

SHIRE OF WANDERING MINUTES



**16 August
2018**

ORDINARY COUNCIL MEETING

Minutes for the Ordinary Council Meeting held on Thursday

16 August, 2018 at 3.30pm.

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Notice of Meeting

The next Ordinary Council Meeting for the Shire of Wandering will be held on Thursday 16 August, 2018 in the Council Chambers, 18 Watts Street, Wandering commencing at 3.30pm.

A handwritten signature in black ink, appearing to read 'Amanda O'Halloran', is written over a light blue circular stamp.

Amanda O'Halloran
Chief Executive Officer

DISCLAIMER

The recommendations contained in the Agenda are subject to confirmation by Council. The Shire of Wandering warns that anyone who has any application lodged with Council must obtain and should only rely on written confirmation of the outcomes of the application following the Council meeting, and any conditions attaching to the decision made by the Council in respect of the application. No responsibility whatsoever is implied or accepted by the Shire of Wandering for any act, omission or statement or intimation occurring during a Council meeting.

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1. DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS

The President declared the meeting open at 3.33pm

VISITORS

Nil

2. RECORD OF ATTENDANCE/APOLOGIES/LEAVE OF ABSENCE

Councillors:

Cr B Whitely	President
Cr C Ferguson	Deputy President
Cr G Parsons	
Cr I Turton	
Cr M Watts	

LEAVE OF ABSENCE

CR J Price

Staff:

A O'Halloran	Chief Executive Officer
M Treasure	Manager of Communities (minutes)

3. DISCLOSURE OF INTERESTS

DECLARATION OF INTERESTS (NOTES FOR YOUR GUIDANCE) (updated 13 March 2000)

A member who has a Financial Interest in any matter to be discussed at a Council or Committee Meeting, which will be attended by the member, must disclose the nature of the interest:

- (a) In a written notice given to the Chief Executive Officer before the Meeting or;
- (b) At the Meeting, immediately before the matter is discussed.

A member, who makes a disclosure in respect to an interest, must not:

- (c) Preside at the part of the Meeting, relating to the matter or;
- (d) Participate in, or be present during any discussion or decision-making procedure relative to the matter, unless to the extent that the disclosing member is allowed to do so under Section 5.68 or Section 5.69 of the Local Government Act 1995.

NOTES ON FINANCIAL INTEREST (FOR YOUR GUIDANCE)

The following notes are a basic guide for Councillors when they are considering whether they have a Financial Interest in a matter. I intend to include these notes in each agenda for the time being so that Councillors may refresh their memory.

1. A Financial Interest requiring disclosure occurs when a Council decision might advantageously or detrimentally affect the Councillor or a person closely associated with the Councillor and is capable of being measured in money terms. There are exceptions in the Local Government Act 1995 but they should not be relied on without advice, unless the situation is very clear.
2. If a Councillor is a member of an Association (which is a Body Corporate) with not less than 10 members i.e. sporting, social, religious etc., and the Councillor is not a holder of office of profit or a guarantor, and has not leased land to or from the club, i.e. if the Councillor is an ordinary member of the Association, the Councillor has a common and not a financial interest in any matter to that Association.

3. If an interest is shared in common with a significant number of electors or ratepayers, then the obligation to disclose that interest does not arise. Each case needs to be considered.
4. If in doubt declare.
5. As stated in (b) above, if written notice disclosing the interest has not been given to the Chief Executive Officer before the meeting, then it **MUST** be given when the matter arises in the Agenda, and immediately before the matter is discussed.
6. Ordinarily the disclosing Councillor must leave the meeting room before discussion commences. The only exceptions are:
 - 6.1 Where the Councillor discloses the extent of the interest, and Council carries a motion under s.5.68(1)(b)(ii) or the Local Government Act; or
 - 6.2 Where the Minister allows the Councillor to participate under s5.69 (3) of the Local Government Act, with or without conditions.

INTERESTS AFFECTING IMPARTIALITY

DEFINITION: An interest that would give rise to a reasonable belief that the impartiality of the person having the interest would be adversely affected, but does not include an interest as referred to in Section 5.60 of the 'Act'.

