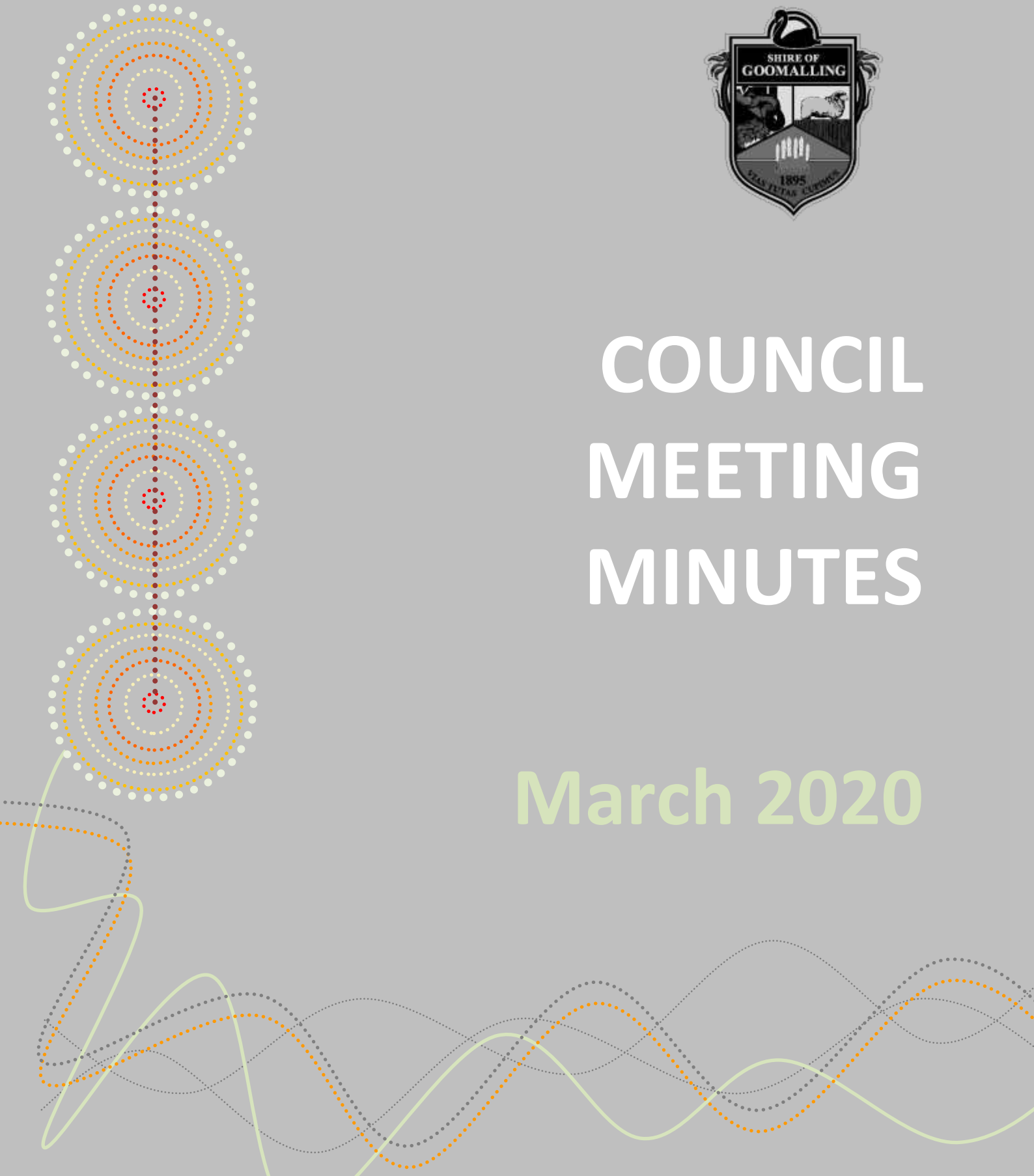


Shire of Goomalling



COUNCIL MEETING MINUTES

March 2020





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 2020 of the Shire of Goomalling Council to be held in the Council Chambers, Administration Office, 32 Quinlan Street, Goomalling on Wednesday, 5 February 2020 beginning at 5.17 pm.

