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APPENDIX E



YORK RACING INC.

Oldest Provincial Race Club in Australia Established 1843

ABN: 4894 757 8244

Mr Paul Martin
CEO
Shire of York
YORK W 6302

10th August 2017

Dear Paul

In relation to matters raised in your email 9th August 2017, we provide the following information regarding the questions raised:-

Question 1

Attached is supporting documentation from Gibson Raison Settlements advising that the settlement for the transfer of 90 Carter Road York was completed on 25 August 2015 .

Question 2

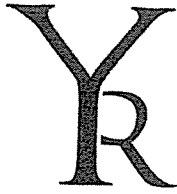
The oversight in obtaining consent from the Shire of York regarding the lease between York Racing Inc and York Rodeo Pty Ltd was possibly due to changes in the Committee structure during the period 2010 to the date the lease was entered into plus the fact that the Committee had been focused on completing the building phase and progressing towards the commencement of the racing calendar. It would appear that the York Racing Inc. 2015 Committee were not aware or had failed to recall the details of the Special Council Meeting 29th November 2010 regarding restrictions on selling/leasing the land and entered into the lease unknowingly.

Question 3

York Racing Inc was of the understanding that our agent at the time who assisted York Rodeo Pty Ltd in the preparation of the lease document would attend to any outstanding matters such as obtaining the Ministers consent. Due to the initial lease period being less than 3 years, the lease document did not require to be registered and it would appear that the agent did not follow through to the point of obtaining the Ministers consent. York Racing Inc. accepts full responsibility for the oversight.

Question 4

YORK RACING INC
PO BOX 162 YORK WA 6302



We are unable to provide any information regarding the fact that the signing of the lease and the date of incorporation of York Rodeo Pty Ltd were approximately one month apart and can only speculate that it is by sheer coincidence . With respect to providing documentation to support the application date to incorporate York Rodeo Pty Ltd , we suggest that is matter for York Rodeo Pty Ltd .

Question 5

Letter from York Rodeo Pty Ltd to York Racing Inc exercising the first 5 year option is attached.

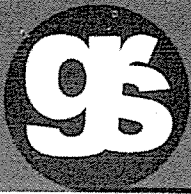
Question 6

York Racing Inc is unable to offer an explanation in regards to points 1-4 as raised by Acting CEO Graeme Simpson to the Shire of York Councillors on 12th November 2015.

Regards

MR TONY BOYLE
CHAIRMAN
YORK RACING INC.

Att York Rodeo Letter



**Gibson Raison
Settlements**

AN INDEPENDENT REAL ESTATE SETTLEMENT AGENT

Address: Unit 4, Tuckers Arcade,
4 Old Great Northern Highway,
Midland, W.A.

Postal Address: PO. Box 366,
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Tel: (08) 9274 6511

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Email: settlements@gibsonraisonsettlements.com.au
www.gibsonraisonsettlements.com.au

Our Reference: 31923.18/8dn

25 August 2015

York Racing (Inc)
PO Box 162
York WA 6302



Dear Patrick & Anthony,

Re: Transfer of 90 Carter Rd, York.

We are pleased to confirm that Settlement of the aforementioned property was completed today 25 August 2015.

Please find enclosed our Final Settlement Statement along with the original Certificate of Incorporation.

We would suggest that you retain your Settlement Statement in a safe place should you require it for future taxation purposes.

Once the Transfer of Land document has been processed at Landgate the new Certificate of Title will be issued to Westpac Bank for their safekeeping.

May we also take this opportunity to thank you for entrusting our office to act on your behalf and if we may be of any future assistance to you, please do not hesitate to contact us again.

Yours faithfully
GIBSON RAISON SETTLEMENTS

PETER GIBSON



Gibson Raison Settlements

AN INDEPENDENT REAL ESTATE SETTLEMENT AGENT

Address: Unit 4 Tuckers Arcade
4 Old Great Northern Highway
Midland, W.A.

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TAX INVOICE

Our Reference: 31923.18/8

25 August 2015

York Racing (Inc)
PO Box 162
York WA 6302



RE: Transfer of 90 Carter Rd, York

Final SETTLEMENT STATEMENT – Settled 25/8/2015

| | | |
|---|-------------------|-------------------|
| Title Search (State Government) | \$60.00 | |
| Disbursements | \$36.00 | |
| Conveyancing Fee | \$1,500.00 | |
| Total | \$1,596.00 | |
| Goods & Services Tax | \$159.60 | \$1,755.60 |
| Change of Name Application Registration Fee (State Government) | | \$164.00 |
| Transfer of Land Registration Fee (State Government) | | \$164.00 |
| ----- | | |
| BY: Paid 6/8/15 | | \$2,083.60 |
| ----- | | |
| | \$2,083.60 | \$2,083.60 |

From: **Shelly Turner** events@yorkrace.com.au
Subject: FW: Lease York Rodeo
Date: 9 August 2017 at 2:00 pm
To: Sally Boyle asboyle@bigpond.com



Hi Tony
Letter from Greg Browne.
Regard

Shelly Turner
Secretary/Event Manager
Email: events@yorkrace.com.au
Phone: 96411131
Mobile: 0499033983

YORK RACING (inc)
Oldest provincial race club in Australia established 1843
ABN 4894 757 8244

Kom: [gbrowne \[mailto:gbrowne@protonmail.com\]](mailto:gbrowne@protonmail.com)
nt: Friday, 21 July 2017 10:37 AM
: events@yorkrace.com.au
bject: Lease York Rodeo

Hi Shelly,

I saw Bob briefly this morning and he mentioned some concern about the lease.

Please find attached a copy of the lease renewal notice that was posted from Perth on the 23 March. It was posted because it is a lease and I thought that the original signature would have been needed for your files. I prepared this letter the same day I prepared the council planning papers because I had referred to the lease that day and realized that it needed to be done. It was posted in Perth a couple of days later because at the time I had many meetings in Perth with my lawyer for my Chevron case si I was down there.

I do not know what happens to your mail but I can do no more than post it. I would have thought that if the club hadn't received it someone would have contacted me in the three months since then to remind me. I think most people there have my telephone number.

I also recall at about that time meeting with many of the members to discuss the grounds works - that surely shows we were intending to go ahead with the lease. Why would we go to so much effort to arrange development if we were not proceeding? That would not make sense would it. I have also met with Bob who was the nominated representative and at all times I have talked around building the rodeo - that also would not make sense if we were withdrawing from the lease.

For York Rodeo, the lease was renewed in accordance with the lease agreement.

I also note that no lease rent invoice has not been received for the last period and I would appreciate receiving that so that I can pay it.

Regards
Greg Browne

manager
York Rodeo

Sent with [ProtonMail](#) Secure Email.



21st March 2017

Mr T Boyle
The Chairman
York Racing Inc.
Spencers Brook Road
York WA 6302

Re: Lease renewal

Dear Tony,

I note that York Rodeo is required to advise the renewal of the lease for the rodeo grounds for a further period of 5 years which this letter should serve for that purpose.

Let me know if there is any other matter you wish to discuss on this.

Regards

✓ Greg Browne
Manager

*Posted in letter after
mtg with Audrey
23/3/17*