Shire of Lake Grace

Ordinary Council Meeting

MINUTES

17 June 2020
Meeting Commencing at 1.30 pm

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SHIRE OF LAKE GRACE

Minutes of the Ordinary Meeting of Council held at Council Chambers, 1 Bishop Street, Lake Grace, WA on Wednesday 17 June 2020.

1.0 DECLARATION OF OPENING ANNOUNCEMENT OF VISITORS

The Shire President opened the meeting at 1:35 pm.

1.1 CONSTITUTIONAL MATTERS

Nil

2.0 DISCLAIMER READING

A recording of the disclaimer is to be played aloud.

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.

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

#### 3.1 PRESENT

<table>
<thead>
<tr>
<th>Name</th>
<th>Position</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cr LW Armstrong</td>
<td>Shire President</td>
</tr>
<tr>
<td>Cr R Chappell</td>
<td>Deputy Shire President</td>
</tr>
<tr>
<td>Cr DS Clarke</td>
<td></td>
</tr>
<tr>
<td>Cr RA Lloyd</td>
<td></td>
</tr>
<tr>
<td>Cr AD Marshall</td>
<td></td>
</tr>
<tr>
<td>Cr HL Steicke</td>
<td></td>
</tr>
<tr>
<td>Cr P Stoffberg</td>
<td></td>
</tr>
</tbody>
</table>

In Attendance

<table>
<thead>
<tr>
<th>Name</th>
<th>Position</th>
</tr>
</thead>
<tbody>
<tr>
<td>Mr A George</td>
<td>Acting Chief Executive Officer</td>
</tr>
<tr>
<td>Mr C Elefsen</td>
<td>Manager Infrastructure Services</td>
</tr>
<tr>
<td>Mr Kevin Wilson</td>
<td>Manager Corporate Services</td>
</tr>
</tbody>
</table>

Observers/Visitors

- Mr Rusty Lee – Newdegate
- Mr Hugh Roberts – Lake King
- Mr Wally Newman - Newdegate

#### 3.2 APOLOGIES

Nil

#### 3.3 LEAVE OF ABSENCE PREVIOUSLY GRANTED

Nil

#### 4.0 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil

#### 5.0 PUBLIC QUESTION TIME

Nil

#### 6.0 PETITIONS/DEPUTATIONS/PRESENTATIONS

Presentation was made by Mr Rusty Lee regarding Item No. 14.4.4 – Specified Area Rates – Legal Opinion. Accordingly, there were two Specified Area Rates (SARS) developed in the Local Government Act.

1. Local Government Act 1995 saw a major escalation in capital works in local government works which put pressure on rates and discretionary budgets in most local governments. The Shire of Lake Grace Policy 3.3 – Specified Area Rating (December 2018) was formed...
several years ago; the communities were consulted for SARS to become a policy in 1999. The outcome of the capital expenditure was determined by the people through the introduction of Policy 3.3. The Shire of Lake Grace appointed Moore Stephens in 2019 to assess SARS in conjunction with the accounting systems, and the administration recommended for its removal because it is no longer relevant. Initial investigation from Moore Stephens said that SAR was non-compliant or illegal, and at that time, Council did not seek legal opinion or investigated its validity. There was no public consultation to remove SARS from the communities and the administration initiated to seek legal advice to determine its legality.

2. SARS gave all the communities within the Shire of Lake Grace self-determination and unity by allowing each community to decide on their own needs under the Policy 3.3. It served the four communities for the past 20 years and was not broken. It also prevented community infrastructure being built in one locality that would have minimal benefit or use to the other communities funded from the general rates.

3. There is a need to have a moratorium on capital expenditure normally covered by SARS until the legal opinion and revised SARS policy is implemented.

There was no further discussion on the matter after the presentation.

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 14.6.2, his wife Cheryl Chappell is the author of the report.

Cr Ross Chappell declared a Disclosure of Interest Affecting Impartiality on Item 14.4.2, as he puts the crop in.

8.0 APPLICATIONS FOR LEAVE OF ABSENCE

- Cr Debrah Clark applied for Leave of Absence from 20 July 2020 to 10 August 2020.
- Cr Ross Chappell applied for Leave of Absence from 20 July 2020 to 14 August 2020
- Cr Allan Marshall applied for Leave of Absence from 18 June 2020 to 26 June 2020
All applications were received and acknowledged by the Council.

9.0 ANNOUNCEMENTS BY THE PRESIDING MEMBER WITHOUT DISCUSSION

Nil

10.0 CONFIRMATION OF MINUTES

10.1 ORDINARY MEETING – 20 MAY 2020

RESOLUTION 13249

Moved Cr Stoffberg
Seconded Cr Steicke

That the Minutes of the Ordinary Council Meeting held on 20 May 2020 be confirmed as a true and accurate record.

CARRIED: 7/0

10.2 SPECIAL MEETING

Nil

10.3 ANNUAL MEETING OF ELECTORS

Nil

11.0 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

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

Nil

13.0 REPORTS OF COMMITTEES

13.1 LAKE GRACE LIBRARY RESOURCE & COMMUNITY RESOURCE CENTRE MANAGEMENT COMMITTEE – 19 MAY 2020
RESOLUTION 13250

Moved Cr Marshall
Seconded Cr Clarke

That the Minutes of the Lake Grace Library Resource & Community Resource Centre Management meeting held on 19 May 2020 be confirmed as a true and accurate record.

CARRIED: 7/0

13.2 LOCAL EMERGENCY MANAGEMENT COMMITTEE – 26 MAY 2020

RESOLUTION 13251

Moved Cr Chappell
Seconded Cr Clarke

That the Minutes of the Local Emergency Management Committee meeting held on 26 May 2020 be confirmed as a true and accurate record.

CARRIED: 7/0

14.0 REPORTS OF OFFICERS

14.1 INFRASTRUCTURE SERVICES

14.1.1 UNBUDGETED EXPENDITURE – OLD DOCTOR’S SURGERY – FENCE REPLACEMENT

<table>
<thead>
<tr>
<th>Applicant:</th>
<th>Internal Report</th>
</tr>
</thead>
<tbody>
<tr>
<td>File No.</td>
<td>0075</td>
</tr>
<tr>
<td>Attachments:</td>
<td>Nil</td>
</tr>
</tbody>
</table>
| Author:    | Miss Brooke Williamson  
Development Services Administration Officer |
| Disclosure of Interest: | Nil |
| Date of Report: | 05 June 2020 |
| Senior Officer: | Mr Craig Elefsen  
Manager Infrastructure Services |
Summary

For Council to authorise the unbudgeted expenditure of $5,425.63 (GST inc.) being half of $10,851.26 to carry out the removal of asbestos fence and replace with Colorbond, allocated under Job HALLG “Lake Grace Public Hall – Building Maintenance”.

Background

Asbestos is a fibrous mineral that was widely used in the manufacture of building materials and other products. In Australia, the use of asbestos was phased out in the manufacture of building products through the 1980’s and completely banned in 2003. All forms of asbestos are potentially dangerous, but friable forms are of greater concern because asbestos fibres are more readily released by disturbance.

The Shire of Lake Grace shares this specific fence with Mr & Mrs Stubberfield, whom have requested the removal and disposal of an old asbestos fence between 37 & 39 Bennett Street. This fence has deteriorated and cracks have started to appear, prompting the request for its removal & disposal. Mrs Stubberfield has independently sourced a local fence contractor to install a 53m x 1.8m Colorbond fence with materials supplied by a local hardware store.