1. DECLARATION OF OPENING & ANNOUNCEMENT OF VISITORS

The Shire President declared the meeting opened at 5.17 pm

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 Brendon Wilkes
Administration	Chief Executive Officer	Mr Peter Bentley
	Finance Manager	Miss Natalie Bird
	Works Manager	Mr David Long

2.2. Apologies

2.3. Approved Leave of Absence

Cr Roland Van Gelderen

3. DECLARATION OF:

- FINANCIAL INTEREST
- MEMBERS IMPARTIALITY INTEREST
- PROXIMITY INTEREST

4. PUBLIC QUESTION TIME

Nil

5. APPLICATION FROM MEMBERS FOR LEAVE OF ABSENCE

Nil



6. CONFIRMATION AND RECEIVING OF MINUTES & BUSINESS ARISING

6.1 Ordinary Meeting of Council held Wednesday 5 February 2020

171. RESOLUTION

Moved Cr Barratt, seconded Cr Chester

that the minutes of the Ordinary Meeting of Council held on Wednesday 5 February 2020 be confirmed as a true and correct record of proceedings.

CARRIED 6/0
By Simple Majority

6.2 Receiving of Minutes of Audit Compliance Committee meeting held on Wednesday 19 February 2020

172. RESOLUTION

Moved Cr Wilkes, seconded Cr Chester

that the minutes of the Audit Compliance Committee meeting held on Wednesday 19 February 2020 be received.

CARRIED 6/0
By Simple Majority

7. ANNOUNCEMENTS BY THE PRESIDING PERSON WITHOUT DISCUSSION

- The Shire President and Works Manager attended Regional Roads Group meetings
- The Shire President, Cr Butt, Cr Barratt, Works Manager and Finance Manager attended the Emergency Management Training in Recovery along with the CESM Rob Koch

8. PETITIONS/DEPUTATIONS/PRESENTATIONS/SUBMISSIONS

Nil



9. OFFICERS' REPORTS

9.1 SCHEDULE OF ACCOUNTS PAID 1 JANUARY TO 29 FEBRUARY 2020

DATE:	10 February 2020
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

January

EFT 1854-1911	\$114,425.66
Direct Debits 8370-8376	\$54,937.11
Cheques 15087-15104	\$38,919.32
Payroll 6210, 6222	\$89,840.00
Super DD12277, DD12286	\$14,677.63
TOTAL	\$312,799.72

February

EFT 1912-1988	\$211,066.63
Direct Debits 8377-8383	\$30,388.45
Cheques 15105-15115	\$41,749.17
Payroll 6224, 6229	\$92,683.00
Super DD12244, DD12253	\$15,155.34
TOTAL	\$391,042.59

ATTACHMENTS

- Schedule of Accounts Paid January 2020
- Schedule of Accounts Paid February 2020
- Corporate Credit Card Statements January 2020
- Corporate Credit Card Statements February 2020

VOTING REQUIREMENT

Simple Majority

RECOMMENDATION

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

January 2020

EFT 1854-1911	\$114,425.66
Direct Debits 8370-8376	\$54,937.11
Cheques 15087-15104	\$38,919.32
Payroll 6200, 6205	\$89,840.00



Super DD12244, DD12253		\$14,677.63
	<i>SUBTOTAL</i>	\$312,799.72
 February 2020		
EFT 1912-1988		\$211,066.63
Direct Debits 8377-8383		\$30,388.45
Cheques 15105-15115		\$41,749.17
Payroll 6224, 6229		\$92,683.00
Super DD12244, DD12253		\$15,155.34
	<i>SUBTOTAL</i>	\$391,042.59
	<i>GRAND TOTAL</i>	\$703,842.31

173. RESOLUTION (Officer Recommendation)

Moved Cr Butt, seconded Cr Barratt

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

January 2020		
EFT 1854-1911		\$114,425.66
Direct Debits 8370-8376		\$54,937.11
Cheques 15087-15104		\$38,919.32
Payroll 6200, 6205		\$89,840.00
Super DD12244, DD12253		\$14,677.63
	<i>SUBTOTAL</i>	\$312,799.72
 February 2020		
EFT 1912-1988		\$211,066.63
Direct Debits 8377-8383		\$30,388.45
Cheques 15105-15115		\$41,749.17
Payroll 6224, 6229		\$92,683.00
Super DD12244, DD12253		\$15,155.34
	<i>SUBTOTAL</i>	\$391,042.59
	<i>GRAND TOTAL</i>	\$703,842.31

