

## NOVEMBER 2016 MINUTES

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

The Chair Person, Shire President Cr Megan Tuffley, declared the meeting opened at 4.47pm.

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

#### **Members**

Cr M Tuffley	Member
Cr R Jury	Member
Cr S Crosby	Member
Cr T Borgward	Member
Cr A Smith	Member
Cr G Browne	Member
Cr G Collins	Member

#### **Staff**

JP Bentley	Chief Executive Officer
M Bamess	Deputy Chief Executive Officer
DW Long	Works Manager

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

#### **Apologies**

Cr M Stephens	Member
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#### **Members on Leave of Absence**

### 3. DECLARATION OF INTERESTS:

- **Financial Interest:**

Nil

- **Members Impartiality Interest**

11.1.1 PLANNING APPLICATION 34 RICHMOND STREET NYABING - Cr S Crosby

- **Proximity Interest:**

Nil

### 4. PUBLIC QUESTION TIME:

### 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 19 October 2016**

That the minutes of the Ordinary Meeting of the Shire of Kent held on Wednesday 19 October, 2016 in the Shire of Kent Council Chambers be confirmed as a true and accurate record of proceedings and duly signed.

<b>4732 - COUNCIL RESOLUTION (Officer Recommendation)</b>
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**MOVED Cr T Borgward / Cr G Browne**

**That the minutes of the Ordinary Meeting of the Shire of Kent held on Wednesday 19 October, 2016 in the Shire of Kent Council Chambers be confirmed as a true and accurate record of proceedings and duly signed.**

**CARRIED 7/0  
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 21 OCTOBER 2016**

<b>DATE:</b>	7 November 2016
<b>SUBJECT:</b>	Monthly Financial Reports to 31 October 2016
<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 31 October 2016 (including Statement of Financial Activities, Notes 3-11 and Budget Variances to 31 October 2016)

**VOTING REQUIREMENT**

Simple Majority

**RECOMMENDATION**

That the following Monthly Financial Reports be received by Council:

- Monthly Financial Reports to 31 October 2016

<b>4733 - COUNCIL RESOLUTION (Officer Recommendation)</b>
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**MOVED Cr R Jury / Cr G Browne**

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

**Monthly Financial Reports to 31 October, 2016**

**CARRIED 7/0  
By Simple Majority**

**9.1.2 SCHEDULE OF ACCOUNTS PAID TO 31 OCTOBER 2016**

<b>DATE:</b>	4 November 2016
<b>SUBJECT:</b>	Schedule of Accounts Paid
<b>PROONENT:</b>	N/A
<b>LOCATION:</b>	Whole of the Shire
<b>AUTHOR:</b>	Jill Kent – Senior Administration 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	\$ 350,993.73
Trust Fund	\$1,502.87
Direct Debits	\$ 123,269.35
Spoiled Cheques	
Cancelled Cheques	

**ATTACHMENTS**

Schedule of Accounts submitted 16 November 2016.

**VOTING REQUIREMENT**

Simple Majority

**RECOMMENDATION**

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

Municipal Fund	\$ 350,993.35
Trust Fund	\$1,502.87
Direct Debits	\$ 123,269.35
<b>TOTAL</b>	<b>\$475,766.308</b>

**4734 - COUNCIL RESOLUTION (Officer Recommendation)**

**MOVED Cr R Jury / Cr A Smith**

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

Municipal Fund	\$ 350,993.35
Trust Fund	\$1,502.87
Direct Debits	\$ 123,269.35
<b>TOTAL</b>	<b>\$475,766.308</b>

**CARRIED 7/0  
By Simple Majority**

**9.1.3 FITNESS FOR WORK POLICY (DRUGS, ALCOHOL AND IMPAIRMENT)**

<b>DATE:</b>	2 November 2016
<b>PROPONENT:</b>	N/A
<b>LOCATION:</b>	
<b>SUBJECT:</b>	Fitness for Work Policy (Drug, Alcohol and Impairment)
<b>AUTHOR:</b>	Michelle Bamess – Deputy Chief Executive Officer
<b>REPORTING OFFICER:</b>	Peter Bentley – Chief Executive Officer
<b>FILE NO:</b>	POLICY
<b>ASSESSMENT NO:</b>	N/A

**PURPOSE**

Council to adopt the Fitness for Work Policy (Drugs, Alcohol and Impairment).

**BACKGROUND**

The Shire of Kent is committed to meeting its obligations in accordance with the Occupational Safety & Health Act 1984 and accepts responsibility for providing a safe working environment in which the employee is not exposed to hazards.

