

11 April 2025



Dear President and Councillors,

NOTICE PAPER AND AGENDA – ORDINARY COUNCIL MEETING – 16 APRIL 2025

Please be advised that an Ordinary meeting of the Council of the Shire of Kent is to be held on

**Wednesday, 16 April 2025
in the Council Chambers,
Nyabing**

Briefing Session to commence	5:00pm
Ordinary Council Meeting to commence	6:00pm

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

ORDINARY COUNCIL MEETING

**Council Chambers
24-26 Richmond Street Nyabing**

Wednesday 16 April 2025

Commencement: 6:00pm

AGENDA

16 April 2025

1. DECLARATION OF OPENING AND ANNOUNCEMENT OF VISITORS.....	2
2. ATTENDANCE / APOLOGIES / APPROVED LEAVE OF ABSENCE	2
3. DISCLOSURES OF INTEREST	2
4. PUBLIC QUESTION TIME.....	2
5. APPLICATIONS FOR LEAVE OF ABSENCE	2
6. CONFIRMATION AND RECEIVING OF MINUTES / BUSINESS ARISING	2
6.1 Ordinary Meeting of Council – 19 March 2025	2
6.2 Outstanding Council Resolutions March 2025.....	2
7. ANNOUNCEMENTS BY THE PRESIDING MEMBER WITHOUT DISCUSSION	2
8. PETITIONS / DEPUTATIONS / PRESENTATIONS / SUBMISSIONS.....	2
9. OFFICER REPORTS	3
9.1 Appointment of WA Electoral Commissioner for 2025 Ordinary Local Government Election.....	3
9.2 Monthly Financial Report to 31 March 2025	5
9.3 Schedule of Accounts Paid to 31 March 2025.....	7
9.4 Endorsement of Road Maintenance Management Plan.....	9
9.5 Salaries and Allowances for Elected Members	11
10. ELECTED MEMBERS' MOTION OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN.....	14
11. NEW BUSINESS OF AN URGENT NATURE AGREED TO BY A RESOLUTION OF COUNCIL	14
12. MATTERS BEHIND CLOSED DOORS.....	14
12.1 Disposal of Property – 15 Aspendale Street Nyabing	14
12.2 Outstanding Rates and Charges – Debt Collection.....	14
13. MEETING CLOSED	15

1. DECLARATION OF OPENING AND ANNOUNCEMENT OF VISITORS**2. ATTENDANCE / APOLOGIES / APPROVED LEAVE OF ABSENCE****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 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 the Committee/Council allow an Elected Member to speak, the extent of that interest must be stated.

- Declaration of Financial Interests:
- Declarations of Proximity Interests:

Clause 22 – Code of Conduct for Council Members, Committee Members and Candidates

A Council Member who has an interest in any matter to be discussed at a council or committee meeting attended by the council member must disclose the nature of the interest in a written notice given to the CEO before the meeting or at the meeting immediately before the item is discussed.

An interest for the purposes of the Code of Conduct means an interest that could, or could reasonably be perceived to, adversely affect the impartiality of the person having the interest and includes an interest arising from kinship, friendship or membership of an association.

- Declaration 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 – 19 March 2025****OFFICER RECOMMENDATION**

That the minutes of the Ordinary Council Meeting of the Shire of Kent held in the Nyabing Council Chambers on Wednesday 19 March 2025 be confirmed as a true and accurate record of the meeting.

6.2 Outstanding Council Resolutions March 2025

The outstanding Council Resolutions Register for March 2025 is provided as attachment 6.2 for information.

7. ANNOUNCEMENTS BY THE PRESIDING MEMBER WITHOUT DISCUSSION**8. PETITIONS / DEPUTATIONS / PRESENTATIONS / SUBMISSIONS**

9. OFFICER REPORTS

9.1 Appointment of WA Electoral Commissioner for 2025 Ordinary Local Government Election

PROPOSED MEETING DATE:	16 April 2025
PROPONENT:	WA Electoral Commission
LOCATION:	N/A
AUTHOR:	David Bentley, Deputy Chief Executive Officer
REPORTING OFFICER:	Christie Smith, Chief Executive Officer
FILE NO:	GOV.447
ASSESSMENT NO:	N/A
ATTACHMENTS:	Attachment 1 – WAEC Cost Estimate
DISCLOSURE OF INTEREST:	Nil

Purpose

Council is requested to consider the cost estimate provided by the Western Australian Electoral Commission to undertake the 2025 Ordinary Local Government Election and to consider declaring the WA Electoral Commissioner responsible for the election.

