



# Special Meeting of Council

Wednesday 22 January 2020  
Commencing at 6.00PM

Held at the Council Chambers, 6177 Great Northern Highway, Bindoon

**Preface**


When the Chief Executive Officer approves these Minutes for distribution they are in essence "*Unconfirmed*" until the following Ordinary Meeting of Council, where the minutes will be confirmed subject to any amendments.

The "*Confirmed*" Minutes are then signed off by the Presiding Member.

Attachments that formed part of the agenda, in addition to those tabled at the Ordinary Meeting of Council are put together as an addendum to these Minutes.

**Unconfirmed Minutes**

These minutes were approved for distribution on 4 February 2020.



**Matthew Gilfellow**  
Chief Executive Officer

**Confirmed Minutes**

These minutes were confirmed at a meeting held on 19 February 2020.

Signed .....

*Note: The Presiding Member at the meeting at which the minutes were confirmed is the person who signs above.*

**Disclaimer**

The purpose of this Council meeting is to discuss and, where possible, make resolutions about items appearing on the agenda.

Whilst Council has the power to resolve such items and may in fact, appear to have done so at the meeting, no person should rely on or act on the basis of such decision or on any advice or information provided by a member or officer, or on the content of any discussion occurring, during the course of the meeting.

Persons should be aware that the provisions of the *Local Government Act 1995* (section 5.25 (e)) establish procedures for revocation or rescission of a Council decision. No person should rely on the decisions made by Council until formal advice of the Council decision is received by that person.

The Shire of Chittering expressly disclaims liability for any loss or damage suffered by any person as a result of relying on or acting on the basis of any resolution of Council, or any advice or information provided by a member or officer, or the content of any discussion occurring, during the course of the Council meeting.

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## **ACKNOWLEDGEMENT OF COUNTRY**

*Good evening Councillors, staff, ladies and gentlemen, we wish to acknowledge the traditional custodians of the land we are meeting on, the Yued people. We would like to pay respect to the Elders of the Nyoongar nation, past and present, who have walked and cared for the land, we acknowledge and respect their continuing culture, and the contributions made to this region.*

## **1. DECLARATION OF OPENING OF MEETING / ANNOUNCEMENTS OF VISITORS**

The Presiding Member declared the meeting open at 6:00PM.

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

### **2.1 Attendance**

The following Members were in attendance:

Member:	Cr Don Gibson	President (Presiding Member)
	Cr Carmel Ross	
	Cr John Curtis	
	Cr Peter Osborn	
	Cr Mary Angus	
	Cr Kylie Hughes	

Quorum – 4 members

The following Shire staff were in attendance:

Staff	Matthew Gilfellon	Chief Executive Officer (Minute Secretary)
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Members of the public	18
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Media	0
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### **2.2 Apologies**

Nil

### **2.3 Approved leave of absence**

Nil

### 3. DISCLOSURE OF INTEREST

Nil

### 4. PUBLIC QUESTION TIME

#### 4.1 Public question time

##### Questions received in writing

##### 4.1.1 Clint O'Neil, Chittering

**Question 1:** Did the consultant report and recommendations to the Minister, supporting the conversation [conversion] of public Crown land to freehold title, to enable the on-sale of 3.0 hectares to IHC for its school expansion, give serious consideration to the mutual benefits gained by IHC, the Shire and community by proximity to the seriously entertained sport and recreation facility?

*Answer 1: The President advised that from what he could tell from the history of the project, there is no report specifically written to report to provide recommendations to the minister. Following the Jill Powell Feasibility Study a consultant was engaged to provide a strategy report. A consultant was then engaged to provide a summary of requirements. The report mentions the options of the shire and Immaculate Heart College to partner in a joint development of the facility, to allow both the school and the wider community to benefit from the asset. It was also recommended to develop a business case, which was developed but was not used for the grant funding but for land purchase.*

**Question 2:** It would appear that the agenda item draft recommendation proposes a course of action that in effect rescinds previous Council resolutions to be or have been actioned by the CEO.

