

# Shire of Lake Grace

## Special Council Meeting



### NOTICE PAPER

#### To the President and Councillors

In accordance with the provisions of Section 5.5 of the Local Government Act 1995, you are hereby notified that a Special Meeting of Council has been convened:

**Date:** Wednesday 29 July 2020

**At:** Council Chambers, 1 Bishop Street, Lake Grace, WA 6353

**Commencing:** 10:00 am

To consider the following items:

- Use of the Common Seal – Movesmart Physiotherapy – Karen Rodgers Smart
- Lease Agreement – Brian George Fleming
- Purchase of New Deputy CEO Vehicle
- Application for Planning Consent – Grouped Dwellings – Lot 56 (No. 33) Absolon Street, Lake Grace
- Financial Reports – 30 June 2020
- Adoption of the Shire of Lake Grace 2020/2021 Budget

Alan George  
**Chief Executive Officer**

17 July 2020  
**Date**

Shire of Lake Grace

Special Council Meeting

# Agenda

29 July 2020

Meeting Commencing at 10:00 am

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## **Disclaimer**

No responsibility whatsoever is implied or accepted by the Shire of Lake Grace for any act, omission or statement or intimation occurring during Council/Committee meetings or during formal/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/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.

In particular and without derogating in any way from the broad disclaimer above, in any discussion regarding any planning application or application for license, any statement or limitation or approval made by a member or officer of the Shire of Lake Grace during the course of any meeting is not intended to be and is not taken as notice of approval from the Shire of Lake Grace. The Shire of Lake Grace warns that anyone who has an application lodged with the Shire of Lake Grace must obtain and only should rely on WRITTEN CONFIRMATION of the outcome of the application and any conditions attaching to the decision made by the Shire of Lake Grace in respect of the application.

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## **SHIRE OF LAKE GRACE**

Agenda for the Special Meeting of Council to be held at Council Chambers, 1 Bishop Street, Lake Grace, WA 6353 on Wednesday 29 July 2020.

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

The Shire President opened the meeting at \_\_ pm and advised that today's special meeting has been convened to consider the matters presented;

- Use of the Common Seal – Movesmart Physiotherapy – Karen Rodgers Smart
- Lease Agreement – Brian George Fleming
- Development Application for 33 Absolon Street, Lake Grace – Multiple Dwellings
- Financial Reports – 30 June 2020
- Adoption of the Shire of Lake Grace 2020/2021 Budget

### **2.0 DISCLAIMER READING**

A recording of the disclaimer is to be played.

*No responsibility whatsoever is implied or accepted by the Shire of Lake Grace for any act, omission or statement or intimation occurring during Council/Committee meetings or during formal/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/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.*

*In particular and without derogating in any way from the broad disclaimer above, in any discussion regarding any planning application or application for license, any statement or limitation or approval made by a member or officer of the Shire of Lake Grace during the course of any meeting is not intended to be and is not taken as notice of approval from the Shire of Lake Grace. The Shire of Lake Grace warns that anyone who has an application lodged with the Shire of Lake Grace must obtain and only should rely on WRITTEN CONFIRMATION of the outcome of the application and any conditions attaching to the decision made by the Shire of Lake Grace in respect of the application.*

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

**3.1 PRESENT**

Cr LW Armstrong	Shire President
Cr RC Chappell	Shire Deputy President
Cr DS Clarke	
Cr RA Lloyd	
Cr AD Marshall	
Cr HL Steicke	
Cr P Stoffberg	

**In Attendance**

Mr A George	Chief Executive Officer
Mr C Elefsen	Manager Infrastructure Services
Mr K Wilson	Manager Corporate Services

**Observers/Visitors**

**3.2 APOLOGIES**

Cr Ross Chappell  
Cr Debrah Clarke

**3.3 LEAVE OF ABSENCE PREVIOUSLY GRANTED**

Cr Ross Chappell  
Cr Debrah Clarke

**4.0 PUBLIC QUESTION TIME**

**5.0 PETITIONS/DEPUTATIONS/PRESENTATIONS**

**6.0 NOTATIONS OF INTEREST**

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

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

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

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



**8.0 REPORTS OF COMMITTEES**

Nil

**9.0 REPORTS OF OFFICERS**

**9.1 ADMINISTRATION**

**9.1.1 USE OF THE COMMON SEAL – MOVESMART PHYSIOTHERAPY – KAREN RODGERS SMART**

Applicant:	Internal Report
File No.	0734
Attachments:	Nil
Author:	 Mr Alan George Chief Executive Officer
Disclosure of Interest	Nil
Date of Report	22 July 2020
Senior Officer	 Mr Alan George Chief Executive Officer

Summary

For Council to confirm the use of the Common Seal on the Extension of Lease document for the use of a room at the Newdegate Medical Centre by Karen Rodgers-Smart of MoveSmart Physiotherapy.

Background

Ms Karen Rodgers-Smart has been leasing a room at the Newdegate Medical Centre since February 2017 for a period of 12 months with a 1 year extension. Ms Rodgers-Smart requested an extension of the lease agreement for a further 3 years. After several conversation due to questions raised regarding the terms and conditions, a Deed of Variation and Extension of Sublease was prepared and subsequently executed by Ms Rodgers-Smart in July 2020.

## Comment

On 15 July 2020, the Deed of Variation Extension of Sublease was executed by the Shire President and Chief Executive Officer under seal and Council confirmation is required.

Ms Rodgers-Smart provides a valuable service to the community in both Newdegate and Lake Grace. Execution of the document completes the loose ends from this long process.

## Legal Implications

Shire of Lake Grace – Standing Orders Local Law 2015

### *19.1 The Council's Common Seal*

*(1) The CEO is to have charge of the common seal of the Local Government, and is responsible for the safe custody and proper use of it.*

44 Shire of Lake Grace – Ordinary Meeting 20 December 2016

*(2) The common seal of the Local Government may only be used on the authority of the Council given either generally or specifically and every document to which the seal is affixed must be signed by –*

*(a) the President and the CEO or an appropriate officer authorised;*

*(b) the Deputy President and the CEO or an appropriate officer authorised; or*

*(c) the CEO and an appropriate officer authorised.*

*(3) The common seal of the local government is to be affixed to any local law which is made by the local government.*

*(4) The CEO is to record in a register each date on which the common seal of the Local Government was affixed to a document, the nature of the document, and the parties to any agreement to which the common seal was affixed.*

*(5) Any person who uses the common seal of the Local Government or a replica thereof without authority commits an offence. **Penalty:** \$1000*

## Policy Implications

### **POLICY 1.11 Use of the Common Seal**

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The Common Seal of the Shire of Lake Grace is to be affixed to the following documents:

- Deeds of agreement
- Senior officer contracts of employment
- Land transactions (including leases)
- Other documents requesting use of the common seal

A document is validly executed by the Shire of Lake Grace when the seal of the Shire is affixed to it by the President and the Chief Executive Officer, and the President and Chief Executive Officer attest the fixing of the seal.

All documents signed under seal must, in accordance with s9.49 of the Act, first be presented to Council for its authorisation of the seal to be affixed to it by the President and the Chief Executive Officer, and the President and Chief Executive Officer attesting the fixing of the seal

Consultation

Internal            Cr Len Armstrong

Financial Implications

Nil

Strategic Implications

Shire of Lake Grace Strategic Community Plan 2017-2027

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

Outcome 2.2            A healthy and safe community

                         2.2.2            Provide and advocate for medical and health services

Recommendation/Resolution



That Council confirms the use of the Common Seal by the Shire President and Chief Executive Officer on the Deed of Variation and Extension of Lease for portion of Newdegate Medical Centre at 32 Maley Street, Newdegate WA 6355.

Voting Requirements

Absolute majority required.



**9.1.2 LEASE AGREEMENT – BRYAN GEORGE FLEMING**

Applicant:	Brian George Fleming
File No.	0362
Attachments:	Draft Lease Agreement
Author:	 Mr Alan George Chief Executive Officer
Disclosure of Interest	Nil
Date of Report	22 July 2020
Senior Officer	 Mr Alan George Chief Executive Officer

Summary

For Council to approve a 5 year lease over portion of the Lake Grace Community Medical Centre consisting of the Dental Surgery to Bryan George Fleming and to approve the use of the Common Seal on the lease document.

Background

Dr Bryan Fleming had been operating as the dentist in Lake Grace for in excess of 20 years. Early in 2018, he sold his business to the Totally Smiles Dental Group based in Queensland and continued to practice from the surgery under the employ of Totally Smiles. A reassignment of lease was prepared and an extension of lease approved for Totally Smiles which was subsequently sent off for execution.

Despite much follow up and after receiving many excuses, the extension of lease was never received neither were any lease payments received.