Comment

According to the Dividing Fencing Act 1961 Part 1.4, the Crown is not bound by the Act, which includes the sharing of costs, unless an agreement is in place. Despite that, the Shire will in good faith cover half the costs with the residents of 37 Bennett Street for a new Colorbond fence, located between 37 & 39 Bennett Street, Lake Grace. To that end, four quotes have been retrieved. Two for asbestos removal and disposal, one for the installation of new Colorbond fencing and one for materials. Mrs Stubberfield had retrieved quotes presented below as Supplier 3 and Supplier 4, whereas Suppliers 1 and 2 have been sourced by the Shire.

<table>
<thead>
<tr>
<th>Quote</th>
<th>Works Scope</th>
<th>Price (GST inc.)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Supplier 1</td>
<td>Remove and dispose of asbestos fence</td>
<td>$2,972.64</td>
</tr>
<tr>
<td>Supplier 2</td>
<td>Remove and dispose of asbestos fence</td>
<td>$6,204.00</td>
</tr>
<tr>
<td>Supplier 3</td>
<td>Installation labour and plant hire</td>
<td>$5,061.82</td>
</tr>
<tr>
<td>Supplier 4</td>
<td>Supply of fencing materials</td>
<td>$2,817.80</td>
</tr>
</tbody>
</table>

It is recommended to use Supplier 1, Supplier 3 and Supplier 4 to complete these works.

Legal Implications

Local Government Act 1995

6.8. Expenditure from municipal fund not included in annual budget

(1) A local government is not to incur expenditure from its municipal fund for an additional purpose except where the expenditure —

(a) is incurred in a financial year before the adoption of the annual budget by the local government; or

(b) is authorised in advance by resolution*; or

(c) is authorised in advance by the mayor or president in an emergency.

* Absolute majority required.
(1a) In subsection (1) —

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

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

(a) pursuant to subsection (1)(a), it is to be included in the annual budget for that financial year; and

(b) pursuant to subsection (1)(c), it is to be reported to the next ordinary meeting of the council.

*Dividing Fences Act 1961*

**Part I**

4. Crown not bound by Act —

(a) This Act does not bind the Crown.

6. Act not to interfere with agreements —

(a) Nothing in this Act affects any covenant, contract or agreement made between landlord and tenant or between the owners of adjoining lands, or between any other persons relative to the cost of erecting or repairing dividing fences

**Policy Implications**

**Policy 3.7 **Purchasing Policy

<table>
<thead>
<tr>
<th>Purchase Value Threshold (excluding GST)</th>
<th>Purchasing Requirement</th>
</tr>
</thead>
<tbody>
<tr>
<td>Up to $4,999</td>
<td>Direct purchase from suppliers not requiring any written quotations, although as best practice, two verbal quotes should be obtained in most instances, and evidence of quote provided at requisition stage. A quote from a local supplier must be retrieved if possible.</td>
</tr>
<tr>
<td>$5,000 to $19,999</td>
<td>Two (2) written quotations to be obtained and documented by responsible officer, and evidence of quotes provided at requisition stage.</td>
</tr>
<tr>
<td>$20,000 to $250,000</td>
<td>Obtain at least three written quotations containing price and specification of goods and services (with procurement decision based on all value for money considerations), with pre-determined written assessment criteria in addition to price, and formal quote process. Evidence of quotes to be provided at requisition stage. Obtain at least three (3) written quotations from suppliers with written specifications.</td>
</tr>
<tr>
<td>Over $250,000</td>
<td>Where the purchasing requirement is not suitable to be met through a panel of pre-qualified suppliers, or any other tender-exempt arrangement as listed under this Policy, conduct a public Request for Tender process in accordance with Part 4 of the <em>Local Government (Functions and General) Regulations 1996</em>, this policy and the Shire’s tender procedures. The procurement decision is to be based on pre-determined evaluation criteria that assesses all value for money considerations in accordance with the definition stated within this Policy. Note: The WALGA Preferred Supply Program does qualify for compliance under the <em>Local Government (Functions and General)</em> Regulations 1996.</td>
</tr>
</tbody>
</table>
Consultation

Internal: Jason Lip, Technical Officer

External: Mrs Devon Stubberfield, Ratepayer

Financial Implications

Expenses will be charged to Job HALLG “Lake Grace Public Hall – Building Maintenance” which currently has $5,086.36 GST exc. ($5,595.00 GST inc.) left out of a Budget of $17,371.00 GST exc. After payment of work, there will be a leftover of $169.37 (GST inc)

The Suppliers will be asked to issue an invoice for 50% of the works to us, and an invoice for 50% of the works to Mrs. Stubberfield.

Strategic Implications

*Shire of Lake Grace Strategic Community Plan 2017-2027*

Environment Objective – Protect and enhance our natural and built environment.

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

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

Outcome 4.1 A strategically focused, unified Council functioning efficiently

4.1.2 Promote and advocate for the community and district

4.1.3 Provide strategic leadership and governance

**RESOLUTION 13252**

Moved Cr Chappell
Seconded Cr Lloyd

That Council agree to share the costings for the removal and disposal of an asbestos fence and the erection of a new Colorbond fence bordering Lake Grace Town Hall and 37 Bennet Street.

CARRIED: 7/0

**Voting Requirements**

Absolute majority required.
14.2 PLANNING

14.2.1 AMENDMENT TO CONDITIONS OF APPROVAL – PROPOSED EXTENSION TO PLANNING APPROVAL FOR CBH TEMPORARY EMERGENCY GRAIN STORAGE BULKHEADS, LOT 521 (PORTION OF RESERVE 29080) NEWDEGATE ROAD, NEWDEGATE – PREVIOUSLY APPROVED

<table>
<thead>
<tr>
<th>Applicant:</th>
<th>Internal Report</th>
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</thead>
<tbody>
<tr>
<td>File No.</td>
<td>0365</td>
</tr>
<tr>
<td>Attachments:</td>
<td>Resolution No. 13213 – Ordinary Council Meeting – 18 March 2020 (Attachment - Item 14.2.1)</td>
</tr>
<tr>
<td>Author:</td>
<td>Mr Alan George Acting Chief Executive officer</td>
</tr>
<tr>
<td>Disclosure of Interest:</td>
<td>Nil</td>
</tr>
<tr>
<td>Date of Report:</td>
<td>04 June 2020</td>
</tr>
<tr>
<td>Senior Officer:</td>
<td>Mr Alan George Acting Chief Executive Officer</td>
</tr>
</tbody>
</table>

Summary

At the Ordinary Council Meeting held on 18 March 2020, Council resolved to extend the approval for CBH to use portion of Reserve 29080 being Lot 521 Lake Grace-Newdegate Road for temporary emergency grain handling and storage purposes to March 2027.

There were 13 conditions and 2 advice notes attached to the approval. It has been brought to Administration’s attention that condition 7 provides conflicting information when read in conjunction with condition 8.

Background

CBH original sought an extension of its existing licence to use portion of Reserve 29080 for temporary grain handling and storage until 2032 whilst it was undertaking expansion of its town site facilities. This request was refused at the August 2019 Ordinary Council Meeting. It was then requested again at the March 2020 Ordinary Council Meeting where Council revisited the request and approved an extension of the licence for 5 years which will now expire in March 2027.

As mentioned above, there were 13 conditions attached to the approval; however, there was clarification sought regarding condition 7 which states:

7. **CBH may not utilise the Newdegate Field Day site for grain receivals in any harvest period after March 2027 prior to the Town site expansion being completed CBH may**
only utilise the field day site after March 2027 prior to the Town site expansion being completed.

8. CBH may only utilise the field day site after March 2027 as an ‘Overflow’ option in years where the Town site will reach its expected storage capacity. CBH must give written notice to the Shire when the relevant harvest period will be an ‘Overflow’ year.

