



MINUTES

SPECIAL MEETING OF COUNCIL

TUESDAY
1 AUGUST 2017



**MINUTES OF THE
SPECIAL MEETING OF COUNCIL
HELD IN THE COUNCIL CHAMBER
ON TUESDAY, 1 AUGUST 2017,
COMMENCING AT 3:12PM**

	PAGE
1. <u>DECLARATION OF OPENING</u>	3
2. <u>RECORD OF ATTENDANCE, APOLOGIES AND LEAVE OF ABSENCE</u>	3
2.1 ATTENDANCE	3
2.2 APOLOGIES	3
2.3 LEAVE OF ABSENCE	3
3. <u>DISCLOSURES OF INTEREST</u>	4
4. <u>PUBLIC QUESTION TIME</u>	4
4.1 RESPONSES TO PUBLIC QUESTIONS PREVIOUSLY TAKEN ON NOTICE	4
4.2 PUBLIC QUESTIONS	4
5. <u>PETITIONS, DEPUTATIONS AND PRESENTATIONS</u>	4
5.1 PETITIONS	4
5.2 DEPUTATIONS	4
5.3 PRESENTATIONS	4
6. <u>APPLICATIONS FOR LEAVE OF ABSENCE</u>	4
7. <u>CONFIRMATION OF MINUTES</u>	4
8. <u>ANNOUNCEMENTS BY THE PRESIDING MEMBER</u>	4
9. <u>UNRESOLVED BUSINESS FROM PREVIOUS MEETINGS</u>	5
10. <u>QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN</u>	5
11. <u>REPORTS</u>	5
11.1. <u>OFFICE OF THE CEO</u>	5
11.2. <u>CORPORATE AND COMMUNITY SERVICES</u>	5
11.3. <u>REGULATORY SERVICES</u>	5
11.4. <u>OPERATIONS</u>	5
12. <u>MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN</u>	5
13. <u>COUNCILLORS' OFFICIAL REPORTS</u>	5
14. <u>NEW BUSINESS OF AN URGENT NATURE</u>	5
15. <u>MATTERS FOR WHICH MEETING IS TO BE CLOSED TO THE PUBLIC</u>	6
15.1 PROPOSED DISPOSITION OF LOT 11 (25) OLD MOOLIABEENEE ROAD, GINGIN	6
16. <u>CLOSURE</u>	9

SHIRE OF GINGIN

MINUTES OF THE SPECIAL MEETING OF COUNCIL HELD IN COUNCIL CHAMBERS, 7 BROCKMAN STREET, GINGIN ON 1 AUGUST 2017 COMMENCING AT 3:00PM

DISCLAIMER

Members of the Public are advised that decisions arising from this Council Meeting can be subject to alteration.

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.

ORDER OF BUSINESS

1. DECLARATION OF OPENING

The Shire President declared the meeting open at 3.12pm and welcomed those in attendance.

2. RECORD OF ATTENDANCE, APOLOGIES AND LEAVE OF ABSENCE

2.1 ATTENDANCE

Councillors – D W Roe (Shire President), I B Collard (Deputy Shire President), V Ammon, M Aspinall, J Court, C W Fewster and F J Peczka

Staff – J Edwards (Chief Executive Officer), K Lowes (Executive Manager Corporate and Community Services), A Butcher (Executive Manager Operations-Construction), L Edwards (Executive Manager Planning and Development), K Bacon (Manager Statutory Planning) (from 3.27pm) and L Burt (Governance/Minute Officer).

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

2.2 APOLOGIES

Councillor J Elgin

2.3 LEAVE OF ABSENCE

Councillor S Smiles

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, DEPUTATIONS AND PRESENTATIONS

5.1 PETITIONS

Nil

5.2 DEPUTATIONS

Nil

5.3 PRESENTATIONS

Nil

6. APPLICATIONS FOR LEAVE OF ABSENCE

Nil

7. CONFIRMATION OF MINUTES

Nil

8. ANNOUNCEMENTS BY THE PRESIDING MEMBER

Nil

9. UNRESOLVED BUSINESS FROM PREVIOUS MEETINGS

Nil

10. QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN

Nil

11. REPORTS

11.1. OFFICE OF THE CEO

Nil

11.2. CORPORATE AND COMMUNITY SERVICES

Nil

11.3. REGULATORY SERVICES

Nil

11.4. OPERATIONS

Nil

12. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

13. COUNCILLORS' OFFICIAL REPORTS

14. NEW BUSINESS OF AN URGENT NATURE

Nil

15. MATTERS FOR WHICH MEETING IS TO BE CLOSED TO THE PUBLIC

RECOMMENDATION

It is recommended that Council move into a Confidential Session to discuss Item 15.1 Proposed Disposition of Lot 11 (35) Old Mooliabeenee Road, Gingin.

RESOLUTION

Moved Councillor Fewster, seconded Councillor Ammon that Council move into a Confidential Session to discuss Item 15.1 Proposed Disposition of Lot 11 (35) Old Mooliabeenee Road, Gingin.

CARRIED UNANIMOUSLY

The meeting was closed to the public at 3.17pm. There were no members of the public present in the Gallery at this time.

