



UNCONFIRMED MINUTES

BUILDING AND DISABILITY SERVICES COMMITTEE

7th MARCH 2019

9.00AM

COUNCIL CHAMBERS NABAWA

Committee Purpose & Delegations

Will meet at least annually to inspect all Shire Buildings/Properties and then subsequently to:

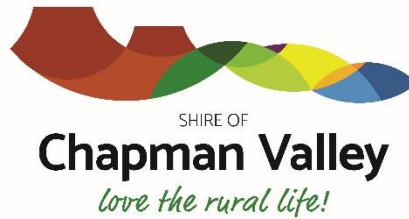
- ~ Review preliminary costings for proposed works for consideration in draft Council Budget;
 - ~ Review the Capital & Building Works Program;
 - ~ Disability Access & Inclusion Plan; and
 - ~ Any other building/property items referred to the Committee by Council.
- ~ Delegations – Nil

The Building and Disability Services Committee is comprised of:

Cr Anthony Farrell (President – Presiding Member)
Cr Pauline Forrester
Cr Peter Humphrey
Cr Ian Maluish
Cr Darrell Forth

Chief Executive Officer	(Observer)
Building/Project Officer	(Observer)
Manager of Finance & Corporate Services	(Observer)

DISCLAIMER



No responsibility whatsoever is implied or accepted by the Shire of Chapman Valley for any act, omission or statement or intimation occurring during Council Meeting. The Shire of Chapman Valley disclaims any liability for any loss whatsoever and howsoever caused arising out of reliance by any person or legal entity on any such act, omission or statement or intimation occurring during Council or Committee Meetings.

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

The Shire of Chapman Valley warns that anyone who has any application or request with the Shire of Chapman Valley must obtain and should rely on written confirmation of the outcome of the application or request of the decision made by the Shire of Chapman Valley.

A handwritten signature in black ink, appearing to read "M. Battilana". The signature is stylized with large, flowing loops.

Maurice Battilana
CHIEF EXECUTIVE OFFICER



**UNCONFIRMED MINUTES FOR BUILDING & DISABILITY SERVICES
COMMITTEE MEETING TO BE HELD IN THE COUNCIL CHAMBERS
NABAWA ON 7 MARCH 2019 COMMENCING AT 9.00AM**

Note: The Committee Meeting can be adjourned as required to travel to any location needed to be visited as part of the deliberation process.

No specific meetings have been scheduled with tenants/users of Council buildings/facilities. However; all tenants/users have been requested to submit any items they would like the Committee and Council to consider.

ORDER OF BUSINESS

1.0 Declaration of Opening / Announcements of Visitors

The Presiding Member, Cr Farrell welcomed Elected Members & Staff and declared the meeting open at 9.00am

2.0 Announcements from the Presiding Member

Nil

3.0 Record of Attendance

Present

a. Councillors

Member
Cr Anthony Farrell (President) – Presiding Member
Cr Darrell Forth
Cr Peter Humphrey

b. Staff

Officer	Position
Mr. Maurice Battilana	Chief Executive Officer
Mr. Anthony Abbott	Building Surveyor / Project Officer
Mrs Dianne Raymond	Manager of Finance & Corporate Services
Mrs Karen McKay	Executive Services Administrator (Minute Taker)

c. Visitors

Name
Nil

3.2 Apologies

Name
Cr Pauline Forrester
Cr Ian Maluish

4.0 Disclosure of Interest - Nil

Members should fill in Disclosure of Interest forms for items in which they have a financial, proximity or impartiality interest and forward these to the Presiding Member before the meeting commences.

