

19/07/2024



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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, 24 July 2024
At the Council Chambers,
Nyabing

CEO Performance Review	2.00pm
Briefing Session to commence	4:30pm
Ordinary Council Meeting to commence	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,

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
24 July 2024

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1. DECLARATION OF OPENING AND ANNOUNCEMENT OF VISITORS

The Shire President declared the meeting opened at _____pm.

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 ORDINARY MEETING OF COUNCIL HELD 24 JULY 2024

OFFICER RECOMMENDATION

That the minutes of the Ordinary Council Meeting of the Shire of Kent held at the Nyabing Council Chambers, on Wednesday 19 JUNE 2024 be CONFIRMED.

6.2 OUTSTANDING COUNCIL RESOLUTIONS JULY 2024

The outstanding Council Resolutions Register for July 2024 is provided as attachment 6.2 for your information.

7. ANNOUNCEMENTS BY THE PRESIDING PERSON WITHOUT DISCUSSION

8. PETITIONS/DEPUTATIONS/PRESENTATIONS/SUBMISSIONS

9. OFFICER REPORTS

9.1 MONTHLY FINANCIAL REPORTS TO 30 JUNE 2024

PROPOSED MEETING DATE:	24 July 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 June 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

OFFICER RECOMMENDATION

That Council receive the following Monthly Financial Reports as presented:

- Monthly Financial Reports to 30 June 2024

9.2 SCHEDULE OF ACCOUNTS PAID TO 30 JUNE 2024

PROPOSED MEETING DATE:	24 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

OFFICER RECOMMENDATION

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

Municipal Fund (EFT)	\$477,807.80
Municipal Fund (CHQ)	\$ 2,658.78
Trust Fund	\$ 0.00
Direct Debits	\$154,049.34
<u>TOTAL</u>	<u>\$634,515.92</u>

9.3 ADOPTION OF 2024/2025 ANNUAL BUDGET

PROPOSED MEETING DATE:	24 July 2024
PROPONENT:	N/A
LOCATION:	N/A
AUTHOR:	Michaela Crosby – Manager Corporate and Christie Smith Chief Executive Officer
REPORTING OFFICER:	Christie Smith – Chief Executive officer
FILE NO:	FIN.247
ASSESSMENT NO:	N/A
ATTACHMENTS:	Attachment 1 – 2024/25 Statutory Budget Attachment 2 – 2024/25 Fees & Charges
DISCLOSURE OF INTEREST:	Nil

PURPOSE

To consider and adopt the Municipal Fund Budget for the 2024/2025 financial year together with supporting schedules, including imposition of rates and minimum payments, adoption of fees and charges, reserve transactions, setting of elected members fees for the year and other consequential matters arising from the budget papers.

BACKGROUND

The draft 2024/25 budget has been compiled based on the principles contained in the 2023-2033 Community Strategic Plan and 2021 – 2025 Corporate Business Plan. The 2024/25 draft budget has been prepared in accordance with the presentations made to councillors at the budget workshop held on 19 June 2024.

DETAILS

The budget has been prepared to include information required by the *Local Government Act 1995*, *Local Government (Financial Management) Regulations 1996* and Australian Accounting Standards. The main features of the draft budget include:

- The budget has been prepared with a 2.5% rate increase on the previous year’s yield.
- A capital works program of just over \$6.26mil for investment in infrastructure, land and buildings, plant and equipment and furniture and equipment.
- An approximate opening surplus of \$4,430,653. Factors contributing to high surplus are early Federal Assistance Grants (FAGS) of just over \$2.1mil, incomplete plant replacement program, roads program and building construction/upgrades from 2023/2024.
- The operating deficit on the Statement of Comprehensive Income by Nature and Type at budget year end, is due to the prepayment of the Financial Assistance Grant Scheme with minimal funding anticipated in 24/25.

STATUTORY IMPLICATIONS

Local Government Act 1995 S6.2 requires that no later than 31 August in each financial year, or such extended time as the Minister allows, each local government is to prepare and adopt, (Absolute Majority required) in the form and manner prescribed, a budget for its municipal fund for the financial year ending on the next following 30 June.

