

Shire of Lake Grace

Ordinary Council Meeting

MINUTES

24 May 2023

Meeting Commencing at 3:30 pm

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Acknowledgement of Country

I wish to acknowledge 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 May 2023 commencing at 3:30pm.

1.0 DECLARATION OF OPENING ANNOUNCEMENT OF VISITORS

Mrs Tegan Hall, returning Manager of Corporate Services, was in attendance.

2.0 ACKNOWLEDGEMENT OF COUNTRY

I wish to acknowledge 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 | |

3.2 APOLOGIES

Cr JV McKenzie

3.3 IN ATTENDANCE

| | |
|-----------------|---------------------------------|
| Mr. Alan George | Chief Executive Officer |
| Mr K Wilson | A/Manager Corporate Services |
| Mr C Elefsen | Manager Infrastructure Services |
| Mrs A Adams | Executive Assistant |
| Mrs T Hall | Manager Corporate Services |

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

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

Nil

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

Nil

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

Nil

8.0 APPLICATIONS FOR LEAVE OF ABSENCE

Nil

9.0 ANNOUNCEMENTS BY THE PRESIDING MEMBER WITHOUT DISCUSSION

Nil

10.0 CONFIRMATION OF MINUTES

10.1 ORDINARY COUNCIL MEETING – WEDNESDAY 26 APRIL 2023

RECOMMENDATION / RESOLUTION

RESOLUTION 13671

Moved: Cr Clarke
Seconded: Cr Kuchling

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

CARRIED 7/0

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 President acknowledged the submission of two (2) late items, being:

Item 14.1.2 – Application for Adding Varley Streets to Restricted Access Vehicle Network 6; and
Item 17.1.3 - Sale of Land – Lot 216 (7) Quandong Court Lake Grace

13.0 REPORTS OF COMMITTEES

13.1 LOCAL EMERGENCY MANAGEMENT COMMITTEE MEETING HELD 11 MAY 2023

RECOMMENDATION / RESOLUTION

RESOLUTION 13672

Moved: Cr Hunt
Seconded: Cr Lloyd

That the Minutes of the Shire of Lake Grace Local Emergency Management Committee meeting held on 11 May 2023 be received.

CARRIED 7/0

14.0 REPORTS OF OFFICERS

14.1 INFRASTRUCTURE SERVICES

14.1.1 PERMANENT CLOSURE OF WALKER ROAD, LAKE GRACE

| | |
|-------------------------------|---|
| Applicant | Shire of Lake Grace |
| File No. | 0355 |
| Attachments | 1. Letter submitted by G & P Carruthers 2. Map showing road location |
| Author | Mr Craig Elefsen - Manager Infrastructure Services |
| Disclosure of Interest | Nil |
| Date of Report | 15 May 2023 |
| Senior Officer | Mr Alan George - Chief Executive Officer |

Summary

For Council to consider the permanent closure of Walker Road, Lake Grace.

Background

Walker Road is a no-through road that runs west off Kulin - Lake Grace Road and ends at the North Lake Grace Salt Lake. The western end of Walker Road becomes impassable when it's wet or when the Lake has water in it. In recent times a road train has used Walker Road as they thought it was a through road and became bogged near the lake and the assistance of nearby landowners was required to recover the bogged vehicle.

Comment

Walker Road is classified as a C Class road on the Shire road network meaning it is a low-priority road. Due to the amount of traffic that uses Walker Road, it seems like a reasonable request to close Walker Road to public traffic and allow the neighbouring landowners to use it as an access track to their farms only. If supported by the council and the community the Shire will put a request to Main Roads to have the signs taken down on the Kulin - Lake Grace road and the adjoining landowners will be requested to maintain the road if they wish to use it as a private access to their land.

Per section 58(3) of the *Land Administration Act 1997*, if Council agrees to close Walker Road a notice of its resolution must be advertised in a newspaper that circulates the locality (*The West Australian*) to provide the community a chance to submit objections. After 35 days of the notification and when the Shire has addressed all objections a request can be made to the Minister of Lands for the permanent closure of the road.

When notification is sent through *The West Australian*, the same notification will be put up on the Shire website, Facebook page and through the local newsletters as well.

Another report to Council will be presented to the Ordinary Council Meeting following the elapsed 35 days where objections from the public will be presented for Council to respond to. These objections, the Shire's Recommendations and Council's response and Resolution will be included in a report to request for the permanent road closure of Walker Road.

Legal Implications

Land Administration Act 1997 s58 – Closing roads

- (1) When a local government wished a road in its district to be closed permanently, the local government may, subject to subsection (3), request the Minister to close the road.
- (2) When a local government resolves to make a request under subsection (1), the local government must in accordance with the regulations prepare and deliver the request to the Minister.
- (3) A local government must not resolve to make a request under subsection (1) until a period of 35 days has elapsed from the publication in a newspaper circulating in its district of notice of motion for that resolution, and the local government has considered any objections made to it within that period concerning the proposals set out in that notice

Policy Implications

Nil

Consultation

Internal: Mr Alan George, Chief Executive Officer

External: Mr Greg Carruthers, Adjoining landowner

Financial Implications

An estimate of \$1,500.00 will be required for advertising in the Western Australian and for materials to install a fenced/barricaded/gate to prevent public access to Walker Road. These funds will come from the Road Closure / Gazettal's account.

Strategic Implications

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

| | | |
|--|-------|--|
| Economic Objective - A prosperous agricultural based economy supporting diversification of industry | | |
| Outcome | 1.1 | An innovative, productive agriculture industry |
| Strategies | 1.1.1 | Enhance and maintain transport network |

| | | |
|---|-------|--|
| Leadership Objective - Strong governance and leadership, demonstrating fair and equitable community values | | |
| Outcome | 4.1 | A strategically focused, unified Council functioning efficiently |
| Strategies | 4.1.2 | Promote and advocate for the community and district |
| Outcome | 4.2 | An efficient and effective organisation |
| Strategies | 4.2.2 | Comply with statutory and legislative requirements |

Voting Requirements

Simple Majority

RECOMMENDATION / RESOLUTION**RESOLUTION 13673**

Moved: Cr Hyde

Seconded: Cr Kuchling

That Council:

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

CARRIED 6/1

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

| |
|--|
| 14.1.2 APPLICATION FOR ADDING VARLEY STREETS TO RESTRICTED ACCESS VEHICLE NETWORK 6 |
|--|

| | |
|-------------------------------|--|
| Applicant | Internal Report |
| File No. | 0489 |
| Attachments | Nil |
| Author | Jason Lip – Technical Officer |
| Disclosure of Interest | Nil |
| Date of Report | 23 May 2023 |
| Senior Officer | Craig Elefsen – Manager Infrastructure Services |

Summary

For Council to direct Shire Administration to have Main Roads WA assess the usage of Seward Avenue, Hakea Street, Arthur Street and Thomas Street for a Restricted Local Access Permit for applicant Red River Nominees, as opposed to a RAV Network rating.

Background

Main Roads WA is the organisation responsible for maintaining the Restricted Access Vehicle (RAV) Network across Western Australia. This network informs heavy vehicle operators as to which roads allow what kinds of heavy vehicle combinations.

The RAV Network is administered and applied to both Main Roads WA controlled roads and Council-owned roads by Main Roads WA. However any person or company can make an application to Main Roads WA to have a road or road section assessed and added to the RAV Network. From there, Main Roads WA Heavy Vehicle Services (HVS) may refer to the relevant local government for assessment if it is a Council-owned road.

Comment

The Shire has received a referral from HVS to assess:

- Seward Avenue SLK 0.00 - 0.26
- Hakea Street SLK 0.00 - 0.18
- Arthur Street SLK 0.00 - 0.18
- Thomas Street SLK 0.00 - 0.13

in the Varley Townsite for classification as Tandem Drive RAV Network 6, and Tandem Drive Concessional Level 3, notated as N6.3. The applicant is Red River Nominees who operate Varley Transport near the north end of Seward Avenue. Access to these roads are from Carstairs Road which is already a Tandem Drive RAV Network 7 and Tandem Drive Concessional Level 3 road (N7.3).

A Tandem Drive RAV Network 6 allows legal use of A-doubles and B-triples of 36.5 m length and 88.5 t mass and A-doubles towing an unloaded dolly of 27.5 m + dolly length and 88.5 t + dolly mass. A Concessional Level 3 rating allows an additional 12 t of mass on top of the 88.5 t maximum mass, provided a valid loading scheme is approved by Main Roads WA.

Seward Avenue, Hakea Street, Arthur Street and Thomas Street have no RAV Network rating applied to it, meaning heavy vehicles are technically not allowed on these roads. There are also no traffic counts on these roads, since they are not expected to carry heavy traffic frequently.

In order for the Shire to support the inclusion of the aforementioned roads on to the RAV Network under N6.3, a preliminary assessment is required to be carried out on the road section. However there is a chance that the road's conditions and physical characteristics are insufficient for RAV classification, in which case the Shire may recommend to Main Roads WA that road usage be assessed under a Restricted Local Access Permit (RLAP) instead. RLAP Permits are designed to address 'last mile' situations for freight routes, where the starts and ends of a route are unfeasible to bring up to RAV Network standards for its comparatively low usage.

The Shire administration does not believe these roads should be given a RAV Network classification at all due to the roads being designed for low and light traffic (since it is a townsite without a defined industrial area) and that the applicant's usage of these roads should be done under an RLAP instead.

Legal Implications

Road Traffic (Vehicles) Act 2012
Road Traffic (Vehicles) Regulations 2014

Policy Implications

Nil.

Consultation

Internal: Craig Elefsen, Manager Infrastructure Services

Financial Implications

No expenditure is expected to be incurred for this recommendation to Main Roads WA beyond administration operational costs.

Strategic Implications

Shire of Lake Grace Strategic Community Plan 2017-2027

| | |
|------------|--|
| Objective | 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 |

| | |
|------------|---|
| Objective | Leadership Objective – Strong governance and leadership, demonstrating fair and equitable community values |
| Outcome | 4.1 A strategically focused, unified Council functioning efficiently |
| Strategies | 4.1.3 Provide strategic leadership and governance |

Voting Requirements

Simple majority required.

RECOMMENDATION / RESOLUTION

RESOLUTION 13674

Moved: Cr Lloyd

Seconded: Cr Hyde

That Council:

Directs Shire Administration to report to Main Roads WA that Seward Avenue, Hakea Street, Arthur Street and Thomas Street be used by Red River Nominees under a Restricted Local Access Permit.

CARRIED: 7/0

14.2 PLANNING

Nil

14.3 HEALTH AND BUILDING

Nil

14.4 ADMINISTRATION

14.4.1 CRISP WIRELESS – ACCESS TO NEWDEGATE TV/RADIO REBROADCASTING TOWER

| | |
|-------------------------------|--|
| Applicant | Leigh Ballard – Crisp Wireless |
| File No. | 0197 |
| Attachments | 1.Product Information 2.Location 3.Coverage Map |
| Author | Mr Alan George – Chief Executive Officer |
| Disclosure of Interest | Nil |
| Date of Report | 8 May 2023 |
| Senior Officer | Mr Alan George – Chief Executive Officer |

Summary

For Council to approve Crisp Wireless' request to locate two pieces of equipment on the Radio rebroadcasting tower at Newdegate Recreation Centre to provide internet connectivity to the Newdegate townsite.

Background

At the April Council meeting Council approved a request from Crisp Wireless to locate a dish and Omni access point on the TV/Radio rebroadcast tower in Dewar St Lake Grace to service the Lake Grace Townsite. Crisp Wireless, based in Narrogin, is an Internet Service Provider that has been in operation since 2016.

It provides an internet service throughout a large part of the Wheatbelt and Great Southern and has recently installed 4 towers between Lake Grace and East Newdegate.

It received funding for the towers through the Regional Connectivity Program Round 1 funded by the Commonwealth government.

Comment

Crisp Wireless currently has its network live near to Newdegate and is looking for somewhere in town to be able to offer the service to houses and businesses in town.

Crisp Wireless is seeking permission to access the TV /Radio mast at the Newdegate Recreation Centre on which to locate a dish for backhaul and one Omni access point. The equipment to be installed is the same that is to be installed in Lake Grace.

Granting permission to Crisp Wireless to install its equipment on the existing tower would provide an additional option for Newdegate residents to access the internet.

The request from Crisp Wireless for permission to locate 2 items of equipment on the existing TV/Radio tower is recommended for approval by Council.

Legal Implications

A formal agreement for Crisp Wireless to access the existing tower will be prepared and executed.

Policy Implications

Nil

Consultation

Councillors Armstrong and Hunt.

Financial Implications

Unknown at this time.

Strategic Implications

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

| | | |
|--|-------|---|
| Economic Objective - A prosperous agricultural based economy supporting diversification of industry | | |
| Outcome | 1.2 | A diverse and prosperous economy |
| Strategies | 1.2.1 | Advocate for improved communications and support infrastructure |
| | 1.2.2 | Support local business and promote further investment in the district |
| 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 |

Voting Requirements

Simple majority

RECOMMENDATION / RESOLUTION

RESOLUTION 13675

Moved: Cr Clarke

Seconded: Cr Lloyd

That Council:

Approve the request from Crisp Wireless to install one dish and one Omni access point on the existing TV/Radio rebroadcasting tower at the Newdegate recreation Centre to provide an additional internet provider option to the town of Newdegate. With the condition that they undertake a wind rating investigation first to confirm there will not be a detrimental effect on the integrity of the mast.

CARRIED 7/0

14.4.2 Roe Regional Environmental Health Services Scheme – Renewal of Memorandum of Understanding – Use of Common Seal

| | |
|-------------------------------|---|
| Applicant | Roe Regional Organisation of Councils (RoeROC) |
| File No. | MOU / 011 |
| Attachments | 1. Draft Memorandum of Understanding |
| Author | Alan George – Chief Executive Officer |
| Disclosure of Interest | Nil |
| Date of Report | 12 May 2023 |
| Senior Officer | Alan George - Chief Executive Officer |

Summary

For Council to endorse the renewal of the Roe Regional Environmental Health Services Scheme (RREHSS) Memorandum of Understanding (MOU) for the provision of health services and authorise the use of the Common Seal.

Background

The Roe Regional Organisation of Councils (RoeROC) was established in October 2006 to facilitate voluntary cooperation and resource sharing between the Shires of Corrigin, Kondinin, Kulin and Narembeen.

Since its establishment RoeROC has worked to deliver a number of shared services to its member Councils. The RREHSS provides an environmental health service that included the Shire of Lake Grace from 1 July 2014. RREHSS operates under a MOU between the Councils. The scheme RREHSS operates under the shortened title of RoeHealth. The current MOU expires on the 30 June 2023.

The RREHSS gives direct involvement of each member shire in the management of the scheme and provides access to a number of staff on a cost sharing basis.

The MOU includes Operational Guidelines and is currently administered by the Shire of Corrigin including the employment of 1.2 Full Time Equivalent Environmental Health Officers.

Comment

Attached is the draft MOU for commencement from 1 July 2023. This updated MOU is to be presented to the members of RoeROC for endorsement on 15 June 2023.

Within the MOU Schedule 1 identifies the Operational Guidelines and details the services that will be provided through this scheme. As can be seen from the list, the services are wide and varied.

The Shire of Lake Grace is currently being serviced to the equivalent of 3 days per fortnight. This is done in-person or offsite depending on the workload. The arrangement has been working well in the past and there is no reason seen to not proceed into the future. Providing there are no changes to the draft MOU Council endorsement is recommended.

Under the provision of the MOU if a member Council no longer wished to participate they have to give twelve (12) months written notice to the other Member Councils. During this time the withdrawing Council is still liable for its contribution to all costs as per the schedule.

Legal Implications

Health (Miscellaneous Provisions) Act 1911

26. Powers of local government

Every local government is hereby authorised and directed to carry out within its district the provisions of this Act and the regulations, local laws, and orders made thereunder:

Provided that a local government may appoint and authorise any person to be its deputy, and in that capacity to exercise and discharge all or any of the powers and functions of the local government for such time and subject to such conditions and limitations (if any) as the local government shall see fit from time to time to prescribe, but so that such appointment shall not affect the exercise or discharge by the local government itself of any power or function.

[Section 26, formerly section 25, amended by No. 17 of 1918 s. 5; renumbered as section 26 by No. 38 of 1933 s. 42; amended by No. 14 of 1996 s. 4.]

Local Government Act 1995

9.49A Execution of Documents

- (1) A document is duly executed by a local government if —
 - (a) the common seal of the local government is affixed to it in accordance with subsections (2) and (3); or
 - (b) it is signed on behalf of the local government by a person or persons authorised under subsection (4) to do so.
- (2) The common seal of a local government is not to be affixed to any document except as authorised by the local government.
- (3) The common seal of the local government is to be affixed to a document in the presence of —
 - (a) the mayor or president; and
 - (b) the chief executive officer or a senior employee authorised by the chief executive officer, each of whom is to sign the document to attest that the common seal was so affixed.
- (4) A local government may, by resolution, authorise the chief executive officer, another employee or an agent of the local government to sign documents on behalf of the local government, either generally or subject to conditions or restrictions specified in the authorisation.
- (5) A document executed by a person under an authority under subsection (4) is not to be regarded as a deed unless the person executes it as a deed and is permitted to do so by the authorisation.
- (6) A document purporting to be executed in accordance with this section is to be presumed to be duly executed unless the contrary is shown.
- (7) When a document is produced bearing a seal purporting to be the common seal of the local government, it is to be presumed that the seal is the common seal of the local government unless the contrary is shown.

[Section 9.49A inserted by No. 17 of 2009 s. 43.]

Policy Implications

Policy 1.11 – Use of the Common Seal

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

- Deeds 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.

Consultation

Natalie Manton – Chief Executive Officer Shire of Corrigin

Financial Implications

The Shire of Lake Grace share of the costs of the scheme is 25% based on the days serviced. The budget for the coming financial year has yet to be finalised.

Strategic Implications

Shire of Lake Grace Strategic Community Plan 2017-2027

| | | |
|---|-------|---|
| Social Objective - A valued, healthy and inclusive community and life style | | |
| Outcome | 2.2 | A healthy and safe community |
| Strategies | 2.2.2 | Provide and advocate for medical and health services |
| Environment Objective - Protect and enhance our natural and built environment | | |
| Outcome | 3.2 | A natural environment for the benefit and enjoyment of current and future generations |
| Strategy | 3.2.3 | Provide an effective waste management service |
| 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

RECOMMENDATION / RESOLUTION

RESOLUTION 13676

Moved: Cr Clarke

Seconded: Cr Hyde

That Council:

1. endorse the Roe Regional Environmental Health Services Scheme (RREHSS) for the provision of environmental health services, for the period 01 July 2023 to 30 June 2028; and
2. authorise the President and the Chief Executive Officer to affix the Common Seal to the Roe Regional Environmental Health Services Scheme (RREHSS) Memorandum of Understanding (MOU).

CARRIED 7/0

14.4.3 Lake King Rest Stop – Overnight Caravan Parking

| | |
|-------------------------------|--|
| Applicant | Lake King Agencies & Roadhouse |
| File No. | 0469 |
| Attachments | 1. Site Plan |
| Author | Alan George – Chief Executive Officer |
| Disclosure of Interest | Nil |
| Date of Report | 5 May 2023 |
| Senior Officer | Alan George – Chief Executive Officer |

Summary

A request has been received from the owners of Lake King Agencies & Roadhouse requesting the removal of the “Overnight Caravan Parking Not Permitted in This Area” sign at the rest area opposite the Lake King Roadhouse on the Newdegate Ravensthorpe Rd.

Background

The Lake King rest stop and public toilets, opposite the roadhouse in Lake King, are very popular with tourists and truckies who utilise the facilities. Some 12 months or so ago an RV dump point was installed adjacent to the toilet block to provide a service for tourists and as an incentive to visit the roadhouse across the road.

There was a similar request from the owners of the roadhouse made back in August 2017 prior to the RV dump point being installed. At the time a file note reveals that they were advised the following;

RV Camping at Lake King - ADVISED THAT IT WAS MAINROADS WA RESPONSIBILITY AND THERE WAS A 24 HOUR REST STOP SOME 60 KLMS ON FROM LAKE KING SO THEY WOULD NOT BE RECEPTIVE TO ANOTHER ONE SO CLOSE. ADVISED WILL DISCUSS WITH CEO TO SEE IF THERE IS AN OPPORTUNITY FOR ACTION, THOUGH CONSIDERATION OF THE LOCAL CARAVAN PARKS MUST BE HIGHLIGHTED.

The rest stop area was carried out with Shire funding to MRWA standards and it cannot be identified on file who was responsible for the no caravan overnight parking conditions.

Comment

The owners of the Lake King roadhouse have noticed an increase in caravans stopping at the rest area and making comment to them that they would like to stop there overnight but the no overnight camping sign puts them off and that they would rather travel further to find a free camp. Trucks do stop there overnight at times as the drivers shower and refresh.

It is a large area that can support both trucks and caravans so the request is not without merit. Main Roads WA has a number of gazetted rest stops on its website that allow for 24 hours maximum stopping including the corner of Holt Rock South Rd and the Newdegate Ravensthorpe Rd and the corner of Holland Track and Lake Grace Newdegate Rds. MRWA has this site listed on its website as a rest area but not as an overnight rest area.

If overnight stopping is allowed there it may alleviate the problems associated with unserviced rest areas regarding rubbish and waste water disposal. There is also the added benefit that the services of the roadhouse could be used for the purchase of fuel and food.

It is acknowledged that the rest area is only about 2km from the Lake King caravan park however the sort of people that would use the rest area would not stay in the caravan park regardless. Times have changed a lot since the last request with more caravans on the road and a lot more people looking for free camping. If this request is granted it would have to be adequately signposted that trucks have the right of way.

Legal Implications

Main Roads WA will be consulted to see if there are any restrictions with regard to the provision of the overnight rest area.

Policy Implications

Nil

Consultation

Consultation will need to be had with;

- Main Roads WA
- Lake King Progress Association
- Lake King Caravan Park

Financial Implications

None apparent. The toilets are already serviced daily.

Strategic Implications

Shire of Lake Grace Strategic Community Plan 2017-2027

| | | |
|--|-------|---|
| Economic Objective - A prosperous agricultural based economy supporting diversification of industry | | |
| Outcome | 1.2.2 | Support local business and promote further investment in the district |
| Strategies | | |
| | 1.3 | An attractive destination for visitors |
| | 1.3.1 | Promote and develop tourism as part of a regional approach |
| | 1.3.2 | Maintain and enhance local iconic attractions and infrastructure |
| | 1.3.3 | Continue to provide and maintain visitor support services |
| 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 |
| Environment Objective - Protect and enhance our natural and built environment | | |
| Outcome | 3.1 | A well maintained attractive built environment servicing the needs of the community |
| Strategies | 3.1.1 | Maintain, rationalise, improve or renew buildings and community infrastructure |
| | 3.2 | A natural environment for the benefit and enjoyment of current and future generations |
| | 3.2.1 | Manage and preserve the natural environment |

Voting Requirements

Simple majority

RECOMMENDATION / RESOLUTION

RESOLUTION **13677**

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

That Council:

Approves the removal of the “Overnight Caravan Parking Not Permitted in This Area” sign at the rest area opposite the Lake King roadhouse subject to consultation with Main Roads WA, Lake King Progress Association and Lake King Caravan Park

CARRIED: **7/0**

14.4.4 2023 WA LOCAL GOVERNMENT CONVENTION

| | |
|-------------------------------|---|
| Applicant | Shire of Lake Grace |
| File No. | 0029 |
| Attachments | Nil |
| Author | Alex Adams – Executive Assistant |
| Disclosure of Interest | Nil |
| Date of Report | 18 May 2023 |
| Senior Officer | Mr Alan George – Chief Executive Officer |

Summary

WALGA have advised that registrations for the WA Local Government Convention will be open this week. Councillors are asked to confirm their attendance and elect voting delegates and proxies for the WALGA Annual General Meeting.

Background

The 2023 WA Local Government Convention is an opportunity for Council Members to join more than 400 senior representatives from WA Local Governments at the premier event for the sector, where delegates hear from and question a wide range of speakers, are challenged in their thinking, and collaborate with colleagues and key stakeholders. This year the theme for the Convention is “Local Futures”

Comment

The Convention is being held at Crown Perth from Sunday 17 to Tuesday 19 September 2023. The Heads of Agencies Breakfast, originally set for 1 June to be attended by the President, will be held on the morning of Monday 18 September. The WALGA Annual General Meeting (AGM) will be held on the Monday afternoon.

Council needs to nominate two (2) voting delegates for the WALGA Annual General Meeting which will be on Monday 18 September 2023. These delegates are normally the Shire President and the Deputy Shire President (if they are attending). Two (2) Proxy Delegates are to be nominated in case they are required.

Legal Implications

Nil

Policy Implications

Policy 1.6 Members Travel Expenses – Conferences
 Policy 1.7 Members Partners Expenses

Consultation

Internal Mr Alan George – Chief Executive Officer

Financial Implications

Exact costs cannot be confirmed as registrations are not yet open at the time of writing. The total cost for 2022 was \$11,800.00 which was for registrations, accommodation, food and travel.

There is \$18,000 allocated in the 2022/23 budget for Councillor Conference Expenses.

Strategic Implications

This item 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 |

Voting Requirements

Simple Majority

RECOMMENDATION / RESOLUTION

RESOLUTION 13678

Moved: Cr Lloyd
Seconded: Cr Clarke

1. The following Council members be registered to attend the WA Local Government Convention and WALGA Annual General Meeting:

Cr Hunt
 Cr Armstrong
 Cr Chappell
 Cr Kuchling
 CEO Mr Alan George

2. Voting members for the WALGA AGM be the Shire President and the Deputy Shire President with Proxies being Cr Hunt and the Chief Executive Officer.

CARRIED 7/0

14.4.5 REVIEW OF FINANCIAL MANAGEMENT SYSTEMS AND PROCEDURES

| | |
|-------------------------------|---|
| Applicant | Shire of Lake Grace |
| File No. | 0202 |
| Attachments | 1. <i>Shire of Lake Grace Regulation 5 Internal Audit Review – Paxon Group</i> |
| Author | Chris Paget – Deputy Chief Executive Officer |
| Disclosure of Interest | Nil |
| Date of Report | 18 March 2023 |
| Senior Officer | Alan George – Chief Executive Officer |

Summary

For Council to consider the report on the internal audit review on the appropriateness and effectiveness of the Shire’s financial management systems and procedures as required under Regulation 5(2)(c) of the Local Government (Financial Management) Regulations 1996.

Background

Regulation 5(2)(c) of the Local Government (Financial Management) Regulations 1996 requires the CEO to undertake reviews of the appropriateness and effectiveness of the financial management systems and procedures of the local government regularly (and not less than once in every three financial years), and report to the local government the results of those reviews.

The conduct of such a review by an external auditing company allows the Shire to satisfy this requirement.

Comment

The last Regulation 5 review for the Shire of Lake Grace was undertaken by Moore Stephens consultants at the request of the then CEO in May-June of 2019, however was not presented to Council for endorsement at that time for reasons unknown. This was later followed up by the current administration who undertook the necessary remedial actions outlined in that report, and it was subsequently received and accepted by the Council in September 2020.

For the current review external consultants Paxon Group were engaged to assist the CEO and management with the Regulation 5 review process, and this work was undertaken between February and March of this year. The Paxon Group draft report was received on 11th April 2023 whereupon staff provided additional feedback and commentary on matters raised; the finalised version was received on 27th April.

The report considered the design and performance of our financial management systems to be appropriate, with a high number of areas of strength. The findings and recommendations in the Paxon report reflect the current efforts of the Shire administration in identifying potential risk and compliance shortcomings, and in particular legacy issues arising from past years which are already being addressed through appropriate policy and procedures development.

Paxon reviewed the Shire of Lake Grace financial management systems and procedures across the period 1 February 2022 to 31 December 2022 and made audit findings in relation to the following risk areas:

- Procurement & Conflicts of Interest;
- Credit Cards; and
- Documented Processes.

The findings from examination and testing for the above-mentioned three areas are as follows:

5.1 Conflict of Interest

Audit Finding

Paxon performed testing for a sample of 10 transactions to assess if they underwent the appropriate tender or request or quote process.

It was noted that there were no documented conflict of interest forms provided as evidence of consideration of conflicts within the processes tested as they are only documented if identified.

Hence, there is no documented evidence to reflect if there was consideration of conflicts.

Risk Rating

Paxon has determined this finding to be of **Medium Risk**

Implication

Lack of evidence of the consideration of conflicts of interest within the procurement process.

Recommendation

Confirmation of the consideration of conflicts should be documented and recorded as evidence.

Management Comment

Recommendation is supported and all future tender evaluations will include signed copies of Conflict of Interest declarations, however this will not apply to purchases under the \$100,000 threshold in accordance with the Shire Purchasing manual.

Action Owner

Manager Infrastructure Services/ Deputy Chief Executive Officer.

Target Completion Date

30 June 2023

5.2 Credit Card Approval

The CEO's credit card expenditure is reviewed and approved by another officer.

Paxon could not identify that credit card expenditure was reported to Council.

Risk Rating

Paxon has determined this finding to be of **Medium Risk**

Implication

Credit card expenditure is not reviewed and approved by an independent person.

Recommendation

Review and approval of the CEO's credit card expenditure should be performed by the Shire President.

Management Comment

CEO credit card is reviewed and approved by Manager Corporate Services, this is deemed to be more practicable than having the Shire President to approve. The itemised credit card payments are included in the total monthly payments presented to Council for approval and adoption at each Ordinary Council meeting.

Action Owner

CEO/Manager Corporate Services or Other Senior Manager when appropriate

Target Completion Date

No Further Action

5.3 Documented Processes

Audit Finding

There is limited process documentation in place to guide officers as to how processes should be performed. This includes areas such as payment processes, payroll review and approval and month end processes.

Risk Rating

Paxon has determined this finding to be of **Low Risk**

Implication

Consistent and appropriate processes may not be performed due to a lack of guidance or knowledge.

Recommendation

The Shire should consider implementing documented procedures for key areas noted above.

Management Comment

These processes are being implemented and are in progress.

Action Owner

Manager Corporate Services

Target Completion Date

31/12/2023

Legal Implications

Local Government (Financial Management) Regulations 1996 - Regulation 5(2)[c]

Policy Implications

Council Policies: All of Section 3 – Finance / Accounting
1.21 – Internal Controls
1.22 – Legislative Compliance
1.23 – Fraud & Corruption

Financial Implications

The Regulation 5 Internal Audit Review was undertaken with the assistance of consultants Paxon Group at a cost of \$14,300 (GST incl) which was included in Council's 2022-23 annual budget. There are no further financial implications arising from this report and review as any necessary follow up work will be undertaken in-house by the Shire's Executive and other support staff.

Consultation

Nil

Strategic Implications

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

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

Voting Requirements

Simple majority

RECOMMENDATION / RESOLUTION

RESOLUTION 13679

Moved: Cr Hunt
Seconded: Cr Clarke

That Council accepts and endorses the review of the Shire of Lake Grace financial management systems and procedures pursuant to Regulation 5(2)(c) of the Local Government (Financial Management) Regulations 1996.

CARRIED 7/0

14.5 FINANCE

14.5.1 ACCOUNTS FOR PAYMENT – APRIL 2023

| | |
|-------------------------------|---|
| Applicant | Internal Report |
| File No. | 0277 |
| Attachments | List of Accounts Payable |
| Author | Mr Kevin Wilson – Manager Corporate Services |
| Disclosure of Interest | Nil |
| Date of Report | 8 May 2023 |
| Senior Officer | Mr Alan George - Chief Executive Officer |

Summary

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

Background

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

Comment

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

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

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

Legal Implications

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

Policy Implications

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

Consultation

Nil

Financial Implications

The list of creditors paid for the month of April 2023 from the Municipal Account
Total \$995,606.35

Strategic Implications

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

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

Voting Requirements

Simple majority required.

RECOMMENDATION / RESOLUTION

RESOLUTION 13680

Moved: Cr Lloyd
Seconded: Cr Hyde

That Council ratify the list of payments totalling \$995,606.35 as presented for the month of April 2023 incorporating:

| Payment Method | Cheque/EFT/DD Number | Amount |
|----------------------------|-----------------------|---------------------|
| Electronic Funds Transfers | EFT24817 – EFT24909 | \$931,711.95 |
| Municipal Account Cheques | 37062 - 37064 | \$3,609.54 |
| Direct Debits | DD10460.1 – DD10470.3 | \$60,284.86 |
| | TOTAL | \$995,606.35 |

CARRIED 7/0

Shire of Lake Grace



CERTIFICATE OF EXPENDITURE

April 2023

This Schedule of Accounts to be passed for payment, covering

| Payment Method | Cheque/EFT/DD Number | Amount |
|----------------------------|-----------------------|---------------------|
| Electronic Funds Transfers | EFT24817 – EFT24909 | \$931,711.95 |
| Municipal Account Cheques | 37062 - 37064 | \$3,609.54 |
| Direct Debits | DD10460.1 – DD10470.3 | \$60,284.86 |
| | TOTAL | \$995,606.35 |

to the Municipal Account, totalling \$995,606.35 which were submitted to each member of the Council on 24 May 2023, have been checked and fully supported by vouchers and invoices which are submitted herewith and which have been duly certified as to the receipt of goods and the rendition of services and as to prices, computations, and costing's and the amounts shown are due for payment.

Alan George

CHIEF EXECUTIVE OFFICER

14.5.2 FINANCIAL REPORTS – 30 APRIL 2023

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

Summary

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

Background

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

Comment

As at 30 April 2023, operating revenue is over the target by \$62,411 (0.85%). Profit on disposal of assets over the budget due to the sale of two Mack trucks and DCEO vehicles was higher than expected.

Operating expenditure is under YTD budget by \$1,963,406 (19.31%) mainly due to Materials and contracts being down as a consequence of delay in operating jobs. Employee costs are slightly under budget due to vacancies in works and services. On the other hand, Loss on disposal of assets over the budget target due to sale of Bomag Roller below the expected price.

The capital program is below the target by \$780,070 (21.07%). The bulk of "Local Roads & Community" and "Drought & Community" projects are not yet initiated/finalised, funds will be recognised later in the financial year. Payments for property, plant and equipment are below target as well due to the portion of Capital projects not being initiated as yet (48%) or in an early stage of completion. This leads to Capital grants income decrease being offset by the reduction in payments for property, plant and equipment.

Cash at bank is similar to the corresponding period last year, an investment agreement for 2 term deposits with Commonwealth Bank is in place for \$7,094,077, along with Overnight Cash Deposit with WA Treasury Corporation for \$3,708,264.

Outstanding rates are tracking well and have recovered 97.8% to date.

General debtor is \$192,540 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 April 2023. The financial

statements have been compiled to meet compliance with the Local Government Act 1995 and associated regulations.

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

Legal Implications

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

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

Policy Implications

Nil

Consultation

Internal Mr Kevin Wilson – Manager Corporate Services

Financial Implications

Nil

Strategic Implications

Shire of Lake Grace Strategic Community Plan 2017 – 2027

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

RECOMMENDATION / RESOLUTION

RESOLUTION 13681

Moved: Cr Hunt
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 30 April 2023 and
2. Municipal, Trust and Reserve Funds bank reconciliations for the period ended 30 April 2023.

CARRIED 7/0

14.6 COMMUNITY SERVICES

Nil

15.0 QUESTIONS OF WHICH DUE NOTICE HAS BEEN GIVEN

Nil

16.0 INFORMATION BULLETIN – MAY 2023

| | |
|--------------------------------|--|
| Applicant: | Internal Report |
| File No. | Nil |
| Attachments: | Information Bulletin Cover Page Only |
| Author: | Alex Adams - Executive Assistant |
| Disclosure of Interest: | Nil |
| Date of Report: | 19 May 2023 |
| Senior Officer: | Mr Chris Paget - Deputy Chief Executive Officer |

Summary

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

Background / Comment

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

The May 2023 Information Bulletin attachments include:

Reports:

- Lake King Library Report and Statistics
- Infrastructure Services Report

External Organisations

- WALGA Central Country Zone Minutes 14 April 2023
- Lake Grace Roadwise Committee Minutes 11 May 2023

Circulars, Media Releases, Newsletters, Letters

- Emailed to Councillors as they come in

Legal Implications

Nil

Policy Implications

Nil

Consultation

Nil

Financial Implications

Nil

Strategic Implications

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

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

Voting Requirements

Simple majority

RECOMMENDATION / RESOLUTION

RESOLUTION 13682

Moved: Cr Lloyd
Seconded: Cr Kuchling

That Council accepts the Information Bulletin Report for May 2023.

CARRIED 7/0

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

RECOMMENDATION / RESOLUTION

RESOLUTION 13683

Moved: Cr Hunt

Seconded: Cr Kuchling

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 Chief Executive Officer – Annual Performance Review 2023
- Item 17.1.2 Purchase of Gravel Above Normal Rate
- Item 17.1.3 Sale of Land – Lot 216 (7) Quondong Court Lake Grace

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

CARRIED 7/0

Before Confidential Item 17.1.1 was tabled, the Chief Executive Officer, Manager Corporate Services, Acting Manager Corporate Services and Manager Infrastructure Services left the Council Chambers at 4.00pm.

RECOMMENDATION / RESOLUTION

RESOLUTION 13684

Moved: Cr Hunt

Seconded: Cr Lloyd

That Council accept the recommendation contained in Item 17.1.1 - Chief Executive Officer – Annual Performance Review 2023

CARRIED 7/0

After discussing Confidential Item 17.1.1 the Chief Executive Officer, Manager Corporate Services, Acting Manager Corporate Services and Manager Infrastructure Services returned to the Council Chambers to join the discussion for Confidential Item 17.1.2 at 4.04pm.

RECOMMENDATION / RESOLUTION

RESOLUTION 13685

Moved: Cr Lloyd
Seconded: Cr Hunt

That Council accept the recommendation contained in Item 17.1.2 - Purchase of Gravel Above Normal Rate.

CARRIED 7/0

RECOMMENDATION / RESOLUTION

RESOLUTION 13686

Moved: Cr Kuchling
Seconded: Cr Hunt

That Council accept the recommendation contained in Item 17.1.3 – Sale of Land – Lot 216 (7) Quondong Court Lake Grace

CARRIED 7/0

RECOMMENDATION / RESOLUTION

RESOLUTION 13687

Moved: Cr Lloyd
Seconded: Cr Hunt

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

CARRIED 7/0

18.0 DATE OF NEXT MEETING – 28 JUNE 2023

The next Ordinary Council Meeting is scheduled to take place on Wednesday 28 June 2023 commencing at 3:30pm at the Council Chambers, 1 Bishop Street, Lake Grace.

19.0 CLOSURE

There being no further business, the Shire President closed the meeting at 4.25 pm.

20.0 CERTIFICATION

I, Leonard William Armstrong, certify that the Minutes of Meeting held on Wednesday 24 May as shown were confirmed as a true record of the meeting.



A handwritten signature in blue ink, appearing to read 'L. W. Armstrong', written over a horizontal line.

Signature

28 June 23

Date

#