

**MARCH 2019 MINUTES**  
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**1. DECLARATION OF OPENING & ANNOUNCEMENT OF VISITORS**

The Chair Person, Shire President Cr Alan Smith, declared the meeting opened at 5.57pm.

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

**Members**

Cr AL Smith	Shire President
Cr GM Collins	Deputy Shire President
Cr SR Crosby	Member
Cr JN Germain	Member
Cr BC Bamess	Member
Cr KR Stephens	Member
Cr TD Borgward	Member

**Staff**

RJ Miller	Chief Executive Officer
M Bamess	Deputy Chief Executive Officer
GD Mathewson	Works Manager
CJ Smith	Executive Support/Project Officer

**Members of the Public**

Nil

**Apologies**

**Members on Leave of Absence**

Cr KV Johnston	Member
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**3. DECLARATION OF INTERESTS:**

• **Financial Interest:**

Nil

• **Members Impartiality Interest**

9.1.8 CBH PROPOSED ACCOMODATION AT THE PINGRUP CARAVAN PARK:-  
Cr TD Borgward

• **Proximity Interest:**

Nil

**4. PUBLIC QUESTION TIME:**

Nil

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

Nil

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

**6.1 Ordinary Meeting of Council held on Wednesday 13 February, 2019**

That the minutes of the Ordinary Meeting of the Shire of Kent held on Wednesday 13 February, 2019 in the Pingrup Pavilion be confirmed as a true and accurate record of proceedings and duly signed.

**1819/013 - COUNCIL RESOLUTION (Officer Recommendation)**

**MOVED Cr JN Germain / Cr SR Crosby**

**That the minutes of the Ordinary Meeting of the Shire of Kent held on Wednesday 13 February, 2019 in the Pingrup Pavilion be confirmed as a true and accurate record of proceedings and duly signed.**

**CARRIED 7/0  
By Simple Majority**

**6.2 Elector's Meeting held on Wednesday 13 February, 2019**

That the minutes of the Elector's Meeting of the Shire of Kent held on Wednesday 13 February, 2019 in the Pingrup Pavilion be confirmed as a true and accurate record of proceedings and duly signed.

**1819/014 - COUNCIL RESOLUTION (Officer Recommendation)**

**MOVED Cr KR Stephens / Cr BC Bamess**

**That the minutes of the Elector's Meeting of the Shire of Kent held on Wednesday 13 February, 2019 in the Pingrup Pavilion 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:**

Nil

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

Nil

## 9. OFFICERS REPORTS:

### 9.1.1 MONTHLY FINANCIAL REPORTS TO 28 FEBRUARY 2019

<b>PROPOSED MEETING DATE:</b> <b>PROPONENT:</b> <b>LOCATION:</b> <b>AUTHOR:</b> <b>REPORTING OFFICER:</b> <b>FILE NO:</b> <b>ASSESSMENT NO:</b> <b>ATTACHMENTS:</b>	20 March 2019 N/A N/A Michelle Bamess –Deputy Chief Executive Officer Michelle Bamess –Deputy Chief Executive Officer FIN30.20 N/A 1. Monthly Financial Reports to 28 February 2019 (including Statement of Financial Activities, Notes 3-11 and Budget Variances to 28 February 2019)
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#### **PURPOSE**

In accordance with the Local Government (Financial Management) Regulations 1996, to allow 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 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

**RECOMMENDATION**

That Council receive the following Monthly Financial Reports as presented:

- o Monthly Financial Reports to 28 February 2019

**1819/ 015 - COUNCIL RESOLUTION (Officer Recommendation)**

**MOVED Cr JN Germain / Cr SR Crosby**

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

- **Monthly Financial Reports to 28 February 2019**

**CARRIED 7/0  
By Simple Majority**

**9.1.2 SCHEDULE OF ACCOUNTS PAID TO 28 FEBRUARY 2019**

<b>PROPOSED MEETING DATE:</b>	20 March 2019
<b>PROPONENT:</b>	N/A
<b>LOCATION:</b>	N/A
<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
<b>ATTACHMENTS:</b>	1. Schedule of Accounts submitted 20 March 2019

**PURPOSE**

Council endorsement of payment to Creditors under CEO Delegated Authority 2.3.

**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.

**STATUTORY IMPLICATIONS**

Local Government Act 1995 – Section 6.4

Local Government (Financial Management) Regulations 1996 – Part 2 – Regulation 11 & 12

**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 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

### **RECOMMENDATION**

**That Council endorse the payments from the Municipal Fund and Trust Fund:**

<b>Municipal Fund</b>	<b>\$491,395.69</b>
<b>Trust Fund</b>	<b>\$311.85</b>
<b>Direct Debits</b>	<b><u>\$206,965.93</u></b>
<b>TOTAL</b>	<b><u>\$698,673.47</u></b>

### **1819/ 016 - COUNCIL RESOLUTION (Officer Recommendation)**

**MOVED Cr TD Borgward / Cr JN Germain**

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

<b>Municipal Fund</b>	<b>\$491,395.69</b>
<b>Trust Fund</b>	<b>\$311.85</b>
<b>Direct Debits</b>	<b><u>\$206,965.93</u></b>
<b>TOTAL</b>	<b><u>\$698,673.47</u></b>