Divisions 5 and 6 of Part 6 of the *Local Government Act 1995* refer to the setting of budgets and raising of rates and charges. The *Local Government (Financial Management) Regulations 1996* details the form and content of the budget. The draft 2023/24 budget as presented is considered to meet statutory requirements.

POLICY IMPLICATIONS

The budget is based on the principles contained in the Community Strategic Plan. There is no policy on discount on rates, this is determined annually throughout the budget process. Council policy relates to recovery of rates and services charges (policy 3.1.5).

FINANCIAL IMPLICATIONS

The setting of the Shire's Annual Budget is a key decision made by Council on an annual basis. It is imperative that all Councillors fully understand the Budget and recognise the implications of decisions that have been made regarding resource allocation for the following 12 months as a result of the adoption of the Budget.

STRATEGIC IMPLICATIONS

The Shire of Kent Community Strategic Plan identifies a number of key objectives and strategies based upon a sustainable future. The 2024/25 Budget as presented is in keeping with Council's Strategic direction.

Shire of Kent – Community Strategic Plan 2024-2025

1. Community
 - 1.1. Our communities are healthy, connected and safe communities
 - 1.2. Inclusive community activities, events, services and initiatives
 - 1.3. Well maintained community spaces and infrastructure
 - 1.4. Support emergency services planning, risk mitigation, response and recovery
2. Economy
 - 2.1. Coordinated delivery of economic services and projects
 - 2.2. Access to local education pathways
 - 2.3. Safe and efficient transport network enables economic growth
 - 2.4. Visitors have a positive experience across our Shire
3. Environment
 - 3.1. Maintain a high standard of environmental health and waste services
 - 3.2. Conservation of our natural environment and resources
4. Strategic Priorities
 - 4.1. Forward planning and implementation of plans to achieve community priorities
 - 4.2. Proactive and well government Shire

RISK IMPLICATIONS

Moderate risk of negative public perception if Council does not adopt the budget.

COMMENT

The draft 2024/2025 budget continues to deliver on other strategies adopted by the council and maintains a high level of service across all programs while ensuring an increased focus on road and associated infrastructure as well as on renewing all assets at sustainable levels.

OFFICER'S RECOMMENDATION TO BE DEBATED AND RESOLVED BY COUNCIL

That:

RECOMMENDATION 1 – MUNICIPAL FUND BUDGET FOR 2024/2025

Pursuant to the provisions of Section 6.2 of the *Local Government Act 1995* and Part 3 of the *Local Government (Financial Management) Regulations 1996*, the Council adopt the Municipal Fund Budget as contained in the attachment to this agenda and minutes, for the Shire of Kent for the 2024/2025 financial year which includes the following:

- Statement of Comprehensive Income by Nature and Type on page 2 showing a net result for that year of (\$1,040,373).
- Statement of Cash Flows on page 3.

- Statement of Financial Activity on page 4 showing an annual amount required to be raised from rates of \$2,527,946.
- Note to and Forming Part of the Budget on pages 5 to 23
- Transfers to / from Reserve Accounts as detailed in page 16
- Budget program Schedules as detailed (supplementary)

VOTING REQUIREMENT
Absolute Majority Required

RECOMMENDATION 2 – GENERAL AND MINIMUM RATES, INSTALMENT PAYMENT ARRANGEMENTS

1. For the purposes of yielding the deficiency disclosed by the Municipal Fund Budget adopted as Part A above, council pursuant to Sections 6.32, 6.33, 6.34 and 6.35 of the *Local Government Act 1995* impose the following general rates and minimum payments on Gross Rental and Unimproved Values.
 - 1.1. General Rates
 - Residential / Commercial (GRV) 9.0000 cents in the dollar
 - Rural (UV) 0.0487 cents in the dollar
 - Mining (UV) 0.0487 cents in the dollar
 - 1.2. Minimum Payments
 - Residential / Commercial (GRV) \$565
 - Rural (UV) \$565
 - Mining (UV) \$565
2. Pursuant to Section 6.45 of the *Local Government Act 1995* and regulation 64(2) of the *Local Government (Financial Management) Regulations 1996*, council nominates the following due dates for the payment in full by instalments:

