



12/08/2022

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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, 17 August 2022

At the Council Chambers,

Nyabing

Briefing Session - 4.00pm

Council Meeting - 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,

PETER CLARKE
ACTING CHIEF EXECUTIVE OFFICER

Disclaimer

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

AGENDA
17 August 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

NIL

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

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

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

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

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

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

Section 5.25 *Local Government Act 1995*

6. CONFIRMATION AND RECEIVING OF MINUTES/BUSINESS ARISING

6.1.1 ORDINARY MEETING OF COUNCIL HELD WEDNESDAY 20 JULY 2022

OFFICER RECOMMENDATION

That the minutes of the Ordinary Council Meeting of the Shire of Kent held at the Council Chambers, on Wednesday 20 July, 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 31 JULY 2022

PROPOSED MEETING DATE:	17 August 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 - Monthly Financial Reports to 31 July 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 July period have been prepared using the unaudited previous year actuals. Also note, with the commencement of the financial year, minimal expense and income has occurred in some areas. 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

OFFICER RECOMMENDATION

That Council receive the following Monthly Financial Reports as presented:

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

9.1.2 SCHEDULE OF ACCOUNTS PAID TO 31 JULY 2022

PROPOSED MEETING DATE:	17 August 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

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4.1.2 Continue to enhance communication and transparency.

RISK IMPLICATIONS

N/A

VOTING REQUIREMENT

Simple Majority

OFFICER RECOMMENDATION

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

Municipal Fund	\$983,394.03
Trust Fund	\$ 0.00
Direct Debits	\$122,852.82
<u>TOTAL</u>	<u>\$1,106,246.85</u>

9.1.3 STATUS OF COUNCIL DECISIONS – AUGUST 2022

PROPOSED MEETING DATE:	17 August 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

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Outcome 4.1 An efficient and effective organisation

4.1.1 Continually improve operational efficiencies and provide effective services.

4.1.2 Continue to enhance communication and transparency.

RISK IMPLICATIONS

N/A

VOTING REQUIREMENT

Simple Majority

OFFICER RECOMMENDATION

That the following be received by the Council:

- 1. The Action Sheet for the Council Meeting 20 July 2022;**
- 2. The Outstanding Matters list dated 17 August 2022.**

9.1.4 GRIEVANCE POLICY AND PROCEDURE

PROPOSED MEETING DATE:	17 August 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:	Attachment 1 - Policy - Grievance Attachment 2 - Procedure - Grievance
DISCLOSURE OF INTEREST:	Nil

PURPOSE

For Council to consider the adoption of a Grievance Policy and Procedure.

BACKGROUND

The Shire of Kent Financial Management Review conducted during May 2022 resulted in a number of recommendations including:

- That the CEO consider implementing a complaints work procedure, which also addresses internal complaints, grievances, confidential and anonymous employee complaints
- That the CEO consider implementing a Grievance Policy/Procedure.

The Shire of Kent is committed to providing employees with the ability to raise a grievance or complaint with respect to their employment via an impartial internal process.

This policy and procedure aims to ensure that grievances and complaints are resolved in a timely, fair and transparent manner in accordance with the principles of natural justice.

The policy and procedure applies to grievances raised by employees, contractors and volunteers engaged or appointed by the Shire of Kent in relation to employment or workplace related matters.

COMMENT

The *Local Government Act 1995* requires the Council to determine the local government's policies.

A Grievance policy and procedure is necessary to ensure staff have the right to express their grievances and to seek resolution concerning disagreements arising from work place relationships, working conditions, employment practices or differences of interpretation of policies which may arise between the Shire and its staff.

