



UNCONFIRMED MINUTES

ORDINARY COUNCIL MEETING

Council Chambers
24-26 Richmond Street Nyabing

Wednesday 19 March 2025

Commencement: 10:30am

UNCONFIRMED MINUTES**19 March 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 19 March 2025 open at 10:33am.

2. ATTENDENCE / APOLOGIES / APPROVED LEAVE OF ABSENCE**Elected Members Present**

Cr Kate Johnston	President (Presiding Member)
Cr Darren Gray	Deputy President
Cr Suma Reid	Councillor
Cr Greg Hobley	Councillor
Cr Scott Crosby	Councillor
Cr Dustin Harris	Councillor

Staff Members Present

Christie Smith	Chief Executive Officer
David Bentley	Deputy Chief Executive Officer
Gary Mathewson	Manager Infrastructure
Jenni Dolan	Finance Coordinator

Apologies

Nil.

Leave of Absence

Nil.

Observers

Nil.

3. DISCLOSURES OF INTEREST

Nil.

4. PUBLIC QUESTION TIME

Nil.

5. APPLICATIONS FOR LEAVE OF ABSENCE

Nil.

6. CONFIRMATION AND RECEIVING OF MINUTES / BUSINESS ARISING**6.1 Ordinary Meeting of Council – 12 February 2025****OFFICER RECOMMENDATION / COUNCIL DECISION (OCM2425/076)**

Moved Cr Gray / Seconded Cr Harris

That the minutes of the Ordinary Council Meeting of the Shire of Kent held at the Pingrup Sports Complex, on Wednesday 12 February 2025 be confirmed as a true and accurate record of the meeting.

CARRIED 6/0

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

Against: Nil

6.2 Annual Electors Meeting – 12 February 2025

OFFICER RECOMMENDATION / COUNCIL DECISION (OCM2425/077)

Moved Cr Reid / Seconded Cr Hobley

That the minutes of the Annual Electors Meeting of the Shire of Kent held at the Pingrup Sports Complex, on Wednesday 12 February 2025 be confirmed as a true and accurate record of the meeting.

CARRIED 6/0

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

Against: Nil

6.3 Audit Committee – 11 March 2025

OFFICER RECOMMENDATION / COUNCIL DECISION (OCM2425/078)

Moved Cr Hobley / Seconded Cr Gray

That the minutes of the Audit Committee Meeting of the Shire of Kent held at the Nyabing Council Chambers on Tuesday 11 March 2025 be received.

CARRIED 6/0

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

Against: Nil

6.4 Outstanding Council Resolutions February 2025

The outstanding Council Resolutions Register for February 2025 is provided as attachment 6.4 for information.

7. ANNOUNCEMENTS BY THE PRESIDING MEMBER WITHOUT DISCUSSION

Nil.

8. PETITIONS / DEPUTATIONS / PRESENTATIONS / SUBMISSIONS

Nil.

9. OFFICER REPORTS

9.1 Audit Committee Recommendation – Compliance Audit Return 2024

PROPOSED MEETING DATE:	19 March 2025
PROPONENT:	N/A
LOCATION:	N/A
AUTHOR:	David Bentley, Deputy Chief Executive Officer
REPORTING OFFICER:	Christie Smith, Chief Executive Officer
FILE NO:	
ASSESSMENT NO:	N/A
ATTACHMENTS:	Attachment 1 – 2024 Compliance Audit Return
DISCLOSURE OF INTEREST:	Nil

Purpose

This report is prepared to consider the Compliance Audit Return for the period 1 January 2024 to 31 December 2024 and make a recommendation to Council to determine a position.

Background

The Department of Local Government, Sport and Cultural Industries (the Department) requires all local governments to complete and lodge an annual Compliance Audit Return for the preceding calendar year by 31 March in the following calendar year.

The Compliance Audit Return required responses in the following categories:

- Commercial Enterprises by Local Governments (five questions)
- Delegation of Power / Duty (13 questions)
- Disclosure of Interest (21 questions)
- Disposal of Property (two questions)
- Elections (three questions)
- Finance (seven questions)
- Integrated Planning and Reporting (three questions)
- Local Government Employees (five questions)
- Official Conduct (four questions)
- Optional Questions (nine questions)
- Tenders for Providing Goods and Services (22 questions)

The questions are identical to last year's compliance audit return.

Comment

For the 2024 Compliance Audit Return, the Shire reported instances of non-compliance with legislation. The non-compliances relate to questions four and five in Disclosure of Interest section and question 7 of the Optional Questions section of the Compliance Audit Return.

4. *Was a primary return in the prescribed form lodged by all relevant persons within three months of their start day?*
5. *Was an annual return in the prescribed form lodged by all relevant persons by 31 August 2024?*
7. *Did the local government prepare a report on the training completed by council members in the 2022/23 financial year and publish it on the local government's official website by 31 July 2024?*

The non-compliances relate to sections 5.75, 5.76 and 5.127 of the *Local Government Act 1995* which reads:

5.75. Primary returns

- (1) A relevant person other than the CEO must lodge with the CEO a primary return in the prescribed form within 3 months of the start day.
- (2) A CEO must lodge with the mayor or president a primary return in the prescribed form within 3 months of the start day.
- (3) This section does not apply to a person who –
 - (a) has lodged a return within the previous year; or
 - (b) has, within 3 months of the start day, ceased to be a relevant person.

Penalty: \$10 000 or imprisonment for 2 years.

5.76. Annual returns

- (1) Each year, a relevant person other than the CEO must lodge with the CEO an annual return in the prescribed form by 31 August of that year.
- (2) Each year, the CEO must lodge the mayor or president an annual return in the prescribed by 31 August of that year.

Penalty applicable to subsections (1) and (2): \$10 000 or imprisonment for 2 years.

5.127 Report on training

- (1) A local government must prepare a report for each financial year on the training completed by council members in the financial year.
- (2) The CEO must publish the report on the local government's official website within 1 month after the end of the financial year to which the report relates.

It was noted that in the return period, two primary returns were not lodged with the CEO within three months of the relevant person's start date.

It was also noted in the return period that nine annual returns were not lodged before 31 August 2024. Eight of the nine annual returns were submitted late. One of the nine annual returns was not lodged at all. This person ceased being a relevant person (as defined in the *Local Government Act 1995*) effective 12 September 2024.

Submission of returns on time is a recurring issue within the local government sector and not one that is unique to the Shire of Kent. However, for future years, a procedure has been developed to ensure that primary returns are requested for relevant persons and annual returns are sent out as close as possible to 1 July each year with follow ups to ensure instances of this nature are not repeated.

There are serious penalties to relevant persons for not completing returns on time as provided for in legislation. With the onset of the *Local Government Amendment Act 2024*, there will be a mandatory reporting requirement to the future Local Government Inspector for instances of non-compliance with both of these sections.

In relation to the report on elected member training, when conducting the compliance audit return it was noted that this report had not been completed. The register has now been placed

on the website with updated information from WALGA on which council members have completed which training courses.

Statutory Implications

Section 7.13 of the *Local Government Act 1995* provides that regulations may be made requiring local governments to carry out an audit of compliance with such statutory requirements as may be prescribed.

Regulation 14 and 15 of the *Local Government (Audit) Regulations 1996* provides:

14. Compliance audits by local governments

- (1) A local government is to carry out a compliance audit for the period 1 January to 31 December in each year.
- (2) After carrying out a compliance audit the local government is to prepare a compliance audit return in a form approved by the Minister.
- (3A) The local government's audit committee is to review the compliance audit return and is to report to the council the results of that review.
- (3) After the audit committee has reported to the council under subregulation (3A), the compliance audit return is to be –
 - (a) presented to the council at a meeting of the council; and
 - (b) adopted by the council; and
 - (c) recorded in the minutes of the meeting at which it is adopted.

15. Certified copy of compliance audit return and other documents to be given to Departmental CEO

- (1) After the compliance audit return has been presented to the council in accordance with regulation 14(3) a certified copy of the return together with –
 - (a) a copy of the relevant section of the minutes referred to in regulation 14(3)(c); and
 - (b) any additional information explaining or qualifying the compliance audit, is to be submitted to the Departmental CEO by 31 March next following the period to which the return relates.
- (2) In this regulation —

certified in relation to a compliance audit return means signed by —

- (a) the mayor or president; and
- (b) the CEO.

Policy Implications

There are no policy implications in relation to this report.

Financial Implications

There are no financial implicates in relation to this report.

