

Shire of Lake Grace

Ordinary Council Meeting



NOTICE PAPER

To the President and Councillors

In accordance with the provisions of Section 5.5 of the Local Government Act 1995, you are hereby notified that an Ordinary Meeting of Council has been convened:

Date: Wednesday 28 September 2022

At: Council Chambers
1 Bishop Street, Lake Grace, WA

Commencing: 3:30 pm

To discuss the items of business in the agenda as set out on the following pages.

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

Alan George
Chief Executive Officer

19 September 2022
Date

Shire of Lake Grace

Ordinary Council Meeting

Agenda

28 September 2022

Meeting Commencing at 3:30 pm

Disclaimer

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

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

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

Agenda for the Ordinary Council Meeting to be held at the Council Chambers, 1 Bishop Street, Lake Grace, WA on Wednesday 28 September 2022 commencing at 3:30pm.

1.0 DECLARATION OF OPENING ANNOUNCEMENT OF VISITORS

2.0 CONSTITUTIONAL MATTERS

2.1 DISCLAIMER READING AND ACKNOWLEDGEMENT OF COUNTRY

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

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

Acknowledgement of Country

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

3.1 PRESENT

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

3.2 APOLOGIES

Cr JV McKenzie

3.3 IN ATTENDANCE

Mr A George	Chief Executive Officer
Mr C Paget	Deputy Chief Executive Officer
Mr K Wilson	Manager Corporate Services
Mr C Elefsen	Manager Infrastructure Services
Mr M Castaldini	Community Emergency Services Manager
Mrs R Rose	Executive Assistant

3.4 OBSERVERS / VISITORS

3.5 LEAVE OF ABSENCE PREVIOUSLY GRANTED

4.0 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

5.0 PUBLIC QUESTION TIME

6.0 PETITIONS/DEPUTATIONS/PRESENTATIONS

7.0 NOTATIONS OF INTEREST

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

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

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

8.0 APPLICATIONS FOR LEAVE OF ABSENCE

9.0 ANNOUNCEMENTS BY THE PRESIDING MEMBER WITHOUT DISCUSSION

10.0 CONFIRMATION OF MINUTES

10.1 ORDINARY COUNCIL MEETING – 24 AUGUST 2022

RECOMMENDATION / RESOLUTION

That the Minutes of the Ordinary Council Meeting held on 24 August 2022 be confirmed as a true and accurate record of the meeting.

10.2 SPECIAL COUNCIL MEETING

10.3 ANNUAL MEETING OF ELECTORS

11.0 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

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

13.0 REPORTS OF COMMITTEES

13.1 BUSH FIRE ADVISORY COMMITTEE – 14 SEPTEMBER 2022

RECOMMENDATION / RESOLUTION

That the Minutes of the Bush Fire Advisory Committee Meeting held on 14 September 2022 be received.

14.0 REPORTS OF OFFICERS

14.1 INFRASTRUCTURE SERVICES

14.1.1. TRANSFER OF FUNDS, HOLT ROCK SOUTH ROAD TO MALLEE HILL ROAD

Applicant:	Internal Report
File No.:	0845
Attachments:	Nil
Author:	Mr Craig Elefsen – Manager Infrastructure Services
Disclosure of Interest:	Nil
Date of Report:	23 September 2022
Senior Officer:	Mr Alan George – Chief Executive Officer

Summary

That Council authorise the transfer of \$30,600 excluding GST from Job 1210507 Holt Rock South Road to Job 1210501 Mallee Hill Road.

Background

As part of the 2022/2023 road resealing program, both Holt Rock South Road and Mallee Hill Road have sections to be resealed.

Comment

Holt Rock South Road and Mallee Hill Road both had provisions in the 2022/2023 annual budget for sections to be resealed. The Manager Infrastructure Services sent out a Request for Quote via the eQuotes platform and received two (2) responses. Upon reviewing the submissions, it was deemed necessary to undertake a site visit to confirm spray rates and application binder products. From the site investigation, it was found that the Mallee Hill Road section would need a higher percentage of crumbed rubber binder than initially expected. The reason for the additional binder is due to the current condition of the pavement i.e. bad cracking and minor pavement defects.

