

Shire of Lake Grace

Ordinary Council Meeting

# Minutes

22 December 2021

Meeting Commencing at 3:30 pm

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## **SHIRE OF LAKE GRACE**

Minutes of the Ordinary Council Meeting held at Council Chambers, 1 Bishop Street, Lake Grace, WA on Wednesday 22 December 2021.

### **1.0 DECLARATION OF OPENING ANNOUNCEMENT OF VISITORS**

The Shire President opened the meeting at 3:34 pm.

### **2.0 CONSTITUTIONAL MATTERS**

The Shire President announced that today's Council meeting, Item 11.1 - Motions of which previous notice has been given regarding COVID 19 Compulsory Vaccinations Mandate will be presented and will require the Council to vote on this resolution.

#### Voting requirement

Absolute majority required.

#### **RESOLUTION 13515**

Moved: Cr Chappell

Seconded: Cr Carruthers

That Council discuss the matter presented under Item 11.1 – Motions of which previous notice has been given.

**CARRIED BY ABSOLUTE MAJORITY: 9/0**

### **2.1 DISCLAIMER READING AND ACKNOWLEDGMENT OF COUNTRY**

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## Acknowledgement of Country

*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	

#### 3.2 APOLOGIES

Nil

#### 3.3 IN ATTENDANCE

Mr A George	Chief Executive Officer
Mr Chris Paget	Deputy CEO – via Teleconference
Mr C Elefsen	Manager Infrastructure Services
Mr Matt Castaldini	Community & Emergency Services Manager
Mrs R Rose	Executive Assistant (for the Minutes)

#### 3.4 OBSERVERS / VISITORS

The following observers / visitors attended the meeting:

Ms Joanne Oatridge	Infrastructure Support Officer – Shire of Lake Grace
Ms Catherine Kelly	Resident Newdegate
Ms Sarah Clarke	Resident Lake Grace
Ms Sam Willock	Resident Lake Grace
Ms Tahlia Willock	Resident Lake Grace

#### 3.5 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**

Nil

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

Nil

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

Cr Ross Chappell declared a Disclosure of Interest Affecting Impartiality on Item 14.6 .1 – Newdegate Memorial as the author of the item is his wife Mrs Cheryl Chappell.

**8.0 APPLICATIONS FOR LEAVE OF ABSENCE**

Nil

**9.0 ANNOUNCEMENTS BY THE PRESIDING MEMBER WITHOUT DISCUSSION**

Nil

**10.0 CONFIRMATION OF MINUTES**

## 10.1 ORDINARY COUNCIL MEETING – 24 NOVEMBER 2021

### RESOLUTION 13516

Moved: Cr Carruthers  
Seconded: Cr Chappell

That the Minutes of the Ordinary Council Meeting held on 24 November 2021 be confirmed as a true and accurate record of the meeting.

**CARRIED BY ABSOLUTE MAJORITY: 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

A notice of motion has been received from Councillor Debrah Clarke regarding COVID 19 Compulsory Vaccinations Mandate.

### Summary

For Council to consider the position that it has been placed in by the State Government to enforce the 'vaccination' of staff and volunteers if they wish to have work with the Shire. Further to this write to the State Government stating why the Shire cannot enforce this on behalf of the State.

### Background

Recently the State Government has been stating that they will be introducing 'Vaccine' mandates in various areas of work in the state. The Shire has been placed into the second group whereby the State has said that all staff are to have had at least one 'vaccine' by the 31<sup>st</sup> of December should they wish to continue to work for the Shire.

The CEO with the concurrence of the President has included the Notice of Motion which has been presented by Cr Clarke; however, has not included the Agenda Item as in terms of the Shire of Lake Grace Standing Orders Local Law 3.8 (4) (a) which reads *"The CEO (a) with the concurrence of the President, may exclude from the agenda any notice of motion deemed to be out of order or likely to involve, a breach of this local law or any other written law;"* considered opinion is that this could be construed as being likely to involve a breach of *"any other written law"*

However, should Council vote in favour of the motion the item will be included in the next Ordinary Council Meeting before which time the CEO will be better able to answer the questions raised. Furthermore, at this stage in time the Mandate from the State Government regarding compulsory

vaccinations is still very much a work in progress with regards to the ramifications for all shire employees.

#### Discussions:

Cr Debrah Clarke spoke to the Council regarding the motion asking about the validity of the mandate.

#### Motion Supported

Cr Ross Chappell seconded and spoke **for** the motion, presented and reiterated that he is not opposed to the vaccination, but this matter needs clarification particularly that Cr Chappell spoke to DFES and directions regarding the vaccination were provided. Cr Chappell also spoke to the farmers within the shire and according to the farmers, they do not really care who is vaccinated or not they just want to continue and go on with the harvest so that the products can be produced in time and the job gets completed. It was also Cr Chappell's opinion that staff will be locked out of businesses because the directions on how to enforce the rules are not as clear cut as it may seem.

#### Motion Opposed

Cr Shane Carruthers reiterated that people should do what is for the greater good of the population. Personal opinions, fighting and/or opposing the mandate are not helpful and will not win. If only people will lose the selfish attitude and get vaccinated so that we can all get on with our lives.