A member who has an Interest Affecting Impartiality in any matter to be discussed at a Council or Committee Meeting, which will be attended by the member, must disclose the nature of the interest;

- (a) in a written notice given to the Chief Executive Officer before the Meeting; or
- (b) at the Meeting, immediately before the matter is discussed.

IMPACT OF AN IMPARTIALITY CLOSURE

There are very different outcomes resulting from disclosing an interest affecting impartiality compared to that of a financial interest. With the declaration of a financial interest, an elected member leaves the room and does not vote.

With the declaration of this new type of interest, the elected member stays in the room, participates in the debate and votes. In effect then, following disclosure of an interest affecting impartiality, the member's involvement in the Meeting continues as if no interest existed.

4. PUBLIC QUESTION TIME

Letter from Mrs K Turton

5. APPLICATIONS FOR LEAVE OF ABSENCE

6. CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

6.1 PREVIOUS COUNCIL MEETINGS AND BUSINESS ARISING FROM MINUTES

6.1.1 ORDINARY COUNCIL MEETING

Minutes of the Shire of Wandering Ordinary Council Meeting held on Thursday 26 July 2018

ATTACHMENT 6.1.1

COUNCIL DECISION – ITEM 6.1

MOVED: Cr Watts

SECONDED: Cr Ferguson

That the Minutes of the Shire of Wandering Ordinary Council Meeting held on Thursday 26 July 2018 (Attachment 6.1.1) be confirmed as a true and correct record.

CARRIED 5/0

7. ANNOUNCEMENTS BY THE PRESIDING PERSON WITHOUT DISCUSSION

8. PETITIONS/DEPUTATIONS/PRESENTATIONS/SUBMISSIONS

Wandering Lions Club – Heritage and Nature Walk Trail 9am

- New signage for the Trail made and to be installed by the Wandering Lions Club presented to Council prior to the meeting by Lions Club member Mal Wilkins for their comment and information

Meeting with Regional Manager Pip Kirby from Wheatbelt Development Commission 9.20am

- Role of Department of Primary Industry and Regional Development discussed and key area for consideration going forward for Wandering.
- Information was provided regarding Commission's priorities and how best the Shire can support and engage in outcomes.

9. REPORTS OF COMMITTEES

The Shire Councillors and CEO attended the formal acknowledgement ceremony of the MOU between Peel-Harvey Catchment Council and the Shires of Boddington, Cuballing, Williams and Wandering today the 16 August 2018 at 11am. The presentation also included information regarding the Newmont commitment to the Hotham River and Environmental initiatives with the Peel Harvey Catchment Council over the next 5 years.

The MOU and recent commitments made by the Shires is such a positive forward step for improved environmental outcomes in the catchment and demonstrates a renewed commitment in this area. The Shire is very proud to be involved and looks forward to working together more positively in this area.

HWEDA AGM

The Shire hosted the Hotham Williams Economic Development Alliance Annual General Meeting. The Meeting was attended by Cr Whitely, Cr Watts, Cr Turton and the CEO. The Meeting had a fantastic turn out with over 15 representatives in attendance. Cr Greg Cavanagh continued on as Chair, but did state that this is likely to be his last year; Cr Whitely was elected Deputy Chair.

The Meeting was positive and outlined the way forward in regards to –

- Self-Drive Trail Project and the challenges yet to come for the group in regards to signage, ongoing management and quality control.
- Suez agreed to consider becoming a financial partner
- Key Priorities going forward for the group as a whole were discussed and ways to align the Membership Shires Town Planning Schemes to encourage Industrial Development were key topics.

Local Government Week 2018

The week of the 31 July 2018 was Local Government Week in Perth – the Event was attended by Cr Whitely, Cr Watts, Cr Turton & CEO.

- Informative, great opportunity to strengthen connections, WALGA AGM , guest speakers relevant,
- Interaction between Councils and building on relationships were key outcomes of the event.
- Native Title and Reconciliation Presentations where a standout.

