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03/21/2002

## Land deal query

Anthony Wood

An Armidale Dumaresq councillor's offer to sell a 29ha portion of his land to council for a new landfill site at 800 per cent more than its market value has been labelled as 'outrageous' by one of his colleagues.

Cr Herman Beyersdorf believes an offer by Cr Ken Waters to sell the portion of his land, located 13km east of Armidale on Waterfall Way, for \$415,000 – \$371,000 more than its \$44,000 estimated market value – as a waste of council money if the deal goes ahead.

Together with a 32ha portion of a neighbouring property, the 61ha site is council's preferred location for the location of a new waste disposal landfill site, urgently needed as the current Long Swamp Rd landfill reaches capacity.

But with council in receipt of a current offer of \$800,000 for the 61ha – reduced from an original sale price of \$1.485 million but still almost four times higher than the State Valuer's 'just terms' valuation (JTV) of \$203,000 – Cr Beyersdorf has cautioned council against proceeding with the sale under its current terms. Cr Waters and his business partner – also the sale agent – claim a verbal agreement to purchase the land for \$800,000 was made by former general manager Peter Straw and that the sale should proceed.

Cr Beyersdorf is not only protesting over the terms of the deal, but believes it is totally inappropriate for council to enter into an agreement with a sitting councillor, except with the most stringent safeguards in place.

Cr Waters and his agent are due to address council on the matter at a workshop set down for April 8 to consider the purchase of the land.

In a letter to council general manager Shane Burns – who raised questions about the deal on his first day on the job last September – Cr Beyersdorf foreshadowed three notices of motion to be tabled at council's meeting on Monday.

He has demanded council:

- revoke Cr Waters' invitation to address the April 8 workshop on the grounds he has a pecuniary interest in the matter;
- that council negotiations for a new landfill site be based on JTV, and;
- that council consider resuming land if it is unable to reach a purchase agreement based on JTV.

"The fact that a sitting councillor is involved is of great concern to me," Cr Beyersdorf said.

"The fact that the sitting councillor in at least one meeting, in March 2001, did not declare a interest in this matter is of concern.

"The fact that we only found out about the involvement of the sitting councillor at the last moment when our new general manager brought it to our attention is a concern.

"In my view you can't just remove your councillor hat and re-emerge through the revolving door as a plain mister to address council on a topic in which you have a considerable pecuniary interest.

"The fact that a recommendation by the previous general manager that we buy an unidentified portion of land for four times the fair valuation without knowing one of the vendors was a



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councillor, that is a concern.

"The fact that the councillor and his agent, who is also the partner who owns the other property, are attempting to put pressure on council by claiming there is an agreement to buy by council is also a concern."

Cr Beyersdorf's concerns are also shared by council's solicitors on the matter, Pipers Lawyers.

In documents obtained by the Independent, Pipers advises council there is no binding agreement to purchase the property and expresses concerns over the nature of the proposed sale.

"In our view council ought not enter into or continue with negotiations with its elected councillors or employees unless full disclosure of the relevant interests and history of the matter has been disclosed to the satisfaction of council," Pipers letter to council states.

"Given the political sensitivities and conflict between the principles of confidentiality and disclosure, it is more prudent to provide full disclosure in these situations, as a general rule."

Cr Beyersdorf said he understood negotiations on the sale had been suspended until council considers its position at the April 8 workshop.

"I think the prices initially and still being asked are outrageous and don't reflect the true value of 61ha of land," he said.

"This should be handled in an open and transparent manner and I'm just concerned that behind the de facto closed doors of a workshop, council may leave itself open to speculation they may not have purchased property at the best possible price for ratepayers, while still being fair to the vendors.

"If council can't buy land under JTV, then I would urge it to consider resuming any land it considers it needs in the next 50 years for a new landfill.

"That should be the last option, but it would allow council to purchase the land based on JTV, which would be in the best interest of ratepayers."



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