

Shire of Goomalling



COUNCIL MINUTES CONFIRMED

October 2019





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. 9 of 2019 of the Shire of Goomalling Council to be held in the Council Chambers, Administration Office, 32 Quinlan Street, Goomalling on Wednesday, 16 October 2019 beginning at 2:43 pm.

1. DECLARATION OF OPENING & ANNOUNCEMENT OF VISITORS

The Shire President declared the meeting opened at 2.43 pm

2. RECORD OF ATTENDANCE/APOLOGIES & APPROVED LEAVE OF ABSENCE

2.1. Attendance

Council	President & Chairperson	Cr Barry Haywood
	Deputy President of Council	Cr Roland Van Gelderen
	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
	Works Manager	Mr David Long

2.2. Apologies

2.3. Approved Leave of Absence

3. DECLARATION OF:

- FINANCIAL INTEREST
- MEMBERS IMPARTIALITY INTEREST – Cr Chester Golf Club committee
- PROXIMITY INTEREST

4. PUBLIC QUESTION TIME

5. APPLICATION FROM MEMBERS FOR LEAVE OF ABSENCE



6. CONFIRMATION AND RECEIVING OF MINUTES & BUSINESS ARISING

6.1 Ordinary Meeting of Council held Wednesday 18 September 2019

112. RESOLUTION

Moved Cr Van Gelderen, seconded Cr Ryan

**that the minutes of the Ordinary Meeting of Council held on
Wednesday 18 September 2019 be confirmed as a true and correct
record of proceedings.**

**CARRIED 7/0
By Simple Majority**

7. ANNOUNCEMENTS BY THE PRESIDING PERSON WITHOUT DISCUSSION

- Shire President, CEO and Works Manager had a meeting with Main Roads

8. PETITIONS/DEPUTATIONS/PRESENTATIONS/SUBMISSIONS



9. OFFICERS' REPORTS

9.1 SCHEDULE OF ACCOUNTS PAID 1 SEPTEMBER TO 30 SEPTEMBER 2019

DATE:	7 October 2019
SUBJECT:	Schedule of Accounts Paid
PROPONENT:	N/A
LOCATION:	Whole of the Shire
AUTHOR:	Christine Schorer – Accounts Payable
REPORTING OFFICER:	Natalie Bird – Finance Manager
FILE NO:	N/A
ASSESSMENT NO:	N/A

FUND VOUCHERS AMOUNT

EFT 1523- 1587	\$174,505.81
Cheques 14999-15018	\$41,873.30
Direct Debits 8343-8347	\$126,579.84
Payroll 6141,6152	\$89,886.00
Super 11970, 11947	\$15,206.83

ATTACHMENTS

Schedule of Accounts Paid September 2019
 Corporate Credit Card Statements August 2019

VOTING REQUIREMENT

Simple Majority

RECOMMENDATION

That vouchers from the Municipal Fund and Trust Fund as detailed, be approved by Council:

EFT 1523- 1587	\$174,505.81
Cheques 14999-15018	\$41,873.30
Direct Debits 8343-8347	\$126,579.84
Payroll 6141,6152	\$89,886.00
Super 11970, 11947	\$15,206.83
TOTAL	\$448,051.78

113. RESOLUTION (Officer Recommendation)

Moved Cr Ryan, seconded Cr Chester

That vouchers from the Municipal Fund and Trust Fund as detailed, be approved by Council:

EFT 1523- 1587	\$174,505.81
Cheques 14999-15018	\$41,873.30
Direct Debits 8343-8347	\$126,579.84
Payroll 6141,6152	\$89,886.00

SHIRE OF GOOMALLING
MINUTES OF ORDINARY MEETING OF COUNCIL
WEDNESDAY, 16 OCTOBER 2019



Super 11970, 11947

\$15,206.83

TOTAL

\$448,051.78

CARRIED 7/0
By Simple Majority



9.2 FINANCIAL REPORT FOR AUGUST 2019

DATE:	8 October 2019
SUBJECT:	Monthly Financial Report
PROONENT:	N/A
LOCATION:	Whole of the Shire
AUTHOR:	Natalie Bird – Finance Manager
REPORTING OFFICER:	Natalie Bird – Finance Manager
FILE NO:	N/A
ASSESSMENT NO:	N/A

PURPOSE

In accordance with the Local Government (Financial Management) Regulations 1996, to follow is the presentation of the Monthly Financial Reports to Council.

