



**SHIRE OF SANDSTONE**  
SERVE THE PEOPLE

# **MINUTES**

Ordinary Council Meeting

Thursday 27 February 2020

@ 12.30pm

To be held in the Council Chambers, Hack St Sandstone

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**SHIRE OF SANDSTONE**  
S E R V E T H E P E O P L E

## **ORDINARY COUNCIL MEETING NOTICE PAPER**

**Thursday 27 February 2020 – 12:30 pm**

Dear President and Councillors,

An Ordinary Meeting of Council is called for Thursday 27 February 2020, in the Council Chambers, Hack Street, Sandstone, commencing at 12.40pm.

### **Councillors please note:**

A Briefing Session will be held prior to the Council Meeting.

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***Eddie PIPER***

**Acting Chief Executive Officer**

19 February 2020

### **PUBLIC QUESTION TIME**

A 15 minute public question time is available to allow members of the public the opportunity of submitting questions to Council on matters concerning them. Questions should be submitted in writing prior to the meeting. The questions will be addressed by the President or their nominated person. Where an answer cannot be given at the meeting, a reply will be given in writing subsequent to the meeting.

Discussion will not be allowed.



## **DISCLAIMER**

*No responsibility whatsoever is implied or accepted by the Sandstone Shire Council for any act, omission, statement or intimation occurring during Council/Committee meetings or during formal/informal conversations with staff. The Sandstone Shire Council 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, statement, intimation or otherwise occurring during Council/Committee Meetings or discussions. Any person or legal entity that acts or fails to act in reliance upon any statement does so at that person's or legal entity's own risk.*

*In particular but without derogating in any way from the broad disclaimer above, in any discussion regarding any planning application or application for a licence or permit, any statement or limitation of approval made by an Elected Member or by a Staff Member of Sandstone Shire Council during the course of any Meeting is not intended to be and is not to be taken as notice of approval from the Sandstone Shire Council. The Sandstone Shire Council warns that anyone who has an application lodged with the Sandstone Shire Council must obtain and only should rely on **WRITTEN CONFIRMATION** of the outcome of the application including any conditions attaching to the decision made by the Sandstone Shire Council in respect of the application.*

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**Eddie PIPER**

**Acting Chief Executive Officer**

19 February 2020

Hack Street, SANDSTONE WA 6639

Tel (08) 9963 5802 Fax (08) 9963 5852

E-mail: [ceo@sandstone.wa.gov.au](mailto:ceo@sandstone.wa.gov.au)

## WRITTEN DECLARATION OF INTEREST IN MATTER BEFORE COUNCIL

**NOTE: USE ONE FORM PER DECLARATION**

I, (1) \_\_\_\_\_ hereby declare an interest in the following item to be considered by Council at its Meeting to be held on (2) \_\_\_\_\_ and regarding

Agenda item (3) \_\_\_\_\_

The type of interest I wish to declare is (4)

- Financial pursuant to Sections 5.60A of the Local Government Act 1995
- Proximity pursuant to Section 5.60B of the Local Government Act 1995
- Indirect Financial pursuant to Section 5.61 of the Local Government Act 1995
- Impartiality pursuant to Regulation 11 of the Local Government (Rules of Conduct) Regulation 2007

The nature of my interest is (5)

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

The extent of my interest is (6)

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

I understand that the above information will be recorded in the Minutes of the Meeting and recorded by the Chief Executive Officer in an appropriate Register.

\_\_\_\_\_  
(Signature)

\_\_\_\_\_  
(Date)

RECEIVED BY:

\_\_\_\_\_  
(Chief Executive Officer)

\_\_\_\_\_  
(Date)

- (1) Insert your name.
- (2) Insert the date of the Council Meeting at which the item it to be considered.
- (3) Insert the Agenda Item Number and Title.
- (4) Tick the box(es) to indicate the type of interest (for explanation, see the extracts overleaf from the Act.
- (5) Describe the nature of your interest.
- (6) Describe the extent of your interest (if seeking to participate in the matter under the s.5.68 of the Act)

### ***Financial pursuant to Section 5.60A of the Local Government Act 1995***

#### **s5.60A Financial Interest**

For the purpose of this Subdivision, a person has a financial interest in a matter if it is reasonable to expect that the matter will if dealt with by the local government, or an employee or committee of the local government or member of the council of the local government, in a particular way, result in a financial gain, loss, benefit or detriment for the person.

*[Section 5.60A inserted by No. 64 of 1998 s. 30; amended by No. 49 of 2004 s. 50.]*

### ***Proximity pursuant to Section 5.60B of the Local Government Act 1995***

#### **s5.60B Proximity Interest**

- (1). For the purposes of this Subdivision, a person has a proximity interest in a matter if the matter concerns –
  - (a). a proposed change to a planning scheme affecting land that adjoins the person's land;
  - (b). a proposed change to zoning or use of land that adjoins that person's land; or
  - (c). a proposed development (as defined in section 5.63 (5)) of land that adjoins the person's land.
  
- (2). In this section, land ("**the proposal land**") adjoins a person's land if –
  - (a). the proposal land, not being a thoroughfare, has a common boundary with the person's land;
  - (b). the proposal land, or any part of it, is directly across a thoroughfare from, the person's land; or
  - (c). the proposal land is that part of a thoroughfare that has a common boundary with the person's land.
  
- (3). In this section a reference to a person's land is a reference to any land owned by the person or in which the person has any estate or interest.

*[Section 5.60B inserted by No 64 of 1998 s. 30.]*

### ***Indirect Financial pursuant to Section 5.61 of the Local Government Act 1995***

#### **s5.61 Indirect Financial Interest**

A reference in this Subdivision to an indirect financial interest of a person in a matter includes a reference to a financial relationship between that person and another person who requires a local government decision in relation to the matter.

### ***Impartiality pursuant to Regulation 11 of the Local Government (Rules of Conduct) Regulation 2007***

#### **reg 11 Disclosure of Interest**

- (1). In this regulation –  
Interest means an interest that could or could reasonably be perceived to; adversely affect the impartiality of the person having the interest arising from kinship, friendship or membership of an association.
  
- (2). A person who is a council member and who has an interest in any matter to be discussed at a council or committee meeting attended by the member must disclose the nature of the interest –
  - (a). in a written notice given to the CEO before the meeting;  
or
  - (b). at the meeting immediately before the matter is discussed.

- (3). Sub-regulation (2) does not apply to an interest referred to in section 5.60 of the Act.
- (4). Sub-regulation (2) does not apply if –
  - (a). A person who is a council member fails to disclose an interest because the person did not know he or she has an interest in the matter; or
  - (b). A person who is a council member fails to disclose an interest because the person did not know the matter in which he or she had an interest would be discussed at the meeting and the person disclosed the interest as soon as possible after the discussion began.
- (5). If, under sub-regulation (2)(a), a person who is a council member discloses an interest in a written notice given to the CEO before a meeting then –
  - (a). Before the meeting the CEO is to cause the notice to be given to the person who is to preside at the meeting; and
  - (b). At the meeting the person presiding is to bring the notice and its contents to the attention of the persons present immediately before a matter to which the disclosure related is discussed.
- (6). If –
  - (a). Under sub-regulation (2)(b) or (4)(b) a person's interest in a matter is disclosed at a meeting; or
  - (b). Under sub-regulation (5) (b) notice of a person's interest in a matter is brought to the attention of the persons present at a meeting.

The nature of the interest is to be recorded in the minutes of the meeting.

***Describe the extent of your interest (If seeking to participate in the matter under s.5.68 of the Act)***

**s5.68 Councils and Committees may allow Members disclosing interests to participate etc. in Meetings**

- (1). If a member has disclosed, under section 5.65, an interest in a matter, the members present at the meeting who are entitled to vote on the matter
  - (a). may allow the disclosing member to be present during any discussion or decision-making procedure relating to the matter; and
  - (b). may allow, to the extent decided by those members, the disclosing member to preside at the meeting (if otherwise qualified to preside) or to participate in discussions and the decision-making procedures relating to the matter if –
    - (i) the disclosing member also discloses the extent of the interest; and
    - (ii) those members decide that the interest –
      - (I) is so trivial or insignificant as to be unlikely to influence the disclosing member's conduct in relation to the matter; or
      - (II) is common to a significant number of electors or ratepayers
- (2). A decision under this section is to be recorded in the minutes of the meeting relating to the matter together with the extent of any participation allowed by the council or committee.
- (3). This section does not prevent the disclosing member from discussing, or participating in the decision-making process on, the question on whether an application should be made to the Minister under section 5.69.

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**SHIRE OF SANDSTONE  
ELECTED MEMBER'S REQUEST FORM**

Councillor's Name: \_\_\_\_\_

Date: \_\_\_\_/\_\_\_\_/2020

**Urgency:** Low / Medium / High / Strategic

Road / Public Building / Area: \_\_\_\_\_

Request: \_\_\_\_\_

Description:  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**OFFICE USE ONLY:**

Action Taken:  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Comment:  
\_\_\_\_\_  
\_\_\_\_\_

Completed: \_\_\_\_/\_\_\_\_/2020

Signature: \_\_\_\_\_

Inspected and/or authorised by: \_\_\_\_\_  
(Chief Executive Officer)

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# Councilor's Claim for Sitting Fees and Travel

Councilor \_\_\_\_\_

Creditor No \_\_\_\_\_

<i>Date</i>	<i>Meeting</i>	<i>Sitting Fees</i>	<i>Travel Km's</i>	<i>Amount</i> .7087 cents per km
Date of Meeting	Type of Meeting	\$170/ \$340	No of km's	Office Use
27/02/2020	Full Council			

Fees payable are in accordance with the Local Government Act (5.98) – Administration Regulations (30)

Total

04109

Total

04100

Line Item 370

TOTAL:

## OTHER MEETINGS ATTENDED IN THE MONTH

Date	Meeting	Km's	Vehicle supplied?

If this form is not filled out correctly with all information the claim for payment will be rejected.

\_\_\_\_\_

(Signature)

\_\_\_\_\_

(Date)

Calculations Checked \_\_\_\_\_ Date \_\_\_\_\_

Goods Received / Payment Approved \_\_\_\_\_

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**ORDINARY COUNCIL MEETING TO BE HELD ON  
THURSDAY 27 February 2020  
AGENDA SUMMARY and TABLE OF CONTENTS**

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15	3.0	Attendance	
15	4.0	Response to Previous Public Questions Taken on Notice	
16	5.0	Applications for Leave of Absence	
16	6.0	Declarations of Interest	
16	7.0	Public Question Time	
16	8.0	Confirmation of Minutes from Previous Meeting(s)	
16	8.1	Ordinary Council Meeting – 24 October 2019	1/20
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17	9.0	Presentations	
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17	10.1	Chief Executive Officer's Reports	
17	10.1.1	Status Update Report – October 2019	3/20
20	10.1.2	Application for Extension of Time re Planning and Building Approval	4/20
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28	10.1.7	Local Government House Trust – Deed of Variation	9/20
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32	10.2	Financial Reports	
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40	11.0	Motions of Which Previous Notice Has Been Given	
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<b>40</b>	13.1	Sale of Old Police House
<b>45</b>	14	Meeting Items Closed to the Public
<b>45</b>	14.1	Meeting Closed to the Public
<b>45</b>	14.2	Public Reading of Resolutions to be made Public
<b>45</b>		Time and Date of Next Meeting
<b>45</b>	15	Closure of the Meeting
<b>45</b>		Certification of the Minutes of the Previous Meeting(s)



**AGENDA and STAFF REPORTS**  
**ORDINARY COUNCIL MEETING TO BE HELD IN**  
**COUNCIL CHAMBERS, SANDSTONE ON THURSDAY 27 February 2020**

**1 DECLARATION OF OPENING AND ANNOUNCEMENT OF ANY VISITORS**

The Presiding Member, Cr Bethel Walton (Shire President) to declare the Meeting open at 12.40pm.

**2 ANNOUNCEMENTS FROM THE PRESIDING MEMBER AND/OR COUNCILLORS (without discussion unless otherwise determined)**

Nil

**3 ATTENDANCE**

**3.1 Present**

**Elected Members**

Cr B (Beth) Walton	Shire President (and Presiding member of this Meeting)
Cr C (Carol) Hodshon	Deputy Shire President
Cr F (Freda) May	
Cr D (David) Lefroy	
Cr K (Kerry) Key	
Cr V (Vicki) McQuie	

**Staff Members**

Mr Eddie Piper	Acting Chief Executive Officer
Mr David Holland	Works Supervisor
Ms Margaret Duhig	Office Administrator

**3.2 Apologies**

Mr Harry Hawkins	CEO (Sick leave)
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**3.3 Approved Leave of Absence**

Nil

**4 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE**

Nil

**5 APPLICATIONS FOR LEAVE OF ABSENCE**

Nil

**6 DECLARATIONS OF INTEREST**

**6.1 Declarations of Financial Interest**

**6.2 Declarations of Proximity Interest**

**6.3 Declarations of Indirect Financial Interest**

**6.4 Declarations of Impartiality Interest**

Freda May declared an interest in item 10.1.3

**7 PUBLIC QUESTION TIME**

Nil

**8 CONFIRMATION OF MINUTES FROM PREVIOUS MEETINGS**

8.1 The ordinary meeting held on the 17 December 2019

**STAFF RECOMMENDATION**

**MOVED: Cr McQuie**

**SECONDED: Cr Key**

That the Minutes of the Ordinary Meeting of Council held on 17 December 2019 are confirmed as a true and accurate record of proceedings.

**CARRIED (6/0)**

8.2 The special meeting held on the 23 January 2020

**STAFF RECOMMENDATION**

**MOVED: Cr May**

**SECONDED: Cr Key**

That the Minutes of the Special Meeting of Council held on 23 January 2020 are confirmed as a true and accurate record of proceedings.

**CARRIED (6/0)**



## 9 PRESENTATIONS

### 9.1 Petitions

Nil

### 9.2 Presentations

Nil

### 9.3 Deputations

Nil

### 9.4 Delegates/Councillor's Reports

Cr Lefroy briefed the meeting on the MRVC meeting at Mt Magnet on 11<sup>th</sup> February 2020

## 10 OFFICERS REPORTS

### 10.1 CHIEF EXECUTIVE OFFICER'S REPORTS

#### 10.1.1 Status Report Update – February 2020

<b>Agenda Reference:</b>	CEO 02/20 - 01
<b>Name of Applicant:</b>	Shire of Sandstone
<b>Disclosure of Interest:</b>	Nil
<b>Date of Report:</b>	20/02/2020
<b>Previous References:</b>	Various
<b>Author:</b>	Eddie Piper ACEO

#### Summary

The purpose of this report is to advise Council on the status of its decisions from previous Council meetings.

#### Attachments

Status Update February 2020

#### Background

It is important that the Council receives an update on the outcome of its resolutions on a regular basis.

## Comment

Spreadsheet has been updated to include items from November 2019 meeting. A letter was written to the Minister for energy re inability to get a ball park figure for power upgrade at caravan park without paying \$6,195 design fee.

The November 2019 meeting resolved to instruct the ACEO to advise all Tenderers that no tender would be accepted and that the matter is now finalised.

## Consultation

Nil

## Statutory Environment

Nil

## Policy Implications

Nil

## Financial Implications

Nil

## Strategic Implications

Nil

## Voting Requirements

Simple majority

## Officer Recommendation

**MOVED:** Cr Lefroy

**SECONDED:** Cr May

That Council accepts the Status Update for February 2020

**CARRIED (6/0)**

## Status Update February 2020

The Status Update is used to provide information to Elected Members regarding the Status of decisions made at Council Meetings:

Meeting Date	Item No	Resolution (Action Required)	Response (Update)	Officer	Timeframe
31/17	10.1.7	That the plaque recognising George Dent at Hack's mine is reinstated and his family is offered the opportunity for a plaque to be placed in the new Heritage Park.	<b>03/05/2017</b> Letter sent to family of George Dent advising them of Council's decision <b>19/03/2018</b> Ceramic photo of George Dent received from his family for inclusion on plaque at Heritage Park		

<b>85/17</b>	<b>10.1.4</b>	That the right of way behind the power station between Rowe and Black Streets is closed	<b>06/10/2017</b> letters sent to begin process and advertising as per LAA undertaken. <b>06/11/2017</b> letter received from Water Corporation with no objection. <b>10/07/2018</b> Submission received from Telstra and application for closure sent to Dept of Lands <b>23/11/2018</b> Details of new Council resolution and other information sought sent to Dept of Lands <b>13/06/2019</b> More information sought by DOL sent as requested	
<b>20/18</b>	<b>10.1.5</b>	Sale of properties for outstanding rates	<b>04/04/2018</b> Legal process to allow sale has commenced <b>05/12/2018</b> Current debt collectors are going out of business and new provider once appointed will be contacted for updated advice <b>10/12/2019</b> Email to Development WA requesting they consider the taking back of the lots and for the cost of the outstanding rates.	
<b>76/18</b>	<b>10.1.2</b>	Transfer of management part of reserve 14178 – Caravan Park	Water Corporation advised. Awaiting the return of the CEO. <b>17/12/2018</b> Letter accepting part transfer of reserve sent to Water Corporation. <b>03/05/2019</b> installation date of early 2020 confirmed for Sandstone plant.	
<b>112/19</b>		Stronger Communities Grant Upgrade Bowling Green	<b>10/12/2019</b> Advised of successful application to pave and fence bowling green Grant \$10,000	

### Legend

Category	Status
Not Started	
In Progress	
Completed	

## 10.1.2 Application for Extension – Non-Compliance with Planning and Building Approval

<b>Agenda Reference:</b>	CEO 02/20 – 02
<b>Location/Address:</b>	9 Payne Street Sandstone
<b>Name of Applicant:</b>	Mr Jay Pendlebury
<b>Disclosure of Interest:</b>	None
<b>Date of Report:</b>	29 <sup>th</sup> January 2020
<b>Author:</b>	Eddie Piper Acting Chief Executive Officer

### Summary

Council to consider an application to extend Planning Approval and the Building Permit for a development at 9 Payne Street Sandstone.

### Attachments

- (a). Copy of decision on Planning Consent Permit No TP17-001
- (b). A copy of the Building Permit issued
- (c). Letter from Mr Jay Pendlebury requesting an extension to the time limit on the above Consent Permit TP17-001

### Background

At a Council meeting held on 27<sup>th</sup> July 2017 Council granted Mr Jay Pendlebury (the applicant) approval to undertake the development of a dwelling on lot 92 Payne Street Sandstone. Part of the approval were 5 conditions. A Building Permit was issued on 18<sup>th</sup> July 2017 which required the development to be completed within 2 years but no later than 29<sup>th</sup> August 2019.

### Comment

As of the 29<sup>th</sup> January 2020 the development is incomplete, Council became aware of the situation following complaints by residents that rubbish had been placed outside the property line and the place looked terrible. The ACEO made contact with the Shire Planning Contractor and he inspected the property, spoke to the applicant and referred him to the ACEO in reference to seeking an extension of time.

The ACEO meet with the applicant and advised him to make an application in writing.

Mr Pendlebury lodged an application with the Shire on 7<sup>th</sup> January 2020 seeking an extension of two (2) years.

The ACEO believes that the time period is too long and an extension to 29<sup>th</sup> August 2021 would be more appropriate. This is 2 years from the original approval date and approximately 18 months from the application for an extension.

### Consultation

Mr Dave Hadden – Shire Contractor

### Statutory Environment

Nil

### **Policy Implications**

Nil

### **Financial Implications**

Nil

### **Voting Requirements**

Simple majority

### **Officer Recommendation**

**MOVED: Cr McQuie**

**SECONDED: Cr Key**

That Council acknowledge receipt of the application for an extension of two (2) years to comply with the requirements of the Building Approval and Planning Conditions, however, council grant an extension to the 29<sup>th</sup> August 2021 and advise that no further extension will be considered.

### **Resolution**

1. That the Officers recommendation not be adopted.
2. That Council acknowledge receipt of the application for an extension of two (2) years to comply with the requirements of the Building Approval and Planning Conditions, however, council grant an extension to the 29<sup>th</sup> August 2020 and advise that no further extension will be considered.

### **Reason for Change**

Council considered that applicant has had considerable time to complete the building.

**CARRIED (6/0)**

Cr May left the chamber at 1.06pm

### **10.1.3 Retaining Wall Complaint – Between Lots 805 and 47 Hack Street Sandstone**

**Agenda Reference:** CEO 02/20 – 03  
**Location/Address:** Lots 805 and 47 Hack Street Sandstone  
**Name of Applicant:** Mr D Murat  
**Disclosure of Interest:** None  
**Date of Report:** 29<sup>th</sup> January 2020  
**Author:** Eddie Piper Acting Chief Executive Officer

### **Summary**

Council to consider a complaint by Mr D Murat regarding the lack of a retaining wall between a property owned by Mr Murat (lot 805) and a property owned by the Shire of Sandstone (lot 47).

### **Attachments**

Copy of an email from Mr Murat to the Shire Building Contractor Mr Dave Hadden and Mr Hadden's information to the Shire and photos of the site.

### **Background**

At some point in time Council erected a colour bond fence between lot 47 and lot 805 Hack Street Sandstone. Fill appears to have been introduced to allow the fence to align with the land level on lot 47.

### **Comment**

Lot 805 has recently been purchased (7<sup>th</sup> June 2019) by Mr Murat and he has taken up the issue with the Shire as he wishes to make improvements to the site.

The advice from the Shire's building advisor, Mr Hadden is that council cannot utilise fill to allow a level erection of the fence and is obliged to make good the area by removing the fill and providing a suitable construction to maintain the fence alignment without using fill.

### **Consultation**

Mr Dave Hadden – Shire Contractor

### **Statutory Environment**

Various statutes dealing with Dividing Fences

### **Policy Implications**

Nil

### **Financial Implications**

There will be a cost to Council possibly in the order of \$2,000.

### **Voting Requirements**

Simple majority

### **Officer Recommendation**

**MOVED: Cr McQuie**

**SECONDED: Cr Key**

That council acknowledge that the fencing between lots 47 and 805 Hack Street Sandstone requires correction and will make good the area to comply with the Dividing Fences Act at its earliest opportunity within Budget constraints for 2019/20 and should it be necessary inclusion in the 2020/21 Budget.

Cr May returned to the chamber at 1.16pm

<b>10.1.4</b>	<b>Compliance Audit Return</b>
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**Agenda Reference:** CEO 02/20 – 04  
**Name of Applicant:** Shire of Sandstone  
**Disclosure of Interest:** None  
**Date of Report:** 13 February 2020  
**Author:** Eddie Piper Acting Chief Executive Officer

**Summary**

The Compliance Audit Return was reviewed by the Audit Committee this morning and is referred to Council for final approval and lodgement.

**Attachments**

Nil, return was attached to Audit Committee agenda.

**Background**

Every local government is required to complete a Compliance Audit Return annually for the preceding calendar year and approve and lodge it with the Department prior to the 31<sup>st</sup> March each year. The return is to be reviewed by the Audit Committee before it is approved by Council.

**Comment**

Each calendar year the Department of Local Government compiles a list of questions relating to specific areas of compliance to create a Compliance Audit Return, this years completed return is attached. Several questions were answered “No” these were Finance question 15 relating to the Audit Regulation 17 review which is due this year 2020, and questions 2 and 4 under Integrated Planning and Reporting where the internal review is also due this year 2020. All of these reviews are planned for later in the year.

All other areas in the return were either met or not applicable.

**Consultation**

Nil

**Statutory Environment**

Local Government Audit Regulations 1996

**Policy Implications**

Nil

**Financial Implications**

Nil

## Voting Requirements

Absolute majority

## Officer Recommendation

**MOVED:** Cr Key

**SECONDED:** Cr May

That the Compliance Audit Return for 2019 is approved by Council for signing and lodgement with the Department of Local Government by the 31<sup>st</sup> March 2020

**CARRIED BY ABSOLUTE MAJORITY (6/0)**

<b>10.1.5</b>	<b>Significant Audit Matter – Own Source Revenue Coverage ratio</b>
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**Agenda Reference:** CEO 02/20 – 05  
**Name of Applicant:** Shire of Sandstone  
**Disclosure of Interest:** None  
**Date of Report:** 13 February 2020  
**Author:** Eddie Piper Acting Chief Executive Officer

### Summary

The Report compiled by the Acting CEO titled 2018-19 Audit Report – Significant Adverse Trend Report on Actions to be Implemented – 2018-19 Own Source Revenue Coverage Ratio (the Report) was reviewed by the Audit Committee this morning and is referred to Council for final approval and lodgement.

### Attachments

The Report is attached

### Background

The Local Government Act 1995 (the Act) section 7.12A(4) requires a local government to prepare a report stating what action has been or is intended to be taken in respect to matters raised within the audit report. The audit report noted that there was a Significant Adverse Trend in the Own Source Revenue Coverage ratio. A report has been completed by the Acting CEO and was presented to the Audit Committee this morning

### Comment

The Audit Committee considered the report at a meeting held this morning (27<sup>th</sup> February 2020) and resolved as follows:

Moved Cr xxxxxxx

Seconded Cr xxxxxx

“That the Audit Committee:



3. Receive the attached 2018-19 Action Report – Significant Adverse Trend – Report on Actions to be Implemented – Own Source Revenue Coverage ratio
4. Recommend the endorsement of the attached 2018-19 Action Report – Significant Adverse Trend – Report on Actions to be Implemented – Own Source Revenue Coverage Ratio (the Report)
5. Following the endorsement of the Report by Council, authorise the ACEO to forward a copy of the report to the Minister and to publish the report on the Shire of Sandstone’s official website”

#### **Consultation**

Nil

#### **Statutory Environment**

Local Government Act 1995 section 7.12A(4)

#### **Policy Implications**

Nil

#### **Financial Implications**

Nil

#### **Voting Requirements**

Simple majority

#### **Officer Recommendation**

**MOVED: Cr McQuie**

**SECONDED: Cr Lefroy**

That Council:

1. Endorse the attached 2018-19 Action Report – Significant Adverse Trend – Report on Actions to be Implemented – Own Source Revenue Coverage Ratio
2. Authorise the Acting CEO to forward a copy of the report to the Minister and to publish the report on the Shire of Sandstone’s official website.

**CARRIED BY ABSOLUTE MAJORITY (6/0)**

#### **10.1.6 MRVC – Establishment Agreement – Consideration of Rescission Motion**

**Agenda Reference:** CEO 02/20 – 06  
**Name of Applicant:** Shire of Sandstone  
**Disclosure of Interest:** None

SHIRE OF SANDSTONE

**Date of Report:** 13 February 2020  
**Author:** Eddie Piper Acting Chief Executive Officer

**NOTE: As this is a revoking motion Local Government (Administration) Regulation No 10(1)(b) applies which requires at least 1/3 of the number of officers to support the motion being heard.**

The ACEO emailed all Elected Members seeking their support or otherwise of a motion being heard.

Crs B Walton, V McQuie, K. Key and D. Lefroy supported the motion being heard

### **Summary**

Council to consider a motion to revoke part of a council resolution dealing with the Shire of Sandstone's contribution to the Murchison Regional Vermin Council (MRVC).

### **Attachments**

Nil

### **Background**

At a meeting of Council held on 29<sup>th</sup> November 2019 it was resolved as follows:

"That Council;

1. Advise the Chief Executive Officer of the Murchison Regional Vermin Council that it accepts the Deed of Withdraw between the Shire of Meekatharra and the MRVC and the amendment to the Establishment Agreement incorporating the revised contribution rate of 9.058%.
2. Authorise the President to affix and sign the common seal of the Shire of Sandstone in the presence of the Acting CEO to the amended Establishment Agreement – Murchison Regional Vermin Council"

### **Comment**

At a recent MRVC meeting discussion arose regarding the contribution rate by the various shires and it was suggested that the contribution rate should be reverted to the original which would lift Council's contribution to 10.00% as included in the amended Establishment Agreement against Council's previous resolution to make the contribution 9.058%

### **Consultation**

Nil

### **Statutory Environment**

Local Government (Administration) Regulation No 10(1)(b)

### **Policy Implications**

Nil

## **Financial Implications**

There will be a slight increase by lifting the contribution from 9.058% to 10.00%

## **Voting Requirements**

Absolute majority

## **Officer Recommendation**

**MOVED: Cr McQuie**

**SECONDED: Cr Key**

### **1. Motion to Revoke**

That Council revoke part 1 of a resolution taken at its meeting held on 29<sup>th</sup> November 2019 which read as follows:

- 1) Advise the Chief Executive Officer of the Murchison Regional Vermin Council that it accepts the Deed of Withdrawal between the Shire of Meekatharra and the MRVC and the amendments to the Establishment Agreement incorporating the revised contribution rate of 9.058%

**CARRIED BY ABSOLUTE MAJORITY (6/0)**

### **2 Replacement Recommendation**

## **Voting Requirements**

**Simple majority**

## **Officer Recommendation**

**MOVED: Cr Key**

**SECONDED: Cr Lefroy**

That Council:

1. Advise the Chief Executive Officer of the Murchison Regional Vermin Council that it accepts the Deed of Withdrawal between the Shire of Meekatharra and the MRVC and the amendments to the Establishment Agreement incorporating the revised contribution rate of 10.00%
2. Authorise the President to affix and sign the common seal of the Shire of Sandstone in the presence of the Acting CEO to the amended Establishment Agreement – Murchison Regional Vermin Council

**NOT CARRIED (0/6)**

### **Replacement Recommendation**

**MOVED Cr McQuie**

**SECONDED Cr Lefroy**

That the Officers recommendation not be adopted and that Council, subject to all parties involved in the Establishment Agreement agreeing to the amendments to the Establishment Agreement:

1. Advise the Chief Executive Officer of the Murchison Regional Vermin Council (MRVC) that it accepts the Deed of Withdrawal between the Shire of Meekatharra and the MRVC and the amendments to the Establishment Agreement incorporating the revised contribution rate of 10.00%
2. Authorise the President to affix and sign the common seal of the Shire of Sandstone in the presence of the CEO to the amended Establishment Agreement – MRVC
3. In the event that the amendments are not supported by all Councils involved in the Establishment Agreement that Council resolves as follows:
  - a) Advise the Chief Executive Officer of the MRVC that it accepts the deed of withdrawal between the Shire of Meekatharra and the MRVC and the amendments to the Establishment Agreement incorporating the revised contribution rate of 9.058%
  - b) Authorise the President to affix and sign the common seal of the Shire of Sandstone in the presence of the CEO to the amended Establishment Agreement – MRVC

**Carried by Absolute Majority (5/1)**

**Cr Hodshon requested her objection to be noted.**

#### **10.1.7 Local Government House Trust – Deed of Variation**

**Agenda Reference:** CEO 02/20 – 07  
**Name of Applicant:** Shire of Sandstone  
**Disclosure of Interest:** None  
**Date of Report:** 18 February 2020  
**Author:** Eddie Piper Acting Chief Executive Officer

#### **Summary**

The West Australian Local Government Association (WALGA) entered into a Trust Deed to secure the ownership of the various local governments that contributed to the purchase of the current premises owned and occupied by WALGA being 170 Railway Parade Leederville, West Australia. WALGA are seeking Council's consent to have a Deed of Variation formally executed.

#### **Attachments**

1. Email of explanation from WALGA

2. A copy of the Deed of Variation
3. Excerpt of Clause 12 of the Trust Deed

## **Background**

The variations sought by WALGA are as below:

1. Variation 2.1 amends clause 22.1 to point to additional clause:

22.1 Any Trustee of the Trust may retire as Trustee of the Trust. Subject to clause 22.3 the right to appoint any new or additional trustee or trustees of the Trust is hereby vested in the retiring or continuing trustee. A corporation or incorporated association may be appointed as Trustee of the Trust.

2. Variation 2.2 inserts two new clauses:

22.3 The retiring or continuing trustee shall only be entitled to appoint any new or additional trustee of the Trust with the consent of not less than 75% of the Beneficiaries

22.4 The Beneficiaries may at any time by Special Resolution:

(a) remove a Trustee from the office as Trustee of the Trust;

and

(b) appoint such new or additional Trustee

3. Variation 2.3 inserts a new clause 13A

### **13A Delegation to the Board of Management**

Unless the Beneficiaries otherwise direct (such direction to be given by not less than 75% of the Beneficiaries) the Trustees shall delegate all of the powers authorities

and discretions contained in subclauses (a) to (x) of clause 12 to the Board of management. The Trustees shall, at the direction of the Board of Management, do such things as may be necessary to give effect to the exercise of a power, authority or discretion by the Board of Management.

An explanation of the need for the variations has been given by WALGA and is detailed below:

The first two amendments outlined above remove powers granted to the Trustee in the 2002 Deed Variation resulting from the merger to a single Association representing WA Local Governments. These amendments which previously facilitated the transfer of trusteeship to the then new Western Australian Local Government Association are removed, but with the clarification that any appointment must be with the consent of the beneficiaries.

The final amendment intends to confirm that power rests with the Board of Management. As the Board of Management comprises Local Governments, this satisfies the requirements of a STB for tax purposes. This amendment reflects the actual operation of the Trustee in implementing the decisions of the Board of Management whilst retaining sufficient operational discretion to place and renew investments and pay suppliers.

These amendments provide greater power to beneficiaries through the Board of management, and as such it is anticipated they will be considered acceptable.

As explained by WALGA the purpose of the variations are to assist with the Trust's income tax exemption status by strengthening the position that the Trust is a State / Territory Body.

The Trust Deed requires 75% of all beneficiaries to consent to the variation in order to execute the document

### **Comment**

The Acting CEO has read the attachments and can see no impediment to Council supporting WALGA by agreeing to the Deed of Variation being agreed to.

### **Consultation**

Nil

### **Statutory Environment**

Nil

### **Policy Implications**

Nil

### **Financial Implications**

Nil

### **Voting Requirements**

Simple majority

### **Officer Recommendation**

**MOVED: Cr McQuie**

**SECONDED: Cr May**

That Council authorise the Acting Chief Executive Officer to advise the Chief Executive Officer of WALGA that the Shire of Sandstone fully supports the Variations detailed below and agrees to the WALGA President and Chief Executive Officer Signing the Deed of Variation Local Government House Trust.

#### 1. Variation 2.1 amends clause 22.1 to point to additional clause:

22.1 Any Trustee of the Trust may retire as Trustee of the Trust. Subject to clause 22.3 the right to appoint any new or additional trustee or trustees of the Trust is hereby vested in the retiring or continuing trustee. A corporation or incorporated association may be appointed as Trustee of the Trust.

#### 2. Variation 2.2 inserts two new clauses:

22.3 The retiring or continuing trustee shall only be entitled to appoint any new or additional trustee of the Trust with the consent of not less than 75% of the Beneficiaries

22.4 The Beneficiaries may at any time by Special Resolution:

(a) remove a Trustee from the office as Trustee of the Trust;

and

(b) appoint such new or additional Trustee

3. Variation 2.3 inserts a new clause 13A

**13A Delegation to the Board of Management**

Unless the Beneficiaries otherwise direct (such direction to be given by not less than 75% of the Beneficiaries) the Trustees shall delegate all of the powers authorities

and discretions contained in subclauses (a) to (x) of clause 12 to the Board of management. The Trustees shall, at the direction of the Board of Management, do such things as may be necessary to give effect to the exercise of a power, authority or discretion by the Board of Management.

**CARRIED BY SIMPLE MAJORITY (6/0)**

**10.1.8 Audit Committee – Appointment of Members**

**Agenda Reference:** CEO 11/19 – 02  
**Location/Address:** Shire of Sandstone  
**Name of Applicant:** Acting Chief Executive Officer  
**Disclosure of Interest:** None  
**Date of Report:** 19<sup>th</sup> February 2020  
**Author:** Eddie Piper Acting Chief Executive Officer

**Summary**

Council to appoint Elected Members to the Audit Committee.

**Attachments**

Nil

**Background**

The Local Government election was held on the 19<sup>th</sup> October 2019 and all existing members were re-elected. Council met on 25<sup>th</sup> October 2019 and appointed Councillors as representatives on various bodies. It was believed by the ACEO that as all Elected Members were on the Audit Committee and there was no change to the persons on Council that there would be a carry over for 2019-2021.

### **Comment**

There may be some doubt to this reasoning and therefore the Acting CEO believes it would be prudent to undertake the appointments to the Audit Committee for the 2019-2021 period.

Previously, as has been stated, all Elected Members have been elected to the Audit Committee.

### **Consultation**

Nil

### **Statutory Environment**

Nil

### **Policy Implications**

Nil

### **Financial Implications**

Nil.

### **Voting Requirements**

Absolute majority

### **Officer Recommendation**

**MOVED:** Cr Hodshon

**SECONDED:** Cr May

That Council Appoint all Elected Members to the Audit Committee for 2019-2021

**CARRIED BY ABSOLUTE MAJORITY (6/0)**

## **10.2 FINANCIAL REPORTS**



## 10.2.1 Financial Statements for the months of December 2019

**Location:** Shire of Sandstone  
**Applicant:** Shire of Sandstone  
**Disclosure of Interest:** Nil  
**Date of Report:** 14 February 2020  
**Author:** Eddie Piper, Acting Chief Executive Officer

### Summary

The Statement of Financial Activity report for the month ending 31 December 2019 is presented to Council in accordance with *Regulations 34 of the Local Government (Financial Management) Regulations 1996*.

### Attachments

Financial Statements for December 2019

### Background

#### Summary of Funds – Shire of Sandstone as at: 31 December 2019

Municipal Cheque Account - On-line (BWA)	\$347,911.67
Municipal Investment Account – On-line (BWA)	\$471,302.39
Trust Fund (Bankwest)	\$7,340.00
Reserve Term Deposits (Bankwest)	\$ 5,213,479.34

### Consultation

Finance Officer

### Statutory Environment

*Local Government (Financial Management) Regulations 1996 - Regulations 34 (1A) and 17.*

The Regulations require a Local Government to prepare each month a statement of financial activity, accompanied by relevant documents and that this information must be presented to Council at an ordinary meeting within 2 months after the end of the month.

### Policy Implications

Nil

## Financial Implications

Nil

## Strategic Implications

Nil

## Voting Requirements

Simple Majority

## STAFF RECOMMENDATION

**MOVED:** Cr McQuie

**SECONDED:** Cr May

That Council accepts the financial statements for the period ending 31 December 2019.

**NOT/CARRIED (6/0)**

<b>10.2.2 ACCOUNTS UPDATE FOR THE MONTH OF DECEMBER 2019</b> <b>(Includes Credit Cards, the Caravan Park, Fuel Sales and Rates report)</b>
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<b>Location:</b>	Shire of Sandstone
<b>Applicant:</b>	Shire of Sandstone
<b>Disclosure of Interest:</b>	Nil
<b>Date of Report:</b>	20 February 2020
<b>Author:</b>	Rhonda Miles – Finance Officer
<b>Senior Officer:</b>	Eddie Piper – Acting Chief Executive Officer

## Summary

Presented for Council's information is the list of accounts paid in the month from the Municipal Fund and Trust Fund in accordance with the requirements of the *Local Government (Financial Management) Regulations 1996*. Payments made through the corporate credit cards as well as income from the Caravan Park and Fuel Sales are included as attachments.

## Attachments

10.2.2A to C: The list of accounts (EFT and cheque payments) is attached which will enable Council to see the payments made to the Shire's creditors.

10.2.2D to F: Payments via Credit Cards (CEO and Works Supervisor), Caravan Park Income and Fuel Sales Income.

### **Background**

Council has delegated to the CEO the exercise of its power under Financial Management Regulation 12 to make payments from Municipal Fund and Trust Fund.

The *Financial Management Regulations (Regulation 13 (3))* requires a schedule of payments made through the Shire's bank accounts to be presented to Council.

The lists include details for each payment made incorporating the payee's name, amount of payment, date of payment and a brief transaction description.

### **Comment**

Invoices supporting all payments are available for inspection. Queries regarding any payment should be made through the CEO to the staff member who handles the financial transactions prior to this meeting.

All invoices and vouchers presented to Council have been certified as to receipt of the goods or services and that the amounts shown were due for payment.

### **Consultation**

Nil

### **Statutory Environment**

*Local Government Act 1995*

*Financial Management (Local Government) Regulations 1996 – Regulation 12*

### **Policy Implications**

Payments have been made under Council delegation.

### **Financial Implications**

None, funds were available to meet the expenditure.

### **Strategic Implications**

Nil

### **Voting Requirements**

Simple majority

### **STAFF RECOMMENDATION**

**MOVED:** Cr May

**SECONDED:** Cr Key

That Council endorses the December 2019 accounts paid as presented:

Municipal Fund December 2019

- Municipal Printed cheque numbers 105360 - 105367 totalling \$11,135.13
- EFT Payment Numbers 7322 – 7383 totalling \$286,459.72
- Superannuation \$7,048.37; \$8,978.27 & \$8,913.28 totalling \$24,939.92

Trust Fund December 2019

- Trust cheques 205119 – 205122 totalling \$320.00

Payroll EFT December 2019:

\$48,609.19; \$35,639.00 & \$37,822.00 & \$ totalling \$122,070.19

Credit Cards December 2019:

DD 4334.1 totalling \$1,801.03

**CARRIED (6/0)**

**10.4 WORKS and SERVICES**

**10.4.1 WORKS SUPERVISOR'S REPORT February 2020**

**Agenda Reference:** WS 02/20 – 01  
**Location/Address:** Shire of Sandstone  
**Name of Applicant:** Shire of Sandstone  
**Disclosure of Interest:** None  
**Date of Report:** 14 February 2020  
**Previous References:** Nil  
**Author:** David Holland WS

**Summary**

**1. Crew Movements**

The crew has been on the Yeelirrie Rd completing the problems we have on this road they also completed some works on the road after the flooding due to the rain event in Jan.

They are now on the Paynes Find Rd and Atley Station Rd completing programmed works.

## **2. Maintenance Grader**

The operator has completed Wiluna Rd / Meekatharra, after the flooding over Jan. I will use the grader operator to fill in for the personnel that are on leave until I get new ones.

## **3. Contract Maintenance Grader**

This contract grader has started on the Paynes Find Rd from the bitumen at Sandstone, he will also complete a grade down the Station Access roads in that area and will complete all roads we have asked him to do as part of his tender.

## **4. Employees**

With being short of two employees with one being on Workers Compensation and just having shoulder surgery, and the other leaving the Council, I now must advertise these positions, one being full time the other be on a casual basis.

## **5. Plant**

The new Multi Roller has now arrived with the Bus also arriving late January.

The new water truck should be with us after this report was completed, that only leaves the Grader to arrive and be fitted out by Westrac this should happen at the end of February and we should take delivery in early March, this will complete the plant purchases.

I do ask council to consider the purchase of a new ride on mower for the caravan park and our oval as the one we have is aging and is now breaking down more often, I have asked and received a quote on a new Toro ride on with the same extras on it as we have now, the quoted price was \$8,940 excluding GST.

## **6. Council Discussion**

Over January the Shire of Sandstone and other Shires in the district were hit with a rain event that hit hard in the Sandstone Shire mainly on the north eastern side of the town, the roads that were affected the most are Meekatharra Rd, Wiluna Rd, Gidgee Rd and Yeelirrie Rd, we were lucky that we had the people from Greenfields here at the time doing our Road Valuations and as such were able to use them to do the pickup while here, we have engaged them to start the ball rolling, they have completed the estimates on the damage caused and have given DFES the estimate for the works that being \$1.8 million.

I would ask Council to consider endorsing the action of the A/CEO and Works Supervisor to engage Greenfields to draw up, advertise, collate and submit preferred tenders to the A/CEO and Works Supervisor for consideration and to submit to Council for approval and awarding of tender for the completion of works on flood damaged roads as approved by DFES to complete repairs.

## **Consultation**

Eddie Piper – A/CEO

Arthur Wainwright – Leading Hand grader driver

## **Statutory Environment**

Local Government Act 1995

## **Policy Implications**

Nil

**Financial Implications**

Nil

**Strategic Implications**

Nil

**Voting Requirements**

Simple majority

**Officer Recommendation**

**Moved Cr Key**

**Seconded Cr Lefroy**

That Council receive the Works Supervisor's Report.

**CARRIED/NOT CARRIED (6/0)**

**Moved Cr McQuie**

**Seconded Cr May**

That Council endorse the action of the A/CEO and Works Supervisor to engage Greenfields to draw up, advertise, collate and submit preferred tenders to Council for the completion of works on flood damaged roads when DFES has approved funding for repairs to be completed.

**CARRIED (6/0)**

**10.4.2 Maintenance Grading of Unsealed Roads Contract - Variation**

**Agenda Reference:** CEO 11/19 – 02  
**Location/Address:** Shire of Sandstone  
**Name of Applicant:** Shire of Sandstone and Remote Area Mechanical Services  
**Disclosure of Interest:** None  
**Date of Report:** 29<sup>th</sup> January 2020  
**Author:** Eddie Piper Acting Chief Executive Officer

**Summary**

Council to consider the endorsement of a variation to the Maintenance Grading of Unsealed Roads Contract between the Shire of Sandstone and Remote Area Mechanical Services.

## **Attachments**

- 1 Original Contract
- 2 Schedule of variations
- 3 Schedule of roads to be maintained by Remote Area Mechanical Services (RAMS)

## **Background**

On 15<sup>th</sup> July 2018 Council entered into a contract with RAMS to maintenance grade certain unsealed roads with a guaranteed revenue to RAMS of \$1,050,000 for the 3 years of the Contract.

## **Comment**

Prior to the council meeting of the 19<sup>th</sup> December 2019 Elected Members discussed the contract and the considerations of the Works Supervisor, Mr David Holland and the recommendations of a legal opinion from Civic Legal and it was decided that the President Cr Walton, the Acting CEO Mr Piper and the Works Supervisor Mr Holland should meet with the Principals of RAMS to seek a solution.

After considerable discussion when Councillors considered several options open to it including cancelling the contract (as suggested by Civic Legal) and finding some common ground on which a compromise outcome could be negotiated.

The meeting was arranged for 17<sup>th</sup> January 2020 and all attended. The outcome of the meeting is detailed in the schedule attached detailing seven (7) variations. The Principals of RAMS have agreed and Signed the document and the Shire President and Acting CEO have signed on behalf of the Shire having first sought the approval of Elected Members.

## **Consultation**

Mr Dave Holland – Works Supervisor

## **Statutory Environment**

Nil

## **Policy Implications**

Nil

## **Financial Implications**

There will be a saving to Council in a full year of approximately \$70,000pa.

## **Voting Requirements**

Simple majority

## **Officer Recommendation**

**MOVED: Cr McQuie**

**SECONDED: Cr Hodshon**

That Council endorse the action of the Shire President and the Acting Chief Executive Officer in negotiating the variation to the contract to Maintenance Grade certain Unsealed Roads in the Shire, as detailed in the attachment, between the Shire of Sandstone and Remote Area Mechanical Services.

**CARRIED (6/0)**

**CARRIED (6/0)**

**Dave Holland left the meeting at 2.10pm**

**11 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**

Nil

**12 QUESTIONS FROM MEMBERS WITHOUT NOTICE**

Nil

**13 NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF THE MEETING**

**13.1 SALE OF OLD POLICE HOUSE**

**Moved** Cr Key

**Seconded** Cr McQuie

1. That Council consider a motion to revoke the sale of the property known as the Old Police House at 18 Oroya Street, Sandstone that was resolved at a meeting held on 25<sup>th</sup> October 2018 as follows:

**'RESOLUTION 86/18**

**MOVED: CR MAY**

**SECONDED: CR LEFROY**

THAT COUNCIL IN RELATION TO THE OLD POLICE HOUSE DETERMINE AS FOLLOWS:

1. THAT THE PROPERTY BE DISPOSED OF DURING THE 2018/19 FINANCIAL YEAR
2. THAT THE DISPOSAL BE BY PUBLIC TENDER
3. THAT THE 2018/19 COUNCIL BUDGET BE AMENDED TO REFLECT THE DISPOSAL AND ASSOCIATED EXPENSES



4. THAT THE CHIEF EXECUTIVE OFFICER UNDERTAKE THE NECESSARY STEPS TO COMMENCE THE DISPOSAL BY PUBLIC TENDER FOLLOWING THE COMPLETION OF THE EXTRA-ORDINARY ELECTION

5. THAT THE CHIEF EXECUTIVE OFFICER ADVISE MR CHRIS MACK AND MS FIONA MATHER OF COUNCIL'S DECISION.

6. THAT THE CHIEF EXECUTIVE OFFICER ENSURE ALL NECESSARY MAINTENANCE WORKS ARE COMPLETED AS SOON AS POSSIBLE TO MAKE THE HOUSE A SALEABLE PROPOSITION"

**CARRIED (6/0)**

**By considering this motion a revocation of the above motion is required.**

**All Elected Members indicated they supported consideration of the revocation and signed an acknowledgement of that support**

**The detail of the item presented to Council on 25<sup>th</sup> October 2018 is as follows and is included as background.**

### **Summary**

For Council to consider whether to retain or dispose of the Old Police House situated in Oroya Street and if the decision is to dispose of the property then by what method.

### **Attachments**

A letter from Mr Chris Mack and Ms Fiona Mather expressing an expression of interest in purchasing the property.

### **Background**

The Shire of Sandstone acquired the building known as the old police house within the last two (2) years and has previously indicated that it would most likely dispose of the property to ensure the building was utilised and therefore maintained without the shire having to meet the ongoing costs.

There was and still is some maintenance works to be completed to make a sale an attractive option

### **Comment**

A letter has been received from Mr Chris Mack and Ms Fiona Mather expressing an interest in purchasing the old police house and seeking Council's consideration in selling the property (copy attached).

The Shire 2018-19 Budget does not include the disposal of this property and therefore Council needs to firstly determine if it wishes to do so. If it is decided to go ahead with the disposal the Local Government Act 1995 (the Act) requires that the method of disposal must be decided. There are three (3) methods available to Council, they being:

1. By public tender
2. By public auction
3. By private treaty

**The Act, under section 3:58 reads as follows:**

**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 a 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 submission 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 the 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 a 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*

As can be seen from the above the simplest disposal methods are a public auction or by public tender. In these cases the disposal price is either the highest bid at an auction or the most acceptable tender provided.

The Acting Chief Executive Officer believes that Council may be best served by calling for public tenders as it gives the Council the flexibility to select the tender that is the most acceptable to the shire whether it is the highest or not. Obviously reasons would need to be given for selecting a tender other than the highest. These reasons could be on economic grounds, financial or other grounds. Council may reject all tenders if it is not satisfied with any conditions or the price tendered.

## **Consultation**

## **Statutory Environment**

Local Government Act 1995 Section 3:58

## **Policy Implications**

Nil

## **Financial Implications**

There would be additional revenue to the shire over and above the Budget (ie net purchase price less any expenses).

A budget adjustment will need to be completed should Council proceed with the disposal.

## **Voting Requirements**

Simple majority

## **Resolution 86/18**

**MOVED: Cr May**

**SECONDED: Cr Lefroy**

That Council in relation to the Old Police House determine as follows:

1. that the property be disposed of during the 2018/19 financial year
2. that the disposal be by public tender
3. that the 2018/19 council budget be amended to reflect the disposal and associated expenses
4. that the Chief Executive Officer undertake the necessary steps to commence the disposal by public tender following the completion of the Extra-Ordinary election
5. that the Chief Executive Officer advise Mr Chris Mack and Ms Fiona Mather of Council's decision.
6. that the Chief Executive Officer ensure all necessary maintenance works are completed as soon as possible to make the house a saleable proposition.

**CARRIED (5/0)**

That Council revoke the Council resolution carried at its Ordinary Council Meeting 25<sup>th</sup> October 2018 which reads as follows:

**MOVED** Cr May

**SECONDED** Cr Lefroy

That council revoke the Council Resolution passed at its meeting on 25<sup>th</sup> October 2018 which read as follows:

THAT COUNCIL IN RELATION TO THE OLD POLICE HOUSE DETERMINE AS FOLLOWS:

1. THAT THE PROPERTY BE DISPOSED OF DURING THE 2018/19 FINANCIAL YEAR
2. THAT THE DISPOSAL BE BY PUBLIC TENDER
3. THAT THE 2018/19 COUNCIL BUDGET BE AMENDED TO REFLECT THE DISPOSAL AND ASSOCIATED EXPENSES
4. THAT THE CHIEF EXECUTIVE OFFICER UNDERTAKE THE NECESSARY STEPS TO COMMENCE THE DISPOSAL BY PUBLIC TENDER FOLLOWING THE COMPLETION OF THE EXTRA-ORDINARY ELECTION
5. THAT THE CHIEF EXECUTIVE OFFICER ADVISE MR CHRIS MACK AND MS FIONA MATHER OF COUNCIL'S DECISION.
6. THAT THE CHIEF EXECUTIVE OFFICER ENSURE ALL NECESSARY MAINTENANCE WORKS ARE COMPLETED AS SOON AS POSSIBLE TO MAKE THE HOUSE A SALEABLE PROPOSITION

**Carried by Absolute Majority (6/0)**

## **RESOLUTION**

**MOVED** Cr Key

**SECONDED** Cr May

That Council authorise the CEO to dispose of the property known as the Old Police House situated 18 Oroya Street Sandstone with a sale price of \$65,000 or nearest offer by private treaty and ensure all requirements of the LGA 1995 Act section 3.58 – Disposing of Property are met.

**Carried by Absolute Majority (6/0)**

### **14 MEETING ITEMS CLOSED TO THE PUBLIC**

**14.1 Meeting Closed to the Public**

**14.2 Public Reading of Resolutions to be made Public**

### **TIME and DATE of NEXT MEETING**

The next scheduled Ordinary Council Meeting will be held on Thursday 26<sup>th</sup> March 2020.

### **15 CLOSURE OF MEETING**

There being no further business, the Shire President closed the meeting at  
\_\_2.18pm\_\_\_\_pm.

### **CERTIFICATION**

I, \_\_\_\_\_, certify that the Minutes of the Meetings held on 17 December 2019, as shown, were confirmed as a true and accurate record at the Meeting held on 27 February 2020.

\_\_\_\_\_  
**(Presiding Member)**