Full payment and instalment due date	4:30pm Friday 13 September 2024
2nd quarterly instalment due date	4.30pm Friday 15 November 2024
3rd quarterly instalment due date	4.30pm Friday 17 January 2025
4th quarterly instalment due date	4.30pm Friday 21 March 2025
3. Pursuant to Section 6.46 of the *Local Government Act 1995*, council offers no discount to ratepayers.
4. Pursuant to Section 6.45 of the *Local Government Act 1995* and regulation 67 of the *Local Government (Financial Management) Regulations 1996*, council adopts an instalment administration charge where the owner has elected to pay rates and services charges through an instalment option of \$10 for each instalment after the initial instalment is paid.
5. Pursuant to Section 6.45 of the *Local Government Act 1995* and regulation 68 of the *Local Government (Financial Management) Regulations 1996*, council adopts an interest rate of 5.5% where the owner has elected to pay rates and service charges through an instalment option.
6. Pursuant to Section 6.51(1) and subject to Sections 6.51 of the *Local Government Act 1995* and regulation 70 of the *Local Government (Financial Management) Regulations 1996*, council adopts an interest rate of 7% for rates (and service charges) and costs of proceedings to recover such charges that remains unpaid after becoming due and payable.

VOTING REQUIREMENT
Absolute Majority Required

RECOMMENDATION 3 – GENERAL FEES AND CHARGES FOR 2024/2025

That the Fees and Charges and Rental Charges included within the budget document and the following Service Charges be adopted in accordance with the provisions of the *Local Government Act 1995* and the *Health Act 1911*.

Health Act 1911

Sewerage Charges

Nyabing Residential Sewerage	\$7.5438 cents in the dollar minimum charge \$420.00
Nyabing Commercial Sewerage	\$7.5438 cents in the dollar minimum charge \$923.00
Nyabing Vacant lot Sewerage	\$290.00 per property
Pingrup Residential Sewerage	\$7.5438 cents in the dollar minimum charge \$420.00
Pingrup Commercial Sewerage	\$7.3436 cents in the dollar minimum charge \$923.00
Pingrup Vacant Lot Sewerage	\$290.00 per property
Minor fixture charge (first)	\$290.00
Major fixture charge (first)	\$923.00
Additional fixtures	\$119.00

VOTING REQUIREMENT

Absolute Majority Required

RECOMMENDATION 4 – OTHER STATUTORY FEES FOR 2024/2025

Pursuant to Section 67 of the *Waste Avoidance and Resources Recovery Act 2007*, council adopt the following charges for the removal of domestic and commercial waste:

Refuse Removal Charges for Nyabing and Pingrup Townsites

Residential and Commercial Premises (including recycling

240lt bin per weekly collection	\$270.00 per annum
240lt bin per weekly collection – eligible pensioner	\$135.00 per annum
240lt recycling bin per fortnightly collection	\$150.00 per annum

VOTING REQUIREMENT

Absolute Majority Required

RECOMMENDATION 5 – ELECTED MEMBERS’ FEES AND ALLOWANCES FOR 2024/2025

1. Pursuant to Section 5.99 of the *Local Government Act 1995* and regulation 34 of the *Local Government (Administration) Regulations 1996*, council adopts the following annual fees for payment of elected members in lieu of individual meeting attendance fees:

Shire President	\$10,000 per annum
Councillors	\$10,000 per annum

2. Pursuant to Section 5.99 of the *Local Government Act 1995* and regulation 34A and 34AA of the *Local Government (Administration) Regulations 1996*, council adopts the following annual allowances for elected members:

Allowance – Shire President	\$21,000 per annum
Allowance – Deputy Shire President	\$5,250 per annum
Expenses Reimbursement (all Councillors)	\$1,000 per annum

VOTING REQUIREMENT**Absolute Majority Required****RECOMMENDATION 6 – MATERIAL VARIANCE REPORTING FOR 2024/2025**

In accordance with regulation 34(5) of the *Local Government (Financial Management) Regulations 1996*, the level to be used in statements of financial activity in 2023/2024 for reporting material variances shall be 10% or \$10,000, whichever is the greater.

