

SHIRE OF KENT



ORDINARY MINUTES

DATE: Wednesday 19 October 2022

TIME: 5:30pm

VENUE: Council Chambers,
Richmond Street, Nyabing WA 6341

PETER CLARKE
A/CHIEF EXECUTIVE OFFICER

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Peter Clarke

A/CHIEF EXECUTIVE OFFICER

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1. DECLARATION OF OPENING AND ANNOUNCEMENT OF VISITORS

The meeting was opened at 5:42pm 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 J Germain	Member
Cr T Borgward	Member
Cr W Tapscott	Member

Staff

P Clarke	Chief Executive Officer
C Smith	Manager Corporate
M Tulleken	Manager Infrastructure
N Taekema	Governance Officer

Members of the Public

Nil

Apologies

Cr R Jury	Member
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Members on Approved Leave of Absence

Nil

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 21 SEPTEMBER 2022

OCM2122/031 - COUNCIL RESOLUTION (Officer Recommendation)

MOVED Cr KV Johnston / Cr JN Germain

That the minutes of the Ordinary Council Meeting of the Shire of Kent held at the Council Chambers, on Wednesday 21 September, 2022 be CONFIRMED.

**CARRIED 7/0
By Simple Majority**

6.1.2 SHIRE OF KENT BUSHFIRE ADVISORY COMMITTEE MEETING HELD 12 OCTOBER 2022

OCM2122/032 - COUNCIL RESOLUTION (Officer Recommendation)

MOVED Cr JN Germain / Cr TD Borgward

That the minutes of the Shire of Kent Bushfire Advisory Committee Meeting held at the Pingrup Town BFB Fire Station, on Wednesday 12 October, 2022 be RECEIVED and the recommendations contained therein be adopted.

**CARRIED 7/0
By Simple Majority**

7. ANNOUNCEMENTS BY THE PRESIDING PERSON WITHOUT DISCUSSION

8. PETITIONS/DEPUTATIONS/PRESENTATIONS/SUBMISSIONS

9. OFFICER REPORTS

9.1.1 SHIRE OF KENT COMMUNITY STRATEGIC PLAN – MAJOR REVIEW – PUBLIC CONSULTATION PROCESS

PROPOSED MEETING DATE:	19 October 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:	Nil
ATTACHMENTS:	N/A
DISCLOSURE OF INTEREST:	

PURPOSE

To advise Council of its obligations in respect to public consultation associated with the Strategic Planning review process and to seek Council's guidance on the number of Workshops it wishes to take in respect to same.

BACKGROUND.

At the September 2022 Ordinary meeting the A/CEO advised that the Shire of Kent's current Community Strategic Plan 2017-2027 was due for a major review. The 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.

At the September 2022 Council meeting the following was resolved:-

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**

COMMENT

As a means to reduce the number of public workshops/meetings that members of the public would need to attend, it is proposed to incorporate the Strategic Plan Review and Elected Member Representation Review at the same workshops/meetings.

The A/CEO has been liaising with the Consultant appointed to assist with the Strategic Planning Review to select a suitable date/s for the public workshops/meetings and Wednesday, 2 and Thursday, 3 November have been identified as preferable.

In accordance with Section 19C(9) of the *Local Government (Administration) Regulations 1996*, Council 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. Obviously this can be undertaken in a variety of ways e.g., surveys, stakeholder interviews and public workshops/meetings etc.

The A/CEO seeks Council guidance on the number of workshops/meetings that it wishes to take in respect to the above processes. A single workshop/meeting could be conducted in Nyabing or alternatively, two workshop/meetings be held, one in Nyabing and the other in Pingrup. There is always the concern regarding the level of support/attendance at these types of workshop/meetings and apparently past history has shown they are not normally well attended.

The Strategic Planning Consultant has advised that the strategic planning workshop should only take about an hour. The Elected Member Representation Review consultation process would be similar in time.

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 .

