



UNCONFIRMED MINUTES

ORDINARY COUNCIL MEETING

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

Wednesday 19 November 2025

Commencement: 6:00pm

UNCONFIRMED MINUTES**19 November 2025**

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1. DECLARATION OF OPENING AND ANNOUNCEMENT OF VISITORS

The Presiding Member, **Cr Kate Johnston**, declared the Ordinary Council Meeting of 17 November 2025 open at 6:11pm.

2. ATTENDANCE / APOLOGIES / APPROVED LEAVE OF ABSENCE

Elected Members Present

Cr Kate Johnston	President
Cr Scott Crosby	Deputy President
Cr Suma Reid	Councillor
Cr Greg Hobley	Councillor
Cr Darren Gray	Councillor
Cr Tim Borgward	Councillor

Staff Members Present

Christie Smith	Chief Executive Officer
David Bentley	Deputy Chief Executive Officer
Gary Mathewson	Manager Infrastructure

Apologies

Nil.

Leave of Absence

Nil.

Observers

Nil.

3. DISCLOSURES OF INTEREST

Cr Tim Borgward declared an **impartiality interest** in item 9.1 - Memorandum of Understanding – Pingrup Race Club. The nature of the interest is:

I am the President of the Pingrup Race Club.

Cr Suma Reid declared an **impartiality interest** in item 9.1 - Memorandum of Understanding – Pingrup Race Club. The nature of the interest is:

I am Committee Member of the Pingrup Race Club.

4. PUBLIC QUESTION TIME

Nil.

5. APPLICATIONS FOR LEAVE OF ABSENCE

Nil.

6. CONFIRMATION AND RECEIVING OF MINUTES / BUSINESS ARISING**6.1 Ordinary Council Meeting – 22 October 2025****OFFICER RECOMMENDATION / COUNCIL DECISION (OCM2526/035)**

Moved Cr Gray / Seconded Cr Hobley

That the minutes of the Ordinary Council Meeting of the Shire of Kent held in the Nyabing Council Chambers on Wednesday 22 October 2025 be confirmed as a true and accurate record of the meeting.

CARRIED 6/0

For: Cr Johnston, Cr Crosby, Cr Reid, Cr Hobley, Cr Gray, Cr Borgward

Against: Nil

6.2 Outstanding Council Resolutions November 2025

The Outstanding Council Resolutions Register for November 2025 is provided as **Attachment 6.2** for information.

7. ANNOUNCEMENTS BY THE PRESIDING MEMBER WITHOUT DISCUSSION

Nil.

8. PETITIONS / DEPUTATIONS / PRESENTATIONS / SUBMISSIONS

Nil.

9. OFFICER REPORTS

9.1 Memorandum of Understanding – Pingrup Race Club

Author:	Christie Smith, Chief Executive Officer
Location:	Pingrup Recreation Ground
File No:	SERV.42
Voting Requirements:	Simple Majority - More than half of Elected Members present required to vote in favour
Attachments:	Draft – Memorandum of Understanding

Cr Tim Borgward and Cr Suma Reid declared an impartiality interest in this item.

OFFICER RECOMMENDATION / COUNCIL DECISION (OCM2526/036)

Moved Cr Crosby / Seconded Cr Hobley

That Council:

- 1. Endorses the draft *Memorandum of Understanding* between the Shire of Kent and the Pingrup Race Club Inc. for use of the Pingrup Recreation Ground (Reserve 18748) for the annual Pingrup Races; and**
- 2. Authorises the Chief Executive Officer to sign the Memorandum of Understanding on behalf of the Shire of Kent.**

CARRIED 5/1

For: Cr Johnston, Cr Crosby, Cr Hobley, Cr Gray, Cr Borgward

Against: Cr Reid

Purpose

To seek Council's endorsement of the proposed Memorandum of Understanding (MOU) between the Shire of Kent and the Pingrup Race Club Inc. for the ongoing use of the Pingrup Recreation Ground (Reserve 18748) for the annual Pingrup Races.

Background

The Shire of Kent holds a Management Order over Reserve 18748, being the Pingrup Recreation Ground. The Pingrup Race Club has historically held its annual race event at this venue, making use of the race track, Pavilion, and associated infrastructure.

The Club's event is a long-standing community tradition and contributes significantly to local tourism, community spirit, and economic activity. To formalise the shared expectations and responsibilities between the Shire and the Club, a draft Memorandum of Understanding has been developed.

The MOU outlines conditions of use, insurance and compliance requirements, shared responsibilities, and an agreed five-year term.

Comment

The MOU provides a clear, cooperative framework to support the ongoing success of the Pingrup Races while protecting the Shire's interests as the facility's management authority.

Key points of the MOU include:

- Non-exclusive use of the Pingrup Recreation Ground for the annual event;
- Requirement for the Club to obtain Public Liability Insurance and an Occasional Liquor Licence each year;
- Responsibilities for event preparation, clean-up, and reporting of any damage;
- Shire responsibility for ongoing maintenance of the facility;
- Five-year term with provision for review or termination by either party with notice.

