

Shire of Goomalling



COUNCIL MEETING MINUTES

February 2021

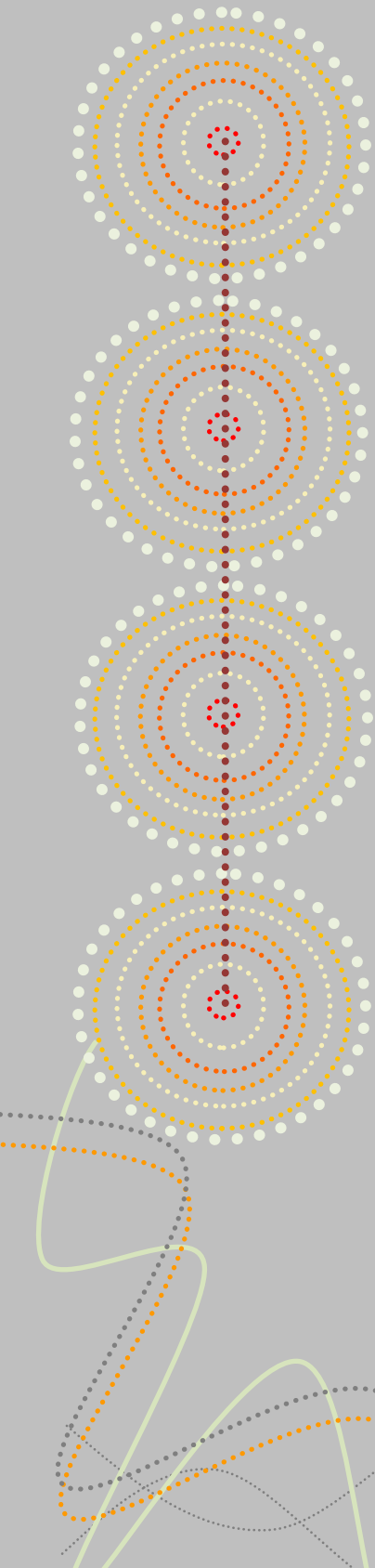




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NYOONGAR ACKNOWLEDGEMENT

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

NOTICE OF MEETING

Meeting No. 1 of 2021 of the Shire of Goomalling Council to be held in the Council Chambers, Administration Office, 32 Quinlan Street, Goomalling on Wednesday, 3 February 2021 beginning at 4.44pm.

1. DECLARATION OF OPENING & ANNOUNCEMENT OF VISITORS

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

2.1. Attendance

Council	President & Chairperson	Cr Barry Haywood
	Councillor	Cr Christine Barratt
	Councillor	Cr Casey Butt
	Councillor	Cr Julie Chester
	Councillor	Cr 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

Apologies were received from Cr Rodney Sheen for non-attendance at today's meeting

2.3. Approved Leave of Absence

3. DECLARATION OF:

- FINANCIAL INTEREST
- MEMBERS IMPARTIALITY INTEREST
- PROXIMITY INTEREST

4. PUBLIC QUESTION TIME

5. APPLICATION FROM MEMBERS FOR LEAVE OF ABSENCE

Moved Cr Chester, seconded Cr Wilkes that Council grant leave of absence for the March Ordinary Council Meeting to Cr Barry Haywood.

CARRIED 6/0
Simple Majority



6. CONFIRMATION AND RECEIVING OF MINUTES & BUSINESS ARISING

6.1 Ordinary Meeting of Council held Wednesday 18 November 2020

310. RESOLUTION

Moved Cr Wilkes, seconded Cr Van Gelderen

That the minute of the Ordinary Meeting of Council held on Wednesday 16 December 2020, be confirmed as a true and correct record of proceedings.

CARRIED 6/0
By simple majority

7. ANNOUNCEMENTS BY THE PRESIDING PERSON WITHOUT DISCUSSION

8. PETITIONS/DEPUTATIONS/PRESENTATIONS/SUBMISSIONS

9. OFFICERS' REPORTS

9.1 SCHEDULE OF ACCOUNTS PAID 1 NOVEMBER TO 31 DECEMBER 2020

DATE:	7 January 2021
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 2730-2814	\$449,563.25
Direct Debits 8439-8443	\$49,661.65
Cheques 7326-7339, 15180-15184	\$72,074.26
Payroll 6407, 6414	\$109,759.00
Super DD12961, DD12991	\$17,836.40
TOTAL	\$698,894.56

ATTACHMENTS

- Schedule of Accounts Paid December 2020
- Corporate Credit Card Statements November 2020

VOTING REQUIREMENT

Simple Majority

OFFICER COMMENTS

PRESIDENT _____

DATE _____
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RECOMMENDATION

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

EFT 2730-2814	\$449,563.25
Direct Debits 8439-8443	\$49,661.65
Cheques 7326-7339, 15180-15184	\$72,074.26
Payroll 6407, 6414	\$109,759.00
Super DD12961, DD12991	\$17,836.40
TOTAL	\$698,894.56

311. RESOLUTION

Moved Cr Van Gelderen , seconded Cr Wilkes

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

EFT 2730-2814	\$449,563.25
Direct Debits 8439-8443	\$49,661.65
Cheques 7326-7339, 15180-15184	\$72,074.26
Payroll 6407, 6414	\$109,759.00
Super DD12961, DD12991	\$17,836.40
TOTAL	\$698,894.56

CARRIED 6/0
By simple majority



9.2 FINANCIAL REPORT FOR DECEMBER 2020

DATE:	15 January 2021
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 December 2020

VOTING REQUIREMENT

Simple Majority

RECOMMENDATION

That the Monthly Financial Report to 31 December 2020 be received by Council.