10. REPORTS OF OFFICERS

10.1 CHIEF EXECUTIVE OFFICER

10.1.1 USE OF COMMON SEAL AND ACTIONS PERFORMED UNDER DELEGATED AUTHORITY FOR THE MONTH OF JULY 2018

File Reference	1.1.29.1
Proponents:	Nil
Disclosure of Interest:	Nil
Date:	3 August 2018
Previously Before Council:	N/A
Authors Name & Position:	Monica Treasure, Manager of Communities

NATURE OF COUNCIL'S ROLE IN THE MATTER:

- Advocacy *When Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.*
- Executive *The substantial direction setting and oversight role of the Council e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.*
- Legislative *Includes adopting local laws, local planning schemes and policies.*
- Review *When Council reviews decisions made by Officers.*
- Quasi-judicial *When Council determines an application/matter that directly affects a person's rights and interests. The judicial character arises from the obligation to abide by the principles of natural justice e.g. local planning applications, building permits, other permits/licences (e.g. under Health Act, Dog Act or local laws) and other decisions that may be appealable to the State Administrative Tribunal (SAT).*

PURPOSE OF THE REPORT

The purpose of this agenda item is to report to Council for information, Use of the Common Seal and actions performed under delegated authority requiring referral to Council, for the month of July 2018.

BACKGROUND

Council has authorised the updated delegations register at the November 2017 Ordinary Meeting of Council. The procedure associated with the register is to report to Council the activities or actions that have been performed under the Delegated Authority. A report will be completed for Council at each meeting that identifies (1) use of the Common Seal, and (2) actions performed under the Delegated Authority requiring referral to Council as per the Shire of Wandering Delegated Authority Register 2017.

COMMENT/ DETAILS

Actions performed under delegation during July 2018 are provided below:

- **Food Stall Holders Licence:**
Thoroughfare Wandering Annual Fair 25th July 2018
- **Planning Approval:**
Nil
- **Building Licences Issued:**
BL 184 Ian and Tania Payne
Lot 24 Wandering Pingelly Road

Dwelling

Signed: Amanda O'Halloran CEO

BL185 – Denise Jervis and Michael Ellis
Lot 6 Pollard Rd, Wandering
Dwelling

Signed: Amanda O'Halloran CEO

BL 144 – Christine Gardiner
144 Charlton Road, Wandering
Extension for Dwelling

Signed: Amanda O'Halloran CEO

- **Health:**

- **Payments:**

- Payments made from the Municipal Account as per financial report at 10.4.1 of this Agenda.

CONSULTATION

Planning and Building Specialists City of Kalamunda
Environmental Health Officer

STATUTORY/ LEGAL ENVIRONMENT

Local Government Act 1995 Section 9.49A

POLICY IMPLICATIONS

Affixing the Shire of Wandering Common Seal Policy
Shire of Wandering Delegations Register 2016
Purchasing and Tendering Policy

FINANCIAL IMPLICATIONS

Nil – all payments have been approved in the 2018/19 Annual Budget.

STRATEGIC IMPLICATIONS

Community Strategic Plan 2013-2023

Goal 5 – A strong and effective Organisation

Strategic Community Plan			
Outcome	Strategies	Strategies	
5.2	Accountable decision making and resource allocation through effective governance.	5.2.1	Ensure the Council's decision making process is effective and transparent.
		5.2.2:	Ensure that the organisation's governance structure, policies and procedures are current and relevant.

VOTING REQUIREMENT

Simple Majority

OFFICER RECOMMENDATION

That Council **ACCEPT** the report "Use of Common Seal and Actions Performed under Delegated Authority" for the month of July 2018.

COUNCIL DECISION – ITEM 10.1.1

MOVED: Cr Turton

SECONDED: Cr Ferguson

That Council **ACCEPT** the report "Use of Common Seal and Actions Performed under Delegated Authority" for the month of July 2018.

