

11/09/2024



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Dear President and Councillors,

NOTICE OF AN ORDINARY COUNCIL MEETING

Please be advised that an Ordinary meeting of the Council of the Shire of Kent is to be held on

Wednesday, 18 September 2024
At the Council Chambers,
Nyabing

Briefing Session to commence	9:30am
Ordinary Council Meeting to commence	10:30am
Glen Wilson, Vestas	11:30am

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,

CHRISTIE SMITH
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
18 September 2024

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1. DECLARATION OF OPENING AND ANNOUNCEMENT OF VISITORS

The Shire President declared the meeting opened at _____pm.

2. RECORD OF ATTENDANCE/APOLOGIES AND APPROVED LEAVE OF ABSENCE**ATTENDANCE**

Elected Members:

Staff:

Visitors:

Gallery:

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

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

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

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

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

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

Section 5.25 *Local Government Act 1995*

6. CONFIRMATION AND RECEIVING OF MINUTES/BUSINESS ARISING

6.1 ORDINARY MEETING OF COUNCIL HELD 21 AUGUST 2024

OFFICER RECOMMENDATION

That the minutes of the Ordinary Council Meeting of the Shire of Kent held at the Nyabing Council Chambers, on Wednesday 21 August 2024 be CONFIRMED.

6.2 OUTSTANDING COUNCIL RESOLUTIONS SEPTEMBER 2024

The outstanding Council Resolutions Register for September 2024 is provided as attachment 6.2 for your information.

7. ANNOUNCEMENTS BY THE PRESIDING PERSON WITHOUT DISCUSSION

8. PETITIONS/DEPUTATIONS/PRESENTATIONS/SUBMISSIONS

9. OFFICER REPORTS

9.1 MONTHLY FINANCIAL REPORTS TO 31 AUGUST 2024

PROPOSED MEETING DATE:	18 September 2024
PROPONENT:	N/A
LOCATION:	N/A
AUTHOR:	Christie Smith – Chief Executive Officer
REPORTING OFFICER:	Christie Smith – Chief Executive Officer
FILE NO:	FIN.187
ASSESSMENT NO:	N/A
ATTACHMENTS:	Attachment 1 - Monthly Financial Reports to 31 Aug 2024
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.

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 2023 - 2033

Civic Leadership Strategic Priorities – Proactive and well governed Shire

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 August 2024

9.2 SCHEDULE OF ACCOUNTS PAID 31 AUGUST 2024

PROPOSED MEETING DATE:	18 September 2024
PROPONENT:	N/A
LOCATION:	N/A
AUTHOR:	Christie Smith – Chief Executive Officer
REPORTING OFFICER:	Christie Smith – Chief Executive Officer
FILE NO:	FIN.183
ASSESSMENT NO:	N/A
ATTACHMENTS:	Attachment 1 - Schedule of accounts paid Attachment 2 – List of credit card payments
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 2023 - 2033

Civic Leadership Strategic Priorities – Proactive and well governed Shire

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 August 2024.

Municipal Fund (EFT)	\$1,023,511.24
Municipal Fund (CHQ)	\$ 0.00
Trust Fund	\$ 0.00
Direct Debits	\$ 24,110.75
<u>TOTAL</u>	<u>\$1,047,621.99</u>

9.3 SUPPLY OF CONSTRUCTION LOADER REQUEST FOR TENDER 2425-003

PROPOSED MEETING DATE:	18 September 2024
PROPONENT:	N/A
LOCATION:	N/A
AUTHOR:	Gary Mathewson – Manager Infrastructure
REPORTING OFFICER:	Christie Smith – Chief Executive Officer
FILE NO:	FLE.488
ASSESSMENT NO:	N/A
ATTACHMENTS:	CONFIDENTIAL RFT 2425-003 Evaluation Matrix
DISCLOSURE OF INTEREST:	Nil.

PURPOSE

For Council to consider tenders received for supply of one construction loader.

BACKGROUND

A tender procurement process has been undertaken to seek submissions for the supply of a construction loader suitable for Council's fleet. The scope of works for the submission included the following:

- Diesel powered rubber tyred 4WD loader
- Engine to have a gross between 140kW and 170kW
- Power shift or HST four wheel drive transmission
- Bucket with a minimum of 2.7 cubic metre capacity
- Other ancillary equipment
- Licensing

The current construction loader is a 2012 John Deere 544k. This loader will be auctioned for sale at a later date.

COMMENT

There were five (5) submissions received to be assessed. Details of the evaluation is contained on the confidential attached matrix.

STATUTORY IMPLICATIONS

Local Government Act 1995

Local Government (Functions and General) Regulations 1996.

POLICY IMPLICATIONS

Shire of Kent policy 3.1.2 Purchasing and Creditor Control

FINANCIAL IMPLICATIONS

An amount of \$330,000 inc GST has been allocated in the 2024/225 adopted budget.

STRATEGIC IMPLICATIONS

Strategic Community Plan 2023-2033

Economic Objective- 2.3 Safe and efficient transport network enables economic growth

RISK IMPLICATIONS

If a tender is not accepted this could potentially delay the project with risk of losing grant funding.

VOTING REQUIREMENT

Simple Majority.