CARRIED 6/0
By Simple Majority



9.2 FINANCIAL REPORT FOR JANUARY 2020 & FEBRUARY 2020

DATE:	12 February 2020
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

4.1.4 Provide reporting processes in transparent, accountable and timely manner.

ATTACHMENTS

- Monthly Financial Report to 31 January 2020
- Monthly Financial Report to 29 February 2020

VOTING REQUIREMENT

Simple Majority

RECOMMENDATION

That the following Monthly Financial Report be received by Council:

- Monthly Financial Report to 31 January 2020
- Monthly Financial Report to 29 February 2020



174. RESOLUTION (Officer Recommendation)

Moved Cr Barratt, seconded Cr Wilkes

That the following Monthly Financial Report be received by Council:

- **Monthly Financial Report to 31 January 2020**
- **Monthly Financial Report to 29 February 2020**

CARRIED 6/0
By Simple Majority



9.3 2019 COMPLIANCE AUDIT RETURN

DATE:	10 March 2020
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 2019 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

4.2.2 Promote a culture of continuous improvement processes and resource sharing.

ATTACHMENTS

2019 Compliance Audit Return

VOTING REQUIREMENT

Absolute Majority



RECOMMENDATION

That Council hereby adopt the presented Compliance Return as the Official Compliance Return for 2019 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 18 March 2020.
- 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 2019 to 31 December 2019.
- Council reviewed the 2019 Compliance Audit Return noting amendments as detailed and recorded its satisfaction to the answers in the return.

175. RESOLUTION (Officer Recommendation)

Moved Cr Chester, seconded Cr Sheen

That Council hereby adopt the presented Compliance Return as the Official Compliance Return for 2019 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 18 March 2020.**
- **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 2019 to 31 December 2019.**
- **Council reviewed the 2019 Compliance Audit Return noting amendments as detailed and recorded its satisfaction to the answers in the return.**

CARRIED 6/0
By Absolute Majority



**9.4 PLANNING CONSENT – PROPOSED TOURISM DEVELOPMENT – LOT 27 (NO. 10)
FORREST STREET, GOOMALLING**

DATE:	11 March 2020
SUBJECT:	Dining Room and Short-term accommodation.
PROPONENT:	Philip Barker/Roger Menzies
LOCATION:	Lot 27 (No. 10) Forrest Street
AUTHOR:	Hugo De Vos – Contract Planner
REPORTING OFFICER:	Peter Bentley – Chief Executive Officer
FILE NO:	176/184
ASSESSMENT NO:	A20

PURPOSE

To consider a proposal for the extension of a proposed dining room and the construction of additional short-term accommodation tourism development at Lot 27 (No. 10) Forrest Street in Goomalling.

BACKGROUND

Lot 27 (No. 10) Forrest Street in Goomalling is a 2027m² property located at the intersection of Forrest and Quinlan Street. The property is zoned Commercial under the Shire of Goomalling Local Planning Scheme No. 3.

Currently operating on the site is a boutique guesthouse ‘Mystique Maison’.

The Shire of Goomalling has received an application for development approval for the construction of a dining room extension to the existing guest house and 8 prefabricated transportable short-term accommodation units with 12 car parking spaces.

The applicant has provided:

“It is envisaged that pre-constructed transportable accommodation units will be relocated to the site to provide accommodation and the construction of a dining room will complement the existing commercial kitchen in the existing guest house.

It is expected that the development will be open for three meals a day, seven days a week so as to provide a tourism-based service that is not currently being provided.

The dining room will have a removable side wall so as to offer alfresco dining.”

For further details please refer to the plans supplied in the Attachments.

PUBLIC CONSULTATION

The application was advertised in accordance with clause 6.2.3(a) of the Scheme:

Notice of the proposed development to be served on the owners and occupiers of land within an area determined by the Council as likely to be affected by the granting of Planning Approval,



stating that submissions may be made to the Council within twenty-one days of the service of such notice;

It should be noted however that in order to be consistent with the provisions of Schedule 2, Clause 64(3)(a) of the *Planning and Development (Local Planning Schemes) Regulations 2015* – a reduced period of 14 days was applied. This period ended on 26 February 2020 and a submission was received from the Goomalling Farmers Club which was generally supportive but did make comment regarding licensing issues. This specifically related to whether the new facility would be applying for a liquor licence and whether this was a good thing given that there were 4 existing outlets available to the public. A copy of the submission is attached for Council information.

PLANNING FRAMEWORK

The combined dining room and short-term accommodation units along with the existing guesthouse are being considered as a tourism development. The *Planning and Development (Local Planning Schemes) Regulations 2015* defines this land use as:

tourist development means a building, or a group of buildings forming a complex, other than a bed and breakfast, a caravan park or holiday accommodation, used to provide —

- (a) short-term accommodation for guests; and*
- (b) onsite facilities for the use of guests; and*
- (c) facilities for the management of the development;*

This land use definition does not appear in the zoning table of the Local Planning Scheme No. 3.

Clause 3.2.5 of the Scheme states:

If the use of land for a particular purpose is not specifically mentioned in the Zoning Table and cannot reasonably be determined as falling within the interpretation of one of the use classes, the Council may:

- a) determine that the use is not consistent with the objectives and purpose of the particular zone and is therefore not permitted; or*
- b) determine by absolute majority that the proposed use is consistent with the objectives and purposes of the zone and thereafter follow the advertising procedures of Clause 6.2 in considering an application for Planning Consent.*

Clause 3.5.2 of the Scheme lists the objective for the commercial zone as:

The objective for the zone is to maintain a compact and accessible town centre, providing a variety of service functions predominantly commercial, service and administrative.

The provision of a tourism development can be considered a commercial use and thus the use is consistent with this objective.



STATUTORY IMPLICATIONS

Planning and Development Act 2005

Planning and Development (Local Planning Schemes) Regulations 2015

Shire of Goomalling Local Planning Scheme No. 3

POLICY IMPLICATIONS

Clause 3.5.2 outlines the following policies for the Commercial Zone:

Policy	Comment
to maintain safety and efficiency of traffic flows and provide for adequate facilities for the storage and circulation of vehicles;	The applicant has provided 12 car parking spaces including 1 ACROD bay.
to preclude the storage of bulky and unsightly goods where they may be in public view;	None anticipated.
to maintain the compatibility with the general streetscape, for all new buildings and modifications to existing buildings in terms of scale, height, style, materials, street alignment and design of facades;	It is considered that the development will be compatible.
to provide sheltered places for pedestrians;	Pedestrians will be able to use an existing footpath.
to restrict industrial type uses to service or low impact, labour intensive industries that relate to the centre functions;	Not applicable
to reduce uses attracting large volumes of truck traffic other than to service retail outlets;	Not applicable

FINANCIAL IMPLICATIONS

Planning fee of \$576.00 to be paid by applicant.

STRATEGIC IMPLICATIONS

The Strategic Community Plan 2013 provides the following objectives and strategies.

ECONOMIC - E 2 Facilitate the development of local and regional tourism

E 2.1 Advocate, promote and market the Shire as a place to live, work and visit (short term)

E 2.2 Facilitate and support the development of tourist accommodation in the district (short term)

ATTACHMENTS

- Copy of the plans
- Submission from Farmers Club

OFFICER COMMENT

This proposal aims to build on an existing guesthouse business and provide facilities for Goomalling which will bolster tourism opportunities in the future.



Whilst tourism development is not listed in the zone, it is considered that the proposal meets the objectives of the zone.

No objections have been received regarding the proposal.

Traffic numbers will not be significantly increased, and the applicant has provided adequate car parking to support the development.

It is recommended that Council approve this development subject to conditions as below.

VOTING REQUIREMENT

Absolute Majority.