**CARRIED 7/0  
By Simple Majority**

### **9.1.3 STATUS OF COUNCIL DECISIONS – FEBRUARY 2019**

<b>PROPOSED MEETING DATE:</b>	20 March 2019
<b>PROPONENT:</b>	N/A
<b>LOCATION:</b>	N/A
<b>AUTHOR:</b>	Rick Miller – Chief Executive Officer
<b>REPORTING OFFICER:</b>	Rick Miller – Chief Executive Officer
<b>FILE NO:</b>	041.1.1
<b>ASSESSMENT NO:</b>	N/A
<b>ATTACHMENTS:</b>	Council Resolution Register

### **PURPOSE**

To inform 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

**RECOMMENDATION**

**That Council receive the Council Resolutions Register for the month of February 2019.**

<b>1819/ 017 - COUNCIL RESOLUTION</b>
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**MOVED Cr GM Collins / Cr KR Stephens**

**That the Council:**

**Receive the Council Resolutions Register for the month of February 2019.**

**CARRIED 7/0  
By Simple Majority**

**9.1.4 ADOPTION OF THE 2018/2019 BUDGET REVIEW**

<b>PROPOSED MEETING DATE:</b>	20 March 2019
<b>PROPONENT:</b>	N/A
<b>LOCATION:</b>	Shire of Kent
<b>AUTHOR:</b>	Christie Smith – Executive Support/Project Officer
<b>REPORTING OFFICER:</b>	Rick Miller – Chief Executive Officer
<b>FILE NO:</b>	042.6.3
<b>ASSESSMENT NO:</b>	N/A
<b>ATTACHMENTS:</b>	Budget Review 2018/2019 Supporting Information provided under separate cover to Councillors and copy to be tabled at meeting.

**PURPOSE**

To consider and adopt the Budget Review as presented in the Statement of Financial Activity for the period 1 July 2018 to 28 February 2019.

**BACKGROUND**

A Statement of Financial Activity incorporating year to date budget variations and forecasts to 30 June 2019 for the period ending 28 February 2019 is presented for Council to consider.

The *Local Government (Financial Management) Regulations 1996*, regulation 33A, requires that local governments conduct a budget review between 1 January and 31 March in each financial year.

A copy of the review and determination is to be provided to the Department of Local Government within 30 days of the adoption of the review.

**COMMENT**

The budget has been reviewed to continue to deliver on other strategies adopted by the council and maintains a high level of service across all programs.

Budget review as presented is a balanced budget with a nil surplus/deficit. There is a reduction in the bought forward balance of \$350,795, this is due to estimating the bought forward figure at budget preparation.

There were no major variations within the operating. Most variations are due to administration allocated, plant operating costs and public works overhead allocations, which is due to indirect costs allocating. There is an increase in income of \$214,156 from the Federal Assistance Grants, these were estimated at budget time due the payment schedule not being released.

An amount of \$52,500 is also listed as an income variation; this is due to a grant payment for the Pingrup Pavilion that was budgeted to be received in the 17/18 financial year however payment was received within this financial year.

Some savings have been made in the capital housing upgrades by reconsidering air conditioning at 28 Aspendale Street and also deferring the bathroom renovation at 1/15 George Street. The upgrade of the Richmond Street Ablutions came in under budget with a saving of \$9,500.

The replacement of the back windows at the Pingrup Pavilion has been put on hold for future consideration, therefore saving \$25,000 in this financial year. However, some minor operational works will be undertaken to enclose the bottom windows.



It has been discussed that a mulcher and tree grabber would be beneficial for the newly purchased excavator. An allowance of \$70,000 has been included as a variation for Council to consider these purchases for this financial year, however from quotations recently received this could be less. The mulcher head quotes received were quite high at over \$50k and has been included in review. However, officers are further investigating more suitable models which should be at a reduced price.

Also included is a variation of \$13,500 expenditure has been allocated for remote access to both fuel systems at both Nyabing and Pingrup depots. This is a fuel management system that provides security, centralised reporting and will provide more precise data for fuel stock reconciliations and reduce field staff time to collect and download data.

Although the capital housing projects through the Great Southern Housing Initiative have not commenced the budget allocations have been left as the original amounts. This project has been 2 years in the making and has suffered some setbacks and delays through scope changes and withdrawal of state funding. The final revised agreement was not signed off until Jan/Feb 2019 and approval to spend funds has only just been given. We expect to do preliminary work and advertise tenders this financial year which will require some minor expenditure. The balance of funds will need to be carried forward with the remaining expenditure to occur in 2019/20 as the 4 houses are built.

The expenditure for the Nyabing Caravan Park redevelopment has been reduced to accommodate the variations; a small amount of expenditure may occur in the latter part of this financial year but will only be for consultants, planning and design phases. This will allow more informed scoping and planning and for presentation to Council in April.

