

Shire of Lake Grace

Ordinary Council Meeting

MINUTES

23 November 2022

Meeting Commencing at 3:30 pm

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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.



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SHIRE OF LAKE GRACE

Minutes of the Ordinary Council Meeting held at the Council Chambers, 1 Bishop Street, Lake Grace, WA on Wednesday 23 November 2022 commencing at 3:30pm.

1.0 DECLARATION OF OPENING ANNOUNCEMENT OF VISITORS

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

2.0 CONSTITUTIONAL MATTERS

2.1 DISCLAIMER READING AND ACKNOWLEDGEMENT OF COUNTRY

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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 SG Hunt	
Cr AJ Kuchling	
Cr RA Lloyd	
Cr JV McKenzie	

3.2 APOLOGIES

Cr BJ Hyde
Cr DS Clarke

3.3 IN ATTENDANCE

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

3.4 OBSERVERS / VISITORS

Nil

3.5 LEAVE OF ABSENCE PREVIOUSLY GRANTED

Nil

4.0 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil

5.0 PUBLIC QUESTION TIME

Nil

6.0 PETITIONS/DEPUTATIONS/PRESENTATIONS

Nil

7.0 NOTATIONS OF INTEREST

Nil

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

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**

Cr Ross Chappell submitted two (2) Disclosures of Interest Affecting Impartiality on the following items because the author Mrs Cheryl Chappell is a staff member and wife of Cr Chappell:

- Item 14.6.1 – Tenancy Old Medical Centre – May Street, Newdegate
- Item 17.1.1 – 2023 Australia Day Citizenship Awards (Confidential)

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 – 26 OCTOBER 2022

RESOLUTION 13655

Moved: Cr Chappell

Seconded: Cr Kuchling

That the Minutes of the Ordinary Council Meeting held on 26 October 2022 be confirmed as a true and accurate record of the meeting.

CARRIED: 6/0

10.2 SPECIAL COUNCIL MEETING

Nil

10.3 ANNUAL MEETING OF ELECTORS

Nil

11.0 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

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

The following late items will be discussed during the meeting:

- Item 14.1.1 – Transfer of Funds from Boulton Street to PL32CAP WATER TANKER
- Item 14.6.1 – Tenancy – Old Medical Centre – May Street, Newdegate

13.0 REPORTS OF COMMITTEES

13.1 SHIRE OF LAKE GRACE TOURISM ADVISORY COMMITTEE (SOLGTAC) MEETING – 18 OCTOBER 2022

RESOLUTION 13656

Moved: Cr Lloyd
Seconded: Cr Hunt

That the Minutes of the Shire of Lake Grace Tourism Advisory Committee (SOLGTAC) meeting held on 18 October 2022 be received.

CARRIED: 6/0

14.0 REPORTS OF OFFICERS

14.1 INFRASTRUCTURE SERVICES

14.1.1 TRANSFER OF FUNDS FROM BOULTON STREET TO PL32CAP WATER TANKER

Applicant:	Internal Report
File No.:	0845
Attachments:	Nil
Author:	Mr. Jason Lip – Technical Officer
Disclosure of Interest:	Nil
Date of Report:	23 November 2022
Senior Officer:	Mr. Craig Elefsen – Manager Infrastructure Services

Summary

For Council to authorise the transfer of \$115,000.00 including GST from 1213155 "Boulton Street" to PL32CAP "Water Tanker" for the purchase of a new water tanker.

Background

The Shire's current water tanker is a 32,000 L tri-axle tanker, we have been experiencing more and more faults. Recently the inside has been rusting, resulting in various size pieces of rust causing damage to the pump, sprayers, and dribble bar. It is expected that the tanker will continue to deteriorate resulting in higher maintenance costs and the downtime for maintenance will get greater causing delays in works.

The current water tanker was purchased in 2016 as a second-hand tanker.

Comment

In order for the Shire works crew to continue with road construction works, a water tanker is necessary for the carting and dispensing of water. With the current water tanker providing mitigated functions due to age (with the effects of deterioration being rather sudden), the Shire Administration have determined that it will need to be replaced as a matter of priority so that the year's work schedule can continue in a timely manner.

3 quotes were sourced and to purchase from the best quote will require a budget of \$115,000 including GST for both the tanker itself and additions (licensing costs, transport costs, sundries and adaptors).

The money used to fund this purchase is to be taken from the Boulton Street road construction job, the rear access road for the Dewar Street industrial area. The reasoning being that the Shire will need to re-asertain the demand for such a road. The current business premises located on Dewar Street have access from the front of their blocks and the Shire hasn't received any formal request for back access within the last 12 months. For the Shire to continue with Boulton street we will need to purchase additional land to allow a joining road between Boulton Street and Dewar street. Shire Administration would like to repurpose these funds to solve the current water tanker problem.

Legal Implications

Nil

Policy Implications

Policy 3.7 Purchasing Policy

Purchase Value Threshold (excluding GST)	Purchasing Requirement
From \$100,001 to \$249,999	Seek at least three (3) written quotations from suppliers by invitation under a formal Request for Quotation. Where the Shire has an established Panel of Pre-Qualified Suppliers relevant to the required purchasing category, seek quotations in accordance with the contract requirements. If no Panel of Pre-Qualified Suppliers exists for the required purchasing category, then at least one (1) quote must be sought from either: - a supplier included in the relevant WALGA Preferred Supplier Arrangement; or - other suppliers that are accessible under a State Government Common Use Arrangement (CUA). If quotes are not being sought from a WALGA Preferred Supplier Arrangement, at least one (1) quotation of the three (3) quotations is to be sought, where a suitable supplier is available, from either: - a WA Disability Enterprise; and / or - an Aboriginal Owned Business; and / or - a Local Supplier. The purchasing decision is to be based upon assessment of the suppliers response to: - a detailed written specification for the goods, services or works required and - pre-determined evaluation criteria that assesses all best and sustainable value considerations. The procurement decision is to be represented using an Evaluation Report template.

Consultation

Internal: Mr Craig Elefsen - Manager Infrastructure Services

Financial Implications

Job budgets will be impacted as below. Figures are shown without GST components.

	1213155 "Boulton Street" budget	\$300,000.00
Less	Transfer to PL32CAP "Water Tanker"	-\$115,000.00
	Proposed Boulton Street budget	\$185,000.00

	PL32CAP "Water Tanker" budget	\$0.00
<i>More</i>	Transfer from 1213155 "Boulton Street"	\$115,000.00
	Proposed Water Tanker purchase budget	\$115,000.00

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 1.1 An innovative, productive agriculture industry

Strategies 1.1.1 Enhance and maintain transport network

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

Voting Requirements

Absolute majority required.

RESOLUTION 13657

Moved: Cr Chappell

Seconded: Cr Hunt

That Council authorise the transfer of \$115,000.00 from 1213155 "Boulton Street" to PL32CAP "Water Tanker".

CARRIED: 6/0

14.2 PLANNING

Nil

14.3 HEALTH AND BUILDING

Nil

14.4 ADMINISTRATION

14.4.1 2022/2023 CHRISTMAS AND NEW YEAR TRADING HOURS

Applicant:	Shire of Lake Grace
File No.	0817
Attachments:	• Email from Geoff Hales – A/Principal Compliance Officer Retail Trading • Application form – Non-Metro LG – Extended Trading Hours
Author:	Mrs Racelis Rose - Executive Assistant
Disclosure of Interest:	Nil
Date of Report:	01 November 2022
Senior Officer:	Mr Alan George - Chief Executive Officer

Summary

For Council to consider applying for an extension of trading hours over the 2022/2023 Christmas and New Year period.

Background

In previous years, a trading hour package based on the current Perth hours has been offered to regional Local Governments. However, the majority of Local Governments have declined the offer in the past and have applied for their own locally preferred Christmas / New Year trading arrangements.

From 2015 to 2021 the Shire adopted trading hours based on those in the metropolitan area, as listed below:

Monday to Friday	8:00 am to 9:00 pm
Saturday	8:00 am to 5:00 pm
Sunday	11:00 am to 5:00 pm
Christmas Day	Closed

In the notification to the Shire of Lake Grace retailers, it has always been stressed that with all extended trading hour variations, the decision to open or not during the additional hours provided is at the retailer's discretion.

Comment

The Department of Mines, Industry Regulation and Safety-Consumer Protection Division recognises that metropolitan hours may not meet the needs of the local community, therefore, local governments that require amended trading hours need to consider their specific requirements and a proposal needs to be submitted with their application.

If Council does not support the extension of trading hours based on those in the metropolitan area, then an alternative recommendation would be that *'Council not support extended trading arrangements over the 2022/2023 Christmas and New Year period'*.

Legal Implications

Retail Trading Hours Act 1987

Part III Retail Trading Hours

12E. Variation of trading hours (1) The Minister may by order vary the trading hours of retail shops by — (a) requiring retail shops to be closed at a time or times when the shops would otherwise not be required to be closed under section 12(1) or (3), 12B or 12D; or (b) authorising retail shops to be open at a time or times when the shops would otherwise be required to be closed under any of those provisions

Policy Implications

Nil

Consultation

Internal: Mr Chris Paget – Deputy Chief Executive Officer

Financial Implications

Nil

Strategic Implications

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

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

Outcome 1.2 A diverse and prosperous economy

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

Voting Requirements

Simple majority required.

RESOLUTION 13658

Moved: Cr McKenzie

Seconded: Cr Kuchling

That Council seek approval from the Department of Commerce for extended trading hours for the Shire of Lake Grace over the 2022 / 2023 Christmas and New Year period, commencing from 10 December 2022 and concluding on 2 January 2023, both dates are inclusive.

The hours will be as follows:

Day	From	To
Monday to Friday	8:00 am	9:00 pm
Saturday	8:00 am	5:00 pm
Sunday and Public Holidays	11:00 am	5:00 pm
Christmas Day - CLOSED		

CARRIED: 6/0

14.4.2 REQUEST FOR FUNDING - LAKE KING CENTENARY CELEBRATIONS 2028

Applicant:	Lake King Progress Association – c/o Louise Teale, Secretary Lake King Progress Association
File No.:	0845
Attachments:	• Letter from Lake King Progress Association • Letter response from the Shire of Lake Grace
Author:	Mrs Racelis Rose – Executive Assistant
Disclosure of Interest:	Nil
Date of Report:	02 November 2022
Senior Officer:	Mr Alan George – Chief Executive Officer

Summary

The Lake King Centenary celebrations will happen sometime in the year 2028 and Council is being asked to put aside within the annual budget an amount to assist the Lake King Progress Association to cover the costs.

Background / Comment

The Shire administration received a letter from the Lake King Progress Association requesting to consider creating a reserve fund for the Lake King Centenary anniversary which will take place sometime in the year 2028. They are aiming for the Shire to provide approximately \$60 to \$70k accumulated before 2028.

Administration sent a letter in response stating that their request will be put to Council for determination of the amount that will be put aside and suggested that the Lake King Progress Association seek sponsorship and/or undertake fund raising activities over the coming years to raise funds for the centenary celebrations.

It is anticipated that the Lake King Centenary celebrations will be a big event and as a reference point, the Newdegate Centenary celebrations held in September 2022 have been funded by the Shire for \$67,986.

Legal Implications

Nil

Policy Implications

Nil

Consultation

Internal Mr Alan George – Chief Executive Officer

External Lake King Progress Association – Louise Teale, Secretary

Financial Implications

Nil at this stage – there is no funding allocated for the Lake King Centenary but this will need to be included beginning 2023/2024 budget allocation.

Strategic Implications

This request aligns with the Shire of Lake Grace Strategic Community Plan 2017-2027 and more specifically with Outcome 2.1.3 below.

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

Outcome 2.1 An engaged, supportive and inclusive community

Strategies 2.1.3 Actively promote and support community events and activities within the district

Voting Requirements

Simple majority required.

RESOLUTION 13659

Moved: Cr Lloyd

Seconded: Cr Chappell

That Council approves the request from Lake King Progress Association to set aside some funds within the budget beginning 2023, the amount to be determined during budget allocation period.

CARRIED: 6/0

14.4.3 SOUTH WEST NATIVE TITLE SETTLEMENT – LAND BASE CONSULTATION

Applicant:	Department of Planning Lands and Heritage
File No.:	0367 / 0368
Attachments:	Three (3) Location maps
Author:	Mr Alan George – Chief Executive Officer
Disclosure of Interest:	Nil
Date of Report:	2 November 2022
Senior Officer:	Mr Alan George – Chief Executive Officer

Summary

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

Background

The South West Native Title Settlement (Settlement) is a landmark native title agreement reached between the State Government (State) and the six (6) Noongar Agreement Groups. The six (6) 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.

The Noongar Land Estate will contain up to 300,000 hectares of land transferred in reserve or leasehold, and up to 20,000 hectares of land transferred in freehold. The Landholding Body for all land transferred is the Noongar Boodja Land Sub Pty Ltd., which will hold and manage the land in the Noongar Land Estate in consultation with the soon to be established Noongar Regional Corporations. All land will be used and managed in line with Noongar cultural, social and economic aspirations for the benefit of generations to come.

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

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

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

Comment

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

Council is requested to provide comment on several parcels of land on and near the southern boundary of the shire.

1. Consists of 6 parcels of land in the Lake Romani area of the Lake Magenta Nature Reserve being all that part of the reserve within the Shire of Lake Grace and immediately bordering a previously approved area of 422ha to the east. The land is bordered by the Shires of Kent, Ravensthorpe and Jerramungup. Lake Magenta Road dissects this reserve. Farmland adjoins the subject area to the north.

The land is totally undeveloped apart from 2 gravel pits at the southern end of Lake Magenta Road neither of which appear in our records. Adjacent to the northern pit DWER Rural Water Planning is believed to have been undertaking groundwater investigations. The Water Corporation have an old AA dam at Lake Romani which they tried to offload to the shire several years ago; however, it was not considered viable to take over due to its remoteness and state of repair.

2. Reserve 36443 is 276ha and forms part of the Dunn Rock Nature Reserve and is located on the south eastern end of the portion along Old Ravensthorpe Road. It is vested to DPLH for the purpose of gravel; however, it is highly unlikely that any gravel would be able to be extracted there into the future given recent experiences at a pit a few kilometres north along Old Ravensthorpe Road.
3. The last area in question is a 2.4ha area of crown land situated at the intersection of Magenta Road and Giles Road. It appears to be a small area of insignificant sparse heathland scrub.

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 following comments should be recorded in response to:

2. The Shire of Lake Grace should retain the right to apply for clearing permits for the sourcing of gravel to maintain roads in the area for all subject land with the exception of the 2.4ha at the intersection of Magenta and Giles Roads.
9. The Department of Planning, Lands and Heritage to be advised that the Department of Water and Environmental Regulation Rural Water Planning may have an interest in that portion of Lake Magenta Nature Reserve along Lake Magenta Road where it has been undertaking groundwater investigations.

These requests are just the start of more anticipated to follow over the next four or five years. It is worthwhile noting that whilst these are in remote locations with little or no interest to the Shire that some other shires have had requests regarding UCL in townsites.

Legal Implications

South West Native Title Settlement

Policy Implications

Nil

Consultation

Nil

Financial Implications

Nil

Strategic Implications

Nil

Voting Requirements

Simple majority

RESOLUTION 13660

Moved: Cr Hunt
Seconded: Cr McKenzie

That Council authorises administration to provide comment on the consideration for inclusion in the Noongar Land Estate of:

- 1 Certificates of Title 3022/45 Lots 656, 1025, 3014, Reserves 20281, 20282 and PIN 645233 in the Lake Romani area of Lake Magenta Nature Reserve, and
- 2 Reserve 36443 being part of the Dunn Rock Nature Reserve, and
- 3 PIN 645248 being the un-named 2.4ha parcel of land at the intersection of Magenta and Giles Roads

Comments to read as follows:

1. Is the Shire supportive of the transfer of this land to the Noongar People under the Settlement? Yes
2. Does the Shire have any interest in the land? Yes
The Shire of Lake Grace wishes to retain the right to apply for clearing permits for the sourcing of gravel to maintain roads in the area for all subject land with the exception of the 2.4ha at the intersection of Magenta and Giles Roads (PIN 645248)
3. Does the Shire have existing or planned infrastructure within the land parcel that requires protection? If yes, please provide details and advise if access to this infrastructure will need to be maintained. No
4. Is the land parcel subject to any mandatory connection to services? No
5. Are any future proposals for the land identified? Please provide detail of what is proposed and in what timeframe? No
6. Are there any future proposals for adjoining land that may affect the land identified in the spreadsheet? If so, in what timeframe? No
7. Please advise of any proposed planning scheme amendments that may affect the zoning of this land at a State or Local government level. If a scheme amendment is to occur, what is the change proposed and when will it come into effect? Nil
8. Please advise of any known land management issues such as site contamination, hazards, debris or rubbish dumping, unauthorised land use and environmental considerations (such as inundation or similar site constraints). None that the Shire is aware of.
9. Please provide any additional comments on the proposed transfer of this land as part of the Settlement.

The Department of Planning, Lands and Heritage to be advised that the Department of Water and Environmental Regulation Rural Water Planning may have an interest in that portion of Lake Magenta Nature reserve along Lake Magenta Road where it has been undertaking groundwater investigations.

CARRIED: 6/0

14.4.4 WALGA BEST PRACTICE GOVERNANCE REVIEW

Applicant:	WALGA – Nick Sloan – Chief Executive Officer
File No.:	Nil
Attachments:	1. Background Paper 2. Consultation Paper
Author:	Mr Alan George – Chief Executive Officer
Disclosure of Interest:	Nil
Date of Report:	9 November 2022
Senior Officer:	Mr Alan George – Chief Executive Officer

Summary

Local Governments have been asked to consider the model options outlined in the Best Practice Governance Review Consultation Paper being conducted by WALGA and to provide a Council endorsed position to WALGA by 23 December 2022.

Background

The Western Australian Local Government Association (WALGA) developed its Corporate Strategy 2020-25, and in doing so, identified a key strategic priority, to undertake a Best Practice Governance Review. The objective of the review is to ensure WALGA's governance and engagement models are contemporary, agile, and maximise engagement with members.

Other drivers for the review included:

- misalignment between key governance documents;
- constitution amendments for State Councillors' Candidature for State and Federal elections; and
- legislative reforms for the Local Government Act 1995 and for the Industrial Relations Act 1979.

In March 2022, State Council commissioned the Best Practice Governance Review (BPGR) and established a Steering Committee to guide the Review.

The BPGR Steering Committee had five meetings between 5 May 2022 and 10 August 2022. There was wide-ranging discussion on WALGA's current governance model, the need to engage broadly with the membership, and opportunities for change. Key outputs from the BPGR Steering Committee meetings included:

- Agreement on five comparator organisations – Australian Medical Association (AMA) WA, Chamber of Commerce and Industry (CCI) WA, Chamber of Minerals and Energy (CME), Australian Hotels Association (AHA) WA and the Pharmacy Guild (PG).
- Review of governance models of Local Government Associations in other Australian States and Territories, and New Zealand.
- Drafting of governance principles that will underpin future governance models.

- Finalisation of governance principles and principle components across the domains of -
Representative, Responsive and Results Oriented

These activities are outlined in more detail in the Background Paper.

Comment

The Consultation document outlines:

Principles: The governance model principles and principle components across the domains of: Representative, Responsive and Results Oriented. The principles were endorsed at the WALGA AGM on 3 October 2022.

Governance model options: Presents four (4) potential governance model options and the structure and roles associated with each option. The four options are:

- **Option 1:** Two tier model, existing zones
- **Option 2:** Board, regional bodies
- **Option 3:** Board, amalgamated zones
- **Option 4:** Member elected board, regional groups, and
- **Option 5:** Current model

Alignment to principles: Each of these options are then assessed as to whether they align with the principles and their components. The assessment considers the option and whether it meets, partially meets or does not meet the principle component. Alongside this assessment are some discussion points. An example of this relates to diversity.

Diversity is a component of the governance model being representative. Diversity here may include consideration of whether the governance model comprises an appropriate diversity of skills and experience. It also provides opportunity to consider whether the governance model provides opportunity for members of diverse backgrounds e.g. people of Aboriginal and Torres Strait Islander descent, people with Culturally and Linguistically Diverse backgrounds.

Within all the model options, direct relationship with WALGA and regional/subregional collaboration would continue to be encouraged.

Local Governments are asked to consider this paper and the governance model options put forward and provide a Council endorsed position to WALGA.

It is suggested that Councils endorse a preferred model (which could be the Current Model) and provide a ranking in terms of an order of preference.

Submissions to WALGA are sought by 23 December 2022.

Supplementary Market Research

An independent market research company has been engaged to ascertain insights from Elected Members and Chief Executive Officers about WALGA's governance model. Qualitative interviews and a quantitative survey will be undertaken to supplement Council positions.

Timetable

Consultation and engagement with Members on this paper and governance model options will:

- be undertaken from October 2022 until 23 December 2022.
- The Steering Committee will consider the outcomes of the consultation process during January 2023.
- A Final Report with a recommended direction will be the subject of a State Council Agenda item for the March 2023 State Council meeting.

Council needs to consider which option best suits the requirements of the Shire of Lake Grace.

Adequate representation from all councils should be the governing factor in making the decision.

Legal Implications

Not known

Policy Implications

Nil

Consultation

Councillors

Financial Implications

None known

Strategic Implications

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

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

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

Voting Requirements

Simple majority required.

RESOLUTION 13661

Moved: Cr Chappell

Seconded: Cr Hunt

That Council considers the five(5) options presented by WALGA in the Consultation Paper for the WALGA Best Practice Governance Review and lists the preferences in order and to provide the response to WALGA by Friday 23 December 2022.

Note: Council considered all the options presented and resolved that Option 5 is the first preference with Option 1 being the next preferred. No other options were considered appropriate.

CARRIED: 6/0

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

Applicant:	WALGA Central Country Zone
File No.:	0601
Attachments:	Central Country Zone Local Government Emergency Management Memorandum of Understanding (MOU)
Author:	Mr Alan George – Chief Executive Officer
Disclosure of Interest:	Nil
Date of Report:	17 November 2022
Senior Officer:	Mr Alan George – Chief Executive Officer

Summary

For Council to consider extending the existing MOU for a further 2 years and to advise the Central Country Zone Executive accordingly.

Background / Comment

At the September 2019 Ordinary Council meeting, Council passed the following resolution with regards to the Memorandum of Understanding (MOU)

RESOLUTION 13105

Moved Cr Stoffberg

Seconded Cr Clarke

That Council, endorses the Local Government Memorandum of Understanding (MOU), as detailed in the attachment that will promote cooperation between the Central Country Zone local governments in emergency events.

CARRIED 8/0

On 21 February 2020, all local governments in the Central Country Zone zone signed an MOU for Emergency Management. The MOU will expire on 31 December 2022 unless mutually extended

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

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

It is recommended that Council agree to be part of the continued cooperative approach assisting other local governments in the Central Country Zone in emergency events by endorsing the extension of the attached MOU.

Legal Implications

Nil

Policy Implications

Nil

Consultation

External WALGA Central Country Zone – local governments

Financial Implications

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

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

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

Strategic Implications

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

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

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

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

Outcome	4.1	A strategically focused, unified Council functioning efficiently
Strategies	4.1.1	Provide informed leadership on behalf of the community
	4.1.2	Promote and advocate for the community and district
	4.1.3	Provide strategic leadership and governance

Voting Requirements

Simple majority required

RESOLUTION 13662

Moved: Cr Kuchling
Seconded: Cr McKenzie

That Council endorses the extension of the Local Government Memorandum of Understanding (MOU) as detailed in the attachment for a further two (2) years that will promote cooperation between the Central Country Zone local governments in emergency events.

CARRIED: 6/0

14.4.6 2022-2023 - FREEDOM OF INFORMATION STATEMENT

Applicant:	Internal Report
File No.:	0218
Attachments:	2022 – 2023 Freedom of Information Statement
Author:	Mr Chris Paget - Deputy Chief Executive Officer
Disclosure of Interest:	Nil
Date of Report:	17 November 2022
Senior Officer:	Mr Alan George – Chief Executive Officer

Summary

For Council to endorse the 2022-2023 Shire of Lake Grace Freedom of Information Statement.

Background

Under the Government of Western Australia, *Freedom of Information Act (FOI Act) 1992* Section 96(1) requires each government agency, including local governments to prepare and publish annually an Information Statement. This statement must contain:

- The agency's mission statement/vision
- Details of legislation administered
- Details of the organisational structure
- Details of decision-making functions and how the public can participate
- Documents held by the Shire
- The operation of Freedom of Information in the agency

A copy of the Information Statement is to be published on the Shire of Lake Grace website with hard copies available at the Administration office. In addition, it is a requirement under the FOI Act that a copy be forwarded to the Commissioner as soon as practicable after endorsement under section 96 of the Act. The Statement is to be updated annually, and is required when completing the mandatory FOI Statistical Return for the Shire each year.

Comment

Freedom of Information (FOI) gives the public a right to access government documents, subject to some limitations. In Western Australia, under the *FOI Act 1992*, this right applies to documents held by most State government agencies (such as departments, public hospitals, public universities and State government authorities), Ministers and local government. Together, these bodies are referred to as "agencies".

Documents accessible under the *FOI Act 1992* include paper records, plans and drawings, photographs, tape recordings, films, videotapes or information stored in a computerised form. Agencies are required to assist applicants to obtain access to documents at the lowest reasonable cost. Anyone can also apply to have personal information about themselves in government documents amended if that information is inaccurate, incomplete, and out of date or misleading.

The Information Commissioner is an independent officer who reports directly to Parliament. The position is established by the *FOI Act* and is supported by staff of the Office of the Information Commissioner.

Legal Implications

Freedom of Information Act (1992)

Part 5 Publication of information about agencies

96. Information statement, each agency to publish annually

(1) An agency (other than a Minister or an exempt agency) has to cause an up to date information statement about the agency to be published in a manner approved by the Minister administering this Act —

- (a) within 12 months after the commencement of this Act; and
- (b) at subsequent intervals of not more than 12 months.

(2) In giving approval under subsection (1) the Minister has to have regard, amongst other things, to the need to assist members of the public to exercise their rights under this Act effectively.

(3) In the case of an agency that comes into existence after the commencement of this Act the reference in subsection (1)(a) to the commencement of this Act is to be read as a reference to the time when the agency commences its operations.

(4) A subcontractor does not have to comply with subsection (1) if the relevant contractor has complied with that subsection on behalf of the subcontractor.

[Section 96 amended by No. 47 of 1999 s.13.]

94. Term used: information statement

A reference in this Act to an information statement, in relation to an agency, is a reference to a statement that contains —

- (a) a statement of the structure and functions of the agency;
- (b) a description of the ways in which the functions (including, in particular, the decision-making functions) of the agency affect members of the public;
- (c) a description of any arrangements that exist to enable members of the public to participate in the formulation of the agency's policy and the performance of the agency's functions;
- (d) a description of the kinds of documents that are usually held by the agency including —
 - (i) which kinds of documents can be inspected at the agency under a written law other than this Act (whether or not inspection is subject to a fee or charge); and
 - (ii) which kinds of documents can be purchased; and
 - (iii) which kinds of documents can be obtained free of charge;
- (e) a description of the agency's arrangements for giving members of the public access to documents mentioned in paragraph (d)(i), (ii) or (iii) including details of library facilities of the agency that are available for use by members of the public;
- (f) a description of the agency's procedures for giving members of the public access to the documents of the agency under Part 2 including —
 - (i) the designation of the officer or officers to whom initial inquiries as to access to documents can be made; and
 - (ii) the address or addresses at which access applications can be lodged;
- (g) a description of the agency's procedures for amending personal information in the documents of the agency under Part 3 including —

- (i) the designation of the officer or officers to whom initial inquiries as to amendment of personal information can be made; and
- (ii) the address or addresses at which applications for amendment of personal information can be lodged.

Policy Implications

Nil

Consultation

Internal: Mr. Alan George - Chief Executive Officer
Mr Kevin Wilson – A/Manager Corporate Services
Mrs. Racelis Rose – Executive Assistant

Financial Implications

Nil

Strategic Implications

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

Voting requirements

Simple majority required.

RESOLUTION 13663

Moved: Cr Hunt

Seconded: Cr Lloyd

That Council endorses the Shire of Lake Grace 2022-2023 Freedom of Information Statement.

CARRIED: 6/0

14.5 FINANCE

14.5.1 ACCOUNTS FOR PAYMENT – OCTOBER 2022

Applicant	Internal Report
File No	0277
Attachments	List of Accounts Payable
Author	Mr Kevin Wilson – A/Manager Corporate Services
Disclosure of Interest	Nil
Date of Report	07 November 2022
Senior Officer	Mr Alan George - Chief Executive Officer

Summary

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

Background

List of payments for the month of October 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 October 2022 from the Municipal and Trust Accounts Total \$1,218,324.55.

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.

RESOLUTION 13664

Moved: Cr Chappell

Seconded: Cr Lloyd

That Council ratify the list of payments totalling \$1,218,324.55 as presented for the month of September 2022 incorporating:

Payment Method	Cheque/EFT/DD Number	Amount
Electronic Funds Transfers	EFT24137 – EFT24252	\$1,155,916.82
Municipal Account Cheques	37024-37031	\$3,585.23
Direct Debits	DD10209.2 – DD10220.10	\$58,822.50
	TOTAL	\$1,218,324.55

CARRIED: 6/0

Shire of Lake Grace



CERTIFICATE OF EXPENDITURE October 2022

This Schedule of Accounts to be passed for payment, covering

Payment Method	Cheque/EFT/DD Number	Amount
Electronic Funds Transfers	EFT24137 - EFT24252	\$1,155,916.82
Municipal Account Cheques	37024-37031	\$3,585.23
Direct Debits	DD10209.2 – DD10220.10	\$58,822.50
	TOTAL	\$1,218,324.55

to the Municipal Account, totalling \$1,218,324.55 which were submitted to each member of the Council on 23 November 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 – 31 OCTOBER 2022

Applicant:	Internal Report
File No.	0275
Attachments:	• Monthly Financial Reports • Bank Reconciliations – 31 October 2022
Author:	Mr Kevin Wilson – A/Manager Corporate Services
Disclosure of Interest	Nil
Date of Report	14 November 2022
Senior Officer	Mr Alan George - Chief Executive Officer

Summary

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

Background

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

Comment

As at 31 October 2022, operating revenue insignificantly below target by \$7,130 (0.12%). Mostly due to Interest earnings below budget - term deposits in place and interest will be received in November.

Operating expenditure is under YTD budget by \$573,977 (14.69%) mainly due to materials and contracts are down as a consequence of delay in operating jobs. Depreciation on the other hand over the budget target. Insurance expenditure higher due to workers compensation.

The capital program is below the target by \$660,722 (38.94%). 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 (67%) 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 3 term deposits with Commonwealth Bank is in place for \$9,011,984, along with Overnight Cash Deposit with WA Treasury Corporation for \$3,000,000.

Outstanding rates is tracking well and have recovered 84.3% to date.

General debtor is \$377,581 with no major outstanding debts to follow up. Main Roads WA invoices for \$237,712 dated only 24 October 2022, which is less than 30 days.

The monthly financial reports include the accompanying Local Government special purpose financial statements for the Shire of Lake Grace, which comprises the Statement of Financial

Activity (by Statutory Reporting Program), a summary of significant accounting policies and other explanatory notes for the period ending 31 October 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.

RESOLUTION 13665

Moved: Cr Lloyd

Seconded: Cr Kuchling

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

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

CARRIED: 6/0

14.6 COMMUNITY SERVICES

14.6.1 TENANCY – OLD MEDICAL CENTRE – MAY STREET, NEWDEGATE

Applicant:	Ms Robyn Orr
File No.:	0166
Attachments:	Nil
Author:	Mrs Cheryl Chappell – Community Services Officer
Disclosure of Interest:	Nil
Date of Report:	22 November 2022
Senior Officer:	Mr Alan George – Chief Executive Officer

Cr Ross Chappell submitted a Disclosure of Interest Affecting Impartiality on Item 14.6.1 – Tenancy – Old Medical Centre – May Street, Newdegate because the author of the report Mrs Cheryl Chappell is a staff member of the Shire.

Summary

For Council to consider rental of its building on May Street, Newdegate previously used as a doctor's surgery.

Background / Comment

Ms Robyn Orr is seeking to rent a room in the old doctor's surgery on May Street, Newdegate for the purpose of providing a skin, health and beauty treatment to the members of the community. The tenancy is for the period beginning February to December 2023, 1 to 2 days per week. Depending on client requirements, Ms Orr is requesting flexibility on the days that she will use the room.

There is no other suitable available space for rent or lease listed within the local area. The rental of this building will enable the community to retain an existing service, fully utilise the space and have the occupier responsible for the general maintenance of the area being used.

Currently, the Lake Grace old doctor's surgery is occupied and the tenant is charged \$36.00 per day

Legal Implications

Nil

Policy Implications

Nil

Consultation

Internal Mr Alan George – Chief Executive Officer

Financial Implications

Minimal impact – generation of approximately \$36 per day (depending on the number of days used) for the year 2023.

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.

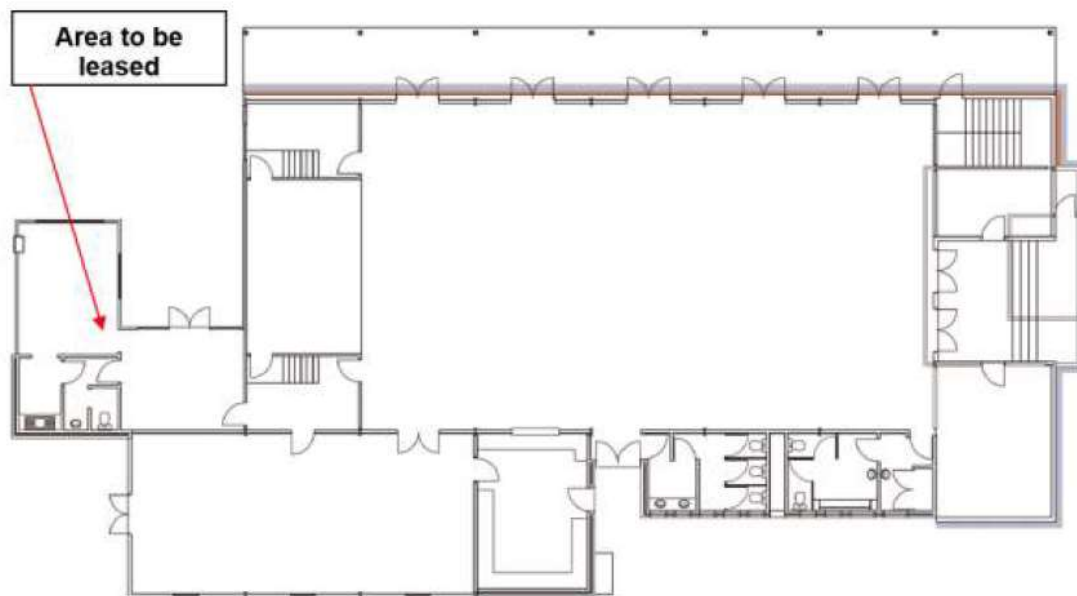
RESOLUTION 13666

Moved: Cr Chappell

Seconded: Cr Lloyd

That Council enter into a rental agreement with Ms Robyn Orr for the eleven (11) months (February to December 2023) subject to acceptance of standard rental conditions based on current rental charge similar to the Lake Grace old doctor's surgery.

CARRIED: 6/0



15.0 QUESTIONS OF WHICH DUE NOTICE HAS BEEN GIVEN

16.0 INFORMATION BULLETIN – NOVEMBER 2022

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

Summary

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

Background / Comment

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

The November 2022 Information Bulletin attachments include:

Reports:

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

External Organisations

- WALGA Breakfast with Heads of Agencies – Department of Local Government, Sport and Cultural Industries
- WALGA Breakfast with Heads of Agencies – Department of Jobs, Tourism, Science and Innovation
- Regional Development Australia (RDA) – Annual Report 2021/2022
- Eastern Wheatbelt Biosecurity Group (EWBG) – Minutes of Meeting – 18 October 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.

RESOLUTION 13667

Moved: Cr Chappell

Seconded: Cr Kuchling

That Council accepts the Information Bulletin Report for November 2022.

CARRIED: 6/0

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

RESOLUTION 13668

Moved: Cr Hunt
Seconded: Cr Chappell

That Council meet behind closed doors at 4:09 pm 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 2023 Australia Day Citizenship Awards

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

CARRIED: 6/0

RESOLUTION 13669

Moved: Cr Hunt
Seconded: Cr McKenzie

That Council accept the recommendation contained in Item 17.1.1 – 2023 Australia Day Citizenship Awards

CARRIED: 6/0

RESOLUTION 13670

Moved: Cr Kuchling
Seconded: Cr McKenzie

That Council move from behind closed doors at 4:19 pm to proceed with the meeting.

CARRIED: 6/0

18.0 DATE OF NEXT MEETING – 21 DECEMBER 2022

The next Ordinary Council Meeting is scheduled to take place on Wednesday 21 December 2022 commencing at 3:00pm at the Council Chambers, 1 Bishop Street, Lake Grace.

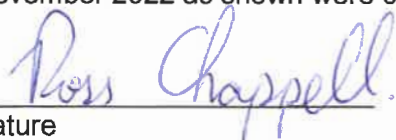
19.0 CLOSURE

There being no further business, the Shire President closed the meeting at 4:20 pm.

20.0 CERTIFICATION

I, Cr Ross Chappell certify that the Minutes of the Ordinary Council meeting held on 23 November 2022 as shown were confirmed as a true record of the meeting.

Signature



Date

