

Shire of Goomalling



COUNCIL MEETING MINUTES

May 2021

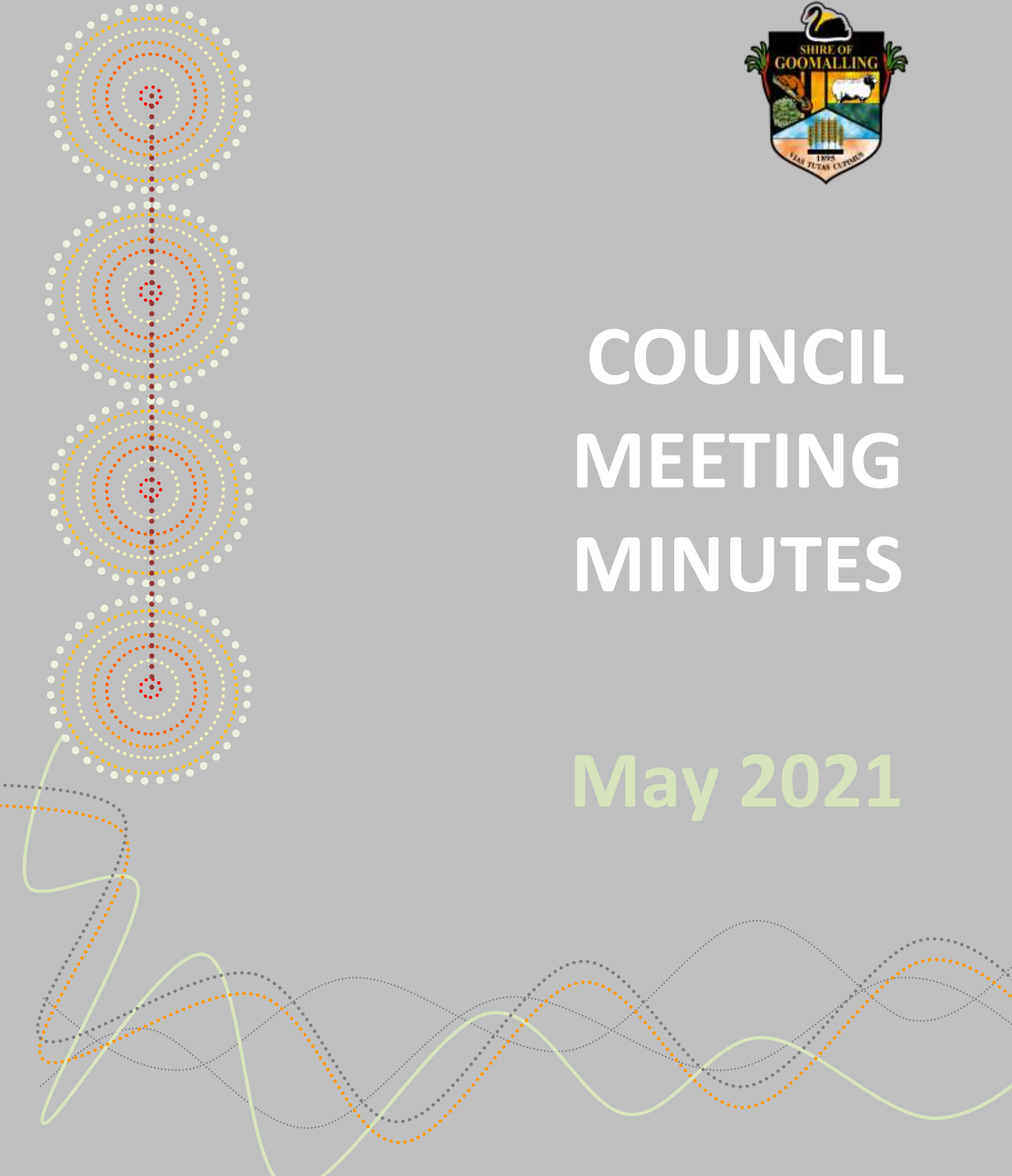




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NYOONGAR ACKNOWLEDGEMENT

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. 4 of 2021 of the Shire of Goomalling Council to be held in the Council Chambers, Administration Office, 32 Quinlan Street, Goomalling on Wednesday, 19 May 2021 beginning at 5.00pm.

1. DECLARATION OF OPENING & ANNOUNCEMENT OF VISITORS

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

2.1. Attendance

Council	President & Chairperson	Cr Barry Haywood
	Councillor	Cr Christine Barratt
	Councillor	Cr Casey Butt
	Councillor	Cr Julie Chester
	Councillor	Cr Rodney Sheen
	Councillor	Cr Roland Van Gelderen
Administration	Chief Executive Officer	Mr Peter Bentley
	Finance Manager	Miss Natalie Bird
	Works Manager	Mr David Long

2.2. Apologies

Apologies were received from Cr Brendon Wilkes for the non-attendance at today's meeting.

2.3. Approved Leave of Absence

Nil

3. DECLARATION OF:

- FINANCIAL INTEREST
- MEMBERS IMPARTIALITY INTEREST
- PROXIMITY INTEREST

4. PUBLIC QUESTION TIME

5. APPLICATION FROM MEMBERS FOR LEAVE OF ABSENCE

Moved Cr Van Gelderen, seconded Cr Barratt that Council grant leave of absence for Cr Haywood for the non-attendance at the next meeting.

CARRIED 6/0
Simple Majority



6. CONFIRMATION AND RECEIVING OF MINUTES & BUSINESS ARISING

6.1 Ordinary Meeting of Council held Wednesday 21 April 2021

RESOLUTION 348

Moved Cr Van Gelderen Seconded Cr Butt that the Ordinary Meeting of Council held on 21 April 2021, be confirmed as a true and correct record of proceedings.

CARRIED 6/0
Simple majority

6.2 Special Meeting of Council held Wednesday 28 April 2021

RESOLUTION 349

Moved Cr Chester Seconded Cr Sheen that the Special Meeting of Council held on 28 April 2021, be confirmed as a true and correct record of proceedings.

CARRIED 6/0
Simple majority

7. ANNOUNCEMENTS BY THE PRESIDING PERSON WITHOUT DISCUSSION

- Cr Haywood attended the Avon Midland Ward Meeting on Friday 23 April 2021 in Wongan Hills
- Cr Haywood attended meeting with the Wheatbelt Freight Network
- Cr Haywood and the CEO attended the AROC meeting in Toodyay Monday 10 May 2021
- Cr Van Gelderen attended the LEMC meeting Wednesday 12 May 2021
- Cr Chester attended the Local Hospital Advisory Committee meeting Wednesday 19 May 2021
- Cr Chester attended the Mortlock Sports Council Meeting Wednesday 12 May 2021

8. PETITIONS/DEPUTATIONS/PRESENTATIONS/SUBMISSIONS



9. OFFICERS' REPORTS

9.1 SCHEDULE OF ACCOUNTS PAID 1 APRIL TO 30 APRIL 2021

File Reference	
Disclosure of Interest	Nil
Applicant	Not Applicable
Previous Item Numbers	No Direct
Date	12 May 2021
Author	Chloe Watson, Accounts Payable
Authorising Officer	Natalie Bird, Finance Manager
Attachments <ol style="list-style-type: none"> 1. Schedule of Payments - April 2021 2. Corporate Credit Card Statements March 2021 	

Summary

FUND VOUCHERS AMOUNT

EFT 3086 to 3139 (3139 cancelled)	\$295,691.99
Direct Debits 8460 to 8462	\$22,419.35
Cheques 15229-15241	\$45,175.63
Payroll 6442, 6453 & 6456	\$139,012.00
Super DD13193,13212,13225	\$24,041.02
TOTAL	\$526,339.99

Voting Requirements

Simple Majority



OFFICERS' RECOMMENDATION

That the Council:

Approve vouchers from the Municipal Fund and Trust Fund as detailed:

EFT 3086 to 3139 (3139 cancelled)	\$295,691.99
Direct Debits 8460 to 8462	\$22,419.35
Cheques 15229-15241	\$45,175.63
Payroll 6442, 6453 & 6456	\$139,012.00
Super DD13193,13212,13225	\$24,041.02
TOTAL	\$526,339.99

RESOLUTION 350

Moved Cr Van Gelderen seconded Cr Barratt that the officer's recommendation be adopted.

***CARRIED 6/0
Simple majority***



9.2 FINANCIAL REPORT FOR APRIL 2021

File Reference	Not Applicable
Disclosure of Interest	Nil
Applicant	Shire of Goomalling
Previous Item Numbers	No Direct
Date	13 May 2021
Author	Natalie Bird, Finance Manager
Authorising Officer	Natalie Bird, Finance Manager
Attachments	
1. Monthly Financial Report to 30 April 2021	

Summary

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 Environment

Local Government Act 1995 – Section 6.4 (as amended)
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

Shire of Goomalling Community Strategic Plan 2019-2028	
4.1.4	Provide reporting processes in a transparent, accountable and timely manner

Voting Requirements

Simple Majority



OFFICERS' RECOMMENDATION

That the Council:

1. Receive the Monthly Financial Report to 30 April 2021

RESOLUTION 351

Moved Cr Sheen seconded Cr Chester that the officer's recommendation be adopted.

***CARRIED 6/0
Simple majority***



9.3 MA BROCKHURST – LOT 2 TYNDALL ROAD MUMBERKINE

File Reference	
Disclosure of Interest	Nil
Applicant	Driscoll Planning on behalf of MA Brockhurst
Previous Item Numbers	No Direct
Date	13 May 2021
Author	Peter Bentley – Chief Executive Officer
Authorising Officer	Peter Bentley – Chief Executive Officer
Attachments 1. Copy of the Rehabilitation Plan	

Summary

To Consider the proposed rehabilitation plan for Lot 2 Tyndall Road Mumberkine, as presented.

Background

The WA Planning Commission has been in the process of assessing a planning application for the above property and a condition of the approval for the subdivision was the agreement with the Shire of Goomalling, to a satisfactory rehabilitation plan for the lot.

The Commission confirmed that it has received agreement to extend the period for consideration of the application relating to the above described land and advises that a decision will be deferred, until no later than 31 May 2021 (the information required to address the issue below must be provided no later than 14 May 2021) to provide time for the following matter(s) to be resolved:

- *A Rehabilitation Management Plan demonstrating that the land is degraded (not simply unproductive) and outlining the purpose, intent and management of the rehabilitation works, including the proposed form, measures and timeframe.*
- *Written advice from the Department of Agriculture and/or the Wheatbelt NRM and/or other relevant body, indicating that the proposed rehabilitation methodology is appropriate and can achieve environmental benefit to the land.*
- *Written support from the Shire of Goomalling for the satisfactory arrangements being made for on-going implementation of the management plan.*

If the issue(s) mentioned above is not resolved prior to the expiration of this period, then the application will be assessed and determined on the basis of the planning situation and information available at the time.

Consultation

The CEO has taken advice from an independent consultant on a desktop review basis to ensure that the objectives of the rehabilitation plan are achievable.



Statutory Environment

- Local Government Act (1995)
- Town Planning & Development Act.

Policy Implications

Council does not have a specific policy regarding revegetation planning by ratepayers.

Financial Implications

The review of this plan has included a desktop review by an independent consultant at a cost of less than \$500.00

Strategic Implications

Shire of Goomalling Community Strategic Plan 2019-2028	
3.1.4	Encourage and support community environmental projects
3.1.6	Protect the integrity of the ecosystems of our waterways

Comment/Conclusion

The plan is well set out and hits all the necessary key points for a successful revegetation project, albeit with a higher level of science than a regular revegetation project. The plan has some admirable goals including involvement by students, indigenous rangers and the community and, through an extensive monitoring programme, aims to provide good data and best management to the wider community. In short, the plan sets out a framework that should deliver what it proposes. However, further comments around the process and some of the detail provided are as follows:

- This is more of a project proposal than a plan. It steps out the process they will take and the things that the proponent will do, but doesn't go into the technical details nor costs of the actual "doing".
- The consultants appear to be using a two or three stage process. At each stage they will do some more investigations, provide the next step of the plan. In this first stage they have performed an initial site visit in order to develop up this overarching plan. During The next stage they will perform more detailed site analysis (soil, water, vegetation types, mapping) and develop and (possibly) implement the revegetation, again with a new set of costs. Then there will be the monitoring costs for the next 10 years. These are just observations.
- There is very little detail regarding the site preparation or revegetation, so it is hard to comment. This information is all to be provided in the next stage. However, based on what they have mentioned, I believe the following considerations should be made:
- *Juncus acutus* removal: timing issues from the Gantt chart - should be commenced as soon as possible. A prolific seed germinator so disturbance of the soil is not recommended, burning the population and then spraying is preferred. This weed can ruin a revegetation project if not controlled properly. Once the entire population is controlled, lightly till the area to encourage more germination, then spray again and repeat. Plantings should not occur in the area until the level of seed germination has dropped to a manageable level.
- Other Weed Control - there is very little information on what weeds are there (second stage perhaps) so I cannot comment on weed significance or the proposed methodology.



- Site preparation: timing issues from their gantt chart – mounding should occur during the year before planting to allow the rain to rinse out some of the salt.
- Species selection: There is a good species list. If the client is concerned about local provenance, the plant: *Tecticornia pergranulata subsp. pergranulata* does not appear to occur in this region (from desktop study only). Not all of the species will be available from nurseries due to propagation issues, but this will be revealed at the time of ordering the seedlings.
- Local Provenance: There is no mention of using seeds from the local area to ensure the unique genetic characteristics are retained. This is regarded as best practise for revegetation in the wheatbelt. Seed merchants or the nurseries may have seed that qualifies as Local Provenance to the revegetation site. If not, the seed will need to be collected which will potentially delay planting for at least one season.
- Salt affected areas: we have not performed a detailed site visit, but it appears that the original biodiverse plantings were performed in a block and did not follow the shape of the saline areas. This is very apparent on satellite imagery. We may be seeing saltbush plantings (which would contradict the first statement) but the underlying principle is to closely match the species to their preferred soil types/ salinity tolerance.
- The revegetation is proposed to take place over an extended period, with plantings performed every year, perhaps for the full ten years. This works well to reduce the workload for volunteers and (should) retain interest. It works more in rhythm with the natural processes. If the entire site was planted in one year, the year to year maintenance of such a large area would feel daunting to volunteers. It also allows time to remove problem weeds such as *Juncus acutus*.
- The project is very monitoring intensive, reflecting perhaps the science background of the consultants and it creates an interesting "bigger picture" discussion. The monitoring should display all of the positive outcomes of revegetating and providing fauna habitat, so this would be a good outcome. Importantly, it will display the positive outcomes for this site, which will (possibly) increase the owner's engagement with the land, a great outcome, we need more of it.

However, on a bigger scale, this monitoring and research has likely been performed in numerous situations throughout the wheatbelt (probably locked away in the library of a government agency or consultant), so the monitoring probably won't be creating any "New" science. It sounds like the consultant wants to turn this into a "Showcase" project with a solid foundation of monitoring to show how important the work is to the environment and how successful the project is. The bottom line is, the monitoring is valuable but the client will decide if they want to pay for it.

- Some of the monitoring may be unnecessary. The plan is proposing to "sample" or monitor the soil types over the duration of the project. This is normally a one-off thing at the start or at least early in the project.

The rehabilitation plan is comprehensive in the way it will cover the things essential for a successful revegetation project, but it is not the final costed works plan. The process set out by the consultant seems to be one of - perform a step and charge for it. This is entirely reasonable as the lump sum cost of what is proposed (site inspection, develop



revegetation plan, site preparation, revegetation and monitoring) would probably be significant. However, if all the client wants are to revegetate the area as best as possible or as soon as possible then an experienced operator should be able to develop a revegetation plan from a single site visit. This would include soil and vegetation mapping, hydrological characteristics, salinity and site preparation requirements, species lists and maintenance requirements, to a level sufficient to perform a successful project. The client then has the option for when the work is performed.

While the Council is not concerned with the costs of the project in this instance, \ the proponent may be and the rehabilitation plan revolves around the proponent actually completing the works outlined within it.

Voting Requirements

Simple Majority

OFFICERS' RECOMMENDATION

That the Council:

1. Review the attached proposed Revegetation Plan for Lot 2 Tyndall Road Mumberkine and the comment in this report and determine its level of support for the plan.
2. Delegate Authority to the CEO to advise the WA Planning Commission that it supports the plan and whether it is conditional support.;

RESOLUTION 352

Moved Cr Chester seconded Cr Sheen that the officer's recommendation be adopted.

***CARRIED 6/0
Simple majority***



9.4 MR DARRELL BOASE – CANCEL TENEMENT RATES ASSESSMENT A1326

File Reference	142.10
Disclosure of Interest	Nil
Applicant	Mr Darrell Boase
Previous Item Numbers	No Direct
Date	13 April 2021
Author	Peter Bentley – Chief Executive Officer
Authorising Officer	Peter Bentley – Chief Executive Officer
Attachments	
<ol style="list-style-type: none"> 1. Letter – Darrell Boase 2. Extracts from Mining Tenements Roll 3. Copy of Application for Mining Tenement 	

Summary

It is requested by Mr Darrell Boase that mining tenement rates for Assessment A1326 be cancelled.

Background

Mr Darrell Boase and Mr Christopher Meakins applied for and obtained an exploration licence (No 70/4830) relating to four blocks, as per the attached documents, in March 2016. Council was advised by Landgate in July 2017 that the tenement had been granted and it was assigned Assessment No A1326 from the valuation system report dated 5 July 2017. A further search of the Landgate reports received by Council staff shows that the tenement still appeared as valid on the roll dated 1 June 2019. This means that from Landgate’s perspective, the tenement was considered active at least until that date.

In late 2017, the proponent wrote to Council requesting that it waive the mining tenement rates relating to Assessment A1326. Council’s then CEO wrote to Mr Boase advising that Council had refused to waive the rates. It is unclear at this stage as to why Mr Boase believed that rates were not applicable to the tenement.

Once Council is advised by Landgate that a tenement has been granted, it can charge tenement rates.

Mr Boase has had a number of conversations with Council’s Rates Officer subsequent to this original request with regard to a letter from DMIRS advising him of the forfeiture of the tenement. Council staff did not receive advice from Landgate until August 2019 that the tenement had been forfeited. Mr Boase has stated that he received notice in late January 2019. Mr Boase has not provided a copy of this letter although he was originally requested to do so by our Rates Officer.

Consultation

Councils Rates Officer

Statutory Environment

- *Local Government Act 1995*



Policy Implications

Council does not have a specific policy regarding this matter.

Financial Implications

Council levies Mining Tenement rates over and above the UV rates applied to the land. Council is empowered to do so via the *Local Government Act*. We have levied just over \$2,300 in tenement rates and there is currently over \$300 in interest charges outstanding as well. Council would forfeit this revenue in the case that it agrees to write off these rates.

Strategic Implications

Shire of Goomalling Community Strategic Plan 2019-2028	
4.2.1	Operate in a financially sustainable manner

Comment/Conclusion

While there is some sympathy for the proponent position Council staff have acted appropriately from the outset. The proponent is perhaps expecting that Council cancels the rates for this tenement on the basis that a State Government agency either made a mistake or failed to advise within reasonable timeframes. This tenement has been treated like any other with an assessment being created once it appeared on the roll, it has been rated at the appropriate level, the tenement was removed when advised by Landgate and staff crediting back rates as was appropriate. Council staff have not sighted the alleged letter to Mr Boase from DMIRS.

