

## MINUTES APRIL 2015

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

The Chair Person, the Shire President, Cr Crosby, declared the meeting opened at 5.08 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 B Altham	Member

#### **Staff**

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

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

#### **Apologies**

Cr R Jury	Member
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#### **Members on Leave of Absence**

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

- **Financial Interest**  
Nil
- **Members Impartiality Interest**  
Nil
- **Proximity Interest**  
Nil

### 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 March 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>4436 - COUNCIL RESOLUTION (Officer Recommendation)</b>
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**MOVED Cr M Stephens / Cr M Tuffley**

**That the minutes of the Ordinary Meeting of the Shire of Kent held on Wednesday 18 March 2015 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 31 MARCH 2015**

<b>DATE:</b>	9 April 2015
<b>SUBJECT:</b>	Monthly Financial Reports to 31 March 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 31 March, 2015 (including Statement of Financial Activities, Notes 3-11 and Budget Variances to 31 March, 2015)

**VOTING REQUIREMENT**

Simple Majority

**RECOMMENDATION**

That the following Monthly Financial Reports be received by Council:

- Monthly Financial Reports to 31 March, 2014

<b>4437 - COUNCIL RESOLUTION (Officer Recommendation)</b>
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**MOVED Cr G Browne / Cr M Tuffley**

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

- **Monthly Financial Reports to 31 March, 2014**

**CARRIED 7/0  
By Simple Majority**

**9.1.2 SCHEDULE OF ACCOUNTS PAID TO 31 MARCH 2015**

<b>DATE:</b>	9 April, 2015
<b>SUBJECT:</b>	Schedule of Accounts Paid
<b>PROONENT:</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

\$301,106.29

Trust Fund	\$4,788.92
Direct Debits	\$120,170.91
Spoiled Cheques	
Cancelled Cheques	

**ATTACHMENTS**

Schedule of Accounts submitted 22 April, 2015.

**VOTING REQUIREMENT**

Simple Majority

**RECOMMENDATION**

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

Municipal Fund	\$301,106.29
Trust Fund	\$4,788.92
Direct Debits	\$120,170.91
<b>TOTAL</b>	<b><u>\$426,066.12</u></b>

**4438 - COUNCIL RESOLUTION (Officer Recommendation)**

**MOVED Cr B Altham / Cr A Smith**

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

<b>Municipal Fund</b>	<b>\$301,106.29</b>
<b>Trust Fund</b>	<b>\$4,788.92</b>
<b>Direct Debits</b>	<b>\$120,170.91</b>
<b>TOTAL</b>	<b><u>\$426,066.12</u></b>

**CARRIED 7/0  
By Simple Majority**

**9.1.3 2014 COMPLIANCE RETURN**

<b>DATE:</b>	1 April 2015
<b>SUBJECT:</b>	2014 Compliance Return
<b>PROPONENT:</b>	Department of Local Government
<b>LOCATION:</b>	N/A
<b>AUTHOR:</b>	Peter Bentley – 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 statutory requirements, Council is to consider the adoption of the 2014 Compliance Audit Return.

**BACKGROUND**

The Compliance Audit Return is one of the tools that allow Councils to monitor how the organization is functioning. This year's return again places emphasis on the need to bring to Council's attention, cases of non-compliance, or where full compliance was not achieved. In addition to explaining or qualifying cases of non-compliance, the return also requires Council to endorse any remedial action taken or proposed to be taken in regard to instances of non-compliance.

Council is required to carry out a compliance audit for the period 1 January 2014 to 31 December 2014 against the requirements included in the 2014 Compliance Audit Return. On completion of the compliance audit the council is to complete the Compliance Audit Return.

The Compliance Audit Return is required to be:

- (a) presented to Council at a meeting of the Council
- (b) adopted by Council; and
- (c) the adoption recorded in the minutes of the meeting at which period it is adopted.

**STATUTORY IMPLICATIONS**

Local Government Act 1995

**POLICY IMPLICATIONS**

Nil

**FINANCIAL IMPLICATIONS**

Nil

**STRATEGIC IMPLICATIONS**

Nil

**COMMENT**

A comprehensive Compliance Audit has been undertaken by the Chief Executive Officer with the assistance of the Deputy Chief Executive Officer. There were no areas within the report that were shown as non-compliant.

