

**MINUTES
FEBRUARY 2020
Table of Contents**

ITEM	DESCRIPTION	PAGE
1	DECLARATION OF OPENING & ANNOUNCEMENT OF VISITORS	2
2	RECORD OF ATTENDANCE/APOLOGIES & APPROVED LEAVE OF ABSENCE	2
3	DISCLOSURE OF INTERESTS:	2
	<ul style="list-style-type: none"> • Direct Financial Interest • Indirect Financial Interest • Closely Associated Persons • Proximity Interest 	
4	PUBLIC QUESTION TIME	2
5	APPLICATION FOR MEMBERS FOR LEAVE OF ABSENCE	2
6	CONFIRMATION AND RECEIVING OF MINUTES/BUSINESS ARISING	2
6.1	Ordinary Meeting of Council held Wednesday 18 December 2019	
7	ANNOUNCEMENTS BY THE PRESIDING PERSON WITHOUT DISCUSSION	3
8	PETITIONS/DEPUTATIONS/PRESENTATIONS/SUBMISSIONS	3
9	OFFICERS REPORTS	
9.1.1	Monthly Financial Reports to 31 January 2020	3
9.1.2	Schedule of Accounts Paid to 31 December 2019	4
9.1.3	Schedule of Accounts Paid to 31 January 2020	5
9.1.4	Status of Council Decisions – December 2019	7
9.1.5	Imposition Fees & Charges for New Accommodation at Pingrup Caravan Park	8
9.1.6	WAPC 158800 - Subdivision - Lot 10 Jolley Road and 100 Nyabing Pingrup Road, Pingrup	9
10	ELECTED MEMBERS MOTION OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN	12
11	NEW BUSINESS OF AN URGENT NATURE AGREED TO BY RESOLUTION OF COUNCIL	12
12	MATTERS BEHIND CLOSED DOORS	
12.1.1	CONFIDENTIAL – Sale of Nyabing General Store	13
13	MEETING CLOSED	14

**MINUTES
ORDINARY MEETING OF COUNCIL
12 FEBRUARY 2020**

1 DECLARATION OF OPENING AND ANNOUNCEMENT OF VISITORS

The Chair Person, Shire President Cr Scott Crosby, declared the meeting opened at 5.33pm.

2 RECORD OF ATTENDANCE/APOLOGIES & APPROVED LEAVE OF ABSENCE

Members

Cr SR Crosby	Shire President
Cr KV Johnston	Deputy Shire President
Cr JN Germain	Member
Cr RA Jury	Member
Cr BC Bamess	Member
Cr AL Smith	Member

Staff

R Miller	Chief Executive Officer
M Bamess	Deputy Chief Executive Officer
GD Mathewson	Works Manager

Members of the Public

Nil

Apologies

Cr KR Stephens	Member
Cr TD Borgward	Member

3 DECLARATION OF INTERESTS:

• **Financial Interest:**

Nil

• **Members Impartiality Interest**

Cr R Jury - 9.1.6 WAPC 158800 – SUBDIVISION - LOT 10 JOLLEY ROAD AND 100 NYABING PIN ROAD, PINGRUP

• **Proximity Interest:**

Nil

4 PUBLIC QUESTION TIME

Nil

5 APPLICATION FOR MEMBERS FOR LEAVE OF ABSENCE

Nil

6 CONFIRMATION AND RECEIVING OF MINUTES/BUSINESS ARISING

6.1 Ordinary Meeting of Council held on Wednesday 18 December, 2019

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

OCM1920/118 - COUNCIL RESOLUTION (Officer Recommendation)
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MOVED Cr K Johnston / Cr R Jury

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

**CARRIED 6/0
By Simple Majority**

7 ANNOUNCEMENTS BY THE PRESIDING PERSON WITHOUT DISCUSSION

Nil

8 PETITIONS/DEPUTATIONS/PRESENTATIONS/SUBMISSIONS

Nil

9 OFFICERS REPORTS

9.1.1 MONTHLY FINANCIAL REPORTS TO 31 JANUARY 2020

PROPOSED MEETING DATE:	12 February 2020
PROPONENT:	N/A
LOCATION:	N/A
AUTHOR:	Michelle Bamess –Deputy Chief Executive Officer
REPORTING OFFICER:	Michelle Bamess –Deputy Chief Executive Officer
FILE NO:	FIN30.20
ASSESSMENT NO:	N/A
ATTACHMENTS:	<ul style="list-style-type: none"> • Monthly Financial Reports to 31 December 2019 • Monthly Financial Reports to 31 January 2020

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.

