

Shire of Lake Grace

Ordinary Council Meeting

MINUTES

27 July 2022

Meeting Commencing at 3:30 pm

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Acknowledgement of Country

I begin today by acknowledging the Ballardong people, Traditional Custodians of the land on which we meet today, and pay my respects to their Elders past, present and emerging.

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



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SHIRE OF LAKE GRACE

Minutes of the Ordinary Council Meeting held at the Council Chambers, 1 Bishop Street, Lake Grace, WA on Wednesday 27 July 2022 commenced at 3.54pm.

1.0 DECLARATION OF OPENING ANNOUNCEMENT OF VISITORS

The Shire President opened the meeting at 3.54 pm.

2.0 CONSTITUTIONAL MATTERS

Nil

3.0 DISCLAIMER READING AND ACKNOWLEDGEMENT OF COUNTRY

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Acknowledgement of Country

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

Before the record of attendance/apologies/leave of absence were read, having been informed by the Chief Executive Officer that Cr Debrah Clarke had requested to join the meeting via telephone conference as she is in Perth attending to some personal matters, the Shire President presented the following motion to the Councillors and was resolved:

RESOLUTION 13600

Moved: Cr Hyde
Seconded: Cr Lloyd

That Cr Debrah Clarke be allowed to join the Council meeting via telephone conference in accordance with the requirements of the Local Government (Administration) Regulation 14A.

CARRIED: 6/0

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

4.1 PRESENT

Cr LW Armstrong	Shire President
Cr R Chappell	Deputy Shire President
Cr DS Clarke	via Telephone conference
Cr BJ Hyde	
Cr AJ Kuchling	
Cr RA Lloyd	
Cr JV McKenzie	

4.2 APOLOGIES

Cr SG Hunt	
Mr M Castaldini	Secondment to DFES as Acting Area Officer

4.3 IN ATTENDANCE

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

4.4 OBSERVERS / VISITORS

Mr Wally Perry	Community Member
Mr Darren Spencer	Community Member

4.5 LEAVE OF ABSENCE PREVIOUSLY GRANTED

Nil

5.0 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil

6.0 PUBLIC QUESTION TIME

Mr Darren Spencer, community member presented a question on Item 14.4.5 – Stage 2 – Detailed Site Investigation – Lot 13598 (Reserved 21558) Dumbleyung-Lake Grace Road (Proposed Lions Walk Trail Site) regarding the letter in the attachments – *Notice of a Classification*.

“This letter does not appear to be finished and has no name as to who has written it. The views are not the views of the community and are not representative of what actually happens at that site.

Lions Club Walk Group is understanding of the report but wish to make sure it does not preclude us from submitting another proposal for the parking bay site. The Deputy CEO Chris Paget was to attend a Steering Committee meeting on 3 July 2022 but was an apology”

The Chief Executive Officer responded and said that he was the author of the letter and he is basically recommending that Council has to decide once and for all to put this matter/project to a head – whether a ‘yes we can do it’ or ‘no, present another proposal to Council’.

7.0 PETITIONS/DEPUTATIONS/PRESENTATIONS

Nil

8.0 NOTATIONS OF INTEREST

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

Cr Jeff McKenzie submitted a Disclosure of Financial Interest on Item 14.2.1 – Development Application Proposed Additions and Upgrades to Lake Grace Men’s Shed on Lot 28 (No. 25) Bennett Street, Lake Grace being Crown Reserve 22641, his concreting business will be supplying the cement for the construction of the footings for the shed.

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

Nil

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

Cr Ross Chappell submitted a Disclosure of Interest Affecting Impartiality on Item 14.2.1 – Development Application Proposed Additions and Upgrades to Lake Grace Men’s Shed on Lot 28 (No. 25) Bennett Street, Lake Grace being Crown Reserve 22641 as Cr Chappell is a member of the Lake Grace Men’s Shed.

9.0 APPLICATIONS FOR LEAVE OF ABSENCE

Nil

10.0 ANNOUNCEMENTS BY THE PRESIDING MEMBER WITHOUT DISCUSSION

Nil

11.0 CONFIRMATION OF MINUTES

11.1 ORDINARY COUNCIL MEETING – 22 JUNE 2022

RESOLUTION 13601

Moved: Cr Hyde
Seconded: Cr McKenzie

That the Minutes of the Ordinary Council Meeting held on 22 June 2022 be confirmed as a true and accurate record of the meeting.

For = 5
Against = 1

Cr Debrah Clarke requested her name to be registered opposing the minutes and further discussion with the Shire Administration regarding the financials referring to the Newdegate Centennial celebrations.

11.2 SPECIAL COUNCIL MEETING

Nil

11.3 ANNUAL MEETING OF ELECTORS

Nil

12.0 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

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

Nil



14.0 REPORTS OF COMMITTEES

Nil

15.0 REPORTS OF OFFICERS

15.1 INFRASTRUCTURE SERVICES

15.1.1 ROAD NAME SELECTION, BIDDY CAMM INDUSTRIAL LOTS

Applicant:	Internal Report
File No.:	0357
Attachments:	Attachment 1 – Proposed Agricultural Industrial Subdivision and Road Reserve
Author:	 Mr. Jason Lip Technical Officer
Disclosure of Interest:	Nil
Date of Report:	14 July 2022
Senior Officer:	 Mr. Alan George Chief Executive Officer

Summary

That Council selects the road names by highest priority Callope Road, Marshall Road and Dolan Road, releases this ordered list to the public for a period of 14 days for comments and submissions, secures permissions to use these names from the immediate families and submits the ordered list to the Geographic Names Committee for final approval.

Background

The Shire is in the process of subdividing Lot 101 and Lot 12 Kulin-Lake Grace Road for the purposes of future industrial development. As part of this proposal, a new sealed road will be constructed within a 20m wide road reserve that links Stubbs Street and Biddy Camm Road. This road and subdivision is presented in Attachment 1.

To proceed with the acceptance of the new Deposited Plan for this subdivision by Landgate, a road name must be presented to and accepted by the Geographic Names Committee (GNC). In the 25 May 2022 Ordinary Council Meeting, Council resolved to consult the community to select which road name/s to present to the GNC.

Shire Administration published on its website the guidelines for road naming, form of submission and closing date of 30 June 2022.

Comment

After the closing of submissions the Shire has received 8 unique road name proposals. Assessing this list of names against the document *Policies and Standards for Geographical Naming in Western Australia*, the following are the ones that met the requirements:

- Callope Road (submitted as Callope Way)
- Marshall Road
- Dolan Road

After Council selects and orders by preference which road names to submit to GNC, the shortlist will be published on the Shire website for 14 days for public comments and objections.

Prior to submission to the GNC, permission from the immediate family will be required unless the named person had been deceased for more than 10 years in which case implicit approval from the community will be retrieved through the comments and objections process.

Legal Implications

Nil

Policy Implications

Nil

Consultation

External Lake Grace Community

Financial Implications

Nil

Strategic Implications

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

Economic Objective		A prosperous agricultural based economy, supporting diversification of industry
Outcome	1.1	An innovative, productive agriculture industry
Strategy	1.1.1	Enhance and maintain transport network
Outcome	1.2	A diverse and prosperous economy
Strategy	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
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

Voting Requirements

Simple majority required.

RESOLUTION 13602

Moved: Cr McKenzie
Seconded: Cr Chappell

That Council:


1. Select the following road names ordered by priority (with 1 being the highest priority) –
 - Callope Road
 - Marshall Road
 - Dolan Road
2. Direct the CEO to invite comments and objections from the public for a period of 14 days regarding the selected road names;
3. Directs the CEO to secure permissions from the immediate families of the commemorated names;
4. Directs the CEO to submit the aforementioned roads to the Geographic Names Committee for approval with Shire Administration's comments addressing all comments and objections received.