In conformity with administrative decision making standards of Western Australia and Council's obligations as a decision maker, will Council in discharging its obligations:

- a) Display the characteristics of acting reasonably, impartially and without prejudice or bias?
- b) Provide advice on whether the Shire administration pursuing a negotiated outcome with IHC, in conformity with Council resolutions cited in the agenda, has in effect commenced implementation of the Council resolutions?
- c) Provide advice on the legal case law definitional characterisation of the term 'implementation' and its application to the matter under consideration?
- d) Release the consultant's report supporting the conversation [conversion] of public Crown land to freehold title to enable the

**public to understand more fully the obligations and commitments made between IHC and the Shire?**

*Answer 2: The President advised that he was not able to answer part A as this is a matter for Council to answer and more so the community. With regard to part B, the President advised that 'yes' in accordance with the Shire's local law (i.e. Local Government Council Meetings Local Law 2014), the decision has been implemented and therefore cannot legally be revoked. If council were to make a decision along the lines of the officer recommendation, legally the offer of the self-supporting loan would still be available. However, IHC would have to present a loan agreement that council would then need to approve. The decisions however, were mainly around giving certain authorisations to allow the negotiations of the self-supporting loan. The removal of these decisions would in fact have the effect of bringing the self-supporting loan back to council, as the decision would require council's support and approval. The same position that it would be if the decision itself were revoked.*

*In response to part C, the President stated that in the circumstances if implementation as defined in the local law that would be the correct definition to use. However, in court cases it is not unusual for council's to visit the same subject and review their attitude on the matter, good examples would be policies and budgets. Where earlier decisions become inconsistent with the new decision at being applied, where earlier decisions were revoked even though they are not expressly done so.*

*In response to part D, the President advised that there is no report.*

**Summary of questions received during the meeting**

**4.1.2 Lenni Duffield, Chittering**

**Question 1: With regard to the self-supporting loan has IHC signed any funding or general agreements that has been negotiated in the last two years; and if they have has it been signed by any representative management from IHC?**

*Answer 1: The President advised that there has been no documents signed by IHC.*

*Through the Chair, Cr Mary Angus advised that there was letter of agreement of funding from IHC that went with the original grant application.*

**Question 2: What was agreed in that letter?**

*Answer 2: The President stated that they [IHC] would provide \$2M contribution.*

**Question 3: Is this \$2M that did not include the \$275,000 for the land purchase?**

*Answer 3: The President responded in the affirmative.*

**Question 4:** Is the Shire aware of future plans of IHC with regard to their financial contributions, for instance they are employing 10 new teachers this year, and they have also purchased six demountable buildings; and have they received building approval for the three demountable buildings that were installed in December?

**Answer 4:** *The President stated that he was not aware, and directed the question to the Chief Executive Officer to respond with regard to permits for the buildings.*

*The Chief Executive Officer took the questions on notice, however stated that the College has been working with the Shire to ensure that permits would be approved by the time the buildings will be used.*

**Question 5:** Are they actually allowed considering previous council decisions regarding demountable buildings?

**Answer 5:** *The President stated that it would be a no, and thanked Mrs Duffield for the information.*

## 5. PURPOSE OF MEETING

### 5.1 Immaculate Heart College Self Supporting Loan

<b>Applicant</b>	Immaculate Heart College
<b>File ref</b>	A11560; 15/01/16
<b>Prepared by</b>	Chief Executive Officer
<b>Disclosure of interest</b>	Nil
<b>Voting requirements</b>	Simple Majority
<b>Attachments</b>	Nil

#### Executive Summary

Council is requested to instruct the Chief Executive Office to cease the finalisation of the self-supporting loan agreement with Immaculate Heart College.

