



**UNCONFIRMED MINUTES**

**ORDINARY COUNCIL MEETING**

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

**Wednesday 17 June 2026**

**Commencement: 6:00pm**

**MINUTES****17 June 2026**

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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 June 2026 open at 6:01pm.

## 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.

### **Public**

Members of the public: 3

Members of press: 0

## 3. DISCLOSURES OF INTEREST

**Cr Kate Johnston** declared an **IMPARTIALITY INTEREST** in item 9.1 pursuant to clause 22 of the Code of Conduct for Council Members, Committee Members and Candidates. The nature of the interest is:

*“Committee member of Nyabing Progress Association Inc.”*

**Cr Scott Crosby** declared an **IMPARTIALITY INTEREST** in item 9.1 pursuant to clause 22 of the Code of Conduct for Council Members, Committee Members and Candidates. The nature of the interest is:

*“On the Progress committee as Vice President.”*

**Cr Greg Hobley** declared an **IMPARTIALITY INTEREST** in item 9.1 pursuant to clause 22 of the Code of Conduct for Council Members, Committee Members and Candidates. The nature of the interest is:

*“Related to a member of the Progress committee.”*

**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 – 20 May 2026****OFFICER RECOMMENDATION / COUNCIL DECISION (OCM2526/083)**

Moved Cr Crosby / Seconded Cr Gray

**That the minutes of the Ordinary Council Meeting of the Shire of Kent held in the Nyabing Council Chambers on Wednesday 20 May 2026 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 June 2026**

The Outstanding Council Resolutions Register for June 2026 is provided as **Attachment 6.2** for information.

**7. ANNOUNCEMENTS BY THE PRESIDING MEMBER WITHOUT DISCUSSION**

Nil.

**8. PETITIONS / DEPUTATIONS / PRESENTATIONS / SUBMISSIONS**

The **Nyabing Progress Association** presented a deputation to Council on item 9.1 - Request for Self-Supporting Loan – Nyabing Progress Association Inc. The deputation commenced at 6:03pm.

The **Presiding Member** thanked the representatives of the Nyabing Progress Association for their deputation. The deputation concluded at 6:21pm.

## 9. REPORTS – OFFICE OF THE CEO

### 9.1 Request for Self-Supporting Loan – Nyabing Progress Association Inc

<b>Author:</b>	Christie Smith, Chief Executive Officer
<b>Location:</b>	N/A
<b>File No:</b>	SERV.39
<b>Voting Requirements:</b>	Absolute Majority - 4 Elected Members required to vote in favour
<b>Attachments:</b>	9.1 Attachment 1 – Indicative Quote \$650,000

*Cr Kate Johnston, Cr Scott Crosby and Cr Greg Hobley declared an impartiality interest in this item.*

#### **COUNCIL DECISION (OCM2526/084)**

Moved Cr Hobley / Seconded Cr Crosby

#### **That Council:**

- 1. Approves the raising of a self-supporting loan of \$650,000 to facilitate the expansion of short-term accommodation facilities at the Nyabing Community Hub and makes provision for the loan within the 2026/27 Annual Budget, subject to the following conditions:**
  - a) The Nyabing Progress Association Inc is to provide a copy of the association's minutes resolving to enter into a self-supporting loan agreement with the Shire of Kent;**
  - b) The loan be obtained from the Western Australian Treasury Corporation for a term of ten (10) years;**
  - c) The interest rate be fixed for the term of the loan;**
  - d) All principal repayments, interest charges and government guarantee fees associated with the loan be reimbursed to the Shire of Kent by Nyabing Progress Association Inc on or before the due date of each repayment;**
  - e) The loan does not include a redraw facility;**
  - f) Nyabing Progress Association Inc be responsible for all legal, valuation, registration and other costs associated with the preparation and execution of the loan and security documentation;**
  - g) A registered first mortgage, or other security acceptable to the Shire of Kent, be obtained over an appropriate asset owned by the Nyabing Progress Association Inc prior to any loan funds being advanced.**
  - h) Nyabing Progress Association Inc provide the Shire of Kent with annual audited financial statements within four (4) months of the end of each financial year and immediately notify the Shire of Kent of any material adverse change in its financial position that may impact its ability to meet its loan repayment obligations.**
  - i) The Deed of Repayment documentation is to include provisions enabling the Shire of Kent to take enforcement action should Nyabing Progress Association Inc fail to meet its repayment obligations.**
  - j) Nyabing Progress Association Inc is to maintain adequate building and public liability insurance for the duration of the loan term and note the Shire's interest on the relevant insurance policies.**

- 2. Authorises the Chief Executive Officer to apply to the Western Australian Treasury Corporation for a loan of \$650,000 to be drawn in the 2026/27 financial year.**
- 3. Authorises the Shire President and Chief Executive Officer to execute and affix the Common Seal of the Shire of Kent to:**
  - a) A Debenture Agreement between the Shire of Kent and the Western Australian Treasury Corporation; and**
  - b) A Deed of Repayment, Mortgage and any other associated security documentation between the Shire of Kent and Nyabing Progress Association Inc.**
- 4. Authorises the Chief Executive Officer to negotiate and finalise all documentation and administrative arrangements necessary to give effect to this resolution.**

CARRIED BY AN ABSOLUTE MAJORITY 6/0

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

Against: Nil

Reasons for change

*The Council discussed that they were not comfortable with obtaining the Nyabing Community Hub if a default on the loan occurred and that another asset may be more suitable.*