CARRIED: 7/0

It was agreed by the Council that the people who submitted their nominations but were not successful should be sent a formal letter to advise them of the Council's decision and as to the reasons why their submissions were rejected.

15.2 PLANNING

15.2.1 DEVELOPMENT APPLICATION – PROPOSED ADDITIONS & UPGRADES TO LAKE GRACE MEN’S SHED ON LOT 28 (NO.25) BENNETT STREET, LAKE GRACE BEING CROWN RESERVE 22641

Applicant:	Lake Grace Community Men’s Shed Inc. under authority from the Shire of Lake Grace (Management Body on behalf of the State of Western Australia – Landowner)
File No.:	TBA
Attachments:	Development Application Documentation and Plans
Author:	Mr Joe Douglas Town Planner
Disclosure of Interest:	Nil
Date of Report:	20 July 2022
Senior Officer:	 Mr Alan George Chief Executive Officer

Cr Jeff McKenzie submitted a Disclosure of Financial Interest on Item 14.2.1 – Development Application Proposed Additions and Upgrades to Lake Grace Men’s Shed on Lot 28 (No. 25) Bennett Street, Lake Grace being Crown Reserve 22641, his concreting business will be supplying the cement for the construction of the footings for the shed. He was advised by the Shire President that he can stay during the discussion but will not be allowed to vote on the resolution.

Cr Ross Chappell submitted a Disclosure of Interest Affecting Impartiality on Item 14.2.1 – Development Application Proposed Additions and Upgrades to Lake Grace Men’s Shed on Lot 28 (No. 25) Bennett Street, Lake Grace being Crown Reserve 22641 as Cr Chappell is a member of the Lake Grace Men’s Shed.

Summary

This report recommends that Council **grant conditional approval** to a development application received from Lake Grace Community Men’s Shed Inc. for proposed additions and upgrades to the existing Men’s Shed facility on Lot 28 (No.25) Bennett Street, Lake Grace being Crown Reserve 22641.

Background

The Lake Grace Community Men’s Shed Inc. have submitted a development application for Lot 28 (No.25) Bennett Street, Lake Grace being Crown Reserve 22641 seeking Council’s approval for the following:

- i) Construction of a proposed new 224.37m² steel framed, Colorbond clad shed immediately west of an existing 140m² shed on the subject land with a shared common wall and internal opening to create additional work space for improved efficiency and occupational health and safety purposes;

- ii) Installation of two (2) x 5,000 litre slimline water tanks immediately adjacent to the new shed with a piped overflow to the land's Bennett Street frontage for stormwater drainage management purposes;
- iii) Relocation of existing water supply and reticulated sewerage infrastructure within the land's boundaries to accommodate the proposed new shed;
- iv) The removal of existing vegetation, including an 8-metre-high eucalypt tree, along the land's western side boundary and trimming of a lower limb from an existing Blackbutt tree approximately 4 metres from the land's rear boundary to again accommodate the proposed development;
- v) The relocation of an existing approved 20-foot sea container at the rear of the property which will be reorientated 90 degrees so it runs parallel to the land's eastern side boundary; and
- vi) Use of the old St John Ambulance building in the front portion of the property for meetings directly associated with the Association's use of the land.

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

Lot 28 is located centrally in the Lake Grace townsite with direct frontage and access to Bennett Street along its southern boundary and a public right-of-way along its northern rear boundary. The land is rectangular in shape, comprises a total area of approximately 1,064m² and was previously developed and used for emergency service purposes (i.e. a St John's Ambulance depot).

In August 2014 Council granted approval to the proposed development and use of Lot 28 for the purposes of a community men's shed including a new 139m² steel framed, Colorbond clad shed to accommodate the proposed use. Under the terms of the original development application the new shed was proposed to accommodate no more than twenty (20) members at least one (1) day per week from 9am to 3pm.

The land contains a number of physical improvements associated with its current use including a single storey brick and tile building along its Bennett Street frontage, a centrally located 139m² Colorbond shed constructed pursuant to the approval granted by Council in August 2014, a 20-foot sea container immediately behind the shed that was approved in February 2018, vehicle access, parking, landscaping and boundary fencing.

The subject land forms part of Crown Reserve 22641 which is owned by the State of Western Australia and currently vested in the Shire of Lake Grace for 'Community Purposes'.



Location & Lot Configuration Plan (Source: Landgate 2022)

Lot 28 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.

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

- A café/restaurant immediately north on the opposite side of the public right-of-way with the Lake Grace War Memorial immediately west and a vacant, undeveloped 'Commercial' zoned property immediately east;
- Low density residential development (i.e. single houses) on the opposite side of Bennett Street immediately south;
- Low density residential development (i.e. two single houses) immediately east with commercial development beyond; and
- Low density residential development (i.e. one single house) immediately west and a large shopping centre car park beyond.

Comment

Lot 28 is classified 'Public Purpose' reserve in the Shire of Lake Grace Local Planning Scheme No.4 (LPS4) with the designated purpose 'Emergency Services'.

Clause 2.4.1 of LPS4 expressly states that when determining a development application for the development of any land reserved under LPS4 Council must have due regard for the various general matters set out in clause 67 of the Deemed Provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015* and the ultimate purpose intended by the land's reserve classification.

In exercising discretion, and pursuant to clause 67 of the Deemed Provisions, Council must be satisfied the proposal is consistent with general principles of proper and orderly planning, the provisions and standards contained in LPS4 and any other planning consideration the local government deems relevant.

Council should note that despite the land's designated purpose in LPS4 (i.e. 'Emergency Services'), it still has discretion to allow the property to be used for 'Community Purposes' which is consistent with its approved classification under the *Land Administration Act 1997* and more specifically the Management Order issued by the Minister for Lands in respect of Crown Reserve 22641.

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

- Land capability and suitability including topography, soil types and stability, drainage and flood risk;
- Land use compatibility;
- Siting and design;
- Maximum permitted building height and building finishes;
- Environmental protection and conservation;
- Visual character and amenity;
- Vehicle access;
- Landscaping; and
- Essential services including stormwater drainage management.

Notwithstanding the above findings, Council should note the proposal represents an intensification of land usage that could reasonably be expected to increase the risk of potential impacts on the amenity of immediately adjoining and other nearby residential properties including noise, dust, odour and vibration if activities on the land are not managed and controlled properly. Furthermore, given the limited number of parking bays available on the property, the proposed development could be expected to lead to an increase in vehicular traffic and demand for parking along Bennett Street.

In order to determine the suitability and acceptability of these potential impacts, correspondence was sent to all immediately adjoining and other nearby landowners inviting their feedback and comment. The application was also advertised for public comment in excess of the minimum required period of 14 days. At the conclusion of this process no submissions had been received by the Shire either supporting or objecting to the development proposal. Given this outcome it is considered reasonable to conclude all adjoining and nearby landowners as well as the local community more broadly are entirely supportive and have no objections.

In light of all the above, it is concluded the proposals for Lot 28 are 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 and advice notes to ensure the development proceeds in a proper and orderly manner. As such, it is recommended Council exercise its discretion and grant conditional development approval.

Legal Implications

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

Policy Implications

Council Works Policy 5.9 – ‘Storm Water Drainage’

Consultation

The application was advertised for public comment in excess of the minimum required period of 14 days and included publication of a notice and all documentation and plans on the Shire’s website, public display of a hard copy of the application at the Shire’s Administration Centre and correspondence to all immediately adjoining and other nearby landowners inviting their feedback and comment.

