

SHIRE OF LAKE GRACE



AGENDA

Ordinary Council Meeting
25 October 2023

Notice of Meeting
To the Shire President and Councillors

The next Ordinary Council Meeting will be held on Wednesday 25 October 2023 in the Council Chamber, 1 Bishop Street, Lake Grace commencing at 3:30pm.

A handwritten signature in black ink, appearing to read "Alan George".

Alan George
Chief Executive Officer
20 October 2023

Information

This information is provided on matters which may affect members of the public. If you have any queries on procedural matters, please contact the Shire of Lake Grace on 9890-2500 or ea@lakegrace.wa.gov.au.

Question Time for the Public

The Local Government (Administration) Regulation 1996 states that members of the public shall be allowed to ask public question during Council meetings. The Shire of Lake Grace allocates a minimum of 15 minutes for Public Question. Anyone may ask questions and may be submitted in two ways:

- Questions submitted in writing and be “*put on notice*” before the Council Meeting
- Questions may be raised from the public gallery “*without notice*” during public question time

Questions that are complex in nature and that may require research should be submitted as early as possible to allow the Shire time to prepare a response. The Presiding Member may nominate a senior executive or member of staff to answer the question presented. There will be no debate or discussion to take place on any question or answer to ask a question.

For more information regarding Question Time for the Public and to obtain a Public Question Time form, please visit www.lakegrace@wa.gov.au or call (08) 9890-2500 or email ea@lakegrace.wa.gov.au.

Disclaimer

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

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

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SHIRE OF LAKE GRACE

Agenda for the Ordinary Council Meeting to be held at the Council Chambers, 1 Bishop Street, Lake Grace, WA on Wednesday 25 October 2023 commencing at 3:30pm.

1.0 DECLARATION OF OPENING ANNOUNCEMENT OF VISITORS

The Chief Executive Officer opened the meeting at _____ pm and advised that today's Ordinary Council Meeting will consider the matters presented:

- Swearing-in of new Councillors
- Election of President
- Election of Deputy President
- Ballot for seating

2.0 CONSTITUTIONAL MATTERS

The Chief Executive Officer will swear in the Councillors elect who were declared elected by the Returning Officer conducted as a postal vote on Saturday 21 October 2023.

In accordance with the Local Government Act 1995, [r13(1) (c)] a person elected as a Councillor has to make a declaration before acting in the office.

Regulation 13 of the Local Government (Constitution) Regulations 1998 prescribes that Form 7 is to be made available before a person is authorised to take statutory declarations under Oaths, Affidavits and Statutory Declarations Act 2005.

The declaration is as follows:

*I _____ of _____, having been elected to the office of **Councillor** of the Shire of Lake Grace declare that I take the office upon myself and will duly, faithfully, honestly, and with integrity, fulfil the duties of the office for the people in the district according to the best of my judgement and ability, and will observe the code of conduct adopted by the Shire of Lake Grace under section 5.103 of the Local Government Act 1995.*

In Schedule 2.3 of the *Local Government Act 1995* provides:

2. When Council Elects Mayor or President

- (1) *The office is to be filled as the first matter dealt with –*

-
- (a) *at the first meeting of the council after an inaugural election or a section 4.13 or 4.1.4 election or after an ordinary elections day; and*
 - (b) *at the first meeting of the council after and extraordinary vacancy occurs in the office.*
- (2) *If the first ordinary meeting of the Council is more than 3 weeks after an extraordinary vacancy occurs in the office, a special meeting of the council is to be held within that period for the purpose of filling the office.*

3. CEO to Preside

The CEO is to preside at the meeting until the office is filled.

4. How Mayor or President is Elected

- (1) *The Council is to elect a councillor to fill the office.*
- (2) *The election is to be conducted by the CEO in accordance with the procedure prescribed.*
- (3) *Nominations for the Office are to be given to the CEO in writing before the meeting or during the meeting before the close of nominations.*
- (3a) *Nominations close at the meeting at a time announced by the CEO that nominations are about to close to allow for any nominations made to be dealt with.*
- (4) *If a Councillor is nominated by another Councillor the CEO is not to accept the nomination unless the nominee has advised the CEO, orally or in writing, that he or she is willing to be nominated for the office.*
- (5) *The Councillors are to vote on the matter by secret ballot as if they were electors voting at an election.*

2.1.1 ELECTION OF PRESIDENT

The Chief Executive Officer is to call for nominations for the office of Shire President.

The Shire President is to be elected by the Council from amongst the Councillors.

Nominations for the position of Shire President are to be made in writing before the meeting, or during the meeting prior to the close of nominations. If a Councillor is nominated by another Councillor, the person conducting the election is not to accept the nomination unless the nominee has advised the person conducting the election, verbally or in writing, that he or she is willing to be nominated.

The Council members are to vote on the matter by secret ballot as if they were voting in an election.

The Chief Executive Officer is to declare the result and the elected Shire President is to make a declaration pursuant to Regulation 13(3) of the *Local Government (Constitution) Regulations 1998*:

13. Oaths, Affirmations and Declarations (s. 2.29, 2.42)

(3) A declaration required by section 2.29 to be made by a person elected as a Councillor, Deputy Mayor or Deputy President is to be made before an authorised person.

The Declaration of elected Shire President:

*I _____ of _____, having been elected to the office of **President** of the Shire of Lake Grace declare that I take the office upon myself and will duly, faithfully, honestly, and with integrity, fulfil the duties of the office for the people in the district according to the best of my judgement and ability, and will observe the code of conduct adopted by the Shire of Lake Grace under section 5.103 of the Local Government Act 1995.*

The Declaration will be witnessed by the Chief Executive Officer.

The Chief Executive Officer will then hand the meeting over to the newly elected Shire President.

2.1.2 ELECTION OF DEPUTY SHIRE PRESIDENT

The Shire President to call for nominations for the office of Deputy Shire President.

The Deputy Shire President is to be elected by the Council (including the Shire President) from amongst the Councillors.

Nominations for the position of Deputy Shire President are to be made in writing before the meeting, or during the meeting prior to the close of nominations. If a Councillor is nominated by another Councillor, the person conducting the election is not to accept the nomination unless the nominee has advised the person conducting the election, verbally or in writing, that he or she is willing to be nominated.

The Council members (including the Shire President) are to vote on the matter by secret ballot as if they were voting at an election. The Shire President is to declare the result and the elected Deputy Shire President is to make a declaration pursuant to Regulation 13(3) of the *Local Government (Constitution) Regulations 1998*:

13. Oaths, affirmations and declarations (s. 2.29, 2.42)

(3) A declaration required by section 2.29 to be made by a person elected as a Councillor, Deputy Mayor or Deputy President is to be made before an authorised person.

The Declaration of elected Deputy Shire President:

I _____ of _____, having been elected to the office of **Deputy President** of the Shire of Lake Grace declare that I take the office upon myself and will duly, faithfully, honestly, and with integrity, fulfil the duties of the office for the people in the district according to the best of my judgement and ability, and will observe the code of conduct adopted by the Shire of Lake Grace under section 5.103 of the Local Government Act 1995.

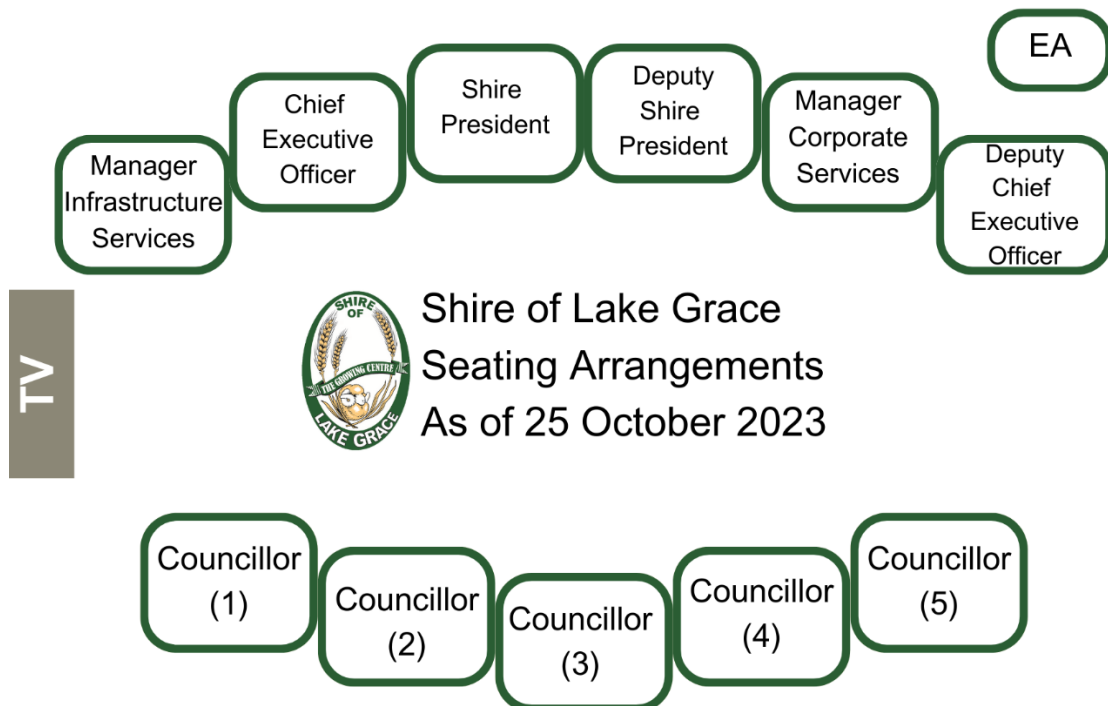
The Declaration will be witnessed by the Chief Executive Officer.

2.1.3 SEATING OF COUNCILLORS

A ballot will be conducted by the Chief Executive Officer for seating of Councillors in the Chambers. As per the *Shire of Lake Grace Standing Orders Local Law 2015*.

8.2 Members to occupy own seats

- (1) At the first meeting held after each election day, the CEO is to allot by random draw, a position at the Council table to each Member.
- (2) Each member is to occupy his or her allotted position at each Council meeting.



Councillors seating number / arrangement

Seat No. 1	Cr
Seat No. 2	Cr
Seat No. 3	Cr
Seat No. 4	Cr
Seat No. 5	Cr

The Shire President will invite Councillors to take their seats after the ballot.

2.1.4 DISCLAIMER READING AN 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 to be read by the Shire President

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

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

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

3.1 PRESENT

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

* May be changed in the Minutes according to Election results

3.2 APOLOGIES

3.3 IN ATTENDANCE

Mr. Alan George	Chief Executive Officer
Mr C Paget	Deputy Chief Executive Officer
Mr K Wilson	A/Manager Corporate Services
Mr C Elefsen	Manager Infrastructure Services
Mrs A Adams	Executive Assistant

3.4 OBSERVERS / VISITORS

3.5 LEAVE OF ABSENCE PREVIOUSLY GRANTED

4.0 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

5.0 PUBLIC QUESTION TIME

6.0 PETITIONS/DEPUTATIONS/PRESENTATIONS

7.0 NOTATIONS OF INTEREST

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

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

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

8.0 APPLICATIONS FOR LEAVE OF ABSENCE

RECOMMENDATION / RESOLUTION

RESOLUTION

Moved: Cr
Seconded: Cr

That pursuant to s2.25 of the Local Government Act 1995 (as amended), leave of absence be granted to the following:

Cr Anton Kuchling
24 January 2024 – 26 February 2024

CARRIED

For:

Against:

9.0 ANNOUNCEMENTS BY THE PRESIDING MEMBER WITHOUT DISCUSSION

10.0 CONFIRMATION OF MINUTES

10.1 ORDINARY COUNCIL MEETING – WEDNESDAY 27 SEPTEMBER 2023

RECOMMENDATION / RESOLUTION

RESOLUTION

Moved: Cr
Seconded: Cr

That the Minutes of the Ordinary Council Meeting held on Wednesday 27 September 2023 be confirmed as a true and accurate record of the meeting.

CARRIED

For:
Against:

10.2 SPECIAL COUNCIL MEETING

10.3 ANNUAL MEETING OF ELECTORS

11.0 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

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

13.0 REPORTS OF COMMITTEES

13.1.1 LAKE GRACE LIBRARY RESOURCE AND COMMUNITY RESOURCE CENTRE MANAGEMENT COMMITTEE

RECOMMENDATION / RESOLUTION

RESOLUTION

Moved: Cr
Seconded: Cr

That the Minutes of the Lake Grace Library Resource and Community Resource Centre Management Committee meeting held on 18 October 2023, be received by Council.

CARRIED

For:
Against:

14.0 REPORTS OF OFFICERS

14.1 INFRASTRUCTURE SERVICES

14.2 PLANNING

14.2.1 DEVELOPMENT APPLICATION – PROPOSED NEW ADDITIONAL DWELLING (FARM WORKER ACCOMMODATION) ON LOT 2825 (NO.338) PURNTA ROAD, VARLEY

Applicant	Tristan & Richard Cornwall (Landowners)
File No.	0139
Attachments	1. Development Application Documentation and Plans
Author	Joe Douglas & Cherie Wallace – Town Planners
Disclosure of Interest	Nil
Date of Report	18 October 2023
Senior Officer	Mr Alan George – Chief Executive Officer

Summary

This report recommends that a development application submitted by Tristan and Richard Cornwall (Landowners) to place a new pre-manufactured steel framed modular dwelling, including the construction of various associated improvements, on Lot 2825 (No.338) Purnta Road, Varley for farm workforce accommodation purposes be approved subject to conditions.

Background

The applicant is seeking Council's development approval to place a new pre-manufactured steel framed modular dwelling approximately 500 metres from an existing single house on Lot 2825 (No.338) Purnta Road, Varley.

The proposed new dwelling comprises a total floor area of approximately 440.30m², including alfresco area and verandah, and will be used to accommodate persons employed on the land to support its continued use for extensive agricultural purposes (i.e. cropping and grazing). The existing dwelling on the land will be retained and used as the primary place of residence. A new 150m² garage for vehicle parking and domestic storage purposes, a 150,000 litre rainwater tank for domestic consumption purposes, and a new on-site effluent disposal system comprising septic tanks and leach drains are also proposed to service the needs of the new dwelling's occupants.

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

Lot 2825 is located approximately 10.5 kilometres south-east of the Varley townsite in the locality of Varley. The property comprises a total area of approximately 1398.52 hectares and has direct frontage and access to Purnta Road along its northern boundary which is an unsealed (i.e. gravel standard) local road under the care, control and management of the Shire.

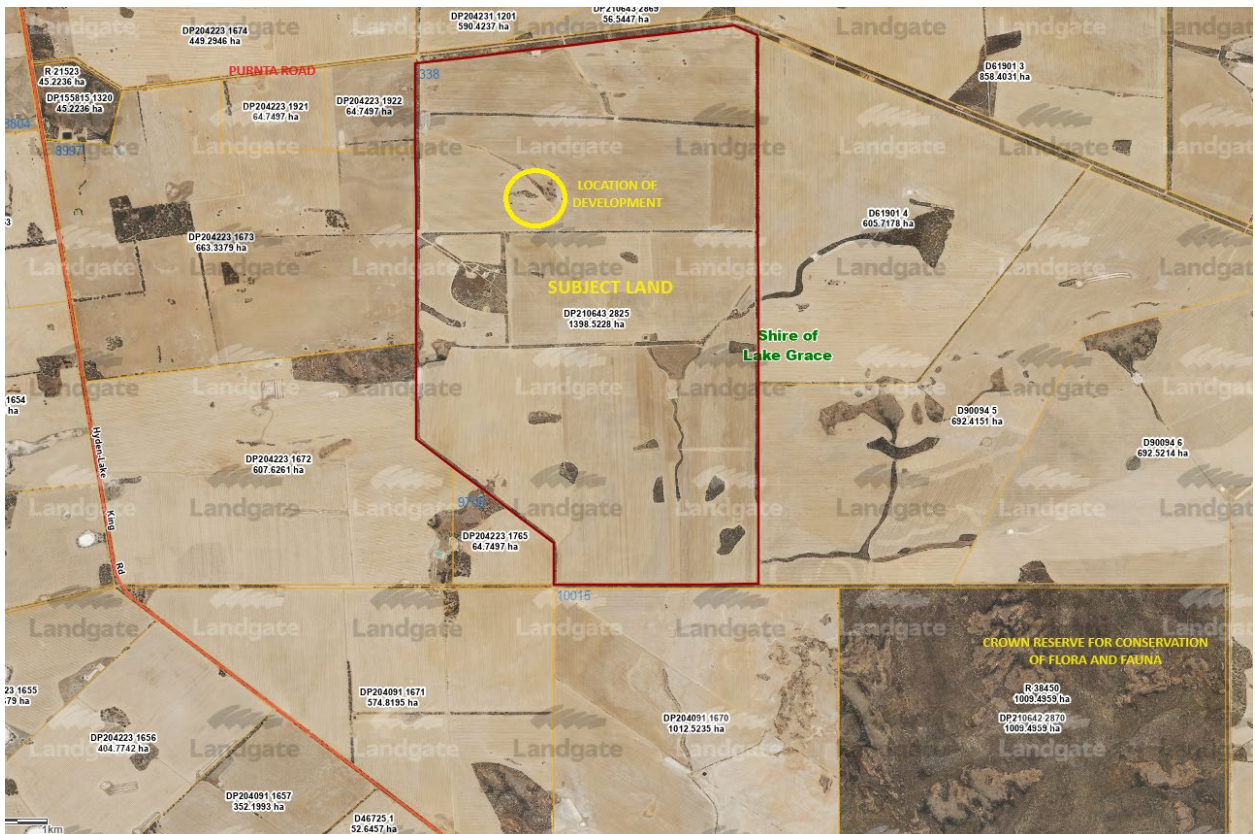
The subject land is gently sloping throughout, predominantly cleared of all native vegetation with the exception of a few small stands in select locations for land management purposes, and has been extensively developed and used for extensive agricultural purposes (i.e.

cropping and grazing) for many years.