As can be seen, Condition 7 in the first instance states that CBH may NOT utilise the site after March 2027 prior to the Town site expansion being completed, it then follows to say that they MAY only utilise the site after March 2027 prior to the Town site expansion being completed.

Condition 8 then states that CBH can only use the site after 2027 as an overflow in years where the Town site will reach its expected storage capacity subject to CBH giving written notification.

Comment

Clarification has been sought by CBH regarding Condition 7 and the conflicting information.

Mr Azhar Awang, Town Planning Consultant (Shire of Narrogin), has been consulted being the author of the original item and has advised that Condition 7 is a part duplication of Condition 8 and therefore, has recommended that Conditions 7 & 8 be combined to read as follows:

7. CBH may not utilise the Newdegate Field Day site for grain receivals in any harvest period after March 2027 prior to the Town site receival expansion being completed. CBH may only utilise the Newdegate Field Day site after March 2027 as an ‘Overflow’ option in years where the Town site will reach its expected storage capacity. CBH must give written notice to the Shire when the relevant harvest period will be an ‘Overflow’ year.

This was the original intent of the conditions and therefore, the amended Condition 7 clarifies the confusion.

Legal Implications

Planning and Development Act 2005
Planning and Development (Local Planning Schemes) Regulations 2015
Shire of Lake Grace Local Planning Scheme No.4

Policy Implications

Nil

Consultation

Mr Azhar Awang Town Planning Consultant (Shire of Narrogin)

Financial Implications

Nil
Strategic Implications

Shire of Lake Grace Strategic Community Plan 2017-2027
Economic Objective – A prosperous agricultural based economy, supporting diversification of industry

Outcomes 1.1 An innovative, productive agriculture industry
   1.1.3 Support and promote the agricultural productivity of the district

Outcomes 1.2 A diverse and prosperous economy
   1.2.2 Support local business and promote further investment

Recommendation/Resolution

RESOLUTION13253

Moved Cr Steicke
Seconded Cr Chappell

That Council approve the amendments to Conditions 7 & 8 of Resolution 13213 from the Ordinary Council Meeting held on 18 March 2020 with Conditions 7 & 8 to be combined and now to read:

7. **CBH may not utilise the Newdegate Field Day site for grain receivals in any harvest period after March 2027 prior to the Town site receival expansion being completed. CBH may only utilise the Newdegate Field Day site after March 2027 as an ‘Overflow’ option in years where the Town site will reach its expected storage capacity. CBH must give written notice to the Shire when the relevant harvest period will be an ‘Overflow’ year.**

Condition 9 now to becomes Condition 8, Condition 10 now to becomes Condition 9, Condition 11 now to becomes Condition 10, and Condition 12 now becomes Condition 11.

CARRIED: 7/0

Voting Requirements

Absolute majority required.
**14.3 HEALTH AND BUILDING**

Nil

**14.4 ADMINISTRATION**

### 14.4.1 2020 Shire of Lake Grace Extraordinary Elections

<table>
<thead>
<tr>
<th>Applicant:</th>
<th>Internal Report</th>
</tr>
</thead>
<tbody>
<tr>
<td>File No.</td>
<td>0229</td>
</tr>
<tr>
<td>Author:</td>
<td><strong>RRRose</strong></td>
</tr>
<tr>
<td></td>
<td>Mrs Racelis Rose</td>
</tr>
<tr>
<td></td>
<td>Executive Assistant</td>
</tr>
<tr>
<td>Disclosure of Interest:</td>
<td>Nil</td>
</tr>
<tr>
<td>Date of Report:</td>
<td>27 May 2020</td>
</tr>
<tr>
<td>Senior Officer:</td>
<td><strong>[Signature]</strong></td>
</tr>
<tr>
<td></td>
<td>Mr Alan George</td>
</tr>
<tr>
<td></td>
<td>Acting Chief Executive Officer</td>
</tr>
</tbody>
</table>

**Summary**

At the Ordinary Council meeting on Wednesday 20 May 2020, the Acting Chief Executive Officer received resignations as Councillors from Jeanette De Landgraft and Murray Stanton. This leaves the Shire of Lake Grace with two (2) vacant positions for Councillors. To replace these Councillors, the Shire, with the assistance from the WA Electoral Commission (WAEC) will conduct an extraordinary election within 80 days from Council Resolution.

**Background**

Due to the resignation of Cr Jeanette De Landgraft and Cr Murray Stanton, there are two (2) Councilor vacancies for the Shire of Lake Grace. The WA Electoral Commission and the Shire of Lake Grace will be conducting an extraordinary election on 11 September 2020 to replace two (2) Councillors. An Election Timetable was received from WAEC (Attachment Item 14.4.1) forms part of this report.

**Legal Implications**

Nil

**Policy Implications**

Nil
Consultation

Western Australia Electoral Commission

(Reference LGE 028 dated 25 May 2020 – Attachment Item 14.1.1)

Financial Implications

As per the WA Electoral Commission’s letter LGE 028 dated 25 May 2020 Reference LGE 028 dated 25 May 2020), the cost for the extraordinary election if conducted as a postal ballot is $12,000 including GST which was based on the following assumptions:

- 920 electors
- Response rate of approximately 50%
- Count to be conducted at the offices of the Shire of Lake Grace
- Appointment of a local Returning Officer

Costs not included in the estimate are:

- Non-statutory advertising (ie any additional advertisements in community newspapers and promotional advertising)
- Any legal expenses other than those that are determined to be borne by the Western Australian Electoral Commission in a Court of Disputed Returns
- One local government staff member to work in the polling place on election day

Please note that the Shire of Lake Grace has an Election Expense account E041040 in the amount of $15,000 which is included in the 2020-2021 Annual Budget.

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

4.2.2 Comply with statutory and legislative requirements
**RESOLUTION 13254**

Moved Cr Chappell  
Seconded Cr Lloyd

That Council:

- Declare in accordance with section 4.20(4) of the Local Government Act 1995, the Electoral Commissioner to be responsible for the conduct of the local government extraordinary election together with any other elections or polls which may be required;
- Decide in accordance with section 4.61(2) of the Local Government Act 1995 that the method of conducting the election will be as a postal election.

**CARRIED: 7/0**

**Voting Requirements**

Absolute majority required.

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### 14.4.2 CROPPING LEASE OF LOTS 12 AND LOT 101 LAKE GRACE PROPOSED INDUSTRIAL LAND

<table>
<thead>
<tr>
<th>Applicant:</th>
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<tbody>
<tr>
<td>File No.</td>
<td></td>
</tr>
<tr>
<td><strong>Attachments:</strong></td>
<td></td>
</tr>
</tbody>
</table>
| - Letter from the Lake Grace Community Crop Group  
| - Crop Lease Agreement  
| *(Attachment 14.4.2)* |
| **Author:** |                 |
| Alan George  
| Acting Chief Executive Officer |
| **Disclosure of Interest:** | Nil |
| **Date of Report:** | 5 June 2020 |
| **Senior Officer:** |                 |
| Alan George  
| Acting Chief Executive Officer |

**Summary**

The Shire of Lake Grace administration received a request from the Lake Grace Community Cropping Group seeking permission to lease the farmland being Lot 12 on Plan 57312 and Lot...
101 on Plan 27172 Lake Grace which the Shire recently purchased for development as industrial land.

Due to the window of time for the commencement of cropping, Council approval was sought for the lease of the land to be confirmed at the 17 June 2020 Ordinary Council meeting.

Three (3) email approvals and four (4) telephone approvals were received.

