

Shire of Goomalling



COUNCIL MEETING MINUTES

May 2020





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NYOONGAR ACKNOWLEDGEMENT

We acknowledge this land that we meet on today is part of the traditional lands of the Nyoongar people and that we respect their spiritual relationship with their country. We also acknowledge the Nyoongar Ballardong people as the custodians of the greater Goomalling/Koomal area and that their cultural and heritage beliefs are still important to the living Nyoongar Ballardong people today.

NOTICE OF MEETING

Meeting No. 4 of 2020 of the Shire of Goomalling Council to be held in the Council Chambers, Administration Office, 32 Quinlan Street, Goomalling on Wednesday, 20 May 2020 beginning at 4.00pm.

1. DECLARATION OF OPENING & ANNOUNCEMENT OF VISITORS

The Shire President declared the meeting opened at 4.00 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 Roland Van Gelderen
	Councillor	Cr Brendon Wilkes
Administration	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
- MEMBERS IMPARTIALITY INTEREST – Item 9.7 Cr Haywood (relationship to applicant) and Item 9.9: Cr Haywood (relationship to reporting officer)
- 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 15 April 2020

191. RESOLUTION

Moved Cr Chester, seconded Cr Butt

that the minutes of the Ordinary Meeting of Council held on Wednesday 15 April 2020, be confirmed as a true and correct record of proceedings.

CARRIED 7/0
By Simple Majority

6.2 Special Meeting of Council held Wednesday 29 April 2020

192. RESOLUTION

Moved Cr Barratt, seconded Cr Van Gelderen

that the minutes of the Special Meeting of Council held Wednesday 29 April 2020, be confirmed as a true and correct record of proceedings.

CARRIED 7/0
By Simple Majority

7. ANNOUNCEMENTS BY THE PRESIDING PERSON WITHOUT DISCUSSION

- Shire President attended a AROC meeting through Zoom (electronic)

8. PETITIONS/DEPUTATIONS/PRESENTATIONS/SUBMISSIONS

Nil



9. OFFICERS' REPORTS

9.1 SCHEDULE OF ACCOUNTS PAID 1 APRIL TO 30 APRIL 2020

DATE:	7 May 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

EFT 2070-2153	\$395,346.78
Direct Debits 8390-8395	\$31,751.59
Cheques 15131-15144	\$62,362.86
Payroll 6241, 6255	\$88,605.00
Super DD12277, DD12286	\$14,728.86

ATTACHMENTS

- Schedule of Accounts Paid April 2020
- Corporate Credit Card Statements March 2020

VOTING REQUIREMENT

Simple Majority

RECOMMENDATION

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

EFT 2070-2153	\$395,346.78
Direct Debits 8390-8395	\$31,751.59
Cheques 15131-15144	\$62,362.86
Payroll 6241, 6255	\$88,605.00
Super DD12277, DD12286	\$14,728.86
<i>TOTAL</i>	\$592,795.09

193. RESOLUTION (Officer Recommendation)

Moved Cr Van Gelderen, seconded Cr Barratt

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

EFT 2070-2153	\$395,346.78
Direct Debits 8390-8395	\$31,751.59
Cheques 15131-15144	\$62,362.86
Payroll 6241, 6255	\$88,605.00
Super DD12277, DD12286	\$14,728.86
<i>TOTAL</i>	\$592,795.09

CARRIED 7/0
By Simple Majority



9.2 FINANCIAL REPORT FOR APRIL 2020

DATE:	7 May 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 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 30 April 2020

VOTING REQUIREMENT

Simple Majority

RECOMMENDATION

That the following Monthly Financial Report be received by Council:

- Monthly Financial Report to 30 April 2020

194. RESOLUTION (Officer Recommendation)

Moved Cr Van Gelderen, seconded Cr Sheen

That the following Monthly Financial Report be received by Council:

- **Monthly Financial Report to 30 April 2020**

**CARRIED 7/0
By Simple Majority**



9.3 DELEGATIONS AND AUTHORISATIONS

DATE:	7 May 2020
SUBJECT:	Delegations and Authorisations Register
PROPONENT:	N/A
LOCATION:	Whole of the Shire
AUTHOR:	Peter Bentley – Chief Executive Officer
REPORTING OFFICER:	Peter Bentley – Chief Executive Officer
FILE NO:	N/A
ASSESSMENT NO:	N/A

PURPOSE

Council is required to review the Delegations Register at least once in each year.

BACKGROUND

Section 5.18 of the Local Government Act 1995, requires a local government to keep a Register of Delegations and review the delegations at least once every financial year.

The aim of delegated authority is to assist with improving the time taken to make decisions subject to any constraints determined by Council or by the relevant legislation. The Delegations Register is consistent with the Shire's Community Strategic Plan directions, including its obligations at law to carry out the statutory responsibilities of Local Government.

The Register identifies the relevant document(s) from which the delegated authority is derived, including legislation and policies. This has been provided to enable cross-referencing between the delegations and other relevant documents.

STATUTORY IMPLICATIONS

Local Government Act 1995 (As Amended)

5.41. Functions of CEO

The CEO's functions are to:

- (a) advise the council in relation to the functions of a local government under this Act and other written laws*
- (b) ensure that advice and information is available to the council so that informed decisions can be made*
- (c) cause council decisions to be implemented*
- (d) manage the day to day operations of the local government*
- (e) liaise with the mayor or president on the local government's affairs and the performance of the local government's functions*
- (f) speak on behalf of the local government if the mayor or president agrees*
- (g) be responsible for the employment, management supervision, direction and dismissal of other employees (subject to section 5.37(2) in relation to senior employees)*
- (h) ensure that records and documents of the local government are properly kept for the purposes of this Act and any other written law and*
- (i) perform any other function specified or delegated by the local government or imposed under this Act or any other written law as a function to be performed by the CEO.*



5.42. Delegation of some powers and duties to CEO

(1) *A local government may delegate to the CEO the exercise of any of its powers or the discharge of any of its duties under this Act other than those referred to in section 5.43.*

** Absolute majority required.*

(2) *A delegation under this section is to be in writing and may be general or as otherwise provided in the instrument of delegation.*

[Section 5.42 amended by No. 1 of 1998 s.13⁸.]

5.43. Limits on delegations to CEO's

A local government cannot delegate to a CEO any of the following powers or duties

- (a) any power or duty that requires a decision of an absolute majority or a 75% majority of the local government;*
- (b) accepting a tender which exceeds an amount determined by the local government for the purpose of this paragraph;*
- (c) appointing an auditor;*
- (d) acquiring or disposing of any property valued at an amount exceeding an amount determined by the local government for the purpose of this paragraph;*
- (e) any of the local government's powers under section 5.98, 5.99 or 5.100;*
- (f) borrowing money on behalf of the local government;*
- (g) hearing or determining an objection of a kind referred to in section 9.5;*
- (h) any power or duty that requires the approval of the Minister or the Governor; or*
- (i) such other powers or duties as may be prescribed.*

5.44. CEO may delegate powers and duties to other employees

(1) *A CEO may delegate to any employee of the local government the exercise of any of the CEO's powers or the discharge of any of the CEO's duties under this Act other than this power of delegation.*

(2) *A delegation under this section is to be in writing and may be general or as otherwise provided in the instrument of delegation.*

(3) *This section extends to a power or duty the exercise or discharge of which has been delegated by a local government to the CEO under section 5.42, but in the case of such a power or duty*

(a) the CEO's power under this section to delegate the exercise of that power or the discharge of that duty and

(b) the exercise of that power or the discharge of that duty by the CEO's delegate, are subject to any conditions imposed by the local government on its delegation to the CEO.

(4) *Subsection (3)(b) does not limit the CEO's power to impose conditions or further conditions on a delegation under this section.*

(5) *In subsections (3) and (4)*

Conditions *include qualifications, limitations or exceptions.*

[Section 5.44 amended by No. 1 of 1998 s.14(1).]

5.45. Other matters relevant to delegations under this Division

(1) *Without limiting the application of sections 58 and 59 of the Interpretation Act 1984*



- (a) *a delegation made under this Division has effect for the period of time specified in the delegation or where no period has been specified, indefinitely; and*
 - (b) *any decision to amend or revoke a delegation by a local government under this Division is to be by an absolute majority.*
- (2) *Nothing in this Division is to be read as preventing –*
- (a) *a local government from performing any of its functions by acting through a person other than the CEO; or*
 - (b) *a CEO from performing any of his or her functions by acting through another person.*

5.46. Register of, and records relevant to, delegations to CEO's and employees

- (1) *The CEO is to keep a register of the delegations made under this Division to the CEO and to employees.*
- (2) *At least once every financial year, delegations made under this Division are to be reviewed by the delegator.*
- (3) *A person to whom a power or duty is delegated under this Act is to keep records in accordance with regulations in relation to the exercise of the power or the discharge of the duty.*

POLICY IMPLICATIONS

There are no known policy implications.

FINANCIAL IMPLICATIONS

There are no known financial implications.

STRATEGIC IMPLICATIONS

The review and adoption of Council's Delegations Register is in line with Council's Community Strategic Plan.

COMMENT

The Draft Delegated Authority Register 2020/21, as presented, shows delegations loosely grouped by area and contains delegations from the Council to CEO, authorisations from Council to its other Officers and authorisations from the CEO to other staff.

The following definitions are provided to explain the variance between the Sections.

Delegation from the Council to the CEO – Are instances where the Council delegates the undertaking of certain roles and responsibilities to the CEO.

Authorisation by Council – Are instances when an officer or class of officers is formally authorised to act on behalf of the local government in respect to policing specific



legislation and the legislation requires that the authorisation be provided by the local government rather than or in addition to the Chief Executive Officer. This applies only to legislation other than that related directly to the Local Government Act 1995, for the Bush Fires Act 1954.

Authorisations by Chief Executive Officer – Are instances where an officer or class of officer is authorised to take relevant action in relation to a specific legislation, regulation or local law. This is an executive function of the Chief Executive Officer in relation to the Local Government Act 1995 and in other Acts the Chief Executive Officer is empowered to authorise individuals or classes of employees.

It should be noted that powers cannot be delegated to individual elected members, except in the case of the President as specified in the Bush Fires Act 1954 (currently under review). A delegation to elected members can only be made to a committee and then the committee must comply with the requirements of the Local Government Act 1995 where a delegated authority exists.

ATTACHMENTS

- Current Delegations Register with comments
- Draft Delegated Authority and Authorisations Register 2020

VOTING REQUIREMENT

Absolute Majority

RECOMMENDATION

That the Draft Delegated Authority Register 2020, as presented, be adopted for the period to 30 June 2021.

195. RESOLUTION (Officer Recommendation)

Moved Cr Barratt, seconded Cr Van Gelderen

That the Draft Delegated Authority Register 2020, as presented, be adopted for the period to 30 June 2021.

**CARRIED 7/0
By Absolute Majority**



9.4 POLICY RE-VALUATION OF ASSETS

DATE:	7 May 2020
PROONENT:	Shire of Goomalling
LOCATION:	Whole of Shire
SUBJECT:	Revaluation of Assets Policy
AUTHOR:	Peter Bentley - Chief Executive Officer
REPORTING OFFICER:	Peter Bentley – Chief Executive Officer
FILE NO:	132
ASSESSMENT NO:	N/A

PURPOSE

To consider the adoption of a policy for the revaluation of assets as required by Regulation 17A of the Financial Management Regulations

BACKGROUND

The Financial Management regulations require that the Council re-value each asset class at least once in any five year period. Council has not had a specific policy with regard to this matter although it is noted within the accounting policies in the Annual Financial Report.