The purpose of this policy is to ensure a safe workplace free from the effects of drugs and alcohol and is directed towards the welfare of the individual and the safety and health of other people in the workplace. Although disciplinary action may be necessary, the focus is on preventative measures such as utilising the Employee Assistance Program, counselling options and information sessions. A range of factors, both at the workplace and in peoples personal lives, impact on the ability to work safely. The use of alcohol and/or other drugs may only be one of them.

The focus at the workplace will be on occupational safety and health management rather than more general concerns about personal health. It will not be assumed that any observed impairment is caused by alcohol and/or other drug use. Other impairment factors may include fatigue, medical conditions, chemicals, heat, noise and symptoms of work-related stress.

Workers must take reasonable care of their own safety and health and not endanger the safety and health of others at the workplace and all employees should present themselves' for work and remain, while at work, capable of performing their work duties safely. The consumption of alcohol and illicit drugs while at work is therefore unacceptable, except in relation to any authorised and responsible use of alcohol at the workplace social functions.

### **STATUTORY IMPLICATIONS**

Occupational Safety and Health Act 1984

Occupational Safety and Health Regulations 1996

AS 4760:2006: Procedures for specimen collection and the detection and quantitation of drugs of abuse in oral fluid.

AS/NZS 4308:2008: Procedures for specimen collection and the detection and quantitation of drugs of abuse in urine.

### **POLICY IMPLICATIONS**

Nil

### **FINANCIAL IMPLICATIONS**

If adopted, the Fitness for Work Policy will have a financial impact to Council that will be covered under current and future Occupational Health and Safety budget.

### **STRATEGIC IMPLICATIONS**

Nil

### **COMMENT**

The Shire of Kent currently has no Drug and Alcohol Testing policy in place. All employees engaged by the Shire of Kent are required to be "fit for work" at all times. Any employee who the Shire of Kent reasonably considers is unfit for work will not be permitted to commence or continue work and will be required to leave the premises.

The Shire of Kent will take reasonable steps to ensure employees are in a fit state to work safely and to minimise risks to both themselves and others in the workplace.

This policy is part of a broader Health and Wellbeing Program provided by the Shire to its employees.

#### **ATTACHMENTS**

- Fitness for Work Policy (Drugs, Alcohol and Impairment)

#### **VOTING REQUIREMENT**

Absolute Majority

#### **RECOMMENDATION**

**That the Council:**

**Adopt the Fitness for Work Policy (Drug, Alcohol and Impairment).**

<b>4735 - COUNCIL RESOLUTION (Officer Recommendation)</b>
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**MOVED Cr R Jury / Cr G Browne**

**That The Council:**

**Adopt the Fitness for Work Policy (Drug, Alcohol and Impairment).**

**CARRIED 7/0  
By Absolute Majority**

#### **9.1.4 ADDITION OF POLICY – WORKPLACE BULLYING**

<b>DATE:</b>	2 November 2016
<b>PROONENT:</b>	Shire of Kent
<b>LOCATION:</b>	N/A
<b>SUBJECT:</b>	Adoption of Policy – Workplace Bullying
<b>AUTHOR:</b>	Christie Smith – Executive Assistant
<b>REPORTING OFFICER:</b>	Christie Smith – Executive Assistant
<b>FILE NO:</b>	ADM45.10
<b>ASSESSMENT NO:</b>	N/A

#### **PURPOSE**

Council to consider adoption of a workplace bullying policy.

#### **BACKGROUND**

Workplace bullying is a risk to health and safety. Failure to take steps to manage the risk of workplace bullying can result in a breach of health and safety laws. Workplace bullying can occur wherever people work together and in all types of workplaces.

It is best dealt with by taking steps to prevent it from occurring and responding quickly if it does occur.

Taking a pro-active approach by implementing control measures to manage the risks and monitor and review effectiveness of the control measures can substantially minimise the risk of workplace bullying.

Council currently do not have a workplace bullying policy.

### **STATUTORY IMPLICATIONS**

Local Government Act 1995

### **POLICY IMPLICATIONS**

There is currently no policy in relation to workplace bullying.

As per policy 10.1, absolute majority is required.

### **10.1 ALTERATION TO POLICY MANUAL**

*Alterations to the Policy Manual may be made by resolution passed by an absolute majority or, where a "Notice of Motion" is given, by a simple majority of Council.*

**REVIEWED: 18/10/06**

### **FINANCIAL IMPLICATIONS**

No specific financial implications

### **STRATEGIC IMPLICATIONS**

No known strategic implications.

### **COMMENT**

The Shire of Kent has the primary duty of care to ensure, so far as is reasonable practicable, that employees and other persons are not exposed to health and safety risks arising from work carried out as part of the business or undertaking.

Once control measures have been implemented they should be monitored and reviewed to ensure they are effective in managing the risk of workplace bullying.

