



*Shire of*  
**Koorda**

*Drive in, stay awhile*

# MINUTES

## Ordinary Council Meeting

Held in Shire of Koorda Council Chambers

10 Haig Street, Koorda WA 6475

Wednesday 17 August 2022

Commencing 5.00pm

CONFIRMED

## NOTICE OF MEETING

Dear Elected Members,

Notice is hereby given that the next Ordinary Meeting of Council of the Shire of Koorda will be held on Wednesday 17 August 2022 in the Shire of Koorda Council Chambers, 10 Haig Street, Koorda.

The format of the day will be:

5.00pm	Council Meeting
Following conclusion of Council Meeting	Council Forum

Darren Simmons  
Chief Executive Officer  
12 August 2022

## DISCLAIMER

No responsibility whatsoever is implied or accepted by the Shire of Koorda for any act, omission or statement or intimation occurring during Council or Committee meetings.

The Shire of Koorda disclaims any liability for any loss whatsoever and howsoever caused arising out of reliance by any person or legal entity on any such act, omission or statement or intimation occurring during Council or Committee meetings.

Any person or legal entity who acts or fails to act in reliance upon any statement, act or omission made in a Council or Committee meeting does so at that person's or legal entity's own risk.

In particular and without derogating in any way from the broad disclaimer above, in any discussion regarding any planning application or application for a license, and statement or intimation of approval made by a member or officer of the Shire of Koorda during the course of any meeting is not intended to be and is not to be taken as notice of approval from the Shire of Koorda.

The Shire of Koorda warns that anyone who has any application lodged with the Shire of Koorda must obtain and should only rely on **written confirmation** of the outcome of the application, and any conditions attaching to the decision made by the Shire of Koorda in respect of the application.

To be read aloud if any member of the public is present.

Signed



Darren Simmons  
Chief Executive Officer

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**Shire of Koorda  
Ordinary Council Meeting  
5.00pm, Wednesday 17 August 2022**



**1. Declaration of Opening**

The Presiding person welcomes those in attendance and declares the meeting open at 5.00pm.

**2. Record of Attendance, Apologies and Leave of Absence**

**Councillors:**

Cr JM Stratford	President
Cr GL Boyne	
Cr GW Greaves	
Cr LC Smith	

**Staff:**

Mr DJ Simmons	Chief Executive Officer
Miss L Foote	Deputy Chief Executive Officer

**Members of the Public:**

**Apologies:**

Cr NJ Chandler

**Approved Leave of Absence:**

Cr BG Cooper

**3. Public Question Time**

**4. Disclosure of Interest**

CEO Darren Simmons disclosed an interest affecting impartiality in item *12.2 Offer to purchase vacant Shire-owned property at Lot 28 (36) Allenby Street, Koorda* as the submission being considered is from Shire employees.

**5. Applications for Leave of Absence**

**6. Petitions and Presentations**

## 7. Confirmation of Minutes from Previous Meetings

### 7.1. Ordinary Council Meeting held on 20 July 2022

[Click here to view the previous minutes](#)

**Voting Requirements**     Simple Majority     Absolute Majority

#### Officer Recommendation Resolution 010822

Moved CR GW Greaves

Seconded CR GL Boyne

That, in accordance with Sections 5.22(2) and 3.18 of the *Local Government Act 1995*, the Minutes of the Ordinary Council Meeting held 20 July 2022, as presented, be confirmed as a true and correct record of proceedings.

CARRIED 4/0

## 8. Minutes of Committee Meetings to be Received

### 8.1. Local Emergency Management Committee Meeting Minutes for meeting held 28 July 2022

[Click here to view](#)

**Voting Requirements**     Simple Majority     Absolute Majority

#### Officer Recommendation Resolution 020822

Moved CR GW Greaves

Seconded CR LC Smith

That, in accordance with Sections 5.22(2) and 3.18 of the *Local Government Act 1995*, Council receives the Minutes of the Local Emergency Management Committee Meeting held 28 July 2022, as tabled.

CARRIED 4/0

**8.2. NEWROC Council Meeting Minutes for meeting held 26 July 2022**

[Click here to view](#)

**Voting Requirements**     Simple Majority     Absolute Majority

**Officer Recommendation  
Resolution 030822**

**Moved CR GL Boyne**

**Seconded CR LC Smith**

That, in accordance with Sections 5.22(2) and 3.18 of the *Local Government Act 1995*, Council receives the Minutes of the NEWROC Council Meeting held 26 July 2022, as tabled.

**CARRIED 4/0**

**8.3. Wheatbelt North Regional Road Group Meeting Minutes for meeting held 28 February 2022 (Including August 2022 Report)**

[Click here to view](#)

**Voting Requirements**     Simple Majority     Absolute Majority

**Officer Recommendation  
Resolution 040822**

**Moved CR GW Greaves**

**Seconded CR GL Boyne**

That, in accordance with Sections 5.22(2) and 3.18 of the *Local Government Act 1995*, Council receives the Minutes of the Wheatbelt North Regional Road Group Meeting held 28 February 2022, as tabled.

**CARRIED 4/0**

**9. Recommendations from Committee Meetings for Council Consideration**

## 10. Announcements by the President without Discussion

### CEO decisions made under delegated authority since last Ordinary Meeting of Council

Applicant	Date received / Details of application	Address	Estimated project cost / Shire planning fee	Decision / Date
CBH Group	6 July 2022 / Development approval for two (2) new open bulkheads for emergency grain storage	Lot 21 Felgate and Stockyard Road, Koorda	\$1.2 million / \$3,499	Approved (with conditions) / 27 July 2022

The President extended sympathies to the:


- Hollins family on the passing of Alan, a former Councillor and Deputy Shire President
- Owens family on the passing of June, long time Mollerin resident and Mollerin Shop owner
- Arrow family on the passing of Fluer

The President extended congratulations to Carl Fuchsbichler, Lynne Cooke and Josh Smith who were awarded life membership to the Koorda Football Club at the Winter Sports Medal Count.

The President acknowledged and congratulated Staff on the presentation of Shire facilities over the Semi-finals weekend (13 August 2022).

## 11. OFFICER'S REPORTS – CORPORATE & COMMUNITY

### 11.1. Monthly Financial Statements

Corporate and Community		
<b>Date</b>	11 August 2022	
<b>Location</b>	Not Applicable	
<b>Responsible Officer</b>	Lana Foote, Deputy Chief Executive Officer	
<b>Author</b>	As above	
<b>Legislation</b>	<i>Local Government Act 1995; Local Government (Financial Management) Regulations 1996</i>	
<b>Disclosure of Interest</b>	Nil	
<b>Purpose of Report</b>	<input type="checkbox"/> Executive Decision <input checked="" type="checkbox"/> Legislative Requirement <input type="checkbox"/> Information	
<b>Attachments</b>	<a href="#">June 2022 Financial Activity Statement</a>	

#### Background:

This item presents the Statement of Financial Activity to Council for the period ending 30 June 2022.

Section 6.4 of the *Local Government Act 1995* requires a local government to prepare financial reports.

Regulations 34 and 35 of the *Local Government (Financial Management) Regulations 1996* set out the form and content of the financial reports, which have been prepared and presented to Council.

#### Comment:

In order to fulfil statutory reporting requirements and provide Council with a synopsis of the Shire of Koorda's overall financial performance on a year-to-date basis, the following financial information is included in the Attachment.

#### Statements of Financial Activity – Statutory Reports by Program and Nature or Type

The Statements of Financial Activity provide details of the Shire's operating revenues and expenditures on a year-to-date basis. The reports further include details of non-cash adjustments and capital revenues and expenditures, to identify the Shire's net current position.

#### Note 1 – Statement of Financial Activity

Notes supporting the Statement of Financial Activity by Program and by Nature and Type.

#### Note 2 – Cash and Financial Assets

This note provides Council with the details of the actual amounts in the Shire's bank accounts and/or investment accounts as at the reporting date.

#### Note 3 – Receivables

This note provides Council with both Rates Receivables and General Receivables outstanding as at the reporting date. This report has been expanded to further break down the detail of General Receivables.

#### Note 4 – Other Current Assets

This note provides details of other current assets that the Shire may hold.



Note 5 – Payables

This note provides details of Shire payables unpaid as at the reporting date. This Note is new to the financial statements.

Note 6 – Rate Revenue

This note provides details of rates levied during the year.

Note 7 – Disposal of Assets

This note gives details of the capital asset disposals during the year.

Note 8 – Capital Acquisitions

This note details the capital expenditure program for the year.

Note 9 – Cash Reserves

This note provides summary details of transfers to and from reserve funds, and associated interest earnings on reserve funds, on a year-to-date basis.

Note 10 – Other Current Liabilities

This note outlines any provisions the Shire has on hand relative to other current liabilities.

Note 11 – Operating Grants and Contributions Received

This note provides information on operating grants received.

Note 12 – Non-Operating Grants and Contributions

This note provides information on non-operating grants received.

Note 13 – Trust Fund

This note provides information on trust items received and paid.

Note 14 – Budget Amendments

This note provides detail of adopted budget amendments.

Note 15 – Explanation of Material Variances

Council adopted (in conjunction with the Annual Budget) a material reporting variance threshold of 10% and \$10,000. This note explains the reasons for any material variances identified in the Statements of Financial Activity at the end of the reporting period.

**Consultation:**

Darren Simmons, Chief Executive Officer.

**Statutory Implications:**

Council is required to adopt monthly statements of financial activity to comply with Regulation 34 of the *Local Government (Financial Management) Regulations 1996*.

**Policy Implications:**

Finances have been managed in accordance with the Shire of Koorda policies.

**Strategic Implications:**

Shire of Koorda Integrated Strategic Plan 2022

4.1.1 – Ensure the use of resources is effective, efficient and reported regularly.

**Voting Requirements:**     Simple Majority     Absolute Majority

**Officer Recommendation**  
**Resolution 050822**

**Moved CR GL Boyne**

**Seconded CR LC Smith**

**That Council, by Simple Majority, pursuant to Regulation 34 of the *Local Government (Financial Management) Regulations 1996*, receives the statutory Financial Activity Statement report for the period ending 30 June 2022, as presented.**

**CARRIED 4/0**

CONFIRMED

## 11.2. List of Accounts Paid

<b>Corporate and Community</b>		
<b>Date</b>	11 August 2022	
<b>Location</b>	Not Applicable	
<b>Responsible Officer</b>	Lana Foote, Deputy Chief Executive Officer	
<b>Author</b>	As above	
<b>Legislation</b>	<i>Local Government Act 1995; Local Government (Financial Management) Regulations 1996</i>	
<b>Disclosure of Interest</b>	Nil	
<b>Purpose of Report</b>	<input type="checkbox"/> Executive Decision <input checked="" type="checkbox"/> Legislative Requirement <input type="checkbox"/> Information	
<b>Attachments</b>	<a href="#">List of Accounts Paid</a>	

### Background:

This item presents the List of Accounts Paid, paid under delegated authority, for the period 6 July to 10 August 2022.

### Comment:

The List of Accounts Paid as presented has been reviewed by the Chief Executive Officer.

### Consultation:

Darren Simmons, Chief Executive Officer  
Tracey McMiles, Finance Officer

### Statutory Implications:

Regulation 12 and 13 of the *Local Government (Financial Management) Regulations 1996* requires that a separate list be prepared each month for adoption by Council showing creditors paid under delegate authority.

### Policy Implications:

Finances have been managed in accordance with the Shire of Koorda policies. Payments have been made under delegated authority.

### Strategic Implications:

Shire of Koorda Strategic Community Plan

4.2.4 - Operate in a financially sustainable manner (ongoing)

4.3.3 - Provide reporting processes in a transparent, accountable and timely manner

### Financial Implications:

Funds expended are in accordance with Council's adopted 2022/2023 Budget.

**Voting Requirements:**  Simple Majority  Absolute Majority

**Officer Recommendation  
Resolution 060822**

**Moved CR GL Boyne**

**Seconded CR GW Greaves**

**That Council, by Simple Majority, pursuant to Section 6.8(1)(a) of the *Local Government Act 1995* and Regulation 12 & 13 of the *Local Government (Financial Management) Regulations 1996*, receives the report from the Chief Executive Officer on the exercise of delegated authority in relation to creditor payments from the Shire of Koorda Municipal Fund, as presented in the attachment, and as detailed below:**

**For the period 6 July 2022 to 10 August 2022**


<b>Municipal Voucher V001 to V057</b>	<b>Totalling \$ 396,649.06</b>
<b>Credit Card Transaction (V055 &amp; V057)</b>	<b>Totalling \$ 5,612.85</b>
	<b>Total \$ 402,261.91</b>

**CARRIED 4/0**

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## 12. OFFICER'S REPORTS – GOVERNANCE & COMPLIANCE

### 12.1 WA Local Government Convention and WALGA AGM 2022

<b>Governance and Compliance</b>		 Shire of <b>Koorda</b> <small>Drive in, stay awhile</small>
<b>Date</b>	8 August 2022	
<b>Location</b>	Not applicable	
<b>Responsible Officer</b>	Darren Simmons, Chief Executive Officer	
<b>Author</b>	As above	
<b>Legislation</b>	<i>Local Government Act 1995</i>	
<b>Disclosure of Interest</b>	Nil	
<b>Purpose of Report</b>	<input checked="" type="checkbox"/> Executive Decision <input type="checkbox"/> Legislative Requirement <input type="checkbox"/> Information	
<b>Attachments</b>	<a href="#">2022 WA Local Government Convention Information Brochure</a>	

#### Background:

Consideration of the 2022 WA Local Government Convention attendances and WALGA AGM Voting Delegates.

#### Comment:

The 2022 WA Local Government Convention and WALGA AGM will be held at Crown Perth from Sunday, 2 to Tuesday, 4 October 2022. The AGM will be held on Monday, 3 October 2022 commencing at 9.00am.

Accommodation has been booked at the Crown Metropol Hotel as it is adjacent to the conference venue.

To ensure hotel reservations, it is requested that the number of Councillors attending the conference be ascertained to allow for bookings to be confirmed.

The Convention is an opportunity for Councillors to speak with members from other local governments and establish networks for sharing ideas and information. While attendance to the conference is not required, it does provide members with an informative insight into local government sector including city and rural Councils.

Indicative costs for the conference are as follows:

Full Delegate	\$ 1,200
Monday Day Delegate	\$ 600
Tuesday Day Delegate	\$ 900
Cocktail Gala – Optus Stadium	\$ 125
ALGWA Breakfast (Monday)	\$ 80
Convention Breakfast (Tuesday)	\$ 95

Partners: (Costs to be reimbursed to the Shire)

Opening Reception (Sunday)	\$ 85
Cocktail Gala – Optus Stadium	\$ 125
Lunch (Monday)	\$ 45
Lunch (Tuesday)	\$ 55
Partner Tours	As per brochure

Costs do not include accommodation, parking and travel.

For the WALGA AGM, two members are to be given voting rights for the meeting. In 2021, this was the President and Deputy President with the CEO proxy for both. WALGA require notification of the Members with voting rights.

**Consultation:**

Shire President

**Statutory Implications:**

Local Government Act 1995

**Policy Implications:**

Nil.

**Strategic Implications:**

Shire of Koorda Integrated Strategic Plan (2022)

4.2.1 – Promote continued professional development amongst elected members and staff.

**Financial Implications:**

Council's 2022-2023 Budget allocations for elected member training and development (\$12,000) and travel and accommodation (\$10,000) would apply.

**Voting Requirements:**

Simple Majority  Absolute Majority

**Officer Recommendation**

**Resolution 070822**

**Moved CR GL Boyne**

**Seconded CR LC Smith**


**That Council;**

1. **Approves the registration for the 2022 WA Local Government Convention and WALGA AGM be completed for the following attendees (and partners, on a costs reimbursement basis, if the CEO is so advised):**
  1. **Cr JM Stratford**
  2. **Cr BG Cooper (TBC)**
  3. **Cr NJ Chandler (TBC)**
  4. **Cr GW Greaves**
  5. **Cr LC Smith**
  6. **CEO Darren Simmons; and**
2. **Delegates voting rights for the WALGA AGM to the Shire President and Deputy President with the CEO Proxy for both.**

**CARRIED 4/0**

CEO Darren Simmons disclosed an interest affecting impartiality in item 12.2 *Offer to purchase vacant Shire-owned property at Lot 28 (36) Allenby Street, Koorda* as the submission being considered is from Shire employees.

## 12.2 Offer to purchase vacant Shire-owned property at Lot 28 (36) Allenby Street, Koorda

<b>Governance and Compliance</b>		
<b>Date</b>	12 August 2022	
<b>Location</b>	Not applicable	
<b>Responsible Officer</b>	Darren Simmons, Chief Executive Officer	
<b>Author</b>	As above	
<b>Legislation</b>	Local Government Act 1995	
<b>Disclosure of Interest</b>	Nil	
<b>Purpose of Report</b>	<input checked="" type="checkbox"/> Executive Decision <input checked="" type="checkbox"/> Legislative Requirement <input type="checkbox"/> Information	
<b>Attachments</b>	Nil	

### Background:

The Shire owns the vacant property at Lot 28 (36) Allenby Street, Koorda (between the Koorda Meat Supply building and Koorda Motor and Military Museum).

The administration has been contacted by Mr Derek Henning, for and on behalf of Oakenshield Pty Ltd (ATF The Oakbank Property Trust) with an offer to purchase Lot 28 (36) Allenby Street, Koorda (Lot 28), as follows:

*"Hi Darren,*

*As discussed I wish to make a formal offer to purchase Lot 28 Allenby Street, Koorda (vacant block next to the Butcher Shop) at market value subject to evaluation."*

In a subsequent email, Mr Henning formally offered (via an "Offer and Acceptance" form) to purchase Lot 28 for \$12,000 with a settlement date within 30 days of acceptance.

On 28 June 2022, the Shire received a market valuation (dated 10 June 2022) for Lot 28 of \$12,000.

At its meeting held on 20 July 2022. Council resolved:

### Officer Recommendation

#### Resolution 060722

Moved CR GL Boyne

Seconded CR GW Greaves

That Council;

**1. Subject to S3.58 (3) Local Government Act 1995, determine to dispose of the following Shire-owned property:**

- Lot 28 (36) Allenby Street, Koorda;

**2. Subject to S3.58 (3) Local Government Act 1995 direct the Chief Executive Officer to give local public notice that it is the intention of the Shire to dispose of the following Shire-owned property:**

• **Lot 28 (36) Allenby Street, Koorda**

**With a Goods and Services Tax (GST) exclusive market valuation of \$12,000 (as at 10 June 2022) for \$12,000 excluding GST, subject to any public comment; and**

**3. Direct the Chief Executive Officer to present any public comments along with a final recommendation relating to disposal of the Lot 28 (36) Allenby Street, Koorda to the August 2022 Ordinary Meeting of Council.**

**CARRIED BY ABSOLUTE MAJORITY 6/0**

In accordance with statutory requirements and Council's resolution #090222, the proposed disposition was advertised locally from 1 to 16 March 2022 for public information and comment.

At the close of the public comment period (being 3.00pm on Thursday, 11 August 2022), one (1) submission has been received from Mr A and Mrs S Clarke (the submitters) of Koorda Motor Museum (being the southern neighbouring property to Lot 28 Allenby Street).

The submission states:

*Sent: Monday, 25 July 2022 7:04 PM  
To: Shire of Koorda <shire@koorda.wa.gov.au>  
Subject: Sale of 26 Allenby St*

*Good evening, may I wish to express my dismay at the proposed sale of said property and my concerns. I have the adjoining property currently operating as a tourism and lifestyle business including a garden centre. To date after being the owners since 2009 have not had a neighbour apart from the Shire whom have made little or no advertising of selling the property being 26 Allenby St, which if this was the intention should have put this out to tender giving all interested a chance to submit offers without it being a silent auction...this said, I request more information be passed to proximity interests as to the intended use of property. Is it a intended chemical storage site, a loading zone with heavy vehicles in front of a school zone, will the property be properly water coarsed preventing water runoff undermining our property which is the case since we purchased the adjoining property, will it be retaining walled by future owner at their full cost, and also fenced and bunded at their cost. And will said business be in any rivaled form against our current established business. If any of these things are the future planned use of said property I wish to impart my opposition to said sale, and declare a proximity and financial interest....As a concerned ratepayer as well it is of interest to all that the advised use of property asset of the ratepayers be divulged at the earliest disposition of council...please accept this without predijuce and in sincerest terms...regards Tony and Sue Clarke...Koorda Motor Museum*

**Comment:**

In response to the matters raised within the submission received, the following staff comments are provided:

- The submitters have already been advised that as the Shire received an (unsolicited) offer to purchase Lot 28 (36) Allenby St by private treaty, it is following a statutory process to advertise and invite submissions on the proposal prior to agreeing to sell the property and, as such, the Shire is not in a position to respond to their questions at this time, however, their email (as above) will be presented to Council at its meeting on 17 August 2022 as a submission for its consideration.



- As outlined within the 'Statutory Implications' section of this report, the statutory process is as per section 3.58 of the Local Government Act 1995 and the process of public advertising an intent to dispose by private treaty is in lieu of auction or tender. On this basis, it is not considered a 'silent auction' as outlined within the submission as it is open to and possible for a submission to outline a counter offer to that advertised.
- In respect to the submitter's questions regarding proposed use of the land, the Shire is in no position to answer as the proposed purchaser has not identified any intentions in this regard, nor is required to as part of the offer and acceptance process.
- Any future land use arrangements would need be addressed by the Shire under the State Government's planning and development framework as any owner of the subject lot would need to apply for development approval under the planning legislation and, particularly, the Shire's Local Planning Scheme No. 3. (Being in the Town Centre Zone, a wide array of mixed use is available to be considered).
- Shire consideration of any application for development approval must accord with well-established town planning grounds of which the prevention of competition with existing business is not considered an acceptable ground in which to deny approval.
- In respect to water runoff, bunding and fencing, it is suggested that these are civil matters that are subject to negotiation and resolution by the relevant owners, as appropriate.

On this basis, and notwithstanding the submitter's commentary and stated opposition, it is suggested that it remains open to Council ratify the sale, as proposed as the offer price aligns with market valuation and as the Shire has no identified use of its own for the Lot.

### **Consultation:**

Please see s3.58 (3) under the Statutory Implications heading of this report.

Local public notice from 25 July to 11 August 2022 on the Shire's website, Facebook page, noticeboard and 'Narkal Notes'.

### **Statutory Implications:**

Local Government Act 1995

#### *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.*

*[Section 3.58 amended: No. 49 of 2004 s. 27; No. 17 of 2009 s. 10.]*

**Policy Implications:**

Nil.

**Strategic Implications:**

Shire of Koorda Integrated Strategic Plan (2022)

3.1.1 - Manage Shire Assets sustainably using the Strategic Resourcing Plan.

**Financial Implications:**

Processing of sale proceeds from disposal of property to be determined if disposal (sale) proceeds.

**Voting Requirements:**     Simple Majority     Absolute Majority

**Officer Recommendation  
Resolution 080822**

**Moved CR GW Greaves**

**Seconded CR GL Boyne**


**That Council;**

- 1. Having considered the public submission received and associated staff comment, as well as noting the offer price matches the market valuation and with no future Shire use identified, resolves to dispose of the Lot 28 (36) Allenby Street, Koorda by way of private treaty transfer to Oakenshield Pty Ltd (ATF The Oakbank Property Trust) for the sum of \$12,000 (ex GST);**
- 2. Direct the proceeds from the sale be transferred to the Council Building Reserve; and**
- 3. Direct the Chief Executive Officer to make the necessary arrangements to affect the sale of Lot 28 (36) Allenby Street, Koorda and be authorised to execute relevant documentation including use of the Common Seal, as necessary.**

**CARRIED BY ABSOLUTE MAJORITY 4/0**

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## 12.3 Offer to purchase vacant Shire-owned properties at Lot 37 (7) and Lot 36 (9) Railway Street, Koorda

<b>Governance and Compliance</b>		
<b>Date</b>	12 August 2022	
<b>Location</b>	Not applicable	
<b>Responsible Officer</b>	Darren Simmons, Chief Executive Officer	
<b>Author</b>	As above	
<b>Legislation</b>	<i>Local Government Act 1995</i>	
<b>Disclosure of Interest</b>	Nil	
<b>Purpose of Report</b>	<input checked="" type="checkbox"/> Executive Decision <input checked="" type="checkbox"/> Legislative Requirement <input type="checkbox"/> Information	
<b>Attachments</b>	Applicants' letter and offer and acceptance forms (Confidential to Councillors only)	

### Background:

The Shire owns the vacant Lots 36 (9) and 37 (7) Railway Street, Koorda (opposite the Great Southern Fuels depot).

The Shire is in receipt of correspondence from Mr RA and Mrs J Stanton (the applicants) being the new owners of Lot 38 (5) Railway Street seeking to purchase Lots 36 (9) and 37 (7) Railway Street.

In the interests of the applicant's privacy, a copy of their letter and offer and acceptance forms have been provided to Councillors under confidential separate cover.

However, by way of summary, the applicants have offered to purchase Lot 37 (7) Railway Street for \$2,500 and appears to wish to negotiate a sale price with the Shire for Lot (36) 9 Railway Street.

### Comment:

Should Council resolve that they are prepared to accept the offer made, there would be a requirement for the offer to be put out for public consultation. This period would then allow Council to receive feedback from the community and take account of any comments or objections prior to a final decision being made by Council.

However, the Shire's Works Supervisor has indicated a preference that the properties are not sold at this time due to their strategic location of the properties in relation to the Railway and Haig Streets intersection as the land may be required for future engineering road design and construction works.

### Consultation:

Please see s3.58 (3) under the Statutory Implications heading of this report.

### Statutory Implications:

Local Government Act 1995

*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.*

*[Section 3.58 amended: No. 49 of 2004 s. 27; No. 17 of 2009 s. 10.]*

## **Policy Implications:**

**Strategic Implications:**

Shire of Koorda Integrated Strategic Plan (2022)

3.1.1 - Manage Shire Assets sustainably using the Strategic Resourcing Plan.

**Financial Implications:**

Processing of sale proceeds from disposal of property to be determined if disposal (sale) proceeds.

**Voting Requirements:**     Simple Majority     Absolute Majority

**Officer Recommendation  
Resolution 090822**

**Moved CR GW Greaves**

**Seconded CR GL Boyne**

**That Mr RA and Mrs J Stanton be advised that Council declines their offer to purchase the vacant properties at 7 and 9 Railway Street, Koorda due to the strategic location of the properties as the land may be required for future engineering road design and construction works associated with the Railway and Haig Streets intersection.**

**CARRIED BY ABSOLUTE MAJORITY 4/0**

CONFIDENTIAL

**13. OFFICER'S REPORTS – WORKS & ASSETS**

**14. Urgent Business Approved by the Person Presiding or by Decision**

**15. Elected Members' Motions**

**16. Matters Behind Closed Doors**

**17. Closure**

The Presiding Person thanked Councillors and staff for their attendance and declared the meeting closed at 5.19pm.

Signed:                     *B. Watford*                    

**Presiding Person at the meeting at which the minutes were confirmed.**

**Date: 28 September 2022**