

SHIRE OF BRUCE ROCK

MINUTES – SPECIAL COUNCIL MEETING 7 AUGUST 2023

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**SHIRE OF BRUCE ROCK**

**MINUTES – SPECIAL MEETING 7 August 2023**

**1. Declaration of Opening**

Mr Darren Mollenoyux, Chief Executive Officer, declared the meeting open at 5.02pm.

**2. Record of Attendance / Apologies / Leave of Absence (Previously Approved)**

Councillors	Cr KP Foss
	Cr NC Kilminster
	Cr PG Negri
	Cr Rajagopalan
	Cr BJ Waight
	Cr RA Waye
Chief Executive Officer	Mr DRS Mollenoyux
Manager of Governance and Community Services	Ms N Ugarte
Apology	Cr SA Strange
	Cr AR Crooks
	Cr J Verhoogt

**3. Election of Presiding Member**

**COUNCIL DECISION**

**Resolution OCM July 23 – 3.1.1**

**Moved:** Cr Foss  
**Seconded:** Cr Kilminster

**That Cr Rajagopalan be nominated as Presiding Member.**

**Votes in favour:** Cr Rajagopalan, Cr Foss, Cr Kilminster, Cr Negri, Cr Waye and Cr Waight

**Votes against:** Nil

**Carried 6/0**

**4. Declaration of Purpose of Meeting**

Cr Rajagopalan advised that the purpose of the meeting was for Council to consider the recommendations of the selection panel responsible for the Expressions of Interest process for the selection for a retailer for the new Bruce Rock Supermarket.

**5. Declarations of Interest**

Nil

**6. Response to Previous Public Questions Taken on Notice**

**7. Public Question Time**

**8. Announcements by Presiding Member**

**9. Reports of Officers**

## 10. Confidential Items

<b>Agenda Reference and Subject:</b>	<b>10.1.1</b> EOI 1.2022.23 Retailer Lease Supermarket
<b>File Reference:</b>	
<b>Reporting Officer:</b>	Darren Mollenoyux, Chief Executive Officer
<b>Author:</b>	Darren Mollenoyux, Chief Executive Officer Nerea Ugarte, Manager of Governance and Community Services
<b>Disclosure of Interest:</b>	Nil
<b>Attachments:</b>	<i>Item 9.1.1 Attachment 1 – Evaluation Report, which includes the following Appendices:</i> <i>Appendix A – Selection Process and Requirements</i> <i>Appendix B – Evaluation Rating Scale</i> <i>Appendix C – Abridged Business Pack</i> <i>Appendix D – Full Business Pack</i> <i>Appendix E – Consultant Report of June 2023</i> <i>Appendix F – Consultant Report of 20 July 2023</i> <i>Appendix G – Applicant’s Business Plan</i> <i>Appendix H – Resume Mr Kulwant Singh</i> <i>Appendix I – Resume Mr Sukhreet Singh Sandhu</i> <i>Appendix J – Bank Statement Mr Kulwant Singh</i> <i>Appendix K – Bank Statement Mr Sukhreet Singh Sandhu</i> <i>Appendix L – ASIC Certificate of Registration</i> <i>Appendix M – Interview Questions and Responses</i> <i>Appendix N – Applicant’s Responses to Additional Questions</i> <i>Item 9.1.1 Attachment 2 – Draft Lease Agreement</i>

### OFFICER RECOMMENDATION AND COUNCIL DECISION

#### Resolution SCM Aug 23 – 10.1.1.1

Moved: Cr Kilminster

Seconded: Cr Waight

That in accordance with Section 5.23 (2) of the Local Government Act 1995, the meeting is closed to the members of the public for this item, as the following sub-section applied:

“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 —

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; and

- d) legal advice obtained, or which may be obtained, by the local government and which relates to a matter to be discussed at the meeting; and
- e) a matter that if disclosed, would reveal —
  - (i) information that has a commercial value to a person; or
  - (ii) information about the business, professional, commercial or financial affairs of a person,”

Carried 6/0

Votes in favour: Cr Rajagopalan, Cr Foss, Cr Kilminster, Cr Negri, Cr Waye and Cr Waight.

Votes against: Nil

#### OFFICER RECOMMENDATION AND COUNCIL DECISION

Resolution SCM Aug 23 – 10.1.1.2

Moved: Cr Kilminster

Seconded: Cr Waight

That in accordance with Section 5.23(2) of the Local Government Act 1995, Council reopens the meeting to the members of the public.

Carried 6/0

Votes in favour: Cr Rajagopalan, Cr Foss, Cr Kilminster, Cr Negri, Cr Waye and Cr Waight.

Votes against: Nil

#### EOI ASSESSMENT PANEL RECOMMENDATION AND COUNCIL DECISION

Resolution SCM Aug 23 – 10.1.1.3

Moved: Cr Foss

Seconded: Cr Waight

That Council endorses the evaluation panel’s assessment of Regal Ventures Pty Ltd as the preferred retail lessee for the Bruce Rock supermarket, subject to:

- a) the outcomes of a final referee check to be undertaken by the Shire confirming the evaluation panel’s assessment; and
- b) Council reaching agreement to a five-year lease with Regal Ventures Pty Ltd for the Shire of Bruce Rock’s owned building “Supermarket”, located on the corner of Johnson Street and Bath Street, Bruce Rock

**CARRIED BY ABSOLUTE MAJORITY 6/0**

Votes in favour: Cr Rajagopalan, Cr Foss, Cr Kilminster, Cr Negri, Cr Waye and Cr Waight.

Votes against: Nil

#### OFFICER RECOMMENDATION AND COUNCIL DECISION

Resolution SCM Aug 23 – 10.1.1.4

Moved: Cr Foss

Seconded: Cr Waight

That Council endorses the terms and conditions outlined in the draft lease (attached) for Council’s built supermarket, subject to negotiations and minor amendments with Regal Ventures Pty Ltd. The final lease is to be endorsed by Council prior to execution.

**CARRIED BY ABSOLUTE MAJORITY 6/0**

Votes in favour: Cr Rajagopalan, Cr Foss, Cr Kilminster, Cr Negri, Cr Waye and Cr Waight.

Votes against: Nil

**11. New Business of an urgent nature introduced by discussion of the meeting.**

Cr Kilminster advised she is standing down from her role of Councillor, effective October 2023. She wished Council well in its future endeavours.

Council thanked Cr Kilminster for her contribution during her appointment.

**12. Closure of Meeting.**

The Presiding Member, Ram Rajagopalan thanked everyone for their attendance and declared the meeting closed at 5.45pm.

These minutes were confirmed at a meeting on 17 August 2023.

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Cr Ram Rajagopalan  
Presiding Member