

## MINUTES MARCH 2015

### 1. **DECLARATION OF OPENING & ANNOUNCEMENT OF VISITORS**

The Chair Person, the Shire President, Cr Crosby, declared the meeting opened at 5.15 pm.

### 2. **RECORD OF ATTENDANCE/APOLOGIES & APPROVED LEAVE OF ABSENCE**

#### **Members**

Cr C Crosby	Shire President
Cr M Stephens	Member
Cr M Tuffley	Member
Cr G Browne	Member
Cr G Collins	Member
Cr A Smith	Member
Cr R Jury	Member
Cr B Altham	Member

#### **Staff**

JP Bentley	Chief Executive Officer
M Bamess	Deputy Chief Executive Officer

#### **Members of the Public**

#### **Apologies**

DW Long	Works Manager
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#### **Members on Leave of Absence**

### 3. **DECLARATION OF INTERESTS:**

- **Financial Interest**  
Nil
- **Members Impartiality Interest**  
Nil
- **Proximity Interest**  
Cr M Tuffley – Agenda Item 11.1.3

### 4. **PUBLIC QUESTION TIME:**

Nil

### 5. **APPLICATION FOR MEMBERS FOR LEAVE OF ABSENCE:**

### 6. **CONFIRMATION and RECEIVING OF MINUTES/BUSINESS ARISING:**

#### **6.1 Ordinary Meeting of Council held on Wednesday 18 February 2015**

That the minutes of the Ordinary Meeting of the Shire of Kent held on Wednesday 18 February 2015 in the Shire of Kent Council Chambers be confirmed as a true and accurate record of proceedings and duly signed.

<b>4424 - COUNCIL RESOLUTION (Officer Recommendation)</b>
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**MOVED Cr R Jury / Cr G Collins**

**That the minutes of the Ordinary Meeting of the Shire of Kent held on Wednesday 18 February 2015 in the Shire of Kent Council Chambers be confirmed as a true and accurate record of proceedings and duly signed.**

**CARRIED 8/0  
By Simple Majority**

**7. ANNOUNCEMENTS BY THE PRESIDING PERSON WITHOUT DISCUSSION:**

**8. PETITIONS/DEPUTATIONS/PRESENTATIONS/SUBMISSIONS:**

**9. OFFICERS REPORTS:**

**9.1.1 MONTHLY FINANCIAL REPORTS TO 28<sup>TH</sup> FEBRUARY 2015**

<b>DATE:</b>	9 <sup>th</sup> March 2015
<b>SUBJECT:</b>	Monthly Financial Reports to 28 <sup>th</sup> February 2015
<b>PROPONENT:</b>	N/A
<b>LOCATION:</b>	Whole of the Shire
<b>AUTHOR:</b>	Michelle Bamess –Deputy Chief Executive Officer
<b>REPORTING OFFICER:</b>	Michelle Bamess –Deputy Chief Executive Officer
<b>FILE NO:</b>	FIN30.20
<b>ASSESSMENT NO:</b>	N/A

**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.

**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**

This matter is not dealt with in the Shire of Kent Community Strategic Plan.

**COMMENT**

The Monthly Financial Reports as presented indicate that Council continues to be in a sound financial position.

**ATTACHMENTS**

- Monthly Financial Reports to 28<sup>th</sup> February, 2015 (including Statement of Financial Activities, Notes 3-11 and Budget Variances to 28<sup>th</sup> February, 2015)

**VOTING REQUIREMENT**

Simple Majority

**RECOMMENDATION**

That the following Monthly Financial Reports be received by Council:

- Monthly Financial Reports to 28<sup>th</sup> February, 2015

**4425 - COUNCIL RESOLUTION (Officer Recommendation)**

**MOVED Cr G Browne / Cr R Jury**

**That the following Monthly Financial Reports be received by Council:**

- **Monthly Financial Reports to 28<sup>th</sup> February, 2015**

**CARRIED 8/0  
By Simple Majority**

**9.1.2 SCHEDULE OF ACCOUNTS PAID TO 28 FEBRUARY 2015**

<b>DATE:</b>	9 <sup>th</sup> March 2015
<b>SUBJECT:</b>	Schedule of Accounts Paid
<b>PROPONENT:</b>	N/A
<b>LOCATION:</b>	Whole of the Shire
<b>AUTHOR:</b>	Michelle Bamess – Deputy Chief Executive Officer
<b>REPORTING OFFICER:</b>	Michelle Bamess – Deputy Chief Executive Officer
<b>FILE NO:</b>	N/A
<b>ASSESSMENT NO:</b>	N/A

**FUND VOUCHERS AMOUNT**

Municipal Fund	\$182,329.85
Trust Fund	\$0.00
Direct Debits	\$155,384.59
Spoiled Cheques	
Cancelled Cheques	

**ATTACHMENTS**

Schedule of Accounts submitted 18<sup>th</sup> March, 2015.

**VOTING REQUIREMENT**

Simple Majority

**RECOMMENDATION**

That vouchers from the Municipal Fund and Trust Fund as detailed, be approved by Council:

Municipal Fund	\$182,329.85
Trust Fund	\$0.00
Direct Debits	\$155,384.59
<b>TOTAL</b>	<b><u>\$337,714.44</u></b>

**4426- COUNCIL RESOLUTION (Officer Recommendation)**

**MOVED Cr M Tuffley / Cr B Altham**

**That vouchers from the Municipal Fund and Trust Fund as detailed, be approved by Council:**

<b>Municipal Fund</b>	<b>\$182,329.85</b>
<b>Trust Fund</b>	<b>\$0.00</b>
<b>Direct Debits</b>	<b>\$155,384.59</b>
<b>TOTAL</b>	<b><u>\$337,714.44</u></b>

**CARRIED 8/0  
By Simple Majority**

**9.1.3 2015 LOCAL GOVERNMENT ELECTIONS**

<b>DATE:</b>	24 <sup>th</sup> February 2015
<b>PROPONENT:</b>	N/A
<b>LOCATION:</b>	N/A
<b>SUBJECT:</b>	Local Government Ordinary Election 2015
<b>AUTHOR:</b>	Michelle Bamess – Deputy Chief Executive Officer
<b>REPORTING OFFICER:</b>	Peter Bentley – Chief Executive Officer
<b>FILE NO:</b>	COU25.15
<b>ASSESSMENT NO:</b>	

**PURPOSE**

To consider a quote from the WA Electoral Commission (WAEC) to conduct the 2015 Local Government Ordinary Election on our behalf as a postal election.

**BACKGROUND**

Local Government elections are held every two years and the next election is due 17<sup>th</sup> October 2015. There will be 4 vacancies contested at that election. The positions of Councillors Crosby, Altham, Smith and Collins will be up for election this year. The Council has the opportunity to either conduct a voting in person election or conduct a postal election. The Previous election was conducted by post and saw a response rate similar to that experienced for voting in person elections in the past.

**STATUTORY IMPLICATIONS**

The Council must decide, in accordance with section 4.61(2) of the *Local Government Act 1995* that the method of conducting the election will be as a postal election or voting in person election.

**POLICY IMPLICATIONS**

Council has no set policy on this matter.

**FINANCIAL IMPLICATIONS**

Costs associated will be budgeted for in the 2015/2016 Budget.

**STRATEGIC IMPLICATIONS**

This matter is not dealt with in the Shire of Kent Community Strategic Plan

**COMMENT**

The WAEC has provided a quote to undertake the entire process on the Councils behalf of \$10,500, inc GST, however this does not include the costs any non-statutory advertising, legal expenses other than those that are determined to be borne by WAEC in a Court of Disputed Returns, a local government staff member to work in the polling place on election day or additional postage rate increases. The quote does take into consideration the proposed increase in the postage rate by Australia Post, effective from 2<sup>nd</sup> March 2015. And additional amount of \$31.50 will be incurred should Council opt for the Australia Post Priority Service for lodgement of election packages.

