

Shire of Lake Grace

Ordinary Council Meeting

# MINUTES

16 February 2022

Meeting Commencing at 3:30 pm

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## Disclaimer

No responsibility whatsoever is implied or accepted by the Shire of Lake Grace for any act, omission or statement or intimation occurring during Council or Committee meetings or during formal or informal conversations with staff. The Shire of Lake Grace disclaims any liability for any loss whatsoever caused arising out of reliance by any person or legal entity on any such act, omission or statement or intimation occurring during Council or Committee meetings or discussions. Any person or legal entity who acts or fails to act in reliance upon any statement does so at that person's and or legal entity's own risk.

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

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## **SHIRE OF LAKE GRACE**

Minutes of the Ordinary Council Meeting held at Council Chambers, 1 Bishop Street, Lake Grace, WA on Wednesday 16 February 2022.

*Prior to the commencement of the meeting, the President reminded all Elected Members and staff present of the WA Government mandate on the wearing of masks whilst inside Council premises, and this includes in the Council Chambers. He requested that everyone respect the rules and that masks can only be removed as follows:*

- *When speaking so that others in the room can clearly see and understand what is being said, with the mask being put back on once finished; and*
- *When eating or drinking, remove to take a sip or bite then replace immediately thereafter.*

*He stated that not following the directions on this matter would be a breach of the legislation and also of Council's Code of Conduct, and that the Acting CEO had copies of these documents at the meeting if anyone had any queries or required clarification.*

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

The Shire President opened the meeting at 3:30pm.

### **2.0 CONSTITUTIONAL MATTERS**

Nil.

### **2.1 DISCLAIMER READING AND ACKNOWLEDGMENT OF COUNTRY**

*No responsibility whatsoever is implied or accepted by the Shire of Lake Grace for any act, omission or statement or intimation occurring during Council and Committee meetings or during formal and informal conversations with staff. The Shire of Lake Grace disclaims any liability for any loss whatsoever caused arising out of reliance by any person or legal entity on any such act, omission or statement or intimation occurring during Council and Committee meetings or discussions. Any person or legal entity who acts or fails to act in reliance upon any statement does so at that person's and or legal entity's own risk.*

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

## Acknowledgement of Country

*The Shire of Lake Grace acknowledges and pays respect to the past, present and future Traditional Custodians and Elders of this nation and the continuation of cultural, spiritual and educational practices of Aboriginal and Torres Strait Islander people.*

### 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 SD Carruthers	
Cr DS Clarke	
Cr SG Hunt	
Cr BJ Hyde	
Cr AJ Kuchling	
Cr RA Lloyd	
Cr JV McKenzie	

#### 3.2 APOLOGIES

Mr A George	Chief Executive Officer (annual leave)
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#### 3.3 IN ATTENDANCE

Mr Chris Paget	Acting Chief Executive Officer
Mrs T Hall	Manager Corporate Services
Mr C Elefsen	Manager Infrastructure Services
Mr M Castaldini	Community & Emergency Services Manager
Mrs R Rose	Executive Assistant (for the Minutes)

#### 3.4 OBSERVERS / VISITORS

Nil

#### 3.5 LEAVE OF ABSENCE PREVIOUSLY GRANTED

Nil

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

Nil

## **5.0 PUBLIC QUESTION TIME**

Nil

## **6.0 PETITIONS/DEPUTATIONS/PRESENTATIONS**

Nil

## **7.0 NOTATIONS OF INTEREST**

Nil

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

Cr Jeff McKenzie signed a Disclosure of Interest Affecting Impartiality under the Administration Regulations 1996 Section 34C for Item 14.1.1 – Increase of Community Grant Contribution for Lake Grace Cricket Net Upgrades as Cr McKenzie is a contractor for the work to be done.

Cr Jeff McKenzie signed a Disclosure of Financial Interest under the Local Government Act 1995 Section 5.60A for Item 14.2.1 – Development Application – Proposed Oversize Outbuilding on Lot 155 (No. 10) Elliott Street, Lake Grace as Cr McKenzie submitted a quote to do a job in the premises and the owners of the property could be his potential client.

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

Nil

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

Cr Steve Hunt signed a Disclosure of Interest Affecting Impartiality under the Administration Regulations 1996 Section 34C for Item 14.1.1 - Increase of Community Grant Contribution for Lake Grace Cricket Net Upgrades as Cr Hunt is a Life Member of the Club.

Cr Jeff McKenzie signed a Disclosure of Interest Affecting Impartiality under the Administration Regulations 1996 Section 34C for Item 14.1.3 – Purchase of Lot 145 North Newdegate Road, Newdegate as Cr McKenzie submitted a quote to do a job in the premises and the owners of the property could be his potential client.

Shire President Cr Len Armstrong signed a Disclosure of Interest Affecting Impartiality on Item 14.1.3 – Purchase of Lot 145 North Newdegate Road, Newdegate as Cr Armstrong has been a close friend of Mr David Boyce since 1984, a period of some thirty-seven (37) years.

Cr Anton Kuchling signed a Disclosure of Interest Affecting Impartiality under the Administration Regulations 1996 Section 34C for Item 14.4.1 – Response to DWER Regarding Clearing permit for proposed Newdegate CBH Receival Site Expansion as Cr Kuchling is an employee of CBH.

## **8.0 APPLICATIONS FOR LEAVE OF ABSENCE**

Nil

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

Nil

## **10.0 CONFIRMATION OF MINUTES**

### **10.1 ORDINARY COUNCIL MEETING – 22 DECEMBER 2021**

#### **RESOLUTION 13528**

**Moved: Cr Chappell**

**Seconded: Cr Carruthers**

That the Minutes of the Ordinary Council Meeting held on 22 December 2021 be confirmed as a true and accurate record of the meeting.

**CARRIED BY ABSOLUTE MAJORITY: 9/0**

### **10.2 SPECIAL COUNCIL MEETING**

Nil

### **10.3 ANNUAL MEETING OF ELECTORS**

Nil

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

Nil

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

Nil

## **13.0 REPORTS OF COMMITTEES**

Nil

## 14.0 REPORTS OF OFFICERS

### 14.1 INFRASTRUCTURE SERVICES

Cr Jeff McKenzie left the Council Chambers at 3:34pm.

#### 14.1.1 INCREASE OF COMMUNITY GRANT CONTRIBUTION FOR LAKE GRACE CRICKET NET UPGRADES

<b>Applicant:</b>	Internal Report
<b>File No.:</b>	0438
<b>Attachments:</b>	Nil
<b>Author:</b>	 Mr Jason Lip Technical Officer
<b>Disclosure of Interest:</b>	Nil
<b>Date of Report:</b>	27 January 2022
<b>Senior Officer:</b>	 Mr Craig Elefsen Manager Infrastructure Services

Cr Jeff McKenzie signed a Disclosure of Interest Affecting Impartiality under the Administration Regulations 1996 Section 34C for Item 14.1.1 – Increase of Community Grant Contribution for Lake Grace Cricket Net Upgrades as Cr McKenzie is a contractor for the work to be done.

Cr Steve Hunt signed a Disclosure of Interest Affecting Impartiality under the Administration Regulations 1996 Section 34C for Item 14.1.1 - Increase of Community Grant Contribution for Lake Grace Cricket Net Upgrades as Cr Hunt is a Life Member of the Club.

#### Summary

For Council to authorise the transfer of \$5,000 including GST from the Lake Grace Playground Maintenance Account to the Community Requests Account to increase the Shire's contribution for replacing the Lake Grace Cricket Nets and Pitch.

