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11/11/2021

Dear President and Councillors,

NOTICE OF AN ORDINARY COUNCIL MEETING

Please be advised that an Ordinary meeting of the Council of the Shire of Kent is to be held on

Wednesday, 17 November 2021
At the Council Chambers,
Nyabing
Briefing session to commence at 3.30pm (closed to the public)
Council Meeting to commence at 5.30pm

Open Council Meetings – Procedures

1. All Council meetings are open to the public, except for matters raised by Council under “confidential items”.
2. Members of the public may ask a question at an ordinary Council meeting under “public question time”.
3. Members of the public who are unfamiliar with meeting procedures are invited to seek advice at the meeting. If unsure about proceedings, just raise your hand when the presiding member announces public question time.
4. All other arrangements are in accordance with the Council’s standing orders, policies and decisions of the Shire.

Yours faithfully,

ADAM MAJID
CHIEF EXECUTIVE OFFICER

Disclaimer

Members of the Public are advised that the recommendations to Council contained within this agenda and decisions arising from the Council Meeting can be subject to alteration. Applicants and other interested parties should refrain from taking any action until such time as written advice is received confirming Council’s decision with respect to any particular issue.

AGENDA
17 NOVEMBER 2021

Table of Contents

1.	DECLARATION OF OPENING AND ANNOUNCEMENT OF VISITORS	3
1.1.1	SWEARING IN/DECLARATION BY ELECTED MEMBERS	3
2.	RECORD OF ATTENDENCE/APOLOGIES AND APPROVED LEAVE OF ABSENCE	3
3.	DISCLOSURES OF INTEREST	3
4.	PUBLIC QUESTION TIME	3
5.	APPLICATIONS FOR LEAVE OF ABSENCE	3
6.	CONFIRMATION AND RECEIVING OF MINUTES/BUSINESS ARISING.....	4
6.1.1	ORDINARY MEETING OF COUNCIL HELD WEDNESDAY 20 OCTOBER, 2021	4
7.	ANNOUNCEMENTS BY THE PRESIDING PERSON WITHOUT DISCUSSION	4
8.	PETITIONS/DEPUTATIONS/PRESENTATIONS/SUBMISSIONS	4
9.	OFFICER REPORTS	4
9.1.1	MONTHLY FINANCIAL REPORTS TO 31 OCTOBER 2021	5
9.1.2	SCHEDULE OF ACCOUNTS PAID TO 31 OCTOBER 2021	7
9.1.3	STATUS OF COUNCIL DECISIONS – OCTOBER 2021	9
9.1.4	CHRISTMAS CLOSURE 2021/2022	11
9.1.5	COUNCIL MEETINGS SCHEDULE 2022	13
9.1.6	2021/22 BUDGET REQUEST – NYABING OCCASIONAL DAYCARE.....	15
9.1.7	DELEGATIONS OF AUTHORITY – REVIEW	17
10.	ELECTED MEMBERS MOTION OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN.....	20
10.1.1	NOTICE OF MOTION – DESIGNATION OF SENIOR POSITIONS – CR SCOTT CROSBY20	
11.	NEW BUSINESS OF AN URGENT NATURE AGREED TO BY RESOLUTION OF COUNCIL	20
12.	MATTERS BEHIND CLOSED DOORS.....	20
12.1.1	**CONFIDENTIAL ITEM**	20
13.	MEETING CLOSED.....	20

1. DECLARATION OF OPENING AND ANNOUNCEMENT OF VISITORS

The meeting was opened atpm by the Shire President.

1.1.1 SWEARING IN/DECLARATION BY ELECTED MEMBERS

The Shire President welcomed a Justice of the Peace or the Chief Executive Officer for the Swearing In and Declaration by Elected Members.

Each Councillor Elect from the Extraordinary Election is invited to undertake the Oath or Affirmation of Allegiance and Declaration of Office.

2. RECORD OF ATTENDANCE/APOLOGIES AND APPROVED LEAVE OF ABSENCE**ATTENDANCE**

Elected Members:

Staff:

Visitors:

Gallery:

APOLOGIES**APPROVED LEAVE OF ABSENCE****ABSENT****3. DISCLOSURES OF INTEREST**

Section 5.65 and 5.70 of the *Local Government Act 1995*

Elected Member or officer, who has an interest in any matter for discussion and attends at a Committee/Council Meeting, must disclose the nature of the interest in a written notice give to the Chief Executive Officer before the meeting, or at the meeting prior to discussion on the matter.

