

Shire of Goomalling



COUNCIL MINUTES CONFIRMED

March 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. 2 of 2019 of the Shire of Goomalling Council to be held in the Council Chambers, 32 Quinlan Street, Goomalling on Wednesday, 20 March 2019 beginning at 2.30 pm.

1. DECLARATION OF OPENING & ANNOUNCEMENT OF VISITORS

The Shire President declared the meeting opened at 2.42pm.

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
Administration	Councillor	Cr Rodney Sheen
	Chief Executive Officer	Mr Peter Bentley
	Finance Manager	Miss Natalie Bird
	Works Manager	Mr David Long

2.2. Apologies

Nil

2.3. Approved Leave of Absence

Nil

3. DECLARATION OF:

- FINANCIAL INTEREST: Nil
- MEMBERS IMPARTIALITY INTEREST:
 - Cr Ryan and Cr Van Gelderen declared an interest in item 9.4 as members of the Lions Club.
- PROXIMITY INTEREST:
 - Cr Bowen declared an interest in item 9.10 – relationship to one of the applicants.

4. PUBLIC QUESTION TIME

Nil

5. APPLICATION FOR MEMBERS FOR LEAVE OF ABSENCE

Nil



6. CONFIRMATION AND RECEIVING OF MINUTES & BUSINESS ARISING

6.1 Ordinary Meeting of Council held Wednesday 6 February 2019

15. COUNCIL RESOLUTION

Moved Cr Ryan, seconded Cr Sheen

that the minutes of the Ordinary Meeting of Council held on Wednesday 6 February 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

Nil

8. PETITIONS/DEPUTATIONS/PRESENTATIONS/SUBMISSIONS

Nil

9. OFFICERS' REPORTS

9.1 SCHEDULE OF ACCOUNTS PAID 1 JANUARY TO 28 FEBRUARY 2019

DATE:	12 March 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 1476 to 1492	\$43,720.54
Direct Debits 8265 to 8281	\$87,359.80
Cheques 14664 to 14676, 14678 to 14814	\$269,839.18
Payroll 5821 to 5824	\$175,810.00
Super 11584, 11624, 11650, 11675	\$30,078.72

ATTACHMENTS

- A) Schedule of Accounts submitted 20 March 2019
- B) Corporate Credit Card Statements December 2018
- C) Corporate Credit Card Statements January 2019



VOTING REQUIREMENT

Simple Majority

RECOMMENDATION

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

EFT 1476 to 1492	\$43,720.54
Direct Debits 8265 to 8281	\$87,359.80
Cheques 14664 to 14676, 14678 to 14814	\$269,839.18
Payroll 5821 to 5824	\$175,810.00
Super 11584, 11624, 11650, 11675	\$30,078.72
TOTAL	\$610,227.84

16. COUNCIL RESOLUTION (Officer Recommendation)

Moved Cr Van Gelderen, seconded Cr Ryan

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

EFT 1476 to 1492	\$43,720.54
Direct Debits 8265 to 8281	\$87,359.80
Cheques 14664 to 14676, 14678 to 14814	\$269,839.18
Payroll 5821 to 5824	\$175,810.00
Super 11584, 11624, 11650, 11675	\$30,078.72
TOTAL	\$610,227.84

**CARRIED 7/0
By Simple Majority**



9.2 FINANCIAL REPORTS FOR JANUARY & FEBRUARY 2019

DATE:	14 March 2019
SUBJECT:	Monthly Financial Report
PROPONENT:	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

D) Monthly Financial Report to 31 January 2019

E) Monthly Financial Report to 28 February 2019

VOTING REQUIREMENT

Simple Majority

RECOMMENDATION

That the following Monthly Financial Reports be received by Council:

- Monthly Financial Report to 31 January 2019
- Monthly Financial Report to 28 February 2019



17. COUNCIL RESOLUTION (Officer Recommendation)

Moved Cr Barratt, seconded Cr Bowen that the following Monthly Financial Reports be received by Council:

- Monthly Financial Report to 31 January 2019
- Monthly Financial Report to 28 February 2019

CARRIED 7/0
By Simple Majority



9.3 2018 COMPLIANCE AUDIT RETURN

DATE:	7 March 2019
SUBJECT:	Annual Compliance Audit Return
PROPONENT:	Shire of Goomalling
LOCATION:	N/A
AUTHOR:	Karen Mannaerts – Executive Assistant
REPORTING OFFICER:	Peter Bentley – Chief Executive Officer
FILE NO:	102-1
ASSESSMENT NO:	N/A

PURPOSE

To adopt Council's 2018 Compliance Audit Return (CAR) in accordance with the Local Government Act 1995.

BACKGROUND

Each Western Australian local government is required to carry out a compliance audit for the period **1 January to 31 December** against the requirements of the compliance audit return. The CAR has been prepared by EA and DCEO, and reviewed by CEO. After the compliance audit return is accepted by Council, a certified copy of the return, along with the relevant section of the minutes and any additional information explaining or qualifying the compliance audit, is to be submitted to the Director General of the Department of Local Government and Communities by **31 March**.

STATUTORY IMPLICATIONS

Local Government Act 1995

POLICY IMPLICATIONS

No policy regarding this matter.

FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

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

ATTACHMENTS

F) 2018 Compliance Audit Return

VOTING REQUIREMENT

Absolute Majority

RECOMMENDATION

That Council hereby adopt the presented Compliance Return as the Official Compliance Return for 2018 with the following certifications:-

- The information contained in this Return is true and correct to the best of our knowledge.
- This Return was included in the agenda papers and considered by Council at the Ordinary Meeting of Council held on 20 March 2019.



