



Shire of Pingelly

Minutes

Special Council Meeting
5 June 2019

SHIRE OF PINGELLY

Minutes from the Special Meeting of Council to be held in the Council Chambers, 17 Queen Street, Pingelly on Wednesday 5 June 2019 – commencing at 10.30am.

Contents

1.	DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS	3
2.	ACKNOWLEDGEMENT OF COUNTRY	3
3.	ANNOUNCEMENTS BY THE PRESIDING MEMBER	3
3.1	Council Agenda Reports	3
4.	RECORD OF ATTENDANCE / APOLOGIES / APPROVED LEAVE OF ABSENCE	3
5.	RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE	3
6.	PUBLIC QUESTION TIME	3
7.	APPLICATIONS FOR LEAVE OF ABSENCE	3
8.	DISCLOSURES OF INTEREST	3
9.	CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS.....	3
10.	OFFICE OF THE CHIEF EXECUTIVE OFFICER	4
10.1	Wheatbelt Secondary Freight Network – Update Financial Contribution Allocation	4
10.2	Community Resource Centre – Replacement of Pingelly Community Car	9
11.	DIRECTORATE OF CORPORATE AND COMMUNITY SERVICES.....	12
11.1	Deed of Novation – Transfer 36 & 38 Sharow St Joint Venture.....	12
11.2	Sale of Vacant Land - 5 Webb St Pingelly	18
12.	OFFICE OF THE CHIEF EXECUTIVE OFFICER	24
12.1	Confidential report - Appointment of Director Technical Services	24
13.	DIRECTORATE OF TECHNICAL SERVICES	24
14.	ELECTED MEMBERS MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN	24
15.	NEW BUSINESS OR URGENT BUSINESS INTRODUCED BY DECISION OF THE MEETING	24
16.	CLOSURE OF MEETING	24

1. DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

The Chairman declared the meeting open at 10.40am.

2. ACKNOWLEDGEMENT OF COUNTRY

We acknowledge the Noongar people of this area and recognise their continuing connection to land, waters and community. We pay respect to both the Aboriginal and non-Aboriginal people past and present.

3. ANNOUNCEMENTS BY THE PRESIDING MEMBER

Nil

3.1 Council Agenda Reports

Please note that all elected members have been provided with the relevant information pertaining to each Officers reports within today's Agenda and the Officer Recommendations are based on Council Policy and or State Acts and Legislation.

4. RECORD OF ATTENDANCE / APOLOGIES / APPROVED LEAVE OF ABSENCE

Nil

MEMBERS PRESENT

Cr WV Mulroney
Cr DI Freebairn
Cr JM Walton-Hassell
Cr BW Hotham
Cr EJ Hodges
Cr K Hastings
Cr PJ Wood
Cr J McBurney

STAFF IN ATTENDANCE

Mr Mark Dacombe	Acting Chief Executive Officer
Mr S Billingham	Director Corporate and Community Services
Mr B Gibbs	Director Technical Services

APOLOGIES

Mrs L Boddy Executive Assistant

5. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil

6. PUBLIC QUESTION TIME

No members of the public present.

7. APPLICATIONS FOR LEAVE OF ABSENCE

12678 Moved: Cr Walton-Hassell Seconded: Cr Hastings

That:

Cr McBurney be granted leave from 28th June to 14th July 2019.

Carried 8:0

8. DISCLOSURES OF INTEREST

Cr Mulroney, Cr McBurney, Cr Hodges, Cr Freebairn

9. CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

N/A

10. OFFICE OF THE CHIEF EXECUTIVE OFFICER

10.1 Wheatbelt Secondary Freight Network – Update Financial Contribution Allocation

File Reference: ADM0
Location: Shire of Pingelly
Applicant: Shire of Pingelly
Author: Acting Chief Executive Officer
Authorising Officer: Acting Chief Executive Officer
Date: 28 May 2019
Disclosure of Interest: Nil
Attachments: Nil

Summary:

For Council to consider support for the Wheatbelt Secondary Freight Network project by reallocation of funds from Building Better Regions fund co-contribution to role of Lead Consultant Project Management in support of successful Regional Economic Development grant.

Background and Comment:

The Wheatbelt Secondary Freight Network (WSFN) network comprises 4,400km of Local Government managed roads that connect with State and National highways to provide access for heavy vehicles into the region. These roads are intended to enable large, high productivity trucks safe and cost effective access to business.