#### Background

In November 2018, a Building Better Regions Fund application was lodged in the BBRF Round 3, for a stage one contribution, and was successful. The grant received was \$4.71m for a \$9.71m project. The application for funding highlighted the shared use of the facility between the broader Shire community and Immaculate Heart College. Under the Business Case, Immaculate Heart College was to contribute \$2m towards the cost of the project.

In March 2019, it was recommended to Council that Council authorise the Chief Executive Officer to finalise an agreement with Immaculate Heart College for its \$2m contribution, including investigating the potential of a \$2m Self-Supporting Loan facility if that was the preferred option of the College. Council however decided against offering the Self-Supporting Loan facility.

9.4.3 MOTION / COUNCIL RESOLUTION 260319

Moved Cr Gibson / Seconded Cr King

That Council:

1. Note the receipt of the \$4.71 Building Better Regions Fund grant for the Lower Chittering Sport & Recreation Facility – Stage 1 Project;
2. Express its gratitude to all contributors to the Building Better Regions Fund grant application process;
3. Establish a Lower Chittering Sport & Recreation Facility Reference Group based on the Terms of Reference outlined in this report;
4. Appoint Councillors George Tilbury and Carmel Ross to the Reference Group (with Cr Aaron King as Proxy Member);
5. Authorise the Chief Executive Officer to make the necessary arrangements to accept the \$4.71m Building Better Regions Fund grant, and (if required) authorises as per Administration Policy 1.5 Execution of Documents, in regard to the processing of this grant receipt contract, the Shire President and the Chief Executive Officer, or their deputies, to place the Shire's Common Seal upon and to sign all relevant documentation;
6. Notes that Lower Chittering Sport & Recreation Facility grant application incorporated a budget and grant application risk mitigation obligation to appoint a dedicated project officer to coordinate and control the program, and notes that the Chief Executive Officer intends if possible, to provide that service via an in-house staff resource;
7. Authorise the Chief Executive Officer to call for tenders for Architectural Services for the Lower Chittering Sport & Recreation Facility. The Architectural Services scope of work to be for the 'full design developed and specification documentation', in order that tenders for the facility's construction can then follow;
8. Note the draft Timeline of events as a guide to the Facility's construction;
9. Commits to providing its \$3m funding towards the project as part of the 2019-20; 2020-21; and 2021-22 financial year budgets;
10. Authorise the Chief Executive Officer to seek an agreement with Immaculate Heart College for its \$2m contribution for Council's consideration;
11. Authorises the Chief Executive Officer to commence the process of securing a (up to) \$3m loan facility from WA Treasury;
12. Notes that the estimated timing for Stage 2 of the Facility might be affected by Stage 1 costs or broader Shire revenue/expenditure adjustments, and therefore this timing issue will be re-assessed as part of the next review of the Long Term Financial Plan; and
13. Confirms that the current concept plans be used as a guide for the Lower Chittering Sport & Recreation Facility, however that a component of the Architect's brief be to confirmed through a condensed community consultation process, that this design best suits the majority of anticipated stakeholders and users.

THE MOTION WAS PUT AND DECLARED CARRIED 6/0

9:49PM

In April 2019, Council approved a self-supporting loan to Immaculate Heart College of up to \$2m, comprising of a \$1.725m contribution towards the Chittering Community Complex and \$275,000 towards the purchase of 3ha of land from the Shire. The preference was for the \$275,000 to be provided in cash. The loan was also conditional on a suitable loan debt security and that any supplementary grants be remitted to the shire as "advance principle repayments".



