



ORDINARY MINUTES (CONFIRMED)

DATE: Wednesday 19 June 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

MINUTES
19 June 2024

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 ORDINARY MEETING OF COUNCIL HELD 15 MAY 2024	5
	6.2 OUTSTANDING COUNCIL RESOLUTIONS JUNE 2024.....	5
7.	ANNOUNCEMENTS BY THE PRESIDING PERSON WITHOUT DISCUSSION.....	5
8.	PETITIONS/DEPUTATIONS/PRESENTATIONS/SUBMISSIONS	5
9.	OFFICER REPORTS	5
	9.1 MONTHLY FINANCIAL REPORTS TO 31 MAY 2024	6
	9.2 SCHEDULE OF ACCOUNTS PAID TO 31 MAY 2024	8
	9.3 PROPOSED AMENDMENT TO LOCAL LAW – COMMENCEMENT	10
	9.4 PROPOSAL TO TRANSFER MANAGEMENT OF RESERVES 25696 AND 25697 AND CANCELLATION OF CLASS A CLASSIFICATION	13
	9.5 PROPOSED LOCAL PLANNING POLICY NO. 1 FOR HERITAGE PLACES	15
	9.6 AGREEMENT TO USE NYABING KART TRACK – GREAT SOUTHERN STREET MACHINE ASSOCIATION	17
12	MATTERS BEHIND CLOSED DOORS.....	19
	12.1 REQUEST TO FORGIVE WATER CONSUMPTION ON EMPLOYEE TENANTED HOUSES ...	20
9.7	UPDATE POLICY POSITION 4.1 – HOUSING POLICY (4.1.2 COST OF WATER CONSUMPTION). 21	
10	ELECTED MEMBERS MOTION OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN.....	23
11	NEW BUSINESS OF AN URGENT NATURE AGREED TO BY RESOLUTION OF COUNCIL.....	23
13	MEETING CLOSED	23

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
J Dolan	Administration Officer

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 ORDINARY MEETING OF COUNCIL HELD 15 MAY 2024

OCM2324/131 - COUNCIL RESOLUTION (Officer Recommendation)

MOVED Cr D GRAY/Cr S CROSBY

That the minutes of the Ordinary Council Meeting of the Shire of Kent held at the Nyabing Council Chambers, on Wednesday 15 May 2024 be CONFIRMED.

CARRIED 6/0

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

**Against:
Nil**

6.2 OUTSTANDING COUNCIL RESOLUTIONS JUNE 2024

The outstanding Council Resolutions Register for June 2024 is provided as attachment 6.2 for noting.

7. ANNOUNCEMENTS BY THE PRESIDING PERSON WITHOUT DISCUSSION

8. PETITIONS/DEPUTATIONS/PRESENTATIONS/SUBMISSIONS

9. OFFICER REPORTS

9.1 MONTHLY FINANCIAL REPORTS TO 31 MAY 2024

PROPOSED MEETING DATE:	19 June 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 31 May 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

OCM2324/132 - COUNCIL RESOLUTION (Officer Recommendation)

MOVED Cr S REID/ Cr G HOBLEY

That Council receive the following Monthly Financial Reports as presented:

- **Monthly Financial Reports to 31 May 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

9.2 SCHEDULE OF ACCOUNTS PAID TO 31 MAY 2024

PROPOSED MEETING DATE:	19 June 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

OCM2324/133 - COUNCIL RESOLUTION (Officer Recommendation)

MOVED Cr S CROSBY/ Cr D HARRIS

That Council endorse the payments from the Municipal Fund and Trust Fund for the period ending 31 May 2024:

Municipal Fund (EFT)	\$720,642.80
Municipal Fund (CHQ)	\$ 0.00
Trust Fund	\$ 0.00
Direct Debits	\$209,201.83
<u>TOTAL</u>	<u>\$929,844.63</u>

CARRIED 6/0

For:

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

Against:

Nil

9.3 PROPOSED AMENDMENT TO LOCAL LAW – COMMENCEMENT

PROPOSED MEETING DATE:	19 June 2024
PROPONENT:	N/A
LOCATION:	N/A
AUTHOR:	Niel Mitchell – Consultant
REPORTING OFFICER:	Christie Smith – Chief Executive Officer
FILE NO:	GOV.238
ASSESSMENT NO:	N/A
ATTACHMENTS:	Attachment 1 – Proposed Amendment Local Law 2024
DISCLOSURE OF INTEREST:	Nil

PURPOSE

To commence the statutory processes for adoption of a local law in accordance with the *Local Government Act 1995* s.3.12.