Around April 2020, it was brought to our attention that the Totally Smiles Dental Group may have been in some sort of financial trouble. After consultation with McLeods Barristers and Solicitors, a Notice of Termination of Lease was sent to them citing the non-payment of the lease and the failure to exercise the option to renew the lease within the required time by not executing the extension of lease. The termination date was 22 June 2020 and nothing was received from Totally Smiles as a result of the notice.

The COVID 19 pandemic saw a cessation of attendance at the surgery in March 2020. Bryan Fleming expressed a strong desire to resume his practice in Lake Grace, given his long association with the district and the numerous requests he has received from his clients as to when he was resuming his visits.

## Comment

A new lease agreement has been prepared with a 5 year term, ministerial approval has been received and Bryan Fleming is keen to resume his practice commencing 3 August 2020, with the same conditions as he previously operated under.

The provision of dental services in the shire is seen as providing a very valuable service to the district and complements the existing medical facilities within Lake Grace.

Council is being requested to approve the lease of part of the Lake Grace Community Medical Centre for the purpose of medical patient consultation and treatment to Dr Bryan George Fleming for a 5 year term. Rent to be \$572.00 inclusive of GST per annum payable annually in advance, to be reviewed annually.

## Legal Implications

Shire of Lake Grace – Standing Orders Local Law 2015

### *19.1 The Council's Common Seal*

*(1) The CEO is to have charge of the common seal of the Local Government, and is responsible for the safe custody and proper use of it.*

44 Shire of Lake Grace – Ordinary Meeting 20 December 2016

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*(b) the Deputy President and the CEO or an appropriate officer authorised; or*

*(c) the CEO and an appropriate officer authorised.*

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## Policy Implications

### **POLICY 1.11 Use of the Common Seal**

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The Common Seal of the Shire of Lake Grace is to be affixed to the following documents:

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All documents signed under seal must, in accordance with s9.49 of the Act, first be presented to Council for its authorisation of the seal to be affixed to it by the President and the Chief Executive Officer, and the President and Chief Executive Officer attesting the fixing of the seal

### Consultation

External                      Dr Bryan Fleming  
   McLeods Barristers and Solicitors

### Financial Implications

Cost for the preparation of the lease are payable by the Lessee.  
Rental income will be \$572.00 inc GST per annum subject to annual review.

### Strategic Implications

Shire of Lake Grace Strategic Community Plan 2017-2027

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

### Recommendation

That Council

1. Enters into a Lease /agreement with Dr Bryan George Fleming over that portion of the Lake Grace Community Medical Centre pertaining to medical patient consultation and medical treatment for dental purposes for a term of 5 years subject to the terms and conditions set out in the Lease Agreement prepared by McLeods Barristers and Solicitors.
2. Authorises the use of the Common Seal by the President and the Chief Executive Officer on the Lease Agreement documents.

### Voting Requirements

Absolute majority required.

<b>9.1.3 PURCHASE OF NEW DEPUTY CEO VEHICLE</b>
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Applicant:	Shire of Lake Grace
File No.	0541
Attachments:	Nil
Author:	 Ms Brooke Williamson Development Services Administration Officer
Disclosure of Interest	Nil
Date of Report	23 July 2020
Senior Officer	 Mr Craig Elefsen Manager Infrastructure Services

Summary

For Council to acknowledge the purchase of a new Deputy CEO vehicle from Narrogin Ford in place of local supplier, Maalouf Ford.

Background

The vacant Deputy Chief Executive Officer position requires a new work vehicle in preparation for a confirmed applicant. The local and preferred supplier Maalouf Ford, does not have the desired model currently available, and the estimated arrival time for one on order will be beyond the date of arrival of the new DCEO.

Comment

As the selection process for a Deputy Chief Executive Officer is reaching the final stages, prior to the commencement of the DECO start date, we are purchasing a new vehicle for their work-related and personal use.

In accordance to our Purchasing Policy s8 "*Buy Local Policy*" we have exhausted our options in our procurement due to Maalouf Ford not having that specific vehicle in stock until October 2020.

Management have sourced another dealer, Narrogin Ford, to provide the vehicle which is currently available and falls within the allocated budget for plant acquisition.

Legal Implications

Nil.