It is unclear as to why Mr Boase did not pursue the tenement through 2017 and 2018 as the alleged notice of forfeiture was not received by him until 2019. It is clear that from the outset he did not believe that it should be rated given his early application to waive rates in 2017. Council does have the power to either waive rates or to deem that rates on a particular tenement are not applied and perhaps this was a testing of the waters.

Timeline Rates for A1326 – Mining Tenement 04830/E70

- On May 7 2019, an overdue rate notice for levies from the 2018/2019 year was sent to the rate payer
- The ratepayer called a few weeks later and advised that his Mining Tenement had been revoked and was therefore no longer “live” because he had received a “Notice of Forfeiture” from the Department of Mines Industry Regulation and Safety (DMIRS) on 25/01/2019.

Between June 5 and 11, 2019

- Goomalling Shire records were checked but no evidence was found regarding the termination of the mining tenement in question.
- Rates Officer called Landgate and requested details of the status of the mining tenement given what had happened.
 - Advice was given by Ms Jade Turner that Landgate considered the mining tenement was “live” and the rating was valid.
- Ms Turner later called back and advised that she had called the DMIRS regarding this tenement to ensure Landgate had the correct status and was advised that a “Notice of Forfeiture” was indeed issued by them to the ratepayer in January 2019. However, the forfeiture was pending and had not yet been finalised.
- A call was then made to Scott Montgomery of DMIRS who confirmed that the “Notice of Forfeiture” was issued to the ratepayer and that it was still pending.



- *A call was made to the ratepayer advising that the mining tenement was still “live” and he would need to apply to have it extinguished. The ratepayer was extremely surprised as he believed that it had been forfeited.*

August 8 2019

- *The Shire received a notice from Landgate advising that the mining tenement was extinguished as of July 11 2019.*

Voting Requirements

Simple Majority

OFFICERS' RECOMMENDATION

That the Council:

1. Acknowledges Mr Boase’s request to cancel tenement rates for Assessment A1326;
2. Advises Mr Boase that Council considers that its staff have acted appropriately under the circumstances related to this matter and in accordance with accepted practice and policy;
3. Also advise Mr Boase that while having some sympathy for his situation, that there is insufficient evidence or reason in his request to persuade it to cancel tenement rates on Assessment A1326 as its staff have acted appropriately and in exactly the same manner as for any other mining tenement.

RESOLUTION 353

Moved Cr Chester seconded Cr Butt that the officer’s recommendation be adopted.

***CARRIED 6/0
Simple majority***



**9.5 APPLICATION OF COMMON SEAL – TEMPORARY OVERDRAFT
APPLICATION – BENDIGO BANK**

File Reference	
Disclosure of Interest	Nil
Applicant	Bendigo Bank
Previous Item Numbers	No Direct
Date	22 April 2021
Author	Tahnee Bird, Community Development Officer
Authorising Officer	Peter Bentley – Chief Executive Officer
Attachments	NIL

Summary

The purpose of the report is to endorse affixation of the Shire of Goomalling Common Seal to Bendigo Bank Temporary Overdraft Application.

Background

Bendigo Bank has provided the Shire of Goomalling a Temporary Overdraft to cover large project expense in lieu of grant funding that is paid in milestones after works are completed.

Bendigo Bank has approved the temporary overdraft.

The Common Seal is to be affixed to validate Temporary Overdraft Application.

Consultation

No consultation was carried out

Statutory Environment

Local Government Act 1995 (as amended)

Policy Implications

There is no specific policy relating to this matter

Financial Implications

There are no specific financial implications relating to this matter

Strategic Implications

Shire of Goomalling Community Strategic Plan 2019-2028	
1.2.6	Provide to the community quality regulatory services

Comment/Conclusion



Voting Requirements

Simple Majority

OFFICERS' RECOMMENDATION

That the Council:

1. Endorse the affixing of the Common Seal to the Bendigo Bank Temporary Overdraft Application.

RESOLUTION 354

Moved Cr Barratt seconded Cr Chester that the officer's recommendation be adopted.

CARRIED 6/0
Simple majority



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

Moved Cr Butt, seconded Cr Barratt that Council agree for the late items to be dealt with.

**CARRIED 6/0
simple majority**



11.1 CWA HALL

File Reference	77
Disclosure of Interest	Nil
Applicant	Shire of Goomalling
Previous Item Numbers	No Direct
Date	13 May 2021
Author	Peter Bentley – Chief Executive Officer
Authorising Officer	Peter Bentley – Chief Executive Officer
Attachments	1.

Summary

To Consider write to the Country Women’s Association with regard to seeking its agreement to demolish the CWA Hall for the purposes of creating a family friendly park.

Background

The Country Women’s Association (CWA) had a lease agreement with the Council to construct what is now known as the CWA Hall at Anstey Park. The original lease agreement (21 year term) appears to have been renewed in 1971 and a further agreement was sent to the CWA in 1992 to the then General Secretary Mrs Vivienne Rowney. This third agreement had an expiry date of 2013 which is now eight years past expiry.

Clause 2b of the latest agreement it is stated that the lessee:

“... has built on the said land a building to be used for the purpose of a community centre as approved by the Lessor and will keep and maintain the said building and all other improvements on the said land in good order and condition and will paint all outside woodwork of the said premises at least once in each period of ten (10) years during the term of this lease.”

