

Shire of Lake Grace

Ordinary Council Meeting

# MINUTES

24 August 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 24 August 2022 commencing at 3:30 pm.

### **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**

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

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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.

### **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 A George	Chief Executive Officer
Mr C Paget	Deputy Chief Executive Officer
Mrs T Hall	Manager Corporate Services
Mr C Elefsen	Manager Infrastructure Services
Mr M Castaldini	Community Emergency Services Manager ( <i>arrived at 3:41pm</i> )
Mrs R Rose	Executive Assistant

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

Mr Brad Watson – Senior Deputy Bushfire Control Officer attended the meeting in conjunction with Item 5.0 – Public Question Time.

#### **3.5 LEAVE OF ABSENCE PREVIOUSLY GRANTED**

Nil

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

Nil

#### **5.0 PUBLIC QUESTION TIME**

Mr Brad Watson addressed the Council during Public Question Time, the Questions and Responses are as follows:

1. *Why is it that under Written Law from the Work Health and Safety ACT the Bush Fire Brigades have missed out on funding?*

**Response:** An increase in funding of \$290,996 in our BFB Operating Grant was sought from DFES which represented a 414% increase on the amount DFES offered. DFES advised that this amount was in excess of the funding parameters and an alternative operating grant of \$62,000 + \$10,000 specifically for PPE(C) was offered. It is believed that the State Government is being lobbied by WALGA to increase funding to councils due to the ramifications of the new act.

2. *Why has there no attempt to even make a start on the suppling safety equipment for the 248 members from 9 brigades throughout the Shire of Lake Grace.*

**Response:** Last financial year there was \$18,511 spent on PPE(C) against a budget allocation of \$8,800.

This financial year there has been an additional \$10,000 allocation from DFES specifically for PPE(C).

Last financial year there was a budget allocation for Fire Prevention Operating Expenditure of \$205,906.65 actual expenditure was \$184,770.13. Some of this underspend could have been reallocated to the purchase of PPE. This account comes under the auspices of the Shire CESM who, upon reflection, could have requested Council to allocate this to the purchase of PPE.

Attention is brought to the minutes of the Lake Grace Bushfire Advisory Committee Meeting of 30 March 2022 **Item 8.1 PPC/E** in particular the final statement which states;

*As you can imagine this will present a large cost on the Shire, which we acknowledge we will be unable to remediate straight away but will plan to achieve this in the coming years.*

3. *We all have a duty of care at fire events and everyone is entitled to be safe and return home safely to family and friends.*

**Response:** Again reference is made to the minutes of the March Lake Grace Bushfire Advisory Committee Meeting **Item 8.2 Training Requirements**

*The Shire of Lake Grace acknowledges the WHS Act 2020 and the requirement to protect our volunteers. Specifically ensuring that our volunteers are suitably trained and equipped to be undertaking their role(s).*

*We are proposing that the Shire of Lake Grace adopt the below training program.*

*The proposed training program covers a range of roles across our organisation and has been carefully considered to cover the competencies required for the provision of service to the community.*

*We understand that this intent will take some time to implement, however we would like to accelerate some areas where possible to bring benefit to our volunteers and the community we serve.*

*(Note: the training table has been omitted)*

**Comments:**

*FR Firefighter – Include AIIMS Awareness as Face-to-Face delivery in conjunction with Rural Fire Awareness in one hit.*

*FR FCO/Captain – Change Ground Controller to optional.*

*FR CBFCO/DCBFCO/Snr FCO – Accepted*

*Remove "Farmer Response" from names to avoid confusion. Better depict Town Brigade (Town Truck) training vs. Farm Response training requirements.*

*BFAC Resolution 02/2022:*

*That the Bush Fire Advisory Committee advises Council of its endorsement of the tabled Shire of Lake Grace Bush Fire Service Training Program, with modifications made as noted about, and requests that Council adopts the Shire of Lake Grace Bush Fire Service Training Program as a minimum standard for our brigade members.*

- Farm Response to be completed within 1 year*
- FCOs to be trained over 3 years.*

*Moved: Brad Watson*

*Seconded: Hugh Roberts*

*Voting Requirements*

*Simple majority required. - CARRIED*

The Manager Community Emergency Services arrived at 3:41 pm.

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

Nil

## **7.0 NOTATIONS OF INTEREST**

Nil

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

Cr Anton Kuchling submitted a Disclosure of Financial Interest as per Local Government Act 1995 section 5.65 in relation to Item 14.2.1 – Development Application-Proposed additions to existing Grain Handling and Storage Facility on Lot 11 (No. 7059) Kulin-Lake Grace Road, Lake Grace as Cr Kuchling is an employee of CBH.

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

Cr Ross Chappell submitted a Disclosure of Proximity Interest as per Local Government Act 1995 section 5.65 in relation to Item 14.4.1 – Access Agreement – Ross Chappell as Cr Chappell is the Owner of the land in question.

Cr Ross Chappell submitted a Disclosure of Proximity Interest as per Local Government Act 1995 section 5.65 in relation to Item 14.6.1 – Lake Grace Sportsmans Club Lighting Upgrade CSRFF Grant Application Request as the author of the report is his wife Mrs Cheryl Chappell, a staff member of the Shire of Lake Grace.

Cr Anton Kuchling submitted a Disclosure of Proximity Interest as per Local Government Act 1995 section 5.65 in relation to Item 14.5.1 – Accounts for Payment – July 2022 as the author of the report is his wife, Mrs Nicola Kuchling, a staff member of the Shire of Lake Grace



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

**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 – 27 JULY 2022**

**RESOLUTION 13614**

**Moved: Cr Hyde**

**Seconded: Cr Lloyd**

That the Minutes of the Ordinary Council Meeting held on 27 July 2022 be confirmed as a true and accurate record of the meeting.

**CARRIED: 8/0**

**10.2 SPECIAL COUNCIL MEETING – 10 AUGUST 2022**

**RESOLUTION 13615**

**Moved: Cr Chappell**

**Seconded: Cr Kuchling**

That the Minutes of the Special Council Meeting held on 10 August 2022 be confirmed as a true and accurate record of the meeting.



**CARRIED: 8/0**

**10.3 ANNUAL MEETING OF ELECTORS**

Nil

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

**11.1 NOTICE OF MOTION- REVOKING OF RESOLUTION 13203 OF THE SPECIAL COUNCIL MEETING OF 10 AUGUST 2022**

<b>Applicant:</b>	Mr Leonard William Armstrong President - Shire of Lake Grace
<b>File No.:</b>	0845
<b>Attachments:</b>	Minutes of the Special Council Meeting held on 10 August 2022
<b>Author:</b>	  Mr Alan George Chief Executive Officer
<b>Disclosure of Interest:</b>	Nil
<b>Date of Report:</b>	24 August 2022
<b>Senior Officer:</b>	  Mr Alan George Chief Executive Officer

Summary

For Council to consider revoking approval of the 2022/2023 Annual Budget in particular, the imposition of a 10% increase on rate revenue raised on Rural Unimproved Value (UV) and for Council to consider a 5% increase on rate revenue raised. With amendments to be made to the budget expenditure to reflect the change in income.

Background

Several budget workshops were held with Councillors and administration staff prior to the budget being adopted at the Special Council Meeting on 10 August 2022. At each of these workshops, Councillors were advised that the budget was their document to take ownership of and that the figures included were those supplied by administration as to what was considered worthy of consideration. Councillors were supplied with a number of options regarding interest rates and what was required to meet the budget forecasts for expenditure. After some deliberation and with a vote of 6 for and 1 against, an increase in UV of 10% on previous revenue raised was passed.

## Comment

Since the budget was adopted, there has been much discussion and angst within the farming community on the amount of the rate increase and the methodology behind it. An increase in UV land valuations by Landgate of 19.96% went a long way towards influencing the increase in rates coupled with the necessity to raise sufficient rates to cover essential roadworks and upgrade necessary plant that have fallen behind in maintenance and construction over a number of years. This coupled with the past two relatively wet winters and a record harvest last year and another bumper year this year has put added pressure on the shire roads from more truck and machinery movements required to shift the large amounts of grain.

Councillors are being requested to either support or not support the revoking of the above resolution in order to revisit the 2022/2023 Annual Budget with regards to a reduction to the increase in UV rate revenue raised and to make the necessary changes to the budget to compensate for the reduction in rates received.

## Legal Implications

Local Government (Administration) Regulations 1996 states

### **10. Revoking or changing decisions (Act s. 5.25(1)(e))**

- (1) *If a decision has been made at a council or a committee meeting then any motion to revoke or change the decision must be supported —*
  - (a) *in the case where an attempt to revoke or change the decision had been made within the previous 3 months but had failed, by an absolute majority; or*
  - (b) *in any other case, by at least  $\frac{1}{3}$  of the number of offices (whether vacant or not) of members of the council or committee,*  
*inclusive of the mover.*
- (1a) *Notice of a motion to revoke or change a decision referred to in sub regulation (1) is to be signed by members of the council or committee numbering at least  $\frac{1}{3}$  of the number of offices (whether vacant or not) of members of the council or committee, inclusive of the mover.*
- (2) *If a decision is made at a council or committee meeting, any decision to revoke or change the decision must be made by an absolute majority.*
- (3) *This regulation does not apply to the change of a decision unless the effect of the change would be that the decision would be revoked or would become substantially different.*

*[Regulation 10 amended: Gazette 31 Mar 2005 p. 1030; SL 2020/213 r. 16.]*

## Policy Implications

Nil

Consultation

Internal Chief Executive Officer – Mr Alan George  
Deputy Chief Executive Officer – Mr Chris Paget  
Manager Corporate Services – Mrs Tegan Hall  
Manager Infrastructure Services – Mr Craig Elefsen  
Members of the farming community

Financial Implications

A reduction in UV rates raised by 5% will see a reduction in rates raised of \$200,747.00. This reduction in rates will affect previously approved budgeted expenditure.

Several items of expenditure have been revisited in order to cover the shortfall should this Notice of Motion be accepted being removal of:

- Boulton Street road construction,
- Lake Grace Hall air conditioning, and
- the outdoor area at the CEO's house.

These have been identified for removal as the condition of the roads is considered a priority and funding for this purpose should not be reduced.


Strategic Implications

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

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

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

Supported and signed by the following Shire of Lake Grace elected members:

Cr Clarke                      Cr 

Cr McKenzie                Cr 

Cr Lloyd                      Cr 

Voting Requirements

Absolute majority required.

**RESOLUTION 13616**

**Moved: Cr McKenzie**  
**Seconded: Cr Lloyd**

That Council Revokes Resolution 13203 of the Special Council Meeting held on 10 August 2022 regarding the adoption of the Shire of Lake Grace annual budget for 2022/2023

**MOTION LOST: 3/5**

Elected Members voted as follows:

FOR = 3  
Cr Clarke  
Cr McKenzie  
Cr Lloyd

AGAINST = 5  
Cr Kuchling  
Cr Hunt  
Cr Hyde  
Cr Armstrong  
Cr Chappell

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

Nil

**13.0 REPORTS OF COMMITTEES**

**13.1 LAKE GRACE LIBRARY RESOURCE AND COMMUNITY RESOURCE CENTRE MANAGEMENT COMMITTEE MEETING – 02 AUGUST 2022**

**RESOLUTION 13617**

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

That the Minutes of the Lake Grace Library Resource and Community Resource Centre Management Committee Meeting held on 02 August 2022 be received.

**CARRIED: 8/0**

**13.2 SHIRE OF LAKE GRACE TOURISM ADVISORY COMMITTEE MEETING – 17 AUGUST 2022**

**RESOLUTION 13618**

**Moved:** Cr Clarke  
**Seconded:** Cr McKenzie

That the Minutes of the Shire of Lake Grace Tourism Advisory Committee Meeting held on 17 August 2022 be received.

**CARRIED:** 8/0

**14.0 REPORTS OF OFFICERS**

**14.1 INFRASTRUCTURE SERVICES**

Nil

**14.2 PLANNING**

**14.2.1 DEVELOPMENT APPLICATION – PROPOSED ADDITIONS TO EXISTING GRAIN HANDLING AND STORAGE FACILITY ON LOT 11 (NO.7059) KULIN-LAKE GRACE ROAD, LAKE GRACE**

Cr Anton Kuchling submitted a Disclosure of Financial Interest as per Local Government Act 1995 section 5.65 in relation to Item 14.2.1 – Development Application-Proposed additions to existing Grain Handling and Storage Facility on Lot 11 (No. 7059) Kulin-Lake Grace Road, Lake Grace as Cr Kuchling is an employee of CBH.

<b>Applicant:</b>	Co-operative Bulk Handling Limited
<b>File No.:</b>	TBA
<b>Attachments:</b>	Development Application Documentation and Plans
<b>Author:</b>	Mr Joe Douglas – Town Planner
<b>Disclosure of Interest:</b>	Nil
<b>Date of Report:</b>	17 August 2022
<b>Senior Officer:</b>	 Mr Alan George Chief Executive Officer

Summary

This report recommends that Council grant conditional approval to a development application received from Co-operative Bulk Handling Limited to formalise previously authorised additions to its existing grain handling and storage facility on Lot 11 (No.7059) Kulin-Lake Grace Road, Lake Grace.

Background

Co-operative Bulk Handling Limited (CBH) has submitted a development application requesting Council’s approval to formalise the previously authorised construction of an additional 14,625 tonnes of grain storage capacity at its existing grain handling and storage facility on Lot 11 (No.7059) Kulin-Lake Grace Road, Lake Grace including a new gravel hardstand area, open bulkhead storage infrastructure and associated vehicle accessways and stormwater drainage.

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

In September 2021 Council resolved, pursuant to Clause 61 of the Deemed Provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015*, to approve a request from CBH to waive the requirement for development approval for the works and use the subject of this latest application. Condition 3 of the temporary approval granted in September 2021 required CBH to prepare and submit a development application prior to expiry of the term of the temporary approval to formalise the works and use.

Lot 11 is located in the north-eastern extremities of the Lake Grace townsite and has direct frontage and access to Kulin-Lake Grace Road along its western boundary and an operational railway reserve along its eastern and southern boundaries.

Lot 11 is irregular in shape, comprises a total area of approximately 34 hectares and has been extensively developed and used for the receipt and storage of grain and lime sands. The land contains a number of improvements associated with its current approved use including open and closed storage bins and associated infrastructure, sheds, a site office, sample hut, weighbridge, vehicle accessways and parking, stormwater drainage infrastructure and boundary fencing.

The subject land does not contain any sites of cultural heritage significance and has not been designated by the Fire and Emergency Services Commissioner as being bushfire prone. A significant proportion of the property has however been designated by the Department of Water and Environmental Regulation as being subject to inundation or flooding during extreme storm events. Notwithstanding this fact, that portion of the land the subject of this application is outside the designated flood prone area.



Location & Lot Configuration Plan (Source: Landgate)

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

- Stock holding and sale yards immediately north with extensive agriculture (i.e. cropping & grazing) beyond;
- Extensive agriculture (i.e. cropping & grazing) and light industrial development immediately west with undeveloped Crown land beyond;
- An operational railway reserve immediately south with the Stubbs Street road reserve, Lake Grace Roadhouse and Motel and low-density residential development beyond; and
- An operational railway reserve immediately east with extensive agriculture (i.e. cropping & grazing) and rural living type development beyond.

### Comment

That portion of Lot 11 the subject of this application is classified 'General Agriculture' zone under the Shire of Lake Grace Local Planning Scheme No.4 (LPS4).

The key objectives of the land's current 'General Agriculture' zoning classification are as follows:

- To ensure the continuation of broad-acre farming as the principal land use in the District and encouraging where appropriate the retention and expansion of agricultural activities;
- To protect the potential of agricultural land for primary production and to preserve the landscape and character of the rural areas;
- To provide for a range of rural pursuits such as broad-acre and diversified farming which are compatible with the capability of the land and retain the rural character and amenity of the locality;
- To control the fragmentation of broad-acre farming properties through the process of subdivision;
- To consider non-rural uses where they can be shown to be of benefit to the District and not detrimental to the natural resources or the environment; and
- To protect broad-acre agricultural land from land degradation and any further loss of biodiversity by:
  - i) minimising the clearing of remnant vegetation on public and private lands;
  - ii) encouraging the retention and protection of existing remnant vegetation;
  - iii) encouraging the development and protection of corridors of native vegetation;
  - iv) encouraging the development of environmentally acceptable surface and sub-surface drainage works;
  - v) encouraging the rehabilitation of salt affected land;
  - vi) controlling the introduction and spread of alien species of flora and fauna; and
  - vii) encouraging soil conservation through the application of cultural vegetational land management measures.

Having regard for the land use definitions contained in Schedule 1 of LPS4, the development and use of Lot 11 for grain handling and storage purposes is most appropriately classified as 'warehouse/storage' which is listed in the Zoning Table of LPS No.4 as a discretionary (i.e. 'A') use on any land classified 'General Agriculture' zone meaning it is not permitted unless Council has exercised its discretion by granting development approval following public advertising for a minimum required period of fourteen (14) days.



At the completion of public advertising, which was undertaken for a period of twenty-two (22) days and included publication of the application on the Shire's website and public display of the application at the Shire's Administration Centre, no submissions had been received by the Shire from the local community either supporting or opposing the development.

When considering the application Council must also have regard for the fact Lot 11 has direct frontage and access to Kulin-Lake Grace Road which is a State road under the care, control and management of Main Roads WA (MRWA) and is currently classified 'Local Scheme Reserve – Major Road' in LPS No.4. By email dated 15 June 2022 MRWA confirmed a Traffic Impact Statement/Assessment was not required in support of the application due to the suitability of all existing heavy vehicle access arrangements to/from the land and the relatively low increase in bulkhead storage capacity. Furthermore, MRWA raised no objections to the development.

The application was also referred to the Public Transport Authority (PTA) for review and comment due to the development's proximity to the railway reserve immediately east and the existing stormwater drainage infrastructure within the railway reserve that directs stormwater to a drainage basin associated with the development. By email dated 29 July 2022 the PTA advised any works within the railway corridor or works that may have a possible impact on the rail corridor will require formal assessment by the PTA and Arc Infrastructure if those works have potential to impact drainage and railway culverts. Aside from this advice, the PTA raised no objections to the development.

The application has been assessed with due regard for all relevant objectives, standards and requirements prescribed in LPS4, clause 67 of the Deemed Provisions of the *Planning and Development (Local Planning Scheme) Regulations 2015* and the outcomes from public advertising and agency referrals. This assessment has confirmed the proposal is compliant or capable of compliance with the following requirements:

- Land capability and suitability including topography, soil types and stability, drainage and flood risk;
- Land use compatibility including minimum buffer separation distance requirements to sensitive land uses ;
- Siting and design;
- Environmental protection and conservation;
- Visual character and amenity;
- Vehicle access;
- Essential services including stormwater drainage management; and
- Bushfire risk management.

In light of all the above and the fact the development has been undertaken in a proper and orderly manner and not given rise to any issues or complaints, it is concluded the development is acceptable and unlikely to have a negative impact on the general amenity, character, functionality and safety of the immediate locality. As such it is recommended Council exercise its discretion and grant conditional development approval.

#### Legal Implications

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

### Policy Implications

- State Planning Policy 2.5 – Rural Planning
- State Planning Policy 4.1 – Industrial Interface

### Consultation

The application was advertised for public comment in excess of the minimum required period of 14 days and included publication of a notice and all documentation and plans on the Shire's website, public display of a hard copy of the application at the Shire's Administration Centre. The application was also the subject of review and comment by Main Roads WA and the Public Transport Authority with no objections raised by either of these agencies.

### Financial Implications

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

It is significant to note should the applicant be aggrieved by Council's final decision in this matter it has the right seek a formal review of that decision by the State Administrative Tribunal. Should this occur for whatever reason, which is considered highly unlikely in this particular instance, the Shire would need to respond. The cost to respond to an appeal cannot be determined at this preliminary stage but could be expected, based on the recent experience of other local government authorities in Western Australia, to range anywhere from \$5,000 to \$60,000 excluding GST depending upon how far the matter proceeds through the review process.

### Strategic Implications

- *Shire of Lake Grace Local Planning Strategy* - The proposal for Lot 11 is considered to be consistent with the aims and objectives of the Shire's Local Planning Strategy as it applies to the following:
  - *Economic Development Strategy:*
    - i) *Direct the majority of new commercial and industrial development to the Lake Grace, Newdegate, Lake King and Varley townsites to build upon existing infrastructure in these settlements and maximise efficiencies of operation and economies of scale.*
  - *Infrastructure and Community Services Strategy:*
    - i) *Ensure that all development in the Shire is served by adequate, high quality and reliable stormwater drainage infrastructure that improves the quality of stormwater runoff and avoids salinity encroachment, flood risk and negative impacts on local drainage conditions and natural resources;*
  - *Environmental Protection and Conservation Strategy*
    - i) *Support land use change and development that has positive environmental outcomes or reduces the degree of negative impact on the environment.*

- *Shire of Lake Grace Strategic Community Plan 2017-2027* – The proposal for Lot 11 is considered to be consistent with the aims and objectives of the Shire’s Strategic Community Plan as it applies to the following:

*Economic Objective: A prosperous agricultural based economy, supporting diversification of industry.*

- *Outcome 1.1 – An innovative, productive agriculture industry; and*
- *Outcome 1.2 – A diverse and prosperous economy.*

*Environment Objective: Protect and enhance our natural and built environment.*

- *Outcome 3.1 - A well maintained attractive built environment servicing the needs of the community; and*
- *Outcome 3.2 - A natural environment for the benefit and enjoyment of current and future generations.*

### Voting Requirements

Simple majority required.

### **RESOLUTION 13619**

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

That the development application submitted by Co-operative Bulk Handling Limited to formalise the previously authorised construction of an additional 14,625 tonnes of grain storage capacity at its existing grain handling and storage facility on Lot 11 (No.7059) Kulin-Lake Grace Road, Lake Grace including a new gravel hardstand area, open bulkhead storage infrastructure and associated vehicle accessways and stormwater drainage be **approved** subject to the following conditions and advice notes:

#### Conditions:

1. The proposed development shall be undertaken strictly in accordance with the information and plans submitted in support of the application subject to any modifications required as a consequence of any condition/s of this approval or otherwise approved by the local government.
2. Any additional development which is not in accordance with the application the subject of this approval or any condition of approval will require the further approval of the local government.
3. The development shall be constructed, managed and maintained in accordance with the recommendations and requirements specified in Drawing No.576-ENG-CI-DAL-0013 (Revision D) entitled ‘Lake Grace 2021 Emergency Storage General Arrangement Earthworks, Pavement and Drainage’ submitted in support of the application.



Advice Notes:

1. This approval is not an authority to ignore any constraint to development on the land which may exist through contract or on title, such as an easement, memorial or restrictive covenant. It is the responsibility of the applicant and landowner and not the Shire to investigate any such constraints before commencing development. This approval will not necessarily have regard to any such constraint to development, regardless of whether or not it has been drawn to the Shire's attention.
2. This is a development approval of the Shire of Lake Grace under its Local Planning Scheme No.4. It is not a building permit or an approval to commence or carry out development under any other law. It is the responsibility of the applicant/landowner to obtain any other necessary approvals, consents, permits and licenses required under any other law, and to commence and carry out development in accordance with all relevant laws.
3. The Public Transport Authority has advised any works within the adjoining railway corridor or works that may have a possible impact on the rail corridor will require formal assessment by that agency and Arc Infrastructure if those works have potential to impact drainage and railway culverts. The proposed work application is required to be lodged at [ptathirdpartyaccess@pta.wa.gov.au](mailto:ptathirdpartyaccess@pta.wa.gov.au) for review and assessment.
4. The noise generated by any activities on-site shall not exceed the levels as set out under the *Environmental (Noise) Regulations 1997*
5. Failure to comply with any of the conditions of this development approval constitutes an offence under the provisions of the *Planning and Development Act 2005* and the Shire of Lake Grace Local Planning Scheme No.4 and may result in legal action being initiated by the local government.
6. If the applicant is aggrieved by this determination there is a right of review by the State Administrative Tribunal in accordance with the *Planning and Development Act 2005* Part 14. An application must be submitted directly to the State Administrative Tribunal within 28 days of the determination.

**CARRIED: 8/0**

**14.3 HEALTH AND BUILDING**

**14.3.1 SHIRE OF LAKE GRACE PUBLIC HEALTH PLAN**

<b>Applicant:</b>	Mr Llew Withers
<b>File No.:</b>	0320 & 0321
<b>Attachments:</b>	Public Health Plan
<b>Author:</b>	 Mr Alan George Chief Executive Officer
<b>Disclosure of Interest:</b>	Nil
<b>Date of Report:</b>	16 August 2022
<b>Senior Officer:</b>	 Mr Alan George Chief Executive Officer

Summary

For Council to accept and adopt the Shire of Lake Grace Public Health Plan.

Background

Local Governments were advised back in mid-2020 of the necessity to have a Public Health Plan by 2023 when the Public Health Act is implemented.

The State Public Health Plan for Western Australia 2019 - 2024 aims to guide State and Local Governments to work together and contribute towards influencing the health and wellbeing of all Western Australians.

This plan was developed by the Chief Health Officer of the WA Department of Health in collaboration with the Mental Health Commission and numerous WA public health experts.

The plan provides high level strategic directions focusing on prevention, health promotion and health protection strategies that aim to prevent disease, illness, injury, disability and premature death in WA. It establishes a vision for Western Australians, where we aspire for the people of WA to experience the best possible health, wellbeing and quality of life.

Part 5 of the Public Health Act 2016 has been designed to complement the integrated planning process required under section 5.56 of the Local Government Act 1995 (external site), to support and drive ongoing improvements to the health and wellbeing of local communities

### Comment

In September 2020, Mr Llew Withers was engaged to prepare the Shire of Lake Grace Public Health Plan due to his experience in development of plans for other councils and his involvement with the other shires in Roe Health (Corrigin, Kondinin, Kulin and Narembeen).

Preparation of the plan included community consultation via a Health and Well Being survey carried out within the Shire in the latter half of 2021.

The Shire of Lake Grace Public Health Plan is attached and is presented for Council to adopt.

### Legal Implications

Part 5 of the Public Health Act 2016  
Local Government Act 1995 Section 5.56

### Policy Implications

Nil

### Consultation

External	Mr Llew Withers – Environmental Health Consultant Community Consultation
Internal	Mr Brendon Gerrard – Environmental Health Officer Roe Health

### Financial Implications

Nil for the adoption of the plan.  
Implementation of aspects of the plan may have some minor financial impact.

### Strategic Implications

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

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

Outcome	2.1	An engaged, supportive and inclusive community
Strategies	2.1.1	Community services and infrastructure meeting the needs of the district
	2.1.2	Maintain and support the growth of education, childcare, youth and aged services
	2.1.3	Actively promote and support community events and activities within the district
Outcome	2.2	A healthy and safe community
Strategies	2.2.1	Maintain and enhance sport and recreation facilities
	2.2.2	Provide and advocate for medical and health services
	2.2.3	Support provision of emergency services and encourage community volunteers

Voting Requirements

Simple majority required.

*Cr Clarke spoke against the motion and pointed out that there are some parts in the report that simply cannot be done in relation to compliance/enforcement. She does not mind Council accepting the plan as presented but is not in favour of Council formally adopting the plan.*

*The CEO responded and said that the report was based on the public survey and it will be difficult for the Shire to push back against the government requirements.*

**RESOLUTION 13620**

**Moved: Cr Chappell**

**Seconded: Cr Kuchling**

That Council accepts and adopts the Shire of Lake Grace Public Health Plan as presented.



**CARRIED: 7/1**

*Cr Clarke requested her name to be recorded as voting against the motion.*

**14.4 ADMINISTRATION**

**14.4.1 ACCESS AGREEMENT – ROSS CHAPPELL**

Cr Ross Chappell submitted a Disclosure of Proximity Interest as per Local Government Act 1995 section 5.65 in relation to Item 14.4.1 – Access Agreement – Ross Chappell as Cr Chappell is the Owner of the land in question.

<b>Applicant:</b>	Chief Executive Officer - Shire of Lake Grace
<b>File No.:</b>	0463
<b>Attachments:</b>	Access Agreement
<b>Author:</b>	 Mr Alan George Chief Executive Officer
<b>Disclosure of Interest:</b>	Author has Nil to Disclose Cr Ross Chappell as owner of the land in question
<b>Date of Report:</b>	12 August 2022
<b>Senior Officer:</b>	 Mr Alan George Chief Executive Officer

Summary

For Council to approve the fixing of the Shire of Lake Grace Common Seal to an access agreement to portion of Lot 5 on deposited Plan 201701 and Lot 2696 on Deposited Plan 171350 with the owner Ross Chappell for the purpose of access to water.

Background

In 2021, the Department of Water and Department of Biodiversity Conservation and Attractions arranged the desilting of the Burngup Railway Dam and the installation of a tank and standpipe on the south west corner of Mr Chappell's property on the corner of Bidy-Camm Road and Burngup Road North being Lot 5 on Deposited Plan 201701. A pipeline from the dam was also installed passing through the above lot and Lot 2696 on Deposited Plan 171350 linking the dam to the tank.



### Comment

This agreement is to formalise the access to the land with the owner and sets out the conditions of the access.

### Legal Implications

Nil

### Policy Implications

Shire of Lake Grace – Policy Manual – June 2021

Policy 1.11 Use of Common Seal

**POLICY** The Common Seal of the Shire of Lake Grace is to be affixed to the following documents:

- Deed of agreement
- Senior Officer Contracts of Employment
- Land transactions (including leases)
- Other documents requesting use of the common seal

A document is validly executed by the Shire of Lake Grace when the seal of the Shire is affixed to it by the President and the Chief Executive Officer, and the President and Chief Executive Officer attest the fixing of the seal.

All documents signed under seal must, in accordance with s9.49 of the Act, first be presented to Council for its authorisation of the seal to be affixed to it by the President and the Chief Executive Officer, and the President and Chief Executive Officer attesting the fixing of the seal.

**OBJECTIVE** To validate the procedure for the executive of legal documents.

### Consultation

**External** Department of Water and Environmental Regulation – Rural Water Planning  
Landowner – Mr Ross Chappell  
Manager Infrastructure Services – Mr Craig Elefsen

### Financial Implications

Nil at present.

The Shire of Lake Grace will be liable for future maintenance from time to time as needed.

### 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
Strategy	1.1.3	Support and promote the agricultural productivity of the district
	1.1.4	Maintain and provide water infrastructure and lobby to support drought-proofing and water-harvesting initiatives
	1.1.5	Liaise with key stakeholders for the improvement of the agricultural industry

Voting Requirements

Simple majority required.

**RESOLUTION 13621**

**Moved: Cr Lloyd**

**Seconded: Cr Hunt**



That Council approves the fixing of the Shire of Lake Grace Common Seal to the Access Agreement between Ross Chappell and the Shire of Lake Grace for Lot 5 on Deposited Plan 201701 and Lot 2696 on Deposited Plan 171350.

**CARRIED: 8/0**

**14.5 FINANCE**

**14.5.1 ACCOUNTS FOR PAYMENT – JULY 2022**

Cr Anton Kuchling submitted a Disclosure of Proximity Interest as per Local Government Act 1995 section 5.65 in relation to Item 14.5.1 – Accounts for Payment – July 2022 as the author of the report is his wife, Mrs Nicola Kuchling, a staff member of the Shire of Lake Grace

<b>Applicant</b>	Internal Report
<b>File No</b>	0277
<b>Attachments</b>	List of Accounts Payable
<b>Author</b>	 Mrs Nicola Kuchling Finance Officer – Payroll & Debtors
<b>Disclosure of Interest</b>	Nil
<b>Date of Report</b>	22 August 2022
<b>Senior Officer</b>	 Mr Alan George Chief Executive Officer

Summary

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

Background

List of payments for the month of July 2022 through the Municipal account is attached.

Comment

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

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

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

Legal Implications

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

Policy Implications

Policy 3.6 - Authorised Use of Credit Card/Fuel Cards

Policy 3.7 - Purchasing Policy

Consultation

Nil

Financial Implications

The list of creditors paid for the month of June 2022 from the Municipal and Trust Accounts total to \$1,363,630.76.

Strategic Implications

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

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 13622**

**Moved: Cr Chappell**

**Seconded: Cr McKenzie**

That Council ratify the list of payments totalling \$1,363,630.76 as presented for the month of June 2022 incorporating:

<b>Payment Method</b>	<b>Cheque/EFT/DD Number</b>	<b>Amount</b>
Electronic Funds Transfers	EFT23776 – EFT23932	\$1,313,729.52
Municipal Account Cheques	37006 - 37015	\$16,458.23
Direct Debits	DD10091.1 – DD10109.10	\$33,443.01
	<b>TOTAL</b>	<b>\$1,363,630.76</b>

**CARRIED: 8/0**

# Shire of Lake Grace



## CERTIFICATE OF EXPENDITURE July 2022



This Schedule of Accounts to be passed for payment, covering

<b>Payment Method</b>	<b>Cheque/EFT/DD Number</b>	<b>Amount</b>
Electronic Funds Transfers	EFT23776 – EFT23932	\$1,313,729.52
Municipal Account Cheques	37006 – 37015	\$16,458.23
Direct Debits	DD10091.1 – DD10109.10	\$33,443.01
	<b>TOTAL</b>	<b>\$1,363,630.76</b>

to the Municipal Account, totalling \$1,363,630.76 which were submitted to each member of the Council on 24 August 2022, have been checked and fully supported by vouchers and invoices which are submitted herewith and which have been duly certified as to the receipt of goods and the rendition of services and as to prices, computations, and costing's and the amounts shown are due for payment.

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

**14.5.2 FINANCIAL REPORTS – 30 JUNE 2022**

Applicant:	Internal Report
File No.	0275
Attachments:	<ul style="list-style-type: none"> <li>• Monthly Financial Reports</li> <li>• Bank Reconciliations – June 2022</li> </ul>
Author:	 Mrs Victoria Fasano Finance Officer – Reporting and Investments
Disclosure of Interest	Nil
Date of Report	17 August 2022
Senior Officer	 Mr Alan George Chief Executive Officer

Summary

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

Background

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

Comment

As at 30 June 2022, operating revenue over target by \$2,580,405 (35.29%) due to WA Financial Assistance Grant received are over budget by \$2,340,381. Interest earnings below target due to low interest rates. Fees & Charges, Other revenue and Profit on disposal of assets are below budget.

Operating expenditure is under YTD budget by \$1,832,190 (16.60%) mainly due to Materials and contracts, overhead costs and utility charges are down. Loss on disposal of assets is lower than predicted. Depreciation and Insurance expenses on the other hand are slightly over the budget target.

The capital program is below the target by \$1,409,241 (34.53%). Capital grants and contributions are down due to some of Local Roads & Community and Drought & Community projects are moved to 22/23 financial year, funds will be recognised in next financial year. Payments for property, plant and equipment are below target as well due to slow-down in capital projects. This leads to Capital grants income decrease being offset by the reduction in payments for property, plant and equipment.

Cash at bank is slightly higher than the corresponding period last year.

Outstanding rates is tracking well and have recovered 99.1% to date.

General debtor is \$225,197 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 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 Mrs Tegan Hall – Manager Corporate Services

#### Financial Implications

Nil

#### Strategic Implications

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

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

Outcome 4.2 An efficient and effective organisation

Strategies 4.2.1 Maintain accountability and financial responsibility through effective planning

4.2.2 Comply with statutory and legislative requirements

#### Voting Requirements

Simple majority required.

## RESOLUTION 13623

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

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

1. Statements of Financial activity for the period ended 30 June 2022 and
2. Municipal, Trust and Reserve Funds bank reconciliations for the period ended 31 July 2022.

**CARRIED:** 8/0

### 14.6 COMMUNITY SERVICES

#### 14.6.1 LAKE GRACE SPORTSMANS CLUB LIGHTING UP-GRADE CSRFF GRANT APPLICATION REQUEST


*Prior to discussion of Item 14.6.1 – Lake Grace Sportsmans Club Lighting Upgrade CSRFF Grant Application Request, the Chief Executive Officer advised that he had received information this morning that the lighting plan was non-conforming; therefore this report will be withdrawn and the application laid on the table for the next funding round.*

*This item will be presented in future Council meetings.*

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

Nil

### 16.0 INFORMATION BULLETIN – AUGUST 2022

<b>Applicant:</b>	Internal Report
<b>File No.</b>	Nil
<b>Attachments:</b>	Information Bulletin Cover Page Only
<b>Author:</b>	<i>RRRose</i> Mrs Racelis Rose Executive Assistant
<b>Disclosure of Interest:</b>	Nil
<b>Date of Report:</b>	19 August 2022
<b>Senior Officer:</b>	 Mr Chris Paget Deputy Chief Executive Officer



## Summary

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

## Background / Comment

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

The August 2022 Information Bulletin attachments include:

### Reports:

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

### External Organisations

- Minutes of Meeting – Lake King Progress Association – 20 July 2022
- EveryAGE Counts – Invitation to join Ageism

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

- SHICC Public Health Bulletin No. 30 – 18 July 2022
- SHICC Public Health Bulletin No. 31 – 29 July 2022
- SHICC Public Health Bulletin No. 32 – 10 August 2022

### 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 13624**

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

That Council accepts the Information Bulletin Report for August 2022.

**CARRIED: 8/0**

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

#### **RESOLUTION 13625**

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

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 Alleged Breach of Environmental Protection Act 1986 Section 51C

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

**CARRIED: 8/0**

*The visitor Mr Brad Watson left the Council Chambers at 3:59 pm and did not return.*

**RESOLUTION 13626**

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

That Council accept the recommendation contained in Item 17.1.1 – Alleged Breach of Environmental Protection Act Section 51C.

**CARRIED:** 8/0

**RESOLUTION 13627**

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

That Council move from behind closed doors at 4:02 pm to proceed with the meeting.

**CARRIED:** 8/0

**18.0 DATE OF NEXT MEETING – 28 SEPTEMBER 2022**

The next Ordinary Council Meeting is scheduled to take place on Wednesday 28 September 2022 commencing at 3:30pm at the Council Chambers, 1 Bishop Street, Lake Grace.

**19.0 CLOSURE**

There being no further business, the Shire President closed the meeting at 4:02 pm.

**20.0 CERTIFICATION**

I, Leonard William Armstrong certify that the Minutes of the Ordinary Council Meeting held on 24 August 2022 as shown were confirmed as a true record of the meeting.

  
Signature

28/9/2022  
Date