



Special Meeting of Council

Minutes

14 May 2013

MINUTES OF SPECIAL MEETING OF COUNCIL
HELD IN COUNCIL CHAMBERS ON 14 MAY 2013

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 made by the Council.

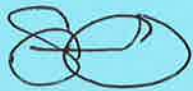
The "Confirmed" Minutes are then signed off by the Presiding Person.

Attachments that formed part of the Agenda, in addition to those tabled at the Council Meeting are put together as an addendum to these Minutes with the exception of Confidential Items.

Confidential Items or attachments that are confidential are compiled as separate Confidential Minuted Agenda Items.

Unconfirmed Minutes

These minutes were approved for distribution on 15 May 2013.



Stan Scott
CHIEF EXECUTIVE OFFICER

15 May 2013.

Confirmed Minutes

These minutes were confirmed at a meeting held on 21 May 2013.

Signed: 

Presiding person at the meeting at which the minutes were confirmed.

21 May 2013.



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	Consider contractual arrangements for the acquisition of land for recreation purposes; and	
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	Agree to representation at the proposed Public Meeting in Toodyay of 18 May 2013 to discuss landfill projects in the Avon Region.	
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Shire of Toodyay

SPECIAL MEETING – 14 MAY 2013

MINUTES

1. DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

The Shire President declared the meeting open at 6.24 pm.

2. RECORDS OF ATTENDANCE

Members

Cr K Hogg	Shire President
Cr P Greenway	
Cr C Firns	
Cr S Craddock	
Cr R Madacsi	
Cr A McCann	
Cr D Dow	

Staff

Mr S Scott	Chief Executive Officer
Mrs M Rebane	Executive Assistant

Visitors

Nil.

2.1 APOLOGIES

Cr J Prater	Deputy Shire President
Cr B Lloyd	

3. DISCLOSURE OF INTERESTS

Nil

4. PUBLIC QUESTIONS (relating to the purpose of the meeting)

Nil

**5. PETITIONS / DEPUTATIONS / PRESENTATIONS / SUBMISSIONS
(relating to the purpose of the meeting)**

5.1 Petitions

Nil.

5.2 Deputations

Nil.

5.3 Presentations

Nil.

5.4 Submissions

Nil.

6. PURPOSE

6.1 Purchase of Land for Recreation Purposes

COUNCIL RESOLUTION NO 125/05/13

MOVED Cr Dow

That Standing Orders be suspended so that Elected Members can remain seated during the course of the meeting.

MOTION CARRIED 7/0

COUNCIL RESOLUTION NO 126/05/13

MOVED Cr Dow

That Standing Orders be suspended to permit full and frank discussion in relation to the matter including the ability for an Elected Member to speak more than once.

MOTION CARRIED 7/0

Standing Orders were suspended at 6.28 pm.

COUNCIL RESOLUTION NO 127/05/13

MOVED Cr Dow

That Council move behind closed doors to deal with this matter confidentially in accordance with Section 5.23(2) (b), (c), (d), (e) and (f) of the *Local Government Act 1995*.

MOTION CARRIED 7/0

There were no members of the public present in Council Chambers however the doors to Council Chambers were closed at 6.29 pm.

COUNCIL RESOLUTION NO 128/05/13

MOVED Cr Dow

That Council notes the successful negotiation for the purchase of the land in Foggarthorpe estate as identified in the attached contract.

MOTION CARRIED 7/0

COUNCIL RESOLUTION NO 129/05/13

MOVED Cr Dow

That Council endorses the contract conditions subject to clarification of Clause 5A to reflect the intent below:

Clause 5A *The buyer and the seller are to equally share the tendered cost of completion of the road and the associated drainage, as is cross hatched on the attached plan being Annexure B, taking full account of the existing drainage already installed by the seller. This requirement will be achieved as follows:*

- (i) The buyer will invite public tenders for the completion of the road and the agreed contribution will be based on the cheapest compliant tender from a WALGA preferred supplier;*
- (ii) The existing drainage on that road cost \$27,000; and*
- (iii) On completion of the road construction the seller will pay to the buyer, within 30 days of the invoice, an amount calculated as a one half share of the tendered cost of the road and drainage minus the cost of the drainage already installed – that is 50% of {(i) + (ii)} minus (ii).*

MOTION CARRIED 7/0

COUNCIL RESOLUTION NO 130/05/13

MOVED Cr Dow

That Council move from behind closed doors.

MOTION CARRIED 7/0

The Council Chambers were re-opened at 8.40 pm. No members of the public entered Council Chambers and therefore the resolution made behind closed doors was not read aloud.

Cr McCann departed Council Chambers at 8.40 pm.

Cr McCann returned to Council Chambers at 8.41 pm.

6.2 Representation at Proposed Public Meeting, 18 May 2013 - Landfill

Cr Madacsi declared an impartiality interest in relation to the Agenda Item 6.2 Representation at Proposed Public Meeting, 18 May 2013 – Landfill as she has been assisting the Proponent in relation to the public meeting. The assistance has included advice in relation to sources of persons who may be approached as speakers, providing general information and the extent of her interest would be that she would be speaking at the meeting as a resident. Cr Madacsi advised that she declared this interest in the form of a written notice to the Chief Executive Officer and advised that she would consider the matter on its merits **and vote accordingly.**

The Shire President advised that he would not be declaring an interest in the form of a written notice because the question of the report was not to do with **an Issue of Planning Approval in relation to Opalvale; the question of the report related to permitting Cr Firms to speak on behalf of Council.**

Signed:  Cr K Hogg - Shire President
Date: 20.5.13

COUNCIL RESOLUTION NO 131/05/13

MOVED Cr Firms

That Council move behind closed doors to deal with this matter confidentially in accordance with Section 5.23(2) (d), and (e) of the *Local Government Act 1995*.

MOTION CARRIED 7/0

There were no members of the public present in Council Chambers however the doors to Council Chambers were closed at 8.50 pm.

Cr Firms departed Council Chambers at 9.02 pm.

COUNCIL RESOLUTION NO 132/05/13

MOVED Cr Dow

That Council:

1. Appoint Councillor Firms to speak on behalf of Council at the Public Meeting in the Toodyay Memorial Hall on Saturday 18 May 2013; and
2. Determine under Section 5.96 (7) of the *Local Government Act 1995* that the details of Council's deliberations in relation to the Opal Vale Class II landfill proposal be no longer considered confidential and may be available to the public excluding legal advice and correspondence requested by the provider to be confidential.

MOTION CARRIED 6/0

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COUNCIL RESOLUTION NO 133/05/13

MOVED Cr Greenway

That Council move from behind closed doors.

MOTION CARRIED 6/0

The Council Chambers were re-opened at 9.18 pm. No members of the public returned to the Council Chambers and therefore the resolution made behind closed doors was not read aloud.

Cr Firms returned to Council Chambers at 9.18 pm.

COUNCIL RESOLUTION NO 134/05/13

MOVED Cr Dow

That Standing Orders be resumed.

MOTION CARRIED 7/0

Standing orders were resumed at 9.19 pm.

7. CLOSURE OF MEETING

The Shire President declared the meeting closed at 9.20 pm.

Signed: 
Cr K Hogg - Shire President
Date: 21.5.13

