



# ORDINARY MINUTES (UNCONFIRMED)

**DATE:** Wednesday 18 December 2024

**TIME:** 5.30pm

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

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**Christie Smith**

CHIEF EXECUTIVE OFFICER

**MINUTES**  
**18 December 2024**

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**1. DECLARATION OF OPENING AND ANNOUNCEMENT OF VISITORS**

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The Shire President declared the meeting opened at 5.35pm.

**2. RECORD OF ATTENDANCE/APOLOGIES AND APPROVED LEAVE OF ABSENCE****ATTENDANCE****Elected Members:**

Cr K Johnston	Shire President
Cr D Gray	Deputy Shire President
Cr S Crosby	Member
Cr G Hobley	Member

## Attended via Video Link:

Cr D Harris	Member
Cr S Reid	Member

**Staff:**

C Smith	Chief Executive Officer
D Bentley	Deputy Chief Executive Officer
G Mathewson	Manager Infrastructure

**APOLOGIES**

Nil

**APPROVED LEAVE OF ABSENCE**

Nil

**ABSENT**

Nil

**3. DISCLOSURES OF INTEREST**

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

Elected Member or officer, who has an interest in any matter for discussion and attends at 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 Committee/Council allow an Elected Member to speak, the extent of that interest must be stated.

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

**4. PUBLIC QUESTION TIME****5. APPLICATIONS FOR LEAVE OF ABSENCE**

Section 5.25 *Local Government Act 1995*

**6. CONFIRMATION AND RECEIVING OF MINUTES/BUSINESS ARISING**

**6.1 ORDINARY MEETING OF COUNCIL HELD 20 NOVEMBER 2024**

**OCM 2425/057 COUNCIL RESOLUTION (OFFICER RECOMMENDATION)**

**MOVED Cr S Crosby/ Cr D Gray**

**That the minutes of the Ordinary Council Meeting of the Shire of Kent held at the Nyabing Council Chambers, on Wednesday 20 November 2024 be CONFIRMED.**

**CARRIED 6/0**

**For:**

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

**Against:**

**Nil**

**6.2 AUDIT COMMITTEE MEETING MINUTES HELD 13 DECEMBER 2024**

**OCM 2425/058 COUNCIL RESOLUTION (OFFICER RECOMMENDATION)**

**MOVED Cr D Gray/Cr G Hobley**

**That the minutes of the Audit Committee Meeting of the Shire of Kent held at the Nyabing Council Chambers, on Friday 13 November 2024 be CONFIRMED.**

**CARRIED 6/0**

**For:**

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

**Against:**

**Nil**

**6.3 OUTSTANDING COUNCIL RESOLUTIONS December 2024**

**The outstanding Council Resolutions Register for December 2024 is provided as attachment 6.3 for your information.**

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

**Nil**

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

**Nil**

**9. OFFICER REPORTS**

**9.1 MONTHLY FINANCIAL REPORTS TO 30 NOVEMBER 2024**

<b>PROPOSED MEETING DATE:</b>	18 December 2024
<b>PROPONENT:</b>	N/A
<b>LOCATION:</b>	N/A
<b>AUTHOR:</b>	Jenni Dolan – Finance Coordinator
<b>REPORTING OFFICER:</b>	Christie Smith – Chief Executive Officer
<b>FILE NO:</b>	FIN.221
<b>ASSESSMENT NO:</b>	N/A
<b>ATTACHMENTS:</b>	Attachment 1 - Monthly Financial Reports to 30 November 2024
<b>DISCLOSURE OF INTEREST:</b>	Nil

**PURPOSE**

In accordance with the *Local Government (Financial Management) Regulations 1996*, to follow is the presentation of the Monthly Financial Reports to Council.

**BACKGROUND**

Monthly Financial Reports are to be presented to Council and are to be received by Council resolution.

**COMMENT**

The Monthly Financial Report as presented indicate that Council continues to be in a sound financial position.

*Overview*

The November report tabled reflects the financial position of the Shire with 42 % of the year gone. Noted in the Statement of Financial Activity is a current surplus of \$4,379,853 as of the end of November 2024. At this point of the year, operating revenue sits below the year-to-date (YTD) budget estimate by 2.34 %, and accounts for 74.4 % of the adopted full-year budget estimate. Operating expenditure sits below the YTD budget estimate by 46.4 %, and accounts for 23.4 % of the adopted full-year budget estimate.

