

Shire of Lake Grace

Ordinary Council Meeting

MINUTES

20 December 2023

Meeting Commencing at 3:00 pm

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Acknowledgement of Country

I wish to acknowledge the traditional Custodians of the land on which we meet today, and pay my respects.

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



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SHIRE OF LAKE GRACE

Minutes of the Ordinary Council Meeting held at the Council Chambers, 1 Bishop Street, Lake Grace, WA on Wednesday 20 December 2023 commencing at 3:00pm.

1.0 DECLARATION OF OPENING ANNOUNCEMENT OF VISITORS

President Cr Armstrong declared the meeting open and acknowledged the four (4) members of the public in the gallery.

2.0 ACKNOWLEDGEMENT OF COUNTRY

I wish to acknowledge the traditional Custodians of the land on which we meet today, and pay my respects.

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 SG Hunt	Deputy Shire President
Cr R Chappell	
Cr RA Lloyd	Attended from 3.28pm
Cr BJ Hyde	
Cr AJ Kuchling	
Cr DS Clarke	

3.2 APOLOGIES

Nil

3.3 IN ATTENDANCE

Mr. Alan George	Chief Executive Officer
Mr C Paget	Deputy Chief Executive Officer
Mr K Wilson	A/Manager Corporate Services
Mr C Elefsen	Manager Infrastructure Services
Mrs A Adams	Executive Assistant

3.4 OBSERVERS / VISITORS

There were four (4) members of the public present;
Heidi Cowcher

Peter Medlan
Grant Medlan
Ken Medlan

3.5 LEAVE OF ABSENCE PREVIOUSLY GRANTED

Cr R Chappell – is present at this meeting but Leave of Absence to 29 February still applies.

4.0 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil

5.0 PUBLIC QUESTION TIME

Nil

6.0 PETITIONS/DEPUTATIONS/PRESENTATIONS

Heidi Cowcher addressed Council behalf of the Medlan Family in relation to Item 14.4.2 – Development of RV Park on Lot 117 of Reserve 19517.

Heidi spoke against the proposed development for the following reasons:

- The proposed RV park would be in direct competition with the established Lake Grace Caravan Park
- The owners of the existing Lake Grace Caravan park have so far not been consulted
- The establishment of an RV park by Shire of Lake Grace would be in contradiction of the rules of competitive neutrality
- Increased visitor spending is negligible
- The ratepayer money used to establish the RV park would far outweigh any financial benefits

See attachment 6.0 for the full presentation.

7.0 NOTATIONS OF INTEREST

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

Deputy Chief Executive Officer Chris Paget declared an interest in Item 14.4.3 – Appointment of Acting Chief Executive Officer

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

Nil

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 – WEDNESDAY 22 NOVEMBER 2023

RECOMMENDATION / RESOLUTION

RESOLUTION 13790

Moved: Cr Clarke
Seconded: Cr Kuchling

That the Minutes of the Ordinary Council Meeting held on Wednesday 22 November 2023 be confirmed as a true and accurate record of the meeting.

CARRIED 6/0

For: Cr Armstrong, Cr Hunt, Cr Chappell, Cr Hyde, Cr Kuchling, Cr Clarke
Against: Nil

10.2 SPECIAL COUNCIL MEETING

Nil

10.3 ANNUAL MEETING OF ELECTORS

Refer to Item 14.4.5 – 2022/23 Annual Financial Report and Auditors Report

11.0 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

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

Nil

13.0 REPORTS OF COMMITTEES

13.1 NEWDEGATE SWIMMING POOL MANAGEMENT COMMITTEE 23 NOVEMBER 2023

RECOMMENDATION / RESOLUTION

RESOLUTION **13791**

Moved: **Cr Hunt**
Seconded: **Cr Hyde**

That the Minutes of the Newdegate Swimming Pool Management Committee meeting held on 23 November 2023 be received.

CARRIED **6/0**

For: **Cr Armstrong, Cr Hunt, Cr Chappell, Cr Hyde, Cr Kuchling, Cr Clarke**
Against: **Nil**

**13.2 NEWDEGATE LIBRARY RESOURCE AND COMMUNITY RESOURCE CENTRE
MANAGEMENT COMMITTEE 23 NOVEMBER 2023**

RECOMMENDATION / RESOLUTION

RESOLUTION **13792**

Moved: **Cr Clarke**
Seconded: **Cr Hyde**

That the Minutes of the Newdegate Library Resource and Community Resource Centre Management Committee meeting held on 23 November 2023 be received.

CARRIED **6/0**

For: **Cr Armstrong, Cr Hunt, Cr Chappell, Cr Hyde, Cr Kuchling, Cr Clarke**
Against: **Nil**

RECOMMENDATION / RESOLUTION

RESOLUTION **13793**

Moved: **Cr Kuchling**
Seconded: **Cr Hyde**

That Item 14.4.2 – Development of RV Park on Lot 117 of Reserve 19517, be moved up in the order of business.

CARRIED **6/0**

For: **Cr Armstrong, Cr Hunt, Cr Chappell, Cr Hyde, Cr Kuchling, Cr Clarke**
Against: **Nil**

Cr Lloyd entered the meeting at 3.28pm

14.4.2 DEVELOPMENT OF RV PARK ON LOT 117 OF RESERVE 19517

Applicant	Campervan & Motorhome club of Australia Ltd
File No.	0359
Attachments	1. CMCA Proposal 2. Suggested survey questions
Author	Chief Executive Officer
Disclosure of Interest	Nil
Date of Report	12 December 2023
Senior Officer	Chief Executive Officer

Summary

Council is to determine if they wish administration to continue to the next stage of the proposal to set up a low-cost short-stay RV park on Lot 117 of Reserve 19517 being progression to the public consultation stage.

Background

Some time ago council had a presentation from two Western Australian CMCA members regarding the club and its desire to set up low cost RV camps in WA. In June 2022 as a result of interest from Mr Shane Carruthers in setting up a site on the corner of Slarke St and Stubbs St Lake Grace two representatives of CMCA visited the site and other sites in the Shire to scope out possibilities. The Carruthers site was preferred due to its location to town however investigation carried out by the CMCA found the site to be cost prohibitive. All other sites were considered unsuitable given their locations in regard to proximity to towns and facilities.

Prior to this visit the 4WDL member Shires of Wagin, West Arthur, Dumbleyung and Lake Grace had commissioned a Short-Term Accommodation Plan which was presented to Councillors following the August 2022 Council meeting which revealed gaps in all shires including the following in Lake Grace;

- 20-25 room motel,
- 15-25 site caravan park,
- one or more RV parks (Varley Chicken Ranch style),
- one or more Jam Patch type campgrounds, and a
- hospitality facility with accommodation adjacent (e.g. motel / hotel, park cabins or tiny homes)

Following the receipt of the report and the visit by CMCA representatives the CEO and MIS began searching for suitable sites for an RV park which identified the above Lot as being suitable.

It was obvious that several of the other gaps identified could not be filled due to a lack of investors or current owners prepared to outlay the amount of funds required. CMCA was advised of the site and found that it was suitable and put forward a proposal for the development of the site.

At the December 23 Council meeting the following resolution was passed;

RESOLUTION 13524

Moved: Cr Hunt

Seconded: Cr Kuchling

That Council:

- *considers the proposal from the Caravan & Motorhome Club of Australia Ltd for the development of a low-cost RV Park on Lot 117 of Reserve 19517 and;*
- *gives approval to administration to undertake further negotiations and planning with the Caravan & Motorhome Club of Australia Ltd and;*
- *to present the results to Council once determined*

CARRIED: 7/0

Comment

Costings for the RV Park have been completed finally after waiting nearly 12 months to receive a quote from Western Power to install a transformer and dome to the site. The power is only to be supplied to the onsite park custodian.

Total estimated costings to set up the site totals \$101,215.00, this does not take into account ongoing electricity costs for the caretaker or water, rubbish collection etc.

As mentioned in previous discussions there has been some flak from the Lake Grace caravan park owners regarding this project as they see it as the shire setting up a caravan park in direct competition with themselves. However, as they were advised, we are only at the stage where we are investigating the setup of the short stay RV park as this was an area that was highlighted as being deficient in the shire. The object of setting up the park was not intended to compete against the existing park but to increase business in town by giving self-contained travellers another option to stop in town and to support town businesses.

The Shire of Beverley has an RV park in town and have provided us with a copy of their feedback register that they maintain at the park. The register contains a column in which visitors are requested to provide an estimate of their spend in town. In most cases the visitors indicate what they have spent between e.g. \$50 - \$100. Using the lesser amount indicated the spend for the year 2022/23 was \$12,430 + and the YTD to 20/11 2023 was \$7,100+.

Now that we have received the costings the next stage is to go out for public consultation to determine public and business support or otherwise for this project.

An example of the survey questions is attached.

Legal Implications

A management agreement would need to be entered into with the CMCA if this proceeds.

Policy Implications

Policy 1.12 Community Engagement refers.

The community will be consulted by way of a community survey outlining the details of the proposal and the reasons for the proposal. Community members will be asked a series of questions and will be given the opportunity to comment. Comments both for and against will be collated and provided to council for further deliberation.

Consultation

Initial consultation was between the CEO, Manager Infrastructure Services and CMCA representatives in identifying the suitability of sites and what is required to set up a site. This next step is to go out for public consultation for comment.

The Shire of Beverley has a similar shire run RV site and there has been some discussion with them regarding its operation.

Financial Implications

There is \$100,000 in the 2023/24 Shire budget for this project.

At this stage there has been no discussion regarding a contribution to the project by the CMCA. They have indicated in the past that they may consider it however nothing further has been discussed. This will not be a “free camp” a small fee will be charged and indications are that it will be a 70/30 split with the CMCA. A fee of \$10.00 per night has been mooted.

Strategic Implications

This item aligns with the Shire of Lake Grace Strategic Community Plan 2017-2027

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
Outcome	1.3	An attractive destination for visitors
Strategies	1.3.1	Promote and develop tourism as part of a regional approach
	1.3.2	Maintain and enhance local iconic attractions and infrastructure
	1.3.3	Continue to provide and maintain visitor support services

Whilst this project supports Outcomes 1.2.2 and 1.3.1 in the Strategic Community Plan consideration also needs to be taken for existing businesses that this project may negatively affect. Anecdotal evidence from the industry is that where a low cost or free short-stay facility is available in a town for self-contained RVs and motor homes they are more likely to stop for a night or two instead of seeking a secluded site in an old gravel pit, roadside layby or bushland.

Voting Requirements

Simple majority

RECOMMENDATION / RESOLUTION

RESOLUTION **13794**

Moved: **Cr Hunt**
Seconded: **Cr Kuchling**

That Council:
Determines if they wish administration to continue to the next stage of the proposal to set up a low-cost short-term RV park on Lot 117 of Reserve 19517 being progression to the public consultation stage by way of a community survey.

LOST **3/4**

For: **Cr Armstrong, Cr Hunt, Cr Lloyd**
Against: **Cr Chappell, Cr Hyde, Cr Kuchling, Cr Clarke**

14.0 REPORTS OF OFFICERS

14.1 INFRASTRUCTURE SERVICES

14.1.1 ASTROTOURISM WA – DARK SKY FRIENDLIER LED STREETLIGHTING

Applicant	Astrotourism WA
File No.	0827
Attachments	1. Draft letter of support 2. Project Flyer
Author	Alex Adams – Executive Assistant
Disclosure of Interest	Nil
Date of Report	5 December 2023
Senior Officer	Alan George – Chief Executive Officer

Summary

Council is requested to consider providing its written support for the development of a dark sky and wildlife friendlier LED streetlight luminaire for Local Governments to be able to choose as an installation option from Western Australian power companies where appropriate.

Background

The Shire of Lake Grace has been working with Astrotourism WA since 2019 on the development of Dark Sky Tourism for the region. Places of interest for Dark Sky Tourism visitors have been mapped out and dark sky measurements have been recorded. The Shire has also hosted

numerous stargazing events that have engaged the local community on astronomy, light pollution and the development of Dark Sky Tourism for the local economy.

Carol Redford, CEO Astrotourism WA, has been progressing an initiative to secure a dark sky and wildlife friendlier LED streetlight luminaire for Local Governments. Meetings have been held with the WA Local Government Association (WALGA), Western Power, Horizon Power and recently the Department of Biodiversity, Conservation and Attractions (DBCA).

Tristan Simpson, Senior Environmental Officer DBCA, has also engaged WALGA, Local Government, WA's power companies and lighting manufacturers in pursuit of the same initiative.

Western Power is responsible for the procurement and purchasing of streetlights for the State, including those for Horizon Power.

In some Western Australian communities, Western Power and Horizon Power are installing 3000K or 4000K LED streetlights. These LED streetlights have environmental benefits, including a reduced carbon footprint from lower energy usage and lower maintenance needs.

However, improvements can be made to the lighting design to reduce the impacts to the night time environment and nocturnal wildlife species. As outlined in the Australian National Light Pollution Guidelines for Wildlife, "Animals perceive light differently from humans, and artificial light can disrupt critical behaviour and cause physiological changes in wildlife. For example, hatchling marine turtles may not be able to find the ocean when beaches are lit, and fledgling seabirds may not take their first flight if their nesting habitat never becomes dark."¹

Improvements in streetlighting to reduce glare and correlated colour temperature will also lessen the impacts on human health. Current American Medical Association Policy supports efforts to reduce light pollution and states that "...pervasive use of night time lighting disrupts various biological processes, creating potentially harmful health effects related to disability glare and sleep disturbance."²

Below is the spectral power distribution curve based on a current 3000K streetlight model showing a blue light spike that is detrimental to many native and threatened species of wildlife and the dark night sky.

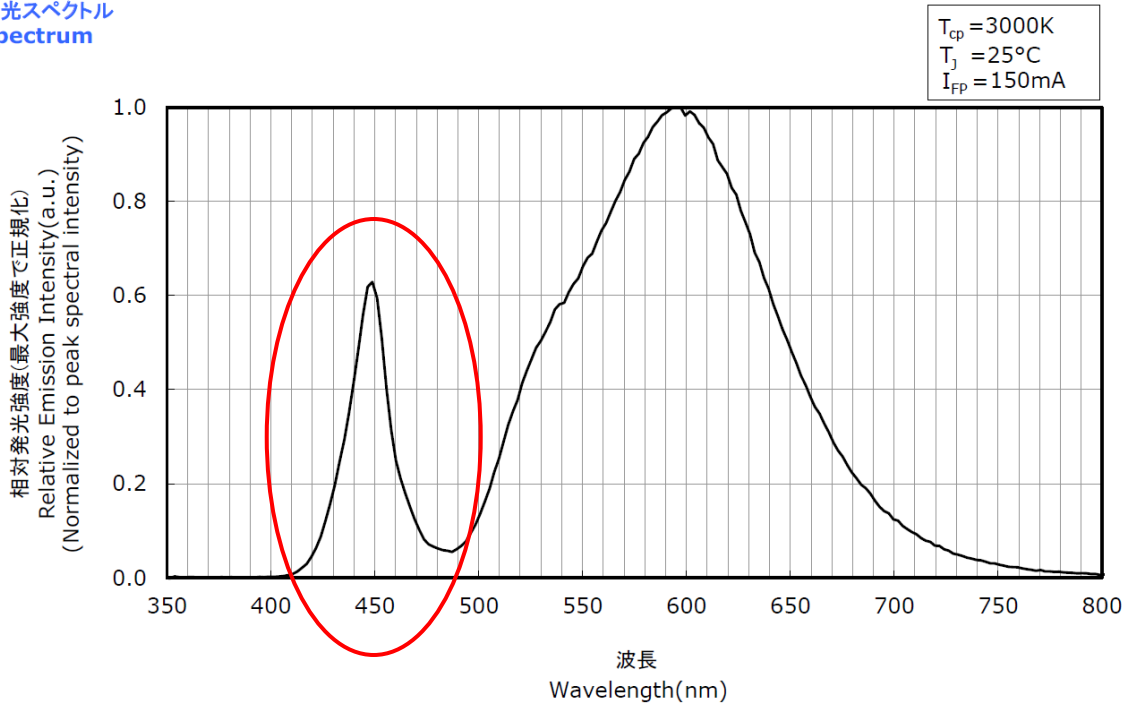
¹ Department of Climate Change, Energy, the Environment and Water, 2023, National Light Pollution Guidelines for Wildlife, Commonwealth of Australia, accessed 10 August 2023

(<https://www.dcceew.gov.au/sites/default/files/documents/national-light-pollution-guidelines-wildlife.pdf>)

² Louis J. Kraus et al., 2016, Human and Environmental Effects of Light Emitting Diode (LED) Community Lighting, American Medical Association, accessed 10 August 2023

(https://www.australasiandarkskyalliance.org/_files/ugd/2787e6_0ee945891153470e8afef4916d0b9615.pdf)

発光スペクトル
Spectrum



Comment

DBCA and Astrotourism WA will propose to Western Power that an additional dark sky and wildlife friendlier LED streetlight luminaire option be added to the existing catalogue for selection to install by Local Governments.

DBCA has completed preliminary discussions with lighting designers and has identified that this initiative is feasible with negligible additional cost and tariffs, and will be compatible with existing fittings and infrastructure. Additionally, it will be compliant with relevant Australian Standards, AS1158.1.2:2010 - Lighting for roads and public spaces. This initiative will have no impact on Local Governments.

Western Power has confirmed its provisional support for this initiative pending demonstrated and formal confirmation from a representative proportion of Western Australia's Local Governments.

Upon enough support being obtained, DBCA and Astrotourism WA will collaborate with Western Power to procure a qualified lighting designer to progress. Once developed, the final luminaire product design(s), specifications and costs will be provided to Local Governments who have registered their formal support for feedback prior to progressing any further with Western Power.

Western Power will then include the additional choice of LED streetlight luminaire in their product catalogue as an option for Local Governments.

At this preliminary stage, DBCA and Astrotourism WA seek Shire of Lake Grace's support to demonstrate demand from Local Governments for a dark sky and wildlife friendlier LED streetlight luminaire.

Legal Implications

Nil

Policy Implications

Nil

Consultation

Lake Grace Visitor centre
Manager Infrastructure Services
Chief Executive Officer

Financial Implications

Nil. The cost of the design of a new dark sky and wildlife friendlier streetlight will be covered by DBCA. DBCA’s preliminary discussions with lighting designers has identified that this initiative is feasible with negligible additional cost and tariffs to Local Government.

Strategic Implications

This item aligns with the Shire of Lake Grace Strategic Community Plan 2017-2027

Economic Objective - A prosperous agricultural based economy supporting diversification of industry		
Outcome	1.3	An attractive destination for visitors
Strategies	1.3.1	Promote and develop tourism as part of a regional approach
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
Strategies	3.1.1	Maintain, rationalise, improve or renew buildings and community infrastructure
Outcome	3.2	A natural environment for the benefit and enjoyment of current and future generations
Strategies	3.2.1	Manage and preserve the natural environment

Voting Requirements

Simple Majority

RECOMMENDATION / RESOLUTION

RESOLUTION **13795**

Moved: **Cr Clarke**

Seconded: **Cr Chappell**

That Council:

Endorse the letter of support to be sent to Western Power to prove the demand for a dark sky and wildlife friendlier LED streetlight luminaire to be made available for Local Government.

CARRIED **7/0**

For: **Cr Armstrong, Cr Hunt, Cr Chappell, Cr Lloyd, Cr Hyde, Cr Kuchling, Cr Clarke**

Against: **Nil**

14.1.2 INSTALLATION OF A DISABLED ACROD PARKING BAY AND ACCESSIBILITY RAMP AT LAKE GRACE DISTRICT HIGHSCHOOL

Applicant	Lake Grace District High School
File No.	0621
Attachments	1. Image of location of parking space
Author	Freyja Melling - Infrastructure Administration Officer
Disclosure of Interest	Nil
Date of Report	23 November 2023
Senior Officer	Craig Elefsen

Summary

For Council to approve the installation of a disabled parking space and accessibility ramp at the entrance of Lake Grace District High School and thus approve the use of funds from account 121302: *Lake Grace Footpaths Cap Exp* for the project.