BACKGROUND

The Joint Standing Committee on Delegated Legislation advised of a number of matters that needed amendment and requested undertakings that these be attended to within 6 months. These undertakings were resolved by Council on 17 April 2024, and acceptance by the JSCDL was received on 9 May 2024.

The Local Government Act requires the following statements be made in the agenda and minutes of the meeting –

- Purpose – to amend the Animals, Environment and Nuisance Local Law 2023, Cemeteries Local Law 2023, Fencing Local Law 2023 and Public Places & Local Government Property Local Law 2023 in accordance with the undertakings given to the Joint Standing Committee on Delegated Legislation.
- Effect – to align the local laws with these undertakings.

COMMENT

The principal local laws were published in the Government Gazette on 20 November 2023.

The statutory process is the same for making, amending or revoking a local law –

- Local public notice inviting public comment – minimum of 6 weeks
- During this time, submit to Dept of Local Government, Sport and Cultural Industries.
- At the end of public comment period, summary of public comments and any changes recommended by DLGSC to Council for decision regarding those comments, and consideration of any changes to the draft local law
- final adoption of the amendment local law by Council
- publication in the Government Gazette
- local public notice to be given of the adoption, publication and commencement date of the local law
- submission all necessary documents to Parliamentary Joint Standing Committee on Delegated Legislation for their review.

Local public notice of a proposed local law requires that the community be given the opportunity to comment for a minimum of 6 weeks. The notice is required to be published on the Shire's website and at least 3 other places.

Should significant amendments be made at time of final adoption, the statutory public comment period must be recommenced.

The JSCDL reviews the local law, its effects and may recommend to Parliament that it be amended and request an undertaking, or that it be disallowed. The JSCDL will not review the local law until after it has been formally adopted, Gazetted etc.

STATUTORY IMPLICATIONS

Local Government Act 1995 –

- s 3.12 – Procedure for making local laws
- s.3.13 – Significant changes require recommencement of proposal
- s.3.14 – Unless otherwise provided for, local laws come into effect 14 days after Gazetted
- s.3.15 – local public notice of the final adoption/making of a local law to be given

Cat Act 2011 –

- s.79 – local laws

Cemeteries Act 1986 –

- s.55 (1) – a Board may make local laws ... as are necessary or convenient for the purposes of this Act ...
 - (r) generally for the doing of all such acts and things as are necessary or may necessary or convenient for the effective administration of a cemetery,

POLICY IMPLICATIONS

Future adoption of Council policy for control and approval of kennels etc as provided in the proposed local law.

FINANCIAL IMPLICATIONS

Advertising of the proposed local law, and after final adoption, publication in the Government Gazette.

STRATEGIC IMPLICATIONS

Community Strategic Plan 2023 - 2033

Civic Leadership Strategic Priorities – Proactive and well governed Shire

RISK IMPLICATIONS

The perceived level of risk is considered low-moderate.

VOTING REQUIREMENT

Simple Majority

OCM2324/134 - COUNCIL RESOLUTION (Officer Recommendation)**MOVED Cr G HOBLEY/ Cr D HARRIS****That Council:**

- 1. in accordance with the *Local Government Act 1995* s.3.12(2) and (3) and all other legislation enabling it, local public notice be given that Council intends to make an Amendment Local Law, and inviting submissions for a minimum 6 week period –**
 - Purpose – to amend the Animals, Environment and Nuisance Local Law 2023, Cemeteries Local Law 2023, Fencing Local Law 2023 and Public Places & Local Government Property Local Law 2023 in accordance with the undertakings given to the Joint Standing Committee on Delegated Legislation.**
 - Effect – to align the local laws with these undertakings.**

- 2. in accordance with the *Local Government Act 1995* s.3.12(3), copies of the proposed local law be –**
 - sent to the Minister for Local Government**
 - make available to any other person requesting a copy.**

CARRIED 6/0**For:****Cr K Johnston, Cr D Gray, Cr S Crosby, Cr G Hobley, Cr S Reid, Cr D Harris****Against:****Nil**

9.4 PROPOSAL TO TRANSFER MANAGEMENT OF RESERVES 25696 AND 25697 AND CANCELLATION OF CLASS A CLASSIFICATION

PROPOSED MEETING DATE:	19 June 2024
PROPONENT:	Department of Planning, Lands and Heritage
LOCATION:	Reserves 25696 and 25697
AUTHOR:	Christie Smith – Chief Executive Officer
REPORTING OFFICER:	Christie Smith – Chief Executive Officer
FILE NO:	LEG.51
ASSESSMENT NO:	N/A
ATTACHMENTS:	Attachment 1 – Aerial and Tenure Maps
DISCLOSURE OF INTEREST:	Nil

PURPOSE

This report addresses a proposal from the Department of Planning, Lands and Heritage (DPLH) regarding the transfer of management for Reserve 25696 and Reserve 25697 from the National Parks and Nature Conservation Authority to the Shire of Kent.

Additionally, it includes the cancellation of the Class A Classifications and the change of purpose from 'Conservation of Flora and Fauna' to 'Landscape Protection.' The Council's decision is sought to consider these changes and their implications on local governance and community benefits.

BACKGROUND

Reserve 25696 and Reserve 25697 are currently under the management of the National Parks and Nature Conservation Authority (NPNCA) and classified as Class A reserves with the purpose of 'Conservation of Flora and Fauna.'

In 1998, Council resolved to accept the vesting of the above-mentioned Reserves and at that time was for the purpose of 'Nature Strips'. DPLH never finalised the vesting arrangements.

COMMENT

The DPLH has proposed transferring management responsibility to the Shire of Kent, cancelling the Class A Classification, and changing the purpose to 'Landscape Protection.' These changes are aimed at providing the Shire with greater flexibility in managing the reserves while maintaining environmental and community values. The transfer and reclassification are to be conducted under sections 46 and 45(3) of the *Land Administration Act 1997*.

As the proposal is to have the classification changed, DPLH must follow the protocols set out in the *Land Administration Act 1997* which includes tabling the proposal in parliament and/or advertising in a newspaper circulating throughout the State.

STATUTORY IMPLICATIONS

The proposal is governed by the *Land Administration Act 1997*, specifically sections 46 and 45(3). Section 46 details the processes and requirements for the transfer of management responsibility for Crown land reserves, while section 45(3) allows for the cancellation of Class A Classification and the change of reserve purpose.

Compliance with all statutory requirements will be ensured to facilitate a smooth transition and reclassification.

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

All costs pertaining to the transfer and cancellation of the classification are to be at the expense of DPLH.

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

OCM2324/135 - COUNCIL RESOLUTION (Officer Recommendation)

MOVED Cr S CROSBY/ Cr D GRAY

That Council:

- 1. Endorse the proposal to transfer the management of Reserve 25696 and Reserve 25697 from the National Parks and Nature Conservation Authority to the Shire of Kent, cancel the Class A Classification, and change the purpose of the reserves from 'Conservation of Flora and Fauna' to 'Landscape Protection,' pursuant to sections 46 and 45(3) of the *Land Administration Act 1997*.**
- 2. Authorize the Chief Executive Officer to undertake all necessary actions to facilitate the transfer, reclassification, and change of purpose, including negotiations with DPLH and relevant stakeholders.**

CARRIED 6/0

For:

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

Against:

Nil

9.5 PROPOSED LOCAL PLANNING POLICY NO. 1 FOR HERITAGE PLACES

PROPOSED MEETING DATE:	19 June 2024
PROPONENT:	N/A
LOCATION:	Shire of Kent
AUTHOR:	Christie Smith – Chief Executive Officer
REPORTING OFFICER:	Christie Smith – Chief Executive Officer
FILE NO:	LAN.31
ASSESSMENT NO:	N/A
ATTACHMENTS:	Attachment 1 – Draft Local Planning Policy No. 1 – Heritage Places
DISCLOSURE OF INTEREST:	Nil

PURPOSE

This report seeks Council's resolution to adopt the draft Local Planning Policy No. 1 for Heritage Places for the purpose of public advertising. The policy aims to guide the conservation and management of heritage places within the Shire, ensuring their protection and enhancement for future generations.