The arrangement provides certainty to both parties and continues the positive working relationship between the Shire and the Race Club.

It also ensures that use of the Reserve aligns with the purpose of the Management Order (Showground and Recreation).

Statutory Implications

Land Administration Act 1997 (WA) – the Shire of Kent holds a Management Order over Reserve 18748, with power to grant licences or enter into agreements for use consistent with the purpose of the reserve.

The MOU is not a lease and does not create exclusive possession; therefore, Minister for Lands' approval is not required.

Policy Implications

Nil.

The MOU is consistent with Council's approach to supporting community use of Shire facilities and does not conflict with existing policy.

Financial Implications

There are no direct financial implications arising from this MOU.

Strategic Implications

The proposal aligns with the following outcomes of the Shire of Kent Strategic Community Plan 2023–2033:

Outcome 1.2: Inclusive community activities, events, services and initiatives.

Outcome 4.2: Proactive and well governed Shire

The MOU supports community-led initiatives and fosters collaboration between the Shire and local volunteer groups.

Risk Implications

Risk	Likelihood	Consequence	Risk Rating	Mitigation
Misunderstanding of roles/responsibilities	Unlikely	Minor	Low	MOU clearly defines expectations and responsibilities
Public liability exposure during events	Possible	Moderate	Medium	Requirement for \$20M public liability insurance and liquor licence compliance
Damage to Shire facilities	Possible	Minor	Low	Event cleanup clause and reporting requirement in MOU

Overall risk to Council is considered Low with appropriate controls in place.

9.2 2026 Ordinary Council Meeting Dates

Author:	David Bentley, Deputy Chief Executive Officer
Location:	N/A
File No:	
Voting Requirements:	Simple Majority - More than half of Elected Members present required to vote in favour
Attachments:	Nil

OFFICER RECOMMENDATION / COUNCIL DECISION (OCM2526/037)

Moved Cr Reid / Seconded Cr Gray

That Council adopt the 2026 Ordinary Council Meeting Dates as set out below:

11 February 2026 – Nyabing Council Chambers – 6pm
18 March 2026 – Nyabing Council Chambers – 6pm
15 April 2026 – Nyabing Council Chambers – 6pm
20 May 2026 – Nyabing Council Chambers – 6pm
17 June 2026 – Nyabing Council Chambers – 6pm
22 July 2026 – Nyabing Council Chambers – 6pm
19 August 2026 – Nyabing Council Chambers – 6pm
16 September 2026 – Pingrup Pavilion – 6pm
21 October 2026 – Nyabing Council Chambers – 6pm
18 November 2026 – Nyabing Council Chambers – 6pm
16 December 2026 – Nyabing Council Chambers – 6pm

CARRIED 6/0

For: Cr Johnston, Cr Crosby, Cr Reid, Cr Hobley, Cr Gray, Cr Borgward
Against: Nil

Purpose

Council is requested to consider the dates, locations and times it wishes to hold its ordinary council meetings for 2026.

Background

Each year, local governments are required to set their ordinary council meeting dates prior to the commencement of the next calendar year.

Comment

Typically, ordinary council meetings are scheduled for the third Wednesday of each month except for January. The meeting dates recommended follow this order, except for the following:

February: If Council adopt the annual financial statements at the December 2025 Ordinary Council Meeting, the Annual Electors Meeting, which typically is held at the same time as the February Ordinary Council Meeting, must be held no more than 56 days later. Wednesday 11 February 2026 is exactly 56 days after the December 2025 Ordinary Council Meeting.

July: It is recommended to hold the Ordinary Council Meeting for July 2026 on the fourth Wednesday of the month as the third Wednesday falls on the second week of the July school holidays.

It is recommended to hold the September 2026 Ordinary Council Meeting in Pingrup. Each year, the Shire of Kent holds at least one Council Meeting in Pingrup. Following workshopping with Council, it was suggested that September would be the best month.

Statutory Implications

The *Local Government (Administration) Regulations 1996* provide for the publication of meeting dates of a local government:

12. Publication of meeting details (Act s5.25(1)(g))

- (2) The CEO must publish on the local government's official website the meeting details for the following meetings before the beginning of the year in which the meetings are to be held –
 - (a) ordinary council meetings
 - (b) committee meeting that are required under the Act to be open to members of the public or that are proposed to be open to members of the public.

Policy Implications

Nil.

Financial Implications

Nil.

Strategic Implications

Community Strategic Plan 2023 - 2033

Civic Leadership Strategic Priorities – Proactive and well governed Shire

Risk Implications

Nil.

9.3 Monthly Financial Report to 31 October 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:	9.3 Attachment 1 – Monthly Financial Report to 31 October 2025 9.3 Attachment 2 - Capital Expenditure Snapshot

OFFICER RECOMMENDATION / COUNCIL DECISION (OCM2526/038)

Moved Cr Crosby / Seconded Cr Hobley

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

CARRIED 6/0

For: Cr Johnston, Cr Crosby, Cr Reid, Cr Hobley, Cr Gray, Cr Borgward

Against: 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

Presented to Council is the October monthly report stating the financial position of the Shire with 33.3% of the year completed. Noted in the Statement of Financial Activity is a current surplus of \$4,754,620. Reflected in the report is the operating revenue, which sits just above the year-to-date (YTD) budget estimate, and accounts for 70% of the adopted full-year budget estimate. Operating expenditure sits below the YTD budget estimate by 32.95%, and accounts for 19% of the adopted full-year budget estimate.