Holt Rock South Road re-seal was initially budgeted for a higher spray rate, after the site visit and testing it was deemed appropriate to lower the spray rate hence, the funds left available to transfer to the Mallee Hill Road Job.

Legal Implications

Local Government Act 1995

6.8. Expenditure from municipal fund not included in annual budget

- (1) A local government is not to incur expenditure from its municipal fund for an additional purpose except where the expenditure —
 - (a) is incurred in a financial year before the adoption of the annual budget by the local government; or
 - (b) is authorised in advance by resolution*; or

(c) is authorised in advance by the mayor or president in an emergency.

** Absolute majority required.*

(1a) In subsection (1) —

additional purpose means a purpose for which no expenditure estimate is included in the local government's annual budget.

(2) Where expenditure has been incurred by a local government —

(a) pursuant to subsection (1)(a), it is to be included in the annual budget for that financial year; and

(b) pursuant to subsection (1)(c), it is to be reported to the next ordinary meeting of the council.

Policy Implications

Nil

Consultation

Internal: Mr. Jason Lip - Technical Officer

Financial Implications

Shire of Lake Grace 2022/2023 Adopted Budget figures.

1210507 Holt Rock South Road Budget	\$177,475.00
1210501 Mallee Hill Road Budget	\$256,700.00

Budget Figures after transfer:

1210507 Holt Rock South Road Budget	\$146,875.00
1210501 Mallee Hill Road Budget	\$287,300.00

Strategic Implications

This aligns with the Shire of Lake Grace Strategic Community Plan 2017-2027 particularly Economic Objective as follows:

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

Voting Requirements

Absolute majority required.

RECOMMENDATION / RESOLUTION

That Council: authorise the transfer of \$30,600 excluding GST from Job 1210507 Holt Rock South to Job 1210501 Mallee Hill Road.

14.2 PLANNING

14.2.1 DEVELOPMENT APPLICATION – PROPOSED CHANGE OF USE OF LOT 206 (NO.20) MAY STREET, NEWDEGATE FROM ‘INDUSTRY – LIGHT & CARETAKER’S DWELLING’ to ‘COMMUNITY PURPOSE – AMBULANCE DEPOT & TRAINING FACILITY’ INCLUDING VARIOUS ASSOCIATED UPGRADES

Applicant:	Mr Gary Guelfi on behalf of St John Ambulance WA Ltd (Landowner)
File No.:	TBA
Attachments:	Development Application documentation and plans
Author:	Mr Joe Douglas – Town Planner
Disclosure of Interest:	Nil
Date of Report:	21 September 2022
Senior Officer:	Mr Alan George – Chief Executive Officer

Summary

This report recommends that Council grant **conditional approval** to a development application received from Mr Gary Guelfi on behalf of St John Ambulance WA Ltd (Landowner) to change the current approved use of Lot 206 (No.20) May Street, Newdegate from ‘Industry-Light & Caretaker’s Dwelling’ to ‘Community Purpose - Ambulance Depot & Training Facility’ including various upgrades to the existing building on the land and its immediate surrounds.

Background

Mr Gary Guelfi, acting on behalf of St John Ambulance WA Ltd (Landowner), has submitted a development application requesting Council’s approval to change the current approved use of Lot 206 (No.20) May Street, Newdegate from ‘Industry-Light & Caretaker’s Dwelling’ to ‘Community Purpose - Ambulance Depot & Training Facility’ including various upgrades to the existing building on the land and its immediate surrounds.

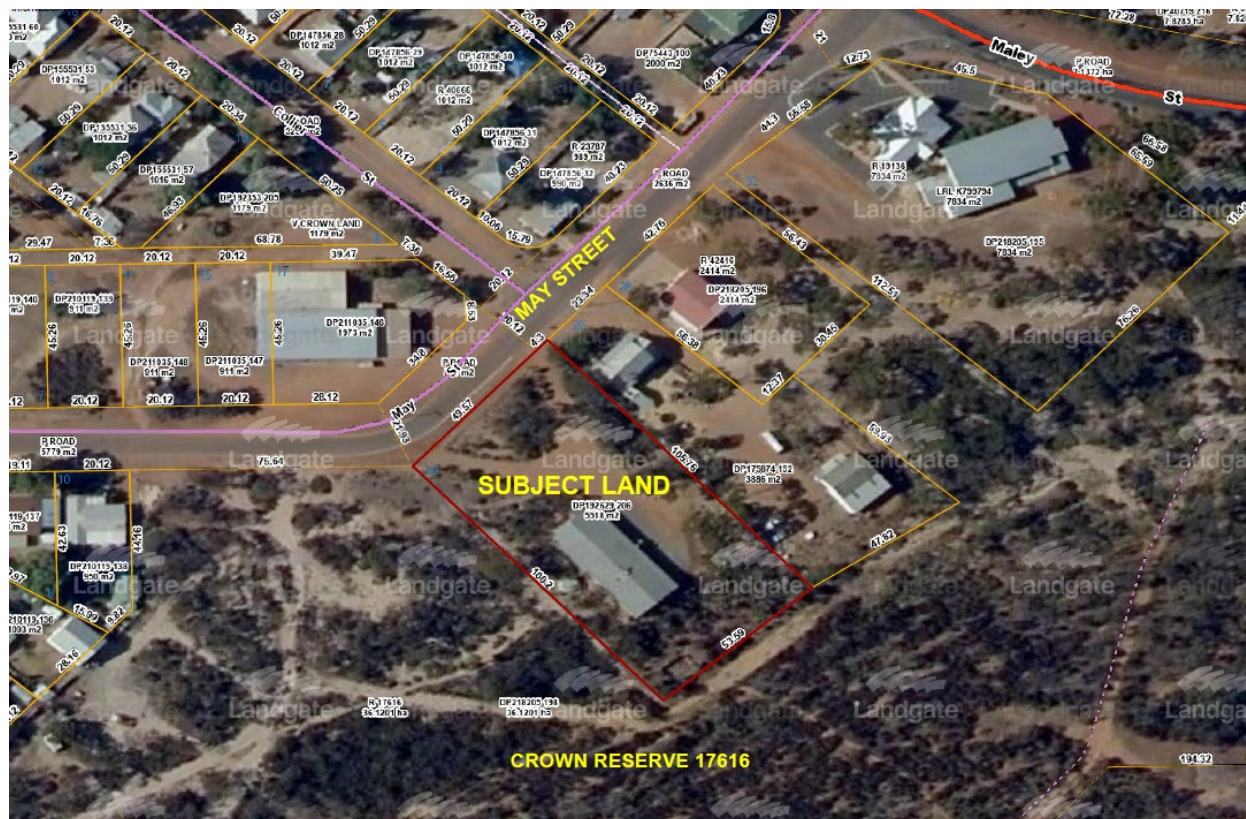
A full copy of the application received, including supporting documentation and plans, is provided in Attachment 1.

Lot 206 is located in a designated service commercial and community purpose precinct in the southern part of the Newdegate townsite and comprises a total area of approximately 5,518m². The land is relatively flat throughout, contains a significant amount of native vegetation, and has direct frontage and access to May Street along its front boundary to the north-west which is sealed and drained local road under the care, control and management of the Shire.

The subject land has been developed and used for light industry (i.e. motor vehicle repairs) and caretaker’s dwelling purposes for many years and contains a number of associated improvements including a 448.95m² brick and steel framed and clad building, unsealed vehicle accessways, informal parking areas and two (2) driveway crossovers to May Street as well as key essential service infrastructure including reticulated power, water, sewerage and telecommunications.

Lot 206 does not contain any sites of European or Aboriginal Heritage significance, is not subject to inundation or flooding during extreme storm events, and is not located within a designated Public Drinking Water Source Area. The property has however been designated by the Fire and

Emergency Services Commissioner as being bushfire prone.



Location & Lot Configuration Plan (Source: Landgate 2022)

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

- North: May Street road reserve with service commercial and low-density residential development beyond;
- South: Crown Reserve 17616 which is vested in the Water Corporation for water supply purposes and the Newdegate golf course beyond;
- East: Service commercial development, emergency services (i.e. the Newdegate Bushfire Brigade) and the Newdegate town hall beyond; and
- West: Crown Reserve 17616 and low-density residential development beyond.

Comment

Lot 206 is classified 'Service Commercial' zone in the Shire of Lake Grace Local Planning Scheme No.4 (LPS4).

The proposed use of Lot 206 to accommodate an ambulance depot and associated training facility falls under the use class 'community purpose' which is defined in Schedule 1 of LPS4 as premises designed or adapted primarily for the provision of educational, social or recreational facilities or services by organisations involved in activities for community benefit.

Under the terms of the Zoning Table in LPS4 the use class 'community purpose' is listed as a discretionary (i.e. 'A') use on any land classified 'Service Commercial' zone which means it is not

permitted without Council's development approval following completion of public advertising for a minimum required period of fourteen (14) days.

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) State Planning Policy 3.7 entitled '*Planning in Bushfire Prone Areas*' and the associated guidelines; and
- iv) the outcomes from public advertising, which included referral to the Shire's Community Emergency Services Manager and Chief Bushfire Control Officer, with no objections received.

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

- Land use compatibility;
- Environmental protection and conservation;
- Visual character and amenity;
- Vehicle access and parking;
- Landscaping (i.e. retention of existing native vegetation);
- Key essential service infrastructure; and
- Bushfire risk management.

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

- Bushfire Risk

The Bushfire Attack Level (BAL) Assessment Report submitted in support of the application confirms the bushfire risk rating for the property in its current state is BAL-FZ (i.e. Flame Zone) due to the existing vegetation on the site and adjoining Crown Reserve 17616. The report confirms the proposed development can achieve a BAL-29 rating (i.e. a moderate bushfire hazard level) provided:

- a) the existing vegetation on the site is managed as an Asset Protection Zone in accordance with the *Guidelines for Planning in Bushfire Prone Areas* as described in section 5 of the report and the Shire's annual firebreak notice;
- b) the firebreaks associated with Crown Reserve 17616 are maintained by the Water Corporation in accordance with the Shire's annual firebreak notice; and
- c) Construction of the proposed new three (3) metre wide roofed alfresco area on the north-western side of the existing building does not proceed due to the potential bushfire risk.

In light of these findings it is recommended Council impose a condition on any development approval that may ultimately be granted requiring compliance with the guidance and recommendations contained in the BAL Assessment Report dated 3 July 2022.

- Clearing of Native Vegetation

Portions of the site containing existing native vegetation will need to be cleared to

accommodate an additional proposed vehicle accessway and parking area on the north-western side of the existing building, the proposed parking area along the land's eastern-side boundary and the Asset Protection Zone recommended in the BAL Assessment Report referred to previously above.

Clause 4.38 of LPS4 expressly states the clearing of any native vegetation within the Scheme Area is not permitted unless a clearing permit is obtained from the Department of Water and Environmental Regulation (DWER) under the provisions of the *Environmental Protection (Clearing of Native Vegetation) Regulations 2004* or the clearing is of a type that does not require a permit i.e. the clearing is for an exempt purpose as prescribed in the *Environmental Protection (Clearing of Native Vegetation) Regulations 2004*.

It is up to the applicant/landowner to address the specific requirements of the *Environmental Protection (Clearing of Native Vegetation) Regulations 2004* by consulting with DWER to confirm if a clearing permit application is required prior to the commencement of development. It is expected the development will only be able to proceed if the vegetation clearing impacts and proposed environmental mitigation / offset arrangements are deemed acceptable by DWER and the relevant environmental approvals are granted thereafter if required.

In light of the above, it is recommended Council include an Advice Note on any development approval that may ultimately be granted advising the applicant/landowner of their obligation to comply with the specific requirements of the *Environmental Protection (Clearing of Native Vegetation) Regulations 2004* prior to the commencement of development.

- Sealing of On-Site Vehicle Accessways & Parking Areas

Clause 4.8.5 of LPS4 expressly states all on-site vehicle accessways and parking areas in the Commercial and Service Commercial zones are required to be sealed and drained to the specifications and satisfaction of the local government.

The plans submitted in support of the application show the existing and proposed on-site vehicle accessways and parking areas will have a gravel surface with no sealing or drainage works proposed.

The requirement to seal and drain on-site vehicle accessways and parking areas was introduced after the land was originally developed and used for light industry (i.e. motor vehicle repairs) and caretaker's dwelling purposes. There have been no recorded issues regarding loose gravel being deposited on the May Street road carriageway from the property arising from any vehicle usage or stormwater emanating from the site during extreme storm events. Council has also previously waived the requirement for sealing and draining works associated with vehicle accessways and parking areas for developments undertaken on other Commercial and Service Commercial zoned properties in the Shire's townsites where such works were considered unnecessary.

Given these findings 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 without the need for the sealing and draining of the existing and proposed on-site vehicle accessways and parking areas.

In light of all the above it is concluded the proposal for Lot 206 is unlikely to have a negative impact on the general amenity, character, functionality and safety of the immediate locality and may therefore be supported and approved by Council subject to the imposition of a number of conditions to ensure the development proceeds in a proper and orderly manner. As such, it is recommended Council exercise discretion and grant conditional development approval.

Legal Implications

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

Policy Implications

- State Planning Policy 3.7 - Planning in Bushfire Prone Areas
- Guidelines for Planning in Bushfire Prone Areas

Consultation

As mentioned previously above, the application was advertised for public comment for the minimum required period of fourteen (14) days which included a public notice on the Shire's website, public display of the application at the Shire's Administration Centre in Lake Grace and referral of the application to the Shire's Community Emergency Services Manager and Chief Bushfire Control Officer for review and comment.

At the conclusion of public advertising no submissions or objections were received in respect of the proposal. The Shire's Community Emergency Services Manager did however advise via email that the proposal is acceptable from a bushfire management point of view and should not give rise to any major issues or concerns provided it is implemented in accordance with the requirements of the Guidelines for Planning in Bushfire Prone Areas as described in the Bushfire Attack Level (BAL) Assessment Report submitted in support of the application.

The Shire's Community Emergency Services Manager also confirmed contact has been made with the Water Corporation to ensure all boundary firebreaks associated with Crown Reserve 17616 located immediately south and west of Lot 206 are maintained in accordance with the Shire's annual Fire Management Notice to help mitigate any future potential bushfire risk.

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 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

- *Shire of Lake Grace Local Planning Strategy 2007* as it applies specifically to the development of a vibrant community that has access to a wide range of services and

facilities for all age groups which help to foster a strong sense of community and attract people to live in the Shire.

- *Shire of Lake Grace Strategic Community Plan 2017-2027:*

Social Objective - A valued, healthy and inclusive community and lifestyle.

Outcome 2.1 - An engaged, supportive and inclusive community.

Outcome 2.2 - A healthy and safe community.

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.

Outcome 3.2 - A natural environment for the benefit and enjoyment of current and future generations.

Voting Requirements

Simple majority required.

RECOMMENDATION / RESOLUTION

That the development application submitted by Mr Gary Guelfi on behalf of St John Ambulance WA Ltd (Landowner) to change the current approved use of Lot 206 (No.20) May Street, Newdegate from 'Industry-Light & Caretaker's Dwelling' to 'Community Purpose - Ambulance Depot & Training Facility', including various upgrades to the existing building on the land and its immediate surrounds, 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 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 the local government having first being sought and obtained.
4. All on-site vehicle parking bays shall be constructed in accordance with the plans submitted in support of the application prior to occupation and use of the existing building on the land for the approved purpose.
5. The proposed development shall be implemented and maintained in perpetuity in accordance with the recommendations contained in the Bushfire Attack Level (BAL) Assessment Report prepared by Lush Fire & Planning dated 3 July 2022 which formed part of the development application. The Asset Protection Zone required to mitigate the future potential bushfire risk shall be provided in accordance with section 5.0 of the Bushfire Attack Level (BAL) Assessment Report prior to occupation and use of the existing building on the land for the approved purpose.