BACKGROUND

At the Ordinary Meeting of Council held 15 May 2024, Council formally adopted the Shire of Kent Local Heritage Survey and Heritage List.

The final part to this process is to be prepare a Local Planning Policy in accordance with the procedural requirements of clause 4 in Part 2 of the *Deemed Provisions of the Planning and Development (Local Planning Schemes) Regulations 2015*.

COMMENT

Development of a Local Planning Policy No. 1 for Heritage Places is essential to provide a clear framework for identifying, conserving, and managing these historical assets. The proposed policy will apply to places that are included on the Heritage List adopted as part of the Shire of Kent Local Heritage Survey.

The draft Local Planning Policy No. 1 for Heritage Places represents a proactive step in safeguarding the Shire's heritage. Public advertising of the draft policy will provide further opportunity for community input and help refine the policy before final adoption.

STATUTORY IMPLICATIONS

The draft policy has been prepared in accordance with the *Planning and Development (Local Planning Schemes) Regulations 2015*. It aligns with the objectives of the *Heritage Act 2018* and complies with the requirements set out in the Shire's Local Planning Scheme No. 3.

POLICY IMPLICATIONS

Adopting the draft policy for advertising will not create immediate policy implications but will set the foundation for a structured approach to heritage conservation. Once adopted, the policy will inform future development applications and planning decisions, ensuring heritage considerations are integrated into the planning process.

FINANCIAL IMPLICATIONS

There are minimal financial implications associated with the advertising of the draft policy.

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

Failure to adopt a comprehensive heritage policy may result in the loss of significant heritage places due to inappropriate development or neglect. The adoption of this policy will mitigate such risks by providing clear guidelines for the protection and management of heritage assets.

VOTING REQUIREMENT

Simple Majority

OCM2324/136 - COUNCIL RESOLUTION (Officer Recommendation)
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MOVED Cr S CROSBY/ Cr G HOBLEY

That Council:

- 1. Adopt the draft Local Planning Policy No. 1 for Heritage Places for the purpose of public advertising.**
- 2. Authorise the Chief Executive Officer to undertake the necessary steps to advertise the draft policy.**
- 3. Consider the feedback received during the advertising period and make any necessary amendments to the policy before presenting it to Council for final 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

9.6 AGREEMENT TO USE NYABING KART TRACK – GREAT SOUTHERN STREET MACHINE ASSOCIATION

PROPOSED MEETING DATE:	19 June 2024
PROPONENT:	Great Southern Street Machine Association Inc
LOCATION:	Nyabing Kart Track
AUTHOR:	Christie Smith – Chief Executive Officer
REPORTING OFFICER:	Christie Smith – Chief Executive Officer
FILE NO:	PRO.476
ASSESSMENT NO:	N/A
ATTACHMENTS:	Attachment 1 - GSSMA Draft Event Proposal
DISCLOSURE OF INTEREST:	Nil

PURPOSE

For Council to consider a request from Great Southern Street Machine Association (GSSMA) to utilise the Nyabing Kart Track for an event.

BACKGROUND

GSSMA would like to host a motorsport event at the Nyabing Kart Track similar to the event they held at this location in 2022.

The event would be a two day (weekend) event based on “grass roots” entry level activities of Drifting and Motorkhana. All events held by GSSMA are sanctioned by their affiliated body being the Australian Auto Sport Alliance which provides both the governing rules and regulations and insurance for affiliated clubs.

At this point in time GSSMA is proposing the dates of 20 and 21 July 2024.

COMMENT

GSSMA would again engage with local clubs/groups to assist with activities on the day such as BBQ fundraising (food and non-alcoholic refreshments) in addition to utilising the Nyabing Community Hub to host an evening dinner and use of local accommodation facilities.

As per the previous event it is recommended an agreement be entered into in order to remove any risk associated with the proposed event from both the Shire and the State.