An Elected Member who makes a disclosure under section 5.65 or 5.70 must not preside at the part of the meeting relating to the matter; or participate in; or be present during, any discussion or decision-making procedure relating to the matter, unless allowed by the Committee/Council. If Committee/Council allow an Elected Member to speak, the extent of that interest must be stated.

- Declaration of Financial Interests:
- Declarations of Proximity Interests:
- Declarations of Impartiality Interests:

4. PUBLIC QUESTION TIME**5. APPLICATIONS FOR LEAVE OF ABSENCE**

Section 5.25 *Local Government Act 1995*

6. CONFIRMATION AND RECEIVING OF MINUTES/BUSINESS ARISING

6.1.1 ORDINARY MEETING OF COUNCIL HELD WEDNESDAY 20 OCTOBER, 2021

OFFICER RECOMMENDATION

That the minutes of the Ordinary Council Meeting of the Shire of Kent held at the Council Chambers, on Wednesday 15 September, 2021 be CONFIRMED.

7. ANNOUNCEMENTS BY THE PRESIDING PERSON WITHOUT DISCUSSION

8. PETITIONS/DEPUTATIONS/PRESENTATIONS/SUBMISSIONS

9. OFFICER REPORTS

9.1.1 MONTHLY FINANCIAL REPORTS TO 31 OCTOBER 2021

PROPOSED MEETING DATE:	17 November 2021
PROPONENT:	N/A
LOCATION:	N/A
AUTHOR:	Christie Smith – Manager Corporate
REPORTING OFFICER:	Christie Smith – Manager Corporate
FILE NO:	FIN30.20
ASSESSMENT NO:	N/A
ATTACHMENTS:	<ul style="list-style-type: none"> Monthly Financial Reports to 31 October 2021
DISCLOSURE OF INTEREST:	Nil

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. Please note the reports are the unaudited version, audit has been undertaken during September 2021. Auditors are now required to liaise with Office of the Auditor General (OAG) prior to finalization of the audit. Once finalized the audited financials will be presented to Council accordingly and the brought forward balance many need to be adjusted in this financial year.

Most variances are due to timing, particularly depreciation as the depreciation program is unable to be run until audit is finalized.

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

OFFICER RECOMMENDATION

That Council receive the following Monthly Financial Reports as presented:

- **Monthly Financial Reports to 31 October 2021.**

9.1.2 SCHEDULE OF ACCOUNTS PAID TO 31 OCTOBER 2021

PROPOSED MEETING DATE:	17 November 2021
PROPONENT:	N/A
LOCATION:	N/A
AUTHOR:	Christie Smith – Manager Corporate
REPORTING OFFICER:	Christie Smith – Manager Corporate
FILE NO:	042.6.2
ASSESSMENT NO:	N/A
ATTACHMENTS:	1. Schedule of accounts paid 2. Schedule of direct debits
DISCLOSURE OF INTEREST:	Nil

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

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4.1.2 Continue to enhance communication and transparency.

RISK IMPLICATIONS

N/A

VOTING REQUIREMENT

Simple Majority

OFFICER RECOMMENDATION

That Council endorse the payments from the Municipal Fund and Trust Fund for the period ending 31 October 2021:

Municipal Fund	\$486,070.59
Trust Fund	\$ 0.00
Direct Debits	\$151,079.74
<u>TOTAL</u>	<u>\$637,150.33</u>

9.1.3 STATUS OF COUNCIL DECISIONS – OCTOBER 2021

PROPOSED MEETING DATE:	17 November 2021
PROPONENT:	N/A
LOCATION:	N/A
AUTHOR:	Christie Smith – Manager Corporate
REPORTING OFFICER:	Adam Majid – Chief Executive Officer
FILE NO:	041.1.1
ASSESSMENT NO:	N/A
ATTACHMENTS:	1. Outstanding Matters List 2. Action Sheet
DISCLOSURE OF INTEREST:	Nil

PURPOSE

To inform the 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

OFFICER RECOMMENDATION

That the following be received by the Council:

1. The Action Sheet for the Council Meeting 20 October 2021and;
2. The Outstanding Matters list dated 17 November 2021.

9.1.4 CHRISTMAS CLOSURE 2021/2022

PROPOSED MEETING DATE:	17 November 2021
PROPONENT:	N/A
LOCATION:	N/A
AUTHOR:	Christie Smith – Manager Corporate
REPORTING OFFICER:	Adam Majid – Chief Executive Officer
FILE NO:	041.4.1
ASSESSMENT NO:	N/A
ATTACHMENTS:	Nil
DISCLOSURE OF INTEREST:	Nil

PURPOSE

The purpose of this report is to seek approval from Council to close the Administration Office between Christmas and New Year.