#### Background

The Shire of Lake Grace, in the formulation of the 2021/2022 Annual Budget, granted a community request from the Lake Grace Cricket Club (LGCC) for the contribution of \$5,000 including GST to replace the Lake Grace cricket nets and pitch behind the pavilion, as they are old and worn.



## Comment

The LGCC have received quotes to carry out the replacement of the Lake Grace cricket nets and pitch and have arrived at a project value of \$65,320 including GST. The LGCC have held fundraisers to source revenue for these works and have also been successful in a Western Australian Cricket Infrastructure Fund (ACIF) grant from the Western Australian Cricket Association (WACA) for \$25,000. On advice from WACA, the LGCC is seeking additional outside funding, which is why they are asking for another \$5,000 from the Shire of Lake Grace.

Given that the LGCC have already sourced 84.6% of the funding themselves, plus the 7.7% (\$5,000) from the Community Request, another commitment of 7.7% to cover the remaining shortfall will allow them to start the project much sooner without having to wait for another fundraising opportunity.

## Legal Implications

Nil

## Policy Implications

Nil

## Consultation

Internal: Mrs Joanne Oatridge - Infrastructure Support Officer  
Mrs Cheryl Chappell - Community Services Officer

External: Mr Kael Grey - Lake Grace Cricket Club

## Financial Implications

It is proposed to transfer money from Account E113130 "Lake Grace Playground Maintenance MUN" as its spending is far behind budget to date and is unlikely to catch up due to low crew manpower.

	Annual budget of E113130 "Lake Grace Playground Maintenance MUN"	\$45,502.08
Less	To Date expenditure as of end of December 2021	-\$7,689.81
Less	Transfer to Account E116054 "Annual Community Requests MUN"	-\$4,545.45
	Balance of E113130 for January 2022 onwards	\$33,266.82
	Annual budget of E116054 "Annual Community Requests MUN"	\$14,250.00
Less	To Date expenditure as of end of December 2021	-\$7,250.00
More	Transfer from E113130 "Lake Grace Playground Maintenance MUN"	\$4,545.45
	Balance of E116054 for January 2022 onwards	\$11,545.45

*Figures above are presented with no GST component.*

## Strategic Implications

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

Social Objective:		A valued, healthy and inclusive community and lifestyle
Outcomes:	2.1	An engaged, supportive and inclusive community
	2.1.1	Community services and infrastructure meeting the needs of the district
Outcomes:	2.2	A healthy and safe community
	2.2.1	Maintain and enhance sport and recreation facilities
Leadership Objective:		Strong governance and leadership, demonstrating fair and equitable community values
Outcomes:	4.1	A strategically focused, unified Council functioning efficiently
	4.1.2	Promote and advocate for the community and district

## Voting Requirements

Simple majority required.

### **RESOLUTION 13529**

**Moved: Cr Carruthers**

**Seconded: Cr Lloyd**



That Council:

- approve the \$5,000 as requested by the Lake Grace Cricket Club for the Net upgrade project;
- authorise the transfer of \$5,000 including GST from E113130 "Lake Grace Playground Maintenance MUN" to E116054 "Annual Community Requests MUN".

**CARRIED: 8/0**

After the voting, Cr McKenzie returned to the Council Chambers at 3:36pm and was informed by the Shire President about the outcome of the voting of the resolution.

#### 14.1.2 TREE TREATMENTS PER ARBORIST'S RECOMMENDATION

<b>Applicant:</b>	Internal Report
<b>File No.:</b>	0475
<b>Attachments:</b>	1. 'VTA – 64 Stubbs Street.pdf' 2. 'VTA – Lake Grace Town.pdf' 3. 'VTA & Tomography – 29 Stubbs Street.pdf' 4. 'VTA & Tomography – 64 Stubbs Street.pdf'
<b>Author:</b>	 Mr Jason Lip Technical Officer
<b>Disclosure of Interest:</b>	Nil
<b>Date of Report:</b>	03 February 2022
<b>Senior Officer:</b>	 Mr Craig Elefsen Manager Infrastructure Services

#### Summary

For Council to authorise the Shire of Lake Grace to carry out tree pruning and removal according to the Arborist's recommendations as provided in the attached reports.

#### Background

As part of the Shire's responsibilities, trees around townsites need to be pruned back away from assets and made safe for members of the public

During a recent tree pruning program, pruning contractors hired by the Shire were stopped from working by concerned members of the public questioning the Shire's decision to cutback these trees. At the subsequent council meeting, it was decided that due to public concerns that an independent arborist be engaged to inspect all trees and that a report be supplied to Council.

#### Comment

Arborists visited Lake Grace on 22 October 2021 and 22 December 2021 to carry out assessments of the trees pointed out by the Manager Infrastructure Services. Their report is presented in the attachments for Council's perusal.

In summary, the arborists assessed 47 trees in total. Thirteen (13) trees were recommended to be removed due to either being dead or syphoning resources from neighbouring healthy trees. The other 34 trees require pruning back via the removal of deadwood and weight reduction. In terms of maintenance regimes, it was recommended that seven (7) trees will require 1000 litres of water per week, with Bioprime Trace mixed into the water at 1% rate every six (6) weeks. One (1) tree at the railway station public toilet will require 200 litres of water every second day during

the summer months, plus 500 litres of water with 1% Bioprime Trace at the start of spring. After reading the reports, it has been determined that the removal of deadwood, weight reduction and removal of the trees identified is the best option. The additional watering and fertilising is possible, but will be time consuming as we are not currently set up to do this.

The Shire has sent these reports to two (2) tree pruning contractors the Shire has used in recent times for quoting and to date, have only received one (1) response.

#### Legal Implications

Nil

#### Policy Implications

Nil

#### Consultation

Internal: Mr Craig Elefsen - Manager Infrastructure Services

External: Mr James Jordan - Westworks Consultancy  
Mr Mark Short - Westworks Consultancy

#### Financial Implications

Works related to this report are to be booked against the Street Tree account and as of 31 January 2022 has a current available balance of \$37,356.00.

#### Strategic Implications

Shire of Lake Grace Strategic Community Plan 2017-2027

Environment Objective: Protect and enhance our natural and built environment  
Outcomes: 3.2 A natural environment for the benefit and enjoyment of current and future generations  
3.2.1 Manage and preserve the natural environment

#### Voting Requirements

Simple majority required.

## **RESOLUTION 13530**

**Moved: Cr Hunt**



**Seconded: Cr Clarke**

That Council:

- accept the reports provided by Westworks Consultants;
- advise the community of the decision to carry out the required works and provide a summary of the findings if requested;
- authorise the removal of the trees identified in the reports provided by Westworks Consultants;
- authorise the pruning and weight reduction as per the reports provided by Westworks Consultants.

**CARRIED: 9/0**

### 14.1.3 PURCHASE OF LOT 145 NORTH NEWDEGATE ROAD NEWDEGATE

<b>Applicant:</b>	Internal Report
<b>File No.:</b>	0097
<b>Attachments:</b>	Nil
<b>Author:</b>	 Mr Jason Lip Technical Officer
<b>Disclosure of Interest:</b>	Cr Len Armstrong – Declaration of Proximity Interest – Local Government Act 1995 Section 5.60B
<b>Date of Report:</b>	9 February 2022
<b>Senior Officer:</b>	 Mr Craig Elefsen Manager Infrastructure Services

Cr Jeff McKenzie signed a Disclosure of Interest Affecting Impartiality under the Administration Regulations 1996 Section 34C for Item 14.1.3 – Purchase of Lot 145 North Newdegate Road, Newdegate as Cr McKenzie submitted a quote to do a job in the premises and the owners of the property could be his potential client.

