



MINUTES

Special Council Meeting

6 July 2021

CONFIRMATION OF MINUTES

These Minutes have been CONFIRMED as the official record for the Shire of Gingin's Special Council Meeting held on 6 July 2021.

**Councillor C W Fewster
SHIRE PRESIDENT**

Date of Confirmation: _____

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 Deputy Shire President declared the meeting open at 12:30 pm and welcomed all in attendance.

2 RECORD OF ATTENDANCE, APOLOGIES AND LEAVE OF ABSENCE

2.1 ATTENDANCE

Councillors – J K Rule (Deputy Shire President) (Chairperson), L Balcombe, J Court, F J Johnson, J C Lobb, J E Morton, F J Peczka, and A R Vis.

Staff – A Cook (Chief Executive Officer), L Crichton (Executive Manager Corporate and Community Services), M Haramboure (Executive Manager Operations and Assets), 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

Councillor C W Fewster (Shire President)

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

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 Court **SECONDED:** Councillor Balcombe

That Council move into a Confidential Session to discuss Items 17.1, 17.2 and 17.3.

**CARRIED UNANIMOUSLY
8 / 0**

FOR: *Councillor Rule, Councillor Balcombe, Councillor Court, Councillor Johnson,
Councillor Lobb, Councillor Morton, Councillor Peczka, Councillor Vis*

AGAINST: *Nil*

The meeting was closed to the public at 12:35pm. No members of the public were present in the Gallery.

17.1 LEASE - GUILDERTON STORE AND CAFE/RESTAURANT

File	A4268
Reporting Officer	Aaron Cook - Chief Executive Officer
Refer	18 May 2021, Item 11.2
Appendices	<ol style="list-style-type: none">1. Enright Family Trading RFT Response [17.1.1 - 46 pages]2. Belgravia Health & Leisure RFT Response [17.1.2 - 46 pages]3. Belgravia Risk Assessment [17.1.3 - 95 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.

DISCLOSURES OF INTEREST

Nil

COUNCIL RESOLUTION/OFFICER RECOMMENDATION

MOVED: Councillor Court **SECONDED:** Councillor Lobb

That Council:

1. Accept the tender provided by Belgravia Leisure for the Guilderton Store/Cafe for a period of seven years with a further period of seven years at a rental income provided of \$55,000 per annum including GST, subject to the completion of disposition of property procedures as required by s.3.58 of the *Local Government Act 1995*.
2. In the event that no public submissions are received at the conclusion of the public notice period required by s.3.58, authorize the CEO to proceed with preparation and execution of an appropriate lease agreement, including affixing of the Common Seal of the Shire of Gingin.
3. Note that, in the event that public submissions are received, the matter will be brought back to Council in order for all submissions to be considered prior to a final decision being made.

**CARRIED UNANIMOUSLY
8 / 0**

FOR: *Councillor Rule, Councillor Balcombe, Councillor Court, Councillor Johnson, Councillor Lobb, Councillor Morton, Councillor Peczka, Councillor Vis*

AGAINST: *Nil*

Note: The CEO advised that the figure of \$50,000 per annum including GST which appeared in Part 1 of the Officer's Recommendation in the Agenda was incorrect. The tendered figure was in fact \$55,000 per annum including GST. This was an administrative error, and Part 1 of the Officer's Recommendation was amended accordingly prior to Council voting on the matter.

**17.2 ASSIGNMENT OF LEASE - PORTION OF LOT 301(13) KING DRIVE, WOODRIDGE -
VERGE CAFE**

File	CPT/25 : A4297
Reporting Officer	Les Crichton - Executive Manager Corporate and Community Services
Refer	Nil
Appendices	1. Lot 301 King Drive, Woodridge [17.2.1 - 1 page]

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:

- b. the personal affairs of any person; and
- 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.

DISCLOSURES OF INTEREST

Nil

COUNCIL RESOLUTION/OFFICER RECOMMENDATION

MOVED: Councillor Johnson **SECONDED:** Councillor Morton

That Council:

1. Consent to the assignment of the lease of portion of Lot 301 (13) King Drive, Woodridge from Marc and Olga O'Donnell to Hetal and Dipak Patel; and
2. Authorise the Chief Executive Officer to finalise and execute the Deed of Assignment, including application of the Common Seal.

CARRIED UNANIMOUSLY

8 / 0

FOR: *Councillor Rule, Councillor Balcombe, Councillor Court, Councillor Johnson, Councillor Lobb, Councillor Morton, Councillor Peczka, Councillor Vis*

AGAINST: *Nil*

17.3 DUCKWORTH ESTATE - OUTSTANDING RATES

File	FIN1/11-2
Reporting Officer	Les Crichton - Executive Manager Corporate and Community Services
Refer	Nil
Appendices	Nil

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:

- e. a matter that, if disclosed, would reveal –
 - iii. information about the business, professional, commercial or financial affairs of a person.

DISCLOSURES OF INTEREST

Nil

COUNCIL RESOLUTION/OFFICER RECOMMENDATION

MOVED: Councillor Morton **SECONDED:** Councillor Johnson

That Council refuse to apply any discount to outstanding rates and charges relating to the NJ Duckworth properties in possession of mortgagee Optima Funding Pty Ltd.

**CARRIED UNANIMOUSLY
8 / 0**

FOR: *Councillor Rule, Councillor Balcombe, Councillor Court, Councillor Johnson, Councillor Lobb, Councillor Morton, Councillor Peczka, Councillor Vis*

AGAINST: *Nil*

COUNCIL RESOLUTION/OFFICER RECOMMENDATION

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

That the meeting be re-opened to the public.

**CARRIED UNANIMOUSLY
8 / 0**

FOR: *Councillor Rule, Councillor Balcombe, Councillor Court, Councillor Johnson,
Councillor Lobb, Councillor Morton, Councillor Peczka, Councillor Vis*

AGAINST: *Nil*

The meeting re-opened to the public at 12:20pm. No members of the public returned to the Gallery.

18 CLOSURE

There being no further business, the Deputy Shire President declared the meeting closed at 12:59 pm.

The next Ordinary Council Meeting will be held in Council Chambers at the Shire of Gingin Administration Centre, 7 Brockman Street, Gingin on 20 August 2021, commencing at 3:00pm.