



SPECIAL COUNCIL MEETING

MINUTES

The Special Meeting of Council was held
in the Council Chambers, Welcome Road, Karratha,
on 3 June 2010 at 5.30pm

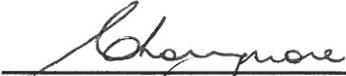

Colene Longmore
CHIEF EXECUTIVE OFFICER

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1 OFFICIAL OPENING

The Special Meeting of Council held in the Council Chambers, Welcome Road, Karratha on 3 June 2010 was declared open at 5.40pm. Cr Lockwood also acknowledged the traditions of the Ngarluma people, on whose land we are gathered here today.

2 PUBLIC QUESTION TIME

Nil

3 RECORD OF ATTENDANCES / APOLOGIES / LEAVE OF ABSENCE

Councillors: Cr Nicole Lockwood [President]
 Cr John Lally [Deputy President]
 Cr Fay Cechner
 Cr Harry Hipworth
 Cr Ben Lewis
 Cr Joanne Pritchard
 Cr Evette Smeathers

Staff: Collene Longmore Chief Executive Officer
 Paul Anderson Assistant to CEO
 Ray McDermott Exec Manager, Corporate Svces
 Simon Kot Exec Manager, Community Svces
 David Pentz Exec Manager, Development Svces
 Troy Davis Exec Manager, Technical Svces
 Jenni Brown Manager of Community Facilities

Apologies: Cr Garry Bailey, Cr Sharon Vertigan and
 Cr Fiona White-Hartig

Absent: Cr Des Rothe

Leave of Absence:

Members of Public: Nil

Members of Media: Nil

4 DECLARATION OF INTERESTS

Item 6.1.1 Disposal of 944A/944B Harding Way and 38 Nelley Way – Cr Lewis declared an Impartiality interest.

Item 6.1.1 Disposal of 944A/944B Harding Way and 38 Nelley Way – Cr Hipworth declared a Financial interest.

5 CHIEF EXECUTIVE OFFICER & EXECUTIVE SERVICES

5.1 CHIEF EXECUTIVE OFFICER

5.1.1 AQUACAROTENE MINING LEASE APPLICATION

File No: ED.12

Attachment(s) Report from Ordinary Council Meeting 17 May 2010 and Deed between Shire of Roebourne and Aquacarotene Limited

Responsible Officer: Chief Executive Officer

Author Name: Assistant to the Chief Executive Officer

Disclosure of Interest: Nil

REPORT PURPOSE

To bring to Council's attention concerns expressed by the General Manager of Carr Civil in regard to Council's resolution of 17 May 2010 relating to the deed with amendments between the Shire of Roebourne and Aquacarotene Limited dated 12 December 2002 and the length of extension approved by the Council.

These leases are situated on Dampier Road to the west of the Karratha Town Centre.

Background

The Council at the meeting held 17 May 2010 passed the following resolution:

That the application from Aquacarotene Limited to extend the deed between the Shire and Aquacarotene be granted for a three year period effective from 13 February 2009 subject to the original conditions contained within the deed and the following amendments including but not limited to:

- 1. The lodgement of a traffic management plan that ensures the safe ingress and egress of traffic to the site;*
- 2. Lodgement of a rehabilitation plan that facilitates the development of industry on the site;*
- 3. The agreement of the applicant to a contribution towards Community Infrastructure as determined by the Chief Executive Officer and the details of the agreement to pay the contribution towards Community Infrastructure be documented in a deed to extend and vary the deed between the Shire and Aquacarotene dated 12 December 2002;*
- 4. The Shire in accordance with Clause 3 of the deed dated 12 December 2002 consents to the request from Aquacarotene to approve the joint venture with Carr Civil in regard to the operations at Mining Leases 47/397 and 47/450;*
- 5. The applicant be advised that no further extension or approval will be granted.*

Issues

The General Manager of Carr Civil on behalf of Aquacarotene has now corresponded via email to the CEO and provided the following comment in regard to the Council resolution:

Aquacarotene believe this timeframe is too short to be able to fully support the Aurora Project build out. Construction of the Aurora Bio Fuel Farm is not due to be completed until the final quarter of 2012 when the Farm is expected to reach peak production. The February 2012 Deed expiry date will preclude much of the material being supplied from M47/450 which is part of the agreed contract of sale between Aurora and Aquacarotene.

We assume the February 2012 date was selected as it is three years from the previous Deed expiry date, rather than the land being required for re-development in February. It was disappointing that a three year extension as requested at our meeting of 16 April 2010 was not granted.

As you are aware we have been unable to sell material from the pit at a competitive price for some years as the Government royalties we pay on our material sales meant we could not compete with the lower Shire rate for material from the Rubbish tip area. As a result of the material sales and the time limiting of the Deed to 17 months. We have been, and will be, unable to fully utilise the lease.

It is requested that the Deed end date be considered for extension by 18 months to align with our request for a further three years from 2010.

In regards to rehabilitation of the site, we propose that sufficient gravel be left behind for the commercial redevelopment of the site. This would save Shire haulage costs, however we would be seeking recompense for the material.

Can you please also provide an indication of the expected value of the contribution towards Community Infrastructure as required in the renewed Deed?

While the reasons given by the General Manager are of a commercial nature and should have been addressed by the organisation prior to entering into agreements that relied upon third party approval, the deed between the Shire and Aquacarotene was not honoured in regard to the seeking of the three year options to continue the deed.

The reference to competition in the market is noted however it is the authors understanding that this practice was only utilised to supply general fill as has since been discontinued.

The issue of leaving gravel in the site is not in accordance with the rehabilitation plan and the Council resolution that required the site to be left in a condition that facilitates the development of industry on the site.

The issue of the indication of the contribution towards community infrastructure is still being negotiated between the Chief Executive Officer and the General Manager.

Options

Council has the following options available:

1. Advise the applicant that the Council resolution of 17 May 2010 stands.
2. Rescind point 5 of the resolution of 17 May 2010 and authorise an 18 month extension with an expiry date of 13 August 2013.

Policy Implications

There are no relevant policy implications pertaining to this matter.

Legislative Implications

1. The Council currently does not have any local laws applicable to this activity.
2. The Land Administration Act 1997 applies as the land is in the Town Site within the meaning of the Act.
3. In accordance with Section 8 of the Mining Act 1978 the Shire is deemed to be the owner of the land.

Financial Implications

The initial deed endorsed by the Council had no positive or negative financial implications to the Council. There are minimal rates applicable to the leases.

The original resolution by Council included the insertion of a clause to enable the applicant to agree to a contribution towards Community Infrastructure as determined by the Chief Executive Officer.

The granting of an extended period will enable the amount of product to be increased and if the financial arrangement is based upon the amount of material extracted will increase the return to the Council.

Conclusion

The resolution of the Council passed at the meeting of 17 May 2010 indicated the intent of the Council not to extend the deed beyond the current terms, consideration may be given to the new information and an extension to the 13 August 2013 granted to assist a local industry to deliver on a facility that contributes to the growth of infrastructure in the community.

Voting Requirements

Simple.

- Item 1. One third of the number of offices.
- Item 2. Simple majority.
- Item 3. Simple majority.

RECOMMENDATION

1. That the resolution passed at the Ordinary Council Meeting held 17 May 2010 be amended by deleting point 5 as follows:

The applicant be advised that no further extension or approval will be granted.

2. The applicant be advised that following the expiration of current option on 17 February 2012 the deed will be extended to 13 August 2013 after which no further extensions will be granted.

Or

3. The applicant be advised that the Council resolution of 17 May 2010 in relation to the deed between the Shire and Aquacarotene in relation to mining leases within the town site boundary confirmed.

COUNCIL RESOLUTION

Res No : 15134
MOVED : Cr Smeathers
SECONDED : Cr Lally

1. That the amendment of the resolution passed at the Ordinary Council Meeting held 17 May 2010 be amended by deleting point 5 as follows:

The applicant be advised that no further extension or approval will be granted
be considered.

CARRIED

FOR : Cr Lockwood, Cr Lally, Cr Cechner, Cr Hipworth, Cr Lewis, Cr Pritchard, and Cr Smeathers
AGAINST : Nil

COUNCIL RESOLUTION

Res No : 15135
MOVED : Cr Smeathers
SECONDED : Cr Lewis

That Council suspend Standing Orders to allow for open discussion of this item.

CARRIED

FOR : Cr Lockwood, Cr Lally, Cr Cechner, Cr Hipworth, Cr Lewis, Cr Pritchard, and Cr Smeathers
AGAINST : Nil

COUNCIL RESOLUTION

Res No : **15136**
MOVED : **Cr Cechner**
SECONDED : **Cr Hipworth**

That Council reinstate Standing Orders.

CARRIED

FOR : Cr Lockwood, Cr Lally, Cr Cechner, Cr Hipworth, Cr Lewis, Cr Pritchard,
and Cr Smeathers
AGAINST : Nil

COUNCIL RESOLUTION

Res No : **15137**
MOVED : **Cr Smeathers**
SECONDED : **Cr Lally**

2. That the amendment of the resolution passed at the Ordinary Council Meeting held 17 May 2010 be amended by deleting point 5 as follows:

The applicant be advised that no further extension or approval will be granted.

CARRIED

FOR : Cr Lockwood, Cr Lally, Cr Cechner, Cr Hipworth, Cr Lewis, and Cr Smeathers
AGAINST : Cr Pritchard

COUNCIL RESOLUTION

Res No : **15138**
MOVED : **Cr Smeathers**
SECONDED : **Cr Lally**

That Council suspend Standing Orders to allow for open discussion of this item.

CARRIED

FOR : Cr Lockwood, Cr Lally, Cr Cechner, Cr Hipworth, Cr Lewis, Cr Pritchard,
and Cr Smeathers
AGAINST : Nil

COUNCIL RESOLUTION

Res No : **15139**
MOVED : **Cr Smeathers**
SECONDED : **Cr Lally**

That Council reinstate Standing Orders.

CARRIED

FOR : Cr Lockwood, Cr Lally, Cr Cechner, Cr Hipworth, Cr Lewis, Cr Pritchard,
and Cr Smeathers
AGAINST : Nil

COUNCIL RESOLUTION

Res No : **15140**
MOVED : **Cr Cechner**
SECONDED : **Cr Lally**

3. The applicant be advised that following the expiration of the current option on 17 February 2012 the deed will be extended to 13 August 2013 after which no further extensions will be granted.

CARRIED

FOR : Cr Lockwood, Cr Lally, Cr Cechner, Cr Hipworth, Cr Lewis, and Cr Smeathers
AGAINST : Cr Pritchard

5.1.1 ATTACHMENT 1 - REPORT FROM ORDINARY COUNCIL MEETING 17 MAY 2010**15.1.1 AQUACAROTENE MINING LEASE APPLICATION****File No: TA/1/2****Attachment(s) Deed between Shire of Roebourne and Aquacarotene Limited****Responsible Officer: Chief Executive Officer****Author Name: Assistant to the Chief Executive Officer****Disclosure of Interest: Nil**

REPORT PURPOSE

To consider the extension of the deed with amendments between the Shire of Roebourne and Aquacarotene Limited dated 12 December 2002 relating to the approval of Mining Leases 47/397 and 47/450.

These leases are situated on Dampier Road to the west of the Karratha Town Centre.

Background

AquaCarotene Ltd holds two Mining Leases located west of Karratha that contain gravel and other quarry products.

The land is in the District of the Shire and is a Town Site within the meaning of the Land Administration Act 1997. As the Shire has the lawful control and management of the land the Shire is deemed by virtue of Section 8 of the Mining Act 1978 (the Act) to be an owner of the land.

An applicant for a Mining Lease must pursuant to section 74(3) of the Act serve on the owner of the land to which the application relates notice of the application within the period prescribed by the Act to allow the Office of the Mining Registrar an objection to the grant of such lease.

The Council originally resolved on 14 December 1998 to approve the lease with the following conditions:

- (a) Lodgement of an operational plan which demonstrates that dust and noise will be contained to prevent offsite impacts;
- (b) Lodgement of a rehabilitation plan which identifies contouring and revegetation form and techniques;
- (c) The term of the lease being for five years with three years options with renewals being subject to Council endorsement and
- (d) Standard engineering building and health conditions.

These conditions were subsequently amended on 12 July 1999 to the following:

- (1) Advise Aquacarotene that any agreement on Mining Lease 47/397 should have an initial term of eight years and renewable every three (3) years thereafter.

This original eight year term expired on 13 February 2009 and Aquacarotene have requested that the Council extend the option in accordance with the original deed.

Issues

Enquiries with the Department of Minerals and Energy have indicated that the Council has the option to revoke the Deed and invoke the clauses that require the surrender of the leases, however this would open the area up to another application for a Mining Lease. This would then need to be considered by the Council for approval or otherwise.

The Council originally objected to the granting of the Mining Lease on the grounds that the proposed leases were within the Town Site boundary and could result in the sterilisation of land which could be required for Town Site expansion in the future.

The issue of the Mining Lease being within the Town Site boundary is still relevant, however the impact upon the developing Town Site has been minimal to this stage.

The development areas identified in the Karratha City of the North Implementation blueprint indicate that this area may not be required in the short term.

The requirement of the materials being extracted from the site to provide for the ongoing expansion of other areas of the Town Site and road ways is of importance and may inhibit the development of these areas.

Aquacarotene entered into a joint venture with Carr Civil Contracting Pty Ltd in June 2004 and are also requesting that in accordance with clause 3 of the deed dated 12 December 2002 that the Council consent to the joint venture arrangement.

Options

Council has the following options available:

- 1 Revoke support for the Mining Lease in its current format and require the lessee to instigate the rehabilitation plan.
- 2 Approve the three year option in accordance with the original deed.
- 3 Approve the three year option with amended conditions including the consent to approve the joint venture operations with Carr Civil Contracting Pty Ltd.

Policy Implications

There are no relevant policy implications pertaining to this matter.

Legislative Implications

1. The Council currently does not have any local laws applicable to this activity.
2. The Land Administration Act 1997 applies as the land is in the Town Site within the meaning of the Act.
3. In accordance with section 8 of the Mining Act 1978 the Shire is deemed to be the owner of the land.

Financial Implications

The initial deed endorsed by the Council had no positive or negative financial implications to the Council. There are minimal rates applicable to the leases

It is proposed to include in the approval a clause to enable the applicant to agree to a contribution towards Community Infrastructure as determined by the Chief Executive Officer.

Conclusion

It is proposed to recommend approving the extension of the three year option effective from 13 February 2009 with the original conditions and amendments.

The amendments to include but not limited to the following;

- (a) Lodgement of a traffic management plan to control the ingress and egress of traffic from the site;
- (b) Lodgement of a rehabilitation plan being structured to facilitate the development of industry on the site;
- (c) The agreement of the applicant to a contribution towards Community Infrastructure as determined by the Chief Executive Officer.

Voting Requirements

Simple.

RECOMMENDATION

That the application from Aquacarotene Limited to extend the deed between the Shire and Aquacarotene be granted for a three year period effective from 13 February 2009 subject to the original conditions contained within the deed and the following amendments including but not limited to the following:

- 1. The lodgement of a traffic management plan that ensures the safe ingress and egress of traffic to the site;**
 - 2. Lodgement of a rehabilitation plan that facilitates the development of industry on the site;**
 - 3. The agreement of the applicant to a contribution towards Community Infrastructure as determined by the Chief Executive Officer and the details of the agreement to pay the contribution towards Community Infrastructure be documented in a deed to extend and vary the deed between the Shire and Aquacarotene dated 12 December 2002.**
 - 4. The Shire in accordance with clause 3 of the deed dated 12 December 2002 consents to the request from Aquacarotene to approve the joint venture with Carr Civil in regard to the operations at Mining Leases 47/397 and 47/450.**
-

5.1.1 ATTACHMENT 2 – SHIRE OF ROEBOURNE DEED 2002

DATED _____ 2000

AQUACAROTENE LIMITED
(ACN 074 969 056)

- AND -

SHIRE OF ROEBOURNE

DEED

McLEOD & CO
Solicitors
222 Stirling Highway
CLAREMONT WA 6010

Telephone: 9383 3133
Reference: McL/R11 10990 (10990DEED/FG/O)



THIS DEED is made 12th day of December

last
2000.

BETWEEN :

AQUACAROTENE LIMITED (ACN 074)
969 056) of PO Box 335, West Perth in the)
State of Western Australia ("Aquacarotene"))

ABN 66 012 876 629
WESTERN AUSTRALIA STAMP DUTY
NDR 15/09/03 13:59 002027118-005
FEE \$ *****2,000
SD \$ *****5.00 PEN *****.00

AND

○ SHIRE OF ROEBOURNE of Welcome)
Road, Karratha in the said State ("the)
Shire"))

RECITALS :

- A. On 13 February 2001 the Department of Minerals and Energy ("DOME") granted Aquacarotene mining leases ML47/397 and ML47/450 ("the Mining Leases") over the land shown hachured in the sketches annexed hereto ("the Land").
- B. The Land is in the district of the Shire and is a "townsite" within the meaning of the Land Administration Act 1997.
- C. As the Shire has the lawful control and management of the Land, the Shire is deemed by virtue of section 8 of the Mining Act 1978 ("the Act") to be an "owner" of the Land.
- D. An applicant for a mining lease must pursuant to section 74(3) of the Act serve on the owner of the land to which the application relates notice of the application within the period prescribed by the Act to allow the owner to lodge with the Office of the Mining Registrar an objection to the grant of such lease.

- E. On 14 December 1998 the Shire reconsidered an application for the Mining Leases based on fresh information supplied by Aquacarotene and in light of other mining tenements operating within townsites.
- F. The Shire had on previous occasions objected to the grant of mining leases to Aquacarotene on the basis that the proposed leases were within the Karratha Townsite boundary and could result in the sterilisation of land which could be required for townsite expansion in the future.
- G. On 14 December 1998 the Shire agreed to support the grant of the Mining Leases subject to the following conditions:
- “1. (a) lodgment of an operation plan which demonstrates that dust and noise will be contained to prevent off site impacts;
- (b) lodgment of a rehabilitation plan which identifies contouring and re-vegetation form and techniques;
- (c) the term of the lease being for five years with three year options, with renewals being subject to Council endorsement;
- (d) standard engineering, building and health conditions.
2. reiterate to the Department of Minerals and Energy that Council do not support the issue of general (ie 21 year) tenements within the townsite area for the reasons previously stated.”
- H. The Shire’s decision to support the grant of the Mining Leases was based on information provided to it by DOME to the effect that the Mining Leases could be granted for a period less than 21 years.

- I. Pursuant to s.78(1) of the Act a mining lease remains in force for a period of 21 years and where an application is made for renewal for a further 21 years.
- J. On 30 June 1999 Aquacarotene applied to the Shire for the extension of the Mining Leases from five years to eight years.
- K. On receipt of Aquacarotene's application the Shire received further advice from DOME advising that it could only grant mining leases for a period of 21 years and that the Shire should consider approaching Aquacarotene with a view to entering into a formal legal agreement as a means of limiting the terms of the Mining Leases.
- L. On 12 July 1999 the Council of the Shire resolved to:
- “1. advise Aquacarotene that any agreement on ML 47/397 should have an initial term of eight years and renewable every three (3) years thereafter;
 2. seek explanation from the Department of Minerals and Energy for the conflicting advice received by Council on the ability to restrict the terms of Mining Leases.”
- M. The Shire requires Aquacarotene to enter into the Deed to limit the terms of the Mining Leases in accordance with the resolution of 12 July 1999 and to satisfy the Shire's requirements.
-

OPERATIVE PART :

1. **DEFINITIONS AND INTERPRETATION**

1.1 **Interpretation**

Unless expressed to the contrary:

- (a) words importing:
 - (i) the singular include the plural and vice versa;
 - (ii) any gender include the other gender;

- (b) if a word or phrase is defined cognate words and phrases have corresponding definitions;

- (c) a reference to:
 - (i) a person includes a firm, unincorporated association, corporation and a government or statutory body or authority;
 - (ii) a person includes its legal personal representatives, successors or assigns;
 - (iii) a statute, ordinance, code, regulation, award or other law includes regulations and other statutory instruments under it and consolidations, amendments, re-enactments or replacements of any of them;
 - (iv) a right includes a benefit, remedy, discretion, authority or power;
 - (v) an obligation includes a warranty or representation and a reference to a failure to observe or perform an obligation includes a breach of warranty or representation;
 - (vi) provisions or terms of this deed or another document, agreement, understanding or arrangement include a reference to both express and implied provisions and terms;
 - (vii) time is to be local time in Perth, Western Australia;
 - (viii) "\$" or "dollars" is a reference to the lawful currency of Australia;

- (ix) this or any other document includes the document as varied or replaced and notwithstanding any change in the identity of the parties;
- (x) writing includes any mode of representing or reproducing words in tangible and permanently visible form, and includes facsimile transmissions;
- (xi) any thing (including, without limitation, any amount) is a reference to the whole or any part of it and a reference to a group of things or persons is a reference to any one or more of them.

○ **Headings**

Headings do not affect the interpretation of this deed.

Schedule

The Schedule and Annexures form part of this deed

2. **AQUACAROTENE'S COVENANTS**

○ Aquacarotene HEREBY COVENANTS AND AGREES with the Shire that it will execute and deliver to the Shire in registrable form surrenders of the Mining Leases:

- (a) on the expiration of eight years from the commencement date of the Mining Leases in the event that the Shire does not consent to renew the Mining Leases for a further three year period ("the renewed term"); or
- (b) on the expiration of the renewed term in the event that the Shire consents to renew the Mining Leases or on such alternative date as the Shire may agree to in writing.

3. NO DISPOSAL

Unless otherwise agreed in writing by the Shire Aquacarotene shall not transfer, mortgage, charge, assign or otherwise dispose of or encumber its interest in the Mining Leases or any part thereof or any interest therein to any person without the prior written consent of the Shire, which consent shall not be unreasonably withheld if the person to whom any such right or interest in the Mining Leases is to be granted has entered into a deed (or in the case of a mortgagee a specific undertaking in a form approved by the Shire) with the Shire at the cost of Aquacarotene, whereby such person covenants to observe and perform the covenants on the part of Aquacarotene herein contained.

4. CHARGE AND CAVEAT

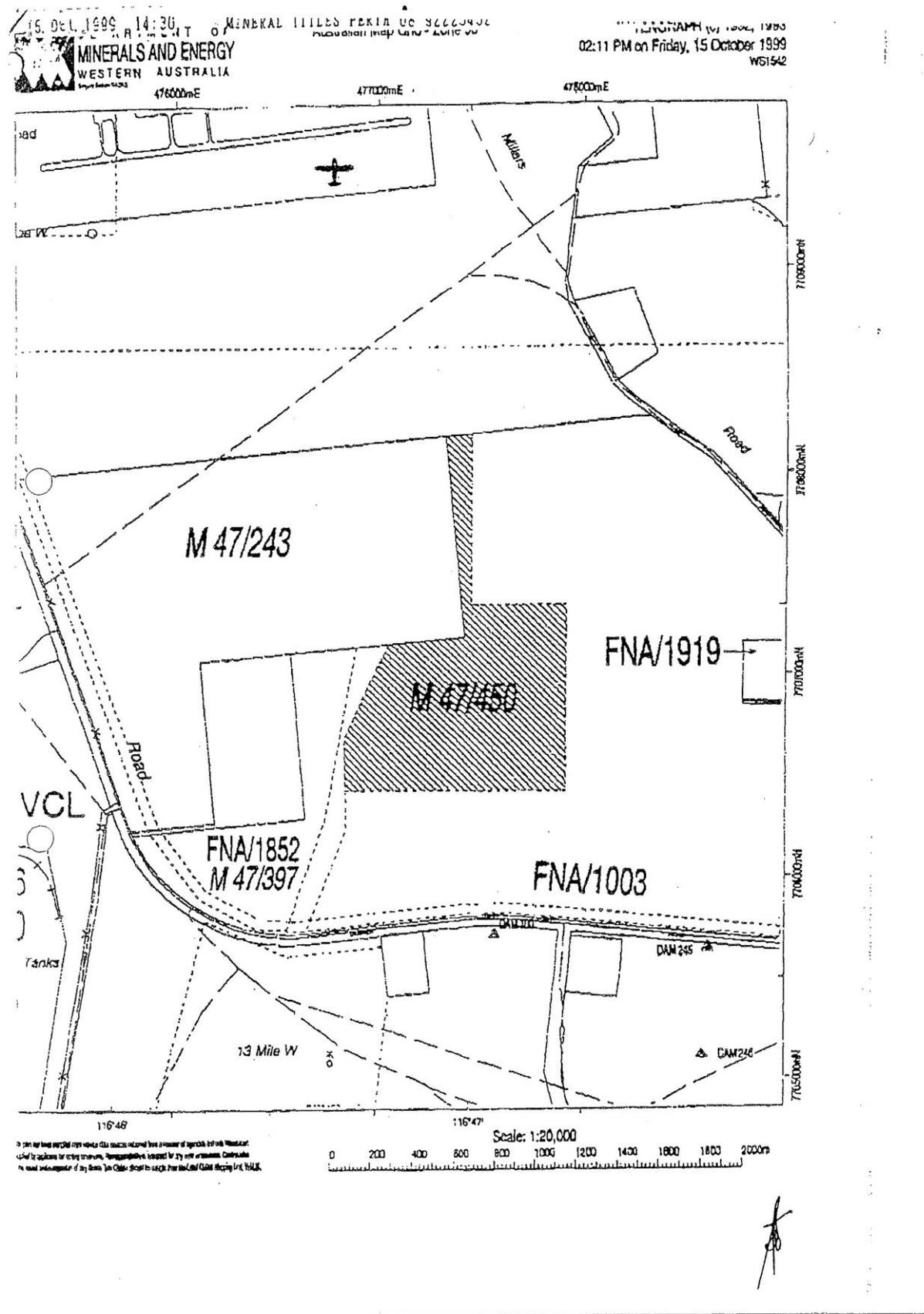
Aquacarotene HEREBY CHARGES its interests in the Mining Leases in favour of the Shire with the performance of the obligations entered into pursuant to this Deed and authorises the Shire to lodge an absolute caveat at DOME against the Mining Leases for the purpose of securing such obligations.

5. COMPENSATION

Aquacarotene HEREBY ACKNOWLEDGES AND AGREES that no claim lies against the Shire in respect of the surrender of the Mining Leases under the Act or any other statutory provision or otherwise and that the execution of this Deed shall act as a bar to any claim which Aquacarotene could or might have had against the Shire for or in respect of or in any way related to the surrender of the Mining Leases.

6. COSTS

The costs of and incidental to the preparation and stamping of this Deed together with any costs incurred in the preparation, stamping and registration of the



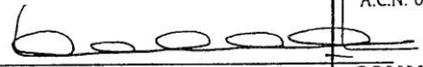
Surrenders pursuant to clause 2 and the registration of the caveat referred to in clause 4 shall be met by Aquacarotene and the Shire on a 50/50 basis.

EXECUTED BY the Parties as a Deed:

THE COMMON SEAL of)
AQUACAROTENE LIMITED (ACN)
074 969 056) was hereunto affixed in)
the presence of:)



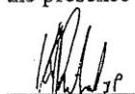
DIRECTOR



DIRECTOR/SECRETARY



THE COMMON SEAL of SHIRE OF)
ROEBOURNE was hereunto affixed in)
the presence of:)



PRESIDENT



CHIEF EXECUTIVE OFFICER



(10990DEED/FG/D)

6 CORPORATE SERVICES

6.1 CORPORATE

Declaration of Interest

Cr Hipworth declared a Financial interest in item 6.1.1 Public Tender Disposal of 944A/944B Harding Way and 38 Nelly Way

Nature of Interest: Real Estate Representative.