Background

The WA Electoral Commission (WAEC) has conducted elections for the Shire of Kent for some time. However, in 2023 the WAEC was not appointed for that election. If the WAEC is not appointed, the Chief Executive Officer is responsible for the election and the election would need to be an in-person election.

As the WAEC did not conduct the 2023 election, they did not volunteer a cost estimate to the Shire of Kent. A cost estimate was requested from the WAEC for Council's consideration.

Comment

The WAEC have provided the cost estimate as provided at Attachment 1 on Thursday 3 April 2025. The cost quoted was \$10,837 ex GST.

It is recommended to appoint the Electoral Commissioner as being responsible for the 2025 election as postal votes tend to favour higher return rates should an election count be necessary and reduces the administrative and resourcing burden on officers to conduct a compliant election.

If there is no count to undertake, the actual cost to the Shire will be significantly reduced. With three Council Members' terms expiring, if there are less than three nominations for the election, an extraordinary election will be needed.

Statutory Implications

The *Local Government Act 1995* and *Local Government (Elections) Regulations 1997* provide significant administrative and compliance burdens to conducting the election in person with the Chief Executive Officer as Returning Officer.

Policy Implications

Nil.

Financial Implications

If the WAEC is declared to conduct the election, the 2025/26 budgeting process will capture the required financial resources to allow that to occur.

Strategic Implications

Nil.

Risk Implications

Much of the risk to the Shire of Kent in conducting the election can be transferred to the WA Electoral Commission by declaring them responsible for the election.

Voting Requirement

Absolute Majority

OFFICER RECOMMENDATION

That Council:

- 1. declares the Western Australian Electoral Commissioner to be responsible for the conduct of the 2025 Ordinary Local Government Election in accordance with section 4.20 of the *Local Government Act 1995*;**
- 2. decides that the method of election for the 2025 Ordinary Local Government Election will be a postal election in accordance with section 4.61(2) of the *Local Government Act 1995*.**

9.2 Monthly Financial Report to 31 March 2025

PROPOSED MEETING DATE:	16 April 2025
PROPONENT:	N/A
LOCATION:	N/A
AUTHOR:	Jenni Dolan, Finance Coordinator
REPORTING OFFICER:	Christie Smith, Chief Executive Officer
FILE NO:	FIN.221
ASSESSMENT NO:	N/A
ATTACHMENTS:	Attachment 1 - Monthly Financial Reports to 31 March 2025
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 Report as presented indicate that Council continues to be in a sound financial position.

Overview

The March report tabled reflects the financial position of the Shire with 75% of the year gone. Noted in the Statement of Financial Activity is a current surplus of \$2,553,506 as of the end of March 2025. At this point of the year, operating revenue sits below the year-to-date (YTD) budget estimate by 2.63%, and accounts for 89.67% of the adopted full-year budget estimate. Operating expenditure sits below the YTD budget estimate by 36.09%, and accounts for 46.8% of the adopted full-year budget estimate.

Insurance Review

Following meeting with the LGIS representative last week, work has begun to review our vehicle and property registers to ensure that insured values are as accurate as possible. A few areas have been identified that we anticipate will result in some savings to insurance premiums.

Capital Expenditure

March saw the completion of our light vehicle replacements, with the delivery of the DCEO's Fortuner. Regarding the heavy plant, delivery on the new Hino 6-wheel tipper has been delayed to August 2025 which will also result in a delay in the budgeted upgrades to KT044. However, we are expecting the new prime mover and side tippers to be delivered prior to the end of financial year.