- Each Councillor has had the opportunity to review the Return and to make comment to the Council.
- The extract of the minutes attached to the Return is a true and correct copy of the relevant section(s) of the above-mentioned minutes.
- The Council adopted the Compliance Audit Return as the official Return of Council for the period 1 January 2018 to 31 December 2018.
- Council reviewed the 2018 Compliance Audit Return noting amendments as detailed and recorded its satisfaction to the answers in the Return.

18. COUNCIL RESOLUTION (Officer Recommendation)

Moved Cr Barratt, seconded Cr Chester that Council hereby adopt the presented Compliance Return as the Official Compliance Return for 2018 with the following certifications:-

- The information contained in this Return is true and correct to the best of our knowledge.
- This Return was included in the agenda papers and considered by Council at the Ordinary Meeting of Council held on 20 March 2019.
- Each Councillor has had the opportunity to review the Return and to make comment to the Council.
- The extract of the minutes attached to the Return is a true and correct copy of the relevant section(s) of the above-mentioned minutes.
- The Council adopted the Compliance Audit Return as the official Return of Council for the period 1 January 2018 to 31 December 2018.
- Council reviewed the 2018 Compliance Audit Return noting amendments as detailed and recorded its satisfaction to the answers in the Return.

CARRIED 7/0
By Absolute Majority



9.4 REQUEST FOR FINANCIAL ASSISTANCE – LIONS CANCER INSTITUTE

DATE:	28 February 2019
SUBJECT:	Financial assistance – Lions Cancer Institute
PROPONENT:	Lions Cancer Institute
LOCATION:	Whole of the Shire
AUTHOR:	Peter Bentley – Chief Executive Officer
REPORTING OFFICER:	Peter Bentley – Chief Executive Officer
FILE NO:	48
ASSESSMENT NO:	N/A

PURPOSE

To consider a request from the Lions Cancer Institute for financial support as per attached documentation

BACKGROUND

The CEO received a telephone request for funding from the Institute and requested that a written request be submitted. The request has been made in a package format to provide for a set number of children to attend the “Special Children’s Big Day Out”, details of which are attached although does not specify the actual nature of the event beyond the participants.

It is assumed from the request that the children benefitting from the funding are not only cancer sufferers, but a whole host of other serious illnesses as well.

Council agreed to support this event in August last year and contributed \$500. It is unclear as to whether this is the same event or a subsequent event as it goes by the same name and neither request comes with an event date.

STATUTORY IMPLICATIONS

Local Government Act 1995

POLICY IMPLICATIONS

No specific policy regarding this matter.

FINANCIAL IMPLICATIONS

The contribution in both cases is unbudgeted expenditure.

STRATEGIC IMPLICATIONS

This matter is not directly dealt with within the Community Strategic Plan

ATTACHMENTS

- G) Copy of email from the Lions Cancer Institute

OFFICER COMMENT

Council has made a contribution to the institute within the current financial year and under normal circumstances, if this was to be a regular donation, it would be an annual donation



budgeted for at the commencement of the financial year. It is unclear as to whether this is the same event or a subsequent one.

The email discusses the appeal for this event and goes on to ask for support for free mobile cancer screening as well. Again it is unclear as to whether this is part of the initial request or is further to the request for the "Big Day Out".

VOTING REQUIREMENT

Simple Majority to deny, Absolute Majority to make contribution.

RECOMMENDATION

That the Council:

Advise the Lions Cancer Institute that on this occasion it will (by Absolute M)/will not (by Simple M) provide further financial support within this financial year.

19. COUNCIL RESOLUTION

Moved Cr Chester, seconded Cr Barratt that the Council:

Advise the Lions Cancer Institute that on this occasion it will not provide further financial support within this financial year.

**CARRIED 5/0
By Simple Majority**

Cr Ryan and Cr Van Gelderen declared an interest in the above item as they both are Lions Club Member of the Goomalling Lions Club, and did not vote.



9.5 FITNESS FOR WORK POLICY

DATE:	28 February 2019
SUBJECT:	Fitness for Work Policy
PROPONENT:	Peter Bentley – Chief Executive Officer
LOCATION:	Whole of the Shire
AUTHOR:	Peter Bentley – Chief Executive Officer
REPORTING OFFICER:	Peter Bentley – Chief Executive Officer
FILE NO:	132
ASSESSMENT NO:	N/A

PURPOSE

To consider a revised Fitness for Work Policy outlining a framework for dealing with drugs, alcohol and impairment of staff during normal working hours.

BACKGROUND

The CEO is looking to put in place regular drug and alcohol testing for all staff with a particular emphasis on employees who operate machinery or vehicles owned by the Council. Council has an existing policy however this does not provide any meaningful framework for dealing with employees who test positive to drugs or alcohol.

The revised policy sets out actions and processes should an employee test positive to drugs or alcohol.

STATUTORY IMPLICATIONS

Local Government Act 1995

POLICY IMPLICATIONS

This policy replaces an existing policy.

FINANCIAL IMPLICATIONS

The policy will involve some expense through any actions that are taken which arise from the testing of staff and any rehabilitation that stems from positive test results.

STRATEGIC IMPLICATIONS

This matter is not directly dealt with within the Community Strategic Plan.

ATTACHMENTS

- H) Proposed Fitness for Work Policy
- I) Current Policy 4.38 - Alcohol and Drugs

OFFICER COMMENT

The policy should be revised by staff prior to final implementation. This draft is the final draft prior to making it available to staff for comment prior to final adoption by the Council.

VOTING REQUIREMENT

Simple Majority.



RECOMMENDATION

That the Council:

1. Review the attached draft Fitness for Work Policy;
2. Provide the policy to all staff for comment and review;
3. Should there be no objections from the staff implement and adopt the policy.

20. COUNCIL RESOLUTION (Officer Recommendation)

Moved Cr Ryan, seconded Cr Sheen that the Council:

- 1. Review the attached draft Fitness for Work Policy;**
- 2. Provide the policy to all staff for comment and review;**
- 3. Should there be no objections from the staff implement and adopt the policy.**

**CARRIED 7/0
By Simple Majority**

9.6 REVIEW OF COMMUNITY STRATEGIC PLAN

DATE:	28 February 2019
SUBJECT:	Review of Community Strategic Plan
PROPONENT:	Peter Bentley – Chief Executive Officer
LOCATION:	Whole of the Shire
AUTHOR:	Peter Bentley – Chief Executive Officer
REPORTING OFFICER:	Peter Bentley – Chief Executive Officer
FILE NO:	158
ASSESSMENT NO:	N/A

PURPOSE

To consider the latest incarnation of the Community Strategic Plan which was the subject of community meetings late last year.

BACKGROUND

Council undertook a major review of the Community Strategic Plan last year and employed Ron Back to facilitate the process. Mr Back has provided staff with the revised plan and Council now has the opportunity to revise this prior to the document being put out for public comment.



STATUTORY IMPLICATIONS

Local Government Act 1995

POLICY IMPLICATIONS

There is no specific policy relating to the Community Strategic Plan.

FINANCIAL IMPLICATIONS

None

STRATEGIC IMPLICATIONS

C 2.8 – Increase capacity through the application of the integrated strategic planning process

ATTACHMENTS

J) Draft Strategic Community Plan Reviewed 2018

OFFICER COMMENT

Some staff have had the opportunity to review the plan and will also have the opportunity again through the public comment process.

VOTING REQUIREMENT

Simple Majority

RECOMMENDATION

That the Council:

1. Review the attached draft Community Strategic Plan;
2. Make the plan available to the public for review and comment;
3. Adopt the plan at the May meeting

21. COUNCIL RESOLUTION (Officer Recommendation)

Moved Cr Chester, seconded Cr Ryan that the Council:

- 1. Review the attached draft Community Strategic Plan;**
- 2. Make the plan available to the public for review and comment;**
- 3. Adopt the plan at the May meeting**

**CARRIED 7/0
By Simple Majority**



9.7 CRC ROOF

DATE:	28 February 2019
SUBJECT:	CRC Roofing Problems
PROPONENT:	Peter Bentley – Chief Executive Officer
LOCATION:	Goomalling Community Centre
AUTHOR:	Peter Bentley – Chief Executive Officer
REPORTING OFFICER:	Peter Bentley – Chief Executive Officer
FILE NO:	23 /149-1
ASSESSMENT NO:	A796

PURPOSE

To consider a report from Avon Civil Engineering recommending a method of repairing the CRC Roof to reduce problems with water in the roof space.

BACKGROUND

The CRC roof has been leaking for a number of years now and there are some issues with the way in which the roof was originally designed. Given that the building was constructed some 10 years ago with no prior advice to the builder regarding the issues it will be the Council's problem to rectify.

Council budgeted a loan of \$60,000 to re-roof the building however the CEO has had a structural engineer review the problem and he has provided an alternative method of dealing with it. Essentially, the repair would entail injecting a water tight Expanda Foam into the current the sheetmetal lap, and extending it by some 600mm to provide a double barrier to wind driven stormwater.

This is considerably cheaper than the proposed \$60,000 re-roofing of the building.

STATUTORY IMPLICATIONS

Local Government Act 1995

POLICY IMPLICATIONS

There is no specific policy relating to this matter.

FINANCIAL IMPLICATIONS

The project would likely be less than \$10,000 to complete.

STRATEGIC IMPLICATIONS

B 1.1 – Develop and maintain sustainable assets and infrastructure

ATTACHMENTS

K) Copy of the Engineer's Report CRC

OFFICER COMMENT

This method will be a considerably cheaper option and at this stage I have been unable to locate any other engineering advice that may have been sought in the past.



VOTING REQUIREMENT

Simple Majority

RECOMMENDATION

That the Council:

Grant approval to the CEO to undertake repairs up to \$10,000 to repair the CRC roof, recognizing that this expenditure is unbudgeted and that the budgeted proposed loan for \$60,000 be discontinued.

22. COUNCIL RESOLUTION (Officer Recommendation)
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Moved Cr Barratt, seconded Cr Van Gelderen that the Council:

Grant approval to the CEO to undertake repairs up to \$10,000 to repair the CRC roof, recognizing that this expenditure is unbudgeted and that the budgeted proposed loan for \$60,000 be discontinued.

**CARRIED 7/0
By Simple Majority**



9.8 OLD DOCTORS RESIDENCE

DATE:	28 February 2019
SUBJECT:	Old Doctors Residence
PROPONENT:	Peter Bentley – Chief Executive Officer
LOCATION:	13 High Street
AUTHOR:	Peter Bentley – Chief Executive Officer
REPORTING OFFICER:	Peter Bentley – Chief Executive Officer
FILE NO:	23/78-1
ASSESSMENT NO:	A670

PURPOSE

To consider a report from Avon Civil Engineering which suggests that the Old Doctors House is unfit for human habitation.

BACKGROUND

The Council recently inspected the old Doctors house after the CEO advised that he had verbal advice that the building was unfit for habitation. Mike Gill, who is a civil and structural engineer was the engineer engaged by the previous CEO to review the building. He was asked at that time for a verbal opinion.

Given that the Council had some discussions at and after the last meeting I thought it prudent to obtain a written report from the engineer regarding the state of the building, the problems that have caused the serious cracking and the likelihood of being able to repair the building.

STATUTORY IMPLICATIONS

Local Government Act 1995

POLICY IMPLICATIONS

4.22 Asset Management

FINANCIAL IMPLICATIONS

Any repairs to the building would likely cost several hundred thousand dollars.

STRATEGIC IMPLICATIONS

B 1.1 – Develop and maintain sustainable assets and infrastructure

ATTACHMENTS

- L) Copy of the Engineer's Report 13 High Street

OFFICER COMMENT

It is my understanding that there was some doubt regarding the severity of the damage to the building and whether it would be viable to repair the building. The engineer was clearly of the opinion that the cost of demolishing the building and constructing a new house would be less than the repair cost of the existing house.



VOTING REQUIREMENT

Simple Majority

RECOMMENDATION

That the Council:

Acknowledge that the old Doctors house at 13 High Street is unfit for habitation and that the CEO make preliminary plans for;

1. the eventual demolition of the building; and
2. the construction of new housing on that lot.

23. MOTION

Moved Cr Ryan, seconded Cr Van Gelderen that this matter lay on the table until another engineer is able to inspect and report to Council.

**CARRIED 7/0
By Simple Majority**



9.9 REQUEST TO KEEP FIVE DOGS ON A RURAL PROPERTY

DATE:	28 February 2019
SUBJECT:	Request to keep five dogs
PROPONENT:	Laurel Whitwell
LOCATION:	415 Meckering Road, Goomalling
AUTHOR:	Peter Bentley – Chief Executive Officer
REPORTING OFFICER:	Peter Bentley – Chief Executive Officer
FILE NO:	50
ASSESSMENT NO:	A485

PURPOSE

To consider a report from Council's contract Ranger regarding a request from Laurel Whitwell to keep five dogs on a rural property.

BACKGROUND

On 31 October 2018 Laurel Whitwell made application to keep 5 dogs at her property at 415 Meckering Road Goomalling. Ms Whitwell is currently holding five dogs at the residence ranging from 8.5 years to 6 months in age.

Council's Contract Ranger attended the property. The latest puppy, a Shepherd X, was a stray picked up by the police as a day old pup and was taken in by Ms Whitwell.

STATUTORY IMPLICATIONS

Local Government Act 1995

POLICY IMPLICATIONS

There is no specific policy relating to this matter.

FINANCIAL IMPLICATIONS

Nil.

STRATEGIC IMPLICATIONS

This matter is not directly dealt with within the Community Strategic Plan

ATTACHMENTS

M) copy of the Ranger's Report

OFFICER COMMENT

The Ranger inspected the property on 24th January 2019 and found that the dog yard was in a rundown state and that the pens were made of steel sheeting with dirt floors and would be very hot in summer for the animals.

The conditions in general were barely adequate but for the basis of the current act it would pass the requirements. Given that there will soon be new requirements and updated regulations, it would be prudent to require that the owner submit to six monthly inspections to ensure that the property complies with these changes.



VOTING REQUIREMENT

Simple Majority.

RECOMMENDATION

That the Council:

Grant approval for Ms Laurel Whitwell to keep 5 dogs at the property at 415 Meckering Road on the condition that the property is subject to six monthly inspections and that the property complies with all requirements of current and future animal welfare legislation or the Dog Act, as is relevant, at the time of those inspections.

24. COUNCIL MOTION

Moved Cr Chester, seconded Cr Ryan that Council grant approval to keep 5 dogs on the property at 415 Meckering Road, with the following conditions:

- **The property is subject to six monthly inspections to ensure the dogs are secured and safe and that the yards are clean; and**
- **The approval is only valid for the existing animals. Once any of the dogs pass or be lost, the approval is automatically revoked.**

**CARRIED 7/0
By Simple Majority**

9.10 REQUEST FOR COMMENT – WA PLANNING COMMISSION

DATE:	28 February 2019
SUBJECT:	Request for Comment – WA Planning Commission
PROPONENT:	L & C Bowen & A Haddrill
LOCATION:	Lots 1, 102, 1780 & 995 Haddrill Road
AUTHOR:	Peter Bentley – Chief Executive Officer
REPORTING OFFICER:	Peter Bentley – Chief Executive Officer
FILE NO:	N/A
ASSESSMENT NO:	A1247 & A1335

PURPOSE

To consider a request for comment from the WA Planning Commission regarding the subdivision of the above lots.



BACKGROUND

Council has received a request from the WA Planning Commission with regard to the proposed subdivision of the above 4 lots. The proposal seeks to make three lots from the original four and does not seek to create any new or small lots.

STATUTORY IMPLICATIONS

Local Government Act 1995

POLICY IMPLICATIONS

There is no specific policy relating to this matter.