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 2017-2027

Civic Leadership Objective - Continually enhance the Shire's organisational capacity to service the needs our community

Outcome 4.1 An efficient and effective organisation

4.1.1 Continually improve operational efficiencies and provide effective services.

4.1.2 Continue to enhance communication and transparency.

RISK IMPLICATIONS

N/A

VOTING REQUIREMENT

Simple Majority

RECOMMENDATION

That Council receive the following Monthly Financial Reports as presented:

- Monthly Financial Reports to 31 December 2019
- Monthly Financial Reports to 31 January 2020

OCM1920/119 - COUNCIL RESOLUTION (Officer Recommendation)

MOVED Cr J Germain / Cr K Johnston

That Council receive the following Monthly Financial Reports as presented:

- **Monthly Financial Reports to 31 December 2019**
- **Monthly Financial Reports to 31 January 2020**

**CARRIED 6/0
By Simple Majority**

9.1.2 SCHEDULE OF ACCOUNTS PAID TO DECEMBER 2019

PROPOSED MEETING DATE:	12 February 2020
PROPONENT:	N/A
LOCATION:	N/A
AUTHOR:	Michelle Bamess –Deputy Chief Executive Officer
REPORTING OFFICER:	Michelle Bamess –Deputy Chief Executive Officer
FILE NO:	N/A
ASSESSMENT NO:	N/A
ATTACHMENTS:	Schedule of Accounts submitted 31 December 2019

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.

STATUTORY IMPLICATIONS

Local Government Act 1995 – Section 6.4

Local Government (Financial Management) Regulations 1996 – Part 2 – Regulation 11 & 12

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 2017-2027
 Civic Leadership Objective - Continually enhance the Shire's organisational capacity to service the needs our community
 Outcome 4.1 An efficient and effective organisation
 4.1.1 Continually improve operational efficiencies and provide effective services.
 4.1.2 Continue to enhance communication and transparency.

RISK IMPLICATIONS

N/A

VOTING REQUIREMENT

Simple Majority

RECOMMENDATION

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

Municipal Fund	\$556,622.56
Trust Fund	\$ 0.00
Direct Debits	<u>\$104,341.92</u>
TOTAL	<u>\$660,964.48</u>

OCM1920/120 - COUNCIL RESOLUTION (Officer Recommendation)

MOVED Cr J Germain / Cr C Bamess

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

Municipal Fund	556,622.56
Trust Fund	\$ 0.00
Direct Debits	<u>\$104,341.92</u>
TOTAL	<u>\$660,964.48</u>

**CARRIED 6/0
 By Simple Majority**

9.1.3 SCHEDULE OF ACCOUNTS PAID TO 31 JANUARY 2020

PROPOSED MEETING DATE:	12 February 2020
PROPONENT:	N/A
LOCATION:	N/A
AUTHOR:	Michelle Bamess –Deputy Chief Executive Officer
REPORTING OFFICER:	Michelle Bamess –Deputy Chief Executive Officer
FILE NO:	N/A
ASSESSMENT NO:	N/A
ATTACHMENTS:	Schedule of Accounts submitted 31 January 2020

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.

STATUTORY IMPLICATIONS

Local Government Act 1995 – Section 6.4

Local Government (Financial Management) Regulations 1996 – Part 2 – Regulation 11 & 12

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 2017-2027

Civic Leadership Objective - Continually enhance the Shire's organisational capacity to service the needs our community

Outcome 4.1 An efficient and effective organisation

4.1.1 Continually improve operational efficiencies and provide effective services.

4.1.2 Continue to enhance communication and transparency.

RISK IMPLICATIONS

N/A

VOTING REQUIREMENT

Simple Majority

RECOMMENDATION

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

Municipal Fund	\$356,022.30
Trust Fund	\$ 1,000.00
Direct Debits	<u>\$120,928.36</u>
TOTAL	\$477,950.66

OCM1920/121 - COUNCIL RESOLUTION (Officer Recommendation)

