



13/04/2022

24-26 Richmond St
Nyabing WA 6341
Ph: (08) 9829 1051
Fax: (08) 9829 1083
Email: admin@kent.wa.gov.au
Website: www.kent.wa.gov.au

Dear President and Councillors,

NOTICE OF AN ORDINARY COUNCIL MEETING

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

Wednesday, 20 April 2022
At the Council Chambers,
Nyabing
Briefing Session - 4.30pm
Council Meeting - 5.30pm
Electors Meeting - 6:30pm

Open Council Meetings – Procedures

1. All Council meetings are open to the public, except for matters raised by Council under “confidential items”.
2. Members of the public may ask a question at an ordinary Council meeting under “public question time”.
3. Members of the public who are unfamiliar with meeting procedures are invited to seek advice at the meeting. If unsure about proceedings, just raise your hand when the presiding member announces public question time.
4. All other arrangements are in accordance with the Council’s standing orders, policies and decisions of the Shire.

Yours faithfully,

ADAM MAJID
CHIEF EXECUTIVE OFFICER

Disclaimer

Members of the Public are advised that the recommendations to Council contained within this agenda and decisions arising from the Council Meeting can be subject to alteration. Applicants and other interested parties should refrain from taking any action until such time as written advice is received confirming Council’s decision with respect to any particular issue.

AGENDA
20 APRIL 2022

Table of Contents

1.	DECLARATION OF OPENING AND ANNOUNCEMENT OF VISITORS.....	3
2.	RECORD OF ATTENDANCE/APOLOGIES AND APPROVED LEAVE OF ABSENCE	3
3.	DISCLOSURES OF INTEREST	3
4.	PUBLIC QUESTION TIME	3
5.	APPLICATIONS FOR LEAVE OF ABSENCE	3
6.	CONFIRMATION AND RECEIVING OF MINUTES/BUSINESS ARISING	4
6.1.1	ORDINARY MEETING OF COUNCIL HELD WEDNESDAY 16 MARCH, 2022	4
7.	ANNOUNCEMENTS BY THE PRESIDING PERSON WITHOUT DISCUSSION	4
8.	PETITIONS/DEPUTATIONS/PRESENTATIONS/SUBMISSIONS	4
9.	OFFICER REPORTS	4
9.1.1	MONTHLY FINANCIAL REPORTS TO 31 MARCH 2022	5
9.1.2	SCHEDULE OF ACCOUNTS PAID TO 31 MARCH 2022.....	7
9.1.3	STATUS OF COUNCIL DECISIONS – MARCH 2022	9
9.1.4	LOCAL ROADS AND COMMUNITY INFRASTRUCTURE PROGRAM – PHASE 3	11
9.1.5	PINGRUP CARAVAN PARK ACCOMMODATION FEES	14
9.1.6	NYABING COMMUNITY CHURCH.....	16
10.	ELECTED MEMBERS MOTION OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN	18
11.	NEW BUSINESS OF AN URGENT NATURE AGREED TO BY RESOLUTION OF COUNCIL	18
12.	MATTERS BEHIND CLOSED DOORS	18
12.1.1	CEO PROBATION PERIOD	19
13.	MEETING CLOSED.....	20

1. DECLARATION OF OPENING AND ANNOUNCEMENT OF VISITORS

The meeting was opened atpm by the Shire President.

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

Elected Members:

Staff:

Visitors:

Gallery:

APOLOGIES

- Cr Renae Jury

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

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

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

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

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

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

Section 5.25 *Local Government Act 1995*

6. CONFIRMATION AND RECEIVING OF MINUTES/BUSINESS ARISING

6.1.1 ORDINARY MEETING OF COUNCIL HELD WEDNESDAY 16 MARCH, 2022

OFFICER RECOMMENDATION

That the minutes of the Ordinary Council Meeting of the Shire of Kent held at the Council Chambers, on Wednesday 16 March, 2022 be CONFIRMED.

7. ANNOUNCEMENTS BY THE PRESIDING PERSON WITHOUT DISCUSSION

8. PETITIONS/DEPUTATIONS/PRESENTATIONS/SUBMISSIONS

9. OFFICER REPORTS

9.1.1 MONTHLY FINANCIAL REPORTS TO 31 MARCH 2022

PROPOSED MEETING DATE:	20 April 2022
PROPONENT:	N/A
LOCATION:	N/A
AUTHOR:	Christie Smith – Manager Corporate
REPORTING OFFICER:	Christie Smith – Manager Corporate
FILE NO:	FIN.73
ASSESSMENT NO:	N/A
ATTACHMENTS:	1 - Monthly Financial Reports to 31 March 2022
DISCLOSURE OF INTEREST:	Nil

PURPOSE

In accordance with the Local Government (Financial Management) Regulations 1996, to follow is the presentation of the Monthly Financial Reports to Council.

BACKGROUND

Monthly Financial Reports are to be presented to Council and are to be received by Council resolution.

COMMENT

The Monthly Financial Reports as presented indicate that Council continues to be in a sound financial position. The audited financials to 30 June 2021 are now finalized and authorized by the auditors and the Office of the Audit General, Council endorsed these at the Ordinary Meeting of Council held 16 March 2022.

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

OFFICER RECOMMENDATION

That Council receive the following Monthly Financial Reports as presented:

- **Monthly Financial Reports to 31 March 2022**

9.1.2 SCHEDULE OF ACCOUNTS PAID TO 31 MARCH 2022

PROPOSED MEETING DATE:	20 April 2022
PROPONENT:	N/A
LOCATION:	N/A
AUTHOR:	Adele Collins – Finance Officer
REPORTING OFFICER:	Christie Smith – Manager Corporate
FILE NO:	NAM35
ASSESSMENT NO:	N/A
ATTACHMENTS:	1 - Schedule of accounts paid 2 - Schedule of direct debits
DISCLOSURE OF INTEREST:	Nil

PURPOSE

Council endorsement of payment to Creditors under CEO Delegated Authority 2.1.2.

BACKGROUND

Details payments made to creditors since last Council Meeting.

COMMENT

The Schedule of Accounts Reports as presented, indicate that Council continues to be in a sound financial position.

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

OFFICER RECOMMENDATION

That Council endorse the payments from the Municipal Fund and Trust Fund for the period ending 31 March 2022:

Municipal Fund	\$782,929.59
Trust Fund	\$ 0.00
Direct Debits	\$208,619.84
<u>TOTAL</u>	<u>\$991,549.43</u>

9.1.3 STATUS OF COUNCIL DECISIONS – MARCH 2022

PROPOSED MEETING DATE:	20 April 2022
PROPONENT:	N/A
LOCATION:	N/A
AUTHOR:	Christie Smith – Manager Corporate
REPORTING OFFICER:	Adam Majid – Chief Executive Officer
FILE NO:	NAM35
ASSESSMENT NO:	N/A
ATTACHMENTS:	1 - Outstanding Matters List 2 - Action Sheet
DISCLOSURE OF INTEREST:	Nil

PURPOSE

To inform the 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

OFFICER RECOMMENDATION

That the following be received by the Council:

1. **The Action Sheet for the Council Meeting 16 March 2022;**
2. **The Outstanding Matters list dated 20 April 2022.**

9.1.4 LOCAL ROADS AND COMMUNITY INFRASTRUCTURE PROGRAM – PHASE 3

PROPOSED MEETING DATE:	20 April 2022
PROPONENT:	N/A
LOCATION:	N/A
AUTHOR:	Christie Smith – Manager Corporate
REPORTING OFFICER:	Christie Smith – Manager Corporate
FILE NO:	GRA.7
ASSESSMENT NO:	N/A
ATTACHMENTS:	Nil
DISCLOSURE OF INTEREST:	Nil

PURPOSE

Council to consider eligible projects for submission under the Local Roads and Community Infrastructure Program (LRCIP).

BACKGROUND

The Shire of Kent signed a grant agreement in November 2021 to receive an allocation of \$1,003,108 as part of the LRCIP Phase 3.

Council received \$501,544 under phase 1 and \$349,064 under phase 2 of the funding program. These amounts for nominated projects are due to for completion by 30 June 2022.

As part of the guidelines, the Department of Infrastructure, Transport, Regional Development and Communications (“**the department**”) require receipt of a draft work schedule no later than 30 June 2022.

Under phase 1 and phase 2 the following projects have been approved and are nearing completion:

PROJECT	COST	PHASE	STATUS
Kukerin Road - sealing	\$501,544	Phase 1	Completed
Shade Structure –Memorial & Burston Parks	\$131,000	Phase 2	Completed
Carrie Street, Pingrup – multi path	\$35,000	Phase 2	In Progress
Admin Office – Solar battery back up	\$15,598	Phase 2	Completed
PV Solar – Nyabing & Pingrup Pavilions	\$66,161	Phase 2	Completed
Jury Street/Parrot’s Bridge Solar Lighting	\$16,688	Phase 2	Completed
Jury Street – drainage works	\$15,000	Phase 2	In Progress
Replacement Playground Equipment	\$9,064	Phase 2	In Progress

Nominated under phase 2, was \$40,000 to upgrade drainage in Coates Close, Nyabing. This nominated project has had a major variation request to spend on another project due to the quotations for drainage works being much higher than budgeted. The funds will be re-allocated to a project proposed for the Pingrup Pavilion Playground upgrade.

