

Shire of Lake Grace

Ordinary Council Meeting

Minutes

27 October 2021

Meeting Commencing at 2:30 pm

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CONTENTS

1.0	DECLARATION OF OPENING ANNOUNCEMENT OF VISITORS	5
2.0	CONSTITUTIONAL MATTERS	5
2.1	ELECTION OF PRESIDENT.....	6
2.2	ELECTION OF DEPUTY SHIRE PRESIDENT.....	7
2.3	SEATING OF COUNCILLORS	8
2.4	DISCLAIMER READING AND ACKNOWLEDGMENT OF COUNTRY	9
3.0	RECORD OF ATTENDANCE/APOLOGIES/LEAVE OF ABSENCE (PREVIOUSLY APPROVED).....	11
3.1	PRESENT	11
3.2	APOLOGIES	11
3.3	LEAVE OF ABSENCE PREVIOUSLY GRANTED	11
4.0	RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE	11
5.0	PUBLIC QUESTION TIME.....	11
6.0	PETITIONS/DEPUTATIONS/PRESENTATIONS.....	11
7.0	NOTATIONS OF INTEREST	11
7.1	DECLARATIONS OF FINANCIAL INTEREST – LOCAL GOVERNMENT ACT 1995 SECTION 5.60A	11
7.2	DECLARATIONS OF FINANCIAL PROXIMITY INTEREST – LOCAL GOVERNMENT ACT 1995 SECTION 5.60B.....	12
7.3	DECLARATIONS OF IMPARTIALITY INTEREST – ADMINISTRATION REGULATIONS 1996 SECTION 34C.....	12
8.0	APPLICATIONS FOR LEAVE OF ABSENCE.....	12
9.0	ANNOUNCEMENTS BY THE PRESIDING MEMBER WITHOUT DISCUSSION	12
10.0	CONFIRMATION OF MINUTES	12
10.1	ORDINARY COUNCIL MEETING - 29 SEPTEMBER 2021.....	12
10.2	SPECIAL COUNCIL MEETING.....	12
10.3	ANNUAL MEETING OF ELECTORS	12

11.0	MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN.....	12
12.0	URGENT BUSINESS APPROVED BY THE PRESIDING MEMBER OR BY DECISION OF COUNCIL	12
13.0	REPORTS OF COMMITTEES	13
14.0	REPORTS OF OFFICERS.....	13
14.1	INFRASTRUCTURE SERVICES	13
14.1.1	UNBUDGETED EXPENDITURE FOR LAKE GRACE BASKETBALL BACKBOARDS AND RINGS	13
14.1.2	NEWDEGATE COUNTRY CLUB ALTERATIONS AND ADDITIONS	16
14.1.3	TRANSFER OF FUNDS – RURAL DRAINAGE WORKS.....	18
14.1.4	UNBUDGETED EXPENDITURE – AIR COMPRESSOR FOR MEDICAL CENTRE	21
14.2	PLANNING	23
14.3	HEALTH AND BUILDING	23
14.4	ADMINISTRATION.....	24
14.4.1	COUNCIL MEMBERSHIPS – SHIRE OF LAKE GRACE COMMITTEES OF COUNCIL	24
14.4.2	CHRISTMAS AND NEW YEAR 2021/2022 TRADING HOURS	31
14.4.3	SCHEDULE OF COUNCIL MEETINGS – FEBRUARY TO DECEMBER 2022 ...	34
14.4.4	NEWDEGATE 100 YEAR CENTENARY – RESERVE ACCOUNT	36
14.4.5	RELATED PARTY DISCLOSURE POLICY	39
14.4.6	APPOINTMENT OF AUTHORISED PERSONS – SHIRE OF LAKE GRACE	43
14.5	FINANCE.....	48
14.5.1	ACCOUNTS FOR PAYMENT – SEPTEMBER 2021	48
14.5.2	FINANCIAL REPORTS – 30 SEPTEMBER 2021.....	50
14.6	COMMUNITY SERVICES.....	52
15.0	QUESTIONS OF WHICH DUE NOTICE HAS BEEN GIVEN	52
16.0	INFORMATION BULLETIN – OCTOBER 2021.....	52
17.0	CONFIDENTIAL ITEMS AS PER LOCAL GOVERNMENT ACT S5.23 (2)	54

18.0 DATE OF NEXT MEETING – 24 NOVEMBER 2021..... 55

19.0 CLOSURE 55

20.0 CERTIFICATION 55

SHIRE OF LAKE GRACE

Minutes of the Ordinary Council Meeting held at Council Chambers, 1 Bishop Street, Lake Grace, WA on Wednesday 27 October 2021.

1.0 DECLARATION OF OPENING ANNOUNCEMENT OF VISITORS

The Chief Executive Officer opened the meeting at 2:30 pm and advised that today's Ordinary Council Meeting will consider the matters presented:

- Swearing-in of new Councillors
- Election of President
- Election of Deputy President
- Ballot for seating and
- Nomination of Council Committees

2.0 CONSTITUTIONAL MATTERS

The Chief Executive Officer will swear in the Councillors elect who were declared elected unopposed by the Returning Officer conducted as a postal vote on Saturday 16 October 2021.

In accordance with the Local Government Act 1995, [r13(1) (c)] a person elected as a Councillor has to make a declaration before acting in the office.

Regulation 13 of the Local Government (Constitution) Regulations 1998 prescribes that Form 7 is to be made available before a person is authorised to take statutory declarations under Oaths, Affidavits and Statutory Declarations Act 2005.

The declaration is as follows:

*I _____ of _____, having been elected to the office of **Councillor** of the Shire of Lake Grace, declare that I take the office upon myself and will duly, faithfully, honestly, and with integrity, fulfil the duties of the office for the people in the district according to the best of my judgement and ability, and will observe the Local Government (Rules of Conduct) Regulations 2007.*

Cr Ross Chappell, Cr Shane Carruthers, Cr Ben Hyde, Cr Steve Hunt, Cr Anton Kuchling and Cr Jeff McKenzie made and signed the declarations as required under the Local Government (Constitution) Regulations 1998 of the Local Government Act 1995.

In Schedule 2.3 of the *Local Government Act 1995* provides:

2. When Council Elects Mayor or President

- (1) *The office is to be filled as the first matter dealt with –*
 - (a) *at the first meeting of the council after an inaugural election or a section 4.13 or 4.1.4 election or after an ordinary elections day; and*
 - (b) *at the first meeting of the council after and extraordinary vacancy occurs in the office.*
- (2) *If the first ordinary meeting of the Council is more than 3 weeks after an extraordinary vacancy occurs in the office, a special meeting of the council is to be held within that period for the purpose of filling the office.*

3. CEO to Preside

The CEO is to preside at the meeting until the office is filled.

4. How Mayor or President is Elected

- (1) *The Council is to elect a councillor to fill the office.*
- (2) *The election is to be conducted by the CEO in accordance with the procedure prescribed.*
- (3) *Nominations for the Office are to be given to the CEO in writing before the meeting or during the meeting before the close of nominations.*
- (3a) *Nominations close at the meeting at a time announced by the CEO that nominations are about to close to allow for any nominations made to be dealt with.*
- (4) *If a Councillor is nominated by another Councillor the CEO is not to accept the nomination unless the nominee has advised the CEO, orally or in writing, that he or she is willing to be nominated for the office.*
- (5) *The Councillors are to vote on the matter by secret ballot as if they were electors voting at an election.*

2.1 ELECTION OF PRESIDENT

The Chief Executive Officer is to call for nominations for the office of Shire President.

The Shire President is to be elected by the Council from amongst the Councillors.

Nominations for the position of Shire President are to be made in writing before the meeting, or during the meeting prior to the close of nominations. If a Councillor is nominated by another Councillor, the person conducting the election is not to accept the nomination unless the nominee has advised the person conducting the election, verbally or in writing, that he or she is willing to be nominated.

The Council members are to vote on the matter by secret ballot as if they were voting in an election.

The Chief Executive Officer is to declare the result and the elected Shire President is to make a declaration pursuant to Regulation 13(3) of the *Local Government (Constitution) Regulations 1998*:

13. Oaths, Affirmations and Declarations (s. 2.29, 2.42)

- (3) *A declaration required by section 2.29 to be made by a person elected as a Councillor, Deputy Mayor or Deputy President is to be made before an authorised person.*

The Declaration of elected Shire President:

I _____ of _____, having been elected to the office of **Shire President** of the Shire of Lake Grace, declare that I take the office upon myself and will duly, faithfully, honestly, and with integrity, fulfil the duties of the office for the people in the district according to the best of my judgement and ability, and will observe the Local Government (Rules of Conduct) Regulations 2007.

The Declaration will be witnessed by the Chief Executive Officer.

The Chief Executive Officer will then hand the meeting over to the newly elected Shire President.

The Chief Executive Officer called for nominations for the office of the Shire President.

The Chief Executive Officer advised that at the close of nominations, one (1) nomination for the position of Shire President was received for Cr Len Armstrong.

The Chief Executive Officer declared Cr Len Armstrong duly elected as the Shire President

Cr Len Armstrong made the declaration pursuant to Regulation 13(3) of the Local Government (Constitution) Regulations 1998.

The Chief Executive Officer handed the meeting over to the newly elected Shire President at 2:39pm.

2.2 ELECTION OF DEPUTY SHIRE PRESIDENT

The Shire President is to call for nominations for the office of Deputy Shire President.

The Deputy Shire President is to be elected by the Council (including the Shire President) from amongst the Councillors.

Nominations for the position of Deputy Shire President are to be made in writing before the meeting, or during the meeting prior to the close of nominations. If a Councillor is nominated by another Councillor, the person conducting the election is not to accept the nomination unless the nominee has advised the person conducting the election, verbally or in writing, that he or she is willing to be nominated.

The Council members (including the Shire President) are to vote on the matter by secret ballot as if they were voting at an election. The Shire President is to declare the result and the elected

Deputy Shire President is to make a declaration pursuant to Regulation 13(3) of the *Local Government (Constitution) Regulations 1998*:

13. Oaths, affirmations and declarations (s. 2.29, 2.42)

(3) A declaration required by section 2.29 to be made by a person elected as a Councillor, Deputy Mayor or Deputy President is to be made before an authorised person.