Cr Len Armstrong spoke against the motion and pointed out that freedom seekers still have their freedom of choice to get vaccinated or not, or maybe don't turn up to do the things that they need to do. Personally and because of medical history, the freedom of choice placed Cr Armstrong to vote against the recommendation presented in this motion. Also, there are still ongoing mandates that the State government is coming up all the time and we do not actually know when they are going to be announced nor how long will this go on.

#### Right of Reply

Cr Debrah Clarke has the right of reply to the motion stating that she understands that the number of adverse effects the vaccines and other drugs have to some people but not all the people; however, should not be mandated by the government which is what is currently happening. The motion stands that Council write to the State Government stating that it is not possible to enforce the mandate because of democracy and freedom of choice and issuing mandates need to cease.

### **RESOLUTION 13517**

Moved: Cr Clarke

Seconded: Cr Chappell

That Council:

1. Write to the State Government stating why it is not possible to enforce the mandate.
2. Promote that businesses within the Shire should practice non-discriminatory behaviour.

### **MOTION LOST 3/6**

Councillors Clarke and Chappell wished to have their names recorded as voting for the motion.



After the voting, the visitors / attendees except the Infrastructure Support Officer left the Council Chambers at 4:02 pm:

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

Nil


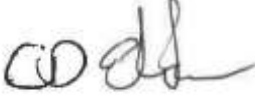
## 13.0 REPORTS OF COMMITTEES

Nil

## 14.0 REPORTS OF OFFICERS

### 14.1 INFRASTRUCTURE SERVICES

#### 14.1.1 TRANSFER OF FUNDS FOR THE PURCHASE OF A HINO 616

<b>Applicant:</b>	Internal Report
<b>File No.:</b>	0541
<b>Attachments:</b>	Nil
<b>Author:</b>	 Mr Jason Lip Technical Officer
<b>Disclosure of Interest:</b>	Nil
<b>Date of Report:</b>	14 December 2021
<b>Senior Officer:</b>	 Mr Craig Elefsen Manager Infrastructure Services

#### Summary

For Council to authorise the transfer of \$20,000 from the Shire of Lake Grace wages accounts to PL23CAP for the purchase of a new Hino 616.

#### Background

The Shire of Lake Grace has made numerous purchases of plant within 2021/2022 financial year and a few have been bought underbudget, leaving some savings to be reallocated.

The Shire has been informed that there is a Hino 616 ready to be purchased. Given that the Shire's current tip truck is from 2007 and is overdue for replacement, this is a good opportunity to

replace it without the need to raise additional revenue. The current Hino 616 is used by the Parks and Gardens team for maintenance around the town as well as making frequent trips to other towns.

### Comment

While payment for all replacement plant has not happened yet, purchase orders have been issued for a few of them giving us a good idea of how many savings we have to reallocate. Additionally, we can draw additional money from wages dedicated to the Building Maintenance Officer position, which became vacant at the start of November.

The purchase of the new Hino 616 will require around \$70,000.00. It is recommended:

- a) to divert \$20,000.00 from Account E146010 "Gross Salaries & Wages MUN" allocated to the Building Maintenance Officer,
- b) \$30,000.00 from Job PL20CAP "Volvo L60E Loader" where we are underbudget by \$33,000.00 (assuming the committed amounts are equal to the final payment), and
- c) \$20,000.00 from PL19CAP where we are underbudget by \$23,187.70.

These transfers will be sent to a new job created for the Hino 616 to be named PL23CAP "Purchase of new Hino 616".

Instead of waiting for the mid-year review and due to shortage of stock for Hino 616, the Shire of Lake Grace should make a commitment as soon as possible to the supplier for the purchase of the truck.

### Legal Implications

Nil

### Policy Implications

Nil

### Consultation

Internal: Mr Craig Elefsen - Manager Infrastructure Services  
Mrs Victoria Fasano - Finance Officer – Investments & Reporting

External: Mr Kevin Wilson - Financial Consultant

### Financial Implications

Jobs and Accounts are impacted as below, with figures as of the end of November 2021:

	Annual budget of E146010 "Gross Salaries & Wages MUN"	\$2,411,807.41
Less	To date expenditure as of end of November 2021	-\$973,565.07
Less	Transfer of portion Building Maintenance Officer position to PL23CAP "Purchase of new Hino 616"	-\$20,000.00
	Balance of E146010 for December 2021 onwards	\$1,418,242.34

Please note that variance / underspent to date of E146010 "Gross Salaries & Wages MUN" is \$232,334.93 which is lower than what was projected as of the end of November 2021. A \$20,000.00 transfer out would have little impact on making up the shortfall against expected payroll costs.

	Annual budget of PL19CAP "Ford Ranger Dual Cab"	\$66,000.00
<i>Less</i>	To date expenditure	-\$42,812.30
<i>Less</i>	Transfer to PL23CAP "Purchase of new Hino 616"	-\$20,000.00
	<hr/> Balance of PL19CAP	<hr/> \$3,187.70
	Annual budget of PL20CAP "Volvo L60E Loader"	\$330,000.00
<i>Less</i>	Total committed moneys	-\$297,000.00
<i>Less</i>	Transfer to PL23CAP "Purchase of new Hino 616"	-\$30,000.00
	<hr/> Balance of E146010 for December 2021 onwards	<hr/> \$3,000.00

Transfers from these capital purchase jobs (PL19CAP, PL20CAP) will be undertaken with the mid-year review. They have been presented below to explain where the money to fund the purchase of the new Hino 616 will come from, but will not take effect until a later agenda item presented to Council for the adoption of the mid-year review is passed.