The project is being driven by local government authorities with a Working Group established consisting of representatives from the following organisations:

- Wheatbelt North Regional Road Group (WN RRG)
- Wheatbelt South Regional Road Group (WS RRG)
- WA Local Government Association (WALGA)
- Regional Development Australia - Wheatbelt (RDA-W)
- Main Roads WA-Wheatbelt Region (MRWA-WR)
- Wheatbelt Development Commission (WDC)

Over the last 2 years, 42 Local Government authorities across the region have collaborated to identify priority routes and have also participated in a technical data collection process, preparation of a pre-feasibility business case and a cost benefit analysis of the planning process. The in-kind investment by local government to date is estimated to be in excess of \$750,000. The process has been an excellent example of a large number of local governments working together on a common strategic regional priority. The key undertakings of the project so far are:

1. Identification of nominated WSFN roads based upon a simple criteria developed by RRG.
2. Determination of basic project framework and minimum design standards.
3. Road condition assessment against minimum design standards.
4. High level scope of works and order of magnitude costs for upgrades required.
5. A summary of data collection and assessment across the 42 local of governments is:

	Route Length (km)	Proposed Works (km)	Proposed Length (%)	Indicative Costs (\$)
TOTAL	4,337	2,851	66	\$ 493,000,000

This initial approach was to assist the Working Group to work towards an Infrastructure Australia Stage 3/4 submission for inclusion of the WSFN project on the Infrastructure Australia Infrastructure Priority List (IPL). The long term goal is to obtain funding support for a broadly estimated, \$500 million capital works program over 10 - 20 year timeframe to bring the network up to a fit for purpose standard for current and anticipated future needs. The group is working towards submitting an IA Stage 4 Business Case submission for the WSFR. The project development costs associated with the business case submission are estimated to be \$5M, which is in the order of 1% of the estimated capital investment.

The following provides an outline of the proposed budget and funding applications that were submitted to assist with the development and planning stages the WSFN project.

Stages	Budget and Funding Sources
Stage 1 – Strategic Planning	\$1,000,000
<ul style="list-style-type: none"> ▪ Design Criteria and Objectives ▪ Options Assessment ▪ Collated Data Review ▪ Multiple Criteria Assessment ▪ Staging Plan 	<ul style="list-style-type: none"> ▪ BBRF (\$750K) ▪ LGA co-contribution (\$250K)
Stage 2 – Detailed Planning	\$3,600,000
<ul style="list-style-type: none"> ▪ Concept Design Investigations ▪ Preliminary Design Investigations 	<ul style="list-style-type: none"> ▪ Commodity Route (\$1M) ▪ LGA in-kind
Stage 3 – IA Stage 3/4 Submission	\$400,000
<ul style="list-style-type: none"> ▪ Project Management ▪ Governance Plan ▪ Business Case Development 	<ul style="list-style-type: none"> ▪ REDS (\$100K) ▪ LGA in-kind
	\$5,000,000

Building Better Regions Fund (BBRF) submission

The Building Better Regions Fund (BBRF) submission is only intended to contribute towards funding activities associated with Stage 1 – Strategic Planning at an estimated budget of \$1M.

Funding and the associated BBRF application can be summarised as follows:

- Budget
 - Total Cash \$1M
- Funding
 - BBRF \$750K
 - LGA cash co-contribution \$250K.

This strategic planning work will inform the strategic allocation of road capital works funding provided to LGAs in the region, the economically optimal sequence for developing the network and ensure that roads are designed and constructed to an optimal standard from a 'whole-of-life' asset management perspective. The detailed planning exercise is expected to achieve a net benefit in the order of \$20 million based solely on the benefits gained from freight route prioritisation.

Commodity Freight Roads Fund (CFRF)

The Commodity Freight Roads Fund submission is intended to contribute towards funding of activities associated with Stage 2 – Detailed Planning. This will specifically entail \$1M for consultants to undertake Preliminary Design Investigations. The remainder of Stage 2 is intended to be undertaken via in-kind by local governments and other funding sources currently being investigated, should they become available.

Regional Economic Development (RED) Grant

The Regional Economic Development (RED) Grants submission is intended to contribute towards funding activities associated with Stage 3 – IA Stage 3/4 Submission. This will specifically entail \$100K for a Lead Consultant to undertake project management. The remainder of Stage 3 is intended to be undertaken via in-kind by local governments and other funding sources being investigated should they become available.

