



# Shire of Pingelly

## Minutes

Ordinary Council Meeting  
17 June 2020

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## **1. DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS**

The Chairman declared the meeting open at 2:05pm

## **2. ACKNOWLEDGEMENT OF COUNTRY**

We acknowledge the Noongar people of this area and recognise their continuing connection to land, waters and community. We pay respect to both the Aboriginal and non-Aboriginal people past and present and emerging.

## **3. ANNOUNCEMENTS BY THE PRESIDING MEMBER**

Nil.

### **3.1 Council Agenda Reports**

Please note that all elected members have been provided with the relevant information pertaining to each Officers reports within today's Agenda and the Officer Recommendations are based on Council Policy and/or State Acts and Legislation.

## **4. RECORD OF ATTENDANCE / APOLOGIES / APPROVED LEAVE OF ABSENCE**

### **MEMBERS PRESENT**

Cr W Mulroney (President)  
Cr J McBurney (Deputy President)  
Cr K Hastings  
Cr B Hotham  
Cr P Narducci  
Cr A Oliveri  
Cr P Wood  
Cr D Freebairn

### **STAFF IN ATTENDANCE**

Ms J Burton Chief Executive Officer  
Mr S Billingham Director Corporate and Community Services  
Mr D Watkins Director Technical Services  
Ms K Rigg Acting Executive Assistant

## **5. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE**

Nil.

## **6. PUBLIC QUESTION TIME**

No members of the public present.

## **7. APPLICATIONS FOR LEAVE OF ABSENCE**

12847 Moved: Cr Oliveri Seconded: Cr Hotham

That Cr McBurney be granted leave from the 25<sup>th</sup> June to the 31<sup>st</sup> July 2020 inclusive.

Carried 8:0

## **8. DISCLOSURES OF INTEREST**

Nil.

## **9. CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS**

### **9.1 CEO Performance Review Committee Meeting– 3 June 2020**

#### **9.1.1 Selecting a facilitator to assist with the CEO Performance Review.**

File Reference 0000  
Disclosure of Interest Chief Executive Officer  
Author Chief Executive Officer  
Previous Reference Nil

### **Voting Requirements**

Simple Majority

**12848 Moved: Cr Narducci Seconded: Cr McBurney**

**Recommendation and Council Decision:**

**That Council endorses John Phillips Consulting to be appointed as the facilitator for the CEO Performance Review, to be undertaken in person.**

Carried 8:0

**9.1.2 CEO Performance Review Committee Meeting Minutes**

**Statutory Environment**

Section 5.22 of the *Local Government Act* provides that minutes of all meetings are to be kept and submitted to the next ordinary meeting of the council or the committee, as the case requires, for confirmation.

**Voting Requirements**

Simple Majority

**12849 Moved: Cr Narducci Seconded: Cr Hotham**

**Recommendation and Council Decision:**

**That Council receives and notes the Minutes of the CEO Performance Review Committee of the Council of the Shire of Pingelly held in the Council Chambers on 3 June 2020.**

Carried 8:0

**9.2 Special Council Meeting - 3 June 2020 (Amendment to Loan Strategy)**

**Statutory Environment**

Section 5.22 of the *Local Government Act* provides that minutes of all meetings are to be kept and submitted to the next ordinary meeting of the council or the committee, as the case requires, for confirmation.

**Voting Requirements**

Simple Majority

**12850 Moved: Cr McBurney Seconded: Cr Oliveri**

**Recommendation and Council Decision:**

**That the Minutes of the Special Council Meeting of the Council of the Shire of Pingelly held in the Council Chambers on 3 June 2020 be confirmed.**

Carried 8:0

**9.3 Ordinary Meeting – 20 May 2020**

**Statutory Environment**

Section 5.22 of the *Local Government Act* provides that minutes of all meetings are to be kept and submitted to the next ordinary meeting of the council or the committee, as the case requires, for confirmation.

**Voting Requirements**

Simple Majority

**12851 Moved: Cr Hotham Seconded: Cr Wood**

**Recommendation and Council Decision:**

**That the Minutes of the Ordinary Meeting of the Council of the Shire of Pingelly held in the Council Chambers on 20 May 2020 be confirmed.**

Carried 8:0

## **10. PETITIONS / DEPUTATIONS / PRESENTATIONS / SUBMISSIONS**

Nil.

## **11. REPORTS OF COMMITTEES OF COUNCIL**

- Audit Committee Full Council
- Pingelly Recreation & Cultural Committee Member – Shire President  
Deputy – Deputy President
- Bushfire Advisory Committee Member – Cr Freebairn  
Deputy – Cr Hotham
- Chief Executive Officer Performance Review Committee Member – Shire President  
Member – Deputy President  
Member – Cr Hastings

## **12. REPORTS OF COUNCIL DELEGATES ON EXTERNAL COMMITTEES**

- Central Country Zone of WALGA Delegate – Shire President  
Delegate – Deputy President  
Deputy – Cr Wood
- Hotham-Dale Regional Road Sub-Group Delegate – Shire President  
Deputy – Cr Oliveri
- Development Assessment Panel Delegate – Shire President  
Delegate – Cr Wood  
Deputy – Cr McBurney  
Deputy – Cr Hotham
- Pingelly Tourism Group Delegate – Cr Hotham  
Deputy – Cr Oliveri
- Regional Waste Group Delegate – Cr Mulrone  
Deputy – Cr Wood
- Shires of Pingelly and Wandering Joint Local Emergency Management Committee Delegate – Shire President  
Deputy – Cr Freebairn
- Youth Focus Group Delegate – Cr Hastings  
Deputy – Cr McBurney
- Pingelly Somerset Alliance Delegate – Shire President  
Deputy – Cr McBurney
- Pingelly Early Years Network Delegate – Cr Hastings

### **13. REPORTS FROM COUNCILLORS**

#### **Cr William Mulroneo (President)**

##### **Meetings attended May**

21<sup>ST</sup> LEMC Teleconference – Pingelly-Wandering LEMC

22<sup>nd</sup> WALGA Webinar Local Govt Minister and Office Auditor General Dept. as Guest Speakers

29<sup>th</sup> WALGA Webinar Guest Speaker Minister for Local Govt.

##### **Meetings attended June**

3<sup>rd</sup> Council Delegations Workshop.

3<sup>rd</sup> Special council Meeting to nominate a facilitator for the CDEO's Performance Review.

3<sup>rd</sup> Special Council Meeting- Agenda re WATC short term borrowing.

6<sup>th</sup> WALGA Webinar Guest Speaker Minister for Planning and Transport

9<sup>th</sup> President, Deputy President and CEO meeting- General meeting re upcoming agenda items for June OCM.

9<sup>th</sup> PRACC June Board meeting.

11<sup>th</sup> LEMC Teleconference with Pingelly /Wandering LEMC

11<sup>th</sup> Tourism strategy workshop

17<sup>th</sup> June OCM and Corporate Discussion.

## **14 OFFICE OF THE CHIEF EXECUTIVE OFFICER**

### **14.1 Register of Delegations Annual Review**

<b>File Reference:</b>	<b>ADM0086</b>
<b>Location:</b>	<b>Not Applicable</b>
<b>Applicant:</b>	<b>Not Applicable</b>
<b>Author:</b>	<b>Chief Executive Officer</b>
<b>Disclosure of Interest:</b>	<b>Nil</b>
<b>Attachments:</b>	<b>Delegations Register</b>
<b>Previous Reference:</b>	<b>OCM June 2019 Agenda item 14.1</b>

#### **Summary**

Council is requested to approve the annual review of the Register of Delegations as attached.

#### **Background**

The aim of delegated authority is to assist with improving the time taken to make decisions within the constraints allowed by relevant legislation. It is a requirement of the *Local Government Act 1995*, s.5.18 and s.5.46 (1) that a local government keep a register of its delegations and review this register once every financial year.

The last review of the Delegations Register occurred at the Ordinary Council Meeting held in June 2019. The current review of delegations forms part of the annual and constant review process to ensure that the internal procedures of the organisation reflect current, efficient and compliant practices.

#### **Comment**

A Council workshop was held on 3 June 2020 to explain the changes in format of the new Delegation of Authority Register and provide an overview of delegations assigned by Council to the Chief Executive Officer.

The attached document is the final updated Register of Delegations in accordance with the draft document provided at the 3 June workshop and the resulting discussions.

#### **Consultation**

Nil

#### **Statutory Environment**

Sections 5.18 and 5.46(1) of the *Local Government Act 1995*

#### **Policy Implications**

Nil

#### **Financial Implications**

Nil

#### **Strategic Implications**

Goal 5	Innovation, Leadership and Governance
Outcome 5.7	Customer service and other corporate systems are of a high quality and effective.
Strategy 5.7.1	The Shire strives for a best practice in its customer service, including governance support, and continually seeks ways to improve delivery where needed.

**Risk Implications**

Risk	Failure to adequately review the Register of Delegations will result in both non-compliance with the Local Government Act, and also inefficient practices.
Risk Rating (Prior to Treatment or Control)	Medium (6)
Principal Risk Theme	Compliance
Risk Action Plan (Controls or Treatment Proposed)	No further action is required.

Consequence Likelihood		Insignificant	Minor	Moderate	Major	Catastrophic
		1	2	3	4	5
Almost Certain	5	Medium (5)	High (10)	High (15)	Extreme (20)	Extreme (25)
Likely	4	Low (4)	Medium (8)	High (12)	High (16)	Extreme (20)
Possible	3	Low (3)	Medium (6)	Medium (9)	High (12)	High (15)
Unlikely	2	Low (2)	Low (4)	Medium (6)	Medium (8)	High (10)
Rare	1	Low (1)	Low (2)	Low (3)	Low (4)	Medium (5)

**Voting Requirements**

Absolute Majority

**12852 Moved: Cr Narducci**

**Seconded: Cr McBurney**

**Recommendation and Council Decision:**

**That Council approves the amendments to the Register of Delegations as contained in the attached document.**

Carried 8:0



## **15. DIRECTORATE OF CORPORATE AND COMMUNITY SERVICES**

### **15.1 Monthly Statement of Financial Activity – May 2020**

<b>File Reference:</b>	<b>ADM0075</b>
<b>Location:</b>	<b>Not Applicable</b>
<b>Applicant:</b>	<b>Not Applicable</b>
<b>Author:</b>	<b>Director Corporate &amp; Community Services</b>
<b>Disclosure of Interest:</b>	<b>Nil</b>
<b>Attachments:</b>	<b>Monthly Statements of Financial Activity for the period 1 July 2019 to 31 May 2020</b>
<b>Previous Reference:</b>	<b>Nil</b>

#### **Summary**

In Accordance with the *Local Government Act 1995* Section 5.25 (1) and *Local Government (Financial Management) Regulations 1996*, Monthly Financial Statements are required to be presented to Council, in order to ensure that income and expenditure is in keeping with budget forecasts.

The Monthly Statements of Financial Activity for the month of May 2020 are attached for Council consideration and adoption. This report now incorporates new Australian Accounting Standards Board (AASB) requirements effective from 1 July 2019. AASB 15 Revenue from Contracts with Customers (IFRS 15), AASB 1058 Income for Not-for Profit Entities, AASB 16 Lease replaces AASB 117 (IFRS 16).

#### **Background**

In order to prepare the monthly statements, the following reconciliations have been completed and verified:

- Reconciliation of assets, payroll and taxation services;
- Reconciliation of all shire's bank accounts, including term deposits;
- Reconciliation of Rates, including outstanding debtors;
- Reconciliation of Sundry Creditors and Debtors;

#### **Consultation**

Nil

#### **Statutory Environment**

*Local Government Act 1995*;

*Local Government (Financial Management) Regulations 1996*

Section 34: Financial Reports to be Prepared

(1) A local government is to prepare each month a statement of financial activity reporting on the sources and applications of funds, as set out in the annual budget under regulation 22(1)(d), for that month in the following detail -

- (a) Annual budget estimates, taking into account any expenditure incurred for an additional purpose under section 6.8(1) (b) or (c);
- (b) Budget estimates to the end of the month to which the statement relates;
- (c) Actual amounts of expenditure, revenue and income to the end of the month to which the statement relates;
- (d) Material variances between the comparable amounts referred to in paragraphs (b) and (c); and
- (e) The net current assets at the end of the month to which the statement relates.

- (2) Each statement of financial activity is to be accompanied by documents containing -
- (a) An explanation of the composition of the net current assets of the month to which the statement relates, less committed assets and restricted assets;
  - (b) An explanation of each of the material variances referred to in sub regulation (1) (d); and
  - (c) Such other supporting information as is considered relevant by the local government.
- (3) The information in a statement of financial activity may be shown -
- (a) According to nature and type classification;
  - (b) By program; or
  - (c) By business unit.
- (4) A statement of financial activity, and the accompanying documents referred to in sub regulation (2), is to be -
- (a) Presented to the council -
    - (i) At the next ordinary meeting of the council following the end of the month to which the statement relates; or
    - (ii) if the statement is not prepared in time to present it to the meeting referred to in subparagraph (i), to the next ordinary meeting of the council after that meeting; and
  - (b) Recorded in the minutes of the meeting at which it is presented.
- (5) Each financial year, a local government is to adopt a percentage or value, calculated in accordance with AAS 5, to be used in statements of financial activity for reporting material variances.

### Policy Implications

There are no policy implications.

### Financial Implications

There are no significant trends or issues to be reported. The report and officer recommendation is consistent with Council's adopted Budget 2019/2020.

### Strategic Implications

There are no known significant strategic implications.

### Risk Implications

Risk	Failure to monitor the Shire's ongoing financial performance would increase the risk of a negative impact on the Shire's financial position. As the monthly report is a legislative requirement, non-compliance may result in a qualified audit.
Risk Rating (Prior to Treatment or Control)	Low (2)
Principal Risk Theme	Reputational / Legislative
Risk Action Plan (Controls or Treatment Proposed)	Nil

Consequence Likelihood		Insignificant	Minor	Moderate	Major	Catastrophic
		1	2	3	4	5
Almost Certain	5	Medium (5)	High (10)	High (15)	Extreme (20)	Extreme (25)
Likely	4	Low (4)	Medium (8)	High (12)	High (16)	Extreme (20)
Possible	3	Low (3)	Medium (6)	Medium (9)	High (12)	High (15)
Unlikely	2	Low (2)	Low (4)	Medium (6)	Medium (8)	High (10)
Rare	1	Low (1)	Low (2)	Low (3)	Low (4)	Medium (5)

### Voting Requirements

Simple Majority

**12853 Moved: Cr Oliveri                      Seconded: Cr McBurney**

**Recommendation and Council Decision:**

**That with respect to the Monthly Statements of Financial Activity for the month ending 30 September 2019 be accepted and material variances be noted.**

2:19pm Cr Mulroney left the room. Cr McBurney took the Chair.

2:25pm Cr Mulroney returned to the room and resumed the Chair.

Carried 8:0

## **15.2 Accounts Paid by Authority – May 2020**

<b>File Reference:</b>	<b>ADM0066</b>
<b>Location:</b>	<b>Not Applicable</b>
<b>Applicant:</b>	<b>Not Applicable</b>
<b>Author:</b>	<b>Senior Finance Officer</b>
<b>Disclosure of Interest:</b>	<b>Nil</b>
<b>Attachments:</b>	<b>List of Accounts</b>
<b>Previous Reference:</b>	<b>Nil</b>

### **Summary**

Council endorsement is required for accounts made by authority for the month of May 2020.

### **Comment**

Unless otherwise identified, all payments have been made in accordance with Council's adopted 2019/20 Budget.

### **Consultation**

Nil

### **Statutory Environment**

Regulation 12 of the *Local Government (Financial Management) Regulations* provides that:

- (1) A payment may only be made from the municipal fund or the trust fund —
  - (a) if the local government has delegated to the CEO the exercise of its power to make payments from those funds — by the CEO; or
  - (b) otherwise, if the payment is authorised in advance by a resolution of the council.
- (2) The council must not authorise a payment from those funds until a list prepared under regulation 13(2) containing details of the accounts to be paid has been presented to the council.

Regulation 13 of the *Local Government (Financial Management) Regulations* provides that:

- (1) If the local government has delegated to the CEO the exercise of its power to make payments from the municipal fund or the trust fund, a list of accounts paid by the CEO is to be prepared each month showing for each account paid since the last such list was prepared —
  - (a) the payee's name;
  - (b) the amount of the payment;
  - (c) the date of the payment; and
  - (d) sufficient information to identify the transaction.
- (2) A list of accounts for approval to be paid is to be prepared each month showing —
  - (a) for each account which requires council authorisation in that month —
    - (i) the payee's name;
    - (ii) the amount of the payment; and
    - (iii) sufficient information to identify the transaction; and
  - (b) the date of the meeting of the Council to which the list is to be presented.
- (3) A list prepared under sub regulation (1) or (2) is to be —
  - (a) presented to the Council at the next ordinary meeting of the council after the list is prepared; and
  - (b) recorded in the minutes of that meeting

### **Policy Implications**

There are no policy implications arising from this amendment.

### **Financial Implications**

There are no known financial implications upon either the Council's current budget or long term financial plan.

### Strategic Implications

There are no known significant strategic implications relating to the report.

### Risk Implications

Risk	Failure to present a detailed listing of payments in the prescribed form would result in non-compliance with the Local Government (Financial Management) Regulations 1996, which may result in a qualified audit.
Risk Rating (Prior to Treatment or Control)	Low (2)
Principal Risk Theme	Reputational / Legislative
Risk Action Plan (Controls or Treatment Proposed)	Nil

Consequence Likelihood		Insignificant 1	Minor 2	Moderate 3	Major 4	Catastrophic 5
Almost Certain	5	Medium (5)	High (10)	High (15)	Extreme (20)	Extreme (25)
Likely	4	Low (4)	Medium (8)	High (12)	High (16)	Extreme (20)
Possible	3	Low (3)	Medium (6)	Medium (9)	High (12)	High (15)
Unlikely	2	Low (2)	Low (4)	Medium (6)	Medium (8)	High (10)
Rare	1	Low (1)	Low (2)	Low (3)	Low (4)	Medium (5)

### Voting Requirements

Simple Majority

12854 Moved: Cr Narducci

Seconded: Cr McBurney

### Recommendation and Council Decision:

That Council endorse the Accounts for Payments for May 2020 as presented:

MAY 2020	
<b>MUNI - 117984856</b>	
EFT 6999 - 7058	\$191,543.69
CHEQUE 24769 - 24774	\$28,348.35
<b>TRUST ACCOUNTS</b>	
DEPT OF TRANSPORT – DD11290.1 – DD11334.1	\$15,084.60
TRUST FUND – NIL	N/A
<b>DIRECT DEBIT -</b>	
DD11281.1 – DD11319.5 & EFT7015 – EFT7059 – Pay and Super	\$18,274.21
<b>CREDIT CARDS</b>	
DD11285.1 – DD11285.1	\$627.70
<b>GRAND TOTAL</b>	<b>\$253,878.55</b>
<b>Notification</b>	<b>Explanation</b>
Nil	N/A

Carried 8:0

### **15.3 Shire of Pingelly Draft 2020/21 Budget - Fees & Charges**

<b>File Reference:</b>	<b>ADM0067</b>
<b>Location:</b>	<b>Not Applicable</b>
<b>Applicant:</b>	<b>Not Applicable</b>
<b>Author:</b>	<b>Director Corporate &amp; Community Services</b>
<b>Disclosure of Interest:</b>	<b>Nil</b>
<b>Attachments:</b>	<b>Draft Fees and Charges 2020/21</b>
<b>Previous Reference:</b>	<b>Nil</b>

#### **Summary**

Item presented to Council for consideration of the Shire of Pingelly Draft Fees & Charges for inclusion in the 2020/21 Annual Budget.

#### **Background**

It is appropriate that Council gives consideration to fees and charges for 2020/21 to allow the 2020/21 draft budget to be prepared.

#### **Comment**

It is required that generally fees and charges are levied on a cost recovery basis, however in the past the Shire of Pingelly has subsidised the use of community facilities by community and sporting groups in recognition of the overall benefit to the community of the continued existence of these groups. With the COVID 19 (Coronavirus) Pandemic the Fees & Charges are suggested to be frozen at 2019/20 rates.

Charges have not been increased during an internal review process including consideration of the Shire of Pingelly Long Term Financial Plan assumptions.

To reflect the actual scope of the Shire of Pingelly's operations, with a fee and charge included in the budget for all charges made by the Shire of Pingelly.

Some fees and charges are set by legislation and have been identified in the fees and charges as being charges levied by statute. The Shire of Pingelly has no control over the amounts charged when fees are set by legislation.

#### **Consultation**

Nil

#### **Statutory Environment**

Section 6.16 of the *Local Government Act* provides that:

- (1) a local government may impose (by absolute majority) and recover a fee or charge for any goods or service it provides or proposes to provide, other than a service for which a service charge is imposed.
- (2) A fee or charge may be imposed for the following
  - a. Providing the use of, or allowing admission to, any property or facility wholly or partly owned, controlled, managed or maintained by the local government
  - b. Supplying a service or carrying out work at the request of a person
  - c. Subject to section 5.94, providing information from local government records;
  - d. Receiving an application for approval, granting an approval, making an inspection and issuing a licence, permit, authorization or certificate;
  - e. Supplying goods;
  - f. Such other service as may be prescribed.
- (3) Fees and charges are to be imposed when adopting the annual budget but may be –
  - a. Imposed (by absolute majority) during a financial year; and
  - b. Amended (by absolute majority) from time to time during a financial year.

Section 6.17 further provides:

- (1) In determining the amount of a fee or charge for a service or for goods a local government is required to take into consideration the following factors –
  - a. The cost to the local government of providing the service or goods;
  - b. The importance of the service or goods to the community; and
  - c. The price at which the service or goods could be provided by an alternative provider.
- (2) A high fee or charge or additional fee or charge may be imposed for an expedited service or supply of goods if it is requested that the service or goods be provided urgently.
- (3) The basis for determining a fee or charge is not to be limited to the cost of providing the service or goods other than a service –
  - a. Under section 5.96;
  - b. Under section 6.16 (2) (d); or
  - c. Prescribed under section 6.16 (2) (f), where the regulation prescribing the service also specifies that such a limit is to apply to the fee or charge for the service
- (4) Regulations may –
  - a. Prohibit the imposition of a fee or charge in prescribed circumstances; or
  - b. Limit the amount of a fee or charge in prescribed circumstances.

Regulation 2 of the *Local Government (Financial Management) Regulations* (2) provides that the CEO is to —

- (a) ensure that the resources of the local government are effectively and efficiently managed;
- (b) assist the council to undertake reviews of fees and charges regularly (and not less than once in every financial year); and

Section 6.19 of the *Local Government Act* provides that if a local government wishes to impose any fees or charges under this Subdivision after the annual budget has been adopted it must, before introducing the fees or charges, give local public notice of —

- (a) its intention to do so; and
- (b) the date from which it is proposed the fees or charges will be imposed.

### **Policy Implications**

There are no known policy implications.

### **Financial Implications**

There are no known financial implications upon either the Council’s current budget or long term financial plan.

### **Strategic Implications**

Goal 5	Innovation, Leadership and Governance
Outcome 5.6	Financial Systems are effectively managed
Strategy 5.6.1	Financial management and reporting systems are able to deliver on all administrative and management functions (including reporting), and long-term financial planning requirements.

### Risk Implications

Risk	Failure to present a listing of Fees & Charges for 2020/21 Draft Budget to Council for adoption would result in non-compliance with the <i>Local Government Act 1995</i> .
Risk Rating (Prior to Treatment or Control)	Low (2)
Principal Risk Theme	Compliance
Risk Action Plan (Controls or Treatment Proposed)	Nil

Consequence Likelihood		Insignificant	Minor	Moderate	Major	Catastrophic
		1	2	3	4	5
Almost Certain	5	Medium (5)	High (10)	High (15)	Extreme (20)	Extreme (25)
Likely	4	Low (4)	Medium (8)	High (12)	High (16)	Extreme (20)
Possible	3	Low (3)	Medium (6)	Medium (9)	High (12)	High (15)
Unlikely	2	Low (2)	Low (4)	Medium (6)	Medium (8)	High (10)
Rare	1	Low (1)	Low (2)	Low (3)	Low (4)	Medium (5)

### Voting Requirements

Absolute Majority

**12855 Moved: Cr Hastings**

**Seconded: Cr McBurney**

### Recommendation and Council Decision:

**That Council approves the draft Schedule of Fees and Charges for 2020/21, as attached.**

Carried 8:0



## **15.4 Financial Hardship Policy**

<b>File Reference:</b>	<b>ADM0067</b>
<b>Location:</b>	<b>Not Applicable</b>
<b>Applicant:</b>	<b>Not Applicable</b>
<b>Author:</b>	<b>Director Corporate &amp; Community Services</b>
<b>Disclosure of Interest:</b>	<b>Nil</b>
<b>Attachments:</b>	<b>Draft Financial Hardship Policy</b>
<b>Previous Reference:</b>	<b>Nil</b>

### **Summary**

Item presented to Council for consideration of adopting a Draft Financial Hardship Policy.

### **Background**

It is appropriate that Council gives consideration to adopting a new Financial Hardship Policy.

Currently ratepayers who face difficulties making payments are offered to enter a payment arrangement plan. The Western Australian Local Government Association (WALGA) prepared a financial hardship policy for Council's to consider adoption of for the duration of the COVID-19 crisis. This template policy has been used as a basis.

### **Comment**

Recent amendments have been made to the *Local Government Act 1995* due to the COVID 19 (Coronavirus) Pandemic.

#### *Local Government (Financial Management) Regulations 1996*

- Reg 68 Maximum interest under 6.45(3) - 5.5%

If a local government does not adopt a financial hardship policy, then a maximum interest rate is 3% under section 6.45 (3) instead of 5.5%.

### **Consultation**

WALGA

### **Statutory Environment**

Local Government (COVID-19 response) Order 2020 07 May 2020 Ministerial Circular 3 2020. As you would be aware, the Local Government Amendment (COVID-19 Response) Act 2020 was passed by Parliament on 16 April 2020 and came into effect on 21 April 2020.

#### *Local Government Act 1995*

Section 2.7 - Role of council

Section 5.42 – Delegation of some powers and duties to the CEO

Section 6.49 - Agreement as to payment of rates and service charges

A local government may accept payment of a rate or service charge due and payable by a person in accordance with an agreement made with the person.

Section 6.55 of the *Local Government Act* – Recovery of rates and service charges

- 1) Subject to subsection (2) and the *Rates and Charges (Rebates and Deferrals) Act 1992* rates and service charges on land are recoverable by a local government from —
  - (i) the owner at the time of the compilation of the rate record; or
  - (ii) a person who whilst the rates or service charges are unpaid becomes the owner of the land.

- (2) A person who, by virtue of an Act relating to bankruptcy or insolvency or to the winding up of companies, has become the owner of land in the capacity of a trustee or liquidator, is not on that account personally liable to pay, out of the person's own money, rates or service charges which are already due on, or become due on that land while that person is the owner in that capacity.

### Policy Implications

Yes new policy.

### Financial Implications

It is difficult to assess exactly how many ratepayers and debtors may experience financial hardship. However, payment plans will ensure all the potential rates and charges are collected. In the cases of severe financial hardship, the waiver of interest and payment plan fees will result in a reduction of revenue to the Shire.

The deferral of any rates and service charges due to further financial years will result in the carry forward of a receivable in the Shire's budget. These however may be recovered from the property during a future sale or through the mechanisms provided in the *Local Government Act 1995*.

### Strategic Implications

Goal 5	Innovation, Leadership and Governance
Outcome 5.6	Financial Systems are effectively managed
Strategy 5.6.1	Financial management and reporting systems are able to deliver on all administrative and management functions (including reporting), and long-term financial planning requirements.

### Risk Implications

Risk	Failure to adopt a hardship policy may result in non-compliance with the <i>Local Government Act 1995 and Associated Reg and Ministerial Order</i> .
Risk Rating (Prior to Treatment or Control)	Medium (6)
Principal Risk Theme	Compliance
Risk Action Plan (Controls or Treatment Proposed)	Nil

Consequence Likelihood		Insignificant	Minor	Moderate	Major	Catastrophic
		1	2	3	4	5
Almost Certain	5	Medium (5)	High (10)	High (15)	Extreme (20)	Extreme (25)
Likely	4	Low (4)	Medium (8)	High (12)	High (16)	Extreme (20)
Possible	3	Low (3)	Medium (6)	Medium (9)	High (12)	High (15)
Unlikely	2	Low (2)	Low (4)	Medium (6)	Medium (8)	High (10)
Rare	1	Low (1)	Low (2)	Low (3)	Low (4)	Medium (5)

### Voting Requirements

Absolute majority

**12856 Moved: Cr Hotham Seconded: Cr Narducci**

### Recommendation and Council Decision:

**That Council adopts the Shire of Pingelly – Financial Hardship Policy as attached.**

Carried 8:0

2:50pm Cr Hastings left the room and did not return.

**CONFIDENTIAL ITEMS**

**12857 Moved: Cr Oliveri Seconded: Cr McBurney**

**Recommendation and Council Decision:**

**THAT pursuant to Section 5.23 of the Local Government Act 1995 these items be dealt with, with the public excluded as the items deal with the personal affairs of a person.**

Carried 7:0

**15.5 Consideration of Legal Action – unpaid rates over three years**

**File Reference: A6373, A11770 and A11782**  
**Location: Lot 142 Parade Street, Lots 567 and 568 Phillip Street**  
**Applicant: Not Applicable**  
**Author: Chief Executive Officer**  
**Disclosure of Interest: Nil**  
**Attachments: Nil**

**12858 Moved: Cr Oliveri Seconded: Cr McBurney**

**Recommendation and Council Decision:**

**That Council:**

- 1. Defers consideration of the possession of land due to outstanding rates and services charges, for a period of 5 months, to allow the Pingelly Aboriginal Progress Association to conduct an Annual General Meeting, and formal conversations with the Association's elected Committee to then occur.**
- 2. Requests a further report be prepared for the November 2020 Ordinary Council Meeting to consider the progress of negotiations.**

Carried 7:0

**12859 Moved: Cr McBurney Seconded: Cr Wood**

**Recommendation and Council Decision:**

**That the meeting be re-opened to the public.**

Carried 7:0

**16. DIRECTORATE OF TECHNICAL SERVICES**

Nil

**17. ELECTED MEMBERS MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**

**Nil.**

**18. NEW BUSINESS OR URGENT BUSINESS INTRODUCED BY DECISION OF THE MEETING**

New business of an urgent nature introduced by decision of the meeting. Best practice provides that Council should only consider items that have been included on the Agenda (to allow ample time for Councillors to research prior to the meeting) and which have an Officer Report (to provide the background to the issue and a recommended decision).

**12860 Moved: Cr Oliveri                      Seconded: Cr Hotham**

**Recommendation and Council Decision:  
That Council receive new business.**

Carried 7:0

## **18.1 Memorial Park Concept Plan**

<b>File Reference:</b>	<b>ADM0623</b>
<b>Location:</b>	<b>Not Applicable</b>
<b>Applicant:</b>	<b>Not Applicable</b>
<b>Author:</b>	<b>Chief Executive Officer</b>
<b>Disclosure of Interest:</b>	<b>Nil</b>
<b>Attachments:</b>	<b>- Revised Concept Plan - Submissions (confidential attachment)</b>
<b>Previous Reference:</b>	<b>OCM 15 April 2020</b>

### **Summary**

Council is requested to endorse the final concept plan for the redevelopment of Memorial Park, to allow submission of a grant application under the Drought Communities Programme.

### **Background**

The Shire of Pingelly was notified in early 2020 of the opportunity to apply for funding under the Drought Communities Programme – Extension (DCPE). The objectives of the program are to deliver support to targeted drought-affected regions of Australia by funding:

- local community infrastructure and
- other drought relief projects.

In April 2020, Council considered a number of projects as viable options under the DCPE, with the redevelopment of Memorial Park chosen as the project which would provide the greatest economic benefit to the Shire of Pingelly within the grant criteria. At the Ordinary Council Meeting of 15 April 2020, Council endorsed a submission to be prepared under the Drought Communities Programme – Extension, for the re-development of Memorial Park, with final concept drawings and project components to be endorsed by Council prior to the final submission.

### **Comment**

In accordance with previous discussions, staff have progressed a number of preliminary aspects of planning and documentation in order to support a grant application. A part of this planning was a period of community engagement to determine the level of the support for the project. A summary of the feedback is:

Total formal responses:	44 (3.8% of residents)
Total Facebook performance:	The Facebook post in relation to the concept plan had a reach of 1,900 people, with 788 actively engaging with the post.

<b>Aspect</b>	<b>Summary of Responses</b>	<b>Officer comment</b>
Project in General	<p>3 responses stated they did not feel any changes should be made to Memorial Park.</p> <p>1 response was in support of the concept plan as presented.</p> <p>26 responses specifically indicated support for some components of the concept.</p>	<p>Following discussions with 2 residents, they agreed that their comments were in relation to the greenspace around the rotunda, rather than the entire precinct. A disconnect may have existed between the name 'Memorial Park' and the area it represented, although it is reasonable that there would be a number of submissions that oppose any change.</p>
Rotunda	<p>30 of the 44 responses felt that the rotunda should be retained and/or minor upgrades made. Some of the 30 expressed this strongly, and others expressed this as preference – "if possible". The rotunda is seen as an important part of the history of Pingelly by these respondents. Several submissions noted the rotunda needed upgrading and / or modification to improve access.</p>	<p>The revised concept plan shows the retention of the rotunda, with the only modification being a pathway around the structure. This was suggested by one resident, and upon further investigation, found to be an original feature of the rotunda.</p>
Playgrounds	<p>9 submissions stated that there was no need for additional playgrounds in Pingelly.</p> <p>12 responses specifically supported additional playgrounds.</p>	<p>The Strategic Community Plan and the Corporate Business Plan both strongly state the need for increased playgrounds in Pingelly. The Tourism Strategy Workshop held on 11 June 2020 noted the importance of playgrounds to tourism, and that the development of additional /upgraded playgrounds is an important component of Pingelly's success as a tourism destination.</p>
Central Event Space	<p>20 responses supported a central events space.</p>	<p>The central grassed area provides a link to all aspects of the park as well as a space for events. This is proposed to be retained in the final concept.</p>
Skatepark / Pump Track	<p>12 were not in favour of a skatepark in the precinct, with 6 of these 12 responses stating that there was already a skatepark facility nearby.</p> <p>1 response stated that the skatepark should be at the PRACC.</p> <p>2 responses suggested a youth precinct adjacent to the current skatepark to accommodate both the skatepark and the pump track.</p>	<p>The current skatepark facility is not considered to be at a standard that promotes strong patronage by youth.</p> <p>The PRACC may offer an alternative location for this type of infrastructure.</p> <p>The skatepark / pump track has been removed from the concept plan.</p>

Activity components	4 responses were received stating that there appeared to be too many different activity nodes within the area which may result in a cluttered space.	This was considered a valid concern and some of the activity nodes have been removed from the second version of the concept plan (skate park and pump track).
PRACC	7 responses commented on 'finishing the PRACC'. 2 specifically referenced the PRACC carpark.	Stage 1 of the PRACC carpark project is in the draft 2020/21 budget. Staff are unaware of other unfinished items at the PRACC.
Scudds Lane	No responses stated any concerns with the proposed closure of Scudds Lane.	The closure is retained in the amended plan. The Townscape Plan adopted by Council in 1999 supported the closure of the portion of Scudds Lane as per the draft Concept Plan, in order to integrate the playground with the other aspects of the Park.
Courthouse	Two responses suggested relocating the Museum to the Town Hall, to enable the courthouse to be used as a café.	The ultimate use of the Courthouse as a café would strongly support the tourism element of this precinct, as this would provide an easy access point for visitors to stop and enjoy the playground space as well as a simple meal/snack. Council can consider the use of the Courthouse subsequent to the project completion.
Toilets	17 responses support toilets within the precinct.  6 stated that public toilets already exist within the Town Hall and are not needed.	Toilets adjacent to a playground are a key factor in the success of the precinct. Crossing the main road to access toilets is considered too dangerous. The Town Hall future use may not allow access to the toilets on an 'all hours' basis.