Background

The Shire purchased Lots 12 and 101 Lake Grace in April 2020 for development of future industrial blocks. A Planning Consultant has been engaged to commence the rezoning process. Advice received is that it will take 12 to 15 months to complete with subdivision approval and development taking another 12 months or so after that.

Comment

The Lake Grace Community Crop Group has requested to lease the land from the Shire for the purpose of cropping this year. Conditions of the lease to include the control of weeds including post-harvest summer weeds, maintenance of firebreaks and maintenance of tracks and access points in line with normal farming practices. Given that the development will take some time to complete, it is also to include permission to graze off the land post-harvest. There may be the opportunity to lease it for a further season depending on the progress of the land development.

A further condition of the lease will be that the Shire maintains access rights for any investigations and survey works required to progress the proposed rezoning and subdivision development.

The land comprises 50.1614 hectares of which 49 hectares are arable. The lease price is $75.00 per hectare of arable land with post-harvest payment.

By leasing out the land which otherwise would have lain vacant, the Shire of Lake Grace will not be responsible for the control of weeds or firebreaks maintenance. This will not only reduce the cost to the Shire but will also provide a local community group the opportunity to increase its financial situation which ultimately is spread throughout the local community.

A basic cropping lease agreement has been prepared and is attached to this report.

Legal Implications

Nil

Policy Implications

Nil

Consultation

Internal: All Shire of Lake Grace Councillors
External Lake Grace Community Cropping Group

Financial Implications

The proceeds from the lease will be $75.00 per hectare and is based on 49 hectare arable income which will be $3,675.00.

The Lake Grace Community Cropping Group will be liable for post-harvest weed control and firebreak maintenance which the Shire would be otherwise liable.

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

RESOLUTION 13255

Moved Cr Stoffberg
Seconded Cr Clarke

That Council:

1. Confirms approval of the lease of Lot 12 on Plan 57312 and Lot 101 on Plan 27172 Lake Grace to the Lake Grace Community Cropping Group for the purpose of cropping for the 2020 season with the option to extend for a further season pending the progress of the industrial land development.

2. Approves the cropping lease document and authorises the Acting Chief Executive Officer to execute it on the Shires behalf

CARRIED: 7/0

Voting Requirements

Simple majority required.
**Summary**

For Council to consider the adoption of the following:

1. The Shire of Lake Grace Bullying & Harassment Policy; and
2. The Shire of Lake Grace Grievance Handling Policy & Procedure

**Background**

At the Ordinary Council meeting of 20 May 2020, Resolution 13241 which states:

**RESOLUTION 13241**

Moved Cr Chappell  
Seconded Cr Steicke

That Council adopts the following policies and procedure:

1. Bullying and Harassment Policy  
2. Grievance Handling Policy and Procedure

*CARRIED: Not Voted*

*Carried to the next Ordinary Council Meeting of 17 June 2020*

In view of the discussions regarding Standing Order No. 7 of the Shire of Lake Grace Standing Orders Local Law 2015 – Part 8 – Conduct of Persons at Council and Committee Meetings, 8.7
Protection of Employees, it was agreed to review the Code of Conduct, Bullying & Harassment Policy and the Grievance Handling Policy and Procedure.

In reference to the conduct of staff/employees, it is explicitly written on every letter of engagement, regardless of their work status e.g., full time/part time/casual, it is expected that all employees will comply with Shire Policies and Procedures in accordance with the Local Government Act 1995 and the Shire’s Code of Conduct, Policies and Procedures incorporating any statutory obligations arising under any other written law. All relevant documentations regarding such policies and procedures will be brought to the attention of the employee by their direct supervisor/manager. If there are any concerns regarding compliance of such policies and procedures, the staff/employee will discuss the matter with the supervisor/manager at the earliest possible opportunity. In light of the current review of Local Government Legislation Amendment Act 2019 (LGLAA), the Shire of Lake Grace Code of Conduct will also be reviewed as soon as practicable to align and comply with LGLAA.

The Code of Conduct for Elected Members and Members of Council Committees provides a guide and a basis of expectations for elected members and Committee members to adhere to. It encourages commitment to ethical and professional behaviour and outlines principles in which individual and collective local government responsibilities are based. The Code of Conduct for elected members and members of Council Committees were based on the following:

- Local Government Act 1995
- Local Government (Rules of Conduct) Regulations 2007
- Local Government (Administration) Regulations

The Bullying & Harassment Policy (attached) outlines the processes that an employee must follow should a grievance against a direct supervisor/manager occurs. Included in this policy is the Shire of Lake Grace Standing Orders Local Law 2015 – Part 8 – Conduct of Persons at Council and Committee Meetings, Item 8.7 – Protection of Employees (2)(a) which states (a) If the complaint is about the CEO, direct and signed written complaint to the President who is to refer the complaint to the Committee deemed most appropriate by the President to investigate and report upon the matter;

The Shire of Lake Grace has a Bullying and Harassment Policy which has been prepared with reference to the following Acts and regulations:

- Occupational Safety and Health Act 1984, revised 2005
- Occupational Safety and Health Regulations, 1996 revised 2005
- Fair Work Act 2009 (Cth)
- Sex Discrimination Act 1984 (Cth)
- Disability Discrimination Act 1992 (Cth)
- Age Discrimination Act 2004 (Cth)
- Australian Human Rights Commission Act 1986 (Cth)
Legal Implications

The Shire of Lake Grace is bounded by the Local Government Act 1995 and numerous Acts enumerated above.

Policy Implications

Aside from the Code of Conduct policy which requires a review to align with the changes in the Local Government Legislation Amendment Act 2019 (LGLAA), the Shire of Lake Grace policies are current and comply with legal requirements. However, the Shire's Occupational Safety and Health Policy require some modification and currently under discussions with relevant managers and employee representatives. As soon as the changes are outlined, a report will be presented to the Council for adoption.

Consultation

Internal Mr Alan George, Acting Chief Executive Officer

Financial Implications

The review of the Shire of Lake Grace’s Occupational Safety and Health Policy is required and the cost of this review will be included in the 2020/2021 budget.

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 Provide a positive and safe workplace
  4.2.2 Comply with statutory and legislative requirements

RESOLUTION 13256

Moved Cr Chappell
Seconded Cr Clarke

That Council adopt the following:

1. The Shire of Lake Grace Bullying & Harassment Policy; and
2. The Shire of Lake Grace Grievance Handling Policy & Procedure

CARRIED: 7/0
Voting Requirements

Simple majority required.

14.4.4 SPECIFIED AREA RATES – LEGAL OPINION

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<td>Nil</td>
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<tr>
<td>Attachments:</td>
<td>Response from McLeod’s Barristers and Solicitors (Attachment 14.4.4)</td>
</tr>
<tr>
<td>Author:</td>
<td>Mr Alan George</td>
</tr>
<tr>
<td></td>
<td>Acting Chief Executive Officer</td>
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<tr>
<td>Disclosure of Interest:</td>
<td>Nil</td>
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<tr>
<td>Date of Report:</td>
<td>8 June 2020</td>
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<tr>
<td>Senior Officer:</td>
<td>Mr Alan George</td>
</tr>
<tr>
<td></td>
<td>Acting Chief Executive Officer</td>
</tr>
</tbody>
</table>

Summary

Council to receive the legal advice from McLeods Barrister and Solicitors regarding Specified Area Rates (SARS) applied to the locations of Lake Grace, Lake King, Newdegate and Varley.

Background

(From the October 2019 Ordinary council Meeting)

During the 2018/19 Financial Year the Chief Executive Officer (CEO) engaged the services of Moore Stephens (WA) Pty Ltd to undertake Strategic Rate Review that had been endorsed by Council through the budget process.

