



17 OCTOBER 2017

SPECIAL MEETING

MINUTES

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1. OPENING

The Chairperson declared the meeting open at 9:07am

2. ATTENDANCE, APOLOGIES AND LEAVE OF ABSENCE

2.1 Members Present

Cr DJ Ridgway President
Cr KM Murray Deputy President
Cr DL Brown
Cr T Buckland
Cr DW Davis
Cr P Gogol
Cr LC Shaw
Cr DC White

2.2 Staff In Attendance

Mr SP Gollan Chief Executive Officer
Mr SK Marshall Deputy Chief Executive Officer
Mr BS de Beer Shire Planner (from 9.17am to 9.35am)
Mrs A Lewis Executive Assistant

2.3 Observers And Visitors

Nil

2.4 Apologies and Approved Leave of Absence

Cr JD Alexander

3. DECLARATIONS OF INTEREST

3.1 Cr White – Item 6.1 – Interest of Impartiality

4. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil

5. PUBLIC QUESTION TIME

Nil

9.09am – Prior to any consideration of Item 6.1, Cr White declared an interest of impartiality given he is the Treasurer and Board member of the Beverley Community Resource Centre, and then left the meeting.

6.1 Cornerstone Building Management Agreement

SUBMISSION TO: Special Council Meeting 17 October 2017
REPORT DATE: 11 October 2017
APPLICANT: Shire of Beverley & Beverley CRC
FILE REFERENCE: ADM 0532
AUTHOR: S.P. Gollan, Chief Executive Officer
ATTACHMENTS: Revised Management Agreement (under separate cover)

SUMMARY

Council to consider and adopt a revised Management Agreement between the Shire of Beverley and the Beverley Community Resource Centre (CRC) for the Beverley Cornerstone building.

BACKGROUND

The Beverley Cornerstone has received funding from Building Better Regions Fund; Lotterywest; Department of Regional Development WA: CRC Network Building and Infrastructure Fund; and Department of Regional Development WA: Royalties for Regions Wheatbelt Regional Grants Scheme. It was a requirement from some of these funding partners that a signed agreement be entered into to retain the funding.

COMMENT

At the 7 February 2017 Economic and Community Strategy meeting, the Committee discussed the requirements of the building management for senior staff to build upon. A draft management agreement was then presented and adopted by Council at the 21 February 2017 Ordinary Council meeting.

Since February, some minor changes have occurred and been requested from both parties including:

- Exclusive use zones changing to 122sqm;
- Bookings procedure and collection of monies for hired areas;
- Public Risk Insurance;
- Library opening hours; and
- Tourist Information Centre will now be referred to as Beverley Visitor Centre.

At the Ordinary Council Meeting, 26 September 2017, further amendments were suggested including clarification between hiring and leasing, endeavouring to have the visitor centre open over weekends, identifying ownership of merchandise and making provision to review the agreement annually.

Council then lay the item on the table for the changes to be made and referred to the Beverley CRC Committee for approval.

STATUTORY ENVIRONMENT

N/A

FINANCIAL IMPLICATIONS

As per the attached agreement.

STRATEGIC IMPLICATIONS

Sustainable community – foster community participation – ensure access to services and facilities as needs change within the community – support the aging population to maximise opportunities for sustainable independent living – advocacy of local access to support services – support & facilitate the increase in economic growth – maintain and upgrade our assets and infrastructure.

POLICY IMPLICATIONS

N/A

VOTING REQUIREMENTS

Simple Majority

OFFICER'S RECOMMENDATION

That Council adopt the revised Management Agreement between the Shire of Beverley and Beverley Community Resource Centre for the management and operation of the Cornerstone Building.

COUNCIL RESOLUTION

MS1/1017

Moved Cr Gogol

Seconded Cr Davis

That Council adopt the revised Management Agreement between the Shire of Beverley and Beverley Community Resource Centre for the management and operation of the Cornerstone Building.

CARRIED 7/0

9.17am – Cr White rejoined the meeting.

9.17am – Mr Stefan de Beer, Shire Planner joined the meeting.

6.2 Beverley Bowling Club Lease

SUBMISSION TO: Special Council Meeting 17 October 2017
REPORT DATE: 11 October 2017
APPLICANT: Shire of Beverley & Beverley Bowling & Croquet Club Inc.
FILE REFERENCE: ADM 0207
AUTHOR: S.P. Gollan, Chief Executive Officer
ATTACHMENTS: Revised Lease Agreement (under separate cover)

SUMMARY

Council to consider and approve a revised Lease Agreement between the Shire of Beverley and the Beverley Bowling and Croquet Club Incorporated.

BACKGROUND

The Shire Planner & Chief Executive Officer met with representatives of the Bowling Club on Wednesday 13 September 2017 in order to resolve an impasse in relation to a caveat that is registered over Lots 3 – 8 on Plan 2959 in favour of the Bowling Club.

The withdrawal of the caveat is paramount to progressing the issuance of titles and to conclude the drawn-out subdivision process for the Recreation Ground. The Shire has until 5 May 2018 to conclude the issuance of titles.

