



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

**PUBLIC MINUTES**

**of the**

**SPECIAL COUNCIL MEETING**

**held at the**

**COUNCIL CHAMBERS, JURIEN BAY**

**on**

**7 MAY 2021**

**COMMENCING AT 9.30AM**

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

<b>MINUTES FOR SPECIAL COUNCIL MEETING HELD 7 MAY 2021</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 9.30am and welcomed those present.

**2 RECORD OF ATTENDANCE / APOLOGIES / APPROVED LEAVE OF ABSENCE****Members**

Councillor L Holmes	(President)
Councillor P Scharf	(Deputy President)
Councillor J Clarke	
Councillor A Eyre	
Councillor W Gibson	
Councillor R Rybarczyk	
Councillor R Shanhun	

**Staff**

Mr B Bailey	(Chief Executive Officer)
Mr S Clayton	(Executive Manager Corporate & Community Services)

**Apologies**

Councillor D Slyn

**Approved Leave of Absence**

Nil

**3 PUBLIC QUESTION TIME**

Nil

**4 PURPOSE OF THE MEETING**

The purpose of the meeting is to consider an offer for the sale of a residential property, Lot 13 on Deposited Plan 173770, 3517 Dandaragan Road, Dandaragan.

**5 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.

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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
    - (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

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*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).

## **5.1 GOVERNANCE & ADMINISTRATION**

### **OFFICER RECOMMENDATION / COUNCIL DECISION**

**Moved Cr Scharf, seconded Cr Eyre**

**That the meeting be closed to members of the public at 9:30am in accordance with Section 5.23 (2) (h) 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 Disposal of Property – Lot 13 on Deposited Plan 173770 Dandaragan Road, Dandaragan.**

**CARRIED 7 / 0**

#### **5.1.1 DISPOSAL OF PROPERTY - LOT 13 ON DEPOSITED PLAN 173770 DANDARAGAN ROAD, DANDARAGAN**

Location:	3517 Dandaragan Road, Dandaragan
Folder Path:	Business Classification Scheme / Council Properties / Acquisition & Disposal / Disposals
Date:	29 April 2021
Author:	Scott Clayton, Executive Manager Corporate and Community
Senior Officer:	Brent Bailey, Chief Executive Officer

*This report has been abridged due to the confidential nature of the content that is contained within this report.*

### **COUNCIL DECISION**

**Moved Cr Shanhun, seconded Cr Gibson**

**That Council commence the process to dispose of Lot 13 on Deposited Plan 173770 Dandaragan Road, Dandaragan, to Dr. Martin Robson for the sum of \$125,000 by giving 14 days local public notice inviting submissions of the proposed disposition in accordance with Section 3.58 of the Local Government Act 1995.**

**Should no submissions be received before the date specified in the notice, Council approve the disposal and authorise a budget amendment;**

- 1. for the Chief Executive Officer to accept the offer from Dr. Martin Robson to purchase Lot 13 on Deposited Plan 173770 Dandaragan Road, Dandaragan for the sum of \$125,000 and finalise its disposal, and;**

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**2. of \$6,500 for fees and commission expenses incurred in the process of disposing of Lot 13 on Deposited Plan 173770 Dandaragan Road, Dandaragan.**

**CARRIED BY ABSOLUTE MAJORITY 7 / 0**

*Reason for variation: Council made a minor alteration to the officer's recommendation to make it clear the sale of the property was immediately approved if there were no submissions from the public advertising period.*

**COUNCIL DECISION**

**Moved Cr Shanhun, seconded Cr Scharf that the Meeting be reopened to the public at 9.36am.**

**CARRIED 7 / 0**

**6 CLOSURE OF MEETING**

The presiding member declared the meeting closed at 9.37am.

These minutes were confirmed at a meeting on ..... 27 May 2021 .....

Signed .....  .....

Presiding person at the meeting at which the minutes were confirmed

Date ..... 27 May 2021 .....