MOVED Cr K Johnston / Cr C Bamess

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

Municipal Fund	\$356,022.30
Trust Fund	\$ 1,000.00
Direct Debits	<u>\$120,928.36</u>
TOTAL	\$477,950.66

**CARRIED 6/0
By Simple Majority**

9.1.4 STATUS OF COUNCIL DECISIONS – DECEMBER 2019

PROPOSED MEETING DATE:	12 February 2020
PROPONENT:	N/A
LOCATION:	N/A
AUTHOR:	Rick Miller – Chief Executive Officer
REPORTING OFFICER:	Rick Miller – Chief Executive Officer
FILE NO:	041.1.1
ASSESSMENT NO:	N/A
ATTACHMENTS:	1. Council Resolution Register

PURPOSE

To inform Council of the actions taken in relation to Council decisions.

BACKGROUND

By providing this report to Council as an agenda item on a monthly basis will keep Council informed on the progress of decisions made.

COMMENT

The status of Council decisions/resolutions is included as an attachment and updated monthly.

It is requested that action items be reviewed at each Council meeting.

STATUTORY IMPLICATIONS

Local Government Act (1995), Section 5.41

The CEO's functions are to:-

c) Cause Council decisions to be implemented

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS**Community Strategic Plan 2017-2027**

Civic Leadership Objective - Continually enhance the Shire's organisational capacity to service the needs our community

Outcome 4.1 An efficient and effective organisation

4.1.1 Continually improve operational efficiencies and provide effective services.

4.1.2 Continue to enhance communication and transparency.

RISK IMPLICATIONS

N/A

VOTING REQUIREMENT

Simple Majority

RECOMMENDATION

That Council receive the Council Resolutions Register for the month of December 2019.

OCM1920/122 - COUNCIL RESOLUTION (Officer Recommendation)
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MOVED Cr R Jury / Cr J Germain

That Council receive the Council Resolutions Register for the month of December 2019.

**CARRIED 6/0
By Simple Majority**

9.1.5 IMPOSITION FEES & CHARGES FOR NEW ACCOMMODATION AT PINGRUP CARAVAN PARK

PROPOSED MEETING DATE:	12 February 2020
PROPONENT:	N/A
LOCATION:	Pingrup Caravan Park
AUTHOR:	Christie Smith – Executive Support/Project Officer
REPORTING OFFICER:	Rick Miller - Chief Executive Officer
FILE NO:	132.1.1
ASSESSMENT NO:	N/A
ATTACHMENTS:	Nil

PURPOSE

Council are required to impose a fee for the new accommodation units at the Pingrup Caravan Park.

BACKGROUND

The accommodation units at the Pingrup Caravan Park are nearing completion. Council now need to consider rates and charges for the; multi access units (self-contained 2 bedrooms) and the single unit (with ensuite).

COMMENT

For Council to be able to rent the units to the public a resolution is required by absolute majority as this is a new fee to be added to the schedule of fees and charges currently adopted.

The following charges are recommended:

Multi-access unit (self-contained 2 bedrooms)	\$120 per night
Single unit (1 bedroom with ensuite)	\$ 90 per night

These fees can be reviewed during the 2020/21 budget deliberations.

Under section 6.19 of the *Local Government Act 1995* the imposition of the fee will require Council to give local public notice after adoption advising of the intention to introduce the fee and from which date the proposed fee will be imposed.

STATUTORY IMPLICATIONS

Local Government Act 1995 - Sections 6.16 and 6.19.

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil costs for local public notice, minimal impact on income expected for the period March 2020 – June 2020.

STRATEGIC IMPLICATIONS

Community Strategic Plan 2017-2027

Civic Leadership Objective – Continually enhance the Shire's organisational capacity to service the needs of our community.

Outcome 4.1 An efficient and effective organisation.