OFFICER RECOMMENDATION

Moved Cr Hobley / Seconded Cr Crosby

That Council:

1. Approves the raising of a self-supporting loan of \$650,000 to facilitate the expansion of short-term accommodation facilities at the Nyabing Community Hub and makes provision for the loan within the 2026/27 Annual Budget, subject to the following conditions:
  - a) The Nyabing Progress Association Inc is to provide a copy of the association's minutes resolving to enter into a self-supporting loan agreement with the Shire of Kent;
  - b) The loan be obtained from the Western Australian Treasury Corporation for a term of ten (10) years;
  - c) The interest rate be fixed for the term of the loan;
  - d) All principal repayments, interest charges and government guarantee fees associated with the loan be reimbursed to the Shire of Kent by Nyabing Progress Association Inc on or before the due date of each repayment;
  - e) The loan does not include a redraw facility;
  - f) Nyabing Progress Association Inc be responsible for all legal, valuation, registration and other costs associated with the preparation and execution of the loan and security documentation;
  - g) A registered first mortgage, or other security acceptable to the Shire of Kent, be obtained over the Nyabing Community Hub property prior to any loan funds being advanced.
  - h) Nyabing Progress Association Inc provide the Shire of Kent with annual audited financial statements within four (4) months of the end of each financial year and immediately notify the Shire of Kent of any material

- adverse change in its financial position that may impact its ability to meet its loan repayment obligations.
- i) The Deed of Repayment documentation is to include provisions enabling the Shire of Kent to take enforcement action should Nyabing Progress Association Inc fail to meet its repayment obligations.
  - j) Nyabing Progress Association Inc is to maintain adequate building and public liability insurance for the duration of the loan term and note the Shire's interest on the relevant insurance policies.
2. Authorises the Chief Executive Officer to apply to the Western Australian Treasury Corporation for a loan of \$650,000 to be drawn in the 2026/27 financial year.
  3. Authorises the Shire President and Chief Executive Officer to execute and affix the Common Seal of the Shire of Kent to:
    - a) A Debenture Agreement between the Shire of Kent and the Western Australian Treasury Corporation; and
    - b) A Deed of Repayment, Mortgage and any other associated security documentation between the Shire of Kent and Nyabing Progress Association Inc.
  4. Authorises the Chief Executive Officer to negotiate and finalise all documentation and administrative arrangements necessary to give effect to this resolution.

#### AMENDMENT

By agreement of the mover and seconder, in point 1(g), remove “the Nyabing Community Hub property” and insert “an appropriate asset owned by the Nyabing Progress Association Inc”.

#### Reasons for change

*The Council discussed that they were not comfortable with obtaining the Nyabing Community Hub if a default on the loan occurred and that another asset may be more suitable.*

#### SUBSTANTIVE MOTION

That Council:

1. Approves the raising of a self-supporting loan of \$650,000 to facilitate the expansion of short-term accommodation facilities at the Nyabing Community Hub and makes provision for the loan within the 2026/27 Annual Budget, subject to the following conditions:
  - a) The Nyabing Progress Association Inc is to provide a copy of the association's minutes resolving to enter into a self-supporting loan agreement with the Shire of Kent;
  - b) The loan be obtained from the Western Australian Treasury Corporation for a term of ten (10) years;
  - c) The interest rate be fixed for the term of the loan;
  - d) All principal repayments, interest charges and government guarantee fees associated with the loan be reimbursed to the Shire of Kent by Nyabing Progress Association Inc on or before the due date of each repayment;
  - e) The loan does not include a redraw facility;

- f) Nyabing Progress Association Inc be responsible for all legal, valuation, registration and other costs associated with the preparation and execution of the loan and security documentation;
  - g) A registered first mortgage, or other security acceptable to the Shire of Kent, be obtained over an appropriate asset owned by the Nyabing Progress Association Inc prior to any loan funds being advanced.
  - h) Nyabing Progress Association Inc provide the Shire of Kent with annual audited financial statements within four (4) months of the end of each financial year and immediately notify the Shire of Kent of any material adverse change in its financial position that may impact its ability to meet its loan repayment obligations.
  - i) The Deed of Repayment documentation is to include provisions enabling the Shire of Kent to take enforcement action should Nyabing Progress Association Inc fail to meet its repayment obligations.
  - j) Nyabing Progress Association Inc is to maintain adequate building and public liability insurance for the duration of the loan term and note the Shire's interest on the relevant insurance policies.
2. Authorises the Chief Executive Officer to apply to the Western Australian Treasury Corporation for a loan of \$650,000 to be drawn in the 2026/27 financial year.
  3. Authorises the Shire President and Chief Executive Officer to execute and affix the Common Seal of the Shire of Kent to:
    - a) A Debenture Agreement between the Shire of Kent and the Western Australian Treasury Corporation; and
    - b) A Deed of Repayment, Mortgage and any other associated security documentation between the Shire of Kent and Nyabing Progress Association Inc.
  4. Authorises the Chief Executive Officer to negotiate and finalise all documentation and administrative arrangements necessary to give effect to this resolution.

CARRIED BY AN ABSOLUTE MAJORITY 6/0

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

### **Purpose**

The purpose of this report is for Council to consider a request from the Nyabing Progress Association Inc (NPA) for a self-supporting loan of \$650,000 toward the expansion of short-term accommodation facilities at the Nyabing Community Hub.