Clause 3b of the lease agreement states;

“... to permit the lessee to remove any erections buildings or improvements from the said land at the expiration or sooner determination of the term of this lease or any extension thereof.”

Clause 3e of the lease agreement states;

“... subject to the provisions of this Agreement the Lessee shall have the right of use and occupation of the community centre and the right to grant license to any person or organisation to use the community centre for any individual activity or function on such terms and conditions not inconsistent with those contained herein as the Lessee may decide for any period not exceeding twenty four (24) hour, PROVIDED THAT the lessee may with the prior written approval of the Lessor



grant a license as aforesaid for a period in excess of twenty four (24) hours, PROVIDED THAT the Lessee at its expense shall obtain Public Risk Insurance cover of not less than THREE MILLION DOLLARS (\$3,000,000.00) OR SUCH GREATER AMOUNT AS THE Lessor may determine from time to time when the community centre is used by others. The Lessee shall provide the Lessor with evidence of such insurance cover prior to the aforesaid use.”

Clause 5 of the lease agreements states;

“... it is further agreed that at the expiration or sooner determination of the said term or in the event of the Lessee ceasing to occupy the said land as a community centre the lessor shall have an option of purchasing the improvements erected thereon at a price agreed upon between the Lessor and Lessee and in default of any agreement at the price to be determined by a competent sworn valuator to be appointed by the Lessee such option shall be extended to the Lessor within one month after the expiration or sooner determination of the said term or within one month after the lessee ceases to occupy the said land as a community centre as aforesaid and such option shall be exercised by notice in writing to the Lessee within one month after the receipt by the Lessor of such notice of the assignment of all the right title and interest of the lessee in and to the community centre and other improvements erected on the said land.”

While there is still CWA material and memorabilia stored at the CWA hall, the CWA no longer actually uses the hall as a community centre and probably does not maintain appropriate public liability insurance either. The lease expired some eight years ago and to my knowledge, there has been no contact reharden a lease extension in subsequent years.

The CWA has responsibility for the upkeep of the property however over the years there has been a significant degradation of the standard of the building. Council staff have undertaken evaluation of the CWA Hall as a building maintenance matter and has found that the level of repair required for the hall is far beyond its own resources. This evaluation was undertaken to assess if it was feasible for the Council to take over the operation of the building. The following issue were identified:

- Significant rising damp issues.
- Significant cracking in walls both internal and external. Requires repair, patching and painting.
- Significant sagging of ceilings requiring replacement in all rooms.
- Roofing tiles require replacement.
- Roofing timbers are warped in some areas and will require upgrade.
- Kitchen requires significant upgrade.
- All external timber requires either painting, repair or replacement.
- External brick in some instances requires replacement.
- Many mortar joints require re-pointing.
- Gutters and downpipes require replacement.
- External eaves and ceilings require replacement.

Given that the Council is unlikely to be in a position to renovate the building it has pursued the potential to create a family friendly park at the site with interpretation to recognise the CWA's history and link to the site and Goomalling.



Consultation

The CEO has spoken on several occasions with the senior management of the CWA state branch. At about two and a half years ago, a consultant working for the CWA approached the CEO wishing to discuss handing over the facility however the consultations were never completed due to the consultant's term ceasing. The CEO has also spoken to the General Secretary on at least two other occasions with regard to the matter.

Statutory Environment

- *Local Government Act (1995)*

Policy Implications

Council does not have a specific policy regarding this matter.

Financial Implications

The lease agreement speaks to an agreed price for the building however in this case the cost to renovate the building would likely exceed the value of the building in its current state.

Strategic Implications

Shire of Goomalling Community Strategic Plan 2019-2028	
1.3.2	Develop, maintain and support appropriate recreation facilities throughout the Shire
1.3.3	Partner with stakeholders to achieve greater community participation in recreational facilities and services
3.2.1	Develop plans to manage assets in a sustainable way
4.2.1	Operate in a financially sustainable manner

Comment/Conclusion

The list of matters needing attention is not exhaustive and there are other matters that would need attention. Council has a number of halls and buildings that are either in poor condition or in need of significant work. All of the halls and like facilities are underutilised and do not provide any significant income that could be used to repair or upgrade the facilities.

If the Council does not undertake the repairs to the CWA hall, the CWA itself is unlikely to do so. The cost of dealing with rising damp, other brick and mortar issues, roof and ceiling replacement, internal painting and patching, kitchen replacement and external paint, patch and eaves replacement is in the vicinity of \$200,000 which the Council cannot afford at this time. These costs will only escalate with time.