Section 5.60A:

*“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 5.60B:

*“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; or
(b) a proposed change to the zoning or use of land that adjoins the person’s land; or
(c) a proposed development (as defined in section 5.63(5)) of land that adjoins the person’s land.”*

Regulation 34C (Impartiality):

*“**interest** means an interest that could, or could reasonably be perceived to, adversely affect the **impartiality** of the person having the interest and includes an interest arising from kinship, friendship or membership of an association.”*

5.0 Petitions / Deputations / Presentations

Nil

6.0 Confirmation of Minutes from previous meetings

COMMITTEE RECOMMENDATION

MOVED: CR FARRELL

SECONDED: CR FORTH

That the minutes of the Building & Disability Committee of the Shire of Chapman Valley held on 7th March 2018 be confirmed as a true and accurate record of proceedings. *(Supplied under separate cover)*

CARRIED

Voting 3/0

Minute Reference: BDSC 03/19-1

7.0 Items to be dealt with En Bloc

Nil

8.0 Agenda Items

- 8.1 Review of Operating Building Maintenance Program
- 8.2 Review of Capital Building Works Program
- 8.3 Review of Disability Access & Inclusion Plan
- 8.4 Disposal of Property – 102 Chapman Valley Rd, Yuna

AGENDA ITEM:	8.1
SUBJECT:	REVIEW OF OPERATING BUILDING MAINTENANCE PROGRAM
PROPONENT:	BUILDING & DISABILITY SERVICES COMMITTEE
SITE:	COUNCIL CHAMBERS
FILE REFERENCE:	403.02
PREVIOUS REFERENCE:	N/A
DATE:	7 MARCH 2019
AUTHOR:	MAURICE BATTILANA

SUPPORTING DOCUMENTS:

Ref	Title	Attached to Report	Under Separate Cover
8.1(a)	Draft Operating Building Maintenance Program		√
8.1(b)	Correspondence Requests		√

DISCLOSURE OF INTEREST

Nil

BACKGROUND

The purpose of this Agenda Item is for the Committee to discuss the items to be specifically added to the Operating Building Maintenance Program for future budgets.

COMMENT

Discussion on items identified by Councillors, staff, tenants and users of Council owned/controlled building is designed to determine future budget items for staff to cost.

The Proposed Operating Building Maintenance Program is provided under separate cover at **Attachment 8.1(a)** for Committee information.

Also provided under separate cover is correspondence received from Groups/Organisations on requests for Committee & Council consideration (**Attachment 8.1(b)**).

STATUTORY ENVIRONMENT

Not applicable

POLICY IMPLICATIONS

None applicable

FINANCIAL IMPLICATIONS

The long term financial viability of the Shire is of importance for future service delivery levels provided to the Shire's constituents.

- **Long Term Financial Plan (LTFP):**

Operating maintenance will have a minimal effect on the LTFP.

STRATEGIC IMPLICATIONS

The annual inspection of buildings and review of building works programs(s) is important to ensure these programs are current and Shire resources are allocated where the highest priorities are.

• **Strategic Community Plan/Corporate Business Plan:**

Ref	Objective	Strategy	Action
4.1	Develop, manage and maintain built infrastructure	Asset Management Plan	Review Asset Management Plan regularly and maintain integration with other Strategic Plans within the Shire

CONSULTATION

Council staff continually monitors buildings and facilities owned/controlled by the Shire. Staff also continually liaises with tenants/users of these facilities.

RISK ASSESSMENT

There is a risk of buildings and facilities deteriorating if adequate resources are not allocated to address depreciation and fair wear and tear of the buildings. However; in this instance, I believe the risk is currently **Minor** i.e.

Measures of Consequence							
Rating (Level)	Health	Financial Impact	Service Interruption	Compliance	Reputational	Property	Environment
Minor (2)	First aid injuries	\$1,001 - \$10,000	Short term temporary interruption – backlog cleared < 1 day	Some temporary non compliances	Substantiated, low impact, low news item	Localised damage rectified by routine internal procedures	Contained, reversible impact managed by internal response

VOTING REQUIREMENTS

Simple Majority

STAFF RECOMMENDATION

The Committee recommends Council consider the amended *Operating Building Maintenance Program* and this Program be used as a basis to develop the Draft 2019/2020 Budget.