312. RESOLUTION

Moved Cr Barratt, seconded Cr Chester

That the Monthly Financial Report to 31 December 2020 be received by Council.

CARRIED 6/0

P R E S I D E N T _ _ _ _ _

D A T E _ _ _ _ _



By simple majority

9.3 ALLFLAIR ENTERPRISES PTY LTD – REQUEST FOR INTEREST WRITE OFF

DATE:	18 January 2021
SUBJECT:	Write-off of Interest
PROPONENT:	RSM Australia Pty Ltd
LOCATION:	Smith Road 2
AUTHOR:	Peter Bentley – Chief Executive Officer
REPORTING OFFICER:	Peter Bentley – Chief Executive Officer
FILE NO:	
ASSESSMENT NO:	A1101

PURPOSE

To consider a request from RSM Australia to write off interest on behalf of its client – Allflair Enterprises Pty Ltd.

BACKGROUND

Council staff sent rates notices for Allflair Enterprises Pty Ltd to its registered address which was the office of RSM Australia Pty Ltd. Council staff have no record of a change of address being registered for either entity over the past 3 years.

RSM has advised that it relocated its offices in 2017, however there is no record of advice that this a change of address was submitted.

Councils Rates Officer, while pursuing a course of action to recover unpaid rates, discovered an associated company and sought information as to whether its staff knew what address to send notices to. Through this process, we became aware of the change of address and subsequently contacted RSM Australia with regard to the rates outstanding.

STATUTORY IMPLICATIONS

Local Government Act (1995)

6.12. Power to defer, grant discounts, waive or write off debts

- (1) *Subject to subsection (2) and any other written law, a local government may —*
- (a) *when adopting the annual budget, grant* a discount or other incentive for the early payment of any amount of money; or*
 - (b) *wave or grant concessions in relation to any amount of money; or*
 - (c) *write off any amount of money,*

which is owed to the local government.

** Absolute majority required.*

- (2) *Subsection (1)(a) and (b) do not apply to an amount of money owing in respect of rates and service charges.*
- (3) *The grant of a concession under subsection (1)(b) may be subject to any conditions determined by the local government.*

PRESIDENT _____

DATE _____
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- (4) *Regulations may prescribe circumstances in which a local government is not to exercise a power under subsection (1) or regulate the exercise of that power.*

[Section 6.12 amended: No. 64 of 1998 s. 39.]

6.13. Interest on money owing to local governments

- (1) *Subject to any other written law, a local government may resolve* to require a person to pay interest at the rate set in its annual budget on any amount of money (other than rates and service charges) which —*
- (a) that person owes to the local government; and*
 - (b) has been owed for the period of time referred to in subsection (6).*

** Absolute majority required.*

- (2) *A resolution under subsection (1) is to be included in the annual budget.*
- (3) *The rate of interest that may be set by the local government under this section is not to exceed the rate for the time being prescribed as the maximum rate of interest that may be set for the purposes of this section.*
- (4) *Where a local government imposes interest under subsection (1) on any outstanding amount of money the local government is not to also impose an additional charge in relation to that amount.*
- (5) *Accrued interest is, for the purpose of its recovery, taken to form part of the money owed to the local government on which it is charged.*
- (6) *A local government is not to impose interest on any amount of money under subsection (1) until the money has been owed to the local government for the period of time set by the local government in its annual budget (not being less than 35 days) after the date which is stated on the relevant account for payment as being the date the account was issued.*
- (7) *Regulations may provide for the method of calculation of interest.*

[Section 6.13 modified: SL 2020/57^{1M}.]

6.45. Options for payment of rates or service charges

- (1) *A rate or service charge is ordinarily payable to a local government by a single payment but the person liable for the payment of a rate or service charge may elect to make that payment to a local government, subject to subsection (3), by —*
- (a) 4 equal or nearly equal instalments; or*
 - (b) such other method of payment by instalments as is set forth in the local government's annual budget.*
- (2) *Where, during a financial year, a rate notice is given after a reassessment of rates under section 6.40 the person to whom the notice is given may pay the rate or service charge —*
- (a) by a single payment; or*



- (b) by such instalments as are remaining under subsection (1)(a) or (b) for the remainder of that financial year.*
- (3) A local government may impose an additional charge (including an amount by way of interest) where payment of a rate or service charge is made by instalments and that additional charge is, for the purpose of its recovery, taken to be a rate or service charge, as the case requires, that is due and payable.*
- (4) Regulations may —*
 - (a) provide for the manner of making an election to pay by instalments under subsection (1) or (2); and*
 - (b) prescribe circumstances in which payments may or may not be made by instalments; and*
 - (c) prohibit or regulate any matters relating to payments by instalments; and*
 - (d) provide for the time when, and manner in which, instalments are to be paid; and*
 - (e) prescribe the maximum amount (including the maximum interest component) which may be imposed under subsection (3) by way of an additional charge; and*
 - (f) provide for any other matter relating to the payment of rates or service charges.*

[Section 6.45 modified: SL 2020/57^{1M}.]

6.50. Rates or service charges due and payable

- (1) Subject to —*
 - (a) subsections (2) and (3); and*
 - (b) any concession granted under section 6.47; and*
 - (c) the Rates and Charges (Rebates and Deferments) Act 1992,*

a rate or service charge becomes due and payable on such date as is determined by the local government.
- (2) The date determined by a local government under subsection (1) is not to be earlier than 35 days after the date noted on the rate notice as the date the rate notice was issued.*
- (3) Where a person elects to pay a rate or service charge by instalments the second and each subsequent instalment does not become due and payable at intervals of less than 2 months.*

6.51. Accrual of interest on overdue rates or service charges

- (1) A local government may at the time of imposing a rate or service charge resolve* to impose interest (at the rate set in its annual budget) on —*
 - (a) a rate or service charge (or any instalment of a rate or service charge); and*



- (b) *any costs of proceedings to recover any such charge, that remains unpaid after becoming due and payable.*

** Absolute majority required.*

- (2) *The rate of interest that may be set by the local government under this section is not to exceed the rate for the time being prescribed as the maximum rate of interest that may be set for the purposes of this section.*
- (3) *Accrued interest is, for the purpose of its recovery, taken to be a rate or service charge, as the case requires, that is due and payable.*
- (4) *If a person is entitled under the Rates and Charges (Rebates and Deferments) Act 1992 or under this Act (if the local government in a particular case so resolves) to a rebate or deferment in respect of a rate or service charge —*
- (a) *no interest is to accrue in respect of that rate or service charge payable by that person; and*
- (b) *no additional charge is to be imposed under section 6.45(3) on that person.*
- (5) *Regulations may provide for the method of calculation of interest.*

[Section 6.51 amended: No. 1 of 1998 s. 21(1); No. 49 of 2004 s. 62.]

[Section 6.51 modified: SL 2020/57^{1M}.]

POLICY IMPLICATIONS

There is no specific policy relating to this matter. The CEO does not have the power alone to write-off a fee or a charge and so Council must decide whether to allow the write-off.

FINANCIAL IMPLICATIONS

In writing off the interest component, Council will forgo approximately \$1,500 in revenue.

STRATEGIC IMPLICATIONS

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

ATTACHMENTS

Letter from RSM Australia, including rates notices and receipt

OFFICER COMMENT

Where an entity does not advise that an address for the service of the rates notice has changed, generally, there is no defence for the non-payments of rates and the application of interest would stand otherwise a precedent will be set for the writing off of interest for anyone who fails to advise of a change in address. RSM Australia moved offices in 2017 and Council received no advice from it regarding the move. There was no recorded advice from the directors of Allflair Enterprises regarding a change of address for the service of notices either.

Council staff have no other viable method of address tracking other than advice from the ratepayer or its representatives. To the best of our knowledge neither has provided advice.



If the Council agrees to waive interest payments without a significant reason that is of its own making, it would set a precedent that any request for writing off of rates would need to be approved, regardless of whether it was Council's fault or not.

VOTING REQUIREMENT

Simple Majority to refuse, Absolute Majority to agree

RECOMMENDATION

That the Council:

Advise RSM Australia Pty Ltd that its request for writing off of interest associated with Assessment A1101 has been declined.

313. RESOLUTION

Moved Cr Van Gelderen , seconded Cr Chester

That the Council advise RSM Australia Pty Ltd that its request for writing off of interest associated with Assessment A1101 has been declined.

**CARRIED 6/0
absolute majority**



9.4 SALARIES AND ALLOWANCES TRIBUNAL

DATE:	27 January 2021
SUBJECT:	Salaries and Allowance Tribunal
PROPONENT:	Salaries and Allowance Tribunal
LOCATION:	Whole of Shire
AUTHOR:	Peter Bentley – Chief Executive Officer
REPORTING OFFICER:	Peter Bentley – Chief Executive Officer
FILE NO:	
ASSESSMENT NO:	N/A

PURPOSE

To consider any submission that the Council may wish to make to the Salaries and Allowances Tribunal regarding either Elected Member remuneration or CEO remuneration.

BACKGROUND

The Salaries and Allowances Tribunal is currently undertaking its review of;

- remuneration provided to Local Government CEOs; and
- fees, allowances and reimbursements payable to Elected Members.

The Tribunal is required, under the *Salaries and Allowances Act 1975*, to make an annual determination on these matters. The *Local Government Act 1995* requires local governments to comply with the Tribunal's determination.

Local governments are invited to make submissions to raise any relevant issues for the Tribunal's consideration, particularly with respect to Band allocation. Please note that submissions are voluntary. A submission template is attached to guide local governments as to the information that will assist the Tribunal.

For your reference a copy of the current Local Government Determination can be found here <https://www.wa.gov.au/government/publications/local-government-chief-executive-officers-and-elected-members-determination-no-1-of-2020>

STATUTORY IMPLICATIONS

Local Government Act 1995

POLICY IMPLICATIONS

Council has no specific policy regarding this matter.

FINANCIAL IMPLICATIONS

There are no significant financial implications for the Shire of Goomalling at the comment stage.

STRATEGIC IMPLICATIONS

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

ATTACHMENTS

SAT Template



OFFICER COMMENT

Submissions (if completed) are returned to submissions@sat.wa.gov.au by **Friday 12 February 2021**.

