



MINUTES

Special Council Meeting

30 May 2023

CONFIRMATION OF MINUTES

These Minutes have been CONFIRMED as the official record for the Shire of Gingin's Special Council Meeting held on 30 May 2023.

Councillor C W Fewster
SHIRE PRESIDENT

DISCLAIMER

Members of the public are advised that Council agendas, recommendations, minutes and resolutions are subject to confirmation by Council and therefore, prior to relying on them, one should refer to the subsequent meeting of Council with respect to their accuracy.

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Applicants and other interested parties should refrain from taking any action until such time as written advice is received confirming Council's decision with respect to any particular issue.

ACKNOWLEDGEMENT OF COUNTRY



The Shire of Gingin would like to acknowledge the Yued people who are the traditional custodians of this land. The Shire would like to pay respect to the Elders past, present and emerging of the Yued Nation and extend this respect to all Aboriginal people. The Shire also recognises the living culture of the Yued people and the unique contribution they have made to the Gingin region.

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ORDER OF BUSINESS

1 DECLARATION OF OPENING

The Shire President declared the meeting open at 8:04 am and welcomed all in attendance.

He advised that, in accordance with Reg. 14C(2)(b) of the *Local Government (Administration) Regulations 1996*, he had authorised Councillor J K Rule to attend the meeting by electronic means.

2 RECORD OF ATTENDANCE, APOLOGIES AND LEAVE OF ABSENCE

2.1 ATTENDANCE

Councillors – C W Fewster (Shire President), A R Vis (Deputy Shire President), L Balcombe, F J Johnson, R Kestel, F J Peczka, J K Rule (from 8:07am - electronic attendance) and E Sorensen

Staff – A Cook (Chief Executive Officer), R Kelly (Executive Manager Regulatory and Development Services) and L Burt (Coordinator Governance/Minute Officer)

Gallery – There were no members of the public present in the Gallery.

2.2 APOLOGIES

Nil

2.3 LEAVE OF ABSENCE

Nil

3 DISCLOSURES OF INTEREST

Nil

4 PUBLIC QUESTION TIME

4.1 RESPONSES TO PUBLIC QUESTIONS PREVIOUSLY TAKEN ON NOTICE

Nil

4.2 PUBLIC QUESTIONS

Nil

5 PETITIONS

Nil

6 APPLICATIONS FOR LEAVE OF ABSENCE

Nil

7 ANNOUNCEMENTS BY THE PRESIDING MEMBER

Nil

8 UNRESOLVED BUSINESS FROM PREVIOUS MEETINGS

Nil

9 QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN

Nil

10 REPORTS - OFFICE OF THE CEO

Nil

11 REPORTS - CORPORATE AND COMMUNITY SERVICES

Nil

12 REPORTS - REGULATORY AND DEVELOPMENT SERVICES

Nil

13 REPORTS - OPERATIONS AND ASSETS

Nil

14 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

15 COUNCILLORS' OFFICIAL REPORTS

Nil

16 NEW BUSINESS OF AN URGENT NATURE

Nil

17 MATTERS FOR WHICH MEETING IS TO BE CLOSED TO THE PUBLIC

COUNCIL RESOLUTION/OFFICER RECOMMENDATION

MOVED: Councillor Johnson **SECONDED:** Councillor Kestel

That Council move into a Confidential Session to discuss Item 17.1.

**CARRIED UNANIMOUSLY
7 / 0**

FOR: *Councillor Fewster, Councillor Kestel, Councillor Sorensen, Councillor Balcombe, Councillor Johnson, Councillor Peczka and Councillor Vis*

AGAINST: *Nil*

The meeting was closed to the public at 8:07 am.

Councillor J K Rule attended the meeting electronically at 8:07 am.