CARRIED 5/0

10.1.2 COUNCIL ENDORSEMENT OF THE WHEATBELT SECONDARY FREIGHT ROUTES PROJECT

File Reference	33.1.24
Proponents:	Nil
Disclosure of Interest:	Nil
Date:	6 August 2018
Previously Before Council:	Nil
Authors Name & Position:	Amanda O'Halloran
Attachments:	10.1.2.1 Briefing Note – Wheatbelt Secondary Freight Route

NATURE OF COUNCIL'S ROLE IN THE MATTER:

- Advocacy *When Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.*
- Executive *The substantial direction setting and oversight role of the Council e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.*
- Legislative *Includes adopting local laws, local planning schemes and policies.*
- Review *When Council reviews decisions made by Officers.*
- Quasi-judicial *When Council determines an application/matter that directly affects a person's rights and interests. The judicial character arises from the obligation to abide by the principles of natural justice e.g. local planning applications, building permits, other permits/licences (e.g. under Health Act, Dog Act or local laws) and other decisions that may be appealable to the State Administrative Tribunal (SAT).*

PURPOSE OF THE REPORT

At the most recent meeting of the WBS RRG it was requested that all Council's reaffirm their commitment to the Wheatbelt Secondary Freight Project and commit \$6,000 in their 18/19 budgets as the required co-contribution from all 42 (Forty Two) LG's. This co-contribution is required to secure funds to undertake the detailed planning and design works which enable the Wheatbelt South and Wheatbelt North Regional Road Groups to have a level 4 (four) Infrastructure Australia submission prepared.

BACKGROUND

The Wheatbelt Secondary Freight Route (WSFR) Project has been driven by local government authorities associated with the Wheatbelt South (WBS) and Wheatbelt North (WBN) Regional Road Groups (RRG) since mid-2016. The project stemmed from considerable work undertaken by both WBS & WBN in an attempt to improve connectivity through our RRG funding and road projects. This mapping process started in 2014, once the RRG together with Main Roads identified that improving the connectivity was a major project that would bring significant economic benefit to the Agricultural Region a working group was formed and Regional Development Australia via Juliet Grist helped the Groups obtain initial funding to further progress this as a regional road project. The last two and half years have seen considerable work undertaken by all 42 LG's and the working group to get this project to a point where they are starting to have constructive and positive meetings with the State Government, Federal Government, Infrastructure Australia, Freight & Logistics Council WA, CBH and other key stakeholders.

COMMENT/ DETAILS

The Regional Road Group is requesting that all LG's present the motion as is below, the intent is to have 42 LG's adopt the exact same position, so that the Project can continue to present a united front. It is this

collaboration and agreement that is getting the Project significant traction both at a Federal and State Government Level. It is intended that the Chair of WBS RRG receives documentation confirming the motion that was passed by council.

CONSULTATION

Shire President – RRG Delegate

Deputy Shire President – RRG Attendee

Shire Councillors have been updated accordingly as information is available

STATUTORY/ LEGAL ENVIRONMENT

Nil

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

The Shire of Wandering hasn't directly allocated funds in the 2018/19 Budget to support this requirement, however there is sufficient funds in the Rural Road Maintenance Fund should the funds be required this financial year to meet this requirement.

STRATEGIC IMPLICATIONS

Community Strategic Plan 2013-2023

Goal 2 A Robust and Diverse Rural Economy

Strategic Community Plan			
Outcome	Strategies		
2.3	A strong and resilient agricultural sector	2.3.1	Promote the Wandering region as a significant agricultural region

Goal 4 Infrastructure and Services that Are Well, Planned and Delivered

Strategic Community Plan			
Outcome	Strategies		
4.1	Infrastructure that is well constructed, maintained and utilised	4.1.1	Maintain and further develop roads at appropriate standards

Goal 5 – A strong and effective Organisation

Strategic Community Plan			
Outcome	Strategies	Strategies	
5.2	Accountable decision making and resource allocation through effective governance.	5.2.1	Ensure the Council's decision making process is effective and transparent.
		5.2.2:	Ensure that the organisation's governance structure, policies and procedures are current and relevant.