*Investment activity*

All three term deposits will reach maturity at the end of December/start of January. Investigation has commenced into how these funds will be reinvested, with instruction expected to be given to the bank well before the Christmas break.

*Financial Management Review*

Australian Audit has been appointed the 2025 Financial Management Review Auditor. Commencing in April 2025, the team from Australian Audit will review the appropriateness and effectiveness of the financial management systems and procedures of the Shire of Kent.

*Capital Works*

We are excited to be nearing completion of the two 3x2 residences at 23 Aspendale Street with final inspections imminent, although landscaping in the yards are still to be completed. The Electric Vehicle Charging Station Project is now underway with grant funding approved and supplies ordered. It is anticipated that the installation will commence in the New Year.

Capital housing upgrades see the completion of the two bathroom renovations at 1/1 Coates Close and 2/7 Gaby Street. The next group of renovations are expected to commence in February. Plant and equipment purchasing is back on track with the delivery of four new works vehicles, a loader and mower. The replacement of the Chesterpass Road standpipe tank has finalised, 50% of the expenditure has fallen into this reporting period and the final half falling into December.

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

**STATUTORY IMPLICATIONS**

*Local Government Act 1995* – Section 6.4

*Local Government (Financial Management) Regulations 1996* – Clause 34 and 35

**POLICY IMPLICATIONS**

Policy 4.1 Accounting Policies

Objective: To provide the basis for Council's accounting concepts and reporting guidelines.  
To maintain accounting reporting procedures which comply with Statutory Requirements and to demonstrate Council's financial position.

**FINANCIAL IMPLICATIONS**

Ongoing management of Council funds

**STRATEGIC IMPLICATIONS**

Community Strategic Plan 2023 - 2033

Civic Leadership Strategic Priorities – Proactive and well governed Shire

**RISK IMPLICATIONS**

N/A

**VOTING REQUIREMENT**

Simple Majority

**OCM 2425/059 COUNCIL RESOLUTION (OFFICER RECOMMENDATION)**

**MOVED Cr G Hobley/ Cr D Harris**

**That Council receive the following Monthly Financial Reports as presented:**

- **Monthly Financial Reports to 30 November 2024**

**CARRIED 6/0**

**For:**

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

**Against:**

**Nil**

**9.2 SCHEDULE OF ACCOUNTS PAID 30 NOVEMBER 2024**

<b>PROPOSED MEETING DATE:</b>	18 December 2024
<b>PROPONENT:</b>	N/A
<b>LOCATION:</b>	N/A
<b>AUTHOR:</b>	Jenni Dolan – Finance Coordinator
<b>REPORTING OFFICER:</b>	Christie Smith – Chief Executive Officer
<b>FILE NO:</b>	FIN.226
<b>ASSESSMENT NO:</b>	N/A
<b>ATTACHMENTS:</b>	Attachment 1 - Schedule of accounts paid, including Corporate and Fuel cards
<b>DISCLOSURE OF INTEREST:</b>	Nil

**PURPOSE**

Council endorsement of payment to Creditors under CEO Delegated Authority 2.1.2.

**BACKGROUND**

Details payments made to creditors since last Council Meeting.

**COMMENT**

The Schedule of Accounts Reports as presented, indicate that Council continues to be in a sound financial position.

Regulation 13 of the *Local Government (Financial Management) Regulations 1996* states that only the following information is to be reported to Council and form part of the public minutes:

- a) the payee’s name;
- b) the amount of the payment;
- c) the date of the payment; and
- d) sufficient information that identifies the payment.

**STATUTORY IMPLICATIONS**

Local Government Act 1995 – Section 6.4;

Local Government (Financial Management) Regulations 1996 – Part 2 – Regulation 11, 12 and 13.

**POLICY IMPLICATIONS**

Policy 4.1 Accounting Policies

Objective: To provide the basis for Council’s accounting concepts and reporting guidelines.

To maintain accounting reporting procedures which comply with Statutory Requirements and to demonstrate Council’s financial position.