Following consideration of all comments, a revised concept plan has been prepared. The key components are:

- Retention of the rotunda, with the additional of pathways around this structure.
- The crescent shaped curated garden areas off Pasture Street have been retained and integrated with the rotunda. This creates access from Pasture Street to the central grassed area as well as to the rotunda.
- Pathways lead around the rotunda, the perimeter of the circular lawn and join up with the other pathways to the childcare and the laneway.
- The infant playground has been relocated further inboard and away from the road.

The revised concept seeks to address areas raised by the community as suggested improvements to the plan, while retaining the key elements of the project that will lead to the successful utilisation of the Memorial Park Precinct.

Approval of the final Concept Plan, as attached, will enable the grant application to be finalised and submitted. Detailed design to inform the construction phase of the project would commence following notification of the outcome.

### Consultation

Following the development of the draft concept, community comment was invited in order to inform the final concept plan. The results of the consultation have been incorporated into the second version of the plan and are detailed throughout this agenda item.

**Statutory Environment**

Nil

**Policy Implications**

Nil

**Financial Implications**

The delivery of this project will have no impact on the Shire of Pingelly 2020/21 Budget as the grant application is for 100% of the cost. If the project is approved, assets constructed as a part of the application will be added to the Shire’s Asset Management Plans which will trigger renewal at the end of life point. The key financial aspects that are relevant post construction are:

1. Playgrounds – with an estimated useful life of 15 years, some playground components are likely to be listed for renewal from 2035. Assuming \$500,000 is to be spent on playground equipment, and all components require renewal, the average renewal cost equates to approximately \$33,000 per year.
2. Memorial Park greenspace - there is expected to be negligible change to operations and maintenance costs in relation to the park. The total quantity of grassed area is expected to remain similar in area, with no additional staff required to maintain the park to the current standards.
3. Toilets – cleaning of the Town Hall toilets is proposed to be reallocated to the Memorial Park toilets with no increase in cost.
4. Carpark and Scudds Lane – currently 998m2 of road/parking surface exists. Within the current concept plan, these areas are proposed to be removed, reducing the long term asset renewal requirement. Where the assets are replaced, for example, with pathways and paved areas, the impact will be positive as the older asset is replaced with new, deferring the timeframe for any financial injection.
5. Courthouse – the Courthouse currently requires works to preserve the building, including maintenance to doorways, addressing rising damp etc. The works will directly reduce the renewal requirements in future years.

**Strategic Implications**

Goal 1	Economy
Outcome 1.2	A truly working Main Street which symbolises a confident local economy, and results in people spending more locally
Strategy 1.2.2	Further develop the town centre as an attractive environment which supports business investment, and community and visitor use



### Risk Implications

Risk	<p>Despite community consultation driving several key changes, there is a risk that a number of members of the community will remain unhappy with any redevelopment of Memorial Park.</p> <p>Financial risks exist with all projects – a 10% deviation in project costs will impact the Shire by \$100,000.</p>
Risk Rating (Prior to Treatment or Control)	High (12)
Principal Risk Theme	Financial and Reputational
Risk Action Plan (Controls or Treatment Proposed)	<p>Community engagement has been accommodated within the final concept plan. The detailed design will be informed by further engagement, following the outcome of the grant application being known.</p> <p>Staff involved in the project planning are highly experienced in project planning and delivery. A contingency factor will be built into the project planning to mitigate the risk of financial impact.</p>

Consequence Likelihood		Insignificant	Minor	Moderate	Major	Catastrophic
		1	2	3	4	5
Almost Certain	5	Medium (5)	High (10)	High (15)	Extreme (20)	Extreme (25)
Likely	4	Low (4)	Medium (8)	High (12)	High (16)	Extreme (20)
Possible	3	Low (3)	Medium (6)	Medium (9)	High (12)	High (15)
Unlikely	2	Low (2)	Low (4)	Medium (6)	Medium (8)	High (10)
Rare	1	Low (1)	Low (2)	Low (3)	Low (4)	Medium (5)

### Voting Requirements

Simple Majority

**12861 Moved: Cr Hotham Seconded: Cr Oliveri**

### Recommendation and Council Decision:

**That Council endorses a submission to be prepared under the Drought Communities Programme – Extension, for the re-development of Memorial Park, in accordance with the final concept drawing attached.**

Carried 7:0

## **18.2 Amendment to Loan Strategy**

<b>File Reference:</b>	<b>ADM0067</b>
<b>Location:</b>	<b>Not Applicable</b>
<b>Applicant:</b>	<b>Not Applicable</b>
<b>Author:</b>	<b>Chief Executive Officer</b>
<b>Disclosure of Interest:</b>	<b>Nil</b>
<b>Attachments:</b>	<b>Nil</b>
<b>Previous Reference:</b>	<b>SCM 3 June 2020 - Item 10.1</b>

### **Summary**

Council is requested to endorse an amended loan strategy with regard to the conversion of the short term borrowing of \$1,200,000 to a long term debenture, following feedback from the Western Australian Treasury Corporation.

### **Background**

The existing short term loan of \$1,200,000 was initiated to complete the Pingelly Recreation and Cultural Centre, under a three year lending agreement with the Western Australian Treasury Corporation (WATC). As a part of the 2019/20 Budget, Council adopted the financial strategy to convert the short term borrowing to a long term (20 year) debenture.

