

**MINUTES  
OCTOBER 2019  
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## OCTOBER MINUTES 2019

### 1. DECLARATION OF OPENING & ANNOUNCEMENT OF VISITORS

The Chief Executive Officer, Mr Rick Miller, declared the meeting opened at 5.35 pm.

### 2. RECORD OF ATTENDANCE/APOLOGIES & APPROVED LEAVE OF ABSENCE

#### **Members**

Cr AL Smith	Member
Cr SR Crosby	Member
Cr BC Bamess	Member
Cr KV Johnston	Member
Cr KR Stephens	Member
Cr TD Borgward	Member
Cr JN Germain	Member
Cr RA Jury	Member

#### **Staff**

RJ Miller	Chief Executive Officer
M Bamess	Deputy Chief Executive Officer

#### **Members of the Public**

Mrs Michaela Crosby	Left the meeting at 5.38pm
Master Joseph Crosby	Left the meeting at 5.38pm
Miss Emily Crosby	Left the meeting at 5.38pm

#### **Apologies**

GD Mathewson	Works Manager
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#### **Members on Leave of Absence**

Nil

### 3. SWEARING IN OF COUNCILLORS

#### **3.1 – Swearing in of Councillors**

*The Chief Executive Officer oversaw and conducted proceedings for the swearing in of the four Elected Members who were declared elected by the Returning Officer at the election held on Saturday, 19 October 2019.*

Section 2.29 (1) of the Local Government Act 1995 (as amended) prescribes as follows:

*2.29. Oath or affirmation of allegiance and declaration*

- (1) *A person elected as an elected mayor or president or as a councillor has to make a declaration in the prescribed form before acting in the office.*

- (2) A person elected by the council as mayor, president, deputy mayor or deputy president has to make a declaration in the prescribed form before acting in the office.
- (3) A declaration required by this section is to be taken or made before a prescribed person.
- (4) A person who acts in an office contrary to this section commits an offence.

Penalty: \$5 000 or imprisonment for one year.

[Section 2.29 amended by No. 24 of 2005 s. 57.]

Regulation 13 of the Local Government (Constitution) Regulations 1998 prescribes the form of declaration. This is contained in Form 7 of those regulations and is to be made before a person authorised to take statutory declarations under the Oaths, Affidavits and Statutory Declarations Act 2005.

The declaration is as follows:

I .....of .....  
 having been elected to the Council of the Shire of Kent declare that I take the office upon myself and will duly, faithfully, honestly, and with integrity, fulfil the duties of the office for the people in the district according to the best of my judgment and ability, and will observe the Local Government (Rules of Conduct) Regulations 2007.

The following Councillors require swearing in, in accordance with Section 2.29(1) of the Local Government Act 1995, as amended:

Cr Alan Lewis Smith  
 Cr Timothy Dale Borgward  
 Cr Scott Ross Crosby  
 Cr Renae Anne Jury

The above members made and signed declarations as required under the Local Government (Constitution) Regulations 1998 of the Local Government Act 1995, witnessed by Rick Miller, CEO.

### **3.2. ELECTION OF PRESIDENT**

Schedule 2.3 - When and how mayors, presidents, deputy mayors and deputy presidents are elected by the council [Sections 2.11(1)(b) and 2.15]

Division 1 - Mayors and presidents

#### **1. Definitions**

In this Division -

“Extraordinary vacancy” means a vacancy that occurs under section 2.34(1);

“The office” means the office of councillor mayor or president.

#### **2. When the council elects the mayor or president**

- (1) The office is to be filled as the first matter dealt with –
  - (a) at the first meeting of the council after an inaugural election or a section 4.13 or 4.14 election or after an ordinary elections day; and
  - (b) at the first meeting of the council after an extraordinary vacancy occurs in the office.
- (2) If the first ordinary meeting of the council is more than 3 weeks after an extraordinary vacancy occurs in the office, a special meeting of the council is to be held within that period for the purpose of filling the office.