Should the Council wish to undertake a postal ballot the following motions must be passed:

- The Council declares, in accordance with section 4.20(4) of the *Local Government Act 1995*, the Electoral Commissioner to be responsible for the conduct of the 2015 ordinary elections together with any other elections or polls which may also be required;

And

- In accordance with section 4.61(2) of the *Local Government Act 1995* that the method of conducting the October 17<sup>th</sup> 2015 election will be as a postal election.

**ATTACHMENTS**

Quote to conduct the election from the WAEC.

**VOTING REQUIREMENT**

Absolute Majority

**RECOMMENDATION**

**That The Council:**

1. declares, in accordance with section 4.20(4) of the *Local Government Act 1995*, the WA Electoral Commissioner to be responsible for the conduct of the 2015 ordinary elections together with any other elections or polls which may also be required;

**AND**

2. In accordance with section 4.61(2) of the *Local Government Act 1995* that the method of conducting the October 17<sup>th</sup> 2015 election will be as a postal election.

**4427 - COUNCIL RESOLUTION (Officer Recommendation)**

**MOVED Cr G Browne / Cr M Tuffley**

**That the Council:**

1. declares, in accordance with section 4.20(4) of the *Local Government Act 1995*, the WA Electoral Commissioner to be responsible for the conduct of the 2015 ordinary elections together with any other elections or polls which may also be required;

**AND**

2. In accordance with section 4.61(2) of the *Local Government Act 1995* that the method of conducting the October 17<sup>th</sup> 2015 election will be as a postal election.

**CARRIED 8/0  
By Absolute Majority**

**10. ELECTED MEMBERS MOTION OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**

**11. NEW BUSINESS OF AN URGENT NATURE AGREED TO BY RESOLUTION OF COUNCIL**

**4428 - COUNCIL RESOLUTION**

**MOVED Cr R Jury /Cr M Tuffley**

**That the council:**

**Consider the new business of urgent nature as presented.**

**CARRIED 8/0  
By Simple Majority**

**11.1.1 2014/15 BUDGET REVIEW**

<b>DATE:</b>	12 March 2015
<b>SUBJECT:</b>	2014/15 Budget Review
<b>PROPONENT:</b>	Department of Local Government and Regional Development
<b>LOCATION:</b>	N/A
<b>AUTHOR:</b>	Michelle Bamess – Chief Executive Officer
<b>REPORTING OFFICER:</b>	Peter Bentley - Chief Executive Officer
<b>FILE NO:</b>	FIN5.15
<b>ASSESSMENT NO:</b>	N/A

**PURPOSE**

In accordance with Regulation 33A of the Local Government (Financial Management) Regulations, a review of the 2014/15 Budget is presented to Council.

**BACKGROUND**

Council adopted the Annual Budget on 28 July 2014. A review of the budget is required between 1 January and 31 March each year.

**STATUTORY IMPLICATIONS**

Local Government Act 1995

Local Government (Financial Management) Regulations 1996, Section 33A;

***33A. Review of budget***

*(1) Between 1 January and 31 March in each year a local government is to carry out a review of its annual budget for that year.*

*(2) Within 30 days after a review of the annual budget of a local government is carried out it is to be submitted to the council.*

*(3) A council is to consider a review submitted to it and is to determine\* whether or not to adopt the review, any parts of the review or any recommendations made in the review.*

*\*Absolute majority required.*

*(4) Within 30 days after a council has made a determination, a copy of the review and determination is to be provided to the Department.*

**POLICY IMPLICATIONS**

Nil

**FINANCIAL IMPLICATIONS**

There are no financial implications as all financial variations will be within the existing Adopted Budget.

**STRATEGIC IMPLICATIONS**

Nil

**COMMENT**

A copy of the review is to be sent to the Department of Local Government and Regional Development within 30 days from Council endorsement.

**ATTACHMENTS**

- Required variations to 2014/15 Budget.