STATUTORY IMPLICATIONS

- *Corruption, Crime and Misconduct Act 2003 (WA)*
- *Local Government Act 1995 (WA)*
- *Fair Work Act 2009*

Local Government Act 1995 s2.7

2.7 Role of council

- (1) The council –
- (a) governs the local government's affairs; and
 - (b) is responsible for the performance of the local government's functions

Fair Work Act 2009 s3

3 Object of this Act

- (e) enabling fairness and representation at work and the prevention of discrimination by recognising the right to freedom of association and the right to be represented, protecting against unfair treatment and discrimination, providing accessible and effective procedures to resolve grievances and disputes and providing effective compliance mechanisms;

POLICY IMPLICATIONS

The Shire of Kent's Policy Manual will be updated as a result of this item.

FINANCIAL IMPLICATIONS

Nil

SUSTAINABILITY IMPLICATIONS

This policy and procedure provides an impartial internal process to all employees in the event of an internal complaint or grievance, which assists in maintaining a healthy, positive, and just work environment.

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

RECOMMENDATION

That Council adopt the attached Grievance policy 2.1.16 and the associated procedure.

9.1.5 CHIEF EXECUTIVE OFFICER RECRUITMENT

PROPOSED MEETING DATE:	17 August 2022
PROPONENT:	N/A
LOCATION:	N/A
AUTHOR:	Peter Clarke – Acting Chief Executive Officer
REPORTING OFFICER:	Peter Clarke – Acting Chief Executive Officer
FILE NO:	GOV.106
ASSESSMENT NO:	Nil
ATTACHMENTS:	CONFIDENTIAL Attachment 1 - Recruitment Consultant
DISCLOSURE OF INTEREST:	Quotation/s NIL

PURPOSE

Council to consider the processes for the recruitment of a new Chief Executive Officer for the Shire of Kent.

BACKGROUND

With the CEO terminating employment on Tuesday, 26 July 2022 following a brief handover with the Acting CEO on Monday 25 July, Council now needs to commence the process to employ a permanent CEO to add stability to the administration operations of the Shire.

COMMENT

The following is a proposed timeframe for the recruitment process:-

1. **August 2022** – Council to consider the preferred process for recruitment and presentation of quotations to Council from suitably qualified Recruitment Consultant/s to assist Council with the recruitment process.

Dependent upon the above outcomes, appoint preferred Recruitment Consultant, appoint the Selection Panel in accordance with the Shire of Kent's Adopted Standards for CEO Recruitment, Performance and Termination in accordance with Section 5.39A(1) of the Local Government Act.

Notation to Councillors

Please see "**Confidential Quotation/s**" from Recruitment Consultant/s associated with their services for Executive Recruitment.

2. **September 2022** - At the September Ordinary meeting, Council to adopt the Position Description and Selection Criteria in accordance with Section 5 of the Shire of Kent's Adopted Standards for CEO Recruitment, Performance and Termination and to commence the advertising process.
3. **September/October 2022** – Undertake interviews followed by appointment of preferred candidate at the October Council meeting.

Dependent upon preferred candidate's current employment status and requirement for notice from existing employee, this should allow adequate time for handover with the A/CEO prior to his departure.

STATUTORY IMPLICATIONS

Local Government Act (1995)

Local Government (Administration) Regulations 1996

Shire of Kent Adopted Standards for CEO Recruitment, Performance and Termination

POLICY IMPLICATIONS

Nil.

FINANCIAL IMPLICATIONS

2022/2023 Budget provides \$12,000 for Recruitment Costs and Subsidies in Administrative General Expenses under Schedule 4.

It is considered that the above amount would be overspent if a Recruitment Agency was appointed and rectification of this overspend would have to be addressed at Budget Review.

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

Absolute Majority

OFFICER RECOMMENDATION

1. That Council approves of the process and suggested timeframe for the recruitment of the CEO position and if deemed appropriate, appoints a suitably qualified Recruitment Agency to assist Council in the overall process; and
2. That Council, in accordance with Clause 8 of the Standards for Chief Executive Officer Recruitment and Selection, Performance Review and Termination, appoints the following to the CEO Selection Panel for the Recruitment of the new Chief Executive Officer position:-

1. That Crs _____, _____, _____,

or alternatively,

That the whole of Council be appointed to be on the Selection Panel; and

2. That _____, be appointed as the Independent Person on the Selection Panel.

9.1.6 TEACHER HOUSING PROJECT – PROJECT COST VARIATIONS

PROPOSED MEETING DATE:	17 August 2022
PROPONENT:	CLPM Pty Ltd (Contractor)
LOCATION:	Nyabing and Pingrup Townsites
AUTHOR:	Peter Clarke – Acting Chief Executive Officer
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 Project Cost Variations submitted by CLPM Pty Ltd.