VOTING REQUIREMENT

Simple Majority

RECOMMENDATION

That the Council:

Determine if it wishes to make comment to SAT regarding the review of Elected Member and CEO Remuneration.

314. RESOLUTION

Moved Cr Chester, seconded Cr Van Gelderen

No comment to SAT regarding the review of Elected Member and CEO Remuneration.

**CARRIED 6/0
By simple majority**



9.5 ADOPTION OF BUSHFIRE RISK MANAGEMENT PLAN

DATE:	27 January 2021
SUBJECT:	Bushfire Risk Management Plan
PROPONENT:	Shire of Goomalling
LOCATION:	Whole of Shire
AUTHOR:	Peter Bentley – Chief Executive Officer
REPORTING OFFICER:	Peter Bentley – Chief Executive Officer
FILE NO:	
ASSESSMENT NO:	N/A

PURPOSE

To consider and adopt the attached Bushfire Risk Management Plan.

BACKGROUND

Under the *State Hazard Plan (Fire)* an integrated Bushfire Risk Management Plan (BRM Plan) is to be developed for local governments identified as having a significant bushfire risk. This BRM Plan has been prepared for the Shire of Goomalling in accordance with the requirements of the *Guidelines for Preparing a Bushfire Risk Management Plan*.

The risk management processes used to develop this BRM Plan are aligned to the key principles of *AS/NZS ISO 31000:2009 Risk management – Principles and guidelines (AS/NZS ISO 31000:2009)*, as described in the Second Edition of the *National Emergency Risk Assessment Guidelines (NERAG 2015)*. This approach is consistent with the policies of the State Emergency Management Committee.

This BRM Plan is a strategic document that identifies assets at risk from bushfire and their priority for treatment. The resulting 'Treatment Schedule' sets out a broad program of coordinated multi-agency treatments to address risks identified in the BRM Plan. Government agencies and other land managers responsible for implementing treatments participate in developing the BRM Plan to ensure treatment strategies are collaborative and efficient, regardless of land tenure. Treatments will be guided by risk priority, not land tenure, and will not be limited to local government managed lands.

STATUTORY IMPLICATIONS

Local Government Act 1995

Bush Fires Act 1954

POLICY IMPLICATIONS

Council has no specific policy regarding this matter.

FINANCIAL IMPLICATIONS

There are no significant financial implications at this stage however Council will have the ability to access mitigation funding once the plan is adopted.

STRATEGIC IMPLICATIONS

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

ATTACHMENTS

PRESIDENT _____

DATE _____
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Draft Bushfire Risk Management Plan
Letter – Office of Bushfire Risk Management

OFFICER COMMENT

The aim of the BRM Plan is to document a coordinated and efficient approach toward the identification, assessment and treatment of assets exposed to bushfire risk within The Shire of Goomalling.

The overarching objective of the BRM Plan is to effectively manage bushfire risk within the Shire of Goomalling to protect people, assets and other things of local value. Additional objectives of this BRM Plan include:

- Guide and coordinate a tenure blind, multi-agency bushfire risk management program over a five-year period.
- Document the process used to identify, analyse and evaluate risk, determine priorities and develop a plan to systematically treat risk.
- Facilitate the effective use of the financial and physical resources available for bushfire risk management activities.
- Integrate bushfire risk management into the business processes of local government, landowners and other agencies.
- Ensure there is integration between landowners and bushfire risk management programs and activities.
- Monitor and review the implementation of treatments to ensure treatment plans are adaptable and risk is managed at an acceptable level.

VOTING REQUIREMENT

Simple Majority

RECOMMENDATION

That the Council:

Adopt the attached Bushfire Risk Management Plan.

315. RESOLUTION

Moved Cr Barratt, seconded Cr Van Gelderen

Adopt the attached Bushfire Risk Management Plan.

CARRIED 6/0
By simple majority



9.6 DOWERIN SUGGESTION REGARDING MEDICAL SERVICES

DATE:	27 January 2021
SUBJECT:	Medical Services
PROPONENT:	Shire of Dowerin, Medical Surgery
LOCATION:	Medical Surgery
AUTHOR:	Peter Bentley – Chief Executive Officer
REPORTING OFFICER:	Peter Bentley – Chief Executive Officer
FILE NO:	
ASSESSMENT NO:	N/A

PURPOSE

To discuss and approach made to the Shire of Dowerin regarding medical services.

BACKGROUND

Council operates a medical surgery where the Shire of Dowerin makes an annual contribution of up to 50% or \$25,000 toward any losses incurred. The Shire of Dowerin is happy with this service and wishes to remain a part of the service.

The Dowerin CEO has recently been approached by a Dr Awogun whose main practice is in Perth however he also has practices in Koorda and Wyalkatchem. Dr Awogun was proposing to reinstate a service in Dowerin one day a week and was looking for Council support to offset costs.

The Dowerin Council is not necessarily keen to reinstate this service, however there was interest from its Council to facilitate a discussion to determine if there is an opportunity for Dr Awogun to practice at Goomalling to compliment the current service and support Nina. The Shire of Dowerin understands that it may not be feasible to do so but thought there may be merit to at least have a conversation.

Significant discussions would need to occur with our resident doctor, surgery staff, the Shire of Dowerin and Dr Awogun prior to any item coming back to Council for decision.

STATUTORY IMPLICATIONS

Local Government Act 1995

POLICY IMPLICATIONS

Council has no specific policy regarding this matter.

FINANCIAL IMPLICATIONS

This matter is provided as a discussions item before moving to costing and the like.

STRATEGIC IMPLICATIONS

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

ATTACHMENTS

Nil

OFFICER COMMENT

This item is provided for discussion only.



VOTING REQUIREMENT

Simple Majority

RECOMMENDATION

That the Council:

Discuss this matter and ascertain whether it has an appetite to enter into further discussions.

PRESIDENT _____

DATE _____
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9.7 APPLICATION TO KEEP 3 DOGS, 68 JAMES STREET

DATE:	27 January 2021
SUBJECT:	Application to keep 3 dogs
PROPONENT:	Shelley Brown
LOCATION:	68 James Street Goomalling
AUTHOR:	Peter Bentley – Chief Executive Officer
REPORTING OFFICER:	Peter Bentley – Chief Executive Officer
FILE NO:	50
ASSESSMENT NO:	N/A

PURPOSE

To consider a request to keep three dogs at 68 James Street Goomalling.

BACKGROUND

Shelley Brown of 68 James Street has made application to keep three dogs at 68 James Street Goomalling. Councils Ranger has inspected the property and made report on her findings. The CEO has written to surrounding landholders seeking comment regarding the proposal. One submission was received and has been attached to this item.

STATUTORY IMPLICATIONS

Local Government Act 1995

Dog Act 1976

POLICY IMPLICATIONS

Council has no specific policy regarding this matter.

FINANCIAL IMPLICATIONS

There are no significant 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

Ranger: Gloria Robinson

Number of Dogs	Dog Name	Breed	Colour	Age	Sex	Rego No.
1	Bear	Mastiff X	Brown / White		M	230007
2	Jack	Hunterway X	Brown / White		M	230008
3	Bully	Staffy X	White / Tan		M	

Fencing

PRESIDENT _____

DATE _____
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Materials used for Fencing: The boundary fence is 1.8-meters high made from Colourbond fencing and is in good condition. There is a 1.2-meter-high fence dividing the front yard from the back yard under the carport and this structure is made from assorted bits and pieces. There is another fence on the right-hand side of the house that is made from Colourbond and is very secure.

Locking devices on gates: The side gates are secured by a latch.

Housing

Means of housing: The dogs are free to move around the back yard. There is a large undercover veranda area that contains lounges for the dogs to sit on.

Bedding: The dogs sleep on lounges under the veranda.

Water Supply: There is a large water bucket under the veranda that is suitable to hold enough water for 3 large dogs.

Condition of existing dogs Suitable Not Suitable

Details: The dogs are in a good health and condition and were very friendly.

Ranger Notes:

All 3 dogs were very friendly towards me upon arrival. The dogs did not show any signs of aggression towards each other and the owner did advise me that she must keep them separated around food as two of them will fight if not supervised. The dogs are in excellent condition and the dog’s faeces are picked up and removed from the property daily. Council wrote to 9 adjoining neighbours giving them the opportunity to provide feedback as to whether they do or do not support this application. One neighbour objected to the application. The objection is attached.

RANGER RECOMMENDATION:

That Council APPROVE the application for three dogs to be housed at 68 James Street Goomalling in accordance with Section 26.3 of the Dog Act 1976 with the following conditions:

1. The approval being placed on the condition that the dogs do not prove to be a nuisance (to the satisfaction of Council) to adjoining or adjacent neighbours in terms of barking, aggressive behaviours and / or wandering; and
2. The exemption applies only to the 3 dogs stated on the application. Once any of the dogs are deceased, sold or otherwise disposed of, the exemption ceases to have effect; and
3. The exemption will cease to have effect on the date of any conviction for an offence relating to the *Dog Act 1976* in respect of any of the dogs, or any person in charge of those dogs; and
4. The subject property must be kept clear of all animal excreta using proper disposal methods; and
5. Adequate cover and protection are always to be available to the dogs; and
6. The dogs are to be adequately confined in accordance with Section 18 of the Shires Dog Local Law; and
7. **The dividing fence between the carport and rear yard is to be replaced with a 1.8 metre Colourbond fence suitable to contain the 3 dogs and the gate latches to be raised so that a child cannot open them;** and
8. The property is to be inspected Annually by the Council Ranger; and

P R E S I D E N T _____

D A T E _____



SHIRE OF GOOMALLING

MINUTES FOR ORDINARY MEETING OF COUNCIL
WEDNESDAY 3 FEBRUARY 2021

9. Access to the property is to be given to the Council Ranger for the Annual Inspection, or more regularly if the Council so determines.