### **3. CEO to preside**

The CEO is to preside at the meeting until the office is filled.

### **4. How the mayor or president is elected**

- (1) The council is to elect a councillor to fill the office.
- (2) The election is to be conducted by the CEO in accordance with the procedure prescribed.
- (3) Nominations for the office are to be given to the CEO in writing before the meeting or during the meeting before the close of nominations.
  - (a) Nominations close at the meeting at a time announced by the CEO, which is to be a sufficient time after the announcement by the CEO that nominations are about to close to allow for any nominations made to be dealt with.
- (4) If a councillor is nominated by another councillor the CEO is not to accept the nomination unless the nominee has advised the CEO, orally or in writing, that he or she is willing to be nominated for the office.
- (5) The councillors are to vote on the matter by secret ballot as if they were electors voting at an election.
- (6) Subject to clause 5(1), the votes cast under subclause (5) are to be counted, and the successful candidate determined, in accordance with Schedule 4.1 (which deals with determining the result of an election) as if those votes were votes cast at an election.
- (7) As soon as is practicable after the result of the election is known, the CEO is to declare and give notice of the result in accordance with regulations, if any.  
[Clause 4 amended by No. 49 of 2004 s. 69(2)-(5); No. 66 of 2006 s. 14.]

### **5. Votes may be cast a second time**

- (1) If when the votes cast under clause 4(5) are counted there is an equality of votes between 2 or more candidates who are the only candidates in, or remaining in, the count, the count is to be discontinued and the meeting is to be adjourned for not more than 7 days.
- (2) Any nomination for the office may be withdrawn, and further nominations may be made, before or when the meeting resumes.
- (3) When the meeting resumes the councillors are to vote again on the matter by secret ballot as if they were electors voting at an election.
- (4) The votes cast under subclause (3) are to be counted, and the successful candidate determined, in accordance with Schedule 4.1 as if those votes were votes cast at an election.

The Chief Executive Officer called for nominations for the position of Shire President.

The Chief Executive Officer advised that he had received two nominations for the position of President prior to the Council meeting; Nominations were received from: 1. Cr Alan Smith 2. Cr Scott Crosby.

The Chief Executive Officer adjourned the meeting at 5.39 PM to allow the Ballot Paper to be printed up and distributed to Council.

The Chief Executive Officer reconvened the meeting at 5.41PM. The Council members were instructed to vote on the matter by secret ballot.

The Chief Executive Officer and Deputy Chief Executive Officer counted the votes away from but within sight of members. The Chief Executive Officer declared Cr Scott Crosby as elected Shire President.

Pursuant to Regulation 13(3) of the Local Government (Constitution) Regulations 1998, Cr made the following declaration as elected Shire President, witnessed by Rick Miller, CEO:

I ..... of .....  
 having been elected to the office of Shire President of the Shire of Kent declare that I take the office upon myself and will duly, faithfully, honestly, and with integrity, fulfill the duties of the office for the people in the district according to the best of my judgment and ability, and will observe the Local Government (Rules of Conduct) Regulations 2007.

The Chief Executive Officer handed the meeting over to the newly elected Shire President, Cr S Crosby and he assumed the chair.

### **3.3. ELECTION OF DEPUTY PRESIDENT**

*Division 2 - Deputy Mayors and deputy presidents*

#### **6. Definitions**

*In this Division -*

*"Extraordinary vacancy" means a vacancy that occurs under section 2.34(1);*

*"the office" means the office of deputy mayor or deputy president.*

#### **7. When the council elects the deputy mayor or deputy president**

- (1) *If the local government has an elected mayor or president the office of deputy mayor or deputy president is to be filled as the first matter dealt with -*
- (a) *at the first meeting of the council after an inaugural election or a section 4.13 or 4.14 election or after an ordinary elections day; and*
  - (b) *at the first meeting of the council after an extraordinary vacancy occurs in the office.*
- (2) *If the local government has a councillor mayor or president the office of deputy mayor or deputy president is to be filled -*

- (a) as the next matter dealt with after the mayor or president is elected at the first meeting of the council after an inaugural election or a section 4.13 or 4.14 election or after an ordinary elections day; and
  - (b) subject to subclause (3), as the first matter dealt with at the first meeting of the council after an extraordinary vacancy occurs in the office.
- (3) If at a meeting referred to in clause 2(1)(b) the deputy mayor or deputy president is elected to be the mayor or president, the resulting extraordinary vacancy in the office is to be filled as the next matter dealt with at the same meeting.

