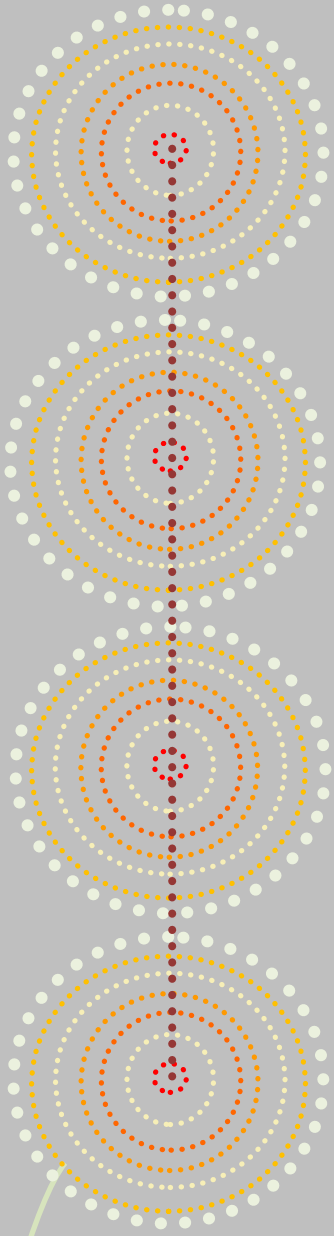


# Shire of Goomalling



# CONFIRMED COUNCIL MINUTES

## August 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. 7 of 2018 of the Shire of Goomalling Council to be held in the Council Chambers, Administration Office, 32 Quinlan Street, Goomalling on Wednesday, 15 August 2018 beginning at 1.10pm.

## **QUESTION TIME**

Nil

## **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 Christine Barratt
	Councillor	Cr Raymond Bowen
	Councillor	Cr Julie Chester
	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 Ryan attended the LEMA meeting 8 August 2018
- Cr Van Gelderen, Shire President & the CEO attended the Local Government Week
- Cr Bowen, Shire President & the CEO attended the presentation to the Konnongorring Community of an AED from St John Ambulance
- Shire President and the CEO attended an AROC meeting
- Cr Van Gelderen and the Shire President attended the PHAIWA breakfast presentation with Tahnee Bird and Christine Schorer

Moved Cr Barratt, seconded Cr Bowen that the above announcements be received.



CARRIED

## **2. MINUTES**

### **2.1. Ordinary Council Meeting held 18 July 2018**

#### **Resolution**

Moved Cr Ryan, seconded Cr Bowen that the Minutes of the Goomalling Shire Council ordinary meeting held on Wednesday, 18 July 2018 be confirmed as true and correct record of proceedings.

CARRIED BY ABSOLUTE MAJORITY 7/0

### **2.2. Special Council Meeting (Budget Meeting) held 18 July 2018**

#### **Resolution**

Moved Cr Van Gelderen, seconded Cr Sheen that the Minutes of the Goomalling Shire Council special meeting (Budget Meeting) held on Wednesday, 18 July 2018 be confirmed.

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 Ryan, seconded Cr Sheen that the Finance Report for July 2018 be received.

CARRIED 7/0



## 7.1 FINANCE REPORT

### 7.1.1 Financial Statements for Period ending 31 July 2018

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

<b>APPENDICES</b>	1. List of accounts paid for 19 July to 15 August 2018 2. Financial Statements for period ending 31 July 2018
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#### **Nature of Council's Role in the Matter**

Executive  
Legislative  
Review

#### **Purpose of Report**

To endorse payment schedule for 19 July to 15 August 2018 and receive Financial Statements for period ending 31 July 2018, including corporate credit card statement.