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

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

Strategic Implications

- *Shire of Lake Grace Local Planning Strategy* - The proposal for Lot 28 is considered to be generally consistent with the aims and objectives of the Shire’s Local Planning Strategy as it applies to the following:
 - Facilitate the provision of a wide range of well-planned and appropriately located community services and facilities that satisfy the needs and demands of the local community.
- *Shire of Lake Grace Strategic Community Plan 2017-2027* – The proposal for Lot 28 is considered to be generally consistent with the aims and objectives of the Shire’s Strategic Community Plan as it applies to the following:

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

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

Outcome 2.1 An engaged, supportive and inclusive community

Outcome 2.2 A healthy and safe community

Voting Requirements

Simple majority required.

RESOLUTION 13603

Moved: Cr Lloyd

Seconded: Cr Hyde

That the development application submitted by the Lake Grace Community Men's Shed Inc. for a number of proposed additions and upgrades to the existing Men's Shed facility on Lot 28 (No.25) Bennett Street, Lake Grace being Crown Reserve 22641 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 Council.
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 Council.
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 this approval shall lapse and be of no further effect. Where an approval has so lapsed, the proposed development shall not be carried out without the further approval of Council having first being sought and obtained.
4. The two (2) new rainwater tanks and associated infrastructure proposed to be used for stormwater drainage management purposes shall be installed prior to occupation and use of the proposed new shed.
5. The proposed stormwater drainage outlet to Bennett Street shall be constructed to the specifications and satisfaction of the Shire's Chief Executive Officer in consultation with the Shire's Manager Infrastructure Services.
6. Any solid waste generated by the activities on the land shall be managed and disposed of at an appropriate, suitably approved landfill site on at least a monthly basis and more regularly if and as instructed by the Shire's Chief Executive Officer in consultation with the Shire's Environmental Health Officer.
7. No abrasive blasting is permitted on the land at any time.
8. No heavy vehicle maintenance, repairs or cleaning / washdown are permitted on the land at any time.
9. If any cleaning of light vehicles, machinery or equipment is undertaken, a suitable washdown bay shall be provided on the land to the specifications and satisfaction of the Shire's Chief Executive Officer in consultation with the Shire's Environmental Health Officer.

Advice Notes:

1. This approval is not an authority to ignore any constraint to development on the land which may exist through contract or on title, such as an easement, memorial or restrictive covenant. It is the responsibility of the applicant and landowner and not the Shire to investigate any such constraints before commencing development. This approval will not necessarily have regard to any such constraint to development, regardless of whether or not it has been drawn to the Shire's attention.
2. This is a development approval of the Shire of Lake Grace under its Local Planning Scheme No.4. It is not a building permit or an approval to commence or carry out development under any other law. It is the responsibility of the applicant/landowner to obtain any other necessary approvals, consents, permits and licenses required under any other law, and to commence and carry out development in accordance with all relevant laws.
3. In accordance with the *Building Act 2011* and *Building Regulations 2012*, a building permit application must be submitted to and approved by the Shire's Building Surveyor prior to the commencement of any earthworks or construction on the land.
4. 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.
5. 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 Shire's Chief Executive Officer.
6. The noise generated by any activities on-site including cutting, grinding, sanding, machinery motors, equipment or vehicles shall not exceed the levels as set out under the *Environmental (Noise) Regulations 1997*.
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 Council.
8. All works in relation to the design and construction of any proposed washdown bay must comply with the *Health (Treatment of Sewage and Disposal of Effluent and Liquid Waste) Regulations 1974* and Australian Standard AS/NZS 3500.2:2003 Plumbing and Drainage. Any plumbing installed in connection with the washdown bay must include a copy of the Plumbers Licensing Board's Certificate of Compliance which must be submitted to the Shire on completion of the installation.
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 is aggrieved by this determination there is a right of review by the State Administrative Tribunal in accordance with the *Planning and Development Act 2005* Part 14. An application must be submitted directly to the State Administrative Tribunal within 28 days of the determination.



CARRIED: 6/0

15.3 HEALTH AND BUILDING

Nil

15.4 ADMINISTRATION

15.4.1 CO-OPERATIVE BULK HANDLING LIMITED (CBH) – EMERGENCY STORAGE – VARLEY

Applicant:	Co-Operative Bulk Handling Limited (CBH Ltd)
File No.:	0365
Attachments:	Concept Plan for Proposed Emergency Storage Development in Varley for 2022/23 Harvest Season
Author:	 Mr Alan George Chief Executive Officer
Disclosure of Interest:	The author has no interest to disclose
Date of Report:	15 July 2022
Senior Officer:	 Mr Alan George Chief Executive Officer

A total of four (4) Councillors declared a Financial Interest being shareholders and one (1) being an employee of CBH.

Council as per Local Government Act Section 5.60A and 5.65. discussed **Section 5.63(1)(a)** of the Act which states:

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;

As all Members present considered the nature and extent of their interests as declared for the agenda item to be common to a significant number of electors or ratepayers within the Shire of Lake Grace, it was determined that these were prescribed exempt interests as defined in the Act and as a result those six members could fully participate in the matter before Council.

Summary

For Council to grant temporary approval for the development of emergency grain storage on portion of Lot 85 on Deposited Plan 33429 Hyden-Lake King Road, Varley at Cooperative Bulk Handling Limited's existing grain handling and storage facility consisting of one 210m x 35m steel framed open bulkhead.

Background

CBH has a large carryover of grain from the record 2021 harvest at many of their receival sites. It has identified the potential need to build emergency storage at identified sites with forecasted storage

deficits due the enormous task of out-loading crop to port within a 12-month period. This combined with a significant anticipated yield for 2022/23 is driving a need for emergency storage at many of grain handling at many of its storage facilities. Varley has been identified as one of the sites.

A concept plan is attached showing the preferred location on farm CBH's existing site.

Comment

Last year, the Shire received similar proposals for sites in Lake King, Lake Grace and Newdegate. The Lake King project did not proceed, the Newdegate facility proceeded but on a reduced scale than originally approved and the Lake Grace project proceeded but on a different site than originally proposed.

The proposals from CBH were discussed with the Shire Town Planner Joe Douglas who offered the following advice at the time;

"My recent discussions with DPLH have confirmed development by CBH of this type is best defined as 'Industry-Rural' which is a use not listed in Local Planning Scheme No.4. This means any development application received must be classified as 'complex' and advertised for public comment for a minimum required period of 28 days. As such, I can't see Council being in a position to consider and determine any development application received until October. Given the 2021/22 harvest season will most likely commence at the beginning of November I can't see CBH having this proposed development completed in time.

The only other possible option that you and Council may wish to consider is allowing CBH to proceed with the project without the development approval typically required provided they formalise the development at some point over the next twelve (12) month period. Under the terms of clause 61 of the Planning and Development (Local Planning Schemes) Regulations 2015 a local government may grant approval for temporary works and/or uses that are in existence for less than 48 hours, or a longer period agreed by the local government, in any 12-month period. This means there is scope for Council to allow CBH to proceed almost immediately and to formalise everything by way of a DA over the course of the next year. We did this in the Shire of Corrigin recently for the same type of development by CBH in the Corrigin townsite and that Council was very supportive. The Lake Grace Shire Council's willingness to adopt a similar approach in Lake King and Lake Grace for the sake of expediency is the \$64,000 question and is something you may wish to flag with Councillors ASAP so we can advise CBH accordingly.

This proposal has been again discussed with the town planner who advises that given the situation and with the imposition of the same sort of conditions as last year's approval, there are no problems approving the request.

He further advised that earlier this year, he along with other senior planners were invited by CBH to attend discussions regarding this situation which is not just isolated to the Shire of Lake Grace. The plan of attack was formulated and conditions agreed upon by all parties.

