

20/10/2023



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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, 25 October 2023
At the Council Chambers,
Nyabing

3:00pm

“Swearing In” of newly elected members

3:30pm

Briefing Session

4.30pm

Ordinary Council meeting commencement

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,

CHRISTIE SMITH
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
25 October 2023

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1. DECLARATION OF OPENING AND ANNOUNCEMENT OF VISITORS

At a swearing in ceremony proper to the commencement of the meeting, each newly elected member made the Declaration of Elected Member in the presence of Ms. Christie Smith, Chief Executive Officer of the Shire of Kent.

As this meeting is the first official meeting of Council following the nomination and unopposed election of returning Councillors and the End of Term for outgoing Councillors, the CEO will open the meeting and Chair the election of the Shire President.

The CEO declared the meeting **open at pm**

Following the election of the Shire President, the CEO will vacate the Chair and the newly elected Shire President will take the Chair and undertake the election process for the Deputy Shire President position.

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. ELECTION OF SHIRE PRESIDENT POSITION

In accordance with Schedule 2.3 of the *Local Government Act 1995*, the following process applies to the election of Shire President:-

2. When council elects mayor or president

- (1) The office is to be filled as the first matter dealt with —
 - (a) at the first meeting of the council after an inaugural election or a section 4.13 or 4.14 election or after an ordinary elections day; and
 - (b) at the first meeting of the council after an extraordinary vacancy occurs in the office.
- (2) If the first ordinary meeting of the council is more than 3 weeks after an extraordinary vacancy occurs in the office, a special meeting of the council is to be held within that period for the purpose of filling the office.

3. CEO to preside

The CEO is to preside at the meeting until the office is filled.

4. How mayor or president is elected

- (1) The council is to elect a councillor to fill the office.
- (2) The election is to be conducted by the CEO in accordance with the procedure prescribed.
- (3) Nominations for the office are to be given to the CEO in writing before the meeting or during the meeting before the close of nominations.
 - (3a) Nominations close at the meeting at a time announced by the CEO, which is to be a sufficient time after the announcement by the CEO that nominations are about to close to allow for any nominations made to be dealt with.
- (4) If a councillor is nominated by another councillor the CEO is not to accept the nomination unless the nominee has advised the CEO, orally or in writing, that he or she is willing to be nominated for the office.
- (5) The councillors are to vote on the matter by secret ballot as if they were electors voting at an election.
- (6) Subject to clause 5(1), the votes cast under subclause (5) are to be counted, and the successful candidate determined, in accordance with Schedule 4.1 (which deals with determining the result of an election) as if those votes were votes cast at an election
- (7) As soon as is practicable after the result of the election is known, the CEO is to declare and give notice of the result in accordance with regulations, if any.

[Clause 4 amended: No. 49 of 2004 s. 69(2)-(5); No. 66 of 2006 s. 14.]

5. Votes may be cast a second time

- (1) If when the votes cast under clause 4(5) are counted there is an equality of votes between 2 or more candidates who are the only candidates in, or remaining in, the count, the count is to be discontinued and the meeting is to be adjourned for not more than 7 days.
- (2) Any nomination for the office may be withdrawn, and further nominations may be made, before or when the meeting resumes.
- (3) When the meeting resumes the councillors are to vote again on the matter by secret ballot as if they were electors voting at an election.
- (4) The votes cast under subclause (3) are to be counted, and the successful candidate determined, in accordance with Schedule 4.1 as if those votes were votes cast at an election.

Tied Vote after Second Election

If a tied vote occurs at the resumed meeting, in accordance with Schedule 4.1 of the Act, the CEO is to draw lots to decide the matter. The draw should also be conducted by two persons and if available, verified by an independent person.

Following the election, the Shire President will make the Declaration of Office in the presence of Ms. Christie Smith, CEO

CEO to vacate the Chair with the newly elected Shire President taking the Chair.

6. ELECTION OF DEPUTY SHIRE PRESIDENT POSITION

The process for the election of the Deputy Shire President is the same as for the Shire President however, the Shire President is the returning officer for this process.

