

Shire of Moora
Ordinary Council Meeting
20th October 2021

NOTICE OF MEETING

Dear Elected Member

The next Ordinary Council Meeting of the Shire of Moora
will be held on **Wednesday 20th October 2021**
in the Council Chambers, 34 Padbury Street, Moora
commencing at **5.30 pm**



AJ Leeson
Chief Executive Officer

14th October 2021

The Shire of Moora Vision and Mission Statement

Vision

Our vision is:

Shire of Moora - a vibrant, affordable Regional Centre with a growing, caring community.

Mission

Our mission is:

To provide the leadership, services and infrastructure that will meet the needs of the community and surrounds.

SHIRE OF MOORA**WRITTEN DECLARATION OF INTEREST IN MATTER BEFORE COUNCIL**

Chief Executive Officer
 Shire of Moora
 PO Box 211
 MOORA WA 6510

Dear Sir/Madam,

Re: Written Declaration of Interest in Matter Before Council

I, ⁽¹⁾ _____ wish to declare
 an interest in the following item to be considered by Council at its meeting to be held on ⁽²⁾
 _____ .

Agenda Item ⁽³⁾ _____

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

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

The nature of my interest is ⁽⁵⁾

The extent of my interest is ⁽⁶⁾

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

Yours faithfully,

 Signed

 Date

1. Insert your name.
2. Insert the date of the Council Meeting at which the item is to be considered.
3. Insert the Agenda Item Number and Title.
4. Tick box to indicate type of interest.
5. Describe the nature of your interest.
6. Describe the extent of your interest (if seeking to participate in the matter under S. 5.68 of the Act).

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SHIRE OF MOORA
ORDINARY COUNCIL MEETING AGENDA
20 OCTOBER 2021
COMMENCING AT 5.30PM

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Separate Attachments

11.1.1 List of Payments Authorised Under Delegation 1.31

11.1.2 Statement of Financial Activity for Period Ended 30 September 2021

11.1.3 Map of Land

11.1.4 Existing Strategic Community Plan

I. DECLARATION OF OPENING

I.1 DECLARATION OF OPENING

The Chief Executive Officer to officially open the meeting and assume the chair until the election of the President.

I.2 DISCLAIMER READING

No responsibility whatsoever is implied or accepted by the Shire of Moora for any act, omission or statement or intimation occurring during this meeting.

It is strongly advised that persons do not act on what is heard at this meeting and should only rely on written confirmation of Council's decision, which will be provided within fourteen (14) days of this meeting.

2. ELECTION OF PRESIDENT

The procedure for electing a President is set out in Schedule 2.3, Division 1, of the Local Government Act 1995. The election is to be conducted as the first matter at the first meeting of the Council following an ordinary election.

Nominations for the office are to be received in writing to the Chief Executive Officer before the meeting, or during the meeting before the close of nominations. Nominations close at the meeting at a time announced by the Chief Executive Officer.

Councillors are to vote on the matter by secret ballot as if they were electors voting at an election. The votes cast are to be counted, and the successful candidate determined in accordance with Schedule 4.1.

If two or more candidates receive the same number of votes, so that no candidate has the greatest number of votes, the count is to be discontinued and the meeting is to be adjourned for not more than seven days. Should this occur, it is intended to initially adjourn the meeting for ten minutes, and then resume the meeting. Any nomination for the office may be withdrawn, and further nominations may be made, before or when the meeting resumes. When the meeting resumes the councillors are to vote again.

The Chief Executive Officer is to declare and give notice of the result in accordance with regulation 11F of the Local Government (Constitution) Regulations 1998.

SWEARING IN OF PRESIDENT

Section 2.29 of the Local Government Act 1995 requires a person who has been elected as the Shire President to make a declaration in the prescribed form before acting in the office. The declaration is to be made before a person before whom a statutory declaration can be made under the Oaths, Affidavits and Statutory Declarations Act 2005. Mrs Cynthia McMorrان AM JP officiates for this purpose.

3. ELECTION OF DEPUTY PRESIDENT

Schedule 2.3, Division 2 of the Local Government Act 1995 sets out a procedure, which is essentially the same as that for electing the President. The election is to be conducted as the next matter following the election of the President, at the first meeting of the Council after an ordinary election.

