

SHIRE OF KENT



ORDINARY MINUTES (UNCONFIRMED)

DATE: Wednesday 20 July 2023

TIME: 5:30pm

VENUE: Council Chambers,
Richmond Street, Nyabing WA 6341

PETER CLARKE
ACTING CHIEF EXECUTIVE OFFICER

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Peter Clarke

ACTING CHIEF EXECUTIVE OFFICER

Minutes
20 July 2023

Table of Contents

1.	DECLARATION OF OPENING AND ANNOUNCEMENT OF VISITORS	4
2.	RECORD OF ATTENDANCE/APOLOGIES AND APPROVED LEAVE OF ABSENCE	4
3.	DISCLOSURES OF INTEREST	4
4.	PUBLIC QUESTION TIME	4
5.	APPLICATIONS FOR LEAVE OF ABSENCE	4
6.	CONFIRMATION AND RECEIVING OF MINUTES/BUSINESS ARISING	5
6.1.1	ORDINARY MEETING OF COUNCIL HELD 21 JUNE 2023	5
6.1.2	MEETING OF GREAT SOUTHERN COUNTRY ZONE HELD 23 JUNE 2023	5
7.	ANNOUNCEMENTS BY THE PRESIDING PERSON WITHOUT DISCUSSION.....	6
8.	PETITIONS/DEPUTATIONS/PRESENTATIONS/SUBMISSIONS.....	6
9.	OFFICER REPORTS.....	6
9.1.1	CHIEF EXECUTIVE OFFICER RECRUITMENT	7
9.1.2	PROPOSAL FOR RENEWAL OF LEASE H696318 (LOT 83 ON DP175279) OR SALE OF LEASED LAND TO CURRENT LEASEHOLDERS.....	13
9.1.3	MONTHLY FINANCIAL REPORTS TO 30 JUNE 2023	15
9.1.4	SCHEDULE OF ACCOUNTS PAID TO 30 JUNE 2023	17
9.1.5	ADOPTION OF 2023/2024 ANNUAL BUDGET	19
9.1.6	VOTING DELEGATES – WALGA ANNUAL GENERAL MEETING 2023.....	26
9.1.7	STATUS OF COUNCIL DECISIONS – JUNE 2023	28
9.1.8	STRATEGIC COMMUNITY PLAN	30
10.	ELECTED MEMBERS MOTION OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN.....	32
11.	NEW BUSINESS OF AN URGENT NATURE AGREED TO BY RESOLUTION OF COUNCIL.....	32
12.	MATTERS BEHIND CLOSED DOORS.....	32
13.	MEETING CLOSED	33

1. DECLARATION OF OPENING AND ANNOUNCEMENT OF VISITORS

The meeting was opened at 5:34pm 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 T Borgward	Member
Cr D Gray	Member
Cr G Hobley	Member

Staff

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

Members of the Public

Nil

Apologies

Nil

Members on Approved Leave of Absence Previously Granted

Cr R Jury	Member
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As approved at the 21 June 2023 Ordinary Council Meeting

3. DISCLOSURES OF INTEREST

Nil

4. PUBLIC QUESTION TIME

Nil

5. APPLICATIONS FOR LEAVE OF ABSENCE

Nil

6. CONFIRMATION AND RECEIVING OF MINUTES/BUSINESS ARISING

6.1.1 ORDINARY MEETING OF COUNCIL HELD 21 JUNE 2023

OCM2324/001 - COUNCIL RESOLUTION (Officer Recommendation)

MOVED Cr KV Johnston / Cr TD Borgward

That the minutes of the Ordinary Council Meeting of the Shire of Kent held at the Nyabing Council Chambers, on Wednesday 21 June, 2023 be CONFIRMED.

CARRIED 5/0

For:

Cr SR Crosby, Cr KV Johnston, Cr DP Gray, Cr GW Hobley, Cr TD Borgward

Against:

Nil

6.1.2 MEETING OF GREAT SOUTHERN COUNTRY ZONE HELD 23 JUNE 2023

OCM2324/002 - COUNCIL RESOLUTION (Officer Recommendation)

MOVED Cr KV Johnston / Cr DP Gray

That the minutes of the Meeting of the Great Southern Country Zone held at the Mount Barker Community Resource Centre, on Friday 23 June, 2023 be RECEIVED.