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 specific requirements of the *Environmental Protection (Clearing of Native Vegetation) Regulations 2004* prior to clearing any existing native vegetation on the land to accommodate the proposed development. It is recommended the applicant/landowner contact the Department of Water and Environmental Regulation as soon as possible and prior to the commencement of any earthworks or construction on the land to confirm if a clearing permit application is required (<https://www.wa.gov.au/service/environment/environment-information-services/clearing-permits>).
4. 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>).
5. 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.
6. 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.
7. 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.
8. 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.
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.

14.2.2 DEVELOPMENT APPLICATION – PROPOSED EXTENSION TO EXISTING OVERSIZE OUTBUILDING & INSTALLATION OF NEW VEHICLE ACCESS GATES ON LOT 100 (NO.63) BENNETT STREET, LAKE GRACE

Applicant:	Peter & Michelle Lay (Landowners)
File No.:	TBA
Attachments:	Development Application documentation and plans
Author:	Mr Joe Douglas – Town Planner
Disclosure of Interest:	Nil
Date of Report:	23 September 2022
Senior Officer:	Mr Alan George – Chief Executive Officer

Summary

This report recommends that Council grant conditional approval to a development application received from Peter & Michelle Lay (Landowners) for the construction of a proposed new steel framed, Colorbond clad lean-to extension to an existing oversize outbuilding (i.e. shed) on Lot 100 (No.63) Bennett Street, Lake Grace for domestic storage purposes (i.e. caravan parking) and the installation of double access gates in the existing Colorbond fence along the land's eastern side boundary to provide vehicle access to the proposed lean-to structure.

Background

Peter & Michelle Lay (Landowners) have submitted a development application for Lot 100 (No.63) Bennett Street, Lake Grace requesting Council's approval for the following:

- i) construction of a proposed new 21.08m² steel framed, zincalume clad lean-to extension to an existing oversize outbuilding (i.e. shed) located in the north-western portion of Lot 100 for domestic storage purposes (i.e. caravan parking); and
- ii) installation of 3.4-metre-wide and 1.8-metre-high double access gates in the existing Colorbond fence along the land's eastern side boundary to provide vehicle access to the proposed new lean-to structure.

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

Lot 100 is located centrally in the Lake Grace townsite in a designated low-density residential precinct and comprises a total area of approximately 1,042m².

The subject land is relatively flat throughout and has been extensively developed for low density residential purposes including a single house in its southern half and three (3) existing outbuildings in its northern half comprising a total combined floor area of approximately 102m².

The property has direct frontage to Bennett Street along its front boundary to the south and Franks Street along its eastern side boundary, both of which are sealed and drained local roads under the care, control and management of the Shire. It also has direct frontage to an unsealed public right-of-way along its rear boundary to the north.



Location & Lot Configuration Plan (Source: Landgate 2022)

Vehicle access to/from the land is currently via an existing 3.7-metre-wide concrete crossover located centrally along its eastern side boundary which provides direct access to/from Franks Street. It is significant to note the 1.8 metre Colorbond boundary fencing immediately adjacent to this driveway access is relatively new and has not been truncated in accordance with the specific requirements of the Residential Design Codes of WA as was the case with the original fibro-type fencing that was replaced as shown in the following photograph.



The approval status of the new Colorbond boundary fencing recently installed adjacent to the driveway access shown above is unknown.

Double gates have also been installed in a truncated fence line in the north-eastern corner of the property which provides direct access to/from the public right-of-way along its rear boundary.