Certification by the President and Chief Executive Officer requires the following

- a) The information contained in the return is true and correct to the best of their knowledge
- b) The return was included in the agenda papers and considered by Council at the Ordinary meeting held on 22 April 2015
- c) The particulars of any matters of concern were recorded in the minutes of the meeting
- d) The extract of the minutes attached to this return is a true and correct copy of the relevant section of the minutes held on 22 April 2015
- e) Council adopted the Compliance Audit Return as the official return for the period 1 January 2014 to 31 December 2014

- f) The resolution of adoption was carried ( state vote detail eg 8/0 )

**ATTACHMENTS**

Attachment - Shire of Kent Compliance Audit Return 2014

**VOTING REQUIREMENT**

Simple Majority (all votes to be recorded)

**RECOMMENDATION (officers recommendation)**

Subject to any matters of concern raised by Councillors and recorded in the minutes,

**That Council adopt the Return as the official Compliance Audit Return of the Shire of Kent for the period 1st January 2014 to 31 December 2014.**

**4439 - COUNCIL RESOLUTION (Officer Recommendation)**

**MOVED Cr M Stephens / Cr G Browne**

**That Council adopt the Return as the official Compliance Audit Return of the Shire of Kent for the period 1st January 2014 to 31 December 2014.**

**CARRIED 7/0  
By Simple Majority**

**9.1.4 CITY OF ALBANY – OPT OUT OFFER REGIONAL PUBLIC LIBRARIES.**

<b>DATE:</b>	5 April 2015
<b>PROPONENT:</b>	City of Albany
<b>LOCATION:</b>	N/A
<b>SUBJECT:</b>	Regional Library Scheme
<b>AUTHOR:</b>	Peter Bentley – Chief Executive Officer
<b>REPORTING OFFICER:</b>	Peter Bentley – Chief Executive Officer
<b>FILE NO:</b>	COM45.15
<b>ASSESSMENT NO:</b>	N/A

**PURPOSE**

To review a proposal from the City of Albany Library for the Shire of Kent to opt out of the Regional Library Scheme.

**BACKGROUND**

During 2012/13 the new Regional Model Framework for libraries came into operation. In past years the City of Albany has been the regional library for the Great Southern and while this does not change under the new model the model itself provided a more regimented method of delivering services.

Funding for libraries is split between the State Library and the local governments – whether they be regional or actual individual local governments. The Shire of Kent is part of the Great Southern Regional library area.

Historically these services have been provided by the City of Albany and beyond a small amount of advice and an annual visit from the regional librarian, little contact takes place.

#### **STATUTORY IMPLICATIONS**

Local Government Act (1995)

#### **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 2013 - 2022

#### **COMMENT**

The Regional Library Plan has been modified by the City of Albany which allowed for a reduction in the financial contribution from this Council and modification of the services provided.

Historically, while we have received an annual visit from the City of Albany Librarian, it has been of limited value, the services provided by the City apart from very occasional advice ended there. The City proposed a host of other services such as training, regional librarian meetings, visits by authors and speakers and a regional IT plan for libraries.

Most of these services had little or no benefit to the Shire of Kent because of the small number of our borrowing population and the fact that local library services are multi-tasked and taught from within.

When the City Librarian has visited the suggestions have only ever been to lighten up the library space, to improve our internet access through the library and to attend regional training and meetings and provide for electronic borrowers.

The City of Albany had requested that we agree to the terms of the Regional Plan including a funding model put forward so that the plan can be endorsed by the State Library.

The Council has previously ascertained that it saw little value in contributing to this scheme and believed that this contribution would be better spent elsewhere. The City of Albany has written to the Council confirming its withdrawal from the scheme and registering its disappointment that the Shire of Kent has decided not to participate in the regional plan.

#### **ATTACHMENTS**

Letter – City of Albany

#### **VOTING REQUIREMENT**

Simple Majority

#### **RECOMMENDATION**

**That the Council:**

**Reaffirms its position not to participate in the Great Southern Regional Library Plan and funding model.**

<b>4440 - COUNCIL RESOLUTION (Officer Recommendation)</b>
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**MOVED Cr M Stephens / Cr G Collins**

**That the Council:**

**Reaffirms its position not to participate in the Great Southern Regional Library Plan and funding model.**

**CARRIED 7/0  
By Simple Majority**

**9.1.5 COMMUNITY STRATEGIC PLAN**

<p><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></p>	<p>10 April 2015 N/A Shire of Kent Draft Community Strategic Plan Peter Bentley – Chief Executive Officer Peter Bentley – Chief Executive Officer COU40.5</p>
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**PURPOSE**

Council to consider a major review of the attached Community Strategic Plan.

**BACKGROUND**

Council had undertaken a process of community consultation during 2013 for the development of a community plan which is the basis of the current Community Strategic Plan.

The Council had the opportunity to see the results of the Community Plan and had further developed the plan into a strategic document.

The document contained a message from both the Shire President and the CEO and also isolated some resourcing issues for the Council to be mindful of. In short, items where extra resources were required, be they staffing, consultants or monetary must be provided by the Council once the plans are put in place.

This plan is to be reviewed periodically and items can be added or removed from the plan in prescribed ways which are contained within the legislation.

