

# Shire of Lake Grace

## Ordinary Council Meeting



## NOTICE PAPER

### To the President and Councillors

In accordance with the provisions of Section 5.5 of the Local Government Act 1995, you are hereby notified that an Ordinary Meeting of Council has been convened:

**Date:** Wednesday 21 December 2022

**At:** Council Chambers  
1 Bishop Street, Lake Grace, WA

**Commencing:** 3:00 pm

To discuss the items of business in the agenda as set out on the following pages.

A handwritten signature in black ink, appearing to read 'Alan George', is positioned above the printed name.

Alan George  
**Chief Executive Officer**

16 December 2022  
**Date**

Shire of Lake Grace

Ordinary Council Meeting

# Agenda

21 December 2022

Meeting Commencing at 3:00 pm

---

## **Disclaimer**

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

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

---

## **Acknowledgement of Country**

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

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

---



**CONTENTS**

<b>1.0</b>	<b>DECLARATION OF OPENING ANNOUNCEMENT OF VISITORS.....</b>	<b>6</b>
<b>2.0</b>	<b>CONSTITUTIONAL MATTERS .....</b>	<b>6</b>
<b>2.1</b>	<b>DISCLAIMER READING AND ACKNOWLEDGEMENT OF COUNTRY.....</b>	<b>6</b>
<b>3.0</b>	<b>RECORD OF ATTENDANCE/APOLOGIES/LEAVE OF ABSENCE (PREVIOUSLY APPROVED) .....</b>	<b>7</b>
<b>3.1</b>	<b>PRESENT .....</b>	<b>7</b>
<b>3.2</b>	<b>APOLOGIES.....</b>	<b>7</b>
<b>3.3</b>	<b>IN ATTENDANCE .....</b>	<b>7</b>
<b>3.4</b>	<b>OBSERVERS / VISITORS .....</b>	<b>7</b>
<b>3.5</b>	<b>LEAVE OF ABSENCE PREVIOUSLY GRANTED .....</b>	<b>7</b>
<b>4.0</b>	<b>RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE .....</b>	<b>7</b>
<b>5.0</b>	<b>PUBLIC QUESTION TIME .....</b>	<b>7</b>
<b>6.0</b>	<b>PETITIONS/DEPUTATIONS/PRESENTATIONS .....</b>	<b>7</b>
<b>7.0</b>	<b>NOTATIONS OF INTEREST .....</b>	<b>7</b>
<b>7.1</b>	<b>DECLARATIONS OF FINANCIAL INTEREST – LOCAL GOVERNMENT ACT 1995 SECTION 5.60A.....</b>	<b>7</b>
<b>7.2</b>	<b>DECLARATIONS OF FINANCIAL PROXIMITY INTEREST – LOCAL GOVERNMENT ACT 1995 SECTION 5.60B.....</b>	<b>7</b>
<b>7.3</b>	<b>DECLARATIONS OF IMPARTIALITY INTEREST – ADMINISTRATION REGULATIONS 1996 SECTION 34C .....</b>	<b>7</b>
<b>8.0</b>	<b>APPLICATIONS FOR LEAVE OF ABSENCE.....</b>	<b>8</b>
<b>9.0</b>	<b>ANNOUNCEMENTS BY THE PRESIDING MEMBER WITHOUT DISCUSSION .....</b>	<b>8</b>
<b>10.0</b>	<b>CONFIRMATION OF MINUTES .....</b>	<b>8</b>
<b>10.1</b>	<b>ORDINARY COUNCIL MEETING – 23 NOVEMBER 2022 .....</b>	<b>8</b>
<b>10.2</b>	<b>SPECIAL COUNCIL MEETING.....</b>	<b>8</b>

<b>10.3 ANNUAL MEETING OF ELECTORS .....</b>	<b>8</b>
<b>11.0 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN .....</b>	<b>8</b>
<b>12.0 URGENT BUSINESS APPROVED BY THE PRESIDING MEMBER OR BY DECISION OF COUNCIL .....</b>	<b>8</b>
<b>13.0 REPORTS OF COMMITTEES.....</b>	<b>8</b>
<b>13.1 LOCAL EMERGENCY MANAGEMENT COMMITTEE MEETING – 10 NOVEMBER 2022.....</b>	<b>8</b>
<b>13.2 AUDIT COMMITTEE MEETING – 21 DECEMBER 2022 .....</b>	<b>8</b>
<b>14.0 REPORTS OF OFFICERS .....</b>	<b>8</b>
<b>14.1 INFRASTRUCTURE SERVICES.....</b>	<b>8</b>
<b>14.2 PLANNING .....</b>	<b>9</b>
<b>14.2.1 DEVELOPMENT APPLICATION – PROPOSED NEW SHADE STRUCTURE ON LOT 278 (NO.17) MASON STREET, LAKE GRACE .....</b>	<b>9</b>
<b>14.2.2 DEVELOPMENT APPLICATION – PROPOSED NEW ADDITIONAL DWELLING (FARM WORKER ACCOMMODATION) ON LOT 595 (NO.1033) BIDDY- BUNICHE ROAD, BUNICHE .....</b>	<b>16</b>
<b>14.3 HEALTH AND BUILDING .....</b>	<b>21</b>
<b>14.4 ADMINISTRATION .....</b>	<b>22</b>
<b>14.4.1 RESULTS OF SURVEY – REVIEW OF REPRESENTATION – SHIRE OF LAKE GRACE COUNCIL .....</b>	<b>22</b>
<b>14.4.2 FREEHOLD / LEASE RENEWAL – LOTS 277 &amp; 283 DEPOSITED PLAN 173485 – SHIRE OF LAKE GRACE .....</b>	<b>26</b>
<b>14.4.3 SHIRE OF LAKE GRACE – CORPORATE BUSINESS PLAN 2022-2026 AND WORKFORCE PLAN 2023-2027 .....</b>	<b>29</b>
<b>14.4.4 INVESTOR PARTNERSHIP OPPORTUNITY – WA COUNTRY HEALTH SERVICE .....</b>	<b>31</b>
<b>14.4.5 UPDATE OF WORK HEALTH &amp; SAFETY POLICY.....</b>	<b>34</b>
<b>14.4.6 DEVELOPMENT OF RV PARK ON LOT 117 OF RESERVE 19517.....</b>	<b>36</b>
<b>14.4.7 SHIRE OF LAKE GRACE 2021/2022 ANNUAL FINANCIAL STATEMENTS – AUDIT .....</b>	<b>39</b>

- 14.4.8 2021-22 ANNUAL GENERAL MEETING OF ELECTORS.....42**
- 14.4.9 ANNUAL REVIEW OF DELEGATIONS.....44**
- DELEGATION OF SOME POWERS AND DUTIES TO CEO .....45**
- LIMITS ON DELEGATIONS TO CEO .....45**
- CEO MAY DELEGATE POWERS AND DUTIES TO OTHER EMPLOYEES .....45**
- OTHER MATTERS RELEVANT TO DELEGATIONS UNDER THIS DIVISION.....46**
- REGISTER OF, AND RECORDS RELEVANT TO, DELEGATIONS TO CEO AND  
EMPLOYEES .....46**
  
- 14.5 FINANCE .....48**
- 14.5.1 ACCOUNTS FOR PAYMENT – NOVEMBER 2022 .....48**
- 14.5.2 FINANCIAL REPORTS – 30 NOVEMBER 2022.....51**
- 14.5.3 APPROVAL FOR WRITE OFF OF RATES.....54**
- 14.6 COMMUNITY SERVICES .....56**
- 15.0 QUESTIONS OF WHICH DUE NOTICE HAS BEEN GIVEN.....56**
- 16.0 INFORMATION BULLETIN – DECEMBER 2022.....56**
- 17.0 CONFIDENTIAL ITEMS AS PER LOCAL GOVERNMENT ACT S5.23 (2).....58**
- 18.0 DATE OF NEXT MEETING – 15 FEBRUARY 2023.....58**
- 19.0 CLOSURE.....58**

## **SHIRE OF LAKE GRACE**

Agenda for the Ordinary Council Meeting to be held at the Council Chambers, 1 Bishop Street, Lake Grace, WA on Wednesday 21 December 2022 commencing at 3:00pm.

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

### **2.0 CONSTITUTIONAL MATTERS**

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

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

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

#### **Acknowledgement of Country**

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

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

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

**3.1 PRESENT**

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

**3.2 APOLOGIES**

Cr LW Armstrong	Shire President
-----------------	-----------------

**3.3 IN ATTENDANCE**

Mr A 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 R Rose	Executive Assistant

**3.4 OBSERVERS / VISITORS**

**3.5 LEAVE OF ABSENCE PREVIOUSLY GRANTED**

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

**5.0 PUBLIC QUESTION TIME**

**6.0 PETITIONS/DEPUTATIONS/PRESENTATIONS**

**7.0 NOTATIONS OF INTEREST**

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

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

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

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

Cr Len Armstrong applied for Leave of Absence for 21 December 2022.

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

## **10.0 CONFIRMATION OF MINUTES**

### **10.1 ORDINARY COUNCIL MEETING – 23 NOVEMBER 2022**

#### **RECOMMENDATION / RESOLUTION**

That the Minutes of the Ordinary Council Meeting held on 23 November 2022 be confirmed as a true and accurate record of the meeting.