The Kart Track is situated on reserved land being Reserve 39189 with an approved purpose of “Recreation – Go Kart Racing”. While the reserve purpose specifically refers to “Go Kart Racing”, a proposal as presented is not necessarily “Go Kart” related, however the view is that the proposal does not drastically deviate from the established Reserve purpose as it is still motor based activities.

Given that risk from a Shire perspective can be mitigated and the potential value of the “community value-add” to community is perceived as high, it will be recommended that Council support GSSMA for the one-off event.

STATUTORY IMPLICATIONS

Local Government Act 1995

Lad Administration Act 1997

POLICY IMPLICATIONS

Policy 3.2.2 Common Seal

FINANCIAL IMPLICATIONS

Nil.

STRATEGIC IMPLICATIONS

Shire of Kent Strategic Community Plan 2023 - 2033

1 – Community

1.2 – Inclusive community activities, events, services and initiatives.

RISK IMPLICATIONS

As per comments above, risk has been identified as being able to be mitigated through a legal agreement.

VOTING REQUIREMENT

Simple Majority

OCM2324/137 - COUNCIL RESOLUTION (Officer Recommendation)

MOVED Cr D GRAY/ Cr D HARRIS

That Council:

- 1. Supports the Draft proposal submitted by Great Southern Street Machine Association Inc. (GSSMA) to host an event at the Nyabing Go Kart Track being Reserve 39189;**
- 2. Authorises the Chief Executive Officer to formalise details of the event with GSSMA including final dates of the event and programming;**
- 3. Authorises the Shire President and Chief Executive Officer to sign and apply the common seal to a legal agreement to permit the use of the subject premises and associated facilities for use in a one-off capacity, including, the removal of both the Shire and State from any associated risk as a result of the proposed event.**

CARRIED 6/0

For:

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

Against:

Nil

OCM2324/138 - COUNCIL RESOLUTION (Procedural Motion)**MOVED Cr D GRAY/ Cr S CROSBY**

That Council move to change the order of business in the agenda and bring forward confidential item 12.1 as the outcome of that item coincides with the report provided at item 9.7.

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 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*

OCM2324/139 - COUNCIL RESOLUTION (Procedural Motion)**MOVED Cr S CROSBY/ Cr D HARRIS**

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 5:25pm.

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 REQUEST TO FORGIVE WATER CONSUMPTION ON EMPLOYEE TENANTED HOUSES

PROPOSED MEETING DATE:	19 June 2024
PROPONENT:	N/A
LOCATION:	N/A
AUTHOR:	Michaela Crosby – Manager Corporate
REPORTING OFFICER:	Christie Smith - Chief Executive Officer
FILE NO:	PRO.19, PRO.11, PRO.203, PRO.27
ASSESSMENT NO:	N/A
ATTACHMENTS:	NIL

PURPOSE

The Council will consider forgiving the debt incurred from excessive water consumption in employee occupied Council-owned housing.

VOTING REQUIREMENT

Absolute Majority

OCM2324/140 - COUNCIL RESOLUTION (Officer Recommendation)

MOVED Cr S CROSBY/ Cr D GRAY

That Council agrees to cover all water costs for non-contract employees residing in Council-owned houses who have exceeded the 320 kL allowance for the 2023-2024 period.

CARRIED BY ABSOLUTE MAJORITY 6/0

For:

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

Against:

Nil

OCM2324/141 - COUNCIL RESOLUTION (Procedural Motion)

MOVED Cr S CROSBY/ Cr G HOBLEY

That Council open the meeting to the public at 5:37pm.

CARRIED 6/0

For:

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

Against:

Nil

OCM2324/142 - COUNCIL RESOLUTION (Procedural Motion)**MOVED Cr D GRAY/ Cr S REID****That Council move to change the order of business in the agenda and return to agenda item 9.7.****CARRIED 6/0****For:****Cr K Johnston, Cr D Gray, Cr S Crosby, Cr G Hobley, Cr S Reid, Cr D Harris****Against:****Nil****9.7 UPDATE POLICY POSITION 4.1 – HOUSING POLICY (4.1.2 COST OF WATER CONSUMPTION)**

PROPOSED MEETING DATE:	19 June 2024
PROPONENT:	Shire of Kent
LOCATION:	N/A
SUBJECT:	Update Policy Position 4.1 Housing Policy (4.1.2 Cost of Water Consumption)
AUTHOR:	Michaela Crosby – Manager Corporate
REPORTING OFFICER:	Christie Smith – Chief Executive Officer
FILE NO:	GOV.344
ASSESSMENT NO:	N/A
ATTACHMENT:	Attachment 1 – Current Policy (no markup) Attachment 2 – Current Policy (markup changes) Attachment 3 – Proposed Policy
DISCLOSURE OF INTEREST:	NIL

PURPOSE

Council to consider updating policy Position 4.1 – Housing Policy (4.1.2 Cost of Water Consumption).