Voting Requirements

Simple Majority



OFFICERS' RECOMMENDATION

That the Council:

3. Direct the CEO to write to the Country Women's Association advising that its lease has expired for the Anstey Park site and;
 - a) Advise that the CWA that the building is in poor condition and requires significant maintenance and seek confirmation as to whether the CWA intends to maintain the building into the future;
 - b) Advise that the Council is not interested in purchasing the building due to its poor condition;
 - c) Advise of the proposal to demolish the building and create a family friendly park on the site should the CWA choose to hand the building over to the Council.
 - d) Advise that the Council, should the park proposal go ahead, would like to recognise the CWA and the historic use of the site as part of the redevelopment.
 - e) Delegate authority to the CEO negotiate an outcome with the CWA without adding to the current cost of the project.

RESOLUTION 355

Moved Cr Butt seconded Cr Van Gelderen that the officer's recommendation be adopted.

***CARRIED 6/0
Simple majority***



11.2 ELECTED MEMBER MOTION – RESCIND MOTION

File Reference	57-1
Disclosure of Interest	Nil
Applicant	Cr Julie Chester
Previous Item Numbers	Resolution 341 – April 2021
Date	17 May 2021
Author	Peter Bentley – Chief Executive Officer
Authorising Officer	Peter Bentley – Chief Executive Officer
Attachments	1.

Summary

Cr Chester has written to the CEO seeking this item to be dealt with at this meeting to rescind the following motion that was passed at our last meeting on Wednesday 17th March 2021

RESOLUTION 341

Moved Cr Van Gelderen seconded Cr Wilkes that the officer’s recommendation be adopted.

That the Council:

1. Pursuant of Sections 4.20 and 4.61 of the Local Government Act, Council determine that it wishes to conduct the 2021 Local Government election as a voting in postal election.
2. That the Council direct the CEO to obtain a quote for the holding of a postal voting election from the WA Electoral Commission and if greater than \$12,000 revert to a voting in person election.

CARRIED 6/0 Simple majority

Background

The item concerned was to seek quotation from the WA Electoral Commission for the provision of services for the 2021 Local Government Elections. The CEO was delegated authority to seek the quote and if below \$12,000, enter into an agreement with the Commission to provide these services.

While ratepayers would still have been able to vote on the day, the basis of the election would have been a postal vote election.

The CEO provided the option as it would have released him from the requirement to act as the Returning Officer which has a significant on his workload during July through to October and would also have reduced staffing on the day saving over \$1,000.

Consultation

Cr Chester
Shire President



Statutory Environment

- *Local Government Act 1995*

5.25. Regulations about council and committee meetings and committees

- (1) Without limiting the generality of section 9.59, regulations may make provision in relation to —
- (a) the matters to be dealt with at ordinary or at special meetings of councils; and
 - (b) the functions of committees or types of committee; and
 - (ba) the holding of council or committee meetings by telephone, video conference or other electronic means; and
 - (c) the procedure to be followed at, and in respect of, council or committee meetings; and
 - (d) methods of voting at council or committee meetings; and
 - (e) the circumstances and manner in which a decision made at a council or a committee meeting may be revoked or changed (which may differ from the manner in which the decision was made); and
 - (f) the content and confirmation of minutes of council or committee meetings and the keeping and preserving of the minutes and any documents relating to meetings; and
 - (g) the giving of public notice of the date and agenda for council or committee meetings; and
 - (h) the exclusion from meetings of persons whose conduct is not conducive to the proper conduct of the meetings and the steps to be taken in the event of persons refusing to leave meetings; and
 - (i) the circumstances and time in which the unconfirmed minutes of council or committee meetings are to be made available for inspection by members of the public; and
 - (j) the circumstances and time in which notice papers and agenda relating to any council or committee meeting and reports and other documents which could be —
 - (i) tabled at a council or committee meeting; or
 - (ii) produced by the local government or a committee for presentation at a council or committee meeting,are to be made available for inspection by members of the public.
- (2) Regulations providing for meetings to be held by telephone, video conference or other electronic means may modify the application of this Act in relation to those meetings to the extent necessary or convenient to facilitate the holding of those meetings in that way.

[Section 5.25 amended: No. 64 of 1998 s. 28.]

10. Revoking or changing decisions (Act s. 5.25(1)(e))

- (1) If a decision has been made at a council or a committee meeting then any motion to revoke or change the decision must be supported —
- (a) in the case where an attempt to revoke or change the decision had been made within the previous 3 months but had failed, by an absolute majority; or
 - (b) in any other case, by at least $\frac{1}{3}$ of the number of offices (whether vacant or not) of members of the council or committee, inclusive of the mover.
- (1a) Notice of a motion to revoke or change a decision referred to in subregulation (1) is to be signed by members of the council or committee numbering at least $\frac{1}{3}$ of the number of offices (whether vacant or not) of members of the council or committee, **inclusive of the mover.**



(2) If a decision is made at a council or committee meeting, any decision to revoke or change the decision must be made by an absolute majority.

(3) This regulation does not apply to the change of a decision unless the effect of the change would be that the decision would be revoked or would become substantially different.

[Regulation 10 amended: Gazette 31 Mar 2005 p. 1030; SL 2020/213 r. 16.]

Policy Implications

Council does not have a specific policy regarding this matter.

Financial Implications

Rescinding this motion will reduce cash expenditure in the 2021-22 year by \$12,000.