BACKGROUND

As indicated in the Briefing Session Agenda, on Wednesday, 3 August 2022 the A/CEO received a request from CLPM Pty Ltd for a Variation Request for the Teacher Housing Project with CLPM citing project cost increases associated with material price increases and lack of supply of certain materials associated with COVID-19 implications.

COMMENT

The Variation Request submitted is for an amount of \$27,194.00 which accounts for cost increases for material and labour due to COVID-19 delays with Ulela Building Services (\$15,350.00) and also additional costs associated with the modification of Facades due to shortage of materials state-wide, also caused by COVID-19 (\$11,844.00). It should be noted that the Variation amounts are “at cost without margin”. There is no question that price increases have occurred and which were totally unforeseen at the time of engagement.

There are provisions in the Contract for the submission of Variations by either party. The A/CEO has noted in the Contract that the completion date for the Project was 23 February 2022 and there are provisions for Liquidated Damages associated with failure to complete the project by the Completion Date (\$75 per Calendar Day/Dwelling), but it is not understood whether there has been communication between the Shire of Kent and CLPM regarding an extension or other agreement associated with the project’s timeframe.

As reported at the Briefing Session, the project is nearing completion and any delays due to Contract negotiations may be detrimental to a favourable outcome for the overall project.

As noted in the Financial Implications associated within this Report, a contingency percentage has been allocated for the project and the Variation Request fits within this allocated amount.

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

OFFICER RECOMMENDATION

That Council authorises the payment for Cost Variations to the Teachers Housing Project as submitted by CLPM Pty Ltd totalling \$27,194.00 that were attributable to cost increases for materials and labour and also a change to materials for the facades of the houses due to shortage of supply to the materials originally proposed.

9.1.7 UNBUDGETED EXPENSE AND CHANGE OF ROAD RESERVE PURPOSE

PROPOSED MEETING DATE:	17 August 2022
PROPONENT:	N/A
LOCATION:	N/A
AUTHOR:	Paul Spencer – Manager Infrastructure Christie Smith – Manager Corporate
REPORTING OFFICER:	Peter Clarke – Acting Chief Executive Officer
FILE NO:	FIN.91
ASSESSMENT NO:	N/A
ATTACHMENTS:	Nil
DISCLOSURE OF INTEREST:	Nil

PURPOSE

Council to consider approval of expenditure and a change in purpose from the Road Reserve that has not been included in the 2022/2023 adopted budget for additional maintenance grading effort to reshape and compact some high use roads in the Shire.

BACKGROUND

At the February 2022 briefing session, there was a discussion in relation to a number of options to improve the performance of the Shire's gravel road network. One of these options was to bring in an external grader to take advantage of the roads whilst they still had moisture at the end of winter and roll them with a heavy roller rather than the light "free roller" on the back of the grader. This work will prepare them well before the harvest.

The works execution plan is to:

- engage a 3rd party grader operator for up to 300hrs of grading works at approximately \$220 per hour plus GST), with a total cost of \$66,000 and the ability to complete a "double-cut" grade over approximately 150km of road (assumes 5km per day of completed works)
- Use the Shire's multi-tyre roller in parallel with the grader to roll the graded road. This work would cost 300hrs * \$100 per hour + GST as per budgeted fees and charges, a total of around \$30,000.
- Where possible and if advantageous, run a Shire of Kent maintenance grader with the above two machines to create a group of three; no budget is needed for this as this work is within the existing budget.