**VOTING REQUIREMENT**

Absolute Majority

**RECOMMENDATION**

**That the Budget Review and the variations as discussed therein be confirmed and adopted.**

<b>4429 - COUNCIL RESOLUTION</b>
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**MOVED Cr M Stephens / Cr R Jury**

**That the Budget Review and the variations as discussed therein be confirmed and adopted.**

**CARRIED 8/0  
By Absolute Majority**

**11.1.2 ADSL – NYABING AND PINGRUP TOWNSITES.**

<b>DATE:</b>	17 <sup>th</sup> March 2015
<b>PROPONENT:</b>	Shire of Kent
<b>LOCATION:</b>	Nyabing, Pingrup and surrounds
<b>SUBJECT:</b>	ADSL for townsite
<b>AUTHOR:</b>	Peter Bentley – Chief Executive Officer
<b>REPORTING OFFICER:</b>	Peter Bentley – Chief Executive Officer
<b>FILE NO:</b>	
<b>ASSESSMENT NO:</b>	

**PURPOSE**

For Council to consider approving a contribution to Telstra to enable ADSL at the Nyabing Telephone Exchange and the Pingrup townsite.

**BACKGROUND**

As Councillors would be aware the Shire of Kent has battled for many years to acquire reasonably fast internet in Nyabing to improve services and business productivity in the town.

The Council received a quote from Telstra three years ago of \$80,000 to enable ADSL in Nyabing however there was a further cost of nearly \$150,000 to upgrade the exchange to be able to cater for the change. Council has budgeted at different times to undertake the project but not the exchange upgrade. The project has remained in the Forward Capital Works Plan for the last three years. At the February Meeting the Council agreed to make a contribution of \$75,000 to Telstra to enable ADSL in Nyabing townsite.

### **STATUTORY IMPLICATIONS**

Local Government Act (1995)

### **POLICY IMPLICATIONS**

The Council has no specific policy regarding this matter.

### **FINANCIAL IMPLICATIONS**

Expenditure currently unbudgeted

### **STRATEGIC IMPLICATIONS**

This matter is not dealt with in the Shire of Kent Community Strategic Plan

### **COMMENT**

From the Shires perspective, we have struggled with a Dial-up connection for our Dept of Transport (DOT) services which costs us around \$15,000 plus (wages) in wasted operator time and significant customer frustration because of the super slow nature of Dial-up. In addition the normal internet service (satellite) was far too slow during peak times to provide an adequate response time for normal internet access (any wireless is not allowed for DOT transactions). We converted to NextG for normal access some 12 months ago and while this has provided some improvement the base station is some 10kms from town and suffers from the significant transmission overhead in getting a signal to the townsite and once again at peak times can be very slow.

Even with NextG we are accruing extra costs from our IT consultants because the background speeds for them is equivalent of dial-up. Recently we have been looking at a phone system between our two sites in Nyabing however without ADSL we will either need to buy 2 systems or put together a radio network to make the systems operate in tandem. At the moment Council is paying at three sites for Satellite, \$90.00 and \$80.00 per month, Next G at 2 sites a total of \$250.00 per month for a download limit of less than 100GB. With ADSL this would reduce to a total of \$150.00 per month in total for a total of 600gb in download with speeds of 3mb or better.

From a business perspective the businesses in town struggle from the same issues that we do – slow internet services, problems with IT Consultants accessing via remote connections and the flaky nature of Satellite and NextG. All are expensive for the service provided.

I have kept in contact with a Telstra insider and he has informed me that the Nyabing Town Tower has been approved as the first tower off the rank in the latest R 4 R funded communications upgrades. As part of the upgrade the exchange will need to be upgraded to the standard that will allow ADSL to be enabled within a 4.5 km radius of the exchange.

The GSDC may be able to assist with some funding toward this project and I understand that the timing of my request to them may well not be the best but as the Council has fought long and hard to secure this service and is prepared to do whatever it can to make it a reality I have made the approach for assistance. This project would be out of budget and could form part of the budget review or Council could resolve to borrow to facilitate the project.