BACKGROUND

The Council has traditionally closed the Administration Office for this period which is three (3) working days with staff taking annual leave, public holidays and rostered days off.

COMMENT

For 2021, it is proposed the Administration Office close during the period between Christmas and New Year and it is requested that Council approve the early close of the Administration Office at 1pm on Friday 24 December 2021 (Christmas Eve). Proposed officer hours over this period are as follows:

Friday 24 December 2021	Early Closure 1.00pm
Monday 27 December 2021	OFFICE CLOSED (Christmas Day Public Holiday)
Tuesday 28 December 2021	OFFICE CLOSED (Boxing Day Public Holiday)
Wednesday 29 December 2021	OFFICE CLOSED
Thursday 30 December 2021	OFFICE CLOSED
Friday 31 December 2021	OFFICE CLOSED
Monday 3 January 2022	OFFICE CLOSED (New Years Day Public Holiday)
Tuesday 4 January 2022	Normal Office Hours 8.30am – 4.30pm

The Chief Executive Officer, Manager Corporate and Manager Infrastructure will be contactable via mobile during this year.

STATUTORY IMPLICATIONS

There are no strategic implications for this report.

POLICY IMPLICATIONS

There is no policy relating to Administration Office closure.

FINANCIAL IMPLICATIONS

No known financial implications.

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.

4.1.3 Continue to search out advantageous resource sharing opportunities.

RISK IMPLICATIONS

N/A

VOTING REQUIREMENT

Simple Majority

OFFICER RECOMMENDATION

That Council endorse the following Administration Office closing times for the 2021 Christmas/New Year period as follows:

Friday 24 December 2021	Early Closure 1.00pm
Monday 27 December 2021	OFFICE CLOSED (Christmas Day Public Holiday)
Tuesday 28 December 2021	OFFICE CLOSED (Boxing Day Public Holiday)
Wednesday 29 December 2021	OFFICE CLOSED
Thursday 30 December 2021	OFFICE CLOSED
Friday 31 December 2021	OFFICE CLOSED
Monday 3 January 2022	OFFICE CLOSED (New Years Day Public Holiday)
Tuesday 4 January 2022	Normal Office Hours 8.30am – 4.30pm

9.1.5 COUNCIL MEETINGS SCHEDULE 2022

PROPOSED MEETING DATE:	17 November 2021
PROPONENT:	N/A
LOCATION:	N/A
AUTHOR:	Christie Smith – Manager Corporate
REPORTING OFFICER:	Adam Majid – Chief Executive Officer
FILE NO:	041.8.1
ASSESSMENT NO:	N/A
ATTACHMENTS:	Nil
DISCLOSURE OF INTEREST:	Nil

PURPOSE

The purpose of this report is to review and schedule ordinary council meetings of Council for 2022.

BACKGROUND

In accordance with the Regulation 12 of the Local Government (Administration) Regulation 1996, Local Governments are required to give local public notice of the date, time and place with respect to ordinary council meetings and committee meetings which are proposed to be open to members of the public and shall be held within the proceeding 12 month period.

COMMENT

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

Council meetings have historically been held on the third Wednesday of each month commencing at 5.30pm in Council Chambers, 24-26 Richmond Street Nyabing. In December 2017 it was resolved that Council hold its February Ordinary Meeting one week earlier to coincide with the Annual Electors Meeting and it is recommended that this practice continue. There is no Council meeting held during the month of January.

Given all of the above, the proposed meeting schedule for 2022 is as follows:

Wed 9 February 2022
 Wed 16 March 2022
 Wed 20 April 2022
 Wed 18 May 2022
 Wed 15 June 2022
 Wed 20 July 2022
 Wed 17 August 2022
 Wed 21 September 2022
 Wed 19 October 2022
 Wed 16 November 2022
 Wed 21 December 2022

STATUTORY IMPLICATIONS

Local Government Act 1995 - Section 5.25(1)(g). Regulations about council and committee meetings.

