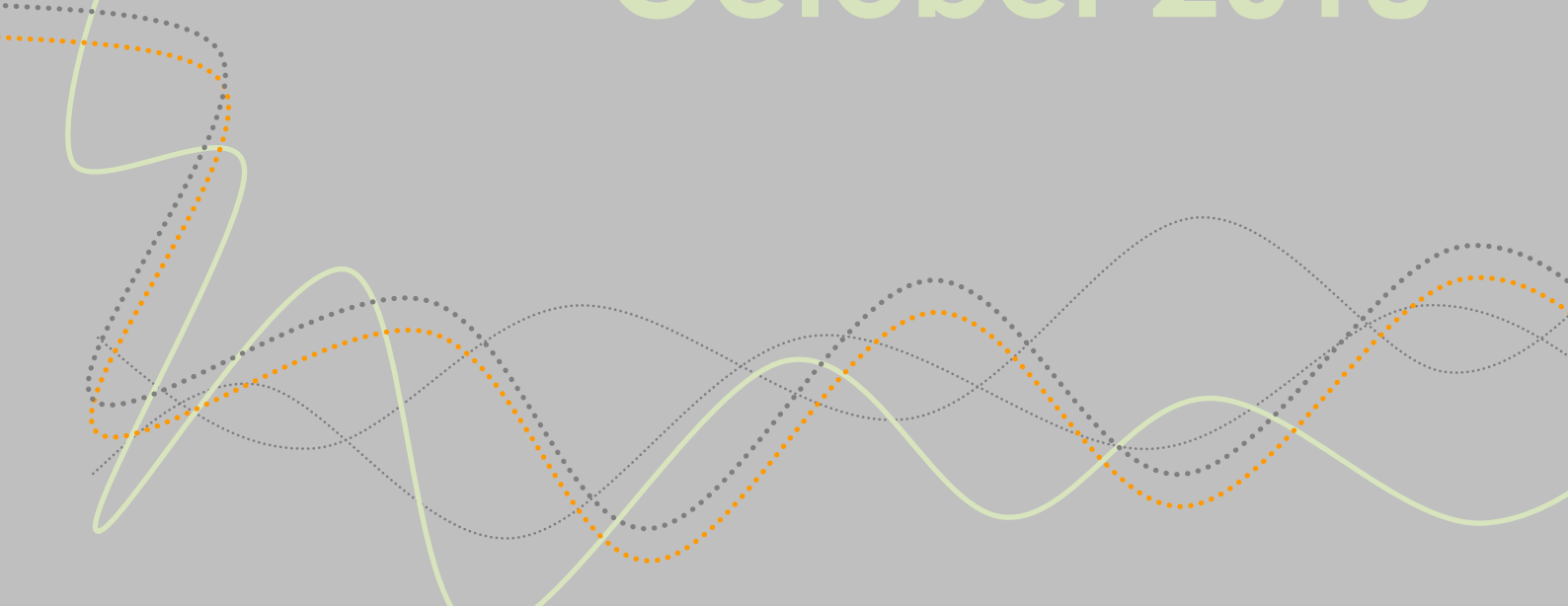
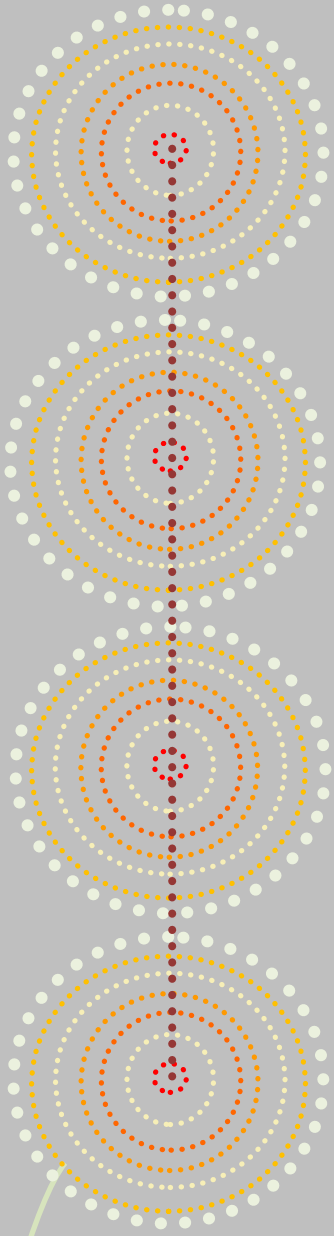