Background

The Lake Grace District High School (LGDHS) have requested at the cost of the Shire; for the installation of a disabled ACROD parking bay with associated signs, bollards and line markings. The proposed parking space is to be located at the front of the primary school building, designed to replace the current small stand-alone sign that reads "Accessibility Parking" (please see

attachment 1). LGDHS have also requested the installation of an accessibility ramp extending from the school boundary to the car park on Shire land.

A designated ACROD parking bay ensures compliance with the 1993 Disability Act, whereby individuals with disabilities have access to parking spaces reserved and/or designated for their needs. Parking within an ACROD bay is only permissible if the individual is a holder of an ACROD parking program permit. Such permits are issued free-of-charge by the NDS & Western Australian Government, given the individual satisfies the eligibility criteria.

In accordance with the *Local Government (Parking for People with Disabilities) Regulations 2014*, only authorised vehicles can park in the ACROD parking space. An authorised vehicle is defined as a vehicle used by the holder of a disability parking permit. Therefore, local governments *must* enforce the associated penalties of the 2014 regulation guidelines (see Legal Implications). Fines for illegally parking in an ACROD parking bay are \$500, with court – imposed penalties being a maximum of \$5000.

Comment

In order to comply with both the *Disability Services Act of 1993* and the *Local Government (Parking for People with Disabilities) Regulations 2014*. Both consulting parties believe it is in the best interest of the Shire to install an ACROD parking bay and accessibility ramp to promote inclusivity and a sense of community within the school environment. Funds will be sought from the Lake Grace Footpaths Cap Exp account (121302), due to assurances made for funds to be available for such requests to suit community needs. Works are expected to be undertaken by contractors. A quote was sought for the supply and installation of the accessibility ramp. The quoted received was valued at \$3135.00 (including GST). The additional costs (line marking, bollard and sign) have not been costed but an estimate of \$3300.00 including GST is expected.

Legal Implications

Disability Services Act 1993

28. Disability access and inclusion plans

- (1) Each public authority must have a disability access and inclusion plan to ensure that in so far as its functions involve dealings with the general public, the performance of those functions furthers the principles in Schedule 1 and meets the objectives in Schedule 2.
- (2) A disability access and inclusion plan must meet any prescribed standards.

Schedule 1 — Principles applicable to people with disability

- (1) People with disability are individuals who have the inherent right to respect for their human worth and dignity without discrimination and with equality of opportunity.
- (2) People with disability, whatever the origin, nature, type or degree of disability, have the same human rights as other members of society and should be enabled to exercise those human rights.

- (4) People with disability have the same right as other members of society to access services that will support their choices, assist them to be as independent as possible and enable them to participate in all aspects of life.
- (8) People with disability have the right to access the type of services and supports that they believe are most appropriate to meet their needs.
- (9) People with disability who reside in country areas have a right, as far as is reasonable to expect, to have access to similar services provided to people with disability who reside in the metropolitan area.

Local Government (Parking for People with Disabilities) Regulations 2014

4. Terms Used

permit parking area means a single vehicle parking bay —

- (a) on a road or in a parking facility; and
- (b) set aside for use by an authorised vehicle; and
- (c) identified in accordance with regulation 5.

[Regulation 4 amended: SL 2020/50 r. 4.]

5. Specified manner of identification of permit parking area

A permit parking area must be identified by —

- (a) a people with disabilities symbol (as depicted in the Road Traffic Code 2000 regulation 171(2)) clearly marked on the ground within the limits of the permit parking area so that the symbol has —
 - (i) a height of between 800 mm and 1 000 mm; and
 - (ii) a width of no more than 1 200 mm; and
- (b) a parking control sign of the kind referred to in paragraphs (i) and (k) of the definition of that term in the Road Traffic Code 2000 regulation 3 erected on or near the permit parking area.

6. Identification of authorised vehicle

- (1) An authorised vehicle must be identified by displaying a disability parking permit in a prominent position and in a manner that enables the expiry date and permit number to be clearly visible from the front exterior of the vehicle.
- (2) A person, other than the holder of a disability parking permit, must not identify or purport to identify a vehicle in accordance with subregulation (1).

Penalty for this subregulation: a fine of \$5 000.

[Regulation 6 amended: SL 2020/50 r. 5.]

7. Standing or parking in permit parking area

A person must not, in a permit parking area, stand or park a vehicle other than an authorised vehicle.

Penalty: a fine of \$5 000.

[Regulation 7 amended: SL 2020/50 r. 6.]

8. Unauthorised identification of permit parking area prohibited

A person must not identify or purport to identify a permit parking area in accordance with regulation 5 without the written authority of the local government.

Penalty: a fine of \$5 000.

[Regulation 8 amended: SL 2020/50 r. 7.]

Schedule 1 — Infringement notice offences and modified penalties

Column 1 Description of Offence	Column 2 \$
Identifying or purporting to identify a vehicle in contravention of regulation 6(2)	500
Standing a vehicle in a permit parking area in contravention of regulation 7	500
Parking a vehicle in a permit parking area in contravention of regulation 7	500
Identifying or purporting to identify a permit parking area in contravention of regulation 8	500

[Schedule 1 amended: SL 2020/50 r. 8.]

Policy Implications

Shire of Lake Grace Policy – 4.1.7. Private Works

Consultation

Internal: Craig Elefsen

External: Lake Grace District High School

Financial Implications

Funds will be sought from the Lake Grace Footpaths Cap Exp account. The relevant job accounts will be impacted as follows:

All figures are presented without a GST component.

121302: Lake Grace Footpaths Cap Exp current budget	\$25,000.00
Expected expenditure	\$6,435.00
Remaining budget of Lake Grace Footpaths Cap EXP after project completion	\$18,565.00

Strategic Implications

This item aligns with the Shire of Lake Grace Strategic Community Plan 2017-2027

Social Objective - A valued, healthy and inclusive community and life style		
Outcome	2.1	An engaged, supportive and inclusive community
Strategies	2.1.1	Community services and infrastructure meeting the needs of the district
	2.1.2	Maintain and support the growth of education, childcare, youth and aged services
	2.1.3	Actively promote and support community events and activities within the district
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
Strategies	3.1.1	Maintain, rationalise, improve or renew buildings and community infrastructure

Voting Requirements

Simple Majority Required.

RECOMMENDATION / RESOLUTION

RESOLUTION 13796

Moved: Cr Hunt
Seconded: Cr Lloyd

That Council suspend Standing Orders

CARRIED 7/0

For: Cr Armstrong, Cr Hunt, Cr Chappell, Cr Lloyd, Cr Hyde, Cr Kuchling, Cr Clarke

Against: Nil

RECOMMENDATION / RESOLUTION

RESOLUTION **13797**

Moved **Cr Hunt**
Seconded **Cr Lloyd**

That Council reinstate Standing Orders.

CARRIED 7/0

For: **Cr Armstrong, Cr Hunt, Cr Chappell, Cr Lloyd, Cr Hyde, Cr Kuchling, Cr Clarke**

Against: **Nil**

RECOMMENDATION / RESOLUTION

RESOLUTION **13798**

Moved: **Cr Kuchling**
Seconded: **Cr Lloyd**

That Council approves the plans to install a disabled parking space (ACROD) and accessibility ramp at Lake District high school and use funds from account Lake Grace Footpaths Cap Exp (121302).

LOST **0/7**

For: **Nil**
Against: **Cr Armstrong, Cr Hunt, Cr Chappell, Cr Lloyd, Cr Hyde, Cr Kuchling, Cr Clarke**

Reason for change from Officer’s recommendation

Council viewed the request as another exercise in cost-shifting by the state government and the cost appeared excessive.

RECOMMENDATION / RESOLUTION

RESOLUTION **13799**

Moved: **Cr Kuchling**

Seconded: **Cr Lloyd**

That Council advise the Lake Grace District High school that they approve the installation of the disabled parking bay and ramp and appropriate signage at no cost to the Shire, and that all works carried out on Shire land must be approved by the Manager Infrastructure Services or Technical officer.

CARRIED **7/0**

For: **Cr Armstrong, Cr Hunt, Cr Chappell, Cr Lloyd, Cr Hyde, Cr Kuchling,
Cr Clarke**

Against: **Nil**

14.2 PLANNING

14.2.1 DEVELOPMENT APPLICATION – ONE (1) NEW PERMANENT GRAIN STORAGE BULKHEAD & ASSOCIATED IMPROVEMENTS ON LOT 85 ON DP33429 HYDEN-LAKE KING ROAD, VARLEY

Applicant:	Co-operative Bulk Handling Limited (Landowner)
File No.:	0365
Attachments:	1. Development Application Documentation and Plans
Author:	Joe Douglas – Town Planner
Disclosure of Interest:	Nil
Date of Report:	13 December 2023
Senior Officer:	Mr Alan George – Chief Executive Officer

Summary

This report recommends that Council grant conditional approval to a development application submitted by Co-operative Bulk Handling Limited requesting permanent approval for an existing grain storage bulkhead and various associated improvements constructed on Lot 85 on DP33429 Hyden-Lake King Road, Varley pursuant to a temporary approval granted by Council on 27 July 2022.

Background

Cooperative Bulk Handling Limited (CBH) has submitted a development application requesting Council's approval for the following permanent additions and upgrades to its existing grain handling and storage facility on Lot 85 on DP33429 Hyden-Lake King Road, Varley that were constructed pursuant to a temporary approval granted by Council on 27 July 2022 in accordance with the exemptions afforded by clause 61(1) and (2) of the Deemed Provisions in Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015* as they apply specifically to temporary works and uses:

- i) A new grain storage bulkhead comprising a total storage capacity of 27,510 tonnes on a new hardstand area located in the south-western portion of Lot 85;
- ii) New heavy vehicle accessways surrounding the grain storage bulkhead referred to in point i) above that tie into the existing heavy vehicle accessways previously constructed on the land, including safety signage; and
- iii) Stormwater drainage infrastructure constructed in accordance with a stormwater management strategy and drainage design prepared by a suitably qualified engineering consultant.

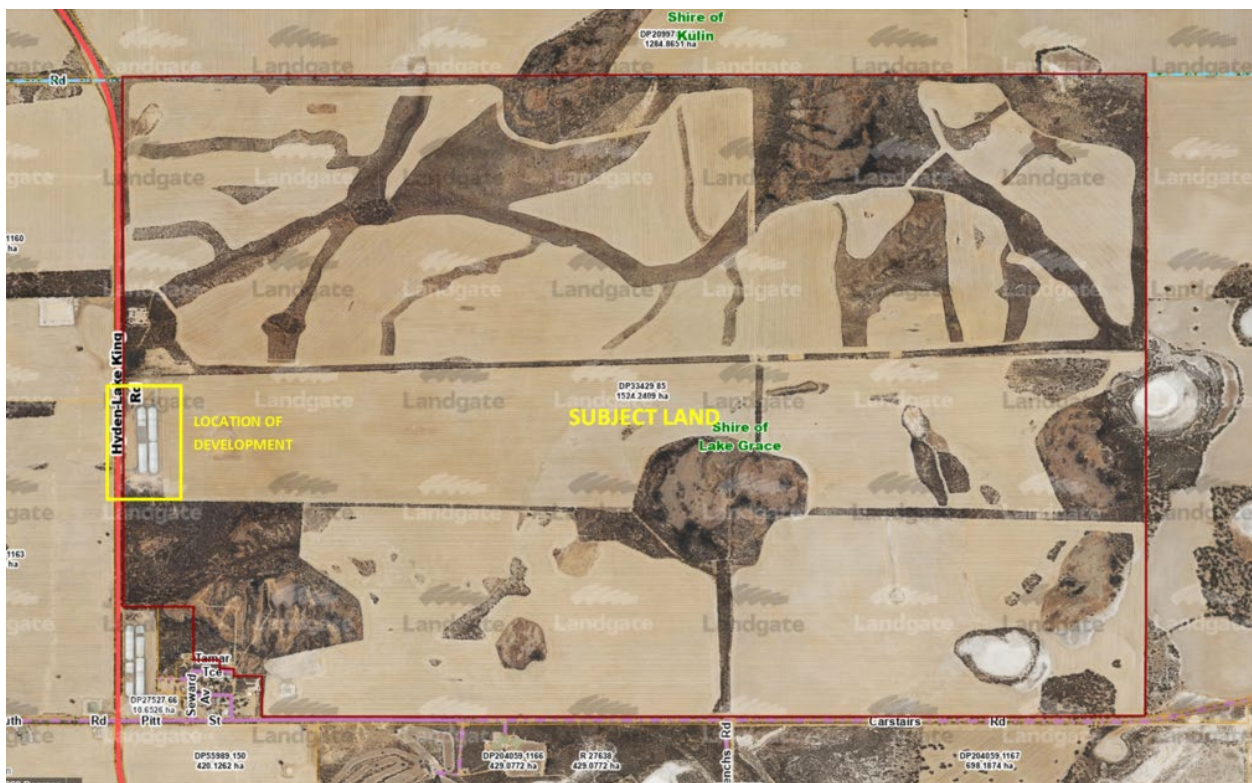
A full copy of the application submitted, including supporting documentation and plans, is provided in Attachment 1. Given CBH holds an interest as a purchaser under a contract to purchase the fee simple interest in a portion of the subject land, it has a legal right under the *Planning and Development (Local Planning Schemes) Regulations 2015* to act as the applicant and landowner.

Council should note under the terms of the temporary approval granted in July 2022 CBH were

required to cease the temporary use of the new grain storage bulkhead and associated improvements at the end of the twelve (12) month approval term, remove all the improvements constructed, and reinstate the relevant portion of the land to its pre-development condition.

CBH has advised the continued use of the grain storage bulkhead and associated improvements are integral to its ongoing operations and long-term strategic plan. As such, it is seeking Council's development approval to allow the works and associated use to be retained on a permanent basis.

That portion of the land where the development is proposed to be undertaken has been cleared of all native vegetation, does not contain any sites of cultural 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 as being bushfire prone.



Location & Lot Configuration Plan (Source: Landgate 2023)

Comment

Assessment of the application in the context of the Shire's current local planning framework, including Local Planning Strategy, Local Planning Scheme No.4 (LPS4), the Deemed Provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015* as well as the outcomes from the mandatory public advertising process and a recent site inspection by the Shire's Chief Executive Officer and Manager Infrastructure Services has confirmed the development is compliant or capable of compliance with the following relevant requirements:

- The general aims and objectives of the Shire's Local Planning Strategy and LPS4;
- Land use permissibility;

-
- Land capability and suitability;
 - Land use compatibility including minimum separation distances to sensitive land uses;
 - Amenity of the locality including potential environmental, visual and social impacts;
 - Protection of the natural environment, water resources and cultural heritage significance;
 - Vehicle access, parking and traffic safety more generally;
 - Key essential services including stormwater drainage; and
 - Flood and bushfire risk management.

Notwithstanding the above conclusion Council should note the following key points when considering and determining the application:

i) Lot Boundary Setbacks

The proposed development does not strictly comply with the minimum lot boundary setback requirements of Local Planning Scheme No.4 (LPS4) as they apply specifically to all land classified 'General Agriculture' zone.

Under the terms of clause 4.11.2 of LPS4 the minimum required setback for any structure on a lot classified 'General Agriculture' zone must be 20 metres.

The existing grain storage bulkhead the subject of this application has a setback ranging from 12 to 16 metres to the land's frontage to Hyden-Lake King Road.

This proposed variation to the minimum boundary setback requirements of LPS4 has scope to be approved by Council pursuant to powers afforded by clause 4.5 of LPS4 if it is satisfied that:

- a) approval of the proposed development would be appropriate having regard to the matters set out in clause 67 of the Deemed Provisions in Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*; and
- b) the non-compliance will not have an adverse effect upon the occupiers or users of the development, the inhabitants of the locality or the likely future development of the locality.

It is concluded from assessment of the proposal that it adequately addresses the various matters set out in clause 67 of the Deemed Provisions of the Regulations and will not have any adverse effects upon the occupiers or users of the development, the inhabitants of the locality or the likely future development of the locality and may therefore be supported and approved by Council. It is acknowledged the development does have a minor negative impact on the visual amenity of the immediate locality when viewed from the public realm (i.e. Hyden-Lake King Road) due to the non-compliant front boundary setbacks however this is mitigated to some extent by the existing roadside vegetation which is expected to be retained on a long term basis.

Council should also note the reduced boundary setback is consistent with the setback of all existing approved grain storage bulkheads at CBH's main facility on Lot 66 Pitt Street, Varley which have not had any adverse impacts on the general amenity, safety or functionality of the immediate locality.

ii) Vehicle Access

The application was referred to Main Roads WA for review and comment given Hyden-Lake King Road is a regional distributor road under the care, control and management of that agency.

Main Roads WA has confirmed it supports the retention and continued use of the development subject to the following requirements:

- a) Only one (1) entry/exit point being provided to the development;
- b) The installation by CBH of a new 'Road Trains Entering' sign 300 metres south of the main site entry/exit; and
- c) Ongoing maintenance of the minimum required sight distance requirements at the main site entry/exit in accordance with Austroads standards as they apply specifically to the 110km/h speed zone along Hyden-Lake King Road.

In light of the advice received from Main Roads WA, it is considered appropriate to condition any permanent approval that may be granted by Council to reflect the recommendations provided above.

In conclusion, Council should note the development has been constructed in accordance with all information and plans previously submitted to and approved by the Shire and has not given rise to any known issues or complaints. In light of this fact, the development's compliance with all relevant town planning requirements, the outcomes from public advertising, and the significant benefits the development will have for local growers and the agricultural industry more generally, it is recommended Council approve the application subject to a range of conditions and advice notes.

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 2.0 – Environment and Natural Resources Policy*
- *State Planning Policy 2.5 – Rural Planning*
- *State Planning Policy 2.9 – Water Resources*
- *State Planning Policy 4.1 – Industrial Interface*

Consultation

The application was advertised for public comment in excess of the minimum required period of fourteen (14) days with no submissions received from the local community.

As previously advised, the application was also referred to Main Roads WA for review and comment due to its direct interest in Hyden-Lake King Road, the outcomes from which are

documented above.

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

It is significant to note should the applicant / landowner 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 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 development is considered to be consistent with the following elements of the Shire’s strategic planning framework:

- *Shire of Lake Grace Local Planning Strategy 2007* as it applies specifically to the following matters:
 - Economic Development Strategy (Agriculture): To achieve ecologically sustainable use of agricultural land in the Shire whilst providing diverse and compatible development opportunities in agricultural areas to promote the local economy.
- *Shire of Lake Grace Strategic Community Plan 2017-2027*:

Economic Objective - A prosperous agricultural based economy supporting diversification of industry		
Outcome	1.1	An innovative, productive agriculture industry
Strategies	1.1.1	Enhance and maintain transport network
	1.1.2	Improve flood mitigation for transport infrastructure
	1.1.3	Support and promote the agricultural productivity of the district
Outcome	1.2	A diverse and prosperous economy
Strategies	1.2.2	Support local business and promote further investment in the district

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
Outcome	3.2	A natural environment for the benefit and enjoyment of current and future generations
Strategies	3.2.1	Manage and preserve the natural environment

Voting Requirements

Simple majority

RECOMMENDATION / RESOLUTION

RESOLUTION **13800**

Moved: **Cr Hyde**
Seconded: **Cr Clarke**

That the development application submitted Co-operative Bulk Handling Limited requesting permanent approval for an existing grain storage bulkhead and various associated improvements constructed on Lot 85 on DP33429 Hyden-Lake King Road, Varley pursuant to a temporary approval granted by Council on 27 July 2022 be **approved** subject to the following conditions and advice notes:

Conditions:

1. The development hereby approved 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 the local government.
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 the local government.
3. The development hereby approved shall not encroach upon any part of any immediately adjoining property unless otherwise approved by the local government.
4. All stormwater drainage infrastructure shall be maintained by the proponent at its own cost to the specifications and satisfaction of the local government for the life of the development.
5. The proponent shall regularly monitor and manage all dust generated by the development. Should dust become an issue and the local government provides written notification to that affect, the proponent shall, at its own cost, arrange for the preparation and submission of a Dust Management Plan within sixty (60) days of receipt of notification for consideration and endorsement by the local government's Chief Executive Officer in consultation with the local government's Environmental Health Officer and/or the Department of Water and Environmental Regulation and implemented thereafter for the life of the development.
6. All access to/from the proposed development shall be via the existing crossover to Hyden-Lake King Road which shall be maintained at all times to the specifications and satisfaction of the local government for the life of the development.
7. The proponent shall within 90 days of the date of this approval, unless otherwise approved by the local government, arrange for the installation of a new 'Road Trains Entering' sign at its own cost. The sign required by this condition must be located within the Hyden-Lake King Road road reserve 300 metres south of the main site entry/exit.
8. The proponent shall ensure the minimum sight distance requirements at the main site entry/exit are provided and maintained in accordance with Austroads standards as they apply specifically to the 110km/h speed zone along Hyden-Lake King Road.

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 proponent and not the local government 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 proponent 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 proponent is responsible for ensuring the correct siting of all structures on the land the subject of this approval, including fill. An identification survey demonstrating correct siting and setbacks of structures and fill may be requested of the proponent by the local government to ensure compliance with this determination notice and all applicable provisions.
4. The proponent is required to contact Main Roads WA Wheatbelt Region Office prior to installation of the new 'Road Trains Entering' sign required by Condition 7 of this approval to address any legislative and regulatory requirements applicable.
5. The proponent is advised that only one (1) vehicular access point is permitted along the subject land's frontage to Hyden-Lake King Road unless otherwise approved by Main Roads WA.
6. The proponent is reminded of their obligation to ensure compliance with the specific standards and requirements of the Shire of Lake Grace Fire Hazard Reduction Notice as it applies to all land with an area greater than 4,000m² within the municipal district (<https://www.lakegrace.wa.gov.au/services/bushfire-emergency-management/fire-management-requirements.aspx>).
7. 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.
8. If the proponent is 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 this determination.

CARRIED **7/0**

For: **Cr Armstrong, Cr Hunt, Cr Chappell, Cr Lloyd, Cr Hyde, Cr Kuchling,
Cr Clarke**

Against: **Nil**

14.3 HEALTH AND BUILDING

Nil

14.4 ADMINISTRATION

14.4.1 WITHDRAWAL OF MEMBERSHIP - RURAL WATER COUNCIL OF WA (INC)

Applicant	Chief Executive Officer – Alan George
File No.	0708
Attachments	Nil
Author	Chief Executive Officer – Alan George
Disclosure of Interest	Nil
Date of Report	5 December 2023
Senior Officer	Chief Executive Officer – Alan George

Summary

Council is to consider withdrawal of its membership from the Rural Water Council of WA (Inc) as its relevance is no longer considered representative of our needs or requirements.

Background

At the invitation of the Rural Water Council the Shire of Lake Grace became a member in September 2010. Other members included the Shires of Nungarin, Merredin, Coorow, Moora, Victoria Plains, York, Goomalling and Wongan-Ballidu along with representatives from the Department of Water, Water Corporation and the Wheatbelt Development Commission.

The aims of the group were;

- 1) To endeavour to obtain equitable distribution state wide of funds for water supply improvement and minimise the difficulty caused by the inadequate domestic, spraying and stock water in dry land agricultural areas.
- 2) To work with all relevant Government agencies, Water Advisory Groups and other stakeholders to encourage and support research and development to optimise alternative management and use of water supplies.
- 3) To raise awareness of the need to maintain rural and town water supplies and infrastructure.
- 4) To contribute to regional planning for the use of water resources in dry land agricultural areas.
- 5) To represent the water needs of our member communities in dry land agriculture areas.
- 6) To raise awareness of the need to effectively manage water resources.

The shire appointed two representatives to the committee with meetings being held 3 times a year and invariably in Cunderdin or Northam.

Comment

All the other members of the Council are north of the Great Eastern Highway with farming conditions and weather being notably different from that experienced in this region.

In 2010 when this council joined it was a very dry year all round which may have influenced the shire's decision to join the group. The Rural Water Council is now mainly a discussion group about each members local areas which is now considered of little relevance or benefit to this shire. Times have changed and access to the Department of Water and the Water Corporation has improved and our shire has become more aware of its own situation especially as a result of the water deficiencies experienced in the not too distant past.

Membership to the Rural Water council is \$300.00 pa which is not significant however the continued membership is not considered relevant to our situation since joining and little or no benefit is seen in continuing.

It is therefore recommended that the Shire of Lake Grace not renew its membership and withdraws from the Rural Water Council (Inc).

Legal Implications

Nil

Policy Implications

Nil

Consultation

Cr Armstrong

Financial Implications

Of very minor impact.

Strategic Implications

This item aligns with the Shire of Lake Grace Strategic Community Plan 2017-2027

Economic Objective - A prosperous agricultural based economy supporting diversification of industry		
Outcome	1.1	An innovative, productive agriculture industry
Strategies	1.1.3	Support and promote the agricultural productivity of the district
	1.1.4	Maintain and provide water infrastructure and lobby to support drought-proofing and water-harvesting initiatives
	1.1.5	Liaise with key stakeholders for the improvement of the agricultural industry

Voting Requirements

Simple majority

RECOMMENDATION / RESOLUTION

RESOLUTION **13801**

Moved: **Cr Hyde**
Seconded: **Cr Kuchling**

That Council:

Withdraws its membership from the Rural Water Council of WA (Inc) as its relevance is no longer considered representative of our needs or requirements.

CARRIED **7/0**

For: **Cr Armstrong, Cr Hunt, Cr Chappell, Cr Lloyd, Cr Hyde, Cr Kuchling, Cr Clarke**
Against: **Nil**

14.4.3 APPOINTMENT OF ACTING CHIEF EXECUTIVE OFFICER

Applicant	Chief Executive Officer
File No.	Personnel
Attachments	Nil
Author	Chief Executive Officer - Alan George
Disclosure of Interest	Chris Paget – Deputy Chief Executive Officer
Date of Report	29 November 2023
Senior Officer	Chief Executive Officer

Summary

Council is to note the appointment of an Acting Chief Executive Officer whilst the Chief Executive Officer is on annual leave commencing 12 February 2024 and finishing 23 February 2024.

Background/Comment

The Chief Executive Officer intends to take annual leave for 10 days during the above dates.

Pursuant to Section 5.37 of the Local Government Act 1995, the following employees are designated as senior employees:

- a) Deputy Chief Executive Officer; and
- b) Manager Corporate Services; and
- c) Manager Infrastructure Services

For the purposes of Section 5.36 (2) of the Local Government Act 1995, the Council has determined that employees that are appointed in one of the above positions are suitably qualified to be appointed as Acting CEO by the CEO from time to time when the CEO is on periods of leave, subject to the following conditions;

- 1. The CEO is not and interim CEO or Acting in the position;
- 2. The term of appointment is not longer than 20 working days consecutive;
- 3. That the employee's employment conditions are not varied other than the employee is entitled at the CEO's discretion, no greater than the salary equivalent to that of the CEO during the Acting period.

In the case of the unavailability of the CEO due to an emergency, the Deputy Chief Executive Officer is automatically appointed as the Acting CEO for up to 2 weeks from commencement, and continuation is then subject to determination by the Council.

For the period of the leave requested by the CEO it is intended to appoint Chris Paget as Acting Chief Executive Officer and that they receive the salary equivalent to that of the CEO during the Acting period.

Legal Implications

Nil

Policy Implications

Shire Policy 4.12 applies

Consultation

Nil

Financial Implications

Acting Chief Executive Officer receive the salary equivalent to that of the CEO during the Acting period.

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
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

Simple majority

RECOMMENDATION / RESOLUTION

RESOLUTION 13802

Moved: Cr Hyde

Seconded: Cr Kuchling

That Council confirms the appointment of Chris Paget as Acting Chief Executive Officer For the period of 12 February 2024 to 23 February 2024.

CARRIED 7/0

For: Cr Armstrong, Cr Hunt, Cr Chappell, Cr Lloyd, Cr Hyde, Cr Kuchling, Cr Clarke

Against: Nil

14.4.4 REQUEST FOR WAIVER OF HALL HIRE FEES – LAKE GRACE RECONNECT

Applicant	Lake Grace Reconnect
File No.	0080
Attachments	Letter from Lake Grace Reconnect
Author	Amber McPherson – Administration Support Officer
Disclosure of Interest	Nil
Date of Report	13 December 2023
Senior Officer	Kevin Wilson – A/Manager Corporate Services

Summary

For Council to consider the request to have the Lake Grace Hall hire fees waived for the Ladies Long Table Lunch event to be held on 09 March 2024.

Background

Lake Grace Reconnect are a group of five women formed early in 2023 whose purpose is to reconnect the community and surrounds through social and networking events.

Comment

Lake Grace Reconnect are holding an event aimed at promoting mental health awareness and connection within the community; specifically bringing attention to the impact on women living in rural communities. Living rural has its challenges, with mental, physical and social health becoming more recognised and in need of better support. Their aim is to bring people together; encouraging people to support one another, and to also reconnect people within themselves and to consider their own personal needs.

Lake Grace Reconnect believe that the waiving of the Lake Grace Shire Hall hire fees will allow them to use the monies elsewhere to help facilitate the event, and to keep the cost of tickets down.

The Shire have contributed to this event as part the 2023/24 Community Grant Program of \$5,000 as part of the Shire’s contribution to this community event.

Legal Implications

Nil

Policy Implications

Nil

Consultation

Kevin Wilson – A/Manager Corporate Services

Financial Implications

The Lake Grace Reconnect Committee are requesting for the Hall Hire fees for the Lake Grace Hall be waived. This would result in a loss of revenue to the Shire of \$300.50.

Strategic Implications

Shire of Lake Grace Strategic Community Plan 2017-2027

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

Voting Requirements

RECOMMENDATION / RESOLUTION

RESOLUTION **13803**

Moved: **Cr Lloyd**

Seconded: **Cr Hunt**

That Council:

Waive the hall hire fee of \$300.50 for the Lake Grace Reconnect Group to host the Ladies Long Table Lunch in March 2024.

CARRIED: **5/2**

For: **Cr Armstrong, Cr Hunt, Cr Lloyd, Cr Hyde, Cr Kuchling**

Against: **Cr Clarke, Cr Chappell**

14.4.5 2022/23 ANNUAL FINANCIAL REPORT AND AUDITORS REPORT

Applicant:	Internal Report
File No.	0274
Attachments:	<ul style="list-style-type: none"> • 2022 / 2023 Annual Report and Financial Statements • OAG Audit Opinion/Report • Management Letter
Author:	Mr Chris Paget – Deputy CEO
Disclosure of Interest	Nil
Date of Report	14 December 2023
Senior Officer	Mr Alan George - Chief Executive Officer

Summary

The purpose of this item is for Council to receive and consider the Audit Committee recommendation to accept the Auditors report and Annual Report for the year ended 30 June 2023, and to set a date for the Annual General Meeting of Electors.

Background

The Shire’s auditors AMD undertook the annual site visit to Lake Grace between 2 and 4 October 2023, with follow up work completed electronically and meetings at their offices in Bunbury throughout October and November. The exit meeting was held with the Office of the Auditor General and AMD on Monday 27 November, and the final audit opinion report was signed off by the OAG on 5 December. The Shire’s Audit Committee met prior to the commencement of this meeting to review and consider both reports and the recommendations arising from the audit management letter.

Section 5.54 of the *Local Government Act 1995 Acceptance of Annual Reports* requires an Annual Financial Statement to be accepted by Council by 31 December in each year, unless the Auditors Report is not available in time. The *Local Government Act 1995* Section 5.54(2) requires that if the Annual Report is not accepted by the Local Government by 31 December, then it must be presented within two months of the Auditors report becoming available.

Comment

The completion of the audit report confirms all figures for the 2022/23 year including the carried forward position as at 30 June 2023.

The audit management report has made two moderate findings and recommendations as detailed below:

- The Shire’s assessment of Land and Building assets last revalued in March 2021 lacked sufficient detail and consideration of market conditions and other factors (such as increases in building and construction indices) to adequately assess if the carrying amounts of these balances still represent fair value. Recommend that the Shire comply with the new fair value requirements of the updated FM Regulations for the 2023-24 period and onwards.
- A Business Continuity Plan (“BCP”) has not yet been finalised and adopted. As a result, no testing on the effectiveness of the Shire’s incident response capabilities has been undertaken. Recommend finalising and adopt the draft BCP ensuring the plan has been based on an evaluation of risks which may disrupt critical business functions. The

evaluation should identify critical systems and processes, minimum resources and response times needed to assure/resume operations.

Once Council accepts the Auditor's Report and Annual Report it needs to determine a date for the Annual General Meeting of Electors. The CEO is required to provide sufficient public notice of the availability of the Auditor's Report and Annual Report, and the date of this Electors AGM. Section 5.27 of the Local Government Act requires the meeting to be held on a day selected by the local government not more than 56 days after the local government accepts the annual report for the previous financial year. Assuming Council accepts the annual report at our December meeting, the latest date for the Annual General Meeting of Electors would be Wednesday 14 February 2024. Therefore, it is recommended that the AGM be held at 6pm on Wednesday 7 February 2024 at the Shire Council Chambers in Lake Grace.

Statutory Implications

Local Government Act 1995

Section 5.53 Annual Reports;

- (1) The local government is to prepare an annual report for each financial year.
- (2) The annual report is to contain —
 - (a) a report from the mayor or president; and
 - (b) a report from the CEO; and
 - [(c), (d) deleted]
 - (e) an overview of the plan for the future of the district made in accordance with section 5.56, including major initiatives that are proposed to commence or to continue in the next financial year; and
 - (f) the financial report for the financial year; and
 - (g) such information as may be prescribed in relation to the payments made to employees; and
 - (h) the auditor's report prepared under section 7.9(1) or 7.12AD (1) for the financial year; and
 - (ha) a matter on which a report must be made under section 29(2) of the Disability Services Act 1993; and
 - (hb) details of entries made under section 5.121 during the financial year in the register of complaints, including —
 - (i) the number of complaints recorded in the register of complaints; and
 - (ii) how the recorded complaints were dealt with; and
 - (iii) any other details that the regulations may require;
- (i) such other information as may be prescribed.

Section 5.54 Acceptance of Annual Reports;

- (1) Subject to subsection (2), the annual report for a financial year is to be accepted* by the local government no later than 31 December after that financial year.

** Absolute majority required.*

- (2) If the auditor's report is not available in time for the annual report for a financial year to be accepted by 31 December after that financial year, the annual report is to be accepted by the local government no later than 2 months after the auditor's report becomes available.

Section 5.55 Notice of Annual Reports;

The CEO is to give local public notice of the availability of the annual report as soon as practicable after the report has been accepted by the local government.

Section 5.55A. Publication of Annual Reports;

The CEO is to publish the annual report on the local government’s official website within 14 days after the report has been accepted by the local government.

Policy Implications

Nil

Consultation

Internal Alan George, Chief Executive Officer
 Kevin Wilson, Acting Manager Corporate Services
 Shire finance and administration staff

External AMD (Contractors Auditors appointed by OAG)
 Office of Auditor General

Financial Implications

Nil

Strategic Implications

Shire of Lake Grace Strategic Community Plan 2017 - 2027

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

Voting Requirement

Absolute majority required

RECOMMENDATION / RESOLUTION

RESOLUTION 13804

Moved: Cr Hunt
Seconded: Cr Hyde

That Council:

1. In accordance with Sections 5.53 and 5.54 of the *Local Government Act 1995*, Council accepts the Annual Report for the 2022/2023 financial year;
2. In accordance with Section 5.55 of the *Local Government Act 1995*, Council authorise the Chief Executive Officer to give local public notice of the availability of the Shire of Lake Grace 2022/23 Annual Report from Wednesday 3 January 2024.
3. Schedules the Annual General Meeting of Electors to be held on Wednesday 7 February 2024 at the Shire Council Chambers in Lake Grace, commencing at 6pm.

CARRIED 7/0

For: Cr Armstrong, Cr Hunt, Cr Chappell, Cr Lloyd, Cr Hyde, Cr Kuchling, Cr Clarke

Against: Nil

14.4.6 APPOINTMENT OF INDEPENDENT MEMBER TO AUDIT COMMITTEE

Applicant	Internal report
File No.	0625
Attachments	Nil
Author	Mr Chris Paget – Deputy CEO
Disclosure of Interest	Nil
Date of Report	18 December 2023
Senior Officer	Mr Alan George – Chief Executive Officer

Summary

For Council to consider the appointment of an independent member to the Audit Committee.

Background

The Shire of Lake Grace Audit Committee is a standing committee of the Council established under the provisions of the *Local Government Act 1995*. Following the Local Government Elections and at the ordinary meeting of Council on 25 October 2023 Councillors Hunt, Armstrong, Hyde and Lloyd were appointed as members for a two-year term ending October 2025.

Comment

An advertisement was published on 14 November on the Shire’s website and social media pages and also placed on local community notice boards calling for expressions of interest from interested persons to nominate as independent members of various Shire committees. At the closing date of 1 December only one EOI had been received, and this was from Mr Peter Stoffberg for the role on the Audit Committee.

Mr Stoffberg is a local businessman and farmer, and was a former Shire of Lake Grace Councillor between 2017 and 2021. He also performed the role of Chairperson/Presiding Member of the Audit Committee for a number of years. It is considered that his background experience, skills and knowledge are entirely suitable for the position, and therefore it is recommended that he be appointed to the Committee by Council.

Statutory/Legal Implications

Local Government Act 1995

7.1A. Audit committee

(1) A local government is to establish an audit committee of 3 or more persons to exercise the powers and discharge the duties conferred on it.

(2) The members of the audit committee of a local government are to be appointed* by the local government and at least 3 of the members, and the majority of the members, are to be council members.

* *Absolute majority required.*

5.11. Committee membership, tenure of

(2) Where a person is appointed as a member of a committee other than under section 5.10(4) or (5), the person’s membership of the committee continues until -

- (a) the term of the person’s appointment as a committee member expires; or
- (b) the local government removes the person from the office of committee member or the office of committee member otherwise becomes vacant; or
- (c) the committee is disbanded; or
- (d) the next ordinary elections day, whichever happens first.

Local Government (Audit) Regulations 1996

16. Functions of the Audit Committee

An audit committee has the following functions -

- (a) to guide and assist the local government in carrying out -
 - (i) its functions under Part 6 of the Act; and
 - (ii) its functions relating to other audits and other matters related to financial management;
- (b) to guide and assist the local government in carrying out the local government's functions in relation to audits conducted under Part 7 of the Act;
- (c) to review a report given to it by the CEO under regulation 17(3) (the CEO's report) and is to –
 - (i) report to the council the results of that review; and
 - (ii) give a copy of the CEO's report to the council;
- (d) to monitor and advise the CEO when the CEO is carrying out functions in relation to a review under -
 - (i) regulation 17(1); and
 - (ii) the Local Government (Financial Management) Regulations 1996 regulation 5(2)[c];
- (e) to support the auditor of the local government to conduct an audit and carry out the auditor's other duties under the Act in respect of the local government;
- (f) to oversee the implementation of any action that the local government -
 - (i) is required to take by section 7.12A(3); and
 - (ii) has stated it has taken or intends to take in a report prepared under section 7.12A(4)[a]; and
 - (iii) has accepted should be taken following receipt of a report of a review conducted under regulation 17(1); and
 - (iv) has accepted should be taken following receipt of a report of a review conducted under the Local Government (Financial Management) Regulations 1996 regulation 5(2)(c);
- (g) to perform any other function conferred on the audit committee by these regulations or another written law.