VOTING REQUIREMENT**Absolute Majority Required**

9.4 PROPOSED AMENDMENT TO LOCAL LAW – COMMENCEMENT

PROPOSED MEETING DATE:	24 July 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 Bush Fire Brigades Local Law Attachment 2 – Provisional consolidation – BFB Local Law
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 Local Government Act requires the following statements be made in the agenda and minutes of the meeting –

- Purpose – to revoke the Bush Fire Brigades Local Law 2023 and make provisions for establishment, management and administration of Bush Fire Brigades in accordance with the *Bush Fires Act 1954* in accordance with the undertakings given to the Joint Standing Committee on Delegated Legislation.
- Effect – to align the local laws with legislation and these undertakings.

The principal local law was published in the Government Gazette on 20 November 2023.

In February 2024, once Parliament had resumed, the JSCDL requested undertakings be given to amend the local law, which were given by Council following the April 2024 meeting.

COMMENT

The proposed local law–

- recognises that brigades are not independent, but are ultimately responsible to the local government;
- includes provision for appointment of brigade officers directly by Council if considered necessary or appropriate, similar to appointment of fire control officers (which are required to be by Council, and are not an elected position).

Despite having previously allowed much briefer versions of a Bush Fire Brigade Local Law, in recent times the Joint Standing Committee on Delegated Legislation has insisted on a close adherence to the WA Local Government Association Model. Ultimately, it does not matter what disagreement there may be with the model, the JSCDL is the body with the power to allow or recommend to Parliament that a local law be disallowed.

The local law does not address fire hazards, fire breaks etc. It is suggested that this be done by the preparation and adoption of a formal notice in accordance with the *Bush Fires Act* s.33 as a matter of priority. A notice has all the effect and weight of a local law, and is actionable through infringements or court action if necessary.

The draft now presented to Council is essentially identical to that made by the Shire of Pingelly, which was accepted by the JSCDL without requirement for an undertaking. As well as local government name and date, several minor changes for local circumstances and as informally suggested by Dept of Fire and Emergency Services, have been made.

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 and Dept of Fire and Emergency Services.
- At the end of public comment, summary of public comments and any changes recommended by the departments 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.

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

Bush Fires Act 1954 –

- s.35A – volunteer fire fighter means a bush fire control officer, a person who is a registered member of a bush fire brigade established under this Act or a person working under the direction of that officer or member,
- s37 – local government to insure “volunteer fire fighters”, plant and appliances etc.
- s.41 – local government may establish brigades, and equip them in accordance with those local laws
- s.43 – a local government which establishes a bush fire brigade shall by its local laws provide for appointment or election of captain, a first lieutenant and other officers, and shall prescribe their duties
- s.62 – may make local law for –
 - appointment, duties etc. of fire control officers
 - organisation etc. of bush fire brigades
 - matters affecting the exercise of any powers or duties conferred by the Act

POLICY IMPLICATIONS

Nil

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 moderate.

VOTING REQUIREMENT

Absolute Majority

OFFICER RECOMMENDATION

That–

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 a Bush Fire Brigades Local Law, and inviting submissions for a minimum 6 week period –
 - Purpose – to revoke the Bush Fire Brigades Local Law 2022 and make provisions for establishment, management and administration of Bush Fire Brigades in accordance with the *Bush Fires Act 1954* in accordance with the undertakings given to the Joint Standing Committee on Delegated Legislation.
 - Effect – to align the local laws with legislation and 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, and Minister for Fire and Emergency Services;
 - made available to any other person requesting a copy.