The Declaration of elected Deputy Shire President:

I _____ of _____, having been elected to the office of **Deputy Shire President** of the Shire of Lake Grace, declare that I take the office upon myself and will duly, faithfully, honestly, and with integrity, fulfil the duties of the office for the people in the district according to the best of my judgement and ability, and will observe the *Local Government (Rules of Conduct) Regulations 2007*.

The Declaration will be witnessed by the Chief Executive Officer.

The Shire President advised that at the close of nominations, one (1) nomination for the position of Deputy Shire President was received.

The Shire President declared Cr Ross Chappell duly elected as the Deputy Shire President.

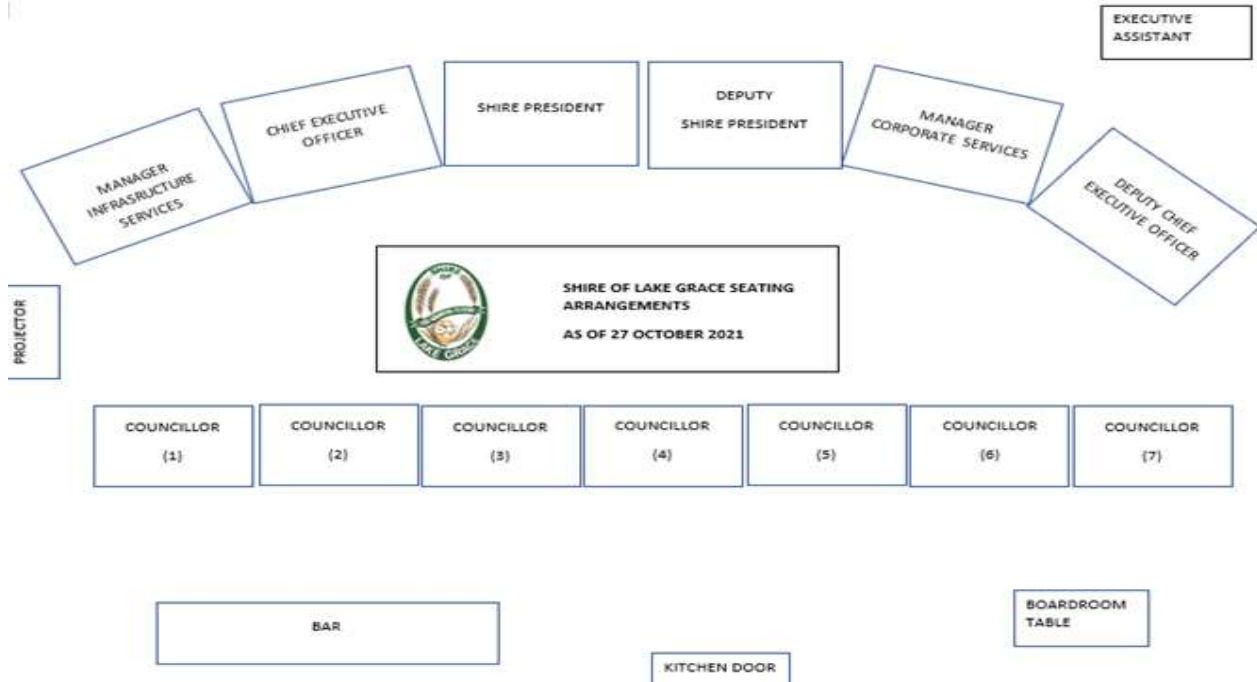
Cr Ross Chappell made the declaration pursuant to Regulation 13(3) of the *Local Government (Constitution) Regulations 1998*.

2.3 SEATING OF COUNCILLORS

A ballot will be conducted by the Chief Executive Officer for seating of Councillors in the Chambers. As per the *Shire of Lake Grace Standing Orders Local Law 2015*.

8.2 Members to occupy own seats

- (1) At the first meeting held after each election day, the CEO is to allot be random draw, a position at the Council table to each Member.*
- (2) Each member is to occupy his or her allotted position at each Council meeting.*



Councillors seating number / arrangement

- | | |
|----------------------------------|--------------------------------|
| Seat No. 1 - Cr Steve Hunt | Seat No. 5 – Cr Anton Kuchling |
| Seat No. 2 – Cr Roz Lloyd | Seat No. 6 – Cr Deb Clarke |
| Seat No. 3 – Cr Jeff McKenzie | Seat No. 7 – Cr Ben Hyde |
| Seat No. 4 – Cr Shane Carruthers | |

The Shire President invited Councillors to take their seats after the ballot.

2.4 DISCLAIMER READING AND ACKNOWLEDGMENT OF COUNTRY

No responsibility whatsoever is implied or accepted by the Shire of Lake Grace for any act, omission or statement or intimation occurring during Council and Committee meetings or during formal and informal conversations with staff. The Shire of Lake Grace disclaims any liability for any loss whatsoever caused arising out of reliance by any person or legal entity on any such act, omission or statement or intimation occurring during Council and Committee meetings or discussions. Any person or legal entity who acts or fails to act in reliance upon any statement does so at that person’s and or legal entity’s own risk.

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application and any conditions attaching to the decision made by the Shire of Lake Grace in respect of the application.

Acknowledgement of Country to be read by the Shire President

The Shire of Lake Grace acknowledges and pays respect to the past, present and future Traditional Custodians and Elders of this nation and the continuation of cultural, spiritual and educational practices of Aboriginal and Torres Strait Islander people.

3.0 RECORD OF ATTENDANCE/APOLOGIES/LEAVE OF ABSENCE (PREVIOUSLY APPROVED)

3.1 PRESENT

Cr LW Armstrong	Shire President
Cr R Chappell	Deputy Shire President
Cr SD Carruthers	
Cr DS Clarke	
Cr SG Hunt	
Cr BJ Hyde	
Cr AJ Kuchling	
Cr RA Lloyd	
Cr JV McKenzie	

Apologies Nil

In Attendance

Mr A George	Chief Executive Officer
Mr C Paget	Deputy Chief Executive Officer
Mr C Elefsen	Manager Infrastructure Services
Mrs R Rose	Executive Assistant (for the Minutes)

Observers/Visitors Mr Andrew Walker
Mr Ollie Farrelly

3.2 APOLOGIES

Nil

3.3 LEAVE OF ABSENCE PREVIOUSLY GRANTED

Nil

4.0 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil

5.0 PUBLIC QUESTION TIME

Nil

6.0 PETITIONS/DEPUTATIONS/PRESENTATIONS

Nil

7.0 NOTATIONS OF INTEREST

Nil

7.1 DECLARATIONS OF FINANCIAL INTEREST – LOCAL GOVERNMENT ACT 1995 SECTION 5.60A

Cr Roz Lloyd declared Disclosure of Financial Interest (s5.65 Local Government Act 1995) on Item 14.4.4 – Newdegate 100 Year Centenary – Reserve Account. Cr Lloyd is a Committee Member and Treasurer of the Newdegate Historical Society.

7.2 DECLARATIONS OF FINANCIAL PROXIMITY INTEREST – LOCAL GOVERNMENT ACT 1995 SECTION 5.60B

Cr Shane Carruthers declared Disclosure of Proximity Interest (s5.65 Local Government Act 1995) on Item 14.1.1 – Unbudgeted Expenditure for Lake Grace Basketball Backboards and Rings. Cr Carruthers's Son is the author of the request.

7.3 DECLARATIONS OF IMPARTIALITY INTEREST – ADMINISTRATION REGULATIONS 1996 SECTION 34C

Cr Ross Chappell declared Disclosure of Interest Affecting Impartiality on Item 14.4.6 – Appointment of Authorised Persons – Shire of Lake Grace. Cr Chappell's wife Mrs Cheryl Chappell is a staff member and one of the nominated authorised persons.

Cr Anton Kuchling declared disclosure of Interest Affecting Impartiality on Item 14.4.6 – Appointment of Authorised Persons – Shire of Lake Grace. Cr Kuchling's wife Mrs Nicola Kuchling is a staff member and one of the nominated authorised persons.

8.0 APPLICATIONS FOR LEAVE OF ABSENCE

Nil

9.0 ANNOUNCEMENTS BY THE PRESIDING MEMBER WITHOUT DISCUSSION

Nil

10.0 CONFIRMATION OF MINUTES

Nil

10.1 ORDINARY COUNCIL MEETING - 29 SEPTEMBER 2021

RESOLUTION 13478

Moved Cr Chappell
Seconded Cr Hyde

That the Minutes of the Ordinary Council Meeting held on 29 September 2021 be confirmed as a true and accurate record of the meeting.

CARRIED: 9/0

10.2 SPECIAL COUNCIL MEETING

Nil

10.3 ANNUAL MEETING OF ELECTORS

Nil

11.0 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

12.0 URGENT BUSINESS APPROVED BY THE PRESIDING MEMBER OR BY DECISION OF COUNCIL

Nil



13.0 REPORTS OF COMMITTEES

Nil

14.0 REPORTS OF OFFICERS

14.1 INFRASTRUCTURE SERVICES

14.1.1 UNBUDGETED EXPENDITURE FOR LAKE GRACE BASKETBALL BACKBOARDS AND RINGS

Applicant:	Shire of Lake Grace
File No.	0402
Attachments:	Letter from the Secretary – Lake Grace Basketball Association
Author:	 Ms Brooke Williamson Development Services Administration Officer
Disclosure of Interest	Nil
Date of Report	18 October 2021
Senior Officer	 Mr Craig Elefsen Manager Infrastructure Services

Cr Shane Carruthers declared a Disclosure of Proximity Interest (section 5.60b Local Government Act 1995) on this Item 14.1.1. Cr Carruthers's Son is the author of the request

Summary

For Council to authorise the unbudgeted expenditure of \$4,396.00 to reimburse Lake Grace Basketball Association for the replacement of weathered backboards and rings, funds to be transferred from job '1E0950700 – Lake Village Garden Maintenance MUN' to '113003 Lake Grace Rec Ground maintenance'.

Background

Due to the basketball rings and backboards being exposed to environmental factors, the equipment deteriorates more often than undercover equipment. Lake Grace Basketball Association has purchased new fibreglass boards and rings and have written to the Shire requesting reimbursement.