Capital housing upgrades continue steadily, with 13 Aspendale renovations nearing completion.

Note 3 of the Financial Report provides a full listing and explanation of all items considered of significant variance.

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

Nil.

Voting Requirement

Simple Majority

OFFICER RECOMMENDATION

That Council receive the following Monthly Financial Reports to 31 March 2025 as presented at Attachment 1.

9.3 Schedule of Accounts Paid to 31 March 2025

PROPOSED MEETING DATE:	16 April 2025
PROPOSER:	N/A
LOCATION:	N/A
AUTHOR:	Jenni Dolan, Finance Coordinator
REPORTING OFFICER:	Christie Smith, Chief Executive Officer
FILE NO:	FIN.226
ASSESSMENT NO:	N/A
ATTACHMENTS:	Attachment 1 - Schedule of accounts paid, including Corporate and Fuel cards for March 2025
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 31 March 2025.

Municipal Fund (Fee)	\$ 13,479.02
Municipal Fund (EFT)	\$ 946,058.44
Municipal Fund (Cheque)	\$ 1,665.55
Municipal Fund (Direct Debits)	\$ 25,155.25
Trust Fund	\$ 0.00
TOTAL	\$ 986,358.26

9.4 Endorsement of Road Maintenance Management Plan

PROPOSED MEETING DATE:	16 April 2025
PROPONENT:	N/A
LOCATION:	Shire of Kent
AUTHOR:	Christie Smith – Chief Executive Officer
REPORTING OFFICER:	Christie Smith – Chief Executive Officer
FILE NO:	ROA.876
ASSESSMENT NO:	N/A
ATTACHMENTS:	Attachment 1 – Road Maintenance Management Plan (Draft)
DISCLOSURE OF INTEREST:	Nil

Purpose

To seek Council's endorsement of the Road Maintenance Management Plan, which provides a structured approach to maintaining the Shire's road network in a safe, cost-effective and sustainable manner.

Background

The Shire is responsible for the maintenance and management of an extensive road network that supports local residents, businesses, and regional connectivity. In response to increasing demands on infrastructure and in alignment with best practice asset management principles, the Road Maintenance Management Plan (RMMP) has been developed.

The plan will be a living document, which is regularly reviewed and updated to reflect changing community needs, road conditions, and legislative requirements. It serves as a guide for Council decision-making, ensuring a well-maintained and accessible road network that supports local economic and social development.

Comment

The purpose of this RMMP is to provide a structured approach to the inspection, maintenance, and management of the road network within the Shire. This framework ensures the provision of a safe, accessible, and sustainable road system that supports economic activity and community well-being.

This RMMP outlines the responsibilities of road users, workers, and the local government in maintaining and managing the road network. It sets standards for inspection, maintenance, and repair, ensuring compliance with legislative requirements and best practices.

Statutory Implications

Local Government Act 1995

Main Roads Act 1930

Road Traffic Act 1974

Work Health and Safety Act 2020

Integrated Planning and Reporting Framework

There is no statutory requirement to adopt a RMMP; however, the Plan supports compliance with relevant legislation and risk management responsibilities.

Policy Implications

It is proposed that Council rescind the following policies as they are covered within the RMMP:

5.1.1 Road Construction and Maintenance

5.1.3 School Bus Routes

Financial Implications

Nil

Strategic Implications**Strategic Community Plan 2022–2032**

- **Objective 2.3:** Safe and efficient transport network
- **Objective 4.1:** Forward planning and implementation of plans to achieve community priorities

Adoption of the RMMP directly contributes to achieving these strategic objectives.

Risk Implications

Failure to endorse and implement the RMMP may result in unstructured maintenance practices, inefficient use of resources, increased asset degradation, and heightened risk to public safety. The Plan provides a risk-based framework to manage road asset condition and safety liabilities proactively.

Voting Requirement

Simple Majority

OFFICER RECOMMENDATION

- 1. That Council endorses the Road Maintenance Management Plan as presented.**
- 2. That Council rescind policy numbers 5.1.1 Road Construction and Maintenance and 5.1.3 School Bus Routes.**

9.5 Salaries and Allowances for Elected Members

PROPOSED MEETING DATE:	16 April 2025
PROPONENT:	N/A
LOCATION:	N/A
AUTHOR:	Christie Smith, Chief Executive Officer
REPORTING OFFICER:	Christie Smith, Chief Executive Officer
FILE NO:	GOV.129 / FIN.260
ASSESSMENT NO:	N/A
ATTACHMENTS:	Attachment 1 – Determination 1 July 2025
DISCLOSURE OF INTEREST:	Nil

Purpose

Council to adopt a position on the payment of fees, allowances and reimbursements of expenses to apply from 1 July 2025.

Background

On the 4 April 2025 the Salaries and Allowances Tribunal reviewed and determined the fees to elected council members for attendance at meetings; reimbursements to elected members and allowances to elected members.

In the determination, elected council member attendance fees, and annual allowance ranges has been increased by 3.5%.

The Shire of Kent is included in Band 4

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

POSITION	Minimum	Maximum
Shire President	\$105	\$550
Elected Member	\$105	\$270

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

POSITION	Minimum	Maximum
Shire President	\$55	\$135
Elected Member	\$55	\$135
Independent Member	\$0	\$450

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

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

Annual Fee:

POSITION	Minimum	Maximum
Shire President	\$4,020	\$21,880
Elected Member	\$4,020	\$10,650

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

POSITION	Minimum	Maximum
Shire President	\$575	\$22,470
Deputy Shire President**	\$144	\$5,618

**25% of president allowance

Expenses for reimbursement

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

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

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

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

*Motorcycle are at 32.55 c per km

Comment

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

Current fees for elected members, adopted at the Ordinary Meeting of Council held 15 May 2024, are as follows:

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

Statutory Implications

Local Government Act 1995 Section 5.98(1)

Salaries and Allowances Act 1975 Section 7B(2)

Policy Implications

Nil

Financial Implications

To be included in 2025/2026 budget considerations.

Strategic Implications

Community Strategic Plan 2023-2033

Civic Leadership Objective – Proactive and well governed Shire

Risk Implications

Nil

Voting Requirement

Absolute Majority

OFFICER RECOMMENDATION

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

10. ELECTED MEMBERS' MOTION OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil.

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

Nil.

12. MATTERS BEHIND CLOSED DOORS

That the meeting be closed to the public in accordance with section 5.23(2) of the *Local Government Act 1995*.

Reason for Confidentiality

The Reports contained below are confidential in accordance with section 5.23(2) the *Local Government Act 1995* as it deals with matters affecting:

s 5.23 (2)(e)(iii) *a matter that if disclosed, would reveal information about the business, professional, commercial or financial affairs of a person, where the information is held by, or is about, a person other than the local government.*

PROCEDURAL MOTION

That Council closes the meeting to the public in accordance with section 5.23(2)(e)(iii) of the *Local Government Act 1995* at #:##pm.

12.1 Disposal of Property – 15 Aspendale Street Nyabing

PROPOSED MEETING DATE:	16 April 2025
PROPONENT:	Gum View Farming
LOCATION:	15 Aspendale Street, Nyabing
AUTHOR:	Christie Smith, Chief Executive Officer
REPORTING OFFICER:	Christie Smith, Chief Executive Officer
FILE NO:	PRO.629
ASSESSMENT NO:	126
ATTACHMENTS:	Nil
DISCLOSURE OF INTEREST:	Nil

12.2 Outstanding Rates and Charges – Debt Collection

PROPOSED MEETING DATE:	16 April 2025
PROPONENT:	N/A
LOCATION:	N/A
AUTHOR:	Jenni Dolan, Finance Coordinator
REPORTING OFFICER:	Christie Smith, Chief Executive Officer
FILE NO:	
ASSESSMENT NO:	N/A
ATTACHMENTS:	Nil
DISCLOSURE OF INTEREST:	Nil

PROCEDURAL MOTION

That Council opens the meeting to the public at #:##pm.

13. MEETING CLOSED