Major Project Business Case Fund (MPBCF) Initiative

The Australian Government is investing \$100 billion over 10 years from 2019–20 through its rolling infrastructure plan to help manage our growing population, meet our national freight challenge and get Australians home sooner and safer. This includes \$250 million allocated to the Major Project Business Case Fund (MPBCF) initiative. Projects with clear strategic merit that has:

- Engagement in the project planning stage
- View of future priorities
- Ready to invest to enable economic activity
- Address nationally significant deficits in the transport system
- Drive economic productivity growth and liveability in cities and regions through transport infrastructure investment

The WSFR Working Group sees the \$5M sought for the Stage 4 IA submission for this regionally significant project as an ideal candidate for the MPBCF.

Roads of Strategic Importance (ROSI) Initiative

The Australian Government will invest \$4.5 billion, including \$1 billion of additional funding committed in the 2019-20 Budget, to the Roads of Strategic Importance (ROSI) initiative to help connect regional businesses to local and international markets, and better connect regional communities. ROSI has the following principles:

- Key freight corridors that connect primary agricultural areas and mining resource regions to ports and other transport hubs.
- Support communities along the corridors and provide better access for tourists and other road users
- Characterised by narrow sections of road, low capacity bridges and deteriorating pavements,
- Constrains the productivity and efficiency of freight movements.
- Catalyse economic activity and improve access to communities and tourist attractions.

From an estimated total of \$500,000,000 in funding the Working Group sought \$125,000,000 over the next 3 years for the delivery of the first stage of capital works.

The Working Group put in separate funding submissions for each of the abovementioned funding sources for the various stages of the project. The project has been successful in obtaining funding from the following sources:

- ROSI initiative funding ()
 - Stage 1 Priority Works – Wheatbelt Secondary Freight Network.
 - The Australian Government has committed \$70 million towards the project.
“Upgrades will be prioritised based on linkages to state and national roads and highways and the rail network. Consideration will also be given to links to six ports and two livestock centres, as well as regional and metro grain receival sites, accessed by the producers of the Wheatbelt region.
Benefits of the project include:
 - improve road safety
 - improve freight efficiency, connectivity and travel time
 - ensure consistent Restricted Access Vehicles (RAVs) ratings across the network, which will provide improved access for agricultural and mining regions to transport hubs”
- RED Grants (Supported by the WA State Government’s Royalties for Regions Program)
 - Lead Consultant Project Coordinator – Wheatbelt Secondary Freight Network.
 - \$100,000.
“The Lead Consultant will form part of the Project Management Team and work with the member organisation Working Group.
The Lead Consultant - Project Management is an integral key to successful project delivery. The complexity and scale of this project is significant and well beyond the technical and financial capabilities of the Wheatbelt shires on an individual basis.

Engaging a Lead Consultant – Project Management with the skills and expertise required to work with all technical consultants and the PMT will ensure a cohesive collaborative environment is established for optimum outputs.

The project is planned to be managed via oversight from the WSFR Steering Committee with a nominated Project Manager and the Project Management Team (PMT) representing the WSFR.

Lead Consultant – Project Management will direct the work of the external technical consultants and will be the main contact for communication between the Project Management Team and external consultants.

The WSFN Project will require the specialised skills of a range of external technical consultants. Key areas of technical expertise identified for the project are:

- Civil Design
- Surveying
- Environmental
- Economic Assessment”

Previously 42 local governments were asked to financially contribute to the WSFN project via a budget allocation of \$6,000 which was proposed to be part of a co-contribution towards BBRF. With the unsuccessful BBRF bid, it is proposed that the \$6,000 in financial contributions from each of the 42 local governments totalling \$252,000 be allocated to combine with the RED funding of \$100,000 to become project management pool of approximately \$350,000. This would contribute towards the overall project management requirements associated with the delivery of Stage 1 Priority Works over the course of an estimated 3 year delivery timeframe. Funding would contribute towards the following nominal requirements:

- Project Coordinator
 - Nominal \$60,000 per annum (\$180,000 across 3 years)
- Project Administration and Communications Officer.
 - Nominal \$20,000 per annum (\$60,000 across 3 years)
- Technical Consultancy Resources
 - Nominal \$100,000.

Consultation:

Wheatbelt Secondary Freight Network Working Group - a request has been received by the Chair of the Wheatbelt South Regional Road Group (WSRRG) for confirmation of Council's consideration of reallocation of the \$6,000 towards the project management.

