



PO BOX 15,
NYABING WA 6341
Ph: (08) 9829 1051
Fax: (08) 9829 1083
admin@kent.wa.gov.au

Dear Councillors,

SCHEDULE FOR WEDNESDAY 9 FEBRUARY 2022

As you are aware there are several meetings for Wednesday 9 February 2022, to follow is an approximate timeline for the day:

9.00am – 10.30am	John Phillips (CEO probation review)
10.30am – 10.45am	Morning Tea (Tasty Treats)
10.45am – 1.00pm	John Phillips (CEO probation review)
1.00pm – 1.30pm	Lunch (Tasty Treats)
1.30pm – 3.15pm	Council Briefing session
	<ul style="list-style-type: none">• Records Officer, information Record Keeping Plan• Mack Truck Options• Road network options (winter road program)• RRG/R2R programs• WALGA Zone Advocacy topics• LRCI funding program• Sewerage Water Re-use Assessment• Community Batteries and Stand-alone Power Systems
3.15pm – 3.30pm	Afternoon Tea (Tasty Treats)
3.30pm – 5.30pm	Continuation of Council Briefing session
5:30pm – 6.30pm	Ordinary Meeting of Council
6:30pm	Dinner at Community Hub (Councillors, Senior Staff and partners)

Please RSVP to Christie by 9am Tuesday 8 February 2022

Yours sincerely,

ADAM MAJID
CHIEF EXECUTIVE OFFICER



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

4/02/2022

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, 9 February 2022
At the Council Chambers,
Nyabing
Council Meeting to commence at 5.30pm**

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
9 FEBRUARY 2022

Table of Contents

1.	DECLARATION OF OPENING AND ANNOUNCEMENT OF VISITORS	4
2.	RECORD OF ATTENDENCE/APOLOGIES AND APPROVED LEAVE OF ABSENCE	4
3.	DISCLOSURES OF INTEREST	4
4.	PUBLIC QUESTION TIME	4
5.	APPLICATIONS FOR LEAVE OF ABSENCE	4
6.	CONFIRMATION AND RECEIVING OF MINUTES/BUSINESS ARISING	5
6.1.1	ORDINARY MEETING OF COUNCIL HELD WEDNESDAY 15 DECEMBER, 2021	5
7.	ANNOUNCEMENTS BY THE PRESIDING PERSON WITHOUT DISCUSSION	5
8.	PETITIONS/DEPUTATIONS/PRESENTATIONS/SUBMISSIONS	5
9.	OFFICER REPORTS	5
9.1.1	MONTHLY FINANCIAL REPORTS TO 31 DECEMBER 2021	6
9.1.2	MONTHLY FINANCIAL REPORTS TO 31 JANUARY 2022	8
9.1.3	SCHEDULE OF ACCOUNTS PAID TO 31 DECEMBER 2021	10
9.1.4	SCHEDULE OF ACCOUNTS PAID TO 31 JANUARY 2022	12
9.1.5	STATUS OF COUNCIL DECISIONS – JANUARY 2022	14
9.1.6	RECORD KEEPING POLICIES	16
9.1.7	REMOVAL OF CAVEAT	18
10.	ELECTED MEMBERS MOTION OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN	19
11.	NEW BUSINESS OF AN URGENT NATURE AGREED TO BY RESOLUTION OF COUNCIL	19
12.	MATTERS BEHIND CLOSED DOORS	19
12.1.1	PINGRUP DAM COVER – UPDATE ON CONTRACT ISSUES	20
13.	MEETING CLOSED	21

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**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 15 DECEMBER, 2021

OFFICER RECOMMENDATION

That the minutes of the Ordinary Council Meeting of the Shire of Kent held at the Council Chambers, on Wednesday 15 December, 2021 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 DECEMBER 2021

PROPOSED MEETING DATE:	9 February 2022
PROPONENT:	N/A
LOCATION:	N/A
AUTHOR:	Christie Smith – Manager Corporate
REPORTING OFFICER:	Christie Smith – Manager Corporate
FILE NO:	FIN30.20
ASSESSMENT NO:	N/A
ATTACHMENTS:	<ul style="list-style-type: none"> • Monthly Financial Reports to 31 December 2021
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. Please note the reports are the unaudited version, audit has been undertaken during September 2021. Auditors are now required to liaise with Office of the Auditor General (OAG) prior to finalization of the audit. Once finalized the audited financials will be presented to Council accordingly and the brought forward balance many need to be adjusted in this financial year.