17.1 ASSIGNMENT OF LEASE AND PURCHASE OF KITCHEN EQUIPMENT - GUILDERTON STORE AND CAFE

File	CPT/1; A3702
Author	Aaron Cook – Chief Executive Officer
Reporting Officer	Aaron Cook - Chief Executive Officer
Refer	Nil
Appendices	<ol style="list-style-type: none">1. Belgravia - Recommendation for Assignment of Lease [17.1.1 - 1 page]2. Photographs - 26 May 2023 [17.1.2 - 34 pages]

Reasons for Confidentiality

This report is confidential in accordance with Section 5.23(2) of the *Local Government Act 1995* which permits the meeting to be closed to the public for business relating to the following:

- 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;*
- e. *a matter that if disclosed, would reveal –i) a trade secret; ii) information that has a commercial value to a person; or iii) information about the business, professional, commercial or financial affairs of a person. Where the trade secret or information is held by, or is about, a person other than the local government.*

DISCLOSURES OF INTEREST

Whilst there is no Disclosure of Interest from the Chief Executive Officer in this matter there have been allegations in the past from members of the Guilderton community that there has been a working relationship between the CEO and the State Manager of Belgravia Leisure.

To be clear, the CEO whilst working with the Town of Narrogin undertook a tender process whereby the YMCA was appointed to run the Narrogin Recreation and Leisure Centre. Mr Rohan Gunton was the Manager dealing with this transaction for the YMCA at the time. Shortly after the appointment of the YMCA to this contract, Mr Gunton changed employment to Belgravia Leisure. The CEO had no further contact with Mr Gunton until the Shire of Gingin went to tender, through WALGA, for the contract management of the Guilderton Caravan Park.

This is not deemed to be a conflict of interest in any manner.

COUNCIL RESOLUTION/OFFICER RECOMMENDATION

MOVED: Councillor Kestel **SECONDED:** Councillor Johnson

That Council:

1. Agree to amend the adopted 2022/23 Budget in accordance with the following table:

Account	Description	Current Budget	Revised Budget	Surplus / Deficit
151107810	OTH CUL – t/fer from Reserve	-\$432,697	-\$507,697	-\$75,000
141308300	OTH ECON – Plant & Equipment (Capital)	\$0	\$75,000	\$75,000
Change to surplus				\$0

2. Authorise the CEO to facilitate the purchase of kitchen equipment and capital upgrades from Belgravia Health and Leisure Group Pty Ltd for \$75,000 plus GST (if GST is applicable);
3. Agree to reassign the existing commercial lease for the Guilderton Café and General Store from Belgravia Health and Leisure Group Pty Ltd to Sun City Group Pty Ltd effective as of 1 June 2023 subject to amendment in accordance with Part 4 below;
4. Authorise the CEO to negotiate an increase to the lease payment of \$15,000 per annum effective from 1 June 2023; and
5. Authorise the CEO to prepare and arrange for execution of the reassignment of lease documentation, including application of the Common Seal.

**CARRIED BY ABSOLUTE MAJORITY
8 / 0**

FOR: *Councillor Fewster, Councillor Kestel, Councillor Sorensen, Councillor Rule, Councillor Balcombe, Councillor Johnson, Councillor Peczka and Councillor Vis*

AGAINST: *Nil*

COUNCIL RESOLUTION/OFFICER RECOMMENDATION

MOVED: Councillor Balcombe **SECONDED:** Councillor Johnson

That the meeting be re-opened to the public.

**CARRIED UNANIMOUSLY
8 / 0**

FOR: *Councillor Fewster, Councillor Kestel, Councillor Sorensen, Councillor Rule,
Councillor Balcombe, Councillor Johnson, Councillor Peczka and Councillor Vis*

AGAINST: *Nil*

The meeting re-opened to the public at 8:51 am. No members of the public returned to the Gallery.

18 CLOSURE

There being no further business, the Shire President declared the meeting closed at 8:52 am.

The next Ordinary Council Meeting will be held in Council Chambers at the Shire of Gingin Administration Centre, 7 Brockman Street, Gingin on 20 June 2023, commencing at 3:00pm.