	New Job PL23CAP for purchase of Hino 616	\$0.00
<i>More</i>	Transfer from E146010 "Gross Salaries & Wages MUN"	\$20,000.00
<i>More</i>	Transfer from PL19CAP "Ford Ranger Dual Cab"	\$20,000.00
<i>More</i>	Transfer from PL20CAP "Volvo L60E Loader"	\$30,000.00
	<hr/> Balance of PL23CAP	<hr/> \$70,000.00

### 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

4.2.1 Maintain accountability and financial responsibility through effective planning

### Voting Requirements

Simple majority required.

### **RESOLUTION 13518**

Moved: Cr Chappell

Seconded: Cr Carruthers

That Council:

- 1) authorise the transfer of \$20,000 from E146010 "Gross Salaries & Wages MUN" to PL23CAP "Purchase of new Hino 616"; and
- 2) authorise the Shire to purchase a new Hino 616 and any required sundries and attachments under the Job PL23CAP.

**CARRIED: 9/0**

## 14.2 PLANNING



Nil

## 14.3 HEALTH AND BUILDING

Nil

## 14.4 ADMINISTRATION

### 14.4.1 POSITION STATEMENT – PLANNING FOR TOURISM AND DRAFT PLANNING FOR TOURISM GUIDELINES

<b>Applicant:</b>	Western Australian Planning Commission (WAPC)
<b>File No.:</b>	0451
<b>Attachments:</b>	1. Letter from WA Planning Commission 2. Submission template
<b>Author:</b>	 Mr Alan George Chief Executive Officer
<b>Disclosure of Interest:</b>	Nil
<b>Date of Report:</b>	14 December 2021
<b>Senior Officer:</b>	 Mr Alan George Chief Executive Officer

#### Summary

For Council to consider the contents of the Position Statement: Planning for Tourism and Draft Planning for Tourism Guidelines and to provide feedback to WAPC if considered necessary.

#### Background

The Western Australian Planning Commission (WAPC) has released the draft Position Statement: Planning for Tourism and draft Planning for Tourism Guidelines for public comment.

These documents were informed by the State Government's response to the 2019 Parliamentary inquiry Levelling the Playing Field – Managing the impact of the rapid increase of Short-Term Rental in Western Australia.

The draft Position Statement amalgamates and updates existing tourism planning guidance and gives clear direction to local governments on how they can better regulate short-term rental accommodation within their local planning frameworks.

It also provides updated definitions on the use of houses, units and apartments for short-term rental accommodation, and seeks comment on whether providers of unhosted and hosted accommodation should be exempt from requiring development approval in certain circumstances.

Once finalised, the new Position Statement and accompanying Guidelines will supersede:

- Planning Bulletin 49 Caravan Parks (May 2014),
- Planning Bulletin 83 Planning for Tourism (June 2013),
- Planning Bulletin 99 Holiday Homes Guidelines (September 2009),
- Holiday Home Guidelines - short stay use of residential dwellings (2009) and
- Tourism Planning Guidelines (2014).

It is then proposed that:

- definitions for short term accommodation and hosted accommodation as described in the Position Statement be inserted into the deemed provisions (Schedule 2, cl. 1) of the Planning and Development (Local Planning Schemes) Regulations 2015 (Regulations);
- hosted accommodation which does not exceed a maximum of four (4) adult persons (or one family) and a maximum of two (2) guest bedrooms and unhosted accommodation where the dwelling is let for no more than 60 days per calendar year, will be exempt from the requirement for development approval (Schedule 2, cl. 61) of the Regulations; and
- other land use definitions will be inserted in the model provisions in Schedule 1 cl. 37 of the Regulations.

Public comment closes at 5pm Monday 7 March 2022 and late submissions will not be considered. As well as feedback on the draft Position Statement and Guidelines, the WAPC, on behalf of the Minister for Planning, would also like comments on the above proposed changes to the Regulations in accordance with section 256 of the Planning and Development Act 2005. Any comments on the Regulations can be incorporated into the response on the position statement.

The proposed changes within the Position Statement will impact all short-term rental operators in Western Australia.

### Comment

Proposals include:

- differentiation between 'hosted' and 'unhosted' accommodation and associated requirements
- requirement for development approval for dwellings rented out more than 60 nights per calendar year
- maintenance of a State-wide registration system for all short-term accommodation, to be administered by the State Government, and
- Local Governments to retain the ability to set local policy frameworks responsive to their unique contexts.

These changes would have little impact upon facilities within the Shire of Lake Grace and are considered to be more aimed at popular coastal towns and popular tourist destinations where Air BNB type accommodation is more prevalent and popular.

It is believed that some sort of regulation is required to maintain properties to ensure that they conform to the relevant Building Codes and Health Standards and also preserving the rights of neighbouring properties whilst still providing travellers and holiday makers with some choice of accommodation.

#### Legal Implications

There is no doubt that Local governments will be required to administer the regulations .

#### Policy Implications

Nil

#### Consultation

Nil

#### Financial Implications

There is no financial implication at this stage but it is envisaged that some sort of registration fee will be imposed in the future.

#### Strategic Implications

The regulation of the short-term accommodation market may see a reduction in farm stay accommodation or Air BNB type accommodation that some travellers/visitors would rather experience than staying in a hotel/motel or caravan park.

The Shire of Lake Grace is trying to encourage the visitor experience and not limit it.

Shire of Lake Grace Strategic Community Plan 2017-2027

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

Outcome 1.3 An attractive destination for visitors

1.3.1 Promote and develop tourism as part of a regional approach

1.3.2 Maintain and enhance local iconic attractions and infrastructure

1.3.3 Continue to provide and maintain visitor support services

#### Voting Requirements

Simple majority required.

### **RESOLUTION 13519**



Moved: Cr Lloyd

Seconded: Cr McKenzie

That Council considers the implications on local operators and makes comment if considered necessary.

**CARRIED: 9/0**

**14.4.2 LOCAL ROADS AND COMMUNITY INFRASTRUCTURE PROGRAM (LRCIP) - PHASE THREE (3)**

<b>Applicant:</b>	Mr Alan George Chief Executive Officer
<b>File No.:</b>	Nil
<b>Attachments:</b>	Nil
<b>Author:</b>	 Mr Chris Paget Deputy Chief Executive Officer
<b>Disclosure of Interest:</b>	Nil
<b>Date of Report:</b>	17 December 2021
<b>Senior Officer:</b>	 Mr Alan George Chief Executive Officer

Summary

Following the 2021/2022 Federal Budget, the Australian Government announced the Local Roads and Community Infrastructure Program (LRCIP) Phase 3. As with previous rounds, this program will support local councils to deliver priority local road and community infrastructure projects across Australia, supporting jobs and the resilience of local economies to help communities bounce back from the COVID-19 pandemic. This new LCRIP phase presents the Shire with yet another opportunity to get capital infrastructure projects underway that would have been set aside until funds became available in future budgets, or to undertake new construction ideas or facilities upgrades that benefit our local communities.

Background / Comment

The Shire of Lake Grace has been allocated the amount of \$1,721,138 for eligible projects, and this funding will be available from 1 January 2022 and expended by the program end date of 31 December 2023. In order to receive the funds allocation Council must sign the grant agreement with the Commonwealth Department of Infrastructure, Transport, Regional Development & Communications and then submit a works plan for each project nominated.

At the Ordinary Council meetings held on 27 October and 24 November 2021, it was suggested that for ease of managing the grant and capital works program that Council focus on larger-scale projects such as road and facility improvements rather than multiple small-cost undertakings. A list of projects was presented for Council consideration and discussion, with a call for any further suggestions. Based on these discussions, staff have researched costings and scope of works on the following priority projects for nomination:

• Lake Grace Sportsmans Club roof replacement	\$100,000
• Lake Grace recreation precinct carpark upgrade & sealing	\$180,000
• Newdegate recreation precinct carpark upgrade & sealing	\$230,000
• Aylmore Road upgrade stage 1	\$100,000
• Aylmore Road upgrade stage 2	\$380,000
• Aylmore Road upgrade stage 3	\$270,000
• Lake Grace All Abilities Playground	\$381,138
• Upgrade Jam Patch tourist/camping facilities	\$ 60,000
• Newdegate hockey shed upgrade	<u>\$ 20,000</u>

**TOTAL      \$1,721,138**

### Legal Implications

Federal government LRCIP grant reporting and acquittal guidelines are to be adhered to once the funding is received.

### Policy Implications

Shire of Lake Grace Purchasing Policy 3.7 – Council’s normal purchasing policy will apply.

### Consultation

Internal –                      Shire of Lake Grace Council  
    Mr Alan George - Chief Executive Officer  
    Mr Chris Paget - Deputy Chief Executive Officer  
    Mr Craig Elefsen - Manager Infrastructure Services  
    Administration & Works staff

External -                      Not applicable

### Financial Implications

The total grant funding of \$1,721,138 will be provided by the Federal government and is subject to the Departmental approval of the nominated projects. This new income and the associated capital expenditure will be included in Council’s mid-year budget review report which is currently being prepared.

### Strategic Implications

Shire of Lake Grace Strategic Community Plan 2017-2027

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

Outcome	1.1	An innovative, productive agriculture industry
	1.1.3	Support and promote the agricultural productivity of the district
	1.1.4	Maintain and provide water infrastructure and lobby to support drought-proofing and water-harvesting initiatives
Outcome	1.3	An attractive destination for visitors
	1.3.1	Promote and develop tourism as part of a regional approach
	1.3.2	Maintain and enhance local iconic attractions and infrastructure
	1.3.3	Continue to provide and maintain visitor support services



Social Objective - A valued, healthy and inclusive community and life-style

- Outcome 2.1 An engaged, supportive and inclusive community
- 2.1.1 Community services and infrastructure meeting the needs of the district
  - 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

### Voting Requirements

Simple majority required.