Comment

There is a 'Recreation Reserve' which currently has \$219,976.00 which the \$4,396.00 could be withdrawn from. Alternatively, there is \$12,022.76 that has been budgeted for Lakes Village

Garden Maintenance MUN which has \$0.00 spent to date. In the 2020/2021 financial year, \$11,332.00 was budgeted for the Lakes Village Garden and only \$4,215.42 totalled in expenditure. Given that history, there is expected to be spare money within that account in the 2021/2022 budget.

Councillor Ben Hyde and Cr Deb Clarke both queried the process and in future, such requests must go through a budget request rather than spending the money first and asked for reimbursement later.

Cr Len Armstrong's query – why is the funding coming from Garden Maintenance and not the Recreation Reserve?

Legal Implications

Local Government Act 1995

6.8. Expenditure from municipal fund not included in annual budget

- (1) A local government is not to incur expenditure from its municipal fund for an additional purpose except where the expenditure —
- (a) is incurred in a financial year before the adoption of the annual budget by the local government; or
 - (b) is authorised in advance by resolution*; or
 - (c) is authorised in advance by the mayor or president in an emergency.

** Absolute majority required.*

(1a) In subsection (1) —

additional purpose means a purpose for which no expenditure estimate is included in the local government's annual budget.

(2) Where expenditure has been incurred by a local government —

- (a) pursuant to subsection (1)(a), it is to be included in the annual budget for that financial year; and
- (b) pursuant to subsection (1)(c), it is to be reported to the next ordinary meeting of the council.

Policy Implications

Purchasing Policy 3.7

Consultation

Internal Mr Jason Lip Technical Officer

Financial Implications

Expense to be charged to '1E9050700 – Lakes Village Garden Maintenance MUN' which currently has \$12,022.76 allocated leaving \$7,222.76 remaining for the 2021/2022 financial year.

Strategic Implications

Shire of Lake Grace Strategic Community Plan 2017-2027

Social Objective – a valued, healthy and inclusive community and life-style

Outcomes 2.1 An engaged, supportive and inclusive community

2.1.1 Community services and infrastructure meeting the needs of the district

Voting Requirements

Absolute majority required.

RESOLUTION 13479

Moved Cr Hunt



Seconded Cr McKenzie

For Council to:

- Approve the transfer of \$4,396.00 from '1E9050700 Lakes Village Garden Maintenance MUN' to job '113003 Lake Grace Rec Ground maintenance';
- Approve the reimbursement of \$4,396.00 to the Lake Grace Basketball Association from '113003 Lake Grace Rec Ground Maintenance'.

CARRIED BY ABSOLUTE MAJORITY: 9/0

14.1.2 NEWDEGATE COUNTRY CLUB ALTERATIONS AND ADDITIONS

Applicant:	Trevenen Building and Glass Pty Ltd
File No.	0168 / 0830
Attachments:	Amended Timetable
Author:	 Mr Alan George Chief Executive Officer
Disclosure of Interest	Nil
Date of Report	18 October 2021
Senior Officer	 Mr Alan George Chief Executive Officer

Summary

Council approval is being sought to acknowledge the delays in the completion of the Newdegate Country Club Alterations and Additions project and to extend the completion date to 24 December, without penalty.

Background

Trevenen Building and Glass Pty Ltd were awarded the contract to carry out the works at the Newdegate Country Club. At the time of signing the contract, the completion date was set at 30 weeks from 1 May 2021 which was the anticipated possession date. The completion date was 26 November 2021.

Comment

Delays in obtaining the building permit resulted in the permit not being received until Friday 18 June with possession occurring on Wednesday 23 June. This coupled with unavoidable delays occurring due to a shortage of materials and availability of tradesmen has resulted in this request to extend the practical completion date to 24 December 2021.

If the actual possession date is taken into account, the extension to 24 December 2021 is under the 30-week timeline. Given the delays beyond the builders control, it is proposed not to impose the liquidated damages penalty rate for the extended completion date.

The amended program is attached.

Legal Implications

The contract may be amended subject to approval by all parties.

Policy Implications

Nil appropriate.

Consultation

Nil

Financial Implications

Nil at present.

Strategic Implications

Shire of Lake Grace Strategic Community Plan 2017-2027

Social Objective A valued, healthy and inclusive community and lifestyle

Outcome 2.1 An engaged, supportive and inclusive community

2.1.1 Community services and infrastructure meeting the needs of the district

2.1.2 Maintain and support the growth of education, childcare, youth and aged services

2.1.3 Actively promote and support community events and activities within the district

Outcome 2.2 A healthy and safe community

2.2.1 Maintain and enhance sport and recreation facilities

2.2.2 Provide and advocate for medical and health services

2.2.3 Support provision of emergency services and encourage community volunteers

Voting Requirements

Absolute majority required.

RESOLUTION 13480



Moved Cr Chappell

Seconded Cr Lloyd

That Council confirms the extension of the practical completion date of the Newdegate Country Club Alterations and Additions by Trevenen Building and Glass Pty Ltd to 24 December 2021, without the Liquidated Damages clause coming into effect.

CARRIED BY ABSOLUTE MAJORITY: 9/0

14.1.3 TRANSFER OF FUNDS – RURAL DRAINAGE WORKS

Applicant:	Internal Report
File No.:	0478
Attachments:	Nil
Author:	 Mr Jason Lip Technical Officer
Disclosure of Interest:	Nil
Date of Report:	19 October 2021
Senior Officer:	 Mr Craig Elefsen Manager Infrastructure Services

Summary

That Council authorises the transfer of \$70,000 from Job 1040101 "Urban Stormwater Drainage" to Job 122505 "Drainage".

Background

The Shire is responsible for the maintenance and renewal of public assets, roads and its associated drainage infrastructure included.

Drainage infrastructure on rural roads has a separate spending account to drainage infrastructure on urban roads (around and within townsite boundaries). This may also be split further by maintenance works and capital renewal/expansion works.

Currently, any culvert replacements are carried out by Roamin Enterprises, whom the Shire has a contract with for the provision of stormwater drainage maintenance services.

Comment

In the 2021/2022 Annual Budget, there is a Job 122505 "Drainage" set aside for rural drainage maintenance works which includes the replacement of damaged culverts. This also includes the purchase of pipes and cement and freighting from Perth to the Lake Grace Depot. Please note that spending on drainage maintenance works under this job only applies to works that are not already a part of a dedicated capital roadworks job.

Of this Job 122505, there is \$89,366.92 allocated. To date, \$12,931.93 has been spent, with another \$41,472.28 on order, leading to a combined total of \$54,404.21 committed. The amount left in this Job is \$34,962.71.

Initially, we thought that would be enough as its allocation and spending was based off 2020/2021 figures. However, the very wet 2021 year we have had has revealed many culverts in dire need

of attention; with the large influx of rain this year as compared to previous drought years. The stormwater has pushed out the silt and debris caking the insides of many culverts. This has led to culvert collapses from weakened helicoil culverts rusting due to being saturated with moisture for years, or old fibro culverts under designed for their location resulting in taking in more forceful water than it can handle, or being eaten away by salty soil condition.

It is expected that there will be many more culvert replacements that will need to be done in the 2021/2022 financial year; as having culvert collapses, leaving large holes in the middle of the road is very hazardous and these must be addressed as soon as we are alerted to one. However, we have almost reached the budget limit on this Job.

To resolve the limited budget, we would like to redirect money from Job 1040101 "Urban Stormwater Drainage". There is an allocation of \$135,805.20 for this Job, of which only \$36,128.28 has been committed. In the previous financial year, the total spend was \$60,033.64 which is less than half of this financial year's allocation. As there is no pressing concern with urban stormwater drainage infrastructure that we can see, it is proposed to transfer \$70,000.00 from this Job to 122505 "Drainage", where there are hazards that must be addressed immediately and in the future.

Legal Implications

Local Government Act 1995

6.8. Expenditure from municipal fund not included in annual budget

- (1) A local government is not to incur expenditure from its municipal fund for an additional purpose except where the expenditure —
 - (a) is incurred in a financial year before the adoption of the annual budget by the local government; or
 - (b) is authorised in advance by resolution*; or
 - (c) is authorised in advance by the mayor or president in an emergency.

** Absolute majority required.*

- (1a) In subsection (1) —

additional purpose means a purpose for which no expenditure estimate is included in the local government's annual budget.

- (2) Where expenditure has been incurred by a local government —
 - (a) pursuant to subsection (1)(a), it is to be included in the annual budget for that financial year; and
 - (b) pursuant to subsection (1)(c), it is to be reported to the next ordinary meeting of the council.

Policy Implications

Nil

Consultation

Internal: Mr Craig Elefsen - Manager Infrastructure Supervisor.

External: Mr Robert Davies - Roamin Enterprises.

Financial Implications

Accounts will be impacted as below:

Budget for 122505 "Drainage"	\$89,366.92
More Transfer of \$70,000 from 1040101 "Urban Stormwater Drainage"	\$70,000.00
Adjusted Budget for 122505 "Drainage"	\$159,366.92
Less Committed moneys under 122505 "Drainage"	-\$54,404.21
Adjusted remaining moneys in 122505 "Drainage"	\$104,962.71

Budget for 1040101 "Urban Stormwater Drainage"	\$135,805.20
Less Transfer of \$70,000 to 122505 "Drainage"	-\$70,000.00
Adjusted Budget for 1040101 "Urban Stormwater Drainage"	\$65,805.20
Less Committed moneys under 1040101 "Urban Stormwater Drainage"	-\$36,128.28
Adjusted remaining moneys in 1040101 "Urban Stormwater Drainage"	\$29,676.92

Strategic Implications

Shire of Lake Grace Strategic Community Plan 2017-2027

Economic Objective – A prosperous agricultural based economy, supporting diversification of industry

- Outcomes 1.1 An innovated, productive agriculture industry
 - 1.1.1 Enhance and maintain transport network
 - 1.1.2 Improve flood mitigation for transport infrastructure

Voting Requirements

Absolute majority required.



RESOLUTION 13481

Moved Cr Carruthers
Seconded Cr Clarke

That Council authorise the transfer of \$70,000.00 from Job 1040101 "Urban Stormwater Drainage" to Job 122505 "Drainage".

CARRIED BY ABSOLUTE MAJORITY: 9/0

14.1.4 UNBUDGETED EXPENDITURE – AIR COMPRESSOR FOR MEDICAL CENTRE

Applicant:	Dalyellup Dental
File No.:	0319
Attachments:	Nil
Author:	 Mr Jason Lip Technical Officer
Disclosure of Interest:	Nil
Date of Report:	20 October 2021
Senior Officer:	 Mr Craig Elefsen Manager Infrastructure Services

Summary

For Council to approve of the unbudgeted expenditure of a new air compressor for the Lake Grace Medical Centre's dental chair under Job B25CAP "Lake Grace Medical Centre – Cap Exp".

Background

Dalyellup Dental has requested a replacement of the air compressor that services the dental chair in the Lake Grace Medical Centre. The current air compressor is a very old "Captain" brand air compressor installed by Pulford Air Equipment, which no company is servicing this brand anymore in Western Australia.

Comment

As the old air compressor is unable to be serviced by an authorised contractor, and to stop the usage of decaying equipment whose condition is an unknown, Dalyellup Dental has sought quotes from medical equipment suppliers within WA for a new compressor. After speaking with a service person, it was recommended that Cattani branded air compressors for dental chairs (a Cattani AC200E in particular) would be suitable.

With that in mind and sorting through the quotes, there is one for the supply and install of a Cattani AC100 with an optional humid filter for around \$7,500 including GST (though all quotes were fairly similar in cost) which represents the best value in my opinion. Cattani air compressors come with a 7-year parts and labour warranty, and most companies who supply Cattani air compressors can also service them.

There is no allocation in the 2021/2022 Annual Budget for the replacement of the air compressor hence, Council approval to authorise the unallocated expenditure is sought. The Job B25CAP "Lake Grace Medical Centre – Cap Exp" has \$68,763.00 set aside for external painting, new solar battery, new vinyl flooring, new patio roofing, new chairs for the waiting room and a sink in the Nurse's room. To date, there is expenditure under this Job of \$15,909.09 for the solar battery, with other works forthcoming.

Money to cover this expenditure will be sourced from the Essential Medical Services Reserve, which currently holds \$559,058.43. Note that there is an expected transfer into this reserve of \$5,589.00 to occur this financial year.

Legal Implications

Local Government Act 1995

6.8. Expenditure from municipal fund not included in annual budget

- (1) A local government is not to incur expenditure from its municipal fund for an additional purpose except where the expenditure —
- (a) is incurred in a financial year before the adoption of the annual budget by the local government; or
 - (b) is authorised in advance by resolution*; or
 - (c) is authorised in advance by the mayor or president in an emergency.

** Absolute majority required.*

- (1a) In subsection (1) —

additional purpose means a purpose for which no expenditure estimate is included in the local government's annual budget.

- (2) Where expenditure has been incurred by a local government —
- (a) pursuant to subsection (1)(a), it is to be included in the annual budget for that financial year; and
 - (b) pursuant to subsection (1)(c), it is to be reported to the next ordinary meeting of the council.

Policy Implications

Shire of Lake Grace Policy Manual – Policy 3.7 Purchasing Policy

Consultation

Internal: Mr Craig Elefsen - Manager Infrastructure Supervisor

External: Ms Anna Fleming - Dalyellup Dental
Mr Greg James - West Coast Dental

Financial Implications

An increase to the budget for B25CAP "Lake Grace Medical Centre – Cap Exp" of \$7,500.00 from \$68,763.00 to \$76,263.00. Please note those figures do not have a GST component.

The \$7,500.00 figure was calculated from the quote amount of \$7,500.00 without its GST component reducing it down to \$6,818.18, but the balance is brought back up to \$7,500.00 as a 10% contingency amount for the job.

Money will be sourced from the Essential Medical Services Reserve, which currently holds \$559,432.43. After transferring out \$7,500.00 to B25CAP, the reserve will hold \$551,932.43.

Strategic Implications

Shire of Lake Grace Strategic Community Plan 2017-2027

Social Objective – A valued, healthy and inclusive community and lifestyle

- Outcomes 2.2 A healthy and safe community
- 2.2.2 Provide and advocate for medical and health services

Voting Requirements

Absolute majority required.

RESOLUTION 13482

Moved Cr Lloyd
Seconded Cr Clarke

That Council authorise the transfer of \$7,500.00 from the Essential Medical Services Reserve to Job B25CAP “Lake Grace Medical Centre-Cap Exp” for the supply and installation of a new CATTANI AC100 Air Compressor.

CARRIED BY ABSOLUTE MAJORITY 9/0

14.2 PLANNING


Nil

14.3 HEALTH AND BUILDING

Nil

14.4 ADMINISTRATION

14.4.1 COUNCIL MEMBERSHIPS – SHIRE OF LAKE GRACE COMMITTEES OF COUNCIL

Applicant:	Internal Report
File No.:	0795
Attachments:	Council Committees and Advisory Groups Guide (Updated September 2021)
Author:	<i>RRRose</i> Mrs Racelis Rose Executive Assistant
Disclosure of Interest:	Nil
Date of Report:	04 October 2021
Senior Officer:	 Mr Chris Paget Deputy Chief Executive Officer

Summary

The Shire of Lake Grace Council to appoint members to Council Committees and External Organisations.

Background

After each Council election, the Shire of Lake Grace Council allocates positions to the Committees of Council, working advisory groups and representatives to external organisations. An Elected Member may request to be appointed to any Committee, Advisory Group or to represent Council on external organisation.

Comment

A “Council Committees and Advisory Groups Guide” developed in 2019 was updated in September 2021 (Attachment). Please note that this attachment contains the names of the Councillors whose committee tenures expires on 27 October 2021.

This Guide provides information relating to committees and advisory groups within the Shire of Lake Grace as they are established. This document includes the objectives, membership, duties and responsibilities of the official committee or an advisory group. It is amended on a need’s basis, naming those representatives appointed by Council and now, positions need to be allocated.

Legal Implications

Local Government Act 1995
Subdivision 2 – Committees and their meetings

5.8. Establishment of Committees

A local government may establish* committees of 3 or more persons to assist the council and to exercise the powers and discharge the duties of the local government that can be delegated to committees.

* Absolute majority required.

5.9. Committees, types of

- (1) In this section —
other person means a person who is not a council member or an employee.
- (2) A committee is to comprise —
 - (a) council members only; or
 - (b) council members and employees; or
 - (c) council members, employees and other persons; or
 - (d) council members and other persons; or
 - (e) employees and other persons; or
 - (f) other persons only.

5.10. Committee members, appointment of

- (1) A committee is to have as its members —
 - (a) persons appointed* by the local government to be members of the committee (other than those referred to in paragraph (b)); and
 - (b) persons who are appointed to be members of the committee under subsection (4) or (5).

* Absolute majority required.

- (2) At any given time each council member is entitled to be a member of at least one committee referred to in section 5.9(2)(a) or (b) and if a council member nominates himself or herself to be a member of such a committee or committees, the local government is to include that council member in the persons appointed under subsection (1)(a) to at least one of those committees as the local government decides.
- (3) Section 52 of the Interpretation Act 1984 applies to appointments of committee members other than those appointed under subsection (4) or (5) but any power exercised under section 52(1) of that Act can only be exercised on the decision of an absolute majority of the local government.
- (4) If at a meeting of the council a local government is to make an appointment to a committee that has or could have a council member as a member and the mayor or president informs the local government of his or her wish to be a member of the committee, the local government is to appoint the mayor or president to be a member of the committee.
- (5) If at a meeting of the council a local government is to make an appointment to a committee that has or will have an employee as a member and the CEO informs the local government of his or her wish —
 - (a) to be a member of the committee; or
 - (b) that a representative of the CEO be a member of the committee, the local government is to appoint the CEO or the CEO’s representative, as the case may be, to be a member of the committee.

Bush Fire Act 1954
Miscellaneous Part V

67. Advisory committees

- (1) A local government may at any time appoint such persons as it thinks fit as a bush fire advisory committee for the purpose of advising the local government regarding all matters relating to the preventing, controlling and extinguishing of bush fires, the planning of the layout of fire-breaks in the district, prosecutions for breaches of this Act, the formation of bush fire brigades and the grouping thereof under group brigade officers, the ensuring of co-operation and co-ordination of bush fire brigades in their efforts and activities, and any other matter relating to bush fire control whether of the same kind as, or a different kind from, those specified in this subsection.
- (2) A committee appointed under this section shall include a member of the council of the local government nominated by it for that purpose as a member of the committee, and the committee shall elect one of their number to be chairman thereof.
- (3) In respect to a committee so appointed, the local government shall fix the quorum for the transaction of business at meetings of the committee and may —
 - (a) make rules for the guidance of the committee; and
 - (b) accept the resignation in writing of, or remove, any member of the committee; and
 - (c) where for any reason a vacancy occurs in the office of a member of the committee, appoint a person to fill that vacancy.
- (4) A committee appointed under this section —
 - (a) may from time to time meet and adjourn as the committee thinks fit;
 - (b) shall not transact business at a meeting unless the quorum fixed by the local government is present;
 - (c) is answerable to the local government and shall, as and when required by the local government, report fully on its activities.

Emergency Management Act 2005

Local arrangements Part 3

Emergency management arrangements for local governments Division 2

38. Local emergency management committees

- (1) A local government is to establish one or more local emergency management committees for the local government's district.
- (2) If more than one local emergency management committee is established, the local government is to specify the area in respect of which the committee is to exercise its functions.
- (3) A local emergency management committee consists of —
 - (a) a chairman and other members appointed by the relevant local government in accordance with subsection (4); and
 - (b) if the local emergency coordinator is not appointed as chairman of the committee, the local emergency coordinator for the local government district.
- (4) Subject to this section, the constitution and procedures of a local emergency management committee, and the terms and conditions of appointment of members, are to be determined by the SEMC.

Policy Implications

Nil

Consultation

Internal Mr Alan George, Chief Executive Officer
 Mr Chris Paget, Deputy Chief Executive Officer
 Mr Matt Castaldini, Community Emergency Services Manager

Financial Implications

Elected Members attending other committee meetings may claim travel but no attendance fees are payable.

Non-Elected Member delegates representing the Shire are entitled to be reimbursed for travelling expenses incurred.