Following the election, the Deputy Shire President will make the Declaration of Office in the presence of Ms. Christie Smith, CEO

7. APPLICATIONS FOR LEAVE OF ABSENCE

Section 5.25 *Local Government Act 1995*

8. ALLOCATION OF SEATING OF COUNCILLORS

Clause 8.2 of the Shire of Kent Standing Orders provides the method of allocating seating positions to elected members as follows:

At the first meeting held after each ordinary elections day, the President is to allot a position at the Council table to each councillor and the councillor is to occupy that position when present at meetings of the Council until such time as there is a call by a majority of councillors for a re-allotment of positions

Note: To assist with the conduct of this Meeting, sitting Councillors and re-elected Councillors are asked to take up their previously allocated seats and new Councillors the vacant seats until the draw is undertaken.

9. CONFIRMATION AND RECEIVING OF MINUTES/BUSINESS ARISING**9.1.1 ORDINARY MEETING OF COUNCIL HELD 20 SEPTEMBER 2023****OFFICER RECOMMENDATION**

That the minutes of the Ordinary Council Meeting of the Shire of Kent held at the Nyabing Council Chambers, on Wednesday 20 September, 2023 be CONFIRMED.

9.1.2 SPECIAL MEETING OF COUNCIL HELD 11 OCTOBER 2023**OFFICER RECOMMENDATION**

That the minutes of the Special Council Meeting of the Shire of Kent held at the Nyabing Council Chambers, on Wednesday 11 October, 2023 be CONFIRMED.

10. ANNOUNCEMENTS BY THE PRESIDING PERSON WITHOUT DISCUSSION**11. PETITIONS/DEPUTATIONS/PRESENTATIONS/SUBMISSIONS****12. OFFICER REPORTS**

12.1.1 MONTHLY FINANCIAL REPORTS TO 30 SEPTEMBER 2023

PROPOSED MEETING DATE:	25 October 2023
PROPONENT:	N/A
LOCATION:	N/A
AUTHOR:	Christie Smith – Chief Executive Officer
REPORTING OFFICER:	Christie Smith – Chief Executive Officer
FILE NO:	FIN.187
ASSESSMENT NO:	N/A
ATTACHMENTS:	Attachment 1 - Monthly Financial Reports to 30 September 2023
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.

For the year ended 30 June 2023, audit has been scheduled for 21-22 November 2023. The timeline proved by the Auditors is for the issue of audit opinion to be on the 14 December 2023.

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 2023 - 2033

Civic Leadership Strategic Priorities – Proactive and well governed Shire

RISK IMPLICATIONS

N/A

VOTING REQUIREMENT

Simple Majority

OFFICER RECOMMENDATION

That Council receive the following Monthly Financial Reports as presented:

- **Monthly Financial Reports to 30 September 2023**

12.1.2 SCHEDULE OF ACCOUNTS PAID TO 30 SEPTEMBER 2023

PROPOSED MEETING DATE:	25 October 2023
PROPONENT:	N/A
LOCATION:	N/A
AUTHOR:	Christie Smith – Chief Executive Officer
REPORTING OFFICER:	Christie Smith – Chief Executive Officer
FILE NO:	FIN.183
ASSESSMENT NO:	N/A
ATTACHMENTS:	Attachment 1 - Schedule of accounts paid Attachment 2 – List of credit card payments
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.

Regulation 13 of the *Local Government (Financial Management) Regulations 1996* states that only the following information is to be reported to Council and form part of the public minutes:

- a) the payee's name;
- b) the amount of the payment;
- c) the date of the payment; and
- d) sufficient information that identifies the payment.

STATUTORY IMPLICATIONS

Local Government Act 1995 – Section 6.4;

Local Government (Financial Management) Regulations 1996 – Part 2 – Regulation 11, 12 and 13.

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 2023 - 2033

Civic Leadership Strategic Priorities – Proactive and well governed Shire

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 30 September 2023:

Municipal Fund (EFT)	\$215,153.43
Municipal Fund (CHQ)	\$ 4,289.56
Trust Fund	\$ 0.00
Direct Debits	\$ 91,328.77
<u>TOTAL</u>	<u>\$310,771.76</u>

12.1.3 REVIEW OF DELEGATIONS REGISTER

PROPOSED MEETING DATE:	25 October 2023
PROPONENT:	N/A
LOCATION:	N/A
AUTHOR:	Christie Smith – Chief Executive Officer
REPORTING OFFICER:	Christie Smith – Chief Executive Officer
FILE NO:	GOV.4
ASSESSMENT NO:	N/A
ATTACHMENTS:	Attachment 1 – Delegations Register Review 2023
DISCLOSURE OF INTEREST:	Nil

PURPOSE

To comply with the provisions of the *Local Government Act 1995*, Council is required to review the Delegations Register.