Policy Implications

*Shire of Lake Grace Policy Manual – November 2019*

**Policy 3.7 Purchasing Policy**

8 BUY LOCAL POLICY

*As much as practicable, the Shire must:*

- *where appropriate, consider buying practices, procedures and specifications that do not unfairly disadvantage local businesses;*
- *consider indirect benefits that have flow on benefits for local suppliers (i.e. servicing and support);*
- *ensure that procurement plans address local business capability and local content;*
- *explore the capability of local businesses to meet requirements and ensure that Requests for Quotation and Tenders are designed to accommodate the capabilities of local businesses;*
- *avoid bias in the design and specifications for Requests for Quotation and Tenders – all Requests must be structured to encourage local businesses to bid; and*
- *Provide adequate and consistent information to potential suppliers.*

### Consultation

Internal     Alan George – Chief Executive Officer  
                  Craig Elefsen – Manager Infrastructure Services  
                  Kevin Wilson – Manager Corporate Services

### Financial Implications

The vehicle is set to cost \$52,418.18 exc. GST. Purchase of the vehicle comes under proposed Job LG139A of which \$60,000.00 exc. GST is intended to be allocated in the budget to be adopted.

### Strategic Implications

Shire of Lake Grace Strategic Community Plan 2017-2027

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

Outcome 4.2 An efficient and effective organisation

4.2.1 Maintain accountability and financial responsibility through effective planning

4.2.3 Provide a positive and safe workplace



### Recommendation

That Council acknowledge the purchase of the Deputy Chief Executive Officer's vehicle from Narrogin Ford as an alternative from Maalouf Ford.

### Voting Requirements

Simple Majority required.

**9.2 INFRASTRUCTURE****9.2.1 APPLICATION FOR PLANNING CONSENT – GROUPED DWELLINGS - LOT 56 (33) ABSOLON STREET, LAKE GRACE**

Applicant:	Internal Report
File No.	0830
Attachments:	1. Application for Planning Consent 2. Plans and Elevations document 3. R-Codes Assessment Checklist
Author:	 David Johnston Planning Officer Shire of Narrogin
Disclosure of Interest	Nil
Date of Report	23 July 2020
Senior Officer	 Mr Alan George Chief Executive Officer

Summary

Council's consideration is requested in regards to the Application for Planning Consent for grouped dwellings at Lot 56 (No. 33) Absolon Street, Lake Grace.

Background

On 13 July 2020, the Shire of Lake Grace submitted an Application for Planning Consent to itself for the construction of two dwellings in a grouped dwelling format at Lot 56 (No. 33) Absolon Street, Lake Grace. The Application was passed on to the Shire's Planning contractor, David Johnston at the Shire of Narrogin for assessment of the proposal. Some variations and non-compliance were found which resulted in a letter being sent to adjoining neighbours for comment.

CommentZoning

Lot 56 Absolon Street is zoned residential. The objectives of the residential zone are:

- To achieve a high standard of residential development in accordance with contemporary planning and development practice for the benefit of the community of the Shire of Lake Grace.
- To enhance the character and amenity of residential areas.
- To provide for residential development at a range of densities with a variety of housing types to meet the needs of the community.

- To provide an opportunity for residents to undertake occupations ancillary to the use of their dwelling that are compatible in character, scale and operation with the residential use and which will not have an adverse effect upon the existing character and amenity of these areas.

Under the Shire of Lake Grace Local Planning Scheme No. 4 (LG-LPS4), the proposal for two houses on the same lot can be classed as a grouped dwelling. This is a 'D' use under the LG-LPS4. In the scheme, a 'D' use;

*"means that the use is not permitted unless the local government has exercised its discretion by granting development approval."*

As per clause 4.2.2 of the scheme;

*"the development of land for any of the residential purposes dealt with by the Residential Design Codes is to conform with the provisions of those Codes."*

#### *State Planning Policy 7.3 Residential Design Codes*

The general development requirements of the residential zone are as per the R-Codes. The proposal has been assessed against the R-Codes and found to be compliant in most areas.

Variations and non-compliance were found for the following:

- Access from both dwellings is from the primary street rather than the required secondary street
  - It is recommended that this variation be supported, as this is in line with existing dwellings in the area. The traffic on Absolon Street and McMahon Street is minor. This variation will have no negative safety impacts.
- Reduced setback of outbuildings
  - Adjoining neighbours have been consulted regarding this variation. Support is recommended. This will ensure the open space can be used more effectively and avoid creating pockets of unusable space between the outbuildings and the boundary fences.
- Lack of disabled access paths connecting all entries to footpath and parking.
  - This requirement is intended for grouped dwellings with a larger number of dwellings that this proposal which is fairly similar to single dwellings. This proposal does not include communal open space or facilities. The addition of a small ramp at each door (four in total) would solve this issue. It is recommended that Council support this variation as a solution can easily be provided on a need-by basis with portable ramps.