**FINANCIAL IMPLICATIONS**

Ongoing management of Council funds

**STRATEGIC IMPLICATIONS**

Community Strategic Plan 2023 - 2033

Civic Leadership Strategic Priorities – Proactive and well governed Shire

**RISK IMPLICATIONS**

N/A



**VOTING REQUIREMENT**

Simple Majority

**OCM 2425/060 COUNCIL RESOLUTION (OFFICER RECOMMENDATION)**

**MOVED Cr D Gray/Cr D Harris**

**That Council endorse the payments from the Municipal Fund and Trust Fund for the period ending 30 November 2024.**

<b>Municipal Fund (Fee)</b>	<b>\$ 62,925.88</b>
<b>Municipal Fund (EFT)</b>	<b>\$ 902,657.56</b>
<b>Municipal Fund (Direct Debits)</b>	<b>\$ 26,985.82</b>
<b>Municipal Fund (CHQ)</b>	<b>\$ 4,446.50</b>
<b>Trust Fund</b>	<b>\$ 0.00</b>
<b>TOTAL</b>	<b>\$ 997,015.76</b>

**CARRIED 6/0**

**For:**

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

**Against:**

**Nil**

**9.3 ADOPTION OF 2023/2024 ANNUAL REPORT**

<b>PROPOSED MEETING DATE:</b>	18 December 2024
<b>PROPONENT:</b>	N/A
<b>LOCATION:</b>	N/A
<b>AUTHOR:</b>	Christie Smith – Chief Executive Officer
<b>REPORTING OFFICER:</b>	Christie Smith – Chief Executive Officer
<b>FILE NO:</b>	FIN.227
<b>ASSESSMENT NO:</b>	N/A
<b>ATTACHMENTS:</b>	Attachment 1 – 2023/2024 Annual Report including;- <i>2023/2024 Audited Financial Statements and Auditors Report.</i>
<b>DISCLOSURE OF INTEREST:</b>	Nil

**PURPOSE**

Council is to consider:

- Receiving the Auditors Report for inclusion in the 2023/2024 Annual Report;
- Accepting the 2023/24 Annual Report; and
- Setting the date for the Annual Electors Meeting

**BACKGROUND**

Council is required to prepare an Annual Report for each financial year.

The Annual Report is to include the Auditor’s Report for year ended 30 June 2024. The Annual Report will be made available and is presented to the annual electors meeting.

**COMMENT**

It is proposed to hold the Annual Electors Meeting on Wednesday 12 February 2024 commencing at 7pm at the Pingrup Pavilion, Gaby Street, Pingrup.

**STATUTORY IMPLICATIONS**

Sections 5.53, 5.54 and 5.55 of the *Local Government Act 1995* outline information to be included in the Annual Report, acceptance of the Annual Report and notice of the Annual Report.

Section 5.27 of the Act requires that the Annual Electors Meeting must be held within 56 days of the adoption of the Council’s Annual Report.

**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

**VOTING REQUIREMENT**

Absolute Majority

**OCM 2425/061 COUNCIL RESOLUTION (OFFICER RECOMMENDATION)**

**MOVED Cr G Hobley/Cr S Reid**

**That the Council:**

- 1. Receives the Auditors Report for inclusion in the 2023/2024 Annual Report;**
- 2. Accepts the 2023/2024 Annual Report; and**
- 3. Hold the Shire of Kent Annual Electors Meeting in accordance with 5.27 (2) of the *Local Government Act 1995*, at Pingrup Pavilion, Gaby Street, Pingrup on Wednesday 12 February 2025.**

**CARRIED 6/0**

**For:**

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

**Against:**

**Nil**

#### 9.4 REQUEST FOR COMMENT – PROPOSED TRANSFER OF LAND UNDER THE SOUTH WEST NATIVE TITLE SETTLEMENT

<b>PROPOSED MEETING DATE:</b>	18 December 2024
<b>PROPONENT:</b>	N/A
<b>LOCATION:</b>	N/A
<b>AUTHOR:</b>	Christie Smith – Chief Executive Officer
<b>REPORTING OFFICER:</b>	Christie Smith – Chief Executive Officer
<b>FILE NO:</b>	LEG.16
<b>ASSESSMENT NO:</b>	N/A
<b>ATTACHMENTS:</b>	Attachment 1 – SCM Minutes 2 February 2023 Attachment 2 – Map – Lots 131-138 inclusive Attachment 3 – Map – Lot 63 and Lot 120
<b>DISCLOSURE OF INTEREST:</b>	Nil

#### **PURPOSE**

Council to review to review and provide updated comments on the proposed transfer of land under the South West Native Title Settlement, specifically in relation to the Shire of Kent's initial submission from February 2023.