The Community Strategic Plan was used to develop a host of other informing plans and strategies.

**STATUTORY IMPLICATIONS**

Local Government Act (1995)

**POLICY IMPLICATIONS**

The Council has no specific policy regarding this matter.



**FINANCIAL IMPLICATIONS**

The costs associated with the reviewing the Community Strategic Plan are estimated to be \$15,000 in consultants costs or alternatively Council staff could undertake the process via survey, public comment or other method which would attract a minimum participation of 10% of the community.

**STRATEGIC IMPLICATIONS**

This matter is not dealt with in the Shire of Kent Community Strategic Plan 2013 - 2022

**COMMENT**

The attached Community Strategic Plan was very similar to the original Community Plan and was an attempt to bring as many of the Community's aspirations to reality as is practicable. Some of the matters raised were beyond the reach of a small rural Council however many can be achieved with prudent planning.

The Community had the opportunity to comment on the original plan and a number of copies of the plan were sent to interested parties however I received no submissions regarding the content.

**ATTACHMENTS**

Community Strategic Plan  
Review document of current outcomes

**VOTING REQUIREMENT**

Simple Majority

**RECOMMENDATION**

**That the Council:**

**Undertake a review of the Community Strategic Plan through community consultation using a survey, public comment, direct mailout or staff facilitated workshops.**

<b>4441 - COUNCIL RESOLUTION (Officer Recommendation)</b>
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**MOVED Cr M Tuffley / Cr M Stephens**

**That the Council:**

**Undertake a review of the Community Strategic Plan through community consultation using surveys, public comment and direct mailout.**

**CARRIED 7/0  
By Simple 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>4442 - COUNCIL RESOLUTION</b>
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**MOVED Cr M Tuffley / Cr B Altham**

**That the council:**

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

**CARRIED 7/0  
By Simple Majority**

#### **11.1.1 LEASE AGREEMENT – NYABING TELEPHONE EXCHANGE**

<b>DATE:</b>	20 <sup>th</sup> April 2015
<b>PROPONENT:</b>	Telstra
<b>LOCATION:</b>	Nyabing
<b>SUBJECT:</b>	Lease for Nyabing Exchange
<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 proposal from Telstra to put in place a basic access lease for the Nyabing Telephone Exchange site which is owned by the Council.

#### **BACKGROUND**

Telstra is seeking to put in place a lease agreement for the Nyabing Telephone exchange site so that security of tenure can be demonstrated to the State Government for the provision of Mobile Services to the Nyabing Townsite.

Historically there has been no formal agreement on tenure for the site with the Council and the State funding for the proposed mobile services in the townsite relies upon tenure being granted.

#### **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 Shire of Kent has obviously agreed to the hosting of the exchange at this site and now Telstra is seeking to enter into a lease agreement to continue with the Mobile Phone upgrade project at the site.

A copy of the proposed conditions and drawings of the site are included for the Councillors information. For the project to continue as quickly as possible it is suggested that the Council delegate authority to the CEO to negotiate the lease based upon the attached conditions with any significant departures to be referred back to the Council at the next available meeting.

### **ATTACHMENTS**

Letter – Deighton Pty Ltd – Telstra Consultant  
Site drawings

### **VOTING REQUIREMENT**

Absolute Majority

### **RECOMMENDATION**

**That the Council:**

**Delegate authority to the CEO to negotiate a lease agreement with Telstra for the Nyabing Telephone Exchange site based upon the attached draft conditions.**

<b>4443 - COUNCIL RESOLUTION (Officer Recommendation)</b>
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**MOVED Cr G Browne / Cr M Stephens**

**That the Council:**

**Delegate authority to the CEO to negotiate a lease agreement with Telstra for the Nyabing Telephone Exchange site based upon the attached draft conditions.**

**CARRIED 7/0  
By Simple Majority**

#### **11.1.2 RENTAL CHARGE – LOT 69, 12 REID STREET PINGRUP**

<b>DATE:</b>	21 April 2015
<b>SUBJECT:</b>	Rental Charge – Lot 69, 12 Reid Street Pingrup
<b>PROPONENT:</b>	Michelle Bamess - Deputy Chief Executive Officer
<b>LOCATION:</b>	Whole of the Shire
<b>AUTHOR:</b>	Michelle Bamess - Deputy Chief Executive Officer
<b>REPORTING OFFICER:</b>	Peter Bentley - Chief Executive Officer
<b>FILE NO:</b>	FIN15.5
<b>ASSESSMENT NO:</b>	N/A

### **PURPOSE**

For Council to consider and adopt, with or without modification, a staff rental charge for Lot 69, 12 Reid Street Pingrup.