COMMITTEE RECOMMENDATION

MOVED: CR FORTH

SECONDED: CR FARRELL

The Committee recommends Council consider the amended *Operating Building Maintenance Program* presented with the following amendments and this Program be used as a basis to develop the Draft 2019/2020 Budget:

- Nabawa Community Centre – Power Upgrade increased from \$3100 to \$4000
- Nabawa Recreation Centre – Bar Upgrades – discuss with CVFC to determine the work and costs and specific line item to be placed in Municipal Fund draft budget
- Nabawa Tennis Pavilion – Install floor covering (e.g. lino) and lining (colorbond custom orb) to ceiling
- Yuna Park Play equipment – Install basketball pole, backboard and concrete footing (approx. \$2000 TBC)
- Chapman Valley Museum – Install LED lighting to Shed 1 (approx. \$5000 TBC)

CARRIED
Voting 3/0
Minute Reference: BDSC 03/19-2

Meeting was adjourned at 10.05am

Meeting recommenced at 10.17am

AGENDA ITEM:	8.2
SUBJECT:	REVIEW OF CAPITAL BUILDING WORKS PROGRAM
PROPONENT:	BUILDING & DISABILITY SERVICES COMMITTEE
SITE:	COUNCIL CHAMBERS
FILE REFERENCE:	403.02
PREVIOUS REFERENCE:	N/A
DATE:	7 MARCH 2019
AUTHOR:	MAURICE BATTILANA

SUPPORTING DOCUMENTS:

Ref	Title	Attached to Report	Under Separate Cover
8.2(a)	Draft Capital Building Works Program		√
8.2(b)	Correspondence Requests		√

DISCLOSURE OF INTEREST

Nil

BACKGROUND

The purpose of this Agenda Item is for the Committee to review the Shire 5 Year - Capital Building Works Program

COMMENT

A copy of the existing Shire 5 Year - Capital Building Works Program is provided under separate cover at **Attachment 8.2(a)** for the Committee to review and present any recommended amendments to Council for consideration.

Also provided under separate cover is correspondence received from Groups/Organisations on requests for Committee & Council consideration (**Attachment 8.2(b)**).

STATUTORY ENVIRONMENT

Not applicable

POLICY IMPLICATIONS

The Shire's 5 Year - Capital Building Works Program forms part of the Shire's integrated Planning & Reporting structure.

FINANCIAL IMPLICATIONS

The long-term financial viability of the Shire is of importance for future service delivery levels provided to the Shire's constituents.

- **Long Term Financial Plan (LTFP):**

The Shire's 5 Year - Capital Building Works Program forms part of the Shire's Integrated Planning & Reporting structure and any recommended amendments will affect the LTFP.

STRATEGIC IMPLICATIONS

The annual inspection of buildings and review of the Shire's Five (5) Year - Capital Building Works Program is important to ensure this program is current and Shire resources are allocated where the highest priorities are.

- **Strategic Community Plan/Corporate Business Plan:**

Ref	Objective	Strategy	Action
4.1	Develop, manage and maintain built infrastructure	Asset Management Plan	Review Asset Management Plan regularly and maintain integration

			with other Strategic Plans within the Shire
--	--	--	---

CONSULTATION

Council staff continually monitor buildings owned/controlled by the Shire. Staff also continually liaise with tenants/users of these facilities.

RISK ASSESSMENT

There is a risk of buildings and facilities deteriorating if adequate resources are not allocated to address capital upgrades to buildings. However; in this instance, I believe the risk is currently **Minor** i.e.

Measures of Consequence							
Rating (Level)	Health	Financial Impact	Service Interruption	Compliance	Reputational	Property	Environment
Minor (2)	First aid injuries	\$1,001 - \$10,000	Short term temporary interruption – backlog cleared < 1 day	Some temporary non compliances	Substantiated, low impact, low news item	Localised damage rectified by routine internal procedures	Contained, reversible impact managed by internal response

VOTING REQUIREMENTS

Simple Majority

STAFF RECOMMENDATION

The Committee recommends Council consider the amended “5 Year - Capital Building Works Program” as determined and this Program be used as a basis to develop the Draft 2019/2020 Budget.