VOTING REQUIREMENT

Absolute Majority

OFFICER' S RECOMMENDATION

That Council:

1. Notes the Secondary Freight Routes Project Development report;
2. Supports the strategic intent of the Secondary Freight Routes project;
3. Authorises the Chief Executive Office to prepare and sign a letter of support in favour of an application for Federal Government Funding under the Building Better Regions Program to develop the Secondary Freight project; and
4. Endorses an allocation of [\$6,000] in 2018/19 Annual Budget to co-fund Secondary Freight Route Project development subject to a successful Building Better Regions Program application.

COUNCIL DECISION – ITEM 10.1.2

MOVED: Cr Ferguson

SECONDED: Cr Watts

That Council:

1. Notes the Secondary Freight Routes Project Development report;
2. Supports the strategic intent of the Secondary Freight Routes project;
3. Authorises the Chief Executive Office to prepare and sign a letter of support in favour of an application for Federal Government Funding under the Building Better Regions Program to develop the Secondary Freight project; and
4. Endorses an allocation of [\$6,000] in 2018/19 Annual Budget to co-fund Secondary Freight Route Project development subject to a successful Building Better Regions Program application.

CARRIED 5/0

10.2 BUILDING AND PLANNING REPORTS

Nil

10.3 COMMUNITY SERVICES REPORTS

Nil

10.4 CORPORATE SERVICES

10.4.1 FINANCIAL STATEMENTS FOR THE PERIOD ENDED 31 JULY 2018

File Reference	10.1.16
Proponents:	Nil
Disclosure of Interest:	Nil
Date:	9 August 2018
Previously Before Council:	N/A
Authors Name & Position:	Cara Ryan, Finance Manager
Attachments:	10.4.1.1 Monthly Financial Report 10.4.1.2 Bank Reconciliations, Bank Statements (Muni A/C) 10.4.1.3 Bank Reconciliations, Bank Statements (Invest A/C) 10.4.1.4 Bank Reconciliations, Bank Statements (Trust A/C) 10.4.1.5 Credit Card Statement 10.4.1.6 List of Payments

NATURE OF COUNCIL'S ROLE IN THE MATTER:

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PURPOSE OF THE REPORT

In accordance with Regulation 34 of the *Local Government (Financial Management) Regulations 1996*, the Shire is to prepare a monthly Statement of Financial Activity for consideration by Council.

Monthly Financial Report, Payment Listing and Bank Reconciliation for the month of July 2018 are presented for Council's consideration.

BACKGROUND

In accordance with Local Government (Financial Management) Regulation 1996 34(1), local governments are required to prepare each month, a statement of financial activity reporting on revenue and expenditure for the month in question.

The statement of financial activity is to be presented at an ordinary meeting of Council within two (2) months after the end of the month to which the statement relates.

COMMENT/ DETAILS

Council is requested to accept the Monthly Financial Report, Bank Reconciliation and List of payment for the period ended 31 July 2018, as presented.

Monthly Financial Report 31 July 2018	ATTACHMENT 10.4.1.1
Bank Reconciliations & Bank Statements (Muni A/C) 31 July 2018	ATTACHMENT 10.4.1.2
Bank Reconciliations & Bank Statements (Investment A/C) 31 July 2018	ATTACHMENT 10.4.1.3
Bank Reconciliations & Bank Statements (Trust A/C) 31 July 2018	ATTACHMENT 10.4.1.4
Credit Card Statement 31 July 2018	ATTACHMENT 10.4.1.5
List of Payments 31 July 2018	ATTACHMENT 10.4.1.6

CONSULTATION

Finance Officer
Chief Executive Officer

STATUTORY/ LEGAL ENVIRONMENT

Section 6.4 Local Government Act 1995, Part 6 – Financial Management, and regulation 34 Local Government (Financial Management) Regulation 1996.

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Financial implications and performance to budget are reported to Council on a monthly basis.