Strategic Implications

Shire of Lake Grace Strategic Community Plan 2017 - 2027
Social – A valued, healthy and inclusive community and life-style

Outcome 2.1 An engaged, supportive and inclusive community
 2.1.3 Actively promote and support community events and activities within the district

Leadership – Strong governance and leadership, demonstrating fair and equitable community values

Outcome 4.1 A strategically focused, unified Council functioning efficiently
 4.1.1 Provide informed leadership on behalf of the community
 4.1.2 Promote and advocate for the community and district
 4.1.3 Provide strategic leadership and governance

Voting Requirements

Absolute majority required.

RESOLUTION 13483

Moved Cr Chappell
Seconded Cr Hyde

That Council:

1. Appoint the following Elected Members as nominated representatives on the following Committees of Council;

Name of Committee	Names of Councillors
AUDIT COMMITTEE (AUC) (4 Councillors)	Cr Len Armstrong Cr Shane Carruthers Cr Steve Hunt Cr Debrah Clarke
NEWDEGATE REJUVENATION COMMITTEE (NRC) (4 Councillors)	

RESOLUTION 13484

Moved Cr Armstrong
Seconded Cr Carruthers

That Council disband the Newdegate Rejuvenation Committee (NRC) as the Terms of Reference is no longer relevant. Administration staff to present an agenda item and take up to the November 2021 Council meeting.

CARRIED BY ABSOLUTE MAJORITY: 9/0

LAKE GRACE LIBRARY RESOURCE & COMMUNITY RESOURCE MANAGEMENT COMMITTEE (LGLRCRMC) (1 Councillor)	Cr Debrah Clarke
NEWDEGATE LIBRARY RESOURCE & COMMUNITY RESOURCE MANAGEMENT COMMITTEE (NLRCRMC) (1 Councillor)	Cr Roz Lloyd
NEWDEGATE SWIMMING POOL MANAGEMENT COMMITTEE (NSPMC) (2 Councillors)	Cr Roz Lloyd Cr Len Armstrong

2. Appoint the following Elected Members on the following Committees formed by Council;

Name of Committee	Delegate	Deputy
LOCAL EMERGENCY MANAGEMENT COMMITTEE (LEMC) (2 Councillors)	Cr Len Armstrong	Cr Ross Chappell
BUSH FIRE ADVISORY COMMITTEE (BFAC) (2 Councillors)	Cr Ross Chappell	Cr Anton Kuchling

3. Appoint the following Elected Members as nominated representatives on the following Advisory Group formed by Council;

INTEGRATED PLANNING AND ASSET MANAGEMENT (IPAM) (4 Councillors)	Cr Ross Chappell Cr Len Armstrong Cr Ben Hyde Cr Anton Kuchling
SHIRE OF LAKE GRACE TOURISM ADVISORY COMMITTEE (SoLGTAC) (1 Councillor)	Cr Debrah Clarke

4. Appoint the following Elected Members as nominated representatives on the following external organisations;

Name of External Organisation	Delegate	Deputy
4WDL Regional Organisation of Councils	Cr Len Armstrong	Cr Ross Chappell
WALGA – Central Country Zone	Cr Len Armstrong	Cr Ross Chappell
Eastern Wheatbelt Biosecurity Group	Cr Len Armstrong	Cr Steve Hunt
Lake Grace District High School Board	Cr Jeff McKenzie	Cr Debrah Clarke
Lake Grace Roadwise	Cr Debrah Clarke	Cr Shane Carruthers
Lake King Grassed Oval Committee		

RESOLUTION 13485

Moved Cr Carruthers
Seconded Cr Lloyd


That Council disband the Lake King Grassed Oval Committee (LKGOC) as the Terms of Reference is no longer relevant. Administration staff to present an agenda item and take up to the November 2021 Council meeting.

CARRIED BY ABSOLUTE MAJORITY: 9/0

Name of External Organisation	Delegate	Deputy
Newdegate Recreation Council	Cr Roz Lloyd	Cr Len Armstrong
Roe Tourism	Cr Len Armstrong	Cr Debrah Clarke
Roe Regional Organisation of Councils Roe Health	Cr Len Armstrong	Cr Ross Chappell
Rural Water Council	Cr Len Armstrong	Cr Ross Chappell
Wheatbelt South Regional Road Group – Lakes Sub Group	Cr Len Armstrong	Cr Ross Chappell
Wheatbelt South Regional Road Group	Cr Len Armstrong	Cr Ross Chappell
Wheatbelt Development Assessment Panel	Cr Ross Chappell	Cr Len Armstrong
Wheatbelt Natural Resource Management	Cr Roz Lloyd	Cr Len Armstrong
Wheatbelt Railway Retention Alliance	Cr Len Armstrong	Cr Ross Chappell

CARRIED BY ABSOLUTE MAJORITY: 9/0

14.4.2 CHRISTMAS AND NEW YEAR 2021/2022 TRADING HOURS
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Applicant:	Shire of Lake Grace
File No.	0817
Attachments:	Letter from the Department of Mines, Industry Regulation and Safety-Consumer Protection Division dated 23 September 2021
Author:	<i>RRRose</i> Mrs Racelis Rose Executive Assistant
Disclosure of Interest:	Nil
Date of Report:	30 September 2021
Senior Officer:	 Mr Alan George Chief Executive Officer

Summary

For Council to consider applying for an extension of trading hours over the 2021/2022 Christmas and New Year period.

Background

In previous years, a trading hour package based on the current Perth hours has been offered to regional Local Governments. However, the majority of Local Governments have declined the offer in the past and have applied for their own locally preferred Christmas/New Year trading arrangements.

From 2015 to 2019 the Shire adopted trading hours based on those in the metropolitan area, as listed below:

8.00am to 9.00pm	Monday to Friday
8.00am to 5.00pm	Saturday
11.00am to 5.00pm	Sunday
Christmas Day	Closed

In the notification to the Shire of Lake Grace's retailers, it has always stressed that, with all extended trading hour variations, the decision to open or not during the additional hours provided is at the retailers' discretion.

Comment

The Department of Mines, Industry Regulation and Safety-Consumer Protection Division recognises that metropolitan hours may not meet the needs of the local community, therefore, local governments that require amended trading hours need to consider their specific requirements and a proposal needs to be submitted with their application.

If Council does not support the extension of trading hours based on those in the metropolitan area, then an alternative recommendation would be that 'Council not support extended trading arrangements over the 2020/21 Christmas and New Year period'.

Legal Implications

Retail Trading Hours Act 1987

Part III Retail Trading Hours

12E. Variation of trading hours (1) The Minister may by order vary the trading hours of retail shops by — (a) requiring retail shops to be closed at a time or times when the shops would otherwise not be required to be closed under section 12(1) or (3), 12B or 12D; or (b) authorizing retail shops to be open at a time or times when the shops would otherwise be required to be closed under any of those provisions

Policy Implications

Nil

Consultation

Internal: Mr Alan George, Chief Executive Officer

Financial Implications

Nil

Strategic Implications

Shire of Lake Grace Strategic Community Plan 2017 - 2027

Economic Objective – A prosperous agricultural based economy, supporting diversification of industry

Outcome 1.2 A diverse and prosperous economy

1.2.2 Support local business and promote further investment in the district

Voting Requirements

Simple majority required.

RESOLUTION 13486

Moved Cr Chappell
 Seconded Cr Clarke

That Council seek approval from the Department of Commerce for extended trading hours for the Shire of Lake Grace over the 2021/ 2022 Christmas and New Year period, commencing from Monday 6 December 2021 and concluding on Saturday 1 January 2022, both dates are inclusive.

The hours will be as follows:

8:00 am to 9:00 pm	Monday to Friday
8:00 am to 5:00 pm	Saturday
11:00 am to 5:00 pm	Sunday and Public Holidays
Christmas Day	Closed

CARRIED 9/0



Government of Western Australia
 Department of Mines, Industry Regulation and Safety
 Consumer Protection

23 September 2021

Our Ref: 14895

Enquiries: Geoff Hales

Chief Executive Officer
 Shire of Lake Grace
 PO Box 50
 LAKE GRACE WA 6353

Shire of Lake Grace	
File No:	0496
30 SEP 2021	
Xref:	
Records #:	16135
Officer:	EA

DMIRS
FOR OCTOBER AGENDA PLEASE

Dear Sir or Madam,

2021-22 CHRISTMAS/ NEW YEAR RETAIL TRADING EXTENSIONS

The Department of Mines, Industry Regulation and Safety – Consumer Protection Division (Consumer Protection) invites you to consider applying for retail trading extensions within your locality, over the 2021-22 Christmas/New Year period.

Regional Local Governments that are yet to consider this issue are encouraged to do so at the earliest opportunity and where appropriate, formulate a Christmas trading proposal in accordance with local community needs.

Local Government's that wish to apply for an extension of retail trading hours over the 2020-21 Christmas/New Year period, should complete and submit the enclosed application form.


To enable sufficient time for processing please ensure your application is made before Friday 29 October 2021.

Should you have further queries in relation to this advice, please contact this office on (08) 6251 2466 or by email to geoff.hales@dmirs.wa.gov.au.

Yours sincerely

Geoff Hales
 A/PRINCIPAL COMPLIANCE OFFICER RETAIL TRADING
 AUTOMOTIVE, MARINE AND TRADING HOURS BRANCH

14.4.3 SCHEDULE OF COUNCIL MEETINGS – FEBRUARY TO DECEMBER 2022

Applicant:	Internal
File No.	0041
Attachments:	Public Notice 2022 Council Meetings
Author:	<i>RRRose</i> Mrs Racelis Rose Executive Assistant
Disclosure of Interest:	Nil
Date of Report:	5 October 2021
Senior Officer:	 Mr Alan George Chief Executive Officer

Summary / Background

Administration is seeking Council endorsement on the schedule of Council Meetings from February to December 2022.

In accordance with Policy 1.2 – Meeting Dates (Reviewed 23 June 2021 – Resolution No. 13425), Council is to meet on the fourth Wednesday of the months of February to December.

It is proposed that the Council meeting for the month of February 2022 be one week earlier, (16 February 2022) primarily because the gap between December 2021 and February 2022 is too big a gap.

The December 2022 meeting will be on 21 December 2022 because of the Christmas / New Year closure.

