



ORDINARY MINUTES (CONFIRMED)

DATE: Wednesday 21 August 2024

TIME: 10.30am

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

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Christie Smith

CHIEF EXECUTIVE OFFICER

Minutes
21 August 2024

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1. DECLARATION OF OPENING AND ANNOUNCEMENT OF VISITORS

The Shire President declared the meeting opened at 10.34am.

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

Nil

APPROVED LEAVE OF ABSENCE

Nil

ABSENT

Nil

3. DISCLOSURES OF INTEREST

Section 5.65 and 5.70 of the *Local Government Act 1995*

Declaration of Financial Interests:

Christie Smith declared a conflict of financial interest in Item 12.1 CEO Annual Performance Review as it discusses the declarants salary. The Shire President advised that the CEO and other staff were not required to leave the room.

Declarations of Proximity Interests:

Nil

4. PUBLIC QUESTION TIME

Nil

5. APPLICATIONS FOR LEAVE OF ABSENCE

Section 5.25 *Local Government Act 1995*

OCM2425/019 - COUNCIL RESOLUTION (Officer Recommendation)

MOVED Cr G HOBLEY/Cr D HARRIS

That Council grant CR K Johnston a Leave of Absence from 07 September 2024 to 15 September 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

6. CONFIRMATION AND RECEIVING OF MINUTES/BUSINESS ARISING

6.1 ORDINARY MEETING OF COUNCIL HELD 24 JULY 2024

OCM2425/020 - COUNCIL RESOLUTION (Officer Recommendation)

MOVED Cr D GRAY/Cr S REID

That the minutes of the Ordinary Council Meeting of the Shire of Kent held at the Nyabing Council Chambers, on Wednesday 24 July 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

6.2 OUTSTANDING COUNCIL RESOLUTIONS August 2024

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

6.3 LEMC (LOCAL EMERGENCY MANAGEMENT COMMITTEE) MEETING MINUTES

The LEMC meeting minutes from the 07 August 2024 meeting are provided as attachment 6.3 for your information.

6. ANNOUNCEMENTS BY THE PRESIDING PERSON WITHOUT DISCUSSION

7. PETITIONS/DEPUTATIONS/PRESENTATIONS/SUBMISSIONS

8. OFFICER REPORTS

9.1 MONTHLY FINANCIAL REPORTS TO 31 JULY 2024

PROPOSED MEETING DATE:	21 August 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 July 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

OCM2425/021 - COUNCIL RESOLUTION (Officer Recommendation)

MOVED Cr S CROSBY/Cr D HARRIS

That Council receive the following Monthly Financial Reports as presented:

- **Monthly Financial Reports to 31 July 2024**

CARRIED 6/0

For:

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

Against:

Nil

9.2 SCHEDULE OF ACCOUNTS PAID TO 31 JULY 2024

PROPOSED MEETING DATE:	21 August 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

OCM2425/022 - COUNCIL RESOLUTION (Officer Recommendation)

MOVED Cr D GRAY/Cr G HOBLEY

That Council endorse the payments from the Municipal Fund and Trust Fund for the period ending 31 July 2024.

Municipal Fund (EFT)	\$390,806.50
Municipal Fund (CHQ)	\$ 0.00
Trust Fund	\$ 0.00
Direct Debits	\$251,291.40
<u>TOTAL</u>	<u>\$642,097.90</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 NYABING SPORTS CLUB AFFILIATION FEE WAIVER

PROPOSED MEETING DATE:	21 August 2024
PROPONENT:	N/A
LOCATION:	N/A
AUTHOR:	Michaela Crosby – Manager Corporate
REPORTING OFFICER:	Christie Smith – Chief Executive Officer
FILE NO:	SERV.40
ASSESSMENT NO:	N/A
ATTACHMENTS:	Attachment 1 – Letter from Nyabing Sports Club
DISCLOSURE OF INTEREST:	Nil

PURPOSE

To consider the request from the Nyabing Sports Club to waive the affiliation fees for the duration of the closure of the Nyabing Sports Pavilion.