Strategic Implications

Community Strategic Plan 2023 - 2033

Civic Leadership Strategic Priorities – Proactive and well governed Shire

Risk Implications

N/A

Voting Requirement

Simple Majority

OFFICER / COMMITTEE RECOMMENDATION / COUNCIL DECISION (OCM2425/079)

Moved Cr Crosby / Seconded Cr Hobley

That Council:

- 1. Adopts the 2024 Compliance Audit Return as provided as Attachment 1 for the period 1 January 2024 to 31 December 2024; and**
- 2. Authorises the Shire President and Chief Executive Officer to certify the Compliance Audit Return and submit it to the Department of Local Government, Sport and Cultural Industries by 31 March 2025.**

CARRIED 6/0

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

Against: Nil

9.2 Monthly Financial Report to 28 February 2025

PROPOSED MEETING DATE:	19 March 2025
PROPONENT:	N/A
LOCATION:	N/A
AUTHOR:	Jenni Dolan, Finance Coordinator
REPORTING OFFICER:	Christie Smith, Chief Executive Officer
FILE NO:	FIN.221
ASSESSMENT NO:	N/A
ATTACHMENTS:	Attachment 1 - Monthly Financial Reports to 28 February 2025
DISCLOSURE OF INTEREST:	Nil

Purpose

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

Background

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

Comment

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

Overview

The February report tabled reflects the financial position of the Shire with 67% of the year gone. Noted in the Statement of Financial Activity is a current surplus of \$3,371,066 as of the end of February 2025. At this point of the year, operating revenue sits below the year-to-date (YTD) budget estimate by 3.56 %, and accounts for 83.6% of the adopted full-year budget estimate. Operating expenditure sits below the YTD budget estimate by 35.78%, and accounts for 43.5 % of the adopted full-year budget estimate.

Budget Review

The review of the 2024-25 budget has taken much of the focus this month. A full report of the proposed amendments will be presented to Council for review this meeting.

Capital Expenditure

The roads infrastructure program has moved into full swing post-Christmas, as we push toward the end of financial year with the aim to close out the remaining projects over the next few months. The Dumbleyung Road, Gillis Road, Warnaminup Road and North Needilup Road projects have been completed and the Range Road project is on track for completion this month.

The Shire has taken over control of 23A/B Aspendale Street, with employees anticipated to move in presently. There are still a few jobs that are required to round out the housing project, such as installing storage sheds and clotheslines.

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

OFFICER RECOMMENDATION / COUNCIL DECISION (OCM2425/080)

Moved Cr Gray / Seconded Cr Harris

That Council receive the following Monthly Financial Reports to 28 February 2025 as presented at Attachment 1.

CARRIED 6/0

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

Against: Nil

9.3 Schedule of Accounts Paid to 28 February 2025

PROPOSED MEETING DATE:	19 March 2025
PROPOSER:	N/A
LOCATION:	N/A
AUTHOR:	Jenni Dolan, Finance Coordinator
REPORTING OFFICER:	Christie Smith, Chief Executive Officer
FILE NO:	FIN.226
ASSESSMENT NO:	N/A
ATTACHMENTS:	Attachment 1 - Schedule of accounts paid, including Corporate and Fuel cards for February 2025
DISCLOSURE OF INTEREST:	Nil

Purpose

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

Background

Details payments made to creditors since last Council Meeting.

Comment

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

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

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

Statutory Implications

Local Government Act 1995 – Section 6.4;

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

Policy Implications

Policy 4.1 Accounting Policies

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

Financial Implications

Ongoing management of Council funds

Strategic Implications

Community Strategic Plan 2023 - 2033

Civic Leadership Strategic Priorities – Proactive and well governed Shire

Risk Implications

N/A

Voting Requirement

Simple Majority

OFFICER RECOMMENDATION / COUNCIL DECISION (OCM2425/081)

Moved Cr Hobley / Seconded Cr Crosby

That Council endorse the payments from the Municipal Fund and Trust Fund for the period ending 28 February 2025.