#### **STATUTORY IMPLICATIONS**

*Local Government Act (1995)*

Regulation 33A of the *Local Government (Financial Management) Regulations 1996* requires:

- (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) Consideration and review is to be given to a local government's financial performance in the period beginning on 1 July and ending no earlier than 31 December in that financial year.
  - (3) 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.
  - (4) 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.
- (5) 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**

**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**

Absolute Majority

**RECOMMENDATION**

That Council adopt the budget review with the following variations for the period 1 July 2018 to 28 February 2019 and amend the budget accordingly:

<b>Rates Income – small difference from rates modelling</b>	<b>(\$6499)</b>
<b>Federal Assistance Grants - estimated at budget time</b>	<b>(\$200,306)</b>
<b>Professional Services – Council – Consultant for Asset Management Plan</b>	<b>\$20,000</b>
<b>Members of Council – reduction conference expenses</b>	<b>(\$14,500)</b>
<b>Insurance adjustment</b>	<b>(\$885)</b>
<b>Public Building &amp; Housing savings</b>	<b>(\$4442)</b>
<b>Reduction in admin contract services</b>	<b>(\$3000)</b>
<b>Overlooked budget figure for SMS service</b>	<b>\$3000</b>
<b>Chemicals purchased already in 17/18</b>	<b>(\$5000)</b>
<b>Drum Muster Reimbursements</b>	<b>(\$3000)</b>
<b>Grant Income received 18/19 was expected in 17/18</b>	<b>(\$52,500)</b>
<b>Process credit note for a debtor in 17/18, raised incorrectly</b>	<b>\$10,000</b>
<b>Insurance Income KT003</b>	<b>(\$26,587)</b>
<b>Contribution towards Trails Master Plan</b>	<b>\$2000</b>
<b>Insurance Claim for KT002 finalised late 17/18 after budget. KT003 showi schedule 12</b>	<b>\$60,000</b>
<b>Admin Allocation, PWOH and POC variations</b>	<b>\$2920</b>
<b>Capital Public Building and Housing Upgrades</b>	<b>(\$31,500)</b>
<b>Richmond Street Ablutions – savings</b>	<b>(\$9,500)</b>
<b>Plant Purchases – savings</b>	<b>(\$55,844)</b>
<b>Mulcher and Tree Grabber for new excavator</b>	<b>\$70,000</b>
<b>Remote access to fuel systems – management system</b>	<b>13,500</b>
<b>Nyabing Caravan Park Redevelopment</b>	<b>(\$59,026)</b>
<b>Proceeds on disposal of assets – increase</b>	<b>(\$59626)</b>
<b>Difference in Bought Forward Figure 30 June 18</b>	<b>\$350,795</b>

<b>1819/ 018 - COUNCIL RESOLUTION</b>
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**MOVED Cr KR Stephens / Cr BC Bamess**

**That the Council:**

**Adopt the budget review with the following variations for the period 1 July 2018 to 28 February 2019 and amend the budget accordingly:**

<b>Rates Income – small difference from rates modelling</b>	<b>(\$6499)</b>
<b>Federal Assistance Grants - estimated at budget time</b>	<b>(\$200,306)</b>
<b>Professional Services – Council – Consultant for Asset Management Plan</b>	<b>\$20,000</b>
<b>Members of Council – reduction conference expenses</b>	<b>(\$14,500)</b>
<b>Insurance adjustment</b>	<b>(\$885)</b>
<b>Public Building &amp; Housing savings</b>	<b>(\$4442)</b>
<b>Reduction in admin contract services</b>	<b>(\$3000)</b>
<b>Overlooked budget figure for SMS service</b>	<b>\$3000</b>
<b>Chemicals purchased already in 17/18</b>	<b>(\$5000)</b>
<b>Drum Muster Reimbursements</b>	<b>(\$3000)</b>
<b>Grant Income received 18/19 was expected in 17/18</b>	<b>(\$52,500)</b>
<b>Process credit note for a debtor in 17/18, raised incorrectly</b>	<b>\$10,000</b>
<b>Insurance Income KT003</b>	<b>(\$26,587)</b>
<b>Contribution towards Trails Master Plan</b>	<b>\$2000</b>
<b>Insurance Claim for KT002 finalised late 17/18 after budget. KT003 showi schedule 12</b>	<b>\$60,000</b>
<b>Admin Allocation, PWOH and POC variations</b>	<b>\$2920</b>
<b>Capital Public Building and Housing Upgrades</b>	<b>(\$31,500)</b>
<b>Richmond Street Ablutions – savings</b>	<b>(\$9,500)</b>
<b>Plant Purchases – savings</b>	<b>(\$55,844)</b>
<b>Mulcher and Tree Grabber for new excavator</b>	<b>\$70,000</b>
<b>Remote access to fuel systems – management system</b>	<b>13,500</b>
<b>Nyabing Caravan Park Redevelopment</b>	<b>(\$59,026)</b>
<b>Proceeds on disposal of assets – increase</b>	<b>(\$59626)</b>
<b>Difference in Bought Forward Figure 30 June 18</b>	<b>\$350,795</b>

**CARRIED 7/0  
By Absolute Majority**

**9.1.5 WESTERN AUSTRALIAN PLANNING COMMISSION 157685 LOTS 6660 & 6661 NYABING ROAD SOUTH, NYABING SUBDIVISION OF PROPERTY (BOUNDARY REALIGNMENT)**

<b>PROPOSED MEETING DATE:</b>	20 March 2019
<b>PROPONENT:</b>	35 Degrees South
<b>LOCATION:</b>	Lots 6660 & 6661 Nyabing Road South, Nyabing
<b>AUTHOR:</b>	Carly Rundle – Planning Consultant
<b>REPORTING OFFICER:</b>	Rick Miller – Chief Executive Officer
<b>FILE NO:</b>	103.1.2
<b>ASSESSMENT NO:</b>	N/A
<b>ATTACHMENTS:</b>	1. WAPC Application Details and Plan of Subdivision

**PURPOSE**

For Council to provide a response to correspondence received from the Western Australian Planning Commission (WAPC) seeking Council's comments on the proposed subdivision of Lots

6660 and 6661 Nyabing Road South, Nyabing. The application involves a proposed lot boundary realignment where no additional lots or dwelling entitlements will be created.