Local Government (Administration) Regulations 1996 - Section 12. Meetings, public notice of

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.

4.1.3 Continue to search out advantageous resource sharing opportunities.

RISK IMPLICATIONS

N/A

VOTING REQUIREMENT

Simple Majority

OFFICER RECOMMENDATION

That:

1. **Ordinary Council Meetings be scheduled for the third Wednesday of each month for 2022 commencing at 5.30pm held in the Council Chambers, Richmond Street Nyabing, with the following exceptions:**
 - **No scheduled meeting to be held in January; and**
 - **The February meeting be held on the second Wednesday to make allowance for the Annual Electors Meeting to be held at 6:30pm 9 February 2022.**
2. **The following dates be approved for the 2022 year for Council Meetings:**
 - **Wed 9 February 2022**
 - **Wed 16 March 2022**
 - **Wed 20 April 2022**
 - **Wed 18 May 2022**
 - **Wed 15 June 2022**
 - **Wed 20 July 2022**
 - **Wed 17 August 2022**
 - **Wed 21 September 2022**
 - **Wed 19 October 2022**
 - **Wed 16 November 2022**
 - **Wed 21 December 2022**
3. **All meeting dates and times to be advertised pursuant to Regulation 12 of Local Government (Administration) Regulations 1996.**

9.1.6 2021/22 BUDGET REQUEST – NYABING OCCASIONAL DAYCARE

PROPOSED MEETING DATE:	17 November 2021
PROPONENT:	Gnowangerup Family Support Association (GSFA)
LOCATION:	N/A
AUTHOR:	Christie Smith – Manager Corporate
REPORTING OFFICER:	Adam Majid – Chief Executive Officer
FILE NO:	081.2.1
ASSESSMENT NO:	N/A
ATTACHMENTS:	Nil
DISCLOSURE OF INTEREST:	Nil

PURPOSE

The purpose of this report is for the Council to reconsider a budget request from GSFA to install blinds in the main room and bathroom at the Nyabing CWA on behalf of the Nyabing Occasional Childcare.

BACKGROUND

In May 2021, a budget request was received from GSFA (Nyabing Occasional Childcare) for a financial contribution of \$1,500 towards the cost of blind installation in the main room and bathroom. The Council considered this request when adopting the 2021/22 Budget. The request was not supported due to the business nature of the organisation. At the time of considering the request the Council were not aware that GSFA is registered as a charity organization

COMMENT

Upon receipt of a letter advising of the Council's considerations, GSFA have written to the Council for the request to be reconsidered advising that they are a charity organization and is managed by the community with volunteers.

STATUTORY IMPLICATIONS

Local Government Act 1995:

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

The Council does not have a policy in relation to budget requests, requests are considered in a case by case basis.

FINANCIAL IMPLICATIONS

An allowance of \$2,000 in Members of Council for donations that will cover the cost of this contribution.

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.

4.1.3 Continue to search out advantageous resource sharing opportunities.

RISK IMPLICATIONS

N/A

VOTING REQUIREMENT

Absolute Majority

OFFICER RECOMMENDATION

That the Council provide a \$1,500 financial contribution to Gnowangerup Family Support Association (Nyabing Occasional Childcare) towards the installation of blinds in the main room and bathroom at the Nyabing CWA.

9.1.7 DELEGATIONS OF AUTHORITY – REVIEW

PROPOSED MEETING DATE:	17 November 2021
PROPONENT:	N/A
LOCATION:	N/A
AUTHOR:	Christie Smith – Manager Corporate
REPORTING OFFICER:	Adam Majid – Chief Executive Officer
FILE NO:	041.4.1
ASSESSMENT NO:	N/A
ATTACHMENTS:	Revised Delegations Authority Register
DISCLOSURE OF INTEREST:	Nil

PURPOSE

Due to change in senior staff positions, to comply with the provisions of the Local Government Act 1995, Council is required to review the Delegations Register.

BACKGROUND

Council reviewed delegations in April 2021 as per requirement to review at least once every financial year, section 5.18 of the *Local Government Act 1995*. In October 2021 Council accepted the new organisational chart which incorporates changes in titles for senior positions and now needs to be reflected in the Delegations Register.