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

RISK IMPLICATIONS

N/A

VOTING REQUIREMENT

Simple Majority

OFFICER RECOMMENDATION

That Council:-

Conducts only one (1) workshop/meeting for the whole of the Shire which is to be held at the Nyabing Hub on Wednesday, 2 November 2022 commencing at 6.00pm as part of the community consultation process for the review of the Community Strategic Plan and Elected Member Representation Review.

OR

Conducts separate workshops/meetings in the Nyabing and Pingrup communities on Wednesday, 2 November and Thursday, 3 November respectively with both commencing at 6.00pm as part of the community consultation process for the review of the Community Strategic Plan and Elected Member Representation Review.

OCM2122/033 - COUNCIL RESOLUTION

MOVED Cr DP Gray / Cr KV Johnston

That rather than Public Meetings being conducted for the Strategic Planning Review process, Council favours direct contact by the Consultant through telephone calls to identified ratepayers/residents and through the distribution of a Survey via a “householder” letter, with the ability also to complete the Survey online.

**CARRIED 7/0
By Simple Majority**

REASON FOR ALTERATION TO RECOMMENDATION

Council considered that past history in the conduct of Public Meetings has resulted in poor attendance and therefore, it was considered that the Strategic Planning community consultation exercise would be better served by direct contact from the Consultant to identified ratepayers/residents and key stakeholders. Further, the distribution of a Survey via a “householder” letter and the ability to undertake the survey on-line would also increase participation rates by all residents in the district.

9.1.2 SHIRE OF KENT ELECTED MEMBER REPRESENTATION REVIEW

PROPOSED MEETING DATE:	19 October 2022
PROPONENT:	Minister for Local Government
LOCATION:	Whole of Shire
AUTHOR:	Peter Clarke – Acting Chief Executive Officer
REPORTING OFFICER:	Peter Clarke – Acting Chief Executive Officer
FILE NO:	
ASSESSMENT NO:	Nil
ATTACHMENTS:	Attachment 1 - Draft Discussion Paper – Shire of Kent Representation Review 2022
DISCLOSURE OF INTEREST:	Nil

PURPOSE

To present to Council the proposed Discussion Paper for the Representation Review as per the instructions from the Minister for Local Government of the requirement for this process to be undertaken in line with the Local Government Structural Reforms.

BACKGROUND.

At the September 2022 Briefing Session, the A/CEO advised that he had received a memorandum from the Minister for Local Government, the Hon. John Carey MLA, advising Council that as part of the Local Government Reforms to strengthen local democracy and increase community engagement, new requirements will be introduced to provide for:

- The introduction of optional preferential voting;
- Directly elected Mayors and Presidents for band 1 and 2 local governments;
- Councillor numbers based on population; and
- The removal of wards for band 3 and 4 local governments.

COMMENT

The Minister's memorandum contained the following information in respect to the above:-

“On 3 July 2022, I announced the final package of proposed local government reforms, following a review of public submissions. As part of the reforms to strengthen local democracy and increase community engagement, new requirements will be introduced to provide for:

- *The introduction of optional preferential voting;*
- *Directly elected Mayors and Presidents for band 1 and 2 local governments;*
- *Councillor numbers based on population; and*
- *The removal of wards for band 3 and 4 local governments.*

Work on a Bill to amend the Local Government Act 1995 (the Act) is ongoing, and a Bill is expected to be introduced into Parliament in early 2023.

Many of the reform proposals related to council representation are based on recent trends, and are intended to provide greater consistency between districts. Accordingly, for more than half of all local governments, the reforms will not require any specific change to the size or structure of the council.

However, the reform proposals do require some local governments to:

- *Reduce the number of elected members on council in accordance with population thresholds; or*
- *Change from a council elected mayor or president to a directly elected mayor or president (this reform affects only band 1 and 2 local governments); or*

- *Abolish wards (for band 3 and 4 local governments with wards); or*
- *Implement more than one of the above.*

The Amendment Act will also provide that optional preferential voting will apply for all local government elections. As you may know, optional preferential voting means that all electors have the choice to number preferences for as many or as few candidates as they wish to.