RECOMMENDATION

That Council grant development approval for the proposed tourism development (dining room, short-term accommodation and associated infrastructure) at Lot 27 (No. 10) Forrest Street in Goomalling, subject to the following conditions:

- a. The development hereby permitted must substantially commence within two years from the date of this decision letter.
- b. The development hereby permitted taking place in accordance with the approved plans.
- c. Prior to occupation of the development, the car parking and loading area(s), and vehicle access and circulation areas shown on the approved site plan, including the provision of universally accessible (disabled) car parking, is to be constructed, drained, and line marked to the satisfaction of the local government.
- d. All car parking/loading areas, and vehicle access and circulation areas are to be maintained and available for car parking/loading, and vehicle access and circulation on an ongoing basis to the satisfaction of the local government.
- e. Prior to occupation, landscaping is to be completed in accordance with the approved plans or any approved modifications thereto to the satisfaction of the local government.
- f. All landscaped areas are to be maintained on an ongoing basis to the satisfaction of the local government.
- g. The stormwater shall be discharged in a manner so that there is no discharge onto the adjoining properties to the satisfaction of the local government.
- h. Prior to occupation, the development hereby permitted shall be connected to an approved effluent disposal system.



176. RESOLUTION (Officer Recommendation)

Moved Cr Barratt, seconded Cr Chester

That Council grant development approval for the proposed tourism development (dining room, short-term accommodation and associated infrastructure) at Lot 27 (No. 10) Forrest Street in Goomalling, subject to the following conditions:

- a. The development hereby permitted must substantially commence within two years from the date of this decision letter.**
- b. The development hereby permitted taking place in accordance with the approved plans.**
- c. Prior to occupation of the development, the car parking and loading area(s), and vehicle access and circulation areas shown on the approved site plan, including the provision of universally accessible (disabled) car parking, is to be constructed, drained, and line marked to the satisfaction of the local government.**
- d. All car parking/loading areas, and vehicle access and circulation areas are to be maintained and available for car parking/loading, and vehicle access and circulation on an ongoing basis to the satisfaction of the local government.**
- e. Prior to occupation, landscaping is to be completed in accordance with the approved plans or any approved modifications thereto to the satisfaction of the local government.**
- f. All landscaped areas are to be maintained on an ongoing basis to the satisfaction of the local government.**
- g. The stormwater shall be discharged in a manner so that there is no discharge onto the adjoining properties to the satisfaction of the local government.**
- h. Prior to occupation, the development hereby permitted shall be connected to an approved effluent disposal system.**

CARRIED 6/0
By Absolute Majority



9.5 APPLICATION FOR DEVELOPMENT APPROVAL – PROPOSED MACHINERY SHED AT LOT 102 (#2772) GOOMALLING-TOODYAY ROAD, MUMBERKINE

DATE:	12 March 2020
SUBJECT:	Proposed Machinery Shed
PROPONENT:	John Broadhurst
LOCATION:	Lot 102 (#2772) Goomalling-Toodyay Rd, Mumberkine
AUTHOR:	Kobus Nieuwoudt – Contract Planner
REPORTING OFFICER:	Peter Bentley – Chief Executive Officer
FILE NO:	176
ASSESSMENT NO:	A1020

PURPOSE

For Council to consider granting development approval (planning approval) for a 29.45m long X 9m wide X 6.65m high machinery shed at Lot 102 (#2772) Goomalling-Toodyay Road, Mumberkine (the property).

BACKGROUND

The applicant, Mr John Broadhurst, proposes to construct a 265m² (29.45m X 9m) machinery shed approximately 10m north of the southern boundary of the property. The machinery shed will have a wall height of 4.5m, and an overall ridge height of 6.65m.

The machinery shed will be used to store farm equipment and for other agricultural purposes. Refer attached plans.

PUBLIC CONSULTATION

Given the location of the proposed machinery shed relative to the legal boundaries of the property, public consultation was not considered necessary.

PLANNING FRAMEWORK

Under the Shire's Town Planning Scheme No. 3, Lot 102 is zoned 'Rural 3 – General Farming'.

Farm buildings are structures that are ancillary to an agricultural use of the land on which it is situated and includes hay sheds, stock holding yards, machinery sheds, shearing sheds, silos, storage tanks, outbuildings or other forms of structures used for storing agriculture machinery, farm produce and supplies.

There is currently no exemption for the requirement to apply for development approval for new development under the Shire's town planning scheme.

STATUTORY IMPLICATIONS

Planning and Development Act 2005

Planning and Development (Local Planning Schemes) Regulations 2015

Shire of Goomalling Town Planning Scheme No. 3

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

The applicant has paid the statutory application fee.



STRATEGIC IMPLICATIONS

The Strategic Community Plan 2013 provides the following objectives and strategies.

ECONOMIC - E 2 Facilitate the development of local and regional tourism

E 2.1 Advocate, promote and market the Shire as a place to live, work and visit (short term)

ATTACHMENTS

A copy of the plans submitted with the application is attached.

OFFICER COMMENT

Council's Administration supports the application for the following reasons:

- The proposed machinery shed will complement the character of the area and is not visually dominant,
- The proposed machinery shed will have minimal impact on the removal of native vegetation;
- The proposed machinery shed takes into consideration the natural features of the land; and
- The proposed machinery shed will blend in with the character of the locality, surrounding development and landscaping.

VOTING REQUIREMENT

Simple Majority

RECOMMENDATION

That Council grants development approval to John Broadhurst for the construction of a machinery shed at Lot 102 (#2772) Goomalling-Toodyay Road, Mumberkine, subject to the following conditions:

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

Advice Notes:

- I. Prior to commencing any works in relation to this determination, the applicant is required to apply for, and have issued, a Building Permit under the *Building Act 2012*.
- II. If the development subject of this approval is not substantially commenced within a period of 2 years, or such other period as specified in the approval after the date of the determination, the approval shall lapse and be of no further effect.
- III. If an applicant or owner is aggrieved by this determination, there is a right of review by the State Administrative Tribunal in accordance with the *Planning and Development Act 2005* Part 14. An application must be made within 28 days of the determination.



177. RESOLUTION (Officer Recommendation)

Moved Cr Sheen, seconded Cr Wilkes

That Council grants development approval to John Broadhurst for the construction of a machinery shed at Lot 102 (#2772) Goomalling-Toodyay Road, Mumberkine, subject to the following conditions:

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

Advice Notes:

- I. Prior to commencing any works in relation to this determination, the applicant is required to apply for, and have issued, a Building Permit under the *Building Act 2012*.
- II. If the development subject of this approval is not substantially commenced within a period of 2 years, or such other period as specified in the approval after the date of the determination, the approval shall lapse and be of no further effect.
- III. If an applicant or owner is aggrieved by this determination, there is a right of review by the State Administrative Tribunal in accordance with the *Planning and Development Act 2005* Part 14. An application must be made within 28 days of the determination.

CARRIED 6/0
By Simple Majority



9.6 REQUEST FOR BAD DEBT WRITE OFF – G INNES & D WALLEY

DATE:	5 March 2020
SUBJECT:	Bad Debt - Write off
PROPONENT:	Guisseppina Innes and Darryl Walley
LOCATION:	Shire of Goomalling
AUTHOR:	Hayley Sewell – Administration Officer
REPORTING OFFICER:	Peter Bentley – Chief Executive Officer
FILE NO:	42
ASSESSMENT NO:	Debtor I2 and W121

PURPOSE

To write off unpaid debtors I2 \$3085.00 and W121 \$656.43

BACKGROUND

Council staff have tried unsuccessfully to recoup these debts but have received no response from either party.

Guisseppina Innes's debt is for the rental of 73A James Street from February to May 2019. It is thought that she abandoned the property some months earlier. Darryl Walley's debt is for the rental of Unit 1 Hoddy Street from May to July 2018.

STATUTORY IMPLICATIONS

Local Government Act 1995

POLICY IMPLICATIONS

No specific policy regarding this matter.

FINANCIAL IMPLICATIONS

Council will forego the revenue from these matters however the cost of trying to recoup them will likely exceed the revenue that will flow.

OFFICER COMMENT

Ms Innes had abandoned the property at 73A James Street and had apparently moved to Queensland to care for a family member, she did not return and we have had no contact from her or been able to contact her since.

Mr Walley had become unwell and could not care for himself anymore and moved out, payments had stopped from Centrelink and I believe he has since passed.

VOTING REQUIREMENT

Simple Majority to deny, Absolute Majority to write off bad debt/s.

RECOMMENDATION

That the Council:

1. Write off debts for Guisseppina Innes \$3085.00 and
2. Write off debts for Darryl Walley \$656.43.



178. RESOLUTION (Officer Recommendation)

Moved Cr Wilkes, seconded Cr Sheen

That the Council:

1. Write off debts for Guiseppina Innes \$3085.00 and
2. Write off debts for Darryl Walley \$656.43.

CARRIED 6/0
By Absolute Majority

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

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

179. RESOLUTION (Officer Recommendation)

Moved Cr Sheen, seconded Cr Barratt that Council agree to the new business.