Statutory Environment:

Nil

Policy Implications:

Nil

Financial Implications:

Reallocation of funds from Building Better Regions fund co-contribution to role of Lead Consultant Project Management in support of successful Regional Economic Development grant.

Strategic Implications:

Nil

Voting Requirements:

Simple Majority

12679 Moved: Cr Walton-Hassell Seconded: Cr Freebairn

Recommendation and Council Decision:

That Council:

- 1. Continues to support the strategic intent of the Wheatbelt Secondary Freight Network Project;**
- 2. Authorises the Chief Executive Officer to prepare and sign a letter of support that endorses the re-allocation of \$6,000 in 2019/20 budget to co-fund the project management of the Wheatbelt Secondary Freight Network in combination with the WA State Government's \$100,000 of Regional Economic Development Grant funding, as part of the delivery of its Stage 1 Priority Works.**

Carried 8:0

Prior to consideration of item 10.2 Cr Hodges disclosed an impartiality interest in this matter due to being the Chairman of the Pingelly Community Resource Centre.

10.2 Community Resource Centre – Replacement of Pingelly Community Car

File Reference:

Location:	Shire of Pingelly
Applicant:	Shire of Pingelly
Author:	Acting Chief Executive Officer
Authorising Officer	Acting Chief Executive Officer
Date:	31 May 2019
Disclosure of Interest:	Nil
Attachments:	Memorandum of Understanding Pingelly Community Car

Summary:

For Council to note the intention of the Community Resource Centre (CRC) to replace the Community Car which was purchased in the Shire's name in 2016 utilising funds provided by the CRC for the purpose and further to approve a fiscally neutral budget amendment to enable the replacement to take place as soon as possible.

Background and Comment:

In June 2016 car was purchased to provide a community service as follows:

1. A volunteer driver service providing medical/wellness transport for eligible residents
2. The service to be available to any resident of the Shire of Pingelly who is transport disadvantaged
3. The service provides medical and wellness transport only.

The vehicle is registered in the Shire's name and the Council meets the cost of insurance and registration and the CRC meets all operating costs. The service is well-utilised and much valued.

The CRC now wishes to replace the vehicle and has the funds available to proceed immediately. The CRC has requested that the Shire take the appropriate steps to facilitate the process which is not complicated.

Replacement of the car is not provided for in the plant replacement program and budget. To enable the transaction to proceed the Council is requested to amend its budget for 2018/19 to provide for the estimated cost of change over and an equivalent sum to be paid to the Shire by the CRC. This makes the transaction fiscally neutral in the Shire's accounts.

This request is made now to facilitate the changeover at the earliest possible date.

Consultation:

Mrs Lee Steel - CRC
Mr Evan Hodges - CRC
The Shire President
Mr Stuart Billingham, Director Corporate and Community Services

Statutory Environment:

6.8. Expenditure from municipal fund not included in annual budget

- (1) A local government is not to incur expenditure from its municipal fund for an additional purpose except where the expenditure —
 - (a) is incurred in a financial year before the adoption of the annual budget by the local government; or
 - (b) is authorised in advance by resolution*; or
 - (c) is authorised in advance by the mayor or president in an emergency.

* Absolute majority required.

Policy Implications:

Nil

Financial Implications:

While the Shire will purchase the car it will be funded by the CRC and so the fiscal impact on the Shire will be nil.

Strategic Implications:

Nil

Risk Implications:

Risk	Low (1)
Risk Likelihood (based on history and with existing controls)	Low (1)
Risk Impact / Consequence	Low (1)
Risk Rating (Prior to Treatment or Control)	Low (1)
Principal Risk Theme	Low (1)
Risk Action Plan (Controls or Treatment Proposed)	Low (1)

Risk Matrix

Consequence Likelihood		Insignificant	Minor	Moderate	Major	Catastrophic
		1	2	3	4	5
Almost Certain	5	Medium (5)	High (10)	High (15)	Extreme (20)	Extreme (25)
Likely	4	Low (4)	Medium (8)	High (12)	High (16)	Extreme (20)
Possible	3	Low (3)	Medium (6)	Medium (9)	High (12)	High (15)
Unlikely	2	Low (2)	Low (4)	Medium (6)	Medium (8)	High (10)
Rare	1	Low (1)	Low (2)	Low (3)	Low (4)	Medium (5)

A risk is often specified in terms of an event or circumstance and the consequences that may flow from it. An effect may be positive, negative or a deviation from the expected and may be related to the following objectives; occupational health and safety, financial, service interruption, compliance, reputation and environment. A risk matrix has been prepared and a risk rating of 1 has been determined for this item. Any items with a risk rating over 10 (considered to be high or extreme risk) will be added to the Risk Register, and any item with a risk rating over 17 will require a specific risk treatment plan to be developed.

