

SHIRE OF KENT



ORDINARY MINUTES (UNCONFIRMED)

DATE: Wednesday 21 September 2022

TIME: 5:30pm

VENUE: Council Chambers,
Richmond Street, Nyabing WA 6341

PETER CLARKE
A/CHIEF EXECUTIVE OFFICER

DISCLAIMER

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The Shire of Kent advises that anyone who has any application lodged with the Shire of Kent shall obtain and should only rely on **WRITTEN CONFIRMATION** of the outcome of the application, and any conditions attaching to the decision made by the Shire of Kent in respect of the application.

Peter Clarke

A/CHIEF EXECUTIVE OFFICER

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1. DECLARATION OF OPENING AND ANNOUNCEMENT OF VISITORS

The meeting was opened at 5:35pm by the Shire President.

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

Members

Cr S Crosby	Shire President
Cr K Johnston	Deputy Shire President
Cr D Gray	Member
Cr G Hobley	Member
Cr R Jury	Member
Cr W Tapscott	Member

Staff

P Clarke	A/Chief Executive Officer
C Smith	Manager Corporate
N Taekema	Governance Officer

Members of the Public

Nil

Apologies

R Bosenberg	A/Manager Infrastructure
Cr T Borgward	Member

Members on Approved Leave of Absence

Cr J Germain	Member
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3. DISCLOSURES OF INTEREST

Nil

4. PUBLIC QUESTION TIME

Nil

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 17 AUGUST 2022**

OCM2223/031 - COUNCIL RESOLUTION (Officer Recommendation)

MOVED Cr DP Gray / Cr KV Johnston

That the minutes of the Ordinary Council Meeting of the Shire of Kent held at the Council Chambers, on Wednesday 17 August, 2022 be CONFIRMED.

**CARRIED 6/0
By Simple Majority**

6.1.2 GREAT SOUTHERN RECREATION ADVISORY GROUP HELD 25 AUGUST 2022

OCM2223/032 - COUNCIL RESOLUTION (Officer Recommendation)

MOVED Cr GW Hobley / Cr WD Tapscott

That the minutes of the Great Southern Recreation Advisory Group held at the Katanning Leisure Centre, on Thursday 25 August, 2022 be RECEIVED.

**CARRIED 6/0
By Simple Majority**

6.1.3 GREAT SOUTHERN COUNTRY ZONE HELD 26 AUGUST 2022

OCM2223/033 - COUNCIL RESOLUTION (Officer Recommendation)

MOVED Cr KV Johnston / Cr RA Jury

That the minutes of the Great Southern Zone held at the Katanning Leisure Centre, on Friday 26 August, 2022 be RECEIVED.

**CARRIED 6/0
By Simple Majority**

6.1.4 SHIRE OF KENT AUDIT COMMITTEE MEETING HELD 21 SEPTEMBER 2022

OCM2223/034 - COUNCIL RESOLUTION (Officer Recommendation)

MOVED Cr DP Gray / Cr KV Johnston

That the minutes of the Shire of Kent Audit Committee Meeting held at the Council Chambers, on Thursday 21 September, 2022 be RECEIVED and that the recommendations contain therein be adopted by Council.

**CARRIED 6/0
By Simple Majority**

7. ANNOUNCEMENTS BY THE PRESIDING PERSON WITHOUT DISCUSSION**8. PETITIONS/DEPUTATIONS/PRESENTATIONS/SUBMISSIONS****9. OFFICER REPORTS**

9.1.1 MONTHLY FINANCIAL REPORTS TO 31 AUGUST 2022

PROPOSED MEETING DATE:	21 September 2022
PROPONENT:	N/A
LOCATION:	N/A
AUTHOR:	Christie Smith – Manager Corporate
REPORTING OFFICER:	Peter Clarke – Acting Chief Executive Officer
FILE NO:	FIN.73
ASSESSMENT NO:	N/A
ATTACHMENTS:	Attachment 1 - Monthly Financial Reports to 31 August 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 financial reports for the August period have been prepared using the unaudited previous year actuals. Please note no allocation for depreciation and indirect costs will occur at month end until the audit has been finalised.

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

OCM2223/035 - COUNCIL RESOLUTION (Officer Recommendation)

MOVED Cr GW Hobley / Cr KV Johnston

That Council receive the following Monthly Financial Reports as presented:

- **Monthly Financial Reports to 31 August 2022**

**CARRIED 6/0
By Simple Majority**

9.1.2 SCHEDULE OF ACCOUNTS PAID TO 31 AUGUST 2022

PROPOSED MEETING DATE:	21 September 2022
PROPONENT:	N/A
LOCATION:	N/A
AUTHOR:	Christie Smith – Manager Corporate
REPORTING OFFICER:	Peter Clarke – Acting Chief Executive Officer
FILE NO:	GOV.106
ASSESSMENT NO:	N/A
ATTACHMENTS:	Attachment 1 - Schedule of accounts paid Attachment 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

OCM2223/036 - COUNCIL RESOLUTION (Officer Recommendation)

MOVED Cr DP Gray / Cr KV Johnston

That Council endorse the payments from the Municipal Fund and Trust Fund for the period ending 31 August 2022:

Municipal Fund	\$621,047.34
Trust Fund	\$ 0.00
Direct Debits	\$ 19,103.51
<u>TOTAL</u>	<u>\$640,150.85</u>

**CARRIED 6/0
By Simple Majority**

9.1.3 STATUS OF COUNCIL DECISIONS – SEPTEMBER 2022

PROPOSED MEETING DATE:	21 September 2022
PROPONENT:	N/A
LOCATION:	N/A
AUTHOR:	Nathanael Taekema – Governance Officer
REPORTING OFFICER:	Peter Clarke – Acting Chief Executive Officer
FILE NO:	GOV.106
ASSESSMENT NO:	N/A
ATTACHMENTS:	1. Action Sheet 2. Outstanding Matters List
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

OCM2223/037 - COUNCIL RESOLUTION (Officer Recommendation)

MOVED Cr WD Tapscott / Cr RA Jury

That the following be received by the Council:

- 1. The Action Sheet for the Council Meeting 17 August 2022;**
- 2. The Outstanding Matters list dated 21 September 2022.**

**CARRIED 6/0
By Simple Majority**

9.1.4 MULTIFUNCTIONAL DEVICE - UNBUDGETED EXPENSE

PROPOSED MEETING DATE:	21 September 2022
PROPONENT:	N/A
LOCATION:	N/A
AUTHOR:	Christie Smith – Manager Corporate
REPORTING OFFICER:	Peter Clarke – Acting Chief Executive Officer
FILE NO:	TEC.6
ASSESSMENT NO:	N/A
ATTACHMENTS:	Nil
DISCLOSURE OF INTEREST:	Nil

PURPOSE

Council to consider approval of expenditure that has not been included in the 2022/2023 adopted budget for the replacement of a multifunctional (printer/scanner/photocopier) device in the administration office.

BACKGROUND

There was a lease undertaken with Best Office System for the current device in September 2018 over a four-year period, the lease is now due to expire. The lease was \$1,264.50 per month over the period, which included all parts, services, toners and drums, costing council approx. \$15,000 per year. The agreement included minimum printing volumes of 6,500 (black) and 7,500 (colour) per month.

The expiration of the lease agreement was an oversight at budget time.

COMMENT

Upon review of the lease agreement, financially, leasing is an expensive option particularly with less printing occurring predominately due to electronic record keeping. A better option would be to purchase the machine outright, which later gives the option to trade or sell when upgrading, and also signing up for a fixed full maintenance agreement with no minimum volumes.

The following quotations have been received (all prices ex GST):

COMPANY	MACHINE	OUTRIGHT COST	TERM	BLACK	COLOUR
Best Office Systems	Konica Minolta C450i	\$7,737	5 year	\$0.0095 pp	\$0.095 pp
Best Office Systems	Ricoh IMC4500	\$7,950	5 year	\$0.0095 pp	\$0.095 pp
FujiFilm	Apeos C6570	\$9,382	5 year	\$0.0095 pp	\$0.095 pp

Best Office Systems are currently our local dealer with branches in Albany and Narrogin. They have six full-time technicians that are available when required in our area. Both FujiFilm and CDM Australia are Perth based.

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

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

This is an unbudgeted expense and therefore requires approval by Absolute Majority. As the outright purchase of the device is over \$5,000 it would need to be capitalised.

STRATEGIC IMPLICATIONS

Community Strategic Plan 2017-2027

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

RISK IMPLICATIONS

N/A

VOTING REQUIREMENT

Absolute Majority

OCM2223/038 - COUNCIL RESOLUTION (Officer Recommendation)
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MOVED Cr KV Johnston / Cr RA Jury

That Council approve unbudgeted capital expenditure of \$7,737 ex GST to purchase outright a Konica Minolta C450i Colour Multifunction device from Best Office Systems to replace the current expiring lease device in the Administration Office.

**CARRIED 6/0
By Absolute Majority**

9.1.5 DEVELOPMENT APPLICATION - THREE (3) TEMPORARY GRAIN STORAGE BULKHEAD & ASSOCIATED INFRASTRUCTURE AT COOPERATIVE BULK HANDLING LIMITED'S EXISTING GRAIN HANDLING & STORAGE FACILITY IN NYABING

PROPOSED MEETING DATE:	21 September 2022
PROPONENT:	Cooperative Bulk Handling Limited (Owner)
LOCATION:	Lot 100 on Deposited Plan 420337 Bin Road, Nyabing
AUTHOR:	Mr Joe Douglas – Town Planner
REPORTING OFFICER:	Peter Clarke – Acting Chief Executive Officer
FILE NO:	GOV.106
ASSESSMENT NO:	
ATTACHMENTS:	Attachment 1 – Development Application Documentation & Plans
DISCLOSURE OF INTEREST:	Nil

PURPOSE

This report recommends that Council grant conditional approval to a development application submitted by Cooperative Bulk Handling Limited (Landowner) to formalise the construction and use of three (3) existing temporary grain storage bulkheads and associated infrastructure at its grain handling and storage facility on Lot 100 on Deposited Plan 420337 Bin Road, Nyabing to allow them to continue to be used for a further twelve (12) month period.