STRATEGIC IMPLICATIONS

Community Strategic Plan 2013-2023

Goal 5 – A strong and Effective Organisation

Strategic Community Plan			
Outcome	Strategies	Strategies	
5.2	Accountable decision making and resource allocation through effective governance.	5.2.1	Ensure the Council’s decision making process is effective and transparent.
		5.2.3	Ensure appropriate funds are available to implement current and future action plans

VOTING REQUIREMENT

Simple Majority

OFFICER RECOMMENDATION

That Council:

1. Endorse all cheque, EFT, BPay, salary & wages, transport payments, transfers to investments, credit card payments and other direct debits and transfers as listed from the Municipal and Trust Fund totalling \$476,876.33 for the period ending for the periods ending 31 July 2018.
2. Receive the bank reconciliations & bank statements for the periods ended, 31 July 2018.
3. Receive the financial statements for the periods ended 31 July 2018.

COUNCIL DECISION – ITEM 10.4.1

MOVED: Cr Ferguson

SECONDED: Cr Parsons

That Council:

1. Endorse all cheque, EFT, BPay, salary & wages, transport payments, transfers to investments, credit card payments and other direct debits and transfers as listed from the Municipal and Trust Fund totalling \$476,876.33 for the period ending for the periods ending 31 July 2018.
2. Receive the bank reconciliations & bank statements for the periods ended, 31 July 2018.
3. Receive the financial statements for the periods ended 31 July 2018.

CARRIED 5/0

11. ELECTED MEMBERS MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

12. NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF MEETING

MOVED: Cr Turton

**SECONDED: Cr Watts
Carried 5/0**

12.1.2 NEW BUSINESS OF AN URGENT NATURE – PROPOSED SALE OF 1 MICHIBIN STREET, WANDERING

File Reference	2.1.18
Proponents:	Nil
Disclosure of Interest:	Nil
Date:	16 August 2018
Previously Before Council:	13.1.1 15 December 2016 10.1.7, 20 October 2016
Authors Name & Position:	Amanda O'Halloran CEO
Attachments:	12.1.2.1 Advertisement

NATURE OF COUNCIL'S ROLE IN THE MATTER:

- Advocacy *When Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.*
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- Review *When Council reviews decisions made by Officers.*
- Quasi-judicial *When Council determines an application/matter that directly affects a person's rights and interests. The judicial character arises from the obligation to abide by the principles of natural justice e.g. local planning applications, building permits, other permits/licences (e.g. under Health Act, Dog Act or local laws) and other decisions that may be appealable to the State Administrative Tribunal (SAT).*

PURPOSE OF THE REPORT

To authorise the CEO to proceed with advertising Councils intent to sell 1 Michibin Street, Wandering in accordance with the Local Government Act and the Offer of Sale received from Graham and Jemma Caldwell for \$175,000.00

BACKGROUND

At the 15 December Council Meeting Council endorsed the CEO to list 1 Michibin for Sale;

Council recommended the following –

- 1) *Endorse the concept of selling 1 Michibin Street, Wandering*
- 2) *A valuation of the land be obtained from an independent Valuer*
- 3) *The Chief Executive Officer negotiates with Landmark Harcourts Boddington to proceed with listing the property early in the New Year.*
- 4) *The Chief Executive Officer to bring all or any offer to a Special or Ordinary Meeting of Council to be considered, prior to any agreement being reached.*

Moved: Cr Ferguson

Seconded: Cr Gowland

Carried 7/0

COMMENT/ DETAILS

The Shire received a formal offer of sale from Graham and Jemma Caldwell on Tuesday 14 August 2018. The Offer is for \$175,000.00. It is proposed that Council consider the offer and during this process undertake the formal requirements of the Local Government Act, prior to a final acceptance being undertaken.

The provisions of the Local Government Act 1995 prescribe the manner in which a local government can dispose of property. The proposal to offer the property for sale via marketing by a Real Estate Agent follows the process outline in s3.58(3)&(4), rather than proceeding to public auction or public tender. The Council is required to seek a formal valuation and advertise the intent to sell the property in local newspapers and on notice boards.

It is proposed that Council endorses these actions to be undertaken by the CEO prior to final and formal acceptance of the Offer.

The closing date for public submissions will/ may fall before the September 2018 Ordinary Council Meeting once dates are finalised, the CEO will advise if a Special Meeting of Council is required.

ATTACHMENT 12.1.2.1

Council can then decide to proceed with the sale, subject to the consideration of any submissions being received during the consultation period.