### **ATTACHMENTS**

DRAFT Workplace Bullying Policy

### **VOTING REQUIREMENT**

Absolute Majority

### **RECOMMENDATION**

**That the Council:**

**Adopt the policy as presented on Workplace Bullying.**

<b>4736 - COUNCIL RESOLUTION (Officer Recommendation)</b>
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**MOVED Cr A Smith / Cr S Crosby**

**That The Council:**

**Adopt the policy as presented on Workplace Bullying.**

**CARRIED 7/0  
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

<b>4737 - COUNCIL RESOLUTION</b>
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**MOVED Cr R Jury /Cr T Borgward**

**That the council:**

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

**CARRIED 7/0**

**Cr S Crosby left the room at 5.05pm**

**11.1.1 PLANNING APPLICATION 34 RICHMOND STREET NYABING**

<b>DATE:</b>	16 <sup>th</sup> November 2016
<b>PROPONENT:</b>	Nyabing Progress Association Inc
<b>LOCATION:</b>	Lots 28 on DP 19324, 34 Richmond St
<b>SUBJECT:</b>	Planning approval – Single Dwelling
<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 a request for planning approval to erect a pre-fabricated single dwelling at 34 Richmond Street Nyabing.

**BACKGROUND**

The Nyabing Progress Association Inc has lodged an application for planning consent to erect a pre-fabricated single dwelling at 34 Richmond Street Nyabing as a caretakers accommodation unit for the Nyabing Community Hub.

**STATUTORY IMPLICATIONS**

Local Government Act (1995)  
Planning & Development Act



**POLICY IMPLICATIONS**

The Council has no specific policy regarding this matter.

**FINANCIAL IMPLICATIONS**

Nil.

**STRATEGIC IMPLICATIONS**

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

**COMMENT**

The development is a single story, single dwelling with carport, alfresco area, three bedrooms and two bathrooms under a skillion roof. The area of the house is approximately 126 square metres and the carport and alfresco area are in addition to this.

Under the Town Planning Scheme the construction of a single dwelling is a permitted use for the zoning of this lot however planning consent is recommended where a development is of pre-fabricated construction types.

The Council has the opportunity to seek public comment regarding the development, in particular because of the pre-fabricated nature of the building however there are a number of pre-fabricated houses within the Nyabing townsite and they are an accepted norm where on-site construction costs can be prohibitive. In this instance the Council has the power to approve without public comment and it is recommended that this occur. Council has previously made sound decisions regarding this construction type and will need to justify its actions in not seeking public comment.

**ATTACHMENTS**

Application for Planning Consent – Nyabing Progress Association

**VOTING REQUIREMENT**

Simple Majority

**RECOMMENDATION**

**That the Council:**

**Approve the development subject to the following conditions;**

- 1. The development hereby approved shall be substantially commenced within two years of the date of this decision notice.**
- 2. The development hereby approved shall be undertaken in accordance with the signed and stamped, Approved Development Plan(s) (enclosed), including any notes placed thereon in red by the Shire and except as may be modified by the following conditions.**
- 3. The development hereby approved, or any works required to implement the development, shall not commence until the following**

plans or details have been submitted to the Shire (generally as part of the building permit application) and have been approved in writing:

- a) A Stormwater Management Plan – to be managed on-site.
- b) Details of the proposed crossover to Richmond Street and details of reinstatement of any existing crossover to the satisfaction of the Shire. Any existing vehicle crossover shall be removed and the verge reinstated to the specifications of the local government.

**4738 - COUNCIL RESOLUTION (Officer Recommendation)**

**MOVED Cr R Jury / Cr T Borgward**

**That The Council:**

**Approve the development subject to the following conditions;**

- 1. The development hereby approved shall be substantially commenced within two years of the date of this decision notice.
- 2. The development hereby approved shall be undertaken in accordance with the signed and stamped, Approved Development Plan(s) (enclosed), including any notes placed thereon in red by the Shire and except as may be modified by the following conditions.
- 3. The development hereby approved, or any works required to implement the development, shall not commence until the following plans or details have been submitted to the Shire (generally as part of the building permit application) and have been approved in writing:
  - a) A Stormwater Management Plan – to be managed on-site.
  - b) Details of the proposed crossover to Richmond Street and details of reinstatement of any existing crossover to the satisfaction of the Shire. Any existing vehicle crossover shall be removed and the verge reinstated to the specifications of the local government.

**CARRIED 6/0  
By Simple Majority**

**Cr S Crosby returned to the room at 5.12pm**

**12. INFORMATION BULLETIN**

**4739 - COUNCIL RESOLUTION (Officer Recommendation)**

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

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

**CARRIED 7/0**

**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 Megan Tuffley, closed the meeting at 5.21pm.