Despite assurances from the Shire, the Bowling Club is reluctant to sign the caveat withdrawal document in the absence of a signed agreement for the future continued leasing of the subject land. The Bowling Club is furthermore desirous to extend their lease for at least 21 years. The existing lease is valid until 2025.

At the above meeting it was agreed that the Council be approached to try and resolve the impasse by offering a new lease on Lot 503 (the new lot to be created, post conclusion of the issuance of titles), to the Bowling club for a further period of 21 years.

At the Council Briefing 26 September 2017, Council instructed management to draw up a revised lease agreement for the October Special Meeting.

COMMENT

The revised lease and original lease agreements are attached under separate cover for Council reference.

Changes to the lease document are found in the mapping and Schedule:

Item 1 – notes the change in lot number.

Item 3 – Further term of 21 years from 1 July 2025 expiring 30 June 2046.

The Shire Planner also received an email from the Department of Lands stating '*I can confirm the revestment of Lots 3-8 on Plan 2959 to the State of WA for addition to Reserve 44112 will result in the land being under the care and control of the Shire of Beverley as part of a Management Order.*

Reserve 44112, comprised of Lot 399 on Deposited Plan 92259 currently has a purpose of "Club and Club Premises" with a Management Order in favour of the Shire of Beverley.

I can also confirm the Management Order does not have an expiry date.'

It is hoped the offer of an extended lease and advice from the Department of Lands will appease the Beverley Bowling Club to complete the Caveat Withdrawal and finalise the subdivision process.

STATUTORY ENVIRONMENT

N/A

FINANCIAL IMPLICATIONS

As per the attached agreement.

STRATEGIC IMPLICATIONS

Sustainable Community – Foster Community Participation – Support community needs.

POLICY IMPLICATIONS

N/A

VOTING REQUIREMENTS

Simple Majority

OFFICER'S RECOMMENDATION

That Council approve the revised Lease Agreement between the Shire of Beverley and Beverley Bowling and Croquet Club Incorporated and authorise the Chief Executive Officer and Shire President to sign and execute the agreement.

COUNCIL RESOLUTION

MS2/1013

Moved Cr Murray

Seconded Cr Shaw

That Council approve the revised Lease Agreement between the Shire of Beverley and Beverley Bowling and Croquet Club Incorporated and authorise the Chief Executive Officer and Shire President to sign and execute the agreement.

CARRIED 8/0

7. CONFIDENTIAL REPORTS

7.1 Closure of the Meeting

SUMMARY

Council to close the meeting to review the Chief Executive Officer Contract.

STATUTORY ENVIRONMENT

Local Government Act 1995, Part 5, Division 2, Section 5.23:

- (2) If a meeting is being held by a council or by a committee referred to in subsection (1)(b), the council or committee may close to members of the public the meeting, or part of the meeting, if the meeting or the part of the meeting deals with any of the following –
- (a) a matter affecting an employee or employees.

OFFICER'S RECOMMENDATION

That Council close the meeting to members of the public.

COUNCIL RESOLUTION

MS3/1013

Moved Cr Murray

Seconded Cr Davis

That Council close the meeting to the public.

CARRIED 8/0

9.35am – Stefan de Beer, Shire Planner left the meeting and did not return.

9.35am – Stephen Gollan, Chief Executive Officer; Simon Marshall, Deputy Chief Executive Officer; and Alison Lewis, Executive Assistant left the meeting.

7.2 Chief Executive Officer – Contract

SUBMISSION TO: Special Council Meeting 17 October 2017
REPORT DATE: 11 October 2017
APPLICANT: N/A
FILE REFERENCE: ADM 0412
AUTHOR: Shire President, D.J. Ridgway
ATTACHMENTS: Confidential CEO Contract and Letter

SUMMARY

Council to accept or reject, the Chief Executive Officer Contract with or without modification.

Confidential Contract under separate cover.

COUNCIL RESOLUTION

MS4/1013

Moved Cr White

Seconded Cr Gogol

That Council accept the new Chief Executive Contract without modification and authorise the Shire President to sign the Contract on behalf of Council.

CARRIED 8/0

7.3 Opening of the Meeting

SUMMARY

Council to open the meeting after the review of the Chief Executive Officer Contract.

STATUTORY ENVIRONMENT

Local Government Act 1995, Part 5, Division 2, Section 5.23:

(2) If a meeting is being held by a council or by a committee referred to in subsection (1)(b), the council or committee may close to members of the public the meeting, or part of the meeting, if the meeting or the part of the meeting deals with any of the following –

(a) a matter affecting an employee or employees.

OFFICER'S RECOMMENDATION

That Council open the meeting to members of the public.

COUNCIL RESOLUTION

MS5/1013

Moved Cr Murray

Seconded Cr Buckland

That Council open the meeting to the public and announce any decisions made.

CARRIED 8/0

9.48am – Stephen Gollan, Chief Executive Officer; Simon Marshall, Deputy Chief Executive Officer; and Alison Lewis, Executive Assistant rejoined the meeting.

7. NEW BUSINESS ARISING BY ORDER OF THE MEETING

Nil

8. CLOSURE

The Chairperson to declared the meeting closed at 9:50am

I hereby certify these Minutes as being confirmed in accordance with Section 5.22 of the Local Government Act 1995.

PRESIDING MEMBER:

DATE: