

Shire of Lake Grace

Ordinary Council Meeting

MINUTES

26 July 2023

Meeting Commencing at 3:30 pm

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Acknowledgement of Country

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

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



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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 26 July 2023 commencing at 3:30pm.

1.0 DECLARATION OF OPENING ANNOUNCEMENT OF VISITORS

Present in the gallery:

Mr O Farrelly
Mrs L Farrelly
Ms M Slarke

2.0 ACKNOWLEDGEMENT OF COUNTRY

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

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

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

3.1 PRESENT

Cr LW Armstrong	Shire President
Cr DS Clarke	
Cr SG Hunt	
Cr AJ Kuchling	
Cr RA Lloyd	

3.2 APOLOGIES

Cr BJ Hyde
Cr JV McKenzie

3.3 IN ATTENDANCE

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

3.4 OBSERVERS / VISITORS

3.5 LEAVE OF ABSENCE PREVIOUSLY GRANTED

Cr Ross Chappell 22 July to 7 August 2023

4.0 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil

5.0 PUBLIC QUESTION TIME

Nil

6.0 PETITIONS/DEPUTATIONS/PRESENTATIONS

Mr and Mrs O Farrelly attended the meeting to address Council with their concerns surrounding the sale of Lot 12 Biddy – Camm Rd to Co-operative Bulk Handling Ltd.

Below is a summary of the issues raised by Mr and Mrs Farrelly in writing prior to the meeting, and the responses prepared by the Chief Executive Officer and provided to Councillors. This was read out to the meeting by President Armstrong:

“A letter was received from Mr and Mrs O Farrelly on 7 July 2023 regarding Confidential Late Item 17.1.2 and Resolution 13701 Proposed Sale of Lot 12 Biddy-Camm Rd – Co-Operative Bulk Handling Ltd from the Ordinary Council Meeting of 28 June 2023.

Mr and Mrs Farrelly would like to address Council with the following questions;

1. *Why was the “Notice of proposed sale of land” not advertised in the local paper?*

Section 3.58 (3) (a) and (b) of the Local Government Act 1995 states the following;

(3) A local government can dispose of property other than under subsection (2) if, before agreeing to dispose of the property —

(a) it gives local public notice of the proposed disposition —

(i) describing the property concerned; and

(ii) giving details of the proposed disposition; and

(iii) inviting submissions to be made to the local government before a date to be specified in the notice, being a date not less than 2 weeks after the notice is first given;

and

(b) it considers any submissions made to it before the date specified in the notice and, if its decision is made by the council or a committee, the decision and the reasons for it are recorded in the minutes of the meeting at which the decision was made.

The notice was placed in the West Australian newspaper on 10 June 2023 and was placed on the Shire website. It was not placed in the local paper as the paper was not produced that week.

Mr and Mrs Farrelly met with the CEO in the days following the advertisement and well prior to the closing date where Mr Farrelly acknowledged that he had seen the notice and wanted to discuss the matter. He was advised that he was fully entitled to object and that the items of his concern would be addressed at the time of any development approval being considered. He was also given the phone number of Joe Douglas of Exurban Rural & Regional Planning should he wish to seek further information.

2. *What determined the urgency that warranted the item be submitted as a late item?*

The letter was received on the afternoon of Friday 23 June 2023. The agenda had already been prepared for the meeting of 28 June 2023. Clarification of some of the questions raised was sought from Mr Douglas on 26 June. Councillors received the late item on the 27 June.

The Consultation period Closed 24 June with only the one objection being received therefore the item was raised for the 28 June meeting for consideration.

3. *Does council consider it appropriate that a CBH employee was allowed to participate and vote on the item?*

5.63. Some interests need not be disclosed

(1) Sections 5.65, 5.70 and 5.71 do not apply to a relevant person who has any of the following interests in a matter —

(a) an interest common to a significant number of electors or ratepayers; or

In this case as has been the case in the past, matters relating to CBH affect a significant number of electors, ratepayers and councillors where the outcome does not provide a financial benefit.

Councillors resolved 8/0 for the sale to proceed.

4. *Would council please let us know which of the items designated under the word “most” can be addressed during the planning and approval process.*

As previously advised all your concerns raised regarding buffer zones, air pollution, noise pollution would need to be addressed by the proper authorities as part of any development planning and approval. Joe Douglas advised in an email to this office that he had received a call from yourself and stated in an email to this office;

“I explained to him again all the town planning related issues can and will be dealt with when CBH prepare the development application/s required to progress any future development of the land in question and that the process will include public consultation to give him and other potentially affected landowners an opportunity to comment.

I also encouraged him to speak to CBH directly so they are aware of his concerns and can try to address them when planning for any future development.”

CBH has also advised that its due diligence when investigating the purchase includes addressing such areas as you have raised.

With regard to the subdivision of some of the land that would probably be a matter for discussion between yourselves and CBH prior to any development as it may not be necessary. CBH has advised that they have not finalised any plans as yet however are not envisaging any commencement for at least 2 years.

5. *Does council agree that we were denied due process as, the item was not included in the public agenda.*

No, the item and the required results of further consultation were not received until the agenda had been released.

The item was “Confidential” like all with CBH in this dealing as it involved a commercial in-confidence matter relating to the purchase price.

There was only one objection received at the close of the consultation period and it was duly considered by council.”

The President then invited Mr and Mrs Farrelly to speak.

Mr Farrelly expressed his concern that the Item did not appear to have been important in the eyes of the Council, and they did not seem to understand how much of an impact any future development of CBH could have on the land currently owned by Mr and Mrs Farrelly.

He restated his reasons from his letter and questioned the timing, and the apparent lack of public advertising; the timing of the Item being submitted to the Agenda for Council; and the manner of how the motion itself was moved.

The CEO acknowledged that the public advertising could have been put into the local paper, although the timing of publication was not ideally lined up with the submission period. He clarified that the item was included as a late item as the closing date was the day after the July agenda was issued. As a result of receiving the letter from the Farrellys’ in the afternoon that the Agenda was already issued, clarification was sought from the Town Planner on some of the issues. The response from the Town Planner was included in the agenda item and thus it was presented to council as a Late Item.

The CEO also advised Mr & Mrs Farrelly how the moving, voting on, and the recording of the motion by elected members would have appeared to them, however it was conducted entirely as per the requirements of the Act. Mr Farrelly acknowledged this.

Mrs Farrelly emphasised to Council the importance of having an adequate buffer zone against noise, lights, and wind that will blow grain dust over their home. Not only for their sake but for those who may live there in the future.

Mr Farrelly stated he had contacted CBH regarding the plans for development but had received no promises about the size of the buffer zone. He stated his concern that even if a certain size buffer zone was to be put into the current plans, there is potential for it to be changed in the future.

The CEO suggested that Council administration could approach their solicitors and request that a condition be put in the plans for a certain size buffer zone.

Mr Farrelly thanked Council for their time, and the deputation was concluded. Mr and Mrs Farrelly left the meeting at 3.57pm.

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

Cr Armstrong submitted a Disclosure of Proximity Interest – without Financial Interest – for Item 14.4.3 Archive Building for Newdegate Historical Society Inc St Francis of Assisi Anglican Church.

The Church is on the adjoining property to the property owned by his wife.

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

Cr Lloyd submitted a Disclosure of Interest Affecting Impartiality for 14.4.3 – Archive Building for Newdegate Historical Society Inc. St Francis of Assisi Anglican Church.

She is the Treasurer of the Newdegate Historical Society Inc.

8.0 APPLICATIONS FOR LEAVE OF ABSENCE

Nil

9.0 ANNOUNCEMENTS BY THE PRESIDING MEMBER WITHOUT DISCUSSION

RECOMMENDATION / RESOLUTION

RESOLUTION **13703**

Moved: **Cr Lloyd**

Seconded: **Cr Hunt**

That the following announcement from Shire President Cr Armstrong be received by Council:

I wish to convey the comments of thanks and appreciation to Craig Elefsen, Manager of Infrastructure Services, for his assistance in the planning and execution of getting the new hockey shed built in Newdegate. The comments were made by Mrs Jasmine Offer, President of the Hockey Club, and also made by Mrs Sarah Lloyd, Coach of Junior Hockey. The acknowledgements were made during the awards presentation after the winter sports competition on 22 June 2023 to a substantial audience. A job well done, thanks Craig.

CARRIED **5/0**

For: **Cr Armstrong, Cr Hunt, Cr Kuchling, Cr Clarke, Cr Lloyd**

Against: **Nil**

10.0 CONFIRMATION OF MINUTES

10.1 ORDINARY COUNCIL MEETING – WEDNESDAY 28 JUNE 2023

RECOMMENDATION / RESOLUTION

RESOLUTION **13704**

Moved: **Cr Hunt**

Seconded: **Cr Clarke**

That the Minutes of the Ordinary Council Meeting held on Wednesday 28 June 2023 be confirmed as a true and accurate record of the meeting.

CARRIED **5/0**

For: **Cr Armstrong, Cr Hunt, Cr Kuchling, Cr Clarke, Cr Lloyd**

Against: **Nil**

10.2 SPECIAL COUNCIL MEETING

Nil

10.3 ANNUAL MEETING OF ELECTORS

Nil

11.0 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

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

Nil

13.0 REPORTS OF COMMITTEES

Nil

14.0 REPORTS OF OFFICERS

14.1 INFRASTRUCTURE SERVICES

Nil

14.2 PLANNING

14.2.1 DEVELOPMENT APPLICATION – PROPOSED BUILDING ADDITION TO EXISTING APPROVED FARM SUPPLY CENTRE ON LOT 341 STUBBS STREET, LAKE GRACE

Applicant	Mr Andrew Tingley – Phoenix Sheds on behalf of Farmers Centre (1978) Pty Ltd (Landowner)
File No.	0369
Attachments	1. Development Application documentation and plans
Author	Mr Joe Douglas – Town Planner
Disclosure of Interest	Nil
Date of Report	13 July 2023
Senior Officer	Mr Alan George – Chief Executive Officer

Summary

This report recommends that Council grant conditional approval to a development application received from Mr Andrew Tingley of Phoenix Sheds on behalf of Farmers Centre (1978) Pty Ltd (Landowner) for the construction and use of a proposed new 621m² steel framed, Colorbond clad addition to an existing building on Lot 341 on Deposited Plan 194291 Stubbs Street, Lake Grace to support the continued use of the property for ‘farm supply centre’ purposes (i.e. the Farmers Centre).

Background

Mr Andrew Tingley of Phoenix Sheds, acting on behalf of Farmers Centre (1978) Pty Ltd (Landowner), has submitted a development application requesting Council’s approval for the construction and use of a proposed new 621m² steel framed, Colorbond clad addition to an existing building on Lot 341 Stubbs Street, Lake Grace to support the continued use of the property for ‘farm supply centre’ purposes.

Under the terms of the application received an existing 228m² steel framed and clad lean-to structure at the eastern end of the main building on the property that was approved by Council in February 2004 to provide a sheltered work area for the servicing and repair of farm machinery is proposed to be removed in its entirety and replaced with the new fully enclosed shed-type structure the subject of this application.

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

Lot 341 is located centrally in the Lake Grace townsite on the north side of Stubbs Street immediately adjacent to the railway reserve. The subject land comprises a total area of approximately 3,997m², is relatively flat throughout, and has been extensively cleared and developed for ‘farm supply centre’ purposes pursuant to a number of approvals previously granted by Council.

Lot 341 has direct frontage and access to Stubbs Street along its southern boundary which is a regional distributor road under the care, control and management of Main Roads WA. It is significant to note all vehicle access arrangements to/from the land will remain unchanged as part of the proposed development and therefore comment from Main Roads WA was not required or deemed necessary.

Lot 341 does not contain any sites of European or Aboriginal Heritage significance and has not been designated by the Fire and Emergency Services Commissioner as being bushfire prone. The property has however been designated by the Department of Water and Environmental Regulation as being flood prone with the highest known flood level being approximately 0.02 to 0.15 metres above the land's natural ground level following the major flood event that occurred in January 2006 as a result of Cyclone Clare.



Location & Lot Configuration Plan (Source: Landgate 2023)

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

- North: An operational railway reserve with service commercial and light industrial development beyond;
- South: Stubbs Street road reserve with service commercial and low density residential development beyond;
- East: A portion of the aforementioned railway reserve and portion of Crown Reserve 46769 which has been set aside for parking, recreation and automatic weather station purposes with service commercial development beyond; and
- West: A portion of the aforementioned railway reserve, portion of Crown Reserve 46769 and Crown Reserve 46768 beyond which contains the old Lake Grace railway station building which has been set aside for cultural and community purposes.

Comment

Lot 341 is classified 'Service Commercial' zone in the Shire of Lake Grace Local Planning Scheme No.4 (LPS4).

Under the terms of the Zoning Table in LPS4 the use class 'farm supply centre' is listed as a discretionary (i.e. 'D') use on any land classified 'Service Commercial' zone which means it is

not permitted without Council's development approval.

The application has been assessed with due regard for the following:

- i) the relevant objectives, development standards and requirements prescribed in LPS4;
- ii) 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*;
- iii) Draft State Planning Policy 2.9 entitled 'Planning for Water'; and
- iv) The Lake Grace Flood Study (2008).

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

- Land capability and suitability;
- Land use compatibility;
- Environmental protection and conservation;
- Visual character and amenity;
- Vehicle access and parking;
- Key essential service infrastructure including stormwater drainage management; and
- Bushfire and flood risk mitigation and management.

Notwithstanding the above conclusion, Council should note the following key points when considering and determining the application:

- Front Building Façade

Clause 4.8 of LPS4 requires the front façade of all buildings in the Commercial and Service Commercial zones to be orientated to the street and constructed in brick, concrete or masonry unless otherwise approved by Council.

The application for Lot 341 proposes the construction of a new steel framed, Colorbond clad addition to the existing administration and workshop building on the land which does not strictly comply with the specific requirements of clause 4.8.

Having regard for:

- i) the design, finish, dimensions and purpose of the proposed structure;
- ii) the proposal to integrate the proposed structure with the existing administration and workshop building on the land using the same materials and colours;
- iii) the location and compliant setback of the proposed structure from the land's Stubbs Street frontage and the existing mature trees along its street frontage which will help to mitigate any negative visual impacts due to overall building bulk and scale;
- iv) the fairly limited impact the structure will have on the visual amenity of the existing streetscape; and
- v) the significant benefit the structure will have for the future operational efficiency of the existing business on the land and its employees,

it is considered appropriate that Council exercise the discretion afforded by clause 4.5 of LPS4 as it applies to variations to site and development requirements and allow the development to proceed as proposed in terms of the materials to be used on the structure's front façade.

- Flood Risk

As previously mentioned above Lot 341 is located in a designated flood prone area and was subject to shallow flooding during the 2006 flood event to a depth of 0.02 to 0.15 metres.

Notwithstanding the general requirements of clause 4.34 of LPS4 as it applies specifically to land liable to flooding, the Lake Grace Flood Study (2008) recommends a minimum floor level of 0.15 metres above the 2006 flood event for any new commercial-type development in the flood prone areas of the Lake Grace townsite to help mitigate the potential flood risk.

In this case however the proposed development is non-habitable in nature, ancillary to development already approved and constructed on the land (including finished ground levels), minor in terms of its built form size and scale, and unlikely to have any detrimental impact on the existing flooding regime of the immediate locality (i.e. it will not result in obstruction to major stormwater flows and increase flood levels upstream).

It is also noted that since the 2006 floods the Shire and other government agencies have undertaken a significant number of infrastructure improvements in and around the Lake Grace townsite to improve flood protection and management to mitigate any future potential risk.

As such, it is not considered necessary to impose a condition on any approval that may ultimately be granted in this particular instance requiring the land to be filled to accommodate the proposed development and mitigate the potential flood risk. It is however recommended the applicant/landowner be advised of the potential flood risk and that in granting approval the Shire accepts no responsibility for any damage, injury or loss that may occur in the event of a major flood.

In light of all the above it is concluded the proposal for Lot 341 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

- Draft State Planning Policy 2.9 – Planning for Water
- Shire of Lake Grace Policy 5.8 – Stormwater Drainage

Consultation

Not required or deemed necessary.

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 landowner. All costs associated with the proposed development will be met by the landowner.

It is significant to note should the applicant or landowner 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 highly unlikely in this particular instance, the Shire would need to respond. The cost to respond to an appeal cannot be determined at this preliminary stage but could be expected, based on the recent experience of other local government authorities in Western Australia, to range anywhere from \$5,000 to \$60,000 excluding GST depending upon how far the matter proceeds through the review process.

Strategic Implications

The proposed development is consistent with the aims and objectives of the following strategic plans:

- **Shire of Lake Grace Local Planning Strategy 2007** as it applies specifically to the development of a diversified range of commerce and industry in appropriate locations to provide local employment opportunities.
- **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
	1.2.2	Support local business and promote further investment in the district

Environment Objective - Protect and enhance our natural and built environment		
Outcome	3.1	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
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
	4.1.3	Provide strategic leadership and governance
Outcome	4.2	An efficient and effective organisation
	4.2.2	Comply with statutory and legislative requirements

Voting Requirements

Simple majority

RECOMMENDATION / RESOLUTION

RESOLUTION **13705**

Moved: **Cr Hunt**

Seconded: **Cr Kuchling**

That the development application submitted by Mr Andrew Tingley of Phoenix Sheds on behalf of Farmers Centre (1978) Pty Ltd (Landowner) for the construction and use of a proposed new 621m² steel framed, Colorbond clad addition to an existing building on Lot 341 on Deposited Plan 194291 Stubbs Street, Lake Grace to support the continued use of the property for 'farm supply centre' purposes be **approved** subject to the following conditions and advice notes:

Conditions:

1. The proposed development shall be undertaken strictly in accordance with the information and plans submitted in support of the application subject to any modifications required as a consequence of any condition/s of this approval or otherwise approved by the local government.
2. Any additional development which is not in accordance with the application the subject of this approval or any condition of approval will require the further approval of the local government.
3. The 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 it shall not be carried out without the further approval of the local government having first being sought and obtained.
4. All external surfaces of the proposed structure shall be clad with new materials only.
5. All external wall cladding, roof cladding and associated trims shall match the colours and profiles of the existing building to which the proposed new structure will be attached.
6. All stormwater drainage shall be directed away from the proposed structure and managed and disposed on-site to the specifications and satisfaction of the local government's Chief Executive Officer in consultation with the local government's Manager Infrastructure Services. All stormwater drainage infrastructure and works required pursuant to this condition shall be undertaken prior to occupation and use of the proposed structure at the landowner's own cost.

Advice Notes:

1. This approval is not an authority to ignore any constraint to development on the land which may exist through contract or on title, such as an easement, memorial or restrictive covenant. It is the responsibility of the applicant and landowner and not the 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 applicant/landowner to obtain any other necessary approvals, consents, permits and licenses required under any other law, and to commence and carry out development in accordance with all relevant laws.
3. The applicant/landowner is 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 townsite 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>).

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. No construction works shall commence on the land prior to 7am without the Shire's written approval. No construction works are permitted to be undertaken on Sundays or Public Holidays unless otherwise approved by the local government's Chief Executive Officer.
7. Any future proposed advertising signage shall be provided in accordance with the specific requirements of the Shire of Lake Grace Local Planning Scheme No.4 and Local Planning Policy 6.5 entitled 'Advertising Signage' unless otherwise approved by the local government.
8. The land the subject of this approval is located in a designated flood prone area and was subject to shallow flooding during the 2006 flood event to a depth of 0.02 to 0.15 metres. In granting this approval the local government has considered the potential flood risk and determined the proposed development is acceptable given it is non-habitable in nature, ancillary to development already approved and constructed on the land including finished ground levels, minor in terms of its built form size and scale and unlikely to have any detrimental impact on the existing flooding regime of the immediate locality (i.e. it will not result in obstruction to major stormwater flows and increase flood levels upstream). Notwithstanding this fact, the local government accepts no responsibility for any damage, injury or loss that may occur in the event of a major flood should the development proceed as approved.
9. 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.
10. If the applicant / landowner is aggrieved by this determination there is a right of review by the State Administrative Tribunal in accordance with the *Planning and Development Act 2005* Part 14. An application must be submitted directly to the State Administrative Tribunal within 28 days of this determination.

CARRIED **5/0**

For: **Cr Armstrong, Cr Hunt, Cr Kuchling, Cr Clarke, Cr Lloyd**

Against: **Nil**

14.3 HEALTH AND BUILDING

Nil

14.4 ADMINISTRATION

14.4.1 APPOINTMENT OF FIRE CONTROL OFFICERS – SHIRE OF LAKE GRACE

Applicant	Shire of Lake Grace
File No.	0177
Attachments	Nil
Author	Mr Matt Castaldini - Community Emergency Services Manager
Disclosure of Interest	Nil
Date of Report	29 June 2023
Senior Officer	Mr Alan George - Chief Executive Officer

Summary

This report is to advise Council that persons have been appointed under Delegation O09 – Appointment of Officers Authorised under the Bush Fires Act 1954.

Background

The Bush Fires Act 1954 gives the provision to appoint Fire Control Officers within the Local Government area for aiding with the control of fire and coordination of voluntary firefighters.

The Shire of Lake Grace has traditionally appointed nominated community members from BFAC, neighbouring Local Governments and staff as applicable to the role.

Comment

Following the Bush Fire Advisory Committee meeting in March 2023, nominations have been accepted following a letter being mailed out confirming Fire Control Officers were willing to undertake training.

Chief Bush Fire Control Officer – David Roberts

Deputy Chief Bush Fire Control Officer – Brad Watson

Senior Fire Control Officer West – Kevin Naisbitt

Senior Fire Control Officer Central – Pete Walker

Senior Fire Control Officer East – Hugh Roberts

Fire Control Officer – Evan Wyatt

Fire Control Officer – Ross Chappell

Fire Control Officer – Scott Strevett

Fire Control Officer – Bill Lloyd

Fire Control Officer – Ian Lloyd

Fire Control Officer – Aaron Guelfi

Fire Control Officer – Dean Rintoul

Fire Control Officer – Craig Shalders

Fire Control Officer – Geoff Richardson

Fire Control Officer – Wes Hall

Fire Control Officer – Dwight Ness

Fire Control Officer – Scott Ball

Fire Control Officer – Ben Hyde

Fire Control Officer – Craig Newman

Fire Control Officer – John Zurnamer

Fire Control Officer – Jason Sugg

Fire Control Officer – Lindsay Brownley

Fire Control Officer – Anthony Teale

Fire Control Officer – Tyson De Landgraft

Fire Control Officer – Rhys De Landgraft

Fire Control Officer – Amanda Giles

Fire Control Officer – Callan Tonkin

Fire Control Officer – Chad Stanton

Legal Implications

Bush Fires Act 1954

S.39A. Duties of bush fire authorities on outbreak of fire

- (1) *On the outbreak of a bush fire at a place within or adjacent to the district of a local government, the bush fire control officers, bush fire brigade officers, or bush fire brigade members, of the local government, or as many of them as may be available may, subject to this Act, take charge of the operations for controlling and extinguishing the bush fire or for preventing the spread or extension of the fire.*
- (2) *Where a bush fire to which this section applies occurs, if a bush fire control officer, bush fire brigade officer, or member of a bush fire brigade, of the local government in whose district the bush fire is burning is not present at the fire, a bush fire control officer, a bush fire brigade officer, or member of a bush fire brigade, of a local government whose district is adjoining or adjacent, may exercise in respect of the bush fire, all powers and authorities of a bush fire control officer of the local government in whose district the fire is burning.*
- (3) *This section applies only to bush fires which —*
 - (a) *have been lit or are maintained unlawfully; or*
 - (b) *have occurred accidentally; or*
 - (c) *have ceased to be under control or are not adequately controlled; or*
 - (d) *are declared in the regulations to be bush fires to which this section applies.*

S.38. Local government may appoint bush fire control officer

- (1) *A local government may from time to time appoint such persons as it thinks necessary to be its bush fire control officers under and for the purposes of this Act, and of those officers shall subject to section 38A(2) appoint 2 as the Chief Bush Fire Control Officer and the Deputy Chief Bush Fire Control Officer who shall be first and second in seniority of those officers, and subject thereto may determine the respective seniority of the other bush fire control officers appointed by it.*
- (2A) *The local government shall cause notice of an appointment made under the provisions of subsection (1) to be published at least once in a newspaper circulating in its district.*
- (2E) *A bush fire control officer appointed by a local government under the provisions of this section shall be issued with a certificate of appointment by the local government or, if he is appointed by the FES Commissioner, by the FES Commissioner.*
- (4) *A bush fire control officer appointed under the provisions of this section shall, subject to such directions as may be given by the local government, and subject to this Act take such measures as appear to him to be necessary or expedient and practicable for —*
 - (a) *carrying out normal brigade activities;*
 - (e) *exercising an authority or carrying out a duty conferred or imposed upon him by any of the provisions of Part III;*
 - (f) *procuring the due observance by all persons of the provisions of Part III.*

Policy Implications

Nil

Consultation

Internal – BFAC

Financial Implications

Nil

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	2.2.3	Support provision of emergency services and encourage community volunteers
Leadership Objective – Strong governance and leadership, demonstrating fair and equitable community values.		
Outcome	4.2	An efficient and effective organisation
Strategies	4.2.2	Comply with statutory and legislative requirements

Voting Requirements

Simple Majority

RECOMMENDATION / RESOLUTION

RESOLUTION 13706

Moved: Cr Lloyd
Seconded: Cr Kuchling

That Council acknowledge that persons noted have been appointed as a Chief Bush Fire Control Officer, Deputy Chief Bush Fire Control Officer, Senior Bush Fire Control Officers and Bush Fire Control Officers for the Shire of Lake Grace.

CARRIED 5/0

For: Cr Armstrong, Cr Hunt, Cr Kuchling, Cr Clarke, Cr Lloyd

Against: Nil

14.4.2 AIM HOSPITAL MUSEUM INTERPRETATION PLAN

Applicant	Michelle Slarke
File No.	0678
Attachments	AIM Hospital Interpretation Plan AIM Hospital Draft Museum Policies (Not for Public Viewing)
Author	Alan George
Disclosure of Interest	Nil
Date of Report	19 July 2023
Senior Officer	Alan George

Summary

For Council to adopt the AIM Hospital Museum Interpretation Plan-Final Draft as prepared by Michelle Slarke – Heritage and Culture Consultant

Background

Administration was successful in receiving funding of up to \$10,890.00 from the Heritage Grants Program 2021/2022 to complete an Interpretation Plan for the AIM Hospital which is listed on the State Register of Heritage Places, Place Number P12670.

Michelle Slarke was engaged to prepare the plan which is intended to provide practical guidance in the form of a set of recommendations for interpretive strategies.

Comment

This is a comprehensive long term plan for the future of the AIM Hospital and contains 6 key recommendations moving forward. In addition there have been two draft policies prepared to guide management of the museum and the collection.

There are many facets to this plan which cannot be implemented overnight and which will require some not insignificant funding to implement. It is envisaged that further grant funding will need to be sought.

At this stage Council support for the adoption of the draft plan is being sought with any implementations of the recommendations to be the subject of further investigations.

Legal Implications

The AIM Hospital is on the State Heritage List and is therefore is subject to its requirements and regulations.

Policy Implications

There is currently no specific Shire policy for the Aim Hospital.

A draft Interpretation and Display Policy prepared back in 2008 is on file which states;

Lake Grace Australian Inland Mission Hospital Committee will review the Interpretation and Display Policy every five years.

Consultation

This will need to be the subject of a lot of community consultation in order to be carried out.

Financial Implications

The majority of funding will need to be sought by way of further Heritage Grants in order to be able to fulfil all the recommendations.

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	1.3	An attractive destination for visitors
Strategies	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
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
	3.1.2	Maintain the integrity of heritage buildings and places

Voting Requirements

Simple majority

RECOMMENDATION / RESOLUTION

RESOLUTION 13707

Moved: Cr Hunt
Seconded: Cr Clarke

That Council:

Consider for adoption the AIM Hospital Museum Interpretation Plan as presented.

CARRIED 5/0

For: Cr Armstrong, Cr Hunt, Cr Kuchling, Cr Clarke, Cr Lloyd

Against: Nil

14.4.3 ARCHIVE BUILDING FOR NEWDEGATE HISTORICAL SOCIETY INC. ST FRANCIS OF ASSISI ANGLICAN CHURCH

Applicant	Newdegate Historical Society
File No.	0431
Attachments	Letter from Newdegate Historical Society Location map
Author	Alan George
Disclosure of Interest	Nil
Date of Report	19/7/23
Senior Officer	Alan George

Summary

For Council to view and consider the proposal from the Newdegate Historical Society (NHS) for the Shire to take on the ownership of Newdegate St Francis of Assisi and NHS to be responsible for the day to day running of the building, all operations, contents insurance and general low-level maintenance, while Shire is responsible for the building and land associated?

Background

The church in Newdegate has not operated for a number of years. In October 2019 the Diocese approached the Shire to see if it had any interest in obtaining the building or if it was aware of any groups in town that may be interested. At the time we were not prepared to take on another building in Newdegate. It is believed that the Diocese advertised its availability in the local newsletter.

The NHS have been in discussions with the church regarding the purchase as it is interested in the building for storage space and archiving and given that it is a brick building they see it as being appropriate for its purposes.

Comment

When the Shire was first approached by the Diocese we were advised that the property was under Crown Grant and that if there was an organisation that would like the use of the building that a transfer of the management order could be arranged. The proposal from the NHS states that the Diocese suggested that the NHS pay the land transfer costs and other incidentals for them to take ownership of the building. It would need to be determined if it would be an actual change in ownership (purchase) or just a change to the management order prior to proceeding.

The NHS in its proposal have posed 3 questions to Council as follows

1. Is there a likelihood that Council and the Shire would consider taking on the ownership of the Newdegate St Francis of Assisi church building?
2. Is there a likelihood that Council and the Shire would allow the NHS to operate the building in the same way we currently operate with the Hainsworth Building? Being that NHS look after the day to day running of the building, all operations, contents insurance and general low-level maintenance, while Shire is responsible for the building and land associated?
3. The NHS hasn't done any work in regard to the viability of the building – structurally, and this would obviously need to be done before purchase. Is this something that Council/The Shire would be happy to carry out and meet costs for?

To begin with, as mentioned above, the Diocese has offered the property to the NHS for the cost of the transfer fee and incidentals. Would the same offer be made to the Shire if we were to take it on as asked in the first question and is it the freehold or merely a transfer of Management Order? We weren't interested 4 years ago but at that time the NHS archiving and storage was not considered.

Do we want to take on the responsibility of another building in Newdegate albeit that we would only be responsible for insurance and major maintenance costs for the building? Given that it is proposed that it would be run along the same lines as the Hainsworth building, probably.

If we were interested in the building a structural inspection would be a requirement. The church has been empty for a long time and we would not like to take on any significant problems.

Given that the church is likely to remain unused in the future and that the NHS has a use for the building for storage and archiving purposes the proposal is seen as being feasible as long as the above questions are satisfied to Council's satisfaction. If left as is the church may just turn into another dilapidated empty building in town.

Legal Implications

A Lease document would need to be drawn up with the NHS for the occupation of the building.

Policy Implications

The St Francis of Assisi Anglican Church is listed on the Shire Municipal Heritage list as a Category D

Some heritage value, but not essential to an understanding of the district. Recommend that the place is not constrained by the Town Planning Scheme. Re-assess the significance of the place when the Inventory is regularly reviewed. Record prior to redevelopment or demolition.

Consultation

Newdegate Historical Society
Anglican Diocese of Bunbury

Financial Implications

The cost involved for the transfer of the Church would need to be determined as it may differ if it is purchased by the NHS as initially stated in the proposal or by the shire as stated in the questions to Council.

The building would need to be inspected structurally for its soundness which would incur some cost.

Insurance cost would be between \$500 and \$1,000 based on similar properties but is dependent upon a valuation.

The NHS would be responsible for minor maintenance, utilities, content insurance and grounds maintenance.

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	1.3	An attractive destination for visitors
Strategies	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

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
	3.1.2	Maintain the integrity of heritage buildings and places

Voting Requirements

Simple majority

RECOMMENDATION / RESOLUTION

RESOLUTION 13708

Moved: Cr Clarke
Seconded: Cr Kuchling

That Council:
Receives the proposal from the Newdegate Historical Society regarding the purchase of the St Francis of Assisi Anglican Church as an archive building.

CARRIED 5/0

For: Cr Armstrong, Cr Hunt, Cr Kuchling, Cr Clarke, Cr Lloyd

Against: Nil

14.4.4 REVIEW OF LOCAL LAWS

Applicant	Internal report
File No.	0378
Attachments	Shire of Lake Grace Local Laws (current)
Author	Chris Paget – Deputy CEO
Disclosure of Interest	Nil
Date of Report	19 July 2023
Senior Officer	Alan George – Chief Executive Officer

Summary

The purpose of this report is for Council to initiate a review of its local laws.

As prescribed section 3.16 of the *Local Government Act 1995* ('the Act'), The Shire of Lake Grace is required to review its local laws every eight years. It is proposed that Council formally initiates a review and provides Statewide and local public notice of the review, as required under section 3.16(2) of the Act.

Background

Section 3.16 of the *Local Government Act 1995* requires periodic reviews of local laws. A local government is to carry out a review of a local law to determine whether or not it considers that it should remain unchanged, be repealed or amended. The review is to be conducted within eight years from the day each local law commenced, or from when a report of a review of the local law was accepted under s3.16.

The local government is to give statewide and local public notice stating that:

1. The local government proposes to review the local law;
2. A copy of the local law may be inspected or obtained at any place specified in the notice; and
3. Submissions about the local law may be made to the local government before a day to be specified in the notice, being a day that is not less than six weeks after the notice is given.

After the last day for submissions, the local government is to consider comments received and cause a report of the review to be submitted to Council. When Council has considered the report, it may determine (by absolute majority) whether or not it considers that the local law should be repealed or amended.

The Shire of Lake Grace currently has ten local laws due for review:

- a) Standing Orders Local Law 2015
- b) Local Government Property Local Law 2015
- c) Lake Grace, Newdegate, Lake King and Varley Public Cemeteries Local Law 2017
- d) Health Local Law 2016
- e) Fencing Local Law 2015
- f) Extractive Industries Local Law 2015
- g) Dogs Local Law 2015
- h) Bush Fire Brigades Local Law 2015
- i) Activities on Thoroughfares and Trading in Thoroughfare and Public Places Local

Law 2015

j) Animals, Environment and Nuisance Local Law 2016

A copy of the Shire's current local laws is attached with this report. A full list of the Shire's local laws and a copy of the relevant gazette (including those that have previously been repealed) can be found on the Department of Local Government, Sport and Cultural Industries website.

Comment

As a period of eight years has now passed since Council completed the last review of the majority of its local laws in December 2015, it is necessary commence the process once more in accordance with the Act. While the Act does not expressly prescribe a timeframe in which the procedure for making local laws is to be completed, the procedure should be undertaken with 'all convenient speed' in line with the *Interpretation Act 1984*. It is the advice of the Western Australian Local Government Association (WALGA) and the Department of Local Government, Sport and Cultural Industries that local law procedures that take more than a year to resolve should be restarted.

It is important to note that the current WA State Government Local Government Reform process proposes to introduce standardised meeting procedures for all Councils, as well as streamlining local laws in order to create greater consistency and reduce the complexity of regulation - particularly for rules about installing minor signage for small business, and the planning of community events. There will be new, simple model local laws that local governments can easily adopt once the supporting legislation and regulations have been developed. This second tranche of reforms is not expected to be implemented until well after the October 2023 local government elections, thus it is appropriate that Council commences its review process now so as not to contravene the prescribed statutory timeline.

Council should take the following review objectives into consideration:

- a) To remove unnecessary regulation and 'red-tape' as it imposes a burden of compliance on the community and a burden of enforcement on the Council;
- b) Enable improved interpretation and understanding of the laws by making legislation easier to use;
- c) Rationalise legislation governing issues where there are important inconsistencies or duplication across statutes;
- d) Streamline administrative processes.

Given the complexity and scale of the review, timing of a further report back to Council on the outcome of the review is not expected to be available for several months. However, briefings of Council and possibly workshops will occur during the process and prior to a finalised report being presented for consideration and adoption.

The final step in the lawmaking process is to provide a copy of the new laws to the WA Joint Standing Committee (JSC) on Delegated Legislation, for review. The JSC is comprised of eight members of the WA State Parliament, with equal representation from the Legislative Council and Legislative Assembly. It has the authority to recommend to Parliament that a local law be disallowed. The JSC examines all regulations, rules, by-laws, local laws, and other subsidiary legislation made that are subject to section 42 or the *Interpretation Act 1984*.

After adoption and Gazettal, a copy of a local law (and amendment local laws), and additional information is to be sent to the JSC. In examining local laws, the JSC contemplates whether or not it:

- a) Is authorised or contemplated by the empowering enactment.
- b) Has an adverse effect (which includes abrogation, deprivation, extinguishment, diminution and a compulsory acquisition, transfer, or assignment) on existing rights, interests, or legitimate expectations beyond.
- c) Giving effect to a purpose authorized or contemplated by the empowering enactment.
- d) Ousts or modifies the rules of fairness.
- e) Deprives a person aggrieved by a decision of the ability to obtain review of the merits of that decision or seek judicial review.
- f) Imposes terms and conditions regulating any review that would be likely to cause the review to be illusory or impracticable.
- g) Contains provisions that, for any reason, would be more appropriately contained in an Act.

Scrutiny by the Committee and disallowance are an accountability mechanism to guard against the making of subsidiary legislation, that is either unlawful by going beyond the power that is delegated or offends one of the Committee's Terms of Reference, which have been set by Parliament.

Reports provided by the JSC on their recent reviews and decisions on local laws are publicly available on the Parliament of WA website and will be considered by the Shire in its review.

Statutory/Legal Implications

Local Government Act 1995

3.16 Periodic review of local laws

- (1) *Within a period of 8 years from the day when a local law commenced or a report of a review of the local law was accepted under this section, as the case requires, a local government is to carry out a review of the local law to determine whether or not it considers that it should be repealed or amended.*
- (2) *The local government is to give Statewide public notice stating that –*
 - (a) *the local government proposes to review the local law; and*
 - (b) *a copy of the local law may be inspected or obtained at any place specified in the notice; and*
 - (c) *submissions about the local law may be made to the local government before a day to be specified in the notice, being a day that is not less than 6 weeks after the notice is given.*
- (2a) *A notice under subsection (2) is also to be published and exhibited as if it were a local public notice.*
- (3) *After the last day for submissions, the local government is to consider any submissions made and cause a report of the review to be prepared and submitted to its council.*
- (4) *When its council has considered the report, the local government may determine* whether or not it considers that the local law should be repealed or amended.*

** Absolute majority required.*

Policy Implications

Nil

Consultation

In accordance with section 3.16 of the *Local Government Act 1995*, the Shire is required to give Statewide and local public notice of the proposed review of the local laws, inviting submissions for a period of no less than six weeks after the notice is given. This initial six-week period of consultation is an opportunity for the community to comment on the review of the existing local laws (not on proposed new laws). This is the procedure set out under the *Local Government Act 1995*.

The Act requires further consultation if new laws are proposed that are substantially different from the existing laws. Any proposed new draft laws cannot be finalised until after the initial six-week consultation has occurred and submissions considered, Council has been briefed and the necessary research has been completed.

A further report must be provided to Council on the outcome of the review and proposing a new set of draft local laws. A further six-week consultation period will then be required on the new set of proposed local laws.

The second six-week consultation period will be extensive and result in submissions being received and considered with a final report to Council proposing a new set of draft local laws for Council adoption.

Financial Implications

Funds have been allocated in the draft 2023-24 Annual Budget for consultants to undertake this review.

Strategic Implications

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

Leadership – Strong governance and leadership, demonstration fair and equitable community values.		
Outcome	4.1	A strategically focussed, 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 13709

Moved: Cr Lloyd

Seconded: Cr Clarke

That Council resolves to undertake a review of all of its Local Laws in accordance with section 3.16 of the *Local Government Act 1995* and to give statewide and local public notice of this intent.

CARRIED 5/0

For: Cr Armstrong, Cr Hunt, Cr Kuchling, Cr Clarke, Cr Lloyd

Against: Nil

14.5 FINANCE

14.5.1 ACCOUNTS FOR PAYMENT – JUNE 2023

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

Summary

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

Background

List of payments for the month of June 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 June 2023 from the Municipal and Trust Accounts
Total \$1,769,175.51

Strategic Implications

This aligns with the Leadership Objective of the Shire of Lake Grace Strategic Community Plan 2017-2027 particularly Outcome 4.2 and Strategies 4.2.1 and 4.2.2 :

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

Voting Requirements

Simple majority

RECOMMENDATION / RESOLUTION

RESOLUTION 13710

Moved: Cr Lloyd
Seconded: Cr Clarke

That Council ratify the list of payments totalling \$1,769,175.51 as presented for the month of June 2023 incorporating:

Payment Method	Cheque/EFT/DD Number	Amount
Electronic Funds Transfers	EFT25063 – EFT25221	\$1,714,045.94
Municipal Account Cheques	37074 - 37079	\$20,500.71
Direct Debits	DD10527.1 – DD10562.1	\$34,577.86
Trust	1543	\$51.00
	TOTAL	\$1,769,175.51

CARRIED 5/0

For: Cr Armstrong, Cr Hunt, Cr Kuchling, Cr Clarke, Cr Lloyd

Against: Nil

Shire of Lake Grace

CERTIFICATE OF EXPENDITURE
June 2023



This Schedule of Accounts to be passed for payment, covering

Payment Method	Cheque/EFT/DD Number	Amount
Electronic Funds Transfers	EFT25063 – EFT25221	<u>\$1,714,045.94</u>
Municipal Account Cheques	37065 - 37079	<u>\$20,500.71</u>
Direct Debits	DD10527.1 – DD10562.1	<u>\$34,577.86</u>
Trust	1543	<u>\$51.00</u>
	TOTAL	<u>\$1,769,175.51</u>

to the Municipal and Trust Accounts, totalling \$1,769,175.51 which were submitted to each member of the Council on 26 July 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

Senior Finance Office Victoria Fasano joined the meeting via phone at 4.17pm

14.5.2 2023/2024 SHIRE OF LAKE GRACE – BUDGET ADOPTION

Applicant	Internal Report
File No.	0781
Attachments	<ul style="list-style-type: none"> • 2023/2024 Statutory Budget • Schedules • Fees and Charges
Author	Victoria Fasano Senior Finance Officer - Investments & Reporting
Disclosure of Interest	Nil
Date of Report	20 July 2023
Senior Officer	Mr Alan George Chief Executive Officer

Summary

To consider and adopt the Municipal Fund Budget for the 2023/2024 financial year together with supporting schedules, including striking of the municipal fund rates and other consequential matters arising from the budget papers.

Background

The 2023/2024 Budget has been compiled based on the parameters established in the Council integrated planning documents including Long Term Financial Plan, Corporate Business Plan and Strategic Community Plan.

Council gave consideration to the detail within the budget after working through four budget workshops in April, May and July 2023.

Comment

Further to the Budget Workshops and Ordinary Council Meetings all changes have been incorporated into this document along with all committed projects not complete as at 30 June 2023.

Rates

The 2023/2024 Budget has been prepared to include a 3% increase in the rate in the dollar to GRV rates and a 3% increase on UV rates with a minor increase in minimum rates. The UV rate was not increased by rate in the dollar as per previous practice as the Shire have received notification from Landgate that the property values on unimproved rated properties had increased significantly. Instead the rate in the dollar has been reduced to allow for an overall increase of 3% so as to reduce the impact of the increase in valuations.

Specified area rates for sewerage has been prepared with a 3% increase for the Lake Grace Sewerage Scheme.

Borrowings

There will be no new borrowings for 2023/24. The outstanding loan principal at 1 July 2023 is \$1,213,744. The principal repayments for 2023/24 amount to \$177,282 and interest payable of \$38,474 leaving a balance of \$1,036,462 at 30 June 2024.

Infrastructure – Roads, Footpaths, Drainage and Cemetery Upgrades

An amount of \$4,251,182 has been set aside for road renewal and upgrades to cover works on Jarring South Road, Magenta Road, Rodger Road, Mallee Hill Road, Fitzgerald Road, Nth Lake Grace-Karlgarin Road, Old Ravensthorpe Road, West Kuender Road, Winchcombe Road, Hatters Hill Road, Burngup Road, Crooks/Kent Road, Biddy Camm Road, Rasmussen Road, McCracken Road and Waddell Street.

Allocations of \$628,071 have been provided to carry out capital works for Dykes Road Drainage, Lake King Cemetery Fence, Lake Grace Cemetery Roadway, Lake Grace Footpaths and Newdegate Footpaths, Fuel Storage Lake Grace Depot, Buniche Dam Revitalisation, Dempster Rock Dam Revitalisation and construction of new Newdegate Dam.

Infrastructure – Parks, Gardens and Recreation Facilities

A total of \$1,611,851 has been allocated for capital parks and garden works which include Lighting for Newdegate Hockey Field, Lake Grace Football Field Lighting, Lake Grace Sporting Complex Entry, Jam Patch BBQ & Picnic Shelters, Lake Grace Visitor Centre Park, Newdegate Street Bin Shrouds, Lake Grace Walkway Shelters, Lighting for Lake Grace and Lake King Playgrounds, Padley Park Stormwater Capture, Lake Grace Bowling Club Lights, Lake Grace Community All Ages Playground, Lake Grace Pump Track, Lake Grace RV Park and Lake Grace Lookout Upgrade.

Property, Plant & Equipment

An amount of \$1,547,308 has been allocated to Shire Building refurbishment and upgrades including Admin Office Building, Relocation of Toy Library to Daycare Centre, Shire houses, Varley Public Toilet, Lake Grace Hall Refurbishment, Lakes Village Hall, Lake King Sports Pavilion, Lake Grace Sports Pavilion Bar, Varley Sports Pavilion, Newdegate Hockey Shed Replacement, Lake King Library, AIM Building, Lake Grace RSL Hall, Lake Grace Visitor Centre, Lake King Tractor Museum Shed and Newdegate Museum Shed. An amount of \$100,000 has been included to install services into the Industrial Land to make ready for sale.

The Shire is currently in the process of applying for a Building Regions Program Grant for the works at the Lake King Sports Pavilion. Also in consideration are funding options for housing within Lake Grace including the release of some more residential and light industrial land.

An amount of \$1,080,000 has been allocated to purchase plant and equipment which includes MIS Prado, Lake Grace and Newdegate Digital Speed Signs, Lake Grace & Newdegate Town CCTV, DFES Fast Fill Trailers, Lake Grace Pool Diving Board & Net, Lake Grace Pool Blankets and Roller, Skid Steer Plant Trailer, Backhoe, Builders 4WD Ute, Mobile Traffic Light Trailer, Lake Grace Community Bus, Lake Grace and Newdegate Digital Display Sign and Lake Grace Football Electronic Score Board.

Reserve Transfers

It is proposed to transfer \$1,321,718 to Reserves which includes \$210,884 interest, Lake Grace Sewerage Reserve \$100,000, Housing \$400,000, Swimming Pool \$175,834, Land Development \$135,000, Plant Replacement \$200,000 and Newdegate Stadium Floor \$100,000. Nil will be transferred out of Reserves. This will give a total closing balance of \$6,593,811.

Legal Implications

Section 6.2 of the Local Government Act 1995 requires that not later than 31 August in each financial year, or such extended time as the Minister allows, each local government is to

prepare and adopt, (Absolute Majority required) in the form and manner prescribed, a budget for its municipal fund for the financial year ending 30 June of the next year.

Divisions 5 and 6 of the Local Government Act 1995 refer to the setting of budgets and the raising of rates and charges. The Local Government (Financial Management) Regulations 1996 details the form and content of the budget. The budget as presented is considered to meet statutory requirements.

- Cemeteries Act 1986
- Waste Avoidance and Resources Recovery Act 2007
- Local Government (Miscellaneous Provisions) Act 1960

Policy Implications

Policy 3.3 - Specified Area Rating is used for consideration of rating levied for the Lake Grace Sewerage Scheme.