**BACKGROUND**

In January 2015 Council received notification from the Department of Housing that it would not be renewing the lease of Lot 69, 12 Reid Street Pingrup as it was unable to identify a future requirement and therefore it would be officially relinquishing the property as of 24 February 2015.

As this property was leased to the Department of Housing from the time it was built, a commercial rental charge has applied to the property for the duration of the lease agreement. There has not been a Staff Per Week or Private Per Week rental charge set by Council for the property.

As this property is no longer required it will now be used to house the new CESM and his family, recently appointed to service the Shires of Kent, Lake Grace and Dumbleyung.

**STATUTORY IMPLICATIONS**

Local Government Act 1995 – Section 6.16 and 6.17

Local Government Act (Financial Management) Regulations 1996

**POLICY IMPLICATIONS**

Council's current policy is as follows:

*11.1.1 HOUSING RENTAL*

*Shire of Kent employees receive subsidised housing, which is based on market rental values.*

*Surplus staff housing rentals are determined purely based on the market value for a rental of that particular nature in this area.*

**FINANCIAL IMPLICATIONS**

The proposed changes minimally increase Council's revenue stream.

**STRATEGIC IMPLICATIONS**

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

**COMMENT**

Council to consider and adopt, with or without modification, the inclusion of a staff rental charge for Lot 69, 12 Reid Street Pingrup to the Schedule of Rental Charges for 2014/2015. Based upon current rental charges for staff properties, it is recommended that \$100 per week be charged for Lot 69, 12 Reid Street Pingrup.

**ATTACHMENTS**

- Shire of Kent Schedule of Rental Charges, Budget Year Ended 30 June 2015

**VOTING REQUIREMENT**

Simple Majority

**RECOMMENDATION**

**That the Council:**

Adopt a fee of \$100.00 for the rental of Lot 69, 12 Reid Street Pingrup, to be included in the Schedule of Fees & Charges – 2014/2015.

<b>4444 - COUNCIL RESOLUTION (Officer Recommendation)</b>
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MOVED Cr A Smith / Cr G Browne

That the Council:

Adopt a fee of \$100.00 for the rental of Lot 69, 12 Reid Street Pingrup, to be included in the Schedule of Fees & Charges – 2014/2015.

**CARRIED 7/0**  
**By Simple Majority**

### 11.1.3 ALGA PROPOSED RESOLUTION

<b>DATE:</b>	17 <sup>th</sup> April 2015
<b>PROPONENT:</b>	ALGA
<b>LOCATION:</b>	Whole of Shire
<b>SUBJECT:</b>	Proposed Resolution
<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 the attached proposed resolution form ALGA.

#### **BACKGROUND**

Council has received a letter and proposed resolution from ALGA with regard to the freezing of the Federal Financial Assistance Grants. The Resolution is just a recognition of the importance of the funding and does not request the actual indexation of the grants.

#### **STATUTORY IMPLICATIONS**

Local Government Act (1995)

#### **POLICY IMPLICATIONS**

The Council has no specific policy regarding this matter.

#### **FINANCIAL IMPLICATIONS**

No direct implications however the resolution refers to the indexing of FAGS.

#### **STRATEGIC IMPLICATIONS**

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

#### **COMMENT**

The Shire of Kent would benefit from the indexation of FAGS and would be significantly disadvantaged with the withdrawal of the FAGS. The request is really suggesting a country wide media campaign about FAGS.

**ATTACHMENTS**

Letter – ALGA/WALGA

**VOTING REQUIREMENT**

Simple Majority

**RECOMMENDATION**

**That the Council:**

- 1. Acknowledges the importance of federal funding through the Financial Assistance Grants program for the continued delivery of council's services and infrastructure;**
- 2. Acknowledges that the council will received \$X in the 2014/15 financial year;**

**AND**

- 3. Will ensure that this federal funding, and other funding provided by the Federal Government under relevant grant programs, is appropriately identified as commonwealth grant funding in council publications and annual reports.**

**4445 - COUNCIL RESOLUTION (Officer Recommendation)**

**MOVED Cr M Stephens / Cr G Collins**

**That the Council:**

- 1. Acknowledges the importance of federal funding through the Financial Assistance Grants program for the continued delivery of council's services and infrastructure;**
- 2. Acknowledges that the council will received \$X in the 2014/15 financial year;**

**AND**

- 3. Will ensure that this federal funding, and other funding provided by the Federal Government under relevant grant programs, is appropriately identified as commonwealth grant funding in council publications and annual reports.**

**CARRIED 7/0  
By Simple Majority**

**12. INFORMATION BULLETIN**

<b>4446- COUNCIL RESOLUTION (Officer Recommendation)</b>
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**MOVED Cr M Tuffley / Cr G Browne**

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

**CARRIED 7/0  
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 5.47 pm