4.1.1 Continually improve operational efficiencies and provide effective services.

4.1.2 Continue to enhance communication and transparency.

4.1.3 Continue to search out advantageous resource sharing opportunities.

RISK IMPLICATIONS

N/A

VOTING REQUIREMENT

Absolute Majority

RECOMMENDATION

That Council impose the following fees for the Pingrup Caravan Park and give local public notice of its intention to introduce the fees from the 1 March 2020

Multi-access unit (self-contained 2 bedrooms)	\$120 per night
Single unit (1 bedroom with ensuite)	\$ 90 per night

OCM1920/123 - COUNCIL RESOLUTION (Officer Recommendation)

MOVED Cr R Jury / Cr C Bames

That Council impose the following fees for the Pingrup Caravan Park and give local public notice of its intention to introduce the fees from the 1 March 2020

Multi-access unit (self-contained 2 bedrooms)	\$120 per night
Single unit (1 bedroom with ensuite)	\$ 70 per night

CARRIED 5/1
By Absolute Majority
Cr A Smith voted against the motion

9.1.6 WAPC 158800 – SUBDIVISION - LOT 10 JOLLEY ROAD AND 100 NYABING PINGRUP ROAD, PINGRUP

<p>PROPOSED MEETING DATE:</p> <p>PROPONENT:</p> <p>LOCATION:</p> <p>AUTHOR:</p> <p>REPORTING OFFICER:</p> <p>FILE NO:</p> <p>ASSESSMENT NO:</p> <p>ATTACHMENTS:</p>	<p>12 February 2020</p> <p>Everett Bennett Pty Ltd</p> <p>Lots 10 (67) Jolley Road and 1100 Nyabing-Pingrup Road, Pingrup</p> <p>Carly Rundle – Planning Consultant</p> <p>Rick Miller, Chief Executive Officer</p> <p>103.1.2</p> <p>N/A</p> <ol style="list-style-type: none"> 1. Site Plan 2. Plan of Subdivision Dwg 3244-03-01 3. WAPC Application
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FINANCIAL INTEREST – Cr R Jury declared an Indirect Financial Interest in this item due to the property currently being leased by a company she is a Director of and to being a relative of the landowners. Cr Jury left the room at 5.55pm.

PURPOSE

For Council to provide a response to correspondence received from the Western Australian Planning Commission (WAPC) seeking the Shire's comments on the proposed subdivision of Lots 10 Jolley Road and 1100 Nyabing-Pingrup Road, Pingrup.

BACKGROUND

Lots 10 Jolley Road and 1100 Nyabing-Pingrup Road, Pingrup are adjoining lots located at the southern edge of the Pingrup townsite.

Lot 10 Jolley Road contains the existing Co-operative Bulk Handling Site, is 21ha in area and accessed via crossovers to both Jolley and Tranter Road (via adjoining Lot 20 to the east).

Lot 1100 Nyabing-Pingrup Road is used for agricultural purposes (cropping and broad acre agriculture) and is vacant of development with the exception of agricultural improvements of dams and fences. It appears to be accessed via a crossover at the north eastern corner of the lot to Tranter Road.

A Site Plan is provided as attachment 1.

Everett Bennett Pty Ltd on behalf of the landowners has lodged an application with the WAPC for subdivision (boundary realignment) of Lots 10 Jolley Road and Lot 1100 Nyabing-Pingrup Road.

The application (attachment 3) provides that the subdivision is part of the CBH's Network Strategy where priority sites have been identified for future expansion. The subdivision will increase the size of Lot 10 allowing space for potential future expansion of the Pingrup CBH site.

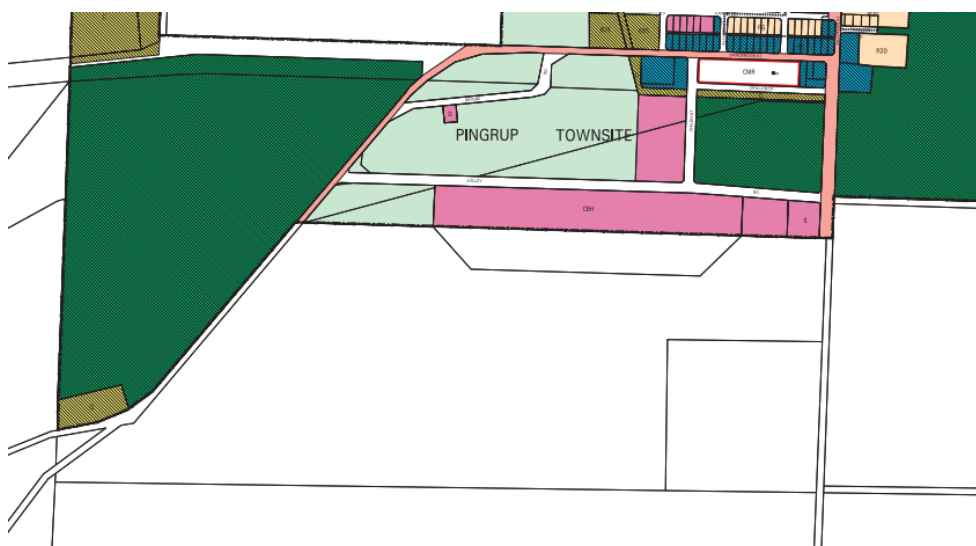
The Plan of Subdivision is provided in attachment 2 and is summarised in the Table below:

Lot	Existing land area	Proposed land area
10	21.0069ha	
1100	122.1987ha	
Proposed Lot 2		44.4356
Proposed Balance of Lot 1100		98.7700ha

In accordance with Section 142 (2) of the *Planning and Development Act 2005* the Shire has been requested to provide the WAPC with any comments and/or recommendations considered relevant to the proposal.

COMMENT

The Shire of Kent Town Planning Scheme No. 2 covers approximately half of Lot 10 Jolley Road and zones this land as 'Industrial – CBH'.



The rest of Lot 10 Jolley Road and Lot 1100 Nyabing – Pingrup Road is located outside of the Shire of Kent Town Planning Scheme No. 2 area.

In absence of local planning provisions applying in the location of the boundary realignment, it is appropriate that the subdivision be considered against State Planning Policy 2.5 Rural Planning (SPP2.5) and the WAPC's Control Policy 3.4 (DC3.4).

The intent of SPP2.5 is to protect and preserve Western Australia's rural land assets due to the importance of their economic, natural resource, food production, environmental and landscape values. SPP2.5 provides that creating new rural lots should only be supported where in accordance with the circumstances outlined in DC3.4.

DC3.4 outlines that rural subdivision may be supported where it is to realign lot boundaries with no increase in the number of lots and where the resultant lots will not adversely affect rural land uses. It provides the following criteria for boundary realignments:

- there is no increase in the number of lots;
- the new boundaries achieve improved environmental and land management practices and minimise adverse impacts on rural land use;
- In instances where a subdivision only proposes to realign existing lot boundaries, where no change to the land use and/or landform is proposed, and no additional development is proposed, applications for property rationalisation may be unconditionally approved.

The subdivision proposes a boundary realignment which will result in the CBH operations being a larger landholding (44.4ha) allowing for future expansion. The expansion of CBH operations supports continued agriculture in the locality and is consistent with SPP2.5 and DC 3.4. The balance of Lot 1100 will be 98.77ha which is sufficient to allow for continued agricultural uses and construction of a dwelling/associated buildings which is consistent with SPP2.5 and DC 3.4.

Both proposed lots will continue to have access to a constructed road frontage, although Lot 1100 will no longer have access to Tranter Road via the existing crossover. It is recommended Council request a condition of approval that a new crossover be provided to the Balance of Lot 1100.

STATUTORY IMPLICATIONS

Planning and Development Act 2005
Shire of Kent Town Planning Scheme No. 2

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Community Strategic Plan 2017-2027

Economic Objective - Support growth and progress, locally and regionally.

Outcome 1.1 Growth in business opportunities

- 1.1.1 Attract new industry, business, investment and encourage diversity whilst encouraging growth of local business.
- 1.1.2 Promote the Shire of Kent and the Region in general.

The subdivision is generally consistent with the Shire of Kent Community Strategic Plan 2017 – 2027.

RISK IMPLICATIONS

There are no known risks associated with the subdivision.