I appreciate the significant interest in the reform proposals, and transitional arrangements for the upcoming 2023 ordinary elections. Many councils have expressed a proactive intent to implement reforms as early as possible.

I also acknowledge that, for some local governments, it may be desirable to implement changes to the size of the elected council over two ordinary election cycles.

The Department of Local Government, Sport and Cultural Industries (DLGSC) has completed an initial review, and identified that your local government may need to reduce the number of council members under the proposed reforms.

As you would know, the Act already provides that local governments may initiate proposals to change the size or structure of the council. Accordingly, I write to advise of two pathways your local government may consider for making these election transition arrangements.

Voluntary Pathway

Your local government may decide to implement these changes on a voluntary basis. This pathway will require the council to make the steps outlined below, and could involve staging any larger changes in the number of councillors over two ordinary elections. This pathway provides the greatest possible lead time to plan for next year's ordinary elections.

If your council wishes to undertake this process, it should, by 28 October 2022:

- *Advise the DLGSC of its intention to undertake a voluntary process. This advice should include a high-level plan outlining the potential changes to be implemented for the ordinary elections to be held in 2023 (and in 2025, if applicable); and*
- *Initiate a Ward and Representation Review to determine the specific changes to the structure of the council for the 2023 and 2025 ordinary elections, to be completed by 14 February 2023.*

I appreciate that significant effort is required to complete a Ward and Representation Review. The Ward and Representation Review would need to be initiated ahead of the 28 October 2022 date, and finalised by 14 February 2023, to ensure that the timeframes set out in the Act can be practically met. While the Ward and Representation Review can consider the size of the council, and any wards, any changes should not diverge from the proposed reforms.

Reform Election Pathway

Alternatively, it is intended that the Amendment Act will provide for all changes to be implemented through reform elections in 2023. This pathway would provide that all of the council's offices can be declared vacant, all wards can be abolished (if applicable), and the number of council offices would be set based on the reform proposals.

Elections would then be held to fill all council offices, with a split between two and four year terms as might be necessary to re-establish an ordinary election cycle. For local governments in band 1 or 2, the newly-elected council would then be able to consider whether to establish new wards through a future Ward and Representation Review.

Your local government may specifically decide to follow the Reform Election Pathway. If this is the council's intention, I request that you advise the DLGSC by 28 October 2022.

It is also intended that the Amendment Act will contain provisions for the Reform Election Pathway to apply if a local government:

- Does not advise of an intention to follow the Voluntary Pathway, or*
- Decides to follow the Voluntary Pathway, but does not suitably complete a Ward and Representation Review by the dates outlined in this letter.*

Next Steps

In line with the above, I request that your council considers these matters, and provides formal written advice on the preferred pathway to the DLGSC by 28 October 2022. Given the timeframes already established in the Act, no extension to the dates specified in this letter will be possible.

The DLGSC is available to assist with these election transition arrangements. If you require any assistance, please contact Ms Julie Craig, Strategy and Research Officer, on 6552 7300 or at advisoryboard@dlgsc.wa.gov.au.

I have also written a formal letter to the Mayor or President of your local government, which contains the same information as this memorandum. That letter should be received shortly.

As indicated in the Minister's memorandum, the Department of Local has completed an initial review, and identified that the Shire of Kent will need to reduce the number of council members under the proposed reforms. The Minister also indicates that Council will need to consider which pathway it will take, either the Voluntary or Reform Election Pathway in which to undertake the reduction of Councillors and for written notification of the preferred Pathway to be provided to the Department by **28 October 2022**.

As advised, there are two ways in which Council can take to implement the reduction in numbers, therefore dependent upon which option Council takes in the reduction of its numbers, it will determine the preferred pathway.