CARRIED 5/0

For:

Cr SR Crosby, Cr KV Johnston, Cr DP Gray, Cr GW Hobley, Cr TD Borgward

Against:

Nil

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

9.1.1 CHIEF EXECUTIVE OFFICER RECRUITMENT

PROPOSED MEETING DATE:	20 July 2023
PROPONENT:	N/A
LOCATION:	N/A
AUTHOR:	Peter Clarke, Acting Chief Executive Officer
REPORTING OFFICER:	Peter Clarke, Acting Chief Executive Officer
FILE NO:	GOV.285
ASSESSMENT NO:	N/A
ATTACHMENTS:	Attachment 1 - Position Description and Selection Criteria Attachment 2 - <i>Shire of Kent Adopted Standards for CEO Recruitment, Performance and Termination</i>
DISCLOSURE OF INTEREST:	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 Wednesday, 21 June 2023 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. **July 2023 OCM** – Council to consider the preferred process for recruitment.

Dependent upon the above outcomes, appoint a 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*.

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.

2. **July/August 2023** – Advertising process to commence.
3. **August/September 2023** – Undertake interviews followed by appointment of preferred candidate at the September 2023 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)***5.36. Local government employees**

- (1) A local government is to employ —
 - (a) a person to be the CEO of the local government; and
 - (b) such other persons as the council believes are necessary to enable the functions of the local government and the functions of the council to be performed.
- (2) A person is not to be employed in the position of CEO unless the council —
 - (a) believes that the person is suitably qualified for the position; and
 - (b) is satisfied* with the provisions of the proposed employment contract.

** Absolute majority required.*

- (3) A person is not to be employed by a local government in any other position unless the CEO —
 - (a) believes that the person is suitably qualified for the position; and
 - (b) is satisfied with the proposed arrangements relating to the person's employment.
- (4) Unless subsection (5A) applies, if the position of CEO of a local government becomes vacant, it is to be advertised by the local government in the manner prescribed, and the advertisement is to contain such information with respect to the position as is prescribed.
- (5A) Subsection (4) does not require a position to be advertised if it is proposed that the position be filled by a person in a prescribed class.
- (5) For the avoidance of doubt, subsection (4) does not impose a requirement to advertise a position before the renewal of a contract referred to in section 5.39.

5.39A. Model standards for CEO recruitment, performance and termination

- (1) Regulations must prescribe model standards for local governments in relation to the following —
 - (a) the recruitment of CEOs;
 - (b) the review of the performance of CEOs;
 - (c) the termination of the employment of CEOs.
- (2) Regulations may amend the model standards.

*Local Government (Administration) Regulations 1996***18A. Vacancy in position of CEO or senior employee to be advertised (Act s. 5.36(4) and 5.37(3))**

- (1) If a position of CEO, or of a senior employee, of a local government becomes vacant, the local government must give Statewide public notice of the position unless it is proposed that the position be filled by —
 - (a) a person who is, and will continue to be, employed by another local government and who will fill the position on a contract or contracts for a total period not exceeding 5 years; or
 - (b) a person who will be acting in the position for a term not exceeding one year.
- (2) The Statewide public notice must contain —
 - (a) the details of the remuneration and benefits offered; and
 - (b) details of the place where applications for the position are to be submitted; and
 - (c) the date and time for the closing of applications for the position; and
 - (d) the duration of the proposed contract; and
 - (da) a website address where the job description form for the position can be accessed; and
 - (e) contact details for a person who can provide further information about the position; and
 - (f) any other information that the local government considers is relevant.

18B. Contracts of CEOs and senior employees, content of Act s. 5.39(3)(c))

For the purposes of section 5.39(3)(c), a contract governing the employment of a person who is a CEO, or a senior employee, of a local government is to provide for a maximum amount of money (or a method of calculating such an amount) to which the person is to be entitled if the contract is terminated before the expiry date, which amount is not to exceed whichever is the lesser of —

- (a) the value of one year's remuneration under the contract; or
- (b) the value of the remuneration that the person would have been entitled to had the contract not been terminated.

[Regulation 18B inserted: Gazette 13 May 2005 p. 2086.]

[18C, 18D. Deleted: SL 2021/14 r. 5.]

18E. False information in application for CEO position, offence

A person must not, in connection with an application for the position of CEO of a local government —

- (a) make a statement, or give any information, as to academic, or other tertiary level, qualifications held by the applicant that the person knows is false in a material particular; or
- (b) make a statement, or give any information, as to academic, or other tertiary level, qualifications held by the applicant which is false or misleading in a material particular, with reckless disregard as to whether or not the statement or information is false or misleading in a material particular.

Penalty: a fine of \$5 000.

[Regulation 18E inserted: Gazette 31 Mar 2005 p. 1038-9; amended: Gazette 19 Aug 2005 p. 3872; 4 Mar 2016 p. 650.]