Dividing gate – under carport



Fencing in back yard



Lounge under veranda – Jack



Water Bowl - Buddy



Bear



Veranda area

PRESIDENT _____

DATE _____
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VOTING REQUIREMENT

Simple Majority

RECOMMENDATION

That the Council:

APPROVE the application for three dogs to be housed at 68 James Street Goomalling in accordance with Section 26.3 of the Dog Act 1976 with the following conditions:

1. The approval is given on the condition that the dogs do not prove to be a nuisance (to the satisfaction of Council) to adjoining or adjacent neighbours in terms of barking, aggressive behaviours and / or wandering; and
2. The exemption applies only to the 3 dogs stated on the application. Once any of the dogs are deceased, sold or otherwise disposed of, the exemption ceases to have effect; and
3. The exemption will cease to have effect on the date of any conviction for an offence relating to the *Dog Act 1976* in respect of any of the dogs, or any person in charge of those dogs; and
4. The subject property must be kept clear of all animal excreta using proper disposal methods; and
5. Adequate cover and protection are always to be available to the dogs; and
6. The dogs are to be adequately confined in accordance with Section 18 of the Shires Dog Local Law; and
7. **The dividing fence between the carport and rear yard is to be replaced with a 1.8 metre Colourbond fence suitable to contain the 3 dogs and the gate latches to be raised so that a child cannot open them; and**
8. The property is to be inspected Annually by the Council Ranger; and
9. Access to the property is to be given to the Council Ranger for the Annual Inspection, or more regularly if the Council so determines.

315. RESOLUTION

Moved Cr Chester, seconded Cr Van Gelderen

That the Council APPROVE the application for three dogs to be housed at 68 James Street Goomalling in accordance with Section 26.3 of the Dog Act 1976 with the following conditions:

1. The approval is given on the condition that the dogs do not prove to be a nuisance (to the satisfaction of Council) to adjoining or adjacent neighbours in terms of barking, aggressive behaviours and / or wandering; and
2. The exemption applies only to the 3 dogs stated on the application. Once any of the dogs are deceased, sold or otherwise disposed of, the exemption ceases to have effect; and
3. The exemption will cease to have effect on the date of any conviction for an offence relating to the *Dog Act 1976* in respect of any of the dogs, or any person in charge of those dogs; and

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-
4. The subject property must be kept clear of all animal excreta using proper disposal methods; and
 5. Adequate cover and protection are always to be available to the dogs; and
 6. The dogs are to be adequately confined in accordance with Section 18 of the Shires Dog Local Law; and
 7. **The dividing fence between the carport and rear yard is to be replaced with a 1.8 metre Colourbond fence suitable to contain the 3 dogs and the gate latches to be raised so that a child cannot open them; and**
 8. The property is to be inspected Annually by the Council Ranger; and
 9. Access to the property is to be given to the Council Ranger for the Annual Inspection, or more regularly if the Council so determines.

CARRIED 4/2
By simple majority

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9.8 CASH CONTRIBUTION - MORTLOCK PONY CLUB

DATE:	27 January 2021
SUBJECT:	Cash Contribution – Mortlock Pony Club
PROPONENT:	Salaries and Allowance Tribunal
LOCATION:	Whole of Shire
AUTHOR:	Peter Bentley – Chief Executive Officer
REPORTING OFFICER:	Peter Bentley – Chief Executive Officer
FILE NO:	
ASSESSMENT NO:	N/A

PURPOSE

To authorise unbudgeted expenditure – Mortlock Pony Club as per the lease agreement.

BACKGROUND

Council entered into a lease agreement with the Mortlock Pony Club in March 2014 for a period of seven years with the option for two further terms of the same duration. The first term is due to expire 2nd April 2021.

A condition within the lease at 10.2 states the following;

10.2 Lessor Contribution

- (a) **Within 5 Business Days of the Lessee providing the Lessor with appropriate tax invoices from the relevant suppliers, in a form acceptable to the Lessor, the Lessor will pay to the Lessee up to \$5000.00 (“Cash Contribution”) as a contribution to the cost of the Lessee Works.**
- (b) **The Lessor will provide plant hire and labour hire (of the Lessors own plant and labour) to the Lessee to enable the Lessee to carry out the Lessee Works to a maximum value of \$25,000.00.**

This obliges Council to contribute a maximum of \$5,000 toward works that the club wishes to undertake during the first lease period and up to \$25,000 in plant and labour costs as well.

It is my understanding that these costs relate to the first lease period and that we can assume that any subsequent lease term will not include such extra costs.

Council has provided several thousand dollars in in-kind labour, materials and plant prior to this request.

STATUTORY IMPLICATIONS

Local Government Act 1995

POLICY IMPLICATIONS

Council has no specific policy regarding this matter.

FINANCIAL IMPLICATIONS

The expenditure is unbudgeted as no request was put forward from the Pony Club during the advertising period for budget submissions.

STRATEGIC IMPLICATIONS

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



ATTACHMENTS

Nil

OFFICER COMMENT

The Pony Club has submitted a building application for the proposed clubhouse, has requested some works from Council and has provided some documentation with the request for funds. The CEO has requested further documentation to confirm that the expenditures are legitimate and have been incurred.

Once this has been provided, the CEO will be obligated to make the payment.

VOTING REQUIREMENT

Absolute Majority

RECOMMENDATION

That the Council:

Endorse the out of budget expenditure for the cash contribution to the works of the Mortlock Pony Club as per the terms of the lease document

316. RESOLUTION

Moved Cr Barratt , seconded Cr Chester

That the Council endorse the out of budget expenditure for the cash contribution to the works of the Mortlock Pony Club as per the terms of the lease document.

**CARRIED 6/0
By simple majority**



9.9 APPLICATION TO KEEP 6 DOGS, 241 SHEEN ROAD

DATE:	28 January 2021
SUBJECT:	Application to keep 6 dogs
PROPONENT:	Maria Rebane
LOCATION:	241 Sheen Road
AUTHOR:	Peter Bentley – Chief Executive Officer
REPORTING OFFICER:	Peter Bentley – Chief Executive Officer
FILE NO:	50
ASSESSMENT NO:	N/A

PURPOSE

To consider a request to keep five dogs at 241 Sheen Road, Wongamine (64 Hectares).

BACKGROUND

Maria Rebane of 241 Sheen Road has made application to keep five dogs at 241 Sheen Road, Wongamine. Councils Ranger has inspected the property and made report on her findings. The CEO has written to surrounding landholders seeking comment regarding the proposal. No submissions were received.

STATUTORY IMPLICATIONS

Local Government Act 1995

Dog Act 1976

POLICY IMPLICATIONS

Council has no specific policy regarding this matter.

FINANCIAL IMPLICATIONS

There are no significant 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

Ranger: Gloria Robinson

Number of Dogs	Dog Name	Breed	Colour	Age	Sex	Rego No.
1	Bella	Jack Russell X	Red / Tan	6	F	LT0026
2	Eddy	Jack Russell X	Black/ White	1.5	M	LT0245
3	Max	Jack Russell X	Black / Tan	5M	M	
4	George	Jack Russell X	Black / Tan	5M	M	

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5	Rosalie	Jack Russell X	White / Black	5M	F	
6						

Fencing

Materials used for Fencing: The dogs live in a house yard surrounding the house that is approximately ½ an acre in total. The yard fencing is made from an assortment of materials. All the fencing is in good condition and is suitable to contain the dogs.

Locking devices on gates: The gates are secured by a bolt locking system.

Housing

Means of housing: The dogs are free to move around the house and the yard area. There is a large undercover veranda area that contains a lounge for the dogs to sit on when they wish to be outside. As the dogs have free roam of the area there are many places for them to sleep.

Bedding: The dogs sleep inside the house on various lounges and beds, and on the lounge under the veranda when they are outside. There are also many shady areas in the house yard that the dogs can sleep under as well.

Water Supply: There is a large water bucket under the veranda and a water bowl inside the house.

Condition of existing dogs Suitable Not Suitable

Details: The dogs are in a good healthy condition and all bar one pup are very friendly.

Ranger Notes:

The dogs were very friendly towards me upon arrival (except for the shy one who went inside) and were not able to escape the yard area to greet me. The dogs did not show any signs of aggression towards each other. The dogs are in excellent condition and there is a pooper scooper present for the removal of the dog's faeces.

Council wrote to 2 adjoining neighbours giving them the opportunity to provide feedback as to whether they do or do not support this application and no objections were received.

There is no history on our system regarding the care and welfare of any dogs at this address.

RANGER RECOMMENDATION:

That Council APPROVE the application for 5 dogs to be housed at 241 Sheen Rd Wongamine in accordance with Section 26.3 of the *Dog Act 1976* with the following conditions:

1. The approval being placed on the condition that the dogs do not prove to be a nuisance (to the satisfaction of Council) to adjoining or adjacent neighbours in terms of barking, aggressive behaviours and / or wandering; and

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2. The exemption applies only to the 5 dogs stated on the application. Once any of the dogs are deceased, sold or otherwise disposed of, the exemption for that particular dog ceases to have effect; and
3. The exemption will cease to have effect on the date of any conviction for an offence relating to the *Dog Act 1976* in respect of any of the dogs, or any person in charge of those dogs; and
4. The subject property must be kept clear of all animal excreta using proper disposal methods; and
5. Adequate cover and protection are always to be available to the dogs; and
6. The dogs are to be adequately confined in accordance with Section 18 of the Shires Dog Local Law; and
7. An automatic drinking device system is to be installed in the yard area; and
8. The property is to be inspected Annually by the Council Ranger; and
9. Access to the property is to be given to the Council Ranger for the Annual Inspection, or more regularly if the Council so determines.



Rear Yard Gate



Rear Yard Area

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Side Yard



Rear Yard Area



Side Yard Area



Side Gate

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Outside Water Container



Outside Lounge



Bella



Eddy

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Max & George

VOTING REQUIREMENT

Simple Majority

RECOMMENDATION

That the Council:

APPROVE the application for 5 dogs to be housed at 241 Sheen Rd Wongamine in accordance with Section 26.3 of the Dog Act 1976 with the following conditions:

1. The approval being placed on the condition that the dogs do not prove to be a nuisance (to the satisfaction of Council) to adjoining or adjacent neighbours in terms of barking, aggressive behaviours and / or wandering; and
2. The exemption applies only to the 5 dogs stated on the application. Once any of the dogs are deceased, sold or otherwise disposed of, the exemption for that particular dog ceases to have effect; and
3. The exemption will cease to have effect on the date of any conviction for an offence relating to the Dog Act 1976 in respect of any of the dogs, or any person in charge of those dogs; and
4. The subject property must be kept clear of all animal excreta using proper disposal methods; and
5. Adequate cover and protection are always to be available to the dogs; and
6. The dogs are to be adequately confined in accordance with Section 18 of the Shires Dog Local Law; and
7. An automatic drinking device system is to be installed in the yard area; and
8. The property is to be inspected Annually by the Council Ranger; and
9. Access to the property is to be given to the Council Ranger for the Annual Inspection, or more regularly if the Council so determines.



