Shire of Lake Grace

Ordinary Council Meeting

Minutes

15 July 2020
Meeting Commencing at 3.30 pm

Disclaimer

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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

Minutes of the Ordinary Meeting of Council held at Council Chambers, 1 Bishop Street, Lake Grace, WA on Wednesday 15 July 2020.

1.0 DECLARATION OF OPENING ANNOUNCEMENT OF VISITORS

The Shire President opened the meeting at 3:27 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>Present</th>
<th>Title</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>In Attendance</th>
<th>Title</th>
</tr>
</thead>
<tbody>
<tr>
<td>Mr A George</td>
<td>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>
<tr>
<td>Ms Suzan Lees</td>
<td>Community Emergency Services Manager</td>
</tr>
</tbody>
</table>

Observers/Visitors

<table>
<thead>
<tr>
<th>Observers/Visitors</th>
<th>Title</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ms Brooke Williamson</td>
<td>Staff Member - Development Services Admin Officer – Shire of Lake Grace</td>
</tr>
</tbody>
</table>

Please note that the Chief Executive Officer advised the Council that each Council meeting starting today, one (1) staff member will be attending in an observer capacity to familiarise themselves on how Council meetings are conducted.

<table>
<thead>
<tr>
<th>Member of Public</th>
</tr>
</thead>
<tbody>
<tr>
<td>Mr Shane Carruthers</td>
</tr>
</tbody>
</table>

3.2 APOLOGIES

Nil

3.3 LEAVE OF ABSENCE PREVIOUSLY GRANTED

Nil

4.0 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil

5.0 PUBLIC QUESTION TIME

Nil
### 6.0 PETITIONS/DEPUTATIONS/PRESENTATIONS

Nil

### 7.0 NOTATIONS OF INTEREST

Nil

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

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 Len Armstrong declared Disclosure of Interest Affecting Impartiality on Item no. 14.1.1 – Permanent Closure of Whurr Dam Road, North East Newdegate. Mr Barry Ness and Ms Julie Dunkeld are uncle and cousin, respectively to Cr Armstrong’s partner Ms Sandy Knill.

Cr Roz Lloyd declared Disclosure of Interest Affecting Impartiality on Item 14.4.9 – Appointment of Fire Control Officers and Fire Weather Officers for 2020/2021. Mr Bill Lloyd, husband of Cr Lloyd is an appointed Fire Control Officer.

Cr Ross Chappell declared Disclosure of Interest Affecting Impartiality on Item 14.4.9 – Appointment of Fire Control Officers and Fire Weather Officers for 2020/2021. Cr Chappell is a nominated Fire Control Officer.


Cr Ross Chappell declared Disclosure of Interest Affecting Impartiality on Item 14.6.2 – Request Support to Waive Lake Grace Pavilion Hire Fees for Porridge Bikers Charity Ride 11 and 12 September 2020. Cr Chappell’s wife Mrs Cheryl Chappell is the Author of the report.

### 8.0 APPLICATIONS FOR LEAVE OF ABSENCE

Nil

### 9.0 ANNOUNCEMENTS BY THE PRESIDING MEMBER WITHOUT DISCUSSION

Nil
10.0 CONFIRMATION OF MINUTES

10.1 ORDINARY MEETING – 17 JUNE 2020

RESOLUTION 13265

Moved Cr Marshall
Seconded Cr Stoffberg

That the Minutes of the Ordinary Council Meeting held on 17 June 2020 be confirmed as a true and accurate record of that meeting.

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 INTEGRATED PLANNING ASSET MANAGEMENT ADVISORY GROUP – 10 JUNE 2020

RESOLUTION 13266

Moved Cr Stoffberg
Seconded Cr Chappell

That the minutes of the Integrated Planning and Asset Management Advisory Group held on 10 June 2020 be received as a true and accurate record of that meeting.

CARRIED: 7/0
### 13.2 MINUTES OF BUSH FIRE ADVISORY COMMITTEE MEETING 17 OCTOBER 2019

**RESOLUTION 13267**

Moved Cr Steicke  
Seconded Cr Clarke

That the minutes of the Bush Fire Advisory Committee meeting held on 17 October 2019 be received as a true and accurate record of that meeting.  

**CARRIED: 7/0**

### 13.3 MINUTES OF THE 4WDL – VROC MEETING – 9 JUNE 2020

**RESOLUTION 13268**

Moved Cr Chappell  
Seconded Cr Lloyd

That the minutes of the 4WDL VROC meeting held on 9 June 2020 be received as a true and accurate record of that meeting.  

**CARRIED: 7/0**
14.0 REPORTS OF OFFICERS

14.1 INFRASTRUCTURE SERVICES

14.1.1 PERMANENT CLOSURE OF WHURR DAM ROAD, NORTH EAST NEWDEGATE

<table>
<thead>
<tr>
<th>Applicant:</th>
<th>Shire of Lake Grace</th>
</tr>
</thead>
<tbody>
<tr>
<td>File No.</td>
<td>0355</td>
</tr>
<tr>
<td>Attachments:</td>
<td>Letter submitted by Mr Ness</td>
</tr>
</tbody>
</table>
| Author:   | Ms Brooke Williamson  
Development Services Administration Officer |
| Disclosure of Interest: | Nil |
| Date of Report: | 6 July 2020 |
| Senior Officer: | Mr Craig Elefsen  
Manager Infrastructure Services |

Summary

For Council to consider the closure of Whurr Dam Road, Newdegate, running South off Biddy Camm Road.

Background

Whurr Dam Road previously served as an entry point to a now deserted Government Dam. The dam is now encroached by vegetation due to not being maintained for the last few decades and has no capacity to supply water to surrounding farmers. Local farmer and lessee Mr Barry Ness has written to the Shire on behalf of landowner Mrs Julie Dunkeld to request a closure of this road. Mr Ness wishes for the dam and catchment area to remain a reserve for wildlife and left uncleared, and for the road to be closed to the public.

Whurr Dam Road currently serves as a “no through road”; road users are accessing Whurr Dam Road from the north via Biddy Camm Road and driving through the end terminus of the road at the disused dam and into private property, passing by the residential house and sheds on a sand track.

The dam itself lies on a reserve vested in the Shire, separated from private land by Whurr Dam Road and additional unconstructed road reserves. The reserve’s current—and only—purpose is ‘water supply’. Though the dam’s ability to hold water is compromised, there would be no need to put in an application to change the reserve purpose.
Mrs Julie Dunkeld is the current owner of land on both sides of Whurr Dam Road, with a short section of the road abutting the Shire-managed reserved with the aforementioned dam. The main entrance to her residence on that land is from Whurr Road, not Whurr Dam Road so closure of Whurr Dam Road will not affect residential access.

**Extent of reserve - Whurr Dam Road**

*Reserve that is vested in the Shire (highlight red) – the dam sits on the northwest corner of the reserve*

*Whurr Dam Road entrance from Biddy Camm Road*
Dam at the end of Whurr Dam Road, managed by the Shire

Comment

A photo supplied by Mr Ness shows the dam requires an extensive amount of work to revive the water source. Given the amount of work needed to reinstate this dam when there are already water sources nearby (mains-fed standpipes at the Biddy Camm-North Newdegate Road intersection and near the Biddy Camm-Mission Road intersection), it is recommended to dispose of Whurr Dam Road as the dam is the main reason for the existence of the road due to its very low usage, the mistaken nature of its usage and that it is not a connector road. This road is also rarely maintenance graded but once disposed of it will not be included in future grading programmes.

Mr Ness would prefer if the road is closed at the entry from Biddy Camm Road to ensure no alternate access to property Lot 477 Kirwan Road (now Whurr Road) Newdegate. Even if the road is disposed of, the road reserve will still be under control of the Shire and will be up to us to erect a barrier or fence to block traffic.

Per section 58(3) of the Land Administration Act 1997, if Council agrees to close Whurr Dam Road, notice of its Resolution must be advertised in a newspaper that circulates the locality (The West Australian) for a chance for the community to submit objections. After 35 days of the notification and the Shire has addressed all objections can the request be made to the Minister of Lands for the permanent closure of the road.

When notification is sent through The Western Australian, the same notification will be put up on the Shire website, Facebook page and through the local newsletters as well.
Another report to Council will be made on the Ordinary Council Meeting following the elapsed 35 days where objections from the public will be presented for Council to respond to. These objections, the Shire’s Recommendations and Council’s response and Resolution will be included in a report to request for the permanent road closure of Whurr Dam Road.

Legal Implications

**Land Administration Act 1997**

**s58 – Closing roads**

1. When a local government wished a road in its district to be closed permanently, the local government may, subject to subsection (3), request the Minister to close the road.

2. When a local government resolves to make a request under subsection (1), the local government must in accordance with the regulations prepare and deliver the request to the Minister.

3. A local government must not resolve to make a request under subsection (1) until a period of 35 days has elapsed from the publication in a newspaper circulating in its district of notice of motion for that resolution, and the local government has considered any objections made to it within that period concerning the proposals set out in that notice.

Policy Implications

Nil

Consultation

Internal: Mr Craig Elefsen, Manager Infrastructure Services

External: Mr Barry Ness, Ratepayer on behalf of; daughter Mrs Julie Dunkeld, Ratepayer

Financial Implications

An estimate of $1,500.00 for the installation of a barricade or fence to block off Whurr Dam Road at the intersection with Biddy Camm Road and removal of signage at that intersection. The notification advertised in The West Australian will incur roughly $1,000 itself. Both these costs will be incurred under Job 122702 “Road Closure / Gazettals”.

Budget under Job 122702 “Road Closure / Gazettals” in the proposed 2020/21 Annual Budget to be adopted is $20,000.

Strategic Implications

Shire of Lake Grace Strategic Community Plan 2017-2027

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

Outcomes 3.2 A natural environment for the benefit and enjoyment of current and future generations

3.2.1 Manage and preserve the natural environment
Leadership Objective - Strong governance and leadership, demonstrating fair and equitable community values.

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

**RESOLUTION 13269**

Moved Cr Chappell
Seconded Cr Lloyd

That Council agree to the closure of Whurr Dam Road, as per the request of ratepayer and for the Shire of Lake Grace to follow the process to its conclusion.

CARRIED: 7/0

**Voting Requirements**

Simple majority required.
14.1.2 REVIEW OF POLICY 5.7 - ROAD CLASSIFICATION

<table>
<thead>
<tr>
<th>Applicant:</th>
<th>Shire of Lake Grace</th>
</tr>
</thead>
<tbody>
<tr>
<td>File No.</td>
<td>0052</td>
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<tr>
<td>Attachments:</td>
<td>Policy 5.7 – Road Classification</td>
</tr>
<tr>
<td>Author:</td>
<td>Ms Brooke Williamson</td>
</tr>
<tr>
<td></td>
<td>Development Services Administration Officer</td>
</tr>
<tr>
<td>Disclosure of Interest:</td>
<td>Nil</td>
</tr>
<tr>
<td>Date of Report:</td>
<td>6 July 2020</td>
</tr>
<tr>
<td>Senior Officer:</td>
<td>Mr Craig Elefsen</td>
</tr>
<tr>
<td></td>
<td>Manager Infrastructure Services</td>
</tr>
</tbody>
</table>

Summary

For the Shire of Lake Grace to update the Road Classification Policy reviewed in 2016.

Background

During the 2016 Policy Manual Review, there was a request to add the word “loose” to the “A”, “B” & “C” class categories to the gravel sheet description that was not included in the final adopted policy at the time. This is in accordance to the Unsealed Roads Manual produced by the Australian Road Research Board.

Comment

The amendment to the Policy introduced at the 06 June 2019 Ordinary Council meeting is required to comply with regulations. However, there is no indication in the Manual to suggest the addition of the word “loose” is necessary. It is recommended that the Policy read, “Carriageway to be 7m width with 150mm compacted gravel sheet”.