The roads targeted for the treatment include:

- Kuringup Rd (13km)
- North Fence Rd (4km)
- Warren Rd (13km)
- South Fence Rd (36km)
- Wallacup Rd (20km)
- Nyabing South Rd (25km)
- Mindarabin Rd (4km)
- Peterson Rd (17km)
- North Kwobrup Rd (10km)
- Chinocup Rd (21.6km)
- Total = 164km

The above roads are Category 1 roads, with the exception of Chinocup Rd, which is Category 2, they are focused in the west of the Shire as the recruitment of the West Grader operator has taken longer than expected and have fallen behind where they should be.

COMMENT

Should any spare capacity exist at the completion of these roads, then other roads shall be added as required to complete the allocated hours. A number of contract grader operators in the region have expressed interest in this opportunity.

The purpose of the Road Reserve is currently '*Funds to be used for capital works on roads within the Shire of Kent for future years.*' A suggestion is to change the purpose of the Road Reserve to include maintenance works.

STATUTORY IMPLICATIONS

Local Government Act 1995 – Section 6.11(2)(a), (3)(b) and (4)

Local Government (Financial Management) Regulations 1996 – Clause 17(1) and 18(a)

Council will be required to give one month's local public notice of the proposed change of purpose or proposed use for the Road Reserve.

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.

If Council agree to change the purpose of the Road Reserve then the unbudgeted expense can be transferred from the Road Reserve.

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

1. That Council change the purpose of the Road Reserve to “Funds to be used for capital and maintenance works on roads within the Shire of Kent for future years”.
2. Approve unbudgeted expenditure from the Road Reserve up to \$100,000 to cover the cost of additional maintenance grading and rolling of roads within the Shire of Kent. If sufficient funds are available in the Municipal account at budget review then these funds be transferred back into the Road Reserve.

- 10. ELECTED MEMBERS MOTION OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**
- 11. NEW BUSINESS OF AN URGENT NATURE AGREED TO BY RESOLUTION OF COUNCIL**

11.1.1 TEACHER HOUSING PROJECT – PROVISIONAL WORKS – LANDSCAPING AND SOLAR PANELS

PROPOSED MEETING DATE:	17 August 2022
PROPOSER:	
LOCATION:	CLPM Pty Ltd (Contractor)
AUTHOR:	Nyabing and Pingrup Townsites
REPORTING OFFICER:	Peter Clarke – Acting Chief Executive Officer
FILE NO:	N/A
ASSESSMENT NO:	Nil
ATTACHMENTS:	Attachment 1 - Landscaping Cost Comparison Attachment 2 - Solar Panels Cost Comparison
DISCLOSURE OF INTEREST:	Nil

PURPOSE

Council to consider price comparisons submitted by CLPM Pty Ltd., associated with Provisional Works for Landscaping and Solar Panels for the Teachers Housing Project.

BACKGROUND

Within the Contract documentation, a sum is included for Provisional works associated with landscaping works totalling \$60,000 (\$20K x 3 houses) however, there is no amount provided for Solar Panels.

It is assumed that Council at some stage during the construction period requested a quotation for the inclusion of Solar Panels on the individual houses.

COMMENT

CLPM Pty Ltd., have now provided quotations for the above items and have provided comparisons in prices received from suppliers for Council's consideration.

An attachment to this Report has been provided to assist Council in its deliberations.

Should Council wish to proceed with the installation of Solar Panels on the three (3) houses, then the budgeted Contingency amount would have to cover these costs.

STATUTORY IMPLICATIONS

Local Government Act (1995)

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

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

Absolute Majority

OFFICER RECOMMENDATION

That based on the quotations provided by CLPM Pty Ltd for Provisional Works associated with the Teachers Housing Project in Nyabing and Pingrup, Council accepts the following quotations for the provision of Landscaping and installation of Solar Panels:-

1. That ACME Pumps' quotation of \$58,750.52 be accepted, noting that there will be further expenses associated with additional concrete footpaths as requested by the Shire of Kent;
2. That Sofar Solar's quotation of \$38,626.36 be accepted for the installation of Solar Panels; and.
3. The additional costs for the concrete footpaths and installation of Solar Panels to the three (3) houses be sourced from the Contingency percentage set aside for such circumstances.