18F. Remuneration and benefits of CEO to be as advertised

The remuneration and other benefits paid to a CEO on the appointment of the CEO are not to differ from the remuneration and benefits advertised for the position under section 5.36(4).

[Regulation 18F inserted: Gazette 31 Mar 2005 p. 1039.]

18FA. Model standards for CEO recruitment, performance and termination (Act s. 5.39A(1))

Schedule 2 sets out model standards for local governments in relation to the following —

- (a) the recruitment of CEOs;
- (b) the review of the performance of CEOs;
- (c) the termination of the employment of CEOs.

[Regulation 18FA inserted: SL 2021/14 r. 6.]

18FB. Certification of compliance with adopted standards for CEO recruitment (Act s. 5.39B(7))

- (1) In this regulation —

adopted standards means —

- (a) the standards adopted by a local government under section 5.39B; or
- (b) if the local government has not adopted standards under that section, the standards taken under section 5.39B(5) to be the local government's adopted standards.

- (2) This regulation applies if —

- (a) a local government employs a person in the position of CEO of the local government; and
- (b) the local government's adopted standards in relation to the recruitment of CEOs apply to the employment.

- (3) As soon as practicable after the person is employed in the position of CEO, the local government must, by resolution*, certify that the person was employed in accordance with the local government's adopted standards in relation to the recruitment of CEOs.

* Absolute majority required.

- (4) The local government must give a copy of the resolution to the Departmental CEO within 14 days after the resolution is passed by the local government.

POLICY IMPLICATIONS

Nil.

FINANCIAL IMPLICATIONS

2023/2024 Draft 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

Draft Community Strategic Plan 2023-2033

1. Civic Leadership Objective –

Outcome 4.2 Proactive and well governed Shire – Council is supported by a skilled team

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.

And;

3. That the Chief Executive Officer Position Description and Selection Criteria as presented be adopted.

OCM2324/003 - COUNCIL RESOLUTION

MOVED Cr KV Johnston / Cr GW Hobley

- 1. That Council endorses the process and suggested timeframe for recruiting the CEO position, opting for an in-house approach as opposed to engaging an external Recruitment Consultant; 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:-**

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

- 1. Appoint Mr Grant Collins as the Independent Person on the Selection Panel, being a former Elected Member and Deputy Shire President of the Shire of Kent and local business proprietor.**

And;

- 2. Adopt the Chief Executive Officer Position Description and Selection Criteria as presented.**

CARRIED BY ABSOLUTE MAJORITY 5/0

For:

Cr SR Crosby, Cr KV Johnston, Cr DP Gray, Cr GW Hobley, Cr TD Borgward

Against:

Nil

REASON FOR ALTERATION TO RECOMMENDATION

Council considered that it would could adequately manage the CEO Recruitment process in-house, having engaged Recruitment Consultants on the previous two occasions without long term success which was at considerable cost.

9.1.2 PROPOSAL FOR RENEWAL OF LEASE H696318 (LOT 83 ON DP175279) OR SALE OF LEASED LAND TO CURRENT LEASEHOLDERS

PROPOSED MEETING DATE:	20 July 2023
PROPONENT:	Department of Planning, Lands and Heritage (DPLH)
LOCATION:	Lot 83, 1 Sanderson Street, Pingrup
AUTHOR:	Peter Clarke, Acting Chief Executive Officer
REPORTING OFFICER:	Peter Clarke, Acting Chief Executive Officer
FILE NO:	LAN.9
ATTACHMENTS:	Attachment 1 - Aerial Map and Plan of Lot 83 on DP175279 Attachment 2 - DWER Notification of Contaminated Site
DISCLOSURE OF INTEREST:	Nil

PURPOSE

For Council to consider a proposal put to DPLH for the renewal of Lease H696318 (Lot 83, 1 Sanderson Street, Pingrup) for a term of 10 years or alternatively, providing the leaseholders with the option of choosing to lease the land or convert it to freehold.

BACKGROUND

DPLH seeks Council's comments as to whether it will have any issues with the above proposal.

COMMENT

On 3 August 2022 the Department of Water and Environmental Regulation (DWER) wrote to formally advise Council that Lot 83, 1 Sanderson Street, Pingrup the CEO of DWER had received a report that this parcel of land to be a known or suspected contaminated site and therefore had been formally classified under the Act.

DWER advised that the site was reported because a visual contamination assessment carried out in March 2022 as part of lease compliance observed minor hydrocarbon staining within the gravel bund of an above ground fuel tank. Hydrocarbon staining was observed on a bitumen driveway adjacent to the north of the site associated with the roadhouse.

DWER indicated soil and groundwater at the site had not been investigated and therefore the site was classified as 'report not substantiated'.

STATUTORY IMPLICATIONS

Contaminated Sites Act 2003

POLICY IMPLICATIONS

Nil.

FINANCIAL IMPLICATIONS

Nil.

STRATEGIC IMPLICATIONS

N/A

RISK IMPLICATIONS

N/A

VOTING REQUIREMENT

Simple Majority

OCM2324/004 - COUNCIL RESOLUTION (Officer Recommendation)
--

MOVED Cr KV Johnston / Cr GW Hobley

That Council advises the Department of Planning, Lands and Heritage that whilst Council has no objections to the further lease of Lot 83, 1 Sanderson Street, Pingrup, the Department should be made aware of the Department of Water and Environmental Regulation's Notice of a Classification of a known or suspected contaminated site of this parcel of land given under Section 15 of the *Contaminated Sites Act 2003* on 3 August 2022.

CARRIED 5/0

For:

Cr SR Crosby, Cr KV Johnston, Cr DP Gray, Cr GW Hobley, Cr TD Borgward

Against:

Nil

9.1.3 MONTHLY FINANCIAL REPORTS TO 30 JUNE 2023

PROPOSED MEETING DATE:	20 July 2023
PROPONENT:	N/A
LOCATION:	N/A
AUTHOR:	Christie Smith – Manager Corporate
REPORTING OFFICER:	Christie Smith – Manager Corporate
FILE NO:	FIN.73
ASSESSMENT NO:	N/A
ATTACHMENTS:	Attachment 1 - Monthly Financial Reports to 30 June 2023
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 will be undertaken in September 2023 and audited financials will be presented to Council accordingly.

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

OCM2324/005 - COUNCIL RESOLUTION (Officer Recommendation)
--

MOVED Cr GW Hobley / Cr DP Gray

That Council receive the following Monthly Financial Reports as presented:

- **Monthly Financial Reports to 30 June 2023**

CARRIED 5/0

For:

Cr SR Crosby, Cr KV Johnston, Cr DP Gray, Cr GW Hobley, Cr TD Borgward

Against:

Nil

9.1.4 SCHEDULE OF ACCOUNTS PAID TO 30 JUNE 2023

PROPOSED MEETING DATE:	20 July 2023
PROPONENT:	N/A
LOCATION:	N/A
AUTHOR:	Christie Smith – Manager Corporate
REPORTING OFFICER:	Christie Smith – Manager Corporate
FILE NO:	GOV.285
ASSESSMENT NO:	N/A
ATTACHMENTS:	Attachment 1 - Schedule of accounts paid Attachment 2 – List of Credit Card Payments - June 2023
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.

Regulation 13 of the *Local Government (Financial Management) Regulations 1996* states that only the following information is to be reported to Council and form part of the public minutes:

- a) the payee's name;
- b) the amount of the payment;
- c) the date of the payment; and
- d) sufficient information that identifies the payment.

STATUTORY IMPLICATIONS

Local Government Act 1995 – Section 6.4;

Local Government (Financial Management) Regulations 1996 – Part 2 – Regulation 11, 12 and 13.

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

OCM2324/006 - COUNCIL RESOLUTION (Officer Recommendation)**MOVED Cr TD Borgward / Cr DP Gray****That Council endorse the payments from the Municipal Fund and Trust Fund for the period ending 30 June 2023:**

Municipal Fund (EFT)	\$692,275.48
Municipal Fund (CHQ)	\$ 187.00
Trust Fund	\$ 0.00
Direct Debits	\$735,562.63
<u>TOTAL</u>	<u>\$1,428,025.11</u>

CARRIED 5/0**For:****Cr SR Crosby, Cr KV Johnston, Cr DP Gray, Cr GW Hobley, Cr TD Borgward****Against:****Nil**

9.1.5 ADOPTION OF 2023/2024 ANNUAL BUDGET

PROPOSED MEETING DATE:	20 July 2023
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:	Attachment 1 – 2023/24 Statutory Budget Attachment 2 – 2023/24 Fees & Charges
DISCLOSURE OF INTEREST:	Nil

PURPOSE

To consider and adopt the Municipal Fund Budget for the 2023/24 financial year together with supporting schedules, including imposition of rates and minimum payments, adoption of fees and charges, reserve transactions, setting of elected members fees for the year and other consequential matters arising from the budget papers.

BACKGROUND

The draft 2023/24 budget has been compiled based on the principles contained in the 2017 – 2027 Community Strategic Plan and 2021 – 2025 Corporate Business Plan. The 2023/24 draft budget has been prepared in accordance with the presentations made to councillors at the budget workshop held on 21 June 2023.

DETAILS

The budget has been prepared to include information required by the *Local Government Act 1995*, *Local Government (Financial Management) Regulations 1996* and Australian Accounting Standards. The main features of the draft budget include:

- The budget has been prepared with a 4% rate increase on the previous year's yield.
- A capital works program of just over \$5.24mil for investment in infrastructure, land and buildings, plant and equipment and furniture and equipment.
- An approximate opening surplus of \$3,613,411. Factors contributing to high surplus are early Federal Assistance Grants (FAGS) of just over \$2.2mil, incomplete Plant Replacement and Roads Program from 2022/2023.
- The operating deficit on the Statement of Comprehensive Income by Program at budget year end, is due to the prepayment of the FAGS funding within minimal funding anticipated in the 23/24 year.

STATUTORY IMPLICATIONS

Local Government Act 1995 S6.2 requires that no later than 31 August in each financial year, or such extended time as the Minister allows, each local government is to prepare and adopt, (Absolute Majority required) in the form and manner prescribed, a budget for its municipal fund for the financial year ending on the next following 30 June.

Divisions 5 and 6 of Part 6 of the *Local Government Act 1995* refer to the setting of budgets and raising of rates and charges. The *Local Government (Financial Management) Regulations 1996* details the form and content of the budget. The draft 2023/24 budget as presented is considered to meet statutory requirements.

POLICY IMPLICATIONS

The budget is based on the principles contained in the Community Strategic Plan. There is no policy on discount on rates, this is determined annually throughout the budget process. Council policy relates to recovery of rates and services charges (policy 3.1.5).

FINANCIAL IMPLICATIONS

The setting of the Shire's Annual Budget is a key decision made by Council on an annual basis. It is imperative that all Councillors fully understand the Budget and recognise the implications of decisions that have been made regarding resource allocation for the following 12 months as a result of the adoption of the Budget.

STRATEGIC IMPLICATIONS

The Shire of Kent Community Strategic Plan identifies a number of key objectives and strategies based upon a sustainable future. The 2023/24 Budget as presented is in keeping with Council's Strategic direction.

Community Strategic Plan 2017-2027

- Economic Objective - Support growth and progress, locally and regionally.
- Social Objective – To provide community facilities and promote social interaction.
- Environment Objective – Conserve, protect and enhance our natural sand built environment.
- Civic Leadership – Continually enhance the Shire's organisational capacity to service the needs of our community.

RISK IMPLICATIONS

Moderate risk of negative public perception if Council does not adopt the budget.

COMMENT

The draft 2023/24 budget continues to deliver on other strategies adopted by the council and maintains a high level of service across all programs while ensuring an increased focus on road and associated infrastructure as well as on renewing all assets at sustainable levels.

VOTING REQUIREMENT**Absolute Majority Required****OFFICER'S RECOMMENDATION TO BE DEBATED AND RESOLVED BY COUNCIL****OCM2324/007 - COUNCIL RESOLUTION
OFFICER RECOMMENDATION 1 – MUNICIPAL FUND BUDGET FOR 2023/2024)****MOVED Cr DP Gray / Cr TD Borgward****That:**

Pursuant to the provisions of Section 6.2 of the *Local Government Act 1995* and Part 3 of the *Local Government (Financial Management) Regulations 1996*, the Council adopt the Municipal Fund Budget as contained in the attachment to this agenda and minutes, for the Shire of Kent for the 2023/2024 financial year which includes the following:

- Statement of Comprehensive Income by Nature and Type on page 2 showing a net result for that year of (\$1,204,907).
- Statement of Cash Flows on page 3.
- Statement of Financial Activity on page 4 showing an annual amount required to be raised from rates of \$2,524,112.
- Note to and Forming Part of the Budget on pages 5 to 25
- Transfers to / from Reserve Accounts as detailed in page 18
- Budget program Schedules as detailed (supplementary)

CARRIED BY ABSOLUTE MAJORITY 5/0**For:****Cr SR Crosby, Cr KV Johnston, Cr DP Gray, Cr GW Hobley, Cr TD Borgward****Against:****Nil**

VOTING REQUIREMENT**Absolute Majority Required**
**OCM2324/008 - COUNCIL RESOLUTION
OFFICER RECOMMENDATION 2 – GENERAL AND MINIMUM RATES, INSTALMENT
PAYMENT ARRANGEMENTS**
MOVED Cr KV Johnston / Cr GW Hobley

1. For the purposes of yielding the deficiency disclosed by the Municipal Fund Budget adopted as Part A above, council pursuant to Sections 6.32, 6.33, 6.34 and 6.35 of the *Local Government Act 1995* impose the following general rates and minimum payments on Gross Rental and Unimproved Values.