BACKGROUND

Council last reviewed delegations in November 2021, the requirement review at least once every financial year is well overdue.

The aim of delegated authority is to assist with improving the time taken to make decisions subject to any constraints determined by Council or by the relevant legislation. The Delegations Register is consistent with the Shire's Community Strategic Plan directions. In particular it assists Council to achieve the Shire of Kent's Mission and Objectives, including its obligations at law to carry out the statutory responsibilities of Local Government.

COMMENT

Most of the draft changes to the Delegations Register are relatively minor, it has removed several delegations as they are not necessary. It has been proposed to increase the purchase order threshold as amounts were too low for management to approve bulk materials such as fuels and oils and for the issuing of purchase orders when managing projects.

For Councillors information the following definitions are provided to explain the variance between the Sections within the Delegations Register.

Delegation from the Council to the CEO – Are instances where the Council delegates the role of undertaking certain roles and responsibilities to the CEO or the CBFCO.

Authorisation by Council – Are instances when an officer or class of officers is formally authorised to act on behalf of the local government in respect to policing specific legislation and the legislation requires that the authorisation be provided by the local government rather than the Chief Executive Officer. This applies only to legislation other than that related directly to the Local Government Act 1995, for example the Dog Act 1997 or the Bush Fires Act 1954.

Authorisations by Chief Executive Officer – Are instances where an officer or class of officer is authorised to take relevant action in relation to a specific legislation, regulation or local law. This is an executive function of the Chief Executive Officer in relation to the Local Government Act 1995 and in other Acts the Chief Executive Officer is empowered to authorise individuals or classes of employees.

It should be noted that powers cannot be delegated to individual elected members, except in the case of the President as specified in the *Bush Fires Act 1954* (currently under review). A delegation to elected members can only be made to a committee and then the committee must comply with the requirements of the *Local Government Act 1995* where a delegated authority exists.

STATUTORY IMPLICATIONS

Local Government Act 1995:

- Sections 5.41 Functions of the CEO;
- 5.4.2 Delegation of some powers and duties to the CEO;
- 5.43 Limits on delegations to CEO's;
- 5.44 CEO may delegate powers and duties to other employees;
- 5.45 Other matters relevant to delegations under this Division; and
- 5.46 Register of, and records relevant to, delegations to CEO's and employees.

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

There are no financial implications in this report.

STRATEGIC IMPLICATIONS

Community Strategic Plan 2023 - 2033

Civic Leadership Strategic Priorities – Proactive and well governed Shire

RISK IMPLICATIONS

N/A

VOTING REQUIREMENT

Absolute Majority

OFFICER RECOMMENDATION

That Council note and accept the attached Delegations Register as presented.

12.1.4 REVIEW OF ORGANISATIONAL STRUCTURE

PROPOSED MEETING DATE:	25 October 2023
PROPONENT:	N/A
LOCATION:	N/A
AUTHOR:	Christie Smith – Chief Executive Officer
REPORTING OFFICER:	Christie Smith – Chief Executive Officer
FILE NO:	GOV.322
ASSESSMENT NO:	N/A
ATTACHMENTS:	Attachment 1 – Current organisational structure Attachment 2 – Proposed organisational structure
DISCLOSURE OF INTEREST:	Nil

PURPOSE

Council to endorse a review of the current organisational structure.

BACKGROUND

The last review of the organisational structure was undertaken in October 2021 which included some significant changes to the structure. Since adoption there has been subtle changes to position titles and re-alignment of duties.

To maintain a more modern approach to service delivery, the organisational structure is consistently subject to review.

COMMENT

Over the previous six months informal consultation has taken place with Council in relation to a review of the organisational structure to reflect changes. The main changes to the structure are:

- Change in title for Finance Officer, Customer Services Officer, Executive Assistant, Leading Hand (Facilities), and Gardeners.
- Deletion of Records Officer and Leading Hand (Roads);
- Inclusion of ICT Manager and Works Liaison Officer;
- Reduction in FTE for CESM due to third Shire joining;
- Cleaning staff reporting to Manager Corporate

STATUTORY IMPLICATIONS

Local Government Act 1995: Section 5.2 provides:

‘The council of a local government is to ensure that there is an appropriate structure for administering the local government.’