### **BACKGROUND**

Lots 6660 and 6661 Nyabing Road South, Nyabing are adjoining rural land holdings located approximately 14km south of the Nyabing townsite. Both lots front and are accessed via Nyabing Road South, which is constructed to a gravel standard. Lots 6661 and 6660 are intersected by Nyabing Road South. A road reserve also exists to the north of both lots, which is currently unconstructed.

Both lots are vacant of development and contain improvements such as dams and fencing related to the broadacre agricultural uses of the property.

35 Degrees South, on behalf of the current landowner has lodged an application with the WAPC for subdivision (boundary realignment) of Lots 6660 and 6661 Nyabing Road South, Nyabing to form two (2) new green title lots which are not intersected by the road. The Plan of Subdivision is provided in Attachment 1 and is summarised in the table below:

<b>Lot</b>	<b>Existing land area</b>	<b>Proposed land area</b>
6660	382.43ha	
6661	231.21 ha	
Proposed Lot A		167.75 ha
Proposed Lot B		445.89 ha

In accordance with Section 142 (2) of the Planning and Development Act 2005 the Shire of Kent has forty two (42) days to provide the WAPC with any comments and/or recommendations considered relevant to the proposal.

### **COMMENT**

In considering this subdivision application Council should have due regard to provisions contained in the following planning documents prior to formulating its response to the WAPC:

- State Planning Policy 2.5 – Rural Planning and Development Control Policy No. DC 3.4 – Subdivision of Rural Land; and
- State Planning Policy 3.7 – Planning in Bush Fire Prone Areas.

Both lots 6660 and 6661 are located outside the scheme map areas of the Shire of York Town Planning Scheme No. 2.

#### State Planning Policy 2.5 Rural Planning (SPP2.5) and Development Control Policy No.3.4 – Subdivision of Rural Land (DC3.4)

The intent of SPP2.5 is to protect and preserve Western Australia's rural land assets due to the importance of their economic, natural resource, food production, environmental and landscape values. To meet the objectives of SPP2.5, a policy measure is listed as to 'creating new rural lots only in accordance with the circumstances under which rural subdivision is intended in DC3.4. DC3.4 outlines that rural subdivision may be supported where it is to realign lot boundaries with no increase in the number of lots and where the resultant lots will not adversely affect rural land uses. It provides the following criteria for boundary realignments:

- there is no increase in the number of lots;
- the new boundaries achieve improved environmental and land management practices and minimise adverse impacts on rural land use;
- In instances where a subdivision only proposes to realign existing lot boundaries, where no change to the land use and/or landform is proposed, and no additional

development is proposed, applications for property rationalisation may be unconditionally approved.

The subdivision proposes a boundary realignment which will result in two newly configured lots which are not divided by a road reserve. Both lots will remain of sufficient area for agricultural uses to continue as the predominant land use and will continue to have access to a constructed (gravel) road. No new dwelling entitlements are being created by the subdivision and the new boundaries which remove the previous division by the road, are logical in terms of farm management and constructed features. In considering the nature and intent of the proposed subdivision it is considered that the proposal will facilitate the ongoing use of the land for agricultural purposes and is therefore consistent with broader objectives for 'Rural' land in SPP 2.5 and subdivision criteria outlined in DC3.4.

#### SPP3.7 Planning in Bushfire Prone Areas (SPP3.7)

The property is identified as being within a designated 'bushfire prone' area, where SPP3.7 is to be given due regard. The objectives of the policy are generally to avoid any increase in the threat of bushfire to people, property and infrastructure, and that the preservation of life and the management of bushfire impact are paramount. Information to demonstrate compliance with SPP3.7 criteria and guidelines would normally be required to be submitted with any subdivision application, although exemptions to this can be given if it is considered that the proposal does not result in the intensification of development (or land use). It is considered that the boundary realignment falls within this exemption. It is also considered that both lots resulting from the subdivision will retain sufficient developable area for a dwelling which could achieve a low/moderate rating, will retain adequate vehicular access and access to at least one farm dam which is considered appropriate.

In summary it is recommended that Council advise the WAPC that it unconditionally supports the application in accordance with the details of the submitted plans.

#### **STATUTORY IMPLICATIONS**

Planning and Development Act (2005)

#### **POLICY IMPLICATIONS**

The Council has no specific policy regarding this matter.

Western Australian Planning Commission Development Control Policy No. 3.4 – Subdivision of Rural Land

#### **FINANCIAL IMPLICATIONS**

Nil

#### **STRATEGIC IMPLICATIONS**

**Community Strategic Plan 2017-2027**

**Economic Objective - Support growth and progress, locally and regionally.**

Outcome 1.4 Agriculture opportunities maintained and developed

1.4.1 Support development of agricultural services

#### **RISK IMPLICATIONS**

N/A

#### **VOTING REQUIREMENT**

Simple Majority

#### **RECOMMENDATION**

**That Council advises the Western Australian Planning Commission that it unconditionally supports the proposed subdivision of Lots 6660 and 6661 Nyabing Road South, Nyabing into**

two (2) new green title lots in accordance with the Plan of Subdivision Drawing DWG5041S A dated Jan 2019.

<b>1819/019 - COUNCIL RESOLUTION</b>
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**MOVED Cr SR Crosby / Cr BC Bamess**

**That the Council:**

**Advises the Western Australian Planning Commission that it unconditionally supports the proposed subdivision of Lots 6660 and 6661 Nyabing Road South, Nyabing into two (2) new green title lots in accordance with the Plan of Subdivision Drawing DWG5041S A dated Jan 2019.**

**CARRIED 7/0  
By Simple Majority**

**9.1.6 WHEATBELT REGION PARKS AND RESERVES DRAFT MANAGEMENT PLAN 2019, CONSERVATION AND PARKS COMMISSION (CPC)**

<b>PROPOSED MEETING DATE:</b>	20 <sup>th</sup> March 2019
<b>PROPONENT:</b>	N/A
<b>LOCATION:</b>	Shire of Kent
<b>AUTHOR:</b>	Paul Leoni – NRM Community Support Officer
<b>REPORTING OFFICER:</b>	Rick Miller – CEO
<b>FILE NO:</b>	044.1.23
<b>ASSESSMENT NO:</b>	N/A
<b>ATTACHMENTS:</b>	1 – Submission comments on the draft plan; 2 – Extract from the draft plan (Section 5); 3 – Extract from the draft plan (Appendix 4); 4 – Maps of Kent Shire reserves in Appendix 4 of the draft plan.

**PURPOSE**

For council to consider submitting comment (Attachment 1) on the draft plan to the Conservation and Parks Commission (CPC), Department of Biodiversity, Conservation and Attractions (DBCA). Comments focus specifically on sections highlighted in Attachment 2.

**BACKGROUND**

On 19-Feb the Shire of Kent received an email from the CPC with an attached letter referring to comment of the draft plan (due by 05-Apr). Here is an extract from the letter:

## WHEATBELT REGION PARKS AND RESERVES DRAFT MANAGEMENT PLAN 2019

Please find enclosed an e-copy of the *Wheatbelt Region Parks and Reserves Draft Management Plan 2019* for your information. The plan was prepared by the Conservation and Parks Commission through the agency of the Department of Biodiversity, Conservation and Attractions in accordance with the *Conservation and Land Management Act 1984* (CALM Act). The plan was released for public comment by the Minister for Environment on 5 February 2019.

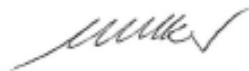
Under section 59(2) of the CALM Act, the Conservation and Parks Commission, as the controlling body, is required to submit draft management plans to the local government of each district within which the land in question is situated.

Submissions on the plan can be made online at [www.dbca.wa.gov.au/haveyoursay](http://www.dbca.wa.gov.au/haveyoursay), or posted to:

Planning Branch  
Parks and Wildlife Service  
Department of Biodiversity, Conservation and Attractions  
Locked Bag 104  
Bentley Delivery Centre WA 6983

The closing date for public comment is 5 April 2019, following which the management plan will be reviewed in light of all submissions received. A summary of submissions will be made available along with the final management plan.

Yours sincerely



Marion Fulker  
CHAIR

### **COMMENT**

A visual check of orthophoto mapping (Attachment 4) of the 'proposed reserves' in the Shire of Kent as listed in Appendix 4 of the draft management plan (Attachment 3) identified the following non-scheme water (and storm water) infrastructure areas contained within 'parts of' the proposed reserves:

1. Gaby's Dam, south of McLaren Rd, east of Fence Rd.
  - Crown Reserves: 10188 (unvested); 14417 (DWER); and 21162 (unvested).
  - Disused dam with adjacent roaded catchment and natural waterway.
  - Has potential for rehabilitation to re-establish it as a community water point.
2. Kwobrup Railway Dam, west of Kwobrup Rd, north/south of Katanning-Nyabing Rd.
  - Kwobrup Nature Reserve 14522 (DWER).
  - Functioning bitumen catchment, dam, tanks and stand pipe.
  - Has potential to increase catchment area via grade bank installation.
3. Chinocup Dam, west of Chinocup Rd, just south of Sutherland Track.
  - Chinocup Dam Nature Reserve 18803 (DWER).
  - Functioning dam with adjacent roaded catchment and natural waterway.
  - Has potential for improvements to maintain it as a community water point.
4. Lake Bryde Dam, north of Lake Bryde Rd.
  - Crown Reserve 28667 (DWER), surrounded by Conservation Park 48436.
  - Periodically used lake-bunded-dam with adjacent roaded catchment.
  - Limited scope of rehabilitation due to surrounding conservation park.
5. Pingrup Cemetery Lake, north of Cemetery/Gypsum Access Rd.
  - UCL (PIN 660500), just west of DBCA nature reserve 23218

- Critical discharge point of Pingrup's main stormwater drain.