The aged trial balance for Debtors for over 60+ days seems high; this is due to invoices in relation to grant funding that will be reversed once audit has been approved.

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 December 2021**

9.1.2 MONTHLY FINANCIAL REPORTS TO 31 JANUARY 2022

PROPOSED MEETING DATE:	9 February 2022
PROPONENT:	N/A
LOCATION:	N/A
AUTHOR:	Christie Smith – Manager Corporate
REPORTING OFFICER:	Christie Smith – Manager Corporate
FILE NO:	FIN30.20
ASSESSMENT NO:	N/A
ATTACHMENTS:	<ul style="list-style-type: none"> Monthly Financial Reports to 31 January 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. Please note the reports are the unaudited version, audit has been undertaken during September 2021. Auditors are now required to liaise with Office of the Auditor General (OAG) prior to finalization of the audit. Once finalized the audited financials will be presented to Council accordingly and the brought forward balance many need to be adjusted in this financial year.

The aged trial balance for Debtors for over 60+ days seems high; this is due to invoices in relation to grant funding that will be reversed once audit has been approved.

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 January 2022**

9.1.3 SCHEDULE OF ACCOUNTS PAID TO 31 DECEMBER 2021

PROPOSED MEETING DATE:	9 February 2022
PROPONENT:	N/A
LOCATION:	N/A
AUTHOR:	Christie Smith – Manager Corporate
REPORTING OFFICER:	Christie Smith – Manager Corporate
FILE NO:	042.6.2
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 December 2021:

Municipal Fund	\$440,882.30
Trust Fund	\$ 0.00
Direct Debits	\$148,626.16
<u>TOTAL</u>	<u>\$589,508.46</u>

9.1.4 SCHEDULE OF ACCOUNTS PAID TO 31 JANUARY 2022

PROPOSED MEETING DATE:	9 February 2022
PROPONENT:	N/A
LOCATION:	N/A
AUTHOR:	Christie Smith – Manager Corporate
REPORTING OFFICER:	Christie Smith – Manager Corporate
FILE NO:	042.6.2
ASSESSMENT NO:	N/A
ATTACHMENTS:	3. Schedule of accounts paid 4. Schedule of direct debits Nil
DISCLOSURE OF INTEREST:	

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 January 2022:

Municipal Fund	\$399,665.54
Trust Fund	\$ 0.00
Direct Debits	\$119,139.58
<u>TOTAL</u>	<u>\$518,805.12</u>

9.1.5 STATUS OF COUNCIL DECISIONS – JANUARY 2022

PROPOSED MEETING DATE:	9 February 2022
PROPOSER:	N/A
LOCATION:	N/A
AUTHOR:	Christie Smith – Manager Corporate
REPORTING OFFICER:	Adam Majid – Chief Executive Officer
FILE NO:	041.1.1
ASSESSMENT NO:	N/A
ATTACHMENTS:	1. Outstanding Matters List 2. Action Sheet Nil
DISCLOSURE OF INTEREST:	

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 15 December 2021;
2. The Outstanding Matters list dated 9 February 2022.

9.1.6 RECORD KEEPING POLICIES

PROPOSED MEETING DATE:	9 February 2022
PROPONENT:	N/A
LOCATION:	N/A
AUTHOR:	Michaela Crosby – Records Officer
REPORTING OFFICER:	Christie Smith – Manager Corporate
FILE NO:	GOV.37
ASSESSMENT NO:	N/A
ATTACHMENTS:	<ul style="list-style-type: none"> • 1.5.2 Draft Elected Member Record Keeping Policy • 3.2.1 Draft Record Keeping Policy
DISCLOSURE OF INTEREST:	Nil

PURPOSE

For Council to receive a review of the current Record Keeping Policy and consider adoption of an Elected Member Record Keeping Policy.

BACKGROUND

In July 2021, Gail Murphy, Senior Consultant, Information Enterprises Australia Pty Ltd. undertook a records management review. The findings from the review found that that current Record Keeping Policy does not comply with the *State Records Standard 2 Recordkeeping Plans: Principle 2 – Policies and Procedures*.