Cr Hipworth left chambers at 6.00pm

Declaration of Interest

Cr Lewis declared an Impartiality interest in item 6.1.1 Public Tender Disposal of 944A/944B Harding Way and 38 Nelly Way

Nature of interest: Employee of persons submitting Tender

6.1.1 PUBLIC TENDER - DISPOSAL OF 944A /944B HARDING WAY AND 38 NELLEY WAY

File No: LP.97

Attachment(s) Confidential Attachment - Evaluation & Recommendation report

Responsible Officer: Executive Manager Corporate Services

Author Name: Executive Manager Corporate Services

Disclosure of Interest: Nil

REPORT PURPOSE

To consider public tenders received for the sale of 944A/944B Harding Way and 38 Nelley Way.

Background

Council resolved to dispose of 944A/944B Harding Way and 38 Nelley Way at its Ordinary Council meeting 15 February 2010 with net sale proceeds to be allocated to Council's housing reserve.

Issues

Local real estate agencies were contacted in regards to submitting quotes to hold the public tender on behalf of the Shire of Roebourne. Two quotes were received with Ray White being appointed to conduct the Public Tender process.

The submission period for public tenders closed 28 May 2010 with three submissions being received for 944A/944B Harding Way and two submissions for 38 Nelley Way.

Options

Council has the following options available:

1. To accept the recommendation of the Executive Manager Corporate Services.
2. To accept an alternative tender other than the recommendation of the Executive Manager Corporate Services.

Policy Implications

There are no relevant policy implications pertaining to this matter.

Legislative Implications

s.3.58 – Local Government Act 1995 – Disposal 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.

Financial Implications

As per the attached confidential report, the recommended tenders exceed the market valuations received by Council for both properties.

Conclusion

The tenders process recommended for acceptance exceed the Market Valuations obtained by Council in February.

It is recommended that Council endorse the recommendation of the Executive Manager Corporate Services.

Voting Requirements

Simple.

COUNCIL RESOLUTION

Res No : 15141
MOVED : Cr Smeathers
SECONDED : Cr Lewis

That Council suspend Standing Orders to allow for open discussion of this item.

CARRIED

FOR : Cr Lockwood, Cr Lally, Cr Cechner, Cr Lewis, Cr Pritchard,
and Cr Smeathers
AGAINST : Nil

COUNCIL RESOLUTION

Res No : 15142
MOVED : Cr Smeathers
SECONDED : Cr Lewis

That Council reinstate Standing Orders.

CARRIED

FOR : Cr Lockwood, Cr Lally, Cr Cechner, Cr Lewis, Cr Pritchard,
and Cr Smeathers
AGAINST : Nil

COUNCIL RESOLUTION

Res No : 15143
MOVED : Cr Smeathers
SECONDED : Cr Cechner

That Council resolve to:

1. **Accept the public tender of LM McAuley Pty Ltd for the purchase of 944A/944B Harding Way Bulgarra for the sum of \$900,000.00.**
2. **Accept the public tender of Ramon James Lal for the purchase of 38 Nelley Way Wickham for the sum of \$500,000.00.**

CARRIED

FOR : Cr Lockwood, Cr Lally, Cr Cechner, Cr Lewis, Cr Pritchard,
and Cr Smeathers
AGAINST : Nil

7 CLOSURE & DATE OF NEXT MEETING

The meeting closed at 6.02pm and the next Ordinary Council meeting is the 21 June 2010.

I, Shire President, Cr Nicole Lockwood, of the Shire of Roebourne, hereby declare on behalf of the Councillors of the Shire of Roebourne that the enclosed Minutes are a true and accurate record of the Special Council Meeting held on 3 June 2010.

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Signed

Date ____/____/____