*Cr Ross Chappell left the room at 4:05pm and returned at 4:06pm.*

### **RESOLUTION 13520**



Moved: Cr Carruthers

Seconded: Cr Kuchling

That Council endorses and approves the list of projects in this report for the Local Roads and Community Infrastructure Program (LRCIP) Phase 3.

**CARRIED: 9/0**

### 14.4.3 ANNUAL REVIEW OF DELEGATIONS

<b>Applicant:</b>	Shire of Lake Grace
<b>File No.:</b>	0052
<b>Attachments:</b>	Register of Delegations 2021/2022
<b>Author:</b>	 Mr Chris Paget Deputy Chief Executive Officer
<b>Disclosure of Interest:</b>	Nil
<b>Date of Report:</b>	17 December 2021
<b>Senior Officer:</b>	 Mr Alan George Chief Executive Officer

#### Summary

The purpose of this report is to present the reviewed and updated Shire of Lake Grace 2021/22 Register of Delegations for endorsement and adoption by Council.

#### Background

Delegations are granted to the Chief Executive Officer and, in some cases, other Officers to assist in the efficient running of the Shire administration and organisation. The aim of delegated authority is to assist with improving the time taken to make decisions subject to any constraints determined by Council or by the relevant legislation. The Delegations Register is consistent with the Shire's Community Strategic Plan directions. In particular it assists Council to achieve its obligations at law to carry out the statutory responsibilities of Local Government and thus maximise service to members of the public, residents and ratepayers.

#### Comment

The last review and update of delegations for the Shire of Lake Grace was presented to and accepted by Council at the OCM held on 15 July 2020. In accordance with the requirements of the *Local Government Act 1995*, s 5.46 (2) the local government is to review its delegations made under this division at least once each financial year, and this in turn is subject to the annual external audit process.

The attached Delegation Register details where the Council has delegated powers and duties to the Chief Executive Officer, and where the Chief Executive Officer has on-delegated to other employees.

With a number of delegations the current legislative power refers to Local Government Act 1995, s5.42 '*Delegations of some powers and duties to the CEO*', this is just informing that the local government may delegate, and it is not the head of power that is being delegated. This will continue to be reviewed to ensure that staff are aware of the legislative power they are operating from.

Management have reviewed the full register and number of the delegations require minor amendments to the wording, including the legislative power. Each delegation includes cross reference to Council policy and or separately appointed Authorised Officers where appropriate. A summary of the changes is as follows:

1. Minor formatting and typographical error corrections; re-numbering of 'Other' section.
2. Position title updates to reflect current organisational structure (removal of references to Marketing and Engagement Coordinator and Administration Coordinator; add Manager Corporate Services).
3. Inclusion of separate section BF01 through BF11 relating to existing and new delegations under the *Bushfires Act 1954* (as per Council resolution 13276 15 July 2020) which were previously incorporated into 'Other' category.
4. Legislation amendment updates.
5. Addition of/amendments to any relevant referenced council policies.
6. All review dates updated.

#### Legal Implications

*Local Government Act 1995:*

#### **5.42. Delegation of some powers and duties to CEO**

(1) A local government may delegate\* to the CEO the exercise of any of its powers or the discharge of any of its duties under —

- (a) this Act other than those referred to in section 5.43; or
- (b) the *Planning and Development Act 2005* section 214(2), (3) or (5).

\* *Absolute majority required.*

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

*[Section 5.42 amended: No. 1 of 1998 s. 13; No. 28 of 2010 s. 70.]*

#### **5.43. Limits on delegations to CEO**

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

- (a) any power or duty that requires a decision of an absolute majority of the council;
- (b) accepting a tender which exceeds an amount determined by the local government for the purpose of this paragraph;
- (c) appointing an auditor;
- (d) acquiring or disposing of any property valued at an amount exceeding an amount determined by the local government for the purpose of this paragraph;
- (e) any of the local government's powers under section 5.98, 5.98A, 5.99, 5.99A or 5.100;
- (f) borrowing money on behalf of the local government;
- (g) hearing or determining an objection of a kind referred to in section 9.5;
- (ha) the power under section 9.49A(4) to authorise a person to sign documents on behalf of the local government;
- (h) any power or duty that requires the approval of the Minister or the Governor;
- (i) such other powers or duties as may be prescribed.

*[Section 5.43 amended: No. 49 of 2004 s. 16(3) and 47; No. 17 of 2009 s. 23; No. 16 of 2019 s. 23.]*

#### **5.44. CEO may delegate powers and duties to other employees**

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

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

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

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

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

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

(5) In subsections (3) and (4) — **conditions** includes qualifications, limitations or exceptions.

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

#### **5.45. Other matters relevant to delegations under this Division**

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

(a) a delegation made under this Division has effect for the period of time specified in the delegation or where no period has been specified, indefinitely; and

(b) any decision to amend or revoke a delegation by a local government under this Division is to be by an absolute majority.

(2) Nothing in this Division is to be read as preventing —

(a) a local government from performing any of its functions by acting through a person other than the CEO; or

(b) a CEO from performing any of his or her functions by acting through another person.

