

# SHIRE OF LAKE GRACE



# AGENDA

Ordinary Council Meeting  
15 February 2023

## **Notice of Meeting**

### **To the Shire President and Councillors**

The next Ordinary Council Meeting will be held on Wednesday 15 February 2023 in the Council Chamber, 1 Bishop Street, Lake Grace commencing at 3:30pm.

Chris Paget  
Deputy Chief Executive Officer  
10 February 2023

## Information

This information is provided on matters which may affect members of the public. If you have any queries on procedural matters, please contact the Shire of Lake Grace on 9890-2500 or [ea@lakegrace.wa.gov.au](mailto:ea@lakegrace.wa.gov.au).

## Question Time for the Public

The Local Government (Administration) Regulation 1996 states that members of the public shall be allowed to ask public question during Council meetings. The Shire of Lake Grace allocates a minimum of 15 minutes for Public Question. Anyone may ask questions and may be submitted in two ways:

- Questions submitted in writing and be “*put on notice*” before the Council Meeting
- Questions may be raised from the public gallery “*without notice*” during public question time

Questions that are complex in nature and that may require research should be submitted as early as possible to allow the Shire time to prepare a response. The Presiding Member may nominate a senior executive or member of staff to answer the question presented. There will be no debate or discussion to take place on any question or answer to ask a question.

For more information regarding Question Time for the Public and to obtain a Public Question Time form, please visit [www.lakegrace.wa.gov.au](http://www.lakegrace.wa.gov.au) or call (08) 9890-2500 or email [ea@lakegrace.wa.gov.au](mailto:ea@lakegrace.wa.gov.au).

## 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**

Agenda for the Ordinary Council Meeting to be held at the Council Chambers, 1 Bishop Street, Lake Grace, WA on Wednesday 15 February 2023 commencing at 3:30pm.

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

### **2.0 ACKNOWLEDGEMENT OF COUNTRY**

I begin today by acknowledging the Ballardong people, Traditional Custodians of the land on which we meet today, and pay my respects to their Elders past, present and emerging.

I extend that respect to Aboriginal and Torres Strait Islander peoples here today.

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

#### **3.1 PRESENT**

Cr LW Armstrong	Shire President
Cr R Chappell	Deputy Shire President
Cr DS Clarke	
Cr SG Hunt	
Cr BJ Hyde	
Cr AJ Kuchling	
Cr RA Lloyd	
Cr JV McKenzie	

#### **3.2 APOLOGIES**

Mr. Alan George	Chief Executive Officer
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#### **3.3 IN ATTENDANCE**

Mr C Paget	Deputy Chief Executive Officer
Mr K Wilson	A/Manager Corporate Services
Mr C Elefsen	Manager Infrastructure Services
Mrs R Rose	Executive Assistant

#### **3.4 OBSERVERS / VISITORS**

#### **3.5 LEAVE OF ABSENCE PREVIOUSLY GRANTED**

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

**5.0 PUBLIC QUESTION TIME**

**6.0 PETITIONS/DEPUTATIONS/PRESENTATIONS**

**7.0 NOTATIONS OF INTEREST**

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

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

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

**8.0 APPLICATIONS FOR LEAVE OF ABSENCE**

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

**10.0 CONFIRMATION OF MINUTES**

10.1 ORDINARY COUNCIL MEETING – WEDNESDAY 21 DECEMBER 2022

**RECOMMENDATION / RESOLUTION**

That the Minutes of the Ordinary Council Meeting held on Wednesday 21 December 2022 be confirmed as a true and accurate record of the meeting.

10.2 SPECIAL COUNCIL MEETING

10.3 ANNUAL MEETING OF ELECTORS – 08 FEBRUARY 2023

**RECOMMENDATION / RESOLUTION**

That the Minutes of the Annual General Meeting of Electors held on Wednesday 8 February 2023 be confirmed as a true and accurate record of the meeting.

**11.0 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**

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

**13.0 REPORTS OF COMMITTEES**

**13.1 AUDIT COMMITTEE MEETING – WEDNESDAY 21 DECEMBER 2022**

**RECOMMENDATION / RESOLUTION**

That the Minutes of the Audit Committee (AUC) meeting held on Wednesday 21 December 2022 be received.

**14.0 REPORTS OF OFFICERS**

**14.1 INFRASTRUCTURE SERVICES**

**14.2 PLANNING**

**14.2.1 DEVELOPMENT APPLICATION – PROPOSED NEW TELECOMMUNICATIONS INFRASTRUCTURE ON LOT 3007 ON DEPOSITED PLAN 214431 TUCK ROAD, EAST NEWDEGATE**

<b>Applicant:</b>	Optus Mobile Pty Ltd under authority from DP, RM & BP Sinclair (Landowners)
<b>File No.:</b>	TBA
<b>Attachments:</b>	Development Application documentation and plans
<b>Author:</b>	Mr Joe Douglas – Town Planner
<b>Disclosure of Interest:</b>	Nil
<b>Date of Report:</b>	8 February 2023
<b>Senior Officer:</b>	Mr Chris Paget – Acting Chief Executive Officer

Summary

This report recommends that Council grant **conditional approval** to a development application received from Optus Mobile Pty Ltd under authority from DP, RM & BP Sinclair (Landowners) to construct and operate new telecommunications infrastructure on portion of Lot 3007 on Deposited Plan 214431 Tuck Road, East Newdegate.

Background

Optus Mobile Pty Ltd under authority from DP, RM & BP Sinclair (Landowners) have submitted a development application seeking Council's approval to construct a new 100-metre-tall telecommunications tower and associated infrastructure on a 700m<sup>2</sup> portion of Lot 3007,



Tuck Road, East Newdegate. It is understood the project forms part of a Government-funded 'blackspot' programme which aims to provide improved telecommunication services to the East Newdegate locality.