317. RESOLUTION

Moved Cr Chester , seconded Cr Barratt

That the Council APPROVE the application for 5 dogs to be housed at 241 Sheen Rd Wongamine in accordance with Section 26.3 of the Dog Act 1976 with the following conditions:

1. The approval being placed on the condition that the dogs do not prove to be a nuisance (to the satisfaction of Council) to adjoining or adjacent neighbours in terms of barking, aggressive behaviours and / or wandering;
2. The exemption applies only to the 5 dogs stated on the application. Once any of the dogs are deceased, sold or otherwise disposed of, the exemption for that particular dog ceases to have effect;
3. The exemption will cease to have effect on the date of any conviction for an offence relating to the Dog Act 1976 in respect of any of the dogs, or any person in charge of those dogs;
4. The subject property must be kept clear of all animal excreta using proper disposal methods;
5. Adequate cover and protection are always to be available to the dogs;
6. The dogs are to be adequately confined in accordance with Section 18 of the Shires Dog Local Law;
7. An automatic drinking device system is to be installed in the yard area;
8. The property is to be inspected Annually by the Council Ranger; and
9. Access to the property is to be given to the Council Ranger for the Annual Inspection, or more regularly if the Council so determines.

CARRIED 4/2
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

Moved Cr Butt, seconded Chester

That Council agree for the late items to be dealt with.

**CARRIED 6/0
By Simple Majority**

11.1 WATER PROPOSAL – GOOMALLING SPORTS GROUND

DATE:	18 January 2021
SUBJECT:	Water Proposal – Sports Ground.
PROPONENT:	Goomalling Football Club
LOCATION:	Goomalling Sports Ground
AUTHOR:	Peter Bentley – Chief Executive Officer
REPORTING OFFICER:	Peter Bentley – Chief Executive Officer
FILE NO:	
ASSESSMENT NO:	N/A

PURPOSE

To consider a proposal from the Goomalling Football Club to install water tanks and pumping equipment at the Goomalling Sports Ground.

BACKGROUND

Council will be very aware of how dry the last two years have been. There has been below average rainfall during the winters and no significant summer falls during this time and this has decimated our water stocks for use at the sports ground.

We have been extremely reliant on recycled water and historically we have shandied this water with fresh water from the Triangle and CBH dams to make our water stretch over the full year.

With the salt levels in the CBH dam, only the top portion of the dam can be used for watering so this limits us to a small take from this dam. We have at times pumped from the other small dams adjacent to the townsite but these dams are too small to have a significant impact on our water supplies.

Poor historical catchment management has restricted water flows into the dams and we are unable to upgrade some of these catchments as they have not been maintained for over 10 years – clearing permits are required and are unlikely to be granted.



Staff have been managing water use since late in the winter and with significant budget restrictions, we have been unable to commit to drought mitigation projects that would assist in greater water capture.

STATUTORY IMPLICATIONS

Local Government Act (1995)

POLICY IMPLICATIONS

There is no specific policy relating to this matter.

FINANCIAL IMPLICATIONS

At this stage there may be some in-kind contribution to works and project management but no cash contribution.

STRATEGIC IMPLICATIONS

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

ATTACHMENTS

Email – Mr John Even – Goomalling Football Club.

OFFICER COMMENT

The Goomalling Football Club has put forward a proposal to install two large tanks at the recreation ground to augment our existing water stocks. The proposal is to connect these tanks to scheme water and use this source as an emergency backup to our other sources of water and that they may later be used as a part of a desalinated water project or the like where extra storage may be required which does not include our dam infrastructure.

The Club has proposed that they may be able to contribute up to \$50,000 to the project but has made it conditional on a quick start so that the benefit will assist with improving the state of the oval prior to the 2021 season.

I have had further discussions with Darren West, our local member of State Parliament regarding the potential for some State co-contribution to the project and he has given me an undertaking to try to source a 50% / 50% arrangement for funds on an urgent basis. This would likely take the form of a contribution to purchase the tanks and pump with the Club contribution going toward fencing, water and power connections and the like.

I have been seeking advice from the Department of Water and Environmental Regulation with regard to other options but as yet have had no productive advice.

VOTING REQUIREMENT

Simple Majority to refuse, Absolute Majority to agree

RECOMMENDATION

That the Council:

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Subject to confirmation from the State Government that it is prepared to significantly contribute to the project this year, advise the Goomalling Football Club that it accepts the proposal to install tanks and reticulation infrastructure at the Goomalling Recreation Ground and will endeavour to commence the project as soon as possible.

319. RESOLUTION

Moved Cr Van Gelderen, seconded Cr Wilkes

That the Council Subject to confirmation from the State Government that it is prepared to significantly contribute to the project this year, advise the Goomalling Football Club that it accepts the proposal to install tanks and reticulation infrastructure at the Goomalling Recreation Ground and will endeavour to commence the project as soon as possible.

CARRIED 6/0
By absolute majority

12. MATTERS BEHIND CLOSED DOORS

Nil

13. INFORMATION BULLETIN

320. RESOLUTION

Moved Cr Chester, seconded Cr Van Gelderen

That the Information Bulletin be received.

CARRIED 6/0
By simple majority

14. MEETING CLOSURE

The Shire President thanked everyone for their attendance and declared the meeting closed at 6.01 pm