As shown below, (additions in GREEN, Removal in RED)

POLICY Council roads, as depicted on the Road Classification Listings (refer Attachment 5.7(a) and Road Classification Plan (refer to Attachment 5.7(b) – map) are categorised into “A”, “B” & “C” class roads and will be afforded the following work criteria:

“A” Class

- Formation to be 10m width
- Carriageway to be 7m width with 200mm gravel sheet, 150mm compacted gravel sheet.
- Shoulders to be 2 x 1.5m
- Crossfall to be 4%
- Floodways to be equipped with a minimum of 2 x 237mm culverts and headwalls
- Backslopes to be cleared annually of all regrowth

Long Term Development: bitumen surface

"B" Class
- Formation to be 10m width
- Carriageway to be 7m width with 200mm gravel sheet 150mm compacted gravel sheet
- Shoulders to be 2 x 1.5m
- Crossfall to be 4%
- Floodways to be equipped with a minimum of 2 x 237mm culverts and headwalls
- Backslopes to be cleared annually of all regrowth
- One additional grading before harvest, if necessary

Long Term Development: to remain as gravel surface

"C" Class
- Formation to be 8m width
- Carriageway to be 6m width with 100mm compacted gravel sheet
- Shoulders to be 2 x 1m

Low volume farm access roads

Legal Implications

Local Government Act 1995
2.7 Role of council
(1) The council –
   (a) governs the local government’s affairs; and
   (b) is responsible for the performance of the local government’s functions.
(2) Without limiting subsection (1), the council is to –
   (a) Oversee the allocation of the local government’s finances and resources; and
   (b) Determine the local government’s policies.

Policy Implications

Shire of Lake Grace – Policy Manual
5.7 Road Classification

Consultation

Internal
Mr Alan George – Chief Executive Office
Mr Craig Elefsen - Manager Infrastructure Services
Mr Jason Lip - Technical Officer
Financial Implications

Nil

Strategic Implications

Shire of Lake Grace Strategic Community Plan 2017-2027
Leadership Objective - Strong governance and leadership, demonstrating fair and equitable community values.
Outcomes 4.2 An efficient and effective organisation
   4.2.2 Comply with statutory and legislative requirements

RESOLUTION 13270

Moved Cr Stoffberg
Seconded Cr Marshall

That Council approve the above-mentioned changes to the Road Classification description to follow the Australian Road Research Board (ARRB) Unsealed Road Manual.

CARRIED: 7/0

Voting Requirements

Simple majority required.
14.2 PLANNING

14.2.1 INDUSTRIAL LAND DEVELOPMENT

| Applicant: | Internal Report |
| File No. | 0059 |
| Attachments: | Email from Joe Douglas – Town Planner |
| Author: | Mr Alan George  
Chief Executive Officer |
| Disclosure of Interest: | Nil |
| Date of Report: | 6 July 2020 |
| Senior Officer: | Mr Alan George  
Chief Executive Officer |

Summary

Council is to consider the option proposed by Mr Joe Douglas Town Planner to fast-forward the industrial land development to enable AFGRI access to its preferred site prior to the finalisation of the land rezoning and subdivision development.

Background

In April 2020, and because of interest show by several businesses for additional land, the Shire of Lake Grace purchased Lot 12 on Plan 57312 & Lot 101 on Deposited Plan 27172 adjacent to CBH in Lake Grace for development into industrial land.

Mr Joe Douglas of Exurban Rural and Regional Planning was engaged in May 2020 to progress the land rezoning and subdivision approval. He advised that the rezoning process would take 12 to 15 months to complete with subdivision approval and development to take at least another 12 months after that.

Given the relatively long time to develop the land, the question was asked if any of the changes to the state governments planning processes recently announced would speed up the process and we were advised that these did not affect rezoning or subdivision proposals.

However, after discussions with the town planner regarding the nature of the business wishing to take up part of the land, it was discussed that due to the nature of its business, AFGRI is classed as being “primary production” and rezoning of the land is not required as it is consistent with the current land use. Because of this, the town planner has come up with a proposal that would fast-forward the process for AFGRI, subject to it doing some of the groundwork and the Shire agreeing
to lease the land prior to the subdivision being completed. Once the industrial rezoning and subdivision is complete, AFGRI could then proceed with the purchase of the land. The details of the proposal are in the attachment.

Comment

The proposal put forward by Joe Douglas has benefits for both the Shire and AFGRI in that it would bring forward the development of the land. AFGRI is keen to progress the shift to the new Site, to provide highway frontage and a greater exposure. As mentioned in the proposal, discussions would need to be between all parties regarding leasing arrangements for the portion of the land as well as future road access arrangements, road construction and drainage requirements.

Legal Implications

Local Government Act 1995

The Shire’s current Local Planning Scheme No.4 expressly states that: ‘Industry – Primary Production’, which is the relevant use class for this proposal, is a discretionary use under the subject land’s current ‘General Agriculture’ zoning classification which means Council has the ability to grant development approval immediately if it so chooses (i.e. there’s no need to wait for the land to be rezoned to accommodate the proposed development.

Policy Implications

Nil

Consultation

External Mr Joe Douglas, Town Planner, Exurban Rural and Regional Planning

Financial Implications

The sum of $253,798 is the carryover of funds after the land purchase allocated in the 2020/21 budget for the development of the site.

Strategic Implications

Shire of Lake Grace Strategic Community Plan 2017-2027

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

Outcome 1.1 An innovative, productive agriculture industry

1.1.3 Support and promote the agricultural productivity of the district

1.1.5 Liaise with key stakeholders for the improvement of the agricultural industry

Outcome 1.2 A diverse and prosperous economy

1.2.2 Support local business and promote further investment in the district
RESOLUTION 13271

Moved Cr Chappell
Seconded Steicke

That Council

- Accepts the proposal from Mr Joe Douglas, Town Planner, Exurban Rural and Regional Planning for the fast tracking of the development of the industrial land at Lot 12 on Plan 57312 & Lot 101 on Deposited Plan 27172 Lake Grace

- Authorises the Chief Executive Officer to enter into negotiations with AFGRI to progress the proposal.

CARRIED: 7/0

Voting Requirements

Simple majority required.
### 14.3 HEALTH AND BUILDING

Nil
**14.4 ADMINISTRATION**

**14.4.1 CHANGES TO THE SHIRE OF LAKE GRACE COUNCIL COMMITTEE MEMBERSHIP**

<table>
<thead>
<tr>
<th>Applicant:</th>
<th>Internal Report</th>
</tr>
</thead>
<tbody>
<tr>
<td>File No.</td>
<td>0795</td>
</tr>
<tr>
<td>Attachments:</td>
<td>Email to Councillors sent on 22 June 2020 at 8:58 am</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>
</tr>
<tr>
<td>Date of Report:</td>
<td>22 June 2020</td>
</tr>
<tr>
<td>Senior Officer:</td>
<td>Mr Alan George</td>
</tr>
<tr>
<td></td>
<td>Chief Executive Officer</td>
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</tbody>
</table>

**Summary**

At the 20 May 2020 Ordinary Council meeting, there were two resignations received from the Shire of Lake Grace Council. The resignations brought some changes in the internal committee membership and Council accept the changes to the Shire of Lake Grace Committee membership.

**Background**

The following Councillor / Committee Membership were current up to 20 May 2020:

<table>
<thead>
<tr>
<th>Name of Committee</th>
<th>Original Membership (up to 20 May 2020)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Audit Committee (AUC)</td>
<td>Cr Peter Stoffberg&lt;br&gt;Cr Allan Marshall&lt;br&gt;Cr Rosalind Lloyd</td>
</tr>
<tr>
<td>Bushfire Advisory Committee (BAC)</td>
<td>Cr Ross Chappell</td>
</tr>
<tr>
<td>Integrated Planning Asset Management Advisory Group (IPAMAG)</td>
<td>Cr Jeanette De Landgraft&lt;br&gt;C Peter Stoffberg&lt;br&gt;Cr Rosalind Lloyd&lt;br&gt;Cr Allan Marshall</td>
</tr>
<tr>
<td>Lake Grace Library &amp; Community Resource Centre (LGLCRC)</td>
<td>Cr Debrah Clarke</td>
</tr>
<tr>
<td>Local Emergency Management Services (LEMS)</td>
<td>Cr Jeanette De Landgraft</td>
</tr>
<tr>
<td>Newdegate Library &amp; Community Resource Centre (NLCRC)</td>
<td>Cr Rosalind Lloyd</td>
</tr>
<tr>
<td>Newdegate Swimming Pool Management Committee (NSPMC)</td>
<td>Cr Rosalind Lloyd&lt;br&gt;Cr Jeanette De Landgraft</td>
</tr>
<tr>
<td>Central Country Zone (CCZ)</td>
<td>Cr Jeanette De Landgraft&lt;br&gt;C Peter Stoffberg</td>
</tr>
</tbody>
</table>

The resignation of Cr Jeanette De Landgraft as Shire President and Councillor from the Shire of Lake Grace and pursuant to the Local Government Act 1995 section 5.8, the following are changes to the Council Committee membership:
**Name of Committee** | **Original Membership (up to 20 May 2020)** | **New Membership**
--- | --- | ---
Audit Committee (AUC) | Cr Peter Stoffberg  
Cr Allan Marshall  
Cr Rosalind Lloyd | No Change
Bushfire Advisory Committee (BAC) | Cr Ross Chappell | No Change
Integrated Planning Asset Management Advisory Group (IPAMAG) | Cr Jeanette De Landgrafft  
C Peter Stoffberg  
Cr Rosalind Lloyd  
Cr Allan Marshall | Cr Len Armstrong
Lake Grace Library & Community Resource Centre (LGLCRC) | Cr Debrah Clarke | No Change
Local Emergency Management Services (LEMS) | Cr Jeanette De Landgrafft | Cr Len Armstrong
Newdegate Library & Community Resource Centre (NLCRC) | Cr Rosalind Lloyd | No Change
Newdegate Swimming Pool Management Committee (NSPMC) | Cr Rosalind Lloyd | No Change
Central Country Zone (CCZ) | Cr Jeanette De Landgrafft  
Cr Peter Stoffberg | Cr Len Armstrong  
Cr Ross Chappell

**Legal Implications**
Nil

**Policy Implications**
Nil

**Consultation**
Internal  
All Councillors of the Shire of Lake Grace via email sent on 22 June 2020 at 8:58am *(Attachment 14.4.1)*  
Mr Alan George – Chief Executive Officer

**Financial Implications**
Nil

**Strategic Implications**
Shire of Lake Grace Strategic Community Plan 2017-2027
Leadership Objective  
Strong governance and leadership, demonstrating fair and equitable community values
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
RESOLUTION 13272

Moved Cr Chappell  
Seconded Cr Marshall

That Council accept the following changes to the Shire of Lake Grace Committee membership:

<table>
<thead>
<tr>
<th>Name of Committee</th>
<th>Original Membership (up to 20 May 2020)</th>
<th>New Membership</th>
</tr>
</thead>
<tbody>
<tr>
<td>Audit Committee (AUC)</td>
<td>Cr Peter Stoffberg</td>
<td>No Change</td>
</tr>
<tr>
<td></td>
<td>Cr Allan Marshall</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Cr Rosalind Lloyd</td>
<td></td>
</tr>
<tr>
<td>Bushfire Advisory Committee (BAC)</td>
<td>Cr Ross Chappell</td>
<td>No Change</td>
</tr>
<tr>
<td>Integrated Planning Asset Management Advisory Group (IPAMAG)</td>
<td>Cr Jeanette De Landgrafft</td>
<td>Cr Len Armstrong</td>
</tr>
<tr>
<td></td>
<td>C Peter Stoffberg</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Cr Rosalind Lloyd</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Cr Allan Marshall</td>
<td></td>
</tr>
<tr>
<td>Lake Grace Library &amp; Community Resource Centre (LGLCRC)</td>
<td>Cr Debrah Clarke</td>
<td>No Change</td>
</tr>
<tr>
<td>Local Emergency Management Services (LEMS)</td>
<td>Cr Jeanette De Landgrafft</td>
<td>Cr Len Armstrong</td>
</tr>
<tr>
<td>Newdegate Library &amp; Community Resource Centre (NLCRC)</td>
<td>Cr Rosalind Lloyd</td>
<td>No Change</td>
</tr>
<tr>
<td>Newdegate Swimming Pool Management Committee (NSPMC)</td>
<td>Cr Rosalind Lloyd</td>
<td>No Change</td>
</tr>
<tr>
<td>Central Country Zone (CCZ)</td>
<td>Cr Jeanette De Landgrafft</td>
<td>Cr Len Armstrong</td>
</tr>
<tr>
<td></td>
<td>C Peter Stoffberg</td>
<td>Cr Ross Chappell</td>
</tr>
</tbody>
</table>

Discussions took place and the following changes recorded before voting:

- **Audit Committee**
  - Remove Cr Roz Lloyd and replace with Cr Len Armstrong
- **IPAMAG**
  - Remove Cr Roz Lloyd and replace with Cr Ross Chappell
  - Include Cr Helen Steicke
- **Local Emergency Management Services (LEMS)** - Replace with Local Emergency Management Committee
- **Newdegate Swimming Pool Management Committee** – Include Cr Helen Steicke

**CARRIED: 7/0**

Voting Requirements

Simple majority required.
14.4.2 ABORIGINAL AND DUAL NAMING GUIDELINES

<table>
<thead>
<tr>
<th>Applicant:</th>
<th>Internal Report</th>
</tr>
</thead>
<tbody>
<tr>
<td>File No.</td>
<td>0354</td>
</tr>
</tbody>
</table>

**Attachments:**
- Landgate Aboriginal Dual Naming Guidelines – Version 01:2020 – A guideline for naming Western Australian geographic features and places
- Lake Grace Trails Master Plan Community Fact Sheet – November 2014

**Author:** RRRose  
Mrs Racelis Rose  
Executive Assistant

**Disclosure of Interest:** Nil

**Date of Report:** 22 June 2020

**Senior Officer:**  
Mr Alan George  
Chief Executive Officer

**Summary**

To show respect and acknowledgement to the Traditional Owners and ongoing Custodians of Country throughout Western Australia and their continuing connections to the land, waters and communities. The State government, through the Minister of Lands wishes all local councils to consider the dual naming of tourism and other significant sites that may have some aboriginal significance. The Shire of Lake Grace will pay our respect to Western Australian Aboriginal cultures and Elders past, present and emerging. The respect and acknowledgement will be shown by naming our tourism and all significant sites, lakes etc., according to Aboriginal and dual names set out in the guidelines received from Landgate (attached).