POLICY IMPLICATIONS

Nil.

FINANCIAL IMPLICATIONS

Minimal financial implications, salaries and wages will still fall within budget.

STRATEGIC IMPLICATIONS

Community Strategic Plan 2023 - 2033

Civic Leadership Strategic Priorities – Proactive and well governed Shire

RISK IMPLICATIONS

Nil

VOTING REQUIREMENT

Simple Majority

OFFICER RECOMMENDATION

That Council endorse the revised Organisational Structure, as presented in attachment 2 to this report acknowledging changes to position titles and re-alignment of duties.

12.1.5 DEVELOPMENT APPLICATION - ONE (1) NEW PERMANENT GRAIN STORAGE BULKHEAD & ASSOCIATED INFRASTRUCTURE AT COOPERATIVE BULK HANDLING LIMITED'S EXISTING GRAIN HANDLING & STORAGE FACILITY IN NYABING

PROPOSED MEETING DATE:	25 October 2023
PROPONENT:	Cooperative Bulk Handling Limited
LOCATION:	Lot 100 on Plan 420337 Bin Road, Nyabing
AUTHORS:	Joe Douglas & Cherie Wallace – Town Planners
REPORTING OFFICER:	Ms Christie Smith – Chief Executive Officer
FILE NO:	GOV.106
ASSESSMENT NO:	
ATTACHMENTS:	Attachment 1 – Development Application Documentation & Plans
DISCLOSURE OF INTEREST:	Nil

PURPOSE

This report recommends that Council grant conditional approval to a development application submitted by Cooperative Bulk Handling Limited requesting permanent approval for an existing grain storage bulkhead and various associated improvements constructed at its grain handling and storage facility in Nyabing pursuant to a temporary approval granted by the Shire's Chief Executive Officer under delegated authority in July 2022.

BACKGROUND

Cooperative Bulk Handling Limited (CBH) has submitted a development application seeking Council's approval for the following permanent additions and upgrades to its existing grain handling and storage facility in Nyabing that were constructed pursuant to a temporary approval granted by the Shire's Chief Executive Officer under delegated authority in July 2022 in accordance with the exemptions afforded by clause 61(1) and (2) of the Deemed Provisions in Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015* as they apply specifically to temporary works and uses:

- i) A new grain storage bulkhead comprising a total storage capacity of 28,080 tonnes on a new hardstand area located in the north-eastern portion of Lot 100;
- ii) New heavy vehicle accessways surrounding the grain storage bulkhead referred to in point i) above that tie into the existing heavy vehicle accessways previously constructed on the land, including safety signage; and
- iii) Stormwater drainage infrastructure constructed in accordance with a stormwater management strategy and drainage design prepared by a suitably qualified engineering consultant.

A full copy of the application submitted, including supporting documentation and plans, is provided in Attachment 1.

Council should note under the terms of the temporary approval granted by the Shire's Chief Executive Officer in July 2022 CBH were required to cease the temporary use of the new grain storage bulkhead and associated improvements at the end of the twelve (12) month approval term, remove all the improvements constructed, and reinstate the relevant portion of the land to its pre-development condition.

CBH has advised the continued use of the grain storage bulkhead and associated improvements are integral to its ongoing operations and long-term strategic plan. As such, it is seeking Council's development approval to allow the works and use to be retained on a permanent basis.

COMMENT

Assessment of the application in the context of the Shire's current local planning framework, including the Local Planning Strategy, Local Planning Scheme No. 3 (LPS3) and the Deemed Provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015*, has confirmed the development is compliant with the following relevant requirements:

- The general aims and objectives of the Shire's Local Planning Strategy and LPS3;
- Land use permissibility;
- Land capability and suitability;
- Land use compatibility including minimum separation distances to sensitive land uses;
- Lot boundary setbacks;
- Amenity of the locality including potential environmental, visual and social impacts;
- Protection of the natural environment, water resources and cultural heritage significance;
- Vehicle access, parking and traffic safety more generally noting that CBH are progressing all road upgrade works required pursuant to a previous development approval granted by Council in November 2022 for the permanent expansion of the facility;
- Key essential services including stormwater drainage; and
- Flood and bushfire risk management.