9.4.3 SUBSTANTIVE MOTION / COUNCIL RESOLUTION 110419

Moved Cr Tilbury / Seconded Cr Osborn

That Council:

1. Acknowledges the unique and beneficial opportunity available to the Chittering community that is presented with the Building Better Regions Fund grant and the Immaculate Heart College contribution towards the Lower Chittering Sport & Recreation Facility, providing a ⅓ subsidy towards the capital cost of this Shire facility;
2. Commits to using its best endeavours to bringing the project to realisation as soon as reasonably possible, in order that the Chittering community and the Immaculate Heart College students and families can benefit from the facility;
3. Requires the Chief Executive Officer to work in consultation with the Councillor representatives on the Lower Chittering Sport & Recreation Facility Reference Group, to secure workable and sustainable agreements with the Immaculate Heart College and other Lower Chittering Sport & Recreation Facility stakeholders, to facilitate the outcomes in (2) and (4) of this resolution;
4. Requires the Chief Executive Officer, in line with resolution (3), to work in consultation with the Immaculate Heart College, to develop a workable and sustainable contract for Council's endorsement, for a Self-Supporting Loan to the College (up to \$2m) for its contribution to the Lower Chittering Sport & Recreation Facility, incorporating at least the following security conditions—
  - a. A maximum sum of \$2,000,000;
  - b. A suitable loan debt security; and
  - c. That any supplementary grants received by the College that link to its use of loan expenditure, are to be remitted to the Shire as "advance principle repayments" to be held in the Shire's Trust Account until it can be remitted to WA Treasury as such;
5. Commits to raising the (up to) \$2m Self-Supporting Loan for Immaculate Heart College as part of the 2019/20 Budget;
6. Highlights a preference for the \$275,000 land payment to be remitted in cash to the Shire upon transfer of the land, and a \$1,725,000 self-supporting loan as the College's contribution to the Lower Chittering Sport & Recreation Facility; but endorses (if the College can adequately prove that option is unsustainable) that a \$2,000,000 Self-Supporting Loan be provided and made up of two components, a contribution to the Lower Chittering Sport & Recreation Facility itself (\$1,725,000) plus the purchase price of the land (approximately 3ha) to be sold by the Shire to the Immaculate Heart College (\$275,000);
7. Authorises the President and Chief Executive Officer to apply the Common Seal and to sign the Self-Supporting Loan Agreement (once developed) on the Shire of Chittering's behalf;
8. Invites Immaculate Heart College to signing and return the Self-Supporting Loan Agreement in order that the Lower Chittering Sport & Recreation Facility project can be undertaken; and
9. That the Acting Chief Executive Officer is to formalise and present to Council for approval, a 'use agreement' with Immaculate Heart College to share up to 50% of the Operation / Maintenance costs of the Lower Chittering Sports Facility in consideration of payment of a—
  - a. Fixed annual costs of 25% of the Operation / Maintenance costs of the Lower Chittering Sports Facility, regardless of use; and
  - b. Variable annual cost of up to 25% of the Operation / Maintenance costs of the Lower Chittering Sports Facility based on percent use of the school."

THE SUBSTANTIVE MOTION WAS PUT AND DECLARED CARRIED 4/3  
CRS ANGUS, KING and GIBSON requested that their votes be recorded as being AGAINST the  
motion.

10:28PM

In May 2019, Council authorised the Chief Executive Officer to finalise a self-supporting loan agreement for a sum of \$1,625,000.

**9.4.2 OFFICER RECOMMENDATION / COUNCIL RESOLUTION 080519**

*Moved Cr Tilbury / Seconded Cr Osborn*

*That Council:*

1. *Authorises the Chief Executive Officer to finalise a Self Supporting Loan Agreement with Immaculate Heart College Ltd, incorporating the following principles:*
  - a. *A loan sum of \$1,625,000;*
  - b. *\$625,000 drawn down on 15 June 2020; \$500,000 on 15 December 2020; and \$500,000 on 15 March 2021;*
  - c. *Loan term to be 20 years (15 June 2020 – 14 June 2040);*
  - d. *Immaculate Heart College to service the loan's repayments (all payments to be received on or prior to the respective loan repayment date);*
  - e. *In the event of dissolution of the College, the full balance of the loan shall become payable; and*
  - f. *The College's Annual Budget, and End of Year Financial Statements are to be provided to the Shire annually and within 15 days of IHC Board endorsement.*
2. *Notes that:*
  - a. *The \$275,000 payment for the land is to be made to the Shire of Chittering upon transfer of the land (and will not be part of the loan); and*
  - b. *A \$100,000 cash payment is to be made on 15 June 2020 by Immaculate Heart College as a capital contribution towards the Lower Chittering Sport & Recreation Facility.*

*CARRIED 4/3  
8:49PM*

The self-supporting loan agreement with Immaculate Heart College has not been finalised.