### **Background**

The Nyabing Community Hub is owned by the NPA and includes six accommodation units. NPA has advised that the current accommodation units have achieved an average occupancy rate of 94.4%, demonstrating strong and sustained demand for short-term accommodation within the district.

NPA has advised Council of its intention to undertake an expansion project. The total project budget is estimated at \$797,100 and includes the construction of eight additional accommodation units, more than doubling the existing accommodation capacity.

The NPA has applied for several State and Federal Government grant funding opportunities to support the project; however, all applications have been unsuccessful to date. This has led to the NPA requesting Council to consider providing a self-supporting loan of \$650,000 to enable the project to proceed.

The timing of the request is driven by the limited opportunity to commit to the project while the builder and associated project team are already mobilised within the region undertaking nearby mining accommodation development works.

Loan repayments are proposed to be supported through a combination of:

- community fundraising initiatives, including community cropping activities;
- corporate donations;
- private and corporate rental income; and
- lease revenue generated from the completed accommodation units.

### **Comment**

The proposed project represents a positive regional economic development opportunity for the Shire and broader district.

Importantly, the project would be undertaken and operated by a community organisation rather than directly by Council, reducing the ongoing operational, administrative and asset management burden that would otherwise potentially fall to the Shire.

Council currently owns and manages eight single accommodation units and one multi-access accommodation unit located at the Pingrup Caravan Park. Under an existing Memorandum of Understanding with CBH, Council retains sole use of these units from February through to September annually (approximately eight months of the year). Outside of this period, the units are utilised by CBH, recognising CBH's contribution toward the original capital costs associated with establishment of the accommodation.

At present, Council does not own or operate any equivalent accommodation units at the Nyabing Caravan Parking.

Strategically, Council has previously identified that additional accommodation capacity at Nyabing Caravan Parking may need to be considered in the future to meet increasing demand for short-term accommodation. Should the NPA proceed with the proposed development, it is anticipated this demand could largely be accommodated through the community-led project, potentially removing the need for Council to directly invest in its own accommodation expansion.

This could result in Council avoiding:

- significant future capital construction expenditure;
- ongoing maintenance costs;
- staffing and administrative requirements associated with accommodation management; and
- long-term operational risks associated with occupancy fluctuations.

The project may also provide broader economic and social benefits to the community, including:

- supporting worker and visitor accommodation availability;
- increasing local accommodation capacity during peak demand periods;
- supporting local businesses and economic activity; and
- strengthening community-led infrastructure investment within the Shire.

As this would involve public funds and a loan arrangement with a third-party organisation, Council should carefully consider:

- NPA's financial capacity and long-term sustainability;
- proposed loan security arrangements;
- repayment schedules and cashflow assumptions;
- legal and audit requirements; and
- the precedent that may be established through approving similar requests from community organisations in the future.

Legal advice has been sought from a preferred supplier law firm and can confirm they are experienced in preparing legal contract documentation in respect of self-supporting loans. It was also advised that a mortgage could be lodged as security instead of a personal guarantee and the terms of the loan can be tailored according to Council instructions.

The Western Australian Treasury Corporation allows fixed-interest loans to be repaid early or restructured, and any such request may incur a premium based on market conditions at the time. This premium reflects the cost of terminating or altering the original loan agreement prior to maturity.

### **Statutory Implications**

Any loan arrangement would need to comply with the requirements of the *Local Government Act 1995 (WA)* and associated regulations.

Council may also need to consider:

- Section 6.20 of the Act relating to borrowing powers;
- budget requirements;
- audit and reporting obligations; and
- whether public advertising or community consultation is required prior to entering into a loan arrangement.

### **Policy Implications**

Any approved funding arrangement would need to align with Council's adopted:

- Long Term Financial Plan;
- Strategic Community Plan;
- Corporate Business Plan; and
- any applicable financial management or community assistance policies.

**Financial Implications**

The requested self-supporting loan is \$650,000 against a total project value of \$797,100.

Should Council approve the request, the Shire would need to consider:

- borrowing capacity;
- cashflow impacts;
- interest rates and loan administration costs;
- risk of default;
- legal and audit costs associated with establishing the loan; and
- security arrangements to protect Council's financial position.

**Strategic Implications**

The proposal aligns with Council's Strategic Community Plan 2023 – 2033:

Strategic Priority 1 – Community; 1.2 *We promote and support the Nyabing Community Hub and Pingrup Community Resource Centre endeavours*

- supporting regional economic development;
- encouraging community-led infrastructure initiatives;
- increasing accommodation availability within the district;
- supporting workforce attraction and retention; and
- facilitating sustainable growth opportunities within the Shire.

The project also supports broader regional development outcomes associated with increasing demand for accommodation linked to agricultural and regional economic activity.

**Risk Implications**

Potential risks associated with the proposal include:

- financial risk to Council in the event of loan default;
- insufficient revenue generation to meet repayment obligations;
- construction cost escalation or project delays;
- precedent risk for future community funding requests.

These risks may be mitigated through:

- detailed financial due diligence;
- staged funding arrangements;
- formal security provisions;
- regular financial reporting requirements; and
- legal documentation outlining responsibilities and repayment obligations.