COMMITTEE RECOMENDATION

MOVED: CR FORTH

SECONDED: CR FARRELL

The Committee recommends Council consider the amended “5 Year - Capital Building Works Program” as presented with the following amendments and this Program be used as a basis to develop the Draft 2019/2020 Budget:

- Nabawa Depot – security gates increase from \$10,500 to \$20,000
- Nabawa Community Centre – remove main switchboard replacement item duplicated in maintenance budget
- Nabawa Oval lighting – approach CVFC to determine interest in donated light being installed at Nabawa Oval and if interested estimated costs be inserted in 2019/20 draft budget
- Cemetery – reword toilet facilities to “install reduced septic system type toilet either transportable/prefab or built”.
 - Combine existing amounts of \$18,000 and \$3,000 for toilets and water respectively into the one-line item
- Nanson Showgrounds – remove reference to donated lights being installed at CVWRC precinct
- CV Museum - \$4,000 for disable access to Ted Porter Cottage and /or Road Board Office to be placed in 2019/20 & 20/21 Draft budget
- Bill Hemsley Park precinct –
 - 2019/20 Prioritise carpark overflow and bollard installation as per masterplan
 - Staff prioritise future works in accordance with Masterplan in forward estimates of Capital Works Programs and bring back to Council for further consideration.
 - Move gazebo/BBQ from 2020/21 to 21/22 financial year.

CARRIED
Voting 3/0

Minute Reference: BDSC 03/19-3

COMMITTEE RECOMENDATION

MOVED: CR FARRELL

SECONDED: CR FORTH

That the Building & Disability Services Committee recommend to Council that the future and purpose of the Bill Hemsley Park Management Committee be reviewed.

CARRIED
Voting 3/0
Minute Reference: BDSC 03/19-4

AGENDA ITEM:	8.3
SUBJECT:	REVIEW OF DISABILITY ACCESS & INCLUSION PLAN
PROPONENT:	BUILDING & DISABILITY SERVICES COMMITTEE
SITE:	COUNCIL CHAMBERS
FILE REFERENCE:	403.02
PREVIOUS REFERENCE:	03/18-6
DATE:	7 MARCH 2019
AUTHOR:	MAURICE BATTILANA

SUPPORTING DOCUMENTS:

Ref	Title	Attached to Report	Under Separate Cover
9.3(a)	Disability Access Inclusion Plan		√

DISCLOSURE OF INTEREST

Nil

BACKGROUND

A review of the Shire’s Disability Access Inclusion Plan (DAIP) forms part of the annual Building & Disability Services Committee (Committee) agenda for consideration and recommendation to Council. This review is a legislative requirement in accordance with Disability Services Act (1993).

Council reviewed the DAIP as part of the 2018 Committee process with the following being resolved at the March 2018 OCM:

- i. Council endorse the Shire’s Disability Access Inclusion Plan (DAIP) as presented without changes.*
- ii. Council advertise advertised requests for public comments and submissions on the draft Disability Access & Inclusion Plan in accordance with legislation.*

In the event there are no adverse comments or submissions received the Draft Plan is adopted as presented. However, in the event there are comments and submissions received requesting amendment to the Draft Plan this be brought back to Council for further consideration.

Voting 6/0
CARRIED
Minute Reference:03/18-6

No public submissions were received so the DAIP was accepted as published.

COMMENT

In accordance with Section 28(7) of the *Disability Services Act (1993)* a full review of the DAIP must occur at least every 5 years i.e.

28. *Disability access and inclusion plans*

- (5) A public authority may review its disability access and inclusion plan at any time.*

- (6) *After reviewing its disability access and inclusion plan, a public authority must lodge a report of the review with the Commission in accordance with subsection (7).*
- (7) *Not more than 5 years is to elapse —*
 - (a) *between the day on which a public authority first lodges its disability access and inclusion plan with the Commission and the day it lodges a report of a review of the plan with the Commission; or*
 - (b) *between the lodgment of the report of one review of a plan and the lodgment of the report of another review of the plan.*

The purpose of this Agenda Item is for the Committee to recommend staff undertake an in-house, desk-top review of the Plan and recommend any amendments to Council for consideration.