Shire of Goomalling



COUNCIL CONFIRMED MINUTES

October 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. 9 of 2018 of the Shire of Goomalling Council to be held in the Council Chambers, Administration Office, 32 Quinlan Street, Goomalling on Wednesday, 17 October 2018 beginning at 3.35 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 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

Apologies were received from Cr Christine Barratt for nonattendance at today's meeting.

1.3. Announcements

- Cr Chester carried out the DrumMuster 28/9/18
- Cr Chester attended the MSC AGM 4/10/18
- Cr Chester attended the Bush Fire Brigade Annual Meeting 11/10/2018
- Cr Sheen attended the Bush Fire Brigade Annual Meeting 11/10/2018
- Cr Ryan carried out the DrumMuster 28/9/18
- Cr Ryan attended the Bush Fire Brigade Annual Meeting 11/10/2018
- Cr Haywood attended the AROC meeting in Toodyay 1/10/18
- Cr Haywood and the CEO attended the Bush Fire Brigade Meeting 11/10/18
- Cr Haywood and the CEO attended the Road Forums meeting 16/10/2018
- Cr Haywood and the CEO attended a meeting with the Shire of Dowerin representatives



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

CARRIED

2. MINUTES

2.1. Ordinary Council Meeting held 19 September 2018

Resolution

Moved Cr Van Gelderen, seconded Cr Sheen that the Minutes of the Goomalling Shire Council ordinary meeting held on Wednesday, 19 September 2018 be confirmed as true and correct record of proceedings with the following changes 7.2 “Carried 7/0 changed to Carried 6/0” and item no 8.1.1 “Carried 7/0 changed to Carried 6/0”

CARRIED BY ABSOLUTE MAJORITY 6/0

2.2. Special Council Meeting held 20 August 2018

Resolution

Moved Cr Chester, seconded Cr Sheen that the minutes of the Goomalling Shire Council special meeting held on Monday, 20 August 2018 be accepted.

CARRIED BY ABSOLUTE MAJORITY 6/0

2.3. Goomalling Medical Surgery Advisory Committee Meeting held 15 May 2018

Resolution

Moved Cr Bowen, seconded Cr Chester that the minutes of the Goomalling Medical Surgery Advisory Committee meeting held on Tuesday, 15 May 2018 be received.

CARRIED 6/0

3. DECLARATION OF INTEREST

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

4. MATTERS ARISING

5. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

6. PETITIONS & MEMORIALS



7. REPORTS & MINUTES OF COMMITTEES

7.1. FINANCE REPORT

Resolution

Moved Cr Van Gelderen, seconded Cr Bowen that the Finance Report for September 2018 be received.

CARRIED 6/0

7.1.1. Financial Statements for Period ending 30 September 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 17 to 30 September 2018 2. Financial Statements for period ending 30 September 2018
-------------------	---

Nature of Council's Role in the Matter

Executive
Legislative
Review

Purpose of Report

To endorse payment schedule for 17 to 30 September 2018 and receive Financial Statements for period ending 30 September 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 30 September 2018, financial statements and list of accounts paid for the period 17 to 30 September 2018, are hereby presented for Council's Information.

Comments and details

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

Implications to Consider

Legal and Statutory
Local Government Act 1995
Local Government (Financial Management) Regulations 1996

Voting Requirements	Simple Majority
Absolute Majority	No



7.1.1 RESOLUTION

Moved Cr Van Gelderen, seconded Cr Bowen that Council:

1. endorse the list of payments

a. EFT 1416 to 1428	\$ 86,603.07
b. Payroll EFT 5803 to 5815	\$ 21,283.00
c. Auto Payments 8234 to 8239 and DD11382	\$132,778.25
d. Cheques 14330 to 14363	\$116,220.01

Totalling \$356,896.21 for the period 17 to 30 September 2018;

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

CARRIED BY ABSOLUTE MAJORITY 6/0

SUSPENSION OF STANDING ORDER

Resolution

Moved Cr Chester, seconded Cr Van Gelderen that the standing orders be now suspended by Council at time 4.00 pm.

CARRIED BY ABSOLUTE MAJORITY 6/0

RESUMPTION OF STANDING ORDERS

Resolution

Moved Cr Van Gelderen, seconded Cr Sheen that the standing orders be now resumed by Council at 4.41 pm.

CARRIED BY ABSOLUTE MAJORITY 5/0

Cr Ryan did not resume after the resumption of standing orders.

Mr Russell Beck, Works Supervisor entered the meeting at 4.41 pm

Miss Tahnee Bird, Community Development Officer entered the meeting at 4.42 pm



8. OFFICERS' REPORTS

8.1 COMMUNITY DEVELOPMENT OFFICER'S REPORT

8.1.1 HERITAGE INVENTORY

FILE REF	81-1
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	1. HERITAGE INVENTORY REVIEW 2018

Nature of Council's role in this matter

Executive

Purpose of the report

To endorse the Heritage Inventory Review completed by Laura Gray, Heritage Intelligence (WA).

History

The review of the Heritage Inventory is a requirement of the *Heritage Act 1990*.

A local government inventory is a survey of heritage places in the local district, and is used as the basis of informed local conservation strategies. The purposes of an inventory can be summarised as:

- to provide a cultural and historic record of the local district
- to determine local government conservation policies
- to provide information about local heritage that may be required under a local planning scheme for that district.¹

Shire of Goomalling's original Municipal Inventory was completed in 1997 and did not include place records.

Council engaged Heritage Advisor, Laura Gray of Heritage Intelligence to complete the review and create place records for each of the Heritage Places.

The draft Heritage Inventory was received in May 2017 and presented to the community. Council received three strong oppositions to the Heritage List, due to the planning implications for owners. Council resolved to reduce the level of significance of ALL privately owned buildings.

The updated review document was presented to the community for comment, including letter to property owners that opposed the first draft. No further comments have been received.

Policy Implications

The report does not contain notable policy implications

Legal & Statutory Implications

Local Government Act 1995
Heritage Act 1990.

Risk Implications

No notable risk implications

Strategic Implications

¹ <http://www.stateheritage.wa.gov.au/about-us/importance-of-heritage/heritage-listings-explained>



Strategic Goals

- Facilitate the development of local and regional tourism
Action: E2.4 Facilitate and support the maintenance and restoration of heritage structures within the district
- Manage current and future assets and infrastructure in a sustainable manner
Action: B1.2 Maintain and protect heritage buildings and sites.

Sustainability

Environment

No notable environmental implications.

Economic

No notable economic implications.

Social

No notable social implications.

Financial Implications

No notable financial implications

Voting Requirements

Absolute Majority

8.1.1 RESOLUTION

Moved Cr Chester, seconded Cr Sheen that Council:

Endorse the Heritage Inventory Review 2018 as presented by Laura Gray, Heritage Intelligence (WA).

CARRIED BY ABSOLUTE MAJORITY 5/0

Miss Tahnee Bird, Community Development Officer left the meeting 4.44 pm



8.2 GOVERNANCE OFFICER'S REPORT

8.2.1 LOCAL LAWS REVIEW

FILE REF	102-3
APPLICANT OR PROPONENT(S)	
PREPARED BY	Jo Bywaters, Governance Officer
APPROVED BY	Peter Bentley, Chief Executive Officer
PREVIOUSLY BEFORE COUNCIL	Nil
DISCLOSURE OF INTEREST	Nil
APPENDICES	NIL

Nature of Council's Role in the Matter

Executive / Informative

Purpose of Report

Review of the Shire of Goomalling's Local Laws.

Background

Section 3.16 of the Local Government Act requires periodic reviews of Local Laws. A Local Government is to carry out a review of a Local Law to determine whether or not it considers that it should remain unchanged, be repealed or amended. The review is to be conducted within eight years from the day each Local Law commenced, or from when a report of a review of the Local Law was accepted under s3.16.