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

Existing adjoining and other nearby land uses are predominantly rural in nature comprising broadacre agricultural activities on lots of various sizes. The main exception to this is Crown Reserve 38450 located to the south-east of the subject land which is managed and controlled by the Parks and Wildlife Service Division of the Department of Biodiversity, Conservation and Attractions for flora and fauna conservation related purposes.

That portion of the land where the development is proposed to be undertaken has been cleared of all native vegetation, does not contain any sites of cultural heritage significance, is not subject to inundation or flooding during extreme storm events, and has not been designated by the Fire and Emergency Services Commissioner as being bushfire prone.



Location & Lot Configuration Plan (Source: Landgate 2023)

Comment

Lot 2825 is classified 'General Agriculture' zone in the Shire of Lake Grace Local Planning Scheme No.4 (LPS4).

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

Clause 4.11.3 of LPS4 states Council will not generally support the erection of more than one (1) single house per lot on any land classified 'General Agriculture' zone and may only consider granting approval to additional dwelling(s) under the following circumstances:

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

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

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

- Land capability and suitability;
- Location / siting including lot boundary setbacks;
- Purpose and use of the proposed new dwelling;
- Land use compatibility including buffer separation distance requirements;
- Preservation of productive agricultural land;
- Preservation of rural character and amenity and places of cultural heritage significance;
- Preservation of natural environmental features, drainage patterns and catchments;
- Building height;
- Vehicle access and parking;
- Key essential service infrastructure including potable water supply and on-site effluent disposal; and
- Bushfire, flood risk and stormwater drainage management.

In light of all the above it is concluded the proposal for Lot 2825 is unlikely to have a negative impact on the general amenity, character, functionality and safety of the immediate locality and may therefore be supported and approved by Council subject to the imposition of a number of conditions to ensure the development proceeds in a proper and orderly manner. As such, it is recommended Council exercise discretion and grant conditional development approval.

Legal Implications

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

Policy Implications

- State Planning Policy 2.5 - *Rural Planning*

Consultation

Public advertising of the application and referral to State government agencies and key essential service providers was not required nor deemed necessary. The application was, however, the subject of discussion with the applicant following its preparation and submission to the Shire for review, consideration and final determination.

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 landowners. All costs associated with the proposed developments will be met by the landowners.

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

Strategic Implications

- **Shire of Lake Grace Local Planning Strategy 2007** as it applies specifically to the following matters:
 - Economic Development Strategy (Agriculture): To achieve ecologically sustainable use of agricultural land in the Shire whilst providing diverse and compatible development opportunities in agricultural areas to promote the local economy; and
 - Settlement Strategy (Rural Living): To provide a variety and choice of high quality rural living opportunities in the Shire where it is economically, socially and environmentally viable.
- **Shire of Lake Grace Strategic Community Plan 2017-2027:**

Economic Objective - A prosperous agriculturally based economy, supporting diversification of industry		
Outcome	1.1	An innovative, productive agriculture industry
Strategies	1.1.3	Support and promote the agricultural productivity of the district
Outcome	1.2	A diverse and prosperous economy
Strategies	1.2.2	Support local business and promote further investment in the district
Environment Objective - Protect and enhance our natural and built environment		
Outcome	3.2	A natural environment for the benefit and enjoyment of current and future generations
Strategies	3.2.1	Manage and preserve the natural environment

Voting Requirements

Simple Majority

RECOMMENDATION / RESOLUTION

RESOLUTION

Moved: Cr
Seconded: Cr

That Council **approve** the development application submitted by Tristan and Richard Cornwall (Landowners) to place a new pre-manufactured steel framed modular dwelling, including the construction of various associated improvements, on Lot 2825 (No.338) Purnta Road, Varley for farm workforce accommodation purposes subject to the following conditions and advice notes:

Conditions:

1. The proposed development shall be undertaken strictly in accordance with the information and plans submitted in support of the application subject to any modifications required as a consequence of any condition/s of this approval or otherwise approved by the local government.
2. Any additional development which is not in accordance with the application the subject of this approval or any condition of approval will require the further approval of the local government.
3. The proposed development shall be substantially commenced within a period of two (2) years from the date of this approval. If the development is not substantially commenced within this period the proposed development shall not be carried out without the further approval of the local government having first being sought and obtained.
4. The proposed dwelling shall only be used to accommodate family members and/or workers employed on the land (i.e. farm worker accommodation) unless otherwise approved by the local government.
5. An adequate on-site effluent disposal system, as determined by the local government's Environmental Health Officer or the Executive Director of Public Health, shall be installed with all such work to be undertaken to the specifications and satisfaction of the local government's Environmental Health Officer or the Executive Director of Public Health prior to occupation and use of the proposed dwelling.
6. The proposed dwelling shall be provided with a water supply tank with a minimum storage capacity of 135,000 litres for domestic consumption purposes prior to its occupation and use. All water stored in the tank shall be maintained at all times in accordance with the *Australian Drinking Water Guidelines 2011* (as amended) published by the National Health and Medical Research Council.
7. The proposed dwelling shall be provided with an electricity supply service to the specifications of the relevant service provider prior to its occupation and use.
8. All proposed new vehicle accessways and parking areas associated with the proposed development shall be constructed prior to occupation and use of the proposed dwelling to ensure two-wheel drive access is available in all weather conditions.
9. Prior to the commencement of development suitably scaled plans and specifications for the proposed new 150m² garage and 150,000 litre rainwater tank for domestic

consumption purposes shall be submitted to the local government for consideration and approval.

10. All storm water shall be directed away from the new structures the subject of this approval and disposed on-site to ensure their structural integrity is not compromised.
11. All external surfaces of the structures the subject of this approval shall be clad with new materials only.

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 landowners and not the local government to investigate any such constraints before commencing development. This approval will not necessarily have regard to any such constraint to development, regardless of whether or not it has been drawn to the local government's attention.
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 landowners 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. An 'Application to Construct or Install an Apparatus for the Treatment of Sewage' prepared pursuant to the specific requirements of the *Health (Treatment of Sewage and Disposal of Effluent and Liquid Waste) Regulations 1974* must be prepared and submitted to the local government or the Executive Director of Public Health for consideration and determination prior to preparation and lodgement of a building permit application.
4. In accordance with the *Building Act 2011* and *Building Regulations 2012*, a building permit application must be submitted to and approved by the local government's Building Surveyor prior to the commencement of any earthworks or construction on the land.
5. The proposed development is required to comply in all respects with the National Construction Code of Australia. Plans and specifications which reflect these requirements are required to be submitted with the building permit application.
6. The landowners are reminded of their obligation to ensure compliance with the requirements of the Shire of Lake Grace Annual Fire Management Notice as it applies specifically to all rural land in the Shire to help guard against any potential bushfire risk (<https://www.lakegrace.wa.gov.au/services/bushfire-emergency-management/fire-management-requirements.aspx>).
7. 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.
8. If the landowners are aggrieved by this determination there is a right of review by the State Administrative Tribunal in accordance with the *Planning and Development Act 2005* Part 14. An application must be submitted directly to the State Administrative Tribunal within 28 days of this determination.