A letter to the Shire from the State Records Commission in December 2019 advised that the plan was due for review prior to June 2020. The Shire outlined to the Commission that there was progress towards better practice recordkeeping and would submit a plan prior to 30 June 2021, which they accepted. As part of the plan review, Council's policies require consideration.

COMMENT

As mentioned above, the Record Keeping Plan, which includes policies and procedures, requires reviewing every 5 years, adopted by council and submitted to State Records Commission. It is a requirement of the State Records Commission policy that local government elected members apply the relevant creation and retention of records in accordance with legislation.

As an extension to the review undertaken, Gail Murphy assisted in the drafting of policies required. The amended draft policy and new policy will meet the compliance requirements formally defining the roles and responsibilities of all staff, elected members, contractors, casual staff and consultants that create and manage records.

STATUTORY IMPLICATIONS

Local Government Act 1995

State Records Act 2000 – Section 28 'Review of Plans'

Local Government (Administration) Regulations

POLICY IMPLICATIONS

Policy 3.2.1 is a review of the current policy.

If adopted, Policy 1.5.2 will be inserted in section1 – Elected Member Policies in the Shire of Kent Policy Manual.

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 Council:

1. **Receives and adopts the amended 3.2.1 Record Keeping Policy**
2. **Adopts 1.5.2 Elected Member Record Keeping Policy**

9.1.7 REMOVAL OF CAVEAT

PROPOSED MEETING DATE:	9 February 2022
PROPONENT:	N/A
LOCATION:	Lot 1049 on deposited plan 155235
AUTHOR:	Adele Collins – Finance Officer
REPORTING OFFICER:	Christie Smith – Manager Corporate
FILE NO:	LEG.13
ASSESSMENT NO:	A312
ATTACHMENTS:	Nil
DISCLOSURE OF INTEREST:	Nil

PURPOSE

The purpose of this report is to seek approval from the Council to have a caveat removed from a property.

BACKGROUND

There is currently a caveat on the abovementioned property owned by the Late Gary Albert Featherstone. Lodged by the Shire of Kent on the 30 August 2000, the caveat was to secure the repayment of a loan between the owner and the Shire of Kent of \$5000. The loan was for Stage 3 of the Lake Banks pipeline.

COMMENT

There has been a request from settlement agents requesting any objection to having the caveat removed, and if the Shire could lodge the removal. There is no financial records to indicate that the amount is still outstanding. It appears that the Shire did not apply to have the caveat removed upon receiving payment and the caveat still stands.

STATUTORY IMPLICATIONS

Local Government Act 1995

POLICY IMPLICATIONS

Policy 3.1.5 Revenue Collection

FINANCIAL IMPLICATIONS

There will be no financial implications from having the caveat removed.

STRATEGIC IMPLICATIONS

There are no strategic implications for this report.

RISK IMPLICATIONS

N/A

VOTING REQUIREMENT

Simple majority

OFFICER RECOMMENDATION

That Council authorises the Shire President and Chief Executive Officer to sign and apply the Common Seal to all necessary documents to enable the withdrawal of the caveat over Lot 1049 on Deposited Plan 155235.

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 PINGRUP DAM COVER – UPDATE ON CONTRACT ISSUES

PROPOSED MEETING DATE:	9 February 2022
PROPOSER:	N/A
LOCATION:	N/A
AUTHOR:	Adam Majid – Chief Executive Officer
REPORTING OFFICER:	Adam Majid – Chief Executive Officer
FILE NO:	032.2.4
ASSESSMENT NO:	N/A
ATTACHMENTS:	Confidential Attachments (4)
DISCLOSURE OF INTEREST:	Nil

PURPOSE

For Council to receive an update with regards to the cancelling of the Pingrup Dam Cover proposal (project) and to authorise the Shire President and Chief Executive Officer (CEO) to complete necessary components to close out the project.

VOTING REQUIREMENT

Simple Majority

OFFICER RECOMMENDATION

That Council:

1. Authorises the Shire President and Chief Executive Officer to sign and apply the Common Seal to the Deed of Settlement;
2. Notes that the Chief Executive Officer will work with the relevant federal agencies to have the monies paid as part of the Dam Cover Project to date as a legitimate project expense;
3. Authorises the Chief Executive Officer to negotiate with the relevant federal agencies to redirect the remaining fund to upgrade playground facilities at the Pingrup Pavilion.

13. MEETING CLOSED