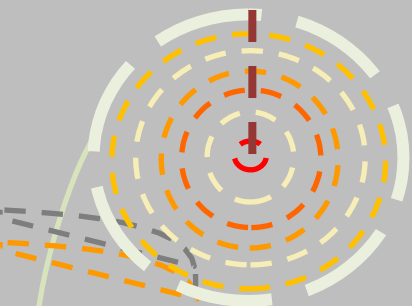
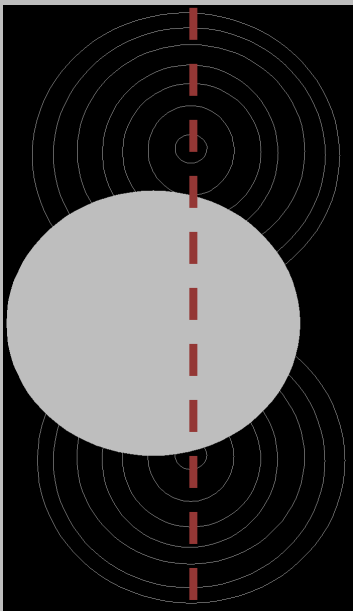
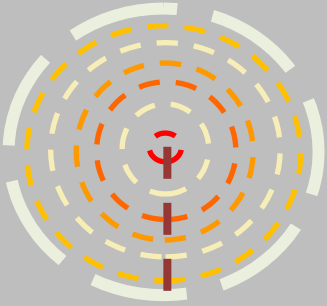


# Shire of Goomalling



## COUNCIL MEETING MINUTES

October 2023



**SHIRE OF GOOMALLING**  
MINUTES FOR ORDINARY MEETING OF COUNCIL  
WEDNESDAY, 18 OCTOBER 2023



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**NYOONGAR  
ACKNOWLEDGEMENT**

We acknowledge this land that we meet on today is part of the traditional lands of the Nyoongar people and that we respect their spiritual relationship with their country. We also acknowledge the Nyoongar Ballardong people as the custodians of the greater Goomalling/Koomal area and that their cultural and heritage beliefs are still important to the living Nyoongar Ballardong people today.

**NOTICE OF  
MEETING**

Meeting No. 10 of 2023 of the Shire of Goomalling Council to be held in the Council Chambers, Administration Office, 32 Quinlan Street, Goomalling on Wednesday 18 October 2023 at **3.30pm**.

**1. DECLARATION OF OPENING & ANNOUNCEMENT OF VISITORS**

**2. RECORD OF ATTENDANCE/APOLOGIES & APPROVED LEAVE OF ABSENCE**

**2.1. Attendance**

Council	President	Cr Barry Haywood
	Vice President	Cr Julie Chester
	Councillor	Cr Mark Ashton
	Councillor	Cr Christine Barratt
	Councillor	Cr Casey Butt
	Councillor	Cr Roland Van Gelderen
	Councillor	Cr Brendon Wilkes

Administration	Chief Executive Officer	Mr Peter Bentley
	Finance Manager	Miss Natalie Bird
	Works Manager	Mr David Long

**2.2. Apologies**

**2.3. Approved Leave of Absence**

**3. DECLARATION OF:**

- FINANCIAL INTEREST
- MEMBERS IMPARTIALITY INTEREST
- PROXIMITY INTEREST

**4. PUBLIC QUESTION TIME**

**5. APPLICATION FROM MEMBERS FOR LEAVE OF ABSENCE**

**6. CONFIRMATION AND RECEIVING OF MINUTES & BUSINESS ARISING**

6.1 Ordinary Meeting of Council held Wednesday 20 September 2023



**RESOLUTION 707**

*Moved Cr Chester, seconded Cr Barratt that the minutes for the Ordinary Council Meeting 20 September 2023 be confirmed as a true and correct record of proceedings.*

**CARRIED 7/0**

**7. ANNOUNCEMENTS BY THE PRESIDING PERSON WITHOUT DISCUSSION**

**8. PETITIONS/DEPUTATIONS/PRESENTATIONS/SUBMISSIONS**



## 9. OFFICERS' REPORTS

### 9.1 APPLICATION OF COMMON SEAL – GRANT RIGHT OF BURIAL NO. 139

File Reference	Grant Right of Burial Register
Disclosure of Interest	Nil
Applicant	Shire of Goomalling
Previous Item Numbers	No Direct
Date	12 October 2023
Author	Tahnee Bird, Community Development Officer
Authorising Officer	Peter Bentley, Chief Executive Officer
Attachments	Nil

#### Summary

The purpose of the report is to endorse affixation of the Shire of Goomalling Common Seal to the Schedule "B" Form of Grant of Right of Burial No. 139. for Lester Holt to validate the grant.

#### Background

Application was received from Lester Holt for the Grant of Right of Burial for Grave No. 71 on the Niche Wall of the Goomalling Cemetery. The applicable fee of \$230 for a single site, was received on 9 October 2023 receipt number 92260.

#### Consultation

Nil

#### Statutory Environment

*Local Government Act  
1995*

*Cemeteries Act 1986*

#### Policy Implications

4.19 Common Seal

#### Objective:

To satisfy the legal requirements regarding the validation of documents and contracts, resulting from amendments to the *Local Government Act 1995*.

#### Procedure:

1. The Shire President and Chief Executive Officer are authorised to sign and/or affix the common seal to the following documents, where such documents result from the following transactions:
  - 1.1 Where land is disposed of pursuant to s. 3.58 of the Local Government Act 1995 9as amended).
  - 1.2 Where land is acquired pursuant to s. 3.55 and s. 3.59 of the Local Government Act 1995 (as amended).
  - 1.3 In respect of leases of land and licence to occupy municipal property where approved by Council.
  - 1.4 In respect of leases for the purchase of plant and equipment approved by Council.
  - 1.5 In respect of borrowings approved by Council.
  - 1.6 In respect of easements and legal agreements over land for the purpose of drainage or conditions arising from subdivision of land and planning approvals.



- 1.7 In respect of withdrawal of caveats and surrender of easements where the Chief Executive Officer considers that Council's interests have been satisfied.
  - 1.8 In respect of contracts of employment approved by Council.
  - 1.9 In respect of documents of a ceremonial nature, where the affixing of the common seal is for prosperity and not a legal requirement.
  - 1.10 In respect of agreements required for funding of Council works and services considered with the resolution of Council or requiring renewal of the agreement for funding currently provided.
  - 1.11 In respect of the adoption of local laws.
  - 1.12 Any document stating that the common seal of the Shire is to be affixed.
2. In relation to 1. above, in the absence of the Shire President and/or Chief Executive Officer, as the case may be, the Deputy Shire President and the Acting Chief Executive Officer are authorised to affix the common seal.
3. The procedure to be adopted for the use of the common seal is as follows:
    - 3.1 The Chief Executive Officer is responsible for the security and proper use of the common seal.
    - 3.2 The common seal is not to be affixed to any documents except as authorised by Council.
    - 3.3 The common seal is to be affixed to a document in the presence of:
      - The Shire President, or in his absence, the Deputy Shire President; and
      - The Chief Executive Officer or Acting Chief Executive Officer;
 Each of whom is to sign the document to attest that the common seal was so affixed.
    - 3.4 Details of all transactions where the common seal has been affixed must be recorded in a register kept by the Chief Executive Officer.  
 The register is to record:
      - The date on which the common seal was affixed;
      - The nature of the document; and
      - The parties to any agreement to which the common seal was affixed.
4. The wording to accompany the application of the common seal to be as follows:
    - 4.1 "The common seal of the Shire of Goomalling was hereto affixed by the Authority of Council."; or
    - 4.2 "The common seal of the Shire of Goomalling was affixed by authority of a resolution of Council in the presence of the Shire President and the Chief Executive Officer."
5. Authority is provided to the Chief Executive Officer or the person acting in the position of Chief Executive Officer to sign documents that do not require the affixing of the common seal.

### Financial Implications

There are no specific financial implications relating to this matter

### Strategic Implications

Shire of Goomalling Community Strategic Plan 2019-2028	
1.2.6	Provide to the community quality regulatory services

### Comment/Conclusion

The Common Seal is to be affixed to validate the Grant No. 139 for Lester Holt.

### Voting Requirements

Simple Majority



**OFFICER'S RECOMMENDATION**

That the Council:

Endorse affixation of the Shire of Goomalling Common Seal to the Schedule "B" Form of Grant of Right of Burial No 139. for Lester Holt to validate the grant.

***RESOLUTION 709***

***Moved Cr Chester, seconded Cr Barratt that Council endorse the officers' recommendation.***

***CARRIED 7/0***



## 9.2 APPLICATION OF COMMON SEAL – GRANT RIGHT OF BURIAL NO. 132 (AMENDMENT)

File Reference	Grant Right of Burial Register
Disclosure of Interest	Nil
Applicant	Shire of Goomalling
Previous Item Numbers	Resolution # 479, Ordinary Meeting 20 April 2022
Date	12 October 2023
Author	Tahnee Bird, Community Development Officer
Authorising Officer	Peter Bentley, Chief Executive Officer
Attachments	Nil

### Summary

The purpose of the report is to endorse affixation of the Shire of Goomalling Common Seal to the Schedule “B” Form of Grant of Right of Burial No. 132. for Stewart Cleggett to validate the grant following a requested amendment.

### Background

Application was received from Stewart Cleggett for the Grant of Right of Burial No. 132 was received and endorsed by Council at its Ordinary Meeting 20 April 2022, resolution #479 for plot

57 on the Niche wall at the Goomalling Cemetery. Mr Cleggett requested an amendment to the original Grant Right of Burial from Grave No. 57 on the Niche wall to Grave No. 83 on the Niche Wall of the Goomalling Cemetery. The applicable fee was received on 20 April 2022 receipt number 85983. No subsequent fee has been charged for the amendment.

### Consultation

*Nil*

### Statutory Environment

*Local Government Act 1995*

*Cemeteries Act 1986*

### Policy Implications

4.19 Common Seal

### Objective:

To satisfy the legal requirements regarding the validation of documents and contracts, resulting from amendments to the *Local Government Act 1995*.

### Procedure:

6. The Shire President and Chief Executive Officer are authorised to sign and/or affix the common seal to the following documents, where such documents result from the following transactions:
  - 6.1 Where land is disposed of pursuant to s. 3.58 of the Local Government Act 1995 9as amended).
  - 6.2 Where land is acquired pursuant to s. 3.55 and s. 3.59 of the Local Government Act 1995 (as amended).
  - 6.3 In respect of leases of land and licence to occupy municipal property where approved by Council.
  - 6.4 In respect of leases for the purchase of plant and equipment approved by Council.



**SHIRE OF GOOMALLING**  
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- 6.5 In respect of borrowings approved by Council.
- 6.6 In respect of easements and legal agreements over land for the purpose of drainage or conditions arising from subdivision of land and planning approvals.
- 6.7 In respect of withdrawal of caveats and surrender of easements where the Chief Executive Officer considers that Council's interests have been satisfied.
- 6.8 In respect of contracts of employment approved by Council.
- 6.9 In respect of documents of a ceremonial nature, where the affixing of the common seal is for prosperity and not a legal requirement.
- 6.10 In respect of agreements required for funding of Council works and services considered with the resolution of Council or requiring renewal of the agreement for funding currently provided.
- 6.11 In respect of the adoption of local laws.
- 6.12 Any document stating that the common seal of the Shire is to be affixed.
7. In relation to 1. above, in the absence of the Shire President and/or Chief Executive Officer, as the case may be, the Deputy Shire President and the Acting Chief Executive Officer are authorised to affix the common seal.
8. The procedure to be adopted for the use of the common seal is as follows:
- 8.1 The Chief Executive Officer is responsible for the security and proper use of the common seal.
- 8.2 The common seal is not to be affixed to any documents except as authorised by Council.
- 8.3 The common seal is to be affixed to a document in the presence of:
- The Shire President, or in his absence, the Deputy Shire President; and
  - The Chief Executive Officer or Acting Chief Executive Officer;
- Each of whom is to sign the document to attest that the common seal was so affixed.
- 8.4 Details of all transactions where the common seal has been affixed must be recorded in a register kept by the Chief Executive Officer.
- The register is to record:
- The date on which the common seal was affixed;
  - The nature of the document; and
  - The parties to any agreement to which the common seal was affixed.
9. The wording to accompany the application of the common seal to be as follows:
- 9.1 "The common seal of the Shire of Goomalling was hereto affixed by the Authority of Council."; or
- 9.2 "The common seal of the Shire of Goomalling was affixed by authority of a resolution of Council in the presence of the Shire President and the Chief Executive Officer."
10. Authority is provided to the Chief Executive Officer or the person acting in the position of Chief Executive Officer to sign documents that do not require the affixing of the common seal.

### Financial Implications

There are no specific financial implications relating to this matter

### Strategic Implications

Shire of Goomalling Community Strategic Plan 2019-2028	
1.2.6	Provide to the community quality regulatory services

### Comment/Conclusion

The Common Seal is to be affixed to validate the amended Grant No. 132 for Stewart Cleggett.

### Voting Requirements

Simple Majority

**SHIRE OF GOOMALLING**  
MINUTES FOR ORDINARY MEETING OF COUNCIL  
WEDNESDAY, 18 OCTOBER 2023



**OFFICER'S RECOMMENDATION**

That the Council:

Endorse affixation of the Shire of Goomalling Common Seal to the Schedule "B" Form of Grant of Right of Burial No 132. (amendment) for Stewart Cleggett to validate the grant.

**RESOLUTION 707**

***Moved Cr Chester, seconded Cr Barratt that Council endorse the officers' recommendation.***

**CARRIED 7/0**

**SHIRE OF GOOMALLING**  
MINUTES FOR ORDINARY MEETING OF COUNCIL  
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**9.3 FINANCIAL REPORT FOR AUGUST & SEPTEMBER 2023**

File Reference	Not Applicable
Disclosure of Interest	Nil
Applicant	Shire of Goomalling
Previous Item Numbers	No Direct
Date	12 October 2023
Author	Natalie Bird, Finance Manager
Authorising Officer	Natalie Bird, Finance Manager
Attachments	Monthly Financial Report to 31 August 2023 & 30 September 2023

**Summary**

In accordance with the *Local Government (Financial Management) Regulations 1996*, to follow is the presentation of the Monthly Financial Reports to Council.

**Background**

Monthly Financial Reports are to be presented to Council and are to be received by Council resolution.

**Statutory Environment**

*Local Government Act 1995* – Section 6.4 (as amended)  
*Local Government (Financial Management) Regulations 1996* – Clause 34 and 35

**Policy Implications**

No specific policy regarding this matter.

**Financial Implications**

Ongoing management of Council funds

**Strategic Implications**

Shire of Goomalling Community Strategic Plan 2019-2028	
4.1.4	Provide reporting processes in a transparent, accountable and timely manner

**Voting Requirements**

Simple Majority

**SHIRE OF GOOMALLING**  
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**OFFICER'S RECOMMENDATION**

That the Council:

Receive the Monthly Financial Report to 31 August 2023 & 30 September 2023

**RESOLUTION 708**

***Moved Cr Van Gelderen, seconded Cr Chester that Council endorse officers recommendation.***

***CARRIED 7/0***

**SHIRE OF GOOMALLING**  
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**9.4 SCHEDULE OF ACCOUNTS PAID 1 SEPTEMBER TO 30 SEPTEMBER**

File Reference	Not applicable
Disclosure of Interest	Nil
Applicant	Not Applicable
Previous Item Numbers	No Direct
Date	12 September 2023
Author	Deb Horton, Accounts Payable
Authorising Officer	Natalie Bird, Finance Manager
<b>Attachments</b> 1. Schedule of Payments – September 2023 2. Corporate Credit Card Statements August 2023	

**Summary**

**FUND VOUCHERS AMOUNT**

EFT 5886 to 5990	\$642,924.47
Direct Debits 8599 to 8600	\$3,356.31
Cheques 15484 to 15485	\$13,673.11
Payroll JNL 6896, 6901 & 6909	\$178,391
Super DD16788, 16907 & 16977	\$31,672.88
<b>TOTAL</b>	<b>\$870,017.77</b>

**Voting Requirements**

Simple Majority



**OFFICER'S RECOMMENDATION**

That the Council:

Approve vouchers from the Municipal Fund and Trust Fund as detailed:

**FUND VOUCHERS AMOUNT**

EFT 5886 to 5990	\$642,924.47
Direct Debits 8599 to 8600	\$3,356.31
Cheques 15484 to 15485	\$13,673.11
Payroll JNL 6896, 6901 & 6909	\$178,391
Super DD16788, 16907 & 16977	\$31,672.88
<b>TOTAL</b>	<b>\$870,017.77</b>

**RESOLUTION 709**

***Moved Cr Van Gelderen, seconded Cr Barratt that Council endorse officers' recommendation.***

**CARRIED: 7/0**



**10. ELECTED MEMBERS MOTION OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**

Nil

**11. NEW BUSINESS OF AN URGENT NATURE AGREED TO BY RESOLUTION OF COUNCIL**

**11.1 ANSTEY PARK FENCE**

File Reference	Not applicable
Disclosure of Interest	Nil
Applicant	Shire of Goomalling
Previous Item Numbers	
Date	18 October 2023
Author	Peter Bentley – Chief Executive Officer
Authorising Officer	Peter Bentley – Chief Executive Officer

**In Summary**

To consider a proposal which has come through the Shire President to replace the fencing between Anstey Park and 41 Railway Terrace. The Land adjoining the park is zoned commercial under the Town Planning Scheme and is owned by N & M Scattini.

**Background**

Council is undertaking a project to revitalize Anstey Park however the asbestos fence between the park and 41 Railway Terrace is in only fair condition. The Shire President inspected the fencing with Council's Community Development Officer and formed the opinion that as part of the Anstey Park Project, the fence should be replaced.

**Consultation**

Nil other

**Policy**

Council does not have a specific policy regarding this matter.

**Statutory Environment**

- Local Government Act (1995)
- Dividing Fences Act and Local Law



**DIVIDING FENCES LOCAL LAW 2007**  
**SPECIFICATIONS FOR A SUFFICIENT FENCE ON A COMMERCIAL LOT AND AN INDUSTRIAL LOT**

Each of the following is a “sufficient fence” on a Commercial Lot and an Industrial Lot:

- A. A fence constructed of galvanised or PVC coated rail-less link mesh, chain mesh which satisfies the following specifications:
  - (a) corner posts to be a minimum 50mm normal bore x 3.5mm and with footings of a 225mm diameter x 900mm;
  - (b) intermediate posts to be minimum 37mm nominal bore x 3.15mm at maximum 3.5m centres and with footings of a 225mm diameter x 500mm;
  - (c) struts to be minimum 30mm nominal bore x 3.15mm fitted at each gate and two at each corner post;
  - (d) cables to be affixed to the top, centre and bottom of all posts and to consist of two or more 3.15mm wires twisted together;
  - (e) rail-less link, chain or steel mesh is to be a height of 2000mm on top of which are to be three strands of barbed wire carrying the fence to a height of 2400mm; and
  - (f) galvanised link mesh wire to be 2000mm in height and constructed of 50mm mesh 2.5mm galvanised iron wire and to be strained, neatly secured and IFaced to the posts and affixed to cables. Vehicle entry gates shall provide an opening of not less than 3.6m and shall be constructed of 25mm tubular framework with one horizontal and one vertical stay constructed of 20mm piping and shall be covered with 50mm x 2.5mm galvanised link mesh strained to framework. Gates shall be fixed with a drop bolt and locking attachment.
- B. A fence of fibre reinforced cement sheet constructed to the minimum specifications referred to in Item B of the First Schedule.
- C. A fence constructed of painted or galvanised steel or aluminium sheeting provided that this is used behind the building line to maximum height of 2400mm when supported on posts and rails.
- D. Fences of timber, brick, stone or concrete constructed to the minimum specifications referred to in the First Schedule.

**DIVIDING FENCES ACT 1961**

7. Liability of owners of adjoining lands to fence

Subject to this Act the owners of adjoining lands not divided by a sufficient fence are liable to join in or contribute in equal proportions to the construction of a dividing fence between those lands.

8. Notice to fence to be given

An owner of land desiring to compel the owner of adjoining land to join in or contribute to the construction of a dividing fence under this Act may give him a notice which shall —

- (a) specify the boundary to be fenced, or if on account of the physical features of the adjoining lands it is impracticable to construct a fence on the common boundary of those lands, the line upon which it is proposed to construct the fence; and
- (b) contain a proposal for fencing the common boundary or other line; and
- (c) specify the kind of fence proposed to be constructed.





9. Proceedings in default of agreement

(1) If within 21 days after the giving of a notice referred to in section 8, the owner giving and the owner receiving the notice do not agree as to all or any of the following matters —

- (a) as to the need for the construction of the dividing fence; or
- (b) the boundary or line upon which it is proposed to construct the fence; or
- (c) the kind of dividing fence that is to be constructed,

the court at the place nearest to the place where it is proposed to erect the fence, on an application by either of those owners may make an order determining all or any of the following matters on which the owners are not in agreement —

- (d) as to the need for and the kind of fence to be constructed; and
- (e) what portion of the fence shall be constructed by each owner; and
- (f) the time within which the fence shall be constructed,

and if the court thinks it is necessary, the court may determine —

- (g) the boundary or line upon which the dividing fence is to be constructed; and
- (h) the compensation in the form of an annual payment to be paid by the one owner to the other owner in consideration of loss of occupation of any land.

(2) Where an order made under subsection (1) determines that the dividing fence is to be constructed otherwise than on the common boundary of adjoining lands, the occupation of land on either side of that fence in pursuance of or as a result of the order is not and shall not be deemed adverse possession as against the owner of the land or affect the title to or possession of the land except for the purposes of this Act.

(3) When making an order under this section, the court shall be guided as to the type of sufficient fence the court orders to be constructed by the kind of fence usually constructed in the locality where it is proposed to construct the fence, the purpose for which the lands that will be separated by the fence are used and the type of sufficient fence (if any) prescribed under a local law made by the local government for that locality.

(4) An order of the court made under this section is final.

[Section 9 amended: No. 14 of 1996 s. 4; No. 59 of 2004 s. 141.]

**Financial Implications**

Costs are likely to be within the range of \$10,000 to \$15,000 and the expenditure is unbudgeted. The value of the expenditure is considered material according to Councils accounting policies and accordingly Council should approve the expenditure as it will result in a deficit position.



## Strategic Implications

Shire of Goomalling Community Strategic Plan 2019-2028	
1.1.1	This matter is not dealt with in the Shire of Goomalling Community Strategic Plan.

## Comment/Conclusion

Under the broad terms of the Dividing Fences Local Law the fence meets the criteria of a sufficient fence being fibre reinforced cement, however by a number of other standards, the fence is considered dangerous to both the adjacent residents and the ultimate users of the park as it is constructed of asbestos fibre reinforced cement. Asbestos is considered dangerous to human health.

There are several full depth cracks along the span of the fence and a number of holes through the material as well. The fencing requires sealing with a good quality sealer or paint to make it safe for all parties and on review of those costs, having a qualified person undertake the process, it would be a more economical prospect longer term to replace the fence with colourbond.

Under the Dividing Fences Act and Local Law, Council has the ability to request that the adjacent owners N & M Scattini make contribution of up to 50% to the replacement cost of the fence. There must also be

good reason to replace or repair the fence. Council has no current budget to undertake this replacement and will need to go into deficit to complete the work. It is suggested that the CEO write to the Scattini's seeking a contribution to the fence but at a discounted rate.

It is proposed that the Council covers the cost of the Asbestos removal as a separate matter and that the cost of the fence be split 60% Council cost and 40% for the Scattini's. In this instance the Council would wear approximately double the cost to the Scattini's within the project.

## Voting Requirements

Simple Majority

### OFFICERS' RECOMMENDATION

That the Council:

1. Direct the CEO write to the owners of 41 Railway Terrace seeking a modified contribution toward the replacement of the dividing fence between Anstey Park and their property.

### RESOLUTION: 710

**Moved Cr Wilkes, seconded Cr Van Gelderen that Council endorse officers' recommendation.**

**CARRIED 7/0**



## MATTERS BEHIND CLOSED DOORS

The meeting be closed to the public in accordance with section 5.23 *Local Government Act 1995*, 5.5.23(2))

Matters affecting employee(s)  
Personal affairs of any person(s), including financial and/or commercial contracts  
Commercial Confidentiality  
Legal advice/matters  
Public safety/security matters where public knowledge may be prejudicial.

### **RESOLUTION 711**

***Moved Cr Barratt, seconded Cr Wilkes that Council meeting is closed to the public to deal with confidential matters.***

**CARRIED 7/0**



## 12.1 CONFIDENTIAL - OFFER TO PURCHASE PROPERTY – LOT 202 GRANGE STREET

File Reference:	4.06C
Disclosure of Interest:	Nil
Applicant:	Guy & Sandy Wulff
Previous Item Numbers:	
Date:	12 October 2023
Author:	Peter Bentley – Chief Executive Officer
Authorising Officer:	Peter Bentley – Chief Executive Officer
Attachments	1. Letter – Guy & Sandy Wulff

### In Summary

To Consider an offer from Guy and Sandy Wulff to purchase Lot 202 Grange Street Goomalling for \$60,000

### Background

The Shire of Goomalling has received an offer from the Wulffs' of \$60,000 for the purchase of Lot 202 Grange Street, one back from the corner of Grange Street and Toodyay Road.

### Consultation

Nil other

### Policy

This matter is not directly dealt with by policy.

### 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.

*[Section 3.58 amended: No. 49 of 2004 s. 27; No. 17 of 2009 s. 10.]*

## Financial Implications

The likely financial impact on the Council will be an increase in the revenue from the sale.

## Strategic Implications

Shire of Goomalling Community Strategic Plan 2019-2028	
	Not directly dealt with in the Community Strategic Plan

## Comment/Conclusion

Last Year the Council received a valuation of \$70,000 for the property as part of its fair value process. It is unlikely that the property has reduced in value since that time. The offer is some \$10,000 below that relatively recent valuation.

Council Could:

- Accept the offer, give local public notice of the proposed sale, advertise the proposal for a period of not less than two weeks and, mindful of any submissions, proceed to sale by private treaty following consideration of any public submissions;
- Determine a price above the offer of say \$65,000 which roughly meets halfway to the offered amount and undertake the same advertising and public comment process before agreeing to sale by private treaty;
- The Council can hold out for the valuation price and again undertake the advertising and public comment process before agreeing to the sale.

## Voting Requirements

Simple Majority

### OFFICERS' RECOMMENDATION

That the Council:

1. Direct the CEO to advise Guy and Sandy Wulff that Council will be prepared to sell Lot 202 Grange Street for \$65,000;
2. If this offer is accepted direct that the CEO undertake the advertising and public comment process for at least 14 days as per Section 3.58 (3) and if no submissions are received, to progress the sale by public treaty of the property to Mr & Mrs Wulff.

### RESOLUTON 712

*Moved Cr Van Gelderen, seconded by Cr Wilkes that Council endorse officers recommendation.*

**LOST: 0/7**

*Reason: In the interests of encouraging and supporting local business, Council resolved to accept the offer provided by Guy and Sandy Wulff in the amount of \$60,000.00.*

**RESOLUTION 713**

***Moved Cr Van Gelderen, seconded Cr Wiles that Council:***

1. Direct the CEO to advise Guy and Sandy Wulff that the Council accept offer to sell Lot 202 Grange Street for \$60,000;
2. If this offer is accepted direct that the CEO undertake the advertising and public comment process for at least 14 days as per Section 3.58 (3) and if no submissions are received, to progress the sale by public treaty of the property to Mr & Mrs Wulff.

**CARRIED: 7/0**

**RESOLUTION 714**

***Moved Cr Wilkes, seconded Cr Chester that Council reopens the meeting to the public.***

**CARRIED: 7/0**

**13. INFORMATION BULLETIN**

**RESOLUTION 715**

***Moved Cr Butt, seconded by Cr Ashton that Council received the Information Bulletin for October 2023.***

**CARRIED: 7/0**

**14. MEETING CLOSURE**

The Shire President thanked everyone for coming and declared the meeting closed at 5.45pm.