CONSULTATION

Shire President

STATUTORY/ LEGAL ENVIRONMENT

3.58. Disposing of property

(1) *In this section —*

*dispose includes to sell, lease, or otherwise dispose of, whether absolutely or not;
property includes the whole or any part of the interest of a local government in property,
but does not include money.*

(2) *Except as stated in this section, a local government can only dispose of property to —*

(a) the highest bidder at public auction; or

(b) the person who at public tender called by the local government makes what is, in

the opinion of the local government, the most acceptable tender, whether or not it is the highest tender.

- (3) *A local government can dispose of property other than under subsection (2) if, before agreeing to dispose of the property —*
- (a) *it gives local public notice of the proposed disposition —*
 - (i) *describing the property concerned; and*
 - (ii) *giving details of the proposed disposition; and*
 - (iii) *inviting submissions to be made to the local government before a date to be specified in the notice, being a date not less than 2 weeks after the notice is first given; and*
 - (b) *it considers any submissions made to it before the date specified in the notice and, if its decision is made by the council or a committee, the decision and the reasons for it are recorded in the minutes of the meeting at which the decision was made.*
- (4) *The details of a proposed disposition that are required by subsection (3)(a)(ii) include —*
- (a) *the names of all other parties concerned; and*
 - (b) *the consideration to be received by the local government for the disposition; and*
 - (c) *the market value of the disposition —*
 - (i) *as ascertained by a valuation carried out not more than 6 months before the proposed disposition; or*
 - (ii) *as declared by a resolution of the local government on the basis of a valuation carried out more than 6 months before the proposed disposition that the local government believes to be a true indication of the value at the time of the proposed disposition.*
- (5) *This section does not apply to —*
- (a) *a disposition of an interest in land under the Land Administration Act 1997 section 189 or 190; or*
 - (b) *a disposition of property in the course of carrying on a trading undertaking as defined in section 3.59; or*
 - (c) *anything that the local government provides to a particular person, for a fee or otherwise, in the performance of a function that it has under any written law; or*
 - (d) *any other disposition that is excluded by regulations from the application of this section.*

In accordance with the legislation the following advertisement will be published in the Narrogin Observer and will be displayed on Local Notice Boards and on the Shire of Wanderings Website.

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

The Shire will incur costs to advertise and seek an up to date valuation. Quotes will be called for in regards to the valuation and the most appropriate utilised. Council has made provision for this expenditure to occur in the 2018/19 Annual Budget.

STRATEGIC IMPLICATIONS

Community Strategic Plan 2013-2023

Goal 5 – A strong and effective Organisation

Strategic Community Plan			
Outcome	Strategies	Strategies	
5.2	Accountable decision making and resource allocation through effective governance.	5.2.1	Ensure the Council's decision making process is effective and transparent.
		5.2.2:	Ensure that the organisation's governance structure, policies and procedures are current and relevant.

VOTING REQUIREMENT

Absolute Majority

COUNCIL DECISION - ITEM 12.1.2

MOVED: Cr Watts

SECONDED: Cr Parsons

OFFICER' S RECOMMENDATION

That Council:

1. Authorises the CEO to undertake Advertising advising the Community of Councils intent to dispose of No 1 Michibin Street, Wandering in accordance with Section 3.58 of the Local Government Act 1995.
2. Authorises the CEO to undertake a formal valuation of the property and include the final valuation in all advertising in accordance with Section 3.58 of the Local Government Act 1995.
3. Directs the CEO to present submissions received and the formal offer to the Council for further consideration at the earliest possible occasion.

CARRIED 5/0

13. CONFIDENTIAL ITEMS

Nil

14. TIME AND DATE OF NEXT MEETING

Next Ordinary Council meeting to be held on 20 September, 2018 at 3:30pm.

15. CLOSURE OF MEETING

The Shire President declared the meeting closed at 4.38pm

These Minutes were confirmed at the Ordinary Council Meeting on Thursday 20 September 2018.

Signed:

Presiding Person at the meeting at which the minutes were confirmed

Date: