

Shire of Goomalling



**COUNCIL
CONFIRMED
MINUTES**

February 2018





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. 1 of 2018 of the Shire of Goomalling Council to be held in the Council Chambers, Administration Office, 32 Quinlan Street, Goomalling on Wednesday, 7 February 2018 beginning at 1.15 pm.

Mr Des Haywood entered the meeting at 1.15 pm

Father Patrick entered the meeting at 1.15 pm

QUESTION TIME

Suspension of standing orders

Resolution

Moved Cr Van Gelderen, seconded Cr Chester that the standing orders be now suspended by Council at time 1.15 pm

CARRIED BY ABSOLUTE MAJORITY 7/0

Mr Des Haywood discussed with the Council the proposal of purchasing land around the Slater Homestead, excluding the 10 acres around the Homestead as a Homestead block. Council advised Mr Haywood that Council will invite the Football Club to the next Council Meeting on 21 March 2018 along with Mr Haywood to further discuss the lease with the Club and the purchase of land.

Mr Des Haywood left the meeting at 1.30 pm

Father Patrick discussed with Council correspondence received from the Roman Catholic Archbishop requesting the exemption from rates from Lot 88 (31) Quinlan Street Goomalling. Council will discuss in General Business later in the meeting.

Father Patrick also presented to Council correspondence from the Principal of Goomalling Primary School regarding the support of Council to encourage the members of the community to become mentors for students at the school.

Father Patrick left the meeting at 1.35 pm



Resumption of standing orders

Resolution

Moved Cr Sheen, seconded Cr Ryan that the standing orders be now resumed by Council at 1.35 pm

CARRIED BY ABSOLUTE MAJORITY 7/0

1. ATTENDANCE, APOLOGIES & ANNOUNCEMENTS

1.1. Attendance

Chairperson	President of Council	Cr Barry Haywood
	Deputy President of Council	Cr Roland Van Gelderen
Council	Councillor	Cr Raymond Bowen
	Councillor	Cr Julie Chester
	Councillor	Cr Christine Barratt
	Councillor	Cr Kevin Ryan
	Councillor	Cr Rodney Sheen
Administration	Chief Executive Officer	Mr Cornelis (Clem) Kerp
	Finance Manager	Miss Natalie Bird

1.2. Apologies

Nil

1.3. Announcements

- Cr Chester attended an Avon Tourism Meeting on 9 January 2018
- Cr Chester attended the Australia Day Breakfast
- Cr Van Gelderen attended the Australia Day Breakfast
- All Councillors attended Councillor training on Monday 5 February 2018

Moved Cr Ryan, seconded Cr Barratt that the announcements be received.

CARRIED

2. MINUTES

Resolution

Moved Cr Chester, seconded Cr Sheen that the Minutes of the Goomalling Shire Council ordinary meeting held on Wednesday, 20 December 2017 be confirmed as true and correct record of proceedings, adding to 8.2.1 Item that the Shire President declared an impartial interest in the following item and left the meeting and the Deputy Shire President Cr Van Gelderen took chair.

CARRIED BY ABSOLUTE MAJORITY 7/0



3. DECLARATION OF INTEREST

Councillors must declare to the President any potential conflict of interest they have in a matter before the Shire Council as soon as they become aware of it.

4. MATTERS ARISING

Nil

5. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

6. PETITIONS & MEMORIALS

Nil

7. REPORTS & MINUTES OF COMMITTEES

Resolution

Moved Cr Chester, seconded Cr Sheen that the Finance Report for December 2017 be received.

CARRIED

7.1. Finance/Audit Committee Meeting

Resolution

Moved Cr Chester, seconded Cr Sheen that the Finance/Audit Committee Meeting minutes for meeting held Wednesday, 7 February 2018 be received.