Shire President Cr Len Armstrong signed a Disclosure of Interest Affecting Impartiality on Item 14.1.3 – Purchase of Lot 145 North Newdegate Road, Newdegate as Cr Armstrong has been a close friend of Mr David Boyce since 1984, a period of some thirty-seven (37) years.

#### Summary

For Council to authorise the Purchase of Lot 145 North Newdegate Road, Newdegate from DA Boyce for the purpose of a works depot and for Council to authorise the transfer of \$123,000.00 to account named "Purchase of Newdegate Depot Land & Buildings" with the remaining funds coming from the surplus stated in the Shires budget review.

#### Background

Mr David Boyce, whom the Shire up until recently had a contract for gravel pushing and bulldozer hire under the business Davmin Holdings, is planning to sell Lot 145 North Newdegate so he can retire. Davmin Holdings has already sold the majority of its equipment. David will also be disposing of his residence and yard being Lot 145 North Newdegate Road, within the townsite of Newdegate for the sum of \$200,000.00.

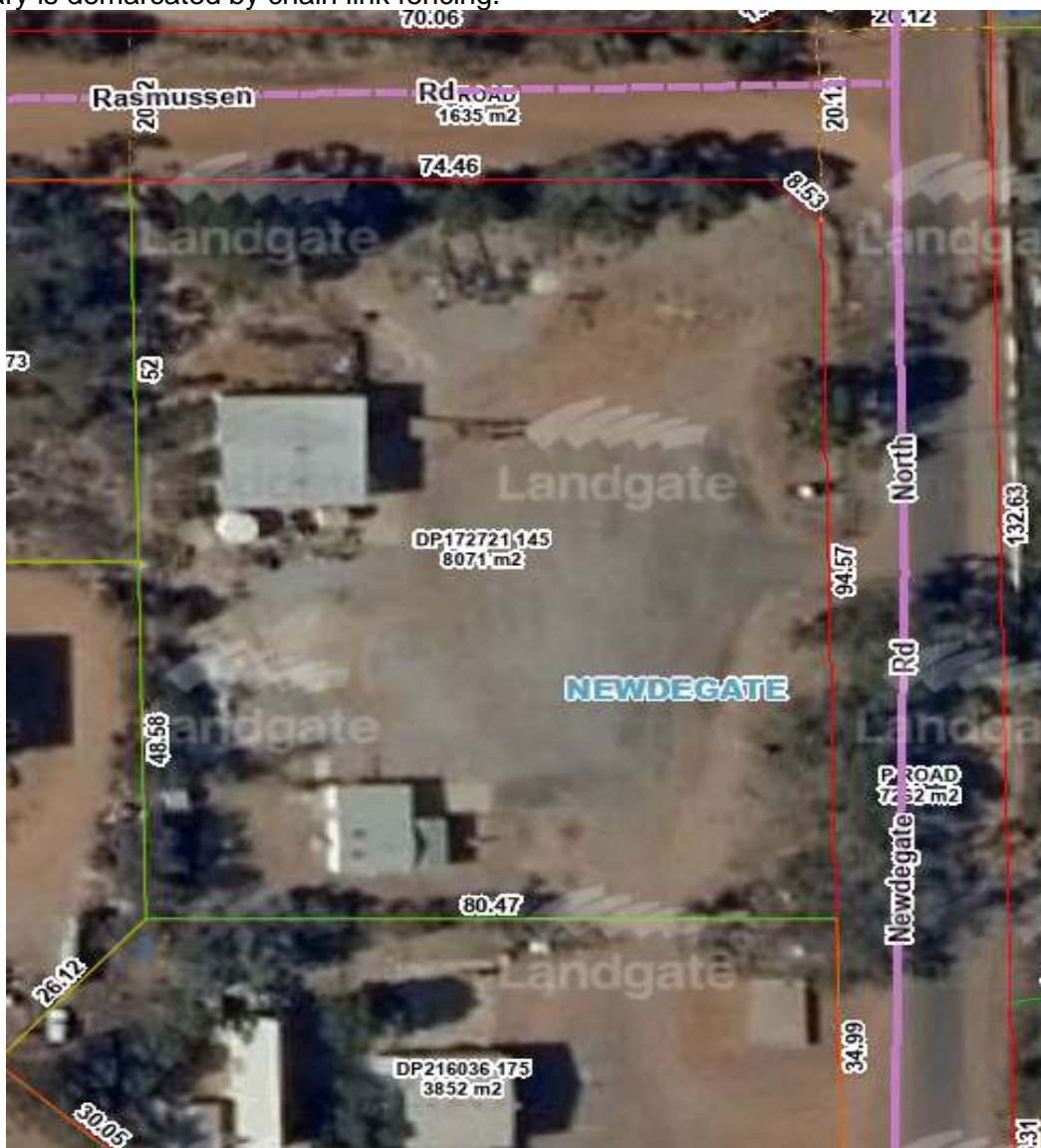
#### Comment

With the Shire having used Lot 145 North Newdegate Road as a temporary storage/laydown yard in excess of the last 20 years on an as need basis, the need has arisen for the Shire to purchase a yard to store plant, materials and set up a small workshop in the town of Newdegate. This would be beneficial for the shire as Newdegate is located in the geographic centre of the Shire of Lake

Grace. It makes mobilization and demobilization of some heavy machinery easier when working in the eastern end of the shire. With the extra space we can also store other materials such as drainage products, signage and building materials. This will free up space in the main works depot in Absolon Street, Lake Grace.

Lot 145 North Newdegate Road is made up of an open front machinery shed with ample room to store plant, equipment and machinery, a 3 bedroom house is also included. The block has mains water and power connected to both the house and shed. The house can be used for any permanent staff based in Newdegate or any short-term contractors if a need for somewhere to stay arises.

Below is a snapshot of the lot from Landgate Map Viewer. It is a corner lot accessed from Newdegate North Road. The size of the lot is 8,071 m<sup>2</sup> and is zoned as General Industry. Its boundary is demarcated by chain link fencing.



If the Shire acquires this property, then some additional works will be required to improve its service. The fencing will need to be replaced sometime in the next 2 years along with the workshop roof. At this point, the fencing and roof are still serving their purpose.

Legal Implications

Local Government Act 1995

**6.8. Expenditure from municipal fund not included in annual budget**

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

\* *Absolute majority required.*

- (1a) In subsection (1) —

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

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

Policy Implications

Shire of Lake Grace Policy Manual – Policy 3.7 Purchasing Policy

Consultation

Internal: Mr Craig Elefsen - Manager Infrastructure Supervisor

Financial Implications

Money to fund the expected cost of \$200,000 plus \$20,000 for additional works for the lot will be sourced from a number of Jobs that have come in underbudget or have reduced scopes of works, and will be held in new Job "Purchase Newdegate Depot Land & Buildings".

More	Transfer from "Mitsubishi Fuso Canter Crew Cab"	\$45,000.00
More	Transfer from "Lake Grace Playgroup Mtc"	\$15,000.00
More	Transfer from "Lake Grace Playgroup – Playground Mtc"	\$10,000.00
More	Transfer from "Footpath Maintenance"	\$30,000.00
More	Transfer from "Maintenance Grading – Lake Grace"	\$23,000.00
	<b>TOTAL</b>	<b>\$123,000.00</b>

The remaining \$97,000.00 to make up the \$220,000.00 will come from surplus in the mid-year budget review, and will be addressed in Item 14.5.3 – Budget Review 2021/2022.



## Strategic Implications

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

Social Objective:		A valued, healthy and inclusive community and lifestyle
Outcomes:	1.1	An innovative, productive agriculture industry
	1.1.1	Enhance and maintain transport network

## Voting Requirements

Absolute majority required.

### **RESOLUTION 13531**

**Moved: Cr Chappell**

**Seconded: Cr Carruthers**

That Council suspend Standing Order for discussions.

**CARRIED : 9/0**

## Discussions:

Cr Chappell said that the land has been used by the Shire of Lake Grace for many years, and suggested that a valuation be done on the property before the Shire makes an offer to purchase and this is for good governance.

Cr Clarke agreed with Cr Chappell regarding good governance on the finances of the Shire. Purchasing the block may require more money in the future.

Cr Armstrong agreed with the good governance aspect. The property is five times larger than any other property within the vicinity. The Shire requires a property to house all the equipment and at this moment, this block is a viable option for consideration. Cr Armstrong believes that the asking price is realistic and Newdegate is an ideal location to establish a depot particularly when doing jobs on the east end of the shire; this may have some cost savings to the Shire as well as increase in productivity.

Cr Clarke said that instead of using the funds from other accounts to purchase the land, why not use the money to a more useful option e.g. Lake Grace Playgroup. Another example is the grading, we could not get the job done because of staff shortage. We need to be able to put back the monies that we will be taking out from other account.

Cr Armstrong pointed out that we need to recognise that this expense should have been budgeted last year but we did not know that this block will be up for sale.

At this point, the Shire President went around to ask the other Councillors their opinions - Cr Hyde, Cr McKenzie, Cr Carruthers, Cr Kuchling, Cr Lloyd and Cr Hunt all agreed that purchasing the block of land to be used as the Shire depot on the east end of the shire is a great idea as there will be no need to go back and forth to Lake Grace in the event that we need equipment to do some jobs in the area required.

Cr Clarke proposed and moved that a third recommendation be added to read as “ *A Valuation be undertaken by Administration before the approval of purchase* “ The Acting CEO advised that this process is already underway.

The Shire President put the third recommendation on the table to be voted by the Councillors and the voting went as follows:

#### **RESOLUTION 13532**

**Moved: Cr Clarke**

**Seconded: Cr Chappell**

That a Valuation be undertaken by Administration before the approval of purchase.

In Favour = Four (4) Councillors

Against = Five (5) Councillors

**MOTION LOST: 4/5**

Cr Clarke requested that her name be recorded as voted in favour of the amended recommendation.

Thus, the original Motion became the substantive motion.

#### **RESOLUTION 13533**

**Moved: Cr McKenzie**

**Seconded: Cr Lloyd**

That Council:

- 1) Authorises Shire management to proceed with the purchase of lot 145 North Newdegate Road, Newdegate from D Boyce for the sum of \$200,000.00, pending approval of the Shire of Lake Grace Mid-Year Budget Review.
- 2) Approves the transfer of—
  - \$45,000.00 from Mitsubishi Fuso Canter ,
  - \$15,000.00 from Lake Grace Playgroup Mtc,
  - \$10,000.00 from Lake Grace Playgroup – Playground Mtc.
  - \$30,000.00 from Footpath Maintenance, an
  - \$23,000.00 from Maintenance Grading – Lake Grace

**CARRIED BY ABSOLUTE MAJORITY: 9/0**

**RESOLUTION 13534**

**Moved: Cr Chappell**

**Seconded: Cr Clarke**


That Council resume standing order and continue the meeting.

**CARRIED BY ABSOLUTE MAJORITY: 9/0**

## 14.2 PLANNING

Cr McKenzie left the Council Chambers at 4:02 pm.

### 14.2.1 DEVELOPMENT APPLICATION – PROPOSED OVERSIZE OUTBUILDING ON LOT 155 (NO.10) ELLIOTT STREET, LAKE GRACE

<b>Applicant:</b>	David & Christine Fyfe (Landowners)
<b>File No.:</b>	0458
<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>	9 February 2022
<b>Senior Officer:</b>	 Mr Alan George Chief Executive Officer

Cr Jeff McKenzie signed a Disclosure of Financial Interest under the Local Government Act 1995 Section 5.60A for Item 14.2.1 – Development Application – Proposed Oversize Outbuilding on Lot 155 (No. 10) Elliott Street, Lake Grace as Cr McKenzie submitted a quote to do a job in the premises and the owners of the property could be his potential client.

#### Summary

This report recommends that Council **grant conditional approval** to a development application received from David and Christine Fyfe for the construction and use of a new 38m<sup>2</sup> steel framed, Colorbond clad outbuilding (i.e. shed) on Lot 155 (No.10) Elliott Street, Lake Grace for domestic storage purposes (i.e. caravan parking).

#### Background

David & Christine Fyfe (Landowners) have submitted a development application requesting Council's approval for the construction and use of an oversize outbuilding on Lot 155 (No.10) Elliott Street, Lake Grace for domestic storage purposes (i.e. caravan parking).

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

Lot 155 is located in a designated low-density residential precinct in the southern part of the Lake Grace townsite and comprises a total area of approximately 1,116m<sup>2</sup>.



Location & Lot Configuration Plan (Source: Landgate 2022)

Lot 155 is relatively flat throughout and has been extensively developed for low density residential purposes in association with Lot 154 (No.8) Elliott Street located immediately west pursuant to a number of approvals previously granted by the Shire, one of which required the two (2) lots to be amalgamated into one (1) new lot. It is noted the landowners' have not yet fulfilled their obligations regarding the amalgamation of Lots 154 and 155 which is a building compliance matter that will need to be dealt with separately by the Shire Administration. The landowners' failure to amalgamate the two lots does not however preclude Council from considering and finally determining this latest application as it only involves development within the designated boundaries of Lot 155 which will have no direct impact on or be reliant upon Lot 154 immediately west.

Lot 155 has direct frontage and access to Elliott Street along its northern boundary (i.e. primary street frontage) which is a sealed and drained local road under the care, control and management of the Shire. The property also has direct frontage and access to Lay Street along its rear boundary, which is an unsealed, but easily trafficable, local road also under the care, control and management of the Shire.

The subject land does not contain any sites of European or Aboriginal Heritage significance, is not subject to inundation or flooding during extreme storm events and is not located within a designated Public Drinking Water Source Area. It has however been designated by the Fire and Emergency Services Commissioner of WA as being bushfire prone. Notwithstanding this fact, as the proposed development will not result in the intensification of land usage, increase the number of people residing on the land, or increase the overall bushfire threat, a bushfire attack level (BAL) assessment and bushfire management plan / statement are not required in support of the application.

Immediately adjoining and other nearby land uses are predominantly residential in nature comprising single houses and various associated improvements, including outbuildings, on standard quarter acre size 'Residential' zoned lots. The only exception to this is Lot 9747 located immediately south on the opposite side of Lay Street which is a rural property comprising a total area of approximately 239 hectares that is characterised by a large, ancient salt lake with no built form improvements aside from cleared paddocks on higher ground, boundary fencing, firebreaks, a farm dam and unsealed vehicle access tracks.

## Comment

Lot 155 is classified 'Residential' zone in the Shire of Lake Grace Local Planning Scheme No.4 (LPS4) with a density coding of R20.

Under the terms of LPS4 and the Deemed Provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015*, the development and use of an outbuilding in association with a single house is listed as being a permitted (i.e. 'P') use on any land classified 'Residential' zone provided it satisfies the deemed-to-comply requirements of the Residential Design Codes of Western Australia (i.e. the 'R-Codes').

An assessment of the proposal for Lot 155 has confirmed it satisfies the majority of the deemed-to-comply requirements of the R-Codes except for the following:

- i) Minimum required side boundary setback (i.e. 1.5 metres required by the R-Codes / 1 metre proposed);
- ii) Minimum required rear boundary setback (i.e. 1.1 metres required by the R-Codes / zero lot line [i.e. nil] setback proposed);
- iii) Maximum permitted wall height for outbuildings (i.e. 2.4 metres required by the R-Codes / 4.2 metres proposed);
- iv) Maximum permitted roof ridge height for outbuildings (i.e. 4.2 metres required by the R-Codes / 4.553 metres proposed); and
- v) Sight lines for the proposed access to/from the new outbuilding via the existing right-of-way along the land's rear boundary (i.e. the R-Codes require boundary fences to be truncated within the required building setback area or reduced to no higher than 0.75 metres within 1.5 metres of where a driveway access intersects a public roadway or right-of-way. Under the terms of the application received no truncation or reduction in height is proposed for the existing fencing along the land's rear boundary due to the proposed new outbuilding having a zero-lot line [i.e. nil] setback to this boundary).

In considering whether or not to approve these proposed variations to the deemed-to-comply requirements of the R-Codes Council must decide whether such variations are likely to have a detrimental impact upon the amenity, character, functionality and safety of the immediate locality or any immediately adjoining or other nearby properties.

It is concluded, following a detailed assessment of the application, that the proposed variations to the deemed-to-comply requirements of the R-Codes as they apply specifically to side and rear boundary setbacks, wall heights and roof ridge heights for residential outbuildings are unlikely to have any adverse impacts and may therefore be supported and approved by Council for the following reasons:

- i) The proposed outbuilding is not considered to be excessively large in its local context and will be finished using visual appealing materials and colours;
- ii) The outbuilding will be located at the rear of the land with significant setbacks to all existing development on all immediately adjoining and other nearby properties. As such, it is expected to have minimal impact on the visual amenity of the local streetscape or any neighbouring properties and will not give rise to any overshadowing or access to natural sunlight for any dwellings on immediately adjoining or other nearby properties; and
- iii) All immediately adjoining landowners have viewed the plans and confirmed in writing they have no objections to the proposed new outbuilding.

In relation to sight lines to/from the new shed for the drivers of vehicles using Lay Street, it should be noted the proposed access arrangements do not satisfy the deemed-to-comply requirements or alternative design principles of the R-Codes (i.e. unobstructed sight lines must be provided at vehicle access points to ensure safety and visibility along streets, rights-of-way, driveway crossovers and footpaths ). As such, the driver of any vehicle that may be reversed out of the proposed shed in future, should it not be used for caravan parking, will not be able to see any other vehicles that may be using Lay Street at the same time. Conversely, the drivers of other vehicles using this roadway may not see a vehicle being reversed out of the shed due to the limited warning available due to the shed's zero lot line (i.e. nil) setback to the land's rear boundary and inability to provide any truncated or reduced-height boundary fencing.

Notwithstanding these concerns, it is considered reasonable and pragmatic to approve the proposed shed with a zero-lot line (i.e. nil) setback to the land's rear boundary with no internal driveway access and truncated, or reduced-height boundary fencing, for the following reasons:

- i) Lay Street is a local road that does not attract large volumes of vehicle traffic on a daily basis;
- ii) Lay Street is, by virtue of its current basic standard of construction (i.e. unsealed road carriageway with only limited width), a low speed traffic environment with a low risk for vehicle or pedestrian conflicts;
- iii) It will allow for the retention of existing, mature vegetation on Lot 155 which is considered beneficial from both an environmental and residential amenity perspective; and
- iv) Any future upgrades to Lay Street by the Shire could reasonably be expected to result in the construction of a new 6-metre-wide road carriageway located centrally within the existing 20-metre-wide road reserve with 7-metre-wide verges on either side which is sufficient width to accommodate the safe and convenient movement of vehicles to/from all residential properties immediately abutting the road reserve, including Lot 155.

In light of all of the above, it is concluded the proposal for Lot 155 (No.10) Elliott Street, Lake Grace 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 7.3 – *Residential Design Codes (Volume 1) 2021*

#### Consultation

All immediately adjoining landowners likely to be affected by the proposed development were invited to view the plans and provide comment. The current owners of Lot 153 (No.6) and Lot 156 (No.12) Elliott Street confirmed in writing they have no objections to the proposal and are fully supportive.

## 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 / landowners. All costs associated with the proposed development will be met by the applicant / landowners.

It is significant to note should the applicant / landowners be aggrieved by Council's final decision in this matter, they have 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

The proposed development is consistent with the following strategic planning documents:

- Shire of Lake Grace Local Planning Strategy 2007 as it applies specifically to housing choice and variety in neighbourhoods with a community identity and high levels of safety, accessibility and visual amenity.
  
- Shire of Lake Grace Strategic Community Plan 2017-2027:
  - Environment Objective: Protect and enhance our natural and built environment
  - Outcome: 3.1 A well maintained attractive built environment servicing the needs of the community

## Voting Requirements

Simple majority required.

## **RESOLUTION 13535**

**Moved: Cr Hunt**

**Seconded: Cr Kuchling**

That the development application submitted by David & Christine Fyfe (Landowners) to construct and use a new oversize steel framed, Colorbond clad outbuilding (i.e. shed) on Lot 155 (No.10) Elliott Street, Lake Grace for domestic storage purposes (i.e. caravan parking) 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. All external surfaces of the proposed outbuilding shall be clad with new materials only.
5. All stormwater drainage from the proposed outbuilding shall be contained and disposed of on-site unless otherwise approved by the Shire's Chief Executive Officer in consultation with the Shire's Manager Infrastructure Services.
6. The proposed outbuilding shall only be used for domestic storage, maintenance, hobby and vehicle parking purposes, including a caravan or boat, unless otherwise approved by Council.

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 Shire'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 is 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 townsite land in the Shire to help guard against any potential bushfire risk (<https://www.lakegrace.wa.gov.au/services/bushfire-emergency-management/fire-management-requirements.aspx>).
4. In accordance with the Building Act 2011 and Building Regulations 2012, a building permit application must be submitted to and approved by the Shire's Building Surveyor prior to the commencement of any earthworks or construction on the land.
5. The proposed development is required to comply in all respects with the National Construction Code of Australia. Plans and specifications which reflect these requirements are required to be submitted with the building permit application.
6. It is again recommended that arrangements be made with a licensed surveyor to amalgamate Lots 154 & 155 to create one (1) new separately titled lot to accommodate the existing single detached dwelling that currently straddles the common boundary between the two lots. If this issue is not addressed it may have implications in terms of securing approval for any further building works on the land or any future possible sale of the existing dwelling thereon. Any application to amalgamate the land must be submitted to the Western Australian Planning Commission with information regarding the process, information requirements and fees payable available from the following website link:  
<https://www.wa.gov.au/government/document-collections/planning-subdivision-fees-and-forms>
7. No construction works shall commence on the land prior to 7am without the Shire's written approval. No construction works are permitted to be undertaken on Sundays or Public Holidays unless otherwise approved by the Shire's Chief Executive Officer.
8. 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.
9. If the applicant / landowners 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 determination.

**CARRIED: 8/0**



Cr McKenzie returned to the Council Chambers at 4:04pm and was advised on the outcome of the vote.

### 14.3 HEALTH AND BUILDING

Nil

### 14.4 ADMINISTRATION

#### 14.4.1 RESPONSE TO DWER REGARDING CLEARING PERMIT FOR PROPOSED NEWDEGATE CBH RECEIVAL SITE EXPANSION

<b>Applicant:</b>	Internal Report
<b>File No.:</b>	0514
<b>Attachments:</b>	1. CPS 9519-1 – Supporting Information – Proposal 2. CPS 9519-1 – Map 3. CPS 9519-1 – Proposed Site Drawing'
<b>Author:</b>	 Mr Jason Lip Technical Officer
<b>Disclosure of Interest:</b>	Nil
<b>Date of Report:</b>	9 February 2022
<b>Senior Officer:</b>	 Mr Craig Elefsen Manager Infrastructure Services

Cr Anton Kuchling signed a Disclosure of Interest Affecting Impartiality under the Administration Regulations 1996 Section 34C for Item 14.4.1 – Response to DWER Regarding Clearing permit for proposed Newdegate CBH Receival Site Expansion as Cr Kuchling is an employee of CBH.

#### Summary

For Council to signal to the Department of Water and Environmental Regulation their support for the Application for a Clearing Permit by Co-operative Bulk Handling Group to make way for the expansion of the Newdegate CBH Grain Receival Site.

#### Background

Co-operative Bulk Handling Group (CBH) is looking to expand its grain receival site located in the Newdegate townsite in a north west direction along Maley Street, Newdegate which is accessed from Duncan Road from the southeast.

The main reason for expanding the site is to meet growing regional demand for grain storage and out-loading after the expected closure of the temporary bulkhead storage at the Newdegate Machinery Field Day Site in 2027.

In order to carry out these proposed works, CBH must be granted a Clearing Permit from the Department of Water and Environmental Regulation (DWER). The Shire of Lake Grace has been requested to provide comments on the Application for a Clearing Permit CPS 9519/1.

### Comment

The proposal for clearing vegetation covers an area of 11.6 ha, with 0.2 ha already cleared previously for rail corridor reasons, leaving the remaining 11.4 ha to be cleared. CBH has not opted to submit a clearing offset proposal, meaning no revegetation will be carried out elsewhere to replace the vegetation cleared from this proposal (unless revegetation is obligated to be carried out as a condition of this Clearing Permit.) Any further negotiations regarding clearing offsets will be between CBH and DWER though Council may advise DWER to require an offset as a condition of the Clearing Permit.

In terms of land ownership, the vast majority of the land that the proposed extension is to be constructed on does not belong to the Shire of Lake Grace. Affected land Lot 102 on DP 31366, Lot 208 on DP 193928 and Unallocated Crown Land PIN 643570 belong to the State of Western Australia, affected rail reserves are owned by the Public Transport Authority. The majorly affected land is zoned as either 'Conservation' or 'General Agriculture'. Therefore, if this project were to occur it would have little effect on the Shire's register of held land.

Going by the current plan, the extra bulkheads and associated facilities will be accessed from the existing CBH receival site by way of a bituminized road located on CBH's land so there will be no extra traffic on Council and State roads. Instead, as there would be no reason to operate the temporary storage at the Newdegate Machinery Field Days site, heavy traffic between that location and the existing Newdegate receival site will drop, reducing damage to town streets.

General sentiment among local farmers are positive towards this proposal following community consultation carried out by CBH. CBH has also entered negotiations with the South West Aboriginal Land and Sea Council (SWALSC) to allow the use of the proposed land via the excising of relevant land parcels from the Native Title Settlement.

To the Shire's knowledge, there are no current or granted Development Application for the proposed construction. If CBH is granted the Clearing Permit, they will still be required to submit to the Shire a Development Application which will then be assessed by the Shire's Town Planner.

CBH has stated through their application that this expansion is the most feasible for them. Given the circumstances surrounding the need for this expansion, it is recommended that Council signal their approval of this Clearing Permit in order retain grain storage capacity into the next decade. The ecological impact in regards to flora and fauna do not appear to be critical from the surveys carried out in the proposed site.

### Legal Implications

Nil

### Policy Implications

Nil.

## Consultation

Internal: Mr Chris Paget - Deputy Chief Executive Officer  
Mr Craig Elefsen - Manager Infrastructure Services

## Financial Implications

Nil.

## Strategic Implications

Shire of Lake Grace Strategic Community Plan 2017-2027

Economic Objective:		A prosperous agricultural based economy, supporting diversification of industry
Outcomes:	1.1	An innovative, productive agriculture industry
	1.1.3	Support and promote the agricultural productivity of the district
Outcomes:	1.2	A diverse and prosperous economy
	1.2.2	Support local business and promote further investment in the district
Environment Objective:		Protect and enhance our natural and built environment
Outcomes:	3.2	A natural environment for the benefit and enjoyment of current and future generations
	3.2.1	Manage and preserve the natural environment
Leadership Objective:		Strong governance and leadership, demonstrating fair and equitable community values
Outcomes:	4.1	A strategically focused, unified Council functioning efficiently
	4.1.1	Provide informed leadership on behalf of the community

## Voting Requirements

Simple majority required.



### **RESOLUTION 13536**

**Moved: Cr Chappell**  
**Seconded: Cr Lloyd**

That Council support the application for the Clearing Permit as depicted in Clearing Permit Application CPS 9519/1.

**CARRIED: 9/0**

## 14.4.2 LOCAL GOVERNMENT REFORM SUBMISSION

<b>Applicant:</b>	Shire of Lake Grace
<b>File No.:</b>	Nil
<b>Attachments:</b>	Draft – Shire of Lake Grace Local Government Reform Submission
<b>Author:</b>	 Mr Chris Paget Deputy Chief Executive Officer
<b>Disclosure of Interest:</b>	Nil
<b>Date of Report:</b>	10 February 2022
<b>Senior Officer:</b>	 Mr Alan George Chief Executive Officer

### Summary

To recommend a submission for Council's consideration in response to the State Government's proposed reforms to local government.

### Background

A review of the Local Government Act 1995 ('the Act') was initiated by the State Government in 2017. Since that time there have been a series of discussion papers and workshops made available for local governments and the broader community to discuss changes, make suggestions and submissions. This work culminated in the Local Government Review Panel Final Report and a range of reform amendments throughout 2019 and 2021 that addressed key areas including:

- Elected member training.
- The treatment of gifts.
- A new code of conduct.
- Changes to the Standards Panel.
- Best practice standards for CEO recruitment, performance review and early termination; and
- Greater transparency through more information being made more easily accessible online.

Along with the amendments already introduced above, these new proposed Act reforms are based on extensive consultation undertaken over the last five years, and have been developed considering:

- The City of Perth Inquiry Report (mid 2020)
- Department of Local Government, Sport and Cultural Industries (DLGSC) consultation on Act Reform (2017-2020)
- The Victorian Local Government Act 2020 and other State Acts
- The Parliament's Select Committee Report into Local Government (late 2020)
- Western Australian Local Government Association (WALGA) Submissions

- Direct engagement with local governments
- Correspondence and complaints
- Miscellaneous past reports.

The reforms are based on six major key themes:

- (1) Earlier intervention, effective regulation and stronger penalties;
- (2) Reducing red tape, increasing consistency and simplicity.
- (3) Greater transparency and accountability.
- (4) Stronger local democracy and community engagement.
- (5) Clear roles and responsibilities; and
- (6) Improved financial management and reporting.

The briefing material from the Department of Local Government, Sport and Cultural Industries notes the following:

*“A large focus on the new reform package is oversight and intervention where there are significant problems arising within a local government. The introduction of new intermediate powers for intervention will increase the number of tools available to address problems and dysfunction more quickly within local governments. The proposed system for early intervention has been developed based on similar legislation in place in other jurisdictions, including Victoria and Queensland.*

*This will deliver significant benefits for small business, residents and ratepayers, industry, elected members and professionals working in the sector.”*

The consultation period opened on 10 November 2021 and closes 5.00pm (AWST) 25 February 2022.

### Comment

The attachment to this report contains suggested responses to each of the proposed matters slated for reform. Most are supported as per the WALGA commentary and the general sector sentiment, however some will potentially affect the Shire of Lake Grace if implemented, including:

- a maximum number of elected members (five) for smaller local governments up to 5,000 population;
- the election of Mayor / President by the voters of the district;
- the switch to preferential voting for local government elections;
- compulsory live streaming and audio recording of meetings, including confidential meetings; and
- payment of superannuation and education allowances to elected members.

A very positive development is that the Government has heeded some of the substantial concerns of the local government sector in relation to considering the size and scale of different Councils on compliance matters and reporting.

Our Council has been requested to provide a position response during the submission period to the Department of Local Government, Sport and Cultural Industries; Shire officers have considered each of the items requested for comment and have provided a brief opinion. Council may wish to expand on the comments, accept as is or remove them, or provide alternate remarks.

## Legal Implications

Local Government Act 1995 section 1.3 – Content and intent:

*The Act provides for a system of local government providing for the constitution of local governments in the State and providing a framework for the administration and financial management of local government and for the scrutiny of their affairs.*

*The proposed reforms relate to updating the Act which has been in place for over 25 years; there is no statutory requirement for the Shire to make a submission or comment however.*

## Policy Implications

Nil

## Consultation

Consultation has occurred with the Department of Local Government, Sports and Cultural Industries, WALGA, Local Government Professionals WA and other Local Governments in our WALGA Central Country Zone.

The legislative reform process was discussed with Council in the information session held on Wednesday 22 December 2021; members were asked to provide any comments or feedback for inclusion in the draft submission.

## Financial Implications

Nil

## Strategic Implications

Shire of Lake Grace Strategic Community Plan 2017 - 2027

Leadership Objective:		Strong governance and leadership, demonstrating fair and equitable community values
Outcome:	4.1	A strategically focused, unified Council functioning efficiently
	4.1.1	Provide informed leadership on behalf of the community
	4.1.3	Provide strategic leadership and governance
Outcome:	4.2	An efficient and effective organisation
	4.2.1	Maintain accountability and financial responsibility through effective planning
	4.2.2	Comply with statutory and legislative requirements

## Voting Requirements

Simple majority required.



## **RESOLUTION 13537**

**Moved: Cr Chappell**  
**Seconded: Cr Clarke**

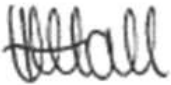

That Council:

1. Support in-principle the intent of the proposed *Local Government Act 1995* reforms to provide a contemporary and relevant legislative framework for the sector and individual Council authorities to operate within.
2. Endorses the responses in the attachment as the Shire of Lake Grace submission to the Local Government Act reform consultation process; and
3. Requests the CEO to submit the responses to the Department of Local Government, Sport and Cultural Industries on behalf of Council prior to the close of the consultation period on 25 February.

**CARRIED: 9/0**

## 14.5 FINANCE

### 14.5.1 ACCOUNTS FOR PAYMENT – 31 JANUARY 2022

<b>Applicant</b>	Internal Report
<b>File No</b>	0277
<b>Attachments</b>	List of Accounts Payable
<b>Author</b>	 Ms Tegan Hall Manager Corporate Services
<b>Disclosure of Interest</b>	Nil
<b>Date of Report</b>	09 February 2022
<b>Senior Officer</b>	 Mr Chris Paget Deputy Chief Executive Officer

#### Summary

For Council to ratify expenditures incurred for the month of December 2021.

#### Background

List of payments for the month of December 2021 through the Municipal account 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

## Financial Implications

The list of creditors paid for the month of December 2021 from the Municipal and Trust Accounts total is \$832,546.62.

## Strategic Implications

Shire of Lake Grace Strategic Community Plan 2017-2027

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

Outcomes: 4.2 An efficient and effective organisation

4.2.1 Maintain accountability and financial responsibility through effective planning

4.2.2 Comply with statutory and legislative requirements

## Voting Requirements

Simple majority required.

## **RESOLUTION 13538**

**Moved: Cr Chappell**

**Seconded: Cr Hyde**

That Council ratify the list of payments totalling \$832,546.62 as presented for the month of December 2021 incorporating:

<b>Payment Method</b>	<b>Cheque/EFT/DD Number</b>	<b>Amount</b>
Electronic Funds Transfers	EFT22980 - EFT23081	\$783,524.48
Municipal Account Cheques	36969 – 36972	\$6,576.11
Direct Debits	DD9806.1 – DD9825.2	\$42,446.03
	<b>TOTAL</b>	<b>\$832,546.62</b>

to the Municipal account, totalling \$832,546.62 which were submitted to each member of the Council on 16 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 the prices, computations, and costings and the amounts show are due for payment.



Alan George  
CHIEF EXECUTIVE OFFICER

**CARRIED: 9/0**

Comment from Cr Chappell – there is a phone line at the Airstrip but no functional telephone supplied and it is badly needed.

Administration will check and rectify the matter.

#### 14.5.2 FINANCIAL REPORTS – 31 DECEMBER 2021

<b>Applicant</b>	Internal Report
<b>File No</b>	0275
<b>Attachments</b>	<ul style="list-style-type: none"><li>• Monthly Financial Reports</li><li>• Bank reconciliations – December 2021</li></ul>
<b>Author</b>	 Ms Victoria Fasano Finance Officer – Reporting and Investments
<b>Disclosure of Interest</b>	Nil
<b>Date of Report</b>	27 JANUARY 2022
<b>Senior Officer</b>	 Mr Chris Paget Deputy Chief Executive Officer

#### Summary

Consideration of the Monthly Financial Reports for the period ending 31 December 2021 and Bank Reconciliations for the month ending 31 December 2021.

#### 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 2021, operating revenue over target by \$72,179 (1.16%) mostly due to Rates and Operating grants received earlier than budgeted. Interest earnings below target due to low interest rates. Fees and Charges are below budget as well.

Operating expenditure is under YTD budget by \$860,262 (15.61%) mainly due to materials and contracts, employee and overhead costs down along with utility charges. Insurance and depreciation expenses on the other hand are slightly over the budget target.

The capital program is below target by \$1,064,201. Capital grants and contributions are down due to some of Local Roads & Community and Drought & Community projects are not yet initiated/finalised, funds will be recognised later in financial year. Payments for property, plant and equipment are below target as well due to slow-down in capital projects. This leads to Capital grants income decrease being offset by the reduction in payments for property, plant and equipment.

Cash at bank is similar to the corresponding period last year, an investment agreement for three (3) term deposits with Bankwest is in place (total of \$9,502,735).

Outstanding rates is tracking well and have recovered 91.9% to date.

General debtor is \$35,168 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 2021. 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

Nil

#### Financial Implications

Nil

#### Strategic Implications

Shire of Lake Grace Strategic Community Plan 2017 - 2027

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

Voting requirements

Simple majority required.

**RESOLUTION 13539**

**Moved: Cr Hyde**

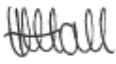

**Seconded: Cr Carruthers**

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 2021
2. Municipal, Trust and Reserve Funds bank reconciliations for the period ended 31 October 2021

**CARRIED: 9/0**

### 14.5.3 BUDGET REVIEW 2021 / 2022

<b>Applicant:</b>	Internal Report
<b>File No.</b>	0625
<b>Attachments:</b>	Budget Review 2021 / 2022 document
<b>Author:</b>	 Mrs Tegan Hall Manager Corporate Services
<b>Disclosure of Interest:</b>	Nil
<b>Date of Report:</b>	9 February 2022
<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 2021/2022* for the period 1 July 2021 to 31 December 2022.

#### Background

The 2021/2022 Budget Review incorporating year to date budget variations and the projected forecasts to 30 June 2022 for the period ending 31 December 2021 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 a \$5,000 minimum for the reporting of material variances to be used in the statements of financial activity and budget review.