The President will act as the Returning Officer for this election. Nominations for the office are to be received in writing to the President before the meeting, or during the meeting before the close of nominations. Nominations close at the meeting at a time announced by the President.

SWEARING IN OF DEPUTY PRESIDENT

The same procedure applies. Mrs Cynthia McMorran AM JP will officiate.

4. ATTENDANCE / APOLOGIES / APPROVED LEAVE OF ABSENCE**5. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE****6. PUBLIC QUESTION TIME****7. PETITIONS / DEPUTATIONS / PRESENTATIONS****8. APPLICATIONS FOR LEAVE OF ABSENCE****9. ANNOUNCEMENTS BY THE PRESIDING MEMBER****10. CONFIRMATION OF MINUTES****10.1 ORDINARY COUNCIL MEETING - 15 SEPTEMBER 2021**

That the Minutes of the Ordinary Meeting of Council held on 15 September 2021 be confirmed as a true and correct record of the meeting.

11. REPORTS OF OFFICERS

11.1 GOVERNANCE AND CORPORATE SERVICES

11.1.1 LIST OF PAYMENTS AUTHORISED UNDER DELEGATION 1.31

REPORT DATE: 14 October 2021

OFFICER DISCLOSURE OF INTEREST: Nil

AUTHOR: Alan Leeson, Chief Executive Officer

SCHEDULE PREPARED BY: Julie Greatbatch, Creditors Officer

ATTACHMENTS: Accounts Paid Under Delegated Authority

PURPOSE OF REPORT

Payments have been made under delegated authority and a listing of these payments is attached for Council to note and endorse.

BACKGROUND

At the December 2005 Ordinary Meeting of Council resolution 276/2005 delegated the authority of payments from Municipal and Trust Funds to the Chief Executive Officer.

COMMENT

Accounts Paid under delegated authority are periodically presented to Council.

POLICY REQUIREMENTS

Delegation 1.31 – Payments from Municipal and Trust Funds.

LEGISLATIVE REQUIREMENTS:

Local Government Act 1995 - Section 6.10

Local Government (Financial Management) Regulations 1996 – Regulations 12 & 13.

STRATEGIC IMPLICATIONS

There are no known strategic implications associated with this proposal.

SUSTAINABILITY IMPLICATIONS

➤ **Environment**

There are no known significant environmental implications associated with this proposal.

➤ **Economic**

There are no known significant economic implications associated with this proposal.

➤ **Social**

There are no known significant social implications associated with this proposal.

FINANCIAL IMPLICATIONS

Payments are in accordance with the adopted budget.

VOTING REQUIREMENTS

Simple Majority Required

RECOMMENDATION

That Council notes and endorses the Payments from the Municipal and Trust Funds made under delegation 1.31

<i>Municipal Fund</i>	<i>Cheques 62499 to 62501</i>	<i>\$5,607.47</i>
	<i>EFT 25963 to 26032</i>	<i>\$366,716.69</i>
	<i>Direct Debits 13996.1 to 14034.19</i>	<i>\$94,129.67</i>
	<i>(DD14051.1) Credit Card 03/08/21 to 02/09/21</i>	<i>\$7,210.33</i>
		<i>\$473,664.16</i>
<i>Trust Fund</i>	<i>Cheques 5569 to 5571</i>	<i>\$1,886.40</i>
		<i>Subtotal \$475,550.56</i>
<i>Net Pays</i>	<i>PPE 01/09/21</i>	<i>\$118,818.37</i>
	<i>PPE 15/09/21</i>	<i>\$108,998.26</i>
	<i>PPE 29/09/21</i>	<i>\$115,509.76</i>
		<i>\$343,326.39</i>
	<i>Total</i>	<i>\$818,876.95</i>

11.1.2 STATEMENT OF FINANCIAL ACTIVITY FOR PERIOD ENDED 30 SEPTEMBER 2021

REPORT DATE: 14 October 2021

OFFICER DISCLOSURE OF INTEREST: Nil

PREVIOUS MEETING REFERENCES: Nil

AUTHOR: Martin Whitely, LG Corporate Solutions

ATTACHMENTS: Statement of Financial Activity for the Period Ended 30 September 2021

PURPOSE OF REPORT:

To note and receive the Statement of Financial Activity for the period ended 30 September 2021.

BACKGROUND:

Council is provided with monthly financial reports to enable monitoring of revenues and expenditures against the adopted budget.

COMMENT:

The Statement of Financial Activity for the Period Ended is provided as a separate attachment in Program format.

POLICY REQUIREMENTS:

Nil

LEGISLATIVE REQUIREMENTS:

Local Government Act 1995, Section 6.4

Local Government (Financial Management) Regulations 1996, Clause 34

STRATEGIC IMPLICATIONS:

Monitoring of actual revenues and expenditures against the adopted budget assists Council in being informed as to the financial health of the organisation.

SUSTAINABILITY IMPLICATIONS:

- **Environment**
There are no known significant environmental implications associated with this proposal.
- **Economic**
There are no known significant economic implications associated with this proposal.
- **Social**
There are no known significant social implications associated with this proposal.

FINANCIAL IMPLICATIONS:

Year to date income and expenditure is provided by program to enable comparison to 2020/21 adopted budget.

VOTING REQUIREMENTS

Simple Majority Required

RECOMMENDATION

That Council notes and receives the Statement of Financial Activity for the period ended 30 September 2021.

11.1.3 DELEGATED AUTHORITY – MOORA INDUSTRIAL PRECINCT (MELBOURNE/WOOLAWA/RANFURLY STREETS)**FILE REFERENCE:****REPORT DATE:** 14 October 2021**APPLICANTS/PROPONENT:** Chief Executive Officer**OFFICER DISCLOSURE OF INTEREST:** N/A**PREVIOUS MEETING REFERENCES:** Nil**AUTHOR:** Alan Leeson, Chief Executive Officer**ATTACHMENTS:** Map of Land within precinct**PURPOSE OF REPORT:**

For Council to delegate authority to the Chief Executive Officer to dispose of land within the Moora Industrial Precinct in accordance with defined parameters, specifically;

Lots 161 and 162 Melbourne Street;

Lots 165, 166, 167 and 168 Woolawa Street;

Lots 169, 170 and 171 Ranfurly Street.

BACKGROUND:

The described land is owned by Council on a freehold basis located within the Moora Industrial Precinct. From time-to-time expressions of interest to purchase the land are received but the Office of Council. This report recommends Council delegate authority to the Chief Executive Officer to transact sale of land in this precinct provided certain legislative requirements and conditions are met. and

COMMENT:

Council must dispose of land under Section 3.58 of the Local Government Act 1995. The methods of disposal are by way of Public Auction, Public Tender or by way of Private Treaty. This proposed delegation is framed on the basis of Council delegating authority to the Chief Executive Officer to dispose of land in accordance with the following parameters;

- Meeting requirements of Section 3.58 (3) of the Local Government Act 1995 (private treaty) – details hereunder;
- Prohibiting any disposal where the offer is less than 10% of the current market valuation;
- Limited to land where the market value of individual titles is less than \$75,000;
- Delegation must not be exercised by Chief Executive Officer where any public submissions are received after required statutory advertising of proposed disposition.

POLICY REQUIREMENTS:

Council does not have a policy position in relation to this matter.

LEGISLATIVE REQUIREMENTS:

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.

STRATEGIC IMPLICATIONS:

Outcome 4.1: A strong and diversified economic base.

Strategy 4.1.4: Support new and existing local businesses and employment.

Strategy 4.1.5: Pursue the provision of serviced commercial, industrial and residential land.

SUSTAINABILITY IMPLICATIONS:

➤ **Environment**

There are no known environmental implications associated with this matter.

- **Economic**
There are no known direct economic implications associated with this matter,
- **Social**
There are no known significant social implications associated with this matter.

FINANCIAL IMPLICATIONS:

The only financial implications for Council in relation to this matter aside from revenue from sale, is the cost of conveyancing and advertising. Advertising costs would be met by the purchaser and conveyancing costs would be shared proportionately in accordance with normal conveyancing arrangements.

VOTING REQUIREMENTS

Absolute Majority Required

RECOMMENDATION

That Council delegate authority to the Chief Executive Officer to dispose of land within the Moora Industrial Precinct in accordance with defined parameters, specifically;
Lots 161 and 162 Melbourne Street;
Lots 165, 166, 167 and 168 Woolawa Street;
Lots 169, 170 and 171 Ranfurly Street;

In accordance with the following parameters/conditions;

- ***Meeting requirements of Section 3.58 (3) of the Local Government Act 1995 (private treaty);***
- ***Prohibiting any disposal where the offer is less than 10% of the current market valuation;***
- ***Limited to land where the market value of individual titles is less than \$75,000;***
- ***Delegation must not be exercised by Chief Executive Officer where any public submissions are received after required statutory advertising of proposed disposition.***

11.1.4 STRATEGIC COMMUNITY PLAN – MAJOR REVIEW INITIATION

FILE REFERENCE: PD/STP1
REPORT DATE: 14 October 2021
APPLICANTS/PROPONENT: Chief Executive Officer
OFFICER DISCLOSURE OF INTEREST: N/A
PREVIOUS MEETING REFERENCES: Nil
AUTHOR: Alan Leeson, Chief Executive Officer
ATTACHMENTS: Existing Strategic Community Plan

PURPOSE OF REPORT:

For Council to approve the initiation of a major review of its Strategic Community Plan (2018-2028) and subsequent review of the current Corporate Business Plan (2019-2024).

BACKGROUND:

The Strategic Community Plan (SCP) 2018-2028 (previously approved May 2019) - is the overarching plan to guide the Shire over the next 10 years. The SCP is broad with a long-term focus and strong emphasis on the community's aspirations, priorities and vision for the future.

Reviewed in 2018, the SCP was initially formulated through a community consultation process which documented the Shire's community's priorities, aspirations and vision.

COMMENT:

Given significant recent intensive industry development adjoining the Shire of Moora, for example (Koojan Downs) and (Westpork) it is an opportune time to revisit the SCP and Corporate Business Plan (CBP – previously approved September 2019) and initiate a comprehensive review of both plan's.

Currently the key priority and strategy areas within the existing 2018/2028 plan are grouped into five broad categories to inform the strategic direction of the Shire:

- Community
- Natural Environment
- Built Environment:
- Local Economy and Business
- Governance and Organisation

POLICY REQUIREMENTS:

Not applicable

LEGISLATIVE REQUIREMENTS:

The proposed review of the SCP fits within the Integrated Planning Framework set down by the State Government (Department of Local Government, Sport and Cultural Industries).

Integrated Planning and Reporting

Integrated planning and reporting gives local governments a framework for establishing local priorities and to link this information to operational functions.

Three major parties are involved in the development of an integrated plan: the local government administration, the Council and the community. Each party has a unique role and responsibilities for effective and sustainable integrated planning and reporting, with the Local

Government (Administration) Regulations 1996 requiring each local government to adopt a Strategic Community Plan and a Corporate Business Plan.

A successful integrated planning and reporting process will deliver the following outcomes:

- a Strategic Community Plan that clearly links the community's aspirations with the Council's vision and long term strategy
- a Corporate Business Plan that integrates resourcing plans and specific council plans with the Strategic Community Plan, and
- a clearly stated vision for the future viability of the local government area.

The Integrated Planning and Reporting Framework and Guidelines have been developed as part of the State Government's Local Government Reform Program. They reflect a nationally consistent approach to integrated planning as expressed by the Council of Australian Governments' Local Government Planning Ministers' Council.

The framework:

- recognises that planning for a local government is holistic in nature and driven by the community
- builds organisational and resource capability to meet community need
- optimises success by understanding the integration and interdependencies between the components, and
- emphasises performance monitoring so that local governments can adapt and respond to changes in community needs and the business environment.

The framework and guidelines provide a process to:

- ensure community input is explicitly and reliably generated
- provide the capacity for location-specific planning where appropriate
- update long term objectives with these inputs
- identify the resourcing required to deliver long-term objectives, and
- clearly convey long term financial implications and strategies.

Legislation

All local governments are currently required to produce a plan for the future under S5.56 (1) of the Local Government Act 1995. Regulations have been made under S5.56(2) of the Act to briefly outline the minimum requirements to achieve this.

The minimum requirement to meet the intent of the plan for the future is the development of a Strategic Community Plan and a Corporate Business Plan.

STRATEGIC IMPLICATIONS:

As outlined above.

SUSTAINABILITY IMPLICATIONS:

➤ **Environment**

There are no known direct environmental implications as a result of Council considering this report.

- **Economic**
There are no known direct economic implications as a result of Council considering this report.

- **Social**
There are no known direct social implications as a result of Council considering this report.

FINANCIAL IMPLICATIONS:

The author recommends Council call for expressions of interest from appropriately qualified and or experienced persons / companies to assist Council facilitate a major review of the SCP and BCP. The costs of this will not be known until Council receives expressions of interests and quotes. Included in Council's 2021/2022 budget is \$28,000 (ex GST) aligned to an Education Review / Programs. The author recommends these funds be re-purposed toward a review of Council's SCP and CBP.

VOTING REQUIREMENTS

Absolute Majority Required

RECOMMENDATION

That Council initiates a major review of its Strategic Community Plan and Corporate Business Plan, further;

- ***the Chief Executive Officer call for Expressions of Interest from suitably qualified and experienced persons / companies to assist Council facilitate the major review in accordance with relevant legislative requirements and Integrated Planning and Reporting Framework.***
- ***Expressions of interests shall be presented to Council at its Ordinary meeting on 17 November 2021.***

11.1.5 PURCHASE OF ADDITIONAL MOSQUITO FOGGING MACHINE AND TRAILER

FILE REFERENCE: H/MQT1-2
REPORT DATE: 14 October 2021
APPLICANTS/PROPONENT: Chief Executive Officer
OFFICER DISCLOSURE OF INTEREST: N/A
PREVIOUS MEETING REFERENCES: Nil
AUTHOR: Alan Leeson, Chief Executive Officer
ATTACHMENTS: Nil

PURPOSE OF REPORT:

For Council approve the purchase of an additional mosquito fogging machine and trailer

BACKGROUND:

Currently Council has one operational mosquito fogging machine and trailer. This unit used by Shire Ranger Sean Harris. The report recommends that a second unit and trailer be purchased with a view to strengthening the capacity of the Shire to affect an effective mosquito fogging program across the Shire of Moora. The second unit will also lessen the burden on Shire Ranger Sean Harris.

COMMENT:

Over the past few months, the Shire has received a lot of phone calls from shire residents concerned about the prevalence of mosquitoes. It is expected these calls will only increase as we enter the warmer months with the amount of water lying around as a result of a reasonable wet winter.

POLICY REQUIREMENTS:

Council does not have a policy position in relation to this matter.

LEGISLATIVE REQUIREMENTS:

Local Government Act 1995

STRATEGIC IMPLICATIONS:

There are no known direct Strategic Implications associated with this matter.

SUSTAINABILITY IMPLICATIONS:

- **Environment**
There are no known environmental implications associated with this matter.
- **Economic**
There are no known direct economic implications associated with this matter,
- **Social**
There are no known significant social implications associated with this matter.

FINANCIAL IMPLICATIONS:

The cost of an additional fogging and trailer unit is anticipated to be in the range of \$17,000.
- Fogging machine \$13,500 (ex GST)
- Trailer \$3,500 (ex GST)

The CEO has been in discussion with a local licensed pest control contractor who could undertake fogging to assist in meeting the community demands for this service. The cost of this including travel and own vehicle is \$75 per hour (ex GST). Budgeting on approximately 200 hours this would equate to \$15,000 (ex GST). Additional chemical for the second unit will be in the vicinity of \$8,500 per annum.

VOTING REQUIREMENTS

Absolute Majority Required

RECOMMENDATION

That Council amend its 2021/2022 budget and include additional capital expenditure for the purchase of an additional fogging machine and trailer (capital cost \$17,000 ex GST) and an additional \$23,500 ex GST per annum for contractor and chemical costs.

12. REPORTS OF COMMITTEES

GENERAL PURPOSE COMMITTEE MEETING – 6 OCTOBER 2021

12.1 INDUSTRIAL AREA BLOCKS - MOORA

The CEO recently engaged an Independent Licensed Valuer to undertake a formal market valuation of industrial land blocks in Moora bounded by Woolawa/Melbourne and Ranfurly Streets.

Under section 3.58 of the Local Government Act 1995 Council has three ways it can legally dispose of land;

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.

The CEO sought direction from the Committee as to which method of disposal would be favoured.

COMMITTEE RECOMMENDATION

That Lot 169 Ranfurly Street, Moora be offered for sale on the basis of a Private Treaty.

13. ELECTED MEMBER MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

14. NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF COUNCIL

15. MATTERS FOR WHICH THE MEETING MAY BE CLOSED

16. CLOSURE OF MEETING