BACKGROUND

On 9 August 2021 Council approved the construction and use of three (3) temporary grain storage bulkheads and associated infrastructure at Cooperative Bulk Handling Limited's (CBH's) existing grain handling and storage facility on Lot 100 on Deposited Plan 420337 Bin Road, Nyabing for a period of twelve (12) months to address a forecast deficit of grain storage capacity for the 2021/22 harvest season (i.e. emergency storage).

This approval, which was granted pursuant to clauses 61(1) & (2) in Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, allowed CBH to proceed with the proposed works and use on a temporary basis only subject to the following conditions:

- (1) *The 12-month period commences from the date of this Council Resolution;*
- (2) *At the end of the 12-month period either:*
 - (a) *All infrastructure subject to the temporary exemption shall be removed from the site and the site reinstated to how it was prior to works being undertaken; or*
 - (b) *The development is to be in accordance with a valid development approval.*
- (3) *A bond of \$50,000 being paid within 30 days of this resolution to the Shire for any new damage that occurs on Bin Road and the Bin Road/Kukerin Road intersection during the period the temporary works/use are in place. The bond shall be paid in a format as determined by the Shire.*
- (4) *A bond of \$50,000.00 being paid within 30 days of this resolution to Main Roads Western Australia for any new damage that occurs on the Nyabing-Pingrup Road and during the period the temporary works/use are in place. The bond shall be paid in a format as determined by Main Roads Western Australia.*

It is understood CBH has since completed the required works, including commitment of the bond via a Bank Guarantee required by Condition 3 above, and has been using the improvements for the intended purpose.

Pursuant to the requirements of condition 2(b) above, CBH has now submitted a development application requesting Council's approval to formalise the temporary works and use approved in August 2021 under the Shire's local planning framework for a further twelve (12) month period to ensure it has sufficient storage capacity to cater for the significant anticipated demand expected during the forthcoming 2022/23 harvest period.

Council should note CBH has also recently submitted another, more comprehensive development application requesting permanent approval for the works and use the subject of this application for temporary development approval, including details of all proposed road upgrade works and stormwater drainage management arrangements required to address concerns raised by Council and Main Roads WA during previous discussions and negotiations. This application is currently being assessed with a report to be presented to Council for consideration and determination in due course.

COMMENT

Assessment of the application in the context of the specific standards and requirements of the Shire's current local planning framework including Town Planning Scheme No.2, proposed Local Planning Scheme No.3 and the Deemed Provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015* has confirmed it is capable of being lawfully approved by Council.

Having regard for:

- i) all the works completed to-date which are in accordance with the previously approved plans;
- ii) the fact the approved use has not given rise to any major issues in terms of local amenity, traffic safety and stormwater drainage management;
- iii) CBH's agreement to carry forward the requirements of Condition 3 as it applies to payment of the bond required in respect of any new damage that may occur on Bin Road and the Bin Road/Kukerin Road intersection during the further twelve (12) month approval term;
- iv) the development application recently received from CBH for permanent approval for the three (3) proposed grain storage bulkheads and associated infrastructure which seeks to address all the issues surrounding the required road upgrades and ongoing stormwater drainage management; and
- v) the significant benefits and operational efficiencies for local grain producers and CBH during the forthcoming 2022/23 harvest period,

it is considered reasonable and worthwhile for Council to support and approve the development application the subject of this report for a period of twelve (12) months subject to similar conditions imposed on the temporary approval granted on 9 August 2021.

Council should however note the Shire and Main Roads WA jointly agreed to waive the requirements of Condition 4 of the temporary approval granted on 9 August 2021 as it applied to the payment of a \$50,000.00 bond to Main Roads WA for any new damage that may occur on the Nyabing-Pingrup Road during the period the temporary works/use are in place. It was acknowledged and agreed by all parties that Condition 4 would most likely be deemed ambulatory in nature and therefore invalid and not legally enforceable if it were to be formally challenged by CBH by way of an application for review (i.e. an appeal) to State Administrative Tribunal (i.e. Condition 4 would fail the common law validity test). Notwithstanding this outcome, Main Roads WA's Network Operations Manager for the Great Southern Region has advised CBH directly it will be seeking payment of construction and defect liability bonds for all required upgrades to the Nyabing-Pingrup Road for the proposed permanent facility upgrades in due course, with the full cost of those upgrades works required to be undertaken at CBH's expense.

STATUTORY IMPLICATIONS

Planning and Development Act 2005 (as amended)

Planning and Development (Local Planning Schemes) Regulations 2015

Shire of Kent Town Planning Scheme No.2

Shire of Kent Local Planning Scheme No.3 (Draft)

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

All administrative costs associated with processing the application are provided for in Council's annual budget and have been offset in full by the \$3,499.00 development application fee paid by the applicant/landowner.

All costs associated with the development, which has already been completed, have been met by the applicant/landowner.

It is significant to note should the applicant/landowner be aggrieved by Council's final decision in this matter, they have the right seek a formal review of that decision by the State Administrative Tribunal. Should this occur for whatever reason, which is considered unlikely in this particular instance, the Shire would need to respond. The cost to respond to an appeal cannot be determined at this preliminary stage but could be expected, based on the recent experience of other local government authorities in Western Australia, to range anywhere from \$5,000 to \$60,000 excluding GST depending upon how far the matter proceeds through the review process.

STRATEGIC IMPLICATIONS

The proposal the subject of this application is considered to be generally consistent with the following elements of the Shire's *Community Strategic Plan 2017-2027* and *Corporate Business Plan 2021 to 2025*:

Economic Objective - Support growth and progress locally and regionally.

Outcome 1.1 - Growth in business opportunities.

Outcome 1.3 - An effective, well maintained transport network.

Outcome 1.4 - Agriculture opportunities maintained and developed.

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

Outcome 3.1 - A preserved natural environment.

Outcome 3.4 - A well-maintained built environment.

RISK IMPLICATIONS

The risks associated with the development the subject of this application were previously considered by Council on 9 August 2021 and deemed acceptable. No additional risks are foreseen that need to be considered and addressed.

VOTING REQUIREMENT

Simple Majority

OCM2223/039 - COUNCIL RESOLUTION (Officer Recommendation)**MOVED Cr KV Johnston / Cr DP Gray**

That Council resolve to approve the development application submitted by Cooperative Bulk Handling Limited (Landowner) to formalise the construction and use of three (3) existing temporary grain storage bulkheads and associated infrastructure at its grain handling and storage facility on Lot 100 on Deposited Plan 420337 Bin Road, Nyabing to allow them to continue to be used for a further twelve (12) month period subject to the following conditions and advice notes:

Conditions

1. This approval is valid for a period of twelve (12) months from the date of determination of the application unless otherwise approved by the local government.
2. At the end of the twelve (12) month approval period either:
 - a) All infrastructure the subject of this temporary development approval shall be removed from the land in its entirety by the applicant/landowner and the land reinstated to its pre-development condition insofar as practicable within ninety (90) days; or
 - b) The development is to be in accordance with a further permanent development approval granted by the local government.
3. Any additional development which is not in accordance with the application the subject of this approval or any condition of approval will require the further approval of the local government.
4. The applicant/landowner shall, within fourteen (14) days of the date of determination of the application, provide written confirmation to the local government's Chief Executive Officer of its agreement for the local government to retain the \$50,000 Bank Guarantee Bond previously committed pursuant to the approval granted on 9 August 2021 in respect of any new damage that may occur on Bin Road and the Bin Road/Kukerin Road intersection during this further twelve (12) month approval term.
5. All stormwater drainage generated by the development the subject of this approval shall be retained and disposed of on-site to the specifications and satisfaction of the local government's Chief Executive Officer in consultation with the local government's Manager Infrastructure.

Advice Notes

1. This approval is not an authority to ignore any constraint to development on the land which may exist through contract or on title, such as an easement or restrictive covenant. It is the responsibility of the applicant/landowner and not the local government to investigate any such constraints. This approval will not necessarily have regard to any such constraint to development, regardless of whether or not it has been drawn to the local government's attention.
2. This is a development approval of the Shire of Kent under its Town Planning Scheme No.2. It is not a building permit or an approval to commence or carry out development under any other law. It is the responsibility of the applicant/landowner to obtain any other necessary approvals, consents, permits and licenses required under any other law, and to commence and carry out development in accordance with all relevant laws.

3. **The applicant/landowner is reminded of their obligation to ensure compliance with the specific standards and requirements of the Shire of Kent Annual Fire Break Notice as it applies to all land within the local government's municipal district.**
4. **The applicant/landowner is reminded of their obligation to ensure compliance with the *Environmental Protection (Noise) Regulations 1997*.**
5. **The applicant/landowner should have due regard for the Environmental Protection Authority (EPA) Guidance Statement No. 18 entitled '*Prevention of air quality impacts from land development sites (2000)*' and the Department of Water and Environmental Regulation's publication entitled '*Land development sites and impacts on air quality: A guideline for the prevention of dust and smoke pollution from land development sites in Western Australia (1996)*' to minimise any potential dust impacts.**
6. **The applicant/landowner is responsible for ensuring the correct siting of all structures on the land the subject of this approval. An identification survey demonstrating correct siting and setbacks of structures may be requested of the proponent by the local government to ensure compliance with this determination notice and all applicable provisions.**
7. **Failure to comply with any of the conditions of this development approval constitutes an offence under the provisions of the *Planning and Development Act 2005* and the Shire of Kent Town Planning Scheme No.2 and may result in legal action being initiated by the local government.**
8. **If the applicant/landowner is aggrieved by this determination there is a right of review by the State Administrative Tribunal in accordance with the *Planning and Development Act 2005* Part 14. An application must be submitted directly to the State Administrative Tribunal within 28 days of the local government's determination**