A full copy of the application received is provided in Attachment 1.

Lot 3007 is located approximately 28 kilometres east-south-east of the Newdegate townsite in the locality of East Newdegate. The subject land comprises a total area of approximately 1,967.33 hectares, is gently to moderately sloping throughout and has been developed and used for extensive agricultural purposes (i.e. broadacre cropping and grazing) for many years. Existing adjoining land uses are also predominantly rural in nature (i.e. broadacre cropping and grazing) with the exception of a 17,933-hectare parcel of Vacant Crown Land located immediately east which has not been developed for any specific purpose/s and has been designated as a conservation reserve in the Shire's Local Planning Scheme No.4.

The property has direct frontage and access to Tuck Road along its northern boundary and Tarco Road along its eastern boundary, both of which are unsealed local roads under the care, control and management of the Shire that have been constructed to a rural standard and are capable of accommodating both light and heavy vehicle movements in a safe and convenient manner.

The proposed new telecommunications tower and associated infrastructure will be sited on a high point located centrally in the northern half of Lot 3007 to maximise opportunity for telecommunications coverage throughout the locality. All access to the development will be via the land's Tuck Road frontage and existing all-weather access tracks on the subject land.

Whilst that portion of the land where the development is proposed to be undertaken has been predominantly cleared of all native vegetation, some minor clearing works may be required to accommodate the project however the potential impacts associated with that are expected to be negligible. The onus is also on the applicant to determine and confirm if a clearing permit application is required to be prepared and submitted to the Department of Water and Environmental Regulation pursuant to the specific requirements of the *Environmental Protection (Clearing of Native Vegetation) Regulations 2004* prior to the commencement of development and address any environmental mitigation and offset conditions that may be imposed by the Department when granting approval.

It is significant to also note that portion of the land where the development is proposed to be undertaken does not contain any sites of European or Aboriginal Heritage significance, is not subject to inundation or flooding during extreme storm events and has not been designated by the Fire and Emergency Services Commissioner of Western Australia as being bushfire prone.

#### Comment

Lot 3007 is classified 'General Agriculture' zone in the Shire of Lake Grace Local Planning Scheme No.4 (LPS4).

Under the terms of the Zoning Table in LPS4 the development and use of any land classified 'General Agriculture' zone for 'Telecommunication Infrastructure' purposes is listed as a use that is not permitted unless the local government has exercised its discretion by granting development approval.

The application has been assessed with due regard for all relevant objectives, standards and requirements prescribed in LPS4, clause 67 of the Deemed Provisions of the *Planning and Development (Local Planning Scheme) Regulations 2015* and State Planning Policy Nos.2.5 and 5.2 entitled 'Rural Planning' and 'Telecommunications Infrastructure' respectively. This assessment has confirmed the proposal is compliant or capable of compliance with the following requirements:

- Land capability and suitability;
- Lot boundary setbacks;
- Amenity of the locality including potential environmental, visual and social impacts;
- On-site vehicle access and parking; and
- Flood, stormwater drainage and bushfire risk management.

The proposal is also consistent with the general aims and objectives of LPS4 and has considerable merit for the following reasons:

- i) It will assist implementation of the *State Planning Strategy 2050 (2014)* which advocates for the provision of an effective state-wide telecommunications network;
- ii) It will be located in an area dominated and characterised by broadacre farming activities on large sized lots. Furthermore, it is unlikely to be visually prominent when viewed from any significant viewing locations in the locality such as scenic routes, lookouts and recreation sites;
- iii) It will not detract from a significant view of a heritage item or place, a landmark, a streetscape, vista or a panorama, whether viewed from public or private land in the locality;
- iv) Its location on the subject land will not compromise environmental, cultural heritage, social and visual landscape values;
- v) The scale, materials, external colours and finishes of the proposed infrastructure are not inconsistent with other existing similar developments within the Shire's broadacre agricultural areas and could be expected to fit into the surrounding landscape without raising any major concerns or objections;
- vi) It will not generate significant volumes of vehicular traffic or place undue loads on existing essential service infrastructure in the immediate locality; and
- vii) The location of the proposed infrastructure will facilitate continuous network coverage and address current communication coverage deficiencies in the immediate locality which will be of significant benefit to the local community and travelling public.

Lastly, it is worth noting the use of mobile phones and their associated infrastructure has historically raised public concern about possible health issues associated with exposure to electromagnetic emissions (EME). In recognition of this concern the applicant has submitted in an EME impact report confirming the maximum electromagnetic emissions (EME) level for the proposed infrastructure on Lot 3007.

It is evident from reviewing the EME report that the proposed infrastructure will operate well within the acceptable limits of the Australian Radiation Protection and Nuclear Safety Agency (ARPANSA) standards.

It is also worth noting that:

- i) the standards set by ARPANSA incorporate substantial safety margins to address human and safety matters;
- ii) it is the responsibility of the telecommunications carrier to ensure compliance with the ARPANSA standards; and
- iii) any future installation of telecommunication infrastructure on the proposed mast (i.e. co-location) will require the preparation of a new EME report by the relevant carrier in order to ensure emission levels remain within ARPANSA acceptable limits.

Under the relevant planning framework, including LPS No.4, the predicted level of EME emitted from the proposed infrastructure on Lot 3007 is minimal and does not constrain Council from granting development approval.

In light of all of the above, it is concluded that the proposal to construct and operate new telecommunications infrastructure on portion of Lot 3007 Tuck Road, East Newdegate is unlikely to have a negative impact on the general amenity, character, functionality and safety of the immediate locality and may therefore be supported and approved by Council subject to the imposition of a number of standard conditions to ensure the development proceeds in a proper and orderly manner. As such, it is recommended Council exercise its discretion and grant conditional development approval.

#### Legal Implications

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

#### Policy Implications

- State Planning Policy 2.5 - Rural Planning
- State Planning Policy No.5.2 - Telecommunications Infrastructure

#### Consultation

Not required or deemed necessary. The application was however the subject of discussion with the applicant's town planning consultant and was modified prior to being formally lodged with the Shire to reflect some minor issues of concern raised by the reporting officer following preliminary assessment.

#### Financial Implications

There are no known financial implications in relation to this item aside from the administrative costs associated with processing the application which are provided for in Council's annual budget and have been offset by the development application fee paid by the applicant. All costs associated with the proposed development will be met by Optus Mobile Pty Ltd in its capacity as the developer / service provider.

It is significant to note should the applicant be aggrieved by Council's final decision in this matter, it has the right seek a formal review of that decision by the State Administrative Tribunal. Should this occur for whatever reason, which is considered highly unlikely in this particular instance, the Shire would need to respond. The cost to respond to an appeal cannot be determined at this preliminary stage but could be expected, based on the recent experience of other local government authorities in Western Australia, to range anywhere from \$5,000 to \$60,000 excluding GST depending upon how far the matter proceeds through the review process.

### Strategic Implications

- Shire of Lake Grace Local Planning Strategy 2007 as it applies specifically to the development of telecommunication infrastructure throughout the Shire's municipal district.

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

Economic Objective - A prosperous agriculturally 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.

Outcome 1.2 - A diverse and prosperous economy.

1.2.1 - Advocate for improved communications and support infrastructure.

1.2.2 - Support local business and promote further investment in the district.

Outcome 1.3 - An attractive destination for visitors.

1.3.3 - Continue to provide and maintain visitor support services.

Environment Objective - Protect and enhance our natural and built 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.

### Voting Requirements

Simple majority required.

## RECOMMENDATION / RESOLUTION

That the development application submitted by Optus Mobile Pty Ltd under authority from DP, RM & BP Sinclair (Landowners) to construct and operate new telecommunications infrastructure on portion of Lot 3007 on Deposited Plan 214431 Tuck Road, East Newdegate be **approved** subject to the following conditions and advice notes:

### Conditions:

1. The proposed development shall be undertaken strictly in accordance with the information and plans submitted in support of the application subject to any modifications required as a consequence of any condition/s of this approval or otherwise approved by Council.
2. Any additional development which is not in accordance with the application the subject of this approval or any condition of approval will require the further approval of Council.
3. The proposed development shall be substantially commenced within a period of two (2) years from the date of this approval. If the development is not substantially commenced within this period this approval shall lapse and be of no further effect. Where an approval has so lapsed, the proposed development shall not be carried out without the further approval of Council having first being sought and obtained.
4. Safe and convenient on-site vehicle access to the proposed new telecommunications infrastructure on the land shall be provided and maintained for the life of the development to the specifications and satisfaction of the local government's Chief Executive Officer in consultation with the local government's Manager Infrastructure Services.
5. The proposed telecommunications infrastructure and all associated improvements shall be maintained in good working order for the full term of their operational lifespan to avoid any potential risk or hazards.
6. The proposed telecommunications infrastructure and all associated improvements must be decommissioned and removed from the land at the end of their operational lifespan with the ground rehabilitated to its natural state (i.e. bare earth with no vegetation) and stabilised as may be required no later than six (6) months thereafter to the satisfaction of the local government's Chief Executive Officer unless otherwise approved by the local government.

### Advice Notes:

1. This approval is not an authority to ignore any constraint to development on the land which may exist through contract or on title, such as an easement, memorial or restrictive covenant. It is the responsibility of the applicant and landowner and not the Shire to investigate any such constraints before commencing development. This approval will not necessarily have regard to any such constraint to development, regardless of whether or not it has been drawn to the local government's attention.
2. This is a development approval of the Shire of Lake Grace under its Local Planning Scheme No.4. It is not a building permit or an approval to commence or carry out development under any other law. It is the responsibility of the applicant/landowner to obtain any other necessary approvals, consents, permits and licenses required under any other law, and to commence and carry out development in accordance with all relevant laws

3. The applicant / landowner are reminded of their obligation to ensure compliance with the requirements of the Shire of Lake Grace Annual Fire Management Notice as it applies specifically to all rural land in the Shire to help guard against any potential bushfire risk.
4. The applicant / landowner are reminded of their obligation to determine and confirm if a clearing permit application is required to be prepared and submitted to the Department of Water and Environmental Regulation pursuant to the specific requirements of the *Environmental Protection (Clearing of Native Vegetation) Regulations 2004* prior to the commencement of development.
5. Failure to comply with any of the conditions of this development approval constitutes an offence under the provisions of the *Planning and Development Act 2005* and the Shire of Lake Grace Local Planning Scheme No.4 and may result in legal action being initiated by the local government.
6. If the applicant / landowner are aggrieved by this determination there is a right of review by the State Administrative Tribunal in accordance with the Planning and Development Act 2005 Part 14. An application must be submitted directly to the State Administrative Tribunal within 28 days of the local government's determination.

14.3 HEALTH AND BUILDING

14.4 ADMINISTRATION

14.4.1 SOUTHWEST NATIVE TITLE SETTLEMENT – LAND BASE CONSULTATION

<b>Applicant:</b>	Department of Planning Lands and Heritage
<b>File No.:</b>	0367 / 0368
<b>Attachments:</b>	Nil
<b>Author:</b>	Mr. Alan George – Chief Executive Officer
<b>Disclosure of Interest:</b>	Nil
<b>Date of Report:</b>	17 January 2023
<b>Senior Officer:</b>	Mr. Alan George – Chief Executive Officer

Summary

For Council to provide comment on the land identified for possible transfer and inclusion in the Noongar Land Estate.

Background

The South West Native Title Settlement (Settlement) is a landmark native title agreement reached between the State Government (State) and the six Noongar Agreement Groups. The six requisite Indigenous Land Use Agreements (ILUAs) were conclusively registered, leading to the Settlement commencing on 25 February 2021 after some years of delay. The Settlement recognises the Agreement Groups as the Traditional Owners of the south west of Western Australia, while resolving native title in exchange for a negotiated package of benefits. The area subject to the Settlement is depicted in the attached map.

A key negotiated benefit is the delivery of a 320,000-hectare Noongar Land Estate, in accordance with the Noongar Land Base Strategy (Annexure J to the ILUAs). The Noongar Land Estate will contain up to 300,000 hectares of land transferred in reserve or leasehold, and up to 20,000 hectares of land transferred in freehold. The Landholding Body for all land transferred is the Noongar Boodja Land Sub Pty Ltd, which will hold and manage the land in the Noongar Land Estate in consultation with the soon to be established Noongar Regional Corporations. All land will be used and managed in line with Noongar cultural, social and economic aspirations for the benefit of generations to come.

Over the next four or five years, the Department of Planning, Lands and Heritage (Department) will progress selected land parcels through to transfer under the Settlement, subject to all necessary consultation and approvals with stakeholders. Land eligible for inclusion in the Noongar Land Estate includes:

- unallocated Crown land;
- unmanaged reserves;



- land owned or held by the Aboriginal Lands Trust / Aboriginal Affairs Planning Authority; and
- land owned or held by State agencies or Local Government Authorities, at the discretion of the State agency or Local Government Authority.

Council has previously been requested to comment on several areas of land for possible inclusion in the Noongar Land Estate and have raised no objections.

### Comment

A key part of the process being followed by the Department involves the referral of land under consideration for inclusion in the Noongar Land Estate to relevant State agencies and Local Government Authorities.

The latest parcel of land to come under consideration is Reserve 28515 being Lot 251 on Deposited Plan 171784 which is a 2432m<sup>2</sup> parcel of land situated on the corner of Lawson and Absolon Streets, Lake Grace.





This reserve was the site of the former Main Roads WA depot and is vested to the Commissioner of Main Roads with the land use being “government requirements”

Council comments are being sought on;

1. Is the Shire supportive of the transfer of this land to the Noongar People under the Settlement?
2. Does the Shire have any interest in the land?
3. Does the Shire have existing or planned infrastructure within the land parcel that requires protection? If yes, please provide details and advise if access to this infrastructure will need to be maintained.
4. Is the land parcel subject to any mandatory connection to services?
5. Are any future proposals for the land identified? Please provide detail of what is proposed and in what timeframe?
6. Are there any future proposals for adjoining land that may affect the land identified in the spreadsheet? If so, in what timeframe?
7. Please advise of any proposed planning scheme amendments that may affect the zoning of this land at a State or Local government level. If a scheme amendment is to occur, what is the change proposed and when will it come into effect?
8. Please advise of any known land management issues such as site contamination, hazards, debris or rubbish dumping, unauthorised land use and environmental considerations (such as inundation or similar site constraints).
9. Please provide any additional comments on the proposed transfer of this land as part of the Settlement.

This request is the first that we have received for land located in a town site within our shire.

As can be seen from the picture there are several unused structures on the site which is on the western boundary of the Shire depot. There has been some talk of the site possibly being contaminated from fuel spills etc but nothing is recorded that I can find. At this stage, there is no interest in the block from our point of view.

The only comment would be in response to question 6 regarding the fact that the reserve in question adjoins the shire depot that may be subject to minor works in the future.

One does wonder though why this particular reserve is of any interest.

#### Legal Implications

South West Native Title Settlement

#### Policy Implications

Nil

#### Consultation

Nil

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Financial Implications

Nil

Strategic Implications

Nil

Voting Requirements

Simple majority required.

**RECOMMENDATION / RESOLUTION**

That Council authorises administration to provide comment on the consideration for inclusion in the Noongar Land Estate of Certificate of Title 3110/507 being Lot 251 on Plan 171784.

Comments to read as follows;

- |                                                                                                                                                                                                                   |     |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----|
| 1. Is the Shire supportive of the transfer of this land to the Noongar People under the Settlement?                                                                                                               | Yes |
| 2. Does the Shire have any interest in the land?                                                                                                                                                                  | No  |
| 3. Does the Shire have existing or planned infrastructure within the land parcel that requires protection? If yes, please provide details and advise if access to this infrastructure will need to be maintained. | No  |
| 4. Is the land parcel subject to any mandatory connection to services?                                                                                                                                            | No  |
| 5. Are any future proposals for the land identified? Please provide detail of what is proposed and in what timeframe?                                                                                             | No  |
| 6. Are there any future proposals for adjoining land that may affect the land identified in the spreadsheet? If so, in what timeframe?                                                                            | No  |

*The land in question adjoins the existing Shire of Lake Grace Works depot which may be subject to minor works in the future.*

- |                                                                                                                                                                                                                                             |                                 |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------|
| 7. Please advise of any proposed planning scheme amendments that may affect the zoning of this land at a State or Local government level. If a scheme amendment is to occur, what is the change proposed and when will it come into effect? | Nil                             |
| 8. Please advise of any known land management issues such as site contamination, hazards, debris or rubbish dumping, unauthorised land use and environmental considerations (such as inundation or similar site constraints).               | None that the Shire is Aware of |
| 9. Please provide any additional comments on the proposed transfer of this land as part of the Settlement                                                                                                                                   | Nil                             |

14.4.2 FREEHOLD / LEASE RENEWAL – LOTS 279 / 280 / 281 DEPOSITED PLAN 173485 –  
SHIRE OF LAKE GRACE

<b>Applicant:</b>	Department of Planning, Lands and Heritage (Land Use Management)
<b>File No.:</b>	0359
<b>Attachments:</b>	<ul style="list-style-type: none"><li>• Email from DPI dated 10 January 2023</li><li>• Inquiry Map/Aerial Photography</li><li>• Smart plan (Lots 279/280/281)</li></ul>
<b>Author:</b>	Mrs Racelis Rose – Executive Assistant
<b>Disclosure of Interest:</b>	Nil
<b>Date of Report:</b>	18 January 2023
<b>Senior Officer:</b>	Mr Alan George – Chief Executive Officer

Summary / Background / Comment

The Shire administration received an email from the Department of Planning, Lands and Heritage (DPLH) on 10 January 2023 (attached) stating that the Lease M350142 over Lot 279 on Deposited Plan 173485 located at 15 Mason Street, Lake Grace is currently leased to Mr David Stanley Fyfe for the purpose of “light industry”.

Mr Fyfe is also leasing Lots 280 and 281 on Deposited Plan 173485 and has asked for the lease to be renewed. The DPLH is now proposing to issue a new lease to the same Lessee for a term of ten (10) years commencing as soon as possible for the same purpose. In order to facilitate and proceed with the lease, the DPLH is seeking comments from the Shire of Lake Grace and at the same time Council is being asked to comment on the proposed freehold of all three (3) lots.

Council is requested to acknowledge the letter and advise that it has no comment or objection to either the renewal of the lease or to the freehold of the lots.

Legal Implications

Nil

Policy Implications

Nil

Consultation

Internal            Mr Alan George – Chief Executive Officer

Financial Implications

Nil

Strategic Implications

This aligns with the Shire of Lake Grace Strategic Community Plan 2017-2027 particularly Economic Objective.

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

Outcome 1.2 A diverse and prosperous economy

Strategies 1.2.2 Support local business and promote further investment in the district

Voting Requirements

Simple majority required.

**RECOMMENDATION / RESOLUTION**

That Council acknowledge the letter from the Department of Planning, Lands and Heritage and advise that it has no comment or objection to the renewal of the lease over Lot 279 or to the freehold of Lots 279, 280 and 281 Mason Street, Lake Grace to Mr David Stanley Fyfe for the purpose of 'light industry'.

14.4.3 PARTNERING AGREEMENT FOR THE PROVISION OF MUTUAL AID FOR RECOVERY DURING EMERGENCIES – MEMORANDUM OF UNDERSTANIDNG (MOU)

<b>Applicant:</b>	WALGA Central Country Zone
<b>File No.:</b>	0601
<b>Attachments:</b>	<ul style="list-style-type: none"><li>• DRAFT - Memorandum of Understanding Emergency Management – February 2023</li><li>• Item 14.4.5 – Extracted from the Minutes of OCM 23 November 2022</li></ul>
<b>Author:</b>	Mr Alan George – Chief Executive Officer
<b>Disclosure of Interest:</b>	Nil
<b>Date of Report:</b>	3 February 2023
<b>Senior Officer:</b>	Mr Alan George – Chief Executive Officer

Summary

The existing MOU presented to Council on 23 November 2022 expired 31 December 2022. The term was for 2 years, it was suggested at the last Central Country Zone meeting that the term be extended for 5 years to simplify matters for the future. Council is requested to approve the new MOU term of 5 years. That is the only change to the original MOU.

Background

The MOU is to facilitate the provision of mutual aid between partnering Local Governments during emergencies and post incident recovery. The MOU should enhance the capacity of our communities to cope in times of difficulty.

The MOU also demonstrates the capacity and willingness of participating Local Governments to work co-operatively and share resources within the region.

Comment

All facets of the MOU remain the same as the original MOU expired with the exception of the extension of the term from 3 years to 5 years. The Shire of Lake Grace has not experienced the activation of the MOU since its inception however, the security of its renewal for 5 years will provide some peace of mind should it be required.

Legal Implications

Nil

Policy Implications

Nil

Consultation

External            Members of the Central Country Zone (CCZ) local governments

### Financial Implications

Should Council respond to a request from a local government in the Central Country Zone the Shire costs would relate to staff salary/wages whilst assisting in the emergency and any loss, damage or cost associated with the provision of support (i.e. plant, equipment, Protective clothing etc.), unless otherwise agreed in writing.

In many instances the loss of plant and equipment would be covered under Council's insurance, however there may be an insurance excess on particular plant or equipment that the Shire may have to meet.

The local government requesting the assistance will be responsible for all incidental cost associated with the provider's personnel and equipment such as catering, accommodation, OHS, transport, fuel and storage.

### Strategic Implications

This item aligns with the Shire of Lake Grace Strategic Community Plan 2017-2027 particularly Social Objective and Leadership Objective as follows:

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

- |            |       |                                                                            |
|------------|-------|----------------------------------------------------------------------------|
| Outcome    | 2.1   | An engaged, supportive and inclusive community                             |
| Outcome    | 2.2   | A healthy and safe community                                               |
| Strategies | 2.2.3 | Support provision of emergency services and encourage community volunteers |

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

- |            |       |                                                                  |
|------------|-------|------------------------------------------------------------------|
| Outcome    | 4.1   | A strategically focused, unified Council functioning efficiently |
| Strategies | 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                      |

### Voting Requirements

Simple majority required.

### **RECOMMENDATION / RESOLUTION**

That Council endorses the extension of the new Local Government Memorandum of Understanding (MOU) as detailed in the attachment for a further 5 years that will promote cooperation between the Central Country Zone local governments in emergency events.

## 14.5 FINANCE

### 14.5.1 ACCOUNTS FOR PAYMENT – DECEMBER 2022

<b>Applicant</b>	Internal Report
<b>File No</b>	0277
<b>Attachments</b>	List of Accounts Payable
<b>Author</b>	Mr Kevin Wilson – A/Manager Corporate Services
<b>Disclosure of Interest</b>	Nil
<b>Date of Report</b>	16 January 2023
<b>Senior Officer</b>	Mr Alan George - Chief Executive Officer

#### Summary

For Council to ratify expenditures incurred for the month of December 2022.

#### Background

List of payments for the month of December 2022 through the Municipal and Trust accounts is attached.

#### Comment

In accordance with the requirements of the Local Government Act 1995, a list of creditors is to be completed for each month showing:

- (a) The payee's name
- (b) The amount of the payment
- (c) Sufficient information to identify the transaction
- (d) The date of payment

The attached list meets the requirements of the Financial Management Regulations.

#### Legal Implications

Local Government (Financial Management) Regulations 1996 – Reg 12  
Local Government (Financial Management) Regulations 1996 – Reg 13

#### Policy Implications

Policy 3.6 - Authorised Use of Credit Card/Fuel Cards  
Policy 3.7 - Purchasing Policy

#### Consultation

Nil

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Financial Implications

The list of creditors paid for the month of December 2022 from the Municipal and Trust Accounts Total \$1,373,153.73.

Strategic Implications

This aligns with the Leadership Objective of the Shire of Lake Grace Strategic Community Plan 2017-2027 particularly Outcome 4.2 and Strategies 4.2.1 and 4.2.2 :

Leadership Objective		Strong governance and leadership, demonstrating fair and equitable community values
Outcome	4.2	An efficient and effective organisation
Strategy	4.2.1	Maintain accountability and financial responsibility through effective planning
	4.2.2	Comply with statutory and legislative requirements

Voting Requirements

Simple majority required.

**RECOMMENDATION / RESOLUTION**

That Council ratify the list of payments totalling \$1,373,153.73 as presented for the month of December 2022 incorporating:

<b>Payment Method</b>	<b>Cheque/EFT/DD Number</b>	<b>Amount</b>
Electronic Funds Transfers	EFT24409 – EFT24517	\$1,322,158.35
Municipal Account Cheques	37041 - 37045	\$22,609.23
Direct Debits	DD10304.10 – DD10304.10	\$28,335.15
Trust Account Cheques	1542	\$51.00
	<b>TOTAL</b>	<b>\$1,373,153.73</b>



Shire of Lake Grace

**CERTIFICATE OF EXPENDITURE**  
**December 2022**



This Schedule of Accounts to be passed for payment, covering

<b>Payment Method</b>	<b>Cheque/EFT/DD Number</b>	<b>Amount</b>
Electronic Funds Transfers	EFT24409 – EFT24517	\$1,322,158.35
Municipal Account Cheques	37041 – 37045	\$22,609.23
Direct Debits	DD10304.10 – DD10304.10	\$28,335.15
Trust Cheques	1542	\$51.00
	<b>TOTAL</b>	<b>\$1,373,153.73</b>

to the Municipal Account, totalling \$1,373,153.73 which were submitted to each member of the Council on 15 February 2022, 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**

14.5.2 ACCOUNTS FOR PAYMENT – JANUARY 2023

<b>Applicant</b>	Internal Report
<b>File No</b>	0277
<b>Attachments</b>	List of Accounts Payable
<b>Author</b>	Mr Kevin Wilson – A/Manager Corporate Services
<b>Disclosure of Interest</b>	Nil
<b>Date of Report</b>	7 February 2023
<b>Senior Officer</b>	Mr Christopher Paget - Acting Chief Executive Officer

Summary

For Council to ratify expenditures incurred for the month of January 2023.

Background

List of payments for the month of January 2023 through the Municipal and Trust accounts is attached.

Comment

In accordance with the requirements of the Local Government Act 1995, a list of creditors is to be completed for each month showing:

- (a) The payee's name
- (b) The amount of the payment
- (c) Sufficient information to identify the transaction
- (d) The date of payment

The attached list meets the requirements of the Financial Management Regulations.

Legal Implications

Local Government (Financial Management) Regulations 1996 – Reg 12  
Local Government (Financial Management) Regulations 1996 – Reg 13

Policy Implications

Policy 3.6 - Authorised Use of Credit Card/Fuel Cards  
Policy 3.7 - Purchasing Policy

Consultation

Nil

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Financial Implications

The list of creditors paid for the month of January 2023 from the Municipal Account  
Total \$175,205.97

Strategic Implications

This aligns with the Leadership Objective of the Shire of Lake Grace Strategic Community Plan 2017-2027 particularly Outcome 4.2 and Strategies 4.2.1 and 4.2.2 :

Leadership Objective		Strong governance and leadership, demonstrating fair and equitable community values
Outcome	4.2	An efficient and effective organisation
Strategy	4.2.1	Maintain accountability and financial responsibility through effective planning
	4.2.2	Comply with statutory and legislative requirements

Voting Requirements

Simple majority required.

**RECOMMENDATION / RESOLUTION**

That Council ratify the list of payments totalling \$175,205.97 as presented for the month of January 2023 incorporating:

<b>Payment Method</b>	<b>Cheque/EFT/DD Number</b>	<b>Amount</b>
Electronic Funds Transfers	EFT24518 – EFT24586	\$132,708.97
Municipal Account Cheques	37046 - 37049	\$1,255.60
Direct Debits	DD10335.1 – DD10335.10	\$41,241.40
	<b>TOTAL</b>	<b>\$175,205.97</b>

Shire of Lake Grace



**CERTIFICATE OF EXPENDITURE**  
**January 2023**

This Schedule of Accounts to be passed for payment, covering

<b>Payment Method</b>	<b>Cheque/EFT/DD Number</b>	<b>Amount</b>
Electronic Funds Transfers	EFT24518 – EFT24586	\$132,708.97
Municipal Account Cheques	37046 - 37049	\$1,255.60
Direct Debits	DD10335.1 – DD10335.10	\$41,241.40
	<b>TOTAL</b>	<b>\$175,205.97</b>

to the Municipal Account, totalling \$175,205.97 which were submitted to each member of the Council on 15 February 2023, 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.

\_\_\_\_\_  
Christopher Paget  
**ACTING CHIEF EXECUTIVE OFFICER**

14.5.3 FINANCIAL REPORTS – 31 DECEMBER 2022

Applicant:	Internal Report
File No.	0275
Attachments:	<ul style="list-style-type: none"><li>• Monthly Financial Reports</li><li>• Bank Reconciliations – December 2022</li></ul>
Author:	Mr Kevin Wilson – A/Manager Corporate Services
Disclosure of Interest	Nil
Date of Report	07 February 2023
Senior Officer	Mr Alan George - Chief Executive Officer

Summary

Consideration of the Monthly Financial Reports for the period ending 31 December 2022 and Bank Reconciliations for the month ending 31 December 2022.

Background

The provisions of the Local Government Act 1995 and associated Regulations require a monthly financial report is presented at an Ordinary Council meeting within two (2) months of the period end date.

Comment

As at 31 December 2022, operating revenue is over the target by \$186,161 (2.87%). Interest earnings over the budgeted amount due to Interest rates rise this FY. Fees and Charges are higher due to unbudgeted income from Industrial Land Rent. Other revenue exceeds the budgeted threshold due to Insurance Repayment of DWER Fine.

Operating expenditure is under YTD budget by \$805,915 (14.06%) mainly due to Materials and contracts being down as a consequence of delay in operating jobs. Employee costs are under budget due to vacancies in works and services. Depreciation on the other hand over the budget target. Insurance expenditure higher due to Workers compensation paid.

The capital program is below the target by \$1,174,145 (37.29%). Bulk of "Local Roads & Community" and "Drought & Community" projects are not yet initiated/finalised, funds will be recognised later in the financial year. Payments for property, plant and equipment are below target as well due to majority of Capital projects not being initiated as yet (60%) or in an early stage of completion. This leads to Capital grants income decrease being offset by the reduction in payments for property, plant and equipment.

Cash at bank is slightly higher than the corresponding period last year, an investment agreement for 3 term deposits with Commonwealth Bank is in place for \$10,064,422, along with Overnight Cash Deposit with WA Treasury Corporation for \$2,418,017.

Outstanding rates are tracking well and have recovered 92% to date.

General debtor is \$118,806 with no major outstanding debts to follow up.

The monthly financial reports include the accompanying Local Government special purpose financial statements for the Shire of Lake Grace, which comprises the Statement of Financial Activity (by Statutory Reporting Program), a summary of significant accounting policies and other explanatory notes for the period ending 31 December 2022. The financial statements have been compiled to meet compliance with the Local Government Act 1995 and associated regulations.

The Shire of Lake Grace is responsible for the information contained in the financial statements and is responsible for maintenance of an appropriate accounting system in accordance with relevant legislation.

#### Legal Implications

Section 6.4 of the Local Governments Act 1995 provides for the preparation of financial reports.

In accordance with Regulation 34(5), a report on variances greater than the materiality threshold (\$5,000 or 10% whichever is greater) must be compiled and adopted by Council. As this report is composed at a program level, variance commentary considers the most significant items that comprise the variance.

#### Policy Implications

Nil

#### Consultation

Internal Mr Alan George – Chief Executive Officer

#### Financial Implications

Nil

#### Strategic Implications

This aligns with the Shire of Lake Grace Strategic Community Plan 2017-2027 particularly Leadership Objective as follows:

Leadership Objective		Strong governance and leadership, demonstrating fair and equitable community values
Outcome	4.2	An efficient and effective organisation
Strategy	4.2.1	Maintain accountability and financial responsibility through effective planning
	4.2.2	Comply with statutory and legislative requirements

Voting Requirements

Simple majority required.

**RECOMMENDATION / RESOLUTION**

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

1. Statements of Financial activity for the period ended 31 December 2022;
2. Municipal Trust and Reserve Funds bank reconciliations for the period ended 31 December 2022.

14.5.4 BUDGET REVIEW 2022 / 2023

<b>Applicant:</b>	Internal Report
<b>File No.:</b>	0625
<b>Attachments:</b>	Budget Review Document 2022/23
<b>Author:</b>	Mr Kevin Wilson – A/Manager Corporate Services
<b>Disclosure of Interest:</b>	Nil
<b>Date of Report:</b>	31 January 2023
<b>Senior Officer:</b>	Mr Alan George – Chief Executive Officer

Summary

To consider and adopt the Budget Review as presented in the document *Budget Review 2022/23* for the period 1 July 2022 to 31 December 2023.

Background

The 2022/23 Budget Review incorporating year to date budget variations and the projected forecasts to 30 June 2023 for the period ending 31 December 2022 is presented for Council consideration. The Local Government (Financial Management) Regulations 1996, Regulation 33A as amended, requires that local governments conduct a budget review between 1 January and 31 March in each financial year. A copy of the review and determination is to be provided to the Department of Local Government within 30 days of the adoption of the review.

Comment

The budget review has been prepared to include information required by the Local Government Act 1995, Local Government (Financial Management Regulations 1996 and Australian Accounting Standards. Council adopted a 10% and \$5,000 minimum material variances to be used in the statements of financial activity and budget review.

The budget review document including Statement of Financial Activity, Significant Accounting Policies, Summary Graphs, Net Current Position, Projected Variances and Budget Amendments since Budget Adoption.

The intent of the Budget Review is to predict where we are going to finish at 30 June 2023. It is not intended to be a process for wholesale changes to individual accounts, although many local governments do take this opportunity to do so.

The net impact of the budget amendments and variation to opening Surplus made throughout the year is a projected budget surplus of \$900.

Major movements are detailed below:

- The opening balance surplus was adjusted by \$140,864 following the 2021/22 audit due to final adjusting movements following audit discussions
- Net Increase in Financial Assistance Grant \$75,412 for 2022/23
- Minor budget movements between accounts previously adopted by Council
- Movement of funds between Local Roads & Community funded Program with major project Lake Grace All Abilities Playground increasing by \$175,919 due to savings in Lake Grace & Newdegate carpark sealing projects
- Savings of \$185,000 as Boulton Street upgrade is not proceeding
- Savings of \$15,000 for purchase of water tanker



- Savings of \$200,000 in Lake Grace Industrial land major works
- Increase of \$35,000 in revenue for the lease of Lot 101 Stubbs Street.
- Additional DFES Grant funds of \$38,720 for some trailer purchases and Emergency Management Training.
- Recoup of \$34,883 for additional work at the Newdegate Country Club
- Recoup of \$75,788 from LGIS for fines and cost incurred for the clearing case
- Transfer of \$50,000 from capital to operating for a consultancy to undertake a plan for the Varley Hall
- Increase of \$449,585 for depreciation expense as it was under budget, this is a non-cash item but budget should be adjusted to better reflect financial statements
- Increase of \$40,000 for drainage program, \$20,000 for the Newdegate Parks and Gardens and \$20,000 for a housing project consultancy
- Additional transfer to reserves of \$580,000 as per the following:
  - Housing Reserve - \$100,000
  - Swimming Pool Reserve - \$200,000
  - Plant Reserve - \$100,000
  - Sewerage Reserve - \$100,000
  - Works & Services Reserve - \$30,000
  - Essential Medical Reserve - \$50,000

The budget has been reviewed to continue to deliver on strategies and projects adopted by Council and to maintain the levels of service across all programs.

#### Legal Implications

Regulation 33A of the Local Government (Financial Management) Regulations 1996 requires:

(1) Between 1 January and 31 March in each financial year, a local government is to carry out a review of its annual budget for that year.

The review of an annual budget for a financial year must:

- (a) consider the local government's financial performance in the period beginning on 1 July and ending no earlier than 31 December in that financial year;
- (b) consider the local government's financial position as at the date of the review; and
- (c) review the outcomes for the end of that financial year that are forecasted in the budget.

(2) Within 30 days after a review of the annual budget of a local government is carried out, it is to be submitted to the Council.

(3) A Council is to consider a review submitted to it and is to determine\* whether or not to adopt the review, any parts of the review or any recommendations made in the review.

*\*Absolute majority required.*

(4) Within 30 days after a council has made a determination, a copy of the review and determination is to be provided to the Department.

#### Policy Implications

Nil

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Consultation

Internal – Senior Management Team

Financial Implications

The review has incorporated budget amendments authorised by Council to 31 December 2022. With these amendments and projected variances, it is anticipated that there will be a budgeted surplus of \$900.

Strategic Implications

This aligns with the 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                |
| Strategies | 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                                         |
| Strategies | 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                                           |

Voting Requirements

Absolute majority required.

**RECOMMENDATION / RESOLUTION**

That Council: consider and adopt the Budget Review as presented in the document Budget Review 2022/23 for the period 1 July 2022 to 31 December 2022.

**14.6 COMMUNITY SERVICES**

**15.0 QUESTIONS OF WHICH DUE NOTICE HAS BEEN GIVEN**

**16.0 INFORMATION BULLETIN – JANUARY & FEBRUARY 2023**

<b>Applicant:</b>	Internal Report
<b>File No.</b>	Nil
<b>Attachments:</b>	Information Bulletin Cover Page Only
<b>Author:</b>	Mrs Racelis Rose - Executive Assistant
<b>Disclosure of Interest:</b>	Nil
<b>Date of Report:</b>	10 January 2023
<b>Senior Officer:</b>	Mr Chris Paget - Deputy Chief Executive Officer

Summary

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

Background / Comment

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.

The November 2022 Information Bulletin attachments include:

Reports:

- Infrastructure Services Report – January 2023
- Environmental Health Officer – October to December 2022
- Lake Grace Visitors Centre Report – October to December 2022
- Lake King Library Report and Statistics – January 2023
- Newdegate Library Report and Statistics – January 2023
- Lake Grace Library Report and Statistics – January 2023

External Organisations

- Wheatbelt South Regional Road Group – DRAFT MINUTES – 02 September 2022
- Central Country Zone – Agenda – 10 February 2023

Circulars, Media Releases, Newsletters, Letters

- Nil

Legal Implications

Nil

Policy Implications

Nil

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Consultation

Nil

Financial Implications

Nil

Strategic Implications

This aligns with the Leadership Objective of the Shire of Lake Grace Strategic Community Plan 2017 – 2027 particularly Outcome 4.1 and Outcome 4.2 below:

Leadership Objective		Strong governance and leadership, demonstrating fair and equitable community values
Outcome	4.1	A strategically focused, unified Council functioning efficiently
Strategy	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
Strategy	4.2.1	Maintain accountability and financial responsibility through effective planning
	4.2.2	Comply with statutory and legislative requirements

Voting Requirements

Simple majority required.

**RECOMMENDATION / RESOLUTION**

That Council accepts the Information Bulletin Report for January 2023.

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

**RECOMMENDATION / RESOLUTION**

That Council meet behind closed doors to consider the confidential item(s) in accordance with Section 3.7 of the Shire of Lake Grace Standing Orders Local Law 2015.

These items and any attachments are confidential in accordance with Section 4.23(2)(a) of the Local Government Act 1995.

**18.0 DATE OF NEXT MEETING – 22 MARCH 2023**

The next Ordinary Council Meeting is scheduled to take place on Wednesday 22 March 2023 commencing at 3:30pm at the Council Chambers, 1 Bishop Street, Lake Grace.

**19.0 CLOSURE**

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