**Background**

To preserve the history of Western Australia, it is important that communities such as Lake Grace, Lake King, Varley, Newdegate and part of Pingaring acknowledge and embrace the history and continued existence of Western Australian Aboriginal culture. By doing so, we recognise the Aboriginal history and ongoing connection to our landscape. Aboriginal people, long before the arrival on non-Aboriginal people, named a number of features and places in Western Australia. These names are fundamental to an Aboriginal group’s understanding of the history, culture, rights and responsibilities to the land they are committed.

In accordance with the Land Administration Act 1997, the Minister for Lands has the authority to approve all geographic feature and place names in Western Australia. Landgate acts on behalf of the Minister to undertake the necessary administrative responsibilities including the development of policies and procedures required for the formal approval of submissions seeking the use of Aboriginal and dual names.
Lake Grace is an attractive Wheatbelt town with several walking trails and tourist attractions e.g., Pioneer Park, Lake Grace Road, Rifle Range Wildflower Trail, White Dam Bushland and Discovery Trail to name a few (Attachment – Lake Grace Trails Master Plan Community Fact Sheet – November 2014). As a sign of respect and in compliance with what the Minister for Lands (through Landgate) have initiated, some of these trails as well as tourism sites can be named and use Aboriginal and dual names.

The author of this report would recommend that the Shire administration conduct a community consultation, particularly with the Aboriginals living within the community, on how they would feel about some of the walking trails, tourism sites and other significant sites be given an Aboriginal name. Any individual, group or organisation can propose an Aboriginal name, recognised as an official name. The Traditional Owner group must endorse the proposals and the names be put to the community as part of the consultation process.

**Legal Implications**

Nil

**Policy Implications**

Nil

**Consultation**

Internal Mr Alan George – Chief Executive Officer

**Financial Implications**

Nil

**Strategic Implications**

Shire of Lake Grace Strategic Community Plan 2017-2027

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

Outcome 1.3 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

**Environment Objective** – Protect and enhance our natural and build environment

Outcome 3.2 A natural environment for the benefit and enjoyment of current and future generations

3.2.1 Manage and preserve the natural environment
RESOLUTION 13273

Moved Cr Stoffberg
Seconded Cr Steicke

That Council, as a sign of respect and acknowledgement to the Traditional Owners of the land, endorse that a community consultation be conducted by the Shire administration, particularly with the Aboriginals living within the community about giving Aboriginal and dual names to the walking trails, tourism and other significant sites within the Shire of Lake Grace.

CARRIED: 7/0

Voting Requirements

Simple majority required.
14.4.3 2020 WALGA ANNUAL GENERAL MEETING – NOMINATION OF DELEGATES

<table>
<thead>
<tr>
<th>Applicant:</th>
<th>WA Local Government Association</th>
</tr>
</thead>
<tbody>
<tr>
<td>File No.</td>
<td>0029</td>
</tr>
</tbody>
</table>
| Attachments:            | • Letter advising of Notice of Annual General Meeting for 2020  
                        | • Notice of Annual General Meeting and Procedural Information for Submissions of Motions |
| Author:                 | RR Rose                                           |
|                         | Mrs Racelis Rose                                  |
|                         | Executive Assistant                              |
| Disclosure of Interest: | Nil                                               |
| Date of Report:         | 25 June 2020                                     |
| Senior Officer:         | Mr Alan George                                    |
|                         | Chief Executive Officer                          |

**Summary**

For Council to nominate its delegates to the 2020 Annual General Meeting (AGM) of the Western Australian Local Government Association (WALGA).

**Background**

Each year, WALGA holds its AGM to which each member of local government is entitled to be represented by two (2) voting delegates.

The delegates are to be registered by Friday, 28 August 2020.

The AGM is to be held at the Crown Perth on Friday, 25 September 2020 commencing at 1.30 pm.

**Comment**

Council has previously nominated the Shire President and Deputy President as its delegates to the WALGA Central Country Zone.

It is appropriate that the Zone delegates be nominated to represent the Shire at the AGM. In addition, it is requested that Council nominate proxy delegates in the event that one or both of the voting delegates are unable to attend.

**Legal Implications**

Western Australia Local Government Association Constitution
Policy Implications
Nil

Consultation
N/A

Financial Implications

The cost of attending the AGM is provided within the Shire’s Conference expenses allocation E041160 - $22,000 that covers the cost of the convention, accommodation, and travel.

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
  4.1.2 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 13274

Moved Cr Clarke
Seconded Cr Lloyd

That Council appoint the following delegates to the Western Australian Local Government Association Annual General Meeting 2020:

Voting Delegates  Cr Len Armstrong
                  Cr Ross Chappell

Proxy Delegates   Cr Helen Steicke
                  Cr Allan Marshall

CARRIED: 7/0

Voting Requirements

Simple majority required.
14.4.4 MOTIONS PROPOSING AMENDMENTS TO WALGA’S CONSTITUTION

Applicant: WA Local Government Association
File No. 0029
Attachments: • WALGA Constitution
• Letter advising of Notice of Annual General Meeting for 2020
• Notice of Annual General Meeting and Procedural Information for Submissions of Motions
Author: RRRose
Mrs Racelis Rose
Executive Assistant
Disclosure of Interest: Nil
Date of Report: 25 June 2020
Senior Officer:

Mr Alan George
Chief Executive Officer

Summary
For Council to review the Western Australian Local Government Association’s (WALGA) Constitution (Attached) and submit motions proposing any amendments by Friday 17 July 2020.

Background
The Shire of Lake Grace received from the Western Australian Local Government Association (WALGA) a Notice of Annual General Meeting to be held on Friday 25 September 2020 at the Crown Perth. Within the Notice, a general information on the meeting, guidelines for the preparation and submission of motions and the Voting Delegates Registration Form. The key dates to remember before the Annual General Meeting are as follows:

- Friday 17 July 2020 – Deadline to submit motions proposing amendments to WALGA’s Constitution
- Friday 31 July 2020 – Deadline to submit motions for the AGM Agenda
- Friday 28 August 2020 – Registration of voting delegates closes
- Friday 25 September 2020 – Annual General Meeting, Crown Towers Perth

Comment
Attached to this report is the WALGA Constitution for Council to review, and if there are any amendments that Council would like to propose, the deadline for this proposals should reach the WALGA office no later than 4:00pm Friday 17 July 2020.
Legal Implications

Western Australia Local Government Association Constitution

Policy Implications
Nil

Consultation

Internal Mr Alan George, Chief Executive Officer

Financial Implications
Nil

Strategic Implications

Shire of Lake Grace Strategic Community Plan 2017 – 2027
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 13275

Moved Cr Stoffberg
Seconded Cr Clarke

That Council review the Western Australian Local Government Association’s (WALGA) Constitution and submit motions proposing amendments by **4:00pm Friday 17 July 2020.**

CARRIED: 7/0

Voting Requirements

Simple majority required.
14.4.5 DELEGATIONS OF POWERS UNDER THE BUSH FIRES ACT 1954 TO THE CHIEF EXECUTIVE OFFICER AND UPDATE THE DELEGATIONS REGISTER

<table>
<thead>
<tr>
<th>Applicant:</th>
<th>Internal Report</th>
</tr>
</thead>
<tbody>
<tr>
<td>File No.</td>
<td>Nil</td>
</tr>
<tr>
<td>Attachments:</td>
<td>Nil</td>
</tr>
<tr>
<td>Author:</td>
<td>Ms Suzan Lees</td>
</tr>
<tr>
<td></td>
<td>Community Emergency Services Officer</td>
</tr>
<tr>
<td>Disclosure of Interest:</td>
<td>Nil</td>
</tr>
<tr>
<td>Date of Report:</td>
<td>29 June 2020</td>
</tr>
<tr>
<td>Senior Officer:</td>
<td>Mr Alan George</td>
</tr>
<tr>
<td></td>
<td>Chief Executive Officer</td>
</tr>
</tbody>
</table>

Summary

The purpose of this report is for Council to review and update the delegation of powers and duties provided to local government under the *Bush Fires Act 1954* (the Act) and its subsidiary legislation to the Shire of Lake Grace CEO, Shire President and Chief Bush Fire Control Officer.

Background

- Under the Act, local government means the Council of a local government.
- Any reference to CEO in the Act means the CEO of the Department of Biodiversity, Conservation and Attractions. No powers/duties are assigned to a Local Government CEO in this Act.
- Under s.48(1) of the Act, a local government may delegate to its Chief Executive Officer the performance of any function under the Act.
- Section 48(3) of the Act prevents sub-delegation to other officers.
- If powers and duties are not delegated to the CEO, any actions taken in relation to these powers must first be approved by a resolution of Council.
- Any actions taken in relation to these powers that have not been approved by Council would be unlawful. For example, an infringement notice issued for breach of a condition listed in the Fire Management Notice would be unlawful if the Fire Management Notice had not first been approved by Council.
- Councils may impose conditions under which the delegation is to be performed.