#### **BACKGROUND**

In February 2023, the Shire of Kent provided comments on the proposed transfer of land as part of the South West Native Title Settlement (Settlement), which is a landmark native title agreement reached between the State Government (State) and the six Noongar Agreement Groups. The Settlement recognises the Agreement Groups as the Traditional Owners of the south west of Western Australia, while resolving native title in exchange for a negotiated package of benefits.

A key negotiated benefit is the delivery of a 320,000 hectare Noongar Land Estate, the land will be used and managed in line with Noongar cultural, social and economic aspirations for the benefit of generations to come. The Landholding Body for all transferred land is the Noongar Boodja Land Sub Pty Ltd, which will hold and manage the land in the Noongar Land Estate.

The following parcels were selected by the Department of Planning, Lands and Heritage (Department) for inclusion in the Noongar Land Estate:

<b>PIN</b>	<b>Lot #</b>	<b>Survey #</b>	<b>Street Address</b>	<b>Townsite</b>	<b>Area (Ha)</b>
658831	135	DP182439	12 NAMPUP RD,	NYABING	0.38
658832	134	DP182439	14 NAMPUP RD,	NYABING	0.02
658833	133	DP182439	16 NAMPUP RD,	NYABING	0.2
658834	132	DP182439	20 NAMPUP RD,	NYABING	0.2
658835	131	DP182439	24 NAMPUP RD,	NYABING	0.24
658836	136	DP182439	8 NAMPUP RD,	NYABING	0.2
658840	137	DP182439	4 NAMPUP RD,	NYABING	0.2
658842	138	DP182439	2 NAMPUP RD,	NYABING	0.28
661420	63	DP155603		NYABING	2.02
661421	120	DP91950	Reserve 30158	NYABING	4.71

Attachment 1 to this report is a copy of the minutes from a Special Meeting of Council held 2 February 2023. Within these minutes are Council comments relating to the identified land parcels and also Council's resolution.

## **COMMENT**

The Department asked Council to provide commentary on the land parcels identified relating to the following (Council's comments from 2023 are in red):

1. *Is the Shire supportive of the transfer of this land to the Noongar People under the Settlement? – No*
2. *Does the Shire have any interest in the land? – Yes*
3. *Does the Shire have existing or planned infrastructure within the land parcel that requires protection? If yes, please provide details and advise if access to this infrastructure will need to be maintained. – Yes (existing bore services)*
4. *Is the land parcel subject to any mandatory connection to services? – if rezoned, it would require connection to utilities, water and IT.*
5. *Are any future proposals for the land identified? Please provide detail of what is proposed and in what timeframe? – Yes. Council has an interest in Nampup Road as the only remaining potential Industrial Land Estate which Council will consider the 2-year rezoning process and subsequent development.*
6. *Are there any future proposals for adjoining land that may affect the land identifies in the spreadsheet? If so, in what timeframe? – No*
7. *Please advise of any proposed planning scheme amendments that may affect the zoning of this land at a State or Local Government level. If a scheme amendment is to occur, what is the change proposed and when will it come into effect? – Lots 131 to 138 north of Bin Road and east of Kukerin Road in the north-western part of the Nyabing Townsite are all classified 'Park & Recreation' reserve in the Shire's current Town Planning Scheme No 2 and 'Public Open Space' reserve in the Shire's new Local Planning Scheme No. 3 and would require amendment to 'Industrial'.*
8. *Please advise of any known land management issues such as site contamination, hazards, debris or rubbish dumping, unauthorised land use and environmental considerations (such as inundation or similar site constraints). – None*
9. *Please provide any additional comments on the proposed transfer of this land as part of the Settlement. – Council would appreciate full disclosure of the proposed land transfers slated for the future.*

DPLH have asked if the Shire can confirm if the bore services are still located on the subject land parcels, and provide a more precise location for these services. They have also advised that should the Shire require ongoing access to the bores, this can be accommodated by an access easement over the subject land parcels, or an excision of the impacted area.