Comment

The following are the proposed Council meeting dates for 2022:

Date	Time	Place
Wednesday, 16 February 2022	3:30pm	Council Chambers, Lake Grace
Wednesday, 23 March 2022	3:30pm	Council Chambers, Lake Grace
Wednesday, 27 April 2022	3:30pm	Council Chambers, Lake Grace
Wednesday, 25 May 2022	3:30pm	Council Chambers, Lake Grace
Wednesday, 22 June 2022	3:30pm	Council Chambers, Lake Grace
Wednesday, 27 July 2022	3:30pm	Council Chambers, Lake Grace
Wednesday, 24 August 2022	3:30pm	Council Chambers, Lake Grace
Wednesday, 28 September 2022	3:30pm	Council Chambers, Lake Grace
Wednesday, 26 October 2022	3:30pm	Council Chambers, Lake Grace
Wednesday 23 November 2022	3:30pm	Council Chambers, Lake Grace
Wednesday 21 December 2022	3:30pm	Council Chambers, Lake Grace

Legal Implications

Nil

Policy Implications

Policy 1.2 – Meeting Dates

Council is to meet on the fourth Wednesday of the months of February to December.

A meeting in the month of January will only be held when it is called under the provision of section 5.4 of the Local government Act 1995.

Consultation

Internal

Mr Alan George – Chief Executive Officer

Mr Chris Paget – Deputy Chief Executive Officer

Financial Implications

Nil

Strategic Implications

Shire of Lake Grace Strategic Community Plan 2017-2027

Leadership Objective Strong governance and leadership, demonstrating fair and equitable community values

Outcomes 4.2 An efficient and effective organisation

4.1.1 Maintain accountability and financial responsibility through effective planning

Voting Requirements

Absolute majority required.

RESOLUTION 13487

Moved Cr Hyde



Seconded Cr Carruthers

That Council endorse the following schedule of Council Meetings from February to December 2022:

Date	Time	Place
Wednesday, 16 February	3:30pm	Council Chambers, Lake Grace
Wednesday, 23 March	3:30 pm	Council Chambers, Lake Grace
Wednesday, 27 April	3:30pm	Council Chambers, Lake Grace
Wednesday, 25 May	3:30pm	Council Chambers, Lake Grace
Wednesday, 22 June	3:30pm	Council Chambers, Lake Grace
Wednesday, 27 July	3:30pm	Council Chambers, Lake Grace
Wednesday, 24 August	3:30pm	Council Chambers, Lake Grace
Wednesday, 28 September	3:30pm	Council Chambers, Lake Grace
Wednesday, 26 October	3:30pm	Council Chambers, Lake Grace
Wednesday 23 November	3:30pm	Council Chambers, Lake Grace
Wednesday 21 December	3:30pm	Council Chambers, Lake Grace

CARRIED BY ABSOLUTE MAJORITY: 9/0

14.4.4 NEWDEGATE 100 YEAR CENTENARY – RESERVE ACCOUNT

Applicant:	Newdegate Centenary Committee
File No.:	Nil
Attachments:	Nil
Author:	 Mr Alan George Chief Executive Officer
Disclosure of Interest:	Nil
Date of Report:	14 October 2021
Senior Officer:	 Mr Alan George Chief Executive Officer

Cr Roz Lloyd declared a Disclosure of Financial Interest (section 5.65 Local Government Act 1995) on Item 14.4.4-Newdegate 100 Year Centenary – Reserve Account. Cr Lloyd is a Committee Member / Treasurer of the Newdegate Historical Society.

RESOLUTION 13488

Moved Cr Chappell
Seconded Cr Carruthers

That Cr Roz Lloyd remain in the room to listen to the discussion but will not be voting the resolution.

CARRIED BY ABSOLUTE MAJORITY: 8/0

Summary

For Council to approve the commencement of the release of funds from the Newdegate 100 Year Centenary Reserve account.

Background

The Newdegate Centenary celebrations will occur in September 2022. A Reserve Account was created to help cover the cost of staging the event, with a current balance of \$32,323.66.

Planning is now well underway with some costs coming through for deposits required for purchases of goods and services etc.

Comment

There has been no allocation made in the 2021/2022 budget for any funds to be disbursed from the reserve account.

In order to facilitate the purchases, a new general ledger account will need to be set up for this purpose. The Newdegate Centenary Committee will be co-ordinating the purchases and Shire Administration will be administering the release of the funds.

Additional funding will be provided by the Newdegate Field Days Committee along with some other sources.

Legal Implications

Local Government Act 1995 Part 6 - Financial Management

6.8. Expenditure from municipal fund not included in annual budget

- (1) A local government is not to incur expenditure from its municipal fund for an additional purpose except where the expenditure —
- (a) is incurred in a financial year before the adoption of the annual budget by the local government; or
 - (b) is authorised in advance by resolution*; or
 - (c) is authorised in advance by the mayor or president in an emergency.

* *Absolute majority required.*

- (1a) In subsection (1) —
- additional purpose** means a purpose for which no expenditure estimate is included in the local government's annual budget.
- (2) Where expenditure has been incurred by a local government —
- (a) pursuant to subsection (1)(a), it is to be included in the annual budget for that financial year; and
 - (b) pursuant to subsection (1)(c), it is to be reported to the next ordinary meeting of the council.

[Section 6.8 amended: No. 1 of 1998 s. 19.]

Policy Implications

Nil

Consultation

External Ms Stephanie Clarke Lloyd - Newdegate Centenary Committee

Financial Implications

There is no expenditure budget or account for these funds at present. The necessary budget will be put in place at the next Budget Review. Funding will be limited to the amount held in the Reserve with any further funding subject to Council approval in due course.

Strategic Implications

- Shire of Lake Grace Strategic Community Plan 2017-2027
- Social Objective A valued, healthy and inclusive community and lifestyle
- Outcome 2.1 An engaged, supportive and inclusive community
 - 2.1.1 Community services and infrastructure meeting the needs of the district
 - 2.1.2 Maintain and support the growth of education, childcare, youth and aged services
 - 2.1. Actively promote and support community events and activities within the district

Voting Requirements

Absolute majority required.

RESOLUTION 13489



Moved Cr Carruthers
 Seconded Cr McKenzie

That Council:

1. Approves the release of funds from the Newdegate 100 Year Centenary Reserve account to assist with early preparation costs for the centenary in 2022.
2. The funds are to be released on the presentation of an invoice.
3. Funding will be limited to the balance of the Reserve account, currently \$32,343.

CARRIED BY ABSOLUTE MAJORITY: 8/0

14.4.5 RELATED PARTY DISCLOSURE POLICY

Applicant:	Internal Report
File No.:	0050
Attachments:	DRAFT – Policy 3.15 – Related Party Disclosures
Author:	 Mr Chris Paget Deputy Chief Executive Officer
Disclosure of Interest:	Nil
Date of Report:	22 October 2021
Senior Officer:	 Mr Alan George Chief Executive Officer

Summary

For Council to consider the new Related Party Disclosure policy for adoption.

Background

AASB 124 was issued by Australian Accounting Standards Board (AASB) in March 2015 and extended the Scope of AASB 124 to include application to all not-for-profit entities, which included Local Governments.

The operative date for Local Governments was set from 1 July 2016 (effectively to be reported for the year ended 30 June 2017). Whilst the Shire of Lake Grace introduced this element into its financial statements and thus complied with the new requirements back at that time, during the conduct of the recent Regulation 17 review and 2020-21 financial audit it has been identified by management and the auditors that no formal policy to recognise this reporting process was ever adopted by Council.

The objective of the standard is to ensure that an entity's financial statements contain disclosures necessary to draw attention to the possibility that its financial position and profit or loss may have been affected by the existence of related parties and transactions.

The disclosure requirements apply to the existence of relationships regardless of whether a transaction has occurred or not. For each financial year, the Shire must make an informed judgement as to who is considered to be a related party and what transactions need to be considered, when determining if disclosure is required.

Australian Accounting Standard AASB 124.2

This standard is applied in:

- Identifying related party transactions and relationships;

- Identifying outstanding balances including commitments between an entity and its related parties;
- Identifying circumstances in which disclosure of the above items are required;
- Determining the disclosures to be made about those items.

Purpose of Related Party Disclosures

AASB 124.5 to 124.8

Knowledge of related party transactions, outstanding balances and relationships is important to understanding and assessing an entity's operations.

Definitions

AASB 124.9 to 124.12

Definitions include related party, compensation, control, key management personnel, director and remuneration as well as some explanations and clarifications.

Key Definitions

Related Party Transaction:

A transfer of resources, services or obligations between a reporting entity and a related party, regardless of whether a price is charged.

Related Party:

A person or entity that is related to the local government that is preparing its financial statements.

A person or a close member of that person's family is related if that person:

- (not applicable to local government);
- Has significant influence over the reporting entity; or
- Is a member of the key management personnel of the reporting entity?

An entity is related if any of the following conditions applies:

- The entity and the reporting entity are members of the same group (which means that each parent, subsidiary and fellow subsidiary is related to the others) - may be applicable; or
- A person as identified above has significant influence ... or is a member of the key management personnel of the entity.

There are several relating to joint ventures and, in some circumstances, these may need to be considered.

Close members of the family of a person

Family members who may be expected to influence, or be influenced by, that person and include:

- Children and spouse or domestic partner;
- Children of that person's spouse or domestic partner; and
- Dependents of both in a) and b).

Key Management Personnel

Those persons having authority and responsibility for planning, directing and controlling the activities of the entity, directly or indirectly, including any director (whether executive or otherwise) of that entity. In the case of the Shire of Lake Grace this includes all Councillors and Senior Staff.

Senior Staff would include the CEO, Deputy CEO and any staff member at Manager Level. There may possibly also be the need to include the Works Supervisor, Environmental Health Officer, and Building or Planning Officer (if employed directly by the Shire) where they have direct responsibility for an operational area of the local government.

Substance Over Form

AASB 124.10

In considering each possible related party relationship, attention is directed to the substance of the relationship and not merely the legal form.

Comparatives

Transitional requirements discussed in the Basis for Conclusions at AASB 2015-6 BC32:

- The AASB decided not to require comparative related party disclosures to be presented in the period of initial application.
- Will mean you need to understand and start collecting from 1 July 2016 so year ended 30 June 2017 disclosure easier to find / support.

Disclosure

AASB 124.13 to 124.27

Includes:

- Relationships between parents and subsidiaries of the entity, regardless of whether there have been any transactions between the related parties (may be applicable to local government under new Regional Subsidiaries legislation);
- Information about key management personnel compensation in total and for certain categories;
- Certain information about transactions between related parties and any outstanding balances at reporting date for each type of related party; and
- Information about related entities.