### Consultation/Communication Implications

Local

Nil

State

Nil

### Legislative Implications

State

- Local Government (Administration) Regulations 1996

**10. Revoking or changing decisions made at council or committee meetings (Act s. 5.25(1)(e))**

- (1) If a decision has been made at a council or a committee meeting then any motion to revoke or change the decision must be supported—
  - (a) in the case where an attempt to revoke or change the decision had been made within the previous 3 months but had failed, by an absolute majority; or
  - (b) in any other case, by at least  $\frac{1}{3}$  of the number of offices (whether vacant or not) of members of the council or committee, inclusive of the mover.

- (1a) Notice of a motion to revoke or change a decision referred to in subregulation (1) is to be signed by members of the council or committee numbering at least  $\frac{1}{3}$  of the number of offices (whether vacant or not) of members of the council or committee, inclusive of the mover.
- (2) If a decision has been made at a council or a committee meeting then any decision to revoke or change the first-mentioned decision must be made—
  - (a) in the case where the decision to be revoked or changed was required to be made by an absolute majority or by a special majority, by that kind of majority; or
  - (b) in any other case, by an absolute majority.
- (3) This regulation does not apply to the change of a decision unless the effect of the change would be that the decision would be revoked or would become substantially different.

*[Regulation 10 amended in Gazette 31 Mar 2005 p. 1030.]*

#### Local

- Shire of Chittering Local Government (Council Meetings) Local Law 2014

#### **16.1 Requirements to revoke or change decisions**

The requirements to revoke or change a decision made at a meeting are dealt with in regulation 10 of the Regulations.

#### **16.2 Limitations on powers to revoke or change decisions**

- (1) Subject to subclause (2), the Council or a committee is not to consider a motion to revoke or change a decision—
  - (a) where, at the time the motion is moved or notice is given, any action has been taken under clause 16.3 to implement the decision; or
  - (b) where the decision is procedural in its form or effect.
- (2) The Council or a committee may consider a motion to revoke or change a decision of the kind described in subclause (1)(a) if the motion is accompanied by a written statement of the legal and financial consequences of carrying the motion.

#### **16.3 Implementing a decision**

- (1) In this clause—
  - (a) authorisation means a licence, permit, approval or other means of authorising a person to do anything;
  - (b) implement, in relation to a decision, includes—
    - (i) communicate notice of the decision to a person affected by, or with an interest in, the decision; and
    - (ii) take any other action to give effect to the decision; and
  - (c) valid notice of revocation motion means a notice of motion to revoke or change a decision that complies with the requirements of the Act, Regulations and the Local Laws and may be considered, but has not yet been considered, by the Council or a committee as the case may be.
- (2) Subject to subclause (4), and unless a resolution is made under subclause (3), a decision made at a meeting is not to be implemented by the CEO or any other person until the afternoon of the first business day after the commencement of the meeting at which the decision was made.
- (3) The Council or a committee may, by resolution carried at the same meeting at which a decision was made, direct the CEO or another person to take immediate action to implement the decision.

- (4) A decision made at a meeting is not to be implemented by the CEO or any other person—
  - (a) if, before commencing any implementation action, the CEO or that person is given a valid notice of revocation motion; and
  - (b) unless and until the valid notice of revocation motion has been determined by the Council or the committee as the case may be.
- (5) The CEO is to ensure that members of the public attending the meeting are informed by an appropriate notice that a decision to grant an authorisation—
  - (a) is to take effect only in accordance with this clause; and
  - (b) cannot be acted upon by the person who has been granted the authorisation unless and until the decision has been implemented in accordance with this clause.

### Policy Implications

Nil

### Financial Implications

Nil

### Strategic Implications

#### Local

- Strategic Community Plan 2017-2027

Focus area: Our community

Objective: S1.1 An active and supportive community

Strategy: S1.1.1 Develop and enhance existing recreation and social facilities for local communities (recreational and sporting facilities to service the growing population in the Lower Chittering/Muchea area)

#### State

Nil

### Site Inspection

Not applicable

### Triple Bottom Line Assessment

#### Economic implications

There are no specific economic implications of this decision, however, without a self-supporting loan in place, the outcome of the Chittering Community Complex will change. The outcome of this change will have an economic impact on the Shire.

#### Social implications

There are no specific social implications of this decision, however, without a self-supporting loan in place, the outcome of the Chittering Community Complex will change. The outcome of this change will have an economic impact on the Shire.

#### Environmental implications

There are no known significant environmental implications associated with this proposal.

### Officer Comment/Details

Under the *Shire of Chittering Local Government (Council Meetings) Local Law 2014* it is not possible to revoke the earlier decisions made by Council in regards to the self-supporting loan between Immaculate Heart College and the Shire of Chittering as notice of the decision had already been communicated to a person affected by the decision, in this case the school and other actions had been taken to give effects to the decision, most notably the development of a self-supporting loan agreement.

A recommendation has been provided that allows for the same effect of revoking the decision, by removing authorisations given to the President and Chief Executive Officer, while abiding by Council's Local Laws.

### OFFICER RECOMMENDATION

Moved Cr Angus / Seconded Cr Hughes

That Council:

1. Withdraw the Authorisation given to the Chief Executive Officer under Council Resolution 080519 to finalise self-supporting loan agreement between the Shire of Chittering and Immaculate Heart College;
2. Withdraw the Authorisation given to the President and Chief Executive Officer under Council Resolution 110419 to apply the Common Seal and to sign the Self-Supporting Loan Agreement on the Shire of Chittering's behalf; and
3. Requires the Chief Executive Officer to cease all efforts to finalise a self-supporting loan agreement between Immaculate Heart College and the Shire of Chittering.

### AMENDMENT

Moved Cr Gibson / Seconded Cr Davies

That the following condition be added to the recommendation:

4. Authorise the Chief Executive Officer and President to negotiate part of the BBRF Grant to upgrade existing facilities in the area.

### *Cr Gibson provided the following reasons:*

*If Council can rescue or salvage something from this grant we will be doing well, but obviously it will be less than half their original grant, so the only thing we can deal with the moment with the funds that we have got.*

**MOTION / COUNCIL RESOLUTION 010120**

Moved Cr Hughes / Seconded Cr Angus

That Council suspend *Local Government (Council Meetings) Local Law 2014, Part 8 – Conduct of Members* to allow for free and open debate.

**CARRIED 7/0**

6:17PM

**AMENDMENT**

Moved Cr Gibson / Seconded Cr Davies

That the following condition be added to the recommendation:

4. Authorise the Chief Executive Officer and President to negotiate part of the BBRF Grant to upgrade existing facilities in the area.

**AMENDMENT WAS WITHDRAWN BY THE MOVER**

**MOTION / COUNCIL RESOLUTION 020120**

Moved Cr Angus / Seconded Cr Hughes

That Council resume the meeting in accordance with *Local Government (Council Meetings) Local Law 2014, Part 8 – Conduct of Members*.

**CARRIED 7/0**

6:18PM

**5.1 OFFICER RECOMMENDATION / COUNCIL RESOLUTION 030120**

Moved Cr Angus / Seconded Cr Hughes

That Council:

1. Withdraw the Authorisation given to the Chief Executive Officer under Council Resolution 080519 to finalise self-supporting loan agreement between the Shire of Chittering and Immaculate Heart College;
2. Withdraw the Authorisation given to the President and Chief Executive Officer under Council Resolution 110419 to apply the Common Seal and to sign the Self-Supporting Loan Agreement on the Shire of Chittering's behalf; and
3. Requires the Chief Executive Officer to cease all efforts to finalise a self-supporting loan agreement between Immaculate Heart College and the Shire of Chittering.

**CARRIED 7/0**

6:18PM

## 6. MEETING CLOSED TO THE PUBLIC

### 6.1 Matters for which the meeting may be closed

#### 6.1 OFFICER RECOMMENDATION / COUNCIL RESOLUTION 040120

Moved Cr Angus / Seconded Cr Ross

That Council moves into a confidential session to discuss items:

- 6.1 'Disposal of Property: Lot 7 (RN 131) Muchea East Road, Muchea'; and
- 6.2 'Procurement – IT Support Services'

under the terms of the *Local Government Act 1995, Section 5.23(2)*:

*(2) If a meeting is being held by a Council or a committee, the Council or committee may close to members of the public the meeting, or part of the meeting, if the meeting or part of the meeting deals with the following:*

*(e) a matter that if disclosed, would reveal —*

- (i) a trade secret; or*
- (ii) information that has a commercial value to a person; or*
- (iii) information about the business, professional, commercial or financial affairs of a person,"*

**CARRIED 7/0**

6:19PM

#### 6.1.1 Disposal of Property: Lot 7 (RN 131) Muchea East Road, Muchea

##### Reason for confidentiality

***Local Government Act 1995, Section 5.23(2)(c) and (e) Meetings generally open to public***

*"(2) If a meeting is being held by a council or a committee, 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:*

*(e) a matter that if disclosed, would reveal —*

- (i) a trade secret; or*
- (ii) information that has a commercial value to a person; or*
- (iii) information about the business, professional, commercial or financial affairs of a person,"*

#### 6.1.2 Procurement - IT Support Services

##### Reason for confidentiality

***Local Government Act 1995, Section 5.23(2)(c) and (e) Meetings generally open to public***

*"(2) If a meeting is being held by a council or a committee, 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:*

*(e) a matter that if disclosed, would reveal —*

- (i) a trade secret; or*
- (ii) information that has a commercial value to a person; or*
- (iii) information about the business, professional, commercial or financial affairs of a person,"*

## 6.2 Public reading of resolution that may be made public

The meeting was reopened to the general public at 6:39PM, however no members of the public returned to the meeting, therefore the resolutions of Council were not read aloud.

### 6.1.1 OFFICER RECOMMENDATION / COUNCIL RESOLUTION 050120

Moved Cr Angus / Seconded Cr Osborn

That Council:

1. Accept the offer from Alan Barnes of AUD\$325,000 (plus GST) for Lot 7 (RN 131) Muehea East Road, Muehea.
2. Declare that the valuation carried out on 30 July 2019, valuing the property at \$325,000, is believed to be a true indication of the current value of Lot 7 (RN 131) Muehea East Road, Muehea.
3. Authorises the Chief Executive Officer to dispose of Lot 7 (RN 131) Muehea East Road, Muehea in accordance with s.3.58(3)(a); and
  - a. If there are no submissions resultant from the public advertising period, proceed with the disposal of the property; or
  - b. If there are submissions, a further report is to be presented to Council for consideration.

**CARRIED 7/0**  
6:21PM

### 6.1.2 OFFICER RECOMMENDATION / COUNCIL RESOLUTION 060120

Moved Cr Osborn / Seconded Cr Ross

That Council appoints Avantgarde Technologies for the provision of IT Support Services for a period of 36 months at a total contract price of \$195,840.

**CARRIED 7/0**  
6:38PM

## 7. CLOSURE

The Presiding Member declared the meeting closed at 6:39PM.