## 9.2 Adoption of Public Health Plan

<b>Author:</b>	Christie Smith, Chief Executive Officer
<b>Location:</b>	N/A
<b>File No:</b>	GOV.362
<b>Voting Requirements:</b>	Simple Majority - More than half of Elected Members present required to vote in favour
<b>Attachments:</b>	9.2 Attachment 1 - Draft Shire of Kent Public Health Plan 2026-2031

### OFFICER RECOMMENDATION / COUNCIL DECISION (OCM2526/085)

Moved Cr Crosby / Seconded Cr Gray

#### That Council:

1. **Adopts the Shire of Kent Public Health Plan 2026–2031 as attached; and**
2. **Authorises the Chief Executive Officer to make minor administrative and formatting amendments to the Plan prior to publication, where such amendments do not materially alter the intent of the document.**

CARRIED 6/0

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

Against: Nil

### **Purpose**

The purpose of this report is to:

1. Present the Shire of Kent Public Health Plan 2026–2031 to Council for adoption;
2. Fulfil the Shire’s obligations under the *Public Health Act 2016 (WA)*; and
3. Provide a strategic framework to guide public health planning, service delivery, advocacy and partnerships within the Shire of Kent.

### **Background**

The *Public Health Act 2016 (WA)* requires local governments to prepare and implement a Local Public Health Plan that is consistent with the State Public Health Plan.

The Shire of Kent Public Health Plan 2026–2031 has been developed to identify local public health priorities, risks and opportunities and to outline actions aimed at protecting, improving and promoting the health and wellbeing of the community.

The Plan has been informed by:

- Community consultation and survey feedback;
- Demographic and socioeconomic data from the Australian Bureau of Statistics (ABS);
- Regional and State public health priorities; and
- Existing Shire strategies, plans and operational activities.

The Plan has also been developed in alignment with the:

- State Public Health Plan for Western Australia;
- Shire of Kent Strategic Community Plan 2023–2033;
- Corporate Business Plan; and
- Local Emergency Management Arrangements.

Community engagement identified several key public health priorities including:

- Mental health and wellbeing;
- Access to health services;
- Physical activity and recreation opportunities;
- Community safety;
- Social connection; and
- Access to healthy and affordable food.

### **Comment**

The Public Health Plan provides a strategic and coordinated approach to addressing public health within the Shire of Kent over the next five years.

The Plan recognises that local government plays an important role in public health through:

- Infrastructure planning and delivery;
- Environmental health services;
- Community development and partnerships;
- Advocacy; and
- Emergency management and preparedness.

Importantly, the Plan has been developed to reflect the unique challenges and opportunities associated with rural communities, including:

- Geographic isolation;
- Limited access to health services;
- Housing availability;
- Workforce attraction and retention; and
- Emergency preparedness and resilience.

The Plan identifies six key objectives:

1. Healthy and Connected Communities
2. Prevent Illness and Promote Healthy Lifestyles
3. Healthy and Safe Environments
4. Strengthen Public Health Planning
5. Reduce Inequities
6. Public Health Risk Management

The actions contained within the Plan are intended to be practical, achievable and aligned with the Shire's role, available resources and existing operational activities.

Adoption of the Plan will assist the Shire in meeting its legislative obligations while also providing a clear framework for ongoing public health planning, advocacy and collaboration with stakeholders including WA Country Health Service (WACHS), Department of Fire and Emergency Services (DFES), WA Local Government Association (WALGA) and community organisations.

### **Statutory Implications**

The *Public Health Act 2016 (WA)* requires local governments to prepare and implement a Local Public Health Plan that is consistent with the State Public Health Plan. Relevant legislation includes:

- *Public Health Act 2016 (WA)*
- *Local Government Act 1995 (WA)*

### **Policy Implications**

The Public Health Plan aligns with and supports:

- Shire of Kent Strategic Community Plan 2023–2033;
- Corporate Business Plan; and
- Local Emergency Management Arrangements.

No existing Council policies are proposed to be amended as part of this report.

### **Financial Implications**

The actions identified within the Public Health Plan will primarily be implemented through existing operational budgets, service delivery activities and advocacy initiatives.

Where future projects or initiatives require additional funding, these will be considered through the Shire's annual budget process and external grant funding opportunities where applicable.

### **Strategic Implications**

The Public Health Plan supports the Shire's Strategic Community Plan objectives relating to:

- Community wellbeing and inclusion;
- Safe and accessible infrastructure;
- Environmental sustainability and resilience; and
- Strong and connected communities.

The Plan also strengthens the integration of public health considerations into Council planning and decision-making processes.

### **Risk Implications**

Failure to adopt and implement a Public Health Plan may result in:

- Non-compliance with the requirements of the *Public Health Act 2016 (WA)*;
- Reduced ability to identify and respond to public health risks;

- Missed opportunities for coordinated planning, partnerships and advocacy; and
- Reduced organisational preparedness for public health emergencies and emerging risks.

Adoption of the Plan assists in strengthening the Shire’s strategic approach to public health risk management, community wellbeing and emergency preparedness.

## 10. REPORTS – CORPORATE SERVICES

### 10.1 Review of Register of Delegated Authority

<b>Author:</b>	David Bentley, Deputy Chief Executive Officer
<b>Location:</b>	N/A
<b>File No:</b>	
<b>Voting Requirements:</b>	Absolute Majority - 4 Elected Members required to vote in favour
<b>Attachments:</b>	10.1 Attachment 1 – Register of Delegated Authority with Track Changes

#### OFFICER RECOMMENDATION / COUNCIL DECISION (OCM2526/086)

Moved Cr Reid / Seconded Cr Borgward

#### That Council

- Adopts its delegations of authority as per the Register of Delegated Authority provided at Attachment 1; and**
- Notes that sub-delegations and powers and duties of the Chief Executive Officer that are delegated are the responsibility of the Chief Executive Officer and that this decision does not override the Chief Executive Officer’s powers of sub-delegation.**

CARRIED BY AN ABSOLUTE MAJORITY 6/0

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

Against: Nil

#### **Purpose**

Council is required to consider a review of the delegations it has delegated to the Chief Executive Officer and other persons.

#### **Background**

Each financial year, the delegator of a delegation made must review the delegations it has made. The last review was adopted at the November 2024 Ordinary Council Meeting in the 2024/25 financial year. This review ensures compliance with this requirement as a review of delegations in the 2025/26 financial year.

Officers have conducted a review of the Register of Delegated Authority and present at Attachment 1 the changes proposed.

It is noted in this register that sub-delegations provided by the Chief Executive Officer to other persons are included. Council is not permitted to authorise these aspects of the register as this is the legislative function and responsibility of the Chief Executive Officer.

#### **Comment**

The following changes are proposed to the Council’s component of the register of delegated authority:

- Delete 1.1.2 – Appointment of Acting Chief Executive Officer. This is covered in the Temporary Employment or Appointment of CEO Policy.

- Delete 2.1.9 – Purchase Order Threshold. This is an authorisation that the Chief Executive Officer is responsible for in the operation of the local government. Purchase order thresholds are not a “delegation” that the Council of a local government has control over. This has been listed in another place in the document which reflects that the CEO is authorising officers rather than a delegation from Council.

All other changes proposed to the Register of Delegated Authority related to sub-delegations provided by the Chief Executive Officer and are not subject to a Council decision.

### **Statutory Implications**

*Local Government Act 1995*

#### **5.42. Delegation of some power and duties to CEO**

- (1) *A local government may delegate\* to the CEO the exercise of any of its powers or the discharge of any of its duties under –*
- This Act other than those referred to in section 5.43; or*
  - the Planning and Development Act 2005 section 214(2), (3) or (5).*

*\* Absolute majority required.*

- (2) *A delegation under this section is to be in writing and may be general or as otherwise provided in the instrument of delegation.*

#### **5.43. Limits on delegations to CEO**

*A local government cannot delegate to the CEO any of the following powers or duties –*

- any power or duty that requires a decision of an absolute majority of the council;*
- accepting a tender which exceeds an amount determined by the local government for the purpose of this paragraph;*
- deleted*
- acquiring or disposing of property valued at an amount exceeding an amount determined by the local government for the purposes of this paragraph;*
- any of the local government’s powers under section 5.98, 5.98A, 5.99, 5.99A, 5.100 or 5.129;*
- borrowing money on behalf of the local government;*
- hearing or determining an objection of a kind referred to in section 9.5;*
- the power under section 9.49A(4) to authorise a person to sign documents on behalf of the local government;*
- any power or duty that requires the approval of the Minister or Governor; or*
- such other powers or duties as may be prescribed.*

#### **5.44 CEO may delegate powers and duties to other employees**

- (1) *A CEO may delegate to any employee of the local government the exercise of any of the CEO’s powers or the discharge of any of the CEO’s duties under this Act other than this power of delegation.*

- (2) *A delegation under this section is to be in writing and may be general or as otherwise provided in the instrument of delegation.*
- (3) *This section extends to a power or duty the exercise or discharge of which has been delegated by a local government to the CEO under section 5.42, but in the case of such a power or duty –*
- (a) *the CEO’s power under this section to delegate the exercise of that power or the discharge of that duty; and*
- (b) *the exercise of that power or the discharge of that duty by the CEO’s delegate,*
- are subject to any conditions imposed by the local government on its delegation to the CEO.*
- (4) *Subsection (3)(b) does not limit the CEO’s power to impose conditions or further conditions on a delegation under this section.*
- (5) *In subsections (3) and (4) –*  
**Conditions** *includes qualifications, limitations or exceptions.*

**5.46. Register of, and records relevant to, delegations to CEO and employees**

- (1) *The CEO is to keep a register of the delegations made under this Division to the CEO and to employees.*
- (2) *At least once every financial year, delegations made under this Division are to be reviewed by the delegator.*
- (3) *A person to whom a power or duty is delegated under this Act is to keep records in accordance with regulations in relation to the exercise of the power or discharge of the duty.*

**Policy Implications**

Council policy is required to be considered in the exercise of delegated authority.

**Financial Implications**

Nil.

**Strategic Implications**

Community Strategic Plan 2023 - 2033

Civic Leadership Strategic Priorities – Proactive and well governed Shire

**Risk Implications**

Not adopting the Register of Delegated Authority prior to 1 July 2026 renders all delegations null and void as per section 5.46(2) of the *Local Government Act 1995* as outlined in the Statutory Implications section above.

## 10.2 Tender T26/01 – Delegate Authority to Award

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

### OFFICER RECOMMENDATION / COUNCIL DECISION (OCM2526/087)

Moved Cr Gray / Seconded Cr Hobley

#### That Council

1. pursuant to section 5.43(d) of the *Local Government Act 1995*, sets the value the Chief Executive Officer can dispose of property as unlimited, with the condition that this only applies to Tender T26/01, being the sale of a 2021 Toyota Hilux SR-5 utility, a 4,000L fuel tank, a 2,000L fuel tank and a 10,000L water tank; and
2. notes that the Chief Executive Officer's delegation as provided in the Register of Delegated Authority will still stand with the exception of this Tender T26/01.