The Shire of Kent Local Planning Scheme No.3 was Gazetted on 22 February 2023. Under this scheme all lots are marked as Public Open Space. The objectives Public Open Space is as follows:

- To set aside areas for public open space, particularly those established under the *Planning and Development Act 2005* s. 152.
- To provide for a range of active and passive recreation uses such as recreation buildings and courts and associated car parking and drainage.

Shire's comments are requested by January 3 2025.

## **STATUTORY IMPLICATIONS**

*South West Native Title Settlement  
Shire of Kent Local Planning Scheme No 3  
Planning and Development Act 2005*

## **POLICY IMPLICATIONS**

Nil

## **FINANCIAL IMPLICATIONS**

Nil financial implications will arise from providing comment.

**STRATEGIC IMPLICATIONS**

Community Strategic Plan 2023 - 2033

Economy Strategic Priorities – *Advocate and investigate community land/housing opportunities that improve socio-economic livability within the Shire.*

Civic Leadership Strategic Priorities – *We actively participate and work with local and regional organisations to deliver benefit to our communities.*

**RISK IMPLICATIONS**

If no comments are provided DPLH will take as the Shire having no further comment to the advice from 2023 previously provided.

**VOTING REQUIREMENT**

Simple Majority

<b>OCM 2425/062 COUNCIL RESOLUTION (OFFICER RECOMMENDATION)</b>
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**MOVED Cr S Crosby/Cr G Hobley**

**That Council respond to the Department of Planning, Lands and Heritage advising that all comments and resolutions from the Special Meeting of Council held 2 February 2023 are still valid.**

**CARRIED 6/0**

**For:**

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

**Against:**

**Nil**

**9.5 AMENDMENT OF HOUSING, PUBLIC BUILDINGS AND OTHER INFRASTRUCTURE WORKING GROUP TERMS OF REFERENCE**

<b>PROPOSED MEETING DATE:</b>	18 December 2024
<b>PROPONENT:</b>	N/A
<b>LOCATION:</b>	N/A
<b>AUTHOR:</b>	Christie Smith – Chief Executive Officer
<b>REPORTING OFFICER:</b>	Christie Smith – Chief Executive Officer
<b>FILE NO:</b>	GOV.325
<b>ASSESSMENT NO:</b>	N/A
<b>ATTACHMENTS:</b>	Attachment 1 – Current Terms of Reference Attachment 2 – Proposed Terms of Reference (marked up)
<b>DISCLOSURE OF INTEREST:</b>	Nil

**PURPOSE**

Council to consider an amendment to the Housing, Public Buildings and Other Infrastructure Working Group Terms of Reference to provide clarity around Working Group involvement in annual inspections.

**BACKGROUND**

At the Ordinary Meeting of Council held 15 November 2023, Council resolved to establish the Housing, Public Buildings and Other Infrastructure Working Group and the following elected members were appointed:

- Cr K Johnston
- Cr S Crosby
- Cr D Harris

**COMMENT**

One of the key objectives in the Housing, Public Buildings and Other Infrastructure Working Group’s Terms of Reference is *‘non-compulsory participation in annual inspections.’* As it is explicitly stated as non-compulsory, the CEO made the decision not to involve councillors in the 2024 inspections for the following reasons:

**Sensitive Nature of Inspections:** Visits and inspections can often cause discomfort between landlords and tenants. Given this, it is important that such activities are managed sensitively and with due regard for all parties involved. This issue is exacerbated by the fact that many of the tenants in the Shire’s housing portfolio are also employees of the Shire. It would be expected that the Shire, as a landlord, would exercise its rights to undertake routine inspections as required. However, with Council members and other Shire employees attending, it could exacerbate any discomfort that a tenant could experience.

**Residential Tenancies Act 1987:** The Shire, as landlord, has a legislative requirement to always respect the tenants’ right to ‘quiet enjoyment’ of the premises as outlined in the Act.

**Previous Full Inspection:** A full inspection of the properties was carried out with the entire working group in 2023, resulting in a list of strategic improvements that are required in the long term. This year’s inspection is more focused on routine operational matters, ensuring the properties are kept in clean and tidy condition, rather than addressing long-term planning or strategic issues.