Operating revenue at the end of October 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 four months is evidenced by the lower expenditure.

Annual Audit

The annual audit process sees the 2024/25 Annual Financial Report awaiting feedback and approval by the OAG. Once the signed report is returned later this year, it will be

presented to the Audit Committee and then to Council. Lincolns have advised that the Shire will receive an unmodified opinion for the 24/25 reporting period.

Capital expenditure

We now have several capital expenditure items completed, including the solar water pump upgrade, Rasmussen tank reline, and purchase of the new Hino, Western Star and backhoe, and refurbishment of the old Hino. Regional Road Group and Roads to Recovery capital works are well underway with 50% of the full-year budget expended to the end of October. Attachment 2 provides an updated snapshot of capital expenditure to mid-November.

Next month

Good progress on the review of financial procedures was achieved in October and will continue during November. This month also sees the requirement to report expenditure to several third parties, including the WALGA Road Expenditure Return and LRCIP final reporting for Phase 4 funding.

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.

9.4 Schedule of Accounts Paid to 31 October 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:	9.4 Attachment 1 – Schedule of Accounts Paid, Including Corporate and Fuel Cards for October 2025

OFFICER RECOMMENDATION / COUNCIL DECISION (OCM2526/039)

Moved Cr Gray / Seconded Cr Hobley

That Council endorse the payments from the Municipal Fund and Trust Fund for the period ending 31 October 2025.

Municipal Fund (Fee)	\$ 59,845.48
Municipal Fund (EFT)	\$ 1,281,911.02
Municipal Fund (Cheque)	\$ 0.00
Municipal Fund (Direct Debits)	\$ 29,648.33
Trust Fund	\$ 0.00
TOTAL	\$ 1,371,404.83

CARRIED 6/0

For: Cr Johnston, Cr Crosby, Cr Reid, Cr Hobley, Cr Gray, Cr Borgward

Against: 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 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. 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**PROCEDURAL MOTION**

Moved Cr Borgward / Seconded Cr Gray

That Council proceed behind closed doors at 6:29pm pursuant to section 5.23(2)(c) of the *Local Government Act 1995* while item 12.1 and 12.2 is considered.

CARRIED 6/0

For: Cr Johnston, Cr Crosby, Cr Reid, Cr Hobley, Cr Gray, Cr Borgward

Against: Nil

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)(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.*

12.1 T25/03 – Supply and Spray of Bitumen**OFFICER RECOMMENDATION / COUNCIL DECISION (OCM2526/040)**

Moved Cr Reid / Seconded Cr Borgward

That Council

- 1. awards Tender T25/03 Supply and Spray of Bitumen (Two Coat Emulsion Seal 14mm and 7mm) to Bitutek Pty Ltd as per the Schedule of Rates provided;**
- 2. delegates authority to the Chief Executive Officer to negotiate a contract with Bitutek Pty Ltd, based on the terms and conditions provided in the Request for Tender documents; and**
- 3. authorises the Chief Executive Officer to execute a contract with Bitutek Pty Ltd pursuant to section 9.49A(4) of the *Local Government Act 1995*.**

CARRIED 6/0

For: Cr Johnston, Cr Crosby, Cr Reid, Cr Hobley, Cr Gray, Cr Borgward

Against: Nil

The Manager Infrastructure departed the meeting at 6:30pm and did not return.

12.2 T25/04 – Provision of Road Shoulder Reconstruction, Widening and Sealing at Newdegate Pingrup Road

OFFICER RECOMMENDATION / COUNCIL DECISION (OCM2526/041)

Moved Cr Hobley / Seconded Cr Borgward

That Council

- 1. awards Tender T25/04 Provision of Road Shoulder Reconstruction, Widening and Sealing at Newdegate Pingrup Road to WCP Civil Pty Ltd in accordance with the schedule of rates provided;**
- 2. delegates authority to the Chief Executive Officer to negotiate a contract with WCP Civil Pty Ltd, based on the terms and conditions provided in the Request for Tender documents; and**
- 3. authorises the Chief Executive Officer to execute a contract with WCP Civil Pty Ltd pursuant to section 9.49A(4) of the *Local Government Act 1995*.**

CARRIED 6/0

For: Cr Johnston, Cr Crosby, Cr Reid, Cr Hobley, Cr Gray, Cr Borgward

Against: Nil

PROCEDURAL MOTION

Moved Cr Reid / Seconded Cr Hobley

That Council come out from behind closed doors at 6:31pm.

CARRIED 6/0

For: Cr Johnston, Cr Crosby, Cr Reid, Cr Hobley, Cr Gray, Cr Borgward

Against: Nil

13. MEETING CLOSED

The Presiding Member, **Cr Kate Johnston**, declared the meeting closed at 6:31pm.