CARRIED

7.1.1. Financial Statements for Period ending 31 December 2017

FILE REF

APPLICANT OR PROPONENT(S)

Shire of Goomalling,

PREPARED BY

Natalie Bird, Finance Manager

APPROVED BY

Clem Kerp, Chief Executive Officer

PREVIOUSLY BEFORE COUNCIL

No

DISCLOSURE OF INTEREST

Nil

ATTACHMENTS

1. List of accounts paid for 21 December 2017 to 7 February 2018
2. Financial Statements for period ending 31 December 2017
3. Copy of Council Corporate Credit Card Statement December 2017

Nature of Council's Role in the Matter

Executive
Legislative
Review

GOOMALLING
MINUTES OF ORDINARY MEETING OF COUNCIL
WEDNESDAY, 7 FEBRUARY 2018



Purpose of Report

To endorse payment schedule 21 December 2017 to 7 February 2018 and receive Financial Statements for period ending 30 November 2017 including corporate credit card.

Background

In accordance with Local Government (Financial Management) Regulation 34(1), local governments are required to prepare, each month a statement of financial activity reporting on revenue and expenditure for the month in question.

The statement of financial activity is to be presented at an ordinary meeting of Council within two (2) months after the end of the month to which the statement relates.

The statements of financial activity for the period ending 31 December 2017 financial statements and list of accounts paid for the period ending 7 February 2018, are hereby presented for Council's Information.

Comments and details

Council is requested to accept the monthly statement of financial activity, financial statements and list of payments as presented.

Implications to Consider

Legal and Statutory

Local Government Act 1995

Local Government (Financial Management) Regulations 1996

Voting Requirements

Simple Majority

Absolute Majority

No

7.1.1 RESOLUTION

Moved Cr Chester, seconded Cr Sheen that Council:

1. endorse the list of payments

a. EFT1293 to EFT1307	\$ 27,594.42
b. 13470 to 13596	\$347,681.08
c. PR5506 to 5566	\$ 80,925.50
d. DD10744, DD10809 & DD10832	\$ 25,236.87
e. 8156 to 8174	\$159,232.94
f. 13597 to 14606	\$ 10,818.70

Totalling \$651,489.51 for the period 21 December 2017 to 7 February 2018

2. receive the financial statements for the period ending 31 December 2017

3. receive the Council Corporate Credit Card payment

CARRIED



7.1.2. RECRUITMENT OF THE CHIEF EXECUTIVE OFFICER

FILE REF	160
APPLICANT OR PROPONENT (S)	Shire of Goomalling
PREPARED BY	Natalie Bird, Finance Manager
APPROVED BY	Clem Kerp, Chief Executive Officer
PREVIOUSLY BEFORE COUNCIL	No
DISCLOSURE OF INTEREST	Nil

APPENDIX 4. Quotes for Recruitment of CEO

Nature of Council's Role in the Matter Executive

Purpose of Report

To appoint a Recruitment Service to assist Council in the employment of the new Chief Executive Officer

Background

The Council had resolved to obtain quotes for the recruitment of the Shire's Chief Executive Officer. Council has received four quotes and met in January to discuss the requirements that Council needs to adhere to for the employment of the replacement of the Chief Executive Officer.

Comments and details

The following quotes were received from:

John Phillips Consulting	\$7,100 inc GST plus advertising costs
Beilby Recruitment	\$9,600 plus GST plus advertising costs
WALGA	\$9,850 plus GST plus advertising costs
Fitz Gerald Strategies	\$4,900 inc GST plus advertising costs

Implications to Consider

Strategic

Goomalling Community Strategic Plan 2013

CIVIL LEADERSHIP – C2 Maintain and strengthen and Shire's capability and capacity

N2.4 Recruit, retain and develop suitably qualified, experienced and skilled staff (medium term)

Legal and Statutory

Nil

Risk related

Nil

Voting Requirements Simple Majority



7.2.2 RESOLUTION

Moved Cr Sheen, seconded Cr Ryan that Council:

Accept the quote to carry out the recruitment of the new Chief Executive Officer to John Phillips Consulting for \$7,100 inc GST plus advertising costs

CARRIED BY ABSOLUTE MAJORITY 7/0



8. OFFICERS' REPORTS

8.1 CHIEF EXECUTIVE OFFICER'S REPORT

8.1.1 Senior Housing Project under the Retirement Villages Act 1992

FILE REF	9-3
APPLICANT OR PROPONENT (S)	Shire of Goomalling
PREPARED BY	Clem Kerp, Chief Executive Officer
APPROVED BY	Clem Kerp, Chief Executive Officer
PREVIOUSLY BEFORE COUNCIL	Council Forums in October, November and December 2017
DISCLOSURE OF INTEREST	NIL

APPENDIX **No. 5 – Proposed terms for residence contracts**

Nature of Council's Role in the Matter

Executive
Legislative

Purpose of Report

During 2017 Council has been discussing the concept of what strategy to implement in relation to its new Seniors Housing Project whether to proceed under the principles of the Retirement Villages Act or under the principles of the Residential Tenancy Act for Seniors.

Over the past several months Council has been investigating the consideration of implementing the principles under the Retirement Villages Act and from discussions that have ensued agreement has been reached in principle to progress the concept further for Council to reach a final resolution.

Background

On 12th September 2017, I attended the following seminar titled "Retirement, Resident Contract and Resident Rights in Revolution" conducted by Council's lawyers Jackson McDonald Lawyers. The seminar proved to be very beneficial as the concept of providing aged housing under the umbrella of the Retirement Villages Act may prove to have significant financial benefits to Council in comparison to the concept of providing aged housing under the umbrella of the Resident Tenancy Act. Council then followed with further discussions at its October, November and December 2017 Council Forums. At the December 2017 Council Forum, Council agreed to progress the matter for resolution at its February 2018 Ordinary Council Meeting.

Comments and details

On the 3rd October 2017 Council received legal advice in relation to the proposal to provide Council's new aged housing project under the umbrella of the Retirement Villages Act which as advised was presented to Council's October, November and December 2017 Council Forums. Council was also presented with financial analysis depicting relevant financial details that Council may levy under the Retirement Villages Act.

The financial analysis that was presented to Council is again depicted here: -

Lifestyle Village under the Retirement Villages Act

Premium \$285,000 per Residence

- | | |
|--|------------------|
| 1. Deferred Management Fee (DMF) or Exit Fee (EF) 3% p.a. capped at 10 years = | |
| 3.0% x 10 = 30% of \$285,000 = \$85,500 x 4 residences | \$342,000 |
| 2. Reserve Fund Contribution | |
| 0.50% of \$285,000 = \$1425 p.a. x 10 years capped x 4 residences | \$ 57,000 |
| 3. Interest on Premium \$285,000 x 4 = \$1,140,000 | |
| \$1,140,000 x 3.25% x 10 years = | <u>\$370,500</u> |
| | \$769,500 |

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For each year \$9,975 is reduced from the Premium up to a maximum of \$99,750 after 10 years or longer. So after 10 or more years of occupancy, reimbursement of the Premium of \$285,000 less \$99,750 equates to \$185,250.

In addition to the above, occupants are levied recurrent charges of approximately \$150 per week comprising as follows: -

i.	Village Administration Charges	\$1500
ii.	Property Maintenance, lawn mowing etc. 1.5 hours per week @ \$45.00 per hour	\$3510
iii.	Insurance, council rates, Sewerage rates, Water Rates and Consumption	<u>\$2790</u>
		\$7800 ->Equates to \$150 per week

Implications to Consider

Consultative

Chief Executive Officer and Council's lawyers Jackson McDonald and Council's Forums in October, November and December 2017.

Strategic

This matter aligns with Council's Strategic Community Plan under its following categories: -

Social - S.2 Create an environment that provides for a caring and healthy community
S.2.4 Facilitate provision of services for aged persons and people with disabilities (medium term)

Built Environment – B.1 Manage Current and Future Assets and Infrastructure in a Sustainable Manner.

- B.1.1 Develop and maintain sustainable assets and infrastructure (long term)
- B.1.5 Facilitate and integrate housing options, local services, employment and recreational facilities (medium term)

Policy Related

Not affected by any Council Policy.

Financial

A win/win for both Council and occupant(s). Worst case scenario for the occupant is the reimbursement of \$185,250 from the Premium of \$285,000 a reduction of \$99,750 after 10 years or longer occupancy.