CARRIED 6/0
By Simple Majority

11.1 HOSTING GRANT ON BEHALF OF GOOMALLING GUMNUTS EARLY LEARNING CENTRE

DATE:	18 March 2020
SUBJECT:	Hosting Grant for Gumnuts
PROONENT:	Goomalling Gumnuts Inc.
LOCATION:	Lesser Hall, Goomalling
AUTHOR:	Peter Bentley – Chief Executive Officer
REPORTING OFFICER:	Peter Bentley – Chief Executive Officer
FILE NO:	74 / 37-2
ASSESSMENT NO:	N/A

PURPOSE

To consider Council acting as host for grants towards redecoration works to the Lesser Hall being used as Childcare Centre.

BACKGROUND

Since about March 2019 the Goomalling Gumnuts Management Committee have been working towards obtaining funding for a comprehensive renovation/redecoration project to freshen up the interior of the building. Gumnuts have been in discussion with Lotterywest regarding this proposal and it was noted that as the building is owned by Council a current and updated lease agreement was required in order to proceed with the grant application.



With other more pressing issues requiring my time and attention recently, the review of Gumnuts' lease has been put on the backburner. However, to allow Gumnuts to progress in their funding application they have requested Council to act as host for the grant. The Gumnuts Committee would still put together the grant application and carry out project management.

STATUTORY IMPLICATIONS

Local Government Act (1995)

POLICY IMPLICATIONS

There is no specific policy relating to this matter.

FINANCIAL IMPLICATIONS

There are no financial implications for the Shire as any additional costs will be carried by Gumnuts.

STRATEGIC IMPLICATIONS

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

ATTACHMENTS

A copy of previous correspondence submitted to Council in March 2019 and copy of more recent correspondence regarding the lease agreement.

OFFICER COMMENT

At their recent interim assessment Gumnuts received an improvement notice for the interior of the building as well as the bathroom facilities, which they will need to address as much as possible before their upcoming formal Quality Assessment in August 2020.

From their 5 original components of the renovation project the Gumnuts Committee have identified

- gyprocking/painting of all interior walls and ceilings, and
- replacement of the carpet area

as immediate priorities and hope to carry out these improvements before the end of his financial year.

The toilet/bathroom block is also in need of serious repairs and will need to be addressed in Council's asset management planning.

VOTING REQUIREMENT

Simple Majority

RECOMMENDATION

That the Council:

Agree to act as host for the grant to carry out improvements to Lesser Hall on behalf of Gumnuts.



180. RESOLUTION (Officer Recommendation)

Moved Cr Barratt, seconded Cr Wilkes

That the Council:

Agree to act as host for the grant to carry out improvements to Lesser Hall on behalf of Gumnuts.

CARRIED 6/0
By Simple Majority

12. INFORMATION BULLETIN

181. RESOLUTION

Moved Cr Chester, seconded Cr Sheen

That the Information Bulletin for March 2020, be received.

CARRIED 6/0
By Simple Majority

12.11 AFFIXING COMMON SEAL TO AGREEMENT WITH ARC INFRASTRUCTURE

DATE:	18 March 2020
SUBJECT:	Level Crossing Upgrade at Konnongorring West Road
PROPONENT:	Shire of Goomalling & Arc Infrastructure
LOCATION:	Konnongorring West Road
AUTHOR:	Karen Mannaerts – Executive Assistant
REPORTING OFFICER:	Peter Bentley – Chief Executive Officer
FILE NO:	147-2
ASSESSMENT NO:	N/A

PURPOSE

To authorise the affixing of the Common Seal to the Agreement to Perform Works at the Konnongorring West Road Level Crossing.

BACKGROUND

Council has commenced the western portion of the Konnongorring West Project of widening the road to 8m (including a 500mm gravel shoulder on each side) from the Northam-Pithara intersection to the CBH facility entry.

