



MINUTES

SPECIAL COUNCIL MEETING

Friday
2 November 2018

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SHIRE OF DALWALLINU

MINUTES of the Special Meeting of Council held at the Council Chambers, Shire Administration Centre, Dalwallinu on Friday, 2 November 2018.

1 OPENING & ANNOUNCEMENT OF VISITORS

The Chairperson (President) opened the meeting at 5.30pm.

2 ANNOUNCEMENTS OF PRESIDING MEMBER

3 ATTENDANCE RECORD

3.1 Present

Shire President
Deputy President

Cr SC Carter
Cr KL Carter
Cr KM McNeill
Cr NW Mills
Cr BH Boys
Cr JA Huggett
Cr KJ Christian

Chief Executive Officer

Mrs JM Knight

3.2 Apologies

Cr AR Dickins
Cr GH Sanderson

3.3 Leave of Absence Previously Granted

Nil

4 DECLARATIONS OF INTEREST

Nil

- 5 PUBLIC QUESTION TIME**
- 5.1 Response to Previous Public Questions Taken on Notice**
Nil
- 5.2 Public Question Time**
Nil
- 6 MINUTES OF PREVIOUS MEETING/S**
(To be confirmed in the Ordinary Council Meeting.)
- 7 PETITIONS/PRESENTATIONS/DEPUTATIONS/DELEGATES
REPORTS/SUBMISSIONS**
- 7.1 Petitions**
Nil
- 7.2 Presentations**
Nil
- 7.3 Deputations**
Nil
- 7.4 Delegates Reports/Submissions**
Nil
- 8 METHOD OF DEALING WITH AGENDA BUSINESS (Show of hands)**

9 REPORTS

9.2 MATTERS FOR CONSIDERATION - FINANCE

9.2.1 Offer to Purchase Lot 329 (6) Shannon Street, Dalwallinu

Report Date:	2 November 2018
Applicant:	Shire of Dalwallinu
File Ref:	FM/14 – Financial Management – Debt Recovery
Previous Meeting Reference:	Nil
Author:	Jean Knight, Chief Executive Officer
Senior Officer:	Jean Knight, Chief Executive Officer
Voting Requirements:	Simple majority
Disclosure of Interest:	Nil
Attachments:	Tenders Received

Purpose of Report

Council is requested to consider new offers to purchase Lot 329 (6) Shannon Street, Dalwallinu.

Background

Rates and service charges on this property have been outstanding for a considerable amount of time. The Shire's Debt Collection Agencies, CS Legal, Ampac and more recently Dun & Bradstreet, have unsuccessfully managed to collect the monies outstanding.

At the Ordinary Meeting of Council held 27 February 2018, Council resolved the following:

'MOTION 9101

Moved Cr KL Carter
Seconded Cr KM McNeill

That Council, pursuant to Section 6.64 (1) (b) of the Local Government Act 1995, proceed to sell the properties listed hereunder which have rates in arrears for three (3) or more years, and recover from the proceeds of sale the outstanding balances:

- **Assessment 376**
- Assessment 957
- Assessment 12403
- Assessment 12402
- Assessment 12401

CARRIED 8/0'

The auction for the sale of this property was held on Thursday 12 July 2018 at 11am at the Dalwallinu Discovery Centre.

No successful bids were made during the auction for this property.

After the auction, one offer was received from Mr W Armstrong for \$78,000 and another offer from Ms Serena Gardiner & Mr Lance Davis for \$50,000 (subject to finance approval).

At the Ordinary Meeting of Council held 24 July 2018, Council resolved the following:

'MOTION 9210

Moved Cr AR Dickins

Seconded Cr KM McNeill

That Council:

- 1. Accept the offer of \$78,000 from William Armstrong for the purchase of Lot 329 (6) Shannon Street, Dalwallinu;*
- 2. Authorise the Shire President and Chief Executive Officer to sign and affix the Common Seal to any documentation pertaining to the above.*

CARRIED 9/0'

Following the Council meeting, Mr Armstrong was advised that his offer was successful and Kott Gunning Lawyers were engaged to draw up the Contract of Sale. Just prior to finalising the Contract of Sale, Mr Armstrong advised the Chief Executive Officer that after an inspection of the property he wished to withdraw his offer citing building and electrical issues.

In order to be open and transparent the property was put up for Sale by Tender with the closing date for tenders being Monday 29 October 2018. Advertisements were placed in the Totally Locally, Kalannie Kapers, Administration noticeboard and was advertised on the Shire Facebook page.

During the documentation preparation for the previous offer, it was noted that a requirement prior to sale is that two (2) RCD's and a hard wired smoke alarm are to be installed. An electrical contractor was engaged to install the items and we were advised that the wiring at the property is non-compliant. In order for the Shire to sell the property, the contractor is required to be engaged to bring the electrical wiring at the property up to standard and install the required RCD's and smoke alarm.

Whilst the electrical contractor was preparing his quote it was noted that there was asbestos in the bathroom and hallway and in order for the electrical wiring to be upgraded, the asbestos wall and ceiling would need to be replaced. An in-house quote was obtained for these required works.

The cost for the building works is estimated to be approximately \$2,000 and the quote for the electrical upgrade has not been received at the time of writing the report. Given the offer received, it is likely that this will more than cover the rates and associated expenses.

These expenses will be added to the outstanding rates and then deducted from the sale proceeds.

Policy Requirements

Nil

Legislative Requirements

Local Government Act 1995 – Section 6.64

Local Government Financial Management Regulations 1996 – Reg 72,73

Strategic Implications

Nil

Sustainability Implications

Environment

Nil

Economic

Nil

Social

Nil

Financial Implications

The total amount of monies outstanding for rate and charges for this property is \$15,627.60 as at 30 October 2018. The debt will increase to include all costs associated with expenses properly incurred incidental to the sale of the property (namely the electrical and structural works).