#### **5.46. Register of, and records relevant to, delegations to CEO and employees**

(1) The CEO is to keep a register of the delegations made under this Division to the CEO and to employees.

(2) At least once every financial year, delegations made under this Division are to be reviewed by the delegator.

(3) A person to whom a power or duty is delegated under this Act is to keep records in accordance with regulations in relation to the exercise of the power or the discharge of the duty.

#### Policy Implications

Council Policies:      1.1 – Policy Manual Amendments  
                                 1.13 - Risk Management  
                                 1.21 – Internal Controls  
                                 1.22 – Legislative Compliance

#### 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

- |         |       |   |
|---------|-------|---|
| 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

Absolute majority required.

### **RESOLUTION 13521**



Moved: Cr Chappell

Seconded: Cr Clarke

That Council endorses and adopts the Shire of Lake Grace Register of Delegations for 2021/2022.

**CARRIED BY ABSOLUTE MAJORITY: 9/0**

#### 14.4.4 REGIONAL CONNECTIVITY PROGRAM (RCP2)

<b>Applicant:</b>	Field Solutions Group
<b>File No.:</b>	0507
<b>Attachments:</b>	<ul style="list-style-type: none"><li>• RCP2 Grant Guidelines</li><li>• Draft Letter of Support</li><li>• Mobile Phone Survey Results – 5/02/2021</li></ul>
<b>Author:</b>	 Mr Alan George Chief Executive Officer
<b>Disclosure of Interest:</b>	Nil
<b>Date of Report:</b>	20 December 2021
<b>Senior Officer:</b>	 Mr Alan George Chief Executive Officer

#### Summary

For Council to provide a letter of support to Field Solutions Group (FSG) for its application for grant funding through the Regional Connectivity Program to upgrade the recently approved Lake Grace tower (fixed wireless broadband) to 4G LTE (mobile voice and data) and to provide towers and 4g LTE connectivity at Newdegate, Lake King and Varley.

#### Background

Field Solutions Group have been working with the Shires of Kent and Dumbleyung to increase digital connectivity through fixed wireless broadband to those shires. FSG were fortunate to receive funding for this through the WA Governments Digital Farm Grants Program and as such, funding was received to place a tower on a property in Lake Grace (Slarke) at no cost to the Shire of Lake Grace.

The federal government has recently opened round 2 of the Regional Connectivity Program and it is FSG's intention to apply for funding which if approved, will see the new tower upgraded with the installation of 4G LTE (mobile voice and data) as well as installations in Newdegate, Lake King and Varley.

#### Comment

The new tower to deliver fixed wireless broadband is being provided at no cost to the Shire with full funding being provided by grant funding. The cost to provide the tower and equipment is in the vicinity of \$750,000.

FSG is seeking a contribution of \$50,000 from the Shire to aid in this application and to demonstrate a commitment by the shire to the cost of the project which will be predominantly funded by FSG and the Federal Government. There is also the possibility that existing shire

towers in Newdegate, Lake King and Varley may be able to be utilised which will enhance the application.

FSG is seeking a letter of support for the project which includes the financial contribution. There is no budget allocation for this expenditure in this year's budget and funding will not be required until the 2022/23 financial year. The funding is conditional upon FSG being successful with its application.

The eastern end of the shire has been complaining for years about the poor and intermittent mobile phone reception and if FSG is successful in receiving grant funding, a commitment from the Shire of Lake Grace of \$50,000 to provide this service is a very small price to pay.

### Legal Implications

None at present. Ownership of the existing towers in Newdegate, Lake King and Varley will need to be determined at a later stage if funding is successful.

### Policy Implications

Nil

### Consultation

February 2021 Mobile Phone Survey – Shire residents

### Financial Implications

- There is no provision in the 2021/2022 Shire budget.
- Provision will need to be made in the 2022/2023 budget.
- Funding will only be required if the grant application is successful.

### Strategic Implications

This proposal supports several parts of the Shire Strategic Community Plan.

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

1.2.1 Advocate for improved communications and support infrastructure

Social Objective A valued, healthy and inclusive community and life style

Outcome 2.1 An engaged, supportive and inclusive community

2.1.1 Community services and infrastructure meeting the needs of the district

### Voting Requirements

Simple majority required.

Question from Cr Steve Hunt - will this project fix the wireless coverage of the towns?

Response from the CEO – the Shire recently conducted a survey and believes that the new tower upgraded with the installation of 4GLTD (mobile voice and data) will likely improve the poor and intermittent mobile phone reception not only within Lake Grace but also the towns of Newdegate, Varley and Lake King.

## **RESOLUTION 13522**

Moved: Cr Clarke

Seconded: Cr Mckenzie

That Council:



1. Provides a letter of support to Field Solutions Group in support of its application for funding in the Regional Connectivity Program Round 2 for the development of a Digital Connectivity Solution for the Shire of Lake Grace (which includes the upgrade of the new Lake Grace tower to 4G LTE and new towers at the townsites of Newdegate, Lake King and Varley)
2. Makes provision in the 2022/23 budget for a cash contribution of \$50,000 towards the capital expenditure of the proposed project noting that the shire cash contribution is conditional upon Field Solutions Group being successful in its application.

