

Shire of Goomalling



**COUNCIL
CONFIRMED
MINUTES**

November 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. 10 of 2018 of the Shire of Goomalling Council to be held in the Council Chambers, Administration Office, 32 Quinlan Street, Goomalling on Wednesday, 21 November 2018 beginning at 3.44 pm.

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 Peter Bentley
	Finance Manager	Miss Natalie bird

1.2. Apologies

1.3. Announcements

- Cr Chester attended MSC meeting on the 15 November 2018
- Cr Chester attended Avon Tourism Meeting
- Cr Sheen attended Jennacubbine Remembrance Day
- Cr Ryan attended LEMA meeting 14 November 2018
- Cr Bowen attended meeting Jennacubbine Progress Association
- Cr Bowen attended Jennacubbine Remembrance Day
- Cr Barratt attended the LEMA meeting 14 November 2018

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

CARRIED



2. MINUTES

2.1. Ordinary Council Meeting held 17 October 2018

Resolution

Moved Cr Van Gelderen, seconded Cr Chester that the Minutes of the Goomalling Shire Council ordinary meeting held on Wednesday, 17 October 2018 be confirmed as true and correct record of proceedings.

CARRIED

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

5. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

6. PETITIONS & MEMORIALS

7. REPORTS OF COMMITTEES

8. OFFICERS' REPORTS



8.1 CHIEF EXECUTIVE OFFICER'S REPORT

8.1.1. REQUEST FOR COMPENSATION – I & C CLARKE

FILE REF	
APPLICANT OR PROPONENT (S)	Ian Clarke - Resident
PREPARED BY	Peter Bentley – Chief Executive Officer
APPROVED BY	Peter Bentley, Chief Executive Officer
PREVIOUSLY BEFORE COUNCIL	No
DISCLOSURE OF INTEREST	Nil

APPENDICES **LETTER AND INVOICE**

Nature of Council's Role in the Matter

Executive

Purpose of Report

Council to determine if compensation should be paid to Mr Clarke for repairs to his equipment.

Background

Mr Ian Clarke visited the Council Administration Office shortly after the CEO commenced work with the Council and during that conversation mentioned an incident where he used his loader to move a tree from the Goomalling-Calingiri Road on 16th January of this year. During that conversation Mr Clarke asked me if the Council would be prepared to compensate him for damages incurred during the operation and my response was to advise him to put his claim/request in writing and I would put the matter to the Council.

Comments and details

To my knowledge Mr Clarke had not mentioned this matter to the previous CEO and nor had he been requested by the Council to undertake the work. Mr Clarke incurred a cost of \$706.45 for the repair which was to the forklift backrest of the machine. The first advice that Council had was in September, some 8 months after the incident occurred.

Given the lengthy period of time between the incident and the advice/claim for compensation it is difficult to establish whether the damage occurred during the event, if the machine was being used in a manner consistent with the manufacturer's specifications or intended use and whether the operator had the skill or expertise to undertake the work. This is not a reflection on Mr Clark's honesty or skill level, it is just difficult for the CEO to determine these issues.

Council needs to make a decision as to whether to compensate Mr Clarke for the repairs based on all of these issues and also to be mindful as to what precedent making such a payment may create. Given that the Council did not authorise the work, making a compensation payment for damage in this instance may give rise to a number of claims in the future where the careless or negligent operation of farm machinery used on Council assets leads to damaged equipment for work not sanctioned by the Council.

Implications to Consider

Strategic

Nil

Legal and Statutory

Local Government Act (1995)

Risk related

Making payment may create a precedent that could have significant risk liabilities attached in future.

Voting Requirements

Simple Majority if declined, Absolute Majority if changed

GOOMALLING
MINUTES FOR ORDINARY MEETING OF COUNCIL
WEDNESDAY, 21 NOVEMBER 2018



8.1.1 RESOLUTION

Moved Cr Chester, seconded Cr Barratt that Council:

Decline to make payment of compensation to Mr Clarke in regard to this matter.

CARRIED 7/0



8.1.2. REQUEST FOR FINANCIAL SUPPORT – ST JOHN’S AMBULANCE

FILE REF	48
APPLICANT OR PROPONENT (S)	Amy Wittber – Administration Officer St John’s Wheatbelt
PREPARED BY	Peter Bentley – Chief Executive Officer
APPROVED BY	Peter Bentley, Chief Executive Officer
PREVIOUSLY BEFORE COUNCIL	No
DISCLOSURE OF INTEREST	Nil

APPENDICES **EMAIL AND LETTER**

Nature of Council’s Role in the Matter
Executive

Purpose of Report
Council to consider making a financial commitment to St Johns Ambulance Wheatbelt for a form of award to be provided at the next annual seminar/event next year.

Background

Comments and details
I am unaware as to Council’s previous involvement with the event and there is no indicative value for the contribution within the request. Any expenditure will be unbudgeted.

Implications to Consider

Strategic
Nil

Legal and Statutory
Local Government Act (1995)

Risk related
Nil

Voting Requirements Absolute Majority

8.1.2 RESOLUTION

Moved Cr Chester, seconded Cr Ryan that Council:

Provides support to the value of \$200.00 for the 2019 St Johns Ambulance Seminar/Event.

CARRIED BY ABSOLUTE MAJORITY 7/0

GOOMALLING
MINUTES FOR ORDINARY MEETING OF COUNCIL
WEDNESDAY, 21 NOVEMBER 2018



Suspension of Standing Orders

Moved Cr Chester, seconded Cr Barratt that Council do now suspend standing orders. Time 4.05 pm

CARRIED BY ABSOLUTE MAJORITY 7/0

Cr Ryan did not resume after the suspension of standing orders

Resumption of Standing Orders

Moved Cr Van Gelderen, seconded Cr Bowen that Council resume standing orders. Time 4.40pm

CARRIED BY ABSOLUTE MAJORITY 6/0



8.1.3. KOOMAL VILLAGE

FILE REF	9-3
APPLICANT OR PROPONENT (S)	Peter Bentley – Chief Executive Officer
PREPARED BY	Peter Bentley – Chief Executive Officer
APPROVED BY	Peter Bentley, Chief Executive Officer
PREVIOUSLY BEFORE COUNCIL	No
DISCLOSURE OF INTEREST	Nil

APPENDICES **PREVIOUS COUNCIL MINUTE FEBRUARY 2018**

Nature of Council's Role in the Matter

Executive
Legislative

Purpose of Report

To revisit Council's decision to

1. 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.

Background

At the October Briefing Session Council discussed the progress with regard to the Koomal Village project and the sale on a "Lease for Life" basis of those units under the Retirement Villages Act. Essentially the Council was worried about the timeframes to date for the sale of the units. Council advised the CEO following those discussions that it wished to pursue other options as there were several people who were interested in renting the units.

Comments and details

To put into effect the changes that Council now seeks to make, notwithstanding the decision of the Council at the February 2018 Ordinary Meeting, it must now resolve to remove the Retirement Villages Act Memorial.

Implications to Consider

Consultative

Council's previous discussions

Strategic

This matter still 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

Not truly measurable given the units have not sold, however rental income will flow from the change.

Legal and Statutory

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

Risk

Nil

Voting Requirements

Absolute Majority

8.1.3 RESOLUTION

Moved Cr Barratt, seconded Cr Van Gelderen that:

1. Notwithstanding the decision of the Council at the February 2018 Ordinary Meeting, Council resolves to remove the Retirement Villages Act Memorial.
2. Village Solutions Australia is to be terminated as Council's Village Consultant and Operational Manager of its Retirement "Lifestyle" Village at 36-38 Wollyam Street Goomalling.
3. Authorisation is hereby given to Jackson McDonald Lawyers to draft the required documentation to remove the Retirement Village Act Memorial from 36 – 38 Wollyam Street Goomalling.
4. Council hereby declares that Lot 176 and Lot 177 are now correctly referred to the land being used as Well Aged Accommodation and that the memorial is to be withdrawn and the required documentation be lodged at Landgate by Jackson McDonald Lawyers.