#### **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 July 2018, financial statements and list of accounts paid for the period 19 July to 15 August 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*

<b>Voting Requirements</b>	Simple Majority
<b>Absolute Majority</b>	No



**7.1.1 RESOLUTION**

Moved Cr Ryan, seconded Cr Sheen that Council:

**1. endorse the list of payments**

a. EFT1385 to EFT1392	\$ 15,965.14
b. 14151 to 14178	\$ 92,889.89
c. PR5735 to PR5761	\$ 34,970.00
d. DD11207 & DD11252	\$ 14,767.34
e. 8218 to 8226	\$ 63,306.34
f. 14179 to 14214	\$ 67,827.25

Totalling \$289,725.96 for the period 19 July to 15 August 2018;

**2. receive the financial statements for the period ending 31 July 2018.**

**CARRIED 7/0**

**7.1.2 POLICY REVIEW – CONCESSIONS OF COMMERCIAL & FARMING PROPERTIES OCCUPIED BY PENSIONERS**

<b>FILE REF</b>	<b>132 / 142-5</b>
<b>APPLICANT OR PROPONENT (S)</b>	Shire of Goomalling
<b>PREPARED BY</b>	Trudi Manera, Finance/Rates Officer
<b>APPROVED BY</b>	Clem Kerp, Chief Executive Officer
<b>PREVIOUSLY BEFORE COUNCIL</b>	N/A
<b>DISCLOSURE OF INTEREST</b>	NIL

**APPENDICES** **3. CURRENT POLICY 4.20**

**Nature of Council's Role in the Matter**

Executive  
Legislative

**Purpose of Report**

The purpose of this report is to review Council Policy 4.20 Concessions on Commercial & Farming Properties occupied by Pensioners.

**Background**

Council grants pensioner rebates to owner occupiers based on certain categories of pensioner concession status, as evidenced by cards held by the applicant in accordance with the Rates and Charges (Rebates and Deferments) Act, 1992.

Under that Act:

Senior Card Holders receive a 25% rebate capped at \$100.

A 50% rebate, capped at \$750, is applicable for people who have:

- a Senior Card and a Commonwealth Senior Card; or
- a Pensioner Concession Card; or
- a State Concession Card;



Where a property is used for a commercial purpose there is the potential for the lodgement of a business taxation return, claiming full rates and charges as a tax deduction and in such cases the granting of any pensioner rebate could be seen as a double benefit, from the taxation offset and the pensioner rebate.

A proportion of owner occupiers have sought to obtain a rebate as owner occupiers of rural properties.

### Comments and details

The Rates and Charges (Rebates and Deferments) Act, 1992, defines the manner in and circumstances under which a local government is to apply pensioner concessions. State Revenue, as the statutory authority vested in administering the Act has issued procedural guidelines for interpreting section 28 (2) of the Act which provides for rebate apportionment where the applicant's land is used as the ordinary place of residence and it is not the sole use of that land.

The 'Concessions on Commercial and Farming Properties Occupied by Pensioners' section of the procedure manual provides five options to arrive at a solution for the granting of a pensioner concession in these circumstances.

1. Grant no concession.
2. Grant a proportionate rebate based on the area used for residential purposes against that used for commercial or farm (income generating) purposes.
3. Grant a proportionate rebate by applying an arbitrary curtilage of two hectares in respect of the residential component of the rated property.
4. Grant a concession based on a minimum rate or valuation based rate irrespective of property size.
5. Grant a concession based on the total rates levied against the property.

Council's current policy is based on option 3 however the wording in the current policy is harsh in so far as the words "or available for use" results in an otherwise eligible pensioner being precluded from claiming a rebate on their property even though they do not receive a commercial benefit.

It is proposed that by removing the words "or available for use", the amended policy would be based on Option 2 which is still within *The Rates and Charges (Rebates and Deferments) Act, 1992*, and, it will allow concession holders who do not receive a commercial benefit from their property to receive a rebate.