Assuming a 'nature reserve' will exclude water use and stormwater discharge, it is Officer's opinion that it is critical to maintain access and use of the assets to minimise water issues (drought and flood impact on Pingrup town-site).

A copy of the draft 'Wheatbelt Region Parks and Reserves Draft Management Plan 2019' can be downloaded from <https://www.dpaw.wa.gov.au/parks/management-plans/draft-plans-open-for-public-comment>. A hard copy will be tabled at Council meeting and relevant excerpts have been attached as part of this agenda.

#### **STATUTORY IMPLICATIONS**

Nil

#### **POLICY IMPLICATIONS**

Nil

#### **FINANCIAL IMPLICATIONS**

Nil

#### **STRATEGIC IMPLICATIONS**

##### **Community Strategic Plan 2017-2027**

##### **Economic Objective - Support growth and progress, locally and regionally.**

Outcome 1.4 Agriculture opportunities maintained and developed

1.4.1 Support development of agricultural services

##### **Social Objective - To provide community facilities and promote social interaction**

Outcome 2.2 Build a healthier and safer community

2.2.1 Support the continuing provision of community services and facilities.

##### **Environment Objective - Conserve, protect and enhance our natural and built environment**

Outcome 3.1 A preserved natural environment

3.1.1 Conserve, enhance, promote and rehabilitate the natural environment

Outcome 3.3 Efficient use of resources

3.3.1 Increase resource usage efficiency

Outcome 3.4 A well maintained built environment

3.4.1 Improve and maintain built environment

#### **RISK IMPLICATIONS**

Access and use of community water assets within water reserves for minimisation of community water deficiency and associated impacts on agricultural livelihoods; and Pingrup stormwater discharge lake provides for protection of the Pingrup townsite from potential flood events and hence lowers the risk to the community.

#### **VOTING REQUIREMENT**

Simple Majority

#### **RECOMMENDATION**

**That Council direct the CEO to submit to the Conservation and Parks Commission comment on the draft management plan as per Attachment 1, prior to 5<sup>th</sup> April 2019.**



<b>1819/020 - COUNCIL RESOLUTION</b>
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**MOVED Cr TD Borgward/ Cr BC Bamess**

**That the Council:**

**Direct the CEO to submit to the Conservation and Parks Commission comment on the draft management plan as per Attachment 1, prior to 5<sup>th</sup> April 2019.**

**CARRIED 7/0  
By Simple Majority**

**9.1.7 LOCAL GOVERNMENT ACT REVIEW SUBMISSION TO DEPARTMENT LOCAL GOVERNMENT, SPORT AND CULTURAL INDUSTRIES**

<b>PROPOSED MEETING DATE:</b>	20 March 2019
<b>PROPONENT:</b>	N/A
<b>LOCATION:</b>	N/A
<b>AUTHOR:</b>	Rick Miller – Chief Executive Officer
<b>REPORTING OFFICER:</b>	Rick Miller – Chief Executive Officer
<b>FILE NO:</b>	GOV110.15
<b>ASSESSMENT NO:</b>	N/A
<b>ATTACHMENTS:</b>	1. Shire of Kent LG Act Review Advocacy Positions Survey Submission

**PURPOSE**

For Council to consider submitting a response on the LG Act Review consultation paper to Department of Local Government, Sport and Cultural Industries (DLGSCI)

**BACKGROUND**

At the Ordinary Council Meeting held 13 February 2019 it was resolved:

*“That Council:*

- 1. Endorse the WALGA advocacy positions and position statements as attached and with respect to the Local Government Act review;*
- 2. Direct the CEO to advise WALGA of support for the advocacy positions as stated so that a Sector response can be provided.”*

In 2017 the McGowan Government announced a review of the Local Government Act 1995 (the Act). This is the first significant reform of the legislation in more than two decades.

Due to the scope of works, the review has been undertaken in two phases.

Phase 1 commenced with both a community and Local Government consultation process in 2017. WALGA conducted a comprehensive consultation process with member Local Governments, resulting in the adoption of several policy positions on Phase 1. The drafting of a bill covering these areas is now underway and if this bill is successful it will result in amending The Act in the short term.

Phase 2 commenced in August 2018. This stage considers nine key topic areas, as outlined below, based on the themes Agile, Smart and Inclusive. Local Governments and community members are currently invited to have their say on the reform areas.

<b>Agile</b>	<b>Smart</b>	<b>Inclusive</b>
Beneficial enterprises	Administrative efficiencies – local laws	Community engagement – IPR
Financial Management	Council meetings	Complaints Management
Rates, fees and charge	Interventions	Elections

It should be noted that this is the first time significant reform of the Act has been undertaken in more than 20 years. It is really important for the Shire of Kent to put forward its position in relation to this reform.

#### **COMMENT**

On 19 October 2018, Shire of Kent staff and Shire president attended a forum whereby representatives from the Department of Local Government facilitated a discussion on the nine key topic areas.

There have been other events where DLGSCI have presented and encouraged participation in the review.