It should be noted the development has been constructed in accordance with all information and plans previously submitted to the Shire and has not given rise to any known issues or complaints. In light of this fact, the development's compliance with all relevant town planning requirements, and the significant benefits the development will have for local growers and the agricultural industry more generally, it is recommended Council approve the application subject to a range of standard conditions and advice notes.

STATUTORY IMPLICATIONS

Planning and Development Act 2005 (as amended)

Planning and Development (Local Planning Schemes) Regulations 2015

Shire of Kent Local Planning Scheme No. 3

POLICY IMPLICATIONS

- State Planning Policy 2.0 – *Environment and Natural Resources Policy*
- State Planning Policy 2.5 – *Rural Planning*
- State Planning Policy 2.9 – *Water Resources*
- State Planning Policy 3.7 – *Planning in Bushfire Prone Areas*
- State Planning Policy 4.1 – *Industrial Interface*

FINANCIAL IMPLICATIONS

All administrative costs associated with processing the application are provided for in Council's annual budget and have been offset in full by the development application fee paid by the proponent.

All costs associated with the proposed development have been met by the proponent.

It is significant to note should the proponent be aggrieved by Council's final decision in this matter it has the right seek a formal review of that decision by the State Administrative Tribunal. Should this occur for whatever reason, which is considered unlikely in this particular instance, the Shire would need to respond.

The cost to respond to an appeal cannot be determined at this preliminary stage but could be expected, based on the recent experience of other local government authorities in Western Australia, to range anywhere from \$5,000 to \$60,000 excluding GST depending upon how far the matter proceeds through the review process.

STRATEGIC IMPLICATIONS

The proposed development is considered to be generally consistent with the Shire's Local Planning Strategy as well as the following elements of the Shire's *Community Strategic Plan 2023 to 2033* and *Corporate Business Plan 2021 to 2025*:

Community Strategic Plan 2023 to 2033

Economy

Outcome 2.1 - Coordinated delivery of economic services and projects.

Outcome 2.3 - Safe and efficient transport network enables economic growth.

Environment

Outcome 3.2 - Conservation of our natural environment and resources.

Civic Leadership

Outcome 4.2 - Proactive and well governed Shire

Corporate Business Plan 2021 to 2025

Economic Objective - Support growth and progress locally and regionally.

Outcome 1.1 - Growth in business opportunities.

Outcome 1.3 - An effective, well maintained transport network.

Outcome 1.4 - Agriculture opportunities maintained and developed.

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

Outcome 3.1 - A preserved natural environment.

Outcome 3.4 - A well-maintained built environment.

RISK IMPLICATIONS

The main risks associated with the proposed development are flooding and dust. Given previous development approvals granted for the existing development on the land, Council's ability to impose a range of conditions on any development approval granted for this latest application, and other statutory and regulatory controls applicable, it is concluded all risks are relatively minor, manageable and therefore acceptable.

VOTING REQUIREMENT

Simple Majority

RECOMMENDATION

That Council resolve to approve the development application submitted by Cooperative Bulk Handling Limited for one (1) existing grain storage bulkhead comprising a total storage capacity of 28,080 tonnes and various associated improvements constructed on Lot 100 on Plan 420337 Bin Road, Nyabing pursuant to a temporary approval granted by the Shire's Chief Executive Officer under delegated authority in July 2022 subject to the following conditions and advice notes:

Conditions

1. The development hereby approved shall be undertaken strictly in accordance with the documentation and plans submitted in support of the application subject to any modifications required as a consequence of any condition/s of this approval or otherwise approved by the local government.
2. Any additional development which is not in accordance with the application the subject of this approval or any condition of approval will require the further approval of the local government.
3. The development hereby approved shall not encroach upon any part of any immediately adjoining property unless otherwise approved by the local government.
4. All stormwater drainage infrastructure shall be maintained by the proponent at its own cost to the specifications and satisfaction of the local government for the life of the development.
5. The proponent shall regularly monitor and manage all dust generated by the development. Should dust become an issue and the local government provides written notification to that effect, the proponent shall, at its own cost, arrange for the preparation and submission of a Dust Management Plan within sixty (60) days of receipt of notification for consideration and endorsement by the local government's Chief Executive Officer in consultation with the local government's Environmental Health Officer and/or the Department of Water and Environmental Regulation and implemented thereafter for the life of the development.

