

17 October 2025



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Dear President and Councillors,

NOTICE PAPER AND AGENDA – ORDINARY COUNCIL MEETING – 22 OCTOBER 2025

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

**Wednesday 22 October 2025
in the Council Chambers,
Nyabing**

Briefing Session to commence	3:30pm
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 22 October 2025

Commencement: 6:00pm

AGENDA**22 October 2025**

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1. DECLARATION OF OPENING AND ANNOUNCEMENT OF VISITORS

The **Chief Executive Officer** is to open the meeting.

2. ATTENDANCE / APOLOGIES / APPROVED LEAVE OF ABSENCE

3. ELECTION MATTERS

Author:	David Bentley, Deputy Chief Executive Officer
Location:	N/A
File No:	N/A
Voting Requirements:	N/A
Attachments:	Attachment 3.2 – Election of President Procedure Attachment 3.4 – Election of Deputy President Procedure

3.1 Declaration by Newly Elected Councillors

In accordance with section 2.29(1) of the *Local Government Act 1995*, a person elected as a Councillor has to make a declaration before acting in the office.

Councillors-elect Kate Johnston, Darren Gray, Greg Hobley and Tim Borgward, who were declared elected by the Returning Officer, Colin Starke, on 5 September 2025, will make their declarations before Christie Smith, Chief Executive Officer.

3.2 Election of President

The President will be elected in accordance with the provisions of clause 4 of Schedule 2.3 of the *Local Government Act 1995*.

The President is to be elected by members of the Council, with the Chief Executive Officer being the returning officer of the election.

The Chief Executive Officer is to do a final call of nominations for the office of President. After sufficient time, the Chief Executive Officer is to formally declare nominations to be closed.

Nominations for the office of President are to be made in writing or verbally in the meeting. If a Councillor is nominated by another Councillor, the Chief Executive Officer is not to accept the nomination unless the nominee has been advised verbally or in writing that they are willing to be nominated.

Where there are two or more nominations received, candidates will be given five minutes to present their vision as President.

Elected Members are to vote on the matter by secret ballot. The election will be conducted by way of Optional Preferential Voting as required by the *Local Government Act 1995*. The Chief Executive Officer will supervise the tallying of votes and declare the election result.

A procedure for the conduct of the election of President is provided at **3.2 Attachment 1**.

3.3 Declaration by Newly Elected President

The newly elected President is to make their declaration before Christie Smith, Chief Executive Officer.

3.4 Election of Deputy President

The Deputy President will be elected in accordance with the provisions of clause 8 of Schedule 2.3 of the *Local Government Act 1995*.

The Deputy President is to be elected by members of the Council, with the Chief Executive Officer being the returning officer of the election.

The Chief Executive Officer is to do a final call of nominations for the office of Deputy President. After sufficient time, the Chief Executive Officer is to formally declare nominations to be closed.

Nominations for the position of Deputy President are to be made in writing. If a Councillor is nominated by another Councillor, the Chief Executive Officer is not to accept the nomination unless the nominee has been advised verbally or in writing that they are willing to be nominated.

Where there are two or more nominations received, candidates will be given five minutes to present their vision as Deputy President.

Elected Members are to vote on the matter by secret ballot. The election will be conducted by way of Optional Preferential Voting as required by the *Local Government Act 1995*. The Chief Executive Officer will supervise the tallying of votes and declare the election result.

A procedure for the conduct of the election of President and Deputy President is provided at **3.4 Attachment 1**.

3.5 Declaration by Newly Elected Deputy President

The Deputy President is to make a declaration pursuant to regulation 13(3) of the *Local Government (Constitution) Regulations 1998* before Christie Smith, Chief Executive Officer.

3.6 Seating Arrangements

Clause 8.2 of the Shire of Kent Standing Orders Policy provides the method for allocating seating positions to Elected Members as follows:

At the first meeting held after each ordinary elections day, the President is to allot a position at the Council table to each Councillor and the Councillor is to occupy that position when present at meeting of the Council until such time as there is a call by a majority of Councillors for a re-allotment of positions.

4. 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:
- Declaration 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: The Chief Executive Officer declared a financial interest in item 12.2 - Chief Executive Officer Annual Performance Review.