[Regulation 16 inserted: Gazette 26 Jun 2018 p. 2386-7.]

Local Government (Administration) Regulations 1996

14C. Attendance at meetings by electronic means may be authorised (Act s. 5.25(1)[ba])

- (2) A member of a council or committee may attend a meeting by electronic means -
 - (a) if -
 - (i) a public health emergency or state of emergency exists or a natural disaster has occurred; and
 - (ii) because of the public health emergency, state of emergency or natural disaster, the member is unable, or considers it inappropriate, to be present in person at the meeting; and
 - (iii) the member is authorised to attend the meeting by electronic means by the mayor, president or council;
 - or
 - (b) if the member is otherwise authorised to attend the meeting by electronic means by the mayor, president or council.

Policy Implications

Code of Conduct for Council Members, Committee Members and Candidates.

Consultation

Alan George – Chief Executive Officer
Kevin Wilson – Acting Manager Corporate Services

Financial Implications

There are no major financial implications; any payment is currently limited to the reimbursement of reasonable expenses associated with the costs of attending audit committee meetings. Note that amendments to section 5.100 of the *Local Government Act 1995* have been proposed to allow for committee meeting fee payments to non-Council and non-employee members; this is likely to occur in 2024.

Strategic Implications

This item aligns with the Shire of Lake Grace Strategic Community Plan 2017-2027:

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

Voting Requirements

Absolute majority required

RECOMMENDATION / RESOLUTION

RESOLUTION **13805**

Moved: **Cr Hunt**
Seconded: **Cr Lloyd**

That Council appoints Mr Peter Stoffberg as an independent member of the Audit Committee.

CARRIED **7/0**

For: **Cr Armstrong, Cr Hunt, Cr Chappell, Cr Lloyd, Cr Hyde, Cr Kuchling, Cr Clarke**
Against: **Nil**

14.4.7 ANNUAL REVIEW OF DELEGATIONS

Applicant	Shire of Lake Grace
File No.	0052
Attachments	Register of Delegations 2023/2024
Author	Mr Chris Paget – DCEO
Disclosure of Interest	Nil
Date of Report	14 December 2023
Senior Officer	Mr Alan George - Chief Executive Officer

Summary

The purpose of this report is to present the reviewed and updated Shire of Lake Grace 2023/24 Register of Delegations for endorsement and adoption by Council.

Background

Delegations are granted to the Chief Executive Officer and, in some cases, other Officers to assist in the efficient running of the Shire administration and organisation. The aim of delegated authority is to assist with improving the time taken to make decisions subject to any constraints determined by Council or by the relevant legislation. The Delegations Register is consistent with legislation and the Shire's Strategic Community Plan directions. In particular it assists Council to achieve its obligations at law to carry out the statutory responsibilities of Local Government and thus maximise service to members of the public, residents and ratepayers.

Comment

The last review and update of delegations for the Shire of Lake Grace was presented to and accepted by Council at the OCM held on 21 December 2022. In accordance with the requirements of the *Local Government Act 1995, s 5.46 (2)* the local government is to review its delegations made under this division at least once each financial year, and this in turn is subject to the annual external audit process.

The attached Delegation Register details where the Council has delegated powers and duties to the Chief Executive Officer, and where the Chief Executive Officer has on-delegated to other employees.

With a number of delegations the current legislative power refers to Local Government Act 1995, s5.42 '*Delegations of some powers and duties to the CEO*', this is just informing that the local government may delegate, and it is not the head of power that is being delegated. This will continue to be reviewed to ensure that staff are aware of the legislative power they are operating from. Note that the WA State Government's ongoing Local Government Act reform process means that there is likely to be a number of significant changes to legislation over the course of 2024 that will require further review and revision of our Council's delegations register sooner than the scheduled annual review date.

Management have reviewed the full register and number of the delegations require minor amendments to the wording, including some of the legislative powers. Each delegation includes

cross reference to Council policy and/or separately appointed Authorised Officers where appropriate. A summary of the changes is as follows:

1. Minor formatting, duplication and typographical error corrections;
2. Amended BF11 “Prosecution of Offences” to include CESM and Shire Rangers;
3. Incorporated the most recent legislation updates;
4. Addition of/amendments to any relevant referenced council policies, and review dates updated.

Statutory/Legal Implications

Local Government Act 1995:

Delegation of some powers and duties to CEO

(1) A local government may delegate* to the CEO the exercise of any of its powers or the discharge of any of its duties under —

- (a) this Act other than those referred to in section 5.43; or
- (b) the *Planning and Development Act 2005* section 214(2), (3) or (5).

* *Absolute majority required.*

(2) A delegation under this section is to be in writing and may be general or as otherwise provided in the instrument of delegation.

[Section 5.42 amended: No. 1 of 1998 s. 13; No. 28 of 2010 s. 70.]

Limits on delegations to CEO

A local government cannot delegate to a CEO any of the following powers or duties —

- (a) any power or duty that requires a decision of an absolute majority of the council;
- (b) accepting a tender which exceeds an amount determined by the local government for the purpose of this paragraph;
- (c) appointing an auditor;
- (d) acquiring or disposing of any property valued at an amount exceeding an amount determined by the local government for the purpose of this paragraph;
- (e) any of the local government’s powers under section 5.98, 5.98A, 5.99, 5.99A or 5.100;
- (f) borrowing money on behalf of the local government;
- (g) hearing or determining an objection of a kind referred to in section 9.5;
- (ha) the power under section 9.49A(4) to authorise a person to sign documents on behalf of the local government;
- (h) any power or duty that requires the approval of the Minister or the Governor;
- (i) such other powers or duties as may be prescribed.

[Section 5.43 amended: No. 49 of 2004 s. 16(3) and 47; No. 17 of 2009 s. 23; No. 16 of 2019 s. 23.]

CEO may delegate powers and duties to other employees

(1) A CEO may delegate to any employee of the local government the exercise of any of the CEO’s powers or the discharge of any of the CEO’s duties under this Act other than this power of delegation.

(2) A delegation under this section is to be in writing and may be general or as otherwise provided in the instrument of delegation.

-
- (3) This section extends to a power or duty the exercise or discharge of which has been delegated by a local government to the CEO under section 5.42, but in the case of such a power or duty —
- (a) the CEO's power under this section to delegate the exercise of that power or the discharge of that duty; and
 - (b) the exercise of that power or the discharge of that duty by the CEO's delegate, are subject to any conditions imposed by the local government on its delegation to the CEO.
- (4) Subsection (3)(b) does not limit the CEO's power to impose conditions or further conditions on a delegation under this section.
- (5) In subsections (3) and (4) — *conditions* includes qualifications, limitations or exceptions.
[Section 5.44 amended: No. 1 of 1998 s. 14(1).]

Other matters relevant to delegations under this Division

- (1) Without limiting the application of sections 58 and 59 of the *Interpretation Act 1984* —
- (a) a delegation made under this Division has effect for the period of time specified in the delegation or where no period has been specified, indefinitely; and
 - (b) any decision to amend or revoke a delegation by a local government under this Division is to be by an absolute majority.
- (2) Nothing in this Division is to be read as preventing —
- (a) a local government from performing any of its functions by acting through a person other than the CEO; or
 - (b) a CEO from performing any of his or her functions by acting through another person.

Register of, and records relevant to, delegations to CEO and employees

- (1) The CEO is to keep a register of the delegations made under this Division to the CEO and to employees.
- (2) At least once every financial year, delegations made under this Division are to be reviewed by the delegator.
- (3) A person to whom a power or duty is delegated under this Act is to keep records in accordance with regulations in relation to the exercise of the power or the discharge of the duty.

Policy Implications

Council Policies: 1.1 – Policy Manual Amendments
 1.13 - Risk Management
 1.21 – Internal Controls
 1.22 – Legislative Compliance

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

Absolute majority required.

RECOMMENDATION / RESOLUTION

RESOLUTION 13806

Moved: Cr Lloyd

Seconded: Cr Hunt

That Council endorses and adopts the Shire of Lake Grace Register of Delegations for 2023/2024.

CARRIED 7/0

**For: Cr Armstrong, Cr Hunt, Cr Chappell, Cr Lloyd, Cr Hyde, Cr Kuchling,
Cr Clarke**

Against: Nil

14.5 FINANCE

14.5.1 ACCOUNTS FOR PAYMENT – NOVEMBER 2023

Applicant	Internal Report
File No	0277
Attachments	List of Accounts Payable
Author	Kevin Wilson – Acting Manager Corporate Services
Disclosure of Interest	Nil
Date of Report	4 December 2023
Senior Officer	Mr Alan George - Chief Executive Officer

Summary

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

Background

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

Comment

In accordance with the requirements of the Local Government Act 1996, a list of creditors and Credit cards and Fuel Cards transactions 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 and Reg 13A

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 November 2023 from the Municipal Account
Total \$1,130,067.90

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

RESOLUTION 13807

Moved: Cr Chappell
Seconded: Cr Kuchling

That Council ratify the list of payments totalling \$1,130,067.90 as presented for the month of November 2023 incorporating:

Payment Method	Cheque/EFT/DD Number	Amount
Electronic Funds Transfers	EFT25706 – EFT25858	\$1,062,161.24
Municipal Account Cheques	37100 - 37105	\$5,004.22
Direct Debits	DD10731.1– DD10762.1	\$53,344.33
Credit Cards	DD10754.1	\$5,008.13
Fuel Cards	EFT25775 & EFT25787	\$4,549.98
	TOTAL	\$1,130,067.90

CARRIED 7/0

For: Cr Armstrong, Cr Hunt, Cr Chappell, Cr Lloyd, Cr Hyde, Cr Kuchling, Cr Clarke

Against: Nil

Shire of Lake Grace



CERTIFICATE OF EXPENDITURE November 2023

This Schedule of Accounts to be passed for payment, covering

Payment Method	Cheque/EFT/DD Number	Amount
Electronic Funds Transfers	EFT25706 – EFT25858	\$1,062,161.24
Municipal Account Cheques	37100 - 37105	\$5,004.22
Direct Debits	DD10731.1– DD10762.1	\$53,344.33
Credit Cards	DD10754.1	\$5,008.13
Fuel Cards	EFT25775 & EFT25787	\$4,549.98
	TOTAL	\$1,130,067.90

to the Municipal Account, totalling \$1,130,067.90 which were submitted to each member of the Council on 20 December 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.