#### Legal Implications

Nil

#### Policy Implications

The following policies relate to the proposal:  
*Shire of Lake Grace Local Planning Scheme No. 4*  
*State Planning Policy 7.3 R-Codes Volume 1*

#### Consultation

On 15 July 2020, a letter was sent to the adjoining neighbours at 35 Absolon Street seeking comments on the setback of the proposed outbuildings. The comment period closed on 22 July 2020. No comments were received.

### Financial Implications

Nil

### Strategic Implications

Shire of Lake Grace Strategic Community Plan 2017-2027

Environment Objective Protect and enhance our natural and built environment

Outcomes 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.

### Recommendation

That with respect to Application for Planning Consent: Grouped Dwellings – Lot 56 (No. 33) Absolon Street, Lake Grace, Council grant planning approval subject to the following conditions:

1. The approval shall expire if the development permitted is not completed within two years of approval, or within any extension of that time which, upon written application (made before or within 21 days after the expiry of the approval) to the Shire is granted by it in writing.
2. The development approved shall be in accordance with the plans and specifications submitted with the application and these shall not be altered or modified without the prior written approval of the Chief Executive Officer.
3. Any use, additions to and further intensification of any part of the development or land which is not in accordance with the original application or conditions of approval shall be subject to a further development application and consent for that use.
4. All drainage run-off associated with the development shall be contained on site or connected to the Shire's storm water drainage system to the satisfaction of the Chief Executive Officer.
5. Landscaping within the front setback areas shall be established within 60 days of the practicable completion of the building and shall be fully reticulated and maintained to the satisfaction of the Chief Executive Officer.
6. The building materials and colours used shall match existing buildings on the lot and are to be of non-reflective and muted tones i.e. not zinalume.
7. All proposed cross overs are to be constructed, drained and maintained to the satisfaction of the Chief Executive Officer.
8. The proposed outbuildings are for domestic purposes only and shall not be used for commercial or habitation purposes.
9. Construction of the outbuilding shall be kept clear from all service connections.





10. The proposed outbuildings are not to exceed the maximum wall height of 2.4m and the maximum ridge height of 4.2m.

Voting Requirements

Simple majority required.

**9.3 FINANCE****9.3.1 FINANCIAL REPORTS – 30 June 2020**

Applicant:	Internal Report
File No.	0275
Attachments:	<ul style="list-style-type: none"> <li>• Monthly Financial Reports</li> <li>• Bank Reconciliations – 30 June 2020</li> </ul>
Author:	 Mr Kevin Wilson Manager Corporate Services
Disclosure of Interest	Nil
Date of Report	22 July 2020
Senior Officer	 Mr Alan George Chief Executive Officer

Summary

Consideration of the Monthly Financial Reports for the period ending 30 June 2020, and Bank Reconciliations for the month ending 30 June 2020.

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 June 2020, operating revenue exceeded target by \$1,461,676 (21.6%) due mainly to an advance payment of Financial Assistance Grant of \$1,506,330.

Operating expenditure went under budget by \$1,503,044(14.6%) due to timing of maintenance programs, mainly related to Employee costs and materials and contracts.

The capital program is under budget by \$3,072,433, mainly due to lack of staff resources and the impact of COVID 19. Major areas under budget are the CEO and staff houses not yet started, swimming pool project, some building projects not underway, and some road projects not started. Many of these projects have been considered as part of a roll over into 2020/21 budget.

Cash at bank is high due to the advance payment of the Financial Assistance Grant and under expenditure in both operating and capital works programs.

Outstanding rates is \$42,162, the Shire has collected 99% of total rates which is slightly more at the same time last year. (98%).

General debtors is \$151,030 with no major outstanding debts to follow up.

Moore Stephens has compiled 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 31 March 2020. 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 (\$10,000 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

#### Recommendation/Resolution


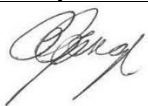
That Council in accordance with *Regulation 34* of the *Local Government (Financial Management) Regulations 1996* receives the attached:

1. Statements of Financial activity for the period ended 31 May 2020 and
2. Municipal, Trust and Reserve Funds bank reconciliations for the period ended 31 May 2020.

Voting Requirements

Simple majority required.

<b>9.3.2 2020/2021 SHIRE OF LAKE GRACE - BUDGET ADOPTION</b>
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Applicant:	Internal Report
File No.	0781
Attachments:	<ul style="list-style-type: none"> <li>• 2020/2021 Statutory Budget</li> <li>• Schedules</li> <li>• Fees and Charges</li> </ul>
Author:	 Mr Kevin Wilson Manager Corporate Services
Disclosure of Interest	Nil
Date of Report	17 July 2020
Senior Officer	 Mr Alan George Chief Executive Officer

### Summary

To consider and adopt the Municipal Fund Budget for the 2020/2021 financial year together with supporting schedules, including striking of the municipal fund rates and other consequential matters arising from the budget papers.

### Background

The Draft 2020/2021 Budget has been compiled based on the parameters established in the Council integrated planning documents including Long Term financial Plan, Corporate Business Plan and Strategic Community Plan.

Council gave consideration to the detail within the budget via a workshops held in June and July 2020.

### Comment

The budget has been prepared to include information required by the *Local Government Act 1995*, *Local Government (Financial Management) Regulations 1996* and *Australian Accounting Standards*. The main features of the draft budget include:

### **Rating**

In accordance with the recommendations from State Government as a result of the COVID19, Pandemic rates for GRV residential properties have been held at 2019/20 rate in the dollar, with a 2% increase factored in for UV (Unimproved Rate) properties and the minimum UV rate increased by \$10.

### **Sewerage Specified Area Rate**

The rating basis for the Lake Grace sewerage specified area rate(s) is the Gross Rental Values (GRV) of properties in the Lake Grace town site, broken down as follows:

- Residential;
- Commercial; and
- Vacant land.

It is applied in full to operate and maintain the sewerage scheme for the Lake Grace town site and, by the very nature of a sewerage scheme, it is clear who gets a benefit (those connected to the scheme) and who does not (those not connected to the scheme).

A 2% increase on this rate has been proposed.

### **Sport and Recreation Specified Area Rate**

This rate category has been removed from the rate portfolio following legal opinion the balance of the funds as at 1 July 2019 has been transferred into the Shire Municipal Account in accordance with the budget resolution of 2019/20 to offset expenses incurred for those facilities.

### **End of year position**

The 2019/20 end of year position is an estimated surplus of \$4,551,348, an increase of approximately \$803,729 from the prior year. There were a number of projects that were not undertaken which has led to this surplus and the COVID19 Pandemic impacted on the Shire's ability to get the resources to complete these projects.

The budget presented to Council for adoption results in an end of year surplus of \$3,923.

### **Fees & Charges**

The fees and charges schedule is presented to Council, including the proposed rates in the dollar to be levied. The rate charges for the Lake Grace Sewerage Scheme are to increase by 2% as per the proposed general rate increase. Fees and Charges have been held at 2019/20 charges with no increase in any category as recommended by State Government due to the impacts of the COVID 19 Pandemic.

A minor reduction in the Bond Hire fee has been recommended and supported by discussions at the Council Budget workshops.

### **Elected Member Attendance Fees, Allowances & Reimbursement of Costs**

The recommendations include the setting of meeting attendance fees and allowances for members. It is proposed to continue the method of paying annual attendance fee; the fees proposed are President \$8,000 and elected members \$4,000.

The President's allowance of \$20,063 the Deputy President's allowance \$5,015.75 are to remain at 2019/20 rates in accordance with Salaries and Allowances Tribunal determination released 09 April 2020.

A \$2,000 allowance is included for each member to provide for costs associated with information and communication technology expenses incurred by members in carrying out their functions on behalf of the Shire.

Annual attendance fees and allowances are intended to be paid monthly in arrears; this eliminates the need to recoup funds if an elected member who may resign.

Claims such as travelling will need to be submitted monthly or more frequently should a member so require. All payments may be made direct to Members designated bank accounts. These fees and allowances are in accordance with Sec 5.98, 5.98A, 5.99 and 5.99A of the Local Government Act and the Local Government (Administration) Regulations. These fees are within the determinations for Band 4 as set by the Salaries and Allowances Tribunal 09 April 2019.

### **Salaries & Wages**

The budget for Salaries & Wages has been prepared using a 1.5% wage increase. It is projected that Salaries and Wages will increase by approximately \$40,000 on the prior year estimates.

### **Road Funding**

An amount of \$3,573,000 has been set aside for road renewal and upgrades which is again, a significant road program for the year 2020/2021. A portion of these works will be put out to contract as we do not have the capacity to undertake the works ourselves. The total of our Road funding sources are as follows;

Grants Commission Roads	\$1,078,722
MRWA Direct Grant	\$375,000
RRG Newdegate-Pingrup Road	\$37,212
RRG Old Ravensthorpe Road	\$95,066
RRG Lk Grace – Pingaring Road	\$207,037
RRG Old Ravensthorpe Road	\$110,903
Roads to Recovery 2019/2020	\$823,753
<b>TOTAL</b>	<b>\$2,727,693</b>

### **Reserve Transfers**

It is proposed to transfer \$450,000 from the Housing Reserve to fund new staff housing, an amount of \$550,000 will be transferred from the Plant & Equipment replacement Reserve for the purchase of replacement works plant and administration vehicle, and \$130,000 from Recreation Reserve to contribute to some recreation infrastructure upgrades and \$20,000 from the Lake Grace Sewerage Reserve to offset the Sewerage wet well upgrade.

### **New Commonwealth Funding – Drought Communities & Local Roads & Community**

The Commonwealth has initiated two programs to support Local Governments in addressing community needs to offset the impacts of the COVID19 Pandemic. These being:

- Drought Communities Program - \$1,000,000
- Local Roads & Community Programs - \$ 860,000

The Shire has presented a number of projects within the capital program to meet these funding initiatives and these are embedded within the overall budget submission including the following:

- Varley Town Hall Roof Restoration,
- Recycling Yard and reuse sewerage at Lake Grace,
- Newdegate Country Club,
- Lighting for Lake Grace,
- Newdegate Hockey and Lake Grace Football Fields,

- Community All Ages Playground in Lake Grace,
- Unisex Toilets at all sporting precincts,
- Newdegate Jumping pillow and land,
- Community Walk Trains and,
- Upgraded Lake Grace Sporting Complex entry

### Legal Implications

Section 6.2 of the *Local Government Act 1995* requires that not later than 31 August in each financial year, or such extended time as the Minister allows, each local government is to prepare and adopt, (Absolute Majority required) in the form and manner prescribed, a budget for its municipal fund for the financial year ending 30 June of the next year.

Divisions 5 and 6 of the *Local Government Act 1995* refer to the setting of budgets and the raising of rates and charges. *The Local Government (Financial Management) Regulations 1996* details the form and content of the budget. The Draft 2020/2021 Budget as presented is considered to meet statutory requirements.

- *Cemeteries Act 1986*
- *Waste Avoidance and Resources Recovery Act 2007*
- *Local Government (Miscellaneous Provisions) Act 1960*

### Policy Implications

Policy 3.3 - Specified Area Rating is used for consideration of rating levied for the Lake Grace Sewerage Scheme.

### Consultation

Internal     Staff members and Council  
External     Community groups have had the opportunity to submit budget requests

### Financial Implications

The Budget document establishes activities which the Shire will pursue during the 2020/21 Financial year taking into account the Shire of Lake Grace Corporate Business Plan and Long Term Financial Plan.

### 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



**SUMMARY FOR COUNCIL ADOPTION:**

**PART A - MUNICIPAL FUND BUDGET FOR 2019/2020**

That Council, pursuant to the provisions of section 6.2 of the *Local Government Act 1995* and Part 3 of the *Local Government (Financial Management) Regulations 1996*, adopt the Municipal 2020/21 financial year which includes the following:

- Statement of Comprehensive Income by Nature and Type on page 10 showing a net result for that year of \$-143,394
- Statement of Comprehensive Income by Program on page 12 showing a net result for that year of \$-143,394
- Statement of Cash Flows on page 15.
- Rate Setting Statement on page 16 showing an amount required to be raised from rates of \$4,116,439.
- Notes to and Forming Part of the Budget on pages 17 to 36.
- Budget schedules as detailed in Pages 39 to 178.

Transfers to/from Reserve accounts as detailed on page 30

**PART B – GENERAL AND MINIMUM RATES, INSTALMENT PAYMENT ARRANGEMENTS**

1. That Council, for the purpose of yielding the deficiency disclosed by the Municipal Fund Budget adopted at Part A above, pursuant to sections 6.32, 6.33, 6.34 and 6.35 of the *Local Government Act 1995*, and *Clause 9 of the Local Government (COVID-109 Response)* impose the following general and minimum rates on Gross Rental and Unimproved Values.