**CARRIED: 9/0**



## 14.5 FINANCE

### 14.5.1 ACCOUNTS FOR PAYMENT – 30 NOVEMBER 2021

<b>Applicant</b>	Internal Report
<b>File No</b>	0277
<b>Attachments</b>	List of Accounts Payable
<b>Author</b>	 Ms Rebecca Clark Finance Officer – Rates & Creditors
<b>Disclosure of Interest</b>	Nil
<b>Date of Report</b>	01 December 2021
<b>Senior Officer</b>	 Mr Chris Paget Deputy Chief Executive Officer

#### Summary

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

#### Background

List of payments for the month of November 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 October 2021 from the Municipal and Trust Accounts total is \$741,701.51.

## 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 13523**

Moved: Cr Carruthers

Seconded: Cr Lloyd

That Council ratify the list of payments totalling \$970,112.31 as presented for the month of November 2021 incorporating:

<b>Payment Method</b>	<b>Cheque/EFT/DD Number</b>	<b>Amount</b>
Trust Account	1540	\$51.00
Electronic Funds Transfers	EFT22861 - EFT22979	\$648,269.08
Municipal Account Cheques	36960 – 36968	\$16,366.12
Direct Debits	DD9766.1 – DD9798.2	\$77,015.31
	<b>TOTAL</b>	<b>\$741,701.51</b>



to the Municipal account, totalling \$741,701.51 which were submitted to each member of the Council on 22 December 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 NOVEMBER 2021

<b>Applicant</b>	Internal Report
<b>File No</b>	0275
<b>Attachments</b>	<ul style="list-style-type: none"><li>• Monthly Financial Reports</li><li>• Bank reconciliations – October 2021</li></ul>
<b>Author</b>	 Ms Victoria Fasano Finance Officer – Reporting and Investments
<b>Disclosure of Interest</b>	Nil
<b>Date of Report</b>	15 December 2021
<b>Senior Officer</b>	 Mr Chris Paget Deputy Chief Executive Officer

### Summary

Consideration of the Monthly Financial Reports for the period ending 30 November 2021 and Bank Reconciliations for the month ending 30 November 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 November 2021, operating revenue over target by \$77,678 (1.27%) mostly due to Rates and Operating grants received earlier than budgeted. Interest earnings below target due to low interest rates. Fees and Charges are below budget as well.

Operating expenditure is under YTD budget by \$695,651 (15.16%) mainly due to materials and contracts, employee and overhead costs down along with utility charges. Insurance and depreciation expenses on the other hand are slightly over the budget target.

The capital program is below the target by \$471,355. Capital grants and contributions are down due to some 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 are below target as well due to slow-down in capital projects. This leads to Capital grants income decrease being offset by the reduction in payments for property, plant and equipment.

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 90.7% to date.

General debtor is \$60,536 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 November 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 13524**

Moved: Cr Chappell

Seconded: Cr Hyde

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 November 2021
2. Municipal, Trust and Reserve Funds bank reconciliations for the period ended 31 October 2021

**CARRIED: 9/0**

## 14.6 COMMUNITY SERVICES

Cr Ross Chappell declared a Disclosure of Interest Affecting Impartiality on Item 14.6 .1 – Newdegate Memorial as the author of the item is his wife Mrs Cheryl Chappell.

### 14.6.1 NEWDEGATE MEMORIAL

<b>Applicant:</b>	Shire of Lake Grace
<b>File No.:</b>	0161
<b>Attachments:</b>	<ul style="list-style-type: none"><li>• Email – RSLWA, Mr John McPherson</li><li>• Location</li><li>• Monument Design</li><li>• Quote – Southern Star Building and Rust Art</li></ul>
<b>Author:</b>	 Mrs Cheryl Chappell Community Services Officer
<b>Disclosure of Interest:</b>	Nil
<b>Date of Report:</b>	09 December 2021
<b>Senior Officer:</b>	 Mr Alan George Chief Executive Officer

#### Summary

For Council to confirm the installation and location for an RSL monument to be erected in front of the old Railway Station building as per attached photo.

#### Background

Newdegate community group requested funding for an obelisk to be erected at the front of Newdegate Hall to commemorate ANZAC forces and support services who have served during war times.

An amount of \$15,000 was allocated in the 2010/2011 Shire Budget towards this project and has been carried over annually since, due to the delays in progression. The major reasons for 'hold up' were:

- preserve and relocate the old Newdegate Railway Station to the Newdegate Recreation Grounds and;
- in 2012, move the honour boards into the Railway Station.

This has now been completed and the community has been holding ANZAC services in this venue.

The community group has now finally decided the design of the monument and its location.

## Comment

The stoneworks will be approximately 3m long x 1.5m wide and 600m high.

This project was initiated in 2011 and is a work in progress. It would benefit the community to finally have their monument in place ready for the 2022 ANZAC Day celebrations.

The design has been discussed with students at the school to ascertain what is important to the future generations and has also been approved by the RSL as per attached email.