Advice Notes

1. This approval is not an authority to ignore any constraint to development on the land which may exist through contract or on title, such as an easement or restrictive covenant. It is the responsibility of the proponent and not the local government to investigate any such constraints. This approval will not necessarily have regard to any such constraint to development, regardless of whether or not it has been drawn to the local government's attention.
2. This is a development approval of the Shire of Kent under its Local Planning Scheme No.3. It is not a building permit or an approval to commence or carry out development under any other law. It is the responsibility of the proponent to obtain any other necessary approvals, consents, permits and licenses required under any other law, and to commence and carry out development in accordance with all relevant laws.
3. The proponent is reminded of their obligation to ensure compliance with the conditions imposed on a previous development approval for the land granted in November 2022, particularly those relating to road upgrade works, installation and display of road signage and on-site directional signage, stormwater drainage management and monitoring, and preparation and implementation of a Mosquito Management Plan.

4. **The proponent is reminded of their obligation to ensure compliance with the specific standards and requirements of the Shire of Kent Annual Fire Break Notice as it applies to all land within the local government's municipal district.**
5. **The proponent is reminded of their obligation to ensure compliance with the *Environmental Protection (Noise) Regulations 1997*.**
6. **The proponent is responsible for ensuring the correct siting of all structures on all land the subject of this approval including fill. An identification survey demonstrating correct siting and setbacks of structures and fill may be requested of the proponent by the local government to ensure compliance with this determination notice and all applicable provisions.**
7. **Failure to comply with any of the conditions of this development approval constitutes an offence under the provisions of the *Planning and Development Act 2005* and the Shire of Kent Local Planning Scheme No.3 and may result in legal action being initiated by the local government.**
8. **If the proponent is aggrieved by this determination there is a right of review by the State Administrative Tribunal in accordance with the *Planning and Development Act 2005* Part 14. An application must be submitted directly to the State Administrative Tribunal within 28 days of receipt of notification of the local government's determination.**

12.1.6 DEVELOPMENT ASSESSMENT PANELS – APPOINTMENT OF REPRESENTATIVES

PROPOSED MEETING DATE:	25 October 2023
PROPONENT:	N/A
LOCATION:	N/A
AUTHOR:	Christie Smith – Chief Executive Officer
REPORTING OFFICER:	Christie Smith – Chief Executive Officer
FILE NO:	LAN.22
ASSESSMENT NO:	N/A
ATTACHMENTS:	Nil
DISCLOSURE OF INTEREST:	Nil

PURPOSE

Council to nominate two (2) elected members and two (2) alternate elected members for the Development Assessment Panels (DAP).

BACKGROUND

The Minister for Planning must establish and maintain a register of local DAP members. Each local government must nominate 2 local DAP members and 2 alternate (or deputy) local DAP members from its pool of elected members. The Minister then considers nominations received and appoints for a 2-year term. An alternate elected member would provide representation when an elected member is unable to act by reason of illness, absence or other cause.

If, within the 2-year term, a local DAP member is not re-elected, they cannot hold the position of local DAP member. The Department of Planning is to train the appointed members.

DAP meetings are utilised to determine development applications within a certain type and value threshold through consistent, accountable, and professional decision-making. DAP only convene when there is a DAP application to be determined. Local government representatives will only sit on the panel when the application(s) being determined by the panel have been made under their local planning scheme.

If Council nominates not to appoint local DAP members, the consequences will mean no local representation at DAP decision-making hearings concerning the Shire of Kent.

COMMENT

All existing local government DAP members are currently appointed for a term ending 26 January 2024. Council are required to nominate the four (4) DAP members to be appointed by the Minister for Planning.

Nominations are to be submitted by 24 November 2023 and must include a copy of the resolution making the appointment.

STATUTORY IMPLICATIONS

Regulation 26 of the *Planning and Development (Development Assessment Panels) Regulations 2011*

POLICY IMPLICATIONS

Nil.

FINANCIAL IMPLICATIONS

Nil.