During the review process, Council and Senior Management met twice with officers from Moore Stephens to workshop our rating systems and finally the outcomes of the review. From the outcome of the review, management was given a clear direction from Council on rate modelling for the preparation and finalisation of the 2019/20 Annual Budget.

The rating basis for the sport and recreation specified area rate is both the Gross Rental Values and Unimproved Values of properties located in four locations, broken down as follows:

- Varley (GRV and UV);
- Lake King (GRV and UV);
- Newdegate (GRV and UV); and
- Lake Grace (GRV and UV).
Why certain properties within the district do not pay a specified area rate is not apparent from the published budget and rates information.

The 2018-19 budget stated the purpose of the specified area rates is “Applied in full for expenses relating to Halls, Swimming Pools, Other Recreation and Sport, Libraries and Other Culture.”

Section 6.37 of the Local Government Act 1995 only allows the imposition of specified area rate for the purpose of meeting the cost of the provision by it of a specific work, service or facility. The current purpose of the specified area rate cannot be considered a specific work, service or facility, given a core function of local government is to provide facilities for the use and benefit of the public. Halls, swimming pools, libraries, cultural facilities and sporting facilities are examples of facilities which local government has a responsibility to deliver and are provided for the benefit of all residents of the district.

Given the matters discussed in relation to the sport and recreation specified area rate, future rating should not include the rate in its current form. Defending the imposition of the rate under the Act may be difficult. The Shire currently is at risk of having the rate quashed by the State Administrative Tribunal.

With the Adoption of the 2019/2020 Annual Budget, the decision was made to add the sum total of Recreation and Culture Specified Area Rates (SARS) to the General Rates levied in the 2018/2019 and levy a general rate for that same total balance for the imposition of rates for the 2019/2020 year; leaving the Lake Grace Sewerage Scheme as the only Specified Area Rate levied.

Removing the Recreation and Culture Specified Area Rates and raising the equivalent amount as a general rate or minimum rate, spread the rate burden evenly across the district. This ultimately resulted in an increase in rates for ratepayers not currently paying or paying a low specified area rate.

A Media Release was placed on the Shire website informing the community of the decision. This same media release was then placed on the Shire’s Facebook, ensuring that the media release would be seen by the community.

Since this time, there has been a group from Newdegate led by Mr Wally Newman that is challenging the decision made by the Council. Given this, a meeting was held with President De Landgrafft, Cr Hunt, Cr Stoffberg, Mr Wally Newman, Mr Ian Chamberlain, Mr Len Armstrong, Mr Hugh Roberts, Mr Royce Taylor and the CEO. Mr Russell Barnes from Moore Stephens was in attendance by telephone.

It was acknowledged by the group that nothing can be done with the rating for the 2019/2020 Financial Year, but they are requesting the return of the Recreation and Culture SARS from the 2020/21 financial year.
At this meeting, it was acknowledged by the CEO that our communication was not to the level desired given the significant change that had been made to our rating processes. Council had been involved in two workshops with Moore Stephens and had made an informed decision based on that advice received.

RESOLUTION 13117

Moved Cr Stanton
Seconded Cr Hunt

That Council authorise the Chief Executive Officer to seek legal opinion in relation to;

1. whether the Recreation and Culture Specified Area Rating as stated in the 2018-2019 Budget may be considered compliant with legislation; and

2. should the Recreation and Culture Specified Area Rating have any risk of being considered non-compliant how the purpose of the Specified Area Rate could be defined to achieve the same purpose in coming years.

CARRIED BY ABSOLUTE MAJORITY 6/0

Comment

For reasons unknown, legal opinion was not sought following Resolution 13117 following the 16 October 2019 Ordinary Council meeting.

On 22 April 2020, the Acting CEO engaged Mcleods Barrister and Solicitors to investigate the matters raised in Resolution 13117 of the OCM of 16 October 2019.

The 14 page response was received on 27 May 2020 and forwarded to the President

To summarise, the Specified Area Rate imposed in the 2018/2019 Budget does not adequately reference the "specific work, service or facility" to which it relates to as stated in section 6.37(1) of the Local Government Act 1995. Furthermore, the sport and recreation specified area rate as imposed in the 2018/2019 Budget could not be redefined so as to achieve the exact same purpose, but be compliant in the future year as it relates to a category of expense rather than specific works, services or facilities.

Having said that, McLeods goes on to say that it would be open to the Shire of Lake Grace to impose a specified area rate for a sport, recreation and cultural work, service or facility where the specified area rate was imposed for “specific work(s), service(s) or facility(s)” which provide a particular benefit to the affected ratepayers in the specified area.
There is some conflict of opinion regarding specified area rates as the group representing those who wish to have the specified area rate reimposed has correspondence in its possession from, I believe, the Local Government Minister that the imposition of the specified area rate is correct. If this is correct, it is evident that further clarification is required before specified area rates are reinstated or an alternative is found.

It is apparent that in its present form, Specified Area Rates (SARS) does not meet requirements of the Local Government Act 1995.

Legal Implications

Local Government Act 1995
S6.3(b) of the Local Government Act 1995
6.3. Budget for other circumstances
A local government is required to prepare and adopt* a budget in a form and manner similar to the annual budget with such modifications as are necessary to meet the case — (b) if, at any time after the imposition of rates in a financial year it intends to impose a supplementary general rate or specified area rate for the unexpired portion of the financial year.
* Absolute majority required.

Policy Implications

McLeods Barristers and Solicitors advised that at present the Shire of Lake Grace Policy 3.3 does not align with section 6.37(1) of the Local Government Act 1995 and recommend that the Shire amends the policy. They advised that they are able to provide assistance to develop a compliant policy.

Consultation

External: McLeods Barristers and Solicitors

Financial Implications

Unknown at present

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
  4.1.3 Provide strategic leadership and governance
Outcome 4.2 An efficient and effective organisation
  4.2.2 Comply with statutory and legislative requirements
RECOMMENDATION

That Council

1. Receives the legal advice from McLeods Barristers and Solicitors regarding the imposition of specified area rates as requested by Council.

2. That Administration requests a copy of the letter received from the Department of Local Government regarding Specified Area Rates in order to seek clarification.

3. Gives approval to Administration to seek advice and assistance from McLeods Barristers and Solicitors in amending Shire Policy 3.3 Specified Area Rating to align it with Section 6.37(1) of the Local Government Act 1995.

4. Approves the Investigation of an alternative to the imposition of Specified Area Rates.

A discussion on the SARS matter was tabled including the Amendment to the four (4) recommendations above. Cr R Lloyd put forward a fifth recommendation as follows:

5 Any capital works arising in the 2020/2021 Budget that normally would be raised by SARS is tabled until the legal determination of SARS Policy is determined.

Cr Stoffberg put forward his view that the 2020/21 budget money can be spent on several big projects by the Shire within the next 12 months and putting SARS on hold, might jeopardise these projects and delay the completion. Also, if these projects are on hold until further investigation of SARS, there is a possibility that the Shire might miss out on several grants funding that the State and Federal governments are handing out.

The Manager Corporate Services put forward his view and made a suggestion to put the money back into the Reserve Account until the SARS matter have been resolved. And once the SARS Policy has been completed, we can take the money out and spend for its purpose. Also, we have since checked and the SARS reserves balances are transferred each year to offset expenses in the areas that the reserves was set up for so in fact the balances will not be reinstated. As there were no SARS rates in 2019/2020, this transfer must happen to offset maintenance expense as in previous years leaving a nil balance for 2019/2020.
RESOLUTION 13257

Moved Cr Lloyd
Seconded Cr Steicke

That Council

1. Receives the legal advice from McLeods Barristers and Solicitors regarding the imposition of specified area rates as requested by Council.