Voting Requirements:

Absolute Majority

12680 Moved: Cr Wood

Seconded: Cr Hastings

Recommendation and Council Decision:

That Council:

- 1. Approve the replacement of the Community Car (PCOM1) for up to \$45,000 from the Capital Expenditure Account 1391**
- 2. Approve the existing vehicle (PCOM1) to be traded in on the new vehicle subject to the net changeover figure being funded by the Community Resource Centre**

Carried 8:0

Prior to consideration of item 11.1 Crs Mulroney, Freebairn, Hodges and McBurney disclosed an impartiality interest in this matter due to being members of the Pingelly Somerset Alliance Committee.

11. DIRECTORATE OF CORPORATE AND COMMUNITY SERVICES

11.1 Deed of Novation – Transfer 36 & 38 Sharow St Joint Venture

File Reference:	ADM0309
Location:	Shire of Pingelly
Applicant:	Shire of Pingelly
Author:	Director Corporate & Community Services
Authorising Officer	Acting Chief Executive Officer
Date:	20 May 2018
Disclosure of Interest:	Nil
Attachments:	Deed of Novation Agreement – Shire of Pingelly and the Department of Communities (Attachment 2 following orange sheet in separate attachments booklet)

Summary:

The Shire of Pingelly has progressed the transfer its interest in the 36 & 38 Sharow St Joint Venture with the Department of Communities (Old Housing Authority) for public rental housing to the Somerset Alliance (formerly Pingelly Cottage Homes).

Background:

Council at its Ordinary Meeting 20 June 2018 item 14.3 resolved

12440 Moved: Cr Wood Seconded: Cr Hodges

Recommendation and Council Decision:

That Council:

- 1. approve the listing in the 2018/19 Draft Budget the disposal and transfer of the Shire of Pingelly's entire interest in the Joint Venture at 36 and 38 Sharow Street with the Housing Authority for public rental housing to the Pingelly Cottage Homes.*
- 2. approve the listing in the 2018/19 Draft Budget the transfer of the Joint Venture Housing Reserve balance to Pingelly Cottage Homes.*
- 3. authorise the Chief Executive Officer to liaise with the Department of Communities and Pingelly Cottage Homes to action the transfer of this interest in the 2018/19 Financial Year.*

Carried 7:0

On 1 February 2008, the Shire of Pingelly entered in to a Joint Venture Agreement with the Housing Authority. The Agreement covered the construction and management and maintenance of four public rental housing units on Sharow Street in Pingelly for singles and childless couples. The Shire of Pingelly has an 18.28% Share in the Equity of the Land and Buildings.



Comment:

The Somerset Alliance (formerly Pingelly Cottage Homes) has in place already a Joint Venture Agreement with the Housing Authority for the collection of Cottage Home units in Pingelly. The Shire of Pingelly proposes to transfer its interest in the 36 & 38 Sharow St Joint Venture Agreement to the Pingelly Somerset Alliance, in order to consolidate the management and maintenance of joint venture public rental housing within Pingelly. This will realise efficiencies by reducing the duplication of administrative activities and associated time and financial costs.

Consultation:

Somerset Alliance
Acting Chief Executive Officer
Council
Department of Communities
Department of Local Government and Cultural Industries
Shire of Pingelly officers have been in contact with the A/Senior Contract Development Officer Contracting Commissioning and Sector Engagement, Department of Communities, Stuart Mac Donald, who has provided three copies of the Deed of Novation agreement for signing by the Shire of Pingelly and the Somerset Alliance.

Statutory Environment:

The Shire of Pingelly is guided by the Joint Venture Agreement, which states that:

“ 6.1 The Organisation shall not assign, sell, transfer, lease, let, mortgage, charge, unencumber or otherwise surrender or dispose of its estate or Interest in the Land, any other Joint Venture Property or this Agreement (other than the letting of Units to Eligible Tenants) during the term EXCEPT to Housing Authority or another association or body approved by Housing Authority which is assessed as eligible under the Guidelines to participate in the Project, unless otherwise approved in writing by Housing Authority.”