Strategic Implications

Shire of Goomalling Community Strategic Plan 2019-2028	
4.2.3	Use resources efficiently and effectively
4.2.1	Operate in a financially sustainable manner

Comment/Conclusion

Regardless of whether the WA Electoral Commission or the CEO undertakes the conduct of the election there is a cost. The cost of the election is not significantly different either way depending on whether you value the CEO's time as being better spend on the normal management matters or conducting the election. Generally, the election will take away about two full weeks or more from the CEO's available work hours. At the generally accepted costing of a CEO's time plus oncosts this would equate to over \$10,000 alone.

Ultimately, the costs are fairly similar between the two methods, one is accounted for in lost productivity and the other in terms of cash. The CEO has no preference as to how Council wishes to conduct the election, however asks that the Council note that this will take two weeks at least two weeks from his available time over this period.

As the Commission has not commenced the process of conducting the election and the quote has not been received as yet, council can undertake this course of action if it meets the conditions of the regulations.

Voting Requirements

Simple Majority



OFFICERS' RECOMMENDATION

That the Council:

4. Rescind Resolution 341 regarding the potential appointment of the WA Electoral Commission as the contractor and Returning officer for the Councils election process for 2021;
5. Revert to a voting in person election for the 2021 Local Government Election to be held in October 2021 with Councils CEO acting as the Returning Officer.

RESOLUTION 356

Moved Cr Chester seconded Cr Van Gelderen that the officer's recommendation be adopted.

***CARRIED 6/0
Simple majority***



11.3 MINUTES OF ANNUAL ELECTORS MEETING

File Reference	5-1
Disclosure of Interest	Nil
Applicant	Shire of Goomalling
Previous Item Numbers	No Direct
Date	17 May 2021
Author	Peter Bentley – Chief Executive Officer
Authorising Officer	Peter Bentley – Chief Executive Officer
Attachments 1. Minutes of the 2020 Annual Electors Meeting	

Summary

To receive the minutes of the Annual Electors Meeting.

Background

Council is required to receive the minutes of the Annual Electors Meeting at the next available Council Meeting and determine what action, if any, is to be undertaken from those decisions and what responses must be made to the ratepayers. The meeting was held at the Goomalling Recreation Centre on Monday 17th May 2021.

Consultation

Meeting Attendees

Statutory Environment

- *Local Government Act (1995)*

5.27. Electors' general meetings

- (1) A general meeting of the electors of a district is to be held once every financial year. (2) A general meeting is to be held on a day selected by the local government but not more than 56 days after the local government accepts the annual report for the previous financial year. (3) The matters to be discussed at general electors' meetings are to be those prescribed.

5.32. Minutes of electors' meetings

The CEO is to —

- (a) cause minutes of the proceedings at an electors' meeting to be kept and preserved; and (b) ensure that copies of the minutes are made available for inspection by members of the public before the council meeting at which decisions made at the electors' meeting are first considered.

5.33. Decisions made at electors' meetings

- (1) All decisions made at an electors' meeting are to be considered at the next ordinary council meeting or, if that is not practicable —
- (a) at the first ordinary council meeting after that meeting;
- Or
- (b) at a special meeting called for that purpose, whichever happens first.
- (2) If at a meeting of the council a local government makes a decision in response to a decision made at an electors' meeting, the reasons for the decision are to be recorded in the minutes of the council meeting.

Policy Implications

Council has no specific policy relating to this matter.



Financial Implications

No direct impact

Strategic Implications

Shire of Goomalling Community Strategic Plan 2019-2028	
4.1.4	Provide reporting processes in a transparent, accountable and timely manner
4.1.3	Promote and support community members' participation in the Shire's governance

Comment/Conclusion

There was some discussion at the 2020 Annual Electors Meeting with regard to a number of financial matters but particularly with the current debt levels and asset management processes. While there were a few questions that the CEO answered in relation to both the past and also the future directions there were no motions put that constitute a decision of the meeting beyond accepting the various reports and the Audited Financial Statements.

Voting Requirements

Simple Majority

OFFICERS' RECOMMENDATION

That the Council:

1. Receive the minutes of the 2020 Annual Electors Meeting.

RESOLUTION 357

Moved Cr Van Gelderen seconded Cr Chester that the officer's recommendation be adopted.

***CARRIED 6/0
Simple majority***



12. MATTERS BEHIND CLOSED DOORS

The meeting be closed to the public in accordance with section 5.23 Local Government Act 1995, 5.5.23(2))

- Matters affecting employee(s)
- Personal affairs of any person(s), including financial and/or commercial contracts
- Commercial Confidentiality
- Legal advice/matters
- Public safety/security matters where public knowledge may be prejudicial.

Cr Sheen left the meeting at 6.02 pm

13. INFORMATION BULLETIN

RESOLUTION 358

Moved Cr Van Gelderen seconded Cr Barratt information bulletin be received.

***CARRIED 6/0
Simple majority***

14. MEETING CLOSURE

The Shire President thanked everyone for their attendance at today's meeting and declared the meeting closed at 6.09 pm