Key Disclosure Requirements

AASB 124.17

A local government shall disclose key management personnel compensation in total and for each of the following categories:

- a) Short-term employee benefits
- b) Port-employment benefits
- c) Other long-term benefits
- d) Termination benefits
- e) Share-based payment

AASB 124.18

If the local government has had related party transactions during the periods covered by the financial statements, it shall disclose the nature of the related party relationship as well as information about those transactions and outstanding balances.

Describes minimum disclosure inclusions.

Comment

In accordance with the Department of Local Government's Guideline this policy is presented to Council for consideration of adoption.

Consultation

- Internal Mr Alan George - Chief Executive Officer
 Mr Kevin Wilson – former Manager Corporate Services

- External Paxon Group
 AMD – Shire Auditors
 Office of Auditor General WA

Statutory Environment

AASB 124
Local Government Act 1995 Division 6 – Disclosure of financial interests and gifts
Local Government (Financial Management) Regulations 1996

Policy Implications

New policy “Related Party Disclosures”

Financial Implications

Nil

Strategic Implications

- Shire of Lake Grace Strategic Community Plan 2017 - 2027
Leadership – Strong governance and leadership, demonstrating fair and equitable community values
- Outcome 4.1 A strategically focused, unified Council functioning efficiently
 - 4.1.1 Provide informed leadership on behalf of the community
 - 4.1.3 Provide strategic leadership and governance
 - Outcome 4.2 An efficient and effective organisation
 - 4.2.1 Maintain accountability and financial responsibility through effective planning
 - 4.2.2 Comply with statutory and legislative requirements

Voting Requirements

Simple majority required.



RESOLUTION 13490

Moved Cr Chappell
 Seconded Cr Carruthers

That Council adopts the Related Party Disclosure Policy as presented.

CARRIED 9/0

14.4.6 APPOINTMENT OF AUTHORISED PERSONS – SHIRE OF LAKE GRACE

Applicant:	Internal Report
File No.:	Nil
Attachments:	Nil
Author:	 Mr Chris Paget Deputy Chief Executive Officer
Disclosure of Interest:	Nil
Date of Report:	22 October 2021
Senior Officer:	 Mr Alan George Chief Executive Officer

Please refer to Item 7.3 above – Declaration of Impartiality Interest – Administration Regulations 1996 Section 34c – Cr Kuchling and Cr Chappell both declared as Mrs Kuchling and Mrs Chappell are both employees of the Shire of Lake Grace and nominated as appointed officers.

Summary

The purpose of this report is for Council to appoint Authorised Persons to exercise power under the Local Government Act 1995, associated legislation and other Acts, on behalf of the Shire of Lake Grace.

Background

In accordance with a number of provisions of various Acts, Regulations and local laws, Council is required to appoint authorised persons to perform various authorised functions.

Authorisations are regularly reviewed and updated to reflect both legislation and staff changes; the last comprehensive review was previously undertaken and presented at the Ordinary Meeting of Council held 18 December 2019. Since this time, there has been a considerable turnover in staff members as well as an organisational restructure; it is now timely for Council to review and approve the new authorised persons. Note that the appointment of authorised persons under the requirements of the Bush Fires Act 1954 was previously approved by Council at the ordinary meeting held on Wednesday 29th September 2021.

Comment

- (1) Section 3.24 of the Local Government Act 1995 enables a local government to expressly authorise a person(s) to exercise its executive powers under the Act.

These authorisations relate to certain provisions about land, including issuance of notices requiring certain things to be done by an owner or occupier of land in accordance with Schedule 3.1 of the Act. These can include matters relating to drainage requirements, safety issues and unsightly land. It is proposed to appoint CEO Alan George, Deputy CEO Chris Paget and Manager Infrastructure Services Craig Elefsen.

- (2) Part 3, Division 3, Section 3.28 & 3.29 of the Local Government Act 1995 provides for Power of Entry, subject to notice and other than by a Local Law e.g. abandoned vehicles or home industry. For this purpose it is proposed to authorise CEO Alan George, Deputy CEO Chris Paget and Manager Infrastructure Services Craig Elefsen
- (3) Section 3.39 of the Local Government Act 1995 enables Council to appoint an authorised person for the purpose of removing or impounding of goods that are involved in a contravention, as prescribed by regulation or local law, that can lead to impounding. It is proposed that CEO Alan George, Deputy CEO Chris Paget and Manager Infrastructure Services Craig Elefsen are the authorised persons.
- (4) & (5) Part 9 of the Local Government Act 1995 provides for the appointment of authorised persons relating to enforcements and legal proceedings, i.e. the fining of a person committing an offence and the issuing of infringement notices. It is proposed that CEO Alan George, Deputy CEO Chris Paget and Manager Infrastructure Services Craig Elefsen are the authorised persons.
- (6) Section 37 of the Control of Vehicles (Off-road Areas) Act 1978 also deals with infringement notices. For the purposes of the above the following staff members are designated as Authorised Persons: CEO Alan George, Deputy CEO Chris Paget and Manager Infrastructure Services Craig Elefsen.
- (7) The extension of the payment period (s9.19) and/or the withdrawal of the notice (s9.20) is to be authorised by Chief Executive Officer, Alan George and Deputy Chief Executive Officer, Chris Paget.
- (8) In accordance with s449 of the Local Government (Miscellaneous Provisions) Act 1960, a local government may establish and maintain one or more public pounds and may appoint persons to be keepers of those pounds so as to have care, control and management of those pounds. MIS Craig Elefsen, Matthew Sharpe and Mornè Pfister are appointed as the Authorised Persons.
- (9) Pursuant to the Dog Act 1976 the local government is required to appoint an "Authorised Person" to exercise powers on behalf of the local government, under section 29(1) of this Act. The following staff members are appointed as an "Authorised Person":
 - Alan George
 - Chris Paget
 - Craig Elefsen
 - Matthew Sharpe
 - Mornè Pfister
- (10) Pursuant to the Dog Act 1976 the local government is required to appoint a "Registration Officer" to undertake the registration of dogs in accordance with the requirements of the Act. The following staff members are appointed as an authorised "Registration Officers":

- Nicola Kuchling
 - Cheryl Chappell
 - Brooke Williamson
 - Racelis Rose
 - Amber McPherson
- (11) Pursuant to the Cat Act 2011 the local government may, in writing, appoint persons or classes of persons to be authorised for the purposes of performing particular functions. Accordingly, the following staff members are appointed as an "Authorised Person":
- Alan George
 - Chris Paget
 - Craig Elefsen
 - Matthew Sharpe
 - Mornè Pfister
- (12) Pursuant to the Cat Act 2011 the local government may, in writing, appoint persons or classes of persons to be authorised for the purposes of performing particular functions. Accordingly, the following staff members are appointed as "Authorised Person – Registration Only":
- Alan George
 - Chris Paget
 - Craig Elefsen
 - Rebecca Clark
 - Nicola Kuchling
 - Cheryl Chappell
 - Brooke Williamson
 - Racelis Rose
 - Amber McPherson
- (13) Pursuant to s24 of the Public Health Act 2016 Council may appoint Environmental Health Officers and Authorised Officers to perform such duties as the local government from time to time directs and also such as are specifically prescribed by any order of the Executive Director, Public Health. Brendon Gerrard, Lauren Pitman and Barry Smith are the appointed Environmental Health Officers and Authorised Officers.
- (14) Pursuant to s17 of the Caravan Parks and Camping Grounds Act 1995 the Chief Executive Officer may appoint such persons to be authorised persons for the purposes of the Act. An authorised person may enter and inspect premises to ensure compliance with the requirements of the Act.

The Chief Executive Officer has appointed Brendon Gerrard, Lauren Pitman and Barry Smith as authorised persons (Power of Entry and Inspection) for the purposes of s17 of the Caravan Parks and Camping Grounds Act 1995.

- (15) For the purposes of s26 of the Litter Act 1979 all Council Members, Shire Employees, Brendon Gerrard, Lauren Pitman, Barry Smith, Matthew Sharpe and Mornè Pfister are deemed to be authorised persons.

- (16) Section 122 of the Food Act 2008 requires the local government as the “Enforcement Agency” (refer Delegation H04) to appoint Authorised Officers in writing and issue certificates of authorisation. For the purposes of s122, Brendon Gerrard, Lauren Pitman and Barry Smith are the Shire’s Authorised Officers.
- (17) Section 126 of the Food Act 2008 requires the local government as the “Enforcement Agency” (refer Delegation H04) to appoint Designated Officers in writing and issue certificates of authorisation. For the purposes of s126, Brendon Gerrard, Lauren Pitman and Barry Smith are the Shire’s Designated Officers.
- (18) Under Section 96(3) of the Building Act 2011, a local government may appoint authorised persons in relation to buildings and incidental structures located or proposed to be located in the Shire (refer Delegation B01). Gary Bruhn is appointed as an authorised person.
- (19) Pursuant to the Health (Miscellaneous Provisions) Act 1911, and under Regulation 15D(5) of the Health (Asbestos) Regulations 1992, the local government may appoint officers who are authorised to issue infringement notices for the offences specified under Schedule 1 of those regulations. For the purposes of Regulation 15D(5), Brendon Gerrard, Lauren Pitman and Barry Smith are the Shire’s Authorised Officers.

Statutory / Legal Implications

Local Government Act 1995
 Local Government (Miscellaneous Provisions) Act 1960
 Bush Fires Act 1954
 Dog Act 1976
 Health (Miscellaneous Provisions) Act 1911
 Public Health Act 2016
 Health (Asbestos) Regulations 1992
 Litter Act 1979
 Control of Vehicles (Off-Road Areas) Act 1978
 Caravan Parks and Camping Grounds Act 1995
 Cemeteries Act 1986
 Cat Act 2011

Policy Implications

Nil

Consultation

Internal Mr Alan George – Chief Executive Officer

Strategic Implications

Shire of Lake Grace Strategic Community Plan 2017 - 2027
 Leadership – Strong governance and leadership, demonstrating fair and equitable community values.