5. PUBLIC QUESTION TIME

6. APPLICATIONS FOR LEAVE OF ABSENCE

7. CONFIRMATION AND RECEIVING OF MINUTES / BUSINESS ARISING

7.1 Ordinary Council Meeting – 17 September 2025

OFFICER RECOMMENDATION

That the minutes of the Ordinary Council Meeting of the Shire of Kent held in the Nyabing Council Chambers on Wednesday 17 September 2025 be confirmed as a true and accurate record of the meeting.

7.2 Special Council Meeting – 14 October 2025**OFFICER RECOMMENDATION**

That the minutes of the Special Council Meeting of the Shire of Kent held in the Nyabing Council Chambers on Tuesday 14 October 2025 be confirmed as a true and accurate record of the meeting.

7.3 Outstanding Council Resolutions October 2025

The Outstanding Council Resolutions Register for October 2025 is provided as **Attachment 7.3** for information.

8. ANNOUNCEMENTS BY THE PRESIDING MEMBER WITHOUT DISCUSSION**9. PETITIONS / DEPUTATIONS / PRESENTATIONS / SUBMISSIONS**

10. OFFICER REPORTS

10.1 Appointment to Shire of Kent Committees and Working Groups and External Bodies

Author: David Bentley, Deputy Chief Executive Officer
Location: N/A
File No: GOV.447
Voting Requirements: Absolute Majority - 4 Elected Members required to vote in favour
Attachments: Nil.

OFFICER RECOMMENDATION

That Council appoints the following members to the Committee / Working Group / External Body as listed below:

Audit Committee:

- Cr _____
- Cr _____
- Cr _____
- Rachel Kirby
- Appoints Rachel Kirby as Chair of the Committee.

Bush Fire Advisory Committee:

- Cr _____
- Cr _____ (proxy)

Local Emergency Management Committee:

- Cr _____
- Cr _____ (proxy)

Road Infrastructure Working Group:

- Cr _____
- Cr _____
- Cr _____

Housing, Public Buildings and Other Infrastructure Working Group:

- Cr _____
- Cr _____
- Cr _____

Great Southern Regional Road Group

- Cr _____
- Cr _____
- All remaining Councillors (proxy)

Great Southern Country Zone WALGA:

- Cr _____
- Cr _____
- Cr _____ (proxy)

Great Southern Recreation Advisory Group:

- Cr _____
- All remaining Councillors (proxy)

Pingrup Ground Improvement Committee and Nyabing Sports Club Committee:

- Cr _____ (Pingrup)
- Cr _____ (Nyabing)
- Cr _____ (Pingrup proxy)
- Cr _____ (Nyabing proxy)

Pingrup Community Resource Centre:

- Cr _____
- Cr _____
- Cr _____ (proxy)

Great Southern Treasures

- Cr _____
- Cr _____
- Cr _____ (proxy)

Great Southern Voluntary Regional Organisation of Councils

- Cr _____
- Cr _____ (proxy)
- Cr _____ (proxy)

Purpose

Council is requested to consider appointing members to the Shire's Committees and working groups as well as external bodies and appointments as required.

Background

Representation on the Council's various internal committees, working groups and external bodies were resolved at Council Meetings in October and November 2023. The *Local Government Act 1995* provides that all committee memberships (i.e. the Audit Committee) is declared vacant at the time of the next ordinary election day.

External representation relates to Council representation on external bodies.

Comment

For noting and clarification, no Shire of Kent Committee has any delegated authority.

The previous Councillor and other appointments for each Committee, working group and external body are provided for below as well as a brief of what each group is responsible for:

Audit Committee

Rachel Kirby (independent, Chair)
 Cr Kate Johnston
 Cr Darren Gray
 Cr Greg Hobley

Brief

1. Provide guidance and assistance to the local government –
 - a) as to the carrying out of its functions in relation to audits carried out under Part 7 of the Act; and
 - b) as to the development of a process to be used to select and appoint a person to be an auditor; and
2. May provide guidance and assistance to the local government as to –
 - a) matters to be audited; and
 - b) the scope of audits; and
 - c) its functions under Part 6 of the Act; and
 - d) the carrying out of its functions relating to other audits and other matters related to financial management; and
3. Is to review a report given to it by the CEO under *Local Government (Audit) Regulations 1996* Regulation 17(3) (The CEO's report) and is to –
 - a) report to the Council the results of that review; and
 - b) give a copy of the CEO's report to the Council.

