

**SHIRE**  
*of*  
**DANDARAGAN**

**MINUTES**

**of the**

**SPECIAL COUNCIL MEETING**

**held at the**

**COUNCIL CHAMBERS, JURIEN BAY**

**on**

**10 DECEMBER 2015**

**COMMENCING AT 12.30PM**

***THESE MINUTES ARE YET TO BE CONFIRMED***

*(THIS DOCUMENT IS AVAILABLE IN LARGER PRINT ON REQUEST)*

<b>MINUTES FOR SPECIAL COUNCIL MEETING HELD THURSDAY 10 DECEMBER 2015</b>
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## 1 DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

### 1.1 DECLARATION OF OPENING

The presiding member declared the meeting open at 12.34pm and welcomed those present.

### 1.2 DISCLAIMER READING

The disclaimer was not read aloud as there no members of the public present.

*“No responsibility whatsoever is implied or accepted by the Shire of Dandaragan for any act, omission or statement or intimation occurring during this meeting.*

*It is strongly advised that persons do not act on what is heard at this meeting and should only rely on written confirmation of Council’s decision, which will be provided within fourteen (14) days of this meeting.”*

## 2 RECORD OF ATTENDANCE / APOLOGIES / APPROVED LEAVE OF ABSENCE

### Members

Councillor L Holmes	(President)
Councillor D Slyns	(Deputy President)
Councillor W Gibson	
Councillor J Kulisa	
Councillor M Sheppard	
Councillor P Scharf	
Councillor C Carey	

### Staff

Mr T Nottle	(Chief Executive Officer)
Mr I Rennie	(Deputy Chief Executive Officer)
Mr G Yandle	(Executive Manager Infrastructure)
Mr D Chidlow (From 12.41pm)	(Manager Planning)

### Apologies

Councillor K McGlew

### Approved Leave of Absence

Councillor D Richardson

## 3 PUBLIC QUESTION TIME

Nil

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#### 4 PURPOSE OF THE MEETING

The purpose of the meeting for Council to consider lodging an Expression of Interest for the lease of the Badgingarra Research Station.

#### 5 ORDER OF BUSINESS

##### 5.1 CONFIDENTIAL ITEMS FOR WHICH MEETING IS CLOSED TO THE PUBLIC

Section 5.23 of the Local Government Act 1995 stipulates that all Council Meetings are generally open to the public. Section 5.23 goes on to identify specific situations in which the Council or committee may close to members of the public the meeting, or part of the meeting.

In situations where it is deemed that a meeting or part of a meeting must be closed to the public, Section 5.23 (3) states “A decision to close a meeting or part of a meeting and the reason for the decision are to be recorded in the minutes of the meeting.”

*For a decision to be recorded in the minute a formal motion must be passed by Simple majority clearly stating the reason for the closure in accordance with Section 5.23 of the Local Government Act 1995.*

Local Government Act 1995

##### *5.23. Meetings generally open to public*

- (1) Subject to subsection (2), the following are to be open to members of the public —
  - (a) all council meetings; and
  - (b) all meetings of any committee to which a local government power or duty has been delegated.
- (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;
  - (b) the personal affairs of any person;
  - (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;
  - (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;
  - (e) a matter that if disclosed, would reveal —
    - (i) **a trade secret;**
    - (ii) **information that has a commercial value to a person;** or

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- (iii) information about the business, professional, commercial or financial affairs of a person, where the trade secret or information is held by, or is about, a person other than the local government;
  - (f) a matter that if disclosed, could be reasonably expected to —
    - (i) impair the effectiveness of any lawful method or procedure for preventing, detecting, investigating or dealing with any contravention or possible contravention of the law;
    - (ii) endanger the security of the local government's property; or
    - (iii) prejudice the maintenance or enforcement of a lawful measure for protecting public safety;
  - (g) information which is the subject of a direction given under section 23(1a) of the *Parliamentary Commissioner Act 1971*; and
  - (h) such other matters as may be prescribed.
- (3) A decision to close a meeting or part of a meeting and the reason for the decision are to be recorded in the minutes of the meeting.

Local Government (Administration) Regulations 1996

*4A. Meeting, or part of meeting, may be closed to public — s. 5.23(2)(h)*

The determination by the local government of a price for the sale or purchase of property by the local government, and the discussion of such a matter, are matters prescribed for the purposes of section 5.23(2)(h).


**OFFICER RECOMMENDATION / COUNCIL DECISION**

**Moved Cr Gibson seconded Cr Kulisa**

**That the meeting be closed to members of the public at 12:30pm in accordance with Section 5.23 (2) (i) & (ii) of the Local Government Act 1995 and Regulation 4A of the Local Government (Administration) Regulations 1996 to allow Council to discuss Item 5.1.1 Private & Confidential – Expression of Interest – Lease of Badgingarra Research Station.**

**CARRIED 7 / 0**

**5.1.1 PRIVATE & CONFIDENTIAL – EXPRESSION OF INTEREST, LEASE OF BADGINGARRA RESEARCH STATION**

Location:	Lot 3712 Winjardie Road, Badgingarra
Applicant:	N/A
Folder Path:	Business Classification Scheme / Council Properties / Acquisition and Disposal / Purchasing
Disclosure of Interest:	None
Date:	8 December 2015
Author:	Tony Nottle, Chief Executive Officer
Signature of Author:	

**OFFICER RECOMMENDATION / COUNCIL DECISION**

**Moved Cr Gibson seconded Cr Carey**

**That Council agrees to submit an Expression of Interest to the Department of Agriculture and Food Western Australia for the lease of the Badgingarra Research Station, Lot 3712 Winjardie Road, Badgingarra as per the following conditions:**

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1. amount to be stipulated at \$36,848 per annum as per the previous arrangement between the West Midlands Group and the Department of Agriculture and Food Western Australia for the amount of \$36,848 per annum for a 12 month period;
2. Department of Agriculture and Food Western Australia be advised that the Shire of Dandaragan wish to purchase the property freehold at the conclusion of the lease at an agreed value; and
3. that the West Midlands Group be required to meet all lease conditions via an appropriate agreement on behalf of the Shire of Dandaragan to be sub-leased at the amount of \$36,848 per annum.

**CARRIED 7 / 0**

**COUNCIL DECISION**

**Moved Cr Scharf seconded Cr Kulisa  
That the meeting be reopened to the public.**

**CARRIED 7 / 0**

*Notation: No members of the public entered the meeting.*

**6 CLOSURE OF MEETING**

The presiding member declared the meeting closed at 12.58pm.

These minutes were confirmed at a meeting on .....

Signed .....

Presiding person at the meeting at which the minutes were confirmed

Date .....