The proposed project for the Pingrup Pavilion Playground includes; shade structure, jumping pillow and rubber soft fall. Funding for this will be the under expenditures from LRCIP phase 2, remaining Drought Communities Funding and either Shire of Kent capital 22/23 budget or possibly LRCIP phase 3.

COMMENT

Executive Staff has reviewed the community survey conducted early 2021 and noted comments provided. Identified for nomination under LRCIP phase 3 were the following projects:

PROJECT	LRCIP FUNDING	DESCRIPTION
Pingrup Pavilion	\$200,000	Upgrade Ladies Ablutions; reconfigure/design ramps, steps and concrete areas including installation of balustrade where required; upgrade to glass windowpanes at the rear of the pavilion.
Pingrup Caravan Park	\$220,000	Renovations to camp kitchen, including new oven and stand along TV room; realign caravan bays to 45 degree angles and concrete; upgrade to lighting, water and new power domes; concrete pathways; installation fire pit.
Memorial & Burston Parks	\$150,000	Installation of rubber soft fall.
Memorial Park	\$60,000	Relocate ParkFit equipment; install jumping pillow and rubber soft fall.
Pingrup Silo Trail	\$58,108	Capital works including redevelopment; signage and furniture.
Nyabing South/Wallacup Interse	\$150,000	Close in and seal.
Footpath Upgrade – Nyabing	\$50,000	Upgrade
Footpath Upgrade – Pingrup	\$50,000	Upgrade
Richmond Street Carpark	\$65,000	Resurface
	\$1,003,108	

STATUTORY IMPLICATIONS

Local Government Act 1995

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nominating the projects now will assist in being able to budget for projects correctly. The total phase 3 funding allocation will cover the cost of all the proposed projects above.

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

OFFICER RECOMMENDATION

That Council nominates the following projects in a works schedule for Local Roads and Community Infrastructure Program (LRCIP) Phase 3 and submits to the Department of Infrastructure, Transport, Regional Development and Communications:

PROJECT	LRCIP FUNDING	DESCRIPTION
Pingrup Pavilion	\$200,000	Upgrade Ladies Ablutions; reconfigure/design ramps, steps and concrete areas including installation of balustrade where required; upgrade to glass windowpanes at the rear of the pavilion.
Pingrup Caravan Park	\$220,000	Renovations to camp kitchen, including new oven and stand along TV room; realign caravan bays to 45 degree angles and concrete; upgrade to lighting, water and new power domes; concrete pathways; installation fire pit.
Memorial & Burston Parks	\$150,000	Installation of rubber soft fall.
Memorial Park	\$60,000	Relocate ParkFit equipment; install jumping pillow and rubber soft fall.
Pingrup Silo Trail	\$58,108	Capital works including redevelopment; signage and furniture.
Nyabing South/Wallacup Interse	\$150,000	Close in and seal.
Footpath Upgrade – Nyabing	\$50,000	Upgrade
Footpath Upgrade – Pingrup	\$50,000	Upgrade
Richmond Street Carpark	\$65,000	Resurface
	\$1,003,108	

9.1.5 PINGRUP CARAVAN PARK ACCOMMODATION FEES

PROPOSED MEETING DATE:	20 April 2022
PROPONENT:	N/A
LOCATION:	N/A
AUTHOR:	Christie Smith – Manager Corporate
REPORTING OFFICER:	Christie Smith – Manager Corporate
FILE NO:	PRO.311
ASSESSMENT NO:	N/A
ATTACHMENTS:	Nil
DISCLOSURE OF INTEREST:	Nil

PURPOSE

Council to consider a request to introduce a long-term rate, i.e. weekly, for the accommodation units at the Pingrup Caravan Park.

BACKGROUND

At the Ordinary Meeting of Council held 12 February 2020, Council imposed the following fees (Council Resolution OCM1920/123):

Multi-access unit (self-contained 2 bedrooms)	\$120 per night
Single unit (1 bedroom with ensuite)	\$ 90 per night

There has been a request from the Pingrup CRC, who manage the Caravan Park bookings on behalf of the Shire, to consider introducing a rate for those staying for longer periods.

COMMENT

It is common for a local government owned and run Caravan Park to offer a weekly charge for accommodation. Providing alternative long stay rates could promote the Caravan Park encouraging tourists to stay longer and spend more time exploring what the area has to offer.

STATUTORY IMPLICATIONS

Local Government Act 1995 – sections 6.16 and 6.19

Under section 6.19 of the *Local Government Act 1995* the imposition of the fee will require Council to give local public notice after adoption advising of the intention to introduce the fee and from which date the proposed fee will be imposed.