2. That Administration requests a copy of the letter received from the Department of Local Government regarding Specified Area Rates in order to seek clarification.

3. Gives approval to Administration to seek advice and assistance from McLeods Barristers and Solicitors in amending Shire Policy 3.3 Specified Area Rating to align it with Section 6.37(1) of the Local Government Act 1995.

4. Approves the Investigation of an alternative to the imposition of Specified Area Rates.

5. Any capital works arising in the 2020/2021 Budget that normally would be raised by SARS is tabled until the legal determination of SARS Policy is determined.

VOTED: 3/4 Against

The Council would like to record the four names of the Councillors who voted against the resolution above as follows: Cr Clark, Cr Marshall, Cr Stoffberg and Cr Chappell.

After the discussion, the following Resolution was put forward:

RESOLUTION 13258

Moved Cr Stoffberg
Seconded Cr Clarke

1. Receives the legal advice from McLeods Barristers and Solicitors regarding the imposition of specified area rates as requested by Council.

2. That Administration requests a copy of the letter received from the Department of Local Government regarding Specified Area Rates in order to seek clarification.

3. Gives approval to Administration to seek advice and assistance from McLeods Barristers and Solicitors in amending Shire Policy 3.3 Specified Area Rating to align it with Section 6.37(1) of the Local Government Act 1995.

4. Approves the Investigation of an alternative to the imposition of Specified Area Rates.

CARRIED: 7/0
Voting Requirements

Absolute majority required.

Mr Rusty Lee, Mr Hugh Roberts and Mr Wally Newman left the meeting at 2:13 and did not return.

14.5 FINANCE

14.5.1 ACCOUNTS FOR PAYMENT – MAY 2020

<table>
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<th>Internal Report</th>
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<tbody>
<tr>
<td>File No.</td>
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<tr>
<td>Attachments:</td>
<td>List of Accounts Payable (Attachment 14.5.1)</td>
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</tbody>
</table>
| Author:    | Victoria Gracheva  
Finance Officer |
| Disclosure of Interest: | Nil |
| Date of Report: | 5 June 2020 |
| Senior Officer: | Alan George  
Acting Chief Executive Officer |

Summary

For Council to ratify expenditures incurred for the month of May 2020.

Background

List of payments for the month of May 2020 through the Municipal and Trust accounts are 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 May 2020 from the Municipal and Trust Account Total $796,640.96.

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

RESOLUTION 13259

Moved Cr Clark
Seconded Cr Lloyd

That Council ratify the list of payments totalling $796,640.96 as presented for the month of May 2020 incorporating:

<table>
<thead>
<tr>
<th>Payment Method</th>
<th>Cheque/EFT/DD Number</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Trust Account</td>
<td>1526</td>
<td>$1,351.57</td>
</tr>
<tr>
<td>Electronic Funds Transfers</td>
<td>EFT20898 – EFT20998</td>
<td>$754,039.85</td>
</tr>
<tr>
<td>Municipal Account</td>
<td>36856 - 36865</td>
<td>$18,809.32</td>
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<tr>
<td>Direct Debits</td>
<td>DD9004.1 – DD9032.7</td>
<td>$22,440.22</td>
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<tr>
<td><strong>TOTAL</strong></td>
<td></td>
<td><strong>796,640.96</strong></td>
</tr>
</tbody>
</table>

CARRIED: 7/0

Voting Requirements
Simple majority required.

Shire of Lake Grace

CERTIFICATE OF EXPENDITURE
May 2020

This Schedule of Accounts to be passed for payment, covering

<table>
<thead>
<tr>
<th>Payment Method</th>
<th>Cheque/EFT/DD Number</th>
<th>Amount</th>
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<tbody>
<tr>
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<td>$22,440.22</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td></td>
<td><strong>$796,640.96</strong></td>
</tr>
</tbody>
</table>

to the Municipal and Trust Accounts, totalling $796,640.96 which were submitted to each member of the Council on 17 June 2020, 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 to prices, computations, and costing’s and the amounts shown are due for payment.

Alan George
ACTING CHIEF EXECUTIVE OFFICER

14.5.2 FINANCIAL REPORTS – MAY 2020

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<th>Applicant:</th>
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<td></td>
<td>• Monthly Financial Reports</td>
</tr>
<tr>
<td></td>
<td>• Bank Reconciliations 31 May 2020 (Attachment 14.5.2)</td>
</tr>
<tr>
<td>Author:</td>
<td>Mr Kevin Wilson</td>
</tr>
<tr>
<td></td>
<td>Manager Corporate Services</td>
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<td>Disclosure of Interest:</td>
<td>Nil</td>
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<td>10 June 2020</td>
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<td>Senior Officer:</td>
<td>Mr Alan George</td>
</tr>
<tr>
<td></td>
<td>Acting Chief Executive Officer</td>
</tr>
</tbody>
</table>
Summary


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 2 months of the period end date.

Comment

As at 31 May 2020, operating revenue is exceeding target by $1,483,265 (22.3%) mainly due to an advance payment of Financial Assistance Grant of $1,506,330.

Operating expenditure is under budget by $1,457,794 (15.6%) mainly due to timing of maintenance programs, related to Employee costs and materials and contracts.

The capital program is under budget by $2,346,769, primarily 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 and 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 2020/2021 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 $54,960, the Shire has collected 98.7% of total rates which is slightly more at same time last year (98%).

General debtors is $67,468 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, comprising of Statement of Financial Activity (by Statutory Reporting Program), a summary of significant accounting policies and other explanatory notes for the period ending 31 May 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 must be complied on variances greater than the materiality threshold adopted by Council of $10,000 or 10%, whichever is greater. As of this writing, 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

RESOLUTION 13260

Moved Cr Chappell
Seconded Cr Clarke

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

CARRIED: 7/0

Voting Requirements

Simple majority required.
14.6 COMMUNITY SERVICES

14.6.1 LAKE GRACE ALL AGES PLAYGROUND

Applicant: Community Services
File No. 0829

Attachments:
- Lake Grace All Ages Playground letter to the Shire of Lake Grace dated 21 May 2020
- Playground Proposed Site
- Community Consultation Fact Sheet – February 2014 and April 2014
  (Attachment 14.6.1)

Author:
Mr Alan George
ACTING CHIEF EXECUTIVE OFFICER

Disclosure of Interest: Nil
Date of Report: 9 June 2020

Senior Officer:
Mr Alan George
ACTING CHIEF EXECUTIVE OFFICER

Summary

The Lake Grace All Ages Playground Committee is seeking the following from Council:
- Support for the development of the All Ages Playground.
- Confirmation from Council that the land requested can be used for the All Ages Playground Project
- Confirmation that Council will be responsible for future maintenance and upkeep, and
- Council assistance with grants and grant applications.

Background

The idea of an all ages playground for Lake Grace appears to have been first presented around 7 years ago. A committee was formed and investigations into preferred sites, site plans and examples of equipment were commenced. Several Fact Sheets were prepared with the first in February 2014 and the second in April 2014. Following the issue of the first Fact Sheet, 21 comments were received with 8 in favour of the old tennis court site. With other suggested sites being adjacent to the “Shed” on Stubbs Street and near the sports pavilion. Please refer to attached Fact Sheet 2. The project then faltered until recently when the proposed project was again brought up.