Consultation

Internal Staff members and Council
External Community groups have had the opportunity to submit budget requests

Financial Implications

The Budget document establishes activities which the Shire will pursue during the 2023/2024 financial year taking into account the Shire of Lake Grace Corporate Business Plan and Long-Term Financial Plan.

Strategic Implications

Shire of Lake Grace Strategic Community Plan 2017 – 2027

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

SUMMARY OF COUNCIL ADOPTION

PART A - MUNICIPAL FUND BUDGET FOR 2023/2024

That Council, pursuant to the provisions of section 6.2 of the Local Government Act 1995 and Part 3 of the Local Government (Financial Management) Regulations 1996, adopt the Municipal Fund Budget for the 2023/2024 financial year.

PART B – GENERAL AND MINIMUM RATES, INSTALMENT PAYMENT ARRANGEMENTS

1. That Council, for the purpose of yielding the deficiency disclosed by the Municipal Fund Budget adopted at Part A above, pursuant to sections 6.32, 6.33, 6.34 and 6.35 of the Local Government Act 1995, and Clause 9 of the Local Government (COVID-109 Response) impose the following general and minimum rates on Gross Rental and Unimproved Values.

General Rates

Gross Rental Value (GRV)	14.4746 cents in the dollar
Rural (UV)	0.8600 cents in the dollar

Minimum Rates

Gross Rental Value (GRV)	\$530
Unimproved Value (UV)	\$540

2. That Council, pursuant to section 6.45 of the Local Government Act 1995 and regulation 64 (2) of the Local Government (Financial Management) Regulations 1996, offers a one, two and four instalment payment option, and nominates the following due dates for payment in full or by instalments:

Full payment and 1st instalment due date	4 September 2023
Second half instalment due date	6 November 2023
Second quarterly instalment due date	6 November 2023
Third quarterly instalment due date	8 January 2024
Fourth quarterly & final instalment due date	11 March 2024

3. That Council, pursuant to section 6.45 of the Local Government Act 1995 and regulation if the Local Government (Financial Management) Regulations 1996, adopts an instalment administration charge where the owner has elected to pay rates (and service charges) through an instalment option of \$11 for each instalment after the initial instalment is paid.
4. That Council, pursuant to section 6.45 of the Local Government Act 1995 and Clause 13 regulation 8 of the Local Government (COVID-19 Response) Ministerial Order 2020 gazetted 8 May 2020 adopts an interest rate of 5.5% where the owner has elected to pay rates and service charges through an instalment option.
5. That Council, adopt by absolute majority in accordance with section 6.13 of the Local Government Act 1995 and clause 8 of the Local Government (COVID-19 Response) Ministerial Order 2020 gazetted 8 May 2020 a rate of interest of 7% applicable to any amount owing (other than rates or service charges) with interest calculated from the due date, which is 35 days from the date of issue shown on the account for payment, subject to:

This interest rate cannot be applied to a person who is considered by the Shire of Lake Grace to be suffering financial hardship as a consequence of COVID – 19 Pandemic

PART C – GENERAL FEES AND CHARGES FOR 2023/2024

That Council, pursuant to section 6.16 of the Local Government Act 1995, adopts the fees and charges included in the 2023/2024 budget as attached to this agenda.

PART D – OTHER STATUTORY FEES FOR 2023/2024

1. That Council, pursuant to Part 7 Local Government Planning Charges Planning and Development Regulations 2009 adopts the Fees and Charges for Planning Services within the Shire of Lake Grace as included in the 2023/2024 budget as attached to this agenda.
2. That Council, pursuant to section 53 of the Cemeteries Act 1986 adopts the Fees and Charges for Cemeteries within the Shire of Lake Grace as included in the 2023/2024 budget as attached to this agenda.

3. That Council, pursuant to section 245A(8) of the Local Government (Miscellaneous Provision) Act 1960 adopts the swimming pool inspection fee included in the 2023/2024 budget as attached to this agenda.
4. That Council, pursuant to section 67 of the Waste Avoidance and Resources Recovery Act 2007, adopt the charges for the removal and deposit of domestic and commercial waste as included in the 2023/2024 budget as attached to this agenda.

PART E – ELECTED MEMBERS FEES AND ALLOWANCES FOR 2023/2024

That Council, pursuant to section 5.98(1)(b) of the Local Government Act 1995 and within the range determined by the Salaries and Allowances Tribunal, adopt the following annual attendance fees for elected members:

President's Allowance	\$20,875
Deputy President's Allowance	\$5,219

Meeting Attendance Fees

President	\$8,487
Elected Members	\$4,244

Information and Technology Allowance of \$3,623 to each Elected Member.

PART F – MATERIAL VARIANCE REPORTING FOR 2023/2024

That Council, in accordance with regulation 34(5) of the Local Government (Financial Management) Regulations 1996, and AASB 1031 Materiality, the level to be used in statements of financial activity in 2023/2024 for reporting material variances shall be a percentage of ten (10) or a minimum of \$5,000, whichever is the greater.

Voting Requirements

Absolute majority

RECOMMENDATION / RESOLUTION

RESOLUTION **13711**

Moved: **Cr Hunt**
Seconded **Cr Kuchling**

That Council adopt the 2023/2024 Shire of Lake Grace Budget, Fees and Charges as presented pursuant to Local Government Act 1995.

CARRIED **5/0**
For: **Cr Armstrong, Cr Hunt, Cr Kuchling, Cr Clarke, Cr Lloyd**
Against: **Nil**

14.6 COMMUNITY SERVICES

Nil

15.0 QUESTIONS OF WHICH DUE NOTICE HAS BEEN GIVEN

Nil

16.0 INFORMATION BULLETIN – JULY 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	21 July 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 July 2023 Information Bulletin attachments include:

Reports:

- Infrastructure Services Report – June 2023
- Environmental Health Officer Report – June 2023
- Lake Grace Library Report – June 2023
- Newdegate Library Report – June 2023
- Lake King Library Report and Statistics – June 2023
- Lake Grace Visitor Centre Report – April-June 2023

External Organisations

- WALGA Central Country Zone Minutes – 23 June 2023
- Varley Progress Association Minutes – 27 June 2023
- Rural Water Council Minutes (AGM) – 11 April 2023

Circulars, Media Releases, Newsletters, Letters

- Community Newsletters as circulated via email

Legal Implications

Nil

Policy Implications

Nil

Consultation

Nil

Financial Implications

Nil

Strategic Implications

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

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 13712

Moved: Cr Hunt
Seconded: Cr Clarke

That Council accepts the Information Bulletin Report for July 2023.

CARRIED 5/0

For: Cr Armstrong, Cr Hunt, Cr Kuchling, Cr Clarke, Cr Lloyd

Against: Nil

M Slarke left the meeting at 4.23pm.

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

Nil

18.0 DATE OF NEXT MEETING – 23 AUGUST 2023

The next Ordinary Council Meeting is scheduled to take place on Wednesday 23 August 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 4.24 pm.

20.0 CERTIFICATION

I, Leonard William Armstrong, certify that the minutes of the Meeting held on Wednesday 26 July 2023 as shown were confirmed as a true record of the meeting.



Signature

23 Aug 2023
Date