

SHIRE OF KENT



ORDINARY MINUTES

DATE: Wednesday 16 March 2022

TIME: 5:30pm

VENUE: Council Chambers,
Richmond Street, Nyabing WA 6341

ADAM MAJID
CHIEF EXECUTIVE OFFICER

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Adam Majid

CHIEF EXECUTIVE OFFICER

MINUTES
MARCH 2022

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1. DECLARATION OF OPENING AND ANNOUNCEMENT OF VISITORS

The meeting was opened at 5:30pm by the Shire President.

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

Members

Cr SR Crosby	Shire President
Cr KV Johnston	Deputy Shire President
Cr TD Borgward	Member
Cr JN Germain	Member
Cr DP Gray	Member
Cr WD Tapscott	Member
Cr GW Hobley	Member
Cr RA Jury	Member

Staff

AL Majid	Chief Executive Officer
CJ Smith	Manager Corporate
PE Spencer	Manager Infrastructure

Members of the Public

Nil

Apologies

Members on Approved Leave of Absence

3. DISCLOSURES OF INTEREST

Mr Adam Majid, Chief Executive Officer declared a financial interest in Item 12.1.1– CEO Interim Probation Review and Performance Criteria. Mr Majid declared a financial interest as it relates to employment contract and refers to payments and advised he would leave the Chamber for the duration of the item.

4. PUBLIC QUESTION TIME

Nil

5. APPLICATIONS FOR LEAVE OF ABSENCE

Section 5.25 *Local Government Act 1995*

Nil

6. CONFIRMATION AND RECEIVING OF MINUTES/BUSINESS ARISING

6.1.1 Ordinary Meeting of Council held Wednesday 9 February, 2022

OCM2122/102 - COUNCIL RESOLUTION (Officer Recommendation)

MOVED Cr JN Germain / Cr TD Borgward

That the minutes of the Ordinary Council Meeting of the Shire of Kent held at the Council Chambers, on Wednesday 9 February, 2022 be CONFIRMED.

**CARRIED 8/0
By Simple Majority**

7. ANNOUNCEMENTS BY THE PRESIDING PERSON WITHOUT DISCUSSION

8. PETITIONS/DEPUTATIONS/PRESENTATIONS/SUBMISSIONS
Nil

9. OFFICER REPORTS

9.1.1 MONTHLY FINANCIAL REPORTS TO 28 FEBRUARY 2022

PROPOSED MEETING DATE:	16 March 2022
PROPONENT:	N/A
LOCATION:	N/A
AUTHOR:	Christie Smith – Manager Corporate
REPORTING OFFICER:	Christie Smith – Manager Corporate
FILE NO:	NAM35
ASSESSMENT NO:	N/A
ATTACHMENTS:	<ul style="list-style-type: none"> • Monthly Financial Reports to 28 February 2022
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.

The aged trial balance for Debtors for over 60+ days seems high; this is due to invoices in relation to grant funding that will be reversed once audit has been approved.

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

OCM2122/103 - COUNCIL RESOLUTION (Officer Recommendation)
--

MOVED Cr KV Johnston / Cr DP Gray

That Council receive the following Monthly Financial Reports as presented:

- **Monthly Financial Reports to 28 February 2022**

**CARRIED 8/0
By Simple Majority**

9.1.2 SCHEDULE OF ACCOUNTS PAID TO 28 FEBRUARY 2022

PROPOSED MEETING DATE:	16 March 2022
PROPONENT:	N/A
LOCATION:	N/A
AUTHOR:	Adele Collins – Finance Officer
REPORTING OFFICER:	Christie Smith – Manager Corporate
FILE NO:	NAM35
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

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

OCM2122/104 - COUNCIL RESOLUTION (Officer Recommendation)

MOVED Cr WD Tapscott / Cr GW Hobley

That Council endorse the payments from the Municipal Fund and Trust Fund for the period ending 28 February 2022:

Municipal Fund	\$247,245.28
Trust Fund	\$ 0.00
Direct Debits	\$184,334.90
<u>TOTAL</u>	<u>\$431,580.18</u>

**CARRIED 8/0
By Simple Majority**

9.1.3 STATUS OF COUNCIL DECISIONS – MARCH 2022

PROPOSED MEETING DATE:	16 March 2022
PROPONENT:	N/A
LOCATION:	N/A
AUTHOR:	Christie Smith – Manager Corporate
REPORTING OFFICER:	Adam Majid – Chief Executive Officer
FILE NO:	NAM35
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

OCM2122/105 - COUNCIL RESOLUTION (Officer Recommendation)

MOVED Cr RA Jury/Cr JN Germain

That the following be received by the Council:

- 1. The Action Sheet for the Council Meeting 9 February 2022;**
- 2. The Outstanding Matters list dated 16 March 2022.**

**CARRIED 8/0
By Simple Majority**

9.1.4 2021/2022 BUDGET REVIEW

PROPOSED MEETING DATE:	16 March 2022
PROPONENT:	N/A
LOCATION:	N/A
AUTHOR:	Christie Smith – Manager Corporate
REPORTING OFFICER:	Christie Smith – Manager Corporate
FILE NO:	FIN.34
ASSESSMENT NO:	N/A
ATTACHMENTS:	<ul style="list-style-type: none"> Budget Review Report for the Period Ended 28 February 2022
DISCLOSURE OF INTEREST:	Nil

PURPOSE

To consider and adopt the Budget Review as presented in the Budget Review Report for the Period Ended 28 February 2022.

BACKGROUND

Presented for Council to consider and review is the Budget Review Report for the Period Ended 28 February 2022. The *Local Government (Financial Management) Regulations 1996*, regulation 33A, requires that local governments conduct a budget review between 1 January and 31 March each financial year.

Within 30 days of the adoption of the review, a copy of the review and determination requires submission to the Department of Local Government, Sport and Cultural Industries.

COMMENT

The intention of the review is an opportunity to review major budget variations that will significantly affect the budgeted net current asset position.

A balanced budget with a nil surplus/deficit is presented. There is a decrease in the brought forward balance of \$135,809; this is due to estimating the brought forward figure at the time of budget preparation.

GRANT FUNDING

A decrease in budgeted income of \$168,431 in relation to Federal Assistance Grants (FAGS). This is due to FAGS funding being an estimate at the time of budget preparation.

Non-Operating Grants has an increase of \$152,000; this is due to a Regional Road Group (RRG) project omitted from the original budget. This project has also been added to RRG capital expenses for \$228,000, RRG is funded 2/3 Main Roads and 1/3 Council.

SALARIES AND WAGES

During 2021/2022 several long-term employees resigned, this led to employee provisions requiring payment that was not in the budget, this is to be offset by a reserve transfer from the Leave Entitlements Reserve. There were some adjustments in relation to salaries and wages from the restructure of the organisational chart; these were minor apart from redundancy payments.

Termination payments (inc redundancy)	\$223,753
Additional CEO expenses (Acting)	\$ 30,577
Budget for Final Trim Grader Op	\$ 25,489

UNBUDGETED EXPENDITURE PREVIOUSLY APPROVED

Council approved the following as unbudgeted expenditure throughout the year:

Flood Damage expenses	\$200,000	OCM2122/028
Teacher Housing increase	\$308,421	OCM2122/086
Kukerin Road additional	\$301,184	OCM2122/043

Adjustment transfers from Reserves are included in the review in relation to additional expenses on Kukerin Road and for teacher housing as per Council recommendation.

STATUTORY IMPLICATIONS

Local Government Act (1995)

Regulation 33A of the *Local Government (Financial Management) Regulations 1996* requires:

- (1) Between 1 January and 31 March in each year a local government is to carry out a review of its annual budget for that year.
- (2) Consideration and review is to be given to a local government's financial performance in the period beginning on 1 July and ending no earlier than 31 December in that financial year.
- (3) Within 30 days after a review of the annual budget of a local government is carried out it is to be submitted to the Council.
- (4) A council is to consider a review submitted to it and is to determine* whether or not to adopt the review, any parts of the review or any recommendations made in the review.

**Absolute Majority required.*
- (5) Within 30 days after a council has made a determination, a copy of the review and determination is to be provided to the Department.

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

All financial variations will be within the existing Adopted Budget therefore nil financial implications.

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

OCM2122/106 - COUNCIL RESOLUTION (Officer Recommendation)
--

MOVED Cr TD Borgward / Cr GW Hobley

That Council review and adopt the statutory report Shire of Kent Budget Review Report for the Period Ended 28 February 2022 (as attached) and amend all variations contained within accordingly.

**CARRIED 8/0
By Absolute Majority**

9.1.5 NYABING CARAVAN PARK CONCEPT PLAN

PROPOSED MEETING DATE:	16 March 2022
PROPONENT:	N/A
LOCATION:	N/A
AUTHOR:	Adam Majid – Chief Executive Officer
REPORTING OFFICER:	Adam Majid – Chief Executive Officer
FILE NO:	PRO.294
ASSESSMENT NO:	N/A
ATTACHMENTS:	<ul style="list-style-type: none"> • Concept Plan and Presentation
DISCLOSURE OF INTEREST:	Nil

PURPOSE

For Council to receive the Nyabing Caravan Park concept plan as developed in 2019.

BACKGROUND

The Shire appointed Sally Malone Design in 2019 to undertake concept planning in relation to the Nyabing Caravan Park.

A search of the Shire's filing system has located an overall plan plus a presentation detailing the concepts developed.

While it looks as though Council were briefed in relation to the concept plan received, a review of Council minutes does not evidence Council receiving the concept plan.

It also appears that the community were provided the opportunity to make comment in July/August of 2019, however there don't appear to be any records on file in relation to this.

COMMENT

The concept plan is relatively broad and offers some good options for utilising existing spaces in and around the overall location.

As part of the presentation (attached) prepared by Sally Malone Design, the concept was put into three stages, those being:

- Stage 1 – Building improvements to sporting pavilion and general tidy up of entrance including signage.
- Stage 2 – Conversion of tennis club building into a camp kitchen and provision of new ablutions plus conversion of disused courts into formalised caravan/RV parking bays.
- Stage 3 – conversion of old sale shed into an event space and upgrading surrounds to be used as overflow and general camping space.

It is noted that the main aspects of Stage 2 have already been undertaken in advance of proposed Stage 1. However, should the concepts in relation to expanding the number of bays occur, it is likely further ablutions would be required. This would need to be considered as part of overall camp numbers etc.

There is little or no detail provided in the concept with regards to permanent accommodation nor is there consideration with regards to future potential of an on-site manager. This would need to be considered given that there is a desire for the Shire to work with CBH in establishing accommodation for their use during harvesting.

Other aspects such as the tourism/events space also presents a good opportunity, however, there requires a greater level of planning around this.

The above is the same for the establishment of formalised caravan and RV parking bays. It is important to remember that when applying for grants to deliver community facilities, projects need to as close to “shovel ready” as possible. This includes detailed design and costings +20%.

Overall, the concepts provided reflect some good thought and opportunities for the future. However, if Council want to actively pursue these concepts and be successful for future grants to deliver, then further planning is required.

STATUTORY IMPLICATIONS

Caravan Parks and Camping Grounds Act 1995

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil.

Future financial input will be required in order to establish detailed designs.

STRATEGIC IMPLICATIONS

- 1 - Economy: Support growth and progress locally and regionally.
- 1.2 - Increased Tourism
- 1.2.2 - Deliver upgrades to Shire Caravan Parks and Camping Grounds

RISK IMPLICATIONS

There are no perceived risks associated with the adoption of the officer’s recommendation.

VOTING REQUIREMENT

Simple Majority

OCM2122/107 - COUNCIL RESOLUTION (Officer Recommendation)
--

MOVED Cr JN Germain/Cr DP Gray

That Council:

- 1. Receives the Concept Plan for the Nyabing Caravan Park as developed by Sally Malone Design in 2019; and**
- 2. Considers making a financial commitment in the 2022/23 Annual Budget for detailed design and planning of the Nyabing Caravan Park.**

**CARRIED 8/0
By Simple Majority**

9.1.6 REQUEST TO USE NYABING KART TRACK – GREAT SOUTHERN STREET MACHINE ASSOCIATION

PROPOSED MEETING DATE:	16 March 2022
PROPONENT:	N/A
LOCATION:	N/A
AUTHOR:	Adam Majid – Chief Executive Officer
REPORTING OFFICER:	Adam Majid – Chief Executive Officer
FILE NO:	PRO.476
ASSESSMENT NO:	N/A
ATTACHMENTS:	<ul style="list-style-type: none"> • GSSMA Draft Event Proposal
DISCLOSURE OF INTEREST:	Nil

PURPOSE

For Council to consider a request from Great Southern Street Machine Association (GSSMA) to utilise the Nyabing Kart Track for an event.

BACKGROUND

GSSMA met with both the Shire President and CEO on 2 March 2022 to discuss a proposal to hold an event at the Nyabing Kart Track.

As explained by GSSMA, the event would be a two day (weekend) event based on “grass roots” entry level activities of Drifting, “Go to Whoa” and Motorkhana. All events held by GSSMA are sanctioned by their affiliated body being the Australian Auto Sport Alliance which provides both the governing rules and regulations and insurance for affiliated clubs.

At this point in time GSSMA is proposing the dates of 23 and 24 April 2022 (Anzac Day long weekend).

In researching the history of the Kart Track prior to the meeting, it was established that Council had received a request in 2013 from locals wishing to utilise the track with the view to re-establishing some form of a club.

Council considered the matter at its Ordinary Meeting of 10 July 2013 where it resolved as follows:

That the Council:

Does not support the reopening of the Nyabing Go Kart Track at this time.

Despite searching for both hard copies and electronic copies of records, there is no further historical information that can be located in relation to the Kart track at this time.

In considering the intention of the resolution of July 2013, it does not prevent any further consideration in future years for those wishing to seek one-off or special events at the Kart Track.

COMMENT

GSSMA have undertaken their own due diligence and have stated that the track dimensions and layout is suitable with respect to their governing rules and regulations.

They have expressed that if the event goes ahead and is positively received by both their competitors/members and the community, they would be keen to make it an annual event and potentially further expand to add additional events throughout a calendar year.

GSSMA are also eager to engage with local clubs/groups to assist with activities on the day such as BBQ fundraising (food and non-alcoholic refreshments) in addition to utilising the Nyabing Hub to host an evening dinner and use of local accommodation facilities.

In considering whether or not to support such an event, the most guiding factor for Council is the issue of Risk.

During the course of the meeting, it was identified that the potential best way forward for consideration would be the requirement for GSSMA to enter into some form of written instrument in order to remove any risk associated with the proposed event from both the Shire and the State.

Following the initial meeting, GSSMA were requested to submit a draft event program (attached) in addition to details of their Affiliation, association rules and insurance in order for the CEO to ascertain best practice approach.

Factors affecting best approach are as above being risk and, land tenure. The Kart Track is situated on reserved land being Reserve 39189 with an approved purpose of "Recreation – Go Kart Racing".

While the reserve purpose specifically refers to "Go Kart Racing", a proposal as presented is not necessarily "Go Kart" related, however the view is that the proposal does not drastically deviate from the established Reserve purpose as it is still motor based activities.

To mitigate the risk factor, contact has been made with a legal firm to discuss some form of instrument to remove risk from the Shire and the State while the premises is being used. The legal firm was supportive of this approach and are prepared to provide an instrument for GSSMA to enter into.

The matter has also been discussed with the Shire's insurer and they are also supportive of the approach established to consider permitting the event.

Given that risk from a Shire perspective can be mitigated and the potential value of the "community value-add" to community is perceived as high, it will be recommended that Council support GSSMA for the one-off event with the view to considering further events in the future is deemed successful by GSSMA.

STATUTORY IMPLICATIONS

Local Government Act 1995
Lad Administration Act 1997

POLICY IMPLICATIONS

3.2.2 Common Seal

FINANCIAL IMPLICATIONS

To establish a legal instrument to mitigate risks from the Shire and the State is estimated at no more than \$2,000 which can be adequately covered by existing operational budgets.

Given the potential value-add to the community resulting from such an event, it is considered acceptable for the Shire to undertake this work in the view that it be considered as event sponsorship.

The Shire would also expect to gain income from the use of the Caravan Park. Current estimates could be as much as \$1,200 to \$1,600.

STRATEGIC IMPLICATIONS

2 – Social:

2.3 – Existing strong community spirit and pride is fostered, promoted and encouraged.

RISK IMPLICATIONS

As per comments above, risk has been identified as being able to be mitigated through legal instruments.

VOTING REQUIREMENT

Simple Majority

OCM2122/108 - COUNCIL RESOLUTION (Officer Recommendation)
--

MOVED Cr JN Germain / Cr TD Borgward

That Council:

- 1. Supports the Draft proposal submitted by Great Southern Street Machine Association Inc. (GSSMA) to host an event at the Nyabing Go Kart Track being Reserve 39189;**
- 2. Authorises the Chief Executive Officer to formalise details of the event with GSSMA including final dates of the event and programming;**
- 3. Authorises the Chief Executive Officer to have developed an appropriate legal instrument to permit the use of the subject premises and associated facilities for use in a one-off capacity, including, the removal of both the Shire and State from any associated risk as a result of the proposed event.**
- 4. Authorises the Shire President and Chief Executive Officer to sign and apply the Shire common seal to all legal agreements accordingly;**
- 5. Request the Chief Executive Officer to keep Council informed on the progress of the event planning and associated actions.**

**CARRIED 8/0
By Simple Majority**

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

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

PROCEDURAL MOTION

OCM2122/109 - COUNCIL RESOLUTION (Procedural Motion)

MOVED Cr KV Johnston / Cr TD Borgward

That the urgent business of items 11.1.1, 11.1.2 and confidential item 12.1.2 be considered at this meeting.

CARRIED 8/0
By Simple Majority

11.1.1 AUDIT COMMITTEE MINUTES AND 2021 COMPLIANCE AUDIT RETURN

PROPOSED MEETING DATE:	16 March 2022
PROPONENT:	N/A
LOCATION:	N/A
AUTHOR:	Christie Smith – Manager Corporate
REPORTING OFFICER:	Christie Smith – Manager Corporate
FILE NO:	GOV.109; GOV.110
ASSESSMENT NO:	N/A
ATTACHMENTS:	Attachment 1 – Audit Committee Minutes 16 March 2022 Attachment 2 – 2021 Compliance Audit Return
DISCLOSURE OF INTEREST:	Nil

PURPOSE

That Council formally receive the minutes from the Audit Committee meeting held 16 March 2022, which includes recommendation for council to consider the adoption, signing and submission of the Compliance Audit Return 2021 (CAR) to the Department of Local Government, Sport and Cultural Industries (DLGSCI).

BACKGROUND

Under the Local Government Audit Regulations 1996, Local Government is required to carry out a Compliance Audit for the period 1 January 2021 to 31 December 2021. The certified return must be submitted to the Director General, Department of Local Government, Sport and Cultural Industries by 31 March 2022.

COMMENT

Annual Compliance Audit Return 2021 submitted for consideration of review by the Audit Committee. In carrying out the compliance return for 2021 there were no areas of non-compliance identified.

STATUTORY IMPLICATIONS

Regulation 14 of the *Local Government (Audit) Regulations 1996* provides:

- (1) A local government is to carry out a compliance audit for the period 1 January to 31 December in each year.
- (2) After carrying out a compliance audit the local government is to prepare a compliance audit return in a form approved by the Minister.

- (3A) *The local government's audit committee is to review the compliance audit return and is to report to the council the results of that review.*
- (3) *After the audit committee has reported to the council under subregulation (3A), the compliance audit return is to be —*
- (a) *presented to the council at a meeting of the council; and*
 - (b) *adopted by the council; and*
 - (c) *recorded in the minutes of the meeting at which it is adopted.*

Regulation 15 provides that:

- (1) *After the compliance audit return has been presented to the council in accordance with regulation 14(3) a certified copy of the return together with —*
- (a) *a copy of the relevant section of the minutes referred to in regulation 14(3)(c); and*
 - (b) *any additional information explaining or qualifying the compliance audit,*
 - (c) *is to be submitted to the Executive Director by 31 March next following the period to which the return relates.*
- (2) *In this regulation —*
- certified in relation to a compliance audit return means signed by —*
- (a) *the mayor or president; and*
 - (b) *the CEO.*

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

Nil

VOTING REQUIREMENT

Simple Majority

OCM2122/110- COUNCIL RESOLUTION (Officer Recommendation)

MOVED Cr WD Tapscott / Cr JN Germain

That Council receives the minutes from the Audit Committee Meeting held 16 March 2022

**CARRIED 8/0
By Simple Majority**

OCM2122/111- COUNCIL RESOLUTION (Officer Recommendation)

MOVED Cr DP Gray / Cr RA Jury

That the Council:

- 1. Adopts the Compliance Audit Return 2021, as presented;**
- 2. The Chief Executive Officer and the Shire President be authorised to sign the Compliance Audit Return 2021;**
- 3. The Compliance Audit Return 2021 be submitted to the Department of Local Government, Sport and Cultural Industries by the 31 March 2022 deadline.**

**CARRIED 8/0
By Simple Majority**

11.1.2 ADOPTION OF 2020/2021 ANNUAL REPORT

PROPOSED MEETING DATE:	16 March 2022
PROPONENT:	N/A
LOCATION:	N/A
AUTHOR:	Christie Smith – Manager Corporate
REPORTING OFFICER:	Christie Smith – Manager Corporate
FILE NO:	FIN.109
ASSESSMENT NO:	N/A
ATTACHMENTS:	Attachment 1 – 2020/2021 Annual Report including;- <i>2020/2021 Audited Financial Statements and Auditors Report.</i>
DISCLOSURE OF INTEREST:	Nil

PURPOSE

Council is to consider:

- Receiving the Auditors Report for inclusion in the 2020/2021 Annual Report;
- Accepting the 2020/21 Annual Report; and
- Setting the date for the Annual Electors Meeting

BACKGROUND

Council is required to prepare an Annual Report for each financial year.

The Annual Report is to include the Auditor's Report for year ended 30 June 2021. The Annual Report will be made available and is presented to the annual electors meeting.

COMMENT

It is proposed to hold the Annual Electors Meeting following Council Meeting on Wednesday 20 April 2022 at 7pm in the Council Chambers.

STATUTORY IMPLICATIONS

Sections 5.53, 5.54 and 5.55 of the *Local Government Act 1995* outline information to be included in the Annual Report, acceptance of the Annual Report and notice of the Annual Report.

Section 5.27 of the Act requires that the Annual Electors Meeting must be held within 56 days of the adoption of the Council's Annual Report.

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

Nil

VOTING REQUIREMENT

Absolute Majority

VOTING REQUIREMENT

That the Council:

1. **Receives the Auditors Report for inclusion in the 2020/2021 Annual Report;**
2. **Accepts the 2020/2021 Annual Report; and**
3. **Hold the Shire of Kent Annual Electors Meeting in accordance with 5.27 (2) of the *Local Government Act 1995*, at Council Chambers, Richmond Street, Nyabing on Wednesday 20 April 2022 at 7.00pm**

OCM2122/112- COUNCIL RESOLUTION
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MOVED Cr GW Hobley / Cr RA Jury

That the Council:

1. **Receives the Auditors Report for inclusion in the 2020/2021 Annual Report;**
2. **Accepts the 2020/2021 Annual Report; and**
3. **Hold the Shire of Kent Annual Electors Meeting in accordance with 5.27 (2) of the *Local Government Act 1995*, at Council Chambers, Richmond Street, Nyabing on Wednesday 20 April 2022 at 6:30pm**

CARRIED 8/0
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.

PROCEDURAL MOTION

OCM2122/113 - COUNCIL RESOLUTION (Procedural Motion)

MOVED Cr JN Germain / Cr TD Borgward

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

**CARRIED 8/0
By Simple Majority**

The Meeting closed to the public at 6:02pm.

The presiding member advised that Mr Adam Majid, Chief Executive Officer, had disclosed a financial interest in writing relating to the next item for discussion, which is in relation to CEO interim probationary review and performance criteria.

6:02pm – Adam Majid, Christie Smith and Paul Spencer left the meeting.

12.1.1 CEO INTERIM PROBATION REVIEW AND PERFORMANCE CRITERIA**VOTING REQUIREMENT**

Absolute Majority

OCM2122/114- COUNCIL RESOLUTION (Officer Recommendation)

MOVED Cr DP Gray / Cr TD Borgward**That Council:**

1. Notes that an interim probationary review for the period of November 2021 to February 2022 is satisfactory and “Meets Performance Criteria”.
2. Schedules a further interim/probationary review to be undertaken by Council no later than the May 2022 Ordinary Meeting of Council, in accordance with contractual requirements.
3. Adopts the Performance Criteria (contractual and additional) developed by Council and the CEO on 9 February 2022, for the 2022 review period.
4. Considers and accepts the draft contract clauses as developed by John Philips Consulting to relevantly update the contract of employment between Council and Mr Majid.
5. Schedules the annual review of performance to be commenced by 1 September 2022 and completed by the October 2022 Ordinary Meeting of Council.

**CARRIED 8/0
By Absolute Majority**

12.1.2 UNBUDGETED EXPENDITURE – PURCHASE LOTS 43, 44 & 45 SANDERSON STREET, PINGRUP**VOTING REQUIREMENT**

Absolute Majority

OCM2122/115- COUNCIL RESOLUTION (Officer Recommendation)

MOVED Cr TD Borgward / Cr RA Jury**That the Council:**

1. Authorises the Chief Executive Officer to make an offer for the purchase from Mr M Hawley Lots 43, 44 & 45 on Deposited Plan 163648 Sanderson Street, Pingrup for \$10,000 per lot and authorise any legal fees associated with the purchase.
2. Authorises the Chief Executive Officer to engage an appropriate property conveyancer to perform settlement duties on behalf of the Shire of Kent.
3. Authorises the Chief Executive Officer and Shire President to sign and apply the Common Seal to all necessary documentation to facilitate the purchase.

**CARRIED 8/0
By Absolute Majority**

6:38pm – Adam Majid returned to the meeting.

OCM2122/116 - COUNCIL RESOLUTION (Procedural Motion)

MOVED Cr TD Borgward / Cr RA Jury

That Council re-open the meeting to the general public.

**CARRIED 8/0
By Simple Majority**

The Meeting open to the public at 7:10pm.

13. MEETING CLOSED

There being no further business the Shire President Cr Scott Crosby, closed the meeting at 7:11pm.

I certify these minutes were confirmed at the Ordinary Meeting of Council held 20 April 2022.

Scott Crosby
.....
Cr Scott Crosby – Shire President

20/4/22
.....
Date