### **8. How the deputy mayor or deputy president is elected**

- (1) The council is to elect a councillor (other than the mayor or president) to fill the office.
- (2) The election is to be conducted in accordance with the procedure prescribed, by the mayor or president, or if he or she is not present, by the CEO.
- (3) Nominations for the office are to be given to the person conducting the election in writing before the meeting or during the meeting before the close of nominations.
  - (a) Nominations close at the meeting at a time announced by the person conducting the election, which is to be a sufficient time after the announcement by that person that nominations are about to close to allow for any nominations made to be dealt with.
- (4) If a councillor is nominated by another councillor the person conducting the election is not to accept the nomination unless the nominee has advised the person conducting the election, orally or in writing, that he or she is willing to be nominated for the office.
- (5) The council members are to vote on the matter by secret ballot as if they were electors voting at an election.
- (6) Subject to clause 9(1) the votes cast under subclause (5) are to be counted, and the successful candidate determined, in accordance with Schedule 4.1 as if those votes were votes cast at an election.
- (7) As soon as is practicable after the result of the election is known, the person conducting the election is to declare and give notice of the result in accordance with regulations, if any.

[Clause 8 amended by No. 64 of 1998 s. 54(2)-(4); No. 49 of 2004 s. 69(6)-(9).]

### **9. Votes may be cast a second time**

- (1) If, when the votes cast under clause 8(5) are counted, there is an equality of votes between 2 or more candidates who are the only candidates in, or remaining in, the count, the count is to be discontinued and, not more than 7 days later, a special meeting of the council is to be held.
- (2) Any nomination for the office may be withdrawn, and further nominations may be made, before or when the special meeting is held.
- (3) When the special meeting is held the council members are to vote again on the matter by secret ballot as if they were voting at an election.

- (4) *The votes cast under subclause (3) are to be counted, and the successful candidate determined, under Schedule 4.1 as if those votes were votes cast at an election.*

*[Clause 9 amended by No. 49 of 2004 s. 69(10).]*

The Shire President called for nominations for the position of Deputy Shire President. The Shire President advised that he had received one nomination from Cr Kate Johnston for the position of Deputy President prior to the Council meeting.

There being no further nominations, the Shire President declared Cr Kate Johnston elected as Deputy Shire President.

Pursuant to Regulation 13(3) of the *Local Government (Constitution) Regulations 1998*, Cr K Johnston made the following declaration as elected Deputy Shire President, witnessed by Rick Miller, CEO:

*I ..... of .....  
having been elected to the office of Deputy Shire President of the Shire of Kent declare that I take the office upon myself and will duly, faithfully, honestly, and with integrity, fulfill the duties of the office for the people in the district according to the best of my judgment and ability, and will observe the Local Government (Rules of Conduct) Regulations 2007.*

#### **4. DECLARATION OF INTERESTS:**

- **Financial Interest:**  
Cr S Crosby declared an interest in 10.1.6 Development Application: Alterations & Additions To CBH Site (Industry-Rural): Lots 4204 And 9199 Bin Road, Nyabing as he will receive payment for provide gravel to CBH for the roadworks.
- **Members Impartiality Interest**  
Nil
- **Proximity Interest:**  
Nil

#### **5. PUBLIC QUESTION TIME:**

Nil

#### **6. APPLICATION FOR MEMBERS FOR LEAVE OF ABSENCE:**

Nil

#### **7. CONFIRMATION and RECEIVING OF MINUTES/BUSINESS ARISING:**

##### **7.1 Ordinary Meeting of Council held on Wednesday 18 September 2019**

That the minutes of the Ordinary Meeting of the Shire of Kent held on Wednesday 18 September, 2019 in the Shire of Kent Council Chambers be confirmed as a true and accurate record of proceedings and duly signed.

<b>1920/078- COUNCIL RESOLUTION (Officer Recommendation)</b>
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**MOVED Cr JN Germain / Cr TD Borgward**

**That the minutes of the Ordinary Meeting of the Shire of Kent held on Wednesday 18 September, 2019 in the Shire of Kent Council Chambers be confirmed as a true and accurate record of proceedings and duly signed.**

**CARRIED 8/0  
By Simple Majority**

**8. ANNOUNCEMENTS BY THE PRESIDING PERSON WITHOUT DISCUSSION:**

Nil

**9. PETITIONS/DEPUTATIONS/PRESENTATIONS/SUBMISSIONS:**

Nil

**10. OFFICERS REPORTS:**

**10.1.1 MONTHLY FINANCIAL REPORTS TO 30 SEPTEMBER 2019**

<b>1920/079 - COUNCIL RESOLUTION (Officer Recommendation)</b>
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**MOVED Cr KR Stephens / Cr BC Bamess**

**That the following Monthly Financial Reports be received by Council:**

- **Monthly Financial Reports to 30 September 2019**

**CARRIED 8/0  
By Simple Majority**

**10.1.2 SCHEDULE OF ACCOUNTS PAID TO 30 SEPTEMBER 2019**

<b>1920/080 - COUNCIL RESOLUTION (Officer Recommendation)</b>
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**MOVED Cr RA Jury / Cr JN Germain**

**That Council endorse the payments from the Municipal Fund and Trust Fund:**

<b>Municipal Fund</b>	<b>\$174,450.26</b>
<b>Trust Fund</b>	<b>0.00</b>
<b>Direct Debits</b>	<b><u>\$115,493.66</u></b>
<b>TOTAL</b>	<b>\$289,943.92</b>

**CARRIED 8/0  
By Simple Majority**



### 10.1.3 STATUS OF COUNCIL DECISIONS – SEPTEMBER 2019

<b>1920/081 - COUNCIL RESOLUTION (Officer Recommendation)</b>
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**MOVED Cr TD Borgward / Cr KV Johnston**

**That Council receive the Council Resolutions Register for the month of September 2019.**

**CARRIED 8/0  
By Simple Majority**

### 10.1.4 UV RATING ERROR

#### RECOMMENDATION 1

<b>1920/082 - COUNCIL RESOLUTION (Officer Recommendation)</b>
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**MOVED Cr SR Crosby / Cr BC Bamess**

**That Council REVOKE resolution 1920/070 being:**

**“MOVED Cr SR Crosby / Cr BC Bamess**

**That the following UV General Rates for 2019/20 be adjusted and adopted in accordance with the requirements of Section 6.32 of the Local Government Act 1995:**

	Cents in \$	Minimum Rate
Unimproved Valuations (Rural/Mining)	0.0103496	\$505.00

**Where there is a credit from the new calculations, ratepayers will be offered a refund or credit. If there is a debit, ratepayers will be issued an interim rate notice and will be given a minimum of 35 days to pay the amount before penalty interest will commence. The due date for these adjustments will be Friday 8 November 2019.**

**CARRIED 8/0  
By Absolute Majority**

#### RECOMMENDATION 2

<b>1920/083 - COUNCIL RESOLUTION</b>
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**MOVED Cr KR Stephens / Cr TD Borgward**

**That Council, in accordance with section 6.47 of the *Local Government Act 1995*, Council applies a 4.5% concession to UV rural properties general rate due to an administrative error where the 2019/20 general rates were raised with the incorrect**

UV. The 4.5% concession ensures that Council achieves the budgeted 2% yield rate increase that was adopted as part of the 2019/20 Budget.