Local Government Act 1995 Section 3.58 Disposing of Property

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.

Policy Implications:

Shire of Pingelly Policy 5.13 Asset Management states:

“The Shire of Pingelly will undertake to provide the appropriate service levels for its assets, in a whole-of-life and economically, environmentally and socially sustainable manner. In providing and managing assets, the Shire will take into account an appropriate balance between service delivery, risk, reliability, safety and cost.

Budgeting priority will be given to the operation, maintenance and renewal of existing assets and services, and adequate resources will be provided to manage them in a cost effective manner.”

Financial Implications:

Loss of Joint Venture Rental Operating Revenue, Operating and Capital Expenses and removal of the Joint Venture Reserve Funds from the Shire Accounts. Net operating surpluses transferred to Reserve. Capital Expenses transferred from Reserve.

Assets # 10173 Lot 602 (38) Sharow St Land Only WDV \$4,752.80
and #10174 Lot 603(36) Sharow St Land Only WDV \$4,752.80
and #10289A Lot 602 (38) and Lot 603 (4 Units only) WDV \$115,043.24

Joint Venture Reserve Fund Balance: \$51,936 as at 31 May 2018

Strategic Implications:

The transfer of these assets will reduce the administrative burden on the Shire and will consolidate the management and maintenance of joint venture public rental housing within Pingelly.

Voting Requirements:

Simple Majority

12681 Moved: Cr Walton-Hassell Seconded: Cr Wood

Recommendation and Council Decision:

That Council

1. in accordance with section 3.58(3) of the *Local Government Act 1995* , the Shire of Pingelly gives 14 days Local Public Notice of the proposed disposition and transfer of the 18.28% Equity Share in the Joint Venture Units and Land at 36 & 38 Sharow Street Pingelly as shown in the draft advert attached.
2. in accordance with s 3.58(4)(c)(ii) of the *Local Government Act 1995*, declares the valuation by Griffin Valuation Advisory for 36 & 38 Sharow Street Pingelly at 30 June 2017 of
10173 Lot 602 (38) Sharow St Land Only \$4,752.80 and
#10174 Lot 603(36) Sharow St Land Only \$4,752.80 and
#10289A Lot 602 (38) and Lot 603 (4 Units only) \$116,992.00
to be a true indication of the value at this time of the proposed transfer/disposition.
3. subject to no submissions against the proposal being received, resolves to transfer/dispose the Joint Venture Housing Assets and Reserve Funds for Land and Buildings at 36 & 38 Sharow Street to the Pingelly Somerset Alliance for \$Nil consideration (By reason being this is considered in line with the Shire of Pingelly 2018/19 Annual Budget and the Shire wishing to rationalise and consolidate public housing in Pingelly) and

- 4. authorises the Acting Chief Executive Officer and Shire President to Sign and affix the Shire of Pingelly Common Seal to the Deed of Novation for the Joint Venture at 36 & 38 Sharow Street Pingelly.**

(NB: Should public submissions not supporting the proposal be received during the advertising period then the matter to come back to Council for further consideration and point 3 and 4 will be invalid)



Local Government Act 1995

Proposed Transfer/Disposal of Shire of Pingelly 18.28% Equity Share of Joint Venture Units and Land 36 & 38 Sharow Street Pingelly to the Pingelly Somerset Alliance

As required by the *Local Government Act 1995* section 3.58(3) the Shire of Pingelly hereby gives a minimum of 14 days Local Public Notice seeking public submissions regarding the proposed transfer of its 18.28% Equity Share of the Joint Venture Land and Building located at 36 & 38 Sharow Street Pingelly to the Pingelly Somerset Alliance.

Description: 18.28% Equity share of Land and Building located at 36 & 38 Sharow Street Pingelly WA 6308

Details of the proposed disposition:

Proposed Transferor:	Shire of Pingelly
Proposed Transferee:	Pingelly Somerset Alliance (Cottage Homes)
Consideration to be received:	\$Nil
Market Value of Property listed above:	
Asset 10173 Land Only Lot 602 (38) Sharow St	\$4,752.80 excl GST
Asset 10174 Land Only Lot 603 (36) Sharow St	\$4,752.80 excl GST
Asset 10289A Buildings Only Lots 603 and 602 Sharow St	\$116,992.00 excl GST

Asset Register WDV

Asset 10173 Land Only Lot 602 (38) Sharow St	\$4,752.80 excl GST
Asset 10174 Land Only Lot 603 (36) Sharow St	\$4,752.80 excl GST
Asset 10289A Buildings Only Lots 603 and 602 Sharow St	\$112,523.22 excl GST

Submissions regarding this proposal can be submitted to the Shire of Pingelly in writing on or before close of business at 5.00pm Thursday the 27th day of June 2019.