FINANCIAL IMPLICATIONS

Nil.

STRATEGIC IMPLICATIONS

This matter is not directly dealt with within the Community Strategic Plan

ATTACHMENTS

N) Correspondence from the WA Planning Commission

OFFICER COMMENT

As the intention is to create three lots of approximately 70ha each, I am not sure that Council would have any objections to the subdivision.

VOTING REQUIREMENT

Simple Majority.

RECOMMENDATION

That the Council:

Make no comment with regard to the proposed subdivision of Lots 1, 102, 1780 & 995 Haddrill Road as it has no objections to the proposal.

25. COUNCIL RESOLUTION (Officer Recommendation)
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Moved Cr Barratt, seconded Cr Chester that the Council:

Make no comment with regard to the proposed subdivision of Lots 1, 102, 1780 & 995 Haddrill Road as it has no objections to the proposal.

**CARRIED 6/0
By Simple Majority**

Cr Bowen declared a proximity interest in the above item due to relationship with one of the applicants and did not vote on the matter.



9.11 PLANNING CONSENT - CARAVAN STORAGE AREA – 14 HAYWOOD STREET

DATE:	28 February 2019
SUBJECT:	Caravan Storage Area
PROPONENT:	James Ross Trahair & Annette Trahair
LOCATION:	14 Haywood Street
AUTHOR:	Peter Bentley – Chief Executive Officer
REPORTING OFFICER:	Peter Bentley – Chief Executive Officer
FILE NO:	80-6
ASSESSMENT NO:	A725

PURPOSE

To consider a proposal to use the vacant block at 14 Haywood Street as a caravan storage area.

BACKGROUND

During the latter part of 2018 Council sold the panelbeaters shop at 62 Main Street Goomalling to Mr & Mrs Trahair and the property included the vacant lot at 14 Haywood Street. Since taking over the properties the proponents have been living at the premises and are the subject of Council actions related to that situation.

STATUTORY IMPLICATIONS

Local Government Act 1995

POLICY IMPLICATIONS

There is no specific policy relating to this matter.

FINANCIAL IMPLICATIONS

Planning fee of \$147.00 to be paid by applicant.

STRATEGIC IMPLICATIONS

This matter is not directly dealt with within the Community Strategic Plan

ATTACHMENTS

- O) Copy of the correspondence from Mr & Mrs Trahair

OFFICER COMMENT

The proponents have made an application for planning consent to conduct a caravan storage operation for up to 5 caravans at the Haywood Street site. The property is zoned “Light Industry” and permitted uses for such a site would include:

- | | |
|-----------------------|------------|
| Builders Storage Yard | Car Park |
| Dry Cleaning Premises | Fuel Depot |

And a host of other similar pursuits. These pursuits are listed as:



“...permitted, provided it complies with the relevant standards and requirements laid down in the Scheme and all conditions (if any) imposed by the council in granting planning consent.”

The Scheme does not mention Caravan Storage or Parking as a use so the Council has the opportunity to either equate the proposed use with another similar use in the zoning table or make determination as to whether the use is consistent with the objectives and purpose of the particular zone by absolute majority.

In this case it would seem that the proposal has a similar purpose to say a parking area or storage depot. The industrial zoning objectives are as follows:

INDUSTRIAL ZONES

“The objective for the zones is to provide for diverse industries to locate in a manner which will avoid detrimental impact on other uses in the Shire and achieve satisfactory standards of amenity and accessibility.

Council policies will therefore be;

- (a) Permit in the appropriate industrial zone, the establishment of uses which provide desirable and conveniently located services to the community.
- (b) Permit the establishment of noxious industries in the General Industrial zone under specific circumstances, and with appropriate environmental controls.
- (c) Require industrial premises to provide adequate and satisfactory provision of accessibility, car parking and appearance.”

VOTING REQUIREMENT

Simple Majority.

RECOMMENDATION

That the Council:

Grant Planning Consent to Mr James Ross Trahair and Mrs Annette Trahair to conduct a Caravan Storage facility for up to five caravans at 14 Haywood Street Goomalling subject to the following conditions;

1. The area is not to be used for repairs to the caravans;
2. Any additional bays sought be the subject of a further planning application;
3. The proponents must comply with any standards or regulations that apply to the pursuit set down by other jurisdictions;
4. This application is valid for a period of two years and the project must be substantially completed within that timeframe otherwise a further application must be made.



26. COUNCIL RESOLUTION (Officer Recommendation)

Moved Cr Ryan, seconded Cr Chester that the Council:

Grant Planning Consent to Mr James Ross Trahair and Mrs Annette Trahair to conduct a Caravan Storage facility for up to five caravans at 14 Haywood Street Goomalling subject to the following conditions:

- 1. The area is not to be used for repairs to the caravans;**
- 2. Any additional bays sought be the subject of a further planning application;**
- 3. The proponents must comply with any standards or regulations that apply to the pursuit set down by other jurisdictions;**
- 4. This application is valid for a period of two years and the project must be substantially completed within that timeframe otherwise a further application must be made.**

**CARRIED 7/0
By Simple Majority**

9.12 FIREWOOD COLLECTION

DATE:	28 February 2019
SUBJECT:	Collection of firewood from road verges.
PROONENT:	Mr Marty Shortall
LOCATION:	Whole of Shire
AUTHOR:	Peter Bentley – Chief Executive Officer
REPORTING OFFICER:	Peter Bentley – Chief Executive Officer
FILE NO:	N/A
ASSESSMENT NO:	N/A

PURPOSE

To consider a proposal from Mr Shortall to collect firewood from Council roadsides.