- 1.1. **General Rates**

- Residential / Commercial (GRV) 9.520 cents in the dollar
- Rural (UV) 0.620 cents in the dollar
- Mining (UV) 0.620 cents in the dollar

- 1.2. **Minimum Payments**

- Residential / Commercial (GRV) \$550
- Rural (UV) \$550
- Mining (UV) \$550

2. Pursuant to Section 6.45 of the *Local Government Act 1995* and regulation 64(2) of the *Local Government (Financial Management) Regulations 1996*, council nominates the following due dates for the payment in full by instalments:

Full payment and instalment due date	4:30pm Friday 8 September 2023
2nd quarterly instalment due date	4.30pm Friday 10 November 2023
3rd quarterly instalment due date	4.30pm Friday 12 January 2024
4th quarterly instalment due date	4.30pm Friday 22 March 2024

3. Pursuant to Section 6.46 of the *Local Government Act 1995*, council offers no discount to ratepayers.
4. Pursuant to Section 6.45 of the *Local Government Act 1995* and regulation 67 of the *Local Government (Financial Management) Regulations 1996*, council adopts an instalment administration charge where the owner has elected to pay rates and services charges through an instalment option of \$10 for each instalment after the initial instalment is paid.
5. Pursuant to Section 6.45 of the *Local Government Act 1995* and regulation 68 of the *Local Government (Financial Management) Regulations 1996*, council adopts an interest rate of 5.5% where the owner has elected to pay rates and service charges through an instalment option.
6. Pursuant to Section 6.51(1) and subject to Sections 6.51 of the *Local Government Act 1995* and regulation 70 of the *Local Government (Financial Management) Regulations 1996*, council adopts an interest rate of 7% for rates (and service charges) and costs of proceedings to recover such charges that remains unpaid after becoming due and payable.

CARRIED BY ABSOLUTE MAJORITY 5/0

For:
Cr SR Crosby, Cr KV Johnston, Cr DP Gray, Cr GW Hobley, Cr TD Borgward

Against:
Nil

VOTING REQUIREMENT

Absolute Majority Required

**OCM2324/009 - COUNCIL RESOLUTION
OFFICER RECOMMENDATION 3 – GENERAL FEES AND CHARGES FOR 2023/2024**

MOVED Cr KV Johnston / Cr DP Gray

That the Fees and Charges and Rental Charges included within the budget document and the following Service Charges be adopted in accordance with the provisions of the *Local Government Act 1995* and the *Health Act 1911*.

Health Act 1911

Sewerage Charges

Nyabing Residential Sewerage	\$6.1962 cents in the dollar minimum charge \$405.00
Nyabing Commercial Sewerage	\$6.1962 cents in the dollar minimum charge \$889.00
Nyabing Vacant lot Sewerage	\$280.00 per property
Pingrup Residential Sewerage	\$7.3436 cents in the dollar minimum charge \$390.00
Pingrup Commercial Sewerage	\$7.3436 cents in the dollar minimum charge \$889.00
Pingrup Vacant Lot Sewerage	\$280.00 per property
Minor fixture charge (first)	\$280.00
Major fixture charge (first)	\$889.00
Additional fixtures	\$115.00

CARRIED BY ABSOLUTE MAJORITY 5/0

For:
Cr SR Crosby, Cr KV Johnston, Cr DP Gray, Cr GW Hobley, Cr TD Borgward

Against:
Nil

VOTING REQUIREMENT**Absolute Majority Required****OCM2324/010 - COUNCIL RESOLUTION
OFFICER RECOMMENDATION 4 – OTHER STATUTORY FEES FOR 2023/2024****MOVED Cr TD Borgward / Cr DP Gray**

Pursuant to Section 67 of the *Waste Avoidance and Resources Recovery Act 2007*, council adopt the following charges for the removal of domestic and commercial waste:

Refuse Removal Charges for Nyabing and Pingrup Townsites**Residential and Commercial Premises (including recycling**

240lt bin per weekly collection	\$260.00 per annum
240lt bin per weekly collection – eligible pensioner	\$130.00 per annum
240lt recycling bin per fortnightly collection	\$144.00 per annum

CARRIED BY ABSOLUTE MAJORITY 5/0**For:****Cr SR Crosby, Cr KV Johnston, Cr DP Gray, Cr GW Hobley, Cr TD Borgward****Against:****Nil****VOTING REQUIREMENT****Absolute Majority Required****OCM2324/011 - COUNCIL RESOLUTION
OFFICER RECOMMENDATION 5 – ELECTED MEMBERS' FEES AND ALLOWANCES
FOR 2023/2024****MOVED Cr GW Hobley / Cr DP Gray**

