



City of Belmont

NOTICE OF MEETING

Dear Councillor

I respectfully advise that a **SPECIAL COUNCIL MEETING** will be held in the Council Chamber of the **City of Belmont Civic Centre**, 215 Wright Street, Cloverdale, on **Tuesday, 22 December 2020** commencing at 6.30pm.

MEETING AGENDA ATTACHED

Yours faithfully

JOHN CHRISTIE
CHIEF EXECUTIVE OFFICER

18 December 2020

☛ PLEASE READ THE FOLLOWING IMPORTANT DISCLAIMER BEFORE PROCEEDING ☛

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Any person or entity who has an application before the City must obtain, and should only rely on, written notice of the City's decision and any conditions attaching to the decision, and cannot treat as an approval anything said or done at a Council or Committee meeting.

Any advice provided by an employee of the City on the operation of a written law, or the performance of a function by the City, is provided in the capacity of an employee, and to the best of that person's knowledge and ability. It does not constitute, and should not be relied upon, as a legal advice or representation by the City. Any advice on a matter of law, or anything sought to be relied upon as a representation by the City should be sought in writing and should make clear the purpose of the request. Any plans or documents in agendas and minutes may be subject to copyright. The express permission of the copyright owner must be obtained before copying any copyright material.



City of Belmont
SPECIAL COUNCIL MEETING
AGENDA

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CONFIDENTIAL ATTACHMENTS INDEX

- Confidential Attachment 1 - Item 7.1 refers**
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- Confidential Attachment 9 - Item 7.2 refers**

**Councillors are reminded to retain the
SCM Attachments for discussion with the Minutes**

1. OFFICIAL OPENING

The Presiding Member will read the Acknowledgement of Country.

Before I begin I would like to acknowledge the Traditional Owners of the land on which we are meeting today, the Noongar Whadjuk people, and pay respect to Elders past, present and future leaders.

The Presiding Member will cause the Affirmation of Civic Duty and Responsibility to be read aloud by a Councillor.

Affirmation of Civic Duty and Responsibility

I make this Affirmation in good faith and declare that I will duly, faithfully, honestly, and with integrity fulfil the duties of my office for all the people in the City of Belmont according to the best of my judgment and ability. I will observe the City's Code of Conduct and Standing Orders to ensure efficient, effective and orderly decision making within this forum.

2. APOLOGIES AND LEAVE OF ABSENCE

Cr J Davis (Apology)

South Ward

3. DECLARATIONS OF INTEREST THAT MIGHT CAUSE A CONFLICT

Councillors/Staff are reminded of the requirements of s5.65 of the Local Government Act 1995, to disclose any interest during the meeting when the matter is discussed, and also of the requirement to disclose an interest affecting impartiality under the City's Code of Conduct.

3.1 FINANCIAL INTERESTS

A declaration under this section requires that the nature of the interest must be disclosed. Consequently a member who has made a declaration must not preside, participate in, or be present during any discussion or decision making procedure relating to the matter the subject of the declaration.

Other members may allow participation of the declarant if the member further discloses the extent of the interest and the other members decide that the interest is trivial or insignificant or is common to a significant number of electors or ratepayers.

Name	Item No and Title	Nature of Interest (and extent, where appropriate)

3.2 DISCLOSURE OF INTEREST THAT MAY AFFECT IMPARTIALITY

Councillors and staff are required (Code of Conduct), in addition to declaring any financial interest, to declare any interest that might cause a conflict. The member/employee is also encouraged to disclose the nature of the interest. The member/employee must consider the nature and extent of the interest and whether it will affect their impartiality. If the member/employee declares that their impartiality will not be affected then they may participate in the decision making process.

Name	Item No and Title	Nature of Interest (and extent, where appropriate)

4. ANOUNCEMENTS BY THE PRESIDING MEMBER (WITHOUT DISCUSSION) AND DECLARATIONS BY MEMBERS

4.1 ANNOUNCEMENTS

4.2 DISCLAIMER

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4.3 DECLARATIONS BY MEMBERS WHO HAVE NOT GIVEN DUE CONSIDERATION TO ALL MATTERS CONTAINED IN THE BUSINESS PAPERS PRESENTLY BEFORE THE MEETING

5. PUBLIC QUESTION TIME

5.1 QUESTIONS FROM MEMBERS OF THE PUBLIC

6. REPORTS OF ADMINISTRATION

Nil.

7. MATTERS FOR WHICH THE MEETING MAY BE CLOSED

7.1 BELMONT HUB CAFÉ – DISPOSAL PROCESS (CONFIDENTIAL MATTER IN ACCORDANCE WITH LOCAL GOVERNMENT ACT 1995 SECTION 5.23(2)(C))

ATTACHMENT DETAILS

<u>Attachment No.</u>	<u>Details</u>
Confidential Attachment 1 - Item 7.1 refers	<u>Report Item - Belmont Hub Café – Disposal Process (Confidential Matter in Accordance with Local Government Act 1995 Section 5.23(2)(c))</u>

OFFICER RECOMMENDATION

That Council:

1. Delegate authority for the Chief Executive Officer to consider any submissions received and, subject to the Chief Executive Officer determining that submissions do not require consideration by Council, proceed with the disposal of property and ensure reasons for the decision are recorded.
2. Delegate Authority to the Chief Executive Officer to proceed to negotiate the disposal of the property by leasehold interest in a portion of 213 Wright Street, Cloverdale (being Belmont Hub Café), up to a value of \$2,500,000 plus GST following consideration of submissions and to execute the required documentation.

*****ABSOLUTE MAJORITY REQUIRED*****

7.2 SEEKING INSTRUCTIONS REGARDING LEGAL MATTER (FID855639) (CONFIDENTIAL MATTER IN ACCORDANCE WITH LOCAL GOVERNMENT ACT 1995 SECTION 5.23(2)(C)(D))

ATTACHMENT DETAILS

<u>Attachment No.</u>	<u>Details</u>
Confidential Attachment 5 - Item 7.2 refers	<u>Report Item – Seeking Instructions Regarding Legal Matter (FID855639) (Confidential Matter in Accordance with Local Government Act 1995 Section 5.23(2)(c)(d))</u>

OFFICER RECOMMENDATION

That Council directs the Chief Executive Officer to undertake the actions recommended as outlined within the Confidential Report regarding Legal Matter FID855639.

*****ABSOLUTE MAJORITY REQUIRED*****

8. CLOSURE