## **10.2 SPECIAL COUNCIL MEETING**

## **10.3 ANNUAL MEETING OF ELECTORS**

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

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

## **13.0 REPORTS OF COMMITTEES**

### **13.1 LOCAL EMERGENCY MANAGEMENT COMMITTEE MEETING – 10 NOVEMBER 2022**

#### **RECOMMENDATION / RESOLUTION**

That the Minutes of the Local Emergency Management Committee (LEMC) meeting held on 10 November 2022 be received.

### **13.2 AUDIT COMMITTEE MEETING – 21 DECEMBER 2022**

#### **RECOMMENDATION / RESOLUTION**

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

## **14.0 REPORTS OF OFFICERS**

### **14.1 INFRASTRUCTURE SERVICES**



## 14.2 PLANNING

### 14.2.1 DEVELOPMENT APPLICATION – PROPOSED NEW SHADE STRUCTURE ON LOT 278 (NO.17) MASON STREET, LAKE GRACE

<b>Applicant:</b>	Mr Peter Hudson on behalf of Apparently Superannuation Pty Ltd (Landowner)
<b>File No.:</b>	TBA
<b>Attachments:</b>	Development Application documentation and plans
<b>Author:</b>	Mr Joe Douglas – Town Planner
<b>Disclosure of Interest:</b>	Nil
<b>Date of Report:</b>	14 December 2022
<b>Senior Officer:</b>	Mr Alan George – Chief Executive Officer

#### Summary

This report recommends that Council grant conditional approval to a development application received from Mr Peter Hudson on behalf of Apparently Superannuation Pty Ltd (Landowner) to construct a new 135m<sup>2</sup> steel framed shade structure on Lot 278 (No.17) Mason Street, Lake Grace to support the continued use of the land for motor vehicle repair purposes.

#### Background

Mr Peter Hudson, acting on behalf of Apparently Superannuation Pty Ltd (Landowner), has submitted a development application requesting Council's approval to construct a new 135m<sup>2</sup> steel framed shade structure on Lot 278 (No.17) Mason Street, Lake Grace to support the continued use of the land for motor vehicle repair purposes.

The proposed structure will be constructed immediately south of an existing workshop building on Lot 278 with a setback of 3.35 metres to the land's Mason Street frontage and 1.5 metres from the land's western side boundary and will be used to provide a covered work area for the benefit of people employed on the property. It is understood from discussion with the applicant all stormwater will be directed away from the structure and piped to existing approved stormwater drainage infrastructure on the property which discharges to the Shire's local drainage network in the Mason Street road reserve area.

A full copy of the development application received, including supporting documentation and plans, is provided in Attachment 1.

Lot 278 is located in a designated industrial precinct in the south-eastern part of the Lake Grace townsite and comprises a total area of approximately 1,517m<sup>2</sup>. The land is relatively flat throughout, has been cleared of all native vegetation and has direct frontage and access to Mason Street along its front boundary to the south which is sealed and drained local road under the care, control and management of the Shire.

The subject land has been extensively developed and used for light industrial purposes (i.e. motor vehicle repairs) in association with Lot 284 (No.74) Absolon Street located immediately north for many years pursuant to previous approvals granted by the Shire and contains a number of improvements including a steel framed and clad workshop building and attached lean-to structures, sealed vehicle accessways and parking areas, a 9.2 metre wide driveway crossover

to Mason Street, boundary fencing and vehicle access gates as well as key essential service infrastructure including reticulated power, water and telecommunications.

Lot 278 does not contain any sites of European or Aboriginal Heritage significance and has not been designated by the Fire and Emergency Services Commissioner as being bushfire prone. The property has however been designated by the Department of Water and Environmental Regulation as being flood prone.



Location & Lot Configuration Plan (Source: Landgate 2022)

Immediately adjoining and other nearby land uses are broadly described as follows:

- North: Motor vehicle repairs with the Absolon Street and Eggers Place road reserves and low density residential development beyond;
- South: Mason Street road reserve with light industrial development and Crown Reserve 29770 beyond which is vested in the Shire for stormwater drainage purposes;
- East: Light industrial development with an unconstructed local road reserve and the Pingrup-Lake Grace Road reserve beyond; and

- West: A transport depot and light industrial development beyond.

### Comment

Lot 278 is classified 'General Industry' zone in the Shire of Lake Grace Local Planning Scheme No.4 (LPS4).

Under the terms of the Zoning Table in LPS4 the use class 'motor vehicle repairs' is listed as a permitted (i.e. 'P') use on any land classified 'General Industry' zone. Notwithstanding this fact, any new development proposed still requires Council's development approval prior to the commencement of any earthworks or construction.

The application has been assessed with due regard for the relevant objectives, development standards and requirements prescribed in LPS4 and the various matters required to be considered as prescribed in clause 67 of the Deemed Provisions of the *Planning and Development (Local Planning Scheme) Regulations 2015*.

This assessment has confirmed the proposal is compliant or capable of compliance with the following requirements:

- Land use compatibility including buffer separation distance requirements;
- Boundary setbacks;
- Vehicle access and parking;
- Key essential service infrastructure including stormwater drainage; and
- Bushfire and flood risk management.

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

- Front Building Façade

Clause 4.9 of LPS4 requires the front façade of all buildings in the General Industry zone to be orientated to the street and constructed in brick, concrete or masonry unless otherwise approved by Council.

The application for Lot 278 proposes the construction of a new steel framed shade structure with zincalume roofing and no wall cladding which does not strictly comply with the requirements of clause 4.9.

Having regard for:

- i) the design, finish, scale and purpose of the proposed structure;
- ii) the nature of existing development and associated built form improvements on immediately adjoining and other nearby properties which also do not strictly comply with clause 4.9;
- iii) the limited impact the structure will have on the visual amenity of the existing streetscape; and
- iv) the significant benefit it will provide to people employed on the land,

it is considered appropriate that Council exercise the discretion afforded by clause 4.5 of LPS4 as it applies to variations to site and development requirements and allow the development to proceed as proposed in terms of the materials to be used on the structure's front façade.

- Flood Risk

The subject land is located in a designated flood prone area and was subject to shallow flooding during the 2006 flood event to a depth of 0.02 to 0.15 metres.

Notwithstanding the general requirements of clause 4.34 of LPS4 as it applies specifically to land liable to flooding, the Department of Water and Environmental Regulation has recommended a minimum floor level of 0.3 metres above the 2006 flood event for any new habitable type development in the flood prone areas of the Lake Grace townsite to help mitigate the potential flood risk.

In this case however the proposed development is non-habitable in nature, ancillary to development already approved and constructed on the land (including finished ground levels), minor in terms of its built form size and scale and unlikely to have any detrimental impact on the existing flooding regime of the immediate locality (i.e. it will not result in obstruction to major stormwater flows and increase flood levels upstream).

It is also noted that since the 2006 floods the Shire and other government agencies have undertaken a significant number of infrastructure improvements in and around the Lake Grace townsite to improve flood protection and management to mitigate any future potential risk.

In light of all the above it is not considered necessary to impose a condition on any approval that may ultimately be granted in this particular instance requiring the land to be filled to accommodate the proposed development and mitigate the potential flood risk. It is however recommended the applicant/landowner be advised of the potential flood risk and that in granting approval the Shire accepts no responsibility for any damage, injury or loss that may occur in the event of a major flood.

- Land Amalgamation

It is noted the existing development on the land has been undertaken on two (2) immediately adjoining lots of the same size and the existing workshop building and an associated cover structure have been constructed across their centrally located common boundary.

Amalgamation of the two lots into one new separately titled lot is preferred however Council is unable to lawfully require the landowner to do so unless it was a requirement of any previous development approval granted.

The imposition of a condition in respect this latest application requiring amalgamation of the two lots is not recommended as it could be deemed unreasonable by the State Administrative Tribunal and therefore invalid because it has no planning purpose of direct relevance to the proposal at hand.

In light of all the above it is concluded the proposal for Lot 278 is unlikely to have a negative impact on the general amenity, character, functionality and safety of the immediate locality and may therefore be supported and approved by Council subject to the imposition of a number of conditions to ensure the development proceeds in a proper and orderly manner. As such, it is recommended Council exercise discretion and grant conditional development approval.

### Legal Implications

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

### Policy Implications

- State Planning Policy 3.4 – *Natural Hazards and Disasters*
- State Planning Policy 4.1 – *Industrial Interface*

### Consultation

Not required or deemed necessary. The application was however the subject of discussion with the applicant to determine and confirm their intentions regarding the location, design and use of the proposed structure and stormwater drainage management arrangements.

### Financial Implications

There are no known financial implications in relation to this item aside from the administrative costs associated with processing the application which are provided for in Council's annual budget and have been offset by the development application fee paid by the applicant. All costs associated with the proposed development will be met by the landowner.

It is significant to note should the applicant or 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 highly unlikely in this particular instance, the Shire would need to respond. The cost to respond to an appeal cannot be determined at this preliminary stage but could be expected, based on the recent experience of other local government authorities in Western Australia, to range anywhere from \$5,000 to \$60,000 excluding GST depending upon how far the matter proceeds through the review process.

### Strategic Implications

- Shire of Lake Grace Local Planning Strategy 2007 as it applies specifically to the development of a diversified range of commerce and industry in appropriate locations to provide local employment opportunities.
- Shire of Lake Grace Strategic Community Plan 2017-2027:
  - Economic Objective - A prosperous agriculturally based economy, supporting diversification of industry.*
  - Outcome 1.2 - A diverse and prosperous economy.*
    - 1.2.2 - Support local business and promote further investment in the district.*
  - Environment Objective - Protect and enhance our natural and built environment.*
  - Outcome 3.1 - A well maintained attractive built environment servicing the needs of the community.*

### Voting Requirements

Simple majority required.

## RECOMMENDATION / RESOLUTION

That the development application submitted by Mr Peter Hudson on behalf of Apparently Superannuation Pty Ltd (Landowner) to construct a new 135m<sup>2</sup> steel framed shade structure on Lot 278 (No.17) Mason Street, Lake Grace to support the continued use of the land for motor vehicle repair purposes be **approved** subject to the following conditions and advice notes:

### Conditions:

1. The proposed development shall be undertaken strictly in accordance with the information and plans submitted in support of the application subject to any modifications required as a consequence of any condition/s of this approval or otherwise approved by 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 proposed development shall be substantially commenced within a period of two (2) years from the date of this approval. If the development is not substantially commenced within this period this approval shall lapse and be of no further effect. Where an approval has so lapsed, the proposed development shall not be carried out without the further approval of the local government having first being sought and obtained.
4. All external surfaces of the proposed structure shall be clad with new materials only.
5. The side elevations of the proposed structure shall not be enclosed unless otherwise approved by the local government.
6. All stormwater drainage shall be directed away from the proposed structure and managed and disposed to the specifications and satisfaction of the local government's Chief Executive Officer in consultation with the local government's Manager Infrastructure Services. Details regarding all proposed stormwater drainage management measures shall be submitted to the local government for consideration and determination by the Chief Executive Officer prior to the commencement of any earthworks or construction on the land. Any upgrades required to the existing stormwater drainage infrastructure in the Mason Street road reserve to accommodate stormwater generated by the proposed development shall be undertaken at the landowner's own cost.

### Advice Notes:

- a) This approval is not an authority to ignore any constraint to development on the land which may exist through contract or on title, such as an easement, memorial or restrictive covenant. It is the responsibility of the applicant and landowner and not the 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.
- b) This is a development approval of the Shire of Lake Grace under its Local Planning Scheme No.4. It is not a building permit or an approval to commence or carry out development under any other law. It is the responsibility of the applicant/landowner to obtain any other necessary approvals, consents, permits and licenses required under any other law, and to commence and carry out development in accordance with all relevant laws.
- c) In accordance with the *Building Act 2011* and *Building Regulations 2012*, a building permit application must be submitted to and approved by the local government's Building Surveyor prior to the commencement of any earthworks or construction on the land.



- d) The proposed development is required to comply in all respects with the National Construction Code of Australia. Plans and specifications which reflect these requirements are required to be submitted with the building permit application.
- e) The applicant/landowner is reminded of their obligation to ensure compliance with the requirements of the Shire of Lake Grace Annual Fire Management Notice as it applies specifically to all townsite land in the Shire to help guard against any potential bushfire risk (<https://www.lakegrace.wa.gov.au/services/bushfire-emergency-management/fire-management-requirements.aspx>).
- f) Any future proposed advertising signage shall be provided in accordance with the specific requirements of the Shire of Lake Grace Local Planning Scheme No.4 and Local Planning Policy 6.5 entitled 'Advertising Signage' unless otherwise approved by the local government.
- g) The land the subject of this approval is located in a designated flood prone area and was subject to shallow flooding during the 2006 flood event to a depth of 0.02 to 0.15 metres. In granting this approval the local government has considered the potential flood risk and determined the proposed development is acceptable given it is non-habitable in nature, ancillary to development already approved and constructed on the land including finished ground levels, minor in terms of its built form size and scale and unlikely to have any detrimental impact on the existing flooding regime of the immediate locality (i.e. it will not result in obstruction to major stormwater flows and increase flood levels upstream). Notwithstanding this fact, the local government accepts no responsibility for any damage, injury or loss that may occur in the event of a major flood should the development proceed as approved.
- h) 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.
- i) If the applicant / landowner 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.

**14.2.2 DEVELOPMENT APPLICATION – PROPOSED NEW ADDITIONAL DWELLING (FARM WORKER ACCOMMODATION) ON LOT 595 (NO.1033) BIDDY-BUNICHE ROAD, BUNICHE**

<b>Applicant:</b>	Modularis Pty Ltd T/A Modular WA on behalf of Mr Mark A McDonald (Landowner)
<b>File No.:</b>	TBA
<b>Attachments:</b>	Development Application documentation and plans
<b>Author:</b>	Mr Joe Douglas – Town Planner
<b>Disclosure of Interest:</b>	Nil
<b>Date of Report:</b>	14 December 2022
<b>Senior Officer:</b>	Mr Alan George – Chief Executive Officer

Summary

This report recommends that a development application submitted by Modularis Pty Ltd T/A Modular WA on behalf of Mr Mark A McDonald (Landowner) to place a new pre-manufactured steel framed modular dwelling on Lot 595 (No.1033) Biddy-Buniche Road, Buniche for farm workforce accommodation purposes be approved subject to conditions.

Background

The applicant is seeking Council's development approval to place a new pre-manufactured steel framed modular dwelling in relatively close proximity to an existing single house on Lot 595 (No.1033) Biddy-Buniche Road, Buniche.

The proposed new dwelling comprises a total floor area of approximately 403.56m<sup>2</sup> including alfresco area, carport and verandah and will be used to accommodate a family member employed on the land to support its continued use for extensive agricultural purposes (i.e. cropping and grazing). The existing dwelling on the land will be retained and used as the primary place of residence.

A full copy of the development application received, including supporting documentation and plans, is provided in Attachment 1.

Lot 595 is located approximately 5.6 kilometres west of the Lake Biddy townsite and approximately 16.4 kilometres north-west of Newdegate townsite in the locality of Buniche. The property comprises a total area of approximately 831.40 hectares and has direct frontage and access to Biddy-Camm Road along its southern boundary, Buniche Road North along its western boundary and Biddy-Buniche Road along its northern boundary, all of which are unsealed (i.e. gravel standard) local roads under the care, control and management of the Shire.

The subject land is gently sloping throughout, predominantly cleared of all native vegetation with the exception of a few small to medium size stands in select locations for land management purposes, and has been extensively developed and used for extensive agricultural purposes (i.e. cropping and grazing) for many years.

In addition to the existing single house, the land also contains a number of physical improvements associated with its current rural use including various sheds, animal holding pens, dams and associated catchments, rainwater tanks, internal access roads / tracks, firebreaks and fencing.



Existing adjoining and other nearby land uses are predominantly rural in nature comprising broadacre agricultural activities on lots of various sizes. The main exceptions to this are Crown Reserve 18960 located immediately north which is vested in the Shire for water related purposes, an operational railway line immediately south on the opposite side of Bidly-Camm Road and Cooperative Bulk Handling Limited's existing grain handling and storage facility within the railway reserve to the south-west.

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 2022)

### Comment

Lot 595 is classified 'General Agriculture' zone in the Shire of Lake Grace Local Planning Scheme No.4 (LPS4).

A key objective of the land's current 'General Agriculture' zoning classification is to ensure the continuation of broadacre farming as the principle land use within the district, protect the rural landscape/character, control the fragmentation of agricultural land through further subdivision and consider non-rural uses where they can be shown to be of a benefit to the district.

Clause 4.11.3 of LPS No.4 states Council will not generally support the erection of more than one (1) single house per lot on any land classified 'General Agriculture' zone and may only consider granting approval to additional dwelling(s) under the following circumstances:

- (i) where the landowner demonstrates that the development is required for farm management or tourist development purposes;
- (ii) the additional dwelling(s) will only accommodate a family member, workers employed for agricultural activities on that lot or tourists;
- (iii) the additional dwelling(s) are clustered in one location so as to avoid future subdivision pressure and minimise constraints on adjoining uses; and
- (iv) all essential services to the additional dwelling(s) from the lot boundary (including access roads) are to be shared with any existing dwelling(s) where practicable.

The application has been assessed with due regard for the relevant objectives, development standards and requirements prescribed in LPS4 and the various matters required to be considered as prescribed in clause 67 of the Deemed Provisions of the *Planning and Development (Local Planning Scheme) Regulations 2015*.

This assessment has confirmed the proposal is compliant or capable of compliance with the following requirements:

- Purpose and use of the proposed new dwelling;
- Location / siting including lot boundary setbacks;
- Land use compatibility including buffer separation distance requirements;
- Building height;
- Vehicle access and parking;
- Key essential service infrastructure including potable water supply and on-site effluent disposal; and
- Bushfire, flood risk and stormwater drainage management.

In light of all the above it is concluded the proposal for Lot 595 is unlikely to have a negative impact on the general amenity, character, functionality and safety of the immediate locality and may therefore be supported and approved by Council subject to the imposition of a number of conditions to ensure the development proceeds in a proper and orderly manner. As such, it is recommended Council exercise discretion and grant conditional development approval.

#### Legal Implications

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

#### Policy Implications

- State Planning Policy 2.5 - *Rural Planning*

### Consultation

Public advertising of the applications was not required or deemed necessary. The application was however the subject of discussion with the applicant to clarify various aspects of the proposed development.

### Financial Implications

There are no known financial implications in relation to this item aside from the administrative costs associated with processing the application which are provided for in Council's annual budget and have been offset by the development application fee paid by the applicant. All costs associated with the proposed developments will be met by the 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

- *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; and
  - Settlement Strategy (Rural Living): To provide a variety and choice of high quality rural living opportunities in the Shire where it is economically, socially and environmentally viable.
  
- *Shire of Lake Grace Strategic Community Plan 2017-2027:*
  - Economic Objective - A prosperous agriculturally based economy, supporting diversification of industry.*
    - Outcome 1.1 - An innovative, productive agriculture industry.*
      - 1.1.3 - Support and promote the agricultural productivity of the district.*
    - Outcome 1.2 - A diverse and prosperous economy.*
      - 1.2.2 - Support local business and promote further investment in the district.*
  
  - Environment Objective - Protect and enhance our natural and built environment.*
    - Outcome 3.2 - A natural environment for the benefit and enjoyment of current and future generations.*
      - 3.2.1 - Manage and preserve the natural environment.*

### Voting Requirements

Simple majority required.

### **RECOMMENDATION / RESOLUTION**

That the development application submitted by Modularis Pty Ltd T/A Modular WA on behalf of Mr Mark A McDonald (Landowner) to place a new pre-manufactured steel framed modular dwelling on Lot 595 (No.1033) Bidy-Buniche Road, Buniche for farm workforce accommodation purposes be **approved** subject to the following conditions and advice notes:

#### Conditions:

1. The proposed development shall be undertaken strictly in accordance with the information and plans submitted in support of the application subject to any modifications required as a consequence of any condition/s of this approval or otherwise approved by 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 proposed development shall be substantially commenced within a period of two (2) years from the date of this approval. If the development is not substantially commenced within this period this approval shall lapse and be of no further effect. Where an approval has so lapsed, the proposed development shall not be carried out without the further approval of the local government having first being sought and obtained.
4. The proposed dwelling shall only be used to accommodate family members and/or workers employed on the land (i.e. farm worker accommodation) unless otherwise approved by the local government.
5. An adequate on-site effluent disposal system, as determined by the local government's Environmental Health Officer or the Executive Director of Public Health, shall be installed with all such work to be undertaken to the specifications and satisfaction of the local government's Chief Executive Officer or the Executive Director of Public Health prior to occupation and use of the proposed dwelling.
6. The proposed dwelling shall be provided with a water supply tank with a minimum capacity of 130,000 litres for domestic consumption purposes prior to its occupation and use.
7. All stormwater drainage shall be directed away from the proposed dwelling to ensure its structural integrity is not compromised.

#### Advice Notes:

- a. This approval is not an authority to ignore any constraint to development on the land which may exist through contract or on title, such as an easement, memorial or restrictive covenant. It is the responsibility of the applicant and landowner and not the 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.

- b. This is a development approval of the Shire of Lake Grace under its Local Planning Scheme No.4. It is not a building permit or an approval to commence or carry out development under any other law. It is the responsibility of the applicant/landowner to obtain any other necessary approvals, consents, permits and licenses required under any other law, and to commence and carry out development in accordance with all relevant laws.
- c. An 'Application to Construct or Install an Apparatus for the Treatment of Sewage' prepared pursuant to the specific requirements of the *Health (Treatment of Sewage and Disposal of Effluent and Liquid Waste) Regulations 1974* must be prepared and submitted to the local government or the Executive Director of Public Health for consideration and determination prior to preparation and lodgement of a building permit application.
- d. In accordance with the *Building Act 2011* and *Building Regulations 2012*, a building permit application must be submitted to and approved by the local government's Building Surveyor prior to the commencement of any earthworks or construction on the land.
- e. The proposed development is required to comply in all respects with the National Construction Code of Australia. Plans and specifications which reflect these requirements are required to be submitted with the building permit application.
- f. The applicant/landowner is reminded of their obligation to ensure compliance with the requirements of the Shire of Lake Grace Annual Fire Management Notice as it applies specifically to all rural land in the Shire to help guard against any potential bushfire risk (<https://www.lakegrace.wa.gov.au/services/bushfire-emergency-management/fire-management-requirements.aspx>).
- g. 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.
- h. If the applicant / landowner 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.

### 14.3 HEALTH AND BUILDING

## 14.4 ADMINISTRATION

### 14.4.1 RESULTS OF SURVEY – REVIEW OF REPRESENTATION – SHIRE OF LAKE GRACE COUNCIL

<b>Applicant:</b>	Internal
<b>File No.:</b>	0229 / 0374
<b>Attachments:</b>	<ul style="list-style-type: none"><li>• Summary of Results of Survey</li><li>• Feedback Forms received</li></ul>
<b>Author:</b>	Mrs Racelis Rose – Executive Assistant
<b>Disclosure of Interest:</b>	Nil
<b>Date of Report:</b>	28 November 2022
<b>Senior Officer:</b>	Mr Alan George – Chief Executive Officer

#### Summary

Council is asked to:

- Consider the results of the survey conducted from 13 October to 25 November 2022 regarding the Local Government Reform – Election Transition Arrangements.
- Provide a formal advice and confirm to the Department of Local Government, Sport and Cultural Industries by 14 February 2023 of the preferred option.

#### Background

At the Ordinary Council meeting of 28 September 2022, Item 14.4.5 – Local Government Reform – Election Transition Arrangements was presented to Council and resolved as follows:

#### **RESOLUTION 13638**

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

*That Council:*

1. *Provides formal written advice to the Department of Local Government, Sport and Cultural Industries that its preferred pathway is Voluntary Pathway*
2. *Will undertake a Ward and Representation Review and have the completed review submitted to the Local Government Advisory board by 14 February 2023.*
3. *Confirms that the preferred number of councillors is seven (7).*

**CARRIED BY ABSOLUTE MAJORITY: 7/0**

The Shire prepared a Discussion Paper which was published on the website from 13 October to 25 November 2022 to undertake a review of its representation as a result of the Local Government Act reforms announced on 3 July 2022. The reform stated that those local governments with a population of less than 5,000 are required to reduce the number of elected members to between

five (5) and seven (7). The discussion paper outlined eight (8) options that respondents could choose from and the Shire reiterated that it was not promoting any particular option but instead open to alternative proposals from the community and was welcoming any feedback. All submissions will be considered by the Council and will then make a determination on elected member representation. Once this process has been completed, the Shire of Lake Grace will make a submission of the outcome to the Local Government Advisory Board preferably before 14 February 2023.

Comment

In order to comply with the reform, the Department of Local Government, Sport and Cultural Industries (DLGSC) provided the Council with two (2) options e.g. Voluntary Pathway or the Reform Election Pathway. Council opted for the Voluntary Pathway to conduct elections which will provide ample lead time by 28 October 2023 to conduct elections.

In accordance with the Voluntary Pathway, Council must advise the DLGSC by 14 February 2023 outlining the potential changes to be implemented for the elections in 2023 and 2025.

A total of eight (8) responses were received from the community survey (attached) conducted from 13 October to 25 November 2022. Response No. 6 received on 16 November was invalid and cannot be included in the summary / result.

The following questions were asked in the survey:

Question 1 What is the ideal number of elected members for the Shire of Lake Grace?

<u>7</u>	<u>6</u>	<u>5</u>
7	0	0

Question 2 Do you have a preferred option out of those presented in this Community Discussion paper?

Option 1	<b>3</b> votes received	Reduce the number of elected members to seven (7) at the 2023 election.
Option 2		Reduce the number of elected members to seven (7) at the 2023 election and six (6) at the 2025 election.
Option 3		Reduce the number of elected members to seven (7) at the 2023 election and five (5) at the 2025 election.
Option 4	<b>4</b> votes received	Reduce the number of elected members to eight (8) at the 2023 election and seven (7) at the 2025 election.
Option 5		Reduce the number of elected members to eight (8) at the 2023 election and six (6) at the 2025 election.
Option 6		Reduce the number of elected members to eight (8) at the 2023 election and five (5) at the 2025 election.
Option 7		Reduce the number of elected members to six (6) at the 2023 election and five (5) at the 2025 election.
Option 8		Reduce the number of elected members to five (5) at the 2023 election.

Some of the comments that were received from the community include:

1. Population and area plus the number of towns should also be considered when deciding on the ideal number of elected members
2. Even though it is stated that the Shire of Lake Grace is expected to fall, it is imperative that full representation is maintained for as long as possible. Reducing the number of Shire Councillors to 7 will assist in ensuring that Council can maintain its functionality as well as ensure that levels of experience and expertise are maintained and that sufficient numbers of Councillors can be integrated into Council for the future. The reforms to the Local Government Act are another example of the State Government trying to decrease the importance and relevance of rural and remote Shire Councils and should be questioned and fought against at all costs.

### Legal Implications

The proposed reforms of the Local Government Act 1995.

### Policy Implications

#### Policy 1.22 – Legislative Compliance

The Shire has an obligation to ensure that legislative requirements are complied with. The community and those working at the Shire have an expectation that the Council will comply with applicable legislation and the Council should take all appropriate measures to ensure that the expectation is met.

### Consultation

Internal            Mr Alan George – Chief Executive Officer  
                         Councillors – Shire of Lake Grace

External            Community Members through public survey conducted from 13 October to  
                         25 November 2022

### Financial Implications

Nil at this stage however in 2023 when the election will be conducted, the Shire of Lake Grace will ask for a quote from the WA Electoral Commission to conduct the ordinary elections. It is also anticipated that an amount of approximately \$20,000 will be allocated in the 2023/2024 budget under E041040 – Election Expense.

### Strategic Implications

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

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

### Voting Requirements

Absolute majority required.

### **RECOMMENDATION / RESOLUTION**

That Council:

- Receives the results of the survey conducted from 13 October to 25 November 2022 regarding the Local Government Reform – Election Transition Arrangements.
- Provide a formal advice and confirm to the Department of Local Government, Sport and Cultural Industries by 14 February 2023 of the preferred option for the reduction of elected members to seven (7) as from the October 2023 Council elections.

**14.4.2 FREEHOLD / LEASE RENEWAL – LOTS 277 & 283 DEPOSITED PLAN 173485 – SHIRE OF LAKE GRACE**

<b>Applicant:</b>	Department of Planning, Lands and Heritage (Land Use Management)
<b>File No.:</b>	0359
<b>Attachments:</b>	<ul style="list-style-type: none"><li>• Letter ICTR 1600</li><li>• Inquiry Map</li></ul>
<b>Author:</b>	Mrs Racelis Rose – Executive Assistant
<b>Disclosure of Interest:</b>	Nil
<b>Date of Report:</b>	01 December 2022
<b>Senior Officer:</b>	Mr Alan George – Chief Executive Officer

Summary / Background / Comment

The Shire administration received a letter from the Department of Planning, Lands and Heritage (DPLH) on 01 December 2022 (attached) stating that the Lease 125402 for Lots 277 and 283 on Deposited Plan 173485 granted to Pelham Enterprise Pty Ltd (Lessee) for a term of ten (10) years commencing 01 July 2007 has now expired. The purpose of the Lease is “light industry”.

The DPLH is now proposing to issue a new lease to the same Lessee for a term of ten (10) years commencing 01 July 2017 (expiring on 01 July 2027) for the same purpose. In order to facilitate and proceed with the lease, the DPLH is seeking comments from the Shire of Lake Grace.

Council is asked to acknowledge the letter and provide no comment / objection to the renewal of the lease.

Legal Implications

Nil

Policy Implications

Nil

Consultation

Internal            Mr Alan George – Chief Executive Officer

Financial Implications

Nil

Strategic Implications

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

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

Outcome 1.2 A diverse and prosperous economy

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

### Voting Requirements

Simple majority required.

### **RECOMMENDATION / RESOLUTION**

That Council acknowledge the letter from the Department of Planning, Lands and Heritage and has no objection to the renewal of Lease 125402 for Lots 277 and 283 on Deposited Plan 173485 granted to Pelham Enterprise Pty Ltd.



Your ref:  
Our ref: File 00391-1971 Case No. 181207  
Enquiries: Ph: (08) 6552 4616  
Fax: (08) 6118 8116  
Lily.sutomo@dph.wa.gov.au

24 November 2022

Chief Executive Officer  
Shire of Lake Grace  
PO Box 50  
LAKE GRACE WA 6353

Shire of Lake G. . . . .
File No: 0359
1 DEC 2022
Xref:
Records #: 1CR1600:
Officer: CEO, EA

Dear Sir,

**Proposed freehold/lease renewal – Lease L125402 over Lots 277 and 283 on Deposited Plan 173485, Shire of Lake Grace**

Lease L125402 over Lots 277 and 283 on Deposited Plan 173485 was granted to Pelham Enterprise Pty Ltd (Lessee) for a term of 10 years commencing 1 July 2007, for the purpose of "Light Industry". The lease expired on 30 June 2017.

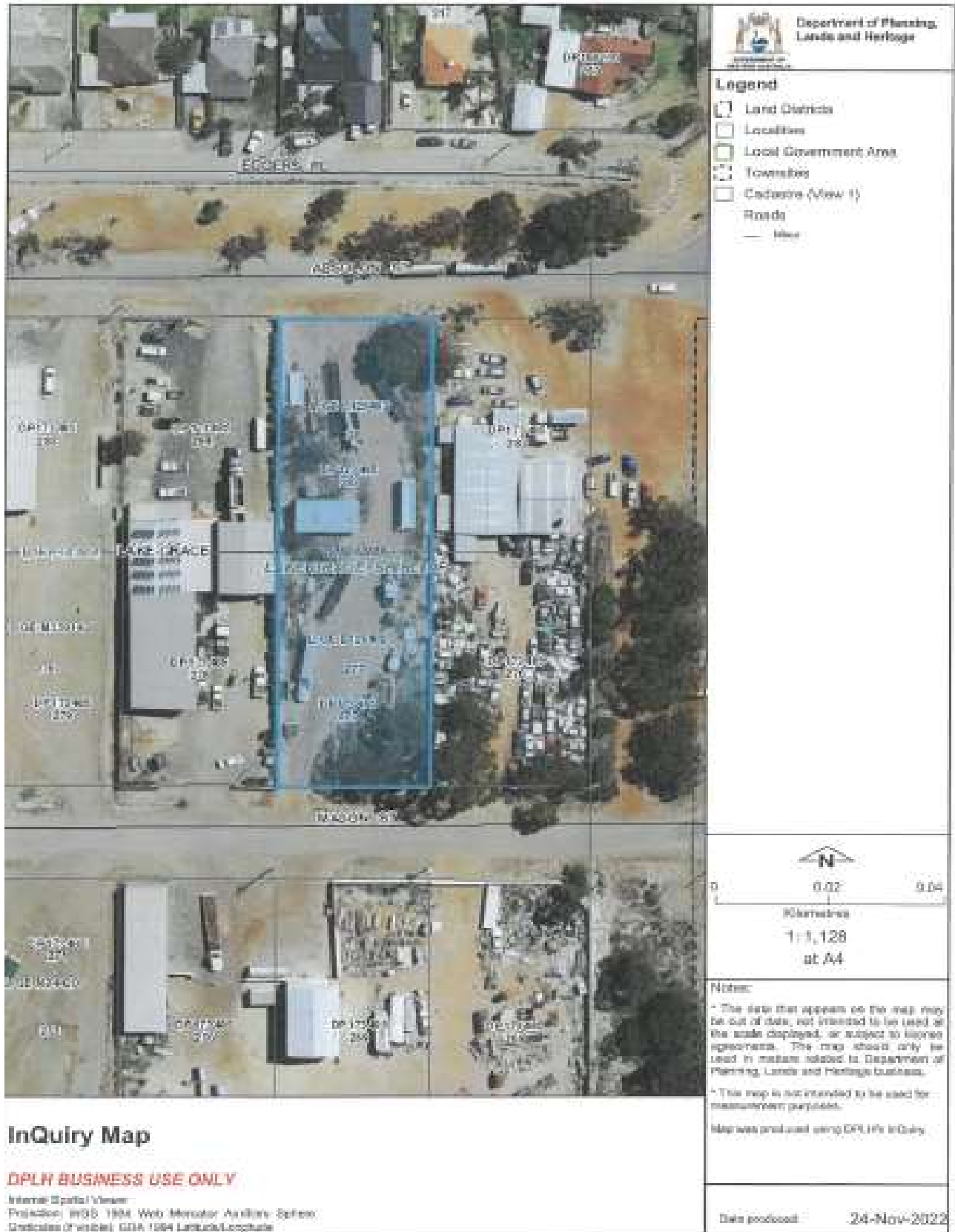
It is proposed to issue a new lease to the same Lessee for a term of 10 years commencing 1 July 2017 with the same purpose of "Light Industry".

To facilitate this proposal, your comments are now sought as to whether you have any comments to this proposal proceeding.

Should you have any enquires about this matter, please do not hesitate to contact me.

Yours sincerely,

Lily Sutomo  
Senior State Land Officer  
Land Management Central  
Att. Aerial image.



**14.4.3 SHIRE OF LAKE GRACE – CORPORATE BUSINESS PLAN 2022-2026 AND WORKFORCE PLAN 2023-2027**

<b>Applicant:</b>	Internal
<b>File No.:</b>	Nil
<b>Attachments:</b>	<ul style="list-style-type: none"><li>• Corporate Business Plan 2022-2026</li><li>• Workforce Plan 2023-2027</li></ul>
<b>Author:</b>	Mr Kevin Wilson – A/Manager Corporate Services
<b>Disclosure of Interest:</b>	Nil
<b>Date of Report:</b>	6 December 2022
<b>Senior Officer:</b>	Mr Alan George - Chief Executive Officer

Summary

A local government must ensure that a Corporate Business Plan (CBP) and Workforce Plan (WFP) are prepared in accordance with Regulation 19DA of the Local Government Administration Regulations 2020 in respect of each financial year.

Background /Comment

Executives have now reviewed both the Corporate Business Plan adopted in June 2021 and the Draft Workforce Plan prepared in 2017 but not adopted by Council.

This is our opportunity to submit the revised plans for Council to consider.

The CBP and WFP is in line with the outcomes of the Strategic Community Plan 2017-2027, which was due for review later in 2022 and Shire of Lake Grace Strategic Resource Plan 2021-2036.

Legal Implications

- Local Government Act 1995 (S5.56)
- Local Government ( Administration ) Regulations 1996 (Reg 19DA)
- Shire of Lake Grace Strategic Community Plan 2017-2027
- Shire of Lake Grace Strategic Resource Plan 2021-2036

Policy Implications

Please refer to the Shire of Lake Grace Policy Manual (updated September 2022) .

Consultation

Internal            Mr Alan George – Chief Executive Officer  
                         Mr Chris Paget – Deputy Chief Executive Officer  
                         Mr Craig Elefsen – Manager Infrastructure Services

Financial Implications

No financial implications but summarises planned capital expenditure over four (4) years.

### Strategic Implications

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

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

Outcome 4.1 A strategically focused, unified Council functioning efficiently

Strategies 4.1.1 Provide informed leadership on behalf of the community

4.1.2 Promote and advocate for the community and district

4.1.3 Provide strategic leadership and governance

Outcome 4.2 An efficient and effective organisation

Strategies 4.2.1 Maintain accountability and financial responsibility through effective planning

4.2.2 Comply with statutory and legislative requirements

### Voting Requirements

Absolute majority required.

### **RECOMMENDATION / RESOLUTION**

That Council accept, approve and adopt the updated Shire of Lake Grace Corporate Business Plan 2022-2026 and the Workforce Plan 2023-2027.

**14.4.4 INVESTOR PARTNERSHIP OPPORTUNITY – WA COUNTRY HEALTH SERVICE**

<b>Applicant:</b>	WA Country Health Service
<b>File No.:</b>	0094 / 0733
<b>Attachments:</b>	1. Minute of Council meeting of 26 October 2022 (extract of Item 14.1.1 – Potential Housing Options – Lake Grace) 2. WACHS Country housing FAQs 3. WACHS Housing – How it Works
<b>Author:</b>	Mr Alan George – Chief Executive Officer
<b>Disclosure of Interest:</b>	Nil
<b>Date of Report:</b>	8 December 2022
<b>Senior Officer:</b>	Mr Alan George – Chief Executive Officer

Summary

For Council to give support to the Administration for the commencement of investigations and to seek costings for the construction of three 2 x 2-bedroom units on 51 Bennett Street, Lake Grace to be leased by WA Country Health Service (WACHS).

Background

In early October 2022, notification was received through WALGA that WACHS was seeking investor partnership opportunities to build new properties for staff throughout WA. WACHS first requested that interested parties make contact with them to determine requirements in their areas. Council was advised of the opportunities and resolved to consider the options available.

Comment

WACHS was contacted and has advised that they have a shortfall of accommodation in Lake Grace.

The CEO and MIS had a meeting with three representatives of WACHS on 7 December to discuss some options and suggestions. Currently, there is a 10 room nurse’s quarters at the hospital which is no longer up to satisfactory requirements. They are planning on making some changes to the building and converting it into four (4) bedrooms thus leaving them a shortfall of six (6) beds.

It was put to them that we have a vacant block of land in Bennett Street and suitable plans to build three 2 x 2-bedroom units the same as on 5 Bennett Street.

WACHS have advised that they are most interested in investigating this further.

The key discussion points were:

- WACHS confirms old nurses’ quarters require replacement – 10 rooms
- Shire of Lake Grace confirm land available 1000 sqm – 51 Bennett Street, Lake Grace
- WACHS propose three x two bed two bath dwellings giving WACHS 6 rooms off site while looking to retain four (4) rooms on hospital site
- WACHS confirm Lake Grace is a cost recovery rent town with rental amount based on cost recovery over 25 years
- WACHS propose 10 year lease with one year option

- Shire of Lake Grace next council meeting on 21 December 2022
- Next Investor partnership meeting scheduled for 22 December

There is a lot of work to be done before this project could get off the ground including obtaining costings and financing the construction.

Should Council consider this project, Administration is seeking approval from Council to continue with obtaining costings and investigating funding options.

Discounting all of the above, the 4WDL Key Worker and Housing Survey recently undertaken received 11 responses from businesses within the Shire. All but 3 advised that there is a need for more housing within the towns to attract and house their workforce. Should WACHS not follow through with its deal for some reason, the construction of more housing in town will still be of benefit to the community.

Please note that the 4WDL Key Worker Housing project being carried out in conjunction with the Wheatbelt Development Commission is still in draft form and no further information will be released until the project is completed.

#### Legal Implications

A firm commitment to lease would be requested from WACHS before commitment to begin construction would be sought.

Formal leasing agreements would be sought from WACHS once the construction is complete.

#### Policy Implications

Nil

#### Consultation

External            WA Country Health Service (WACHS)  
                          4WDL Key Worker Housing Survey results.

#### Financial Implications

- At this stage, as a rough indication of the cost based on the cost to construct the same units as at 5 Bennett Street we would be looking in the vicinity of \$1m.
- Currently, there is \$595,773 in the Housing Reserve
- Possible funds from the sale of the industrial land.
- Loan funding could be utilised.
- Grant funding options would be sought.



### Strategic Implications

This 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 |
| Outcome    | 2.2   | A healthy and safe community  |
| Strategies | 2.2.2 | Provide and advocate for medical and health services                    |

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                          |
|            | 4.1.3 | 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                              |

### Voting Requirements

Absolute majority required.

### **RECOMMENDATION / RESOLUTION**

That Council gives approval for the Administration to continue investigations and negotiations with WA Country Health Service (WACHS) for the construction of three 2 x 2 units at 51 Bennett Street, Lake Grace, WA.

**14.4.5 UPDATE OF WORK HEALTH & SAFETY POLICY**

<b>Applicant:</b>	Internal Report
<b>File No.:</b>	0052
<b>Attachments:</b>	1. Old Occupational Safety & Health Policy 2. Updated Work Safety & Health Policy
<b>Author:</b>	Mrs Joanne Oatridge - Infrastructure Support Officer
<b>Disclosure of Interest:</b>	Nil
<b>Date of Report:</b>	12 December 2022
<b>Senior Officer:</b>	Mr Craig Elefsen – Manager Infrastructure Services

Summary

For Council to review and adopt the changes to Policy 4.8 – Work Health & Safety.

Background

The Occupational Safety and Health Act and the Occupational Safety and Health Regulations 1996 has been repealed and replaced with newer legislation, being the Work Health and Safety Act 2020 and the Work Health and Safety (General) Regulations 2022. As such, the references in the Shire's Policy Manual is not current and requires updating.

Comment

The current Policy 4.8 – Occupational Health & Safety in our Policy Manual is to have its wording altered as follows.

<b>Old Policy Reads as follows:</b>	<b>Amended Policy will read as follows:</b>
Council is committed to improving the Shire's Occupational Health & Safety standards within its workforce in accordance with the following Statement of Intent.	Council is committed to improving the Shire's <b>Work</b> Health & Safety standards within its workforce in accordance with the following Statement of Intent.
The Shire of Lake Grace regards the promotion of sound and effective Occupational Safety and Health practices as a common objective for the CEO, Managers, Supervisors, Employees and Contractors.	The Shire of Lake Grace regards the promotion of sound and effective <b>Work Health and Safety (WHS)</b> practices as a common objective for the CEO, Managers, Supervisors, Employees and Contractors.
The policy is designed to provide guidance and direction to Councillors, Staff, Contractors and Visitors in regards to OS&H matters and to ensure compliance with statutory requirements and the terms and conditions of the Shire's Insurance Policies.	The policy is designed to provide guidance and direction to Councillors, Staff, Contractors and Visitors in regards to <b>WHS</b> matters and to ensure compliance with statutory requirements and the terms and conditions of the Shire's Insurance Policies.
Comply with AS/NZS 4801 Occupational Safety and Health (OSH) Act 1984, 2005 amendments, and Regulations 1996, relevant OSH Australian Standards, Codes of Practice and Guidance Notes.	Comply with AS/NZS 4801: <b>2001 Work Health and Safety (General) Regulations 2022 and Work Health and Safety Act 2020 and relevant WHS</b> Australian Standards, Codes of Practice and Guidance Notes.

Occupational Safety & Health Act 1984 & 2005 amendments Occupational Safety & Health Regulation 1996	<b>Work Health and Safety Act 2020 Work Health and Safety (General) Regulations 2022</b>
--	--

### Legal Implications

Local Government Act 1995

#### *2.7 Role of Council*

- (1) The council –
  - (a) governs the local government's affairs; and
  - (b) is responsible for the performance of the local government's functions.
- (2) Without limiting subsection (1), the council is to –
  - (a) oversee the allocation of the local government's finances and resources; and
  - (b) determine the local government's policies.

### Policy Implications

Shire of Lake Grace Policy Manual (September 2022)

Policy 1.1 Policy Manual Amendments

### Consultation

Nil

### Financial Implications

No financial expenses are expected to be incurred.

### Strategic Implications

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

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

Outcome	4.2	An efficient and effective organisation
Strategies	4.2.2	Comply with statutory and legislative requirements
	4.2.3	Provide a positive and safe workplace

### Voting Requirements

Simple majority required.

## **RECOMMENDATION / RESOLUTION**

That Council review and adopt the amended Policy 4.8 – Work Health & Safety.

#### 14.4.6 DEVELOPMENT OF RV PARK ON LOT 117 OF RESERVE 19517

<b>Applicant:</b>	Campervan & Motorhome Club of Australia Ltd
<b>File No.:</b>	0359
<b>Attachments:</b>	Proposal – Low Cost RV Park
<b>Author:</b>	Campervan & Motorhome Club of Australia Ltd
<b>Disclosure of Interest:</b>	Nil
<b>Date of Report:</b>	13 December 2022
<b>Senior Officer:</b>	Mr Alan George – Chief Executive Officer

##### Summary

For Council to consider a proposal from the Caravan & Motorhome Club of Australia Ltd (CMCA) regarding the establishment of a short term self-contained RV park in Lake Grace to be developed by the Shire of Lake Grace and managed by the CMCA on Lot 117 of Reserve 19517.

##### 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. Following this 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.

##### Comment

The Short-Term Tourism Accommodation Plan commissioned by the Shires of Dumbleyung, Wagin, West Arthur and Lake Grace earlier this year and presented to Council at the August Council meeting Information Session 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)

Since the receipt of the report, the CEO and MIS have been researching possibilities which resulted in the location of a suitable site adjacent to Slarke Street and the AIM Hospital on Lot 117 on Reserve 19517 which is vested to the Shire and is zoned for Recreation which is fit for purpose. CMCA was subsequently advised of the site and after viewing footage determined its suitability and have put forward a proposal for the development of the site which includes an indicative site plan.

If the Shire develops the site a lot of red tape is dispensed with regarding planning requirements. With regards to power, water and sewerage requirements they are all in close proximity to the site. Based on the proposed plan a rough estimate of costing is in the vicinity of \$100,000.00

Management of the site is based on an onsite custodian whose duties include taking bookings, collecting monies, undertaking ground maintenance and other normal caretaker duties. Based on the Shire of Boyup Brook MOU with the CMCA income from the park would be split 70/30% with the CMCA.

The benefit to the Shire from the development of the RV park would include but not be limited to:

- increased visitor spend in local shops
- using the site as a base to visit other nearby attractions
- reduction in illegal camping
- increased visitor numbers to the area giving them a reason to stop.

There may be some flak from the established caravan parks as it may be seen as taking away business from them however the types of people that use this sort of park do not usually stay in caravan parks preferring to bypass these to either move on to an RV park or alternatively park somewhere off road in the bush or on the side of the road.

The Short Stay Tourism Accommodation Plan determined that there is a need for this type of accommodation within the Shire and this proposal would address the shortfall. It is recommended that Council consider this proposal and gives approval to administration to continue with negotiations with the CMCA for the establishment of the RV park.

#### Legal Implications

A bushfire management plan, BAL assessment and evacuation plans would still need to be obtained.

A management agreement would need to be entered into with the CMCA

#### Policy Implications

Nil

#### Consultation

Internal	Mr Craig Elefsen – Manager Infrastructure Services
External	Mr Sean Constable - Business Development Officer CMCA

#### Financial Implications

The site would require little work to be undertaken as it is relatively flat and open. An internal gravel road would be constructed as well as the installation of a Dump Point, Custodians shed and concrete pad as well as 15-amp electricity and several water points around the site.

As an estimate the cost to set up the park as per the attached plans would be in the vicinity of \$100,000.00 a contribution of some sort will be sought from the CMCA.

Income, if based on the Boyup Brook model would be split 70/30 with the CMCA

### Strategic Implications

This 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
	1.3.2	Maintain and enhance local iconic attractions and infrastructure
	1.3.3	Continue to provide and maintain visitor support services

### Voting Requirements

Simple majority required.

### **RECOMMENDATION / RESOLUTION**

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.

**14.4.7 SHIRE OF LAKE GRACE 2021/2022 ANNUAL FINANCIAL STATEMENTS – AUDIT**

<b>Applicant:</b>	Internal Report
<b>File No.</b>	0274
<b>Attachments:</b>	<ul style="list-style-type: none"> <li>• 2021 / 2022 Annual Financial Statements</li> <li>• OAG Audit Opinion/Report</li> <li>• Management Letter</li> </ul>
<b>Author:</b>	Mr Kevin Wilson – A/Manager Corporate Services
<b>Disclosure of Interest</b>	Nil
<b>Date of Report</b>	14 December 2022
<b>Senior Officer</b>	Mr Alan George - Chief Executive Officer

Summary

The purpose of this item is for the Audit Committee to consider and recommend to Council receive the 2021/22 Annual Financial Statements and associated Auditor’s Report.

Background

The draft Annual Financial Report for the year ended 30 June 2021 was presented to the Shire of Lake Grace’s auditor AMD on 20 September 2022. The auditors undertook the annual site visit to Lake Grace between 3 to 4 October 2022, with follow up work completed electronically and meetings at their offices in Bunbury throughout November and early December. The exit meeting was held on 14 December 2022 with the audit opinion finally being signed off on 15 December 2022; our Audit Committee met prior to this meeting to review the report and make their recommendations to Council.

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 (2) months of the Auditors report becoming available.

As per usual practice it is intended that the advertisement advising of the Annual Electors Meeting and the availability of the 2021/22 Annual Report will be placed in the *Lakes Link* and *Gatepost*, as well as the West Australian newspaper. Notices will be also placed on our notice boards and the Shire’s website and Facebook page.

Comment

The completion of the audit report confirms all figures for the 2021/22 year including the carried forward position as at 30 June 2022.

Attached are the following documents which are self-explanatory:

- Findings identified during the Final Audit (Management Letters)
- 2021/2022 Annual Financial Statements
- Independent Auditor’s Report 2022 (Opinion)

## 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	Mr Alan George, Chief Executive Officer Mr Chris Paget, Deputy CEO Shire of Lake Grace finance and administration staff
External	AMD (Contractors Auditors appointed by OAG) Office of Auditor General

### Financial Implications

Nil

### Strategic Implications

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

Leadership Objective	Strong governance and leadership, demonstrating fair and equitable community values
Outcome	4.2 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

### Voting Requirements

Simple majority required.

## **RECOMMENDATION / RESOLUTION**

That:

1. In accordance with Sections 5.53 and 5.54 of the *Local Government Act 1995*, Council accepts the Annual Financial Report and audit opinion for the 2021/2022 financial year, and;
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 2021/22 Annual Report from 1 February 2023.

#### 14.4.8 2021-22 ANNUAL GENERAL MEETING OF ELECTORS

<b>Applicant:</b>	Internal Report
<b>File No.</b>	0042
<b>Attachments:</b>	Nil
<b>Author:</b>	Mr Chris Paget – Deputy CEO
<b>Disclosure of Interest</b>	Nil
<b>Date of Report</b>	16 December 2022
<b>Senior Officer</b>	Mr Alan George - Chief Executive Officer

#### Summary

For Council to consider and endorse the date for the Annual General Meeting of Electors.

#### Background / Comment

In accordance with section 5.27 of the *Local Government Act* 1995 the Annual Electors' General Meeting is to be held within 56 days of the local government accepting the annual report for the previous financial year. A requirement of setting the date is that 14 days local public notice is required for advertising the meeting. Providing the annual report is endorsed at the Ordinary Council meeting held on Wednesday 21<sup>st</sup> December 2022, it is recommended that this be held at 6.30 pm Wednesday 8<sup>th</sup> February 2023 at the Newdegate Community Resource Centre. It is intended that public notice will be published in the local community newspapers and *The West Australian* newspaper; this advice will also be placed on our Notice Boards and the Shire of Lake Grace website and Facebook page.

#### Statutory / Legal Implications

##### *Local Government Act* 1995 Section 5.27 - Electors' General Meetings

- (1) A general meeting of the electors of a district is to be held once every financial year.
- (2) A general meeting is to be held on a day selected by the local government but not more than 56 days after the local government accepts the annual report for the previous financial year.
- (3) The matters to be discussed at general electors' meetings are to be those prescribed.

Local Government (Administration) Regulation No. 15

Matters for discussion at general electors' meetings (Act s.5.27(3))

For the purposes of section 5.27(3), the matters to be discussed at a general electors' meeting are, firstly, the contents of the annual report for the previous financial year and then any other general business.

##### *Local Government Act* 1995 Section 5.29 - Convening Electors' Meetings

- (1) The CEO is to convene an electors' meeting by giving —
  - (a) at least 14 days' local public notice;
  - (b) each council member at least 14 days' notice, of the date, time, place and purpose of the meeting.
- (2) The local public notice referred to in subsection (1)(a) is to be treated as having commenced at the time the notice is first given and is to continue in the prescribed way until the meeting has been held.

Policy Implications

Nil

Consultation

Internal - Mr. Alan George, Chief Executive Officer

Financial Implications

Minor expenses will be incurred with the required advertising.

Strategic Implications

Nil

Voting Requirements

Simple majority required.

**RECOMMENDATION / RESOLUTION**

That Council hold the Annual General Meeting of Electors on Wednesday 8 February 2023 at 6.30pm at the Newdegate Community Resource Centre.

#### 14.4.9 ANNUAL REVIEW OF DELEGATIONS

<b>Applicant:</b>	Shire of Lake Grace
<b>File No.:</b>	0052
<b>Attachments:</b>	Register of Delegations 2022/2023
<b>Author:</b>	Mr. Chris Paget - Deputy Chief Executive Officer
<b>Disclosure of Interest:</b>	Nil
<b>Date of Report:</b>	14 December 2022
<b>Senior Officer:</b>	Mr. Alan George - Chief Executive Officer

#### Summary

The purpose of this report is to present the reviewed and updated Shire of Lake Grace 2022/23 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 the Shire's Community Strategic 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 22 December 2021. 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.

Management have reviewed the full register and number of the delegations require minor amendments to the wording, including the legislative power. 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 and typographical error corrections; re-numbering of 'Other' section;
2. Removal of 5 duplicated delegations in 'Bush Fires' and 'Other' section;

3. Legislation amendment updates;
4. Addition of/amendments to any relevant referenced council policies, and review dates updated.

### 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

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

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

Outcome	4.1	A strategically focused, unified Council functioning efficiently
Strategies	4.1.1	Provide informed leadership on behalf of the community
	4.1.3	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

Voting Requirements

Absolute majority required.

**RECOMMENDATION / RESOLUTION**

That Council endorses and adopts the Shire of Lake Grace Register of Delegations for 2022/2023.

## 14.5 FINANCE

### 14.5.1 ACCOUNTS FOR PAYMENT – NOVEMBER 2022

<b>Applicant</b>	Internal Report
<b>File No</b>	0277
<b>Attachments</b>	List of Accounts Payable
<b>Author</b>	Mr Kevin Wilson – A/Manager Corporate Services
<b>Disclosure of Interest</b>	Nil
<b>Date of Report</b>	08 December 2022
<b>Senior Officer</b>	Mr Alan George - Chief Executive Officer

#### Summary

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

#### Background

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

#### Comment

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

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

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

#### Legal Implications

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

#### Policy Implications

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

#### Consultation

Nil



### Financial Implications

The list of creditors paid for the month of November 2022 from the Municipal and Trust Accounts Total \$1,020,572.46.

### Strategic Implications

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

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

### Voting Requirements

Simple majority required.

### **RECOMMENDATION / RESOLUTION**

That Council ratify the list of payments totalling \$1,020,572.46 as presented for the month of November 2022 incorporating:

<b>Payment Method</b>	<b>Cheque/EFT/DD Number</b>	<b>Amount</b>
Electronic Funds Transfers	EFT24253 – EFT24408	\$856,712.10
Municipal Account Cheques	37032 - 37040	\$709,374.97
Direct Debits	DD10257.1 – DD10280.10	\$84,485.39
	<b>TOTAL</b>	<b>\$1,020,572.46</b>

# Shire of Lake Grace



## CERTIFICATE OF EXPENDITURE November 2022

This Schedule of Accounts to be passed for payment, covering

---

<b>Payment Method</b>	<b>Cheque/EFT/DD Number</b>	<b>Amount</b>
Electronic Funds Transfers	EFT24253 – EFT24408	\$856,712.10
Municipal Account Cheques	37032 - 37040	\$709,374.97
Direct Debits	DD10257.1 – DD10280.10	\$84,485.39
	<b>TOTAL</b>	<b>\$1,020,572.46</b>

to the Municipal Account, totalling \$1,020,572.46 which were submitted to each member of the Council on 21 December 2022, have been checked and fully supported by vouchers and invoices which are submitted herewith and which have been duly certified as to the receipt of goods and the rendition of services and as to prices, computations, and costing's and the amounts shown are due for payment.

Alan George  
**CHIEF EXECUTIVE OFFICER**

## 14.5.2 FINANCIAL REPORTS – 30 NOVEMBER 2022

Applicant:	Internal Report
File No.	0275
Attachments:	<ul style="list-style-type: none"><li>• Monthly Financial Reports</li><li>• Bank Reconciliations – 30 November 2022</li></ul>
Author:	Mr Kevin Wilson – A/Manager Corporate Services
Disclosure of Interest	Nil
Date of Report	12 December 2022
Senior Officer	Mr Alan George - Chief Executive Officer

### Summary

Consideration of the Monthly Financial Reports for the period ending 30 November 2022 and Bank Reconciliations for the month ending 30 November 2022.

### Background

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

### Comment

As at 30 November 2022, operating revenue over the target by \$97,073 (1.5%). Interest earnings over the budgeted amount due to Interest rates rise this financial year. Fees and Charges higher due to unbudgeted income from Industrial Land Rent.

Operating expenditure is under YTD budget by \$618,340 (12.87%) mainly due to materials and contracts are down as a consequence of delay in operating jobs. Employee costs under budget due to vacancies in works and services. Depreciation on the other hand over the budget target. Insurance expenditure higher due to Workers Compensation paid.

The capital program is below the target by \$904,479 (42.08%). Bulk of "Local Roads & Community" and "Drought & Community" projects are not yet initiated/finalised, funds will be recognised later in financial year. Payments for property, plant and equipment are below target as well due to majority of Capital projects have not been initiated as yet (62%) or in early stage of completion. This leads to Capital grants income decrease being offset by the reduction in payments for property, plant and equipment.

Cash at bank is slightly higher than the corresponding period last year, an investment agreement for three (3) term deposits with Commonwealth Bank is in place for \$10,064,422, along with Overnight Cash Deposit with WA Treasury Corporation for \$3,212,982.

Outstanding rates is tracking well and have recovered 87.3% to date.

General debtor is \$107,795 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 2022. The financial statements have been compiled to meet compliance with the Local Government Act 1995 and associated regulations.

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

#### Legal Implications

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

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

#### Policy Implications

Nil

#### Consultation

Internal Mr Alan George – Chief Executive Officer

#### Financial Implications

Nil

#### Strategic Implications

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

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

#### Voting Requirements

Simple majority required.

**RECOMMENDATION / RESOLUTION**

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

1. Statements of Financial activity for the period ended 30 November 2022 and
2. Municipal, Trust and Reserve Funds bank reconciliations for the period ended 30 November 2022.

### 14.5.3 APPROVAL FOR WRITE OFF OF RATES

Applicant:	Internal Report
File No.	0789
Attachments:	Nil
Author:	Mr Kevin Wilson – A/Manager Corporate Services
Disclosure of Interest	Nil
Date of Report	06 December 2022
Senior Officer	Mr Alan George - Chief Executive Officer

#### Summary

For Council to authorise the writing off of legal charges on rates assessments A4577.

#### Background

The following outstanding legal charges are deemed uncollectable:

Assessment No	Description	Reason for Write Off	Amount
A4577	Legal Fees	Administration error at Shire	\$993.40
		<b>TOTAL</b>	<b>\$993.40</b>

#### Comment

The owners of the property at Lot 3006 Tuck Road, East Newdegate has an outstanding legal charges on the rates for this property of \$993.40 however, these charges have accumulated this financial year due to the ratepayer not receiving the rates notice to make the necessary payments. The ratepayer advised that he had personally attended the office prior to these charges being included to advise of his change in postal address from Newdegate to Bunbury, but this was not changed in the system, therefore the notices being sent to the old address.

Unfortunately, with the resignation of the Rates Officer around that time, this action was not flagged in the rates module and the time to pay arrangement was not reactivated. As a result, no payments were made on the 2022/2023 rates which after a period of time were sent to the debt collectors who then initiated their processes.

The ratepayer has in place an instalment plan but due to the fact that he advised the office of his change of address and that it was not changed in the system by the Shire, he should not be penalised by having to pay for the legal charges.

#### Legal Implications

Local Government Act S6.12(c)

#### Policy Implications

Policy 3.9 – Outstanding Rate Debtors

### Consultation

Internal: Mr Alan George - Chief Executive Officer  
External: IT Vision Rates Services

### Financial Implications

A loss of revenue of \$993.40 will occur with the write off of rates and penalty interest raised on the property.

### Strategic Implications

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

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

Outcome 4.2 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

### Voting Requirements

Simple majority required.

### **RECOMMENDATION / RESOLUTION**

That Council, pursuant to S6.12(c) of the Local Government Act 1995, write-off the following outstanding rates & charges:

Assessment No	Description	Reason for Write Off	Amount
A4577	Legal Fees	Administration error at Shire	\$993.40
		<b>TOTAL</b>	<b>\$993.40</b>

## 14.6 COMMUNITY SERVICES

## 15.0 QUESTIONS OF WHICH DUE NOTICE HAS BEEN GIVEN

## 16.0 INFORMATION BULLETIN – DECEMBER 2022

<b>Applicant:</b>	Internal Report
<b>File No.</b>	Nil
<b>Attachments:</b>	Information Bulletin Cover Page Only
<b>Author:</b>	Mrs Racelis Rose - Executive Assistant
<b>Disclosure of Interest:</b>	Nil
<b>Date of Report:</b>	14 November 2022
<b>Senior Officer:</b>	Mr Chris Paget - Deputy Chief Executive Officer

### Summary

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

### Background / Comment

The Information Bulletin Reports deal with monthly standing items and other information of a strategic nature relevant to Council. Copies of other relevant Councillor information are distributed via email.

The November 2022 Information Bulletin attachments include:

### Reports:

- Infrastructure Services Report – December 2022
- Lake King Library Report and Statistics – December 2022
- Newdegate Library Report and Statistics – December 2022
- Lake Grace Library Report and Statistics – Nil

### External Organisations

- Astrotourism Western Australia – Astrotourism Town Project – Update November 2022
- Central Country Zone Minutes of Meeting – 25 November 2022

### Circulars, Media Releases, Newsletters, Letters

- Nil

### 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 particularly Outcome 4.1 and Outcome 4.2 below:

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

Voting Requirements

Simple majority required.

**RECOMMENDATION / RESOLUTION**

That Council accepts the Information Bulletin Report for December 2022.

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

### **RECOMMENDATION / RESOLUTION**

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

- Item 17.1.1 - Proposed Sale of Lot 12 Biddy Camm
- Item 17.1.2 – Appointment of Maintenance Grading Services TENDER RFT 2022-05
- Item 17.1.3 – Authorisation for usage of Shire vehicle for interstate travel
- Item 17.1.4 – Transfer of Funds from Newdegate and Lake Grace Rec Ground Carparks to All Abilities Playground

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

### **RECOMMENDATION / RESOLUTION**

That Council accept the recommendations contained in Item 17.1.1, Item 17.1.2 and Item 17.1.3

### **RECOMMENDATION / RESOLUTION**

That Council move from behind closed doors to proceed with the meeting.

## **18.0 DATE OF NEXT MEETING – 15 FEBRUARY 2023**

The next Ordinary Council Meeting is scheduled to take place on Wednesday 15 February 2023 commencing at 3:30pm at the Council Chambers, 1 Bishop Street, Lake Grace.

## **19.0 CLOSURE**

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