Municipal Fund (Fee)	\$ 24,128.31
Municipal Fund (EFT)	\$ 515,097.70
Municipal Fund (Direct Debits)	\$ 24,875.52
Trust Fund	\$ 0.00
TOTAL	\$ 564,101.53

CARRIED 6/0

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

Against: Nil

9.4 2024-2025 Budget Review

PROPOSED MEETING DATE:	19 March 2025
PROPONENT:	N/A
LOCATION:	N/A
AUTHOR:	Jenni Dolan, Finance Coordinator
REPORTING OFFICER:	Christie Smith, Chief Executive Officer
FILE NO:	FIN.247
ASSESSMENT NO:	N/A
ATTACHMENTS:	Attachment 1 – Budget Review Report 28 February 2025 Attachment 2 – Budget Review Overview 28 February 2025
DISCLOSURE OF INTEREST:	Nil

Purpose

To consider the Shire of Kent's financial position as at 28 February 2025 and performance for the period 1 July 2024 to 28 February 2025 in relation to the adopted annual budget and estimated revenue and expenditure for the remainder of the financial year.

Background

The budget review has been prepared to include information required by the *Local Government Act (1995)*, *Local Government (Financial Management) Regulations 1996* and the Australian Accounting Standards. The Budget Review Report for the period 1 July 2024 to 28 February 2025 (Attachment 1) has been prepared incorporating year-to-date budget variations and forecasts to 30 June 2025 and is presented for council's consideration.

Consideration of the status of various projects and programs was undertaken to ensure any anticipated variance were captured within the review document where possible. The material variance levels which have been reported for the budget review, are based upon management judgement where explanations are considered appropriate.

Comment

The Budget Review Report (Attachment 1) includes at Note 4, a summary of predicted variances contained within the Statement of Financial Activity, which is supported by a more detailed outline in the Overview (Attachment 2).

In considering the variances and projections within the attached Budget Review Report, the closing position is the same as previously budgeted with a nil surplus/deficit, being a balanced budget. There is a decrease in the brought forward balance of \$114,135 representing the audited opening surplus; this is due to estimating the brought forward figure at the time of budget preparation.

Following completion of the budget review and to properly consider the impact of estimated projections at 30 June 2025, some items have been identified as requiring a budget amendment to properly account for these variances where appropriate. Required budget amendments have been presented as a separate recommendation to the budget review, and also included in Note 5 of the attached Budget Review Report, for council consideration.

Statutory Implications

Regulation 33A of the *Local Government (Financial Management) Regulations 1996* requires:

- (1) Between 1 January and the last day of February in each financial year a local government is to carry out a review of its annual budget for that year.
- (2A) The review of an annual budget for a financial year must —
 - a) consider the local government's financial performance in the period beginning on 1 July and ending no earlier than 31 December in that financial year; and
 - b) consider the local government's financial position as at the date of the review; and
 - c) review the outcomes for the end of that financial year that are forecast in the budget; and
 - d) include the following —
 - i. the annual budget adopted by the local government;
 - ii. an update of each of the estimates included in the annual budget;
 - iii. the actual amounts of expenditure, revenue and income as at the date of the review;
 - iv. adjacent to each item in the annual budget adopted by the local government that states an amount, the estimated end of year amount for the item.
- (2) The review of an annual budget for a financial year must be submitted to the council on or before 31 March in that financial year.
- (3) A council is to consider a review submitted to it and is to determine* whether or not to adopt the review, any parts of the review or any recommendations made in the review.

**Absolute Majority required.*

- (4) Within 14 days after a council has made a determination, a copy of the review and determination is to be provided to the Department.

Section 6.7(1) (b) of the *Local Government Act 1995* provides that expenditure can be incurred when not included in the annual budget provided it is authorised in advance by resolution (absolute majority required).

Policy Implications

There are no known policy implications arising from this report.

Financial Implications

Authorisation of expenditure through budget amendments recommended. Other specific financial implications are as outlined in the body of this report.

Strategic Implications

The budget review has been developed having regard for the Shire's integrated planning and reporting documents adopted by council.

Risk Implications

N/A

Voting Requirement

Absolute Majority

OFFICER RECOMMENDATION NO 1 / COUNCIL DECISION (OCM2425/082)

Moved Cr Crosby / Seconded Cr Gray

That Council adopt by absolute majority the 2024/2025 mid-year budget review as attached.

CARRIED BY AN ABSOLUTE MAJORITY 6/0

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

Against: Nil

Voting Requirement

Absolute Majority

OFFICER RECOMMENDATION NO 2 / COUNCIL DECISION (OCM2425/083)

Moved Cr Harris / Seconded Cr Reid

That Council adopt by absolute majority the following budget amendments to the 2024/2025 adopted annual budget:

CARRIED BY AN ABSOLUTE MAJORITY 6/0

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

Against: Nil

Classification	Description	Increase in available cash	Decrease in available cash
Opening Surplus(Deficit)	Budget Adoption		(114,135)
Operating Revenue	Rates Ex Gratia		(10,986)
Operating Revenue	Grants - General Purpose (FAG)	159,316	
Operating Revenue	Grants - Untied Roads (FAG)	49,373	
Operating Revenue	Interest on Reserves	56,317	
Operating Revenue	Interest on Muni account	80,025	
Operating Revenue	Admin reimbursements received	6,000	
Operating Expenses	Elections	5,000	
Operating Expenses	Recruitment costs		(12,000)
Operating Revenue	Other Welfare donations	12,000	
Operating Expenses	Other Welfare donations		(12,000)
Operating Revenue	Staff Housing Reimbursements	8,500	
Operating Expenses	29 Aspendale Street	5,270	
Operating Revenue	Proceeds from sale of asset	150,000	
Operating Expenses	Realisation of asset		(150,000)
Operating Revenue	Other Rec & Sport Contributions	66,100	
Operating Revenue	Grants Great Southern Secondary Freight	963,636	
Operating Revenue	Proceeds from sale of asset	69,663	
Operating Revenue	Realisation of asset		(69,663)
Operating Revenue	Licensing fees & charges		(300,000)
Operating Revenue	Other Grant Income	5,000	
Operating Expenses	Licensing expense	300,000	
Operating Expenses	Plant op - contract expenses		(25,000)
Capital Expense	29 Aspendale Street	12,000	
Capital Expense	1/1 Coates Close	8,300	
Capital Expense	2/7 Gaby Street	3,420	
Capital Expense	1/15 George Street	10,000	
Capital Expense	2/1 Coates Close	10,000	
Capital Expense	21A George Street	5,000	
Capital Expense	Newdegate Pingrup Road (GSSF)		(963,636)
Capital Expense	Chester Pass Road Tank	10,709	
Capital Expense	Pingrup CP - HWS upgrade	9,926	
Capital Expense	Plant purchase savings	160,379	
Capital Expense	Plant purchases - Road Train & Tipper		(610,000)
Capital Expense	Transfer in from Plant Reserve	179,621	
Capital Expense	Transfer from Admin Vehicle Reserve	14,374	
Capital Expense	Interest to Employee Entitlement Reserve		(749)
Capital Expense	Interest to Computing Reserve		(154)

Capital Expense	Interest to Admin Vehicle Reserve	(294)
Capital Expense	Interest to Land & Building Reserve	(24,221)
Capital Expense	Transfer to Land and Building Reserve	(198,720)
Capital Expense	Interest to Refuse Disposal Reserve	(1,125)
Capital Expense	Interest to Cemetery Reserve	(269)
Capital Expense	Interest to Sewerage Reserve	(3,067)
Capital Expense	Interest to Nyabing Rec Reserve	(379)
Capital Expense	Transfer to Nyabing Rec Reserve	(66,100)
Capital Expense	Interest to Pingrup Rec Reserve	(246)
Capital Expense	Interest to Plant Reserve	(6,435)
Capital Expense	Interest to Road Reserve	(5,107)
Capital Expense	Interest to Water Supply Reserve	(306)
Non Cash Item	Proceeds from sale of asset	219,663
Non Cash Item	Adjust Provisions and Accruals - LSL NC	(5,000)

The Finance Coordinator left the meeting at 10:43am.

9.5 Regional Road Group – Appointment of Proxies

PROPOSED MEETING DATE:	19 March 2025
PROPONENT:	N/A
LOCATION:	N/A
AUTHOR:	David Bentley, Deputy Chief Executive Officer
REPORTING OFFICER:	Christie Smith, Chief Executive Officer
FILE NO:	
ASSESSMENT NO:	N/A
ATTACHMENTS:	Nil
DISCLOSURE OF INTEREST:	Nil

Purpose

Council is requested to formally consider appointing the whole Council as a proxy to the Regional Road Group meetings, following a request from Council at the previous meeting.

Background

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

Comment

Following feedback from Council Members, it is recommended to appoint all Council Members as a proxy to the Regional Road Group to improve flexibility in the Shire of Kent's representation to the Regional Road Group.