The Local Government is to give state wide and local public notice stating that:

1. The Local Government proposes to review the Local Law;
2. A copy of the Local Law may be inspected or obtained at any place specified in the notice; and
3. Submissions about the Local Law may be made to the Local Government before a day to be specified in the notice, being a day that is not less than six weeks after the notice is given.

After the last day for submissions, the Local Government is to consider comments received and cause a report of the review to be submitted to Council. When Council has considered the report, it may determine (by absolute majority) whether or not it considers that the Local Law should be repealed or amended.

Comments and details

The Shire currently has eleven (11) Local Laws, all due for review.

- Health Local Law 2007
- Waste Local Law 2011
- Local Laws Relating to Firebreaks 1997
- Local Laws Relating to Dogs 1997
- Local Laws Relating to Parking Facilities 1997
- Local Laws Relating to the Conduct of Proceedings and the Business of Council
- Extractive Industries Local Law 2007
- Refuse Disposal Facilities Local Law 2008
- Local Government Property Local Law 2010
- Local Laws Relating to Fencing 2010
- Management and Control of Goomalling Cemetery Local Law 2010

The Shire of Goomalling Dog Local Law requires updating due to the Dog Act Amendment Bill in 2013.

The Shire of Goomalling requires a Cat Local Law due to the Cat Act being introduced in 2011. From 1 November 2013, the full Cat Act 2011 takes effect and will require all cats that have reached six months of age to be:



- Microchipped
- Sterilised, and
- Registered with the local government.

Currently, cats are addressed in the Shire of Goomalling's Health Local Law.

The Shire's Standing Orders are out of date and require updating.

Rob Koch (CESM) has advised the Local Laws relating to Fire Breaks are unnecessary and can be repealed.

The Shire is required by the Local Government Act 1995 to advertise our intentions to review the Local Laws for no less than six (6) weeks state wide.

Implications to Consider

Consultative

Strategic

Policy Related

Amendments to the Shire of Goomalling Local Laws

Financial

The Shire is required to advertise our intentions to review the Local Laws state wide as well as provide copies to the public if requested. If the Shire amends any of the Local Laws, there will be publishing costs in the Government Gazette.

Legal and Statutory

Nil

Risk related

Nil

Voting Requirements

Simple Majority



8.3 FINANCE MANAGER'S REPORT

8.3.1 HIRING OF ROUND TABLES OUTSIDE THE DISTRICT

FILE REF	77
APPLICANT OR PROPONENT (S)	FELICITY SEWELL
PREPARED BY	Natalie Bird, Finance Manager
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

A request has been received from Mrs Felicity Sewell regarding the hiring of two round tables to use at her residence in the Shire of Dowerin.

Background

The Council resolved some time ago that the hiring of the round tables that were gifted to the Shire of Goomalling by the Goomalling Lions Club could not be hired outside the district unless prior approval from Council was granted. The fees to hire these round tables are \$11.00 per table. The hirers would also need to collect themselves from the depot and return to the depot

Comments and details

These charges form part of our fees and charges that are adopted, each year at Council's Budget Meeting. It is suggested that this is an administrative task and that Council should consider that the powers be delegated to the Chief Executive Officer and/or Deputy Chief Executive Officer to approve the hire of these tables.

Implications to Consider

Strategic
Nil

Legal and Statutory
Nil

Risk related
Nil

Voting Requirements Simple Majority

8.3.1 RESOLUTION

Moved Cr Sheen, seconded Cr Van Gelderen that Council:

- 1. Approve the hire of the round tables to Felicity Sewell**
- 2. Delegate authority to the Chief Executive Officer and/or the Deputy Chief Executive Officer to approve use of these tables in the future.**

CARRIED 5/0



8.4.2 SECONDARY FREIGHT ROUTE

FILE REF	180
APPLICANT OR PROPONENT (S)	Rick Storer – Shire of Koorda
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 consider a commitment of \$6,000 to further an application for funding regarding the proposed secondary freight route.

