

2 October 2020



## NOTICE OF MEETING

Dear Councillor,

A Special Meeting of Council will be held at Shire of Carnamah, Council Chambers 33-37 Macpherson Street Carnamah at 5:30pm on Monday, 5 October 2020.

The attached Agenda is presented for your consideration for authorising the CEO to make an offer on the property situated at 2 Chapman Street, Carnamah.

A handwritten signature in black ink, appearing to read 'Vin Fordham Lamont', is written over a large, faint circular watermark.

**Vin Fordham Lamont**  
**CHIEF EXECUTIVE OFFICER**

### **Please Note**

If an Elected Member has a query regarding a report item or requires additional information in relation to a report item, please contact the senior employee (noted in the report) prior to the meeting.



## AGENDA

### SPECIAL COUNCIL MEETING

### 5 OCTOBER 2020

#### ATTENTION/DISCLAIMER

No responsibility is implied or accepted by the Shire of Carnamah for any act, omission or statement or intimation occurring during Council or committee meetings.

The Shire of Carnamah 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 or committee meeting does so at that person's or legal entity's own risk.

In particular and without detracting in any way from the broad disclaimer above, in any discussion regarding any planning application or application for a licence, any statement or intimation of approval made by any member or officer of the Shire of Carnamah during the course of any meeting is not intended to be and is not taken as notice of approval from the Shire of Carnamah.

The Shire of Carnamah advises that anyone who has any application lodged with the Shire of Carnamah shall obtain and should only rely on **WRITTEN CONFIRMATION** of the outcome of the application, and any conditions attaching to the decision made by the Shire of Carnamah in respect of the application.

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**SPECIAL COUNCIL MEETING  
COUNCIL CHAMBERS – 5:30PM**

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**1.0 DECLARATION OF OPENING**

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**Acknowledgment of Country**

The Shire of Carnamah would like to acknowledge the traditional custodians of this land, and pay its respect to local Aboriginal Elders, both past and present.

We also reflect on the spirit of the pioneers who settled this country and developed the land, and the service personnel whose sacrifices have enabled us to enjoy the lifestyle we have become accustomed to.

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**2.0 RECORD OF ATTENDANCE**

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**2.1 Present**

**2.2 Apologies**

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**3.0 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE**

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Nil

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**4.0 PUBLIC QUESTION TIME**

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15 minutes (with a possible extension of two extra 15 minute periods) are set aside at the beginning of each Council meeting to allow members of the public to ask questions of Council.

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**5.0 DISCLOSURE OF INTEREST**

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**5.1 Declaration of Financial Interest and Proximity Interests**

**5.2 Declaration of Interest Affecting Impartiality**

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**6.0 PETITIONS AND DEPUTATIONS**

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## 7.0 MANAGEMENT REPORT

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### 7.1 PROPERTY ON WHICH TO ESTABLISH A HARDWARE BUSINESS

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<b>File Code</b>	ADM
<b>Author</b>	Vin Fordham Lamont – Chief Executive Officer
<b>Disclosure of Interest</b>	Nil
<b>Attachments</b>	1. Confidential: Valuation Report for 2 Chapman Street, Carnamah 2. Confidential: Supplementary Information

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#### SUMMARY

Council is requested to consider purchasing a suitable property in Carnamah for the purpose of leasing it to a third party to establish a hardware business in town.

#### BACKGROUND

In 2019, a number of Economic Development (ED) Community Workshops were held in the Shire of Carnamah. Around 20 potential projects were identified and working groups were established for a number of these projects.

The project given the highest priority by the participants was the re-establishment of a hardware business in Carnamah. The previous business closed in 2016, and it is felt that this had affected the number of people shopping generally in Carnamah.

The previous hardware business was located at 2 Chapman Street, Carnamah and the building has remained vacant since the business closed. It is considered to still be appropriate for the operation of a similar business.

#### COMMENT

Establishing a new business can be an expensive process, the capital cost of procuring suitable premises, in particular, is often enough to dissuade potential proprietors.

One way that the start-up costs can be minimised is for Council to make the capital investment of purchasing the premises. The property can then be leased to a business proprietor at commercial rates.

By purchasing the premises in advance, Council is in a better position to be able to source a suitable party to open a hardware business. It is much easier to attract a new business when they can inspect the actual premises.

It is suggested that Council take this course of action to help secure a new business for Carnamah.

While the Shire does not yet have a commercial agreement with a business proprietor to run a hardware store at 2 Chapman Street, Carnamah, it is actively investigating potential opportunities. Any lease agreements would be undertaken on a commercial basis.

The property is now on the market through Nutrien Harcourts in Geraldton at \$275,000. In order to avoid another party submitting an offer on the property, officers recommend that should Council decide to submit an offer itself, it does so as a matter of urgency.

The Shire recently had the property valued as detailed in Confidential Attachment 1. Council is, therefore, requested to authorise the Chief Executive Officer to submit an offer on the property and negotiate up to a maximum value as detailed in Confidential Attachment 2.

The Shire will need to fund this purchase through a loan with the WA Treasury Corporation. It is a requirement under section 6.20(2) of the *Local Government Act 1995* that a local government gives 1 month's local public notice of its intention to borrow.

## **CONSULTATION**

Nil

## **STATUTORY ENVIRONMENT**

### *Local Government Act 1995*

S6.20 *Where, in any financial year, a local government proposes to exercise a power under subsection (1) (power to borrow) and details of that proposal have not been included in the annual budget for that financial year —*

*(a) unless the proposal is of a prescribed kind, the local government must give one month's local public notice of the proposal; and*

*(b) the resolution to exercise that power is to be by absolute majority.*

s6.8. Expenditure from municipal fund not included in annual budget

s5.95 Limits on right to inspect local government information

s5.96 Copies of information to be available

s5.96A Information published on official website

s5.97 *Freedom of Information Act 1992* not affected

Reg29A Limits on right to inspect local government information (Act s.5.95)  
Clauses (2) and (3)

## **STRATEGIC IMPLICATIONS**

Shire of Carnamah Strategic Community Plan 2017- 2027

Theme: Economic

Objective: To retain existing industries and encourage the establishment of new industries to broaden the district's economic base and develop and maintain an efficient road transport system.

## **POLICY IMPLICATIONS**

Nil

## **FINANCIAL IMPLICATIONS**

The purchase of this property will be funded by borrowings from the WA Treasury Corporation. The first loan repayments will not become due until the 2021/2022 financial year.

## **VOTING REQUIREMENT**

Absolute Majority

### **RECOMMENDATION**

That Council:

- authorises the Chief Executive Officer to negotiate the purchase of the property at 2 Chapman Street, up to the maximum value as detailed in Confidential Attachment 2, subject to finance approval and the appropriate public notice period being adhered to;
- authorises the Chief Executive Officer to execute the necessary documentation to effect the purchase of 2 Chapman Street, Carnamah; and
- approves, by absolute majority, the raising of a loan through WA Treasury Corporation to fund the purchase of 2 Chapman Street, Carnamah.

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**8.0 NEW BUSINESS OF AN URGENT NATURE ADMITTED BY COUNCIL**

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Nil

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**9.0 CLOSURE OF MEETING**

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