



MINUTES

Special Council Meeting

14 January 2021

1.00 pm

To be held in the Council Chambers, Hack St Sandstone



SPECIAL COUNCIL MEETING NOTICE PAPER

14 January 2021 at 1.00 pm

Dear President and Councillors,

A Special Meeting of Council has been called for 14th January 2021, in the Council Chambers, Hack Street, Sandstone, commencing at 1.00pm.

Councillors please note:

Only items in this agenda may be discussed at the meeting.

Eddie Piper
Acting Chief Executive Officer

14 January 2021



**SPECIAL COUNCIL MEETING HELD ON 14 JANUARY 2021
AGENDA SUMMARY and TABLE OF CONTENTS**

PAGE	AGENDA	ITEM	MINUTE No.
13	1.0	Declaration of Opening and Announcement of any Visitors	
13	2.0	Announcements from the Presiding Member and/or Councillors (without discussion unless otherwise determined)	
13	3.0	Attendance	
13	6.0	Declarations of Interest	
13	7.0	Public Question Time	
14	10.0	Officer's Reports	
14	10.1	CEO Reports	
14	10.1.1	Offer to Purchase 2 adjoining lots (99 & 516) Payne Street Sandstone	SP1/21
16	10.1.2	Offer to Purchase 2 adjoining lots (246 & 247) Green Street Sandstone	SP2/21
19	10.1.3	Local Roads and Community Infrastructure Program – Project for Submission	SP3/21
22	14.1	Meeting Items Closed to the Public	
22		Time and Date of Next Meeting	
22		Closure of the Meeting	

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**AGENDA and STAFF REPORTS
SPECIAL COUNCIL MEETING HELD IN
COUNCIL CHAMBERS, SANDSTONE ON 14 JANUARY 2021**

1 DECLARATION OF OPENING AND ANNOUNCEMENT OF ANY VISITORS

The Presiding Member, Cr Beth Walton (Shire President) to declare the Meeting open at 1.00 pm

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

Nil

3 ATTENDANCE

3.1 Present

Elected Members

Cr B (Bethel) Walton	Shire President
Cr C (Carol) Hodshon	Deputy Shire President
Cr F (Freda) May	
Cr V (Victoria) McQuie	
Cr K (Kerry) Key	
Cr D (David) Lefroy	

Staff Members

Mr Eddie Piper ACEO

3.2 Apologies

3.3 Approved Leave of Absence

Nil

6 DECLARATIONS OF INTEREST

6.1 Declarations of Financial Interest

Freda May Item 10.1.1

6.2 Declarations of Proximity Interest

6.3 Declarations of Indirect Financial Interest

6.4 Declarations of Impartiality Interest

Freda May Item 10.1.2

7 PUBLIC QUESTION TIME

Nil

10 OFFICERS REPORTS

10.1 CHIEF EXECUTIVE OFFICERS REPORTS

10.1.1 Offer to Purchase 2 adjoining lots (99 & 516) in Payne Street Sandstone

Agenda Reference: CEO 01/21 - 01
Location/Address: Shire of Sandstone
Name of Applicant: Shire of Sandstone
Disclosure of Interest: Nil
Date of Report: 6th January 2021
Author: Eddie Piper, Acting Chief Executive Officer

Summary

The Shire of Sandstone owns lots 99 and 516 Payne Street Sandstone. Council has received on the 16th December 2020 an unsolicited offer to purchase the two (2) lots

Attachments

Emailed offer to purchase
Emailed detail of the Offerors

Background

The Shire owns lots 99 and 516 Payne Street Sandstone and has received an offer to purchase both lots from Paul Gregory MAY and Nicole Lisa MAY. The offer is for \$9,000 per lot making a total offer of \$18,000.

The detail of the lots are:

1. Lot 99 on Deposited Plan 223093 Volume 2746 Folio 566
2. Lot 516 on Deposited Plan 223093 Volume 2746 Folio 567
- 3.

Council holds Duplicate Certificates of Title dated 5/5/2011 for both lots

Comment

The Local Government Act 1995 sec 3.58 outlines the procedure should Council wish to dispose of the lots.

Essentially a local government can dispose of an asset by;

1. Highest bidder at a public auction
2. By public tender
3. By giving local public notice of the details including describing the property concerned, giving full detail of the proposed disposition and inviting submissions on the proposed disposition.

Approximately 12 months ago Council fenced the 2 lots to prevent the land being used as parking of trucks when the drivers were visiting or being accommodated at the establishment across the road. The cost of this fencing was \$10,620.

