



SPECIAL MINUTES

SPECIAL Meeting
of the Council held:

DATE: Friday, 6 March 2009

TIME: 2.30 pm

VENUE: Council Chambers, Lowood
Road, Mount Barker WA 6324

Special Business:

1. Sale by Tender of Lot 501 Chillinup Road

John Fathers
ACTING CHIEF EXECUTIVE OFFICER

TABLE OF CONTENTS

ITEM	SUBJECT	PAGE NO
1	DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS.....	1
2	RECORD OF ATTENDANCE / APOLOGIES / LEAVE OF ABSENCE (PREVIOUSLY APPROVED).....	1
3	PUBLIC QUESTION TIME (SPECIAL BUSINESS ONLY).....	1
4	PETITIONS / DEPUTATIONS / PRESENTATIONS (SPECIAL BUSINESS ONLY).....	1
5	DISCLOSURE OF INTEREST	1
6	REPORTS OF COMMITTEES AND OFFICERS.....	2
6.1	EXECUTIVE SERVICES REPORTS.....	2
6.1.1	SALE BY TENDER OF LOT 501 CHILLINUP ROAD	2
7	CLOSURE OF MEETING.....	5

1 DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

2:30 PM The Presiding Member declared the meeting open.

2 RECORD OF ATTENDANCE / APOLOGIES / LEAVE OF ABSENCE (PREVIOUSLY APPROVED)Members Present:

Cr K Forbes AM	Shire President - Rocky Gully/West Ward
Cr B Hollingworth	Deputy Shire President - Town Ward
Cr A Budrikis	Kendenup Ward
Cr K Clements	Town Ward
Cr J Mark	Town Ward
Cr J Moir	South Ward
Cr D Nye-Chart	East Ward
Cr M Skinner	East Ward

In Attendance:

Mr John Fathers	Acting Chief Executive Officer
Ms Nicole Selesnew	Manager Community Services
Mr Peter Duncan	Manager Development Services
Mr Ian Bartlett	Manager Works and Services

Chief Executive Officer Rob Stewart was in attendance (on annual leave).

There were nil (0) member(s) of the public in attendance.

There were nil (0) member(s) of the media in attendance.

3 PUBLIC QUESTION TIME (SPECIAL BUSINESS ONLY)

Section 5.24 Local Government Act 1995

4 PETITIONS / DEPUTATIONS / PRESENTATIONS (SPECIAL BUSINESS ONLY)**5 DISCLOSURE OF INTEREST**

Part 5 Division 6 Local Government Act 1995

6 REPORTS OF COMMITTEES AND OFFICERS

6.1 EXECUTIVE SERVICES REPORTS

6.1.1 SALE BY TENDER OF LOT 501 CHILLINUP ROAD

File No:	RV/182/3955
Responsible Officer:	John Fathers Deputy Chief Executive Officer
Author:	John Fathers Deputy Chief Executive Officer
Proposed Meeting Date:	6 March 2009

PURPOSE

The purpose of this report is to seek authority to accept a tender for the sale of Lot 501 Chillinup Road, Chillinup on behalf of the Shires of Plantagenet, Cranbrook, Denmark, Gnowangerup and the City of Albany.

BACKGROUND

At its meeting held on 11 December 2007 the Council resolved:

'THAT:

- (1) The Shires of Cranbrook, Denmark, Gnowangerup and the City of Albany be advised that although it is still the opinion of the Shire of Plantagenet that the land comprising the former Chillinup Landfill Site should be sold, it will delay such action until an alternative landfill site has been located, acquired and works approval received.*
- (2) At such time as the sale is to proceed, the Shire of Plantagenet, as trustee of the land, will undertake to ensure that a reserve price is placed on the land satisfactory to each owner.*
- (3) The Shire of Plantagenet proposes to take immediate steps to advertise the land for lease pursuant to Section 3.58 of the Local Government Act for a fixed period of one (1) year.'*

At its meeting held on 12 February 2008, the Council resolved that *'the offer from Mr M Wiehl to lease Lot 501 Chillinup Road Chillinup from the Shire of Plantagenet as trustee for the City of Albany and the Shires of Cranbrook, Denmark, Gnowangerup and Plantagenet be accepted for a period of one (1) year and that the Chief Executive Officer be authorised to enter into a lease with Mr Wiehl.'* The end date for that lease is 31 March 2009.

A meeting of representatives from the owner councils was held on 28 November 2008 when it was agreed to appoint an agent to offer the property for sale by public tender.

STATUTORY ENVIRONMENT

The land is offered for sale pursuant to Section 3.58 of the Local Government Act 1995.

CONSULTATION

Consultation has occurred with the Shire President, Kevin Forbes AM and the Shires of Cranbrook, Denmark, Gnowangerup and the City of Albany. All of the other local governments have advised that they concur with accepting the higher tender.

FINANCIAL IMPLICATIONS

See officer comment.

POLICY IMPLICATIONS

There are no policy implications for this report.

STRATEGIC IMPLICATIONS

There are no strategic implications for this report.

OFFICER COMMENT

A sworn valuation was obtained for the site which indicated that the open market value was \$735,000.00 as at 7 October 2008. Tenderers were advised that the amount expected by the owners was in the range of \$750,000.00 to \$850,000.00.

Two tenders were received by the due date of 3 March 2009, as follows:

- Ratico Nominees Pty Ltd as trustee for the Williss Family Trust \$600,000.00
- Derek John Curwen and Kim Elizabeth Curwen as trustee for the Curwen Family Trust No.3 \$901,000.00

The contract of sale requires the successful tenderer to be notified within seven days of the close of tenders.

The tender submitted by Derek John Curwen and Kim Elizabeth Curwen as trustee for the Curwen Family Trust No.3 is considered to be acceptable and meets the requirements established by the owner councils. It is therefore recommended for acceptance.

The costs involved with the sale are approximately \$23,000.00 for agent fees and advertising. Settlement fees are expected to be approximately \$1,500.00. This will result in approximate net income of \$876,500.00, or \$175,300.00 per council. It is proposed to engage Amity Settlements in Albany for the conveyancing, who were the settlement agents for the land when it was originally purchased by the five councils.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION

Moved Cr B Hollingworth, seconded Cr M Skinner:

THAT:

- 1. The tender submitted by Derek John Curwen and Kim Elizabeth Curwen as trustee for the Curwen Family Trust No.3 for the purchase of Lot 501 Chillinup Road, Chillinup from the Shire of Plantagenet as trustee for the City of Albany and the Shires of Cranbrook, Denmark, Gnowangerup and Plantagenet, for the sum of \$901,000.00, be accepted.**
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2. Authority be granted for the Shire President and the Chief Executive Officer to sign the relevant Sale by Tender documents.
3. Amity Settlements be engaged to provide the necessary conveyancing services.

CARRIED (8/0)

NO. 55/09

7 CLOSURE OF MEETING

2:35 PM The Presiding Member declared the meeting closed.

CONFIRMED: CHAIRPERSON _____ **DATE:** ____ / ____ / ____