Comment

In order to assist interest purchasers, two home opens were conducted on 9 and 16 October 2018.

It is to be noted that Council previously set a reserve price of \$70,000 for this property at the auction.

At the closure of the tender period on Monday 29 October 2018, two (2) tenders were received. One from Ms Caroline Crombie for \$50,000 and one from Ms Serena Gardiner for \$80,000 (subject to finance approval).

It is the Officer's recommendation that the offer from Serena Gardiner for \$80,000 be accepted which would see the outstanding rates paid in full plus the additional works required to bring the property up to standard. Any balance from the sale proceeds will be forwarded to the appropriate parties as per the payment hierarchy.

Should finance not be approved for Ms Gardiner within twenty one (21) days, it is the Officer's recommendation that the property be offered to Ms Caroline Crombie.

Officer Recommendation

That Council:

1. Accept the offer of \$80,000 from Ms Serena Gardiner for the purchase of Lot 329 (6) Shannon Street, Dalwallinu subject to finance approval within twenty one (21) days from the Ordinary Council Meeting date;
2. Authorise the Chief Executive Officer to accept the offer of \$50,000 from Ms Caroline Crombie for the property at Lot 329 (6) Shannon Street, Dalwallinu should finance for Ms S Gardiner not be approved within twenty one (21) days from the Ordinary Council Meeting date;
3. Authorise the Shire President and Chief Executive Officer to sign and affix the Common Seal to any documentation pertaining to the sale of Lot 329 (6) Shannon Street, Dalwallinu.

Resolution

MOTION 9267

Moved Cr KM McNeill

Seconded Cr NW Mills

That Council:

1. Accept the offer of \$80,000 from Ms Serena Gardiner for the purchase of Lot 329 (6) Shannon Street, Dalwallinu subject to finance approval within twenty one (21) days from completion of the electrical and structural works;
2. Authorise the Chief Executive Officer to accept the offer of \$50,000 from Ms Caroline Crombie for the property at Lot 329 (6) Shannon Street, Dalwallinu should finance for Ms S Gardiner not be approved within twenty one (21) days from completion of the electrical and structural works;
3. Authorise the Shire President and Chief Executive Officer to sign and affix the Common Seal to any documentation pertaining to the sale of Lot 329 (6) Shannon Street, Dalwallinu.

CARRIED 7/0

The Officer recommendation was amended to ensure that the electrical and structural works had been carried out prior to the twenty one (21) day finance clause coming into effect.

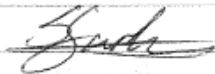
Date 26 10 18

SERENA GARDINER
6 SHANNON STREET
DALWALLINU WA
0474 223865

DEAR JEAN,

I WOULD LIKE TO SUBMIT A TENDER FOR THE AMOUNT OF \$80,000 SUBJECT TO FINANCE FOR THE PROPERTY AT 6 SHANNON STREET DALWALLINU. I AM CURRENTLY RESIDING AT THIS ADDRESS AND AM AWARE THAT THE SHIRE IS REQUIRED TO FIX ALL ELECTRICAL WIRING ISSUES BEFORE THE SALE OF THIS PROPERTY.

THANK YOU SINCERELY



SERENA GARDINER.

Jean Knight (CEO)
Shire of Dalwallinu
PO Box 141
Dalwallinu WA 6609

Pithara Tavern
Caroline Crombie
1011 Pearn Rd
Pithara WA 6608

RE: Tender - Sale of 6 Shannon Street, Dalwallinu

Dear Jean,

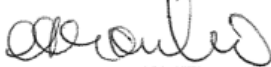
I would like to tender \$50,000 for the above property. I have cash available for immediate transfer.

I have a sincere desire to contribute to the Dalwallinu community in whatever way I can. It is a Shire with great potential to lead similar rural communities in terms of diversification of its industrial and primary industries as well as its growing multicultural population.

As part of my commitment to be involved in building and enhancing the social cohesion within our Shire, I have approached some of the present and emerging Badimaya elders, and asked for their permission to take up residence in the Dalwallinu town site, and was granted a favourable response. It is in these small but important ways I hope to continue to walk humbly in this country and do my part for reconciliation between any of the somewhat separate cultural groups in our community that will allow me to do so.

My sincere wish is to expand my psychology practice in Dalwallinu in 2019, and I believe that our Shire is well placed to become an exemplary and educational hub for rural community health and wellbeing. I hope you will consider my tender for the above property favourably as, being a single working mother, my finances are quite limited. This opportunity will allow me to move my family into Dalwallinu and redirect our energies and passion there after the sale of the Tavern in Pithara.

Yours sincerely,



Caroline Crombie

29 October 2018

10 APPLICATIONS FOR LEAVE OF ABSENCE

Nil

11 MOTIONS OF WHICH NOTICE HAS BEEN RECEIVED

Nil

12 QUESTIONS FROM MEMBERS WITHOUT NOTICE

Nil

13 NEW BUSINESS OF AN URGENT NATURE (introduced by decision of the meeting)

Nil

14 MEETING CLOSED TO THE PUBLIC – CONFIDENTIAL BUSINESS as per Local Government Act 1995, Section 5.23(2)

Nil

15 CLOSURE

There being no further business, the Chairperson closed the meeting at 5.42pm.

16 CERTIFICATION

I, **Steven Clifford CARTER**, certify that the Minutes of the Special Council meeting held on 2 November 2018, as shown on page numbers 1 to 9 were confirmed as a true record at the meeting held on 27 November 2018.

CHAIRPERSON

DATE