It is to be noted that the Lake Grace temporary bulkhead is still required this year and as part of the original conditions, it is now the subject of a Development Application being lodged.

Given the very favourable harvest being predicted again this year and the large carry over from last year, it is recommended that Council allow CBH to proceed with the project without the development approval typically required, provided they formalise the development within the next twelve (12) month period.

Legal Implications

Local Planning Scheme No.4
Planning and Development (Local Planning Schemes) Regulations 2015
Planning and Development Act 2005 (as amended)

Policy Implications

Nil

Consultation

External Mr. Joe Douglas - Exurban Rural and Regional Planning
 Mr. Timothy Roberts - CBH Specialist Regulatory Approvals Advisor

Financial Implications

Nil at this stage. CBH will be liable for all costs associated with the proposed works. In due course CBH will be liable to the Shire for the formal development costs.

Strategic Implications

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

Economic Objective		A prosperous agricultural based economy, supporting diversification of industry
Outcome	1.1	An innovative, productive agriculture industry
Strategy	1.1.3	Support and promote the agricultural productivity of the district
Social Objective		A valued, healthy and inclusive community and life-style
Outcome	2.1	An engaged, supportive and inclusive community
Strategy	2.1.1	Community services and infrastructure meeting the needs of the district

Voting Requirements

Simple majority required.

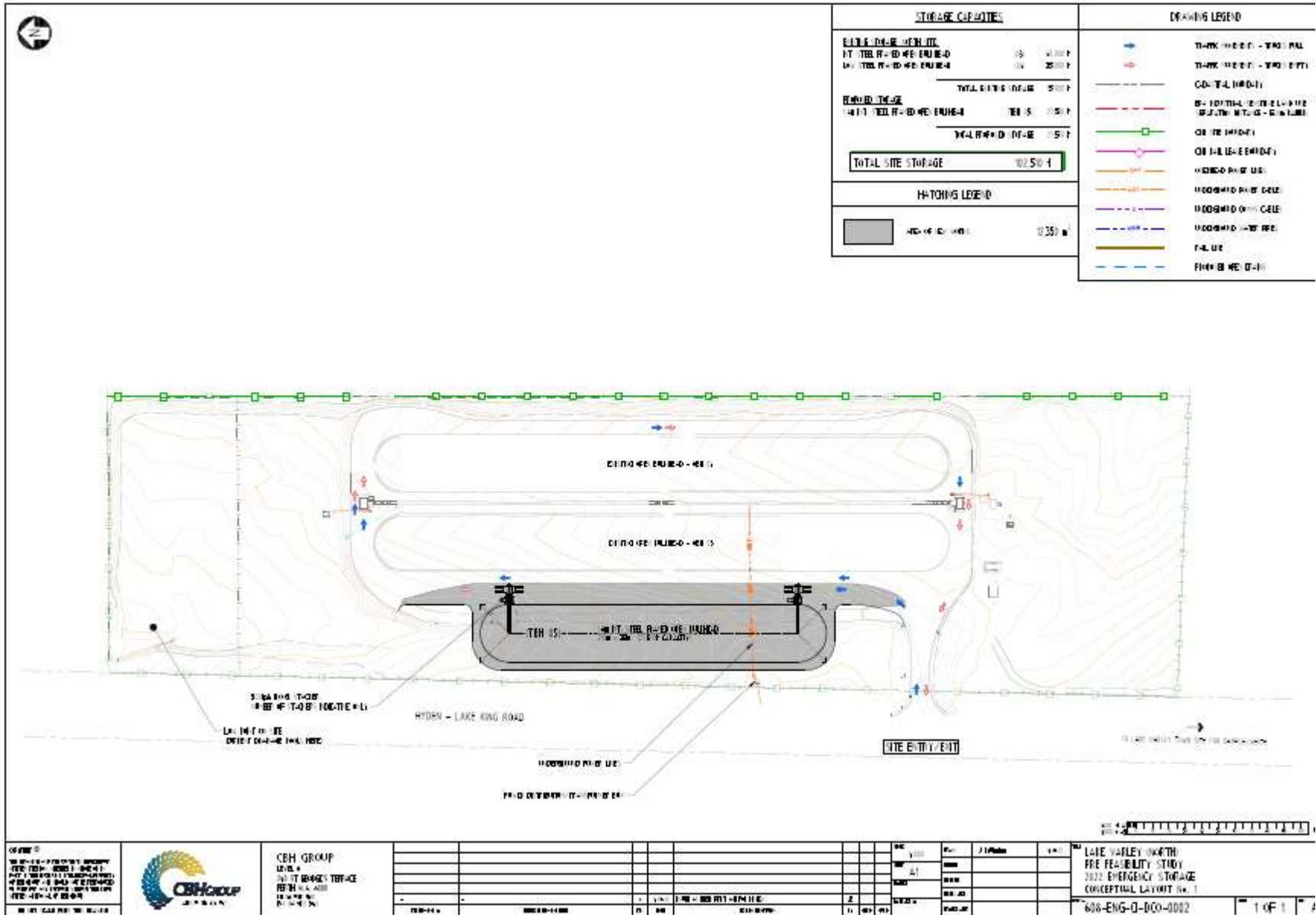
RESOLUTION 13604

Moved: Cr Hyde
Seconded: Cr Lloyd



That Council support and approve Co-Operative Bulk Handling Limited's request to waive the requirement for an immediate development approval for the temporary construction and use of emergency grain storage infrastructure on portion of Lot 85 on DP 33429 Hyden-Lake King Road, Varley for a twelve (12) month period from the date of Council's decision subject to the following conditions:

1. CBH is to provide written notification to the local government of the date of the commencement of the temporary works and use;
2. All stormwater drainage from the proposed new infrastructure must be contained and disposed of on-site;
3. All infrastructure the subject of this temporary approval shall cease to be used at the end of the temporary approval term, shall be removed from the land in its entirety within 28 days of expiry of the approval term including reinstatement of the land to its pre-development condition insofar as possible; and
4. Should CBH 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, including a traffic impact assessment and stormwater drainage management plan, 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: 7/0



15.4.2 CO-OPERATIVE BULK HANDLING LIMITED (CBH) – EMERGENCY STORAGE – NEWDEGATE

Applicant:	Co-Operative Bulk Handling Limited (CBH)
File No.:	0365
Attachments:	Concept Plan for Proposed Emergency Storage Development in Newdegate for 2022/23 Harvest Season
Author:	 Mr Alan George Chief Executive Officer
Disclosure of Interest:	The author has no interest to disclose.
Date of Report:	15 July 2022
Senior Officer:	 Mr Alan George Chief Executive Officer

A total of four (4) Councillors declared a Financial Interest being shareholders and one (1) being an employee of CBH.

Council as per Local Government Act Section 5.60A and 5.65. discussed **Section 5.63(1)(a)** of the Act which states:

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 —

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

As all Members present considered the nature and extent of their interests as declared for the agenda item to be common to a significant number of electors or ratepayers within the Shire of Lake Grace, it was determined that these were prescribed exempt interests as defined in the Act and as a result those six members could fully participate in the matter before Council.

Summary

For Council to grant temporary approval for the development of emergency grain storage on portion of Lot 216 on Deposited Plan 73436 Newdegate North Rd, Newdegate consisting of 2 450m x 35m steel framed open bulk heads for the storage of 105,300 tonnes of grain situated on cleared farmland.

Background

Last year, Council approved a late request from CBH for the construction of 4 temporary bulkheads on the above lot due to a much greater estimation of the 2021 crop. Approval was given and the requirement to lodge a development application was waived due to the temporary nature of the construction. If it was to remain for in excess of 12 months a development application was required.