Legal and Statutory

Local Government Act 1995
Retirement Villages Act 1992 (WA) (RV Act)

Risk

Nil

Voting Requirements

Absolute Majority



8.1.1 RESOLUTION

- 1. Moved Cr Ryan, seconded Cr Van Gelderen that Council adopt and authorise the concept of providing the four (4) new aged housing residences in Wollyam Street Goomalling under the Retirement Villages Act with the intention of granting and charging the resident/buyer a “lease for life” and upfront amount (Premium) to occupy the home.**
- 2. All statutory requirements are to be complied with under the Retirement Villages Act and Local Government Act and the financial ingoing and outgoing payments by the resident/buyer will be resolved at a later date, along similar lines as the financial analysis detailed in this report under the category Comment and Details.**
- 3. Village Solutions Australia is to be engaged as Council’s Village Consultant and Operational Manager of its Retirement “Lifestyle” Village at 36-38 Wollyam Street Goomalling including the initial process of assisting Council in the selection of residents under the ambit of the Retirement Villages Act.**
- 4. Authorisation is hereby given to Jackson McDonald Lawyers to draft the proposed terms of the residence contracts (as per attachment) to be entered into by the Shire of Goomalling and a resident.**
- 5. Council hereby declares that Lot 176 and Lot 177 are correctly referred to the land being used as the proposed Retirement Village and that the required memorial is to be prepared and lodged at Landgate by Jackson McDonald Lawyers.**

CARRIED BY ABSOLUTE MAJORITY 7/0



Mr Linton Thomas entered the meeting at 2.48 pm

8.2 ENVIRONMENTAL HEALTH/BUILDING OFFICER'S REPORT

8.2.1 Unfit for Human Habitation

FILE REF	80-6
APPLICANT OR PROPONENT (S)	Mr Laurence Raymond Reiger and Mrs Coral Ann Reiger
PREPARED BY	Linton Thomas, Environmental health Officer
APPROVED BY	Clem Kerp, Chief Executive Officer
PREVIOUSLY BEFORE COUNCIL DISCLOSURE OF INTEREST	NIL
APPENDICES	6. SECTION 135 NOTICE & SCHEDULE "A"

Nature of Council's Role in the Matter

To administer the provisions of the Health (Miscellaneous Provisions) Act 1911 and the Local Government Act 1995

Purpose of Report

The purpose of this report is to inform Council that a dwelling house located at Lot 240 Throssell Street and owned by L & C Reiger, is in a state of filth and disrepair and should not be occupied until such time as it can be repaired and cleaned to the satisfaction of the Council.

Background

This house has not been occupied for some considerable time and no maintenance has been carried out in many years.

Comments and details

The inspection in late December revealed that the house is extremely dirty and in a state of disrepair both internally and externally, that it could be considered as a danger to occupants.

The furniture and mattresses are very dirty with filthy covers and other bedding materials. About 30% of the kitchen ceiling is missing, presumed having collapsed. All of the walls and ceiling panels are extremely dirty.

It is proposed that this house is declared unfit for human habitation and to give the opportunity for the owner to make repairs to make it habitable.

If the owner does not make or complete those repairs within the specified time, it will be recommended to Council that a demolition order be served on the owner to demolish the house and clean the land within 30 days and if this not carried out, then Council can carry out the terms of the order and bill the owners, to recover any expenses after offering any salvage for sale.

Implications to Consider

Consultative Nil

Strategic Nil

Policy Related No

Financial Nil

Legal and Statutory

Health (Miscellaneous Provisions) Act 1911

Risk related None



Voting Requirements

Simple Majority

8.2.1 RESOLUTION

Moved Cr Chester, seconded Cr Barratt that Council:

- 1. Declares the house and outbuilding located at Lot 240 Throssell Street, Goomalling W.A., owned by Mr Laurence Raymond Reiger and Mrs Coral Ann Reiger, as being unfit for human habitation and allow the said owners, 180 days in which to repair, cleanse the house and land to the satisfaction of Council, so that it can be reoccupied.**

CARRIED BY ABSOLUTE MAJORITY 7/0



8.2.2 Clean-up Order Reiger

FILE REF	80-6
APPLICANT OR PROPONENT (S)	Mr Laurence Raymond Reiger and Mrs Coral Ann Reiger
PREPARED BY	Linton Thomas, Environmental Health Officer
APPROVED BY	Clem Kerp, Chief Executive Officer
PREVIOUSLY BEFORE COUNCIL	
DISCLOSURE OF INTEREST	NIL
APPENDICES	7. SECTION 3.25 ORDER