STRATEGIC IMPLICATIONS

Community Strategic Plan 2023 - 2033

Civic Leadership Strategic Priorities – Proactive and well governed Shire

RISK IMPLICATIONS

Nil

VOTING REQUIREMENT

Simple Majority

OFFICER RECOMMENDATION

That, in accordance with Regulation 23(1)(a) of the *Planning & Development (Development Assessment Panels) Regulations 2011*, Council appoints Cr _____ and Cr _____ as members to DAP and appoints Cr _____ and Cr _____ as alternate members respectively.

12.1.7 COUNCIL MEETING DATES 2024

PROPOSED MEETING DATE:	25 October 2023
PROPONENT:	N/A
LOCATION:	N/A
AUTHOR:	Nathanael Taekema – Governance Officer
REPORTING OFFICER:	Christie Smith –Chief Executive Officer
FILE NO:	GOV.285
ASSESSMENT NO:	N/A
ATTACHMENTS:	N/A
DISCLOSURE OF INTEREST:	

PURPOSE

Council to consider and adopt Council Meeting dates and times for the year 2024.

BACKGROUND

In accordance with the Regulation 12 of the Local Government (Administration) Regulation 1996, Local Governments are required to give local public notice of the date, time and place with respect to ordinary council meetings and committee meetings which are proposed to be open to members of the public and shall be held within the proceeding 12 month period.

COMMENT

Council meetings have historically been held on the third Wednesday of each month commencing at 5.30pm in Council Chambers, 24-26 Richmond Street Nyabing. In December 2017 it was resolved that Council hold its February Ordinary Meeting one week earlier to coincide with the Annual Electors Meeting and it is recommended that this practice continue. There is no Council meeting held during the month of January.

Given all of the above, the proposed meeting schedule for 2024 is as follows:

Wed 21 February 2024
 Wed 20 March 2024
 Wed 17 April 2024
 Wed 15 May 2024
 Wed 19 June 2024
 Wed 17 July 2024
 Wed 21 August 2024
 Wed 18 September 2024
 Wed 16 October 2024
 Wed 20 November 2024
 Wed 18 December 2024

STATUTORY IMPLICATIONS

*Local Government Act 1995 - Section 5.25(1)(g). Regulations about council and committee meetings.
 Local Government (Administration) Regulations 1996 - Section 12. Meetings*

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Minimal costs will be incurred for advertising meeting dates and these are allocated within the Budget.

Catering costs for all meetings are also allocated in the Budget, as are Councillor and President sitting, communication and travel allowances.

STRATEGIC IMPLICATIONS

Community Strategic Plan 2023 - 2033

Civic Leadership Strategic Priorities – Proactive and well governed Shire

RISK IMPLICATIONS

N/A

VOTING REQUIREMENT

Simple Majority

RECOMMENDATION

That:

1. **Ordinary Council Meetings be scheduled for the third Wednesday of each month for 2024 commencing at 5.30pm with the following exceptions:**
 - **No scheduled meeting to be held in January; and**
2. **The following dates be approved for the 2024 year for Council Meetings:**
 - **Wed 21 February 2024**
 - **Wed 20 March 2024**
 - **Wed 17 April 2024**
 - **Wed 15 May 2024**
 - **Wed 19 June 2024**
 - **Wed 17 July 2024**
 - **Wed 21 August 2024**
 - **Wed 18 September 2024**
 - **Wed 16 October 2024**
 - **Wed 20 November 2024**
 - **Wed 18 December 2024**
3. **All meeting dates and times to be advertised pursuant to Regulation 12 of Local Government (Administration) Regulations 1996.**

12.1.8 STATUS OF COUNCIL DECISIONS – SEPTEMBER 2023

PROPOSED MEETING DATE:	25 October 2023
PROPONENT:	N/A
LOCATION:	N/A
AUTHOR:	Nathanael Taekema – Governance Officer
REPORTING OFFICER:	Christie Smith – Chief Executive Officer
FILE NO:	GOV.285
ASSESSMENT NO:	N/A
ATTACHMENTS:	Attachment 1 - Action Sheet Attachment 2 - Outstanding Matters List
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 2023 - 2033

- 4. Civic Leadership > 4.2 Proactive and well governed shire

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 20 September 2023;**
- 2. The Outstanding Matters list dated 25 October 2023.**

13. ELECTED MEMBERS MOTION OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

14. NEW BUSINESS OF AN URGENT NATURE AGREED TO BY RESOLUTION OF COUNCIL

15. 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.

16. MEETING CLOSED