Other Comments

The Audit Committee will be renamed to the Audit Risk and Improvement Committee with the imminent introduction of reforms to the *Local Government Act 1995* and the *Local Government (Audit) Regulations 1996*. It is anticipated there will be a transitional provision to give time for local governments to introduce changes to terms of reference and comply with independent chairs (which the Shire of Kent already comply with).

Bush Fire Advisory Committee

Cr Greg Hobley

Cr Scott Crosby

Cr Darren Gray (proxy)

Brief

To advise the local government regarding all matters relating to

- the preventing, controlling and extinguishing of bush fires
- the planning of the layout of fire breaks in the district
- prosecutions for breaches of the *Bush Fires Act 1954*
- the formatting of bush fire brigades and the grouping thereof under group brigade officers
- ensuring of cooperation and coordination of bush fire brigades in their efforts and activities.

Local Emergency Management Committee

Cr Kate Johnston

Cr Darren Gray

Brief

The duties of the Committee shall be, pursuant to sections 39 and 40 of the *Emergency Management Act 2005*:

- to advise and assist the local government in ensuring that local emergency management arrangements are established for its district
- to liaise with public authorities and other persons in the development, review and testing of local government emergency management arrangements
- to carry out other emergency management activities as directed by the State Emergency Management Committee or prescribed by Regulations; and
- After the end of each financial year, prepare and submit to the District Emergency Management Committee an annual report of activities undertaken by it during the year.

Other Comments

Some Shire staff are members of the Local Emergency Management Committee by virtue of their various roles under the *Emergency Management Act 2005* or the terms of reference of the Committee and do not require Council confirmation or appointment. For example, the Chief Executive Officer of each local government is a member of the Committee and the Deputy Chief Executive Officer is a member as the designated Local Recovery Coordinator.

Great Southern Regional Road Group

Cr Greg Hobley

Cr Darren Gray

Cr Suma Reid (proxy)

Brief

Regional Road Groups have been established to recommend Local Government road funding priorities to the Advisory Committee and to monitor the implementation of the Local Government program in their own regions. Each Regional Road Group will be chaired by a Local Government member. Main Roads will provide technical and administrative support. Regional Road Sub Groups have been established in some regions to assist the Regional Road Groups with management and consideration of local road issues.

Other Comments

At the Ordinary Council Meeting on 19 March 2025, Council resolved further to appoint all remaining Councillors as a proxy to the Great Southern Regional Road Group.

Great Southern Country Zone WALGA

Cr Kate Johnston

Cr Scott Crosby

Cr Dustin Harris (proxy)

Brief

The WA Local Government Association (WALGA) lobbies and negotiates on behalf of the local government sector in WA and is split into different zones both in the metropolitan area in the country areas. Each Zone will nominate members to serve on the WALGA

State Council, with the Zones feeding positions and advocacy items back to WALGA and to State Council.

Great Southern Recreation Advisory Group

Cr Suma Reid

All remaining Councillors as proxy

Brief

The Great Southern Recreation Advisory Group is in the business of developing community sport and recreation opportunities for residents of the Great Southern and visitors or potential visitors.

It does this by:

- Helping to create opportunities across member Shires
- Being a forum for sharing ideas
- Providing advice and direction; and
- Acting as a reference point on sport and recreation issues.

Pingrup Ground Improvement Committee and Nyabing Sports Club Committee

Cr Dustin Harris (PGIC)

Cr Scott Crosby (NSCC)

Cr Suma Reid (PGIC proxy)

Cr Greg Hobley (NSCC proxy)

Brief

- (a) liaise as necessary with groups to support, develop and promote sports and ancillary services
- (b) Provide a means of communication among users of the facilities; and
- (c) Advise Council on the strategic direction of recreation throughout the Shire of Kent.

Pingrup Community Resource Centre

Cr Suma Reid

Cr Dustin Harris (proxy)

Brief

Attend meetings as organised and communicate the activities, requests and outcomes of the Pingrup Community Resource Centre to Council on a regular basis.

Great Southern Treasures

Cr Kate Johnston

Cr Scott Crosby (proxy)

Brief

The role of nominated voting delegates is to:

- Represent their communities on the Great Southern Treasures committee;
- Communicate the activities, requests and outcomes of Great Southern Treasures to their Council on a regular basis;
- Communicate the activities, requests and outcomes of Great Southern Treasures to their community as required ;
- Provide suggestions, ideas and support for joint, regional tourism promotion of the Great Southern Treasures region;
- Submit items for meeting agenda where appropriate;
- Attend bi-monthly meetings or organise the nominated proxy to attend;
- Support, attend and participate in events and activities where possible; and
- Read agendas, minutes and correspondence and complete assigned actions in a timely manner.

Where possible, other activities may include

- Attend and support Great Southern Treasures exhibition at the annual Perth Caravan and Camping Show
- Attend other trade and consumer shows as appropriate; and
- Provide input into Great Southern Treasures projects as they arise.

Great Southern Voluntary Regional Organisation of Councils

No previous members as the Shire of Kent has only just joined. Typically for the VROC, the Shire President would be the appointed member and Deputy President would be the proxy.

Statutory Implications

Council appointment of Committees and Council appointing the Chair of Committees (only for the Audit Committee in this case) are dealt with in sections 5.10 and 5.12 of the *Local Government Act 1995*. The appointment to the other various Committees, working groups and external bodies (including BFAC and LEMC) are dealt with by the terms of reference of those groups.

Policy Implications

Policy Position 1.4 Councillor Fees, Allowance and Reimbursement applies.

Policy Position 1.5 Conduct of Elected Members, Committee Members and Employees applies.

Policy Position 1.6 Standing Orders applies.

Financial Implications

Councillor representatives on committees are entitled to be reimbursed for expenses incurred in attending meetings.

Strategic Implications

Community Strategic Plan 2023 - 2033

Civic Leadership Strategic Priorities – Proactive and well governed Shire

Risk Implications

If Council decides not to appoint local Development Assessment Panel members, the consequences will mean that no Shire of Kent representation will be present in DAP decision making hearing concerning the Shire of Kent.

10.2 Development Assessment Panels – Council Nominations

Author:	Christie Smith, Chief Executive Officer
Location:	N/A
File No:	GOV.411
Voting Requirements:	Simple Majority - More than half of Elected Members present required to vote in favour
Attachments:	Nil

OFFICER RECOMMENDATION

That, in accordance with Regulation 23(1)(a) of the *Planning and Development (Development and Assessment Panels) Regulations 2011*, Council appoints two elected members who will be the primary Local Government DAP Members for the Shire of Kent and two alternate elected members, whom the DAP Executive Director can invite if either of the primary members are unavailable.

Purpose

Council to nominate two (2) elected members and two (2) alternate elected members for the Development Assessment Panels (DAP).

Background

The Minister for Planning and Lands must establish and maintain a register of local DAP members.

Each local government must nominate 2 local DAP members and 2 alternate (or deputy) local DAP members from its pool of elected members. The Minister then considers nominations received and appoints for a 2-year term. An alternate elected member would provide representation when an elected member is unable to act by reason of illness, absence or other cause.

If, within the 2-year term, a local DAP member is not re-elected, they cannot hold the position of local DAP member. The Department of Planning is to train the appointed members.

DAP meetings are utilised to determine development applications within a certain type and value threshold through consistent, accountable, and professional decision-making. DAP only convene when there is a DAP application to be determined. Local government representatives will only sit on the panel when the application(s) being determined by the panel have been made under their local planning scheme.

If Council nominates not to appoint local DAP members, the consequences will mean no local representation at DAP decision-making hearings concerning the Shire of Kent.

Comment

All existing local government DAP members are currently appointed for a term ending 26 January 2026. Council are required to nominate the four (4) DAP members to be appointed by the Minister for Planning and Lands.

The current DAP members are Cr Scott Crosby and Cr Greg Hobley with alternate members nominated being Cr Darren Gray and Cr Kate Johnston.

Nominations are to be submitted by 21 November 2025 and must include a copy of the resolution making the appointment.

Statutory Implications

Regulation 26 of the *Planning and Development (Development Assessment Panels) Regulations 2011*

Policy Implications

Nil.

Financial Implications

Nil.

Strategic Implications

This request supports the following objectives of the *Shire of Kent Strategic Community Plan 2023–2033*:

Civic Leadership 4.2 -Proactive and well governed Shire.

Risk Implications

Nil.

10.3 Monthly Financial Report to 30 September 2025

Author:	Jenni Dolan, Finance Coordinator
Location:	N/A
File No:	FIN.283
Voting Requirements:	Simple Majority - More than half of Elected Members present required to vote in favour
Attachments:	10.3 Attachment 1 – Monthly Financial Report to 30 September 2025 10.3 Attachment 2 – Capital Expenditure Snapshot

OFFICER RECOMMENDATION

That Council receive the Monthly Financial Reports to 30 September 2025 as presented at Attachment 1.

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

Presented to Council is the September monthly report stating the financial position of the Shire after the first quarter. Noted in the Statement of Financial Activity is a current surplus of \$5,898,272. Reflected in the report is the operating revenue, which sits just below the year-to-date (YTD) budget estimate, and accounts for 68.4% of the adopted full-year budget estimate. Operating expenditure sits below the YTD budget estimate by 35.7%, and accounts for 13.5% of the adopted full-year budget estimate.

It should be noted on the Statement of Financial Position that there is an imbalance between Net Assets and Total Equity. This \$450 variance pertains to a rental payment that was received into the Trust account on 30 September 2025. As this occurred on the final day of the month, the correction fell into the following month and has impacted the financials for September. It is anticipated that the variance will be corrected in the October financials.

Operating revenue at the end of September is ahead of the same period last financial year, while operating expenditure is behind. Sale of housing and maturity of the reserve funds term deposit, in addition to increase in Financial Assistance Grant have contributed to the difference in revenue. Conversely, reduced spending in across the first quarter is evidenced by the lower expenditure.

Annual Financial Report

The 2024-25 Annual Financial Report was provided to auditor on 26 September in preparation of the upcoming audit. Representatives from Lincolns Accounting, Albany are anticipated to join finance staff on site mid-October to conduct the annual Office of the Auditor General audit.

Capital expenditure

Regional Road Group and Roads to Recovery capital works are well underway with 19% of the anticipated budgeted expended to the end of September. The planned upgrade of solar water pumps is well underway. Attachment 2 provides an updated snapshot of capital expenditure to mid October.

Next month

October will see the finalising of the annual audit which will allow other tasks to be the focus. A review of policies and procedures will be prioritised, together with following up recommendations received from the financial review conducted earlier in the year.

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 3.1 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.

10.4 Schedule of Accounts Paid to 30 September 2025

Author:	Jenni Dolan, Finance Coordinator
Location:	N/A
File No:	FIN.279
Voting Requirements:	Simple Majority - More than half of Elected Members present required to vote in favour
Attachments:	10.4 Attachment 1 – Schedule of Accounts Paid, Including Corporate and Fuel Cards for September 2025

OFFICER RECOMMENDATION

That Council endorse the payments from the Municipal Fund and Trust Fund for the period ending 30 September 2025.

Municipal Fund (Fee)	\$ 9,835.77
Municipal Fund (EFT)	\$ 219,124.22
Municipal Fund (Cheque)	\$ 0.00
Municipal Fund (Direct Debits)	\$ 26,548.01
Trust Fund	\$ 0.00
TOTAL	\$ 255,508.00

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

Nil.

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

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

13. MATTERS BEHIND CLOSED DOORS

PROCEDURAL MOTION

That Council proceed behind closed doors at [insert time] pursuant to section 5.23(2)(a) of the *Local Government Act 1995* while item 13.1 is considered.

Reasons 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:

5.23(2)(b) *a matter involving the personal affairs of a person*

13.1 Rates Write-Off Request

PROCEDURAL MOTION

That Council come out from behind closed doors at [insert time].

14. MEETING CLOSED