15.1 PROPOSED DISPOSITION OF LOT 11 (25) OLD MOOLIABEENEE ROAD, GINGIN

LOCATION: LOT 11 (25) OLD MOOLIABEENEE ROAD, GINGIN
FILE: A4093
REPORTING OFFICER: JEREMY EDWARDS – CHIEF EXECUTIVE OFFICER
REPORT DATE: 18 JULY 2017
REFER: 20 DECEMBER 2016 ITEM 15.2

Reason 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:

- (e) *a matter that if disclosed, would reveal –*
 - (ii) *information that has a commercial value to a person;*

VOTING REQUIREMENTS – ABSOLUTE MAJORITY

RECOMMENDATION

It is recommended that Council:

1. Agree to accept the offer of \$195,000 (plus GST) from Sanvidel Pty Ltd for Lot 11 (25) Old Mooliabeenee Road, Gingin, subject to Sanvidel Pty Ltd signing a Contract of Sale prepared by the Shire's solicitors that includes the following Special Conditions:
 - a. This contract is condition upon execution of a Deed of Agreement between the parties to establish the delivery of the development in an agreed time period.

An absolute caveat will be registered on the Certificate of Title to underpin the Deed of Agreement.

- b. The caveat will be removed by the Shire of Gingin at a time when the Buyer has demonstrated that the development has been substantially commenced.
 - c. The Seller acknowledges that the Buyer will be required to register a mortgage over the property prior to commencement of the development.
 - d. The Buyer agrees to substantially commence the development within 24 months of approval from the approval date of the development application.
 - e. In the event that the development is not substantially commenced prior to that date, the Shire of Gingin will purchase the land at the purchase price only.
2. Delegate authority to the Chief Executive Officer to approve the content of the Contract of Sale referred to in Part 1 (above).
 3. Authorise the Chief Executive Officer to give public notice of the proposed disposition in accordance with Section 3.58(3) of the *Local Government Act 1995* and report back to Council if any submissions are received.
 4. In the event that no submissions are received at the conclusion of the public submission period, and subject to Sanvidel Pty Ltd signing a Contract of Sale prepared by the Shire of Gingin's solicitors, authorise the Chief Executive Officer to accept the offer of \$195,000 (plus GST) received from Sanvidel Pty Ltd for the purchase of Lot 11 (25) Old Mooliabeenee Road, Gingin.
 5. Authorise the Shire President and Chief Executive Officer to execute the Deed of Agreement and caveat referenced in Part 1a, including affixing of the Common Seal.
 6. Require all net proceeds from the sale of the property to be transferred to Council's Land and Buildings General Reserve Fund.

The Manager Statutory Planning entered Council Chambers at 3.27pm

RESOLUTION

Moved Councillor Collard, seconded Councillor Aspinall that Council:

1. **Agree to accept the offer of \$195,000 (plus GST) from Sanvidel Pty Ltd for Lot 11 (25) Old Mooliabeenee Road, Gingin, subject to Sanvidel Pty Ltd signing a Contract of Sale prepared by the Shire's solicitors that includes the following Special Conditions:**
 - a. **This contract is condition upon execution of a Deed of Agreement between the parties to establish the delivery of the development in an agreed time period. An absolute caveat will be registered on the Certificate of Title to underpin the Deed of Agreement.**

- b. **The caveat will be removed by the Shire of Gingin at a time when the Buyer has demonstrated that the development has been substantially commenced.**
 - c. **The Seller acknowledges that the Buyer will be required to register a mortgage over the property prior to commencement of the development.**
 - d. **The Buyer agrees to substantially commence the development within 24 months of approval from the approval date of the development application.**
 - e. **In the event that the development is not substantially commenced prior to that date, the Shire of Gingin will purchase the land at the purchase price only.**
2. **Delegate authority to the Chief Executive Officer to approve the content of the Contract of Sale referred to in Part 1 (above).**
 3. **Authorise the Chief Executive Officer to give public notice of the proposed disposition in accordance with Section 3.58(3) of the *Local Government Act 1995* and report back to Council if any submissions are received.**
 4. **In the event that no submissions are received at the conclusion of the public submission period, and subject to Sanvidel Pty Ltd signing a Contract of Sale prepared by the Shire of Gingin's solicitors, authorise the Chief Executive Officer to accept the offer of \$195,000 (plus GST) received from Sanvidel Pty Ltd for the purchase of Lot 11 (25) Old Mooliabeenee Road, Gingin.**
 5. **Authorise the Shire President and Chief Executive Officer to execute the Deed of Agreement and caveat referenced in Part 1a, including affixing of the Common Seal.**
 6. **Require all net proceeds from the sale of the property to be transferred to Council's Land and Buildings General Reserve Fund.**

**CARRIED BY ABSOLUTE MAJORITY
7-0**

RESOLUTION

Moved Councillor Court, seconded Councillor Peczka that the meeting be re-opened to the public.

CARRIED UNANIMOUSLY

The meeting re-opened to the public at 3.29pm. No members of the public entered Council Chambers at this time.

16. CLOSURE

There being no further business, the Shire President declared the meeting closed at 3.29pm.

The next Ordinary meeting of Council will be held in Council Chambers at the Shire of Gingin Administration Centre, 7 Brockman Street, Gingin on Tuesday, 15 August 2017 commencing at 3.00pm.

Councillor D W Roe
Shire President
15 August 2017