

14/04/2023



24-26 Richmond St

Nyabing WA 6341

Ph: (08) 9829 1051

Fax: (08) 9829 1083

Email: [admin@kent.wa.gov.au](mailto:admin@kent.wa.gov.au)

Website: [www.kent.wa.gov.au](http://www.kent.wa.gov.au)

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, 19 April 2023**

**At the Council Chambers,**

**Nyabing**

**4:30pm**

Briefing Session

**5.30pm**

Ordinary Council meeting commencement

### 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 SEILER**  
**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**  
**19 April 2023**

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**1. DECLARATION OF OPENING AND ANNOUNCEMENT OF VISITORS**

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The meeting was opened at [REDACTED]pm 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*

Councillor Justin Germain has applied for Leave of Absence from the Kent Shire Council from 10 April 2023 to 30 June 2023 for the purpose of “away with work”.

**6. CONFIRMATION AND RECEIVING OF MINUTES/BUSINESS ARISING**

**6.1.1 ORDINARY MEETING OF COUNCIL HELD 15 March 2023**

**OFFICER RECOMMENDATION**

That the minutes of the Ordinary Council Meeting of the Shire of Kent held at the Nyabing Council Chambers, on Wednesday 15 March, 2023 be **CONFIRMED**.

**6.1.2 BUSH FIRE ADVISORY COMMITTEE MEETING 30 March 2023**

**OFFICER RECOMMENDATION**

That the minutes of the Bush Fire Advisory Committee Meeting of the Shire of Kent held at the Nyabing Pavilion, on Thursday 30 March, 2023 be **RECEIVED**.

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

**9.1.1 STATUS OF COUNCIL DECISIONS – MARCH 2023**

<b>PROPOSED MEETING DATE:</b>	19 April 2023
<b>PROPONENT:</b>	N/A
<b>LOCATION:</b>	N/A
<b>AUTHOR:</b>	Nathanael Taekema – Governance Officer
<b>REPORTING OFFICER:</b>	Adam Seiler – Chief Executive Officer
<b>FILE NO:</b>	GOV.285
<b>ASSESSMENT NO:</b>	N/A
<b>ATTACHMENTS:</b>	Attachment 1 - Action Sheet Attachment 2 - Outstanding Matters List
<b>DISCLOSURE OF INTEREST:</b>	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 15 March 2023;**
- 2. The Outstanding Matters list dated 19 April 2023.**

**9.1.2 PERMISSION TO COLLECT NATIVE PLANT SEED FROM SHIRE RESERVES  
BADGEBUP ABORIGINAL CORPORATION**

<b>PROPOSED MEETING DATE:</b>	19 April 2023
<b>PROPONENT:</b>	Badgebup Aboriginal Corporation
<b>LOCATION:</b>	Shire of Kent Vested Reserves
<b>AUTHOR:</b>	Christie Smith – Manager Corporate
<b>REPORTING OFFICER:</b>	Adam Seiler - Chief Executive Officer
<b>FILE NO:</b>	ENV.41
<b>ASSESSMENT NO:</b>	N/A
<b>ATTACHMENTS:</b>	Nil
<b>DISCLOSURE OF INTEREST:</b>	Nil

**PURPOSE**

Council to consider an application from the Badgebup Aboriginal Corporation to collect native plant seed from reserve land vested in the Shire of Kent for a period of 12 months.

**BACKGROUND**

The following submission was received 21 March 2023 on behalf of the Badgebup Aboriginal Corporation:

*I am writing to request authority from the Shire of Kent to collect native seed within the shires of Nyabing and Pingrup boundaries under regulation 60. Seed collecting helps to sustain year-round employment for the Badgebup Rangers. The seed is harvested, cleaned and sold to nurseries to grow seedlings for land-care projects, so everything is returned to country.*

*Johnny Rodd is our Program Manager Land Enterprises and he currently holds a Regulation 60 licence. I have recorded his licence details on the proforma attached.*

**COMMENT**

Collection of native plant seed requests are received annually from organisations such as Department of Parks and Wildlife (DBCA), Greening Australia and Formosa Flora.

Council have previously approved requests allowing permission to collect seed for the Badgebup Aboriginal Corporation for the purpose of enabling planned revegetation programs that will benefit the local area and region.

