL RESOLUTION (Officer Recommendation)
--

MOVED Cr KR Stephens / Cr BC Bamess

That Council:

- 1. Introduce a new fee for replacement of lost access tags or additional access tags of \$25 (inc-GST) per access tag; and**
- 2. Give public notice of 7 days of the intent to introduce the newly adopted fee and charge.**

**CARRIED 7/0
By Absolute Majority**

9.1.7 DELEGATION OF POWERS UNDER THE BUSH FIRES ACT 1954 TO THE CHIEF EXECUTIVE OFFICER, SHIRE PRESIDENT AND CHIEF BUSH FIRE CONTROL OFFICER

<p>PROPOSED MEETING DATE:</p> <p>PROPONENT:</p> <p>LOCATION:</p> <p>AUTHOR:</p> <p>REPORTING OFFICER:</p> <p>FILE NO:</p> <p>ASSESSMENT NO:</p> <p>ATTACHMENTS:</p>	<p>18 November 2020</p> <p>N/A</p> <p>N/A</p> <p>Suzan Lees – Community Emergency Services Manager</p> <p>Rick Miller – Chief Executive Officer</p> <p>041.4.1</p> <ol style="list-style-type: none"> 1. Briefing Note 2. Proposed Delegations Changes – Revoked & New
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PURPOSE

The purpose of this report is for Council to review and update the delegation of powers and duties provided to local government under the Bush Fires Act 1954 (the Act) and its subsidiary legislation to the Shire of Kent CEO, Shire President and Chief Bush Fire Control Officer.

BACKGROUND

- Under the Act, local government means the Council of a local government.
- No powers/duties are assigned to a local government CEO under the Act (any reference to CEO in the Act means the CEO of the Department of Biodiversity, Conservation and Attractions).
- If powers and duties are not delegated by Council to the local government CEO, any actions taken in relation to these powers must first be approved by a resolution of Council.
- Under s.48(1) of the Act, a local government may delegate to its Chief Executive Officer the performance of any function under the Act.
- Section 48(3) of the Act prevents sub-delegation to other officers.
- Councils may impose conditions under which the delegation is to be performed.

COMMENT

A briefing note describing the impact of each delegation is contained in Attachment 1. The proposed changes to delegations is detailed in Attachment 2.

STATUTORY IMPLICATIONS

Bush Fires Act 1954

17. Prohibited burning times may be declared by Minister
- (7) Subject to subsection (7B), in any year in which a local government considers that seasonal conditions warrant a variation of the prohibited burning times in its district the local

government may, after consultation with an authorised CALM Act officer if forest land is situated in the district, vary the prohibited burning times in respect of that year in the district or a part of the district by —

- (a) shortening, extending, suspending or reimposing a period of prohibited burning times; or
 - (b) imposing a further period of prohibited burning times.
- (10) A local government may by resolution delegate to its mayor, or president, and its Chief Bush Fire Control Officer, jointly its powers and duties under subsections (7) and (8).

48. Delegation by local governments

- (1) A local government may, in writing, delegate to its chief executive officer the performance of any of its functions under this Act.
- (2) Performance by the chief executive officer of a local government of a function delegated under subsection (1)—
 - (a) is taken to be in accordance with the terms of a delegation under this section, unless the contrary is shown; and
 - (b) is to be treated as performance by the local government.
- (3) A delegation under this section does not include the power to sub-delegate.
- (4) Nothing in this section is to be read as limiting the ability of a local government to act through its council, members of staff or agents in the normal course of business.

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Shire of Kent's Community Strategic Plan 2017 - 2027

Outcome 4.1 An efficient and effective organisation

4.1.1 Continually improve operational efficiencies and provide effective services.

RISK IMPLICATIONS

Currently the exercising of any power provided to local government under the Bush Fires Act 1954, except for those currently delegated to the CEO, needs Council approval.

There is a risk that if a power needs to be exercised urgently, such as requesting DFES to take control of a fire under s.13 of the Act, Council would need to convene for a special meeting causing a detrimental delay.

VOTING REQUIREMENT

Absolute Majority

RECOMMENDATION

That Council:

1. revoke delegation 6.1.1. to Vary Prohibited and Restricted burning times.
2. in accordance with s.5.48 of the Bush Fires Act 1954, delegate to the Shire President, Chief Executive Officer and Chief Bush Fire Control Officer (as applicable) the discharge of duties and authority of local government under the Act, as listed in the following table and detailed in Attachment 2:

Number	New Delegations
6.1.6	Prohibited Burning Times – Vary (delegate to Shire President and CBFCO jointly)
6.1.7	Restricted Burning Times – Vary (delegate to CEO)
6.1.8	Request to FES Commissioner - Take Control of a Fire (delegate to CEO)
6.1.9	Control of Activities during Prohibited and Restricted Burning Times (delegate to CEO)
6.1.10	Control and Extinguishment of Bush Fires (delegate to CEO)
6.1.11	Burning Garden Refuse / Open Air Fires (delegate to CEO)
6.1.12	Recovery of Expenses – Escaped Permit Burns (delegate to CEO)

OCM2021/050 - COUNCIL RESOLUTION (Officer Recommendation)
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MOVED Cr TD Borgward / Cr KV Johnston

That Council:

1. **revoke delegation 6.1.1. to Vary Prohibited and Restricted burning times.**
2. **in accordance with s.5.48 of the Bush Fires Act 1954, delegate to the Shire President, Chief Executive Officer and Chief Bush Fire Control Officer (as applicable) the discharge of duties and authority of local government under the Act, as listed in the following table and detailed in Attachment 2:**

Number	New Delegations
6.1.6	Prohibited Burning Times – Vary (delegate to Shire President and CBFCO jointly)
6.1.7	Restricted Burning Times – Vary (delegate to CEO)
6.1.8	Request to FES Commissioner - Take Control of a Fire (delegate to CEO)
6.1.9	Control of Activities during Prohibited and Restricted Burning Times (delegate to CEO)
6.1.10	Control and Extinguishment of Bush Fires (delegate to CEO)
6.1.11	Burning Garden Refuse / Open Air Fires (delegate to CEO)
6.1.12	Recovery of Expenses – Escaped Permit Burns (delegate to CEO)

**CARRIED 7/0
By Absolute Majority**

9.1.8 REQUEST FOR APPROVAL TO COLLECT SEED FROM SHIRE OF KENT ROAD RESERVES

PROPOSED MEETING DATE:	18 November 2020
PROPONENT:	Department of Biodiversity Conservation and Attractions
LOCATION:	Whole of Shire
AUTHOR:	Paul Leoni - NRMO
REPORTING OFFICER:	Rick Miller – Chief Executive Officer
FILE NO:	053.1.5
ASSESSMENT NO:	N/A

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.

The following correspondence has been received on 12/11/2020:

“CEO Shire of Kent, Rick Miller

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 2021 and beyond, 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

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

The previous approvals ran for a 12 month period; given that this work is likely to be ongoing, could consideration be given to the granting of a 5 year approval period?

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
 98819215 (phone)
 98811645 (fax)
 0419946985 (mobile)
peter.white@dbca.wa.gov.au"

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.

I am not aware of any issues that have been raised in regards to any previous collections collection.

STATUTORY IMPLICATIONS

Local Government Act (1995)
 Biodiversity Conservation Act 2016
 Biodiversity Conservation Regulations 2018

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil.

STRATEGIC IMPLICATIONS

Community Strategic Plan 2017-2027

Environment Objective - Conserve, protect and enhance our natural and built environment

Outcome 3.1 A preserved natural environment

3.1.1 Conserve, enhance, promote and rehabilitate the natural environment

RISK IMPLICATIONS

N/A

VOTING REQUIREMENT

Simple Majority

RECOMMENDATION

That Council:

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

- (i) Permission is granted for period to November 2025.
- (ii) Biodiversity Conservation Act 2016 and Biodiversity Conservation Regulations 2018 and will abide by the conditions of this license
- (iii) This approval applies to collection by Parks and Wildlife Services, Department of Biodiversity, Conservation and Attractions staff only
- (iv) Appropriate hygiene measures will be followed at all times to prevent the spread of plant disease and weeds.
- (v) All care will be taken to avoid the disturbance of fauna habitat.
- (vi) All care will be taken to avoid any disturbance that may lead to soil degradation.
- (vii) A report detailing shire reserves accessed and seed collected be provided once the annual collection period is complete.

OCM2021/051 - COUNCIL RESOLUTION (Officer Recommendation)

MOVED Cr JN Germin / Cr KV Johnston

That Council:

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

- (i) Permission is granted for period to November 2025.**
- (ii) Biodiversity Conservation Act 2016 and Biodiversity Conservation Regulations 2018 and will abide by the conditions of this license**
- (iii) This approval applies to collection by Parks and Wildlife Services, Department of Biodiversity, Conservation and Attractions staff only**
- (iv) Appropriate hygiene measures will be followed at all times to prevent the spread of plant disease and weeds.**
- (v) All care will be taken to avoid the disturbance of fauna habitat.**
- (vi) All care will be taken to avoid any disturbance that may lead to soil degradation.**
- (vii) A report detailing shire reserves accessed and seed collected be provided once the annual collection period is complete.**

**CARRIED 7/0
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.

13. MEETING CLOSED

There being no further business the Shire President Cr Scott Crosby, closed the meeting at 6.03pm.