Alan George
CHIEF EXECUTIVE OFFICER

14.5.2 FINANCIAL REPORTS – 30 NOVEMBER 2023

Applicant:	Internal Report
File No.	0275
Attachments:	<ul style="list-style-type: none"> • Monthly Financial Reports • Bank Reconciliations – November 2023
Author:	Mrs Victoria Fasano Senior Finance Officer - Investments & Reporting
Disclosure of Interest	Nil
Date of Report	30 November 2023
Senior Officer	Mr Alan George Chief Executive Officer

Summary

Consideration of the Monthly Financial Reports for the period ending 30 November 2023 and Bank Reconciliations for the month ending 30 November 2023.

Background

The provisions of the Local Government (Financial Management) Regulations 1996 require a monthly financial report to be presented at an Ordinary Council meeting within two (2) months of the period end date.

Comment

As at 30 November 2023, operating revenue is over the target by \$180,424 (2.81%), mainly due to unbudgeted Rates overpayment of over 100K and additional FAGS received, but not budgeted for. Interest revenue is higher due to higher interest rates. Profit on Asset disposal is lower due to increased cost of subdivision of industrial land sold. Fees and charges are below the budget due to decrease in demand for standpipe water and private works.

Operating expenditure is over YTD budget by \$1,279,324 (24.13%), mainly due to Depreciation being over the budgeted threshold due to an increase in Roads assets valuation, performed at 22/23 financial year end, but not budgeted for. Other expenditure is over the target due to overpaid rates returned to the customer of around \$100K. Materials and contracts are down because of delays in operating jobs. Employee costs are slightly under budget due to vacancies in works and services. Utility charges below the budget due to decrease in water and power supply. Loss on asset disposal is slightly under the budget threshold due to several vehicles sold at higher than anticipated price.

Capital revenue is below the target by \$169,723 (7.91%). Some of "Local Roads & Community" and "Drought & Community" projects are not yet initiated/finalised, funds will be recognised later in financial year. Proceeds from disposal of assets on the other hand are higher than anticipated.

Capital expenses are below the target by \$1,837,721 (47.86%) due to a large portion of Capital projects not being initiated as yet (61%) or in an early stage of completion.

Cash at bank is similar to the corresponding period last year, an investment agreement for 3 term deposits with Commonwealth Bank is in place (\$13,081,370), as well as Overnight Cash Deposit with WA Treasury Corporation for \$2,196,313.

Outstanding rates are tracking well and have recovered 91.1% to date.

General debtor is \$71,510 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 30 November 2023. 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 Kevin Wilson – Manager Corporate Services

Financial Implications

Nil

Strategic Implications

Shire of Lake Grace Strategic Community Plan 2017 - 2027

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

RECOMMENDATION / RESOLUTION

RESOLUTION 13808

Moved: Cr Hyde
Seconded: Cr Hunt

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 30 November 2023 and
2. Municipal, Trust and Reserve Funds bank reconciliations for the period ended 30 November 2023.

CARRIED 7/0

For: Cr Armstrong, Cr Hunt, Cr Chappell, Cr Lloyd, Cr Hyde, Cr Kuchling, Cr Clarke
Against: Nil

14.5.3 APPROVAL FOR WRITE OFF OF LEGAL FEES INCURRED ON OUTSTANDING RATES

Applicant	Internal Report
File No.	A6160 – 1 Sugg Road, Lake King
Attachments	Letter from M Moran
Author	Kevin Wilson – A/Manager Corporate Services
Disclosure of Interest	Nil
Date of Report	8 December 2023
Senior Officer	Alan George – Chief Executive Officer

Summary

For Council consider the write off of the legal fees incurred of \$6,840.85 on outstanding rates for the above property, leaving the owner to pay the outstanding balance of \$3,380.74 by a direct debit instalment plan.

Background

Mr Moran owns this vacant block in Lake King and has not paid the rates for several years, as a result the debt was passed on to the Shire of Lake Grace debt collectors AMPACC. Over several years AMPACC made every effort to contact Mr Moran but without success. As a result the legal fees pursuing Mr Moran accumulated to the amount raised above.

I have been in contact with Mr Moran several times over the past few months and he is adamant that he has not had any contact with the debt collection agency although they made every effort to send notices etc to his post office box in Karratha.

When I decided to contact Mr Moran some time ago I was easily able to get in touch on his mobile so I am not sure why AMPACC were having problems, but I do believe he thought he was being scammed and he ignored the calls if he was getting any from them. At that time I stopped the debt collectors from pursuing Mr Moran and tried to get him to undertake a time to pay arrangement. He however will not do anything until the legal fee debt is waived.

Comment

After discussion with the CEO we agreed that the best thing to do was give him two options, being:

Option 1. The Shire of Lake Grace will offer to write off the legal fees of \$6,840.85 and Mr Moran will have to formally agree to sign a direct debit time to pay arrangement of \$150.00 per month until the remaining debt is cleared.

Option 2. Mr Moran formally hands over the property to the Shire of Lake Grace who will then sell the property and pass to him any net profit after all fees and charges are met, including current and future legal fees.

Mr Moran has accepted the first option and we have already initiated the Direct Debit of \$75 per fortnight. If Mr Moran defaults on his direct debit arrangement than the Shire should pursue the second option through legal means.

Legal Implication

Nil

Policy Implications

Policy 3.9 Outstanding Rates Debtors

Consultation

Internal: Alan George, Chief Executive Officer
Nicola Kuching, Finance Officer – Receipting, Creditors & Payroll
Amber McPherson, Administration Support Officer/Rates/Debtors
External: AMPACC Debt Collection
Cloud Payment Group Debt Collection

Financial Implications

All loss of revenue of \$6,840.85 will occur with the write off of the legal fees on these outstanding rates

Strategic Implications

This item aligns with the Shire of Lake Grace Strategic Community Plan 2017-2027

Objective	Leadership – Strong governance and leadership, demonstrating fair and equitable community values
Outcome	4.2 – Maintain accountability and financial responsibility through effective planning

Strategies	4.2.2 Comply with statutory and legislative requirements
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Voting Requirements

Simple majority

RECOMMENDATION / RESOLUTION

RESOLUTION **13809**

Moved: **Cr Hyde**
Seconded: **Cr Hunt**

That Council pursuant to *S6.12(c) of the Local Government Act 1995*, write off the outstanding legal charges of \$6,840.85 on the vacant property 1 Sugg Road, Lake King (A6160) 85 and Mr Moran will have to formally agree to sign a direct debit time to pay arrangement of \$150.00 per month until the remaining debt is cleared.

If Mr Moran fails to meet three consecutive payments then he formally hands over the property to the Shire of Lake Grace who will then sell the property and pass to him any net profit after all fees and charges are met, including current and future legal fees.

CARRIED **7/0**

For: **Cr Armstrong, Cr Hunt, Cr Chappell, Cr Lloyd, Cr Hyde, Cr Kuchling, Cr Clarke**
Against: **Nil**

14.6 COMMUNITY SERVICES

Nil

15.0 QUESTIONS OF WHICH DUE NOTICE HAS BEEN GIVEN

Nil

16.0 INFORMATION BULLETIN – DECEMBER 2023

Applicant:	Internal Report
File No.	Nil
Attachments:	Information Bulletin Cover Page Only
Author:	Alex Adams Executive Assistant
Disclosure of Interest:	Nil
Date of Report:	15 December 2023
Senior Officer:	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 December 2023 Information Bulletin attachments include:

Reports:

- Infrastructure Services Report

External Organisations

- Minutes of the WALGA Central Country Zone meeting held 17 November 2023
- WALGA State Budget Submission 2024-25
- Astrotourism WA update

Circulars, Media Releases, Newsletters, Letters

- Emailed

Legal Implications

Nil

Policy Implications

Nil

Consultation

Nil

Financial Implications

Nil

Strategic Implications

This aligns with the Leadership Objective of 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
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

RESOLUTION 13810

Moved: Cr Lloyd
Seconded: Cr Chappell

That Council accepts the Information Bulletin Report for December 2023.

CARRIED 7/0

For: Cr Armstrong, Cr Hunt, Cr Chappell, Cr Lloyd, Cr Hyde, Cr Kuchling, Cr Clarke

Against: Nil

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

Nil

18.0 DATE OF NEXT MEETING – 21 FEBRUARY 2024

The next Ordinary Council Meeting is scheduled to take place on Wednesday 21 February 2024 commencing at 3:30pm at the Council Chambers, 1 Bishop Street, Lake Grace.

19.0 CLOSURE

President Cr Armstrong made the following statement:

Prior to the closing of the meeting I would like to take this opportunity to wish everyone a very merry Christmas and prosperous New Year and implore you all to stay safe during the festive season. Drive carefully, if you are driving, and arrive and return safely. Thank you all as part of the Shire family for your input throughout the year – thank you.

There being no further business, the Shire President closed the meeting at 4.13 pm.

20.0 CERTIFICATION

STEPHEN GARDON HUNT

I, Leonard William Armstrong, certify that the minutes of the Meeting held on Wednesday 20 December 2023 as shown were confirmed as a true record of the meeting.



Signature

21/2/2024.

Date