Where there is a credit from the new calculations, ratepayers will be offered a refund or credit. If there is a debit, ratepayers will be issued an interim rate notice and will be given a minimum of 90 days to pay the amount before penalty interest will commence.

**CARRIED 8/0  
By Absolute Majority**

*Minor change made to Officer's Recommendation to include additional credit/debit information and to increase days for to make payment.*

#### 10.1.5 INTERNAL COMMITTEE MEMBERS AND EXTERNAL REPRESENTATIVES

##### RECOMMENDATION 1

**1920/084 - COUNCIL RESOLUTION (Officer Recommendation)**

MOVED Cr JN Germain/ Cr AL Smith

##### RECOMMENDATION 1

That the following Committees remain in recess until the Council sees a need to reactivate those committees:

Works, Plant and Services Committee

Building, Health and Town Planning Committee

**CARRIED 8/0  
BY ABSOLUTE MAJORITY**

##### RECOMMENDATION 2

**1920/085 - COUNCIL RESOLUTION (Officer Recommendation)**

MOVED Cr SR Crosby / Cr KR Stephens

That the following Councillors be endorsed as the members of the Audit Committee:

Cr AL Smith  
Cr TD Borgward  
Cr SR Crosby  
Cr KR Stephens  
Cr KV Johnston  
CR BC Bamess  
Cr JN Germain  
Cr RA Jury

**CARRIED 8/0  
BY ABSOLUTE MAJORITY**

**RECOMMENDATION 3**

**1920/086 - COUNCIL RESOLUTION (Officer Recommendation)**

**MOVED Cr JN Germain / Cr TD Borgward**

**That the following Councillors be endorsed as the members of the Bushfire Advisory Committee:**

**Cr KR Stephens  
Cr JN Germain  
Cr TD Borgward (PROXY)**

**CARRIED 8/0  
BY ABSOLUTE MAJORITY**

**RECOMMENDATION 4**

**1920/087 - COUNCIL RESOLUTION (Officer Recommendation)**

**MOVED Cr KR Johnston / Cr KV Johnston**

**That the following Councillors be appointed to the Great Southern Regional Road Group as Council representatives:**

**Cr BC Bamess  
Cr JN Germain  
Cr SR Crosby (PROXY)**

**CARRIED 8/0  
BY ABSOLUTE MAJORITY**

**RECOMMENDATION 5**

**1920/088 - COUNCIL RESOLUTION (Officer Recommendation)**

**MOVED Cr KR Stephens / Cr JN Germain**

**That the following Councillors be appointed to the Great Southern Zone WALGA as Council representatives:**

**Cr SR Crosby  
Cr KV Johnston  
Cr RA Jury (PROXY)**

**CARRIED 8/0  
BY ABSOLUTE MAJORITY**

**RECOMMENDATION 6**

**1920/089 - COUNCIL RESOLUTION (Officer Recommendation)**

**MOVED Cr BC Bamess / Cr JN Germain**

**That the following Councillors be appointed to the Great Southern Regional Advisory Group as Council representatives:**

**Cr K Johnston  
Cr RA Jury  
Cr JN Germain (PROXY)**

**CARRIED 8/0  
BY ABSOLUTE MAJORITY**

**RECOMMENDATION 7****1920/090 - COUNCIL RESOLUTION (Officer Recommendation)**

MOVED Cr KR Stephens / Cr JN Germain

That the following Councillors be appointed to the Pingrup Ground Improvement Committee and Nyabing Sports Club Committee as Council representatives:

Cr C Bamess  
 Cr T Borgward  
 Cr AL Smith (PROXY - Pingrup)  
 Cr KV Johnston (PROXY - Nyabing)

CARRIED 8/0  
 BY ABSOLUTE MAJORITY

**RECOMMENDATION 8****1920/091 - COUNCIL RESOLUTION (Officer Recommendation)**

MOVED Cr BC Bamess / Cr RA Jury

That the following Councillors be appointed to the Pingrup CRC Committee as Council representatives:

Cr AL Smith  
 Cr KV Johnston  
 Cr TD Borgward (PROXY)

CARRIED 8/0  
 BY ABSOLUTE MAJORITY

**RECOMMENDATION 9****1920/092 - COUNCIL RESOLUTION (Officer Recommendation)**

MOVED Cr TD Borgward/ Cr KV Johnston

That the following Councillors be appointed to the Local Emergency Management Committee as Council representatives:

Cr KR Stephens  
 Cr JN Germain  
 Cr BC Bamess (PROXY)  
 Cr TD Borgward (PROXY)

CARRIED 8/0  
 BY ABSOLUTE MAJORITY

**RECOMMENDATION 10****1920/093- COUNCIL RESOLUTION (Officer Recommendation)**

MOVED Cr JN Germain / Cr KR Stephens

That the following Councillors be appointed to the Great Southern Treasures as Council representatives:

Pingrup CRC Community Member - Steph Clarke-Lloyd

Cr KV Johnston  
 Cr KR Stephens  
 Cr JN Germain (PROXY)

**CARRIED 8/0  
 BY ABSOLUTE MAJORITY**

**10.1.6 DEVELOPMENT APPLICATION: ALTERATIONS & ADDITIONS TO CBH SITE (INDUSTRY-RURAL): LOTS 4204 AND 9199 BIN ROAD, NYABING**

Cr Scott Crosby declared an interest as he will receive payment for providing gravel to CBH for the roadworks and left the room at 6.35pm. Cr Kate Johnston assumed the chair.

<b>1920/094 - COUNCIL RESOLUTION (Officer Recommendation)</b>
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**MOVED Cr AL Smith / Cr JN Germain**

**That Council:**

**Approve the development application for the additions and alterations to the Nyabing CBH Site (Industry - Rural) at Lots 4204 and 9199 Bin Road, Nyabing subject to the following conditions:**

- 1. The development hereby approved shall be substantially commenced within two years of the date of this decision notice.**
- 2. The development hereby approved shall be undertaken in accordance with the signed and stamped, Approved Development Plan(s) and Stormwater Design Report (enclosed), including any notes placed thereon in red by the Shire and except as may be modified by the following conditions.**
- 3. Lots 4204 and 9199 shall be amalgamated to form one lot within 1 year of the date of this approval, unless otherwise agreed in writing by the Chief Executive Officer.**
- 4. The development hereby approved, or any works required to implement the development, shall not commence until the following plans or details have been submitted to the Shire and have been approved in writing:**
  - (a) A Dust Management Plan, to the satisfaction of the Shire.**
  - (b) A Drainage Plan to the satisfaction of the Shire (Advice Note 1).**
- 5. The development hereby approved shall not be occupied or used until all plans, details or works required by Condition(s) 2 and 4 have been implemented, and the following has been complied with, unless otherwise agreed in writing by the Chief Executive Officer:**
  - (a) All recommendations in the Traffic Impact Assessment Report have been undertaken and completed, at the expense of the applicant, to the satisfaction of the Shire and Main Roads Western Australia. Prior to commencement of works within the road reserve, detailed designs for the works shall be submitted to the Shire and Main Roads Western Australia for approval.**
  - (b) Identified upgrade works and reconstruction of Bin Road to be undertaken and completed at the expense of the applicant, to the satisfaction of the Shire, unless otherwise agreed in writing by the Chief Executive Officer.**

6. The works undertaken to satisfy Condition(s) 2,4 and 5 shall be subsequently maintained for the life of the development.

**ADVICE NOTE (additional to standard advice notes issued by Shire):**

1. Condition 4 (b). The drainage plan shall include Engineering Drawings for any proposed works (detention basin, culverts and drains) is to be provided. In relation to proposed drainage works, the capacity of existing Kukerin Road culverts to be calculated to determine if upgrading is required due to any additional inflow. The emptying times of the detention pond shall be provided. Any extended ponding times onsite may require measures being identified within the plan to mitigate mosquito breeding.
2. Condition 5 (a) - In relation to the proposed intersection improvement works for the intersections of Bin Rd / Nyabing – Pingrup Rd and Bin Rd / Katanning – Nyabing Rd, Main Roads advises the following:
  - (i) The intersection improvements are to be designed and constructed to Main Roads standards.
  - (ii) All expenses relating to the intersection improvement works shall be at the proponents cost.
  - (iii) The proponent is to liaise with Main Roads concerning the intersection improvements at the earliest possible time.

**CARRIED 8/0  
By Simple Majority**

Cr Scott Crosby returned to the room at 6.43pm and resumed the Chair.

11. **ELECTED MEMBERS MOTION OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**  
Nil
12. **NEW BUSINESS OF AN URGENT NATURE AGREED TO BY RESOLUTION OF COUNCIL**  
Nil
13. **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.

<b>1920/095 - COUNCIL RESOLUTION (Officer Recommendation)</b>
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**MOVED Cr KR Stephens / Cr KV Johnston**

**That Council closes the meeting to the public to consider matters of a confidential nature behind closed doors.**

**CARRIED 8/0  
By Simple Majority**

**13.1.1 CONFIDENTIAL - TENDER RFT 02-19/20 PAVEMENT STABILISATION WORKS**

**1920/096 - COUNCIL RESOLUTION (Officer Recommendation)**

**MOVED Cr JN Germain / Cr KR Stephens**

**That Council:**

- 1. Accepts the most advantageous tender, being that submitted by Western Stabilisers Pty Ltd, to provide in accordance with Tender RFT 02-19/20 Pavement Stabilisation Works, for a total payment of \$259,801.60 ex GST.**
- 2. Authorises the Chief Executive Officer, in accordance with section 9.49A(4) of the Local Government Act 1995, to execute the contract for Tender RFT 02-19/20 Pavement Stabilisation Works**

**CARRIED 8/0  
By Simple Majority**

**13.1.2 CONFIDENTIAL - NYABING GENERAL STORE - LEASE**

**Cr RA Jury left the room at 7.07 pm**

**Cr RA Jury returned to the room at 7.08 pm**

**1920/097 - COUNCIL RESOLUTION (Officer Recommendation)**

**MOVED Cr TD Borgward / Cr BC Bamess**

**That Council:**

- 1. Authorise the CEO to enter into negotiations with Manj Family Trust to enter into a lease agreement for the Nyabing General Store based on similar conditions to the existing lease arrangements;**
- 2. Authorise the CEO and President to execute a lease agreement with Manj Family Trust should negotiations be successful, for a period of 12 months with a 2 year option.**
- 3. Direct the CEO to dispose of property Lot 12 Richmond Street (Nyabing General Store) through lease, in accordance with section 3.58 of the Local Government Act Part 3 , Div 3.**

**CARRIED 8/0  
By Simple Majority**

**The Shire President, Scott Crosby, adjourned the meeting at 7.17pm**

**The Shire President, Scott Crosby, resumed the meeting at 7.20pm**

**Cr RA Jury left the room at 7.21pm and did not return**

**M Bamess left the room at 7.21 and did not return**

**13.1.3 CONFIDENTIAL – CEO PERFORMANCE REVIEW**

**1920/098 - COUNCIL RESOLUTION (Officer Recommendation)**

**MOVED Cr KR Stephens / Cr TD Borgward**

**That Council:**

**Accept the 2019/20 CEO Annual Performance review with any recommendations in regards to amended or new performance criteria and any remuneration adjustment as agreed and detailed in the report.**

**CARRIED 7/0  
By Simple Majority**

<b>1920/099 - COUNCIL RESOLUTION (Officer Recommendation)</b>
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**MOVED Cr KR Stephens / Cr TD Borgward**

**That Council:**

**Re-open the meeting to the general public**

**CARRIED 7/0**

**14. MEETING CLOSED**

There being no further business the Shire President Cr Scott Crosby, closed the meeting at 7.48pm.