

**12.0 NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF THE MEETING.**

**12.B. OFFICERS**

**12. B. (i) DISPOSITION OF PROPERTY/LAND**

**SUBMISSION TO:** Meeting of Council  
Meeting Date: 19<sup>th</sup> October, 2021

**AGENDA REFERENCE:** 12.0 (B)(i) OCT 21

**SUBJECT:** Disposition of Property/Land

**LOCATION / ADDRESS:** Leonora

**NAME OF APPLICANT:** Shire of Leonora

**FILE REFERENCE:** Council Property 3.0

**AUTHOR, DISCLOSURE OF ANY INTEREST AND DATE OF REPORT**

**NAME:** James Gregory Epis

**OFFICER:** Chief Executive Officer

**INTEREST DISCLOSURE:** Nil

**DATE:** 18<sup>th</sup> October, 2021

**BACKGROUND**

Neil Francis Kelly, Sandra Michelle Kelly and Adam Thomas Kelly, by way of written communication, did on the 24<sup>th</sup> September, 2021 make an offer to purchase Lot 13 Kurradjong Street, Leonora from the Shire of Leonora.

On the same date, the offer to purchase was accepted.

- Lot 13 Kurradjong Street, Leonora on Deposited Plan 63278 contained within Certificate of title Volume 2774 Folio 72 for the amount of \$50,200.00 (GST Exclusive)

Local Public Notice of the offer was provided pursuant to Section 3.58 of the *Local Government Act 1995*.

At the conclusion of the local public notice advertising period, and if no submissions are received, the land transaction will proceed.

A notice to Dispose of the Property was published in the Kalgoorlie Miner on the 16<sup>th</sup> October, 2021. Furthermore, the notice was uploaded to the Shire's website and fixed to local notice boards on that date.

The notice detailed that any person wishing to make a submission in regards the disposition of property had until 4:00pm Monday 1<sup>st</sup> November, 2021 to do so.

**STATUTORY ENVIRONMENT**

***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.
- (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.

## **POLICY IMPLICATIONS**

There are no policy implications resulting from the recommendation of this report.

## **FINANCIAL IMPLICATIONS**

A current market valuation has not been provided. The Reserve Price was set in the year 2011/2012 to enable Council to recover costs as a result of the industrial land development. No profit from the sale of land was ever expected. It was to encourage business to the community. The Reserve Price for Lot 13 is \$50,200.00 plus GST. Sale proceeds from the proposed land transaction has not been included in the 2021/2022 Budget.

## **STRATEGIC IMPLICATIONS**

There are no strategic implications resulting from the recommendation of this report.

## **RECOMMENDATIONS**

That Council resolve to endorse the actions of the Chief Executive Officer in:

- (i) Accepting the offer of Neil Francis Kelly, Sandra Michelle Kelly and Adam Thomas Kelly to purchase land known as Lot 13 Kurrajong Street, Leonora on Deposited Plan 63278 contained within Certificate of title Volume 2774 Folio 72.
- (ii) Engaging the services of Documentary Services Pty Ltd as the settlement agent/conveyancer to act on behalf of the Shire of Leonora
- (iii) Providing Local Public Notice of the offer in accordance with section 3.58 of the *Local Government Act 1995*
- (iv) Progressing the land transaction further after the expiration of the 14 days advertising period in which submissions could be lodged against the disposition of land.

**VOTING REQUIREMENT**

Simple Majority Required

**SIGNATURE**

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Chief Executive Officer