BACKGROUND

Monthly Financial Reports are to be presented to Council and are to be received by Council resolution.

STATUTORY IMPLICATIONS

Local Government Act 1995 – Section 6.4

Local Government (Financial Management) Regulations 1996 – Clause 34 and 35

POLICY IMPLICATIONS

No specific policy regarding this matter.

FINANCIAL IMPLICATIONS

Ongoing management of Council funds

STRATEGIC IMPLICATIONS

C2.7 Provide reporting processes in transparent, accountable and timely manner.

ATTACHMENTS

Monthly Financial Report to 31 August 2019

VOTING REQUIREMENT

Simple Majority

RECOMMENDATION

That the following Monthly Financial Report be received by Council:

- Monthly Financial Report to 31 August 2019

114. RESOLUTION (Officer Recommendation)

Moved Cr Van Gelderen, seconded Cr Barratt

That the following Monthly Financial Report be received by Council:

- **Monthly Financial Report to 31 August 2019**

**CARRIED 7/0
By Simple Majority**



9.3 OFFER TO PURCHASE – 40 FORREST STREET

DATE:	7 October 2018
PROPONENT:	Mr Nathan Beck
LOCATION:	40 Forrest Street Goomalling
SUBJECT:	Offer to purchase
AUTHOR:	Peter Bentley – Chief Executive Officer
REPORTING OFFICER:	Peter Bentley – Chief Executive Officer
FILE NO:	78-1
ASSESSMENT NO:	A673

PURPOSE

To consider an offer to purchase 40 Forrest Street by the current tenant.

BACKGROUND

Council has had a number of properties listed for sale with a local agent for some time without success. Recently the CEO has had the properties valued by a licensed valuer to determine their proper market value given that the values attached by the previous CEO were likely unrealistic. The three properties valued were 34 Eaton Street, 73A James Street and 40 Forrest Street and it is the first two that were listed.

The valuations for the properties were \$95,000 for 34 Eaton, \$60,000 for 73A James and \$105,000 for 40 Forrest Street. The CEO has withdrawn the properties from the market given that in their current states they are unlikely to attract buyers and certainly not at the prices listed. A member of Council's staff has been interested in 40 Forrest Street for some time. The valuation for the Eaton Street property is "AS IS" given the current state of the roof.

Discussions with regard to 40 Forrest Street have taken place over some time with the tenant having made payroll deductions totalling \$3,012.05 as a deposit for the property. It is my understanding that Nathan has now gained pre-approval for finance over the property and is now in a position to make an offer for the property.

STATUTORY IMPLICATIONS

Local Government Act (1995)

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.**

[Section 3.58 amended: No. 49 of 2004 s. 27; No. 17 of 2009 s. 10.]



POLICY IMPLICATIONS

There is no specific Council policy regarding this matter.

FINANCIAL IMPLICATIONS

The potential sale is unbudgeted and would result in a windfall cash injection of \$105,000 less any costs should Council agree to the offer.

STRATEGIC IMPLICATIONS

The Community Strategic Plan does not deal with this matter.

COMMENT

The proponent has made an offer of \$105,000 to purchase the property which is at the sworn valuation of the property.

Subject to the Council agreeing to the potential sale of the property at this price the process will involve the advertising of the intent to sell the property and the required detail as per Section 3.58 above, a call for public submissions and for Council to consider any public submissions prior accepting the offer finally. The time frame for advertising is for a period not less than two weeks.

ATTACHMENTS

Letter from Mr Nathan Beck.

VOTING REQUIREMENT

Absolute Majority

RECOMMENDATION

That the Council:

Advise Mr Nathan Beck that Council is prepared to accept their offer to purchase 40 Forrest Street Goomalling for \$105,000 subject to;

1. An advertising and public comment period of 14 days in accordance with Section 3.58 of the Local Government Act;
2. There being no significant matters raised during that public comment period that would adversely affect the sale;
3. That the sale is on an "as is" basis.



115. RESOLUTION (Officer Recommendation)

Moved Cr Ryan, seconded Cr Van Gelderen

Advise Mr Nathan Beck that Council is prepared to accept their offer to purchase 40 Forrest Street Goomalling for \$105,000 subject to;

- 1. An advertising and public comment period of 14 days in accordance with Section 3.58 of the Local Government Act;**
- 2. There being no significant matters raised during that public comment period that would adversely affect the sale;**
- 3. That the sale is on an “as is” basis.**

CARRIED 7/0
By Absolute Majority



9.4 WHEATBELT SECONDARY FREIGHT ROUTE FRAMEWORK

DATE:	7 October 2018
PROPONENT:	Mr Ricky Storer
LOCATION:	Whole of Shire
SUBJECT:	Wheatbelt Secondary Freight Route Framework
AUTHOR:	Peter Bentley – Chief Executive Officer
REPORTING OFFICER:	Peter Bentley – Chief Executive Officer
FILE NO:	
ASSESSMENT NO:	

PURPOSE

It is requested by the Wheatbelt Secondary Freight Network Steering Committee that the associated 42 Local Governments formalise their commitment to WSNF Program, to be eligible for future funding and project consideration, via a formal resolution of Council.

BACKGROUND

42 Local Governments of the Wheatbelt region have worked collaboratively for over 4 years to secure funding to improve secondary freight network routes on Local Government Roads in the Wheatbelt. The Wheatbelt Secondary Freight Network (WSFN) Program has successfully been allocated \$70 million of Federal funding (ROSI) and this has been matched with State funding of \$17.5 million (reflecting the 80/20 funding agreement). The State funding will be sourced two thirds from the State and one third from the Local Governments whose assets are being upgraded. The available \$87.5M will not be sufficient to upgrade all the identified 80 routes and good governance of this program, and ongoing collaboration between all parties, will be critical in securing additional funding.

Attached is Program Governance Plan (PGP) which identifies how key governance and administrative aspects will be undertaken to ensure successful delivery of the program. It will assist to outline the structure and processes for decision making and consultation within the Wheatbelt Region Regional Road Groups (WR RRG) and Local Governments. The PGP will provide a framework and guidelines for all members of the WSNF Program to operate within. The PGP will be used to communicate to all stakeholders how the program will be governed. This PGP should be read in conjunction with the attached Program Delivery Plan and the Multi-Criteria Analysis (MCA) Methodology documents that provide operational details about how on-ground capital works will be delivered for Stage 1 and beyond.

Now that the initial funding for the delivery of on-ground capital works for Stage 1 has been confirmed, it is proposed that all 42 Local Governments formalise their commitment to WSNF Program, to be eligible for future funding and project consideration. It is requested by the WSNF Steering committee that this formal commitment from all 42 Councils be via a formal resolution of Council, which will entail the presentation and acknowledgement of the following WSNF program documents:

- Project Governance Plan
- Program Delivery Plan
- Multi Criteria Analysis Methodology.



The 42 Council resolutions will be collated as addendums to a formal agreement that the Regional Road Group will sign with the Federal and State Governments on behalf of all 42 LGs associated with the WSFN program formalising the ongoing commitment to the program.

In order to demonstrate best outcomes and value for money it is necessary to develop a transparent process to identify which routes have the highest priority for the limited available funding. A prioritisation of the Wheatbelt Secondary Freight Network routes via a multi-criteria analysis (MCA) will be developed to score each route based on the available data submitted by Local Governments and the Revitalising Agricultural Region Freight (RARF) strategy being coordinated by the WA State Government. The criteria upon which each route will be assessed in the MCA includes:

Data Set	Description
ROSMA KSI Rate	ROSMA data will be supplied by Main Roads WA. It captures the rate of 'Killed or Serious Injury' (KSI) incidents on a route.
Seal Width	The seal width of the road described as a percentage of the route length, allowing an average seal width will be applied across the route. Seal width will be compared to a minimum seal width of 7m as per a Type 5 road.
Road Condition	Shires have assessed road condition on a one to five scale, which has been applied as a direct metric. Five indicating very poor condition.
ADT Counts	Average Daily Traffic counts provide data on the average number of total vehicles traveling on a road per day over the measurement period, capturing both heavy and light vehicle use.
ESA Counts	An Equivalent Standard Axle is defined as a dual tyred single axle transmitting 8.2 tonne to the pavement. ESA counts are therefore reflective of the total number and load of heavy vehicles that impact a road.

On-ground works for the WSFN program are expected to commence in financial year 2020/21 and be staged over a 3 to 5 year period depending upon Federal Government stipulations.

For the year 2019/20 the WSFN have identified 2 x pilot projects to begin on-ground works and refine project delivery methodologies and processes. These will be \$1 million dollars each and have been identified for the following Shires:

- Wheatbelt North
 - Shire of Victoria Plains
 - Lancelin to Meckering Route
 - Mogumber - Yarawindah Road
 - Project value \$1M



- Wheatbelt South
 - Shire of Quairading
 - Cunderdin to Kweda Route
 - Cunderdin - Quairading Road
 - Project Value \$1M

STATUTORY IMPLICATIONS

Local Government Act (1995)

POLICY IMPLICATIONS

There is no specific Council policy regarding this matter.

FINANCIAL IMPLICATIONS

Local Governments with projects approved over the course of the WSFN program will be required to contribute approximately 7% of each individual project's total cost. The remaining funding will be provided by Federal Government 80% and State Government 13%.

STRATEGIC IMPLICATIONS

The Community Strategic Plan does not deal with this matter.

COMMENT

Officers from LGs with prioritised projects will be essential to ensure successful delivery of individual projects. This will provide a great opportunity for knowledge sharing and collaboration across the region. It will allow members of the PTT to undertake both informal and formal training of LGA staff to upskill and improve their technical capacity. Where possible neighbouring LGs will be encouraged to share technical, workforce and plant resources to assist in the efficient on-ground delivery of individual projects.

- Individual Shires will provide the following to the Steering Committee for approval before any funding will be released
 - Scope
 - Budget
 - Methodology
 - Delivery
- WSFN 5 Year Plan incorporated in their LTFP.
- Individual Shires incorporate into Council Budgets Annually.
- Funding will be distributed to LGs via MRWA in accordance with Governance Plan.

ATTACHMENTS

Copy of the Framework

VOTING REQUIREMENT

Simple Majority



RECOMMENDATION

That Council:

1. Formalise their commitment to the program the Wheatbelt Secondary Freight Network Program enabling them to be eligible for future funding and project consideration.
2. Receive the following WSFN Program documents which outline how the WSFN Steering Committee propose to administer the WSFN Program:
 - Program Governance Plan
 - Program Delivery Plan
 - Multi Criteria Analysis Methodology.
3. Endorse the processes and procedures outlined in the Program Governance Plan which enables the Wheatbelt North and Wheatbelt South Regional Road Groups and the WSFN Steering Committee to make decisions in accordance with in the Program Governance Plan.

116. RESOLUTION (Officer Recommendation)

Moved Cr Van Gelderen, seconded Cr Sheen

That Council:

1. **Formalise their commitment to the program the Wheatbelt Secondary Freight Network Program enabling them to be eligible for future funding and project consideration.**
2. **Receive the following WSFN Program documents which outline how the WSFN Steering Committee propose to administer the WSFN Program:**
 - **Program Governance Plan**
 - **Program Delivery Plan**
 - **Multi Criteria Analysis Methodology.**
3. **Endorse the processes and procedures outlined in the Program Governance Plan which enables the Wheatbelt North and Wheatbelt South Regional Road Groups and the WSFN Steering Committee to make decisions in accordance with in the Program Governance Plan.**

**CARRIED 7/0
By Simple Majority**



9.5 CONSULTATION CODE OF CONDUCT & CEO PROVISIONS

DATE:	7 October 2018
PROPONENT:	Tim Lane - WALGA
LOCATION:	Whole of Shire
SUBJECT:	Code of Conduct & CEO Provisions
AUTHOR:	Peter Bentley – Chief Executive Officer
REPORTING OFFICER:	Peter Bentley – Chief Executive Officer
FILE NO:	
ASSESSMENT NO:	

PURPOSE

To consider DLGSC consultation on proposed Code of Conduct and CEO Standards – Draft WALGA Submissions and Consultation Deadline Extension

BACKGROUND

WALGA has notified members that the Department of Local Government, Sport and Cultural Industries has extended the consultation timeframe on these two consultation papers until Friday, 6 December 2019.

WALGA has prepared draft submissions in relation to the guidelines, which are attached. The Draft Submission on Code of Conduct raises a number of questions and issues where feedback from the Local Government is sought. These issues and questions are identified in the body of the draft submission.

WALGA is seeking feedback on its draft submissions by Friday, 25 October, which can be provided to Manager Governance, James McGovern at jmcgovern@walga.asn.au or (08) 9213 2093. Following sector feedback, the draft submissions will be included in the December State Council Agenda for consideration at November Zone meetings, before being considered at the 4 December meeting of State Council.

Local Governments are also encouraged to make submissions on the guidelines to the DLGSC at actreview@dlgsc.wa.gov.au by the amended consultation deadline of Friday, 6 December.

STATUTORY IMPLICATIONS

Local Government Act (1995)

POLICY IMPLICATIONS

There is no specific Council policy regarding this matter.

FINANCIAL IMPLICATIONS

Nil at this time

STRATEGIC IMPLICATIONS

The Community Strategic Plan does not deal with this matter.



COMMENT

The attached documents have a survey attached to them and it may be more effective for Councillors to fill in the surveys and return to the CEO for collation and return to WALGA or Councillors may wish to relay their thoughts directly to the CEO.

ATTACHMENTS

Copy of the documents for consultation

VOTING REQUIREMENT

Simple Majority

RECOMMENDATION

That Council:

Review the attached documents and provide feedback to the CEO regarding their views on the documents for relaying to WALGA.

117. RESOLUTION (Officer Recommendation)

Moved Cr Ryan, seconded Cr Barratt

That Council:

Review the attached documents and provide feedback to the CEO regarding their views on the documents for relaying to WALGA.

**CARRIED 7/0
By Simple Majority**



9.6 REQUEST FOR FINANCIAL ASSISTANCE

DATE:	7 October 2018
PROPONENT:	Goomalling Golf Club
LOCATION:	Goomalling Golf Club
SUBJECT:	Request for Financial Assistance
AUTHOR:	Peter Bentley – Chief Executive Officer
REPORTING OFFICER:	Peter Bentley – Chief Executive Officer
FILE NO:	165/48
ASSESSMENT NO:	

PURPOSE

To consider request from the Goomalling Golf Club for financial assistance of \$750 for the plumbing of a new dishwasher.

BACKGROUND

The Goomalling Golf Club installed a new dishwasher at the premises some two years ago and there was a requirement for plumbing alterations to complete the project. Council's plumber, Tom Raftis, installed the plumbing in his own time and was to charge accordingly.

Recently, Tom was asked to evaluate an odour problem at the Golf Club and it would appear that this triggered his memory that he had not charged for the work. He has subsequently charged for the work in recent months which has caught the committee by surprise.

STATUTORY IMPLICATIONS

Local Government Act (1995)

POLICY IMPLICATIONS

There is no specific Council policy regarding this matter.

FINANCIAL IMPLICATIONS

If Council agrees to the support there is a budget of \$4,000 available under Members of Council, Donations.

STRATEGIC IMPLICATIONS

The Community Strategic Plan does not deal with this matter.

COMMENT

The Golf Club building is owned by the Council and the Golf Club outlayed some \$4,000 for the new dishwasher. It would not be an unreasonable request of the Council to assist with the installation given its ownership of the facility.

ATTACHMENTS

Letter – Goomalling Golf Club.
Copy of account.



VOTING REQUIREMENT

Simple Majority

RECOMMENDATION

That Council:

Agree to make a donation to the Goomalling Golf Club to the value of \$750.00 to cover the retrospective cost of installation of the dishwasher

118. RESOLUTION (Officer Recommendation)

Moved Cr Ryan, seconded Cr Van Gelderen

That Council:

Agree to make a donation to the Goomalling Golf Club to the value of \$750.00 to cover the retrospective cost of installation of the dishwasher.

**CARRIED 7/0
By Simple Majority**

Cr Chester declared an impartiality interest in the above item.



10. ELECTED MEMBERS MOTION OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN
Nil

11. NEW BUSINESS OF AN URGENT NATURE AGREED TO BY RESOLUTION OF COUNCIL

11.1 APPLICATION FOR DEVELOPMENT APPROVAL (PLANNING CONSENT) – EXTENSIONS
ON SINGLE DWELLING – LOT M1246 (No. 220) SMITH ROAD, KARRANADGIN

DATE:	15 October 2019
SUBJECT:	Proposed Extensions to dwelling
PROPONENT:	B & K Glatz / Stallion Homes
LOCATION:	Lot M1246 (No. 220) Smith Road, Karranadgin
AUTHOR:	Hugo de Vos – Contract Planner
REPORTING OFFICER:	Peter Bentley – Chief Executive Officer
FILE NO:	N/A
ASSESSMENT NO:	A455

PURPOSE

To consider a proposal to construct an extension to an existing dwelling at Lot M1246 (No. 220) Smith Road, Karranadgin.

BACKGROUND

Lot M1246 (No. 220) Smith Road, Karranadgin, is 692.35 hectares in area and is zoned Rural 3 under the Shire of Goomalling Local Planning Scheme No. 3.

The proposal is to erect an extension to the existing dwelling. For more details please see the attached plans and map.

STATUTORY IMPLICATIONS

Planning and Development Act 2005
Planning and Development (Local Planning Schemes) Regulations 2015
Shire of Goomalling Local Planning Scheme No. 3

POLICY IMPLICATIONS

There is no specific policy relating to this matter.

FINANCIAL IMPLICATIONS

Planning fee of \$254.22 to be paid by applicant.

STRATEGIC IMPLICATIONS

Nil

ATTACHMENTS

A copy the plans supplied by the applicant and an aerial map is attached.



OFFICER COMMENT

The application for a planning consent is required because the objectives listed in the Shire of Goomalling Local Planning Scheme No. 3 state:

3.5.6 Rural 3 Zone – General Farming

(e) require that planning approval be obtained for all buildings including a residence and assess such applications to ensure minimal intrusion onto the rural landscape and amenity of the adjoining properties.

In this instance, the proposed extension is not considered to be intrusive as it comfortably meets the prescribed building setbacks for this zone. Rural 3 zone setbacks are outlined in Table 2 of the Scheme and prescribe a 50m setback from the road frontage and 20m from all other boundaries. In this case the development is in excess of 600m at its closest boundary.

The development is not within an area that has been designated bushfire prone in accordance with State Planning Policy 3.7.

With regards to the proposed development, it is recommended that it be approved subject to conditions.

VOTING REQUIREMENT

Simple Majority.

RECOMMENDATION

That the Council:

Grant Planning Consent to Stallion Homes on behalf of B & K Glatz to construct an extension to the main dwelling at Lot M1246 (No. 220) Smith Road in Karranadgin, subject to the following conditions:

1. The development hereby permitted must substantially commence within two years from the date of this decision letter.
2. The development hereby permitted taking place in accordance with the approved plans.



119. RESOLUTION (Officer Recommendation)

Moved Cr Van Gelderen, seconded Cr Bowen

That the Council:

Grant Planning Consent to Stallion Homes on behalf of B & K Glatz to construct an extension to the main dwelling at Lot M1246 (No. 220) Smith Road in Karranadgin, subject to the following conditions:

- 1. The development hereby permitted must substantially commence within two years from the date of this decision letter.**
- 2. The development hereby permitted taking place in accordance with the approved plans.**

**CARRIED 7/0
By Simple Majority**



11.2 OFFER TO PURCHASE – 34 EATON STREET

DATE:	16 October 2018
PROPONENT:	Mr K Bywaters & Ms B Dehaas
LOCATION:	34 Eaton Street Goomalling
SUBJECT:	Offer to purchase
AUTHOR:	Peter Bentley – Chief Executive Officer
REPORTING OFFICER:	Peter Bentley – Chief Executive Officer
FILE NO:	78-1 / 97-8
ASSESSMENT NO:	A113

PURPOSE

To consider an offer to purchase 34 Eaton Street by the current tenants.

BACKGROUND

Council has had a number of properties listed with a local agent for sale for some time without success. Recently the CEO has had the properties valued by a licenced valuer to determine their proper market value given that the values attached by the previous CEO were likely unrealistic. The three properties valued were 34 Eaton Street, 73A James Street and 40 Forrest Street and it is the first two that were listed.

The valuations for the properties were \$95,000 for 34 Eaton, \$60,000 for 73A James and \$105,000 for 40 Forrest Street. The CEO has withdrawn the properties from the market given that in their current states they are unlikely to attract buyers and certainly not at the prices listed. As part of the wider review of our property portfolio it was planned to upgrade several properties for relisting following the work. A member of Councils staff has been interested in 40 Forrest Street for some time. The valuation for the Eaton Street property is “AS IS” given the current state of the roof.

Discussions with regard to 34 Eaton Street and 40 Forrest Street have taken place over some time without any serious offer being forthcoming however since obtaining these valuations and conveying that information to the respective tenants it has fostered further interest from the tenants. An initial offer of \$80,000 was submitted by the proponents and was rejected by an email poll of Councillors by the CEO.