9.5 FINAL ADOPTION LOCAL PLANNING POLICY NO. 1 FOR HERITAGE PLACES

PROPOSED MEETING DATE:	24 July 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 –Local Planning Policy No. 1 – Heritage Places
DISCLOSURE OF INTEREST:	Nil

PURPOSE

This report seeks Council's resolution for final adopt the draft Local Planning Policy No. 1 for Heritage Places regarding the development of heritage places listed on the Shire of Kent Local Heritage List.

BACKGROUND

The *Heritage Act 2018* requires all local government authorities in Western Australia to prepare an inventory of buildings, places, and objects within their respective local government areas which, in their opinion, are, or may become, of cultural heritage significance.

The Shire of Kent Local Heritage Survey, Local Heritage List and draft Local Planning Policy No. 1 for Heritage Places were previously considered by Council at the 2024 May and June Ordinary Meetings of Council.

COMMENT

The draft Local Planning Policy No. 1 for Heritage Places was advertised for public comment for a twenty five (25 days) period from 20 June 2024 with submissions closing 15 July 2024. Under s 4(2) of the *Planning and Development (Local Planning Schemes) Regulations 2015* the minimum period for public notice is twenty one (21) days.

No submissions were received.

In accordance with the *Planning and Development (Local Planning Schemes) Regulations 2015*, the Council must now review the proposed policy and resolve to either:

- *proceed with the policy without modification;*
- *proceed with the policy with modification; or*
- *not proceed with the policy.*

Given no submissions were received it is recommended that the Council adopt the draft Local Planning Policy No. 1 for Heritage Places without modification

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

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 adopting the 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

OFFICER RECOMMENDATION

That Council adopt the Local Planning Policy No. 1 for Heritage Places, as presented.

9.6 PROPOSED LOCAL PLANNING POLICY NO. 2 – WIND FARMS

PROPOSED MEETING DATE:	24 July 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. 2 – Wind Farms
DISCLOSURE OF INTEREST:	Nil

PURPOSE

This report seeks Council's resolution to adopt the draft Local Planning Policy on Wind Farms for the purpose of public advertising. The policy aims to provide clear guidelines for the development and management of wind farms within the Shire, balancing the benefits of renewable energy with community and environmental considerations.

BACKGROUND

The Shire of Kent has significant potential for wind energy development due to its favourable wind conditions. Wind farms present an opportunity to contribute to sustainable energy generation and economic development. However, it is crucial to manage these developments to minimise impacts on the environment, landscape, and local communities. The draft Local Planning Policy for Wind Farms has been prepared to address these issues comprehensively.

The final part to this process is to 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 for Wind Farms is essential to provide a clear framework for managing wind energy development in the Shire of Kent.

It has been developed in collaboration with several other neighbouring Councils to ensure a consistent approach across the region. Public advertising of the draft policy will provide an opportunity for community input, helping to 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 state and federal legislation regarding renewable energy and environmental protection, including the *Environmental Protection Act 1986* 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 set the framework for a structured approach to wind farm development within the Shire. Once adopted, the policy will inform future development applications and planning decisions, ensuring that wind farm projects are developed responsibly and sustainably.

FINANCIAL IMPLICATIONS

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

STRATEGIC IMPLICATIONS

Community Strategic Plan 2023 - 2033

4. Civic Leadership Strategic Priorities

4.1 Forward planning and implementation of plans to achieve community priorities

RISK IMPLICATIONS

Without a comprehensive policy in place, there is a risk of wind farm development leading to negative impacts on the environment and local communities. The adoption of this policy will mitigate these risks by providing clear guidelines for the assessment and management of wind farm projects.