VOTING REQUIREMENT

Simple Majority

RECOMMENDATION

That Council advises the Western Australian Planning Commission that it supports the proposed subdivision of Lots 10 (67) Jolley Road and 1100 Nyabing-Pingrup Road, Pingrup in accordance with the Plan of Subdivision Drawing plan no. 3244-03-01 and recommends the following condition be required on approval:

1. Model Condition T20: Suitable arrangements being made with the local government for the provision of vehicular crossover(s) to service the balance lot 1100 shown on the approved plan of subdivision. (Local Government)

OCM1920/124 - COUNCIL RESOLUTION (Officer Recommendation)
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MOVED Cr K Johnston / Cr A Smith

That Council advises the Western Australian Planning Commission that it supports the proposed subdivision of Lots 10 (67) Jolley Road and 1100 Nyabing-Pingrup Road, Pingrup in accordance with the Plan of Subdivision Drawing plan no. 3244-03-01 and recommends the following condition be required on approval:

- 1. Model Condition T20: Suitable arrangements being made with the local government for the provision of vehicular crossover(s) to service the balance lot 1100 shown on the approved plan of subdivision. (Local Government)**
- 2. Provision of easements/access agreements to existing water infrastructure for community/shire use.**

**CARRIED 5/0
By Simple Majority**

Cr R Jury returned to the room at 6.06pm

10. ELECTED MEMBERS MOTION OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

11. NEW BUSINESS OF AN URGENT NATURE AGREED TO BY RESOLUTION OF COUNCIL

Nil

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.

1920/125 - COUNCIL RESOLUTION (Officer Recommendation)

MOVED Cr A Smith / Cr J Germain

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

**CARRIED 6/0
By Simple Majority**

12.1.1 CONFIDENTIAL – SALE OF NYABING GENERAL STORE

PROPOSED MEETING DATE:	12 February 2020
PROPONENT:	Manj Family Trust (Manjsingh Pty Ltd)
LOCATION:	16 Richmond St, Nyabing
AUTHOR:	Rick Miller, Chief Executive Officer
REPORTING OFFICER:	Rick Miller, Chief Executive Officer
FILE NO:	147.1.2
ASSESSMENT NO:	N/A
ATTACHMENTS:	N/A

PURPOSE

To consider the conditional sale of the Nyabing General Store.

1920/126 - COUNCIL RESOLUTION (Officer Recommendation)

MOVED Cr S Crosby / Cr J Germain

That Council:

- 1. Authorise the CEO and Shire President to negotiate with the current tenant Manj Family Trust (Manjsingh Pty Ltd) of the Nyabing General store for the sale of the building with the following conditions;**
 - (i) The Shire of Kent to provide the tenant with first option to purchase the building;**
 - (ii) The Shire of Kent will not request payment of agreed rent, as an incentive for the tenant to commit to the purchase of the general store for a period of 3 months if sale is complete within this period. Should sale not proceed the shire to be reimbursed the rental due from date of signed lease;**
 - (iii) Sale Price of the building to be \$1;**
 - (iv) The Building to be sold in an "As Is" condition;**
 - (v) The fuel facility infrastructure on L173 does not form part of the sale;**
 - (vi) Lot 19 Aspendale Street does not form part of the sale**
 - (vii) Should the purchaser close the General Store Business within five years of the sale date he will sell the business back to the Shire for the price of \$1 unconditionally and with all improvements;**
 - (viii) Should the purchaser close the General Store Business within two years of the sale date the owner shall pay to the Shire of Kent 100% for rent which would have been due at the time of such closure for the period of the purchaser's ownership of the property.**

- (ix) Should the purchaser close the General Store Business between two and five years of the sale date, the owner shall pay to the Shire of Kent 100% for rent for the first two years and 50% due rent for remaining period which would have been due at the time of such closure for the period of the purchasers ownership of the property;
- 2. Direct the CEO to dispose of property Lot 12 Richmond Street (Nyabing General Store) through sale, in accordance with section 3.58 of the Local Government Act Part 3, Div 3. should agreement be reached on sale of property;
- 3. Any adverse submissions received during the advertising period (\$3.58 LG Act) shall be brought back to Council for consideration;
- 4. Authorise the CEO to obtain legal advice on proposed conditions(or modifications) and sale contract documents;
- 5. Authorise the CEO and President to execute the sales contract for the sale of the Nyabing General Store with Manj Family Trust (Manjsingh Pty Ltd) or their representative subject to condition three (3).

CARRIED 5/1
By Absolute Majority
Cr A Smith voted against the motion

1920/127 - COUNCIL RESOLUTION (Officer Recommendation)

MOVED Cr K Johnston / Cr R Jury

That Council:

Re-open the meeting to the general public

CARRIED 6/0

13. MEETING CLOSED

There being no further business the Shire President Cr Scott Crosby, closed the meeting at 6.37 pm.