Council has had significant discussions with Arc Infrastructure as well as MRWA to negotiate a reasonable pricing for the widening of the rail corridor from 5.8m to 7m. Both parties have now come to an agreement with a fixed cost of \$20,000.000, which has been signed and requires affixing of Council Common Seal to finalise the document.

STATUTORY IMPLICATIONS

Local Government Act 1995 s. 9.49A and s. 9.49B



POLICY IMPLICATIONS

4.19 Common Seal

Objective:

To satisfy the legal requirements regarding the validation of documents and contracts, resulting from amendments to the Local Government Act 1995.

Procedure:

1. *The Shire President and Chief Executive Officer are authorised to sign and/or affix the common seal to the following documents, where such documents result from the following transactions:*
 - 1.1 *Where land is disposed of pursuant to s. 3.58 of the Local Government Act 1995 9as amended).*
 - 1.2 *Where land is acquired pursuant to s. 3.55 and s. 3.59 of the Local Government Act 1995 (as amended).*
 - 1.3 *In respect of leases of land and licence to occupy municipal property where approved by Council.*
 - 1.4 *In respect of leases for the purchase of plant and equipment approved by Council.*
 - 1.5 *In respect of borrowings approved by Council.*
 - 1.6 *In respect of easements and legal agreements over land for the purpose of drainage or conditions arising from subdivision of land and planning approvals.*
 - 1.7 *In respect of withdrawal of caveats and surrender of easements where the Chief Executive Officer considers that Council's interests have been satisfied.*
 - 1.8 *In respect of contracts of employment approved by Council.*
 - 1.9 *In respect of documents of a ceremonial nature, where the affixing of the common seal is for prosperity and not a legal requirement.*
 - 1.10 *In respect of agreements required for funding of Council works and services considered with the resolution of Council or requiring renewal of the agreement for funding currently provided.*
 - 1.11 *In respect of the adoption of local laws.*
 - 1.12 *Any document stating that the common seal of the Shire is to be affixed.*
2. *In relation to 1. above, in the absence of the Shire President and/or Chief Executive Officer, as the case may be, the Deputy Shire President and the Acting Chief Executive Officer are authorised to affix the common seal.*
3. *The procedure to be adopted for the use of the common seal is as follows:*
 - 3.1 *The Chief Executive Officer is responsible for the security and proper use of the common seal.*
 - 3.2 *The common seal is not to be affixed to any documents except as authorised by Council.*
 - 3.3 *The common seal is to be affixed to a document in the presence of:*
 - *The Shire President, or in his absence, the Deputy Shire President; and*
 - *The Chief Executive Officer or Acting Chief Executive Officer;**Each of whom is to sign the document to attest that the common seal was so affixed.*
 - 3.4 *Details of all transactions where the common seal has been affixed must be recorded in a register kept by the Chief Executive Officer.*

The register is to record:

 - *The date on which the common seal was affixed;*
 - *The nature of the document; and*
 - *The parties to any agreement to which the common seal was affixed.*
4. *The wording to accompany the application of the common seal to be as follows:*



- 4.1 *“The common seal of the Shire of Goomalling was hereto affixed by the Authority of Council.”; or*
- 4.2 *“The common seal of the Shire of Goomalling was affixed by authority of a resolution of Council in the presence of the Shire President and the Chief Executive Officer.”*
5. *Authority is provided to the Chief Executive Officer or the person acting in the position of Chief Executive Officer to sign documents that do not require the affixing of the common seal.*

FINANCIAL IMPLICATIONS

There are no financial implications for the Shire of Goomalling.

STRATEGIC IMPLICATIONS

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

ATTACHMENTS

Nil

OFFICER COMMENT

Nil

VOTING REQUIREMENT

Simple Majority

RECOMMENDATION

That the Council:

Authorise the affixing of the Common Seal to the Agreement to Perform Works at the Konnongorring West Road Level Crossing.

181. RESOLUTION (Officer Recommendation)

Moved Cr Chester, seconded Cr Sheen

That the Council:

Authorise the affixing of the Common Seal to the Agreement to Perform Works at the Konnongorring West Road Level Crossing.

**CARRIED 6/0
By Simple Majority**

13. MATTERS BEHIND CLOSED DOORS

Nil

14. MEETING CLOSURE

The Shire President thanked everyone for their attendance and declared the meeting closed at 6.05 pm