VOTING REQUIREMENT

Simple Majority

OFFICER RECOMMENDATION

That Council:

1. **Adopt the draft Local Planning Policy No. 2 – Wind Farms 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.**

9.7 LICENCE AND INDEMNITY AGREEMENT – NYABING DAM RESERVE 30159

PROPOSED MEETING DATE:	24 July 2024
PROPONENT:	Water Corporation
LOCATION:	Reserve 30159
AUTHOR:	Christie Smith – Chief Executive Officer
REPORTING OFFICER:	Christie Smith – Chief Executive Officer
FILE NO:	ESS.78
ASSESSMENT NO:	N/A
ATTACHMENTS:	Attachment 1 – Draft Licence and Indemnity Agreement
DISCLOSURE OF INTEREST:	Nil

PURPOSE

This report seeks Council's approval to renew the Licence and Indemnity Agreement between the Water Corporation and the Shire of Kent for Reserve 30159 Nyabing Dam. The agreement aims to ensure the continued supply of non-potable water for community and agricultural use. Approval is required to authorise the CEO and Shire President to sign the agreement and affix the common seal to the document.

BACKGROUND

The Nyabing Dam, situated on Reserve 30159, has been a vital source of non-potable water for the Shire of Kent community and local agricultural activities. The current Licence and Indemnity Agreement with the Water Corporation is due for renewal. The agreement stipulates the terms under which the Shire can utilize the water resources from the dam, ensuring compliance with regulatory requirements and safeguarding public and environmental health.

COMMENT

The renewal of the Licence and Indemnity Agreement with the Water Corporation for the Nyabing Dam is crucial for maintaining a sustainable and reliable non-potable water supply for the Shire of Kent. The agreement not only supports the community and agricultural activities but also aligns with the Shire's strategic goals of resource sustainability and community well-being.

STATUTORY IMPLICATIONS

Section 9.49 of the *Local Government Act 1995* Execution of Documents.

POLICY IMPLICATIONS

Policy 3.2.2 Common Seal

FINANCIAL IMPLICATIONS

The renewal of the agreement entails minimal financial expenditure for the Shire, primarily covering administrative costs associated with the renewal process. The long-term benefits of securing a reliable non-potable water source far outweigh these initial costs, ensuring continued support for community and agricultural needs.

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

OFFICER RECOMMENDATION

That Council:

- 1. Approves the renewal of the Licence and Indemnity Agreement between the Water Corporation and the Shire of Kent for Reserve 30159 Nyabing Dam.**
- 2. Authorizes the CEO and Shire President to sign the agreement on behalf of the Shire.**
- 3. Directs that the common seal be affixed to the agreement document.**

9.8 WESTERN AUSTRALIAN PLANNING COMMISSION – APPLICATION NO 200434

PROPOSED MEETING DATE:	24 July 2024
PROPONENT:	Western Australian Planning Commission
LOCATION:	418 Harvey Road, Nyabing WA 6341
AUTHOR:	Christie Smith – Chief Executive Officer
REPORTING OFFICER:	Christie Smith – Chief Executive Officer
FILE NO:	BUIL.74
ASSESSMENT NO:	A100
ATTACHMENTS:	Attachment 1 – WAPC Application details and plans
DISCLOSURE OF INTEREST:	Nil

PURPOSE

This report seeks Council's response to correspondence received from the Western Australian Planning Commission (WAPC) seeking Council's comments on the proposed re-subdivision (boundary realignment) of Lots 8925, 6136 and 6142, Nyabing. The application involves a proposed lot boundary realignment where no additional lots or dwelling entitlements will be created.

BACKGROUND

WAPC has provided a subdivision report advising the intention of the application is to re-subdivide the lots as part of a farm rationalisation and to bring road frontage to all lots. The current status of the lots is as follows:

- Lot 8925, 964.758ha, divided by Wallacup Road
- Lot 6136, 187.26ha, adjoins Lot 8925 with no road frontage to a road reserve
- Lot 6142, 175ha, adjoins Lot 8925 with no road frontage to a road reserve

Caldwell Land Surveys, on behalf of the current landowner has lodged an application with the WAPC for subdivision (boundary realignment) of Lots 8925, 6136 and 6142, Nyabing, to form three (3) new green title lots which are not intersected by the road. The Plan of Subdivision is provided in Attachment 1 and is summarised in the table below:

Lot	Existing land area	Proposed land area
8925	964.758ha	
6136	187.62ha	
6142	175ha	
Proposed Lot A		50.1ha
Proposed Lot B		874.2ha
Proposed Lot C		404.3ha

In accordance with Section 142 (2) of the *Planning and Development Act 2005* the Shire of Kent has forty two (42) days to provide the WAPC with any comments and/or recommendations considered relevant to the proposal.