BACKGROUND

Mr Shortall has approached the CEO with a proposal for him to collect firewood from road verges within the Shire of Goomalling. Mr Shortall proposes to use some of the wood for personal use and some for sale of wood products.

The proponent holds fulltime employment with his own business interests and seeks to undertake these activities during weekends. Mr Shortall suggests that this would relieve a fire hazard for the Shire and help in tidying up the rural roads as well.



STATUTORY IMPLICATIONS

Local Government Act 1995

POLICY IMPLICATIONS

There is no specific policy relating to this matter.

FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

This matter is not directly dealt with within the Community Strategic Plan

ATTACHMENTS

P) A copy of the correspondence from Mr Shortall.

OFFICER COMMENT

The proponent makes his case with regard to fire hazard and tidying up of our rural roads but it would be unusual for a person from outside of the Shire to show such altruistic tendencies without some sort of financial gain being involved. I would assume that there is a market for the supply of firewood which he intends to tap into. This would then become a commercial operation.

Council has the ability to offer to do this on Council controlled reserves however it is not within our power to grant permission to access on MRWA controlled roads, other reserves including crown land or where there is potential to affect flora and fauna.

VOTING REQUIREMENT

Simple Majority.

RECOMMENDATION

That the Council:

Advise Mr Shortall that it at this time Council does not support his proposal.

27. COUNCIL RESOLUTION (Officer Recommendation)

Moved Cr Ryan, seconded Cr Sheen that the Council:

Advise Mr Shortall that it at this time Council does not support his proposal.

**CARRIED 7/0
By Simple Majority**



9.13 OFFER TO SELL LOCATION 5390

DATE:	11 March 2019
SUBJECT:	Offer to sell property Location 5390.
PROPONENT:	Mr Brad Johnson & Mrs Jill Johnson
LOCATION:	Location 5390
AUTHOR:	Peter Bentley – Chief Executive Officer
REPORTING OFFICER:	Peter Bentley – Chief Executive Officer
FILE NO:	97-6
ASSESSMENT NO:	A383

PURPOSE

To consider a proposal from Mr & Mrs Johnson to sell Location 5390 to the Council for the price of \$1.00.

BACKGROUND

Mr & Mrs Johnson have written to the Council offering to sell the above location to the Shire. The lot is located between the Uniting Anglican Church and the Konnongorring Hall on the Northam-Pithara Road.

The property has been variously used as a car parking area for both the church and the hall. The Council has used the property for tree plantings and generally the property has been integrated into the other properties for the benefit of the community.

Mr and Mrs Johnson have for many years paid rates on the property, however there is little or no benefit in them retaining the property given that Council has planted trees on the property and that it is used almost exclusively by the community rather than the owners.

STATUTORY IMPLICATIONS

Local Government Act 1995

POLICY IMPLICATIONS

There is no specific policy relating to this matter.

FINANCIAL IMPLICATIONS

Council would be required to pay the price of \$1.00 plus settlement costs for the property. There would be a reduction in future years of about \$1,000 in rates annually.

STRATEGIC IMPLICATIONS

This matter is not directly dealt with within the Community Strategic Plan

ATTACHMENTS

- Q) A copy of the correspondence from Mr & Mrs Johnson.

OFFICER COMMENT

The proponent makes his case with regard to community use aspect of the property and in all honesty, the Council has some liability for the works it has carried out on the property



but essentially, because of the ongoing community use of the property there is a case for the Council to purchase the lot.

The proponent is not wanting to make profit from the sale, only to cease paying rates on a property that has become a community use property rather than a private one.

VOTING REQUIREMENT

Simple Majority.

RECOMMENDATION

That the Council:

Agree to purchase Lot 1, Location 5390, Northam-Pithara Road, Konnongorring from Mr & Mrs Johnson for the price of \$1.00 and the parties involved cover their own settlement costs.

28. COUNCIL RESOLUTION (Officer Recommendation)

Moved Cr Ryan, seconded Cr Bowen that the Council:

Agree to purchase Lot 1, Location 5390, Northam-Pithara Road, Konnongorring from Mr & Mrs Johnson for the price of \$1.00 and the parties involved cover their own settlement costs.

**CARRIED 7/0
By Simple Majority**



9.14 CONTROL OF RESERVE 50871

DATE:	11 March 2019
SUBJECT:	Management of Reserve 50871
PROPONENT:	Department of Planning, Lands & Heritage
LOCATION:	Reserve 50871
AUTHOR:	Peter Bentley – Chief Executive Officer
REPORTING OFFICER:	Peter Bentley – Chief Executive Officer
FILE NO:	146
ASSESSMENT NO:	N/A

PURPOSE

To consider the question as to whether the Council will accept control of Reserve 50871.

BACKGROUND

Through the process of creating the Grange Estate sub-division a new reserve was created to facilitate the road which currently abuts the rear of lots 205 and 206. The road was constructed into the corner of Lot 206 either by design or by accident and this required that the reserve be created to cater for this.

The Department of Planning, Lands and Heritage has written to the Council seeking confirmation that the Council will accept control of the reserve.

STATUTORY IMPLICATIONS

Local Government Act 1995

POLICY IMPLICATIONS

There is no specific policy relating to this matter.