It would appear that the original concept for the location of the playground on the site of the old tennis courts lost its momentum due some negative feedback received.
At the 20 May 2020 Ordinary Council meeting, a presentation was made to Council and a letter has now been received from the Lake Grace All Ages Playground Committee formally requesting the points as detailed above.

Comment

The All Ages Playground Committee has requested an area of approximately 8800m² which consists of the old tennis court site and incorporating the skate park, jumping pillow and the area between the swimming pool and the skate park for the purpose of installing the all ages playground. At present, the proposed site houses the skate park and the jumping pillow. It is considered that the installation of the playground will complement the existing facilities and will enhance the currently underutilised area and present an enhanced entry statement for the western entry into town, encouraging travellers to take a break, use the facilities of the playground and businesses around town.

It is an ambitious project reliant heavily upon grant funding and Council support to succeed and thus, it will not happen overnight as the construction will need to be done over several stages.

Before any further planning can continue, Council needs first to confirm:
- Support for the development of the All Ages Playground.
- Confirmation from Council that the land requested can be used for the All Ages Playground Project
- Confirmation that Council will be responsible for future maintenance and upkeep, and
- Council assistance with grants and grant applications.

At this point, it is not possible to estimate the cost to Council for maintenance and upkeep until further into the planning stage when the nature and quality of the equipment proposed to be installed is better known. Assistance with grants and grant applications would be a given.

It is believed that in the longer term, this project could form part of a playground tourist trail linking the towns of Lake Grace, Newdegate, Lake King and others further afield such as Katanning and Wagin.

Future consideration will need to be made in the future regarding the upgrade or replacement of the existing toilet/change room block adjacent to the site.

Legal Implications

The land on which the playground is to be placed is owned by the Shire and the correct zoning is in place.

Policy Implications

Policy 3.3 of the Shire of Lake Grace Policy Manual specifically applies to Specified Area Rating which in its present form is now defunct.
Council attention is brought to point d) with regard to the necessity to carry out public consultation. Whilst this may be considered necessary, in the future, the Council support for the project and the allocation of the land is considered to be the priority in moving the project forward.

POLICY 3.3 Specified Area Rating

**POLICY** That Specified Area Rates be levied for:

- a) Expenditure incurred with the operation and maintenance of the Lake Grace Sewerage Scheme in the specified area of the Lake Grace townsite.

- b) Defined specified areas of the Shire namely Lake Grace, Newdegate, Lake King and Varley to yield sufficient funds to equal the **operating expenditures** for the specified area as budgeted for the sub programme (Function 11) as classified in the Financial Management Regulations as:
  - Public Halls and Civic Centres
  - Swimming Areas and Beaches
  - Other Recreation and Sport
  - Libraries
  - Other Culture

- c) Finance the borrowings for the construction of the Lake Grace and Newdegate Resource Centres in each Specified Area.

- d) All Council capital contributions to recreational and cultural activities. Where Council’s contribution to a project under the specified area rate exceeds $50,000.00, the project is to be first approved by way of a community survey being a postal vote of ratepayers within the prescribed area.

- e) In a community survey (being a postal vote of ratepayers within a prescribed area) each ratepayer has one vote. In the case of multiple owners of a property a maximum of two votes applies and in the case of companies as landowners, two nominees have one vote each.

- f) *For a community survey to be successful, greater than 50% of the eligible voters are to participate and more than 50% of returned votes are to be in favour of the proposal.*

- g) Where a project is proposed and managed by a community based organisation the cost of a community survey is to be borne by the applicant organisation.

**OBJECTIVES** To ensure that Specified Area Rates are levied so that each locality and/or specified area is responsible for the net costs of an activity such as provision of a sewerage treatment facility and those activities as outlined in *Function 11 Recreation and Culture* within that locality and/or specified area.

To provide the opportunity for community consultation (being a postal vote of ratepayers within a prescribed area) in relation to the provision of recreational and cultural facilities and infrastructure development.

Consultation

External: Lake Grace All Ages Playgroup Committee
            Glenn Mars – Recreation Consultant, Playground Centre

Financial Implications

There is no funding in the current budget to get this project underway.

The Committee has sought funding in the 2020/2021 budget of $110,000 to cover initial costs in appointing a project manager and commencing Stage 1 of the project. The funding source being from the Local Road and Community Infrastructure Program recently announced.

Further funding would need to be sourced through grant opportunities.

Strategic Implications

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

Social Objective A valued, healthy and inclusive community and life style
Outcome 2.2 A healthy and safe community
  2.2.1 Maintain and enhance sport and recreation facilities
  2.2.2 Provide and advocate for medical and health services

RESOLUTION 13261

Moved Cr Clarke
Seconded Cr Marshall

That Council

• Confirms support for the development of the All Ages Playground.
• Confirms that the site requested can be used for the All Ages Playground Project
• Confirms that assistance with grant applications and funding sources will be provided.

CARRIED: 7/0
14.6.2 REQUEST SUPPORT FOR THE CRSFF APPLICATION ENDORSEMENT AND PRIORITISATION – RESURFACING OF MULTI-PURPOSE LAKE GRACE NETBALL/BASKETBALL COURTS INCLUDING FUNDING FROM THE SHIRE BUDGET.

<table>
<thead>
<tr>
<th>Applicant:</th>
<th>Shire of Lake Grace</th>
</tr>
</thead>
<tbody>
<tr>
<td>File No.</td>
<td>0286</td>
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</table>
| Attachments:     | 1. Letter of request to resurface courts  
                   2. Ongerup Netball Association Secretary  
                   3. Netball WA  
                   4. Quote – West Coast Synthetic Surfaces  
                   5. Centre court Renovations  
                   (Attachment 14.6.2) |
| Author:          | Mrs Cheryl Chappell  
                   Community Services Officer |
| Disclosure of Interest: | Nil               |
| Date of Report:  | 10 June 2020        |
| Senior Officer:  | Mr Alan George      
                   ACTING CHIEF EXECUTIVE OFFICER |

Summary

The purpose of this report is for Council to endorse an application under the Department of Sport and Recreation (DSR), Community Sport and Recreation Facilities Fund (CSRFF) small grants round to resurfacing of multi-purpose Lake Grace Netball / Basketball courts.

In order to meet the DSR grant requirements, the local government authority is required to assess all relevant applications and to rank applications in priority order for their municipality.

Background

In May 2020, the Shire received an emailed written request from the Lake Grace Pingrup Netball club (attached) regarding the Lake Grace courts being dangerous to play on and the possibility of re-surfacing prior to the 2021 winter sports season.
The goal of the Lake Grace Sporting Precinct upgrade was to connect all sporting groups socially, the netball/basketball courts were relocated 2007 to the pavilion.

When the courts were laid, there were a few large trees in the vicinity and over time there was a detrition of the courts with lumps and cracks appearing from the infiltration from tree roots. The trees were subsequently removed, however, the damage was done and the cracks have enlarged.

In March 2020, Ongerup Netball Association Secretary contacted Netball WA regarding the conditions of the Lake Grace courts (attached).

In May 2020, Lake Grace Pingrup Netball Club received a letter of support to resurface the courts from Netball WA. (Attached).

Comment

The resurfacing of courts fit in to the DSR Small Grants guidelines and the funding application is dependent on a one third financial contribution from Lake Grace Netball Club and the inclusion of $13,333.33 in the 2020/21 budget for the Shire’s one third of the project.

The Lake Grace Pingrup Netball Club are aware of the Shire’s one third portion being limited to $11,166.67 however they request the Shire fund a further $2,166.66 for the project plus any excess of the total project cost.