COMMENT

Consultation has been undertaken with Council's Principal Town who has assessed the subdivision application attached and has advised it is consistent with the requirements of the Shire of Kent Local Planning Scheme No.3 and the WAPC's Development Control Policy DC3.4 entitled subdivision of 'Rural Land'.

As all requirements of the planning framework have been met, it is recommend to advise the WAPC that Council unconditionally supports the proposal.

STATUTORY IMPLICATIONS

Planning and Development Act (2005)

POLICY IMPLICATIONS

The Council has no specific policy regarding this matter.

Western Australian Planning Commission Development Control Policy No. 3.4 – Subdivision of Rural Land

FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Community Strategic Plan 2023 - 2033

2. Economy

RISK IMPLICATIONS

Nil

VOTING REQUIREMENT

Simple Majority

OFFICER RECOMMENDATION

That Council advises the Western Australian Planning Commission that it unconditionally supports the proposed re-subdivision of Lots 8925, 6136 and 6142, Nyabing into three (3) new green title lots in accordance with the Plan of Subdivision Drawing 2024-36-02 A dated 29 May 2024.

9.9 VOTING DELEGATES – WALGA ANNUAL GENERAL MEETING 2024

PROPOSED MEETING DATE:	24 July 2024
PROPONENT:	Western Australian Local Government Association
LOCATION:	N/A
AUTHOR:	Christie Smith – Chief Executive Officer
REPORTING OFFICER:	Christie Smith – Chief Executive Officer
FILE NO:	GOV.353
ASSESSMENT NO:	N/A
ATTACHMENTS:	Attachment 1 - Notice of 2024 AGM
DISCLOSURE OF INTEREST:	Nil

PURPOSE

The Annual General Meeting (AGM) for the Western Australian Local Government Association (WALGA) will be held on Wednesday 9 October 2024. Council needs to determine voting delegates for the AGM.

BACKGROUND

WALGA is required to hold an AGM annually and has provided notice that the 2024 AGM will be held on Wednesday 9 October 2024 at Perth Convention and Exhibition Centre.

Council is required to provide WALGA that names of voting delegates and proxy delegates for registration by Friday 27 September 2024.

Should Council wish to submit a motion for inclusion in the Agenda for the AGM, the deadline is Friday 23 August 2024.

COMMENT

Traditionally, local governments will nominate the Mayor/President and Deputy Mayor/President to be voting delegates and two other elected members as proxy’s in case of the circumstances arising where a delegate cannot attend.

It is Council’s prerogative who they choose to nominate.

STATUTORY IMPLICATIONS

Nil

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Attendance at the WALGA AGM is free of charge for all elected members and staff of member local governments.

The Shire can cover the cost of accommodation if necessary.

STRATEGIC IMPLICATIONS

Nil

RISK IMPLICATIONS

There are no perceived risk implications associated with the proposal.

VOTING REQUIREMENT

Simple Majority

OFFICER RECOMMENDATION

That Council:

- 1. Nominates Cr _____ and Cr _____ as voting delegates for the 2024 WALGA Annual General Meeting;**
- 2. Nominates Cr _____ and Cr _____ as PROXY voting delegates in the event that one or both delegates (above) are unable to attend.**

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*

PROCEDURAL MOTION

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 #:##pm.

12.1 UPDATE POLICY POSITION 2.1 HR POLICY (2.1.10 STAFF HOUSING ALLOWANCE FOR NON-SHIRE ACCOMMODATION

DATE:	24 June 2024
PROPONENT:	Shire of Kent
LOCATION:	N/A
SUBJECT:	Update Policy Position 2.1 HR Policy (2.1.10 Staff Housing Allowance for Non-Shire Accommodation
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

Confidential Report provided to Council

PROCEDURAL MOTION

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

13. MEETING CLOSED