The purpose of this policy is to update guidelines for water consumption subsidies for residents of Council owned houses.

BACKGROUND

The Shire of Kent currently offers subsidised housing for all employees. Additionally, surplus staff housing is available to non-employee tenants if not needed for staff.

To assist in the management of these properties, Council has a policy on water consumption that apply to all tenants. The intention of this policy is to encourage tenants to maintain and care for their lawns and gardens.

For tenants residing in Council owned housing, the current policy states;

Employee Tenants

- Contract employees are eligible for unlimited water consumption
- Non-contract employees are eligible for a water consumption subsidy of 320 kl per financial year
- Non-contract employees who exceed the water consumption subsidy within the financial year, will be invoiced for water consumption over the 320kl threshold.

Non-Employee Tenants

- Community tenants are responsible for paying the full cost of their water consumption each financial year
- Community tenants may apply to the Chief Executive Officer (CEO) for reimbursement of up to 50KL of water consumption per financial year
- Applications for reimbursement must be submitted with appropriate documentation demonstrating water usage and payment.

COMMENT

In 2023-2024, several non-contract employees have exceeded the 320kl yearly allowance and are required to pay for excess water use.

All residences this relates to are past executive residences and are located on blocks with large areas of lawn and garden. The tenants residing in these houses have maintained their lawn and gardens to a satisfactory level.

All other properties under non-contract employee tenancy, are unlikely to exceed the 320kl threshold in 2023-2024.

It is proposed that the threshold limit of 320kl is removed from the existing policy for employee tenanted housing, and all water consumption costs are covered by Council. The Policy would state for employee properties, a subsidy would be available to *reasonable water consumption*. It would be at the CEO's discretion to what would be considered reasonable water consumption.

To remedy any additional costs to Council, it is also proposed that areas of lawn at these houses are replaced with xeriscaping. Not only will this reduce water costs for Council, but it will also reduce maintenance on the properties, reduce administration, and further align with *Council's Strategic Priority 3.2 - Conservation of our natural environment and resources*.

It is proposed there be no changes to the policy for non-employee tenanted properties.

It is also noted that the current policy does not encourage tenants to use water responsibly and adhere to any water restrictions or conservation measures imposed by the Council or relevant authorities.

STATUTORY IMPLICATIONS

Local Government Act 1995

POLICY IMPLICATIONS

Shire of Kent Policy Manual
4.1.2 Cost of Water Consumption

FINANCIAL IMPLICATIONS

Additional costs may be incurred by increasing the water consumption threshold for tenants.

STRATEGIC IMPLICATIONS

3. Environment

Priority 3.2 - Conservation of our natural environment and resources

RISK IMPLICATIONS

N/A

VOTING REQUIREMENT

Absolute Majority

OCM2324/143 - COUNCIL RESOLUTION (Officer Recommendation)

MOVED Cr S CROSBY / Cr G HOBLEY

That Council adopt by Absolute Majority, the amended Shire of Kent Housing Policy as per Attachment 3;

4.1.2 - Cost of Water Consumption Policy (*amended*)

CARRIED BY ABSOLUTE MAJORITY 5/1

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

**Against:
Cr D Gray**

10 ELECTED MEMBERS MOTION OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

11 NEW BUSINESS OF AN URGENT NATURE AGREED TO BY RESOLUTION OF COUNCIL

13 MEETING CLOSED

There being no further business the Shire President Cr Kate Johnston, closed the meeting at 5.48PM.

I certify these minutes were confirmed at the Ordinary Meeting of Council held 24 July 2024.



.....
Cr Kate Johnston – Shire President

24th July 2024

.....
Date