Comment

Summary of Amendments to Delegation Register and New Delegations:
**Rescind all existing delegations under the Bush Fires Act 1954**

<table>
<thead>
<tr>
<th>Number</th>
<th>Existing Delegation</th>
<th>Details</th>
</tr>
</thead>
<tbody>
<tr>
<td>O01</td>
<td>Firebreak Order Variation</td>
<td>Issuing a variation to s.33 notice is not a power under the Act and therefore, cannot be delegated.</td>
</tr>
<tr>
<td>O02</td>
<td>Prohibited Burning Times Variation</td>
<td>Replace with BF01</td>
</tr>
<tr>
<td>O02A</td>
<td>Restricted Burning Times Variation</td>
<td>Replace with BF03</td>
</tr>
<tr>
<td>O03</td>
<td>Prosecute Offences under BFA</td>
<td>Replace with BF11</td>
</tr>
</tbody>
</table>

The following delegation authorises the Shire President and Chief Bush Fire Control Officer JOINTLY to:

<table>
<thead>
<tr>
<th>Number</th>
<th>New Delegations</th>
<th>Details</th>
</tr>
</thead>
<tbody>
<tr>
<td>BF01</td>
<td>Prohibited Burning Times - Vary</td>
<td>Where seasonal conditions warrant it, to determine a variation of the prohibited burning times. Joint delegation to CEO and CBFCO (as required under s.17(7) of the Act).</td>
</tr>
</tbody>
</table>

The following delegations authorises the CEO to:

<table>
<thead>
<tr>
<th>BF02</th>
<th>Restricted Burning Times - Vary</th>
<th>Where seasonal conditions warrant it, to determine a variation of the restricted burning times.</th>
</tr>
</thead>
<tbody>
<tr>
<td>BF03</td>
<td>Request to FES Commissioner Control of a Fire</td>
<td>Request that a DFES Bush Fire Liaison Officer take control of a fire burning in the Shire of Lake Grace, under s.13 of the Act.</td>
</tr>
<tr>
<td>BF04</td>
<td>Give Written Notice of Fire Management Requirements</td>
<td>Issue fire management notice under s.33 of the Act. Direct a Bush Fire Control Officer or any other employee to enter onto the land of an owner or occupier to carry out the requisitions of the notice which have not been complied with. Recover any costs and expenses incurred in doing the acts, matters or things required to carry out the requisitions of the notice.</td>
</tr>
<tr>
<td>BF05</td>
<td>Appoint Bush Fire Control Officer/s and Fire Weather Officers</td>
<td>Appoint FCOs and Weather Officers under s.38 of the Act.</td>
</tr>
<tr>
<td>BF06</td>
<td>Control of Activities during Prohibited and Restricted Burning Times</td>
<td>Control various activities during prohibited and restricted burning times.</td>
</tr>
</tbody>
</table>


| BF07 | Control and Extinguishment of Bush Fires | Prohibit or postpone the lighting of a fire under s.46 of the Act. This power is generally used as a tool to prevent fires being lit in the shire if the FES Commissioner has not declared a Total Fire Ban. |
| BF08 | Control of Operations Likely to Create Bush Fire Danger | To direct a Bush Fire Control Officer regarding the prevention of fire arising from the use of bee smokers, welding apparatus, explosives or fireworks. |
| BF09 | Burning Garden Refuse / Open Air Fires | To permit the burning of garden refuse during prohibited and restricted burning times in an incinerator located within 2m of a building or fence.  
To prohibit the burning of garden rubbish that is otherwise permitted under the Act.  
Issue permits during prohibited and restricted burning times for camping and cooking fires, and for conversion of bush into charcoal or production of lime.  
To prohibit the lighting of camping or cooking fires. |
| BF10 | Recovery of Expenses | To recover costs of where a permit burn escaped or where the occupier of the land has failed to take all possible measures to extinguish a fire on his land.  
To recover costs incurred as a result of an offence against the Act (i.e. legal expenses). |
| BF11 | Prosecution of Offences (also delegated to CBFCO) | To prosecute an alleged offender in court for a breach of the Act and to issue infringement notices under the Act. |

Legal Implications

**Bush Fires Act 1954**

17. **Prohibited burning times may be declared by Minister**

(7) Subject to subsection (7B), in any year in which a local government considers that seasonal conditions warrant a variation of the prohibited burning times in its district the local government may, after consultation with an authorised CALM Act officer if forest land is situated in the district, vary the prohibited burning times in respect of that year in the district or a part of the district by —

(a) shortening, extending, suspending or reimposing a period of prohibited burning times; or

(b) imposing a further period of prohibited burning times.
A local government may by resolution delegate to its mayor, or president, and its Chief Bush Fire Control Officer, jointly its powers and duties under subsections (7) and (8).

48. Delegation by local governments

(1) A local government may, in writing, delegate to its chief executive officer the performance of any of its functions under this Act.

(2) Performance by the chief executive officer of a local government of a function delegated under subsection (1)—

(a) is taken to be in accordance with the terms of a delegation under this section, unless the contrary is shown; and

(b) is to be treated as performance by the local government.

(3) A delegation under this section does not include the power to sub-delegate.

(4) Nothing in this section is to be read as limiting the ability of a local government to act through its council, members of staff or agents in the normal course of business.

Policy Implications

Shire of Lake Grace Policy Manual

Consultation

External: James McGovern, Manager Governance WALGA

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
- 4.2.3 Provide a positive and safe workplace
RESOLUTION 13276

Moved Cr Clarke
Seconded Cr Stoffberg

That Council, in accordance with s 5.42 of the Local Government Act 1995, delegate to the Shire President and Chief Bush Fire Control Officer, and the Chief Executive Officer, the discharge of duties and powers as detailed in the attached Register of Delegations.

CARRIED: 7/0

Voting Requirements

Absolute majority required.
### Bush Fires Act 1954 Delegations

**Council to CEO, Shire President and Bush Fire Control Officer**  
**BF01 ** Prohibited Burning Times - Vary

<table>
<thead>
<tr>
<th><strong>Delegator:</strong> Power / Duty assigned in legislation to:</th>
<th>Local Government</th>
</tr>
</thead>
</table>
| **Express Power to Delegate:** Power that enables a delegation to be made | **Bush Fires Act 1954:**  
  s.48 Delegation by local government  
  s.17(10) Prohibited burning times may be declared by Minister (power of delegation to mayor or president and Chief Bush Fire Control Officer for ONLY powers under s.17(7) and (8)) |
| **Express Power or Duty Delegated:** | **Bush Fires Act 1954:**  
  s.17(7) Prohibited burning times may be declared by Minister |
| **Delegate:** | **Shire President and Chief Bush Fire Control Officer (jointly)** |
| **Function:** This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation. | Authority, where seasonal conditions warrant it, to determine a variation of the prohibited burning times, after consultation with an authorised CALM Act officer [s.17(7)]. |
| **Council Conditions on this Delegation:** | a. Decisions under s.17(7) must be undertake jointly by both the Shire President and the Chief Bush Fire Control Officer and must comply with the procedural requirements of s.17(7B) and (8). |
| **Express Power to Sub-Delegate:** | **NIL – Sub-delegation is prohibited by s.48(3)** |

**Compliance Links:**

**Record Keeping:**

**Version Control:**

| 1 |
| 2 |
| 3 |
### BF02 Restricted Burning Times – Vary

<table>
<thead>
<tr>
<th>Delegator:</th>
<th>Local Government</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Express Power to Delegate:</strong> Power that enables a delegation to be made</td>
<td><em>Bush Fires Act 1954:</em> s.48 Delegation by local government</td>
</tr>
<tr>
<td><strong>Express Power or Duty Delegated:</strong></td>
<td><em>Bush Fires Act 1954:</em> s.18(5) Restricted burning times may be declared by FES Commissioner</td>
</tr>
<tr>
<td>Delegate:</td>
<td>Chief Executive Officer</td>
</tr>
<tr>
<td>Function: <em>This is a precis only.</em> Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</td>
<td>Authority, where seasonal conditions warrant it and after consultation with an authorised CALM Act officer, to determine to vary the restricted burning times in respect of that year [s.18 (5)].</td>
</tr>
<tr>
<td><strong>Council Conditions on this Delegation:</strong></td>
<td>a. The decision to vary the Restricted Burning Times is to be made in consultation with the Chief Bush Fire Control Officer must comply with the procedural requirements of s.18 (5B) of the Act.</td>
</tr>
<tr>
<td><strong>Express Power to Sub-Delegate:</strong></td>
<td>NIL – <em>Sub-delegation is prohibited by s.48(3)</em></td>
</tr>
</tbody>
</table>

| Compliance Links: | |
| Record Keeping: | |

**Version Control:**

| 1 |
| 2 |
| 3 |
### BF03 Request to FES Commissioner – Control of a Fire

<table>
<thead>
<tr>
<th><strong>Delegator:</strong></th>
<th>Local Government</th>
</tr>
</thead>
</table>
| **Express Power to Delegate:** | Bush Fires Act 1954:  
  s.48 Delegation by local government |
| **Express Power or Duty Delegated:** | Bush Fires Act 1954:  
  s.13(4) Duties and powers of bush fire liaison officers |
| **Delegate:** | Chief Executive Officer |
| **Function:** | 1. Authority to request on behalf of the Shire of Lake Grace that the FES Commissioner authorise the Bush Fire Liaison Officer or another person to take control of fire operations [s.13(4)]. |
| **Council Conditions on this Delegation:** | a. The decision to make a request to the FES Commissioner is to be made in consultation with the Chief Bush Fire Control Officer and must comply with the procedural requirements of clause 4.9.2 of State Hazard Plan – Fire. |
| **Express Power to Sub-Delegate:** | NIL – Sub-delegation is prohibited by s.48(3) |

**Compliance Links:**

**Record Keeping:**

<table>
<thead>
<tr>
<th><strong>Version Control:</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
</tr>
<tr>
<td>2</td>
</tr>
<tr>
<td>3</td>
</tr>
</tbody>
</table>
**BF04  Give Written Notice of Fire Management Requirements**

<table>
<thead>
<tr>
<th>Delegator:</th>
<th>Local Government</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Express Power to Delegate:</strong></td>
<td>Bush Fires Act 1954:</td>
</tr>
<tr>
<td>Power that enables a delegation to be made</td>
<td>s.48 Delegation by local government</td>
</tr>
<tr>
<td><strong>Express Power or Duty Delegated:</strong></td>
<td>Bush Fires Act 1954:</td>
</tr>
<tr>
<td></td>
<td>s.33 Local government may require occupier of land to plough or clear fire-breaks</td>
</tr>
<tr>
<td>Delegate:</td>
<td>Chief Executive Officer</td>
</tr>
</tbody>
</table>

**Function:**

*This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.*

1. Authority to give written notice to an owner or occupier of land or all owners or occupiers of land within the District, requiring, to the satisfaction of the Shire of Lake Grace:
   a. clearing of firebreaks as determined necessary and specified in the notice; and
   b. act in respect to anything which is on the land and is or is likely to be conducive to the outbreak of a bush fire or the spread or extension of a bush fire; and
   c. as a separate or coordinated action with any other person carry out similar actions [s.33(1)].

2. Authority to direct a Bush Fire Control Officer or any other employee to enter onto the land of an owner or occupier to carry out the requisitions of the notice which have not been complied with [s.33(4)].
   a. Authority to recover any costs and expenses incurred in doing the acts, matters or things required to carry out the requisitions of the notice [s.33(5)].

**Council Conditions on this Delegation:**

- **Express Power to Sub-Delegate:** NIL – Sub-delegation is prohibited by s.48(3)

---

**Compliance Links:**

- **Record Keeping:**

**Version Control:**

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BF05 Appoint Bush Fire Control Officer/s and Fire Weather Officer

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<tr>
<th>Delegator:</th>
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<td><strong>Express Power to Delegate:</strong></td>
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<tr>
<td><strong>Power that enables a delegation to be made</strong></td>
<td>s.48 Delegation by local government</td>
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<tr>
<td><strong>Express Power or Duty Delegated:</strong></td>
<td>Bush Fires Act 1954:</td>
</tr>
<tr>
<td><strong>Power that enables a delegation to be made</strong></td>
<td>s.38 Local Government may appoint bush fire control officer</td>
</tr>
<tr>
<td><strong>Delegate:</strong></td>
<td>Chief Executive Officer</td>
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</tbody>
</table>

**Function:**

This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.

1. Authority to appoint persons to be Bush Fire Control Officers for the purposes of the Bush Fires Act 1954; and
   a. Of those Officers, appoint one as the Chief Bush Fire Control Officer and one as the Deputy Chief Bush Fire Control Officer; and
   b. Determine the respective seniority of the other Bush Fire Officers so appointed [s.38 (1)].

2. Authority to issue directions to a Bush Fire Control Officer to burn on or at the margins of a road reserve under the care, control and management of the Shire of Lake Grace [s.38(5A)]

3. Authority to appoint a Fire Weather Officer, selected from senior Bush Fire Control Officers previously appointed and where more than one Fire Weather Officer is appointed, define a part of the District in which each Fire Weather Officer shall have exclusive right to exercise the powers of s.38 (17). [s.38 (8) and (9)].
   a. Authority to appoint deputy Fire Weather Officer/s as considered necessary and where two or more deputies are appointed, determine seniority [s.38 (10)].

**Council Conditions on this Delegation:**

a. The nominations for Bush Fire Control Officers, Chief Bush Fire Control Officer, Deputy Chief Bush Fire Control Officer, and Fire Weather Officers tabled by the Bush Fire Advisory Committee shall be taken into consideration when appointing persons to these positions.

**Express Power to Sub-Delegate:**

NIL – Sub-delegation is prohibited by s.48(3)

**Compliance Links:**

**Record Keeping:**

**Version Control:**

1
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## BF06  Control of Activities during Prohibited & Restricted Burning Times

<table>
<thead>
<tr>
<th>Delegator:</th>
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<tr>
<td>Power / Duty assigned in legislation to:</td>
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<tr>
<th>Express Power to Delegate:</th>
<th>Bush Fires Act 1954:</th>
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<tbody>
<tr>
<td>Power that enables a delegation to be made</td>
<td>s.48 Delegation by local government</td>
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<tr>
<th>Express Power or Duty Delegated:</th>
<th>Bush Fires Act 1954:</th>
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<tbody>
<tr>
<td></td>
<td>s.22(6) and (7) Burning on exempt land and land adjoining exempt land</td>
</tr>
<tr>
<td></td>
<td>s.27(2) and (3) Prohibition on use of tractors or engines except under certain conditions</td>
</tr>
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<table>
<thead>
<tr>
<th>Bush Fire Regulations 1954:</th>
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<tbody>
<tr>
<td>r.15(2) Permit to burn (Act s.18), form of and apply for after refusal etc.</td>
<td></td>
</tr>
<tr>
<td>r.15C Local Government may prohibit burning on certain days</td>
<td></td>
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<tr>
<td>r.38C Harvesters, power to prohibit use of on certain days in restricted or prohibited burning times</td>
<td></td>
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<tr>
<td>r.39B Crop dusters etc., use of in restricted or prohibited burning times</td>
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<tr>
<th>Delegate:</th>
<th>Chief Executive Officer</th>
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<th>Function:</th>
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<tr>
<td>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</td>
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</table>

| 1. Authority to arrange with the occupier of exempt land, the occupier of land adjoining it and the Bush Fire Brigade to cooperate in burning fire-breaks and require the occupier of adjoining land to provide by the date of the burning, ploughed or cleared fire-breaks parallel to the common boundary [s.22(6) and (7)]. | |

| 2. Authority to prohibit the use of tractors, engines or self-propelled harvester, during Prohibited Burning Times or Restricted Burning Times, and to give permission for use of same subject to compliance with requirements specified in a notice [s.27(2) and (3)]. | |

| 3. Authority to determine permits to burn during restricted times that have previously been refused by a Bush Fire Control Officer [r.15(2)]. | |

| 4. Authority to determine to prohibit burning on Sundays or specified days that are public holidays in the District [r.15C]. | |

<p>| 5. Authority to declare that the use of any harvesting machinery on any land under crop during the whole or any part of any Sunday or public holiday in the whole or a specified part of the District during Restricted Burning Times is prohibited, unless written consent of a Bush Fire Control Officer is obtained [r.38C]. | |</p>
<table>
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<tr>
<td>6.</td>
<td>Authority to determine, during a Prohibited Burning Times or Restricted Burning Time, if a firebreak around a landing ground for an aeroplane has been satisfactorily prepared [r.39B(2)].</td>
</tr>
<tr>
<td>7.</td>
<td>Authority to issue directions, a during a Prohibited Burning Time or Restricted Burning Time, to a Bush Fire Control Officer, regarding matters necessary for the prevention of fire on land used as a landing ground for an aeroplane [r.39B(3)].</td>
</tr>
</tbody>
</table>

| **Council Conditions on this Delegation:** |   |
| **Express Power to Sub-Delegate:** | *NIL – Sub-delegation is prohibited by s.48(3)* |

**Compliance Links:**

**Record Keeping:**

**Version Control:**

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### BF07 Control and Extinguishment of Bush Fires

<table>
<thead>
<tr>
<th>Delegator:</th>
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<tbody>
<tr>
<td><strong>Express Power to Delegate:</strong></td>
<td><strong>Bush Fires Act 1954:</strong></td>
</tr>
<tr>
<td><strong>Power that enables a delegation to be made</strong></td>
<td>s.48 Delegation by local government</td>
</tr>
<tr>
<td><strong>Express Power or Duty Delegated:</strong></td>
<td><strong>Bush Fires Act 1954:</strong></td>
</tr>
<tr>
<td></td>
<td>s.46 Bush fire control officer or forest officer may postpone lighting fire</td>
</tr>
<tr>
<td><strong>Delegate:</strong></td>
<td><strong>Chief Executive Officer</strong></td>
</tr>
<tr>
<td><strong>Function:</strong></td>
<td><strong>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</strong></td>
</tr>
<tr>
<td></td>
<td>1. Authority to prohibit or postpone the lighting of a fire where in the opinion of the Delegate the lighting of a fire would be or become a source of danger by escaping from the land on which it is proposed to be lit [s.46(1A)(a)].</td>
</tr>
<tr>
<td></td>
<td>2. Authority to direct the owner or occupier of land on which a fire is burning where in the opinion of the Delegate the fire is in danger of escaping from that land to take all reasonable steps to extinguish the fire or to prevent the fire from spreading. [s.46(1A)(b)].</td>
</tr>
<tr>
<td></td>
<td>3. Where it is proposed that the fire will be lit on land within 3kms of the boundary of forest land, and an authorised CALM Act office is not available or has not exercised the power to prohibit or proposed a fire considered to become a source of danger, then the Delegate may make the decision [s.46(1B)].</td>
</tr>
<tr>
<td><strong>Council Conditions on this Delegation:</strong></td>
<td><strong>Express Power to Sub-Delegate:</strong></td>
</tr>
<tr>
<td></td>
<td><strong>Bush Fire Control Officers have powers under s.46 of the Bush Fires Act.</strong></td>
</tr>
<tr>
<td></td>
<td><strong>NIL – Sub-delegation is prohibited by s.48(3)</strong></td>
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### BF08 Control of Operations Likely to Create Bush Fire Danger

<table>
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<tr>
<th><strong>Delegator:</strong></th>
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</table>
| **Express Power to Delegate:** | *Bush Fires Act 1954:*
| Power that enables a delegation to be made | s.48 Delegation by local government |

| **Express Power or Duty Delegated:** | *Bush Fires Act 1954:*
| s.27D Requirements for carriage and deposit of incendiary material |
| *Bush Fires Regulations 1954:*
| r.39C Welding and cutting apparatus, use of in open air |
| r.39CA Bee smoker devices, use of in restricted or prohibited burning times etc. |
| r.39D Explosives, use of |
| r.39E Fireworks, use of |

| **Delegate:** | **Chief Executive Officer** |

| **Function:** |
| *This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.* |
| 1. Authority to give directions to a Bush Fire Control Officer regarding matters necessary for the prevention of fire arising from: |
| a. a person operating a bee smoker device during a prescribed period [r.39CA(5)]. |
| b. a person operating welding apparatus, a power operated abrasive cutting disc [r.39C(3)]. |
| c. a person using explosives [r.39D(2)]. |
| d. a person using fireworks [r.39E(3)] |
| 2. Authority to determine directions or requirements for the carriage and deposit of incendiary materials (hot or burning ash, cinders, hot furnace refuse, or any combustible matter that is burning) [s.27D]. *Note: this authority is also prescribed to a Bush Fire Control Officer, a Bush Fire Liaison Officer or an authorised CALM Act officer.* |

| **Council Conditions on this Delegation:** | a. |

| **Express Power to Sub-Delegate:** | NIL – Sub-delegation is prohibited by s.48(3) |

| **Compliance Links:** | |
| **Record Keeping:** | |

**Version Control:**

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### BF09 Burning Garden Refuse / Open Air Fires

<table>
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<tr>
<th>Delegator: Power / Duty assigned in legislation to:</th>
<th>Local Government</th>
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<tbody>
<tr>
<td><strong>Express Power to Delegate:</strong></td>
<td><strong>Bush Fires Act 1954:</strong></td>
</tr>
<tr>
<td><strong>Power that enables a delegation to be made</strong></td>
<td>s.48 Delegation by local government</td>
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<tr>
<th>Express Power or Duty Delegated:</th>
<th><strong>Bush Fires Act 1954:</strong></th>
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<tbody>
<tr>
<td></td>
<td>s.24F Burning garden refuse during limited burning times</td>
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<tr>
<td></td>
<td>s.24G Minister or local government may further restrict burning of garden refuse</td>
</tr>
<tr>
<td></td>
<td>s.25 No fire to be lit in open air unless certain precautions taken</td>
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<td></td>
<td>s.25A Power of Minister to exempt from provisions of section 25</td>
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<tr>
<th>Delegate:</th>
<th><strong>Chief Executive Officer</strong></th>
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<tr>
<td><strong>Function:</strong></td>
<td><strong>Bush Fires Regulations 1954:</strong></td>
</tr>
<tr>
<td><em>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</em></td>
<td>r.27(3) Permit, issue of</td>
</tr>
</tbody>
</table>

1. Authority to give written permission, during prohibited burning times and restricted burning times, for an incinerator located within 2m of a building or fence, only where satisfied it is not likely to create a fire hazard [s.24F(2)(b)(ii) and (4)].

2. Authority to prohibit or impose restrictions on the burning of garden refuse that is otherwise permitted under s.24F [s.24G(2), (4) and (5)].

3. Authority to issue directions to an authorised officer as to the manner in which or the conditions under which permits to burn plants or plant refuse shall be issued in the District [r.27(3) and r.33(5)].

4. Authority to prohibit (object to) the issuing of a permit for the burning of a proclaimed plant growing upon any land within the District [r.34].

5. Authority to provide written approval, during prohibited times and restricted times, for fires to be lit for the purposes of:
   a. camping or cooking [s.25(1)(a)].
   b. conversion of bush into charcoal or for the production of lime, in consultation with an authorised CALM Act officer [s.25(1)(b)].

4. Authority to prohibit the lighting of fires in the open area for the purposes of camping or cooking for such period during the prohibited burning times as specified in a note published in the Gazette and newspaper circulating in the District and authority to vary such notice [s.25(1a) and (1b)].
5. Authority to serve written notice on a person to whom an exemption has been given under s.25 for lighting a fire in open air, prohibiting that person from lighting a fire and to determine conditions on the notice [s.25A(5)].

**Council Conditions on this Delegation:**

**Express Power to Sub-Delegate:** NIL – Sub-delegation is prohibited by s.48(3)

**Compliance Links:**

**Record Keeping:**

**Version Control:**

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## BF10 Recovery of Expenses

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<tr>
<td><strong>Power / Duty assigned in legislation to:</strong></td>
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</table>
| **Express Power to Delegate:** | *Bush Fires Act 1954:*
| **Power that enables a delegation to be made** | s.48 Delegation by local government |
| **Express Power or Duty Delegated:** | *Bush Fires Act 1954:*
| | s.18(11) Restricted burning times may be declared by FES Commissioner
| | s.28(4) and (5) Occupier of land to extinguish bush fire occurring on own land
| | s.58 General penalty and recovery of expenses incurred |
| Delegate: | Chief Executive Officer |
| **Function:** | 1. Authority, where a permitted burn fire escapes or is out of control in the opinion of the Bush Fire Control Officer or an officer of the Bush Fire Brigade, to determine to recoup bush fire brigade expenses arising from preventing extension of or extinguishing an out of control permitted burn [s.18(11)].
| **This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.** | 2. Authority to recover the cost of measures taken by the Shire of Lake Grace or Bush Fire Control Officer, to extinguish a fire burning during Restricted Burning Times, where the occupier of the land has failed to comply with requirements under s.28(1) to take all possible measures to extinguish a fire the land they occupy [s.28(4)], including authority to recover expenses in any court of competent jurisdiction [s.28(5)].
| | 3. Authority to recover expenses incurred as a result of an offence against the Bush Fires Act, being expenses incurred through the fulfilment of a duty or doing anything for which the Act empowered or required the Shire of Lake Grace or those on behalf of the Shire of Lake Grace to do [s.58]. |
| **Council Conditions on this Delegation:** | |
| **Express Power to Sub-Delegate:** | *NIL – Sub-delegation is prohibited by s.48(3)* |

**Compliance Links:**

**Record Keeping:**
### BF11 Prosecution of Offences

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| Express Power to Delegated: | **Bush Fires Act 1954:**  
| Power that enables a delegation to be made |  
| **s.48 Delegation by local government** |
| **Express Power or Duty Delegated:** | **Bush Fires Act 1954:**  
| |  
| | **s.59 Prosecution of offences**  
| | **s.59A(2) Alternative procedure – infringement notices** |
| **Delegate:** | Chief Executive Officer  
| | Bush Fire Control Officer |
| **Function:** | This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.  
| | 1. Authority to institute and carry on proceedings against a person for an offence alleged to be committed against this Act [s.59].  
| | 2. Authority to serve an infringement notice for an offence against this Act [s.59A(2)]. |
| **Council Conditions on this Delegation:** |  
| |  
| **Express Power to Sub-Delegate:** | NIL – Sub-delegation is prohibited by s.48(3) |

### Compliance Links:

| Compliance Links: | **Bush Fires Act 1954:**  
| |  
| | **s.65 Proof of certain matters**  
| | **s.66 Proof of ownership or occupancy** |

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### Version Control:

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Summary

At the 21 October 2020 General Meeting of the Roe Tourism Association (RTA), the committee discussed and supported establishing and entering into a Memorandum of Understanding (MOU), similar to the RoeRoc EHO initiative, with our Full Member Shire’s to future-proof and provide a formal commitment.