In February 2025, a Housing, Public Buildings, and Other Infrastructure Working Group meeting will be held where:

- Copies of all inspection reports, including routine inspections, can be provided for working group review.
- As a group, review the current capital programs for housing, public buildings, and other infrastructure.
- Key staff will present recommendations regarding the future development and maintenance of these assets for consideration by Council.

An amendment is proposed to the Terms of Reference to clarify the frequency with which elected members are expected to participate in property inspections, with an emphasis on strategic planning. This adjustment aims to provide greater clarity and ensure a balanced approach between operational needs and strategic priorities.

Once every three years, it is proposed a whole of Shire inspection will be undertaken with all members of the Working Group invited to attend by the Chief Executive Officer. These inspections will be used to identify long-term strategic opportunities and other capital works required.

It is also proposed that routine rental inspections carried out pursuant to individual lease agreements will be done operationally at the direction of the Chief Executive Officer and by a Shire officer to identify routine maintenance requirements. Any capital expenditure required outside of identified budgets would be referred to the Working Group or Council as necessary for a recommendation and inclusion as part of budget conversations, depending on urgency.

#### **STATUTORY IMPLICATIONS**

Nil

#### **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

#### **VOTING REQUIREMENT**

Simple Majority



**OCM 2425/063 COUNCIL RESOLUTION (OFFICER RECOMMENDATION)**

**MOVED Cr D Gray/Cr G Hobley**

**That Council endorse amendments as attached to the Housing, Public Buildings and Other Infrastructure Working Group Terms of Reference.**

**CARRIED 5/1**

**For:**

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

**Against:**

**Cr S Crosby**

## 9.6 LEASE EXTENSION – 24-26 RICHMOND STREET NYABING – NYABING TELEPHONE EXCHANGE

<b>PROPOSED MEETING DATE:</b>	18 December 2024
<b>PROPONENT:</b>	Amplitel Pty Ltd
<b>LOCATION:</b>	24-26 Richmond Street Nyabing
<b>AUTHOR:</b>	David Bentley – Deputy Chief Executive Officer
<b>REPORTING OFFICER:</b>	Christie Smith – Chief Executive Officer
<b>FILE NO:</b>	LEG.2
<b>ASSESSMENT NO:</b>	N/A
<b>ATTACHMENTS:</b>	Nil
<b>DISCLOSURE OF INTEREST:</b>	Nil

### **PURPOSE**

Council is requested to consider the provision of an extension of the existing lease to Amplitel Pty Ltd, who lease a portion of 24-26 Richmond Street for the Telstra Exchange site.

### **BACKGROUND**

Amplitel Pty Ltd are a part of the Telstra Group who have an existing lease over a portion of 24-26 Richmond Street Nyabing. Telstra's current lease agreement expires 14 May 2025 and have requested the Council to consider granting the first option term to ensure that services provided by the Telstra Exchange site are able to continue.

In relation to the existing agreement, Council granted delegated authority to the Chief Executive Officer at its meeting on 20 April 2015 to enter into a basic access lease with Telstra for the Nyabing Telephone Exchange site. The agreement was for a ten year period, with two five year option terms. This proposal considers the first option term.

### **COMMENT**

The proposed extension provides for the following basic terms and conditions:

- Five year option term, commencing 15 May 2025 and expiring 14 May 2030;
- Rental amount continuing at \$1 per annum plus GST as there is no rent review consideration in the lease;
- As the original lease was with Telstra and not Amplitel, any reference to Telstra in the existing lease will now reference Amplitel Pty Ltd; and
- A minor amendment in relation to each party being responsible for their own costs in developing the lease. This minor amendment clarifies an already pre-existing understanding.

### **STATUTORY IMPLICATIONS**

There are no statutory implications in relation to this matter. Those implications would have been considered when granting the original lease in 2015.

### **POLICY IMPLICATIONS**

Council doesn't have a specific policy in relation to this matter.

### **FINANCIAL IMPLICATIONS**

The financial implications from this report are negligible, with the rental amount being \$1 per annum.

### **STRATEGIC IMPLICATIONS**

There are no specific actions in the Shire of Kent's Strategic Community Plan relating to this matter.

**RISK IMPLICATIONS**

There is negligible risk to the Shire of Kent in granting the option term as recommended.