- **Current Elected Member Split for elections based on its 8 members**
2023 – 4 positions
2025 – 4 positions

Voluntary Pathway

Implemented over 2 election cycles (2023 and 2025) as follows:-

- Voluntary Method **based on 7 Members**
2023 – Call for 3 positions (4 year terms expiring in 2027 – see below)
2025 - Current 4 positions expiring in 2025
- Voluntary Method **based on 6 Members**
2025 – Call for 3 positions (Reduced by one (1) position)
2027 – 3 positions (4 year terms based on 2023 Elections)

- Voluntary Method **based on 5 Members**
2025 – Call for 2 positions (Reduced by two (2) positions)
2027 - 3 positions (4 year terms based on 2023 Elections)

Reform Election Pathway

A clean way in which to undertake the reform would be along the Reform Election Pathway at the 2023 Elections. This would provide all of the council's Elected Member positions to be declared vacant and the number of Elected Member positions would be set based on the reform proposals.

Elections would then be held to fill all Elected Member positions, with a split between two and four year terms as might be necessary to re-establish an ordinary election cycle.

The A/CEO has prepared a Draft Discussion Paper, for distribution to the community relating to the Review for Council's consideration which is attached to the Agenda document. The public consultation period will commence from Monday, 24 October and close on Friday, 9 December 2022. This is a 7 week period to ensure adequate time is allowed for the process to take place.

STATUTORY IMPLICATIONS

Local Government Act 1995 – Schedule 2.2 Wards and Representation Review
Local Government Act Reforms

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

RISK IMPLICATIONS

N/A

VOTING REQUIREMENT

Absolute Majority

OFFICER RECOMMENDATION***That Council:-***

- 1. Prior to 28 October 2022, advises the Department of Local Government, Sport and Cultural Industries (DLGSC) that it has commenced a Representation Review as per the Minister for Local Government's Memorandum of 20 September 2022 and that Council's preferred method for a reduction in Councillor numbers for the election transition arrangements is via the Reform Election Pathway; and***
- 2. Endorses the content of the Discussion Paper prepared by the A/CEO and commences the mandatory 6 week advertising period associated with the Review from Monday, 24 October 2022 with the close of written submissions being Friday, 9 December 2022.***
- 3. As part of the Representation Review, Council conducts Public Meetings to gauge resident's views in Nyabing and Pingrup within the above advertising period.***

OCM2122/034 - COUNCIL RESOLUTION

MOVED Cr WD Tapscott / Cr GW Hobley***That Council:-***

- 1. Prior to 28 October 2022, advises the Department of Local Government, Sport and Cultural Industries (DLGSC) that it has commenced a Representation Review as per the Minister for Local Government's Memorandum of 20 September 2022 and that Council's preferred method for a reduction in Councillor numbers for the election transition arrangements is via the – Voluntary Election Pathway; and***
- 2. Endorses the content of the Discussion Paper prepared by the A/CEO and commences the mandatory 6 week advertising period associated with the Review from Monday, 24 October 2022 with the close of written submissions being Friday, 9 December 2022.***
- 3. As part of the Representation Review, Council conducts a public meeting in Nyabing on Thursday, 3 November 2022 at the Nyabing Community Hub within the above advertising period to gauge resident's views in the district. .***

**CARRIED 7/0
By Absolute Majority**

REASON FOR ALTERATION TO RECOMMENDATION

Council considered that the Voluntary Pathway was more preferable to implement than the Reform Pathway as proposed in the recommendation. The Voluntary Pathway would ensure implementation of these changes over 2 election cycles. In respect to community consultation, Council also considered that only 1 Public Meeting was sufficient on the proviso that notice of the Representation Review was distributed widely to ratepayers and residents in the district.

9.1.3 SOUTH WEST NATIVE TITLE SETTLEMENT – NOONGAR LAND ESTATE

PROPOSED MEETING DATE:	19 October 2022
PROPONENT:	Department Planning, Lands and Heritage
LOCATION:	Reserve 23585 – Old School Site Nyabing Town Site
AUTHOR:	Peter Clarke – Acting Chief Executive Officer
REPORTING OFFICER:	Peter Clarke – Acting Chief Executive Officer
FILE NO:	
ASSESSMENT NO:	Nil
ATTACHMENTS:	Attachment 1 - Map of Nyabing Town Site identifying Reserve 23585
DISCLOSURE OF INTEREST:	

PURPOSE

For Council to consider the status of Reserve 23585 as it involves the referral of land under consideration for inclusion in the Noongar Land Estate under the South West Native Title Settlement.

BACKGROUND.

The South West Native Title Settlement (Settlement) is a landmark native title agreement reached between the State Government (State) and the six Noongar Agreement Groups. The six requisite Indigenous Land Use Agreements (ILUAs) were conclusively registered, leading to the Settlement commencing on 25 February 2021 after some years of delay. The Settlement recognises the Agreement Groups as the Traditional Owners of the south west of Western Australia, while resolving native title in exchange for a negotiated package of benefits. The area subject to the Settlement is depicted in the attached map.

A key negotiated benefit is the delivery of a 320,000 hectare Noongar Land Estate, in accordance with the Noongar Land Base Strategy. The Noongar Land Estate will contain up to 300,000 hectares of land transferred in reserve or leasehold, and up to 20,000 hectares of land transferred in freehold. The Landholding Body for all land transferred is the Noongar Boodja Land Sub Pty Ltd, which will hold and manage the land in the Noongar Land Estate in consultation with the soon to be established Noongar Regional Corporations. All land will be used and managed in line with Noongar cultural, social and economic aspirations for the benefit of generations to come.

Over the next five years, the Department of Planning, Lands and Heritage (Department) will progress selected land parcels through to transfer under the Settlement, subject to all necessary consultation and approvals with stakeholders. Land eligible for inclusion in the Noongar Land Estate includes:

- unallocated Crown land;
- unmanaged reserves;
- land owned or held by the Aboriginal Lands Trust / Aboriginal Affairs Planning Authority; and
- land owner or held by State agencies or Local Government Authorities, at the discretion of the State agency or Local Government Authority.

COMMENT

A key part of the process being followed by the Department involves the referral of land under consideration for inclusion in the Noongar Land Estate to relevant State agencies and Local Government Authorities. The Department would appreciate Council providing comments on the land parcel identified (Reserve 23585) “Old School Site” in relation to the following:

1. Is the Shire supportive of the transfer of this land to the Noongar People under the Settlement? - **Yes**
2. Does the Shire have any interest in the land? - **No**
3. Does the Shire have existing or planned infrastructure within the land parcel that requires protection? If yes, please provide details and advise if access to this infrastructure will need to be maintained. - **No**
4. Is the land parcel subject to any mandatory connection to services? - **No**
5. Are any future proposals for the land identified? Please provide detail of what is proposed and in what timeframe? - **No**
6. Are there any future proposals for adjoining land that may affect the land identified in the spreadsheet? If so, in what timeframe? – **Original Nyabing School building situated on adjoining Lot and considered Historical. There are plans to develop the building as a small Museum to house Girl Guide/Brownie memorabilia as the building was used for this purpose following the School relocating to a new site.**
7. Please advise of any proposed planning scheme amendments that may affect the zoning of this land at a State or Local government level. If a scheme amendment is to occur, what is the change proposed and when will it come into effect? - **No**
8. Please advise of any known land management issues such as site contamination, hazards, debris or rubbish dumping, unauthorised land use and environmental considerations (such as inundation or similar site constraints). - **None**
9. Please provide any additional comments on the proposed transfer of this land as part of the Settlement. - **Nil**

The Department seeks comments in respect to the above by 2 November 2022.

STATUTORY IMPLICATIONS

South West Native Title Settlement.

Reserve 23585 – Vested in the Shire of Kent with Power to Lease.

POLICY IMPLICATIONS

Nil.

FINANCIAL IMPLICATIONS

Nil.

STRATEGIC IMPLICATIONS

Community Strategic Plan 2017-2027

Social – Cultural and Heritage Diversity is recognised

RISK IMPLICATIONS

N/A

VOTING REQUIREMENT

Simple Majority

OFFICER RECOMMENDATION

That Council advises the Department of Planning, Lands and Heritage (DPLH) that it has no objections to Reserve 23585, currently Vested in the Shire of Kent, being referred for consideration in the Noongar Land Estate under the South West Native Title Settlement and the responses to DPLH's question as shown above in relation to the Reserve be endorsed by Council.

OCM2122/035 - COUNCIL RESOLUTION

MOVED Cr SR Crosby / Cr JN Germain

That Council advises the Department of Planning, Lands and Heritage (DPLH) that it does not support Reserve 23585, currently Vested in the Shire of Kent, being referred for consideration in the Noongar Land Estate under the South West Native Title Settlement due to the reasons outlined in the responses to DPLH's question as shown below.

1. Is the Shire supportive of the transfer of this land to the Noongar People under the Settlement? - **No**
2. Does the Shire have any interest in the land? – **Yes. Council sees this land as potential residential expansion of the Nyabing town site and it is the only parcel of land within the town site itself that could be utilised for this purpose. The Reserve is totally cleared, being a former school oval and is also situated on the current Nyabing Primary School site as a contiguous parcel of land on Reserve 23585.**
3. Does the Shire have existing or planned infrastructure within the land parcel that requires protection? If yes, please provide details and advise if access to this infrastructure will need to be maintained. – **No**
4. Is the land parcel subject to any mandatory connection to services? – **Not at this stage.**
5. Are any future proposals for the land identified? Please provide detail of what is proposed and in what timeframe? - **Yes. See above comments in relation to planning for future Residential development.**
6. Are there any future proposals for adjoining land that may affect the land identified in the spreadsheet? If so, in what timeframe? – **Original Nyabing School building situated on adjoining Lot and considered Historical. There are plans to develop the building as a small Museum to house Girl Guide/Brownie memorabilia as the building was used for this purpose following the School relocating to the Reserve in question.**
7. Please advise of any proposed planning scheme amendments that may affect the zoning of this land at a State or Local government level. If a scheme amendment is to occur, what is the change proposed and when will it come into effect? – **TPS would need to be amended to identify the land as “Residential” and at this stage no action has been taken by Council to proceed with a scheme amendment.**
8. Please advise of any known land management issues such as site contamination, hazards, debris or rubbish dumping, unauthorised land use and environmental considerations (such as inundation or similar site constraints). - **None**
9. Please provide any additional comments on the proposed transfer of this land as part of the Settlement. – **The Nyabing town site boundary is currently constrained for future residential development and Reserve 23585 offers the only opportunity for such development in the future.**

**CARRIED 7/0
By Simple Majority**

REASON FOR ALTERATION TO RECOMMENDATION

Council was of the opinion that Reserve 23585 was the only land within the Nyabing town site that had potential for future residential development and that DLPH should be advised accordingly to ensure that Council's future planning was taken into consideration. Council did indicate that it would be happy to consider other Reserves in the district under the Noongar Land Estate.

9.1.4 VISION CHRISTIAN RADIO – PINGRUP TOWN SITE AND SURROUNDS

PROPOSED MEETING DATE:	19 October 2022
PROPONENT:	Mrs Alison Furphy
LOCATION:	Pingrup Hall Site
AUTHOR:	Peter Clarke – Acting Chief Executive Officer
REPORTING OFFICER:	Peter Clarke – Acting Chief Executive Officer
FILE NO:	
ASSESSMENT NO:	Nil
ATTACHMENTS:	
DISCLOSURE OF INTEREST:	

PURPOSE

For Council to consider the request for Vision Christian Radio to erect a satellite dish in the fenced compound behind the Pingrup Hall to broadcast Christian radio programs in the Pingrup town site and surrounds.

BACKGROUND

Mrs Alison Furphy wrote to Council on 28 September 2022 to advise that she had been approached to have Vision Christian Radio installed in Pingrup.

Mrs Furphy advises that the installation would be fully funded and the community is excited to have this facility provided. Vision Christian Radio would install and maintain this facility. The site they are looking at is the rear of the town hall, where the other satellite dishes are and is seeking Council's permission for this to go ahead.

Mrs Furphy further advises that there hasn't been any Church services for a very long time and feels there may be some in the community who would welcome this radio station. There are towns in the vicinity of Pingrup that have this facility already and would also be available for Nyabing if sufficiently interested.

Mrs Furphy seeks Council's support for the installation of this important service.

COMMENT

The fenced compound behind the Pingrup Hall, where existing satellite dishes are located, is situated on Reserve 24256 Vested in the Shire of Kent.

As this is a community service, there would be no intention of Council leasing the property to Vision Christian Radio, Council would be merely allowing their infrastructure to be sited on the land and behind the existing fenced compound.

STATUTORY IMPLICATIONS

Reserve – Vested in the Shire of Kent.

POLICY IMPLICATIONS

Nil.

FINANCIAL IMPLICATIONS

Nil.

STRATEGIC IMPLICATIONS

Community Strategic Plan 2017-2027

Social Objective – Existing strong community spirit and pride is fostered promoted an encouraged

RISK IMPLICATIONS

N/A

VOTING REQUIREMENT

Simple Majority

OCM2122/036 - COUNCIL RESOLUTION (Officer Recommendation)
--

MOVED Cr SR Crosby / Cr KV Johnston

That Council advises Mrs Alison Furphy that it has no objections to Vision Christian Radio erecting a satellite dish in the fenced compound behind the Pingrup Hall, situated on Reserve 24256, to enable the broadcasting of Christian radio programs to the broader Pingrup community and that Vision Christian Radio be encouraged to liaise with the Shire of Kent prior to the installation of same.

**CARRIED 7/0
By Simple Majority**

9.1.5 MONTHLY FINANCIAL REPORTS TO 30 SEPTEMBER 2022

PROPOSED MEETING DATE:	19 October 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 30 September 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

OCM2122/037 - COUNCIL RESOLUTION (Officer Recommendation)

MOVED Cr DP Gray / Cr GW Hobley

That Council receive the following Monthly Financial Reports as presented:

- **Monthly Financial Reports to 30 September 2022**

**CARRIED 7/0
By Simple Majority**

9.1.6 SCHEDULE OF ACCOUNTS PAID TO 30 SEPTEMBER 2022

PROPOSED MEETING DATE:	19 October 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

OCM2122/038 - COUNCIL RESOLUTION (Officer Recommendation)

MOVED Cr TD Borgward / Cr WD Tapscott

That Council endorse the payments from the Municipal Fund and Trust Fund for the period ending 30 September 2022:

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

**CARRIED 7/0
By Simple Majority**

9.1.7 STATUS OF COUNCIL DECISIONS – SEPTEMBER 2022

PROPOSED MEETING DATE:	19 October 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

OCM2122/039 - COUNCIL RESOLUTION (Officer Recommendation)

MOVED Cr WD Tapscott / Cr GW Hobley

That the following be received by the Council:

- 1. The Action Sheet for the Council Meeting 21 September 2022;**
- 2. The Outstanding Matters list dated 19 October 2022.**

**CARRIED 7/0
By Simple Majority**

9.1.8 UNIFORM AND PERSONAL PRESENTATION (ADMINISTRATION STAFF) POLICY

PROPOSED MEETING DATE:	19 October 2022
PROPONENT:	N/A
LOCATION:	N/A
AUTHOR:	Christie Smith – Manager Corporate
REPORTING OFFICER:	Peter Clarke – Acting Chief Executive Officer
FILE NO:	GOV.57
ASSESSMENT NO:	N/A
ATTACHMENTS:	Attachment 1 – Policy 2.1.16
DISCLOSURE OF INTEREST:	N/A

PURPOSE

For Council to consider adoption of a policy in relation to uniform and personal presentation for administration staff.

BACKGROUND

There is currently no uniform policy in place to guide staff on the standard of dress for the Administration Office.