### Implications to Consider

#### Consultative

*Nil*

#### Strategic

*Under Council's Strategic Community Plan Heading Social – S3 Provide active and passive recreation facilities and services, and Subheading S3.2 Develop, maintain and support appropriate recreation facilities throughout the Shire (ongoing), provides no misunderstanding at all that all sport and recreational activities must continue to be provided by Council.*

#### Policy Related

*The review of this policy is presented to the Council as a recent survey of concession holders found that 17 concession holders receiving no commercial gain from their property would receive little or no rebate simply because the land **could** be used for a commercial gain.*

*Annual surveys are sent to property holders who are concession holders to ensure information is current and relevant. The answers given during these reviews are binding so that if the Office of State Revenue are to find the concession holder misrepresented their position, the concession holder is liable for any rebate amount they received in error.*

#### Financial

*There are no financial implications for this amendment.*



Legal and Statutory  
*Nil*

Risk related  
*Nil.*

**Voting Requirements                      Absolute Majority**

**7.1.2 RESOLUTION**

Moved Cr Chester, seconded Cr Barratt that Council adopt the amended policy as follows:

<b>Title:</b>	<b>4.20 Concessions on Commercial &amp; Farming Properties occupied by Pensioners</b>
<b>Previous No:</b>	
<b>File No:</b>	
<b>Statutory Environment:</b>	<i>Pensioners Rates &amp; Deferments Act 1992</i>
<b>Minute No:</b>	
<b>Date:</b>	<b>September 2015</b>
<b>Review Date:</b>	<b>September 2019</b>

**Objective:**

To ensure pensioner and seniors concessions are allowed on farming and agricultural properties in an equitable way and that the concession relates to the residential portion of the property.

**Procedure:**

In cases where an eligible pensioner or senior owns or occupies a rural/agricultural property that is used for other than residential purposes, that a proportionate rebate, by applying the arbitrary curtilage of 2 hectares in respect to the residential component of the rated property, is to be applied.

This policy specifically excludes commercial properties within the town boundary.

**This policy includes retrospective payments to 1 July 2018.**

**CARRIED BY ABSOLUTE MAJORITY 7/0**



## 7.2 Finance/Audit Committee Meeting

### Resolution

Moved Cr Ryan, seconded Cr Sheen that the minutes for Finance/Audit Committee Meeting held Wednesday, 15 August 2018 be received.

CARRIED 7/0

## 8 OFFICERS' REPORTS

### 8.1 CHIEF EXECUTIVE OFFICER'S REPORT

#### 8.1.1 PROPOSED LAND SWAP AND ROAD CLOSURE LOT 98 ON DP222511 FORWARD STREET GOOMALLING – WILSON AND MACKAY LICENSED SURVEYORS: OWNER OF LOT 98 FORWARD STREET IS MRS YVONNE TOWN

<b>FILE REF</b>	138-3
<b>APPLICANT OR PROPONENT (S)</b>	Wilson and Mackay Licensed Surveyors for Mrs Yvonne Town
<b>PREPARED BY</b>	Clem Kerp, Chief Executive Officer
<b>APPROVED BY</b>	Clem Kerp, Chief Executive Officer
<b>PREVIOUSLY BEFORE COUNCIL</b>	During the past several Council Forums for its consideration, discussion and concurrence
<b>DISCLOSURE OF INTEREST</b>	NIL
<b>APPENDICES</b>	<b>4. Copy of Plan</b> <b>5. Advertisement WA Newspaper 27/6/18</b>

#### Nature of Council's Role in the Matter

Quasi-judicial

#### Purpose of Report

In early May 2018, Council was contacted by Mrs Yvonne Town to offer her rear section of Lot 98 Forward Street Goomalling for part of the Right of Way (R.O.W.) on the western side of Lot 98 as a land swap to extend the width of Lot 98 to allow for the future construction of a double garage and to prevent flooding of the rear of her yard where current single garage exists.

#### Background

Once initial contact was made Council discussed the proposed over several forums in the last three (3) months. Council has agreed at the mentioned forums subject to Mrs Town being responsible for all associated costs to complete and finalise this transaction. This was agreed to by Mrs Town.