1. Pursuant to Section 5.99 of the *Local Government Act 1995* and regulation 34 of the *Local Government (Administration) Regulations 1996*, council adopts the following annual fees for payment of elected members in lieu of individual meeting attendance fees:

Shire President	\$9,000 per annum
Councillors	\$9,000 per annum

2. Pursuant to Section 5.99 of the *Local Government Act 1995* and regulation 34A and 34AA of the *Local Government (Administration) Regulations 1996*, council adopts the following annual allowances for elected members:

Allowance – Shire President	\$20,000 per annum
Allowance – Deputy Shire President	\$5,000 per annum
Expenses Reimbursement (all Councillors)	\$1,000 per annum

CARRIED BY ABSOLUTE MAJORITY 5/0

For:
Cr SR Crosby, Cr KV Johnston, Cr DP Gray, Cr GW Hobley, Cr TD Borgward

Against:
Nil

VOTING REQUIREMENT

Absolute Majority Required

**OCM2324/012 - COUNCIL RESOLUTION
OFFICER RECOMMENDATION 6 – MATERIAL VARIANCE REPORTING FOR
2023/2024**

MOVED Cr KV Johnston / Cr GW Hobley

In accordance with regulation 34(5) of the *Local Government (Financial Management) Regulations 1996*, the level to be used in statements of financial activity in 2023/2024 for reporting material variances shall be 10% or \$10,000, whichever is the greater.

CARRIED BY ABSOLUTE MAJORITY 5/0

For:
Cr SR Crosby, Cr KV Johnston, Cr DP Gray, Cr GW Hobley, Cr TD Borgward

Against:
Nil

VOTING REQUIREMENT

Absolute Majority Required

**OCM2324/013 - COUNCIL RESOLUTION
OFFICER RECOMMENDATION 7 – NEW RESERVE ACCOUNT**

MOVED Cr KV Johnston / Cr TD Borgward

In accordance with section 6.11 of the *Local Government Act 1995*, approve the establishment of a new reserve account with the following details:

Name of Reserve:	IT Software, Hardware & Development Reserve
Purpose of Reserve:	Funds to be used for major purchases of IT software, hardware and/or development.
Balance as at 1 July 2023:	Nil

CARRIED BY ABSOLUTE MAJORITY 5/0

For:
Cr SR Crosby, Cr KV Johnston, Cr DP Gray, Cr GW Hobley, Cr TD Borgward

Against:
Nil

9.1.6 VOTING DELEGATES – WALGA ANNUAL GENERAL MEETING 2023

PROPOSED MEETING DATE:	20 July 2023
PROPONENT:	WALGA
LOCATION:	N/A
AUTHOR:	Nathanael Taekema – Governance Officer
REPORTING OFFICER:	Peter Clarke – Acting Chief Executive Officer
FILE NO:	GOV.285
ASSESSMENT NO:	N/A
ATTACHMENTS:	Attachment 1 - Notice of AGM
DISCLOSURE OF INTEREST:	Nil

PURPOSE

The Annual General Meeting (AGM for the Western Australian Local Government Association will be held on Monday 18 September 2023. Council needs to determine voting delegates for the AGM.

BACKGROUND

WALGA is required to hold an AGM annually and has provided notice that the 2023 AGM will be held on Monday 18 September 2023 at Crown, Perth.

Council is required to provide WALGA that names of voting delegates and proxy delegates for registration by Friday 8 September 2023.

Should Council want to pursue, please note the following date:

Friday 4 August 2023 – Deadline for Members to submit motions for the AGM Agenda

No indication from Council or the Great Southern Zone in relation to motions has been provided in recent months.

COMMENT

Traditionally, local governments will nominate the Mayor/President and Deputy Mayor/President to be voting delegates and two other elected members as proxy's in case of the circumstances arising where a delegate cannot attend.

It is Council's prerogative who they choose to nominate.

STATUTORY IMPLICATIONS

Nil

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Attendance at the WALGA AGM is free of charge for all elected members and staff of member local governments.

The Shire can cover the cost of accommodation if necessary.

STRATEGIC IMPLICATIONS

Nil

RISK IMPLICATIONS

There are no perceived risk implications associated with the proposal.