**VOTING REQUIREMENT**

Simple Majority

**OCM 2425/064 COUNCIL RESOLUTION (OFFICER RECOMMENDATION)**

**MOVED Cr G Hobley/Cr D Harris**

**That Council**

- 1. Grants the first five-year option term to Amplitel Pty Ltd as trustee for the Towers Business Operating Trust in accordance with the terms and conditions contained within the lease.**
- 2. Authorises the Shire President and Chief Executive Officer to execute the agreement to grant the option term via Common Seal.**

**CARRIED 6/0**

**For:**

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

**Against:**

**Nil**

- 10. **ELECTED MEMBERS MOTION OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**
- 11. **NEW BUSINESS OF AN URGENT NATURE AGREED TO BY A RESOLUTION OF COUNCIL**
- 12. **MATTERS BEHIND CLOSED DOORS**

That the meeting be closed to the public in accordance with section 5.23 *Local Government Act 1995*, 5.5.23(2))

- Matters affecting employee(s)
- Personal affairs of any person(s), including financial and/or commercial Contracts
- Commercial Confidentiality
- Legal advice/matters
- Public safety/security matters where public knowledge may be prejudicial.

**Reason for Confidentiality**

The Chief Executive Officer’s Report is confidential in accordance with s5.23 (2) the *Local Government Act 1995* as it deals with matters affecting:

- S5.23 (2) (c) *a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting; and*
- S5.23 (2) (e) (ii) *a matter that if disclosed, would reveal information that has a commercial value to a person*

**OCM 2425/065 COUNCIL RESOLUTION (PROCEDURAL MOTION)**

**MOVED Cr S Crosby/Cr D Gray**

**That Council closes the meeting to the public in accordance with sub section 5.23 (2) (c) and (e) (ii) of the *Local Government Act 1995* at 5:56pm.**

**CARRIED 6/0**

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

**Against:  
Nil**

**12.1. DISPOSAL OF PROPERTY – 29 ASPENDALE STREET, NYABING**

<b>PROPOSED MEETING DATE:</b>	18 December 2024
<b>PROPONENT:</b>	N/A
<b>LOCATION:</b>	29 (lot 33) Aspendale Street, Nyabing
<b>AUTHOR:</b>	Christie Smith – Chief Executive Officer
<b>REPORTING OFFICER:</b>	Christie Smith – Chief Executive Officer
<b>FILE NO:</b>	PRO.7
<b>ASSESSMENT NO:</b>	A505
<b>ATTACHMENTS:</b>	Attachment 1 – Desktop Valuation
<b>DISCLOSURE OF INTEREST:</b>	Nil

**OCM 2425/066 COUNCIL RESOLUTION (OFFICER RECOMENDATION)**

**MOVED Cr G Hobley/Cr S Crosby**

**That Council;**

- 1. Authorise the Chief Executive Officer to proceed with the sale of 29 Aspendale Street (Lot 33), Nyabing subject to the requirements of the *Local Government Act 1995 section 3.58 (3) (a) (b)*.**
- 2. Authorise the Chief Executive Officer to give local public notice of its intention to dispose of 29 Aspendale Street (Lot 33), Nyabing in accordance with the *Local Government Act 1995 should an acceptable sale be negotiated*.**
- 3. That at the conclusion of the advertising period, should there be no public submissions, the Chief Executive Officer be authorised to finalise the sale documents on behalf of the Shire of Kent, if submissions are received then an item is to be presented to the Ordinary Meeting of Council to be held in February 2025 for consideration.**
- 4. The sale price is to be \$300,000**

**CARRIED 6/0**

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

**Against:**  
**Nil**

**OCM 2425/067 COUNCIL RESOLUTION (PROCEDURAL MOTION)**

**MOVED Cr S Crosby/Cr D Harris**

**That Council opens the meeting to the public in accordance with sub section 5.23 (2) (c) and (e) (ii) of the *Local Government Act 1995* at 5.58pm.**

**CARRIED 6/0**

**For:**

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

**Against:**

**Nil**

**13. MEETING CLOSED**

There being no further business the Shire President Cr Kate Johnston, closed the meeting at 5.59pm.

I certify these minutes were confirmed at the Ordinary Meeting of Council held 12 February 2025.

.....  
Cr Kate Johnston – Shire President

.....  
Date