#### Comments and details

As Council has supported this proposal throughout the process, Council is now required to finalise its resolution to allow due compliance and seek the Minister's approval to close the affected section of the Right of Way north of Forward Street and adjacent to the western side of Lot 98 Forward Street and swap for rear section of Lot 98.

The advertisement was placed in the West Australian Newspaper dated 27<sup>th</sup> June 2018 and read as follows:-





## Shire of Goomalling PUBLIC NOTICE ROADS CLOSURE

It is hereby notified for public information that under Section 58 of the Land Administration Act 1997 front portion of Right of Way (R.O.W) adjacent to Lot 98 (30) Forward Street Goomalling is to be closed permanently to form part of Lot 98 Forward Street Goomalling with a portion of the rear of Lot 98 Forward to become the remaining section of the Right of Way (R.O.W). This closure of ROW from Forward Street will prevent public entry but entry will still be provided from Forrest Street for all lots within the vicinity.

Comments and submission are invited and will be received at the Goomalling Shire Office by no later than 12 Noon on Thursday 2<sup>nd</sup> August 2018

Clem Kerp  
Chief Executive Officer  
Shire of Goomalling  
P.O Box 118  
Goomalling WA 6460  
Email: [goshire@goomalling.wa.gov.au](mailto:goshire@goomalling.wa.gov.au)

At the close of submissions, Council received NIL response.

### **Implications to Consider**

#### Consultative

*As the application is to close part of the Right of Way (ROW) and swap with rear portion of Lot 98 Forward Street Goomalling and as Council received no submissions during the consultative process, Council is now required to close this part of the Right of Way (ROW) under section 58 of the Land Administration Act and also to seek the Minister's approval to close this mentioned section of the Right of Way.*

#### Strategic

*As the proposed closure of the relevant section of the Right of Way is mainly used by the owner of Lot 98 Forward Street Goomalling and no submissions being received by Council, this demonstrates that no objections were raised against this proposal. All property owners in the vicinity have access by the remaining ROW through to Forrest Street. The proposed closure of ROW will now become part of Lot 98 Forward Street Goomalling.*

**GOOMALLING**  
MINUTES FOR ORDINARY MEETING OF COUNCIL  
WEDNESDAY, 15 AUGUST 2018



Policy Related

*Complies with Council's policy to allow relevant closures which does not affect any party or parties.*

Financial

*NIL.*

Legal and Statutory

*The proposed part road closure will comply with section 58 of the Land Administration Act 1997 and allow to become part of Lot 98 Forward Street Goomalling with the rear section of Lot 98 to become part of the remaining Right of Way.*

Risk Related

*Nil*

**Voting Requirements**

**Absolute Majority**

**8.1.1 RESOLUTION**

**Moved Cr Ryan, seconded Cr Van Gelderen that whereas Council notified for public information that under Section 58 of the Land Administration Act 1997, front portion of Right of Way (ROW) adjacent to Lot 98 on DP222511 Forwards Street Goomalling is to be closed permanently to form part of Lot 98 in exchange with rear portion of Lot 98 to become part of the remaining section of the ROW and as no submissions were received against the proposed closure, then Council hereby resolved to seek the Minister's approval to permanently close the relevant portion of the Right of Way and all associated costs are to be paid by the owner of Lot 98 as agreed.**

**CARRIED BY ABSOLUTE MAJORITY 7/0**

**8.1.2 REDUCING RECREATION ANNUAL CHARGE FOR GOOMALLING TENNIS CLUB FOR 2017/2018 AND 2018/2019 FINANCIAL YEARS**

<b>FILE REF</b>	165
<b>APPLICANT OR PROPONENT (S)</b>	Goomalling Tennis Club
<b>PREPARED BY</b>	Clem Kerp, Chief Executive Officer
<b>APPROVED BY</b>	Clem Kerp, Chief Executive Officer
<b>PREVIOUSLY BEFORE COUNCIL</b>	Council Meeting 18 <sup>th</sup> July 2018
<b>DISCLOSURE OF INTEREST</b>	NIL