OFFICER RECOMMENDATION

That Council:

- 1. Accepts the most advantageous tender, being that submitted by Hitachi, to supply a Hitachi ZW180-7 Wheel Loader in accordance with Tender RFT 2425-Supply of Construction Loader, for a total payment of \$282,590 inc. GST.**
- 2. Authorises the Chief Executive Officer, in accordance with section 9.49A(4) of the *Local Government Act 1995*, to execute the contract for Tender RFT 2425-003 Supply of Construction Loader.**

9.4 SUPPLY AND SPRAY OF BITUMEN REQUEST FOR TENDER 2425-005

PROPOSED MEETING DATE:	18 September 2024
PROPONENT:	N/A
LOCATION:	Range Road
AUTHOR:	Gary Mathewson – Manager Infrastructure
REPORTING OFFICER:	Christie Smith – Chief Executive Officer
FILE NO:	ROA.853
ASSESSMENT NO:	N/A
ATTACHMENTS:	CONFIDENTIAL RFT 2425-005 Evaluation Matrix
DISCLOSURE OF INTEREST:	Nil.

PURPOSE

For Council to consider tenders received for the supply and spray of bitumen seal on Range Road.

BACKGROUND

Within the adopted 2024/25 works program three sections of Range Road are scheduled to be sealed with a two coat emulsion bitumen seal. The first section is from SLK 15.27 to SLK 15.49, second section SLK 17.99 to SLK 19.21 and third section SLK 7.25 to SLK 11.25.

This project is fully funded under the current Roads to Recovery federal government funding program.

A tender procurement process has been undertaken to provide specialist contract services to facilitate and support the Shire Construction team to complete these works by required deadlines.

COMMENT

There were four (4) submissions received to be assessed. The works are expected to be completed by late March early April 2025.

Details of the evaluation is contained on the confidential attached matrix.

STATUTORY IMPLICATIONS

Local Government Act 1995

Local Government (Functions and General) Regulations 1996.

POLICY IMPLICATIONS

Shire of Kent policy 3.1.2 Purchasing and Creditor Control

FINANCIAL IMPLICATIONS

Funding is included in the 2024/225 adopted budget and submissions received are within the budget provision.

STRATEGIC IMPLICATIONS

Strategic Community Plan 2023-2033

Economic Objective- 2.3 Safe and efficient transport network enables economic growth

RISK IMPLICATIONS

If a tender is not accepted this could potentially delay the project with risk of losing grant funding.

VOTING REQUIREMENT

Simple Majority.

OFFICER RECOMMENDATION

That Council:

- 1. Accepts the most advantageous tender, being that submitted by Bitutek Pty Ltd, to provide services in accordance with Tender RFT 2425-005 Supply and Spray Bitumen Seal, for a total payment of \$161,500 inc. GST.**
- 2. Authorises the Chief Executive Officer, in accordance with section 9.49A(4) of the *Local Government Act 1995*, to execute the contract for RFT 2425-005 Supply and Spray of Bitumen.**

9.5 PAVEMENT STABILISATION WORKS REQUEST FOR TENDER 2425-006

PROPOSED MEETING DATE:	18 September 2024
PROPONENT:	N/A
LOCATION:	Range Road
AUTHOR:	Gary Mathewson – Manager Infrastructure
REPORTING OFFICER:	Christie Smith – Chief Executive Officer
FILE NO:	ROA.853
ASSESSMENT NO:	N/A
ATTACHMENTS:	CONFIDENTIAL RFT 2425-006 Evaluation Matrix
DISCLOSURE OF INTEREST:	Nil.

PURPOSE

For Council to consider tenders received for pavement stabilisation works on Range Road.

BACKGROUND

Within the adopted 2024/25 works program three sections of Range Road are scheduled to be sealed with a two coat emulsion bitumen seal. The first section is from SLK 15.27 to SLK 15.49, second section SLK 17.99 to SLK 19.21 and third section SLK 7.25 to SLK 11.25.

This project is fully funded under the current Roads to Recovery federal government funding program.

A tender procurement process has been undertaken to provide specialist contract services to facilitate and support the Shire Construction team to complete these works by required deadlines.

COMMENT

There were three (3) submissions received to be assessed. The works are expected to be completed by late March early April 2025.

Details of the evaluation is contained on the confidential attached matrix.

STATUTORY IMPLICATIONS

Local Government Act 1995

Local Government (Functions and General) Regulations 1996.

POLICY IMPLICATIONS

Shire of Kent policy 3.1.2 Purchasing and Creditor Control

FINANCIAL IMPLICATIONS

Funding is included in the 2024/225 adopted budget and submissions received are within the budget provision.

STRATEGIC IMPLICATIONS

Strategic Community Plan 2023-2033

Economic Objective- 2.3 Safe and efficient transport network enables economic growth

RISK IMPLICATIONS

If a tender is not accepted this could potentially delay the project with risk of losing grant funding.

VOTING REQUIREMENT

Simple Majority.

OFFICER RECOMMENDATION

That Council:

- 1. Accepts the most advantageous tender, being that submitted by Western Stabilisers Pty Ltd, to provide services in accordance with Tender RFT 2425-006 Pavement Stabilisation Works, for a total payment of \$72,398.92 inc. GST.**
- 2. Authorises the Chief Executive Officer, in accordance with section 9.49A(4) of the *Local Government Act 1995*, to execute the contract for Tender RFT 2425-006 Pavement Stabilisation Works.**

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

Reason for Confidentiality

The Chief Executive Officer's Report is confidential in accordance with s5.23 (2) the *Local Government Act 1995* as it deals with matters affecting:

- S5.23 (2) (c) *a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting; and*
- S5.23 (2) (e) (ii) *a matter that if disclosed, would reveal information that has a commercial value to a person*

13. **MEETING CLOSED**