CARRIED BY ABSOLUTE MAJORITY 6/0

GOOMALLING
MINUTES FOR ORDINARY MEETING OF COUNCIL
WEDNESDAY, 21 NOVEMBER 2018



8.1.4. REQUEST FOR GROUP RATING OF A173 & A176

FILE REF	193-1
APPLICANT OR PROPONENT (S)	Cynthia Bateup & Siegfried Bernt
PREPARED BY	Peter Bentley – Chief Executive Officer
APPROVED BY	Peter Bentley, Chief Executive Officer
PREVIOUSLY BEFORE COUNCIL	No
DISCLOSURE OF INTEREST	Nil

APPENDICES **LETTER**

Nature of Council’s Role in the Matter
Executive

Purpose of Report

Council to consider making an application to the Valuer General to have Assessment 173 and 176 (1 & 3 Williams Street Goomalling) group rated.

Background

The proponents have written to the Council requesting that the Council applies a group rating policy to their 2 lots, both jointly owned. Council will need to make application to the Valuer General to have these properties considered for group valuation.

Comments and details

Council has undertaken this process in the past for several residents and has been successful in having the group valuation instated.

Implications to Consider

Strategic

Nil

Legal and Statutory

Local Government Act (1995)

Valuation of Land Act (1978)

Risk related

Nil

Voting Requirements **Absolute Majority**

8.1.4 RESOLUTION

Moved Cr Chester, seconded Cr Bowen that Council:

Makes application to the Valuer General on behalf of the proponents to have assessments 173 & 176 group valued.

CARRIED BY ABSOLUTE MAJORITY 6/0



8.1.5. CEO KPI's

FILE REF	160-4A
APPLICANT OR PROPONENT (S)	Peter Bentley – Chief Executive Officer
PREPARED BY	Peter Bentley – Chief Executive Officer
APPROVED BY	Peter Bentley – Chief Executive Officer
PREVIOUSLY BEFORE COUNCIL	No
DISCLOSURE OF INTEREST	Concerns CEO's Employment contract

APPENDICES **NIL**

Nature of Council's Role in the Matter

Executive

Purpose of Report

Council to determine what KPI's should be in place for the CEO's performance planning.

Background

Council recruited a new CEO earlier this year with the new officer commencing in September 2018. For the Council to be able to measure the performance of the officer it will need to develop a set of Key Performance Indicators that are appropriate and achievable over each year of the contract.

Comments and details

There are many forms that these indicators can take however in relation to the current situation that Council finds itself in, some of these indicators will be task oriented and others will be more strategic. In the initial period of the contract it is expected that much of the work will be task driven and suggestions for indicators from the CEO's perspective would include;

- Renegotiate Loan Structure
- Create a long term Plant Replacement Strategy
- Create a Long Term Public Building Maintenance Strategy
- Create a Long Term Residential Building Strategy
- Create a Long Term Roads Strategy
- Commence movement to the new Budget Structures
- Review Filing Structure
- Review and Archive current Filing System
- Undertake Administrative and Works Crew Restructures
- Implement more rigorous Financial Management Processes
- Review all policies
- Update all Council Registers
- Create Position Descriptions for all staff and move to regular Performance Planning
- Implement Drug and Alcohol Testing
- Review Reporting Lines
- Discuss with staff a move to a works crew EBA looking to reward workers better and provide greater flexibility for the employer

This is not an exhaustive list but there is a considerable body of work required to achieve these alone. These are only suggestions from the CEO's perspective as to the issues that need to be dealt with. The Council may have other indicators that it wishes to see within the performance management cycle.

Implications to Consider

Strategic

Nil

Legal and Statutory

Local Government Act (1995)



Risk related
Performance management.

Voting Requirements

Simple Majority

8.1.5 RESOLUTION

Moved Cr Barratt, seconded Cr Sheen that Council:

That the following KPI's are to be in place to measure the CEO's performance annually or over the life of his contract.

- Renegotiate Loan Structure
- Create a long term Plant Replacement Strategy
- Create a Long Term Public Building Maintenance Strategy
- Create a Long Term Residential Building Strategy
- Create a Long Term Roads Strategy
- Commence movement to the new Budget Structures
- Review Filing Structure
- Review and Archive current Filing System
- Undertake Administrative and Works Crew Restructures
- Implement more rigorous Financial Management Processes
- Review all policies
- Update all Council Registers
- Create Position Descriptions for all staff and move to regular Performance Planning
- Implement Drug and Alcohol Testing
- Review Reporting Lines
- Discuss with staff a move to a works crew EBA looking to reward workers better and provide greater flexibility for the employer

CARRIED



8.1.6. AUTHORITY TO AFFIX SEAL – GRANT BURIAL BERYL SMITH

FILE REF	35
APPLICANT OR PROPONENT (S)	Beryl Smith
PREPARED BY	Peter Bentley, Chief Executive Officer
APPROVED BY	Peter Bentley, Chief Executive Officer
PREVIOUSLY BEFORE COUNCIL	N/A
DISCLOSURE OF INTEREST	NIL

Nature of Council's Role in the Matter

Legislative

Purpose of Report

To authorise the affixing of the Common Seal to the Schedule "B" Goomalling Public Cemetery Form for Grant of Right of Burial, Grant No. 119 for Beryl Smith's tenure of Grave No. 771 in the Anglican 2000 section.

Background

In simple terms, a Grant of Right of Burial, or Grant, is the tenure agreement over a stated burial plot which confers upon the holder of the Grant, known as the Grantee, the right to conduct burials, inter ashes and erect a monument within the burial plot.

Under the 1986 Act, the maximum guaranteed tenure on any given plot is 50 years although this is able to be extended for further 25 year periods at the discretion of the managing cemetery authority.

Extensions can only be in 25 year increments.

Comments and details

Beryl Smith wishes to secure tenure of Grave No. 771 in the Anglican 2000 section.

Implications to Consider

Legal and Statutory

Cemeteries Act 1986

https://www.slp.wa.gov.au/legislation/statutes.nsf/main_mrtile_124_homepage.html

Voting Requirements

Simple Majority

8.1.6 RESOLUTION

Moved Cr Chester, seconded Cr Barratt that Council:

Hereby authorise the affixing of the Common Seal to the Schedule "B" Goomalling Public Cemetery Form of Grant of Right Burial, Grant No. 119 for Beryl Smith.

CARRIED



8.1.7. AUTHORITY TO AFFIX SEAL – GRANT BURIAL ROBERT DEW

FILE REF	35
APPLICANT OR PROPONENT (S)	Robert Dew
PREPARED BY	Peter Bentley, Chief Executive Officer
APPROVED BY	Peter Bentley, Chief Executive Officer
PREVIOUSLY BEFORE COUNCIL	N/A
DISCLOSURE OF INTEREST	NIL

Nature of Council's Role in the Matter

Legislative

Purpose of Report

To authorise the affixing of the Common Seal to the Schedule "B" Goomalling Public Cemetery Form for Grant of Right of Burial, Grant No. 118 for Robert Dew's tenure of Grave No. 86 in the Uniting section.

Background

In simple terms, a Grant of Right of Burial, or Grant, is the tenure agreement over a stated burial plot which confers upon the holder of the Grant, known as the Grantee, the right to conduct burials, inter ashes and erect a monument within the burial plot.

Under the 1986 Act, the maximum guaranteed tenure on any given plot is 50 years although this is able to be extended for further 25 year periods at the discretion of the managing cemetery authority.

Extensions can only be in 25 year increments.

Comments and details

Robert Dew wishes to secure tenure of Grave No. 86 in the Uniting section.

Implications to Consider

Legal and Statutory

Cemeteries Act 1986

https://www.slp.wa.gov.au/legislation/statutes.nsf/main_mrtile_124_homepage.html

Voting Requirements

Simple Majority

8.1.7 RESOLUTION

Moved Cr Chester, seconded Cr Barratt that Council:

Hereby authorise the affixing of the Common Seal to the Schedule "B" Goomalling Public Cemetery Form of Grant of Right Burial, Grant No. 118 for Robert Dew.

CARRIED



8.1.8 AFFIXING COMMON SEAL TO STAFF RECOGNITION CERTIFICATE

FILE REF	160
APPLICANT OR PROPONENT (S)	Shire of Goomalling
PREPARED BY	Peter Bentley, Chief Executive Officer
APPROVED BY	Peter Bentley, Chief Executive Officer
PREVIOUSLY BEFORE COUNCIL	Nil
DISCLOSURE OF INTEREST	Nil

Nature of Council's Role in the Matter

Executive
Legislative

Purpose of Report

To endorse the affixing of the Common Seal of the Goomalling Shire Council to the Staff Recognition Certificates for Jeffrey Sinclair.

Background

Last year (2017) we inaugurated the presentation of Milestone Certificates to employees as recognition of loyal service to Local Government and the Shire of Goomalling. These certificates are awarded in 5 year increments and are to be presented to the employee at our annual Christmas Party.

Comments and details

A certificate has been printed for Jeffrey Sinclair as he has reached 5 years' service to the Shire of Goomalling.

Implications to Consider

Policy Related
4.19 Common Seal

Legal and Statutory
Local Government Act 1995

Voting Requirements

Absolute Majority YES

8.1.8 RESOLUTION

Moved Cr Chester, seconded Cr Barratt that Council endorse the affixing of the Common Seal to the Recognition Certificate for Jeffrey Sinclair.

CARRIED BY ABSOLUTE MAJORITY 6/0



8.2. FINANCE MANAGER'S REPORT

8.2.1. Financial Statements for period ending 31 October 2018

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

APPENDICES	1. List of accounts paid 1 to 31 October 2018
	2. Financial Report for period ending 31 October 2018
	3. Corporate Credit Card Statement September 2018

Nature of Council's Role in the Matter

Executive
Legislative
Review

Purpose of Report

To endorse payment schedule for October 2018 and receive Financial Statements for period ending 31 October 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 October 2018, financial statements and list of accounts paid for the period 1 to 31 October 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



8.2.1 RESOLUTION

Moved Cr Sheen, seconded Cr Barratt that Council:

1. endorse the list of payments

- a. EFT 1429 to 1446**
- b. Payroll EFT 5816**
- c. Auto Payments 8240 to 8247 and DD11396 & DD11432**
- d. Cheques 14364 to 14474**

Totalling \$341,445.57 for the period 1 to 31 October 2018;

CARRIED

Moved Cr Van Gelderen, seconded Cr Chester that Council

2. receive the financial statements for the period ending 30 September 2018;

CARRIED

Moved Cr Van Gelderen, seconded Cr Sheen that Council

3. receive the corporate credit card statements for September 2018.

CARRIED



Community Development Officer, Ms Tahnee Bird entered the meeting at 5.39 pm

8.2 COMMUNITY DEVELOPMENT OFFICER'S REPORT

8.2.1 RECREATION MASTER PLAN

FILE REF	158-4
APPLICANT OR PROPONENT (S)	Shire of Goomalling
PREPARED BY	Tahnee Bird, Community Development Officer
APPROVED BY	Peter Bentley, Chief Executive Officer
DISCLOSURE OF INTEREST	IMPARTIAL – BARRY HAYWOOD

APPENDICES	RECREATION MASTER PLAN
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Nature of Council's role in this matter

Executive

Purpose of the report

To endorse the Goomalling Recreation Hub Master Plan developed by AECOM.

History

Council contracted AECOM to develop a Recreation Master Plan to guide the future development of the recreation hub. Council was presented with the preliminary draft at the May 2018 forum, initial amendments have been submitted, completed at the first draft has been presented to the community via the Endeavour, website and social media.

Project rationale: Goomalling is over 100 years old, the community assets are ageing and it is no longer viable to individual buildings for each community group. Recreation Master Planning allows Council to be investment ready as grant funding become available.

Document objective: to guide Council's future development of the recreation and town hall precinct, to create a cohesive community have that facilitate the needs of ALL demographics and most of the community groups I the community. This is a long-term plan and subject to change, development will be dependent of funding availability and priorities of Council.

Plan development: The plan was developed based on feedback from community via surveys, community consultation and the need to prioritise assets to reduce Council expenditure long term.

Council received 4 submissions prior to community consultation

Community Consultation was held Tuesday 11 September, 32 people including AECOM consultants and council staff attended the session.

Policy Implications

The report does not contain notable policy implications

Legal & Statutory Implications

Local Government Act 1995

Risk Implications

No notable risk implications



Strategic Implications

Strategic Goals

- Create an environment that strengthens “a sense of community”
Action: S1.6 Partner with community to support the creation of community driven activity centres
- Create an environment that provide for a caring and healthy community
Action: S2.7 Provide an environment that enhances the growth, development and retention of youth
- Provide active and passive recreation facilities and services
Action: S3.1 Develop a broad recreation master plan for the Shire
S3.2 Develop, maintain and support appropriate recreation facilities through the Shire

Sustainability

Environment

No notable implications.

Economic

No notable economic implications.

Social

No notable social implications.

Financial Implications

No notable financial implications.

Voting Requirements

Absolute Majority

8.3.1 RESOLUTION

Moved Cr Chester, seconded Cr Barratt that Council:

Endorse the Goomalling Recreation Hub Master Plan as presented by AECOM.

CARRIED BY ABSOLUTE MAJORITY 6/0

Community Development officer, Ms Tahnee Bird left the meeting at 5.49 pm



9. LATE ITEMS

Moved Cr Bowen, seconded Cr Barratt that Council bring forward the late items to be discussed.

CARRIED

8.1.9 DEMOLITION ORDER – 9 LOCKYER STREET GOOMALLING

FILE REF	23-5
APPLICANT OR PROPONENT (S)	Peter Bentley – Chief Executive Officer
PREPARED BY	Peter Bentley – Chief Executive Officer
APPROVED BY	Peter Bentley, Chief Executive Officer
PREVIOUSLY BEFORE COUNCIL	No
DISCLOSURE OF INTEREST	Nil

APPENDICES NIL

Nature of Council's Role in the Matter

Executive

Purpose of Report

Council to determine what course of action to take with this order.

Background

Council has advised the Australian Financial Security Authority that it will move to demolish the house at 9 Lockyer Street pursuant to Section 140 of the Health Act (1911) Miscellaneous Provisions as there has been no action with regard to making the house habitable.

Comments and details

The owner of the property is under administration through a bankruptcy trustee and there is a significant sum in rates outstanding. Westpac Banking Corporation is the mortgage holder and it is also owed a considerable amount of money on the property. It is estimated that a full cleanup of the lot will cost in the vicinity of \$40,000 given that there is asbestos at the property and will require a contractor to undertake the work.

There is little if any chance of receiving payment for the outstanding rates and the Council has the opportunity to acquire the property and attempt to sell the property. As there is a demolition order on the property it is unlikely to sell and the cost of the demolition to the Council will be in the vicinity of \$40,000.

Westpac has advised through its solicitors, Minter Ellison, that it is prepared to release the mortgage on the basis that the Council releases the bank from any obligations with regard to the property. This includes rates, charges and the demolition order. This would then leave the property unencumbered from a mortgage perspective and the Council would then have the opportunity to negotiate with the trustee for the acquisition of the property. This would then transfer the liability for the demolition to the Council and would require the rates outstanding to be effectively written off in the acquisition process, the rates waiver would become the purchase price of the property.

The owner of the property is Maureen Hartzler and she has not resided at the property for quite some time. Ms Hartzler has \$19,290.62 in rates and charges outstanding going back well over 4 years with a further 7 years in pensioner deferred rates outstanding. Council has the right to take possession of the property and sell it to recover rates under the provisions of the Local Government Act however it would be preferable for the owner to agree to relinquish the property to the Council, perhaps for the price of the outstanding rates.

It is unlikely that the Council would be able to recover demolition costs from Ms Hartzler should it enforce the order. It is my opinion that the acquisition of the property will be the cleanest and most cost effective way of dealing with this property.



Implications to Consider

Strategic

Nil

Legal and Statutory

Local Government Act (1995)

Health Act (1911) Miscellaneous Provisions

Risk related

Nil.

Voting Requirements

Absolute Majority

8.1.9 RESOLUTION

Moved Cr Van Gelderen, seconded Cr Barratt

That Council:

- 1. Delegate authority to the CEO to advise Westpac Banking Corporation that it agrees to indemnify it from further fees, charges, rates and orders relating to the property at 9 Lockyer Street on the proviso that it releases the mortgage over the property and relinquishes any claims over the property whatsoever;**
- 2. Delegate authority to the CEO to negotiate with the property owner and the bankruptcy trustee for the acquisition of the property by the council for the price of the outstanding rates in lieu of forced acquisition;**
- 3. If the property owner and/or trustee agree to the acquisition, that the owner and trustee be indemnified from further claim with regard to the rates, fees, charges and orders related to the property.**

CARRIED BY ABSOLUTE MAJORITY 6/0



8.1.10 REQUEST FOR REPLACEMENT OF FRIDGE AT TENNIS COMPLEX

FILE REF	174-1 / 165
APPLICANT OR PROPONENT (S)	Lesley West – Secretary Goomalling Tennis Club
PREPARED BY	Peter Bentley – Chief Executive Officer
APPROVED BY	Peter Bentley, Chief Executive Officer
PREVIOUSLY BEFORE COUNCIL	No
DISCLOSURE OF INTEREST	Nil
APPENDICES	LETTER

Nature of Council's Role in the Matter
Executive

Purpose of Report
Council to consider replacing the Tennis Club fridge.

Background
The CEO has received a request from Lesley West of the Goomalling Tennis Club Inc requesting that the fridge at the club facility be replaced as the current fridge is not working properly and it has been investigated by a qualified contractor on several occasions.

The Club has suggested that it would be happy to contribute and that other users may also contribute.

Comments and details
Any expenditure will be unbudgeted, however it may well be minimal given that the club has offered to contribute to the cost.

Implications to Consider

Strategic
Nil

Legal and Statutory
Local Government Act (1995)

Risk related
Nil

Voting Requirements Absolute Majority

8.1.11 RESOLUTION

Moved Cr Barratt, seconded Cr Chester that Council:

Agree to replace the Tennis Club fridge on the basis that the club also make a reasonable contribution to the cost.

CARRIED BY ABSOLUTE MAJORITY 6/0



8.1.12 PARTNERSHIP – MARK ASHTON – REHABILITATION TALK

FILE REF	80
APPLICANT OR PROPONENT (S)	Mark Ashton – WA Country Chemist
PREPARED BY	Peter Bentley – Chief Executive Officer
APPROVED BY	Peter Bentley, Chief Executive Officer
PREVIOUSLY BEFORE COUNCIL	No
DISCLOSURE OF INTEREST	Nil
APPENDICES	EMAIL – MARK ASHTON

Nature of Council's Role in the Matter

Executive
Legislative

Purpose of Report

Council to consider being a partner organisation with the pharmacy for the purposes of promoting drug rehabilitation through a talk by Peter Lyndon James of Shalom House.

Background

Mark Ashton has contacted Council with view to co-hosting a talk by Peter Lyndon James with regard to drug rehabilitation. Mr Lyndon Lames operates Shalom House which is a religious based rehabilitation centre and has had some considerable success over the years.

While Mark is arranging the talk as another alternative to drug replacement therapy he is neither promoting or dispelling the Shalom House approach, just looking to provide insight into alternative therapies.

Comments and details

Given that Mr Lyndon James could be seen as a polarising figure within the rehabilitation space and that he has some political aspirations, Mark has sought to partner with another organisation so it is not seen as a political support exercise on his behalf to facilitate the event. The Council, being an apolitical organisation would be well placed to assist in this area.

Implications to Consider

Consultative

Council's previous discussions

Strategic

Nil

Policy Related

Not affected by any Council Policy.

Financial

Nil.

Legal and Statutory

Local Government Act 1995

Risk

Nil

Voting Requirements

Absolute Majority

8.1.12 RESOLUTION

Moved Cr Chester, seconded Cr Barratt that Council:

Agree to partner with Mark Ashton to bring Mr Peter Lyndon James to Goomalling to talk on drug rehabilitation.

CARRIED BY ABSOLUTE MAJORITY 6/0



9.1.1 REQUESTING COUNCIL TO WAIVE TWO (2) CAT INFRINGEMENTS

FILE REF	50
APPLICANT OR PROPONENT (S)	VICKY WILLIAMS
PREPARED BY	Natalie Bird, Finance Manager
APPROVED BY	Peter Bentley, Chief Executive Officer
PREVIOUSLY BEFORE COUNCIL	No
DISCLOSURE OF INTEREST	Nil

APPENDICES Copy of letter from Ms Williams
Information from ranger regarding this matter

Nature of Council's Role in the Matter
Executive

Purpose of Report

A request has been received from Ms Vicky Williams asking Council to waive two (2) Cat Infringements she received for two Unregistered Cats.

Background

Council's ranger became aware that Ms Williams was breeding kittens, so the ranger visited the residence and discovered that Ms Williams had two unsterilized and unregistered cats and they had not been microchipped. This was on the 1 August 2018 agreement between Ms Williams and Council's ranger that you would have two cats sterilised and microchipped over the next month and Ms Williams advised that the kittens had already been rehomed.

Council's ranger on the 11 September 2018 received a text message from Ms Williams advising that the cats vet work was now done and would go into the office and register the cats on that day. On the 14 September 2018, Ms Williams informed the Council's ranger that she could not afford to register the cats until the 25 September 2018.

Council's ranger on the 3 October 2018 sent a text message to Ms Williams requesting her to register your cats by Friday 5 October 2018 or infringements would be issued.

A Letter was sent to Ms Williams on the 18 October 2018 sating that the cats stilled remained unregistered and no further contact had been made with the ranger, so two infringements were sent to Ms Williams for \$200 dollars each offence and was advised that the shire would issue further infringements every 7days until the cats are registered.

Comments and details

On the 24 October 2018, Ms Williams attended the office paid for the two cats to be registered. Then to spoke to the Finance Manager Ms Natalie Bird regarding not paying for the infringements she had received and I then advised her that she need to put the request into Council in writing stating the facts why she did not want to pay for the two infringements.

Implications to Consider

Strategic
Nil

Legal and Statutory
Cat Act 2011
Local Government Act 1995

Risk related
Nil

GOOMALLING
MINUTES FOR ORDINARY MEETING OF COUNCIL
WEDNESDAY, 21 NOVEMBER 2018



Voting Requirements

Absolute Majority

9.1.1 RESOLUTION

Moved Cr Van Gelderen, seconded Cr Chester that Council:

Not agree to the withdrawal of infringements.

CARRIED BY ABSOLUTE MAJORITY 6/0

10. NOTICE OF MOTIONS FOR NEXT MEETING

11. DATE OF NEXT MEETING

The next ordinary meeting of the Goomalling Shire Council will be held in the Council Chamber, Administration Office, 32 Quinlan Street, Goomalling on Wednesday, 19 December 2018, commencing 2.15pm.

12. CLOSURE

The Shire President thanked everyone for their attendance and declared the meeting closed at 6.07 pm.