Either way there would be significant benefit to the business community, the surrounding farms within 4.5kms and the council's depot and administration operations.

A copy of a quote from Telstra is attached with regard to the enabling of ADSL.

Telstra has advised that the cost to enable ADSL at Pingrup will be \$75,000 as well. This item seeks Council approval to advise Telstra that it is prepared to make a contribution of \$75,000 each to enable ADSL in Pingrup and Nyabing and to borrow the amount over a 5 year term to fund the contribution. The GSDC has kindly agreed to provide \$10,000 toward the project

**ATTACHMENTS**

Email – Ron Vander Sluys - Telstra

**VOTING REQUIREMENT**

Absolute Majority

**RECOMMENDATION**

**That the Council:**

**As part of the 2015 Budget Review authorise the CEO to make a borrowing on the Council's behalf of up to \$140,000 to enable ADSL at Pingrup and Nyabing.**

**4430 - COUNCIL RESOLUTION**

**MOVED Cr G Browne / Cr A Smith**

**That the Council:**

**As part of the 2015 Budget Review authorise the CEO to make a borrowing on the Council's behalf of up to \$140,000 to enable ADSL at Pingrup and Nyabing.**

**CARRIED 8/0  
By Simple Majority**

### 11.1.3 RESCIND MOTION 4418 AND REVIEW REQUEST FOR FINANCIAL ASSISTANCE – NYABING PRIMARY SCHOOL CENTENARY 2015

<b>DATE:</b>	18 <sup>th</sup> March 2015
<b>PROPONENT:</b>	Nyabing Primary School
<b>LOCATION:</b>	Nyabing
<b>SUBJECT:</b>	Request for financial assistance for 2015 Nyabing Primary School Centenary
<b>AUTHOR:</b>	Michelle Bamess – Deputy Chief Executive Officer
<b>REPORTING OFFICER:</b>	Peter Bentley – Chief Executive Officer
<b>FILE NO:</b>	
<b>ASSESSMENT NO:</b>	

#### **PURPOSE**

To rescind motion 4418 on the basis that the mover of the motion was a member of the committee/group planning the event and had a conflict of interest in doing so. There was no likely financial benefit to the member and accordingly no further action is planned regarding the matter. The member has been counselled regarding the matter.

Further, Council is to reconsider a request from Nyabing Primary School for financial assistance for 2015 Centenary.

#### **BACKGROUND**

A letter has been received from Nyabing Primary School requesting financial assistance for its Centenary which will be held on 19<sup>th</sup> September 2015.

The letter also advises that the Nyabing Primary School and the P & C Association will also be contributing funds to this event. Costs include entertainment, stationery, advertising, memorial plaque etc. A grant of \$500 has also been received to assist in covering costs.

At the February meeting the following resolution was passed:

***MOVED Cr M Tuffley / Cr G Collins***

***That the Council:***

***Make provision in the 2015-16 Budget for a donation of \$1,000.00 to Nyabing Primary School for its 2015 Centenary.***

***CARRIED 8/0  
By Absolute Majority***

#### **STATUTORY IMPLICATIONS**

Local Government Act (1995)

#### **POLICY IMPLICATIONS**

The Council has no specific policy regarding this matter.

#### **FINANCIAL IMPLICATIONS**

Council has made provision for P & C's in the 2014-15 Budget for \$1,500. To date only \$750 has been paid to Nyabing P & C upon receipt of a Tax Invoice for Interm Swimming Lessons. No request for financial assistance has been received by Pingrup P & C in the 2014-15 financial year.

### **STRATEGIC IMPLICATIONS**

This matter is not dealt with in the Shire of Kent Community Strategic Plan

### **COMMENT**

Council to consider providing financial assistance to Nyabing Primary School for the 2015 Centenary.