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 CONFIDENTIAL - REQUEST FOR NYABING CARAVAN PARK FEE DISCOUNT AND SINGLE WORK PERSON ACCOMMODATION

PROPOSED MEETING DATE:	17 August 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:	NIL

BACKGROUND

The Shire of Kent received the following email from Deborah Williams and Barry Jolley on 11 July 2022:

Dear Christie and Councillors,

As per telephone conversation this morning I am putting in a formal request as follows,

Re: Sunshine Hay Contractors, Yieldmore Seed Cleaners and BJ Mulesing Service.

We are locals and long standing rate payers and have been providing three valuable seasonal agricultural services as shown above to our local farmers for over 20 years.

We are required to house our employees during the following periods: Sheep Husbandry/Lamb Marking which runs from approx. late May – August and then again for Hay Baling from Oct – December

As you are all aware finding employees can be incredibly difficult. At present we are having to provide and house our 3 casual employees in caravans at the Nyabing Caravan park as there are no rentals available in town that offer short term accommodation.

Currently we are being charged the full summer tourist rate of \$120.00 per/week, per/van for 2 persons.

I have three requests to put forward for your kind consideration.

Firstly: Due to no lambs being ready/school holidays, we have had to lay 2 of our workers off and therefore from the 3rd of July until the 17th of July there is only 1 caravan being used. May we please put in a request to only be charged for this one van for this period?

Secondly: May we please put in a 'special' request to be considered to have any future rates reduced in order to recognise the fact that there is only 1 person per van, they are purely there for work, they are not there on weekends, we are local rate payers and are only using this facility in order to provide a necessary and valuable service to our local farmers.

Thirdly: Could council please consider installing/providing single work person accommodation at the caravan park to house casual seasonal employees similar to those already provided at Pingrup Caravan Park.

I thank you for your time and consideration and look forward to hearing from you soon.

Kind Regards

Deborah Williams and Barry Jolley.

COMMENTS

Under Council Policy 3.1.8 *Requests For Donations and Financial Assistance*, profit making businesses, such as Sunshine Hay Contractors, Yieldmore Seed Cleaners, and BJ Mulesing Service are ineligible to receive financial assistance.

Council received the concept plans for the caravan park earlier this year with no further developments to date. There is no budget allocation for this project in 22/23 financial year, Council will need to revisit the plans and project in due course.

As this request is outside the scope of policy 3.1.8 Council are required to consider this request as staff do not have the authority to waive fees and charges.

STATUTORY IMPLICATIONS

Local Government Act 1995

POLICY IMPLICATIONS

Shire of Kent policy 3.1.8 *Requests for Donations and Financial Assistance*.

FINANCIAL IMPLICATIONS

If fees are waived, a credit note will be required.

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

If fees are waived, Council will need to consider the risk of setting a precedence for future bookings and requests of a similar nature.

VOTING REQUIREMENT

Simple Majority

RECOMMENDATION

That Council advises the applicants of the following response in relation to their request for the waiving of fees at the Nyabing Caravan Park and of proposed future upgrades at this facility:

- 1. That on this occasion, Council is not prepared to accede to their request as it would be setting an unwanted precedence on future advance bookings. The applicants be further advised that future requests of this nature should be made prior to the bookings being placed as Shire Policy dictates that only Council can waive/discount fees and charges.**
- 2. In respect to future upgrades to the Nyabing Caravan Park, the applicants be advised that Council received concept plans for the caravan park earlier this year. However, there has been no further development in this regard and there has been no budget allocation in Council's 2022/2023 Budget for upgrade/re-development works. Council will need to revisit the plans and the project in future Budgets.**

13. MEETING CLOSED