COMMENT

The policy outlines the required standards of dress and personal hygiene at work for administration office employees. The acceptable standard of dress is smart business. The policy also introduces 'smart casual Fridays' giving employees the option to wear more casual attire on Fridays, however a shirt with a Shire Logo must be worn.

Recognising the importance of cultural and/or religion beliefs within its workforce, the policy will allow for possible exemptions where genuine personal religious beliefs or medical reasons dictate a different standard or dress.

STATUTORY IMPLICATIONS

Fair Work Act 2009

POLICY IMPLICATIONS

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

FINANCIAL IMPLICATIONS

Permanent staff are provided annually with a uniform allowance.

STRATEGIC IMPLICATIONS

Community Strategic Plan 2017-2027

Civic Leadership Objective - Continually enhance the Shire's organisational capacity to service the needs our community. Community outcomes met being an efficient and effective organisation and an employer of choice.

RISK IMPLICATIONS

N/A

VOTING REQUIREMENT

Simple Majority

OFFICER RECOMMENDATION

That Council adopt Policy 2.1.16 Uniform and Personal Presentation (Administration Staff) for inclusion within the Shire of Kent current Policy Manual.

OCM2122/040 - COUNCIL RESOLUTION

MOVED Cr DP Gray / Cr JN Germain

That Council lays item 9.1.8 on the table.

**CARRIED 7/0
By Simple Majority**

REASON FOR ALTERATION TO RECOMMENDATION

Council resolved to lay item 9.1.8 on the table under further consideration/investigation by management as to whether the embroidered Shire logo, or the Shire name badge must be mandatory on staff uniforms.

9.1.9 UNBUDGETED EXPENSE HOOK BINS FOR REFUSE SITES

PROPOSED MEETING DATE:	19 October 2022
PROPONENT:	N/A
LOCATION:	N/A
AUTHOR:	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 unbudgeted expenditure for the purchase of two additional 30m hook lift bins for the Pingrup and Nyabing Transfer Stations.

BACKGROUND

In June 2022 Council purchased two 30m hook lift bins for the Pingrup and Nyabing Transfer Stations which are to be emptied into the Nyabing Refuse site trenches when full by a contractor that has the appropriate machinery to lift and transport the bins.

COMMENT

It has been noticed that the single bins fill quickly with overflow occurring and the need for an additional bin at each station is required for overflow.

Council currently have \$190,263 in the Refusal Disposal Facility Reserve, however the purchase does not fall within the scope of the purpose for the reserve.

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. Previous bins purchased in June 2022 cost \$13,480 ex GST + delivery per bin.

STRATEGIC IMPLICATIONS

Community Strategic Plan 2017-2027

Environment Objective – conserve, protect and enhance our natural and built environment.
Community outcomes being to provide effective waste services.

RISK IMPLICATIONS

Potential risks could include environmental impact from overflow, increased contract costs and contractor availability to have the emptied more frequently.

VOTING REQUIREMENT

Absolute Majority

OFFICER RECOMMENDATION

That Council approve unbudgeted expenditure from the Municipal Fund up to \$30,000 to purchase 2 x 30m Hook Bins for the Nyabing and Pingrup Transfer Stations.

OCM2122/041 - COUNCIL RESOLUTION

MOVED Cr SR Crosby / Cr JN Germain

That Council approve unbudgeted expenditure from the Municipal Fund up to \$40,000 to purchase 2 x 30m Hook Bins for the Nyabing and Pingrup Transfer Stations.

**CARRIED 7/0
By Absolute Majority**

REASON FOR ALTERATION TO RECOMMENDATION

Council resolved to increase the unbudgeted expenditure from the Municipal Fund up to \$40,000 to cover potential shipping and overall cost increases since they were last purchased by 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.

13. MEETING CLOSED

There being no further business the Shire President Cr Scott Crosby, closed the meeting at 6:12pm.

I certify these minutes were confirmed at the Ordinary Meeting of Council held 16 November 2022.

SM Crosby

.....
Cr Scott Crosby – Shire President

16/11/22

.....
Date