Comment

CBH have advised that given the large carryover of grain at many receival sites from last year's record harvest and a significant anticipated yield this harvest that they require more temporary storage.

Last year CBH only constructed one of the approved bulkheads on the subject land instead of the 4 that it was given approval for. They are therefore seeking approval to leave the existing temporary bulkhead on site for this harvest and to erect a further bulkhead.

Advice has been sought from the Shire Town Planner Joe Douglas - Exurban Rural & Regional Planning regarding the request and he has advised that given the fact that the previous approval for 4 bulkheads wasn't fully executed that this can be seen as a new construction and the granting of approval for the construction of the new bulkhead and the keeping of the original bulkhead in situ can be approved without the necessity for a development application being lodged.

Mr. Joe Douglas along with other senior town planners have been in discussions with CBH regarding the requirements for temporary storage which is required in many locations across the wheatbelt.

Lot 216 is located immediately adjacent to the north-eastern boundary of the Newdegate townsite, comprises a total area of approximately 66.33 hectares and is gently sloping from east to west.

Given the very favourable harvest again forecast for this year it is recommended that Council approve the CBH request for the project without the development approval typically required provided they formalise the development within the next twelve (12) month period if they wish it to become permanent or remove it and reinstate the area to its former state within 12 months. All conditions of the previous approval will apply.

It is to be noted that CBH is pushing ahead with its expansion plans for its Newdegate storage facility.

Legal Implications

Local Planning Scheme No.4
Planning and Development (Local Planning Schemes) Regulations 2015
Planning and Development Act 2005 (as amended)

Policy Implications

Nil

Consultation

External Mr. Joe Douglas - Exurban Rural and Regional Planning
 Mr. Timothy Roberts - CBH Regulatory Approvals Adviser

Financial Implications

Nil at this stage. CBH will be liable for all costs associated with the proposed works. In due course CBH will be liable to the Shire for the formal development costs if permanency of the facility is pursued.

Strategic Implications

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

Economic Objective		A prosperous agricultural based economy, supporting diversification of industry
Outcome	1.1	An innovative, productive agriculture industry
Strategy	1.1.3	Support and promote the agricultural productivity of the district
Social Objective		A valued, healthy and inclusive community and life-style
Outcome	2.1	An engaged, supportive and inclusive community
Strategy	2.1.1	Community services and infrastructure meeting the needs of the district

Voting Requirements

Simple majority required.

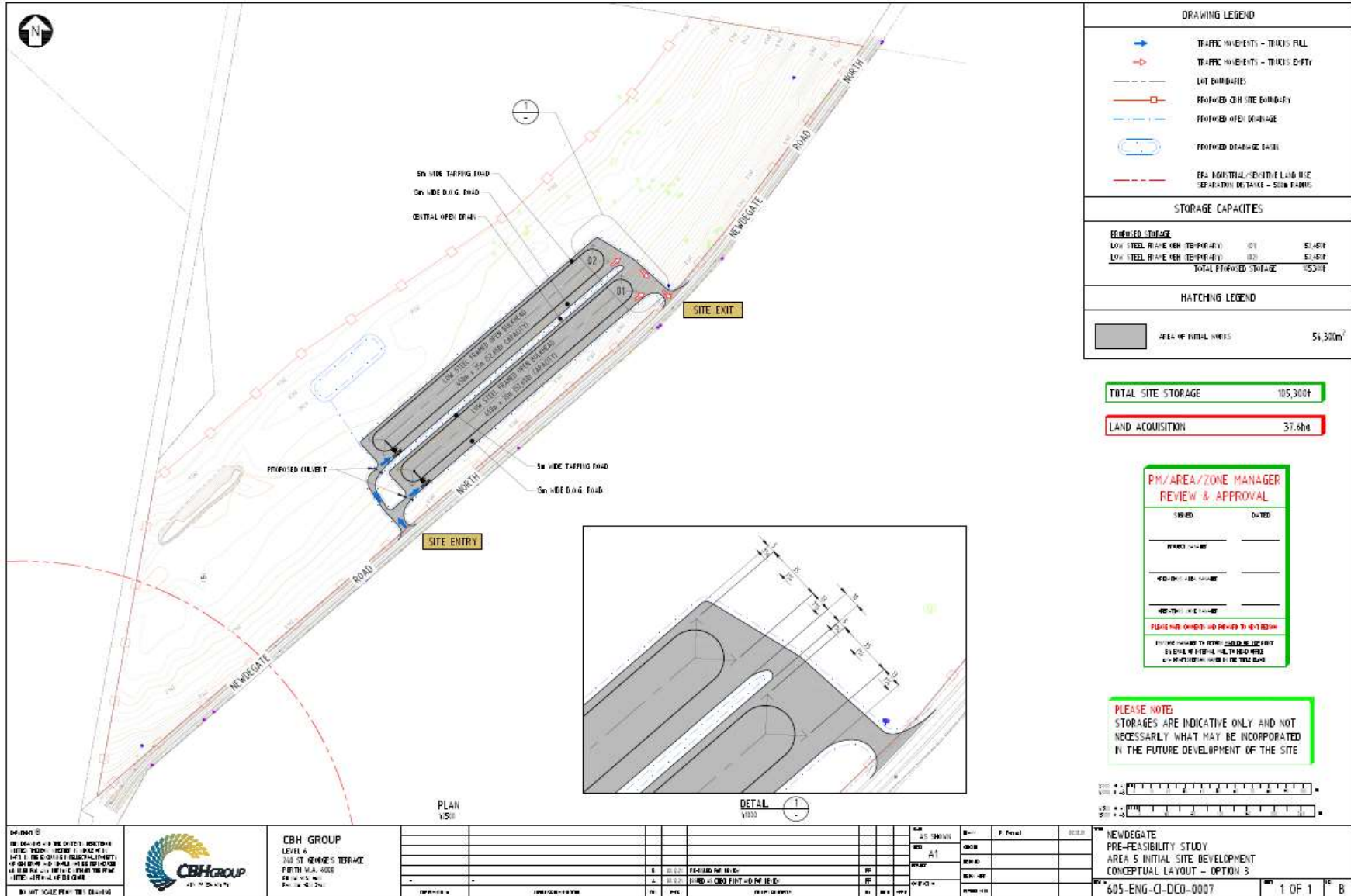
RESOLUTION 13605

Moved: Cr Lloyd
Seconded: Cr McKenzie

That Council support and approve Co-Operative Bulk Handling Limited's request to waive the requirement for an immediate development approval for the temporary construction and use of emergency grain storage infrastructure on portion of Lot 216 on Deposited Plan 73436 Newdegate North Road, Newdegate for a twelve (12) month period from the date of Council's decision subject to the following conditions:

1. CBH is to provide written notification to the Shire of Lake Grace of the commencement of the temporary works and use
2. There is to be no encroachments proposed on any portion of Lot 216 containing the floodplain area associated with Lake Stubbs which is classified 'Conservation' reserve in the Shire of Lake Grace Local Planning Scheme No.4 (LPS4)
3. All stormwater drainage associated with the proposed development on the subject land shall be contained and disposed of on-site; and
4. All infrastructure the subject of this temporary approval shall cease to be used at the end of the temporary approval term, shall be removed from the land in its entirety within 28 days of expiry of the approval term including reinstatement of the land to its pre-development condition insofar as possible.
5. Should CBH 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, including a traffic impact assessment and stormwater drainage management plan, 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: 7/0



DATE: 10/07/22
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CBH GROUP
 LEVEL 6
 2ND ST GEORGE'S TERRACE
 PERTH W.A. 6000
 PH: 08 9447 2000
 FAX: 08 9447 2001