Adoption of this policy will provide guidance for future years.

STATUTORY IMPLICATIONS

Local Government Act 1995

Financial Management Regulations – Regulation 17(4)

- (4) A local government must revalue an asset of the local government –
- (a) whenever the local government is of the opinion that the fair value of the asset is likely to be materially different from its carrying amount; and
 - (b) in any event, within a period of at least 3 years but no more than 5 years after the day on which the asset was last valued or revalued.

POLICY IMPLICATIONS

The Council has no specific policy regarding this matter.

FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

There will be an effect in any re-valuations that occurs.

COMMENT

Council to adopt this policy for further inclusion into its policy manual.

ATTACHMENTS

Copy of the proposed policy



VOTING REQUIREMENT

Simple Majority

RECOMMENDATION

That the Council:

Adopt the proposed Re-valuation of Assets policy as attached.

196. RESOLUTION (Officer Recommendation)

Moved Cr Van Gelderen, seconded Cr Sheen

That the Council adopt the proposed Re-valuation of Assets policy as attached.

**CARRIED 7/0
By Simple Majority**



9.5 INTERIM PURCHASING POLICY

DATE:	7 May 2020
PROONENT:	Shire of Goomalling
LOCATION:	Whole of Shire
SUBJECT:	Interim Purchasing Policy
AUTHOR:	Peter Bentley - Chief Executive Officer
REPORTING OFFICER:	Peter Bentley – Chief Executive Officer
FILE NO:	132
ASSESSMENT NO:	N/A

PURPOSE

To consider the adoption of an interim purchasing policy until Council adopts its reviewed Policy Manual.

BACKGROUND

Council is required to have in place a purchasing policy and review it periodically. The Purchasing Policy should have been reviewed last year and importantly there have been changes with regard to COVID-19 that have come into play recently.

STATUTORY IMPLICATIONS

Local Government Act 1995

Functions & General Regulations

11A. Purchasing policies for local governments

- (1) **A local government is to prepare or adopt, and is to implement, a purchasing policy in relation to contracts for other persons to supply goods or services where the consideration under the contract is, or is expected to be, \$150 000 or less or worth \$150 000 or less.**
- (2) A purchasing policy is to make provision for and in respect of the policy to be followed by the local government for, and in respect of, entering into contracts referred to in subregulation (1).
- (3) A purchasing policy must make provision in respect of —
 - (a) the form of quotations acceptable; and
 - (ba) the minimum number of oral quotations and written quotations that must be obtained; and
 - (b) the recording and retention of written information, or documents, in respect of —
 - (i) all quotations received; and
 - (ii) all purchases made.

POLICY IMPLICATIONS

The Council has no other specific policy regarding this matter.

FINANCIAL IMPLICATIONS

Nil



STRATEGIC IMPLICATIONS

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

COMMENT

Council to adopt this policy as current until the revised Policy Manual is adopted in coming months.

ATTACHMENTS

Copy of the proposed policy

VOTING REQUIREMENT

Simple Majority

RECOMMENDATION

That the Council:

Adopt the proposed Interim Purchasing Policy as attached.

197. RESOLUTION (Officer Recommendation)

Moved Cr Wilkes, seconded Cr Chester

That the Council adopt the proposed Interim Purchasing Policy as attached.

**CARRIED 7/0
By Simple Majority**



9.6 NATIONAL REDRESS SCHEME

DATE:	7 May 2020
PROPONENT:	Shire of Goomalling
LOCATION:	Whole of Shire
SUBJECT:	National Redress Scheme
AUTHOR:	Peter Bentley – Chief Executive Officer
REPORTING OFFICER:	Peter Bentley – Chief Executive Officer
FILE NO:	75
ASSESSMENT NO:	N/A

PURPOSE

This item is for the Shire of Goomalling to:

- Note the background information and the WA Government’s decision in relation to the National Redress Scheme;
- Note the key considerations and administrative arrangements for the Shire of Goomalling to participate in the National Redress Scheme;
- Formally endorse the Shire of Goomalling’s participation as part of the WA Government’s declaration in the National Redress Scheme; and
- Grant authority to the Chief Executive Officer to execute a service agreement with the State, if a Redress application is received.

BACKGROUND

The Royal Commission into Institutional Responses to Child Sexual Abuse (Royal Commission) was established in 2013 to investigate failures of public and private institutions to protect children from sexual abuse. The Royal Commission released three reports throughout the inquiry:

- Working with Children Checks (August 2015);
- Redress and Civil Litigation (September 2015); and
- Criminal Justice (August 2017).

The Royal Commission’s Final Report (15 December 2017) incorporated findings and recommendations of the three previous reports and contained a total of 409 recommendations, of which 310 are applicable to the Western Australian Government and the broader WA community.

The implications of the Royal Commission’s recommendations are twofold, the first is accountability for historical breaches in the duty of care that occurred before 1 July 2018 within any institution, the second is future-facing, ensuring better child safe approaches are implemented holistically moving forward.

The scope of this report addresses only the historical element of institutional child sexual abuse through the National Redress Scheme.

All levels of Australian society (including the WA local government sector and the Shire of Goomalling) will be required to consider leading practice approaches to child safeguarding separately in the future.



National Redress Scheme

The Royal Commission's *Redress and Civil Litigation (September 2015)* Report recommended the establishment of a single National Redress Scheme (the Scheme) to recognise the harm suffered by survivors of institutional child sexual abuse.

The Scheme acknowledges that children were sexually abused, recognises the suffering endured, holds institutions accountable and helps those who have been abused access counselling, psychological services, an apology and a redress payment.

The Scheme commenced on 1 July 2018, will run for 10 years and offers eligible applicants three elements of Redress:

- A direct personal response (apology) from the responsible institution, if requested;
- Funds to access counselling and psychological care; and
- A monetary payment of up to \$150,000.

All State and Territory Governments and many major non-government organisations and church groups have joined the Scheme.

The WA Parliament has passed the legislation for the Government and WA based non-government organisations to participate in the National Redress Scheme.

The Western Australian Government (the State) started participating in the Scheme from 1 January 2019.

Under the *National Redress Scheme for Institutional Child Sexual Abuse Act 2018* (Cth), local governments may be considered a State Government institution.¹

A decision was made at the time of joining the Scheme to exclude WA local governments from the State Government's participation declaration. This was to allow consultation to occur with the sector about the Scheme, and for fuller consideration of how the WA local government sector could best participate.

Following extensive consultation, the State Government (December 2019):

- Noted the consultations undertaken to date with the WA local government sector about the National Redress Scheme;
- Noted the options for WA local government participation in the Scheme;
- Agreed to local governments participating in the Scheme as State Government institutions, with the State Government covering payments to the survivor; and
- Agrees to the Department of Local Government, Sport and Cultural Industries (DLGSC) leading further negotiations with the WA local government sector regarding local government funding costs, other than payments to the survivor including counselling, legal and administrative costs.



The following will be covered for local governments participating in the Scheme as a State Government institution and part of the State's declaration:

- Redress monetary payment provided to the survivor;
- Costs in relation to counselling, legal and administration (including the coordination of requests for information and record keeping in accordance with the *State Records Act 2000*); and
- Trained staff to coordinate and facilitate a Direct Personal Response (DPR – Apology) to the survivor if requested (on a fee for service basis with costs to be covered by the individual local government – see below for further explanation).

State Government financial support for local government participation in the Scheme, as set out, will ensure that Redress is available to as many WA survivors of institutional child sexual abuse as possible.

Individual local governments participating in the Scheme as a State Government institution, with the State will be responsible for:

- Providing the State with the necessary (facilities and services) information to participate in the Scheme;
- Resources and costs associated with gathering their own (internal) information and providing that information (Request for Information) to the State (if they receive a Redress application); and
- Costs associated with the delivery of a DPR (apology), if requested (based on a standard service fee, plus travel and accommodation depending on the survivor's circumstance). The State's decision includes that all requested DPR's will be coordinated and facilitated by the Redress Coordination Unit – Department of Justice, on every occasion.

The WALGA State Council meeting of 4 March 2020:

1. Acknowledged the State Government's decision to include the participation of Local Governments in the National Redress Scheme as part of the State's declaration;
2. Endorsed the negotiation of a Memorandum of Understanding and Template Service Agreement with the State Government, and
3. Endorsed by Flying Minute the Memorandum of Understanding prior to execution, in order to uphold requirements to respond within legislative timeframes.

The State and WALGA will sign a Memorandum of Understanding to reflect the principles of WA local governments participating in the Scheme as State Government institutions and being part of the State's declaration.

State agencies (led by DLGSC), WALGA and Local Government Professionals WA will support all local governments to prepare to participate in the Scheme from 1 July 2020 (or earlier, subject to completing the necessary arrangements).

The State's decision allows for the WA Government's Scheme participation declaration to be amended to include local governments and this report seeks endorsement of the Shire of Goomalling's participation in the Scheme.

As an independent entity and for absolute clarity, it is essential that the Shire of Goomalling formally indicates via a decision of Council, the intention to be considered a State Government



institution (for the purposes on the National Redress Scheme) and be included in the WA Government's amended participation declaration.

The Shire of Goomalling will not be included in the State's amended declaration, unless it formally decides to be included.

The financial and administrative coverage offered by the State will only be afforded to WA local governments that join the Scheme as a State Government institution, as part of the State's amended declaration.

The option also exists for the Shire of Goomalling to formally decide not to participate in the Scheme (either individually or as part of the State's declaration).

Should the Shire of Goomalling formally decide (via a resolution of Council) not to participate with the State or in the Scheme altogether, considerations for the Shire of Goomalling include:

- Divergence from the Commonwealth, State, WALGA and the broader local government sector's position on the Scheme (noting the Commonwealth's preparedness to name-and-shame non-participating organisations).
- Potential reputational damage at a State, sector and community level.
- Complete removal of the State's coverage of costs and administrative support, with the Shire of Goomalling having full responsibility and liability for any potential claim.
- Acknowledgement that the only remaining method of redress for a victim and survivor would be through civil litigation, with no upper limit, posing a significant financial risk to the Shire of Goomalling.

Considerations for the Shire of Goomalling

Detailed below is a list of considerations for the Shire of Goomalling to participate in the Scheme:

1. Executing a Service Agreement

All Royal Commission information is confidential, and it is not known if the Shire of Goomalling will receive a Redress application. A Service Agreement will only be executed if the Shire of Goomalling receives a Redress application.

The Shire of Goomalling needs to give authority to an appropriate position / officer to execute a service agreement with the State, if a Redress application is received. Timeframes for responding to a Request for Information are 3 weeks for priority applications and 7 weeks for non-priority applications. A priority application timeframe (3 weeks) will be outside most Council meeting cycles and therefore it is necessary to provide the authorisation to execute an agreement in advance.

2. Reporting to Council if / when an application is received

Council will receive a confidential report, notifying when a Redress application has been received. All information in the report will be de-identified but will make Council aware that an application has been received.



3. Application Processing / Staffing and Confidentiality

Administratively the Shire of Goomalling will determine:

- Which position(s) will be responsible for receiving applications and responding to Requests for Information;
- Support mechanisms for staff members processing Requests for Information.

The appointed person(s) will have a level of seniority in order to understand the magnitude of the undertaking and to manage the potential conflicts of interest and confidentiality requirements

4. Record Keeping

The State Records Office advised (April 2019) all relevant agencies, including Local Governments, of a 'disposal freeze' initiated under the *State Records Act 2000* (the Act) to protect past and current records that may be relevant to actual and alleged incidents of child sexual abuse. The Shire of Goomalling's record keeping practices as a result, have been modified to ensure the secure protection and retention of relevant records. These records (or part thereof) may be required to be provided to the State's Redress Coordination Unit in relation to a Redress application.

The Redress Coordination Unit (Department of Justice) is the state record holder for Redress and will keep copies of all documentation and RFI responses. Local Governments will be required to keep their own records regarding a Redress application in a confidential and secure manner, and in line with all requirements in *The Act*.

5. Redress Decisions

The Shire of Goomalling should note that decisions regarding Redress applicant eligibility and the responsible institution(s), are made by Independent Decision Makers, based on the information received by the applicant and any RFI responses. The State Government and the Shire of Goomalling do not have any influence on the decision made and there is no right of appeal.

Consultation

The State, through the Department of Local Government, Sport and Cultural Industries (DLGSC), consulted with the WA local government sector and other key stakeholders on the Royal Commission into Institutional Responses to Child Sexual Abuse (in 2018) and the National Redress Scheme (in 2019).

The consultation throughout 2019 has focused on the National Redress Scheme with the aim of:

- raising awareness about the Scheme;
- identifying whether WA local governments are considering participating in the Scheme;
- identifying how participation may be facilitated; and
- enabling advice to be provided to Government on the longer-term participation of WA local governments.



Between March and May 2019, DLGSC completed consultations that reached 115 out of 137 WA local governments via:

- Webinars to local governments, predominately in regional and remote areas;
- Presentations at 12 WALGA Zone and Local Government Professional WA meetings;
- Responses to email and telephone enquiries from individual local governments.

It was apparent from the consultations local governments were most commonly concerned about the:

- potential cost of Redress payments;
- availability of historical information;
- capacity of local governments to provide a Direct Personal Response (apology) if requested by Redress recipients;
- process and obligations relating to maintaining confidentiality if Redress applications are received, particularly in small local governments;
- lack of insurance coverage of Redress payments by LGIS, meaning local governments would need to self-fund participation and Redress payments.

LGIS published and distributed an update (April 2019) regarding the considerations and (potential) liability position of the WA local government sector in relation to the National Redress Scheme.

The WALGA State Council meeting on 3 July 2019 recommended that:

1. *WA local government participation in the State's National Redress Scheme declaration with full financial coverage by the State Government, be endorsed in principle, noting that further engagement with the sector will occur in the second half of 2019.*
2. *WALGA continue to promote awareness of the National Redress Scheme and note that local governments may wish to join the Scheme in the future to demonstrate a commitment to the victims of institutional child sexual abuse.*

DLGSC representatives presented at a WALGA hosted webinar on 18 February 2020 and presented at all WALGA Zone meetings in late February 2020.

The State's decision, in particular to cover the costs / payments to the survivor, has taken into account the feedback provided by local governments during the consultation detailed above.

STATUTORY IMPLICATIONS

The Shire of Goomalling in agreeing to join the Scheme, is required to adhere to legislative requirements set out in the *National Redress Scheme for Institutional Child Sexual Abuse Act 2018* (Cth).

Authorisation of an appropriately appointed person to execute a service agreement with the State, if a Redress application is received, will be in accordance with s.9.49A(4) of the *Local Government Act 1995*.

POLICY IMPLICATIONS

The Council has no specific policy regarding this matter.



FINANCIAL IMPLICATIONS

The State's decision will cover the following financial costs for local governments:

- Redress monetary payment provided to the survivor;
- Costs in relation to counselling, legal and administration (including the coordination or requests for information and record keeping); and
- Trained staff to coordinate and facilitate a Direct Personal Response (DPR – Apology) to the survivor if requested (on a fee for service basis with costs to be covered by the individual local government – see below).

The only financial cost the local government may incur will be the payment of the DPR's, which is on an 'as requested' basis by the survivor. This will be based on the standard service fee of \$3,000 plus travel and accommodation depending on the survivor's circumstances. All requested DPR's will be coordinated and facilitated by the Redress Coordination Unit – Department of Justice.

The State's decision also mitigates a significant financial risk to the local government in terms of waiving rights to future claims. Accepting an offer of redress has the effect of releasing the responsible participating organisation and their officials (other than the abuser/s) from civil liability for instances of sexual abuse and related non-sexual abuse of the person that is within the scope of the Scheme. This means that the person who receives redress through the Scheme, agrees to not bring or continue any civil claims against the responsible participating organisation in relation to any abuse within the scope of the Scheme.

STRATEGIC IMPLICATIONS

Nil

COMMENT

Nil further comment

ATTACHMENTS

Local Government Information Paper (December 2019).

VOTING REQUIREMENT

Simple Majority

RECOMMENDATION

That the Council:

- 1) Notes the consultation undertaken and information provided by the Department of Local Government, Sport and Cultural Industries in regarding the National Redress Scheme and the participation of WA local governments;
- 2) Notes that the Shire of Goomalling will not be included in the WA Government's amended participation declaration (and afforded the associated financial and



- administrative coverage), unless the Shire of Goomalling makes a specific and formal decision to the be included;
- 3) Endorses the participation of the Shire of Goomalling in the National Redress Scheme as a State Government institution and included as part of the State Government's declaration;
 - 4) Grants authority to Chief Executive Officer to execute a service agreement with the State, if a Redress application is received;
 - 5) Notes that a confidential report will be provided if a Redress application is received by the Shire of Goomalling;

198. RESOLUTION (Officer Recommendation)

Moved Cr Wilkes, seconded Cr Chester

That the Council:

- 1) **Notes the consultation undertaken and information provided by the Department of Local Government, Sport and Cultural Industries in regarding the National Redress Scheme and the participation of WA local governments;**
- 2) **Notes that the Shire of Goomalling will not be included in the WA Government's amended participation declaration (and afforded the associated financial and administrative coverage), unless the Shire of Goomalling makes a specific and formal decision to the be included;**
- 3) **Endorses the participation of the Shire of Goomalling in the National Redress Scheme as a State Government institution and included as part of the State Government's declaration;**
- 4) **Grants authority to Chief Executive Officer to execute a service agreement with the State, if a Redress application is received;**
- 5) **Notes that a confidential report will be provided if a Redress application is received by the Shire of Goomalling;**

CARRIED 7/0
By Simple Majority



9.7 PLANNING CONSENT – EXTENSIONS TO SINGLE DWELLING – LOT 131 (No.70) ROBERT RD, UCARTY

DATE:	11 May 2020
SUBJECT:	Extension to a single dwelling
PROPONENT:	Eastern Hills Drafting / J Bird
LOCATION:	Lot 131 (No. 70) Robert Rd, UCARTY WEST
AUTHOR:	Hugo de Vos – Contract Planner
REPORTING OFFICER:	Peter Bentley – Chief Executive Officer
FILE NO:	176
ASSESSMENT NO:	A1085

PURPOSE

To consider a proposal to construct extensions to a single dwelling at Lot 131 (No. 70) Robert Rd, Ucarty West.

BACKGROUND

The Shire of Goomalling has received an application for development approval for extensions to a single dwelling at Lot 131 (No. 70) Robert Rd in Ucarty West.

The abovementioned property is zoned Rural 3 – General farming under the Shire of Goomalling Local Planning Scheme No. 3 ('LPS3' or 'the Scheme'). This development requires development approval under section 5.1.1 of the Scheme and is not exempt under section 5.1.2.

STATUTORY IMPLICATIONS

Planning and Development Act 2005

Planning and Development Regulations 2009

Planning and Development (Local Planning Schemes) Regulations 2015

Shire of Goomalling Local Planning Scheme No. 3

POLICY IMPLICATIONS

State Planning Policy 3.7 – Planning in Bushfire Prone Areas

The application has provided a BAL rating of 12.5. Construction must comply with AS3959 Section 5 – Building in a Bushfire Prone Area. This will be addressed as part of the building permit process.

FINANCIAL IMPLICATIONS

Planning fee of \$384.00 to be paid by applicant.

STRATEGIC IMPLICATIONS

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

ATTACHMENTS

The application plans are attached.



OFFICER COMMENT

This represents a straightforward development proposal – the only reason this is being brought to Council for determination is due to a lack of delegated authority.

A future Scheme amendment is currently being formulated which will address this issue - with a supplementary condition exempting the construction of an extension to a single dwelling on non R-coded properties recommended for inclusion.

VOTING REQUIREMENT

Simple Majority.

RECOMMENDATION

That Council grants development approval for extensions to the dwelling at Lot 131 (No. 70) Robert Rd in Ucarty West, 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 submitted with the application.

Cr Haywood left the chair and Cr Van Gelderen chaired the meeting.

199. RESOLUTION (Officer Recommendation)

Moved Cr Barratt, seconded Cr Wilkes

That Council grants development approval for extensions to the dwelling at Lot 131 (No. 70) Robert Rd in Ucarty West, 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 submitted with the application.**

**CARRIED 6/0
By Simple Majority**

Cr Haywood did not vote or partake in the above item.

Cr Haywood resumed to chair the meeting



9.8 PLANNING CONSENT – CONTAINER DEPOSIT SCHEME – LOT 450 (NO. 62) MAIN ST, GOOMALLING

DATE:	11 May 2020
SUBJECT:	Container Deposit Scheme
PROponent:	J Trahair
LOCATION:	Lot 450 (No. 62) Main St, GOOMALLING
AUTHOR:	Hugo de Vos – Contract Planner
REPORTING OFFICER:	Peter Bentley – Chief Executive Officer
FILE NO:	176
ASSESSMENT NO:	A244

PURPOSE

To consider a proposal to operate a container deposit scheme ('CDS') outlet at Lot 450 (No. 62) Main Street in Goomalling.

BACKGROUND

The Shire of Goomalling has received an application for development approval to operate a container deposit scheme ('CDS') outlet at Lot 450 (No. 62) Main St in Goomalling.

The CDS is an initiative through Containers for Change and the State Government.

Containers for Change is Western Australia's new container deposit scheme. Containers for Change will provide a 10-cent refund for each eligible container returned for recycling at an approved Containers for Change Refund Point, encouraging recycling and creating a cleaner WA for everyone.

The scheme aims to:

- increase recovery and recycling of empty beverage containers;
- reduce the number of empty beverage containers that are disposed of as litter or to landfill;
- ensure that first responsible suppliers of beverage products take product stewardship responsibility;
- provide opportunities for social enterprise and benefits for community organisations;
- create opportunities for employment; and
- complement existing collection and recycling activities for recyclable waste.

Containers for Change is run by WA Return Recycle Renew – a not-for-profit company responsible for establishing the collection network and managing its day-to-day operation.

The start date for the container deposit scheme, Containers for Change, has been deferred from 2 June 2020 as a result of the impacts of COVID-19. Tentative implementation date is now November 2020.

The applicant has been selected to become the aggregation and drop-off point for Goomalling and surrounding areas pending approval.



Lot 450 (No. 62) Main St in Goomalling is zoned 'Light Industry' under the Shire of Goomalling's Local Planning Scheme No. 3.

The proposed land-use classification under the Scheme that approval is being sought is 'Industry – Light'.

This means:

Industry Light: - means an industry:

- (a) *in which the processes carried on, the machinery used, and the goods and commodities carried to and from the premises will not cause any injury to, or will not adversely affect the amenity of the locality by reason of the emission of light, noise, electrical interference, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water or other waste products; and*
- (b) *the establishment of which will not or the conduct of which does not impose an undue load on any existing or projected service for the supply or provision of water, gas, electricity, sewerage facilities, or any other like services.*

Under the Scheme this land use is a 'P' use. 'P' means that the use is 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.

STATUTORY IMPLICATIONS

Planning and Development Act 2005

Planning and Development Regulations 2009

Planning and Development (Local Planning Schemes) Regulations 2015

Shire of Goomalling Local Planning Scheme No. 3

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

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

STRATEGIC IMPLICATIONS

Strategic Community Plan 2019

The environment is a core area of focus in the Strategic Community Plan 2019 with the Shire committed to developing new infrastructure so that it is sustainable into the future.

Objective 3.1 Enhance the health and integrity of the natural environment:

Strategy: 3.1.4 Encourage and support community environmental projects.

The proposed CDS aligns with this strategy.

ATTACHMENTS

The application plans are attached.



OFFICER COMMENT

The CDS proposal for Lot 450 (No. 62) is benign and good for the community. The location in the Light Industry zone is ideal for such a use and the proposal is consistent with the Scheme. It is recommended that Council approves the development subject to conditions.

VOTING REQUIREMENT

Simple Majority

RECOMMENDATION

That Council grants development approval to Mr Trahair to operate a Containers for Change aggregation and drop-off point at Lot 450 (No. 62) Main St in Goomalling, subject to the following conditions:

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

200. RESOLUTION (Officer Recommendation)

Moved Cr Chester, seconded Cr Butt

That Council grants development approval to Mr Trahair to operate a Containers for Change aggregation and drop-off point at Lot 450 (No. 62) Main St in Goomalling, 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 submitted with the application.**

**CARRIED 7/0
By Simple Majority**



9.9 PIONEERS' PATHWAY – MEMORANDUM OF UNDERSTANDING 2020-2023

DATE:	11 May 2020
PROPONENT:	Pioneers' Pathway, Shire of Goomalling
LOCATION:	Whole of Shire
SUBJECT:	Memorandum of Understanding 2020-2023
AUTHOR:	Tahnee Bird – Community Development Officer
REPORTING OFFICER:	Peter Bentley – Chief Executive Officer
FILE NO:	186-2
ASSESSMENT NO:	N/A

PURPOSE

To consider a further three year commitment to the Pioneers' Pathway initiative and endorse the Memorandum of Understanding (MoU) 2020-2023 as attached.

BACKGROUND

Pioneers' Pathway is an initiative of the seven (7) Shires of Toodyay, Goomalling, Dowerin, Wyalkatchem, Trayning, Nungarin and Merredin since before 2001. Goomalling has been the administrator since inception.

At the end of 2015/16 the Shire of Goomalling questioned the feasibility of Pioneers' Pathway. Consultants, Wayfound were contracted to complete a review of the initiative in December 2016. From Wayfound's findings and regular group meetings, the seven councils committed to a minimum three-year Memorandum of Understanding and financial contribution of \$10,500 for pathway development in 2017 which expires June 30, 2020.

In that three-year period the Councils achieved the following:

- Employment of an executive officer for the group
- Strategic Plan and action plan for the initiative
- Basic DL for immediate promotion
- The product was refined and rebranded
- New website updated to www.pioneerspathway.com.au
- Marketing plan including collaborative marketing in Eastern Wheatbelt Visitor's Guide and Australia's Golden Outback Guide (annually) as well as online trails website.
- Councils determined a "site" for promotion
- Stories were developed for corresponding sites
- Interpretation plan completed by consultant Creative Spaces
- The Shire of Goomalling has been approved for two grants Building Better Regions Fund (\$17,500) and Lotterywest (\$82,500) for the implementation of the interpretive plan developed by Creative Spaces which will be carried out in 2020-21.

STATUTORY IMPLICATIONS

Local Government Act 1995



POLICY IMPLICATIONS

The Council has no specific policy regarding this matter.

FINANCIAL IMPLICATIONS

\$3500 per year for 3 years totalling \$10,500 ex GST

STRATEGIC IMPLICATIONS

2.2 - Facilitate the development of local and regional tourism

2.2.1 Advocate, promote and market the Shire as a place to live, work and visit

2.2.3 Facilitate the development of tourism activities associated with the Shire's diverse natural, social and built heritage

2.2.5 Develop partnerships to actively support visitor growth

2.2.6 Provide relevant tourist information and marketing services

COMMENT

Shire of Trayning made a decision to withdraw from the project in April 2020 and as such has forfeited all funds contributed.

The new MoU will be for the six Shires of Dowerin, Goomalling, Merredin, Nungarin, Toodyay and Wyalkatchem from 1 July 2020 to 30 June 2023 to provide funding to continue collaborative development of historical tourism in the region through development, promotion and marketing of the Pioneers' Pathway Self Drive Trail from Perth to Merredin.

The MoU sets out the roles and objectives of the Pioneers' Pathway Advisory Group, lead Council (Goomalling) and participating Councils; communication; key performance indicators; resource investment; and term.

Shires of Dowerin, Merredin, Nungarin, Toodyay and Wyalkatchem have all endorsed the new MoU.

Pioneers' Pathway is the only formal collaborative marketing opportunity Shire of Goomalling is participating in since the recess of Avon Tourism. Marketing "Goomalling" as its own brand isn't feasible due to the large investment required with minimal return. An arrangement where the costs are shared amongst multiple Councils allows Shire of Goomalling to tap into multiple markets at a reduced cost.

It should be noted that Avon tourism officers are working together to create a more collaborative approach to tourism marketing for the region. The arrangement has been in place since the uncertainty surrounding the future of Avon Tourism first came to light. It is an informal arrangement and financial commitments have NOT been made from Councils to develop the "Avon Valley" as a brand at this stage.

2020-2023

- Once the infrastructure detailed in the interpretation plan has been implemented in 2020-21, the focus will shift from infrastructure to redeveloping the A5 brochure and marketing including more social media content.
- Strategic Plan is due for review in 2021-22



- Executive Officer will change from an employee arrangement to 12-month contract reviewed annually for the three years to limit Shire of Goomalling's ongoing liability for annual, personal and long service leave. Hours will remain the same, 8 hours per week.

ATTACHMENTS

Draft MoU Pioneers' Pathway

VOTING REQUIREMENT

Absolute Majority

RECOMMENDATION

That the Council:

Endorse the attached Pioneers' Pathway Memorandum of Understanding 2020-2023 and commit to a further three-year investment in the project to the value of \$3500 per annum totally \$10,500 excluding GST over the three-year period.

Cr Haywood left the chair and Cr Van Gelderen chaired the meeting

200. RESOLUTION (Officer Recommendation)

Moved Cr Barratt, seconded Cr Wilkes

That Council

Endorse the attached Pioneers' Pathway Memorandum of Understanding 2020-2023 and commit to a further three-year investment in the project to the value of \$3500 per annum totally \$10,500 excluding GST over the three-year period.

**CARRIED 6/0
By Simple Majority**

Cr Haywood did not vote or partake in the discussion

Cr Haywood continued to chair the meeting



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

201. RESOLUTION

Moved Cr Barratt, seconded Cr Sheen that Council agree for the new business to be dealt with.

CARRIED 7/0
By Simple Majority

11.1 SUPPORT – GRANT APPLICATION MORTLOCK PONY CLUB

DATE:	20 May 2020
SUBJECT:	Support for Grant – Mortlock Pony Club
PROPONENT:	Mortlock Pony Club
LOCATION:	Williams Street Goomalling
AUTHOR:	Peter Bentley – Chief Executive Officer
REPORTING OFFICER:	Peter Bentley – Chief Executive Officer
FILE NO:	174-10
ASSESSMENT NO:	N/A

PURPOSE

To consider a request from the Mortlock Pony Club for Council to act as a referee for an application for grant assistance.

BACKGROUND

The Mortlock Pony Club has written to Council seeking support by way of acting as a referee for an application for financial assistance due to COVID-19. The Club has applied for the grant to cover lost revenue due to the cancellation of events.

STATUTORY IMPLICATIONS

Local Government Act 1995

POLICY IMPLICATIONS

Nil directly

FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

The Community Strategic Plan 2018 provides the following objectives and strategies.

1.3.2 Develop, maintain and support appropriate recreation facilities throughout the Shire



ATTACHMENTS

Nil

OFFICER COMMENT

The grant is directly focused on this type of loss for small clubs such as the Pony Club.

VOTING REQUIREMENT

Absolute Majority

RECOMMENDATION

That the Council:

Agree to act as a referee for the Mortlock Pony Club for the application to Lotterywest for a grant to cover lost event revenue due to COVID-19.

202. RESOLUTION

Moved Cr Sheen, seconded Cr Van Gelderen

That the Council:

Agree to act as a referee for the Mortlock Pony Club for the application to Lotterywest for a grant to cover lost event revenue due to COVID-19.

**CARRIED 7/0
By Simple Majority**

12. INFORMATION BULLETIN

203. RESOLUTION

Moved Cr Barratt, seconded Cr Wilkes that Council receive the information bulletin.

**CARRIED 7/0
By Simple Majority**

12.10 APPLICATION OF COMMON SEAL

12.10.1 SALE OF 34 EATON STREET

At the Ordinary Meeting of Council on Wednesday 16 October 2019 Council agreed to accept an offer of \$87,500 from Mr Kane Bywaters and Ms Brittney De Haas, to purchase 34 Eaton Street Goomalling on an "as is" basis.



The roof of this property was in a state of disrepair at that time and to satisfy the requirements of Mr Bywaters and Ms De Haas's financial institute Council agreed to execute the replacement of the roof before the sale, on the arrangement that the cost be included in the sale price, bringing the total price to \$106,881.00.

The Contract of Sale has been prepared by WA Settlements and require affixing of Council's Common Seal for validation.

OFFICER RECOMMENDATION

That Council:

authorise the affixing of the Common Seal to the Contract of Sale of 34 Eaton Street, Goomalling.

202. RESOLUTION (OFFICER RECOMMENDATION)

Moved Cr Chester, seconded Cr Sheen

That Council:

authorise the affixing of the Common Seal to the Contract of Sale of 34 Eaton Street, Goomalling.

**CARRIED 7/0
By Simple Majority**

12.10.2 GRANT OF RIGHT OF BURIAL No 121

Application was received for the transfer of the Grant of Right of Burial for Grave No 149 in the Anglican Section of the Goomalling Cemetery from Mr David Escott to Mrs Simone Rowles.

The applicable fee of \$245 was received from Mrs Rowles on XXX and fee of \$230 which was received in November 2018 was refunded to Mr Escott.

The Common Seal is to be affixed to validate the Grant No 121 for Mrs Rowles.

OFFICER RECOMMENDATION

That Council:

authorise the affixing of the Common Seal to the Schedule "B" Goomalling Public Cemetery Form of Grant of Right of Burial, Grant No. 121 for Simone Rowles.



201. RESOLUTION

Moved Cr Barratt, seconded Cr Butt

That Council:

authorise the affixing of the Common Seal to the Schedule "B" Goomalling Public Cemetery Form of Grant of Right of Burial, Grant No. 121 for Simone Rowles.

**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 5.00pm.