### **ATTACHMENTS**

Letter – Nyabing Primary School

### **VOTING REQUIREMENT**

Absolute Majority

### **RECOMMENDATION**

**That the Council:**

1. **Rescind motion 4418 on the basis that the member moving the motion had a conflict of interest in moving the motion given an involvement with the organising group.**
  
2. **Make provision in the 2015-16 Budget for a donation of \$1,000 to Nyabing Primary School for its 2015 Centenary.**

#### **4431 - COUNCIL RESOLUTION**

**MOVED Cr M Stephens /Cr R Jury**

**That the council:**

1. **Rescind motion 4418 on the basis that the member moving the motion had a conflict of interest in moving the motion given an involvement with the organising group.**

**CARRIED 7/0  
By Absolute Majority**

#### **4432 - COUNCIL RESOLUTION**

**MOVED Cr G Collins /Cr R Jury**

**That the council:**

2. **Make provision in the 2015-16 Budget for a donation of \$1,000 to Nyabing Primary School for its 2015 Centenary.**

**CARRIED 7/0  
By Absolute Majority**

#### 11.1.4 CEO PERFORMANCE REVIEW

<b>DATE:</b>	10 March 2015
<b>PROPONENT:</b>	N/A
<b>LOCATION:</b>	N/A
<b>SUBJECT:</b>	CEO Performance Review
<b>AUTHOR:</b>	Peter Bentley – Chief Executive Officer
<b>REPORTING OFFICER:</b>	Peter Bentley – Chief Executive Officer
<b>FILE NO:</b>	Personnel
<b>ASSESSMENT NO:</b>	N/A

#### **PURPOSE**

To commence the Council's evaluation of the CEO's performance over the past 12 months.

#### **BACKGROUND**

Each year the Council is required by the Local Government Act to review the performance of the CEO. This is due in May each year although the Council can elect to do this at any time during a year under certain guidelines.

In 2014 the Audit Committee undertook the review and a recommendation was relayed back to the Council at the following meeting. In 2012 the review was dealt with direct by the Council, there is no issue with either method of review. In 2013 the Audit Committee once again undertook the review making recommendation to the Council.

#### **STATUTORY IMPLICATIONS**

##### **Local Government Act (1995)**

##### **5.38. Annual review of certain employees' performances**

*The performance of each employee who is employed for a term of more than one year, including the CEO and each senior employee, is to be reviewed at least once in relation to every year of the employment.*

##### **Local Government Administration Regulations (1996)**

##### **18D. Local government to consider performance review on CEO**

*A local government is to consider each review on the performance of the CEO carried out under section 5.38 and is to accept the review, with or without modification, or to reject the review.*

#### **POLICY IMPLICATIONS**

The Council has no specific policy regarding this matter.

**FINANCIAL IMPLICATIONS**

There will be no direct financial issues for the Council unless it wishes to undertake any performance management measures of some description or it wishes to negotiate a variation of the existing contract. The current contract provides for an annual increase of not less than 4% in line with the Council's EBA and this has been provided for in the budget. Any performance management measures would probably involve an outside party and therefore costs would be involved.

**STRATEGIC IMPLICATIONS**

This matter is not dealt with in the Shire of Kent Community Strategic Plan.

**COMMENT**

The Council is obligated to review the performance of the CEO and at the contract anniversary date provide for an EBA increase of the CEO's Salary. The Performance Management System used removes the normal performance management process from the salary increases afforded to the officer so that there is no clouding of remuneration or performance issues. Council can however choose to make further reward to the officer if it deems this appropriate.

Over the past year there has been no approach from the Council to vary the method or form of the review and this item is presented to discuss the issue further before issuing the forms that the council will use for the review.

The Council may wish to vary the method of review, by using a paid third party consultant to oversee the process, it may well be happy in its own ability to oversee the process either directly or through a process involving the Audit committee or the President and Deputy President as has been the case in the past. Regardless of the method the Council must undertake the review providing its feedback both to the reviewer (consultant committee or designated Councillors) and the CEO so that agreed outcomes for the following year can be agreed.

**ATTACHMENTS**

Previous review under separate cover.