NO.	REV.	DESCRIPTION	DATE	BY	CHECKED
1	01	ISSUED FOR PERMIT	10/07/22	AM	AM
2	02	ISSUED FOR PERMIT	10/07/22	AM	AM
3	03	ISSUED FOR PERMIT	10/07/22	AM	AM
4	04	ISSUED FOR PERMIT	10/07/22	AM	AM
5	05	ISSUED FOR PERMIT	10/07/22	AM	AM
6	06	ISSUED FOR PERMIT	10/07/22	AM	AM
7	07	ISSUED FOR PERMIT	10/07/22	AM	AM
8	08	ISSUED FOR PERMIT	10/07/22	AM	AM
9	09	ISSUED FOR PERMIT	10/07/22	AM	AM
10	10	ISSUED FOR PERMIT	10/07/22	AM	AM

NO.	REV.	DESCRIPTION	DATE	BY	CHECKED
1	01	ISSUED FOR PERMIT	10/07/22	AM	AM
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3	03	ISSUED FOR PERMIT	10/07/22	AM	AM
4	04	ISSUED FOR PERMIT	10/07/22	AM	AM
5	05	ISSUED FOR PERMIT	10/07/22	AM	AM
6	06	ISSUED FOR PERMIT	10/07/22	AM	AM
7	07	ISSUED FOR PERMIT	10/07/22	AM	AM
8	08	ISSUED FOR PERMIT	10/07/22	AM	AM
9	09	ISSUED FOR PERMIT	10/07/22	AM	AM
10	10	ISSUED FOR PERMIT	10/07/22	AM	AM

NEWDEGATE
 PRE-FEASIBILITY STUDY
 AREA 5 INITIAL SITE DEVELOPMENT
 CONCEPTUAL LAYOUT - OPTION 3
 605-ENG-CI-DCO-0007 1 OF 1 B

15.4.3 VACANT COUNCILLOR POSITION

Applicant:	Chief Executive Officer
File No.:	0374
Attachments:	Nil
Author:	 Mr. Alan George Chief Executive Officer
Disclosure of Interest:	Nil
Date of Report:	14 July 2022
Senior Officer:	 Mr. Alan George Chief Executive Officer

Summary

Nominations for the vacant councillor position closed at 4.00pm on Wednesday 13 July 2022.

There were no nominations received. As a result it is proposed to seek permission from the Electoral Commission to leave the position vacant until the next election in October 2023.

Background

Cr Shane Carruthers resigned from his position of councillor at the 27 April 2022 council meeting. As a result of this, an extraordinary election was to be held on 19 August 2022 with nominations closing on Wednesday 13 July 2022.

Comment

The Local Government Act 1995 states in **Section 4.17 Cases in which vacant offices can remain unfilled**

“If a councillor’s office becomes vacant under section 2.32 and under subsection (4A) this subsection applies, the council may, with the approval of the Electoral Commissioner, allow the vacancy to remain unfilled and, subject to subsection (4), in that case, the term of the member who held the office is to be regarded in section 4.6 as ending on the day on which it would have ended if the vacancy had not occurred.”*

** Absolute majority required.*

Given that there were no nominations for the position and the fact that with the local government reforms recently announced that shires with a population of under 5,000 people will have the option to reduce their councillor numbers down to between 5 and 7, it is recommended that Council seeks permission from the Electoral Office to leave the position vacant.

Legal Implications

Local Government Act 1995

Local government reforms announced July 2022 expected to come into effect at the next elections in October 2023.

Policy Implications

Nil

Consultation

External Western Australian Electoral Commission (WAEC)

Financial Implications

Some savings will be made by not having an election - \$10,000 as quoted by the WA Electoral Commission and councillor payments for 14 months.

Strategic Implications

This aligns with the Shire of Lake Grace Strategic community Plan 2017-2027 specifically:

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
	4.2.3	Provide a positive and safe workplace

Voting Requirements

Absolute majority required.

RESOLUTION 13606

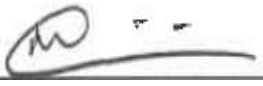
Moved: Cr Kuchling

Seconded: Cr Hyde

That Council seeks permission from the Western Australian Electoral Commission (WAEC) to leave the unfilled councillor position vacant in light of the recent local government reforms announced.

CARRIED BY ABSOLUTE MAJORITY: 7/0

15.4.4 BUSHFIRE RISK MANAGEMENT PLAN

Applicant:	Shire of Lake Grace Administration
File No.:	0382
Attachments:	Bushfire Risk Management Plan Approved Letter Bushfire Risk Management Plan
Author:	Mr Brian Humfrey Acting/Bushfire Risk Management Officer - DFES
Disclosure of Interest:	Nil
Date of Report:	18/07/2022
Senior Officer:	 Mr. Matt Castaldini Community Emergency Services Manager

Summary

Council is requested to consider the adoption of the Shire of Lake Grace Bushfire Risk Management Plan 2022-2027, which has been reviewed and supported by the Office of Bushfire Risk Management (OBRM).

Background

The Shire of Lake Grace Bushfire Risk Management Plan 2022-2027, has been developed in accordance with the requirement of the Guidelines for Preparing a Bushfire Risk Management Plan (BRMP), which is consistent with the policies of the State Emergency Management Committee.

The BRMP is a living document that Local Governments are required to produce under the State Hazard Plan for Fire. It details the risk from bushfire to identified assets, allows treatment to be applied and records maintained of all works completed. Once approved by the Office of Bushfire Risk Management (OBRM), it also qualifies the Shire as eligible to apply for funding under the Mitigation Activity Fund (MAF).

The BRMP is a strategic document that identifies assets at risk from bushfire and their priority for treatment. The resulting 'Treatment Schedule' sets out a broad program of coordinated multi-agency treatments to address risks identified in the BRMP. Government agencies, and other land managers responsible for implementing treatments, participate in developing the BRMP to ensure treatment strategies are collaborative and efficient, regardless of land tenure. Treatments will be guided by risk priority, not land tenure, and will not be limited to local government managed lands. Mitigation Activity Funds can, however, only be used on local government vested/managed land /reserves.

The objectives of the BRMP are to:

- Guide and coordinate a tenure blind, multi-agency bushfire risk management program over a five-year period;
- Document the process used to identify, analyse and evaluate risk, determine priorities and develop a plan to systematically treat risk;

- Facilitate the effective use of the financial and physical resources available for bushfire risk management activities;
- Integrate bushfire risk management into the business processes of local government, land owners and other agencies;
- Ensure there is integration between land owners and bushfire risk management programs and activities; and
- Monitor and review the implementation of treatments to ensure treatment plans are adaptable and risk is managed at an acceptable level.

Following the BRMP being reviewed and approved by the Office of Bushfire Risk Management (OBRM) the Shire will be eligible to apply under the MAF, for monies to complete the identified treatments. The Draft Bushfire Management Plan has been endorsed by the OBRM on 7th July 2022 as per attached letter.

Comment

There are a total of 564 assets identified for the BRMP assessments covering four (4) Asset Categories (Human Settlement, Economic, Environmental and Cultural). The assets were assessed by DFES in consultation with local stakeholders, on the likelihood rating and the consequence. The assessment also took into consideration the bushfire hazard based on the Classification of Vegetation, Separation Distance and the Slope Rating of the topography. From this assessment, a Risk Evaluation was formulated identifying the risk category and the treatment priority for each of the assets. Assets listed as High, Very High and Extreme will require treatment. It is not necessary to provide further updates to OBRM if any individual treatments are subsequently added, edited, rescheduled or deleted from the original schedule after this time. As per the Guidelines, at the end of each financial year, the Shire of Lake Grace will be required to prepare and submit a report to OBRM detailing progress against the BRM Plan. The annual report is a standard report generated within BRMS and comments may be added to the report to provide further context.

Legal Implications

As per obligations under section 2.2.7 of the State Hazard Plan for Fire, an integrated Bushfire Risk Management Plan is to be developed for Local Government areas with significant bushfire risk

Policy Implications

Nil

Consultation

Discussions have been undertaken with key stakeholders, including:

- Local Governments Bushfire Risk Planning Coordinator
- Department of Fire Emergency Services
- Community Emergency Services Manager

Financial Implications

There is funding available annually through the Mitigation Activity Funding, and this will be the primary source of funding. The funding available is for the initial treatment to reduce the fire risk, and thereafter it will be the responsibility of the Shire for ongoing maintenance. Funding under the MAF will have a resource implication for the Shire's Volunteer Bushfire Brigades, DFES Town Brigade and associated

volunteers. In addition, managing the projects funded under the MAF will impact internal staff resources.

Strategic Implications

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

Social Objective		A valued, healthy and inclusive community and life-style
Outcome	2.2	A healthy and safe community
Strategy	2.2.3	Support provision of emergency services and encourage community volunteers
Leadership Objective		Strong governance and leadership, demonstrating fair and equitable community values
Outcome	4.1	A strategically focused, unified Council functioning efficiently
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
	4.2.3	Provide a positive and safe workplace

Voting Requirements

Simple majority required.

RESOLUTION 13607



Moved: Cr Clarke

Seconded: Cr Hyde

That Council adopt the draft Bushfire Risk Management Plan to ensure that all the obligations under the State Hazard Plan are met and advise the Office of Bushfire Risk Management of its resolution.

CARRIED: 7/0

**15.4.5 STAGE 2 – DETAILED SITE INVESTIGATION – LOT 13598 (RESERVE 21558)
DUMBLEYUNG-LAKE GRACE ROAD (PROPOSED LIONS WALK TRAIL SITE)**

Applicant:	360 Environmental
File No.:	0067
Attachments:	<ul style="list-style-type: none"> • Letter from Department of Water and Environmental Regulation • Response to DWER
Author:	 Mr Alan George Chief Executive Officer
Disclosure of Interest:	Nil
Date of Report:	21 July 2022
Senior Officer:	 Mr Alan George Chief Executive Officer

Summary

For Council to receive the report from 360 Environmental regarding further requirements requested by the Department of Water and Environmental Regulation (DWER) on the possible contamination of Lot 13598 Dumbleyung-Lake Grace Road, Lake Grace.

Background

The Lake Grace Lions Club wish to construct a walk trail on Reserve 21558. This site was classified as Possibly Contaminated-Investigation Required on 2 October 2019.

The site on which the Lions Club wishes to build the walkway is located on the western edge of Lake Grace, 8kms west of the town on the Dumbleyung-Lake Grace Road adjacent to the current rest area. The reserve was originally used as a sanitary disposal site many years ago.

It was also believed to be used as a landfill site and there is evidence of rubbish and asbestos on it.

DWER requested a Preliminary Site Investigation and this was carried out in December 2019 by 360 Environmental who prepared the report and presented it to DWER.

DWER responded to the report in February 2020 advising that the site requires further investigation and the classification will remain unchanged at this time.

360 Environmental was engaged to undertake the additional investigations and the report was received on 8 April 2022.

The results indicated that the site was not originally used as landfill but appeared to merely be a site of fly dumped rubbish and asbestos. In addition, DWER's concern of some other underlying chemical readings within the site which required additional investigation proved unfounded as these readings were considered comparable with the readings taken off site.

The report was sent to DWER for its comments and future requirements for the area in question. The results however, may be completely moot with regards to the Lions Club of Lake Grace proposal to install a boardwalk as the land has now been identified for inclusion in the Southwest Native Title Settlement package and as such will not be available in the foreseeable future. The full report will be made available on request.

Comment

On 7 July DWER responded to the last report from 360 Environmental advising that the site is to remain as "Possibly contaminated-investigation required".
In the reasons for the classification remaining DWER state;

'Surficial fly-tipped materials are scattered across the site and significant quantities of ACM fragments are present on the surface of the north-west and eastern portions at the time of this classification. Soil quality below the fly-tipped material is not known. The site is not suitable for redevelopment until surficial wastes have been removed from the site and further assessments have been undertaken.

There are grounds to indicate possible contamination of the site and further risk assessment is required to determine the risk to human health, the environment, and environmental values.

Therefore, the site is classified as "possibly contaminated – investigation required."

Action Required:

Surficial fly-tipped materials should be removed and disposed offsite to an appropriately licensed waste management facility. Further investigations are required to characterise and validate ground conditions below the fly-tipped materials once removed.

A remediation action plan (RAP) that includes a remedial or management strategy for the ACM fragments should be submitted to the department by December 2022 or prior to redevelopment. Investigations should be carried out in accordance with the department's Contaminated Sites Guidelines, the 'National Environment Protection (Assessment of Site Contamination) Measure 1999' and the 'Guidelines for the Assessment, Remediation and Management of Asbestos - Contaminated Sites in Western Australia'

The last Detailed Site Investigation (DSI) cost the Shire \$49,192 and it would be anticipated that a further DSI would be a similar amount. This would bring the total amount spent to in the vicinity of \$135,179 with little or nothing to show for our outlay. This amount does not include the removal of the fly tipped rubbish and asbestos.

Clarification has been sought from DWER and a scenario put to it regarding a plan of action regarding the site as detailed in the 2nd Attachment.

Council needs to bring this matter to a head. There are two (2) options that Council can take:

1. Continue outlaying funds for this project which means that the shire would be up for another \$465,000+ for the cleanup (based on November 2020 prices), dependent on what the DSI uncovers, or
2. Take the action recommended by administration to DWER if approved.

Option 2 would rule out any possibility of Lions proceeding with its plan for the walk trail over the land.

Legal Implications

The Contaminated Sites Act 2003 (CS Act)
Contaminated Sites Regulations 2006

Policy Implications

Nil

Consultation

External 360 Environmental
 Department of Water and Environmental Regulation

Financial Implications

Funds expended to date	DSI 1	\$ 37,334.00
	DSI 2	\$ 49,192.00
(Additional DSI Estimation)	DSI 3	\$ 49,192.00
Estimated cost of clean-up (Nov. 2020)		<u>\$465,790.00</u>
Estimated Total		\$601,508.00

This is a huge sum of money to outlay just to clear the way for the walk trail project to get off the ground. The cost to proceed in this manner would far outweigh the benefits to the community.

Should DWER approve of the recommendation made by Administration, the Shire would be up for the removal of the surface rubbish and asbestos and for the cost of fencing and signage.

Strategic Implications

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

Economic Objective		A prosperous agricultural based economy, supporting diversification of industry
Outcome	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

Voting Requirements

Simple majority required.

RESOLUTION 13608

Moved: Cr Hyde

Seconded: Cr Kuchling

That Council:

1. Subject to approval by the Department of Water and Environmental Regulation proceeds with the action plan recommended by Shire Administration .
2. Formally advises the Lions Club of Lake Grace that the subject land will remain as “Possibly Contaminated” and no development will be allowed on the site.

CARRIED: 7/0

Cr Clarke asked a question of whether the Lions Club can construct the walkway as presented to the Shire administration.

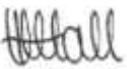

The CEO responded and said that it all depends if the Shire receives approval from DWER to remove the surface dumped material only and fence off the area. For the meantime, the Shire administration is seeking for Council resolution to once and for all settle this matter as it has gone long enough and a decision has to be made as to the future of the walk trail. Depending upon DWER’s response a walk way may be able to be constructed in an adjacent part of the lake but this would be subject to Native Title approval and restraints.