STATUTORY IMPLICATIONS

Local Government Act (1995)

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.**

[Section 3.58 amended: No. 49 of 2004 s. 27; No. 17 of 2009 s. 10.]

POLICY IMPLICATIONS

There is no specific Council policy regarding this matter.



FINANCIAL IMPLICATIONS

The potential sale is unbudgeted and would result in a windfall cash injection of \$90,000 less any costs should Council agree to the offer.

STRATEGIC IMPLICATIONS

The Community Strategic Plan does not deal with this matter.

COMMENT

The proponents have made a further offer of \$86,000 following the CEO's advice to them of the Council's rejection of the previous offer as too low.

Subject to the Council agreeing to the potential sale of the property at this price the process will involve the advertising of the intent to sell the property and the required detail as per Section 3.58 above, a call for public submissions and for Council to consider any public submissions prior accepting the offer finally. The time frame for advertising is for a period not less than two weeks.

Council can also make a counter offer to the proponents as this is a negotiated outcome.

ATTACHMENTS

Email offer from Mr Kane Bywaters.

VOTING REQUIREMENT

Absolute Majority

RECOMMENDATION

That the Council:

Advise Mr Kane Bywaters & Ms Brittany Dehaas that Council is/is not prepared to accept their offer to purchase 34 Eaton Street Goomalling for \$86,000 subject to;

1. An advertising and public comment period of 14 days in accordance with Section 3.58 of the Local Government Act;
2. There being no significant matters raised during that public comment period that would adversely affect the sale;
3. That the sale is on an "as is" basis.



119. RESOLUTION

Moved Cr Ryan, seconded Cr Bowen

That the Council:

Advise Mr Kane Bywaters & Ms Brittany Dehaas that Council will accept an offer to purchase 34 Eaton Street Goomalling for \$87,500 subject to;

- 1. An advertising and public comment period of 14 days in accordance with Section 3.58 of the Local Government Act;**
- 2. There being no significant matters raised during that public comment period that would adversely affect the sale;**
- 3. That the sale is on an “as is” basis.**

CARRIED 7/0
By Absolute Majority



11.3 REQUEST FOR ASSISTANCE – LIONS CLUB OF GOOMALLING

DATE:	16 October 2018
PROPONENT:	Goomalling Lions Club
LOCATION:	White Street Goomalling
SUBJECT:	Request for assistance
AUTHOR:	Peter Bentley – Chief Executive Officer
REPORTING OFFICER:	Peter Bentley – Chief Executive Officer
FILE NO:	165
ASSESSMENT NO:	

PURPOSE

To consider a request for assistance from Council with regard to the installation of a toilet at the Lions Recycling Shed.

BACKGROUND

The President of the Goomalling Lions Club has written to Council seeking assistance with the installation of a toilet into the Lions Recycling Shed. The building and all of the fixtures are there but requires plumbing expertise to install. The club requests this assistance as a contribution to the service that the club provides for recycling.

STATUTORY IMPLICATIONS

Local Government Act (1995)

POLICY IMPLICATIONS

There is no specific Council policy regarding this matter.

FINANCIAL IMPLICATIONS

The project would require a small amount of our plumber's time to complete the installation to the required standard.

STRATEGIC IMPLICATIONS

The Community Strategic Plan does not deal with this matter.

COMMENT

Nil

ATTACHMENTS

Letter from Mr Rolly van Gelderen, President of the Lions Club.

VOTING REQUIREMENT

Absolute Majority



RECOMMENDATION

That the Council:

Agree to Council's plumber providing the required works to install a toilet at the Lions Recycling Shed at no charge.

120. RESOLUTION

Moved Cr Chester, seconded Cr Sheen

That the Council:

Agree to Council's plumber providing the required works to install a toilet at the Lions Recycling Shed at no charge.

**CARRIED 7/0
By Simple Majority**

Cr Van Gelderen and Cr Ryan declared an impartiality interest in the above item.

12. INFORMATION BULLETIN

121. RESOLUTION

Moved Cr Chester, seconded Cr Barratt

That the Information Bulletin be received.

**CARRIED 7/0
By Simple Majority**

13. MATTERS BEHIND CLOSED DOORS

14. MEETING CLOSURE

The Shire President thanked everyone for their attendance and declared the meeting closed at 4.00 pm.