Outcome 4.1 A strategically focused, unified Council functioning efficiently
 4.1.1 Provide informed leadership on behalf of the community

- 4.1.2 Promote and advocate for the community and district
- 4.1.3 Provide strategic leadership and governance
- Outcome 4.2 An efficient and effective organisation
 - 4.2.1 Maintain accountability and financial responsibility through effective planning
 - 4.2.2 Comply with statutory and legislative requirements
 - 4.2.3 Provide a positive and safe workplace

Voting Requirements

Simple majority required.



RESOLUTION 13491

Moved Cr Lloyd
Seconded Cr Hunt

That Council appoints the individuals listed in the report as “Authorised Persons” for the Shire of Lake Grace in accordance with the requirements of the specified Acts/Regulations effective 27 October 2021.

CARRIED 9/0

14.5 FINANCE**14.5.1 ACCOUNTS FOR PAYMENT – SEPTEMBER 2021**

Applicant	Internal Report
File No	0277
Attachments	List of Accounts Payable
Author	 Ms Rebecca Clark Finance Officer – Rates & Creditors
Disclosure of Interest	Nil
Date of Report	18 October 2021
Senior Officer	 Mr Chris Paget Deputy Chief Executive Officer

Summary

For Council to ratify expenditures incurred for the month of September 2021.

Background

List of payments for the month of September 2021 through the Municipal account is attached.

Comment

In accordance with the requirements of the Local Government Act 1995, a list of creditors is to be completed for each month showing:

- (a) The payee's name
- (b) The amount of the payment
- (c) Sufficient information to identify the transaction
- (d) The date of payment

The attached list meets the requirements of the Financial Management Regulations.

Legal Implications

Local Government (Financial Management) Regulations 1996 – Reg 12
Local Government (Financial Management) Regulations 1996 – Reg 13

Policy Implications

Policy 3.6 - Authorised Use of Credit Card/Fuel Cards
Policy 3.7 - Purchasing Policy

Consultation

N/A

Financial Implications

The list of creditors paid for the month of September 2021 from the Municipal and Trust Accounts total is \$863,899.85.

Strategic Implications

Shire of Lake Grace Strategic Community Plan 2017-2027
Leadership – Strong governance and leadership, demonstrating fair and equitable community values.

- Outcomes 4.2 An efficient and effective organisation
 - 4.2.1 Maintain accountability and financial responsibility through effective planning
 - 4.2.2 Comply with statutory and legislative requirements

Voting Requirements

Simple majority required.

RESOLUTION 13492

Moved Cr Hunt
Seconded Cr Hyde

That Council ratify the list of payments totalling \$863,899.85 as presented for the month of September 2021 incorporating:



Payment Method	Cheque/EFT/DD Number	Amount
Electronic Funds Transfers	EFT22620 - EFT22793	\$792,382.27
Municipal Account Cheques	36953 – 36957	\$644.02
Direct Debits	DD9663.1 – DD9706.1	\$70,873.56
	TOTAL	\$863,899.85

to the Municipal account, totalling \$863,899.85 which were submitted to each member of the Council on 27 October 2021, have been checked and fully supported by vouchers and invoices which are submitted herewith and which have been duly certified as to the receipt of goods and the rendition of services and as the prices, computations, and costings and the amounts show are due for payment.

Alan George
CHIEF EXECUTIVE OFFICER

CARRIED 9/0

14.5.2 FINANCIAL REPORTS – 30 SEPTEMBER 2021

Applicant	Internal Report
File No	0275
Attachments	<ul style="list-style-type: none"> • Monthly Financial Reports • Bank reconciliations – June 2021
Author	 Ms Victoria Fasano Finance Officer – Reporting and Investments
Disclosure of Interest	Nil
Date of Report	18 September 2021
Senior Officer	 Mr Chris Paget Deputy Chief Executive Officer

Summary

Consideration of the Monthly Financial Reports for the period ending 30 September 2021 and Bank Reconciliations for the month ending 30 September 2021.

Background

The provisions of the Local Government Act 1995 and associated regulations require a monthly financial report is presented at an Ordinary Council meeting within two (2) months of the period end date.

Comment

As at 30 September 2021, operating revenue over target by \$79,947 (1.41%) mostly due to Rates and Operating grants received earlier than budgeted. Interest earnings below target due to low interest rates.

Operating expenditure is under YTD budget by \$523,002 (19.08%) mainly due to Materials and contracts, employee and overhead cost down, but this is only the beginning of a new financial year and is expected.

The capital program is below the target by \$181,882. Capital grants and contributions are down due to bulk of Local Roads & Community and Drought & Community projects are not yet initiated/finalised, funds will be recognised later in financial year. Payments for property, plant and equipment on the other hand, exceed the budget due to slight speed-up in capital projects.

Cash at bank is similar to the corresponding period last year, an investment agreement for 3 term deposits with Bankwest is in place (total of \$5,502,735).

Outstanding rates is tracking well and have recovered 77.9% to date.
General debtor is \$34,443 with no major outstanding debts to follow up.

The monthly financial reports include the accompanying Local Government special purpose financial statements for the Shire of Lake Grace, which comprises the Statement of Financial Activity (by Statutory Reporting Program), a summary of significant accounting policies and other explanatory notes for the period ending 30 September 2021. The financial statements have been compiled to meet compliance with the Local Government Act 1995 and associated regulations.

The Shire of Lake Grace is responsible for the information contained in the financial statements and is responsible for maintenance of an appropriate accounting system in accordance with relevant legislation.

Legal Implications

Section 6.4 of the Local Governments Act 1995 provides for the preparation of financial reports.

In accordance with Regulation 34(5), a report on variances greater than the materiality threshold (\$5,000 or 10% whichever is greater) must be compiled and adopted by Council. As this report is composed at a program level, variance commentary considers the most significant items that comprise the variance.

Policy Implications

Nil

Consultation

Nil

Financial Implications

Nil

Strategic Implications

- Shire of Lake Grace Strategic Community Plan 2017 - 2027
- Leadership – Strong governance and leadership, demonstrating fair and equitable community values
- Outcome 4.2 An efficient and effective organisation
 - 4.2.1 Maintain accountability and financial responsibility through effective planning
 - 4.2.2 Comply with statutory and legislative requirements

Voting requirements

Simple majority required.

RESOLUTION 13493

Moved Cr Carruthers
Seconded Cr Chappell

That Council, in accordance with *Regulation 34* of the *Local Government (Financial Management) Regulations 1996* receives the attached:

1. Statements of Financial activity for the period ended 30 September 2021
2. Municipal, Trust and Reserve Funds bank reconciliations for the period ended 31 August 2021

CARRIED 9/0


14.6 COMMUNITY SERVICES

Nil

15.0 QUESTIONS OF WHICH DUE NOTICE HAS BEEN GIVEN

Nil

16.0 INFORMATION BULLETIN – OCTOBER 2021

Applicant:	Internal Report
File No.	Nil
Attachments:	Information Bulletin
Author:	<i>RRRose</i> Mrs Racelis Rose Executive Assistant
Disclosure of Interest:	Nil
Date of Report:	20 October 2021
Senior Officer:	 Mr Chris Paget Deputy Chief Executive Officer

Summary

The purpose of the Information Bulletin is to keep Elected Members informed on matters of interest and importance to Council.

Background

The Information Bulletin Reports deal with monthly standing items and other information of a strategic nature relevant to Council.

Copies of other relevant Councillor information are distributed via email.

Comment

This month's Information Bulletin Report was emailed to Councillors.

The October 2021 Information Bulletin attachment include:

Reports:

- Infrastructure Services Report – September 2021
- Environmental Health Officer Report – September 2021
- Lake Grace Visitor Centre Report – October 2021
- Lake Grace Library Report and Statistics – October 2021
- Lake King Library Report and Statistics – October 2021
- Newdegate Library Report and Statistics – October 2021

Circulars, Media Releases, Newsletters, Letters:

- PHEOC Bulletin No. 81
- PHEOC Bulletin No. 82
- PHEOC Bulletin No. 83
- PHEOC Bulletin No.
- MINUTES – EWBG Annual General Meeting, EWBG Chair Report 2021, Annual Report

Legal Implications

Nil

Policy Implications

Nil

Consultation

Nil

Financial Implications

Nil

Strategic Implications

Shire of Lake Grace Strategic Community Plan 2017 – 2027

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- 4.1.2 Promote and advocate for the community and district
- 4.1.3 Provide strategic leadership and governance

- Outcome 4.2 An efficient and effective organisation
- 4.2.1 Maintain accountability and financial responsibility through effective planning
 - 4.2.2 Comply with statutory and legislative requirements

Voting Requirements

Simple majority required.

RESOLUTION 13494

Moved Cr Lloyd
Seconded Cr McKenzie

That Council accepts the Information Bulletin Report for October 2021.

CARRIED 9/0

17.0 CONFIDENTIAL ITEMS AS PER LOCAL GOVERNMENT ACT S5.23 (2)

RESOLUTION 13495

Moved Cr Chappell
Seconded Cr Carruthers

That Council meet behind closed doors at 3:46 pm to consider the confidential Item(s) in accordance with Section 3.7 of the Shire of Lake Grace Standing Orders Local Law 2015.

Item 17.1 Matters pertaining to Staff

This item and any attachments are confidential in accordance with Section 5.23(2)(a) of the Local Government Act 1995.

CARRIED 9/0

The Manager Infrastructure Services along with the visitors/observers - Mr Andrew Walker and Mr Ollie Farrelly left the Council Chambers at 3:47pm.

RESOLUTION 13496

Moved Cr Carruthers
Seconded Cr Chappell

That Council accept the recommendations contained in Confidential Item

Item 17.1 Matters Pertaining to Staff

CARRIED 9/0

RESOLUTION 13497

Moved Cr Chappell
Seconded Cr Clarke

That Council move from behind closed doors at 3:53pm and resume the meeting.

CARRIED 9/0

The Manager Infrastructure Services returned to the Council Chambers at 3:54pm to join the meeting and was advised of Council's decision.

18.0 DATE OF NEXT MEETING – 24 NOVEMBER 2021

The next Ordinary meeting of Council is scheduled to take place on Wednesday 24 November 2021 commencing at 3:30pm at the Council Chambers, 1 Bishop Street, Lake Grace.

19.0 CLOSURE

There being no further business, the Shire President closed the meeting at 3:55pm.

20.0 CERTIFICATION

I, Leonard William Armstrong certify that the Minutes of Meeting held on 27 October 2021 as shown were confirmed as a true record of that meeting.

Signature

Date