Background

The Shire of Lake Grace has been a member of RTA since October 2008, joining the member shires of Bruce Rock, Corrigin, Kondinin, Kulin, Narembeen and Quairading. It found that the tourism objectives is more aligned to those councils. The Shire of Quairading subsequently pulled out of the RTA several years ago, however, have recently returned.

With the return of the Shire of Quairading, which involved the redesigning of maps and brochures to have it included in the advertising, it was decided to formalise the commitments to include provision for the entry and exit of Shires.

Comment

RTA provides a strong commitment to the tourism industry throughout the member shires with much sharing of information and ideas as well as a combined advertising effort to promote all member shires. This MOU formalises the membership agreement.

Legal Implications

Local Government Act 1995

Policy Implications

Nil
Consultation

Member Shires - Bruce Rock, Corrigin, Kondinin, Kulin, Lake Grace, Narembeen and Quairading

Financial Implications

Annual membership for the past few years has been $5,000 per annum. This amount has been increased to $6,000 and included in 2020/2021 budget.

Strategic Implications

Shire of Lake Grace Strategic Community Plan 2017-2027
Economic Objective A prosperous agricultural based economy, supporting diversification of industry
Outcome 1.2 Support local business and promote further investment in the district
Outcome 1.3 An attractive destination for visitors
1.3.1 Promote and develop tourism as part of a regional approach

RESOLUTION 13277

Moved Cr Lloyd
Seconded Cr Clarke

That Council approves the Memorandum of Understanding (MOU) with Roe Tourism Association (RTA) and authorise the Chief Executive Officer to sign the MOU on its behalf.

   CARRIED: 7/0

Voting Requirements

Simple majority required.
14.4.7 SPECIFIED AREA RATES – LEGAL OPINION

<table>
<thead>
<tr>
<th>Applicant:</th>
<th>Internal Report</th>
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<tbody>
<tr>
<td>File No.</td>
<td>Nil</td>
</tr>
<tr>
<td>Attachments:</td>
<td>• Response from McLeod’s Barristers and Solicitors</td>
</tr>
<tr>
<td></td>
<td>• Letter from Minister for Local Government</td>
</tr>
<tr>
<td>Author:</td>
<td>Alan George</td>
</tr>
<tr>
<td></td>
<td>Chief Executive Officer</td>
</tr>
<tr>
<td>Disclosure of Interest:</td>
<td>Nil</td>
</tr>
<tr>
<td>Date of Report:</td>
<td>01 July 2020</td>
</tr>
<tr>
<td>Senior Officer:</td>
<td>Alan George</td>
</tr>
<tr>
<td></td>
<td>Chief Executive Officer</td>
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</tbody>
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Summary

Council to receive the legal advice from McLeods Barristers and Solicitors regarding an alternative to the imposition of Specified Area Rates (SARS) for recreation and culture that had been imposed by the Shire of Lake Grace between 1999 and 30 June 2019, and 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 process of the review, 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 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 of Lake Grace is currently at risk of having the rate quashed by the State Administrative Tribunal (SAT).

With the Adoption of the 2019/20 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 2018/19. A general rate was levied for that same total balance for the imposition of rates for the 2019/20 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, spreads 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 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 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. With Mr Russell Barnes, Moore Stephens in attendance by telephone.

It was acknowledged by the group that nothing can be done with the rating for the 2019/20 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

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 and was included as an item in the 17 June OCM.

Prior to the item being discussed Mr Rusty Lee addressed the Council to put forward a case for the reinstatement of the Specified Area Rates, because amongst other things, it was believed that it gave communities more of a sense of ownership over the facilities.

To summarise McLeods response, 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 went on to say that, it would be open to the Shire 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 does not meet requirements of the Local Government Act 1995.

After the discussion, the following resolution was made:

**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**

A copy of the letter received from the Minister for Local Government, it states the following:

“Local governments have authority, under the provisions of section 6.37 of the Local Government Act (1995) (the Act), to impose Specified Area rates ‘for the purpose of meeting the cost of provision by it of a specific work, service or facility’”

This comment mimics that originally provided by McLeods.

McLeods have provided their advice regarding an alternative to the SARS to achieve the same result, and have advised that there is no alternative rate or charge that the Shire could validly impose under the Local Government Act to achieve the same outcome as the Recreation and Culture Specified Area Rates.

However, they have advised that as part of the Local Government Act 1995 review, they understand that the Department of Local Government, Sport and Cultural Industries has considered possible options for reform to rates, fees and charges under the Act. If there is reform to the rates, fees and charges, it may provide an alternative mechanism to impose a rate or charge, which would achieve the same outcome as the Recreation and Culture Specified Area Rate but comply with 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 advise 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 amend the policy. They advised that they are able to provide assistance to develop a compliant policy and their assistance will been sought.

**Consultation**

External McLeods Barristers and Solicitors

**Financial Implications**

Costs to date for the two (2) advices amount to $15,674.21 ex GST.

**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
RESOLUTION 13278

Moved Cr Clarke
Seconded Cr Stoffberg

That Council

1. Receives the legal advice from McLeods Barristers and Solicitors regarding the alternatives to the imposition of Specified Area Rates as requested by Council.
2. Accepts that at this stage there is no alternative rate or charge available that the Shire could validly impose under the Local Government Act 1995 to achieve the same outcome as the Recreation and Cultural Specified Area Rates.
3. Reconfirms 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. Revisit the subject of Specified Area Rates upon the completion of the Local Government Act review.

CARRIED: 7/0

Voting Requirements

Absolute majority required
14.4.8 LAKE GRACE AND NEWDEGATE RECREATION COUNCILS USER FEES

<table>
<thead>
<tr>
<th>Applicant:</th>
<th>Internal Report</th>
</tr>
</thead>
<tbody>
<tr>
<td>File No.</td>
<td>Nil</td>
</tr>
<tr>
<td>Attachments:</td>
<td>Nil</td>
</tr>
<tr>
<td>Author:</td>
<td>Alan George</td>
</tr>
<tr>
<td></td>
<td>Chief Executive Officer</td>
</tr>
<tr>
<td>Disclosure of Interest:</td>
<td>Nil</td>
</tr>
<tr>
<td>Date of Report:</td>
<td>01 July 2020</td>
</tr>
<tr>
<td>Senior Officer:</td>
<td>Alan George</td>
</tr>
<tr>
<td></td>
<td>Chief Executive Officer</td>
</tr>
</tbody>
</table>

Summary

Due to the COVID-19 restrictions, there has been no sports being carried out since March 2020. Given the situation that has arisen, Council confirmation is being sought to waive the fees for the past season. Summer sport fees are now to be raised in September/October 2020 and winter sports are to be raised March/April 2021.

The closure of the Shire facilities has also had an impact on other users such as the Lake Grace High School and the Newdegate Field Day Committee, which will also be severely affected by the cancellation of the Newdegate Field Days

Background

The COVID 19 Outbreak and the severe restrictions put in place by the State Government meant that there were no winter sports so far this year, which has severely hampered fund raising by the clubs to assist with their contributions as well as the funds to finance their carry on.

Comment

With some winter sports soon, to commence at a much-reduced capacity, and some not at all, it is considered that as a gesture of goodwill and in the best interest of the wellbeing of the participants of the sports and its followers, that Council waive the fees for the winter season. The State Government's decision to declare a State of Emergency in Western Australia during the COVID-19 crisis has had a far-reaching effect on public life over the past 4 or 5 months.

The State Government has been requesting that local governments review fees and charges since the crisis began. Sporting clubs rely heavily on participation and their social activities, and as these have been virtually non-existent, the waiver of fees is considered reasonable.
The fees for the summer sports will be raised prior to the season’s commencement in September/October 2020, and the winter sports in March/April 2021, provided the COVID crisis is finished and all restrictions are lifted.

**Legal Implications**

Local Government Act 2020

Div 5 S2 6.16(3)(b) states

Fees and charges are to be imposed when adopting the annual budget, but may be —

**(b) amended* from time to time during a financial year.**

* Absolute majority required.

**Policy Implications**

Nil

**Consultation**

External Various sporting clubs
Internal Shire of Lake Grace Councillors

**Financial Implications**

The waiver of the fees from the winter sports is $15,543.
Newdegate Field Days Committee fee income will reduce by $4,170.

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

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
4.2.1 Maintain accountability and financial responsibility through effective planning
RESOLUTION 13279

Moved Cr Clarke
Seconded Cr Chappell

That Council:

- Approves the waiver of the user fees for the winter sport users and the Newdegate Field Days Committee of the Lake Grace and Newdegate recreation facilities for the 2019/2020 seasons;
- Summer sports users to be billed in September/October 2020 before the commencement of the summer season and winter sports to be billed prior to the season commencing in March/April 2021.

CARRIED:

Voting Requirements

Absolute majority required.
### 14.4.9 APPOINTMENT OF FIRE CONTROL OFFICERS AND FIRE WEATHER OFFICERS FOR 2020/21

<table>
<thead>
<tr>
<th><strong>Applicant:</strong></th>
<th>Bush Fire Advisory Committee (BFAC)</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>File No.:</strong></td>
<td></td>
</tr>
<tr>
<td><strong>Attachments:</strong></td>
<td>Nil</td>
</tr>
<tr>
<td><strong>Author:</strong></td>
<td>Suzan Lees CESM</td>
</tr>
<tr>
<td><strong>Disclosure of Interest:</strong></td>
<td>Nil</td>
</tr>
<tr>
<td><strong>Date of Report:</strong></td>
<td>7 July 2020</td>
</tr>
<tr>
<td><strong>Senior Officer:</strong></td>
<td>Alan George Chief Executive Officer</td>
</tr>
</tbody>
</table>

**Summary**

This report is to request Council to appoint the persons nominated by the Bush Fire Advisory Committee (BFAC) to the positions of Fire Control Officer and Fire Weather Officer.

**Background**

At the BFAC meeting held on 2 July 2020 the Committee nominated persons to the positions of Fire Control Officer and Fire Weather Officer.

**Legal Implications**

S.38. **Local government may appoint bush fire control officer**

1. A local government may from time to time appoint such persons as it thinks necessary to be its bush fire control officers under and for the purposes of this Act, and of those officers shall subject to section 38A(2) appoint 2 as the Chief Bush Fire Control Officer and the Deputy Chief Bush Fire Control Officer who shall be first and second in seniority of those officers, and subject thereto may determine the respective seniority of the other bush fire control officers appointed by it.

2A. The local government shall cause notice of an appointment made under the provisions of subsection (1) to be published at least once in a newspaper circulating in its district.

8. An approved local government may appoint to the office of fire weather officer such number of senior bush fire control officers as it thinks necessary.

17. A fire weather officer of an approved local government …, may authorise a person who has received a permit under section 18(6)(a), to burn the bush … notwithstanding that for any day, or any period of a day, specified in the notice the fire danger forecast issued by the Bureau of Meteorology in Perth, in respect to the locality where the bush proposed
to be burnt is situated, is “catastrophic”, “extreme”, “severe” or “very high”, and upon
the authority being given the person, if he has otherwise complied with the conditions
prescribed for the purposes of section 18, may burn the bush.

(10) An approved local government may appoint one or more persons, as it thinks necessary,
to be the deputy or deputies, as the case may be, of a fire weather officer appointed by
the local government and where 2 or more deputies are so appointed they shall have
seniority in the order determined by the local government.

(13) The local government shall give notice of an appointment made under subsection (8) or
(10) to the FES Commissioner and cause notice of the appointment to be published at
least once in a newspaper circulating in its district and the FES Commissioner shall cause
notice of the appointment to be published once in the Government Gazette.