The former CEO sought a valuation of the lots and the desk top value is \$11,000 per lot giving a total of \$22,000

Consultation

Nil

Statutory Environment

Local Government Act 1995 Section 3.58

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

Financial Implications

A disposal will generate cash flow and increase the rate base of the Shire of Sandstone

Strategic Implications

Nil

Voting Requirements

Simple Majority

Officer Recommendation

MOVED: Cr McQuie

SECONDED: Cr Hodshon

That Council reject the offer from Paul Gregory MAY and Nicole Lisa MAY to purchase the lots 99 and 516 Payne Street Sandstone at \$9,000 per lot and advise Paul Gregory MAY and Nicole Lisa MAY that Council would accept an offer of \$11,000 per lot giving a total settlement cost for the purchase of \$22,000 plus/less other costs on settlement SUBJECT to the provisions of Local Government Act 1995 section 3.58 (3)(a)submissions and (b) being met and there being no submissions lodged that Council has an issue/concern with.

CARRIED (5/0)

10.1.2 Offer to Purchase 2 adjoining lots (246 & 247) Green Street Sandstone

Agenda Reference: CEO 01/21 - 02
Location/Address: Shire of Sandstone
Name of Applicant: Shire of Sandstone
Disclosure of Interest: Nil
Date of Report: 7th January 2021

Author: Eddie Piper, Acting Chief Executive Officer

Summary

The Shire of Sandstone owns lots 246 and 247 Green Street Sandstone. Council has received on the 6th January 2020 an unsolicited offer to purchase the two (2) lots

Attachments

Emailed offer to purchase

Background

The Shire owns lots 246 and 247 Green Street Sandstone and has received an offer to purchase both lots from Justin Jeremy BAKER. The offer is for \$9,000 per lot making a total offer of \$18,000.

The detail of the lots are:

4. Lot 246 on Deposited Plan 223094 Volume 2734 Folio 322
5. Lot 247 on Deposited Plan 223094 Volume 2734 Folio 323

Council holds Duplicate Certificates of Title dated 12/1/2010 for both lots

Comment

The Local Government Act 1995 sec 3.58 outlines the procedure should Council wish to dispose of the lots.

Essentially a local government can dispose of an asset by;

4. Highest bidder at a public auction
5. By public tender
6. By giving local public notice of the details including describing the property concerned, giving full detail of the proposed disposition and inviting submissions on the proposed disposition.

The Acting CEO sought a valuation of the lots and the desk top value is \$11,000 per lot giving a total of \$22,000.

Consultation

Nil

Statutory Environment

Local Government Act 1995 Section 3.58

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

Financial Implications

A disposal will generate cash flow and increase the rate base of the Shire of Sandstone

Strategic Implications

Nil

Voting Requirements

Simple Majority

Officer Recommendation

MOVED: Cr Hodshon

SECONDED: Cr Key

That Council reject the offer from Justin Jeremy BAKER to purchase the lots 246 and 247 Green Street Sandstone at \$9,000 per lot and advise Justin Jeremy BAKER that Council would accept an offer of \$11,000 per lot giving a total settlement cost for the purchase of \$22,000 plus/less other costs on settlement SUBJECT to the provisions of Local Government Act 1995 section 3.58 (3)(a) submissions and (b) being met and there being no submissions lodged that Council has an issue/concern with.

CARRIED (6/0)

10.1.3 Local Roads and Community Infrastructure Program – Projects for Submission

Agenda Reference: CEO 01/21 - 03
Location/Address: Shire of Sandstone
Name of Applicant: Shire of Sandstone
Disclosure of Interest: Nil
Date of Report: 5th January 2021
Author: Eddie Piper, Acting Chief Executive Officer

Revocation of Previous Resolution

To Revoke a previous motion the support of 1/3 of Council (2 Members) must be obtained in writing and signed prior to considering such a motion. (Local Government (Administration) Regulation 10).

Summary

The Federal Government as part of its endeavours to stimulate the economy introduced the Local Roads and Community Infrastructure Program (LRCIP). This program granted funds to local governments throughout Australia.

The Shire of Sandstone has received two (2) grants totalling \$538,397 one of which must be expended by 31st December 2021 and the other by 30th June 2022.

Attachments

Local Roads and Community Grant Agreement

Background

The Shire is required to submit projects to the Federal Government which comply with the requirements of the Agreement which will then be assessed and, if compliant, approved.

The Shire of Sandstone has submitted two (2) projects under Phase 1 funding, they being:

- | | |
|------------------------------------------------------|-----------|
| 1. Re-sheet and repair the Menzies to Sandstone Road | \$238,778 |
| 2. Replace Recreation Centre ceiling | \$30,700 |

The total funding for Phase 1 is \$321,792 and the amount applied for (as above) is \$269,478 leaving \$52,314.

Phase 2 of the LRCIP grant is \$216,605. Suitable projects need to be recognised, costed and applied for as soon as possible.

Comment

Several projects will be presented to Council for consideration funded by the remaining Phase 1 (\$52,314) and Phase 2 (\$216,605) grants.