DSR Small Grants funding of $11,166.67 and the Lake Grace Pingrup Netball Club plan to fund $3,000. The Netball WA Community Facilities Fund is available to all Associations and Clubs affiliated with Netball WA. Funding priority will be given to projects that maximise additional funds attracted to Netball through either Local, State or Federal Government funding sources, therefore, the Netball Club aim to receive $3,000 from Netball WA June grant round.

As per the requirement for DSR staff to visit the site and discuss the project with relevant stakeholders, a meeting has been arranged with Jenifer Collins, DSR Wheatbelt Manager for 24 June 2020.

There are no other local groups seeking funding through the Department of Sport and Recreation’s CSRFF small grants program in this funding round. This application would, therefore, rank as number one priority if endorsed by Council.

Legal Implications

Local Government Act 1995
6.8. Expenditure from municipal fund not included in annual budget

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

• (1a) In subsection (1) —
  • additional purpose means a purpose for which no expenditure estimate is included in the local government’s annual budget.

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

Policy Implications

Obtain at least three written quotations containing price and specification of goods and services (with procurement decision based on all value for money considerations); with pre-determined written assessment criteria in addition to price, and formal quote process. Evidence of quotes to be provided at requisition stage. Obtain at least three (3) written quotations from suppliers with written specifications.

Consultation

Internal: Alan George, Acting Chief Executive Officer
Craig Elefsen, Manage Infrastructure Services

External: Chloe McDougall, Lake Grace Pingrup Netball Club
John O’Neill, Lake Grace Winter Sport Committee
Royce Taylor, Lake Grace Winter Sports Committee
West Coast Synthetic Surfaces
Centre court Renovations

Financial Implications

Funding for resurfacing the netball courts in Lake Grace of $13,333.33 ex GST including provision for any further unexpected expenses to be included in the 2020/21 budget.

<table>
<thead>
<tr>
<th>TOTAL QUOTE</th>
<th>Anticipated Grant CSRFF</th>
<th>Lake Grace Pingrup Netball Club</th>
<th>Anticipated Grant Netball WA</th>
<th>Shire of Lake Grace</th>
<th>Total</th>
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<tr>
<td></td>
<td>$0.00</td>
<td>$11,166.67</td>
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Strategic Implications

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

Outcome 2.1  An engaged, supportive and inclusive community
2.1.3  Actively promote and support community events and activities within the district
2.2.1  Maintain and enhance sport and recreation facilities
2.2.3  Support provision of emergency services and encourage community volunteers

Outcome 3.1  A well maintained attractive built environment servicing the needs of the community
2.1.1  Maintain, rationalise, improve or renew buildings and community infrastructure
2.1.2

Outcome 4.1  A strategically focused, unified Council functioning efficiently
4.1.2  Promote and advocate for the community and district

RESOLUTION 13262

Moved Cr Clarke
Seconded Cr Steicke

That Council:

1.  Endorse the submission of a funding application through the Department of Sport and Recreation’s Community Sport and Recreation Facilities Fund small grants program of $11,166.67 (ex GST) one third for the Lake Grace Multi-Purpose Courts Re-surfacing Project;

2.  Prioritise the Lake Grace Multi-Purpose Courts Re-surfacing Project as its number one ranking for the purposes of the Department of Sport and Recreation Community Sport and Recreation Facilities Fund 2020 small grants application, authorise the Acting Chief Executive Officer to advise the Department of Sport and Recreation accordingly; and,

3.  Include $13,333.33 in the 2020/21 budget, for part of the project cost.

4.  Continue to maintain the Lake Grace Multi-Purpose courts in the annual budget.

CARRIED: 7/0

Voting Requirements

Simple majority required.
15.0 QUESTIONS OF WHICH DUE NOTICE HAS BEEN GIVEN

Nil

16.0 INFORMATION BULLETIN

16.1 INFORMATION BULLETIN – MAY 2020

<table>
<thead>
<tr>
<th>Applicant:</th>
<th>Internal Report</th>
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<tbody>
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<td>File No.</td>
<td>Nil</td>
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<tr>
<td>Attachments:</td>
<td>Information Bulletin</td>
</tr>
<tr>
<td>Author:</td>
<td>RRRose</td>
</tr>
<tr>
<td></td>
<td>Mrs Racelis Rose</td>
</tr>
<tr>
<td></td>
<td>Executive Assistant</td>
</tr>
<tr>
<td>Disclosure of Interest:</td>
<td>Nil</td>
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<tr>
<td>Date of Report:</td>
<td>5 June 2020</td>
</tr>
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</table>

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.

Note: The Information Bulletin is an internal management document; therefore attachments are not for public information.

Copies of other relevant Councillor information are distributed via email.

Comment

This month’s Information Bulletin Report has been emailed to Councillors.

The May 2020 Information Bulletin attachment include:

Reports:
- Infrastructure Services Report – May 2020
- Community Services Report – June 2020
- Environmental Health Officer Report - Nil
- Lake Grace Visitor Centre Report
- Lake Grace Library Report and Statistics
• Lake King Library Report and Statistics
• Newdegate Library Report and Statistics

Circulars, Media Releases, Newsletters, Letters:
• Media Statements – Household to benefit from $20 Million FOGO Kerbside Collections
• Better Bins Plus – Go FOGO
• Media Release – COVID 19 Federal Funding Boost to Support Councils
• Media Release – Rundle MLA – Rundle Welcomes Bluff Knoll Walk Trail re-opening
• Media Announcement – Local Road and Community Infrastructure Program
• Local Roads and Community Infrastructure Program – Funding Allocations
• Media Release – City of Albany begins re-opening facilities
• Aboriginal and Dual Naming Guidelines
• Final submission – Local Government Regulations Amendment (Consequential) Regulations 2020
• Weekly Fatality Report – week ending 04 June 2020
• Agency Advisory 6-2020 (COVIC 19)
• Covid 19 Safety Plan
• Covid 19 Safety Additional Information for Public Libraries
• Covid 19 Safety Guidelines
• Covid 19 Safety Guidelines – Additional Information for Local Government
• eDoc – Co Snapshot Fact Sheet – Updated
• eDoc Co Snapshot Program Poster A3 Updated

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
RESOLUTION 13263

Moved Cr Lloyd
Seconded Cr Clarke


CARRIED: 7/0

Voting Requirements

Simple majority required.

17.0 CONFIDENTIAL ITEMS – AS PER LOCAL GOVERNMENT ACT S52.23(2)

17.1.1 ADMINISTRATION

RESOLUTION 13264

Moved Cr Chappell
Seconded Cr Steicke

That Council meet behind closed doors at 2:36 pm to consider the following items in accordance with section 3.7 of the Shire of Lake Grace Standing Orders Local Law 2015, and section 5.23(2)(a) of the Local Government Act 1995:

• 17.1.1 Matters Pertaining to Staff – Chief Executive Officer Position

This item and any attachments are confidential in accordance with Section 5.23(2) of the Local Government Act 1995 as it contains “a matter affecting an employee or employees”.

CARRIED: 7/0

Council moved out from behind closed doors at 3:05 pm.

18.0 DATE OF NEXT MEETING

18.1 WEDNESDAY 15 JULY 2020 ORDINARY COUNCIL MEETING

The next Ordinary meeting of Council is scheduled to take place on Wednesday 15 July 2020, commencing at 1:30pm at the Council Chambers, 1 Bishop Street, Lake Grace.

19.0 CLOSURE

There being no further business, the Shire President closed the meeting at 3:17 pm.
20.0 CERTIFICATION

I, Leonard William Armstrong, certify that the Minutes of Meeting held on 17 June 2020 as shown were confirmed as a true record at the meeting held on 15 July 2020.

_________________________  ________________________________
Shire President                  Date