BACKGROUND

The Nyabing Sports Club has long served as a vital facility for community sports and recreation. The club currently pays an annual affiliation fee of \$1,000, which grants them and their member’s priority access to the sports facilities. Additionally, the club pays a contribution fee of \$3,000 annually to the Nyabing Sports Club Reserve Account, which is then matched by Council.

In December 2023, concerns over the structural integrity of the pavilion’s floor led to the recommendation from a structural engineer that the building was unsafe and as a result, the building was closed to the community. At this point, the Nyabing Sports Club lost access to the facilities.

COMMENT

Given the circumstances above, the Nyabing Sports Club has officially requested that the Council waive their affiliation fees for the period of the closure.

Since the primary benefit of the affiliation fees—priority access to the facilities—is no longer available due to the building’s closure, it is a reasonable request to relieve the club of this financial obligation during this period.

STATUTORY IMPLICATIONS

Local Government Act (1995)

POLICY IMPLICATIONS

Policy Position 3.1 – Finance Policies (FA3.1)
3.1.8 Requests for Donations and Financial Assistance

FINANCIAL IMPLICATIONS

Decrease in revenue if affiliation fees are waived.

STRATEGIC IMPLICATIONS

Community Strategic Plan 2023 - 2033

1. Community
 - 1.2. Inclusive community activities, events, services and initiatives
 - 1.3. Well maintained community spaces and infrastructure

RISK IMPLICATIONS

N/A

VOTING REQUIREMENT

Simple Majority

OCM2425/023 - COUNCIL RESOLUTION (Officer Recommendation)

MOVED Cr S REID/Cr S CROSBY

That Council

- **Agree to reimburse the Nyabing Sports Club \$500 of their 2023-2024 affiliation fee.**
- **Agree to suspend any further affiliation fees for the Nyabing Sports Club until full access to the facility is restored.**

CARRIED 6/0

For:

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

Against:

Nil

9.4 PERMISSION TO COLLECT NATIVE FLORA FROM SHIRE RESERVES

PROPOSED MEETING DATE:	21 August 2024
PROPONENT:	Ongerup - Needilup District Museum
LOCATION:	Shire of Kent Vested Reserves
AUTHOR:	Michaela Crosby – Manager Corporate
REPORTING OFFICER:	Christie Smith - Chief Executive Officer
FILE NO:	ENV.65
ASSESSMENT NO:	N/A
ATTACHMENTS:	Nil
DISCLOSURE OF INTEREST:	Nil

PURPOSE

Council to consider an application from the Ongerup – Needilup District Museum to collect native flora specimens from reserve land vested in the Shire of Kent during the month of September.

BACKGROUND

The following submission was received on 6 August 2024 on behalf of the Ongerup – Needilup District Museum:

The Ongerup-Needilup District Museum holds a wildflower display of botanical specimens collected from approximately 50 km radius around Ongerup on an annual basis. Our display in 2024 will be held from 14th to 23rd September at the museum.

Members of the museum get the required flora licence 61 from DBCA and do the picking on farm land, roadside and other reserves and crown land. Permission is needed from the appropriate land owners within our picking area.

Therefore we are requesting permission from the Shire of Kent for our registered pickers to be able to collect specimens from roadside reserves and unallocated crown land which is under the control of the Shire during the month of September 2024.

COMMENT

There is no known record of the Shire of Kent granting permission to licensed individuals to collect flora specimens from managed reserves.

In the past however, Council has approved annual requests for the collection of native plant seeds by organisations such as the Department of Parks and Wildlife (DBCA), Greening Australia, Formosa Flora, and the Badgebup Aboriginal Corporation.

The Manager Corporate contacted the Department of Parks and Wildlife to clarify the approval process and was informed that licenced pickers must obtain written permission from the landholders before submitting an Application for Flora Taking (Other Purposes) Crown Land Licence.

It is also noted in the request that the wildflowers will be collected for a specimen display, not for commercial purposes.

STATUTORY IMPLICATIONS

Local Government Act 1995

Biodiversity Conservation Act 2016

Biodiversity Conservation Regulations 2018

POLICY IMPLICATIONS

Nil.

FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS**Community Strategic Plan 2023-2033****3. Environment**

3.2 Conservation of our natural environment and resources – *Nature reserves in our control are managed and protected.*

RISK IMPLICATIONS

N/A

VOTING REQUIREMENT

Simple Majority

OCM2425/024 - COUNCIL RESOLUTION (Officer Recommendation)**MOVED Cr S CROSBY/Cr D HARRIS**

That Council grant registered pickers from the Ongerup – Needilup District Museum permission to access reserves vested in the Shire of Kent for the purpose of native flora collection for the purchase of a wildflower display of specimens in September 2024 subject to the following conditions:

- (i) All persons collecting native seed are licensed according to the *Biodiversity Conservation Act 2016* and *Biodiversity Conservation Regulations 2018* and will abide by the conditions of this license
- (ii) Permission is granted only for the month of September 2024
- (iii) This letter allows for collection only by licensed pickers from the Ongerup – Needilup District Museum members and supervised affiliates.
- (iv) Approval is only granted for the purpose of specimen vouchering, identification and wildflower show/display.
- (v) Appropriate hygiene measures will be followed at all times to prevent the spread of plant disease and weeds.
- (vi) All care will be taken to avoid the disturbance of fauna habitat.
- (vii) All care will be taken to avoid any disturbance that may lead to soil degradation.
- (viii) A report detailing shire reserves accessed and flora collected be provided once the period is complete.

CARRIED 6/0

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

Against:
Nil

9.5 SHIRE OF KENT JOINT LOCAL EMERGENCY MANAGEMENT ARRANGEMENT (LEMA) AND LOCAL EMERGENCY MANAGEMENT COMMITTEE (LEMC)

PROPOSED MEETING DATE:	21 August 2024
PROPONENT:	N/A
LOCATION:	N/A
AUTHOR:	Ryan Sutherland – Community Emergency Services Manager
REPORTING OFFICER:	Christie Smith – Chief Executive Officer
FILE NO:	SAFE.29
ASSESSMENT NO:	N/A
ATTACHMENTS:	Nil
DISCLOSURE OF INTEREST:	Nil

PURPOSE

In accordance with the *Emergency Management Act 2005 (WA)*, that the Shire of Kent review and amend the existing Local Emergency Management Arrangement (LEMA) and Local Emergency Management Committee (LEMC) joined with Shire of Katanning and Shire of Woodanilling.

BACKGROUND

The Shire of Kent is currently party to a joint LEMA with the Shire of Katanning and Shire of Woodanilling. This arrangement has existed since approximately June 2010. However, since January 2021 the joint LEMA has not been reviewed or amended. As such, details within that document are no longer accurate. In accordance with the State Emergency Management Procedure (2023) p. 36, the joint LEMA is believed to be due for review in January 2026.

Furthermore, the Shire of Woodanilling and Shire of Katanning, in August 2021, amended respective LEMAs “to separate into individual shires” (e.g., Shire of Katanning, LEMA, p. 8). Correspondence between the Community Emergency Services Manager (CESM) for the Shires of Katanning and Woodanilling, and the CESM for the Shire of Kent indicated this intent in January 2020 (Email from Cindy Pearce to Suzan Lees, 03 January 2020). It is unclear whether the separation was performed to annul the earlier joint LEMA or to create subordinate documents for the respective Shires.

The Shire of Kent Council endorsed an independent LEMA at a meeting on 21 April 2021 (Resolution OCM2021/098). However, it is unclear whether this particular version of the Shire’s independent LEMA was endorsed by the District and State Emergency Management Committees. Notwithstanding, the State Emergency Management Committee have recorded that a LEMA for the Shire of Kent is due for review on 03 December 2026.

COMMENT

The Shire of Kent’s independent LEMA (and joint LEMA) have not undergone regular review or update. To ensure compliance with the State Emergency Management Procedure (2023) p. 36, there is a requirement for a full review and amendment of the latter document. This will ensure operational functionality of the document. Currently, the Shire of Lake Grace is also commencing a full LEMA review and the Shire of Dumbleyung’s LEMA is due for full review in January 2025.

Via a Memorandum of Understanding, the Shire of Kent is member to a Community Emergency Services Manager (CESM) program with the Shire of Dumbleyung and Shire of Lake Grace, as well as the Department of Fire and Emergency Services. It is recommended that, in lieu of preparing an independent LEMA, the Shire of Kent join with the Shire of Dumbleyung and Shire of Lake Grace to prepare a joint LEMA reflecting the common intent of the existing CESM program.

A joint LEMA administered by a common CESM will ensure that the Shire of Kent, joined by the Shire of Lake Grace and the Shire of Dumbleyung, maintain an effective LEMA prepared and

maintained in accordance with the requirements outlined in the *Emergency Management Act 2005* (WA) s 41(2) – (3). This will be done so under a single accountable CESM, amalgamating responsibility to and for a single LEMA.

The Shires of Kent, Dumbleyung and Lake Grace share notable similarities in demographics, environment, industry, emergency capability and risk. These considerations will be equally represented and managed via a joint LEMA between the three local governments. To support the regular review of the Shire of Kent's LEMA, a joint Local Emergency Management Committee (LEMC) is also proposed between the Shires of Kent, Dumbleyung and Lake Grace, in lieu of the existing LEMC operated by the Shires of Katanning and Woodanilling with the Shire of Kent.

It is submitted that the financial cost of a LEMA review and amendment be divided among the Shires of Dumbleyung, Kent and Lake Grace. On behalf of the Shire of Dumbleyung, on 01 July 2024 funding for an entire LEMA review and drafting was sought from the Department of the Fire and Emergency Services under the 'All West Australian Reducing Emergencies' (AWARE) grant program for financial year 2024-25. While this proposal remains under review, the AWARE grant program permits for successful applications to be varied. This may be exercised to include the Shire of Kent and Shire of Lake Grace under the Shire of Dumbleyung's program, for funding of a joint LEMA review and drafting.

On Wednesday, 03 July 2024, the CESM for the Shires of Dumbleyung, Kent and Lake Grace wrote via email to the respective Chief Executive Officers of each Local Government recommending that they "agree in principle to the Shires of Dumbleyung, Kent, and Lake Grace:

- 1) conducting four joint Local Emergency Management Committee meetings per year; and,
- 2) drafting and adopting a joint Local Emergency Management Arrangement."

This email stated that, subject to the affirmative support of each CEO for the above proposal, a request would be written to the respective Councils to endorse a joint LEMC and LEMA between the three local governments. The proposal was approved in principle by each CEO.

To affect this proposal, it will also be necessary that the Council of the Shire of Kent motion that:

- 1) on adopting a joint Local Emergency Management Arrangement with the Shire of Dumbleyung and Shire of Lake Grace, the Shire of Kent withdraw from the joint Local Emergency Management Arrangement with Shire of Katanning and Shire of Woodanilling; and,
- 2) as soon as practicable, the Shire of Kent withdraw from attending the joint Local Emergency Management Committee with the Shire of Katanning and Shire of Woodanilling.

Via email from the CESM on the 17 June 2024, the CEOs for the Shires of Dumbleyung, Kent and Lake Grace were provided a proposed timeline and key performance indicators for the review and amendment of a joint LEMA between the three Shires.

STATUTORY IMPLICATIONS

Emergency Management Act 2005 (WA) s 36(a); and s 41(2) – (3).

POLICY IMPLICATIONS

Shire of Kent, Local Emergency Management Arrangements (2021).

FINANCIAL IMPLICATIONS

Shared cost for the full review of existing LEMAs; risk assessment and drafting.

STRATEGIC IMPLICATIONS

Collaboration with the Emergency Management functions of the Shire of Dumbleyung and Shire of Lake Grace.

RISK IMPLICATIONS

Statutory and procedural non-compliance.

VOTING REQUIREMENT

Simple Majority

OCM2425/025 - COUNCIL RESOLUTION (Officer Recommendation)

MOVED Cr S CROSBY/Cr D GRAY

That Council motion to:

- 1. Conducting four joint Local Emergency Management Committee meetings per year with Shire of Dumbleyung and Shire of Lake Grace;**
- 2. Draft and adopt a joint Local Emergency Management Arrangement with the Shire of Dumbleyung and Shire of Lake Grace;**
- 3. On adopting a joint Local Emergency Management Arrangement with the Shire of Dumbleyung and Shire of Lake Grace, withdraw from the joint Local Emergency Management Arrangement with Shire of Katanning and Shire of Woodanilling; and,**
- 4. As soon as practicable, withdraw from the joint Local Emergency Management Committee with the Shire of Katanning and Shire of Woodanilling.**

CARRIED 6/0

For:

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

Against:

Nil

9.6 PAVEMENT STABILISATION WORKS REQUEST FOR TENDER 001/24

PROPOSED MEETING DATE:	21 August 2024
PROPONENT:	N/A
LOCATION:	Dumbleyung Road
AUTHOR:	Gary Mathewson – Manager Infrastructure
REPORTING OFFICER:	Christie Smith – Chief Executive Officer
FILE NO:	ROA.847
ASSESSMENT NO:	N/A
ATTACHMENTS:	CONFIDENTIAL – RFT 001/24 Evaluation Matrix
DISCLOSURE OF INTEREST:	Nil.

PURPOSE

For Council to consider tenders received for pavement stabilisation works on Dumbleyung Road.

BACKGROUND

Within the adopted 2024/25 works program is a 3.16km reconstruct and seal project scheduled for Dumbleyung Road, SLK 5.49 to SLK 8.65 (Phillips to Warnaminup Rd). This project is fully funded under the Local Roads and Community Infrastructure Program (LRCIP) phase 4.

A tender procurement process has been undertaken to provide specialist contract services to facilitate and support the Shire Construction team to complete these works by required deadlines.

COMMENT

There were five (5) submissions received to be assessed. The works are expected to be completed by late March early April 2025.

Details of the evaluation is contained on the attached matrix.

STATUTORY IMPLICATIONS

Local Government Act 1995

Local Government (Functions and General) Regulations 1996.

POLICY IMPLICATIONS

Shire of Kent policy 3.1.2 Purchasing and Creditor Control

FINANCIAL IMPLICATIONS

Funding is included in the 2024/225 adopted budget and submissions received are within the budget provision.

STRATEGIC IMPLICATIONS

Strategic Community Plan 2023-2033

Economic Objective- 2.3 Safe and efficient transport network enables economic growth

RISK IMPLICATIONS

If a tender is not accepted this could potentially delay the project with risk of losing grant funding.

VOTING REQUIREMENT

Simple Majority.

OCM2425/026 - COUNCIL RESOLUTION (Officer Recommendation)

MOVED Cr D GRAY/Cr G HOBLEY

That Council:

- 1. Accepts the most advantageous tender, being that submitted by Western Stabilisers Pty Ltd, to provide services in accordance with Tender RFT 001/24 Pavement Stabilisation Works, for a total payment of \$328,933.00 inc. GST.**
- 2. Authorises the Chief Executive Officer, in accordance with section 9.49A(4) of the *Local Government Act 1995*, to execute the contract for Tender RFT 001/24 Pavement Stabilisation Works.**

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 SUPPLY AND SPRAY OF BITUMEN REQUEST FOR TENDER 002/24

PROPOSED MEETING DATE:	21 August 2024
PROPONENT:	N/A
LOCATION:	Dumbleyung Road
AUTHOR:	Gary Mathewson – Manager Infrastructure
REPORTING OFFICER:	Christie Smith – Chief Executive Officer
FILE NO:	ROA.848
ASSESSMENT NO:	N/A
ATTACHMENTS:	CONFIDENTIAL - RFT 002/24 Evaluation Matrix
DISCLOSURE OF INTEREST:	Nil.

PURPOSE

For Council to consider tenders received for the supply and spray of bitumen seal on Dumbleyung Road.

BACKGROUND

Within the adopted 2024/25 works program is a 3.16km reconstruct and seal project scheduled for Dumbleyung Road, SLK 5.49 to SLK 8.65 (Phillips to Warnaminup Rd). This project is fully funded under the Local Roads and Community Infrastructure Program (LRCIP) phase 4.

A tender procurement process has been undertaken to provide specialist contract services to facilitate and support the Shire Construction team to complete these works by required deadlines.

COMMENT

There were three (3) submissions received to be assessed. The works are expected to be completed by late March early April 2025.

Details of the evaluation is contained on the attached matrix.

STATUTORY IMPLICATIONS

Local Government Act 1995

Local Government (Functions and General) Regulations 1996.

POLICY IMPLICATIONS

Shire of Kent policy 3.1.2 Purchasing and Creditor Control

FINANCIAL IMPLICATIONS

Funding is included in the 2024/225 adopted budget and submissions received are within the budget provision.

STRATEGIC IMPLICATIONS

Strategic Community Plan 2023-2033

Economic Objective- 2.3 Safe and efficient transport network enables economic growth

RISK IMPLICATIONS

If a tender is not accepted this could potentially delay the project with risk of losing grant funding.

VOTING REQUIREMENT

Simple Majority.

OCM2425/027 - COUNCIL RESOLUTION (Officer Recommendation)

MOVED Cr S CROSBY/Cr D HARRIS

That Council;

- 1. Accepts the most advantageous tender, being that submitted by Bitutek Pty Ltd, to provide services in accordance with Tender RFT 002/24 Supply and Spray Bitumen Seal, for a total payment of \$94,010.00 inc. GST.**
- 2. Authorises the Chief Executive Officer, in accordance with section 9.49A(4) of the *Local Government Act 1995*, to execute the contract for Tender RFT 002/24 Supply and Spray of Bitumen.**

CARRIED 6/0

For:

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

Against:

Nil

9.8 AMENDMENT TO POLICY 2.1.14 ORGANISATIONAL STRUCTURE AND DESIGNATED SENIOR EMPLOYEES

PROPOSED MEETING DATE:	21 August 2024
PROPONENT:	N/A
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 – Mark-up Amended Policy 2.1.14
DISCLOSURE OF INTEREST:	Nil

PURPOSE

This report recommends updating Shire of Kent policy 2.1.14 to reflect changes in the organisational structure by re-titling the position of "Manager Corporate" to "Deputy CEO" and designating it as a senior employee position. This change aims to clarify roles, enhance leadership capacity, and better align with the Shire’s strategic objectives.

BACKGROUND

The Shire of Kent’s current policy 2.1.14 outlines the organisational structure and designated senior employees within the Shire. The position of Manager Corporate encompasses key responsibilities related to financial management, governance, and administration.

It is anticipated by changing the position name to Deputy CEO will create a higher attraction when recruiting for this position.

COMMENT

The proposed update to the Shire of Kent policy 2.1.14 is a strategic move to enhance the clarity and effectiveness of the Shire’s organisational structure. By re-titling the Manager Corporate as Deputy CEO and designating it as a senior employee, the Council will be reinforcing its commitment to strong leadership, clear governance, and a well-defined hierarchy within the administration.

STATUTORY IMPLICATIONS

The *Local Government Act 1995* section 5.37 provides for the designation of senior employees and stipulates that any changes to the designation of these positions must be approved by Council. Updating the title from Manager Corporate to Deputy CEO aligns with the statutory requirements for senior employee roles and recognises the position's broader responsibilities.