## Legal Implications

Nil

## Policy Implications

Nil

## Consultation

Internal            Mr Alan George – Chief Executive Officer  
                         Mr Craig Elefsen – Manager Infrastructure Services

External           Ms Bridget Michell – Newdegate Resident  
                         Mr Peter Ness – Newdegate Resident  
                         Mr John McPherson – RSLWA Veteran Liaison Officer

## Financial Implications

Allocated in the 2021/2022 Shire of Lake Grace budget.  
E116052 Community Requests OBLCREQ Memorial – Newdegate 331 Materials and Services – Direct \$15,000 – Project Carried Forward from 2015/2016.

## 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

                         1.2.1      Advocate for improved communications and support infrastructure

Outcome 1.3      An attractive destination for visitors

                         1.3.1      Promote and develop tourism as part of a regional approach

                         1.3.2      Maintain and enhance local iconic attractions and infrastructure

                         1.3.3      Continue to provide and maintain visitor support services

Outcome 3.1      A well maintained attractive built environment servicing the needs of the community

                         3.1.1      Maintain, rationalise, improve or renew buildings and community infrastructure

- 3.1.2 Maintain the integrity of heritage buildings and places
- 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.

### Discussions:

Cr Len Armstrong commented that now this project has come to light, appropriate consultation should have been made in designing the memorial to include the Army, Navy, Airforce even the volunteers and members of the RSL. Cr Armstrong agrees with the location of the memorial e.g. not in front of the flagpole but next to the flagpole.

Cr Ross Chappell, Cr Ben Hyde and Cr Carruthers expressed concerns about the design and agreed with Cr Armstrong that the Airforce, Army and Navy logos should be included in the design.

The CEO pointed out that the recommendation is for Council to confirm the location and installation of a new RSL memorial in front of the Newdegate Railway Station building. The CEO also agreed that more public consultation is to be made to depict the correct design of the memorial and suggested the services of a consultant to design the plaque be obtained

### Recommendation / Resolution

That Council confirm the location and installation of a new RSL memorial in front of the Newdegate Railway Station building and further consultation be undertaken as to the design to depict all services.

### **RESOLUTION 13524**

Moved: Cr Clarke

Seconded: Cr :Lloyd

- 1) That Council confirm the location and installation of a new RSL memorial in front of the Newdegate Railway Station building.
- 2) Further consultation be undertaken to depict the correct design of the memorial and suggested the services of a consultant to design the plaque be obtained.

**CARRIED: 9/0**

### Reason for change in Resolution


It was considered by Council upon viewing the planned design that more consultation to depict all arms of the forces needs to be undertaken.



## 15.0 QUESTIONS OF WHICH DUE NOTICE HAS BEEN GIVEN

Nil

## 16.0 INFORMATION BULLETIN – DECEMBER 2021

<b>Applicant:</b>	Internal Report
<b>File No.</b>	Nil
<b>Attachments:</b>	Information Bulletin
<b>Author:</b>	<i>RRRose</i>  Mrs Racelis Rose Executive Assistant
<b>Disclosure of Interest:</b>	Nil
<b>Date of Report:</b>	15 December 2021
<b>Senior Officer:</b>	  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 December 2021 Information Bulletin attachment include:

### Reports:

- Infrastructure Services Report – November 2021
- Lake Grace Visitor Centre Report – December 2021
- Lake Grace Library Report and Statistics –
- Lake King Library Report and Statistics – December 2021
- Newdegate Library Report and Statistics –

### Circulars, Media Releases, Newsletters, Letters:

- SHICC Public Health Bulletin No. 1

- SHICC Public Health Bulletin No. 2
- SHICC Public Health Bulletin No. 3
- SHICC Public Health Bulletin No. 4
- Regional Drought Resilience Planning Update – November 2021
- Inquiry into Financial Administration of Homelessness – Provide submission
- LG Professional – Council to participate in 2022 LG Skills and Workforce Survey
- State of the WA Government Sector Workforce 2021-2022
- Letter from Minister John Carey to Ms Redford – Astro Tourism

#### Legal Implications

Nil

#### 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 4.1 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

#### Voting Requirements

Simple majority required.

#### **RESOLUTION 13525**

Moved: Cr Chappell

Seconded: Cr Hyde

That Council accepts the Information Bulletin Report for December 2021.

**CARRIED: 9/0**

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

The Manager Infrastructure Services, the Community & Emergency Services Manager along with the Infrastructure Support Officer left the Council Chambers at 4:37 pm.

### RESOLUTION 13526

Moved: Cr Chappell  
Seconded: Cr Clarke

That Council meet behind closed doors at 4:37 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 17.1.1 – Lake Grace Medical Centre – Contract Renewal – Olowu and Omoniyi Pty Ltd

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

**CARRIED: 9/0**

This item was laid on the table until the 16 February 2022 Council meeting to allow for further discussions with the doctors to take place.

### RESOLUTION 13527

Moved: Cr Clarke  
Seconded: Cr Chappell

That Council move from behind closed doors at 5:00pm to resume the meeting.

**CARRIED: 9/0**

## 18.0 DATE OF NEXT MEETING – 16 FEBRUARY 2022

The next Ordinary meeting of Council is scheduled to take place on Wednesday 16 February 2022 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 5:00 pm.

## 20.0 CERTIFICATION

I, Leonard William Armstrong certify that the Minutes of Meeting held on 22 December 2021 as shown were confirmed as a true record of that meeting.

Signature

Date

16 FEB 2022