Shire of Lake Grace Bush Fire Brigades Local Law

3.11 Management Committee to nominate bush fire control officers As soon as practicable
after the annual general meeting of each bush fire brigade in the district, the Bush Fire
Management Committee is to nominate to the local government from the persons
nominated by each bush fire brigade a person for the position of a bush fire control officer
for the brigade area.

3.12 Local government to have regard to nominees When considering persons for the position
of a bush fire control officer, the local government is to have regard to those persons
nominated by the Bush Fire Management Committee, but is not bound to appoint the
persons nominated.

Policy Implications

Nil

Consultation

Nil

Financial Implications

Costs associated with publication of the appointments in a local newspaper.

Strategic Implications

Shire of Lake Grace Strategic Community Plan 2017-2027
Leadership Objective—Strong governance and leadership, demonstrating fair and equitable
community values.
Outcomes 4.2 An efficient and effective organisation
  4.2.2 Comply with statutory and legislative requirements
RESOLUTION 13280

Moved Cr Marshall
Seconded Cr Clarke

That Council accepts the Bush Fire Advisory Committee’s nominations of persons listed in this report and appoints those persons to the positions of:

- Fire Control Officers
- Chief Bush Fire Control Officer
- Deputy Chief Bush Fire Control Officer
- Fire Weather Officers

CARRIED: 7/0

Voting Requirements

Simple majority required.
<table>
<thead>
<tr>
<th>District:</th>
<th>Name:</th>
<th>Call Sign:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Zone 1 - Lake Grace North</td>
<td>Doug Dunham</td>
<td>Lake Grace North 10</td>
</tr>
<tr>
<td></td>
<td>Evan Wyatt</td>
<td>Lake Grace North 11</td>
</tr>
<tr>
<td></td>
<td>Brad Watson (CBFCO)</td>
<td>Lake Grace North 12</td>
</tr>
<tr>
<td></td>
<td>Glen Willcocks</td>
<td>Lake Grace North 13</td>
</tr>
<tr>
<td></td>
<td>Leon Morgan</td>
<td>Lake Grace North 14</td>
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<td>Greg Carruthers</td>
<td>Lake Grace North 15</td>
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<tr>
<td></td>
<td>Ross Chappell</td>
<td>Lake Grace North 16</td>
</tr>
<tr>
<td>Zone 2 - Lake Grace South</td>
<td>Kevin Naisbitt</td>
<td>Lake Grace South 22</td>
</tr>
<tr>
<td></td>
<td>Scott Strevett</td>
<td>Lake Grace South 24</td>
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<tr>
<td>Zone 3 - Newdegate North</td>
<td>Bill Lloyd</td>
<td>Newdegate North 30</td>
</tr>
<tr>
<td></td>
<td>Tim Lloyd</td>
<td>Newdegate North 31</td>
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<tr>
<td></td>
<td>Ian Lloyd</td>
<td>Newdegate North 32</td>
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<tr>
<td></td>
<td>Barry Ness</td>
<td>Newdegate North 33</td>
</tr>
<tr>
<td></td>
<td>Ron Shalders</td>
<td>Newdegate North 37</td>
</tr>
<tr>
<td></td>
<td>Craig Shalders</td>
<td>Newdegate North 38</td>
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<tr>
<td></td>
<td>Pete Walker</td>
<td>Newdegate North 39</td>
</tr>
<tr>
<td></td>
<td>Aaron Guelfi</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Dean Rintou</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Gary Guelfi</td>
<td></td>
</tr>
<tr>
<td>Zone 4 - Newdegate South</td>
<td>Matt Cugley</td>
<td>Newdegate South 40</td>
</tr>
<tr>
<td></td>
<td>Simon Cugley</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Geoff Richardson</td>
<td>Newdegate South 42</td>
</tr>
<tr>
<td></td>
<td>Syd Walker</td>
<td>Newdegate South 43</td>
</tr>
<tr>
<td></td>
<td>Wes Hall (DCBFCO)</td>
<td>Newdegate South 44</td>
</tr>
<tr>
<td></td>
<td>Peter Kennedy</td>
<td>Newdegate South 45</td>
</tr>
<tr>
<td>Zone 5 – Varley/Lake King</td>
<td>Stephen Davies</td>
<td>Varley 50</td>
</tr>
<tr>
<td></td>
<td>Jorge Brinkmann</td>
<td>Varley 51</td>
</tr>
<tr>
<td></td>
<td>Ben Hyde</td>
<td>Varley 52</td>
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<tr>
<td></td>
<td>Craig Newman</td>
<td>Varley 53</td>
</tr>
<tr>
<td></td>
<td>John Zurnamer</td>
<td>Varley 59</td>
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<td></td>
<td>Jason Sugg</td>
<td>Lake King 54</td>
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<tr>
<td></td>
<td>Arthur Sugg</td>
<td>Lake King 55</td>
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<tr>
<td></td>
<td>Hugh Roberts</td>
<td>Lake King 57</td>
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<tr>
<td>Zone 6 - Mt Madden</td>
<td>David Roberts</td>
<td>MT Madden 60</td>
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<td></td>
<td>Lindsay Brownley</td>
<td>MT Madden 62</td>
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<td></td>
<td>Anthony Teale</td>
<td>Mt Madden 63</td>
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<td></td>
<td>Rory Vermeesch</td>
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<td>Zone 7 - Dunn Rock</td>
<td>Rhys De Landgraafft</td>
<td>Dunn Rock 70</td>
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<td></td>
<td>Bernie Giles</td>
<td>Dunn Rock 72</td>
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<tr>
<td></td>
<td>Tyson De Landgraafft</td>
<td></td>
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<tr>
<td>Lake Grace Town</td>
<td>Reid Stubberfield</td>
<td></td>
</tr>
<tr>
<td>Newdegate Town</td>
<td>David Tonkin</td>
<td></td>
</tr>
<tr>
<td>Shire of Lake Grace</td>
<td>Suzan Lees</td>
<td>Lakes 1</td>
</tr>
</tbody>
</table>
### DUAL FIRE CONTROL OFFICERS FOR THE SHIRE OF LAKE GRACE

Shire of Lake Grace FCOs to be appointed as Dual Fire Control Officers for the following Shires for the 2020/2021 bush fire season:

<table>
<thead>
<tr>
<th>Shire</th>
<th>Name 1</th>
<th>Name 2</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ravensthorpe</td>
<td>Anthony Teale</td>
<td>David Roberts</td>
</tr>
<tr>
<td>Kondinin</td>
<td>Stephen Davies</td>
<td>Jorge Brinkmann</td>
</tr>
<tr>
<td>Kulin</td>
<td>Evan Wyatt</td>
<td>Doug Dunham</td>
</tr>
<tr>
<td>Dumbleyung</td>
<td>Kevin Naisbitt</td>
<td>Leon Morgan</td>
</tr>
<tr>
<td>Kent</td>
<td>Brad Watson</td>
<td>Wes Hall</td>
</tr>
<tr>
<td>Esperance</td>
<td>Hugh Roberts</td>
<td></td>
</tr>
</tbody>
</table>

### Chief Bush Fire Control Officer & Deputy

<table>
<thead>
<tr>
<th>Role</th>
<th>Name</th>
</tr>
</thead>
<tbody>
<tr>
<td>Chief Bush Fire Control Officer</td>
<td>Brad Watson</td>
</tr>
<tr>
<td>Deputy Chief Bush Fire Control Officer</td>
<td>Wes Hall</td>
</tr>
</tbody>
</table>

### Senior Bush Fire Control Officers

<table>
<thead>
<tr>
<th>Role</th>
<th>Name</th>
</tr>
</thead>
<tbody>
<tr>
<td>Senior Fire Control Officer - West</td>
<td>Doug Dunham</td>
</tr>
<tr>
<td>Senior Fire Control Officer - East</td>
<td>Hugh Roberts</td>
</tr>
</tbody>
</table>

### Fire Weather Officers & Deputy

<table>
<thead>
<tr>
<th>Role</th>
<th>Name</th>
</tr>
</thead>
<tbody>
<tr>
<td>Fire Weather Officer: Chief Bush Fire Control Officer</td>
<td>Brad Watson</td>
</tr>
<tr>
<td>Deputy Fire Weather Officer: Deputy Chief Bush Fire Control Officer</td>
<td>Wes Hall</td>
</tr>
</tbody>
</table>
14.4.10 APPOINTMENT OFFICERS AUTHORISED UNDER THE BUSH FIRES ACT 1954 FOR 2020/21

<table>
<thead>
<tr>
<th>Applicant:</th>
<th>Bush Fire Advisory Committee (BFAC)</th>
</tr>
</thead>
<tbody>
<tr>
<td>File No.</td>
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<tr>
<td>Attachments:</td>
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</tr>
<tr>
<td>Author:</td>
<td>Suzan Lees CESM</td>
</tr>
<tr>
<td>Disclosure of Interest:</td>
<td>Nil</td>
</tr>
<tr>
<td>Date of Report:</td>
<td>7 July 2020</td>
</tr>
<tr>
<td>Senior Officer:</td>
<td>Alan George Chief Executive Officer</td>
</tr>
</tbody>
</table>

Summary

This report is to request Council to appoint the persons nominated by the Bush Fire Advisory Committee (BFAC) to the positions of:

- Officers Authorised to issue Harvest and Vehicle Movement Bans under r.38A.

Background

At the BFAC meeting held on 2 July 2020 the Committee nominated persons to the positions of Authorised Officers under the Act and Regulations.

Legal Implications

Bush Fires Act 1954

- **s.24. Bush on land growing subterranean clover may be burnt during prohibited burning times**

  The owner or occupier of land upon which subterranean clover is growing may burn the clover during the prohibited burning times for the purpose of facilitating the collection from it of clover burr subject to the regulations and to the following conditions —

  (a) the owner or occupier of the land applies for, pays the prescribed fee for and obtains from a duly authorised officer for the district of the local government in which the land is situated, a permit in the prescribed form to burn clover;
Bush Fires Regulations 1954

- **r.26. Permit, form of application for**

  (1) Whenever the Governor by proclamation, pursuant to the provisions of section 26 of the Act, has authorised the burning of any specified plant or the refuse thereof during the prohibited burning times or any period thereof, any person desirous of burning the refuse of the plant within the area and within the times to which the proclamation relates shall lodge an application signed by him in Form 6 in the Appendix with an authorised officer within whose district the burning is to take place for a permit to burn the refuse of the plant.

- **r.24. Term used: authorised officer**

  For the purposes of this Part the term *authorised officer* means the chief executive officer of a local government or an officer duly appointed by a local government to grant permits for the purposes of this Part.

- **r.38A. Vehicles etc., power to prohibit etc. use of in restricted or prohibited burning times**

  (1) Where a bush fire control officer is of the opinion that the use or operation of any engines, vehicles, plant or machinery during the prohibited burning times or restricted burning times, or both, is likely to cause a bush fire, or would be conducive to the spread of a bush fire, the bush fire control officer may by notice or direction prohibit or regulate the carrying out of any activity or operation in a specified area either absolutely or except in accordance with conditions specified in the notice or direction or without the consent of the local government or bush fire control officer.

**Policy Implications**

Nil

**Consultation**

Nil

**Financial Implications**

Costs associated with publication of the appointments in a local newspaper.

**Strategic Implications**

Shire of Lake Grace Strategic Community Plan 2017-2027

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

Outcomes 4.2 An efficient and effective organisation

4.2.2 Comply with statutory and legislative requirements
RESOLUTION 13281

Moved Cr Steicke
Seconded Cr Chappell

That Council accepts the Bush Fire Advisory Committee’s nominations for the 2020/2021 bush fire season of the persons listed in this report and appoints those persons to the positions of:

- Harvest Ban authorised officers for specific areas;
- Clover Burning Permits Authorised Officers; and
- Proclaimed Plant Burning Permits Authorised Officers.

CARRIED: 7/0

Voting Requirements

Simple majority required.
**Officers Authorised to issue Clover and Proclaimed Plant Burning Permits**

*Note:* A permit to burn clover or proclaimed plants must be signed by two of the below authorised officers.