POLICY IMPLICATIONS

This proposed change will require an amendment to Shire of Kent policy 2.1.14 – Organisational Structure and Designated Senior Employees. The updated policy will reflect the new title and responsibilities associated with the Deputy CEO role. There are no further policy implications beyond this update.

FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

The title change to Deputy CEO supports the Shire's strategic objectives of fostering strong leadership and governance. It ensures that the organisational structure is aligned with the Shire's long-term goals, enhancing succession planning and operational efficiency. This change also positions the Shire to better attract and retain skilled professionals in key leadership roles.

RISK IMPLICATIONS

The primary risk associated with not updating the policy is the potential for ambiguity in leadership roles, particularly in the absence of the CEO. The re-titling mitigates this risk by clearly defining the Deputy CEO as the next in command, thereby improving operational continuity and decision-making processes.

VOTING REQUIREMENT

Simple Majority

OCM2425/028 - COUNCIL RESOLUTION (Officer Recommendation)
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MOVED Cr D GRAY/Cr D HARRIS

That Council:

- 1. Approves the amendment to Shire of Kent policy 2.1.14 – Organisational Structure and Designated Senior Employees, re-titling the position of Manager Corporate to Deputy CEO.**
- 2. Designates the Deputy CEO as a senior employee under section 5.37 of the *Local Government Act 1995*.**
- 3. Authorises the CEO to update relevant documentation and communicate the change to all 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

10. **ELECTED MEMBERS MOTION OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**
11. **NEW BUSINESS OF AN URGENT NATURE AGREED TO BY A 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*

OCM2425/029 – COUNCIL RESOLUTION (Procedural Motion)

MOVED Cr G HOBLEY/Cr S REID

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 10:49am.

CARRIED 6/0

For:

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

Against:

Nil

The CEO declared a financial interest in the following item, the Shire President advised there was no reason for the CEO and other staff members to leave the meeting.

12.1 CHIEF EXECUTIVE OFFICER ANNUAL PERFORMANCE REVIEW

PROPOSED MEETING DATE:	21 August 2024
PROPONENT:	N/A
LOCATION:	N/A
AUTHOR:	Christie Smith – Chief Executive Officer
REPORTING OFFICER:	Christie Smith – Chief Executive Officer
FILE NO:	PER.359
ASSESSMENT NO:	N/A
ATTACHMENTS:	Attachment 1 - Performance Review Report
DISCLOSURE OF INTEREST:	Financial Interest

PURPOSE

For Council to consider the annual performance review of the Chief Executive Officer.

OCM2425/030 - COUNCIL RESOLUTION (Officer Recommendation)

MOVED Cr G HOBLEY/Cr D GRAY

That Council:

- 1. Receives the confidential review report and endorses the overall performance rating for Ms. Smith for the 2023/24 review period, as ‘Meets Performance Requirements’.**
- 2. Adopts the Performance Criteria (contractual and additional) for the 2024/25 review period.**
- 3. Schedules the annual review of performance to be commenced by the July 2025. Ordinary Meeting of Council and completed by the September 2025 Ordinary Meeting of Council.**
- 4. Varies the Chief Executive Officer’s Total Reward Package as per Option 1 of the confidential report, to reflect the standard of performance in the role, and in accordance with the Salaries and Allowances Tribunal (‘SAT’) Determinations of 5 April 2024. The variation is authorised to take effect from 1 September 2024.**

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

OCM2425/031 – COUNCIL RESOLUTION (Procedural Motion)

MOVED Cr S CROSBY/Cr S REID

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 10.51am.

13. MEETING CLOSED

There being no further business the Shire President Cr Kate Johnston, closed the meeting at 10.51am.

I certify these minutes were confirmed at the Ordinary Meeting of Council held 18 September 2024..



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Cr Kate Johnston – Shire President

21st October 2024
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Date