



ORDINARY MINUTES (UNCONFIRMED)

DATE: Wednesday 15 May 2024

TIME: 4.30pm

VENUE: Council Chambers
Nyabing Administration Office
24-26 Richmond Street
NYABING WA 6341

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Christie Smith

CHIEF EXECUTIVE OFFICER

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1. DECLARATION OF OPENING AND ANNOUNCEMENT OF VISITORS

The Shire President declared the meeting opened at 4.32 pm.

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

Cr K Johnston	Shire President
Cr D Gray	Deputy Shire President
Cr S Crosby	Member
Cr D Harris	Member
Cr G Hobley	Member
Cr S Reid	Member

Staff

C Smith	Chief Executive Officer
M Crosby	Manager Corporate
G Mathewson	Manager Infrastructure

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

NIL

4. PUBLIC QUESTION TIME

NIL

5. APPLICATIONS FOR LEAVE OF ABSENCE

NIL

6. CONFIRMATION AND RECEIVING OF MINUTES/BUSINESS ARISING

6.1.1 ORDINARY MEETING OF COUNCIL HELD 17 APRIL 2024

OCM2324/122 - COUNCIL RESOLUTION (Officer Recommendation)

MOVED Cr S CROSBY/ Cr G HOBLEY

That the minutes of the Ordinary Council Meeting of the Shire of Kent held at the Nyabing Council Chambers, on Wednesday 17 April 2024 be CONFIRMED.

CARRIED 6/0

For:

Cr K Johnston, Cr D Gray, Cr S Crosby, Cr G Hobley, Cr S Reid, Cr D Harris

Against:

Nil

7. ANNOUNCEMENTS BY THE PRESIDING PERSON WITHOUT DISCUSSION

8. PETITIONS/DEPUTATIONS/PRESENTATIONS/SUBMISSIONS

9. OFFICER REPORTS

9.1.1 MONTHLY FINANCIAL REPORTS TO 30 APRIL 2024

PROPOSED MEETING DATE:	15 May 2024
PROPONENT:	N/A
LOCATION:	N/A
AUTHOR:	Michaela Crosby – Manager Corporate
REPORTING OFFICER:	Christie Smith – Chief Executive Officer
FILE NO:	FIN.187
ASSESSMENT NO:	N/A
ATTACHMENTS:	Attachment 1 - Monthly Financial Reports to 30 April 2024
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.

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

OCM2324/123 - COUNCIL RESOLUTION (Officer Recommendation)

MOVED Cr D GRAY/ Cr S CROSBY

That Council receive the following Monthly Financial Reports as presented:

- **Monthly Financial Reports to 30 April 2024**

CARRIED 6/0

For:

Cr K Johnston, Cr D Gray, Cr S Crosby, Cr G Hobley, Cr S Reid, Cr D Harris

Against:

Nil

9.1.2 SCHEDULE OF ACCOUNTS PAID TO 30 APRIL 2024

PROPOSED MEETING DATE:	15 May 2024
PROPONENT:	N/A
LOCATION:	N/A
AUTHOR:	Michaela Crosby – Manager Corporate
REPORTING OFFICER:	Michaela Crosby – Manager Corporate
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

OCM2324/124 - COUNCIL RESOLUTION (Officer Recommendation)

MOVED Cr D HARRIS/ Cr S REID

That Council endorse the payments from the Municipal Fund and Trust Fund for the period ending 30 April 2024:

Municipal Fund (EFT)	\$250,554.64
Municipal Fund (CHQ)	\$ 0.00
Trust Fund	\$ 0.00
Direct Debits	\$171,518.26
<u>TOTAL</u>	<u>\$422,072.90</u>

CARRIED 6/0

For:

Cr K Johnston, Cr D Gray, Cr S Crosby, Cr G Hopley, Cr S Reid, Cr D Harris

Against:

Nil

9.1.3 SALARIES AND ALLOWANCES FOR ELECTED MEMBERS

PROPOSED MEETING DATE:	15 May 2024
PROPONENT:	N/A
LOCATION:	N/A
AUTHOR:	Christie Smith – Chief Executive Officer
REPORTING OFFICER:	Christie Smith – Chief Executive Officer
FILE NO:	GOV.129/FIN.247
ASSESSMENT NO:	N/A
ATTACHMENTS:	Nil
DISCLOSURE OF INTEREST:	Nil

PURPOSE

Council to adopt a position on the payment of fees, allowances and reimbursements of expenses to apply from 1 July 2024.