The Shire President commented that this matter has been going on for so long and unsure where it will head, we could be waiting years for the final answer. Need to approach/consult the Lions Club on this matter as the Shire spent a lot of money on the jam patch and suggested that the Lions Club to discuss with the Shire if they have the money to fund the walk trail in another location.

Community member Mr Darren Spencer said that the Lions Club will approach the Shire with a proposal of fencing off the existing parking area with chains and bollards in order to deter people from driving on the lake.

15.5 FINANCE

15.5.1 ACCOUNTS FOR PAYMENT – 30 JUNE 2022

Applicant	Internal Report
File No	0277
Attachments	List of Accounts Payable
Author	 Mrs Tegan Hall Manager Corporate Services
Disclosure of Interest	Nil
Date of Report	19 July 2022
Senior Officer	 Mr Alan George Chief Executive Officer

Summary

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

Background

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

Comment

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

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

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

Legal Implications

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

Policy Implications

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

Consultation

Nil

Financial Implications

The list of creditors paid for the month of June 2022 from the Municipal and Trust Accounts total to \$864,095.43.

Strategic Implications

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

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

Voting Requirements

Simple majority required.

RESOLUTION 13609

Moved: Cr Lloyd
Seconded: Cr Kuchling

That Council ratify the list of payments totalling \$864,095.43 as presented for the month of June 2022 incorporating:

Payment Method	Cheque/EFT/DD Number	Amount
Electronic Funds Transfers	EFT23681 – EFT23775	\$792,221.97
Municipal Account Cheques	36999 – 37005	\$33,463.62
Direct Debits	DD10039.1 – DD10082.1	\$38,409.84
	TOTAL	\$864,095.43

CARRIED: 7/0

Shire of Lake Grace



CERTIFICATE OF EXPENDITURE June 2022



This Schedule of Accounts to be passed for payment, covering

Payment Method	Cheque/EFT/DD Number	Amount
Electronic Funds Transfers	EFT23681 – EFT23775	\$792,221.97
Municipal Account Cheques	36999 - 37005	\$33,463.62
Direct Debits	DD10039.1 – DD10082	\$38,409.84
	TOTAL	\$864,095.43

to the Municipal Account, totalling \$864,095.43 which were submitted to each member of the Council on 27 July 2022, have been checked and fully supported by vouchers and invoices which are submitted herewith and which have been duly certified as to the receipt of goods and the rendition of services and as to prices, computations, and costing's and the amounts shown are due for payment.

Alan George
CHIEF EXECUTIVE OFFICER

15.5.2 FINANCIAL REPORTS – 30 MAY 2022

Applicant:	Internal Report
File No.	0275
Attachments:	<ul style="list-style-type: none"> • Monthly Financial Reports • Bank Reconciliations – May 2022
Author:	 Mrs Victoria Fasano Finance Officer – Reporting and Investments
Disclosure of Interest	Nil
Date of Report	18 July 2022
Senior Officer	 Mr Alan George Chief Executive Officer

Summary

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

Background

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

Comment

As at 31 May 2022, operating revenue over target by \$2,640,190 (36.65%) due to WA Financial Assistance Grant received are over budget by \$2,340,381. Interest earnings below target due to low interest rates. Fees and Charges and Profit on disposal of assets are below budget.

Operating expenditure is under YTD budget by \$1,978,346 (19.53%) mainly due to Materials and contracts, employee and overhead costs down as well as utility charges. Loss on disposal of assets is lower than predicted. Depreciation and Insurance expenses on the other hand are slightly over the budget target.

The capital program is below the target by \$2,362,565 (48.91%). Capital grants and contributions are down due to some of Local Roads & Community and Drought & Community projects are not yet initiated/finalised, funds will be recognised later in this or next financial year. Payments for property, plant and equipment are below target as well due to slow-down in capital projects. This leads to Capital grants income decrease being offset by the reduction in payments for property, plant and equipment.

Cash at bank is similar to the corresponding period last year.

Outstanding rates is tracking well and have recovered 98.9% to date.

General debtor is \$38,472 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 31 May 2022. The financial statements have been compiled to meet compliance with the Local Government Act 1995 and associated regulations.

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

Legal Implications

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

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

Policy Implications

Nil

Consultation

Internal Mrs Tegan Hall – Manager Corporate Services

Financial Implications

Nil

Strategic Implications

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

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

Voting Requirements:

Simple majority required.

RESOLUTION 13610

Moved: Cr Hyde
Seconded: Cr Kuchling

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

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

CARRIED: 7/0


15.6 COMMUNITY SERVICES

Nil

16.0 QUESTIONS OF WHICH DUE NOTICE HAS BEEN GIVEN

Nil

17.0 INFORMATION BULLETIN – JULY 2022

Applicant:	Internal Report
File No.	Nil
Attachments:	Information Bulletin Cover Page Only
Author:	<i>RRRose</i> Mrs Racelis Rose Executive Assistant
Disclosure of Interest:	Nil
Date of Report:	18 July 2022
Senior Officer:	 Mr Chris Paget Deputy Chief Executive Officer

Summary

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

Background / Comment

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

The July 2022 Information Bulletin attachments include:

Reports:

- Infrastructure Services Report – June 2022
- Environmental Health Officer Report – April to June 2022
- Lake Grace Visitor Centre Report – April to June 2022
- Lake King Library Report and Statistics – July 2022
- Newdegate Library Report and Statistics – July 2022
- Lake Grace Library Report and Statistics – July 2022

External Organisations

- Minutes – Varley Progress Association – 22 June 2022
- Minutes – Central Country Zone – Friday 24 June 2022
- Media Release – Local Government Strengthened by new reforms

Circulars, Media Releases, Newsletters, Letters:

- SHICC Public Health Bulletin No. 29 – 28 June 2022
- SHICC Public Health Bulletin No. 30 – 12 July 2022

Legal Implications

Nil

Policy Implications

Nil

Consultation

Nil

Financial Implications

Nil

Strategic Implications

This aligns with the Leadership Objective of the Shire of Lake Grace Strategic Community Plan 2017 – 2027 particularly Outcome 4.1 and Outcome 4.2 below:

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

Voting Requirements

Simple majority required.

RESOLUTION 13611

Moved: Cr Lloyd

Seconded: Cr Hyde

That Council accepts the Information Bulletin Report for July 2022.

CARRIED: 7/0

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

RESOLUTION 13612

Moved: Cr Chappell
Seconded: Cr Lloyd

That Council meet behind closed doors at 4:31pm to consider the confidential item(s) in accordance with Section 3.7 of the Shire of Lake Grace Standing Orders Local Law 2015.

Item 17.1.1 Alleged Breach of Environmental Protection Act 1986 Section 51C

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

CARRIED: 7/0

Mr Darren Spencer and Mr Wally Perry left the Council Chambers at 4:31pm and did not return.

RESOLUTION 13613

Moved: Cr Kuchling
Seconded: Cr Hyde

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

CARRIED: 7/0

RESOLUTION 13613

Moved: Cr Chappell
Seconded: Cr McKenzie

That Council move from behind closed doors at 4:40pm to proceed with the meeting.

CARRIED: 7/0

19.0 DATE OF NEXT MEETING – 24 AUGUST 2022

The next Ordinary Council Meeting is scheduled to take place on Wednesday 24 August 2022 commencing at 3:30pm at the Council Chambers, 1 Bishop Street, Lake Grace.

20.0 CLOSURE

There being no further business, the Shire President closed the meeting at 4:40pm.

21.0 CERTIFICATION

I, Leonard William Armstrong certify that the minutes of the Ordinary Council Meeting held on 27 July 2022 as shown were confirmed as a true record of the meeting.

Signature

Date