



11/03/2022

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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, 16 March 2022
At the Council Chambers,
Nyabing
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
16 MARCH 2022

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1. DECLARATION OF OPENING AND ANNOUNCEMENT OF VISITORS

The meeting was opened atpm by the Shire President.

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 9 FEBRUARY, 2022

OFFICER RECOMMENDATION

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.

7. ANNOUNCEMENTS BY THE PRESIDING PERSON WITHOUT DISCUSSION

8. PETITIONS/DEPUTATIONS/PRESENTATIONS/SUBMISSIONS

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

OFFICER RECOMMENDATION

That Council receive the following Monthly Financial Reports as presented:

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

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

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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 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>

9.1.3 STATUS OF COUNCIL DECISIONS – FEBRUARY 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

OFFICER RECOMMENDATION

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.**

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

OFFICER RECOMMENDATION

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.

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

OFFICER RECOMMENDATION

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.**

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

OFFICER RECOMMENDATION

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.**
-
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.

12.1.1 CEO INTERIM PROBATION REVIEW AND PERFORMANCE CRITERIA

13. MEETING CLOSED