At the Special Council Meeting on 3 June 2020, Council agreed, on the advice of the WATC Risk Team, to progress the option of converting \$700,000 in 2019/20, and, following further assessment and approvals, apply to convert the remaining \$500,000 in the 2020/21 year. Following presentation of this recommendation by the WATC Risk Team to the WATC Board, an alternative option has been presented as the Board's preferred way forward.

### **Comment**

The WATC Board has indicated their support for \$1,200,000 being refinanced for a period of 2.5 years, with repayments based on a 20 year debenture. In practical terms, this means that the Shire would effectively commence paying principal and interest in accordance with the terms of a 20 year loan agreement. Following the 2.5 year period, and an assessment of the Shire's financial position, a 17.5 year term would then be negotiated.

There are a number of benefits to this proposal. WATC have offered an interest rate of 0.6981% per annum. Due to the low interest rate, the Shire is able to achieve principal repayments in year 1 of in excess of \$50,000, with a negligible impact on the 2020/21 Budget. By the end of the 2.5 year period, approximately \$100,687 will be paid off the principal.

The main disadvantage of this option is that in two years time, as the 2.5 year period comes to an end, the current ratio will worsen temporarily (for 12 months). This is because the loan will become a current liability prior to it being converted for the remaining 17.5 years. While this is not desirable, the positive financial impact to the Shire, and the clear and acceptable reasons for a temporary negative ratio, both have resulted in the recommendation to Council to proceed with this offer from WATC.

### **Consultation**

Western Australian Treasury Corporation

### Statutory Environment

#### 10. Revoking or changing decisions (Act s. 5.25(1)(e))

- (1) If a decision has been made at a council or a committee meeting then any motion to revoke or change the decision must be supported —
  - (a) in the case where an attempt to revoke or change the decision had been made within the previous 3 months but had failed, by an absolute majority; or
  - (b) in any other case, by at least 1/3 of the number of offices (whether vacant or not) of members of the council or committee, inclusive of the mover.
- (1a) Notice of a motion to revoke or change a decision referred to in subregulation (1) is to be signed by members of the council or committee numbering at least 1/3 of the number of offices (whether vacant or not) of members of the council or committee, inclusive of the mover.
- (2) If a decision has been made at a council or a committee meeting then any decision to revoke or change the first mentioned decision must be made —
  - (a) in the case where the decision to be revoked or changed was required to be made by an absolute majority or by a special majority, by that kind of majority; or
  - (b) in any other case, by an absolute majority.
- (3) This regulation does not apply to the change of a decision unless the effect of the change would be that the decision would be revoked or would become substantially different.

### Policy Implications

Nil

### Financial Implications

The current allocations in the 2020/21 Draft Budget for principal and interest repayments are:

	Principal	Interest	Total
Loan 124 (\$700,000)	\$28,637	\$14,204	\$42,841
Loan 125 (\$500,000)	\$10,081	\$5,350	\$15,431
<b>Total</b>	<b>\$38,718</b>	<b>\$19,554</b>	<b>\$58,272</b>

Under the new proposal, the repayment schedule for the \$1,200,000 will be:

	Principal	Interest	Total
<b>Loan 124 (\$1,200,000)</b>	<b>\$50,168</b>	<b>\$8,290</b>	<b>\$58,458</b>

### Strategic Implications

Goal 5	Innovation Leadership and Governance
Outcome 5.6	Financial systems are effectively managed
Strategy 5.6.1	Financial management and reporting systems are able to deliver on all administrative and management functions and long term financial planning requirements

### Risk Implications

Risk	This proposal is based on the draft Long Term Financial Plan and Budget. Failure to provide satisfactory financial statements over the next 2.5 years may place the Shire at risk when the application to convert the remaining principal amount to a 17.5 year loan is assessed.
Risk Rating (Prior to Treatment or Control)	Medium (9)
Principal Risk Theme	Financial, Reputational
Risk Action Plan (Controls or Treatment Proposed)	Careful financial planning over the next two years to ensure the budget and Long Term Financial Plan is achieved. A further review of the Long Term Financial Plan in March 2021 and March 2022 will provide WATC with an increased level of confidence in the financial position of the Shire.

Consequence Likelihood		Insignificant 1	Minor 2	Moderate 3	Major 4	Catastrophic 5
Almost Certain	5	Medium (5)	High (10)	High (15)	Extreme (20)	Extreme (25)
Likely	4	Low (4)	Medium (8)	High (12)	High (16)	Extreme (20)
Possible	3	Low (3)	Medium (6)	Medium (9)	High (12)	High (15)
Unlikely	2	Low (2)	Low (4)	Medium (6)	Medium (8)	High (10)
Rare	1	Low (1)	Low (2)	Low (3)	Low (4)	Medium (5)

### Voting Requirements

Absolute Majority

**12862 Moved: Cr Wood Seconded: Cr Oliveri**

#### Recommendation and Council Decision:

That Council rescinds the motion at Item 10.1 Amendment to Loan Strategy from the 3 June 2020 Special Council Meeting, being:

*Council is requested to endorse the amended financial strategy for the 2019/20 and 2020/21 financial years in relation to \$1,200,000 in short term loan borrowings with the Western Australian Treasury Corporation, being:*

- 2019/20 Conversion of \$700,000 to long term borrowings (20 years)
- 2020/21 Conversion of \$500,000 to long term borrowings (20 years)

Carried 7:0

**12863 Moved: Cr Wood Seconded: Cr McBurney**

#### Recommendation and Council Decision:

Council approves an amended financial strategy in relation to the short term borrowings of \$1,200,000 with the Western Australian Treasury Corporation, being:

- 2019/20: Refinance of \$1,200,000 for a period of 2.5 years, with repayments based on a 20 year loan with an interest rate of 0.6981%.

Carried 7:0

**19. CLOSURE OF MEETING**

The Chairman declared the meeting closed at 3:45pm

These minutes were confirmed by Council at the Ordinary Council Meeting held on 15 July 2020.

Signed.....  
Presiding Person at the meeting at which the minutes were confirmed.