FINANCIAL IMPLICATIONS

Nil.

STRATEGIC IMPLICATIONS

This matter is not directly dealt with within the Community Strategic Plan

ATTACHMENTS

R) Correspondence from Department of Planning, Lands and Heritage.

OFFICER COMMENT

The Council needs to take control of this reserve in order to maintain the road that crosses into it. The road is a council road and accordingly our responsibility.

VOTING REQUIREMENT

Simple Majority.



RECOMMENDATION

That the Council:

Advise the Department of Planning, Lands and Heritage that it accepts responsibility for the management of Reserve 50871.

29. COUNCIL RESOLUTION (Officer Recommendation)

Moved Cr Ryan, seconded Cr Barratt that the Council:

Advise the Department of Planning, Lands and Heritage that it accepts responsibility for the management of Reserve 50871.

**CARRIED 7/0
By Simple Majority**

9.15 REVIEW AND UPDATE POLICY 1.2 USE OF CORPORATE CREDIT CARD

DATE:	7 March 2019
SUBJECT:	Review of Policy 1.2 Use of Corporate Credit Card
PROPONENT:	Natalie Bird – Finance Manager
LOCATION:	Whole of the Shire
AUTHOR:	Natalie Bird – Finance Manager
REPORTING OFFICER:	Natalie Bird – Finance Manager
FILE NO:	132
ASSESSMENT NO:	N/A

PURPOSE

For Council to approve amendments to Council's Use of Corporate Credit Policy No 1.2 (adopted July 2015).

BACKGROUND

Policy 1.2 Use of Corporate Credit Card was for one (1) only credit card for the Chief Executive Officer for the credit limit of \$15,000. This credit amount is now split to three (3) credit cards for the Chief Executive Officer (credit limit \$9,000), Deputy Chief Executive Officer (credit limit \$3,000) and the Works Manager (credit limit \$3,000).

STATUTORY IMPLICATIONS

Local Government Act 1995

Local Government (Financial Management) Regulations 1996



POLICY IMPLICATIONS

The proposed policy is to replace the current policy 1.2 Use of Corporate Credit Card.

FINANCIAL IMPLICATIONS

Ongoing management of Council funds

STRATEGIC IMPLICATIONS

This matter is not directly dealt with within the Community Strategic Plan

ATTACHMENTS

- S) Current Policy 1.2 Use of Corporate Credit Card
- T) Proposed Amended Policy 1.2 Use of Corporate Credit Cards

VOTING REQUIREMENT

Absolute Majority

RECOMMENDATION

That the amended Policy 1.2 Use of Corporate Credit Cards as presented and reviewed, be adopted.

30. COUNCIL RESOLUTION (Officer Recommendation)
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Moved Cr Chester, seconded Cr Barratt that the Council:

Adopt the amended Policy 1.2 Use of Corporate Credit Cards as presented and reviewed.

**CARRIED 7/0
By Simple Majority**



9.16 DEMOLITION OF RESIDENCE ON LOT 240 THROSSELL STREET

DATE:	14 March 2019
SUBJECT:	Demolition residence Lot 240 Throssell St
PROPONENT:	Shire of Goomalling
LOCATION:	Lot 240 Throssell St Reserve 50871
AUTHOR:	Linton Thomas – PEHO/Building Surveyor
REPORTING OFFICER:	Linton Thomas – PEHO/Building Surveyor
FILE NO:	80-6
ASSESSMENT NO:	A40

PURPOSE

To bring to a conclusion of the Demolition Order issued in August 2018.

BACKGROUND

On the 8th February 2018, Council issued an Unfit for Human Habitation Order on the residence located on the Lot and listed a Schedule of Repairs to be completed within 180 days, to make the building habitable.

As no repairs had been commenced Council at their August 2018 meeting issued a Demolition Order to the owners to remove the house within 30 days.

At the request of the owners, Council at their September meeting, granted an extension to the time allowed which expired on the 20 December 2018.

STATUTORY IMPLICATIONS

Health (Miscellaneous Provisions) Act 1911

POLICY IMPLICATIONS

There is no specific policy relating to this matter.

FINANCIAL IMPLICATIONS

None if cost recovery is successful.

STRATEGIC IMPLICATIONS

This matter is not directly dealt with within the Community Strategic Plan

ATTACHMENTS

Nil

OFFICER COMMENT

It is evident that no demolition has taken place within the times specified and Council can under Section 140 of the *Health Miscellaneous Provisions Act 1911* which states;

140. (1) Whenever any owner fails to comply with a notice served upon him under any of the foregoing provisions of this Part, within a time therein specified, he commits an offence, and the local government may carry out the terms of the notice and recover all expenses from the owner:



Provided that the local government may sell or dispose of the material taken from a demolished or amended building, but the proceeds of sale shall be applied towards the expense of carrying out the terms of the notice – the surplus (if any) to be paid to the owner.

The owners were notified of this possible action in February 2019 and no response has been received.

Furthermore, Council may wish to prosecute the owners for breaches of the Health Orders.

VOTING REQUIREMENT

Simple Majority.

RECOMMENDATION

That the Council:

Carries out the demolition of the house that has been subject to previous orders of Council, in accordance to Section 140 of the *Health (Miscellaneous Provisions) Act 1911* and recover the cost from the owners Mr Laurence Raymond Reiger and Mrs Coral Ann Reiger.