**STATUTORY IMPLICATIONS**

*Local Government Act 1995*

*Biodiversity Conservation Act 2016*

*Biodiversity Conservation Regulations 2018*

**POLICY IMPLICATIONS**

Nil.

**FINANCIAL IMPLICATIONS**

Nil.



**STRATEGIC IMPLICATIONS****Community Strategic Plan 2017-2027****Environment Objective - Conserve, protect and enhance our natural and built environment**

Outcome 3.1 A preserved natural environment

3.1.1 Conserve, enhance, promote and rehabilitate the natural environment

**RISK IMPLICATIONS**

N/A

**VOTING REQUIREMENT**

Simple Majority

**OFFICER RECOMMENDATION**

That Council grant the Badgebup Aboriginal Corporation permission to access reserves vested in the Shire of Kent for the purpose of native seed collection subject to the following conditions:

- (i) All persons collecting native seed are licensed according to the *Biodiversity Conservation Act 2016* and *Biodiversity Conservation Regulations 2018* and will abide by the conditions of this license
- (ii) Permission is for a twelve month period, commencing April 2023 and concluding March 2024.
- (iii) This letter allows for collection only by Badgebup Aboriginal Corporation staff members and supervised affiliates.
- (iv) Appropriate hygiene measures will be followed at all times to prevent the spread of plant disease and weeds.
- (v) All care will be taken to avoid the disturbance of fauna habitat.
- (vi) All care will be taken to avoid any disturbance that may lead to soil degradation.
- (vii) A report detailing shire reserves accessed and seed collected be provided once the annual collection period is complete.

**9.1.3 MONTHLY FINANCIAL REPORTS TO 31 MARCH 2023**

<b>PROPOSED MEETING DATE:</b>	19 April 2023
<b>PROPONENT:</b>	N/A
<b>LOCATION:</b>	N/A
<b>AUTHOR:</b>	Christie Smith – Manager Corporate
<b>REPORTING OFFICER:</b>	Adam Seiler – Chief Executive Officer
<b>FILE NO:</b>	FIN.73
<b>ASSESSMENT NO:</b>	N/A
<b>ATTACHMENTS:</b>	Attachment 1 - Monthly Financial Reports to 31 March 2023
<b>DISCLOSURE OF INTEREST:</b>	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**

Upcoming payments:

Landmark Products Pty Ltd	\$68,266	April 2023	Viewing platform Silo Trail
Total Landscape	\$98,472	April 2023	Landscaping at Pingrup Caravan Park and Pavilion
WCP Civil Pty Ltd	\$106,181	April/May 2023	Pingrup Silo Trail
Katanning Glazing & Security	\$28,395	April 2023	Replacement window Pingrup Pavilion
McKenzie Concrete Co	\$56,295	March and June 2023	Pingrup Caravan Park bays; footpaths Nyabing and Pingrup
Norris and Co Interiors	\$22,510	April 2023	Camp Kitchen Pingrup Caravan Park
Lock Stock & Farrell	\$30,000	June 2023	Public Buildings Key System

Upcoming income:

LRCI Phase 3	\$800,000	May 2023	YTD Expenditure – funding
Roads to Recovery	\$464,737	May 2023	YTD Expenditure – funding
Regional Road Group	\$154,800	May 2023	YTD Expenditure – funding

Lincolns auditors have interim audit scheduled for the 10 and 11 May 2023.

**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 of a growing community.

**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 March 2023

**9.1.4 SCHEDULE OF ACCOUNTS PAID TO 31 MARCH 2023**

<b>PROPOSED MEETING DATE:</b>	19 April 2023
<b>PROPONENT:</b>	N/A
<b>LOCATION:</b>	N/A
<b>AUTHOR:</b>	Christie Smith – Manager Corporate
<b>REPORTING OFFICER:</b>	Adam Seiler – Chief Executive Officer
<b>FILE NO:</b>	GOV.106
<b>ASSESSMENT NO:</b>	N/A
<b>ATTACHMENTS:</b>	Attachment 1 - Schedule of accounts paid
<b>DISCLOSURE OF INTEREST:</b>	Attachment 2 - Schedule of direct debits
	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 of a growing community

**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 March 2023:

Municipal Fund	\$354,980.35
Trust Fund	\$ 0.00
Direct Debits	\$231,519.11
<b><u>TOTAL</u></b>	<b><u>\$586,499.46</u></b>

**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**