Phase 1

Stage 1 of the replacement of the roof at the Recreation Centre (\$52,314)

Phase 2

Balance of the roof replacement at the Recreation Centre (\$33,417)

Shade Sails at the water park (\$18,745)

Fuel Tanks proposal (existing plus fast flow diesel and unleaded) (\$134,443)

Replace roof at Tourist Centre building (\$60,000)

Projects

1. Replace Recreation Centre Roof

The roof at the recreation centre is the reason the ceiling needs replacing. The pitch is too flat thus allowing water (rain) to flow back onto the ceiling. Engineering needs to be done to establish the pitch required and the cost estimate.

2. Shade Sails at the Water Park

Council has an obligation to provide safe and sun smart facilities for its residents and visitors and the lack of shade at the park is not in keeping with its obligations. The trees will need to be pruned (cut back) to protect the sails.

3. Fast Flow Fuel Tanks and ULP

There is a proposal to install either a 30K or 12K fuel tank with associated works. This could be seen as a major benefit to residents and particularly tourists and drilling companies.

4. Replace Tourist Centre Roof

The roof at the tourist Centre is in need of major repairs to the timber and replacement of the iron.

There may well be other projects that could be considered, however, time is of the essence to lodge the applications for approval and have them completed by 30th June 2021

Should Council determine that it wishes to proceed with the Fast Flow Fuel tanks then a revocation of a council resolution taken at the OCM 17th December 2020 will need to be considered and carried.

The resolution reads as follows:

“That Council not proceed with the purchase of an additional diesel storage tank and fast flow pump in the 2020-21 financial year and give the proposed upgrade of the fuel station further consideration when compiling the 2021 budget.”

Consultation

The ACEO had discussions with the President and Works Supervisor

Statutory Environment

Local Government (Administration) Regulation 10

10. Revoking or changing decisions (Act s. 5.25(1)(e))

(1) If a decision has been made at a council or committee meeting then any motion to revoke or change the decision must be supported –

(a) in the case where an attempt to revoke or change the decision had been made within the previous 3 months but had failed, by an absolute majority: or

(b) in any other case, by at least 1/3 of the number of offices (whether vacant or not) of members of the council or committee

Inclusive of the mover

(1a) Notice of a motion to revoke or change a decision referred to in sub-regulation (1) is to be signed by members of the council or committee numbering at least 1/3 of the number of offices (whether vacant or not) of the council or committee, inclusive of the mover.

(2) If a decision is made at a council or committee meeting, any decision to revoke or change the decision must be made by an absolute majority.

Policy Implications

Nil

Financial Implications

The projects are funded by the LRCIP
A Budget amendment will be necessary on approval

Strategic Implications

Nil

Voting Requirements

Absolute Majority

Officer Recommendation No 1

MOVED: Cr McQuie

SECONDED: Cr Key

That Council revoke its previous resolution carried at its meeting of 17th December 2020 which read as follows:

“That Council not proceed with the purchase of an additional diesel storage tank and fast flow pump in the 2020-21 financial year and give the proposed upgrade of the fuel station further consideration when compiling the 2021 budget.”

**CARRIED (6/0)
Absolute Majority**

Council Comment

After considerable discussion, Council determined that the new 30,000Lt tank will be Diesel only and the existing tank will remain as is (10,000lt Unleaded 91 and 16,000 Diesel).

If there is a demand for higher quality unleaded fuel, Council may consider changing to a higher grade at a later date.

Voting Requirements

Simple Majority

Officer Recommendation No 2

MOVED: Cr McQuie

SECONDED: Cr Key

That Council authorise the Acting Chief Executive Officer to submit to the Department of Infrastructure and Communication of the Australian Government the following projects to be undertaken under the Local Roads and Community Infrastructure Program:

Phase 1	Stage 1 Replace Roof at Recreation Centre - Remove tin	\$52,314
Phase 2 (1)	Stage 2 Replace Roof at Recreation Centre - Complete	\$33,417
	(2) Shade Sails at the Water Park	\$18,745
	(3) Fast flow fuel tanks and ULP	\$124,443
	(4) Replace roof at Tourist Centre Building	\$40,000

With Phase 1 work to be completed by 31st December 2021 and Phase 2 works to be completed by 30th June 2022.

CARRIED (6/0)

14 MEETING ITEMS CLOSED TO THE PUBLIC

14.1 Meeting Closed to the Public

Nil

14.2 Public Reading of Resolutions to be made Public

Nil

TIME and DATE of NEXT MEETING

The next scheduled Ordinary Council Meeting will be held on Thursday 26 February 2021 at 12.30pm

15 CLOSURE OF MEETING

There being no further business, the Shire President closed the meeting at 1.53 pm.