By Mail addressed to: Acting Chief Executive Officer
Shire of Pingelly
17 Queen Street
PINGELLY WA 6308

Or Email to: admin@pingelly.wa.gov.au

Mr M Dacombe
Acting Chief Executive Officer
Shire of Pingelly

For more information relating to this matter please visit the Shire of Pingelly website at www.pingelly.wa.gov.au

11.2 Sale of Vacant Land - 5 Webb St Pingelly

File Reference: A9489
Location: Shire of Pingelly
Applicant: Shire of Pingelly
Author: Director Corporate & Community Services
Authorising Officer: Director Corporate & Community Services
Date: 20 May 2019
Disclosure of Interest: Nil
Previous Reference: Nil
Attachments: Public Advertisement for proposed sale of 5 Webb Street

Summary:

The Shire of Pingelly has received an offer from the Pingelly General Practice Doctors for the purchase of the Vacant Block of land at 5 Webb Street Pingelly.

Background:

For several years now the Shire of Pingelly has had the vacant block of land at 5 Webb Street for sale and listed for disposal in the Shire of Pingelly Annual Budget.

See map extract below for location of Land concerned.



In accordance with s3.58 of the *Local Government Act 1995* the disposal is listed in the Annual Budget and there is still a requirement for the disposal to be advertised for 14 days by Local Public Notice (Advertising requirement confirmed by the Department of Local Government and Cultural Industries)

Comment:

In accordance with the *Local Government Act 1995* it is supported to advertise the proposed disposition for a minimum of 14 days Local Public Notice. A further agenda item and any submissions received to go back to Council for further consideration and a final decision on the sale.



Local Government Act 1995

Proposed disposal of Vacant Block of Land at 5 Webb Street Pingelly

As required by the *Local Government Act 1995* section 3.58(3) the Shire of Pingelly hereby gives a minimum of 14 days Local Public Notice seeking public submissions regarding the proposed sale of the vacant freehold block of land at 5 Webb Street Pingelly.

Description: Vacant freehold Block of Land located at Lot 606 HN 5 Webb Street Pingelly WA 6308

Details of the proposed disposition:

Proposed Seller:	Shire of Pingelly
Proposed Buyer:	Agape Ventures Pty Ltd (Pingelly GP)
Consideration to be received:	\$22,000 incl GST
Market Value of Property listed above:	\$23,000 excl GST
Asset Register WDV #1037:	\$23,000 excl GST

Submissions regarding this proposal can be submitted to the Shire of Pingelly in writing on or before close of business at 5.00pm Thursday 27th day of June 2019.

By Mail addressed to: Acting Chief Executive Officer
Shire of Pingelly
17 Queen Street
PINGELLY WA 6308

Or Email to: admin@pingelly.wa.gov.au

Mr M Dacombe
Acting Chief Executive Officer
Shire of Pingelly

For more information relating to this matter please visit the Shire of Pingelly website at www.pingelly.wa.gov.au

Consultation:

Acting Chief Executive Officer
Shire President
Agape Ventures Pty Ltd - Pingelly General Practice

Statutory Environment:

Local Government Act 1995 Section 3.58 Disposing of Property

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.

Division 3 — Documents

9.49A. Execution of documents

- (1) A document is duly executed by a local government if —
 - (a) the common seal of the local government is affixed to it in accordance with subsections (2) and (3); or
 - (b) it is signed on behalf of the local government by a person or persons authorised under subsection (4) to do so.
- (2) The common seal of a local government is not to be affixed to any document except as authorised by the local government.
- (3) The common seal of the local government is to be affixed to a document in the presence of —
 - (a) the mayor or president; and
 - (b) the chief executive officer or a senior employee authorised by the chief executive officer, each of whom is to sign the document to attest that the common seal was so affixed.
- (4) A local government may, by resolution, authorise the chief executive officer, another employee or an agent of the local government to sign documents on behalf of the local government, either generally or subject to conditions or restrictions specified in the authorisation.
- (5) A document executed by a person under an authority under subsection (4) is not to be regarded as a deed unless the person executes it as a deed and is permitted to do so by the authorisation.
- (6) A document purporting to be executed in accordance with this section is to be presumed to be duly executed unless the contrary is shown.
- (7) When a document is produced bearing a seal purporting to be the common seal of the local government, it is to be presumed that the seal is the common seal of the local government unless the contrary is shown.