Currently, Cr Greg Hobley and Cr Darren Gray are the Council appointed members to the Regional Road Group, with Cr Suma Reid as the sole proxy.

Statutory Implications

Nil.

Policy Implications

Nil.

Financial Implications

Nil.

Strategic Implications

Nil.

Risk Implications

Nil.

Voting Requirement

Simple Majority

OFFICER RECOMMENDATION / COUNCIL DECISION (OCM2425/084)

Moved Cr Reid / Seconded Cr Harris

That Council appoint all Councillors as a proxy to the Regional Road Group.

CARRIED 6/0

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

Against: Nil

9.6 Reserve 24202 Pingrup Golf Club – Request to Lease

PROPOSED MEETING DATE:	19 March 2025
PROPONENT:	Pingrup Golf Club
LOCATION:	Reserve 24202
AUTHOR:	Christie Smith, Chief Executive Officer
REPORTING OFFICER:	Christie Smith, Chief Executive Officer
FILE NO:	PRO.546 / PAR.93
ASSESSMENT NO:	N/A
ATTACHMENTS:	Attachment 1 – Draft Lease Agreement March 2025
DISCLOSURE OF INTEREST:	Nil

Purpose

To seek Council approval for a 21-year lease agreement with the Pingrup Golf Club for Reserve 24202 at the cost of \$1 per year, in accordance with Section 18(2) of the *Land Administration Act 1997* and disposed of under Section 3.58 of the *Local Government Act 1995*.

Background

Pingrup Golf Club has been a longstanding community facility operating on Reserve 24202. The proposed lease agreement formalises the Club's continued use of the reserve for recreational purposes. The lease will ensure the Club's long-term security and ability to maintain and develop the facility for community benefit.

The responsible agency for the Reserve 24202 is the Department of Planning, Lands and Heritage (DPLH) with Shire of Kent having a management order on the Reserve. As part of the management order, the Shire of Kent has the power to lease for any term not exceeding 21 years, subject to the consent of the Minister for Lands.

Comment

The approval of this lease agreement will formalise the use, provide stability for the Pingrup Golf Club and support the continuation of recreational opportunities within the Shire. The lease terms are consistent with similar arrangements for community clubs using Crown land.

The disposal of the land via lease is in accordance with Section 3.58 of the *Local Government Act 1995*, which outlines the process for the disposal of property by local governments. Public notice of the proposed disposition has been undertaken as required, and no objections have been received.

Proposed lease term will be for 21 years, with an annual rental of \$1. The lease arrangement reflects the community-focused nature of the facility and aligns with the Council's support for recreational infrastructure.

Statutory Implications

Land Administration Act 1997 – Section 18(2): Ministerial approval is required for the lease of Crown land.

Local Government Act 1995 – Section 3.58: Outlines the requirements for disposing of property, including leasing.

Local Government (Functions and General) Regulations 1996 – Provides exemptions and procedural requirements for disposal.

Policy Implications

There are no known policy implications associated with this item.

Financial Implications

The lease fee is set at \$1 per year, ensuring minimal financial impact on the Pingrup Golf Club while maintaining the community benefit of the facility.

Strategic Implications

This proposal aligns with the Shire's Strategic Community Plan 2023 – 2033 objectives, particularly:

- 1.2 inclusive community activities, events, services and initiatives
- 4.2 proactive and well governed Shire

Risk Implications

Low Risk – The lease provides security of tenure for the Club while maintaining Council control over the land through lease conditions.

Compliance Risk – Managed through adherence to legislative requirements under the *Land Administration Act 1997* and the *Local Government Act 1995*.

Voting Requirement

Simple Majority

OFFICER RECOMMENDATION / COUNCIL DECISION (OCM2425/085)

Moved Cr Crosby / Seconded Cr Gray

That Council:

1. Approves the lease of a portion of Reserve 24202 to the Pingrup Golf Club for a term of 21 years at an annual rental of \$1.
2. Authorises the Chief Executive Officer to execute the lease agreement, subject to Ministerial approval under Section 18(2) of the *Land Administration Act 1997*.
3. Confirms that the lease disposal is in accordance with Section 3.58 of the *Local Government Act 1995*.

CARRIED 6/0

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

Against: 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

Nil.

13. MEETING CLOSED

There being no further business, the Presiding Member, Cr Kate Johnston, declared the meeting closed at 10:47am.