**Nature of Council's Role in the Matter**

Executive  
Legislative

**Purpose of Report**

At last month's Council Meeting, Councillors discussed the issue of Recreation Rental Charges for the various sporting clubs for 2017/2018 and 2018/2019 financial years, where the discussion centred around the low membership of the Goomalling Tennis Club and the need to reduce the Annual Charge from \$2750 +GST down to \$1000 +GST to ensure the viability of the Club.

**GOOMALLING**  
MINUTES FOR ORDINARY MEETING OF COUNCIL  
WEDNESDAY, 15 AUGUST 2018



**Background**

Over the past 18 months, Council had received requests from Goomalling Tennis Club to reduce its Annual Recreation Rental Charge to a more realistic figure. Their reasons were based on significantly reduced numbers of members and players and the Annual Charges of \$3025 was out of their range to raise with very few members. Initially the club requested a reduction to \$1000 +GST which would be feasible to raise.

**Comments and details**

There is no doubt that the Annual Charge of \$3025 incl. GST for very few members and players is definitely putting a strain on the club and one thing to remember if there is no Tennis Club, it would be detrimental and drastic for everyone concerned. If there is no club, there will be no revenue coming in as well.

In its heyday the club could afford the current rental charge but unfortunately times have changed and Council must follow suit.

**Implications to Consider**

**Consultative**

*The annual rental charge has been raised previously by the Club but up until now Council has declined to reduce it. Rentals for 2017/2018 and 2018/2019 have not been paid and should Council force the issue, would only lead to demise of the Club.*

**Strategic**

*Under Council's Strategic Community Plan Heading Social – S3 Provide active and passive recreation facilities and services, and Subheading S3.2 Develop, maintain and support appropriate recreation facilities throughout the Shire (ongoing), provides no misunderstanding at all that all sport and recreational activities must continue to be provided by Council.*

**Policy Related**

*Agrees with Council's policy relating to Fees and Charges for Community Facilities and Active Reserves where its objective is to ensure that a fair, equitable and transparent model is applied to the setting of fees and charges for the use of Community Facilities and Active Reserves.*

**Financial**

*A reduction of fees amounting to \$1750 plus GST per annum where Council's revenue would be reduced by this amount.*

**Legal and Statutory**

*Although the matter is torn between social and economic factors Council must consider the social implications above all. The annual reduction of \$1750 could be made up from various ways of reducing its expenditure in various categories. It is not insurmountable that the amount could not be found in other areas.*

**Risk related**

*As stated above.*

**Voting Requirements**

**Absolute Majority**

**8.1.2 RESOLUTION**

**Moved Cr Bowen, seconded Cr Van Gelderen that the Annual Recreational Rental Charge of \$2750 +GST levied to the Goomalling Tennis Club for the 2017/2018 and 2018/2019 financial years is to be reduced down to \$1,000 +GST for each respective year and the reductions are hereby approved and authorised by Council.**

**CARRIED BY ABSOLUTE MAJORITY 7/0**



### **8.1.3 AUTHORITY TO AFFIX SEAL – JENNACUBBINE DIRT KART CLUB (INC.) LEASE AGREEMENT**

<b>FILE REF</b>	73
<b>APPLICANT OR PROPONENT (S)</b>	Shire of Goomalling, Jennacubbine Dirt Kart Club
<b>PREPARED BY</b>	Clem Kerp, Chief Executive Officer
<b>APPROVED BY</b>	Clem Kerp, Chief Executive Officer
<b>PREVIOUSLY BEFORE COUNCIL</b>	N/A
<b>DISCLOSURE OF INTEREST</b>	NIL

**APPENDICES** **6. Jennacubbine Dirt Kart Club Lease**

#### **Nature of Council's Role in the Matter**

Executive  
Legislative

#### **Purpose of Report**

To authorise the affixing of the Common Seal to the Lease Agreement between the Shire of Goomalling and Jennacubbine Dirt Kart Club.

#### **Background**

The Jennacubbine Dirt Kart Club have been using the Go-Kart track and Hall at Jennacubbine for several years, but the need now arises for a formal Lease Agreement to be implemented.

#### **Comments and details**

Council has negotiated with Jennacubbine Dirt Kart Club to reach an agreement on the conditions of the lease of the land and building at Jennacubbine Hall for the purpose of dirt kart race meetings organised by the Club.

The affixing of the Common Seal is required to finalise the signing of the mentioned Agreement.

#### **Implications to Consider**

Nil

**Voting Requirements** Simple Majority

#### **8.1.3 RESOLUTION**

**Moved Cr Van Gelderen, seconded Cr Chester that Council authorise the affixing of the Common Seal to the Lease Agreement between the Shire of Goomalling and Jennacubbine Dirt Kart Club.**

**CARRIED 7/0**



## 8.2 ENVIRONMENTAL HEALTH OFFICER'S REPORT

### 8.2.1 CBH DEVELOPMENT APPLICATION

<b>FILE REF</b>	<b>176</b>
<b>APPLICANT OR PROPONENT (S)</b>	Cooperative Bulk Handling (CBH)
<b>PREPARED BY</b>	Linton Thomas, Environmental Health Officer
<b>APPROVED BY</b>	Clem Kerp, Chief Executive Officer
<b>PREVIOUSLY BEFORE COUNCIL</b>	No
<b>DISCLOSURE OF INTEREST</b>	NONE

**APPENDICES** **7. CBH Site Plan**

#### **Nature of Council's Role in the Matter**

To oversee the proposed project for compliance to Council's Town Planning Scheme.

#### **Purpose of Report**

To advise Council that this proposed grain handling infrastructure is being added to by way of 4 open bulkheads giving 93,500 tonnes capacity to the existing CBH facilities at Konnongorring.

#### **Background**

Cooperative Bulk Handling has been at this Konnongorring site many years providing a grain receival point for local farmers.

#### **Comments and details**

The proposal supports existing infrastructure at Lot 103 Konnongorring West Road, with the construction costs being estimated to be \$1,683,000. The fee for this application is \$4,740.31

It is proposed to construct: -

- Internal roads linking the existing site and around the proposed open bulkheads
- Stormwater drainage infrastructure
- 2 open bulk heads
- Ground conveyor between open bulkheads.

#### **Implications to Consider**

<b><i>Consultative</i></b>	<i>Nil</i>
<b><i>Strategic</i></b>	<i>Supports and enhances existing facilities</i>
<b><i>Policy Related</i></b>	<i>None</i>
<b><i>Financial</i></b>	<i>None</i>
<b><i>Legal and Statutory</i></b>	<i>Council Town Planning Scheme No. 2</i>
<b><i>Risk related</i></b>	<i>Nil</i>

**Voting Requirements** Simple Majority



**8.2.1 Resolution**

**Moved Cr Ryan, seconded Cr Barratt that Council, by simple majority, approves the installation of 4 open bulkheads on Lot 103, Konnongorring West Road.**

**CARRIED**

**9 NOTICE OF MOTIONS FOR NEXT MEETING**

Nil

Shire President thanked the Chief Executive Officer Mr Clem Kerp for his support to him and all of the Councillors during his 26 years of service to the Shire of Goomalling and wished him well in his retirement.

**10 DATE OF NEXT MEETING**

The next meeting of the Goomalling Shire Council ordinary meeting will be held in the Council Chamber, Administration Office, 32 Quinlan Street, Goomalling on Wednesday, 19 September 2018, commencing 1.00pm.

**11 CLOSURE**

There being no further business, the President thanked everyone for their attendance and closed the meeting at 2.24 pm