A copy of the current DAIP is provided under separate cover at **Attachment 8.3(a)** for Committee information and review.

STATUTORY ENVIRONMENT

Disability Services Act (1993).

28. *Disability access and inclusion plans*

- (1) *Each public authority must have a disability access and inclusion plan to ensure that in so far as its functions involve dealings with the general public, the performance of those functions furthers the principles in Schedule 1 and meets the objectives in Schedule 2.*
- (2) *A disability access and inclusion plan must meet any prescribed standards.*
- (3) *A public authority must lodge its disability access and inclusion plan with the Commission —*
 - (a) *if the authority was established before the commencement of the Disability Services Amendment Act 2004, without delay;*
 - (b) *if the authority is established after the commencement of the Disability Services Amendment Act 2004, within 12 months after the day on which it is established.*
- (4) *A public authority may amend its disability access and inclusion plan at any time.*
- (5) *A public authority may review its disability access and inclusion plan at any time.*
- (6) *After reviewing its disability access and inclusion plan, a public authority must lodge a report of the review with the Commission in accordance with subsection (7).*
- (7) *Not more than 5 years is to elapse —*
 - (a) *between the day on which a public authority first lodges its disability access and inclusion plan with the Commission and the day it lodges a report of a review of the plan with the Commission; or*
 - (b) *between the lodgment of the report of one review of a plan and the lodgment of the report of another review of the plan.*
- (8) *After reviewing its disability access and inclusion plan, a public authority may amend the plan or prepare a new plan.*
- (9) *If at any time a public authority amends its disability access and inclusion plan or prepares a new plan, whether after a review or not, it must lodge the amended or new plan with the Commission as soon as practicable after doing so.*
- (10) *A public authority must undertake public consultation in accordance with the procedure specified in the regulations when preparing, reviewing or amending a disability access and inclusion plan.*

Disability Services Regulation 2004

10. Procedure for public consultation by authorities (s. 28)

- (1) For the purposes of section 28(10) of the Act, a public authority is to undertake consultation in relation to its disability access and inclusion plan by calling for submissions either generally or specifically —
 - (a) by notice in a newspaper circulating throughout the State or, in the case of a local government, the district of that local government under the Local Government Act 1995; and
 - (b) on any website maintained by or on behalf of the public authority.
- (2) Nothing in subregulation (1) prevents a public authority from also undertaking any other consultation.

POLICY IMPLICATIONS

The DAIP become a statutory policy required by Council in accordance with the Disability Services Act (1993) which is reported on annually.

FINANCIAL IMPLICATIONS

No significant financial implications are anticipated.

- **Long Term Financial Plan (LTFP):**

No significant implications anticipated on the LTFP.

STRATEGIC IMPLICATIONS

It is sound to ensure people with disabilities are given every opportunity to gain access to Council facilities and be included in Council and community activities.

- **Strategic Community Plan/Corporate Business Plan:**

Ref	Objective	Strategy	Action
1.1	Nurture the sense of community	Development of plans relevant to population needs	Review existing plans and develop new plans as required

CONSULTATION

There is a consultation process Council need to adhere to in accordance with the Disability Services Act (1993) which will be implemented as part of the DAIP review.

RISK ASSESSMENT

There is a high risk of excluding a sector of the community if the DAIP is not reviewed and improved on a regular basis. However; I believe the risk in this instance is *insignificant* i.e.

Measures of Consequence							
Rating (Level)	Health	Financial Impact	Service Interruption	Compliance	Reputational	Property	Environment
Insignificant (1)	Negligible injuries	Less than \$1,000	No material service interruption	No noticeable regulatory or statutory impact	Unsubstantiated, low impact, low profile or 'no news' item	Inconsequential or no damage.	Contained, reversible impact managed by on site response

VOTING REQUIREMENTS

Simple majority

COMMITTEE / STAFF RECOMMENDATION

MOVED: CR FORTH

SECONDED: CR HUMPHREY

Council request staff undertake an in-house, desk-top review of the Plan and if necessary recommend any amendments to Council for consideration.

CARRIED
Voting 3/0
Minute Reference: BDSC 03/19-5

AGENDA ITEM:	8.4
SUBJECT:	DISPOSAL OF PROPERTY - LOT 102 CHAPMAN VALLEY RD, YUNA
PROPONENT:	CHIEF EXECUTIVE OFFICER
SITE:	LOT 102 CHAPMAN VALLEY RD, YUNA
FILE REFERENCE:	A1345
PREVIOUS REFERENCE:	MINUTE REF: 04/17-6
DATE:	7 MARCH 2019
AUTHOR:	MAURICE BATTILANA

SUPPORTING DOCUMENTS:

Ref	Title	Attached to Report	Under Separate Cover
	NIL		

DISCLOSURE OF INTEREST

Nil

BACKGROUND

The disposal of Lots 19 Chapman Valley Rd, Nabawa & 102 Chapman Valley Rd, Yuna formed part of the resolutions of Council to adopt the 2016/2017 Budget and was reiterated at the March 2017 OCM when dealing with items from the Building & Disability Services Committee recommendations i.e.

“MOVED: CR FARRELL

SECONDED: CR MALUISH

Recommendation 02/17-3 - Sale of Residential Properties – Lot 23 Chapman Valley Road, Yuna & Lot 19 Chapman Valley Road, Nabawa

Council sell both residential properties at Lot 23 Chapman Valley Road, Yuna & Lot 19 Chapman Valley Road, Nabawa immediately, irrespective of the tenancy arrangement in place at the time.

Voting 5/2

CARRIED

Minute Reference 03/17-16”

The above resolution was revoked at the April 2017 OCM with the following being resolved by Council:

MOVED: CR WARR

SECONDED: CR HUMPHREY

That the revocation motion be dealt with.

Voting 6/1

CARRIED

Minute Reference – 04/17-4

MOVED: CR WARR

SECONDED: CR HUMPHREY

Revoke motion 03/17-16 of March 2017 to sell both residential properties at Lot 23 Chapman Valley Road, Yuna & Lot 19 Chapman Valley Road, Nabawa immediately, irrespective of the tenancy arrangement in place at the time.

Voting 7/0

CARRIED

FORESHADOWED MOTION

MOVED: CR ROYCE

SECONDED:

The sale of the properties be delayed until further negotiations.

THE FORESHADOWED MOTION LAPSED DUE TO NO SECONDER

COUNCIL RESOLUTION

MOVED: CR FORRESTER

SECONDED: CR MALUISH

The sale of the property located at 19 Chapman Valley Road, Nabawa, proceed and Council retain the property located at Lot 23 Chapman Valley Road, Yuna, for a period of up to 3 years.

Voting 7/0

CARRIED

Minute Reference – 04/17-6

Reason for Deviation for Staff Recommendation: After listening to the concerns of the community Council felt is appropriate not the sell the property at Lot 23 Chapman Valley Rd, Yuna, at this time.

COMMENT

Council has fee simple (freehold) title for Lot 102 Chapman Valley Rd, Yuna (formally Lot 23) and has 3 options to dispose of the land under the Local Government Act 1995 Section 3:58(2) i.e.

1. Highest bidder at a public auction;
2. Public Tender; or
3. Private Treaty

Should the council wish to dispose of the property to an employee, section 3.58(3) applies; however, it does not appear this is the intention and the basis of the disposal is to be to the open market.

Local Real Estate Agents (Geraldton Property Team) was been approached in 2017 seeking a market appraisal of both properties being considered for sale at the time (which does not satisfy the legislation for a sworn valuation).

After discussions with the real estate agent 2017, the feeling is the public auction option does not appear to work well in locations like Yuna, with the advice being to use either the public tender or private treaty option i.e.

Option 1 - Sale by Private Treaty:

Sale by Private Treaty should be undertaken through an Agent and will result in the following:

1. Hopefully attract more interest as the properties will be part of the real estate advertising process for the area;
2. Agents Fee based upon a commission fee of the sale price of the property. This fee will include all advertising, enquiries, open home days, etc.;
3. The legal requirement for a Registered Valuer to provide Council with an independent market value of each property. This is estimated to be a cost of approximately \$950 for both properties;

Option 2 - Sale by Public Tender:

1. Will possible be less effective as it will rely upon the public notice(s) advertised by the Shire only as this process it will not be part of the real estate agents advertising for the area;
2. Will not attract an Agents fee; however, will require public notice advertising by the Shire at the Shire's costs;
3. A market valuation of the properties is not required as this is being disposed of by tender;

STATUTORY ENVIRONMENT

LOCAL GOVERNMENT ACT 1995

3.58. *Disposing of property*

- (1) In this section —
dispose includes to sell, lease, or otherwise dispose of, whether absolutely or not;
property includes the whole or any part of the interest of a local government in property, but does not include money.
- (2) Except as stated in this section, a local government can only dispose of property to —
 - (a) the highest bidder at public auction; or
 - (b) the person who at public tender called by the local government makes what is, in the opinion of the local government, the most acceptable tender, whether or not it is the highest tender.
- (3) A local government can dispose of property other than under subsection (2) if, before agreeing to dispose of the property —
 - (a) it gives local public notice of the proposed disposition —
 - (i) describing the property concerned; and
 - (ii) giving details of the proposed disposition; and
 - (iii) inviting submissions to be made to the local government before a date to be specified in the notice, being a date not less than 2 weeks after the notice is first given;
and
 - (b) it considers any submissions made to it before the date specified in the notice and, if its decision is made by the council or a committee, the decision and the reasons for it are recorded in the minutes of the meeting at which the decision was made.
- (4) The details of a proposed disposition that are required by subsection (3)(a)(ii) include —
 - (a) the names of all other parties concerned; and
 - (b) the consideration to be received by the local government for the disposition; and
 - (c) the market value of the disposition —
 - (i) as ascertained by a valuation carried out not more than 6 months before the proposed disposition; or
 - (ii) as declared by a resolution of the local government on the basis of a valuation carried out more than 6 months before the proposed disposition that the local government believes to be a true indication of the value at the time of the proposed disposition.
- (5) This section does not apply to —
 - (a) a disposition of an interest in land under the *Land Administration Act 1997* section 189 or 190; or
 - (b) a disposition of property in the course of carrying on a trading undertaking as defined in section 3.59; or
 - (c) anything that the local government provides to a particular person, for a fee or otherwise, in the performance of a function that it has under any written law; or
 - (d) any other disposition that is excluded by regulations from the application of this section.

LOCAL GOVERNMENT (FUNCTIONS & GENERAL) REGULATION 1996

30. *Dispositions of property excluded from Act s. 3.58*

- (1) A disposition that is described in this regulation as an *exempt* disposition is excluded from the application of section 3.58 of the Act.
- (2) A disposition of land is an exempt disposition if —
 - (a) the land is disposed of to an owner of adjoining land (in this paragraph called the *transferee*) and —
 - (i) its market value is less than \$5 000; and
 - (ii) the local government does not consider that ownership of the land would be of significant benefit to anyone other than the transferee;or
 - (b) the land is disposed of to a body, whether incorporated or not —
 - (i) the objects of which are of a charitable, benevolent, religious, cultural, educational, recreational, sporting or other like nature; and
 - (ii) the members of which are not entitled or permitted to receive any pecuniary profit from the body's transactions;or
 - (c) the land is disposed of to —
 - (i) the Crown in right of the State or the Commonwealth; or
 - (ii) a department, agency, or instrumentality of the Crown in right of the State or the Commonwealth; or
 - (iii) another local government or a regional local government;or
 - (d) it is the leasing of land to an employee of the local government for use as the employee's residence; or
 - (e) it is the leasing of land for a period of less than 2 years during all or any of which time the lease does not give the lessee the exclusive use of the land; or
 - (f) it is the leasing of land to a person registered under the *Health Practitioner Regulation National Law (Western Australia)* in the medical profession to be used for carrying on his or her medical practice; or
 - (g) it is the leasing of residential property to a person.
- (2a) A disposition of property is an exempt disposition if the property is disposed of within 6 months after it has been —
 - (a) put out to the highest bidder at public auction, in accordance with section 3.58(2)(a) of the Act, but either no bid is made or any bid made does not reach a reserve price fixed by the local government; or
 - (b) the subject of a public tender process called by the local government, in accordance with section 3.58(2)(b) of the Act, but either no tender is received or any tender received is unacceptable; or
 - (c) the subject of State wide public notice under section 3.59(4) of the Act, and if the business plan referred to in that notice described the property concerned and gave details of the proposed disposition including —
 - (i) the names of all other parties concerned; and
 - (ii) the consideration to be received by the local government for the disposition; and
 - (iii) the market value of the disposition as ascertained by a valuation carried out not more than 12 months before the proposed disposition.
- (2b) Details (*see section 3.58(4) of the Act*) of a disposition of property under sub regulation (2a) must be made available for public inspection for at least 12 months from the initial auction or tender, as the case requires.