CARRIED BY AN ABSOLUTE MAJORITY 6/0

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

Against: Nil

#### **Purpose**

Council is requested to consider delegating authority to the Chief Executive Officer to award a tender called to dispose of property.

#### **Background**

On Friday 5 June 2026, the Chief Executive Officer, pursuant to delegated authority, called tenders to dispose of property, namely:

- A 2021 Toyota Hilux SR-5 utility (the work vehicle belonging to the Community Emergency Services Manager) which is to be sold as part of the changeover to a new vehicle
- A 4,000L fuel tank
- A 2,000L fuel tank
- A 10,000L water tank.

Tenders close on Friday 19 June 20026 at 4pm.

#### **Comment**

As this is a tender to dispose of property, the tendering provision as per section 3.57 of the *Local Government Act 1995* do not apply, namely the requirement to give statewide public notice.

The Chief Executive Officer has delegated authority to dispose of property up to \$10,000. As it is expected that the value of the property to be sold will exceed \$10,000, this report seeks to delegate authority to the Chief Executive Officer to award this tender.

The function proposed to be delegated to award this tender lies in section 5.43(d) of the *Local Government Act 1995*, being that and will only be delegated for this tender only.

Usually, this request would come before Council as it exceeds the Chief Executive Officer's delegated authority. However, it is recommended to delegate the function to the Chief Executive Officer in this instance as, particularly for the Toyota Hilux, the funds are budgeted to be received this financial year. Delegating the function to the CEO will mean a decision can be made as soon as possible with the anticipation of funds coming to the Shire in the current financial year.

Should the delegation be granted and the Chief Executive Officer not accept tenders, the delegation has been exercised and will then lapse.

### **Statutory Implications**

*Local Government Act 1995*

#### **3.58 Disposing of property**

(2) Except as stated in this section, a local government can only dispose of property to –

- (a) the highest bidder at public auction; or
- (b) the person who at public tender called by the local government makes what is, in the opinion of the local government, the most acceptable tender, whether or not it is the highest tender.

#### **5.43. Limits on delegations to CEO**

*A local government cannot delegate to the CEO any of the following powers or duties –*

- (d) *acquiring or disposing of property valued at an amount exceeding an amount determined by the local government for the purposes of this paragraph;*

### **Policy Implications**

Nil.

### **Financial Implications**

The sale of the Toyota Hilux has been budgeted in the 2025/26 Annual Budget.

### **Strategic Implications**

Community Strategic Plan 2023 - 2033

Civic Leadership Strategic Priorities – Proactive and well governed Shire

### **Risk Implications**

Risk in relation to this request is considered low.

### 10.3 Privacy Policy

<b>Author:</b>	David Bentley, Deputy Chief Executive Officer
<b>Location:</b>	N/A
<b>File No:</b>	
<b>Voting Requirements:</b>	Simple Majority - More than half of Elected Members present required to vote in favour
<b>Attachments:</b>	10.3 Attachment 1 – Privacy Policy

#### **OFFICER RECOMMENDATION / COUNCIL DECISION (OCM2526/088)**

Moved Cr Hobley / Seconded Cr Reid

**That Council adopt Policy 3.2.8 – Privacy Policy as provided at Attachment 1.**

CARRIED 6/0

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

Against: Nil

#### **Purpose**

Council is required to consider the adoption of a Privacy Policy.

#### **Background**

In December 2024, the State Government passed the *Privacy and Responsible Information Sharing Act 2024*. According to the State Government Department of Premier and Cabinet Office of Digital Government, this legislation is intended to:

- Set clear principles and standards for how government agencies collect, use, store, and share your personal information.
- Allow agencies to share information only if they follow clear principles for risk, decision-making, and transparency.
- Ensure Aboriginal people are involved when sharing data that affects Aboriginal people and communities.

It also puts in place mandatory data breach reporting requirements (to go live at the beginning of 2027) and requires all State Government entities to put in place procedures relating to the collection, use, disclosure, access and correction of personal information.

As part of these requirements, all entities are required to adopt a Privacy Policy prior to 1 July 2026.

As the Council is the one who sets the local government's policies, this report is provided for Council's consideration.

#### **Comment**

The Privacy Policy as provided at Attachment 1 reflects practices and policies that other Shires have adopted.

The Policy provides information on the types of personal information that is collected, how the Shire uses that information, the storage of this information, the roles and

responsibilities of all stakeholders in managing privacy, how to access your own personal information and how complaints and corrections requests are handled.

Internal procedures are being developed in conjunction with the Privacy Policy to ensure the Shire is able handle personal information in the required way.

The vast majority of the requirements of the Shire under the *Privacy and Responsible Information Sharing Act 2024* come into force on 1 July 2026, with data breach reporting and procedures due 1 January 2027.

### **Statutory Implications**

*Privacy and Responsible Information Sharing Act 2024 (as made)*

#### **20. IPP entities must comply with information privacy principles**

- (1) An IPP entity must not do an act, or engage in a practice, that is contrary to, or inconsistent with, an information privacy principle.

#### ***Information Privacy Principle 5 Summary***

An IPP entity must have a publicly available privacy policy that sets out what personal information it collects and holds, and how and why it handles personal information. The privacy policy must also include whether any personal information is used in automated decision-making.