Nature of Council's Role in the Matter

To administer the provisions of the Local Government Act 1995

Purpose of Report

The purpose of this report is to inform Council that the buildings located on Lot 239 Throssell Street and owned by L & C Reiger, has 2 disused vehicles, trailer and other general rubbish that needs to be removed and the land cleaned to the satisfaction of the Council

Background

These buildings (2 of) have in the past has been an auto electrician business but it has not operated from around February 2016.

Comments and details

Previous attempts in past years asking Mr Reiger to clean up this lot has not been met with any enthusiasm to oblige Councils request.

Implications to Consider

Consultative Nil

Strategic Nil

Policy Related No

Financial Nil

Legal and Statutory

Local Government Act 1995.

Risk related None

Voting Requirements

Simple Majority



8.2.2 RESOLUTION Amendment to Recommendation

Moved Cr Haywood, seconded Cr Van Gelderen that Council:

- a) **Is giving a blanket order over all properties that are untidy and have debris in front yards, and residents are advised to clean them up.**
- b) **Serves an order on Mr Laurence Raymond Reiger and Mrs Coral Ann Reiger to remove unlicensed vehicles, a trailer, drums, timber pallets, refrigerator and other general rubbish from Lot 239 Throssell Street, Goomalling within 90 days.**

CARRIED 7/0

Extra item included and agreed to by Council

8.2.3 GOOMALLING TAVERN – ANCILLARY ACCOMMODATION

FILE REF	176
APPLICANT OR PROPONENT (S)	Shire of Goomalling
PREPARED BY	Linton Thomas, Environmental Health Officer
APPROVED BY	Clem Kerp, Chief Executive Officer
PREVIOUSLY BEFORE COUNCIL	No
DISCLOSURE OF INTEREST	NIL

Nature of Council's Role in the Matter.

To control the development of buildings in the Shire in accordance to Council's Town Planning Scheme.

Purpose of Report

Mr Philip Eskdale, the owner of the Goomalling Tavern, has made a Development Application to install 2 X 3 bedroom donga style (Ex Mining Camp accommodation units) at the rear of the Tavern on Lot 5 No.61 Railway Terrace on the western side.

He also intends to renew the perimeter fencing of the Tavern.

Background

Mr Eskdale approached Council's Building Surveyor in December stating that he would like to provide ensuite accommodation as he has been receiving a lot of enquiries of late.

Potential customers are preferring an ensuite accommodation and are being turned away because he cannot provide for their request.

Comments and details

It is noted that many country towns have this sort of accommodation attached to a licensed premise or at caravan parks.

It is noted that the plan has been certified by a structural engineer in 2009 as being a Class1 (residential) building in accordance to the Building Code and the recent Energy Efficiency Assessment states that these buildings complied with the requirements of the Code.

The costs are estimated to be \$90,000. The Development Application Fee is \$288.00. If approved, a Building Application will apply, the fee will be similar.

Implications to Consider

Consultative	Council's Town Planning Scheme Building Code of Australia
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Strategic	To provide accommodation for visitors to the Shire
Financial	Nil
Legal and Statutory	Town Planning
Risk related	Nil
Voting Requirements	Simple Majority

8.2.3 RESOLUTION

Moved Cr Ryan, seconded Cr Bowen that Council:

Grants Development Approval for the installation of 2 second hand 3 bedroom ensuite units on Lot 5 No. 61 Railway Terrace, Goomalling

CARRIED BY ABSOLUTE MAJORITY 7/0

9. NOTICE OF MOTIONS FOR NEXT MEETING

10. DATE OF NEXT MEETING

The next ordinary meeting of the Goomalling Shire Council be held in the Council Chambers, Administration Office, 32 Quinlan Street, Goomalling on Wednesday, 21 March 2018, commencing 1.00pm.

CARRIED

11. CLOSURE

There being no further business the Shire President thanked everyone for their attendance and declared the meeting closed at 3.19 pm