- (3) A disposition of property other than land is an exempt disposition if —
- (a) its market value is less than \$20 000; or
 - (b) it is disposed of as part of the consideration for other property that the local government is acquiring for a consideration the total value of which is not more, or worth more, than \$50 000.

POLICY/PROCEDURE IMPLICATIONS

No Policy/Procedure affected.

FINANCIAL IMPLICATIONS

The 2018/2019 Budget does not include the sale of the property at Lot 102 Chapman Valley Rd, Yuna and if Council did decide to sell this property (in 18/19 or any future financial year) it is recommended any funds derive (after all costs incurred for the disposition) be placed into the Shire's Building Reserve.

STRATEGIC IMPLICATIONS

Rationalisation of assets is an integral (yet often forgotten) part of asset management.

Council's decision to dispose of surplus properties is prudent asset management.

- **Strategic Community Plan/Corporate Business Plan:**

Ref	Objective	Strategy	Action
4.1	Develop, manage and maintain built infrastructure	Asset Management Plan	Review Asset Management Plan regularly and maintain integration with other Strategic Plans within the Shire

CONSULTATION

The tenant in the shire owned residential property at Yuna has formally advised of their intention to vacate the property at the end the 2018 school year.

Council has discussed this disposition of the properties on several occasions, with the most recent being at the April 2017 Ordinary Council Meeting where was some community concern regarding the ability for the School Principal to be accommodated. My understanding is the existing Government Regional Officer House (GROH) located in Yuna for the School Principal remains empty. Therefore, there should be no reason why Council needs to retain this house for accommodating the School Principal. Though I would argue there never was such a need or obligation on Council to retain the Shire house for this purpose anyway.

RISK ASSESSMENT

As there is a nil effect on the Municipal Fund and the income received from the properties being sold is minimal, I believe the risk in this instance is *insignificant* i.e.

Measures of Consequence							
Rating (Level)	Health	Financial Impact	Service Interruption	Compliance	Reputational	Property	Environment
Insignificant (1)	Negligible injuries	Less than \$1,000	No material service interruption	No noticeable regulatory or statutory impact	Unsubstantiated, low impact, low profile or 'no news' item	Inconsequential or no damage.	Contained, reversible impact managed by on site response

VOTING REQUIREMENTS

Simple Majority

COMMITTEE / STAFF RECOMMENDATION

MOVED: CR FORTH

SECONDED: CR HUMPHREY

The Committee recommend Council endorses the disposal of Lot 102 Chapman Valley Road, Yuna by Private Treaty under the following conditions:

1. The CEO arranges for a market valuation of the property, in accordance with legislative requirements, prior to commencing disposal procedures;
2. The CEO to bring an item back to Council for consideration and determination prior to the legislative process continuing for the property disposals.

CARRIED

Voting 3/0

Minute Reference: BDSC 03/19-6

9.0 Urgent Business Approved by the Presiding Member or by a Decision of the Committee

Nil

10.0 Closure

The Presiding Member thanked Elected Members and Staff for their attendance and closed the meeting at 12.07pm.