**CARRIED 6/0
By Simple Majority**

9.1.6 PORTABLE ABLUTIONS – REALLOCATION BUDGETED EXPENDITURE

PROPOSED MEETING DATE:	21 September 2022
PROPONENT:	N/A
LOCATION:	N/A
AUTHOR:	Robert Bosenberg - Manager Infrastructure
REPORTING OFFICER:	Peter Clarke – Acting Chief Executive Officer
FILE NO:	GOV.106
ASSESSMENT NO:	N/A
ATTACHMENTS:	Nil
DISCLOSURE OF INTEREST:	Nil

PURPOSE

Council to consider approval of reallocating budgeted 2022/2023 expenditure for the purchase of a plant trailer, be nominated as expenditure on a trailer mounted chemical abluion facility.

BACKGROUND

Previously the 2022/2023 adopted budget allocated \$12,000 for the purpose of a new trailer to replace an existing plant item. The Shire of Kent Mechanic has been able to repair the current trailer to a safe and roadworthy standard, therefore replacement is no longer required.

A portable abluion facility has not been considered prior to this year and therefore has not been a previously budgeted item.

COMMENT

As the Shire of Kent Works Department is a diverse male and female team, there is need for an abluion facility to cater to all user needs when out on work sites away from base. It is felt the equipment will serve as an additional benefit towards the health, safety and wellbeing of employees.

The following quotations have been received (all prices inc GST):

COMPANY	PORTABLE ABLUTION DESCRIPTION	COST
Site HQ	The Marine – Premium Base *Blue* Twin Skin Walls & Grey Door, Translucent White Twin Skin Roof, Galvanised Lifting Hooks, Steel Skid, Twin Foot Pumps – including single toilet roll holder	\$2490.00
	Single Portable Toilet Trailer – Aggregated Trailer Mass: 1680kg; Gross Trailer Mass: 1600kg; Tare Mass: 280kg Additional bag of chemical (to last a few years) valued \$85	\$3250.00
AllToilets WA	Merlin Ultra 01 Portable Toilet (Fresh Water Flush) with Top Lift System Single Off-Road Portable Toilet Trailer – Galvanised Inc – Hand Rail, Steps, Stone Guard, 16” Wheels & Tyres inc spare	\$7539.75

Additional confirmation on plant item is required; Trailer inspection and readiness for registration
Financial costs will apply; Stamp Duty and Registration Fees

Shire of Kent Environmental Health Officer, Mort Wignall has confirmed the ability to empty waste into the designated RV waste site in Nyabing, using the appropriate chemical treatments.

LGIS Risk Coordinator, Rex Evans has confirmed no known risks and will provide further supportive information.

STATUTORY IMPLICATIONS

Local Government Act 1995

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

This has no financial implications as it is a reallocation of budgeted expense. There will be minimal annual Department of Transport Registration and Insurance Fees.

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

OCM2223/040 - COUNCIL RESOLUTION (Officer Recommendation)
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MOVED Cr DP Gray / Cr WD Tapscott

That Council endorse the reallocation of budgeted expenditure and nominate \$8,000 towards the purchase of a trailer mounted chemical ablution facility and associated costs. To be amended within the 22-23 Budget Review.

**CARRIED 6/0
By Absolute Majority**

6:00pm – Councillor Renae Jury left the meeting.

9.1.7 TEACHER HOUSING PROJECT – PROJECT COST VARIATIONS

PROPOSED MEETING DATE:	21 September 2022
PROPONENT:	
LOCATION:	CLPM Pty Ltd (Contractor)
AUTHOR:	Nyabing and Pingrup Townsites
REPORTING OFFICER:	Peter Clarke – Acting Chief Executive Officer
FILE NO:	Peter Clarke – Acting Chief Executive Officer
ASSESSMENT NO:	Nil
ATTACHMENTS:	Nil
DISCLOSURE OF INTEREST:	N/A

PURPOSE

Council to consider Project Cost Variations submitted by CLPM Pty Ltd.

BACKGROUND

Council has been aware that Cost Variations to the above project were likely, based on a number of factors affecting difficulties in the current building industry market. A Variation was approved at the August 2022 Ordinary meeting of Council totalling \$27,194.00 due to supply of materials associated with COVID-19 implications.

Council was informed at its August 2022 meeting that the project was nearing completion and any delays due to Contract negotiations may be detrimental to a favourable outcome for the overall project. A contingency percentage has been allocated for the project and the Variation Requests submitted fit within this allocated amount should Council approve of same.

COMMENT

The Variations submitted on this occasion are somewhat different in nature.

One relates to increased accommodation expenses incurred by CLPM for contractors at both Nyabing and Pingrup. CLPM has advised that this was beyond its control as CLPM had rented a premises in Nyabing but were forced to relinquish the rental due to a number of factors. This required contractors to be accommodated at the Nyabing Community Hub and Pingrup Caravan Park, which has caused considerable overruns in expenditure. The total of this Variation equate to \$32,509.99.

The second Variation relates to additional concrete paths at all houses that were not included in the original drawings. The initial Contract provided for concrete paths from the Laundries to the clothes lines only. A request was made to CLPM by the CEO on 8 June 2022 to include concrete paths around the entire length of all residences. This Variation totals \$34,401.63.

Whilst CLPM have advised that there were other significant cost overruns associated with the project, these would be borne by CLPM.

STATUTORY IMPLICATIONS

Signed Contract Documentation between the Shire of Kent and CLPM Pty Ltd relating to the Teachers Housing Project

Local Government Act (1995)

POLICY IMPLICATIONS

Nil.

FINANCIAL IMPLICATIONS

The 2022-2023 Budget provides for a contingency percentage associated with the project for cost variations should they arise.

STRATEGIC IMPLICATIONS

Nil

RISK IMPLICATIONS

N/A

VOTING REQUIREMENT

Simple Majority

OCM2223/041 - COUNCIL RESOLUTION (Officer Recommendation)

MOVED Cr KV Johnston / Cr GW Hobley

That Council authorises the payment for Cost Variations to the Teachers Housing Project as submitted by CLPM Pty Ltd totalling \$66,911.62 that were attributable to cost increases for accommodation expenses and additional concrete paths as instructed by the CEO at the three (3) residences as part of the overall landscaping plan.

**LOST 0/5
By Simple Majority**

OCM2223/042 - COUNCIL RESOLUTION

MOVED Cr KV Johnston, Cr DP Gray

That Council:

- 1. Offer to pay 50% of the \$32,509.99 variation submitted by CLPM Pty Ltd in relation to cost increases for accommodation expenses to the Teachers Housing Project; and**
- 2. Authorise full payment for Cost Variations to the Teachers Housing Project as submitted by CLPM Pty Ltd totalling \$34,401.63 that were attributable to additional concrete paths as instructed by the CEO at the three (3) residences as part of the overall landscaping plan.**

6:06pm - Cr Renae Jury returned to the meeting prior to the vote being put

**CARRIED 6/0
By Simple Majority**

Item 9.1.7 Amendment to Officer Recommendation Item

Upon considering the variations submitted, Council altered the Officer Recommendation to be able to negotiate the cost variation in relation to accommodation expenses.

9.1.8 SHIRE OF KENT COMMUNITY STRATEGIC PLAN – MAJOR REVIEW

PROPOSED MEETING DATE:	21 September 2022
PROPONENT:	
LOCATION:	Whole of Shire
AUTHOR:	Peter Clarke – Acting Chief Executive Officer
REPORTING OFFICER:	Peter Clarke – Acting Chief Executive Officer
FILE NO:	
ASSESSMENT NO:	
ATTACHMENTS:	Attachment 1 - Consulting Great Southern Proposal Attachment 2 - 150 Square Quote
DISCLOSURE OF INTEREST:	N/A

PURPOSE

To inform Council of its obligations to prepare a Community Strategic Plan and proposed processes in the preparation of a new Plan.

BACKGROUND

The Shire of Kent's current Community Strategic Plan 2017-2027 is due for a major review. This Plan was first adopted on 15 August 2018 with a desk top review being undertaken and adopted by Council on 16 December 2020.

The *Local Government Act 1995* and *Local Government (Administration) Regulations 1996* require Council to prepare such a Plan with certain requirements to be taken into consideration when developing same.

COMMENT

The A/CEO has sought quotations from two (2) Consulting firms who are considered appropriately qualified to be able to assist Council with the processes involved in the development of a new 10 year Community Strategic Plan for the Shire of Kent.

These processes include facilitating community workshops, surveying the community and conducting one-on-one interviews with key stakeholders in the district.

Quotes have been obtained from 150 Square and Great Southern Consulting to undertake the Planning process on behalf of Council. The quotations are provided as an attachment to the Agenda document for Councillors information. The price differential is based upon the quality of presentation in the final Plan to the public.

STATUTORY IMPLICATIONS

Local Government Act (1995)

5.56. Planning for the future

- (1) A local government is to plan for the future of the district.
- (2) A local government is to ensure that plans made under subsection (1) are in accordance with any regulations made about planning for the future of the district.

Local Government (Administration) Regulations 1996

19C. Strategic community plans, requirements for (Act s. 5.56)

- (1) A local government is to ensure that a strategic community plan is made for its district in accordance with this regulation in respect of each financial year after the financial year ending 30 June 2013.

- (2) A strategic community plan for a district is to cover the period specified in the plan, which is to be at least 10 financial years.
- (3) A strategic community plan for a district is to set out the vision, aspirations and objectives of the community in the district.
- (4) A local government is to review the current strategic community plan for its district at least once every 4 years.**
- (5) In making or reviewing a strategic community plan, a local government is to have regard to —
 - (a) the capacity of its current resources and the anticipated capacity of its future resources; and
 - (b) strategic performance indicators and the ways of measuring its strategic performance by the application of those indicators; and
 - (c) demographic trends.
- (6) Subject to subregulation (9), a local government may modify its strategic community plan, including extending the period the plan is made in respect of.
- (7) A council is to consider a strategic community plan, or modifications of such a plan, submitted to it and is to determine* whether or not to adopt the plan or the modifications.
*Absolute majority required.
- (8) If a strategic community plan is, or modifications of a strategic community plan are, adopted by the council, the plan or modified plan applies to the district for the period specified in the plan.
- (9) A local government is to ensure that the electors and ratepayers of its district are consulted during the development of a strategic community plan and when preparing modifications of a strategic community plan.
- (10) A strategic community plan for a district is to contain a description of the involvement of the electors and ratepayers of the district in the development of the plan or the preparation of modifications of the plan.**

19D. Public notice of adoption of strategic community plan

- (1) If a strategic community plan is adopted, the CEO must —
 - (a) give local public notice that the plan has been adopted; and
 - (b) publish the plan on the local government's official website.
- (2) If modifications to a strategic community plan are adopted, the CEO must —
 - (a) give local public notice that modifications to the plan have been adopted; and
 - (b) publish the modified plan on the local government's official website.

[Regulation 19D inserted: SL 2020/213 r. 21.]

POLICY IMPLICATIONS

Nil.

FINANCIAL IMPLICATIONS

Council has an allocation within its 2022/2023 to undertake the review and the quotations received fall within the allocation provided.

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

Outcome 4.2 An employer of Choice

RISK IMPLICATIONS

N/A

VOTING REQUIREMENT

Simple Majority

OCM2223/043 - COUNCIL RESOLUTION (Officer Recommendation)

MOVED Cr WD Tapscott / Cr KV Johnston

That Council appoints 150Square at the quoted price of \$6,000 (ex GST) to undertake the processes involved for a major review of the Shire of Kent Community Strategic Plan which is to include the preparation of a Community Survey, facilitating Public Workshops and interviewing identified Key Stakeholders.

Following the above process, the Consultant is to present a Draft Plan to Council for consideration and eventual adoption.

**CARRIED 6/0
By Simple Majority**

9.1.9 WESTERN AUSTRALIAN LOCAL GOVERNMENT ASSOCIATION AGM – NOTICE OF MOTIONS

PROPOSED MEETING DATE:	21 September 2022
PROPONENT:	
LOCATION:	WALGA Annual General Meeting
AUTHOR:	N/A
REPORTING OFFICER:	Peter Clarke – Acting Chief Executive Officer
FILE NO:	Peter Clarke – Acting Chief Executive Officer
ASSESSMENT NO:	
ATTACHMENTS:	Nil
DISCLOSURE OF INTEREST:	WALGA AGM Agenda

PURPOSE

To present to Council, Notices of Motions submitted by Member Local Governments to the WALGA AGM at the Annual Local Government Convention to be held in Perth on Monday, 3 October 2022.

BACKGROUND

Council has nominated the Shire President and Deputy Shire President as its voting delegates to the AGM. Prior to the AGM being conducted, Council as a whole have the opportunity to review the Notices of Motion submitted and may wish to provide guidance to its delegates as to whether the various Notices of Motion be supported, rejected or be amended to suit the Shire of Kent's position.

COMMENT

To assist Councillors in determining the Notice of Motions, the WALGA AGM Agenda in its entirety has been placed on Docs On Tap to provide the appropriate background to the Member Councils Motion and WALGA Secretarial comment in respect to same.

The following Notice of Motions have been submitted to the AGM:-

Shire of Dardanup – Road Traffic Issues

That WALGA Advocate on behalf of the local government sector to the State Government and in particular, Main Roads, to increase importance and weight given to local knowledge and input regarding road traffic issues including requests for speed reduction, intersection treatments and overall preventative and traffic safety measures.

City of Wanneroo – Car Parking and Traffic Congestion Around Schools

That WALGA engages with the State Government on behalf of Local Government to review issues associated with car parking and traffic congestion around school sites including but not limited to:

1. *Reviewing car parking standards for schools;*
2. *Ensuring sufficient land is set aside for the provision of parking on school sites;*
3. *Reviewing the co-location of schools to avoid issues being exacerbated;*
4. *Restricting school access from major roads;*
5. *Developing plans to enable schools to manage school traffic;*
6. *Develop programs to educate drivers; and*
7. *Develop options and implement initiatives to encourage alternative modes of transport to school.*

Shire of Dundas – Proposal for Regional Road Maintenance Contracts with Main Roads WA

That WALGA assist Local Governments and work with the Hon Minister Rita Saffioti to introduce a similar program that is currently in play in Queensland and introduce a sole invitee Program for Local Governments to engage in a Road Maintenance Performance Contract with Main Roads WA.

Shire of Dundas – Northern Australia Beef Roads Program

That WALGA work with the Hon Madeleine King MP Minister for Resources and Minister for Northern Australia to make Beef Road Funding available to all Australian Local Governments north and south, or establish a Southern Australia Beef Road Funding Program to allow for equitable support across Australia's beef and agriculture industries.