The Shire CEO has also discussed in Council briefing sessions and handed out an information package to all Councillors.

I have reviewed the statements from WALGA and advised that there will be nil adverse impact on the shire and that the positions will generally uphold the general competence principal currently embodied in the Local Government Act, provide for a flexible, principles based legislative framework and promote a size and scale compliance regime.

It will be recommended that these position statements as attached also be submitted directly to the DLGSCI as a shire submission prior to the 31 March 2019 deadline.

#### **STATUTORY IMPLICATIONS**

Local Government Act (1995)

#### **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

**RECOMMENDATION****That Council:**

1. Endorse the shire position statements in attachment 1 with respect to the Local Government Act review; and
2. Direct the CEO to submit the position statements to the Department Local Government, Sport and Cultural Industries by the 31 March 2019.

<b>1819/021 - COUNCIL RESOLUTION</b>
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**MOVED Cr GM Collins / Cr JN Germain**

**That the Council:**

1. Endorse the shire position statements in attachment 1 with respect to the Local Government Act review; and
2. Direct the CEO to submit the position statements to the Department Local Government, Sport and Cultural Industries by the 31 March 2019.

**CARRIED 7/0  
By Simple Majority**

**9.1.8 CBH PROPOSED ACCOMODATION AT THE PINGRUP CARAVAN PARK**

<b>PROPOSED MEETING DATE:</b>	20 March 2019
<b>PROPONENT:</b>	CBH GROUP
<b>LOCATION:</b>	Reserve 40279, Pingrup
<b>AUTHOR:</b>	Rick Miller – Chief Executive Officer
<b>REPORTING OFFICER:</b>	Rick Miller – Chief Executive Officer
<b>FILE NO:</b>	132.1.2; 103.1.2
<b>ASSESSMENT NO:</b>	N/A
<b>ATTACHMENTS:</b>	<ol style="list-style-type: none"> <li>1. Site Plans</li> <li>2. CBH Proposal</li> <li>3. CONFIDENTIAL ATTACHMENT – Sample Agreement</li> </ol>

**PURPOSE**

For Council to consider CBH proposal for accommodation to be placed at the Pingrup Caravan Park and to authorise the CEO to carry out negotiations and for any resulting agreement documents to be executed.

**BACKGROUND**

Talks were initiated in 2016 with a proposal to have worker accommodation on CBH site at Pingrup but, after submitting documents this did not progress. Following internal reviews by CBH another proposal was submitted in August 2017 for accommodation except, it was off site and they were seeking to use land at Pingrup Caravan Park before also coming to a halt and no actions resulted.

Around mid January 2019 a CBH representative has contacted the shire to restart the project and they would like to have units operational before the start of next harvest season and would like to do the works at the same time as other sites in the area this ideally may be in the next few months.

**Pingrup Caravan Park Details:**

Reserve 40279, 2.3009Ha, Pingrup Lot 105, Sanderson Street  
Vested in the Shire of Kent for the Purpose of Caravan Park, Parking and Historical Purposes.

The Department of Planning, Lands and Heritage have provided conflicting advice on whether this reserve has the power to lease but have committed to confirming one way or the other by the end of March.

### **COMMENT**

The CEO has been in discussions with CBH representatives on the approval and agreement process and the scope of works and long term benefits for the shire. The CEO met on site with CBD Hydraulic and Electrical contractors to discuss the proposal. CBH have further advised that they are ready to proceed as soon as Council gives approval.

Summary of discussions:

- Proposed buildings to be placed on site where old units were;
- Connection to existing sewer pipes and upgraded as needed;
- Accommodation and community space to be covered;
- Existing kitchen to be raised to match level of proposed accommodation to avoid ramps between the buildings;
- Community space between kitchen and units to be increased to 5m.
- Existing kitchen air conditioner and hot water to be considered for replacement;
- Oven and range hood to be installed in existing kitchen;
- Pathway to be built connecting to existing BBQ area;
- Landscaping and reticulation of adjacent areas;
- CBH would require use of all units during harvesting with Shire able to rent out during other times;
- Ongoing costings to be agreed. Sample MOU with another Council attached.

Before the project can proceed some further clarifications have been necessary as the shire does not own the land freehold which potentially introduces additions steps.

Summary of Issues being investigated:

- May not need a Development Application but will definitely need building permits.
- Clarifying advice that as the land is a reserve and is crown land that is vested in the shire , whether ministerial approval is required and whether the vesting needs changing to include the power to lease. Have had conflicting advice so far.
- Need to clarify if the structures are allowable under the current camping and caravan act and regs. There have been cases where structures have been placed at sites and now found to be non-compliant.
- Confirming interpretation of LGA 3.58 on disposal of land and whether exemption applies from LG Functions Reg (30)
- The MOU – Generally these are not legal instruments, but note from sample that it appears to be drafted as a legal doc and may be interpreted as a lease agreement which triggers involvement of state lands and ministerial approvals and advertising etc – These are being more closely scrutinised due to the Office of Auditor General now becoming involved as an auditor of Local Governments.

### **STATUTORY IMPLICATIONS**

N/A

### **POLICY IMPLICATIONS**

N/A

### **FINANCIAL IMPLICATIONS**

There would be ongoing asset maintenance and preservation costs that would need to be included in future budgets but these will not be known until final agreements have been reached.