Policy Implications:

Shire of Pingelly Policy 5.13 Asset Management states:

“The Shire of Pingelly will undertake to provide the appropriate service levels for its assets, in a whole-of-life and economically, environmentally and socially sustainable manner. In providing and managing assets, the Shire will take into account an appropriate balance between service delivery, risk, reliability, safety and cost.

Budgeting priority will be given to the operation, maintenance and renewal of existing assets and services, and adequate resources will be provided to manage them in a cost effective manner.”

Financial Implications:

Shire of Pingelly Annual Budget NOTE 4 Fixed Assets, lists 5 Webb Street as sale proceeds of \$20,000 excl GST. The Offer is for \$20,000 plus GST. The Shire of Pingelly 2018/19 Annual Budget lists sale proceeds of \$20,000 to be transferred into the Shire of Pingelly Building Reserve. Should the Sale proceed a sum of \$20,000 excl GST less any settlement costs will be transferred into the Shire of Pingelly Building Reserve.

Strategic Implications:

The sale of the vacant block at 5 Webb Street will reduce the administrative burden and associated costs on the Shire to revalue the Asset every three years.

Risk Implications:

Risk	Low (3)
Risk Likelihood (based on history and with existing controls)	Low (3)
Risk Impact / Consequence	Low (3)
Risk Rating (Prior to Treatment or Control)	Low (3)
Principal Risk Theme	Low (3)
Risk Action Plan (Controls or Treatment Proposed)	Low (4)

Risk Matrix

Consequence Likelihood		Insignificant	Minor	Moderate	Major	Catastrophic
		1	2	3	4	5
Almost Certain	5	Medium (5)	High (10)	High (15)	Extreme (20)	Extreme (25)
Likely	4	Low (4)	Medium (8)	High (12)	High (16)	Extreme (20)
Possible	3	Low (3)	Medium (6)	Medium (9)	High (12)	High (15)
Unlikely	2	Low (2)	Low (4)	Medium (6)	Medium (8)	High (10)
Rare	1	Low (1)	Low (2)	Low (3)	Low (4)	Medium (5)

A risk is often specified in terms of an event or circumstance and the consequences that may flow from it. An effect may be positive, negative or a deviation from the expected and may be related to the following objectives; occupational health and safety, financial, service interruption, compliance, reputation and environment. A risk matrix has been prepared and a risk rating of 1 has been determined for this item. Any items with a risk rating over 10 (considered to be high or extreme risk) will be added to the Risk Register, and any item with a risk rating over 17 will require a specific risk treatment plan to be developed.

Voting Requirements:

Simple Majority

12682 Moved: Cr Hodges

Seconded: Cr Wood

Recommendation and Council Decision:

That Council

1. in accordance with section 3.58(3) of the *Local Government Act 1995*, the Shire of Pingelly gives 14 days Local Public Notice of the proposed disposition and sale of 5 Webb Street as shown in the draft advert attached.
2. in accordance with s 3.58(4)(c)(ii) of the *Local Government Act 1995*, declares the valuation by Griffin Valuation Advisory for 5 Webb Street at 30 June 2017 of \$23,000 to be a true indication of the value at this time of the proposed disposition.
3. subject to no submissions against the proposal being received, resolves to sell the land at 5 Webb St to Agape Ventures Pty Ltd for \$20,000 plus GST (By reason being the offer is considered in line with the Shire Annual Budget and is a reasonable offer given the Shire carrying book value \$23,000 excl GST) and
4. authorises the Acting Chief Executive Officer and Shire President to Sign and affix the Shire of Pingelly Common Seal to the Sale of 5 Webb St Pingelly Disbursement Authority and Transfer of Land Form T2.

(NB: Should public submissions not supporting the proposal be received during the advertising period then the matter to come back to Council for further consideration and point 3 and 4 will be invalid)

12683 Moved: Cr McBurney

Seconded: Cr Freebairn

Council Decision:

THAT pursuant to Section 5.23 of the Local Government Act 1995 this item be dealt with, with the public excluded as the items deal with a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting.

Carried 8:0