The budget review document, including a Statement of Financial Activity, Significant Accounting Policies, Summary Graphs, Net Current Position, Predicted 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 2022. 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 budget amendments and variation to the opening Surplus made throughout the year is a surplus of \$24,573; this is included in the projected budget surplus of \$590.

Major movements are detailed below:

- The opening surplus was adjusted by \$66,090 following the 2020/2021 audit due to bringing to account various movements in income and expenditure as per discussion with the auditors.
- Increase in grant revenue of \$1,721,138 due to expected grant income from Local Roads & Community Program Phase 3 offset by expenditure on the following projects:
  - Lake Grace Sportsman Club Roof Upgrade \$100,000
  - Lake Grace Recreation Carpark Upgrade \$180,000
  - Newdegate Recreation Carpark Upgrade \$230,000
  - Alymore Road Stages 1 to 3 \$750,000
  - Upgrade Jam Patch Facilities \$ 60,000
  - Lake Grace All Abilities Playground \$381,138
  - Newdegate Hockey Shed Upgrade \$ 20,000
- Minor budget movements between accounts previously adopted by Council
- Savings in purchase of plant – total of \$40,900
- Changeover of a new vehicle for the Doctor totalling \$45,000 offset by a transfer from Essential Medical Services Reserve \$45,000.
- Savings from cancellation of contract with Shire of Kent for the Natural Resource Management of \$50,000

Additional repairs to the Shire Standpipes of \$30,000

Purchase of building for Newdegate Shire Depot of \$220,000 partially offset by savings from multiple maintenance accounts and Mitsubishi Fuso Canter Crew Cab - total of \$123,000

This 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

### Consultation

Internal          Senior Management Team

### Financial Implications

The review has incorporated budget amendments authorised by Council to 31 December 2021. With these amendments and projected variances, it is anticipated that there will be a surplus of \$590.

### Strategic Implications

Shire of Lake Grace Strategic Community Plan 2017 - 2027

Leadership Objective:		Strong governance and leadership, demonstrating fair and equitable community values
Outcome:	4.1	A strategically focused, unified Council functioning efficiently
	4.1.1	Provide informed leadership on behalf of the community
	4.1.2	Promote and advocate for the community and district
	4.1.3	Provide strategic leadership and governance
Outcome:	4.2	An efficient and effective organisation
	4.2.1	Maintain accountability and financial responsibility through effective planning
	4.2.2	Comply with statutory and legislative requirements
	4.2.3	Provide a positive and safe workplace

### Voting Requirements

Absolute majority required.

## **RESOLUTION 13540**

**Moved: Cr Carruthers**

**Seconded: Cr Chappell**

That Council consider and adopt the Budget Review as presented in the document *Budget Review 2021/22* for the period 1 July 2021 to 31 December 2022.

**CARRIED BY ABSOLUTE MAJORITY: 9/0**

**14.6 COMMUNITY SERVICES**


Nil

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

Nil

*At this point the President, Cr Armstrong reminded Cr Clarke of his instructions at the start of the meeting that masks were mandatory in the Council Chambers, and that continually appearing to drink a coffee for over an hour and not wear her mask throughout the meeting was not acceptable. He requested that she immediately do so.*

**16.0 INFORMATION BULLETIN – FEBRUARY 2022**

<b>Applicant:</b>	Internal Report
<b>File No.</b>	Nil
<b>Attachments:</b>	Information Bulletin
<b>Author:</b>	<i>RRRose</i>  Mrs Racelis Rose Executive Assistant
<b>Disclosure of Interest:</b>	Nil
<b>Date of Report:</b>	09 February 2022
<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

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

Copies of other relevant Councillor information are distributed via email.

Comment

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

The February 2022 Information Bulletin attachments include:

### Reports:

- Infrastructure Services Report – January 2022
- Environmental Health Officer Report – October to December 2021
- Lake Grace Visitor Centre Report – October to December 2021
- Lake Grace Library Report and Statistics – January 2022
- Lake King Library Report and Statistics – January 2022
- Newdegate Library Report and Statistics – January 2022

### Circulars, Media Releases, Newsletters, Letters:

- 4WDL Minutes of Meeting – 09 November 2021
- WALGA State Council Summary MINUTES – 01 December 2021
- WALGA State Council AGENDA – 02 March 2022
- Regional Road Group Report – February 2022
- WALGA Quarterly Review Report for the Shire of Lake Grace
- SHICC Public Health Bulletin No. 6 – 5 January 2022
- SHICC Public Health Bulletin No. 7 – 10 January 2022
- SHICC Public Health Bulletin No. 8 – 18 January 2022
- SHICC Public Health Bulletin No. 9 – 27 January 2022
- SHICC Public Health Bulletin No. 19 – 01 February 2022

### Legal Implications

Nil

### Policy Implications

Nil

### Consultation

Nil

### Financial Implications

Nil

### Strategic Implications

Shire of Lake Grace Strategic Community Plan 2017 – 2027

Leadership Objective:	Strong governance and leadership, demonstrating fair and equitable community values
Outcome:	4.1 A strategically focused, unified Council functioning efficiently
	4.1.1 Provide informed leadership on behalf of the community
	4.1.2 Promote and advocate for the community and district
	4.1.3 Provide strategic leadership and governance
Outcome:	4.2 An efficient and effective organisation
	4.2.1 Maintain accountability and financial responsibility through effective planning
	4.2.2 Comply with statutory and legislative requirements

## Voting Requirements

Simple majority required.

### **RESOLUTION 13541**

**Moved: Cr Lloyd**  
**Seconded: Cr Hyde**

That Council accepts the Information Bulletin Report for January 2022.

**CARRIED: 9/0**

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

### **RESOLUTION 13542**

**Moved: Cr Chappell**  
**Seconded: Cr Hyde**

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.

Item 17.1.1 – Lake Grace Medical Centre – Contract Renewal – Olowu and Omoniyi Pty Ltd.  
Item 17.1.2 – Sale of Land – Lot 217 (5) Quondong Court, Lake Grace

This item and any attachments are confidential in accordance with Section 5.23(2)(a) of the Local Government Act 1995.

**CARRIED: 9/0**

### **RESOLUTION 13543**

**Moved: Cr Chappell**  
**Seconded: Cr Hyde**

That Council accept the recommendation contained in Item 17.1.1 in regards to the Lake Grace Medical Centre Contract Renewal – Olowu and Omoniyi Pty Ltd.

**CARRIED BY ABSOLUTE MAJORITY: 9/0**

**RESOLUTION 13544**

**Moved:** Cr Clarke  
**Seconded:** Cr Kuchling

That Council accept the recommendation contained in Item 17.1.2 in regards to the sale of land at Lot 217 (5) Quandong Court, Lake Grace.

**CARRIED BY ABSOLUTE MAJORITY: 9/0**

**RESOLUTION 13545**

**Moved:** Cr Chappell  
**Seconded:** Cr Hyde

That Council move from behind closed doors.

**CARRIED: 9/0**

**18.0 DATE OF NEXT MEETING – 23 MARCH 2022**

The next Ordinary meeting of Council is scheduled to take place on Wednesday 23 March 2022 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 4:30 pm.

*The President subsequently directed Cr Clarke to leave the Council Chambers and Shire office during the Acting CEO’s Council information session as she continued to disregard the requests and instructions previously given to cease appearing to drink throughout the meeting and wear her mask.*

**20.0 CERTIFICATION**

I, Leonard William Armstrong certify that the minutes of the Ordinary Council Meeting held on 16 February 2022 as shown were confirmed as a true record of the meeting.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date