31. COUNCIL RESOLUTION (Officer Recommendation)

Moved Cr Barratt, seconded Cr Chester that the Council:

Carries out the demolition of the house that has been subject to previous orders of Council, in accordance to Section 140 of the *Health (Miscellaneous Provisions) Act 1911* and recover the cost from the owners Mr Laurence Raymond Reiger and Mrs Coral Ann Reiger.

LOST 0/7

32. COUNCIL MOTION

Moved Cr Van Gelderen, seconded Cr Bowen that Council:

- **give Mr Reiger a further 60 days to comply with the Demolition Order; and**
- **if not completed within this timeframe, then Council will carry out the demolition of the house that has been subject to previous orders of Council, in accordance to Section 140 of the *Health (Miscellaneous Provisions) Act 1911* and recover the cost from the owners Mr Laurence Raymond Reiger and Mrs Coral Ann Reiger.**

**CARRIED 5/2
By Simple Majority**



9.17 CLEAN UP OF LOT 239 THROSSELL STREET

DATE:	14 March 2019
SUBJECT:	Clean Up Order Lot 239 Throssell St
PROPONENT:	Shire of Goomalling
LOCATION:	Lot 239 Throssell St Reserve 50871
AUTHOR:	Linton Thomas – PEHO/Building Surveyor
REPORTING OFFICER:	Linton Thomas – PEHO/Building Surveyor
FILE NO:	80-6
ASSESSMENT NO:	A105

PURPOSE

To bring to a conclusion of the Clean-up Order issued on the 20th August 2018.

Council to approve the Principal Environmental Health Officers (PEHO) request for the clean-up of Lot 239 Throssell Street, Goomalling owned by Mr Laurence Raymond Reiger and Mrs Coral Ann Reiger in accordance to Section 3.26 of the Local Government Act 1995.

BACKGROUND

On the 19 August 2018, Council issued an Order to the owners, to clear the disused vehicles, trailer, drums, timber pallets and other disused material littering Lot 239, within 30 days.

STATUTORY IMPLICATIONS

Local Government Act 1995

POLICY IMPLICATIONS

There is no specific policy relating to this matter.

FINANCIAL IMPLICATIONS

None if cost recovery is successful.

STRATEGIC IMPLICATIONS

This matter is not directly dealt with within the Community Strategic Plan

ATTACHMENTS

Nil

OFFICER COMMENT

It is evident that no meaningful action has taken place within the time specified and Council can under Section 3.26 of the Local Government Act 1995, may carry out the terms of the Order.

Section 3.26 states;

3.26. Additional powers when notices given

- (1) This section applies when a notice is given under section 3.25(1).



(2) If the person who is given the notice (*notice recipient*) fails to comply with it, the local government may do anything that it considers necessary to achieve, so far as is practicable, the purpose for which the notice was given.

(3) The local government may recover the cost of anything it does under subsection (2) as a debt due from the person who failed to comply with the notice.

The owners were notified of this possible action in February 2019 and no response has been received.

Furthermore, Council may wish to prosecute the owners for breaching the Local Government Order.

VOTING REQUIREMENT

Simple Majority.

RECOMMENDATION

That the Council:

Carries out the clean-up Order that has been subject to a previous order of Council, in accordance to Section 3.26 of the *Local Government Act 1995* and recover the cost from the owners Mr Laurence Raymond Reiger and Mrs Coral Ann Reiger.

33. MOTION (Officer Recommendation)

Moved Cr Barratt, seconded Cr Chester that the Council:

Carries out the clean-up Order that has been subject to a previous order of Council, in accordance to Section 3.26 of the *Local Government Act 1995* and recover the cost from the owners Mr Laurence Raymond Reiger and Mrs Coral Ann Reiger.

LOST 0/7

34. MOTION

Moved Cr Van Gelderen, seconded Cr Bowen that Council:

- give Mr Reiger a further 60 days to comply with the Clean Up Order; and
- if not completed within this timeframe, then Council will carry out the clean-up of the Lot that has been subject to previous orders of Council, in accordance to Section 140 of the *Health (Miscellaneous Provisions) Act 1911* and recover the cost from the owners Mr Laurence Raymond Reiger and Mrs Coral Ann Reiger.

CARRIED 5/2
By 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
Nil

12. INFORMATION BULLETIN

35. COUNCIL RESOLUTION

Moved Cr Barratt, seconded Cr Sheen that the Information Bulletin be received.

CARRIED 7/0
By Simple Majority

12.11 APPLICATION OF COMMON SEAL

Application was received from Maxine Montague for the Grant of Right of Burial for Grave No 825 in the Anglican Section of the Goomalling Cemetery.

The applicable fee of \$230 was received on 14/3/19 and the Common Seal is to be affixed to validate the beforementioned Grant No 120.

OFFICER RECOMMENDATION

That Council:

Hereby authorise the affixing of the Common Seal to the Schedule "B" Goomalling Public Cemetery Form of Grant of Right of Burial, Grant No. 120 for Maxine Montague.

36. COUNCIL RESOLUTION

Moved Cr Ryan, seconded Cr Bowen that Council:

Hereby authorise the affixing of the Common Seal to the Schedule "B"
Goomalling Public Cemetery Form of Grant of Right of Burial, Grant No. 120
for Maxine Montague.

CARRIED 7/0
By Simple Majority

13. MATTERS BEHIND CLOSED DOORS
Nil

14. MEETING CLOSURE

There being no further business the Shire President thanked everyone for their attendance and declared the meeting closed at 4.27pm.