The aim of delegated authority is to assist with improving the time taken to make decisions subject to any constraints determined by Council or by the relevant legislation. The Delegations Register is consistent with the Shire's Community Strategic Plan directions. In particular it assists Council to achieve the Shire of Kent's Mission and Objectives, including its obligations at law to carry out the statutory responsibilities of Local Government.

COMMENT

The following was amended in the current Delegations Register.

Delegation#	Title	Amendment	Details
All delegations	All delegations	Title change	Change of any reference to Deputy Chief Executive Officer to Manager Corporate.
All delegations	All delegations	Title change	Change of any reference to Works Manager to Manager Infrastructure.
All delegations	All delegations	Title change	Removal of any reference to Senior Finance Officer and Building Surveyor as these positions do not exist. .
3.2.1	Administration of Local Planning Scheme No.3	New delegation	There was no delegation previously.

For Councillors information the following definitions are provided to explain the variance between the Sections within the Delegations Register.

Delegation from the Council to the CEO – Are instances where the Council delegates the role of undertaking certain roles and responsibilities to the CEO or the CBFCO.

Authorisation by Council – Are instances when an officer or class of officers is formally authorised to act on behalf of the local government in respect to policing specific legislation and the legislation requires that the authorisation be provided by the local government rather than the Chief Executive Officer. This applies only to legislation other than that related directly to the Local Government Act 1995, for example the Dog Act 1997 or the Bush Fires Act 1954.

Authorisations by Chief Executive Officer – Are instances where an officer or class of officer is authorised to take relevant action in relation to a specific legislation, regulation or local law. This is an executive function of the Chief Executive Officer in relation to the Local Government Act 1995 and in other Acts the Chief Executive Officer is empowered to authorise individuals or classes of employees.

It should be noted that powers cannot be delegated to individual elected members, except in the case of the President as specified in the Bush Fires Act 1954 (currently under review). A delegation to elected members can only be made to a committee and then the committee must comply with the requirements of the Local Government Act 1995 where a delegated authority exists.

STATUTORY IMPLICATIONS

Local Government Act 1995:

Sections 5.41 Functions of the CEO; 5.4.2 Delegation of some powers and duties to the CEO; 5.43 Limits on delegations to CEO's; 5.44 CEO may delegate powers and duties to other employees; 5.45 Other matters relevant to delegations under this Division; and 5.46 Register of, and records relevant to, delegations to CEO's and employees.

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

There are no financial implications in this report.

STRATEGIC IMPLICATIONS

Community Strategic Plan 2017-2027

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

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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.

RISK IMPLICATIONS

N/A

VOTING REQUIREMENT

Absolute Majority

OFFICER RECOMMENDATION

That Council:

- 1. Accepts completion as the Delegator, the 2021/22 annual statutory review of the Delegations Register.**

- 2. Accepts the following amendments:**

Delegation#	Title	Amendment	Details
All delegations	All delegations	Title change	Change of any reference to Deputy Chief Executive Officer to Manager Corporate.
All delegations	All delegations	Title change	Change of any reference to Works Manager to Manager Infrastructure.
All delegations	All delegations	Title change	Removal of any reference to Senior Finance Officer and Building Surveyor as these positions do not exist. .
3.2.1	Administration of Local Planning Scheme No.3	New delegation	There was no delegation previously.

- 3. Approves the revised Delegations Register as presented.**

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

10.1.1 NOTICE OF MOTION – DESIGNATION OF SENIOR POSITIONS – CR SCOTT CROSBY

Notice of Motion

A Notice of Motion was received from Councillor Crosby via letter on Wednesday, 20 October 2021.

The Notice of Motion is:

That the positions of Manager Corporate and Manager Infrastructure be designated as senior positions pursuant to Section 5.37 of the *Local Government Act 1995*.

Reasoning

Councillor Crosby provided the following reasoning for the motion:

'it is my opinion that the two most senior officer positions after the CEO with the Shire of Kent should be classified as senior in accordance with the Act so that the Council has input into any proposal by the CEO to employ or dismiss this class of employee.'

Voting requirements

Simple Majority

OFFICER RECOMMENDATION

That the positions of Manager Corporate and Manager Infrastructure be designated as senior positions pursuant to Section 5.37 of the *Local Government Act 1995*.

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

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.

PROCEDURAL MOTION

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

12.1.1 **CONFIDENTIAL ITEM**

13. MEETING CLOSED