**VOTING REQUIREMENT**

Simple Majority

**RECOMMENDATION**

**That the Council:**

**Delegate authority to the Audit Committee/elect to conduct a whole of council approach to the conduct the review of the CEO's performance for the past 12 months taking into consideration the information supplied by each councillor and a staff member in the form of the 2014 review and report to the Council at the next available opportunity.**

<b>4433 - COUNCIL RESOLUTION</b>
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**MOVED Cr A Smith /Cr G Collins**

That the council:

Delegate authority to the Audit Committee/elect to conduct a whole of council approach to the conduct the review of the CEO's performance for the past 12 months taking into consideration the information supplied by each councillor and a staff member in the form of the 2014 review and report to the Council at the next available opportunity.

**CARRIED 8/0  
By Simple Majority**

**11.1.5 CONDITIONS OVER WELL AGED ACCOMMODATION UNITS**

<b>DATE:</b> <b>PROPONENT:</b> <b>LOCATION:</b> <b>SUBJECT:</b> <b>AUTHOR:</b> <b>REPORTING OFFICER:</b> <b>FILE NO:</b> <b>ASSESSMENT NO:</b>	17 <sup>th</sup> March 2014 Shire of Kent Whole of Shire Tenancy Conditions Peter Bentley – Chief Executive Officer Peter Bentley – Chief Executive Officer
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**PURPOSE**

For Council to consider a simple set of conditions for rental of the well aged accommodation units.

**BACKGROUND**

Council has been fortunate to acquire 2 housing units through the involvement with the 4WD VROC's well aged housing project. These units have now been delivered to Nyabing and are in the process of final landscaping and service connection.

Council will need to have a set of basic conditions of rental to discern eligibility for people to rent the units and to settle on a rental charge for the units.

**STATUTORY IMPLICATIONS**

Local Government Act (1995)

**POLICY IMPLICATIONS**

The Council has no specific policy regarding this matter.

**FINANCIAL IMPLICATIONS**

Setting of a fee.

**STRATEGIC IMPLICATIONS**

This matter is not dealt with in the Shire of Kent Community Strategic Plan

**COMMENT**

With regard to the conditions or eligibility I believe that this should be kept as simple as possible. For instance:

1. Tenants must be at least a couple or two people.
2. At least one tenant to be over 55 years of age.
3. Without suitable tenants the housing to be used for community or staff housing until a suitable tenant is found.
4. A tenancy Agreement is to be in place and all normal Shire of Kent policies regarding rentals are to be adhered to.
5. Tenants are to be responsible for all cost related to Power, water and communications.
6. Council is to be responsible for maintenance except for damage which is not normal wear and tear.
7. Council to deposit an amount equal to the annual rental of the units into the Building Reserve for future maintenance.
8. If using for staff accommodation that another housing unit be made available for over 55 accommodation.

This is an example of some conditions that Council may wish to have in place. There are no specific conditions associated with the funding apart from the use as well aged accommodation.

Further to the conditions Council will need to set a rental fee for the units for over 55's, members of the community and staff if required. Currently Council has the following fees in place for housing:

PROPERTY ADDRESS	TOWN	PROPERTY TYPE	\$ STAFF PER WEEK	\$ PRIVATE PER WEEK	\$ COMMERCIAL PER WEEK
<b>STAFF HOUSING</b>					
Lot 33, 29 Aspendale St	Nyabing	4 bedroom house	<b>Included in Contract</b>		
Lot 101, 26 Aspendale St	Nyabing	3 bedroom house	69	162	378
Lot 102, 28 Aspendale St	Nyabing	3 bedroom house	69	162	378
Lot 20, 13 Aspendale St	Nyabing	3 bedroom house	<b>Included In Contract</b>		
Lot 166, 2A Coates Close	Nyabing	2 bedroom unit	58	126	299
Lot 160, 2/15 Hobley St	Nyabing	3 bedroom unit	84	147	378
Lot 159, 2/1 Coates Close	Nyabing	3 bedroom unit	84	147	378
Lot 100, Aspendale St	Nyabing	3 bedroom house	69	147	378
Lot 96, 2/5 Gaby St	Pingrup	3 bedroom unit	84	147	378
Lot 16, 21C George St	Nyabing	1 bedroom unit	58	100	168
16 Bourke Street	Nyabing	3 - 4 Bedroom House	<b>GROH Lease C/R over 10 years</b>		
Well Aged Accommodation		2 Bedroom Unit		126	
Well Aged Accommodation		3 Bedroom Unit		147	
Lot 97 Gaby Street	Pingrup				
New House	Nyabing				
Lot 16, 21B George St	Nyabing	1 bedroom unit	58	100	168
Lot 16, 21A George St	Nyabing	1 bedroom unit	58	100	168
Lot 166, 2B Coates Close	Nyabing	2 bedroom unit	58	126	299
Lot 159, 1/1 Coates Close	Nyabing	3 bedroom unit	84	147	378
Lot 160, 1/15 Hobley St	Nyabing	3 bedroom unit	84	147	378
Lot 70, 10 Reid Street	Pingrup	2 bedroom unit	58	126	299
Lot 71, 8 Reid St	Pingrup	2 bedroom unit	58	126	299
Lot 69, 12 Reid St	Pingrup	4 bedroom house		580	580

**\*\*\*Note: Lot 69, 12 Reid Street is leased to GEHA\*\*\***

Lot 74, 3 Reid St	Pingrup	4 bedroom house
Lot 94, 1/3 Gaby St	Pingrup	1 bedroom unit
Lot 94, 2/3 Gaby St	Pingrup	1 bedroom unit
Lot 94, 3/3 Gaby St	Pingrup	1 bedroom unit
Lot 96, 1/5 Gaby St	Pingrup	3 bedroom unit

69	168	483
58	100	168
58	100	168
58	100	168
84	147	378

The houses are new and have a fairly high fit-out standard. These houses in Katanning would attract a rental of over \$300.00 per week and possibly closer to \$400. Given that Council is looking to attract people who may well leave the district rather than stay here it would be prudent that the rentals are somewhat below the market rate to ensure that the costs are not excessive and therefore make it economically prohibitive for people to rent the units.

My suggestion would be a staff subsidised rental of \$100 per week, an over 55 rental of \$200 per week, a private rental rate of \$250 and a general/commercial rental of \$400 per week.

Council should now ascertain what these figures should be.

### **ATTACHMENTS**

Nil

### **VOTING REQUIREMENT**

Absolute Majority

### **RECOMMENDATION**

**That the Council:**

- 1. Set the following conditions and eligibility criteria for the units at Lot 163 Coates Close Nyabing:**

**AND;**

- 2. Set the rental for the units as follows:**

**Staff                \$100    Per Week**

**Over 55            \$200    Per Week**

**Private Rental    \$250    Per Week**

**Commercial      \$400    Per Week**

### **4434 - COUNCIL RESOLUTION**

**MOVED Cr M Tuffley /Cr M Stephens**

**That the council:**

- 1. Set the following conditions and eligibility criteria for the units at Lot 163 Coates Close Nyabing:**

**AND;**

**2. Set the rental for the units as follows:**

<b>Staff</b>	<b>\$100</b>	<b>Per Week</b>
<b>Over 55</b>	<b>\$200</b>	<b>Per Week</b>
<b>Private Rental</b>	<b>\$250</b>	<b>Per Week</b>
<b>Commercial</b>	<b>\$400</b>	<b>Per Week</b>

**Against: Cr B Altham**

**CARRIED 7/1  
By Absolute Majority**

**12. INFORMATION BULLETIN**

<b>4435 - COUNCIL RESOLUTION (Officer Recommendation)</b>
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**MOVED Cr R Jury / Cr M Tuffley**

**That the Information Bulletin be received by Council.**

**CARRIED 8/0  
By Simple Majority**

**13. 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.

**14. MEETING CLOSURE**

There being no further business the Shire President Cr Cathy Crosby, closed the meeting at 6.50pm.