BACKGROUND

On the 5 April 2024 the Salaries and Allowances Tribunal reviewed and determined the fees to elected council members for attendance at meetings; reimbursements to elected members and allowances to elected members. In the determination, the conclusion was that elected members would be remain at current levels.

The Shire of Kent is included in Band 4

Attendance **per Council meeting:** (section 5.98(1) LGA:

POSITION	Minimum	Maximum
Shire President	\$99	\$530
Elected Member	\$99	\$260

Attendance **per Committee meetings,** including the following: (section 5.98(2A) (b) LGA:

POSITION	Minimum	Maximum
Shire President	\$52	\$130
Elected Member	\$52	\$130
Independent Member	\$0	\$130

- (a) *meeting of a WALGA Zone, where the council member is representing a local government as a delegate elected or appointed by the local government;*
- (b) *meeting of a Regional Road Group established by Main Roads Western Australia, where the council member is representing a local government as a delegate elected or appointed by the local government;*
- (c) *council meeting of a regional local government where the council member is the deputy of a member of the regional local government and is attending in the place of the member of the regional local government;*
- (d) *meeting other than a council or committee meeting where the council member is attending at the request of a Minister of the Crown who is attending the meeting;*
- (e) *meeting other than a council meeting or committee meeting where the council member is representing a local government as a delegate elected or appointed by the local government.*

Council can elect (by absolute majority) that instead of paying elected members attendance fees per each council and committee (or other prescribed) meetings attended to pay an annual fee to all elected members who attend council, committee or other prescribed meetings.

Annual Fee:

POSITION	Minimum	Maximum
Shire President	\$3,884	\$21,138
Elected Member	\$3,884	\$10,286

Under section 5.98 of the *Local Government Act 1995* in addition to sitting fees the following annual allowances apply:

POSITION	Minimum	Maximum
Shire President	\$556	\$21,710
Deputy Shire President**	\$139	\$5,427

**25% of president allowance

Expenses for reimbursement

Rental charges for 1 telephone and 1 x facsimile
Childcare costs \$35 per hour or lesser

Elected members can receive reimbursement in full for the above properly incurred out of pocket expenses or by annual allowance of a minimum \$500 and maximum \$3,500.

Travel costs as per *Local Government Officers' (WA) Award 2021* are as follows:

Area and Details	Over 2600cc	1600cc to 2600cc	1600cc and under
Metropolitan area	93.97 c/per km	67.72 c/per km	55.85 c/per km
South West Land Division	95.54 c/per km	68.66 c/per km	56.69 c/per km
North of 23.5 Latitude	103.52 c/per km	74.12 c/per km	61.21 c/per km
Rest of the state	99.01 c/per km	70.87 c/per km	58.37 c/per km

*Motorcycle are at 32.55 c per km

COMMENT

The *Local Government Act 1995* provides for elected members to claim fees, expenses and allowances.

Current fees for elected members, adopted at the Ordinary Meeting of Council held 16 May 2023, are as follows:

MEMBER TYPE	PAYMENT TYPE	FREQUENCY	PAYMENT AMOUNT
Shire President	Sitting Fee	Annual	\$9,000
Elected Member	Sitting Fee	Annual	\$9,000
Shire President	Allowance	Annual	\$20,000
Deputy Shire President	Allowance	Annual	\$5,000
All Elected Members	Expenses Reimbursement	for Annual	\$1,000
All Elected Members	Travel	Per Km	As per <i>Local Government Industry Award 2020</i>

STATUTORY IMPLICATIONS

Local Government Act 1995 Section 5.98(1)
Salaries and Allowances Act 1975 Section 7B(2)

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

To be included in 2024/2025 budget considerations.

STRATEGIC IMPLICATIONS

Community Strategic Plan 2023-2033

Civic Leadership Objective – Proactive and well governed Shire

RISK IMPLICATIONS

N/A

VOTING REQUIREMENT

Absolute Majority

OFFICER RECOMMENDATION

That Council consider and adopt salaries and allowances for Elected Members and Independent Members (committee meetings only).

OCM2324/125 - COUNCIL RESOLUTION

MOVED Cr D GRAY/ Cr G HOBLEY

That Council adopt the following salaries and allowances for Elected Members and Independent Members (committee meetings only) as of 1 July 2024.

MEMBER TYPE	PAYMENT TYPE	FREQUENCY	PAYMENT AMOUNT
Shire President	Sitting Fee	Annual	\$10,000
Elected Member	Sitting Fee	Annual	\$10,000
Shire President	Allowance	Annual	\$21,000
Deputy Shire President	Allowance	Annual	\$5,250
All Elected Members	Expenses for Reimbursement	Annual	\$1,000
All Elected Members	Travel	Per Km	As per <i>Local Government Officers' (WA) Award 2021</i>
Independent Member	Sitting Fee	Per committee meeting	\$130

CARRIED 6/0

For:
Cr K Johnston, Cr D Gray, Cr S Crosby, Cr G Hobley, Cr S Reid, Cr D Harris

Against:
Nil

9.1.4 ADOPTION OF THE LOCAL HERITAGE SURVEY AND HERITAGE LIST

PROPOSED MEETING DATE:	15 May 2024
PROPONENT:	N/A
LOCATION:	N/A
AUTHOR:	Christie Smith – Chief Executive Officer
REPORTING OFFICER:	Christie Smith – Chief Executive Officer
FILE NO:	GOV.267
ASSESSMENT NO:	N/A
ATTACHMENTS:	Attachment 1 – 2024 Local Heritage Survey & Heritage List Attachment 2 – Burra Charter
DISCLOSURE OF INTEREST:	Nil

PURPOSE

The purpose of this report is for Council to consider formal adoption of the Local Heritage Survey (LHS) and Heritage List following a period of public advertising.

BACKGROUND

The Department of Planning, Lands and Heritage (DPLH) announced a Local Heritage Grants Program in September 2022. The purpose of the grant was to identify local heritage places and develop and implement a heritage framework. In March 2023, Council was successful in receiving \$4,500 under this program.

Laura Gray of Heritage Intelligence (WA) was contracted to undertake works required to form a new Local Heritage Survey (LHS) which would replace Council’s previously adopted Municipal Heritage Inventory.

In April 2023, Laura provided a presentation to Council on the overview of the LHS process and met with locals within the Shire to discuss and assess identified places and potential places of heritage interest.

Council resolved at the Ordinary Meeting of Council held 17 April 2024 to:

OCM2324/115 - COUNCIL RESOLUTION (Officer Recommendation)

MOVED Cr D GRAY/ Cr G HOBLEY

That the Council:

- 1. Endorses the Draft Local Heritage Survey, as presented; and**
- 2. Invites public comment, with submissions closing 9am Tuesday, 7 May 2024.**

CARRIED 6/0

COMMENT

In accordance with Council’s Community Consultation and Engagement Policy, Council sought comment through social media, website, community email, and Keeping up with Kent newsletter.

The public comment period allowed 19 days for submissions. One submission was received confirming the location for Carries Graves at line 47, this has been amended.

STATUTORY IMPLICATIONS

Part 18 of the *Heritage Act 2018* requires each local government to identify places of cultural heritage significance in a Local Heritage Survey.

Local Government Act 1995

Planning and Development Act 2005

State Planning Policy 3.5 Historic Heritage Conservation

POLICY IMPLICATIONS

Shire of Kent Policy Manual

3.2.1 Community Consultation and Engagement Policy

FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Community Strategic Plan 2023 - 2033

1. Community Strategic Priorities

1.3 Well maintained community spaces and infrastructure

Shire owned, community buildings and heritage spaces are well maintained, accessible and activated.

4. Civic Leadership Strategic Priorities

4.1 Forward planning and implementation of plans to achieve community priorities

RISK IMPLICATIONS

Nil

VOTING REQUIREMENT

Simple Majority

OCM2324/126 - COUNCIL RESOLUTION (Officer Recommendation)

MOVED Cr D HARRIS/ Cr G HOBLEY

That the Council:

- 1. Adopts the Shire of Kent Local Heritage Survey and Heritage List (as per attachment 1);**
- 2. Notifies the Heritage Council of Western Australia all affected property owners and occupiers of the adoption of the Heritage List;**
- 3. Advertises the adoption of the Shire of Kent Local Heritage Survey and Heritage List; and**
- 4. Prepares a proposed Local Planning Policy relevant to the Heritage List for Council adoption.**

CARRIED 6/0

For:

Cr K Johnston, Cr D Gray, Cr S Crosby, Cr G Hobley, Cr S Reid, Cr D Harris

Against:

Nil

It was noted that the spelling of Chinocup in the plan was incorrect and that the

Item 62 Former Pingrup Hall and Item 33 Tuffley's Iron Shed have now been demolished for public safety.

9.1.5 ENDANGERED CARNABY’S BLACK COCKATOO CONSERVATION PROJECT

PROPOSED MEETING DATE:	15 May 2024
PROPONENT:	N/A
LOCATION:	N/A
AUTHOR:	Christie Smith – Chief Executive Officer
REPORTING OFFICER:	Christie Smith – Chief Executive Officer
FILE NO:	FIN.247
ASSESSMENT NO:	N/A
ATTACHMENTS:	Attachment 1 – Project Brief
DISCLOSURE OF INTEREST:	Nil

PURPOSE

The purpose of this report is for Council to consider being involved in the Endangered Carnaby’s Black Cockatoo Conservation Project being driven by Katanning Landcare.

BACKGROUND

An email has been received from Ms Paulley, Project Officer, Katanning Landcare seeking support for the Endangered Carnaby’s Black Cockatoo Conservation Project.

Katanning Landcare are working with South West Natural Resource Management (NRM) on the project and is looking to include the Shire’s of Katanning, Kent, Kojonup, Wagin and Woodanilling.

Other project partners are the Department of Biodiversity, Conservation and Attractions, Indigenous groups, community groups, and Birdlife Australia (Perth). Birdlife Australia believes Carnaby’s breed at or feed in the Kwobrup Nature Reserve but more research needs to be done to confirm this.

A project brief is attached as attachment 1.

COMMENT

The Katanning Landcare will be applying for funding through Lotterywest for support.

To support the Lotterywest funding application, Katanning Landcare are seeking contributions of cash or –in-kind. Ms Paulley provided an example that Council may wish to cover the cost of the 2-3 artificial nesting tubes that have been proposed for our Shire plus a contribution towards the monitoring camera.

Council are to consider if they wish to be involved in the project and what level of involvement. Supporting the project offers numerous benefits that align with the council’s objectives and responsibilities:

- **Biodiversity Conservation:** Carnaby’s Black Cockatoo is an iconic and endangered species native to our region. By supporting its conservation, council will contribute to preserving biodiversity and protecting a significant component of the local ecosystem.
- **Ecotourism and Recreation:** Carnaby’s Black Cockatoo is a draw for ecotourism and birdwatching enthusiasts.
- **Environmental Education:** The project provides opportunities for community engagement and environmental education. Through workshops, school programs, and public outreach efforts, the council can raise awareness about biodiversity conservation and foster a sense of environmental responsibility among residents.
- **Social Responsibility:** Conservation efforts contribute to the well-being of both present and future generations. By supporting the project, council demonstrates its commitment to social responsibility and sustainable development, enhancing its reputation as a conscientious and forward-thinking governing body

Providing a financial contribution towards the project not only serves to protect a critically endangered species but also aligns with the council's broader goals of environmental stewardship, community engagement, and sustainable development.

STATUTORY IMPLICATIONS

Nil

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

If Council wish to provide a financial contribution this can be included within the 24/25 budget deliberations.

STRATEGIC IMPLICATIONS

Community Strategic Plan 2023 - 2033

3. Environment Strategic Priorities

3.2 Conservation of our natural environment and resources.

RISK IMPLICATIONS

Nil

VOTING REQUIREMENT

Simple Majority

OCM2324/127 - COUNCIL RESOLUTION (Officer Recommendation)
--

MOVED Cr D GRAY/ Cr G HOBLEY

That the Council provide a financial contribution of \$2,000 ex GST in the 24/25 financial year to Katanning Landcare in support of the Carnaby's Black Cockatoo Conservation Project.