**STRATEGIC IMPLICATIONS****Community Strategic Plan 2017-2027****Economic Objective - Support growth and progress, locally and regionally.****Outcome 1.1 Growth in business opportunities**

- 1.1.1 Attract new industry, business, investment and encourage diversity whilst encouraging growth of local business.
- 1.1.2 Promote the Shire of Kent and the Region in general.
- 1.1.5 Investigate the provision of short term seasonal worker and longer term accommodation

**RISK IMPLICATIONS**

N/A

**VOTING REQUIREMENT**

Absolute Majority

**RECOMMENDATION****That Council:**

1. Advise that it provides in principal support for the CBH proposal of supplying unit accommodation on R40279, Pingrup Caravan Park and authorise the CEO to progress discussions and negotiations with CBH; and
2. Authorise the Shire President and the CEO to sign an agreement on behalf of Council, resulting from negotiations and to execute the document and affix the common seal.

<b>1819/022 - COUNCIL RESOLUTION</b>
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**MOVED Cr SR Crosby / Cr BC Bamess****That the Council:**

1. Advise that it provides in principal support for the CBH proposal of supplying unit accommodation on R40279, Pingrup Caravan Park and authorise the CEO to progress discussions and negotiations with CBH; and
2. Authorise the Shire President and the CEO to sign an agreement on behalf of Council, resulting from negotiations and to execute the document and affix the common seal.

**CARRIED 7/0  
By Absolute Majority**

**9.1.9 MINUTES OF AUDIT COMMITTEE AND COMPLIANCE AUDIT RETURN 2018**

<b>PROPOSED MEETING DATE:</b>	20 March 2019
<b>PROPONENT:</b>	N/A
<b>LOCATION:</b>	N/A
<b>AUTHOR:</b>	Rick Miller – Chief Executive Officer
<b>REPORTING OFFICER:</b>	Rick Miller – Chief Executive Officer
<b>FILE NO:</b>	FIN5.15
<b>ASSESSMENT NO:</b>	N/A
<b>ATTACHMENTS:</b>	Shire of Kent Compliance Audit Return 2018

**PURPOSE**

Council to endorse recommendation from the Audit Committee of the Compliance Audit Return 2018.

**BACKGROUND**

Under the Local Government Audit Regulations 1996, Local Government is required to carry out a Compliance Audit for the period 1 January 2018 to 31 December 2018. The certified return must be submitted to the Director General, Department of Local Government, Sport and Cultural Industries by 31 March 2019.

**COMMENT**

Annual Compliance Audit Return 2018 was submitted for consideration of review by the Audit Committee and is now presented to Council for adoption. In carrying out the compliance return for 2018 there were no areas of non-compliance identified.

**STATUTORY IMPLICATIONS****Regulation 14 of the Local Government (Audit) Regulations 1996 provides:**

- (1) A local government is to carry out a compliance audit for the period 1 January to 31 December in each year.
- (2) After carrying out a compliance audit the local government is to prepare a compliance audit return in a form approved by the Minister.
- (3A) The local government's audit committee is to review the compliance audit return and is to report to the council the results of that review.
- (3) After the audit committee has reported to the council under subregulation (3A), the compliance audit return is to be —
  - (a) presented to the council at a meeting of the council; and
  - (b) adopted by the council; and
  - (c) recorded in the minutes of the meeting at which it is adopted.

**Regulation 15 provides that:**

- (1) After the compliance audit return has been presented to the council in accordance with regulation 14(3) a certified copy of the return together with —
  - (a) a copy of the relevant section of the minutes referred to in regulation 14(3)(c); and
  - (b) any additional information explaining or qualifying the compliance audit,
  - (c) is to be submitted to the Executive Director by 31 March next following the period to which the return relates.
- (2) In this regulation —
 

certified in relation to a compliance audit return means signed by —

  - (a) the mayor or president; and
  - (b) the CEO.

**POLICY IMPLICATIONS**

N/A

**FINANCIAL IMPLICATIONS**

N/A

**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.

**RISK IMPLICATIONS**

N/A

**VOTING REQUIREMENT**

Simple Majority

**RECOMMENDATION**

That Council:

1. Receives the minutes of the Audit Committee dated 20 March 2019.
2. Adopts the Compliance Audit Return 2018, as presented;
3. The Chief Executive Officer and the Shire President be authorised to sign the Compliance Audit Return 2018;
4. The Compliance Audit Return be submitted to the Department of Local Government, Sport and Cultural Industries by the 31 March 2019 deadline.

<b>1819/023 - COUNCIL RESOLUTION</b>
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**MOVED Cr KR Stephens / Cr GM Collins**

That the Council:

1. Receives the minutes of the Audit Committee dated 20 March 2019.
2. Adopts the Compliance Audit Return 2018, as presented;
3. The Chief Executive Officer and the Shire President be authorised to sign the Compliance Audit Return 2018;
4. The Compliance Audit Return be submitted to the Department of Local Government, Sport and Cultural Industries by the 31 March 2019 deadline.

**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**

**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 Alan Smith, closed the meeting at 6.20pm.