Shire of Dundas – 3D House Printing Building Compliance

That WALGA requests:

- 1. Assistance from Minister for Industry and Science The Hon Ed Husic MP, Minister for Housing and Homelessness, Small Business The Hon Julie Collins MP, Minister for Infrastructure, Transport, Regional Development and Local Government The Hon Catherine King MP to work with Ministers from all State and Territory Governments who have Building and Construction in their portfolios, to collaborate and to consider removing impediments within the National Construction Code Series and associated Australian Standards, that dissuade industry from adopting 3D printing as a building method.*
- 2. That the Government provide instruments to incentivise private industry to develop 3D printing and include this as an acceptable building practice.*

Shire of Gingin – South West Native Title Settlement

That WALGA advocate to the State Government that Local Governments be provided with the full list of potential land to be requested for transfer as part of the South West Native Title Settlement and that a minimum of three months be provided for Council to provide feedback

Shire of Gingin – Land Offset Compensation to Local Governments

That WALGA advocate to the State Government that the Developer requiring land offsets within another Local Government be required to pay a fee to the Local Government for the loss of rates and ongoing maintenance of infrastructure to the Land.

Shire of Serpentine-Jarrahdale – Review of Rating Methodology used by the Valuer-General

Advocate for a full review of the rating methodology used by the Valuer-General to value all land in the State of Western Australia.

Shire of Gingin – WA Local Government Rating Model

That WALGA advocate to the State Government and the Valuer Generals' Office that a different rating model be trialled across several Councils whereby the Unimproved Value rate is abolished, and all properties are rated for Gross Rental Value or Capital Value.

Shire of Capel – Reform of the Cat Act 2011

That the WA Local Government sector requests the WA State Government prioritise reforms to the Cat Act 2011, in accordance with the Statutory Review undertaken and tabled in the State Parliament on 27 November 2019.

WALGA – WALGA Best Practice Governance Review – Principles

That:

- 1. The update on the Best Practice Governance Review project be noted, and*
- 2. The principles to inform WALGA's future governance model, as follows and as per the attached Principles document, be endorsed:*
 - a. Representative – WALGA unites and represents the entire Local Government sector in WA and understands the diverse nature and needs of members, regional communities and economies.*
 - b. Responsive – WALGA is an agile association which acts quickly to respond to the needs of members and stakeholders.*
 - c. Results Oriented – WALGA dedicates resources and efforts to secure the best outcomes for Local Government and supports the delivery of high-quality projects, programs and services.*

STATUTORY IMPLICATIONS

Nil

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

Outcome 4.2 An employer of Choice

RISK IMPLICATIONS

N/A

VOTING REQUIREMENT

Simple Majority

OCM2223/044 - COUNCIL RESOLUTION (Officer Recommendation)

MOVED Cr WD Tapscott / Cr GW Hobley

That Council considers the Notice of Motions submitted by Member Local Governments to the WALGA AGM and if considered appropriate, Council provides guidance to its Voting Delegates as to whether the Notice of Motions be supported, rejected or amended to suit the Shire of Kent's position.

**CARRIED 6/0
By Simple Majority**

Council considered that its delegates vote as per their views on behalf of Council.

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

OCM2223/045 - COUNCIL RESOLUTION (Procedural Motion)

MOVED Cr RA Jury / Cr KV Johnston

That Council closes the meeting to the public at 6:12pm to consider matters of a confidential nature behind closed doors.

**CARRIED 6/0
By Simple Majority**

12.1.1 APPOINTMENT OF MANAGER INFRASTRUCTURE

PROPOSED MEETING DATE:	21 September 2022
PROPONENT:	
LOCATION:	Whole of Shire
AUTHOR:	Peter Clarke – Acting Chief Executive Officer
REPORTING OFFICER:	Peter Clarke – Acting Chief Executive Officer
FILE NO:	GOV.106
ASSESSMENT NO:	Nil
ATTACHMENTS:	Attachment 1 - Draft Contract of Employment
DISCLOSURE OF INTEREST:	N/A

PURPOSE

For Council to officially appoint the successful applicant to the Manager Infrastructure position for the Shire of Kent.

OCM2223/046 - COUNCIL RESOLUTION (Procedural Motion)

MOVED Cr GW Hobley / Cr KV Johnston

That Council re-open the meeting to the general public at 6:13pm.

OCM2223/047 - COUNCIL RESOLUTION (Officer Recommendation)

MOVED Cr WD Tapscott / Cr GW Hobley

That in accordance with Section 5.37 and 5.39 of the Local Government Act 1995, Council;

- 1. Endorses the A/CEO’s actions in the appointment of Mr Mark Tulleken as Manager Infrastructure for the Shire of Kent on a 5 year performance based Contract of Employment as per the remuneration detailed by the A/CEO, and;*
- 2. As per Council Policy, the appointment is conditional upon a 3 month Probation Period being applicable.*

**CARRIED 6/0
By Simple Majority**

13. MEETING CLOSED

There being no further business the Shire President Cr Scott Crosby, closed the meeting at 6:13pm.

I certify these minutes were confirmed at the
Ordinary Meeting of Council held 19 October 2022.

.....
Cr Scott Crosby – Shire President

.....
Date