LOST 0/6

**For:
Nil**

**Against:
Cr K Johnston, Cr D Gray, Cr S Crosby, Cr G Hobley, Cr S Reid, Cr D Harris**

Council voted against the Officer Recommendation as the project brief was broad and did not define direct benefits to the Shire of Kent.

- 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.

Reason for Confidentiality

The Chief Executive Officer’s Report is confidential in accordance with s5.23 (2) the *Local Government Act 1995* as it deals with matters affecting:

- S5.23 (2) (c) *a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting; and*
- S5.23 (2) (e) (ii) *a matter that if disclosed, would reveal information that has a commercial value to a person*

OCM2324/128 - COUNCIL RESOLUTION (Procedural Motion)

MOVED Cr S CROSBY / Cr G HOBLEY

That Council closes the meeting to the public in accordance with sub section 5.23 (2) (c) and (e) (ii) of the *Local Government Act 1995* at 4.55pm.

CARRIED 6/0

For:
Cr K Johnston, Cr D Gray, Cr S Crosby, Cr G Hobley, Cr S Reid, Cr D Harris

Against:
Nil

12.1.1 DISPOSAL OF PROPERTY – 9 GEORGE STREET, NYABING

PROPOSED MEETING DATE:	15 May 2024
PROPONENT:	N/A
LOCATION:	N/A
AUTHOR:	Christie Smith – Chief Executive Officer
REPORTING OFFICER:	Christie Smith – Chief Executive Officer
FILE NO:	PRO.626
ASSESSMENT NO:	N/A
ATTACHMENTS:	Nil
DISCLOSURE OF INTEREST:	Nil

OCM2324/129 - COUNCIL RESOLUTION (Officer Recommendation)**MOVED Cr D GRAY/ Cr G HOBLEY****That Council;**

- 1. Authorise the Chief Executive Officer to proceed with the sale of 9 George Street (Lot 116), Nyabing subject to the requirements of the *Local Government Act 1995 section 3.58 (3) (a) (b)*.**
- 2. Authorise the Chief Executive Officer to give local public notice of its intention to dispose of 9 George Street (Lot 116), Nyabing in accordance with the *Local Government Act 1995 should an acceptable sale be negotiated*.**
- 3. That at the conclusion of the advertising period, should there be no public submissions, the Chief Executive Officer be authorised to finalise the sale documents on behalf of the Shire of Kent, if submissions are received then an item is to be presented to the Ordinary Meeting of Council to be held in June 2024 for consideration.**
- 4. The sale price is to be determined by the Chief Executive Officer in what is in the best value for the Shire of Kent, but not less than market value.**
- 5. Include the following conditions in the Contract of Sale:**
 - i) A minimum of one (1) single house must be approved and constructed on the land, the subject of this contract of sale, by the purchaser within two (2) years of the date of settlement of the contract;**
 - ii) If one (1) single house is not approved and constructed on the land, the subject of this contract of sale, by the purchaser within two (2) years of the date of settlement of the contract, the land must be sold back to the Shire of Kent at the same price as it was purchased for from the Shire with the purchaser required to meet all transaction costs incurred by the Shire including stamp duty payable to the State Government;**
 - iii) The purchaser agrees to the registration of a caveat on the land's certificate of title by the Shire of Kent to prevent the sale of the land to a third party until such time as a minimum of one (1) single house has been constructed on the land.**

OCM2324/130- COUNCIL RESOLUTION (Procedural Motion)**MOVED Cr S REID / Cr D GRAY****That Council open the meeting to the public at 5.05pm.****CARRIED 6/0****For:****Cr K Johnston, Cr D Gray, Cr S Crosby, Cr G Hobley, Cr S Reid, Cr D Harris****Against:****Nil**

13. MEETING CLOSED

There being no further business the Shire President Cr Kate Johnston, closed the meeting at 5.05PM.

I certify these minutes were confirmed at the Ordinary Meeting of Council held 19 June 2024.

.....
Cr Kate Johnston – Shire President

.....
Date