*General Rates*

Gross Rental Value (GRV)	13.2463 cents in the dollar
Rural (UV)	01.1116 cents in the dollar

*Minimum Rates*

Gross Rental Value (GRV)	\$490
Unimproved Value (UV)	\$500

2. That Council, pursuant to section 6.45 of the *Local Government Act 1995* and regulation 64 (2) of the *Local Government (Financial Management) Regulations 1996*, offers a one, two and four instalment payment option, and nominates the following due dates for payment in full or by instalments:

Full payment and first instalment due date	31 August 2020
Second half instalment due date	31 August 2020
Second quarterly instalment due date	31 August 2020
Third quarterly instalment due date	4 January 2021
Fourth quarterly & final instalment due date	4 March 2021

3. That Council, pursuant to section 6.45 of the *Local Government Act 1995* and regulation 67, of the *Local Government (Financial Management) Regulations 1996*, adopts an instalment administration charge where the owner has elected to pay rates (and service charges) through an instalment option of \$11 for each instalment after the initial instalment is paid.

4. That Council, pursuant to section 6.45 of the *Local Government Act 1995* and Clause 13 regulation 8 of the *Local Government (COVID-19 Response) Ministerial Order 2020* gazetted 8 May 2020 adopts an interest rate of 3.0% where the owner has elected to pay rates and service charges through an instalment option.
5. That Council, adopt by absolute majority in accordance with section 6.13 of the *Local Government Act 1995* and clause 8 of the *Local Government (COVID-19 Response) Ministerial Order 2020* gazetted 8 May 2020 a rate of interest of 8% applicable to any amount owing (other than rates or service charges) with interest calculated from the due date, which is 35 days from the date of issue shown on the account for payment, subject to:
  - This interest rate cannot be applied to a person who is considered by the Shire of Lake Grace to be suffering financial hardship as a consequence of COVID – 19 Pandemic

#### **PART C – GENERAL FEES AND CHARGES FOR 2019/2020**

That Council, pursuant to section 6.16 of the *Local Government Act 1995*, adopts the fees and charges included on pages 181 to 193 inclusive of the Draft 2020/2021 Budget included as attached to this agenda.

#### **PART D – OTHER STATUTORY FEES FOR 2019/2020**

1. That Council, pursuant to Part 7 *Local Government Planning Charges Planning and Development Regulations 2009* adopts the Fees and Charges for Planning Services within the Shire of Lake Grace as included at pages 159 to 193 of the Draft 2020/2021 Budget included as attached to this agenda.
2. That Council, pursuant to section 53 of the *Cemeteries Act 1986* adopts the Fees and Charges for Cemeteries within the Shire of Lake Grace as included at page 188 of the draft 2019/2020 budget included as attached to this agenda.

That Council, pursuant to section 245A(8) of the *Local Government (Miscellaneous Provision) Act 1960* adopts the swimming pool inspection fee included at page 190 of the Draft 2020/2021 Budget included as attached to this agenda.

3. That Council, pursuant to section 67 of the *Waste Avoidance and Resources Recovery Act 2007*, adopt the charges for the removal and deposit of domestic and commercial waste as included at page 186 of the Draft 2020/2021 Budget included as attached to this agenda.

#### **PART E – ELECTED MEMBERS FEES AND ALLOWANCES FOR 2019/2020**

That Council, pursuant to section 5.98(1)(b) of the *Local Government Act 1995* and within the range determined by the Salaries and Allowances Tribunal, adopt the following annual attendance fees for elected members:

- President's Allowance - \$20,063.00
- Deputy President's Allowance - \$ 5,015.75

### Meeting attendance Fees

- President \$8,000.00
- Elected Members \$4,000.00

Information and Technology Allowance of \$2,000.00 to each elected member.

### Recommendation/Resolution

That Council adopt the 2020/2021 Shire of Lake Grace Budget and Fees and Charges pursuant to Local Government Act 1995.

### Voting Requirements

Absolute Majority required.

**10.0 CONFIDENTIAL ITEMS – AS PER LOCAL GOVERNMENT ACT S5.23 (2)**

Nil

**11.0 CLOSURE**

There being no further business, the Shire President closed the meeting at \_\_\_\_ pm.