Importantly, the policy must be up-to-date, clear, concise and expressed in plain language.

### **Policy Implications**

Nil.

### **Financial Implications**

Nil.

### **Strategic Implications**

Community Strategic Plan 2023 - 2033

Civic Leadership Strategic Priorities – Proactive and well governed Shire

### **Risk Implications**

Risk in relation to this report is considered low.

#### 10.4 Long Term Financial Plan 2026 to 2036

<b>Author:</b>	Jenni Dolan, Finance Coordinator and Martin Whitely, LG Corporate Solutions Pty Ltd
<b>Location:</b>	N/A
<b>File No:</b>	FIN.269
<b>Voting Requirements:</b>	Simple Majority - More than half of Elected Members present required to vote in favour
<b>Attachments:</b>	10.4 Attachment 1 – Long Term Financial Plan 2026 to 2036

#### **OFFICER RECOMMENDATION / COUNCIL DECISION (OCM2526/089)**

Moved Cr Borgward / Seconded Cr Reid

**That Council adopt the Long Term Financial Plan 2026 to 2036 as attached in Attachment 1.**

CARRIED 6/0

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

#### **Purpose**

To consider the Shire of Kent's Long Term Financial Plan 2026 to 2036.

#### **Background**

The LTFP forms a key component of the Shire's Integrated Planning and Reporting Framework (IPRF) and provides the ten-year financial strategy to support the delivery of the Strategic Community Plan and Corporate Business Plan in a financially sustainable manner.

Section 5.56(1) of the *Local Government Act 1995* requires a local government in Western Australia to plan for the future of the district. To assist local governments to meet the strategic planning responsibilities pursuant to this section, the now Department of Creative Industries, Sport and Tourism developed an Integrated Planning and Reporting (IPR) Framework.

The *Local Government (Administration) Regulations 1996*, in particular Regulation 19C and Regulation 19DA respectively, outline the requirements for a local government to have a Strategic Community Plan and Corporate Business Plan. While the requirement to have a LTFP is not specified with the *Local Government Act 1995* or associated Regulations, it is a required "informing strategy" as part of Integrated Planning and Reporting Framework Guidelines.

The purpose of the LTFP is to give Council, staff, and the community a clear picture of the Shire's financial capacity over the next decade and how that capacity will support the delivery of services and projects identified in the Strategic Community Plan and Corporate Business Plan.

#### **Comment**

The LTFP 2026–2036 provides a clear and disciplined financial strategy to guide the delivery of the community’s aspirations as identified in the Strategic Community Plan 2023–2033. It establishes a framework for informed and responsible decision-making that balances long-term financial sustainability with the ongoing delivery of essential services, investment in infrastructure, and the prudent management of debt and cash flow.

The LTFP is a living document, designed to be responsive and adaptable to change. It will be reviewed and updated on a regular basis, including as part of the annual budget process, and as material changes are identified or impacts emerge. This ensures that the Plan remains relevant in the context of evolving economic conditions, funding availability, legislative requirements, community expectations and Council priorities.

Importantly, the LTFP will continue to be closely aligned with the Shire’s broader Integrated Planning and Reporting framework. This includes maintaining strong alignment with key strategic documents, particularly the Strategic Community Plan and the Corporate Business Plan. Through this iterative and integrated approach, the Shire will ensure that financial planning remains robust, transparent and aligned with both current needs and future aspirations.

#### Background

A central feature of the Long Term Financial Plan (LTFP) is the Shire’s commitment to achieving long-term financial sustainability while continuing to deliver essential infrastructure and services to the community. This includes a strategic focus on:

- Continuing to provide, maintain and enhance community facilities and services;
- Maintaining sustainable and responsible rate increases across the 10-year period.
- Maintain responsible levels of borrowings within the 10-year planning period;
- Maintaining cash reserves and strengthening the Shire’s unrestricted cash position; and

Collectively, these measures aim to ensure that the Shire can balance financial discipline with service delivery, while positioning the organisation to respond to future challenges and opportunities in a sustainable manner.

#### Capital Works and Strategic Priorities

The LTFP sustains an average annual capital spend of \$6.42 million over the course of the plan to maintain, renew, and expand the Shire’s infrastructure base.

Several of these projects, including the Nyabing Sports and parts of the Road Replacement Program rely on substantial external grant funding. Their inclusion in the plan reflects Council’s preparedness to deliver if funding is secured, while acknowledging the risk that some projects may need to be deferred, re-scoped or abandoned if grants are not forthcoming.

#### Rating Strategy

The rating strategy is designed with long term sustainability in mind. From FY27–FY36, rate increases are capped at 3.5% per annum, ensuring stability and affordability for ratepayers.

### Financial Capacity and Outcomes

The LTFP demonstrates that the Shire has the financial capacity to maintain service delivery and deliver key infrastructure, while meeting its debt reduction goals. By FY36, the Shire is projected to achieve:

- Debt: responsible levels of debt with a balance of \$0.93m in FY36.
- Reserves: healthy reserves balance of \$4.63m in FY36.
- Cash flow: cash and cash equivalents maintained throughout the plan.
- Unrestricted cash: \$1.48m by FY36, ensuring liquidity for operational stability.
- Average capital investment: \$6.42m annually.

Importantly, the Shire's Local Government Financial Indicator (LGFI) is maintained at very high levels recording a score of 96 in FY26 as well as a score of 96 in FY36, demonstrating the positive impact of disciplined financial management.