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Council does not rely heavily on income received from the Pingrup Caravan Park, it is more provided as a service with any income being received contributing to maintaining the facilities.

Reducing the fees will not be a great impact and could possibly be an incentive to encourage tourists to stay for longer periods.

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

Absolute Majority

OFFICER RECOMMENDATION

That Council impose one of the following options for the accommodation units at the Pingrup Caravan Park and give local public notice of its intention to introduce the new fees from 1 June 2022:

OPTION 1

	Staying 1-3 nights	Staying 4 nights or more
Single room with linen	\$70 per night	\$55 per night
2 bedroom with linen	\$120 per night	\$95 per night

OPTION 2

	Per night	Per Week
Single room with linen	\$70 per night	\$380 per week
2 bedroom with linen	\$120 per night	\$655 per week

9.1.6 NYABING COMMUNITY CHURCH

PROPOSED MEETING DATE:	20 April 2022
PROPONENT:	Nyabing Community Church
LOCATION:	Lot 31 Aspendale Street, Nyabing
AUTHOR:	Adam Majid – Chief Executive Officer
REPORTING OFFICER:	Adam Majid – Chief Executive Officer
FILE NO:	SERV.58
ASSESSMENT NO:	A192
ATTACHMENTS:	1 - Nyabing Community Church Correspondence
DISCLOSURE OF INTEREST:	Nil

PURPOSE

Nyabing Community Church Committee has submitted correspondence requesting Council to take on the future management of the church building. Council consideration of the request is now required.

BACKGROUND

Representative from the church committee met with the CEO on 11 march 2022 to discuss the Nyabing Community Church building.

At the meeting, representatives identified that as a committee, that their numbers are decreasing and no services are held in the building leading to an inability to adequately provide care and maintenance to the building.

The church building is situated on a Crown Land Title and that the vacant blocks either side are Freehold titles. A Crown Land Title is a title that is issued by the Crown for a specific purpose and requires ministerial approval to be transferred to another party or to change the purpose.

COMMENT

As part of the meeting, it was suggested to the Committee representatives to consider with their remaining members alternate solutions rather than just requesting Council to take all care and control.

One suggestion was that they look to sell the Freehold titles and use the proceeds of sale to establish a form of trust to cover the ongoing care and maintenance for as long as they money would last. Doing this would delay the need for another party or entity to have to take care and control of the building.

Based on the correspondence submitted, there does not appear to be any further thought to alternative solutions.

While the correspondence refers to consideration of the “properties”, it does not clearly define whether this includes the transfer of titles nor does it suggest any other limitations associated with their request.

It is suggested that further discussions need to take place to provide clarity as to what the final outcome may look like and to ensure that alternative arrangements are thoroughly investigated.

STATUTORY IMPLICATIONS

Local Government Act 1995
Land Administration Act 1997

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

In their correspondence, the Nyabing Community Church Committee has suggested that outgoings are approximately \$1,000 per year. This does not take into account ongoing maintenance for preservation purposes.

STRATEGIC IMPLICATIONS

Nil

RISK IMPLICATIONS

Where council takes on assets, there are financial risks associated with ongoing care and maintenance that will need to be factored into ongoing asset management.

VOTING REQUIREMENT

Simple Majority

OFFICER RECOMMENDATION

That Council:

1. Notes the correspondence from the Nyabing Community Church Committee in relation to ongoing care and maintenance of the Church building.
2. Requests the Chief Executive Officer to enter into further discussions regarding potential alternative arrangements including discussions pertaining to future uses of the freehold land titles then report back to Council.

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.

12.1.1 CEO PROBATION PERIOD

PROPOSED MEETING DATE:	20 April 2022
PROPONENT:	N/A
LOCATION:	N/A
AUTHOR:	Adam Majid – Chief Executive Officer
REPORTING OFFICER:	Adam Majid – Chief Executive Officer
FILE NO:	PER.358
ASSESSMENT NO:	N/A
ATTACHMENTS:	Nil
DISCLOSURE OF INTEREST:	Financial Interest

PURPOSE

For Council to make a determination in relation to the CEO probationary period as required under the contract of employment.

VOTING REQUIREMENT

Simple Majority

OFFICER RECOMMENDATION**Option A:**

That Council, advises the Chief Executive Officer that the probation period has successfully been completed and confirms the appointment accordingly.

Option B:

That Council, advises the Chief Executive Officer that it considers the performance as not satisfactory and extends the initial probationary period by a further three months until 31 July 2022.

Option C:

That Council, pursuant to Clause 11.2 of the contract of employment, terminates the employment of the Chief Executive Officer.

13. MEETING CLOSED