<table>
<thead>
<tr>
<th>Officer</th>
</tr>
</thead>
<tbody>
<tr>
<td>Chief Bush Fire Control Officer (Brad Watson)</td>
</tr>
<tr>
<td>Deputy Chief Bush Fire Control Officer (Wes Hall)</td>
</tr>
<tr>
<td>Chief Executive Officer (Alan George)</td>
</tr>
<tr>
<td>Community Emergency Services Manager (Suzan Lees)</td>
</tr>
</tbody>
</table>

**FCOs Authorised to issue Harvest & Vehicle Movement Bans**

- Chief Bush Fire Control Officer (Brad Watson)
- Deputy Chief Bush Fire Control Officer (Wes Hall)
- Senior Fire Control Officers (Doug Dunham, Hugh Roberts)
- Chief Executive Officer (Alan George)
- Community Emergency Services Manager (Suzan Lees)
**14.5 FINANCE**

### 14.5.2 ACCOUNTS FOR PAYMENT – JUNE 2020

<table>
<thead>
<tr>
<th>Applicant:</th>
<th>Internal Report</th>
</tr>
</thead>
<tbody>
<tr>
<td>File No.</td>
<td>0277</td>
</tr>
<tr>
<td>Attachments:</td>
<td>List of Accounts Payable</td>
</tr>
</tbody>
</table>
| Author:    | Victoria Gracheva  
Finance Officer |
| Disclosure of Interest: | Nil |
| Date of Report: | 06 July 2020 |
| Senior Officer: | Alan George  
Chief Executive Officer |

**Summary**

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

**Background**

List of payments for the month of June 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 June 2020 from the Municipal and Trust Account Total $1,067,582.08.

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 13282

Moved Cr Stoffberg
Seconded Cr Lloyd

That Council ratify the list of payments totalling $1,067,582.08 as presented for the month of June 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>N/A</td>
<td>$0.00</td>
</tr>
<tr>
<td>Electronic Funds Transfers</td>
<td>EFT20999 – EFT21153</td>
<td>$907,704.14</td>
</tr>
<tr>
<td>Municipal Account</td>
<td>36784 - 36873</td>
<td>$49,012.04</td>
</tr>
<tr>
<td>Direct Debits</td>
<td>DD9039.1 – DD9076.1</td>
<td>$110,865.90</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td></td>
<td><strong>1,067,582.08</strong></td>
</tr>
</tbody>
</table>

CARRIED: 7/0

Voting Requirements

Simple majority required.
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>
</tr>
</thead>
<tbody>
<tr>
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<td>$110,865.90</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td></td>
<td><strong>1,067,582.08</strong></td>
</tr>
</tbody>
</table>

to the Municipal and Trust Accounts, totalling $1,067,582.08 which were submitted to each member of the Council on 15 July 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

CHIEF EXECUTIVE OFFICER
14.6 COMMUNITY SERVICES

14.6.1 REQUEST COUNCIL REVIEW AND ACCEPT THE DISABILITY ACCESS AND INCLUSION PLAN PROGRESS REPORT 2019/2020

<table>
<thead>
<tr>
<th>Applicant:</th>
<th>Shire of Lake Grace</th>
</tr>
</thead>
<tbody>
<tr>
<td>File No.</td>
<td>0217</td>
</tr>
<tr>
<td>Attachments:</td>
<td>Annual Disability Access Inclusion Plan (DAIP) Progress Report</td>
</tr>
<tr>
<td>Author:</td>
<td>Mrs Cheryl Chappell</td>
</tr>
<tr>
<td>Disclosure of Interest</td>
<td>Nil</td>
</tr>
<tr>
<td>Date of Report:</td>
<td>24 June 2020</td>
</tr>
<tr>
<td>Senior Officer:</td>
<td>Mr Alan George</td>
</tr>
</tbody>
</table>

Summary

Public authorities including Local Governments are required to provide an annual report on the progress of their DAIP strategies and outcomes to the Minister of Disability Services, and tabled in Parliament each year. A list of the seven (7) required outcomes are attached with the progress to date noted.

Background

The State Government’s obligation to develop policies and services required by people with disability goes in some way to ensure people with disability can contribute their own expertise and life experience to improve the approachability and person-centred nature of the programs and supports they require.

The DAIP Progress Reports provides an annual overview reflecting the work of public authorities to support and empower people with disability across the State. They are a mandatory requirement of all public authorities under the Disability Services Act 1993.
Comment

The Shire of Lake Grace Disability Access and Inclusion Plan (SLGDAIP) is unique to the Shire, reflecting the size, scope and activities of this local government.

The Disability Access and Inclusion Plan (DAIP) is a developmental process. The objective of the progress report is to provide a valuable resource to public authorities and the community about the achievements and impacts of public authorities across each DAIP outcome area.

The progress report shows the ongoing commitment of the Shire to identify localised solutions. While many strategies are ongoing each year, some strategies are reported as being implemented or completed in 2019/2020.

The Shire’s DAIP Progress Report requires adoption by Council to ensure that the needs of persons with disability, their families and carers are addressed with respect to the facilities, functions and services provided by the Shire.

Legal Implications

Disability Services Act 1993
Disability Services Regulations 2004
The Disability Services Amendment Regulations 2013

Policy Implications

Ensures compliance with the Disability Services Act 1993 reporting requirements.

Consultation

Internal:     Mr Alan George, Chief Executive Officer
            Mrs Cheryl Chappell, Community Service Officer

External:    Richard Struik, Department of Communities

Financial Implications

The 2019-2024 Disability Access and Inclusion Plan (DAIP) will have financial implication to Council for each year until the expiration of the plan. Costing will vary depending on the projects carried out annually by the Shire. Each financial year, the required projects will be included for consideration in the annual budget.

Strategic Implications

Shire of Lake Grace Strategic Community Plan 2017-2027
Social - A valued, healthy and inclusive community and life-style.
Outcomes 2.1  An engaged, supportive and inclusive community
  2.1.1 Community services and infrastructure meeting the needs of the district

Environmental – 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

RESOLUTION 13283

Moved Cr Steicke
Seconded Cr Clarke

That Council accept the 2019/2020 Disability Access and Inclusion Plan (DAIP) Progress Report as presented.

CARRIED: 7/0

Voting Requirements

Simple majority required.
# 14.6.2 REQUEST SUPPORT TO WAIVE LAKE GRACE PAVILION HIRE FEES FOR PORRIDGE BIKERS CHARITY RIDE 11 AND 12 SEPTEMBER 2020

<table>
<thead>
<tr>
<th><strong>Applicant:</strong></th>
<th>Porridge Bikers Albany</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>File No.:</strong></td>
<td>0817</td>
</tr>
<tr>
<td><strong>Attachments:</strong></td>
<td>Porridge Bikers requesting to use the Lake Grace Pavilion</td>
</tr>
<tr>
<td><strong>Author:</strong></td>
<td>Mrs Cheryl Chappell</td>
</tr>
<tr>
<td></td>
<td>Community Service Officer</td>
</tr>
<tr>
<td><strong>Disclosure of Interest:</strong></td>
<td>Nil</td>
</tr>
<tr>
<td><strong>Date of Report:</strong></td>
<td>24 June 2020</td>
</tr>
<tr>
<td><strong>Senior Officer:</strong></td>
<td>Mr Alan George</td>
</tr>
<tr>
<td></td>
<td>Chief Executive Officer</td>
</tr>
</tbody>
</table>

## Summary

The purpose of this report is for Council to approve and waive the hire fees for the *Porridge Bikers* to stay the night at the Lake Grace Pavilion on Friday 11 September 2020.

## Background

The *Porridge Bikers* are a group of Albany Prison Officers who have, in the past, ridden annually from Albany to Hopetoun to raise funds for children with disabilities and for hospital children’s wards. Their primary aim is to raise money to purchase much needed equipment for the children’s ward at Albany Regional Hospital.

Since their first run in 1999, the *Porridge Riders* has raised over $20,000 for Albany children support organisations. The money has also helped buy a children’s defibrillator, child-size Ambulance gear for Jerramungup and Hopetoun, and rebuild the Cranbrook Skate Park.

## Comment

This year, the group aim to ride from Albany Prison to Jerramungup on Thursday, and then from Jerramungup to Lake Grace on Friday 11 September 2020, staying the night at the Lake Grace Pavilion, returning to Albany on Saturday 12 September 2020.
When they have previously ridden through a town, they have donated children’s equipment to the Shire or the local hospital. Therefore, if there is anything that they could provide for the children in the Shire, such as park/playground equipment, please let them know. They have been in touch with the Lake Grace District Hospital and are working with them to contribute toward play equipment in the new garden.

They request Shire approval to be able to stay overnight after the second day of the ride on Friday 11 September 2020 at the Lake Grace Sporting Pavilion. They request the Shire to waive the Pavilion hire fees for this charity event.

They will bring their own bedding/swags and after several hundred kilometres will be happy to sleep on the floor in the pavilion. They will thoroughly clean the area before leaving on Saturday morning. Lake Grace Pingrup Football Club intend to greet them on arrival and kindly provide meals on Friday night.

Legal Implications

Nil

Policy Implications

Nil

Consultation

Internal: Mr Alan George, Chief Executive Officer
Mrs Cheryl Chappell, Community Service Officer

External: Mr Andrew Lewis, Lake Grace Pingrup Football Club
Mr John Roukens, Porridge Bikers, Albany

Financial Implications

The Porridge Bikers are requesting that the hire fee for the Lake Grace Pavilion to be waive. This would mean that in Account 1113440 Lake Grace Sports Pavilion Hire Fees will not receive the income.

Strategic Implications

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

Social Objective - A valued, healthy and inclusive community and life-style
Outcome 2.1 An engaged, supportive and inclusive community
2.1.3 Actively promote and support community events and activities within the district

Leadership Objective - Strong governance and leadership, demonstrating fair and equitable community values
Objective 4.1.2 Promote and advocate for the community and district

RESOLUTION 13284

Moved Cr Clarke
Seconded Cr Steicke

That Council:
• approves the request from the Porridge Bikers and Lake Grace Football Club to waive the Lake Grace Sports Pavilion hire fee;
• and allow the Porridge Bikers to stay the night at the Lake Grace Sports Pavilion on Friday 11 September 2020 to Saturday morning 12 September 2020

CARRIED: 7/0

Voting Requirements

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

Nil

16.0 INFORMATION BULLETIN

16.1 INFORMATION BULLETIN – JUNE 2020

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

Summary

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

Background

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

Copies of other relevant Councillor information are distributed via email.

Comment

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

The July 2020 Information Bulletin attachment include:

Reports:
- Infrastructure Services Report – June 2020
- Community Services Report – June 2020
- Environmental Health Officer Report – June 2020
- Lake Grace Visitor Centre – June 2020
- Lake King Library Report and Statistics – June 2020
- Newdegate Library Report and Statistics – June 2020
Circulars, Media Releases, Newsletters, Letters:
- Media Release – Rural Health Commissioner extended to improve regional healthcare
- Media Release – WA ready for the next phase of the COVID 19 Roadmap
- Media Release – Rundle MLA – Stop puppy farming Bill has tail that wags the dog
- WALGA – Rebooting Local Economies

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 13285
Moved Cr Lloyd
Seconded Cr Marshall


CARRIED: 7/0

Voting Requirements
Simple majority required.
<table>
<thead>
<tr>
<th>17.0  CONFIDENTIAL ITEMS – AS PER LOCAL GOVERNMENT ACT S52.23(2)</th>
</tr>
</thead>
<tbody>
<tr>
<td>17.1.1 ADMINISTRATION</td>
</tr>
<tr>
<td>Nil</td>
</tr>
<tr>
<td>18.0  DATE OF NEXT MEETING</td>
</tr>
<tr>
<td>18.1  WEDNESDAY 19 AUGUST 2020 ORDINARY COUNCIL MEETING</td>
</tr>
<tr>
<td>The next Ordinary meeting of Council is scheduled to take place on Wednesday 19 August 2020, commencing at 3:30pm at the Council Chambers, 1 Bishop Street, Lake Grace.</td>
</tr>
<tr>
<td>19.0  CLOSURE</td>
</tr>
<tr>
<td>There being no further business, the Shire President closed the meeting at 4:20 pm.</td>
</tr>
<tr>
<td>20.0  CERTIFICATION</td>
</tr>
<tr>
<td>I, Leonard William Armstrong, certify that the Minutes of Meeting held on 15 July 2020 as shown were confirmed as a true record at the meeting held on 19 August 2020.</td>
</tr>
</tbody>
</table>

Shire President ___________________________ Date ___________________________