VOTING REQUIREMENT

Simple Majority

OCM2324/014 - COUNCIL RESOLUTION (Officer Recommendation)
--

MOVED Cr KV Johnston / Cr DP Gray

That Council:

1. **Authorises the attendance of Cr Scott Crosby, Cr Kate Johnston and the Manager Corporate to attend the WALGA Local Government Convention on Monday, 18 and Tuesday, 19 September 2023;**
2. **Nominates Cr Scott Crosby and Cr Kate Johnston as voting delegates for the 2023 WALGA Annual General Meeting;**
3. **Nominates Cr Greg Hobley, Cr Tim Borgward, Cr Darren Gray, and Cr Renae Jury as PROXY voting delegates in the event that one or both delegates (above) are unable to attend.**

CARRIED 5/0

For:

Cr SR Crosby, Cr KV Johnston, Cr DP Gray, Cr GW Hobley, Cr TD Borgward

Against:

Nil

9.1.7 STATUS OF COUNCIL DECISIONS – JUNE 2023

PROPOSED MEETING DATE:	20 July 2023
PROPONENT:	N/A
LOCATION:	N/A
AUTHOR:	Nathanael Taekema – Governance Officer
REPORTING OFFICER:	Christie Smith – Acting Chief Executive Officer
FILE NO:	GOV.285
ASSESSMENT NO:	N/A
ATTACHMENTS:	Attachment 1 - Action Sheet Attachment 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

OCM2324/015 - COUNCIL RESOLUTION (Officer Recommendation)
--

MOVED Cr GW Hobley / Cr DP Gray

That the following be received by the Council:

- 1. The Action Sheet for the Council Meeting 21 June 2023;**
- 2. The Outstanding Matters list dated 20 July 2023.**

CARRIED 5/0

For:

Cr SR Crosby, Cr KV Johnston, Cr DP Gray, Cr GW Hobley, Cr TD Borgward

Against:

Nil

9.1.8 STRATEGIC COMMUNITY PLAN

PROPOSED MEETING DATE:	20 July 2023
PROPONENT:	N/A
LOCATION:	Shire of Kent
AUTHOR:	Nathanael Taekema– Governance Officer
REPORTING OFFICER:	Peter Clarke – Acting Chief Executive Officer
FILE NO:	GOV.307
ASSESSMENT NO:	N/A
ATTACHMENTS:	Attachment 1 – Draft Strategic Community Plan 2023 – 2033
DISCLOSURE OF INTEREST:	Nil

PURPOSE

To adopt the attached Strategic Community Plan.

BACKGROUND

Council has undertaken a process of community consultation for the development of a community plan which is the basis of the Strategic Community Plan.

This plan sets the priorities and strategic direction for the next ten years. Legislation requires all local governments to produce a plan for the future that considers the community's aspirations, vision and objectives. Extensive community consultation was undertaken in the development of this plan including meetings, surveys, and discussions with our consultants. Community input is vital in the strength and success of this plan.

STATUTORY IMPLICATIONS

Local Government Act 1995 - Section 5.56(1)

Local Government (Administration) Regulations 1996 REG 19C

POLICY IMPLICATIONS

Nil.

FINANCIAL IMPLICATIONS

Nil beyond budget allocations for the various items contained within the plan.

STRATEGIC IMPLICATIONS

Contained within the attached plan.

COMMENT

150 Square and The Shire of Kent designed community consultation including a survey, workshops (staff, Council, community), interviews and key stakeholder consultation as required during the review, following the IAP2's Public Participation Spectrum.

Based on community consultation, some of the major initiatives into the future includes:

- Support in emergency services planning, risk mitigation, response and recovery;
- Actively improve townscape aesthetics and streetscape;
- Promote tourism through local trails and signage;
- Continue to lobby for mobile communication black spots across the Shire to be reduced;
- Maintain a high standard across waste and recycling services.

The Community has now had the opportunity to comment on the plan and at the time of writing this item we have received no submissions regarding the content.

Council deferred adoption of the Strategic Community Plan at the Ordinary Council Meeting of 21 June 2023 for consideration and review, and is now ready to be resubmitted to Council.

VOTING REQUIREMENT

Simple Majority

OCM2324/016 - COUNCIL RESOLUTION (Officer Recommendation)
--

MOVED Cr GW Hobley / Cr KV Johnston

That the Council:

Adopt the attached Strategic Community Plan 2023 - 2033.

CARRIED 5/0

For:

Cr SR Crosby, Cr KV Johnston, Cr DP Gray, Cr GW Hobley, Cr TD Borgward

Against:

Nil

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 6:16PM.

I certify these minutes were confirmed at the
Ordinary Meeting of Council held 16 August 2023.

Sc Crosby

.....
Cr Scott Crosby – Shire President

16/8/23

.....
Date