CARRIED

For:

Against:

14.2.2 PROPOSED AMENDMENT NO.6 TO SHIRE OF LAKE GRACE LOCAL PLANNING SCHEME NO.4

Applicant	Shire of Lake Grace (Landowner)
File No.	0525
Attachments	Nil
Author	Joe Douglas – Town Planner
Disclosure of Interest	Nil
Date of Report	19 October 2023
Senior Officer	Mr Alan George – Chief Executive Officer

Summary

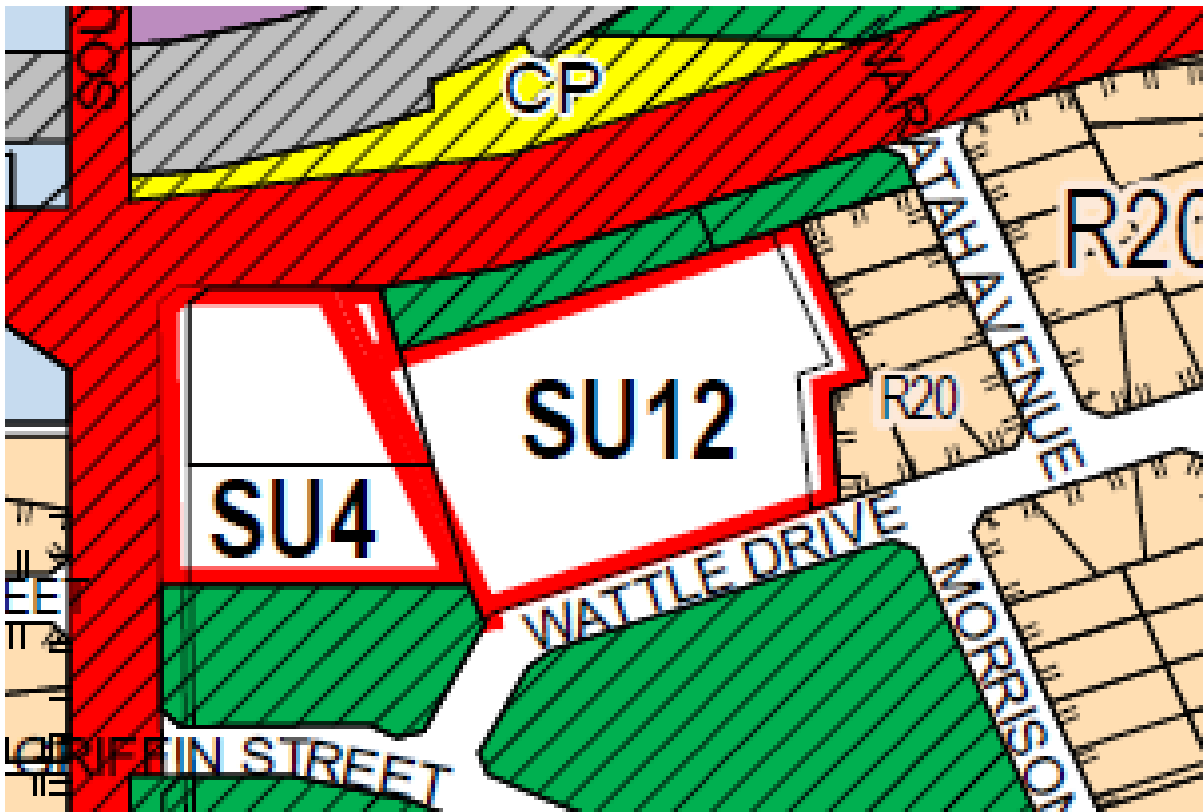
This report recommends that Council resolve to initiate proposed Amendment No.6 to the Shire of Lake Grace Local Planning Scheme No.4 to change the current zoning of Lot 500 on Deposited Plan 47225 Wattle Drive, Lake Grace from 'Special Use' to 'Residential' with a density coding of R20.

Background & Comment

Further to instructions received from the Shire's Chief Executive Officer, this report has been prepared to provide for the initiation of a standard amendment to the Shire of Lake Grace Local Planning Scheme No.4 to change the current zoning classification of Lot 500 on Deposited Plan 47225 Wattle Drive, Lake Grace from 'Special Use' to 'Residential' with a density coding of R20.



Location & Lot Configuration Plan (Source: Landgate 2023)



Current Zoning Map (Source: Shire of Lake Grace Local Planning Scheme No.4)

It is understood the Shire is looking to develop additional residential lots in the Lake Grace townsite to accommodate current and future anticipated demand. The Chief Executive Officer has advised all vacant residential lots previously developed by the Shire in the eastern part of the Lake Grace townsite have now been sold.

Lot 500 has been identified as the preferred location for the development of additional residential lots in the Lake Grace townsite however its current 'Special Use' zoning classification will not immediately allow for the land to be subdivided and developed for low density residential purposes.

Under the terms of the land's current 'Special Use' zoning classification it may only be subdivided and developed for the purposes of a roadhouse, motel and aged persons accommodation. Council does not have the legal authority to grant development approval to develop and use the land for any other purpose/s.

Council should note the roadhouse and motel use classes were included in the land's 'Special Use' zoning classification when Local Planning Scheme No.4 was originally prepared to allow for boundary encroachments arising from the historical development of the existing roadhouse and motel developments on Lots 90 and 91 located immediately west to be resolved. The use class 'aged persons accommodation' was also included due to significant interest shown in developing the land for this purpose by a private property developer at the time.

Given:

- a) the boundary encroachment issues associated with the existing roadhouse and motel developments on the adjoining lots immediately west have now been resolved;
- b) the developer interested in developing Lot 500 aged persons accommodation purposes

decided not to proceed;

- c) the Shire's preference for any new aged persons accommodation to be located more centrally in the Lake Grace townsite in closer proximity to various services and facilities, including the Lake Grace Hospital and Medical Centre; and
- d) the need to develop additional residential lots in the townsite to accommodate current and future anticipated demand for housing,

there is no longer a preference or need for Lot 500 to retain its current 'Special Use' zoning classification which is a significant impediment to the land's future development for low density residential purposes.

Council should note any potential issues associated with the rezoning proposal will be considered and assessed in detail through the scheme amendment process which, if initiated by Council as recommended, will involve the following key steps:

- i) referral to the Environmental Protection Authority for review and environmental clearance;
- ii) referral to the Department of Planning, Lands and Heritage for approval to commence public advertising (i.e. community consultation and referrals to all relevant government agencies and essential service providers);
- iii) community consultation for a period of 42 days including referral to all relevant government agencies and essential service providers inviting their feedback and comment;
- iv) review and assessment of all submissions received and a further report to Council regarding the outcomes from public advertising and agency referrals, any key issues of concern raised and a recommendation regarding final adoption of the scheme amendment proposal;
- v) referral to the Western Australian Planning Commission for review, assessment and determination with respect to a final recommendation to the Minister for Planning; and
- vi) final determination by the Hon. Minister for Planning.

As can be seen from the above the process is comprehensive and affords significant opportunity for input by the local community, State government agencies and essential service providers.

Council should note that under the land's proposed R20 density coding all new residential lots created must comprise an average area of 450m². Given the land is served by all key essential service infrastructure, there is case for increasing the proposed new density coding to R25 or R30 to increase the total potential lot and dwelling yields.

Under an R25 density coding all new residential lots created must comprise an average area of 350m². Under an R30 density coding the average lot size required is 300m².

The reporting officer has adopted a conservative approach to the density coding proposed to be assigned to the land by recommending an R20 density coding which is consistent with the density coding currently applicable to all existing 'Residential' zoned land in the Lake Grace townsite. If Council forms the view a higher density coding would be a better, more efficient option it may resolve to assign its preferred density coding by amending the recommendation provided below.

Legal Implications

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

Policy Implications

- State Planning Policy 3.7 – *Residential Design Codes (Volume 1)*

Consultation

To be undertaken in accordance with the procedural requirements of the *Planning and Development (Local Planning Schemes) Regulations 2015* as they apply specifically to standard amendments to local planning schemes.

Financial Implications

The total cost of progressing the proposed amendment to Local Planning Scheme No.4, which is expected to take approximately 12 months to finalise before a subdivision application can be prepared and submitted to the Western Australian Planning Commission to obtain approval to subdivide the land for residential purposes, is estimated to be in the order of \$8,000 to \$10,000 excluding GST. This estimate includes all reporting, referrals, public advertising and final gazettal if the amendment is ultimately approved by the Hon. Minister for Planning. It is understood sufficient allowance has been made in the Shire's budget for 2023/24 to cover the cost of the work required to progress the project during the current financial year.

Strategic Implications

- The proposed amendment to Local Planning Scheme No.4 is consistent with the following objectives and strategies of the *Shire of Lake Grace Local Planning Strategy 2007* as it applies specifically to housing:

Visions/Objectives:

- *To ensure a sufficient supply of suitably zoned and serviced residential land in each of the Shire's main settlements to accommodate future housing growth and to provide for housing choice and variety in neighbourhoods with a community identity and high levels of safety, accessibility and visual amenity*

Strategies:

- *Direct the majority of new housing development in the Shire to the Lake Grace, Newdegate, Lake King and Varley townsites;*
- *Ensure sufficient amounts of suitably zoned and serviced residential land in each of the Shire's main townsites which provide a wide choice of lot sizes and housing types to suit the needs of all sectors of the community including that required to accommodate the elderly in convenient and central locations; and*
- *Apply the provisions of the Residential Design Codes of Western Australia to future housing developments to create neighbourhoods with a community identity and high levels of safety, accessibility and amenity.*

• **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
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
Strategies	3.2.1	Manage and preserve the natural environment
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

Moved: Cr
Seconded: Cr

That Council resolve as follows:

1. That the local government, pursuant to section 75 of the *Planning and Development Act 2005*, amend the Shire of Lake Grace Local Planning Scheme No.4 by:
 - i) Removing all reference to Special Use Zone No.SU12 in Schedule 4 of the Scheme Text as it applies specifically to the western most portion of Lot 1 Griffin Street, Lake Grace which is now legally described as Lot 500 on Deposited Plan 47225 Wattle Drive, Lake Grace; and
 - ii) Changing the zoning of Lot 500 on Deposited Plan 47225 Wattle Drive, Lake Grace from 'Special Use' to 'Residential' with a density coding of R20; and
 - iii) Amending the relevant Scheme map (i.e. Map 6) accordingly.
2. The amendment is standard under the provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015* for the following reason(s):
 - i) The amendment would have minimal impact on land in the Scheme area that is not the subject of the amendment; and
 - ii) The amendment would not result in any significant environmental, social, economic or governance impacts on land in the Scheme area.
3. Authorise public advertising of the proposed amendment in accordance with the

procedural requirements of the *Planning and Development (Local Planning Schemes) Regulations 2015* as they apply specifically to standard amendments to local planning schemes following receipt of written notification of the Environmental Protection Authority's determination pursuant to section 48A of the *Environmental Protection Act 1986* confirming the proposal is environmentally acceptable and approval from the Western Australian Planning Commission thereafter to commence public advertising.

CARRIED

For:

Against:

OFFICER COMMENT

After discussion with the Joe Douglas – Town Planner it was proposed that Recommendation 1. ii) be amended to read;

“Changing the zoning of Lot 500 on Deposited Plan 47225 Wattle Drive, Lake Grace from ‘Special Use’ to ‘Residential’ with a density coding of R30”

Changing the density coding to R30 provides a wider range of housing options from single residential through to group type housing.

14.3 HEALTH AND BUILDING

14.4 ADMINISTRATION

14.4.1 SHIRE OF LAKE GRACE COMMITTEES OF COUNCIL – COUNCILLOR REPRESENTATIVES

Applicant	Internal Report
File No.	0035
Attachments	Council Committees and Advisory Groups Guide
Author	Alex Adams - Executive Assistant
Disclosure of Interest	Nil
Date of Report	13 October 2023
Senior Officer	Mr Chris Paget - Deputy Chief Executive Officer

Summary

The Shire of Lake Grace Council to appoint members to Council Committees and External Organisations.

Background

After each Council election, the Shire of Lake Grace Council allocates positions to the Committees of Council, working advisory groups and representatives to external organisations. An Elected Member may request to be appointed to any Committee, Advisory Group or to represent Council on external organisation.

Comment

A “Council Committees and Advisory Groups Guide” developed in 2021 was updated in April 2022 (Attachment). Please note that this attachment contains the names of the Councillors whose committee tenures expire on 21 October 2023.

This Guide provides information relating to committees and advisory groups within the Shire of Lake Grace as they are established. This document includes the objectives, membership, duties and responsibilities of the official committee or an advisory group. It is amended on as needed basis, naming those representatives appointed by Council and now, positions need to be allocated.

Legal Implications

Local Government Act 1995

Subdivision 2 – Committees and their meetings

5.8. Establishment of Committees

A local government may establish* committees of 3 or more persons to assist the council and to exercise the powers and discharge the duties of the local government that can be delegated to committees.

* Absolute majority required.

5.9. Committees, types of

- (1) In this section —
other person means a person who is not a council member or an employee.
- (2) A committee is to comprise —
 - (a) council members only; or
 - (b) council members and employees; or
 - (c) council members, employees and other persons; or
 - (d) council members and other persons; or
 - (e) employees and other persons; or
 - (f) other persons only.

5.10. Committee members, appointment of

- (1) A committee is to have as its members —
 - (a) persons appointed* by the local government to be members of the committee (other than those referred to in paragraph (b)); and
 - (b) persons who are appointed to be members of the committee under subsection (4) or (5).

* Absolute majority required.

- (2) At any given time each council member is entitled to be a member of at least one committee referred to in section 5.9(2)(a) or (b) and if a council member nominates himself or herself to be a member of such a committee or committees, the local government is to include that council member in the persons appointed under subsection (1)(a) to at least one of those committees as the local government decides.
- (3) Section 52 of the Interpretation Act 1984 applies to appointments of committee members other than those appointed under subsection (4) or (5) but any power exercised under section 52(1) of that Act can only be exercised on the decision of an absolute majority of the local government.
- (4) If at a meeting of the council a local government is to make an appointment to a committee that has or could have a council member as a member and the mayor or president informs the local government of his or her wish to be a member of the committee, the local government is to appoint the mayor or president to be a member of the committee.
- (5) If at a meeting of the council a local government is to make an appointment to a committee that has or will have an employee as a member and the CEO informs the local government of his or her wish —
 - (a) to be a member of the committee; or
 - (b) that a representative of the CEO be a member of the committee, the local government is to appoint the CEO or the CEO's representative, as the case may be, to be a member of the committee.

Bush Fire Act 1954
Miscellaneous Part V

67. Advisory committees

- (1) A local government may at any time appoint such persons as it thinks fit as a bush fire advisory committee for the purpose of advising the local government regarding

-
- all matters relating to the preventing, controlling and extinguishing of bush fires, the planning of the layout of fire-breaks in the district, prosecutions for breaches of this Act, the formation of bush fire brigades and the grouping thereof under group brigade officers, the ensuring of co-operation and co-ordination of bush fire brigades in their efforts and activities, and any other matter relating to bush fire control whether of the same kind as, or a different kind from, those specified in this subsection.
- (2) A committee appointed under this section shall include a member of the council of the local government nominated by it for that purpose as a member of the committee, and the committee shall elect one of their number to be chairman thereof.
 - (3) In respect to a committee so appointed, the local government shall fix the quorum for the transaction of business at meetings of the committee and may —
 - (a) make rules for the guidance of the committee; and
 - (b) accept the resignation in writing of, or remove, any member of the committee; and
 - (c) where for any reason a vacancy occurs in the office of a member of the committee, appoint a person to fill that vacancy.
 - (4) A committee appointed under this section —
 - (a) may from time to time meet and adjourn as the committee thinks fit;
 - (b) shall not transact business at a meeting unless the quorum fixed by the local government is present;
 - (c) is answerable to the local government and shall, as and when required by the local government, report fully on its activities.

Emergency Management Act 2005

Local arrangements Part 3

Emergency management arrangements for local governments Division 2

38. Local emergency management committees
- (1) A local government is to establish one or more local emergency management committees for the local government's district.
 - (2) If more than one local emergency management committee is established, the local government is to specify the area in respect of which the committee is to exercise its functions.
 - (3) A local emergency management committee consists of —
 - (a) a chairman and other members appointed by the relevant local government in accordance with subsection (4); and
 - (b) if the local emergency coordinator is not appointed as chairman of the committee, the local emergency coordinator for the local government district.
 - (4) Subject to this section, the constitution and procedures of a local emergency management committee, and the terms and conditions of appointment of members, are to be determined by the SEMC.

Policy Implications

Nil

Consultation

Internal Mr Alan George, Chief Executive Officer
 Mr Chris Paget, Deputy Chief Executive Officer
 Mr Matt Castaldini, Community Emergency Services Manager

Financial Implications

Elected Members attending other committee meetings may claim travel but no attendance fees are payable.

Non-Elected Member delegates representing the Shire are entitled to be reimbursed for travelling expenses incurred.

Strategic Implications

Shire of Lake Grace Strategic Community Plan 2017 - 2027

Social – A valued, healthy and inclusive community and life-style		
Outcome	2.1	An engaged, supportive and inclusive community
	2.1.3	Actively promote and support community events and activities within the district
Leadership – Strong governance and leadership, demonstrating fair and equitable community values		
Outcome	4.1	A strategically focused, unified Council functioning efficiently
	4.1.1	Provide informed leadership on behalf of the community
	4.1.2	Promote and advocate for the community and district
	4.1.3	Provide strategic leadership and governance

Voting Requirements

Absolute Majority

RECOMMENDATION / RESOLUTION

RESOLUTION

Moved: Cr

Seconded: Cr

That Council:

Appoint the following Elected Members as nominated representatives on the following Committees of Council;

Name of Committee	Names of Councillors
AUDIT COMMITTEE (AUC) (4 Councillors)	Cr Cr Cr Cr
BUSH FIRE ADVISORY COMMITTEE (BFAC) (2 Councillors)	Cr Cr
	Cr Cr

LOCAL EMERGENCY MANAGEMENT COMMITTEE (LEMC) (2 Councillors)	
LAKE GRACE LIBRARY RESOURCE AND COMMUNITY RESOURCE CENTRE MANAGEMENT COMMITTEE (1 Councillor)	Cr
NEWDEGATE LIBRARY RESOURCE AND COMMUNITY RESOURCE CENTRE MANAGEMENT COMMITTEE (1 Councillor)	Cr
NEWDEGATE SWIMMING POOL MANAGEMENT COMMITTEE (2 Councillors)	Cr Cr
SHIRE OF LAKE GRACE TOURISM ADVISORY COMMITTEE (1 Councillor)	Cr
SHIRE OF LAKE GRACE INTEGRATED PLANNING AND ASSET MANAGEMENT GROUP (4 Councillors)	Cr Cr Cr Cr

Appoint the following Elected Members as nominated representatives on the following external organisations;

Name of External Organisation	Delegate	Deputy
4WDL Regional Organisation of Councils	Cr	Cr
WALGA – Central Country Zone	Cr	Cr
Eastern Wheatbelt Biosecurity Group	Cr	Cr
Lake Grace District High School Board	Cr	Cr
Lake Grace Roadwise	Cr	Cr
Newdegate Recreation Council	Cr	Cr
Roe Tourism	Cr	Cr

Name of External Organisation	Delegate	Deputy
Roe Regional Organisation of Councils Roe Health	Cr	Cr
Rural Water Council	Cr	Cr
Wheatbelt South Regional Road Group – Lakes Sub Group	Cr	Cr
Wheatbelt South Regional Road Group	Cr	Cr
Wheatbelt Development Assessment Panel (4 elected members required to be appointed)	Cr Cr	Cr Cr
Wheatbelt Natural Resource Management	Cr	Cr
Wheatbelt Railway Retention Alliance	Cr	Cr

CARRIED:

For:

Against:

14.4.2 SCHEDULE OF COUNCIL MEETINGS – FEBRUARY TO DECEMBER 2024

Applicant	Internal
File No.	0041
Attachments	Nil
Author	Alex Adams – Executive Assistant
Disclosure of Interest	Nil
Date of Report	18 October 2023
Senior Officer	Chris Paget – Deputy Chief Executive Officer

Summary

In order to provide the most accurate reporting, Administration is seeking Council endorsement on the schedule of Council Meetings from February to December 2024.

Background

In accordance with Policy 1.2 – Meeting Dates, Council is to meet on the fourth Wednesday of every month for the months of February to December.

It is proposed the Council meeting for the month of February 2024 be held one week earlier, due to the large gap between December 2023 and February 2024.

The December 2024 meeting will be held one week earlier, due to the Christmas/ New Year closure.

Comment

The proposed Council meeting dates for 2024 are as follows:

No Meeting in January
21 February
27 March
24 April
22 May
26 June
24 July
28 August
25 September
23 October
27 November
18 December

Legal Implications

**Local Government (Administration) Regulations 1996
Part 2
Regulation 12**

Publication of meeting details (Act s. 5.25(1)(g))

- (1) In this regulation — meeting details, for a meeting, means the date and time when, and the place where, the meeting is to be held.*
- (2) The CEO must publish on the local government’s official website the meeting details for the following meetings before the beginning of the year in which the meetings are to be held —*
 - (a) ordinary council meetings;*
 - (b) committee meetings that are required under the Act to be open to members of the public or that are proposed to be open to members of the public.*
- (3) Any change to the meeting details for a meeting referred to in subregulation (2) must be published on the local government’s official website as soon as practicable after the change is made.*
- (4) If a local government decides that a special meeting of the council is to be open to members of the public, the CEO must publish the meeting details for the meeting and the purpose of the meeting on the local government’s official website as soon as practicable after the decision is made.*

Please note that dates for Committees of Council will be set by those Committees and advertised accordingly.

Policy Implications

**Policy 1.2
Meeting Dates**

Council is to meet on the fourth Wednesday of the months of February to December.

A meeting in the month of January will only be held when it is called under provisions of Section 5.4 of the Local Government Act 1995.

Consultation

Chris Paget – Deputy Chief Executive Officer

Financial Implications

Nil

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
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
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Voting Requirements

Simple Majority

RECOMMENDATION / RESOLUTION

RECOMMENDATION

That Council endorse the following schedule of Council Meetings from February to December 2024:

- No Meeting in January
- 21 February
- 27 March
- 24 April
- 22 May
- 26 June
- 24 July
- 28 August
- 25 September
- 23 October
- 27 November
- 18 December

Moved: Cr
Seconded: Cr

CARRIED

For:
Against:

**14.4.3 MCKENZIE CONCRETE CO. – CONSTRUCTION OF TEMPORARY DOME SHELTER
ON LOT 101 STUBBS ST, LAKE GRACE**

Applicant	McKenzie Concrete Co.
File No.	0139 / 0369
Attachments	Proposal Letter Site Plan
Author	Alan George CEO
Disclosure of Interest	Nil
Date of Report	18 October 2023
Senior Officer	Alan George CEO

Summary

McKenzie Concrete Co. are seeking approval from Council to waive the requirement for an immediate development approval to erect a dome shelter over sea containers for the purpose of light vehicle and machinery storage on a temporary basis on Lot 101 Stubbs St Lake Grace for a maximum term of 12 months.

Background

McKenzie Concrete Co. has recently been awarded a 5 year contract for the supply and manufacture of precast concrete products (concrete bunker walls). The current worksite in Mason St Lake Grace is very restricted for space due to the large amount of vehicles and equipment stored on site. Mr McKenzie has been seeking alternative sites to place a dome shelter however zoning restrictions have not allowed the use.

It was suggested to Mr McKenzie that he approach the lessees of Lot 101 Stubbs St Lake Grace as it was not currently being used. Lot 101 was leased to Tigerspark Electrical WA Pty Ltd and Marcus Hunt Trust under a Ground Lease with Option to Purchase in 2022. This land use zoning allows the storage of vehicles and machinery. They have come to an arrangement for the use of part of the land.

Comment

There is no vacant industrial land in Lake Grace. Development WA is currently undergoing an assessment on the development of 4 or 5 light industrial lots in Dewar St which previously had planning approval which expired 8 or so years ago.

McKenzie Concrete Co. needs the room at its Mason St site for the production of the concrete products. The placement of the dome shelter on Lot 101 is a temporary measure until other arrangements can be made.

This is a case of another business in Lake Grace expanding which is beneficial to the town's economy and workforce.

The location of the shelter is such that it will be set well back from Stubbs St and will pose no known problems. Firefighting equipment will be kept on site in case of need and the sea containers will be anchored to the ground with concrete footings. Stormwater drainage is not considered a

concern as all drainage on the lot is directed to either one of the two dams which adjoin the property.

Given the temporary nature of the request and the precedent set with the temporary approval of bulkheads by CBH in recent years this request is considered reasonable.

Legal Implications

The placement of the dome shelter conforms to the zoning of the land.

Policy Implications

Nil

Consultation

Joe Douglas – Town Planner – Exurban Rural & Regional Planning

Financial Implications

Nil

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	A diverse and prosperous economy
Strategies	1.2.2	Support local business and promote further investment in the district
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

Moved: Cr

Seconded: Cr

That Council:

Support and approve McKenzie Concrete Co's request to waive the requirement for an immediate development approval for the temporary construction of a dome shelter for use of vehicle storage of light vehicles and machinery on a portion of Lot 101 on Deposited Plan 27172 Stubbs St, Lake Grace for a 12 month period from the date of Councils decision subject to the following conditions;

1. Written notification is to be provided to the Shire of Lake Grace at the commencement of the temporary works and use.
2. All infrastructure the subject of this temporary approval shall cease to be used at the end of the temporary approval term and shall be removed from the land in its entirety within 28 days of expiry of the approved term.
3. Should McKenzie Concrete Co. decide that they would like to retain the temporary infrastructure on a permanent basis, a development application shall be prepared and submitted to the Shire, requesting Council's formal development approval with the infrastructure unable to be used beyond the temporary approval term until and unless Council approves the development application.

CARRIED:

For:

Against:

14.4.4 EQUAL EMPLOYMENT OPPORTUNITY MANAGEMENT PLAN 2023-2025

Applicant	Shire of Lake Grace
File No.	0811
Attachments	Draft EEOMP 2023-2025
Author	Chris Paget – Deputy CEO
Disclosure of Interest	Nil
Date of Report	19th October 2023
Senior Officer	Alan George – Chief Executive Officer

Summary

For Council to consider endorsing the reviewed Shire of Lake Grace Equal Employment Opportunity Management Plan for the period 2023-2025.

Background

The WA Government's Public Sector Commission has contacted the Chief Executive Officer advising that the Shire's existing Equal Employment Opportunity Management Plan (EEOMP) has expired. Council last adopted an EEOMP for the period 2017-2020 at the ordinary meeting held 17th July 2017. In accordance with Section 145(2) [a-h] of the Equal Opportunity Act 1984 there is a requirement for the Shire of Lake Grace to develop an updated EEOMP outlining goals and strategies in key areas to eliminate discrimination in the workplace.

EEO Management Plans are the principle accountability instrument for public authorities to ensure an absence of discrimination and positive employment outcomes for diversity groups. EEO is about ensuring all employees in public authorities have equal opportunity in their work place and are not subject to discrimination.

Section 145(1) of the Equal Opportunity Act 1984 (EO Act) requires public authorities to prepare and implement an EEOMP. Under the Government of Western Australia, Public Sector Commission, the EO Act is the main legislative instrument underpinning the principles of equal opportunity in Western Australia.

The EO Act was enacted by the Western Australian Parliament in 1984 and came into operation in July 1985. Its objectives are to:

- a) *to eliminate, in so far as is possible, discrimination against persons on the grounds of sex, marital status, pregnancy, family responsibility or family status, race, religious or political conviction, impairment, age or, in certain cases, gender history in the areas of work, accommodation, education, the provision of goods, facilities and services, and the activities of clubs; and*
- b) *to eliminate, so far as is possible, sexual harassment and racial harassment in the workplace, and in educational institutions and sexual harassment and racial harassment related to accommodation:*

and

- c) *to promote recognition and acceptance within the community of the equality of men and women; and*

- d) *to promote recognition and acceptance with the community of the equality of persons of all races, regardless of their religious or political convictions, their impairments or ages.*

Comment

To ensure that the Shire of Lake Grace remains compliant with Part IX of the Act, the EEO & Diversity Plan has been reviewed and updated, and a copy of this updated EEOMP is attached for Council's consideration.

The Shire is required to review its management and set EEO priorities for the term 2023-2025; we are also required to report annually to the Public Sector Commission on the progress and results of the Plan.

The Shire's EEOMP is the foundation for a working environment free from harassment and discrimination. Through the implementation of this Plan the Shire will strive to build a workforce and supporting organisational culture that reflects the diversity of the greater community. All Shire staff are to be encouraged to embrace equity and diversity within the organisation

The Shire is to value EEO/diversity and aim to ensure that the work environment is free from racial and sexual harassment, and that employment practices are not biased or discriminate unlawfully against employees or potential employees. The Shire's employment programs and practices recognise and include strategies for EEO groups to achieve workforce diversity.

Legal Implications / Statutory Environment

Equal Opportunity Act 1984

Division 3 — Equal employment opportunity management plans

145. *Preparation and implementation of management plans*

- (1) *Each authority shall prepare and implement an equal opportunity management plan in order to achieve the objects of this Part.*
- (2) *The management plan of an authority shall include provisions relating to —*
 - (a) *the devising of policies and programmes by which the objects of this Part are to be achieved; and*
 - (b) *the communication of those policies and programmes to persons within the authority; and*
 - (c) *the collection and recording of appropriate information; and*
 - (d) *the review of personnel practices within the authority (including recruitment techniques, selection criteria, training and staff development programmes, promotion and transfer policies and patterns, and conditions of service) with a view to the identification of any discriminatory practices; and*
 - (e) *the setting of goals or targets, where these may reasonably be determined, against which the success of the management plan in achieving the objects of this Part may be assessed; and*
 - (f) *the means, other than those referred to in paragraph (e), of evaluating the policies and programmes referred to in paragraph (a); and*
 - (g) *the revision and amendment of the management plan; and*

- (h) *the appointment of persons within the authority to implement the provisions referred to in paragraphs (a) to (g).*
- (3) *The management plan of an authority may include provisions, other than those referred to in subsection (2), which are not inconsistent with the objects of this Part.*
- (4) *The preparation of a management plan shall take place and the implementation of the management plan shall commence without delay and —*
- (a) *in the case of an authority referred to in section 139(1)(a), (b), (c) or (d), other than an authority which is an institution of tertiary education, on or before such day as is specified in the regulations in respect of that authority and if no day is so specified in respect of an authority on or before the day that is 3 years after the day when this Part comes into operation; and*
- (b) *in the case of an institution of tertiary education or an authority the subject of regulations under section 139(1)(e), on or before such day as is specified in the regulations.*
- (5) *An authority may, from time to time, amend its management plan.*
- (6) *Each authority shall send a copy of its management plan, and any amendment of the plan, to the Director as soon as practicable after the management plan or the amendment, as the case may be, has been prepared.*

Policy Implications

Shire of Lake Grace Policy 4.6 – Equal Employment Opportunity

Consultation

Mr Alan George – Chief Executive Officer

WA Public Sector Commission

Financial Implications

Nil

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
	4.1.3	Provide strategic leadership and governance
Outcome	4.2	An efficient and effective organisation
Strategies	4.2.1	Maintain accountability and financial responsibility through effective planning

	4.2.2	Comply with statutory and legislative requirements
	4.2.3	Provide a positive and safe workplace

Voting Requirements

Simple majority

RECOMMENDATION / RESOLUTION

RESOLUTION

Moved: Cr

Seconded: Cr

That Council:

- (1) Endorses the Shire of Lake Grace Equal Employment Opportunity Management Plan 2023-2025; and
- (2) Forwards a copy of this Plan to the Director of Equal Opportunity in Public Employment at the WA Public Sector Commission.

CARRIED

For:

Against:

**14.4.5 EXTENSION OF LEASE – TELSTRA MOBILE PHONE BASE STATION LOT 3171
KATHLEEN ROAD LAKE KING**

Applicant	Amplitel Pty Ltd (part of the Telstra Group)
File No.	0196 Document 300/19
Attachments	Draft Lease document – Amplitel Lake King WA
Author	Chris Paget – Deputy CEO
Disclosure of Interest	Nil
Date of Report	20th October 2023
Senior Officer	Alan George – Chief Executive Officer

Summary

For Council to authorise the extension of the Crown Land Lease held between the Shire of Lake Grace and Amplitel Pty Ltd / Telstra Group for a mobile telephone base station at Lot 3171 Kathleen Road Lake King and to authorise the use of the Common Seal on the extension of lease documents.

Background

The purpose of the Lease of Crown Land in 2004 was to extend mobile coverage within the region through the installation of a facility to hold a cellular mobile telecommunications base station comprising an equipment hut, antennae and tower.

The shire entered into the lease for an initial ten-year term *Item 5 (Clause 5.2)* with Telstra Corporation Limited commencing on the 1 September 2004 with the option of two further terms of five years which were exercised by both parties in 2019. The most recent of these deeds of extension of lease expires 31 August 2024.

Comment

Following discussions with representatives of Amplitel Pty Ltd (the tower infrastructure division of Telstra Group), the Shire received correspondence and draft documentation from Cornwalls Law in August and October 2023 in relation to renewing the lease for the Lake King mobile telecommunication facility for a further twenty-year term that will expire 31 August 2044. The rental payment arrangements are proposed to remain the same as the previous agreement.

As this particular lot comprises a Crown Reserve under management order to the Shire of Lake Grace, under Section 18 of the *Land Administration Act 1997* consent by the Minister for Planning Lands and Heritage may be required for the proposed twenty-year lease extension. It is noted that for the previous terms the Department of Planning Lands and Heritage (DPLH) advised Shire staff that the original lease consent provided approval for all conditions & further terms included into the lease, and subsequently there was no requirement for the Minister to consent to the further term of the Lease. The Deputy CEO is seeking clarification from the Department as to whether this still remains the case or Ministerial consent will now need to be given following Council's approval of the new lease.

Legal Implications

Land Administration Act 1997
Transfer of Land Act 1893
Telecommunications Act 1997 (Cth)

Policy Implications

Nil

Consultation

Internal: Alan George, Chief Executive Officer

External: Tommy Lam – Amplitel Pty Ltd / Telstra Group
Breannan Bowman - Cornwalls Law
Department of Planning Lands and Heritage

Financial Implications

Not applicable – peppercorn rent of \$1 (ex GST) per annum in advance; the lessee will contribute up to \$1500 for any reasonable legal costs, or applicable stamp duty/registration fees that may be required for the new lease.

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
Outcome	1.3	An attractive destination for visitors
Strategies	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

Voting Requirements

Simple majority

RECOMMENDATION / RESOLUTION

RESOLUTION

Moved: Cr
Seconded: Cr

That Council:

1. Authorises the extension of the Lease of Crown Land between the Shire of Lake Grace and Amplitel Pty Ltd (Telstra Group) at Lot 3171 Kathleen Road, Lake King for a mobile telephone base station;
2. Authorises the President and CEO to sign and affix the Common Seal to the Lease extension documents.

CARRIED

For:
Against:

14.5 FINANCE

14.5.1 ACCOUNTS FOR PAYMENT – SEPTEMBER 2023

Applicant	Internal Report
File No	0277
Attachments	List of Accounts Payable
Author	Kevin Wilson – Acting Manager Corporate Services
Disclosure of Interest	Nil
Date of Report	17 October 2023
Senior Officer	Mr Alan George - Chief Executive Officer

Summary

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

Background

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

Comment

In accordance with the requirements of the Local Government Act 1996, a list of creditors and Credit cards and Fuel Cards transactions 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 and Reg 13A

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 September 2023 from the Municipal Account
Total \$1,008,670.24

Strategic Implications

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

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

Voting Requirements

Simple majority

RECOMMENDATION / RESOLUTION

RESOLUTION

Moved: Cr
Seconded: Cr

That Council ratify the list of payments totalling \$1,008,670.24 as presented for the month of September 2023 incorporating:

Payment Method	Cheque/EFT/DD Number	Amount
Electronic Funds Transfers	EFT25413 – EFT25576	\$925,439.97
Municipal Account Cheques	37090 - 37095	\$1,223.66
Direct Debits	DD10635.1 – DD10665.11	\$57,143.65
Credit Cards	DD10657.1	\$4,279.96
Fuel Cards	EFT25475 & EFT25517	\$20,583.00
	TOTAL	\$1,008,670.24

CARRIED

For:

Against:

Shire of Lake Grace



CERTIFICATE OF EXPENDITURE September 2023

This Schedule of Accounts to be passed for payment, covering

Payment Method	Cheque/EFT/DD Number	Amount
Electronic Funds Transfers	EFT25413 – EFT25576	\$925,439.97
Municipal Account Cheques	37090 - 37095	\$1,223.66
Direct Debits	DD10635.1 – DD10665.11	\$57,143.65
Credit Cards	DD10657.1	\$4,279.96
Fuel Cards	EFT25475 & EFT25517	\$20,583.00
	TOTAL	\$1,008,670.24

to the Municipal Account, totalling \$1,008,670.24 which were submitted to each member of the Council on 25 October 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 SEPTEMBER 2023

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

Summary

Consideration of the Monthly Financial Reports for the period ending 30 September 2023 and Bank Reconciliations for the month ending 30 September 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 September 2023, operating revenue is over the target by \$107,696 (1.77%), mainly due to unbudgeted Rates overpayment of over 100K and additional FAGS received, but not budgeted for. Interest revenue is lower than the budget. Reserve Term Deposit will mature in November 2023 and Interest will be received then. Fees and charges are below the budget due to early months in the financial year.

Operating expenditure is under YTD budget by \$1,433,020 (46.40%), mainly due to Materials and contracts being down because of delays in operating jobs. Employee costs are slightly under budget due to vacancies in works and services. Utility charges below the budget due to bills arriving later in the year. Depreciation is lower as well and will be posted to the accounts when the 22/23 Annual Financial Statement is completed. Other expenditure is over the target due to overpaid rates returned to the customer of around \$100K.

The capital program is below the target by \$1,046,773 (81.71%). Bulk of "Local Roads & Community" and "Drought & Community" projects are not yet initiated/finalised, funds will be recognised later in financial year. Payments for property, plant and equipment are below target as well due to a large portion of Capital projects not being initiated as yet (75%) 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 3 term deposits with Commonwealth Bank is in place (\$13,000,000), as well as Overnight Cash Deposit with WA Treasury Corporation for \$2,781,276.

Outstanding rates is at the level expected considering the rates notices are due on 04/09/2023. Collected to date 79.7%

General debtor is \$109,046 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 September 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

Voting Requirements

Simple Majority

RECOMMENDATION / RESOLUTION

RESOLUTION

Moved: Cr
Seconded: Cr

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

CARRIED

For:
Against:

14.6 COMMUNITY SERVICES

14.6.1 SPONSORSHIP REQUEST – ISOLATED CHILDREN’S & PARENT’S ASSOCIATION (ICPA)

Applicant	Isolated Children’s and Parent’s Association (ICPA)
File No.	0043
Attachments	1. Letter from ICPA requesting sponsorship 2. Sponsorship levels information form
Author	Aimee Egan-Reid – Community Economic Development Officer
Disclosure of Interest	Nil
Date of Report	20 October 2023
Senior Officer	Mr Alan George – Chief Executive Officer

Summary

For Council to consider providing sponsorship of \$500 to the ICPA State Conference, 15 March 2024, which the ICPA Lakes District Branch is convening. The Lakes District covers an area from Albany to Newdegate.

Background

The ICPA is a Local, State and National not-for-profit, voluntary organisation. It is a parent body that advocates for all regional, rural and remote students, and supports families to access a suitable and equitable education, from early childhood through to post-compulsory education.

The annual ICPA State Conference brings together members, educators, politicians, the business community and interested community members to listen to and address concerns, share the successes and plan for the future of education for regional, rural & remote areas.

Comment

The ICPA have 5 levels of sponsorship ranging from \$500 to \$5000. Administration is seeking Council endorsement for the provision of \$500 sponsorship, which aligns with the level of – Valued Sponsor. This level of sponsorship will ensure:

- Shire of Lake Grace banner displayed at the conference
- Inclusion of Shire logo in power point and ICPA publications at the conference
- Shire nominated promotional material included in conference satchels, which are supplied to all attendees.

Legal Implications

Nil

Policy Implications

This request aligns with **SHIRE OF LAKE GRACE POLICY MANUAL – SEPTEMBER 2022; 2.9 Community Funding Request**, however the administration recommends that it is allocated to Donations and Ex-Gratia Payments account for the following reasons:

- the ICPA is a registered charity

- the recommended funding amount is only \$500
- the request falls well outside the Community Funding Request timeframe and cannot be considered a late application

Consultation

Alan George – Chief Executive Officer

Financial Implications

The 2023/2024 Budget includes an allocation of \$5000 for donations and ex-gratia payments. This account has no postings or transactions for the financial year to date.

Strategic Implications

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

Objective	Social Objective - A valued, healthy and inclusive community and life style
Outcome	2.1 An engaged, supportive and inclusive community
Strategies	2.1.2 Maintain and support the growth of education, childcare, youth and aged services
Objective	Leadership Objective - Strong governance and leadership, demonstrating fair and equitable community values
Outcome	4.1 A strategically focused, unified Council functioning efficiently
Strategies	4.1.2 Promote and advocate for the community and district

Voting Requirements

Simple majority

RECOMMENDATION / RESOLUTION

RECOMMENDATION

Moved: Cr
Seconded: Cr

That Council:

Approves sponsorship of \$500 to the ICPA State Conference, 15 March 2024, which the ICPA Lakes District Branch is convening.

CARRIED

For:
Against:

15.0 QUESTIONS OF WHICH DUE NOTICE HAS BEEN GIVEN

16.0 INFORMATION BULLETIN – OCTOBER 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	20 October 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 October 2023 Information Bulletin attachments include:

Reports:

- Infrastructure Services Report
 - Environmental Health Officer Quarterly Report
 - Newdegate Library Quarterly Report
 - Lake King Library Quarterly Report
 - Lake Grace Visitor Centre Quarterly Report
- Please note Lake Grace Library Report is Contained in the Minutes of the LGRCRC Management Committee – Attachment 13.1 to the Agenda*

External Organisations

- Varley Progress Association – Finance Meeting Minutes 12 October 2023

Circulars, Media Releases, Newsletters, Letters

- Community Newsletters circulated via email

Legal Implications

Nil

Policy Implications

Nil

Consultation

Nil

Financial Implications

Nil

Strategic Implications

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

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

Voting Requirements

Simple majority required.

RECOMMENDATION / RESOLUTION

RESOLUTION

Moved: Cr

Seconded: Cr

That Council accepts the Information Bulletin Report for October 2023.

CARRIED

For:

Against:

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

RECOMMENDATION / RESOLUTION

RESOLUTION

Moved: Cr
Seconded: Cr

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

Item 17.1.1 – Sale of Land – Lot 214 (8) Quondong Court, Lake Grace.
Item 17.1.2 – Sale of Land – Lot 215 (10) 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

For:
Against:

RECOMMENDATION / RESOLUTION

RESOLUTION

Moved: Cr
Seconded: Cr

That Council accepts the recommendation contained within Item 17.1.1 -Sale of Land – Lot 214 (8) Quondong Court, Lake Grace.

CARRIED

For:
Against:

RECOMMENDATION / RESOLUTION

RESOLUTION

Moved: Cr
Seconded: Cr

That Council accepts the recommendation contained within Item 17.1.2 -Sale of Land – Lot 215 (10) Quondong Court, Lake Grace.

CARRIED

For:
Against:

RECOMMENDATION / RESOLUTION

RESOLUTION

Moved: Cr
Seconded: Cr

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

CARRIED

For:

Against:

18.0 DATE OF NEXT MEETING – 22 NOVEMBER 2023

The next Ordinary Council Meeting is scheduled to take place on Wednesday 22 November 2023 commencing at 3:30pm at the Council Chambers, 1 Bishop Street, Lake Grace.

19.0 CLOSURE

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