Background

At the most recent meeting of the WBN RRG the delegates asked Rick Storer to write to all Councils requesting that Councils reaffirm their commitment to the Wheatbelt Secondary Freight Project and commit \$6000 in their 18/19 budgets as the co-contribution required from all 42 LG's for the funding application to be submitted over the coming months to undertake the detailed planning and design works to enable a Level 4 Infrastructure Australia Submission to be prepared.

Comments and details

It is acknowledged that Councillors will not be intimately aware of the project, so to that end Garrick Yandle together with the Working Group have prepared a detailed briefing document that is included with this agenda item for Councillors.

Councillor Storer is requesting that all LG's present the motion as is below, the intent is to have 42 LG's adopt the exact same position to present a united front. This collaboration and agreement is getting significant traction both at a Federal and State Government Level. Councillor Storer asked that this item be presented, along with the recommendation and supporting documentation to councils in the August round of Council meetings and following those meetings would like Council to write back to him as Chair of WBN RRG confirming the motion that was passed by council.

For those who aren't aware, the WSFR Project has been working on this project since mid 2016; the project stemmed from considerable work done by both WBS & WBN in looking at their road networks in attempt to improve connectivity through our RRG funding and road projects. This mapping process started in 2014, once the RRG together with Main Roads identified that improving the connectivity was a major project that would bring significant economic benefit to the Ag Region a working group was formed and RDA via Juliet Grist who helped us obtain initial funding to further progress this as a regional road project. The last 2 ½ years have seen considerable work undertaken by all 42 LG's and the working group to get this project to a point where we are starting to have constructive and positive meetings with the State Government, Federal Government, Infrastructure Australia, Freight & Logistics Council WA, CBH and other key stakeholders.

Implications to Consider

Strategic
Nil

Legal and Statutory
Requirement of the Local Government Act (1995) for leave beyond 1 week

Risk related
Nil



Voting Requirements

Simple Majority

8.4.2 RESOLUTION

Moved Cr Chester, seconded Cr Van Gelderen that Council:

- 1. Notes the Secondary Freight Routes Project Development report;**
- 2. Supports the strategic intent of the Secondary Freight Routes project;**
- 3. Authorises the Chief Executive Office to prepare and sign a letter of support in favour of an application for Federal Government Funding under the Building Better Regions Program to develop the Secondary Freight project; and**
- 4. Endorses in principle an allocation of \$6,000 (unbudgeted) in 2018/19 to co-fund Secondary Freight Route Project development subject to a successful Building Better Regions Program application.**

CARRIED 5/0



8.4.3 RENEGOTIATION OF LOAN PORTFOLIO

FILE REF	94
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 consider a proposal from the Chief Executive Officer to re-finance Council's debt structure.

Background

The CEO commenced work with the Shire of Goomalling in September 2018 and for the past 5 weeks has made a detailed assessment of Council's position in relation to a number of measures;

- Plant
- Public Building Maintenance
- Housing stocks and Maintenance
- Financial position
- Staffing and structure

These are the areas already covered with more work to follow in other areas of our operations.

Comments and details

It is clear that during past years Council has provided the residents of the Shire with some great facilities, sports and community resource centres, doctor and dentist, subdivisions for land sale and some wonderful independent living arrangements.

This construction has come at a significant cost in other areas of the operation. Council's plant is old and in need of replacement, the public buildings are in a poor state of maintenance and require significant investment to bring back to contemporary standards, non ILU housing is also in a terrible state and many housing units also require significant investment to bring up to an acceptable standard.

This is not an exhaustive report on the situation, however the result is that Council is in need of significant investment to bring these areas of the operation to a manageable position where maintenance can once again be planned and structured and plant can be replaced in a contemporary asset management regime.

In all of the above the constant is that the Council has borrowed heavily to fund the provision of the facilities. This started with the subdivision projects and while Council undertook the project for the purest of motives the business plan was floored from the outset. The plan provided that the project would be cost neutral however in my more than 20 years within the industry I am unaware of a residential subdivision in rural areas breaking even when developed by a council.

The fallout from this project is that Council was carrying an overdraft of more than \$1M within its books. The previous CEO managed to cover this up or at least gloss over the issue over many years and really didn't deal with the issue in a proper way. As it stands at this moment, Council is carrying an interest only loan of \$945,000 which was originally \$1.25M, another loan titled Capital Advance Loan with over \$600K outstanding and it would appear that these were taken to cover Council's overdraft position. This is not a sustainable practice. It would appear that the previous CEO intended to fund the first of these loans with asset sales, many of which were stated at unrealistic revenue expectations. This method of doing business must stop!

GOOMALLING
MINUTES OF ORDINARY MEETING OF COUNCIL
WEDNESDAY, 17 OCTOBER 2018



As it stands right now Council will be making loan repayments of nearly \$700K per year for the next three years and repayments of over \$500K for the following two years. After that the repayments slowly wind their way down to \$150K per year in 2029. The problem with this is that Council's cash flow within the first 4 years will be severely affected and the CEO will struggle to provide any meaningful improvement to services, administrative management, plant or building maintenance during the duration of his contract with Council. In effect he will become a highly paid administrator who will sit on his hands for three years.

I am proposing that the Council delegates authority to the CEO to refinance its loan portfolio to bundle up all of its non Self Supporting loans into a single principal and interest loan and renegotiate the term to 20 years. This will free up about \$330K per year in operational cash flow to concentrate on other areas of the business to improve our standards and renew plant.

I will provide further information to the Council at the next meeting.

Implications to Consider

Strategic
Nil

Legal and Statutory
Local Government Act (1995)

Risk related
Nil

Voting Requirements

Absolute Majority

8.4.3 RESOLUTION

Moved Cr Chester, seconded Cr Van Gelderen that Council:

Delegate authority to the CEO to renegotiate Councils Loan portfolio to a single loan over a 20 year term excluding the SS Loan for Mortlock Sports Council.

CARRIED BY ABSOLUTE MAJORITY 5/0

Mr Russell Beck, Works Supervisor left the meeting at 5.00 pm

Cr Van Gelderen, seconded Cr Sheen that Council go behind closed doors.

CARRIED 5/0



Mr Peter Bentley CEO declared an interest in the item to be discussed below.

8.4.4 RESOLUTION

Moved Cr Sheen, seconded Cr Bowen that Council:

- Delegate authority to the CEO to negotiate a salary package with the successful applicant including base salary, private vehicle use, rental subsidy, and other conditions to a total value of \$150,722.
- Authorise removal costs of up to \$5,000 subject to a minimum of 2 quotes.

CARRIED BY ABSOLUTE MAJORITY 5/0

Cr Van Gelderen, seconded Cr Sheen that Council open doors.

CARRIED 5/0

8.4.5 VILLAGE SOLUTIONS

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	NIL

Nature of Council's Role in the Matter
Executive

Purpose of Report
Council to consider how to proceed with the Koomal Village independent living units (ILU).

Background
Council currently has a relationship with Village Solutions with regard to the proposed Lease for Life sale of the Koomal Village Independent Living Units. Council has had several approaches for ILU rental accommodation in recent times and at this time is unable to make these units available at reasonable rental prices due to the commitment to offer the units as a village solution. Council wished to discuss this issue at a meeting to ascertain what direction it may now take regarding the units.

Comments and details
The CEO recently visited Village Solutions and will provide a verbal report regarding the discussions with the operator at the meeting.



Implications to Consider

Strategic
Nil

Legal and Statutory
Local Government Act (1995)

Risk related
Nil

Voting Requirements

Absolute Majority

8.4.5 RESOLUTION

Moved Cr Van Gelderen, seconded Cr Bowen that Council:

Advise Village Solutions that it wishes to withdraw from the Lease for Life sale process as it has multiple rental prospects for the units.

CARRIED BY ABSOLUTE MAJORITY 5/0

9. NOTICE OF MOTIONS FOR NEXT MEETING

Nil

10. DATE OF NEXT MEETING

The next meeting of the Goomalling Shire Council ordinary meeting be held in the Council Chamber, Administration Office, 32 Quinlan Street, Goomalling on Wednesday, 21 November 2018, commencing 2.15pm.

11. CLOSURE

The Shire President thanked everyone for their attendance and declared the meeting closed at 5.49pm.