

Shire of Lake Grace

Ordinary Council Meeting

# MINUTES

23 August 2023

Meeting Commencing at 3:30 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 wish to acknowledge the traditional Custodians of the land on which we meet today, and pay my respects.

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

---



---

<b>CONTENTS</b>
-----------------

<b>1.0</b>	<b>DECLARATION OF OPENING ANNOUNCEMENT OF VISITORS.....</b>	<b>4</b>
<b>2.0</b>	<b>ACKNOWLEDGEMENT OF COUNTRY .....</b>	<b>4</b>
<b>3.0</b>	<b>RECORD OF ATTENDANCE/APOLOGIES/LEAVE OF ABSENCE (PREVIOUSLY APPROVED) .....</b>	<b>4</b>
3.1	PRESENT .....	4
3.2	APOLOGIES.....	4
3.3	IN ATTENDANCE.....	4
3.4	OBSERVERS / VISITORS.....	4
3.5	LEAVE OF ABSENCE PREVIOUSLY GRANTED .....	5
<b>4.0</b>	<b>RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE.....</b>	<b>5</b>
<b>5.0</b>	<b>PUBLIC QUESTION TIME .....</b>	<b>5</b>
<b>6.0</b>	<b>PETITIONS/DEPUTATIONS/PRESENTATIONS .....</b>	<b>5</b>
<b>7.0</b>	<b>NOTATIONS OF INTEREST .....</b>	<b>5</b>
7.1	DECLARATIONS OF FINANCIAL INTEREST – LOCAL GOVERNMENT ACT 1995 SECTION 5.60A .....	5
7.2	DECLARATIONS OF FINANCIAL PROXIMITY INTEREST – LOCAL GOVERNMENT ACT 1995 SECTION 5.60B .....	5
7.3	DECLARATIONS OF IMPARTIALITY INTEREST – ADMINISTRATION REGULATIONS 1996 SECTION 34C.....	5
<b>8.0</b>	<b>APPLICATIONS FOR LEAVE OF ABSENCE.....</b>	<b>5</b>
<b>9.0</b>	<b>ANNOUNCEMENTS BY THE PRESIDING MEMBER WITHOUT DISCUSSION .....</b>	<b>5</b>
<b>10.0</b>	<b>CONFIRMATION OF MINUTES .....</b>	<b>6</b>
10.1	ORDINARY COUNCIL MEETING – WEDNESDAY 26 JULY 2023.....	6
10.2	SPECIAL COUNCIL MEETING .....	6
10.3	ANNUAL MEETING OF ELECTORS.....	6
<b>11.0</b>	<b>MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN .....</b>	<b>6</b>
<b>12.0</b>	<b>URGENT BUSINESS APPROVED BY THE PRESIDING MEMBER OR BY DECISION OF COUNCIL .....</b>	<b>6</b>
<b>13.0</b>	<b>REPORTS OF COMMITTEES.....</b>	<b>7</b>
13.1	LOCAL EMERGENCY MANAGEMENT COMMITTEE 10 AUGUST 2023 .....	7
<b>14.0</b>	<b>REPORTS OF OFFICERS .....</b>	<b>8</b>
14.1	INFRASTRUCTURE SERVICES.....	8

---

14.1.1 WALKER ROAD CLOSURE.....	8
14.2 PLANNING .....	10
14.3 HEALTH AND BUILDING .....	10
14.4 ADMINISTRATION.....	11
14.4.1 SOUTH WEST NATIVE TITLE SETTLEMENT – LAND BASE CONSULTATION....	11
14.4.2 COOPERATIVE BULK HANDLING LIMITED – NEWDEGATE - REQUEST FOR TEMPORARY WORKS EXEMPTION - OPEN STORAGE BULKHEADS.....	15
14.4.3 ROADWISE COUNCIL .....	18
14.4.4 APPOINTMENT OF AUTHORISED PERSONS – SHIRE OF LAKE GRACE .....	21
14.5 FINANCE.....	24
14.5.1 ACCOUNTS FOR PAYMENT – JULY 2023 .....	24
14.5.2 FINANCIAL REPORTS – 30 JUNE 2023.....	27
14.6 COMMUNITY SERVICES.....	29
<b>15.0 QUESTIONS OF WHICH DUE NOTICE HAS BEEN GIVEN.....</b>	<b>29</b>
<b>16.0 INFORMATION BULLETIN – AUGUST 2023 .....</b>	<b>29</b>
<b>17.0 CONFIDENTIAL ITEMS AS PER LOCAL GOVERNMENT ACT S5.23 (2).....</b>	<b>32</b>
<b>18.0 DATE OF NEXT MEETING – 27 SEPTEMBER 2023.....</b>	<b>33</b>
<b>19.0 CLOSURE.....</b>	<b>33</b>
<b>20.0 CERTIFICATION.....</b>	<b>33</b>

## **SHIRE OF LAKE GRACE**

Minutes of the Ordinary Council Meeting held at the Council Chambers, 1 Bishop Street, Lake Grace, WA on Wednesday 23 August 2023 commencing at 3:30pm.

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

### **2.0 ACKNOWLEDGEMENT OF COUNTRY**

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

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

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

#### **3.1 PRESENT**

Cr LW Armstrong	Shire President
Cr 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**

Nil

#### **3.3 IN ATTENDANCE**

Mr. Alan George	Chief Executive Officer
Mr C Paget	Deputy Chief Executive Officer
Mrs T Hall	Manager Corporate Services
Mr C Elefsen	Manager Infrastructure Services
Mrs A Adams	Executive Assistant

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

Andrew Walker – Visitor  
Freyja Melling – Shire of Lake Grace staff member

---

**3.5 LEAVE OF ABSENCE PREVIOUSLY GRANTED**

Nil

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

Nil

**5.0 PUBLIC QUESTION TIME**

Nil

**6.0 PETITIONS/DEPUTATIONS/PRESENTATIONS**

Nil

**7.0 NOTATIONS OF INTEREST**

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

Nil

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

Nil

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

Nil

**8.0 APPLICATIONS FOR LEAVE OF ABSENCE**

Nil

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

Nil

**10.0 CONFIRMATION OF MINUTES**

**10.1 ORDINARY COUNCIL MEETING – WEDNESDAY 26 JULY 2023**

**RECOMMENDATION / RESOLUTION**

**RESOLUTION** 13713

**Moved:** Cr Lloyd  
**Seconded:** Cr Clarke

That the Minutes of the Ordinary Council Meeting held on Wednesday 26 July 2023 be confirmed as a true and accurate record of the meeting.

**CARRIED** 8/0

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

**Against:** Nil

**10.2 SPECIAL COUNCIL MEETING**

Nil

**10.3 ANNUAL MEETING OF ELECTORS**

Nil

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

Nil

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

Nil

---

**13.0 REPORTS OF COMMITTEES**

**13.1 LOCAL EMERGENCY MANAGEMENT COMMITTEE 10 AUGUST 2023**

**RECOMMENDATION / RESOLUTION**

**RESOLUTION**            **13714**

**Moved:**                    **Cr Chappell**

**Seconded:**                **Cr Hyde**

That the Minutes of the Local Emergency Management Committee meeting held on 10 August 2023 be received by Council.

**CARRIED**                    **8/0**

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

**Against:**                    **Nil**

**14.0 REPORTS OF OFFICERS**

**14.1 INFRASTRUCTURE SERVICES**

**14.1.1 WALKER ROAD CLOSURE**

<b>Applicant</b>	<b>Shire of Lake Grace</b>
<b>File No.</b>	
<b>Attachments</b>	<b>Nil</b>
<b>Author</b>	<b>Mr Craig Elefsen, Manager Infrastructure Services</b>
<b>Disclosure of Interest</b>	<b>Nil</b>
<b>Date of Report</b>	<b>17/08/2023</b>
<b>Senior Officer</b>	<b>Mr Alan George, Chief Executive Officer</b>

Summary

For Council to resolve the permanent closure of Walker Road after the required 35 day advertisement to the public.

Background

At the May 2023 Ordinary Council meeting the following resolution (resolution 13673) was made:

**RESOLUTION 13673**

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

That Council:

1. Agrees to the closure Walker Road to public traffic and to allow the neighbouring landowners to use it as an access track to their farms only.
2. Authorises the Shire Administration to advertise the decision in a newspaper that circulates the locality, as per section 58(3) of the *Land Administration Act 1997*.

**CARRIED 6/1**

Cr Clarke requested it to be noted that she voted against the motion.



Comment

As outlined, the Shire of Lake Grace was required to advertise the closure for a period of 35 days, to allow any objections. Since the advertisement was published in the West Australian the Shire has not received any comments nor objection regarding the closure.

The Department of Planning, Lands and Heritage require a resolution before the final processes of the proposal is undertaken.

Legal Implications

Land Administration Act 1997  
s58 – Closing roads

(1) When a local government wishes a road in its district to be closed permanently, the local government may, subject to subsection (3), request the Minister to close the road.

(2) When a local government resolves to make a request under subsection (1), the local government must in accordance with the regulations prepare and deliver the request to the Minister.

(3) A local government must not resolve to make a request under subsection (1) until a period of 35 days has elapsed from the publication in a newspaper circulating in its district of notice of motion for that resolution, and the local government has considered any objections made to it within that period concerning the proposals set out in that notice

Policy Implications

Nil

Consultation

Nil

Financial Implications

Nil

Strategic Implications

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

Environment Objective - Protect and enhance our natural and built environment		
Outcomes	3.2	A natural environment for the benefit and enjoyment of current and future generations
Strategies	3.2.1	Manage and preserve the natural environment
Leadership Objective - Strong governance and leadership, demonstrating fair and equitable community values.		
Outcomes	4.1	A strategically focused, unified Council functioning efficiently
Strategies	4.1.1	Provide informed leadership on behalf of the community

Voting Requirements

Simple majority

**RECOMMENDATION / RESOLUTION**

**RESOLUTION**            **13715**

**Moved:**                    **Cr Hyde**  
**Seconded:**                **Cr McKenzie**

That Council now confirms the complete closure of Walker Road as per Resolution 13673 of the May 2023 Council meeting and permits Administration to advise the Department of Planning, Lands and Heritage of this decision.

**CARRIED**                **7/1**

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

**Against:**                 **Cr Clarke**

**14.2 PLANNING**

Nil

**14.3 HEALTH AND BUILDING**

Nil

#### 14.4 ADMINISTRATION

##### 14.4.1 SOUTH WEST NATIVE TITLE SETTLEMENT – LAND BASE CONSULTATION

<b>Applicant</b>	<b>Department of Planning Lands and Heritage</b>
<b>File No.</b>	<b>0367</b>
<b>Attachments</b>	<b>Location maps</b>
<b>Author</b>	<b>Alan George</b>
<b>Disclosure of Interest</b>	<b>Nil</b>
<b>Date of Report</b>	<b>2 August 2023</b>
<b>Senior Officer</b>	<b>Alan George</b>

#### Summary

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

#### Background

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

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

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

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

---

Council has previously been requested to comment on several areas of land for possible inclusion in the Noongar Land Estate. The last request for land came in January 2023 when the old Main Roads depot on Absolon St was identified for possible transfer.

### Comment

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

There are 5 areas identified for possible transfer in this tranche of requests.

Two of these are in Reserve 13526 in the location of Hatters Hill some 14km east of the vermin fence. Another is also located on part of Reserve 13527 east of the fence in the same location but approximately 10km south. Both Reserves are under the control of the Department of Mines, Industry Regulation and Safety and the current use is water and mines. Both areas appear to be rock formations.

Reserve 23061 is also under consideration and is located on the corner of Mission and Biddy Camm Rds. It is under the control of DPLH and its uses are gravel and camping. There is an old gravel pit on the eastern end that appears to have been used as a dump for tree waste and there has been some building rubble dumped there. On the western corner there is a Water Corporation standpipe. Aerial shots reveal that there may have been a watercourse flowing through the middle in the past.

The final location is Reserve 29081 located on Baanga Hill Rd approximately 2km east of Hatter Hill Rd. it is under the control of the Water Corporation and its use listed as water. There are rock formations and a dam on the reserve.

Council comments are being sought on;

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

The only area that the Shire may have an interest in making comment is Reserve 23061 for future gravel extraction. Comment would also be provided on the rubble dumped on site.

The other 4 sites identified appear all to be rock formations which may indicate the location of gnamma holes.

The Department of Planning Lands and Heritage are seeking comments by 29 August 2023

Legal Implications

South West Native Title Settlement

Policy Implications

Nil

Consultation

Nil

Financial Implications

Nil

Strategic Implications

Nil

Voting Requirements

Simple majority

**RECOMMENDATION / RESOLUTION**

**RESOLUTION**            **13716**

**Moved:**                    **Cr Chappell**

**Seconded:**               **Cr Lloyd**

That Council authorises administration to provide comment on the consideration for inclusion in the Noongar Land Estate of Reserves 13527, 13526, 23061 and 29081.

	<b>Questions</b>	
1	Is the Shire supportive of the transfer of this land to the Noongar People under the Settlement?	Yes
2	Does the Shire have any interest in the land?	Yes only Reserve 23061 for future gravel extraction.

3	Does the Shire have existing or planned infrastructure Within the land parcel that requires protection? If yes, Please provide details and advise if access to this infrastructure will need to be maintained.	See previous Response above
4	Is the land parcel subject to any mandatory connection to services?	No
5	Are any future proposals for the land identified? Please provide detail of what is proposed and in what timeframe?	Reserve 23061 As above
6	Are there any future proposals for adjoining land that may affect the land identified in the spreadsheet? If so, in what timeframe?	No
7	Please advise of any proposed planning scheme amendments that may affect the zoning of this land at a State or Local government level. If a scheme amendment is to occur, what is the change proposed and when will it come into effect?	Nil
8	Please advise of any known land management issues such as site contamination, hazards, debris or rubbish dumping, unauthorised land use and environmental considerations (such as inundation or similar site constraints).	None known other than Reserve 23061 some dumping of building rubble and tree waste
9	Please provide any additional comments on the proposed transfer of this land as part of the Settlement	Nil

**CARRIED 6/2**

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

**Against: Cr Chappell, Cr Clarke**

**14.4.2 COOPERATIVE BULK HANDLING LIMITED – NEWDEGATE - REQUEST FOR TEMPORARY WORKS EXEMPTION - OPEN STORAGE BULKHEADS**

<b>Applicant</b>	<b>Cooperative Bulk Handling Limited</b>
<b>File No.</b>	<b>0365</b>
<b>Attachments</b>	1. CBH Request for Temporary Works Exemption 2. Site Plan 3. Standard Elevation Drawings 4. 2022 Shire of Lake Grace Temporary Approval
<b>Author</b>	Alan George Chief Executive Officer
<b>Disclosure of Interest</b>	Nil
<b>Date of Report</b>	4 August 2023
<b>Senior Officer</b>	Alan George Chief Executive Officer

Summary

Cooperative Bulk Handling Limited (CBH) is requesting a further 12 month approval for the temporary bulkheads located on Lot 216 North Newdegate Road, Newdegate and is seeking Council approval for the exemption of the need to receive Council’s formal development approval.

Background

At the Ordinary Council Meeting of 27 July 2022 Council passed the following Resolution

**RESOLUTION 13605**

**Moved: Cr Lloyd**

**Seconded: Cr McKenzie**

*That Council support and approve Co-Operative Bulk Handling Limited’s request to waive the requirement for an immediate development approval for the temporary construction and use of emergency grain storage infrastructure on portion of Lot 216 on Deposited Plan 73436 Newdegate North Road, Newdegate for a twelve (12) month period from the date of Council’s decision subject to the following conditions:*

- 1. CBH is to provide written notification to the Shire of Lake Grace of the commencement of the temporary works and use*
- 2. There is to be no encroachments proposed on any portion of Lot 216 containing the floodplain area associated with Lake Stubbs which is classified ‘Conservation’ reserve in the Shire of Lake Grace Local Planning Scheme No.4 (LPS4)*
- 3. All stormwater drainage associated with the proposed development on the subject land shall be contained and disposed of on-site; and*
- 4. All infrastructure the subject of this temporary approval shall cease to be used at the end of the temporary approval term, shall be removed from the land in its entirety within 28 days of expiry of the approval term including reinstatement of the land to its pre-development condition insofar as possible.*

---

5. Should CBH decide that they would like to retain the temporary infrastructure on a permanent basis, a development application shall be prepared and submitted to the Shire, including a traffic impact assessment and stormwater drainage management plan, requesting Council's formal development approval with the infrastructure unable to be used beyond the temporary approval term until and unless Council approves the development application. **CARRIED: 7/0**

#### Comment

Due to record harvest over the past few years CBH leased the subject land on North Newdegate Road for the placement of temporary bulkheads. This site has proven not to be ideal for its purposes. As a result CBH is in the process of purchasing land on the Newdegate-Ravensthorpe Road on which to construct a new facility. The new facility will also be used in place of the field days site which needs to be vacated in the next few years. The new site is earmarked for construction in 2025. Following the construction of the new site CBH will remove the bulkheads from this site and the Newdegate Field Days site.

CBH are forecasting another good harvest this year and therefore are seeking the extension of the temporary works exemption to allow the use of the site for another 12 months without the need to seek formal development approval.

Town Planner, Joe Douglas, has advised that he can see no reason why the Shire cannot continue allowing Lot 216 to be used on a temporary basis for a further 12 months which is the maximum term permitted without formal development approval. A further 12 month approval would be required for the following year. All terms and conditions would remain as previously determined.

As CBH says "... this location and lease is a short term fix to a longer term plan...." and as such it is recommended that Council approve the request.

#### Legal Implications

Local Planning Scheme No.4  
Planning and Development (Local Planning Schemes) Regulations 2015  
Planning and Development Act 2005 (as amended)

#### Policy Implications

Nil

#### Consultation

External Mr. Joe Douglas - Exurban Rural and Regional Planning  
Mr. Timothy Roberts - CBH Regulatory Approvals Adviser

#### Financial Implications

Nil



Strategic Implications

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

<b>Economic Objective - A prosperous agricultural based economy supporting diversification of industry</b>		
Outcome	1.1	An innovative, productive agriculture industry
Strategies	1.1.3	Support and promote the agricultural productivity of the district
	1.1.5	Liaise with key stakeholders for the improvement of the agricultural industry
	1.2.2	Support local business and promote further investment in the district

Voting Requirements

Simple majority

**RECOMMENDATION / RESOLUTION**

**RESOLUTION 13717**

**Moved: Cr McKenzie**  
**Seconded: Cr Chappell**

That Council support and approve Cooperative Bulk Handling Limited's request to waive the requirement for development approval for the temporary use of emergency grain storage infrastructure on portion of Lot 216 on Deposited Plan 73436 Newdegate North Rd, Newdegate for a further twelve (12) month period from the date of Council's decision subject to the following conditions:

1. CBH is to provide written notification to the Shire of Lake Grace of the commencement of the temporary works and use
2. There is to be no encroachments proposed on any portion of Lot 216 containing the floodplain area associated with Lake Stubbs which is classified 'Conservation' reserve in the Shire of Lake Grace Local Planning Scheme No.4 (LPS4)
3. All stormwater drainage associated with the proposed development on the subject land shall be contained and disposed of on-site; and
4. All infrastructure the subject of this temporary approval shall cease to be used at the end of the temporary approval term, shall be removed from the land in its entirety within 28 days of expiry of the approval term including reinstatement of the land to its pre-development condition insofar as possible.

5. Should CBH decide that they would like to retain the temporary infrastructure on a permanent basis, a development application shall be prepared and submitted to the Shire, including a traffic impact assessment and stormwater drainage management plan, requesting Council’s formal development approval with the infrastructure unable to be used beyond the temporary approval term until and unless Council approves the development application.

**CARRIED**                      **8/0**

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

**Against:**                      **Nil**

**14.4.3 ROADWISE COUNCIL**

<b>Applicant</b>	<b>Nick Sloan – Chief Executive Officer WALGA</b>
<b>File No.</b>	<b>0632</b>
<b>Attachments</b>	<b>1. Invitation Letter 2. Registration Form</b>
<b>Author</b>	<b>Alan George – Chief Executive Officer</b>
<b>Disclosure of Interest</b>	<b>Nil</b>
<b>Date of Report</b>	<b>16 August 2023</b>
<b>Senior Officer</b>	<b>Alan George – Chief Executive Officer</b>

Summary

Council is requested to consider the invitation from WALGA to register as a RoadWise Council, this will demonstrate leadership towards initiatives and actions to improve road safety outcomes for our communities.

Background/Comment

Correspondence has been received from WALGA inviting the Shire/Town/City to sign up to a new initiative and register as a RoadWise Council.

The new RoadWise Councils Framework informs the approach WALGA’s road safety team takes in supporting Local Governments in working towards delivering best practice road safety. The Framework takes into account the elements which determine the level of safety of the road transport system within the context of Local Governments.

To register, Local Governments can accept the invitation by providing a Council resolution or a written declaration of commitment to road safety and nominating at least two personnel (Officers and/or Elected Members) to be the primary point of contact for road safety matters.

The benefits for Local Governments that register as RoadWise Councils include:

- Use of the RoadWise logo,
- Priority access to WALGA's road safety services and products,
- Exclusive quarterly meetings and support from a Road Safety Advisor,
- Priority access to participate in WALGA's road safety policy development, training,
- Professional development forums and knowledge-sharing workshops offered by WALGA,
- Access to incentives and sponsored programs, and
- Participation in the new RoadWise Recognised initiative.

The Roadwise Recognised aspect of being a RoadWise Council provides formal recognition for, and enables benchmarking and monitoring of road safety management, actions and interventions. RoadWise Recognised will assist Local Governments with continuous improvement in road safety actions and outcomes through regular support, monitoring and sharing of information.

Local Governments are encouraged to remain registered RoadWise Councils to ensure they have access to specialist advice and assistance in managing road safety at a local level to the best of their capacity and capability.

It is recommended that the Manager Infrastructure Services be appointed as the shire officer and Cr Chappell as the elected member contacts for the Shire.

#### Legal Implications

Nil

#### Policy Implications

This decision may need to be reflected in the implementation of existing or new council policies.

#### Consultation

Some initiatives or outcomes may require community consultation which will occur when and if required.

#### Financial Implications

There are no budget implications to register as a RoadWise Council.

Strategic Implications

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

<b>Social Objective - A valued, healthy and inclusive community and life style</b>		
Outcome	2.2	A healthy and safe community
Strategies		
<b>Leadership Objective - Strong governance and leadership, demonstrating fair and equitable community values</b>		
Outcome	4.1	A strategically focused, unified Council functioning efficiently
Strategies	4.1.1	Provide informed leadership on behalf of the community
	4.1.2	Promote and advocate for the community and district
	4.1.3	Provide strategic leadership and governance
Outcome	4.2	An efficient and effective organisation
Strategies	4.2.1	Maintain accountability and financial responsibility through effective planning
	4.2.2	Comply with statutory and legislative requirements
	4.2.3	Provide a positive and safe workplace

Voting Requirements

Simple Majority

**RECOMMENDATION / RESOLUTION**

**RESOLUTION 13718**

**Moved: Cr Chappell**  
**Seconded: Cr Kuchling**

That Council:

1. Accepts the invitation to become a Roadwise Council; and
2. Agrees to work towards embedding road safety action across the organisation to improve local road safety outcomes.

**CARRIED: 8/0**

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

**Against: Nil**

**14.4.4 APPOINTMENT OF AUTHORISED PERSONS – SHIRE OF LAKE GRACE**

<b>Applicant</b>	<b>Internal Report</b>
<b>File No.</b>	<b>Nil</b>
<b>Attachments</b>	<b>Nil</b>
<b>Author</b>	<b>Chris Paget - Deputy Chief Executive Officer</b>
<b>Disclosure of Interest</b>	<b>Nil</b>
<b>Date of Report</b>	<b>18 August 2023</b>
<b>Senior Officer</b>	<b>Alan George - Chief Executive Officer</b>

Summary

The purpose of this report is for Council to approve amendments to the Authorised Persons named to exercise power under the *Local Government Act 1995*, associated legislation and other Acts, on behalf of the Shire of Lake Grace.

Background

In accordance with a number of provisions of various Acts, Regulations and local laws, Council is required to appoint authorised persons to perform various authorised functions.

Authorisations are regularly reviewed and updated to reflect both legislation and staffing structure; the last comprehensive review was previously undertaken and presented at the Ordinary Meeting of Council held 28 June 2023. In the subsequent period there have been more changes to the Shire's Ranger and Environmental Health/Building staff, and consequently it is necessary for Council to approve further amendments to the appointments already made as follows.

Comment

- (1) In accordance with s449 of the *Local Government (Miscellaneous Provisions) Act 1960*, a local government may establish and maintain one or more public pounds and may appoint persons to be keepers of those pounds so as to have care, control and management of those pounds. MIS Craig Elefsen, Works Supervisor John Gambuti, Matthew Sharpe, Steven Ball, John Scotland, Jason Cacic and Robert Hagan are appointed as the authorised persons. (*\*Addition of Robert Hagan*)
- (2) Pursuant to the *Dog Act 1976* the local government is required to appoint an "Authorised Person" to exercise powers on behalf of the local government, under section 29(1) of this Act. The following staff members are appointed as an "Authorised Person":
  - Alan George
  - Chris Paget
  - Craig Elefsen
  - Matthew Sharpe
  - Steven Ball
  - John Scotland
  - Jason Cacic
  - Robert Hagan

(*\*Addition of Robert Hagan*)

(3) Pursuant to the *Cat Act* 2011 the local government may, in writing, appoint persons or classes of persons to be authorised for the purposes of performing particular functions. Accordingly, the following staff members are appointed as an "Authorised Person":

- Alan George
- Chris Paget
- Craig Elefsen
- Matthew Sharpe
- Steven Ball
- John Scotland
- Jason Cacic
- Robert Hagan

*(\*Addition of Robert Hagan)*

(4) Pursuant to s17 of the *Caravan Parks and Camping Grounds Act* 1995 the Chief Executive Officer may appoint such persons to be authorised persons for the purposes of the Act. An authorised person may enter and inspect premises to ensure compliance with the requirements of the Act.

The Chief Executive Officer has appointed Brendon Gerrard and Lauren Pitman as authorised persons (Power of Entry and Inspection) for the purposes of s17 of the *Caravan Parks and Camping Grounds Act* 1995. *(\*Removal of Barry Smith)*

(5) For the purposes of s26 of the *Litter Act* 1979 all Council members, Shire employees, Brendon Gerrard, Lauren Pitman, Matthew Sharpe, Steven Ball, John Scotland, Jason Cacic and Robert Hagan are deemed to be authorised persons. *(\*Addition of Robert Hagan)*

(6) Under Section 96(3) of the *Building Act* 2011, a local government may appoint authorised persons in relation to buildings and incidental structures located or proposed to be located in the Shire (refer Delegation B01). Brendon Gerrard and Gary Bruhn are appointed as authorised persons. *(\*Addition of Brendon Gerrard)*

#### Statutory / Legal Implications

Local Government Act 1995  
Local Government (Miscellaneous Provisions) Act 1960  
Building Act 2011  
Dog Act 1976  
Health (Miscellaneous Provisions) Act 1911  
Public Health Act 2016  
Health (Asbestos) Regulations 1992  
Litter Act 1979  
Control of Vehicles (Off-Road Areas) Act 1978  
Caravan Parks and Camping Grounds Act 1995  
Cat Act 2011

Policy Implications

Nil

Consultation

Internal Mr Alan George – Chief Executive Officer  
Mr Brendon Gerrard – Environmental Health Officer  
Mr Matthew Sharpe - Ranger

Strategic Implications

**Shire of Lake Grace Strategic Community Plan 2017 – 2027**

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

Voting requirements

Simple majority

**RECOMMENDATION/RESOLUTION**

**RESOLUTION** 13719

**Moved:** Cr Lloyd

**Seconded:** Cr Hyde

That Council approves the amendments to the list of “Authorised Persons” for the Shire of Lake Grace in accordance with the requirements of the specified Acts, Regulations and Local Laws effective 23 August 2023.

**CARRIED** 8/0

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

**Against:** Nil

**14.5 FINANCE**

**14.5.1 ACCOUNTS FOR PAYMENT – JULY 2023**

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

Summary

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

Background

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

Comment

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

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

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

Legal Implications

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

Policy Implications

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

Consultation

Nil



Financial Implications

The list of creditors paid for the month of July 2023 from the Municipal Account  
Total \$379,188.48

Strategic Implications

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

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

**RECOMMENDATION / RESOLUTION**

**RESOLUTION            13720**

**Moved:                    Cr Hunt**  
**Seconded:                Cr McKenzie**

That Council ratify the list of payments totalling \$379,188.48 as presented for the month of July 2023 incorporating:

<b>Payment Method</b>	<b>Cheque/EFT/DD Number</b>	<b>Amount</b>
Electronic Funds Transfers	EFT25222 – EFT25297	\$330,148.75
Municipal Account Cheques	37080 - 37082	\$13,363.75
Direct Debits	DD10566.1 – DD10595.2	\$35,675.98
	<b>TOTAL</b>	<b>\$379,188.48</b>

**CARRIED                    8/0**

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

**Against:                    Nil**

# Shire of Lake Grace



## CERTIFICATE OF EXPENDITURE July 2023

This Schedule of Accounts to be passed for payment, covering

<b>Payment Method</b>	<b>Cheque/EFT/DD Number</b>	<b>Amount</b>
Electronic Funds Transfers	EFT25222 – EFT25297	\$330,148.75
Municipal Account Cheques	37080 - 37082	\$13,363.75
Direct Debits	DD10566.1 – DD10595.2	\$35,675.98
	<b>TOTAL</b>	<b>\$379,188.48</b>

to the Municipal Account, totalling \$379,188.48 which were submitted to each member of the Council on 23 August 2023, have been checked and fully supported by vouchers and invoices which are submitted herewith and which have been duly certified as to the receipt of goods and the rendition of services and as to prices, computations, and costing's and the amounts shown are due for payment.

\_\_\_\_\_  
Alan George  
**CHIEF EXECUTIVE OFFICER**

**14.5.2 FINANCIAL REPORTS – 30 JUNE 2023**

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

Summary

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

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

The monthly financial report does not include infrastructure assets revaluation figures, the valuation report is expected to be completed in early September.

As at 30 June 2023, operating revenue is over the target by \$3,917,139 (50.21%), mainly due to 100% of the Federal Assistance Grant received in advance in June 2023 for 23/24 financial year. Profit on disposal of assets over the budget due to the sale of two Mack trucks and DCEO vehicles was higher than expected. Interest earnings exceed the budgeted amount by 55,674 (17.75%). Other revenue is higher than the budget threshold by \$103,531 (26.55%) due to reimbursements of emergency services officer and medical center receptionist contribution.

Operating expenditure is under YTD budget by \$2,037,286 (16.82%) mainly due to Materials and contracts being down due to delays in operating jobs. Employee costs are slightly under budget due to vacancies in works and services. On the other hand, Utility charges are over the budget target due to increased demand in power and water and Loss on disposal of assets - due to the sale of Bomag Roller below the expected price.

The capital program is below the target by \$841,990 (16.97%). Some of "Local Roads & Community" and "Drought & Community" projects are not yet initiated/finalised or moved to 23/24 financial year, funds will be recognised in 23/24 financial year. Payments for property, plant and equipment are below target as well due to the portion of Capital projects not being initiated as yet (30%) or in an early stage of completion. This leads to Capital grants income decrease being offset by the reduction in payments for property, plant and equipment.

Cash at bank is similar to the corresponding period last year, an investment agreement Overnight Cash Deposit with WA Treasury Corporation for \$3,329,318.

Outstanding rates are tracking well and have recovered 98.5% to date.

General debtor is \$242,991 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 June 2023. The financial statements have been compiled to meet compliance with the Local Government Act 1995 and associated regulations.

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

#### Legal Implications

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

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

#### Policy Implications

Nil

#### Consultation

Internal Mrs Tegan Hall – Manager Corporate Services

#### Financial Implications

Nil

#### Strategic Implications

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

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

#### Voting Requirements

Simple Majority

## RECOMMENDATION / RESOLUTION

### RESOLUTION 13721

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

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

**CARRIED** 8/0

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

**Against:** Nil

## 14.6 COMMUNITY SERVICES

Nil

## 15.0 QUESTIONS OF WHICH DUE NOTICE HAS BEEN GIVEN

Nil

## 16.0 INFORMATION BULLETIN – AUGUST 2023

<b>Applicant:</b>	Internal Report
<b>File No.</b>	Nil
<b>Attachments:</b>	Information Bulletin Cover Page Only
<b>Author:</b>	Alex Adams Executive Assistant
<b>Disclosure of Interest:</b>	Nil
<b>Date of Report:</b>	18 August 2023
<b>Senior Officer:</b>	Mr Chris Paget - Deputy Chief Executive Officer

### Summary

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

### Background / Comment

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

The August 2023 Information Bulletin attachments include:

Reports:

- Infrastructure Services Report

External Organisations

- None received

Circulars, Media Releases, Newsletters, Letters

- Community Newsletters as circulated via email

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

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

Voting Requirements

Simple majority required.

**RECOMMENDATION / RESOLUTION**

**RESOLUTION**            **13722**

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

That Council accepts the Information Bulletin Report for August 2023.

**CARRIED**                **8/0**

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

**Against:**                 **Nil**

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

Mr Walker left the room at 3.52pm

**RECOMMENDATION / RESOLUTION**

**RESOLUTION 13723**

**Moved: Cr Kuchling**  
**Seconded: Cr McKenzie**

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 – Sale of Land – Lot 213 Quondong Court, Lake Grace

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

**CARRIED 8/0**

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

**Against: Nil**

**RECOMMENDATION / RESOLUTION**

**RESOLUTION 13724**

**Moved: Cr Hunt**  
**Seconded: Cr Chappell**

That Council accepts the recommendation contained within Item 17.1.1 – Sale of Land – Lot 213 Quondong Court, Lake Grace.

**CARRIED**

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

**Against: Nil**



**RECOMMENDATION / RESOLUTION**

**RESOLUTION**            13725

**Moved:**                Cr McKenzie  
**Seconded:**            Cr Chappell

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

**CARRIED**                8/0

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

**Against:**                Nil

**18.0    DATE OF NEXT MEETING – 27 SEPTEMBER 2023**

The next Ordinary Council Meeting is scheduled to take place on Wednesday 27 September 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 4.01pm.

**20.0    CERTIFICATION**

I, Leonard William Armstrong, certify that the minutes of the Meeting held on Wednesday 23 August 2023 as shown were confirmed as a true record of the meeting.

  
\_\_\_\_\_  
Signature

27 SEP 2023  
Date