### Conclusion

The Long Term Financial Plan 2026–2036 provides a realistic and sustainable financial framework that supports the Shire's ability to deliver essential services, maintain and renew infrastructure, and achieve the community's long-term aspirations.

The Plan demonstrates that the Shire can maintain a strong financial position while continuing to invest in strategic projects, service debt, maintain healthy reserve balances, and preserve adequate unrestricted cash levels. The projected LGFI score of 96 throughout the planning period highlights the strength of the Shire's long-term financial outlook and commitment to prudent financial management.

As a living document, the LTFP will be reviewed annually to ensure it remains aligned with Council's strategic priorities, changing economic conditions, and community needs, providing a sound basis for informed and sustainable decision-making.

### **Consultation**

Shire Councillors  
Chief Executive Officer  
Shire Staff  
External Contractor

### **Statutory Implications**

Section 5.56(1) and (2) of the *Local Government Act 1995* requires that each local government is 'to plan for the future of the district', by developing plans in accordance with the regulations. *Local Government (Administration) Regulations 1996* Section 19 outlines what is required of Planning for Future documents.

### **Policy Implications**

Nil

### **Financial Implications**

The LTFP is an informing strategy and does not, in itself, commit Council to expenditure. It provides financial guidance to inform the preparation of the Annual Budget and Corporate Business Plan, ensuring that operational and capital programs are affordable

and sustainable. The LTFP demonstrates to the community, stakeholders, and funding partners that the Shire has a clear strategy for long-term financial sustainability.

**Strategic Implications**

*Community Strategic Plan 2023 - 2033*

Council's LTFP has been drafted taking into consideration Council's current Strategic Plan.

**Risk Implications**

Nil.

## 10.5 Monthly Financial Report to 31 May 2026

<b>Author:</b>	Jenni Dolan, Finance Coordinator
<b>Location:</b>	N/A
<b>File No:</b>	FIN.283
<b>Voting Requirements:</b>	Simple Majority - More than half of Elected Members present required to vote in favour
<b>Attachments:</b>	10.5 Attachment 1 – Monthly Financial Report to 31 May 2026 10.5 Attachment 2 – Capital Expenditure Snapshot

### OFFICER RECOMMENDATION / COUNCIL DECISION (OCM2526/090)

Moved Cr Gray / Seconded Cr Borgward

**That Council receive the Monthly Financial Reports to 31 May 2026 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 Reports as presented indicate that Council continues to be in a sound financial position

### *Overview*

Presented to Council is the penultimate report for the 25/26 financial year. Noted in the Statement of Financial Activity is a current surplus of \$3,316,116. Reflected in the report is the operating revenue, which sits below the year-to-date (YTD) budget estimate by 2.91%, and accounts for 97.2% of the adopted full-year budget estimate. Operating expenditure sits below the YTD budget estimate by 21.08%, and accounts for 60.5% of the adopted full-year budget estimate.

### *LTFP & Budget Workshop*

We were pleased to welcome LG Corporate Solutions to the Chambers to present the draft LTFP (Long Term Financial Plan) to councillors at the recent workshop. In addition, the Draft Budget 2026/27 was also presented for feedback. While the LTFP is due to be tabled at June Council meeting, the Draft Budget 2026/27 will be presented at the July meeting together with the Fees and Charges 2026/27 for adoption.

### *Capital expenditure*

May saw several of the final capital works projects nearing completion; the two town parks look amazing with their freshly laid turf, as does the Administration building's roof. In Perth, building of the two new houses is moving ahead having reached the first milestone—completion of wall and roof framing.

With the funded roads completed, the focus of the works crew has shifted to our Own Sourced program with one of the two projects nearing completion.

The Capital Expenditure Snapshot (Attachment 2) has been updated with the values after budget review and provides an overview of the capital works to date.

### *Next month*

As the financial year comes to a close, there is a marked increase in work associated with wrapping up the financials in preparation for annual financial reporting and audit commitments. This, together with finalising the 26/27 budget will keep the finance team on their toes and with noses to the grindstone.

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.

**10.6 Schedule of Accounts Paid to 31 May 2026**

<b>Author:</b>	Jenni Dolan, Finance Coordinator
<b>Location:</b>	N/A
<b>File No:</b>	FIN.279
<b>Voting Requirements:</b>	Simple Majority - More than half of Elected Members present required to vote in favour
<b>Attachments:</b>	10.6 Attachment 1 – Schedule of Accounts Paid - May 2026

**OFFICER RECOMMENDATION / COUNCIL DECISION (OCM2526/091)**

Moved Cr Reid / Seconded Cr Hobley

**That Council endorse the payments from the Municipal Fund and Trust Fund for the period ending 31 May 2026.**

Municipal Fund (Fee)	\$	58,232.66
Municipal Fund (EFT)	\$	450,451.75
Municipal Fund (Cheque)	\$	3,000.00
Municipal Fund (Direct Debits)	\$	21,976.52
Trust Fund	\$	0.00
<b>TOTAL</b>	<b>\$</b>	<b>533,660.93</b>

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.

**11. REPORTS – INFRASTRUCTURE SERVICES**

Nil.

**12. REPORTS – REGULATORY SERVICES**

Nil.

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

Nil.

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

Nil.

**15. MATTERS BEHIND CLOSED DOORS**

Nil.

**16. MEETING CLOSED**

The Presiding Member, **Cr Kate Johnston**, closed the meeting at 6:34pm.