Lot 100 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. It has however been designated by the Department of Water and Environmental Regulation as being flood prone. Notwithstanding this fact, as the proposed development is not habitable in nature, is being undertaken for domestic storage purposes only (i.e. caravan parking and access), and the impracticality of requiring any changes to the final finished floor level of the proposed lean-to structure, there is no need to address the future potential flood risk aside from advising the landowners that the property and improvements thereon have potential to be damaged in the event of a major flood.

Comment

Lot 100 is classified 'Residential' zone in the Shire of Lake Grace Local Planning Scheme No.4 (LPS4) with a density coding of R20.

Under the terms of LPS4 and the Deemed Provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015* the development and use of an outbuilding, driveways, fencing and vehicle access gates in association with a single house, including any proposed extensions and/or modifications thereto, are listed as being permitted on any land classified 'Residential' zone provided they satisfy the deemed-to-comply requirements of the Residential Design Codes of Western Australia (i.e. the 'R-Codes') and any local planning policies.

An assessment of the proposals for Lot 100 has confirmed they do not satisfy the following deemed-to-comply requirements of the R-Codes and Council's Policy No.5.6 entitled 'Property Access and Crossovers':

- i) Maximum permitted wall height for outbuildings (i.e. 2.4 metres required by the R-Codes / 2.9 metres proposed);
- ii) Maximum permitted collective floor area for outbuildings (i.e. 60m² required by the R-Codes / 123.08m² proposed);
- iii) Sight lines for the proposed vehicle access and associated fencing and gates to/from the land's Franks Street frontage (i.e. the R-Codes require boundary fences to be truncated within the required building setback area or reduced to no higher than 0.75 metres within 1.5 metres of where a driveway access intersects a public roadway or right-of-way. Under the terms of the application received no truncation or reduction in height is proposed for the existing boundary fencing and associated 3.4-metre-wide double access gates to be installed); and
- iv) Construction of a minimum 3-metre-wide sealed crossover from a residential property boundary to a sealed road carriageway where vehicle access is proposed to be obtained.

In considering whether or not to approve these proposed variations to the deemed-to-comply requirements of the R-Codes and Policy No.5.6 Council must decide whether such variations are likely to have a detrimental impact upon the amenity, character, functionality and safety of the immediate locality or any immediately adjoining or other nearby properties.

It is concluded, following a detailed assessment of the application, that the proposed variations to the deemed-to-comply requirements of the R-Codes and Policy No.5.6 as they apply specifically to maximum permitted wall height and collective floor area for outbuildings, sight lines for vehicle access, and sealed driveway crossovers are unlikely to have any adverse impacts and may therefore be supported and approved by Council for the following reasons:

- i) The proposed lean-to extension to the existing oversize outbuilding (i.e. shed) located in the north-western portion of the property is not considered to be excessively large in its local context and will be finished using materials and colours that match the existing structure;
- ii) The proposed lean-to extension is located in the rear portion of the land and complies with the boundary setback requirements of the R-Codes. As such, it is expected to have minimal impact on the visual amenity of the local streetscape or any neighbouring properties and will not give rise to any overshadowing or access to natural sunlight for any dwellings on immediately adjoining or other nearby properties;
- iii) All stormwater from the proposed lean-to extension can be managed and disposed on-site;
- iv) Due to the significant width of the road verge area abutting the land's eastern side boundary (i.e. approximately 6.5 metres), unobstructed sight lines will be available where the new vehicle access and associated double access gates are proposed to be provided. As such, safety and visibility for motorists and pedestrians using Frank Street is unlikely to be unduly compromised, particularly in light of the fact it is a local road that does not attract large volumes of vehicle or pedestrian traffic on a daily basis;
- v) The road verge area abutting the land's eastern side boundary comprises compacted gravel which is capable of accommodating the movement of light vehicles on an infrequent basis as expected without giving rise to any damage or ongoing maintenance costs for the Shire (i.e. the construction of a formal driveway crossover pursuant to the specific requirements of Policy No.5.6 is considered unnecessary). Notwithstanding this conclusion, it is recommended a condition be imposed on any approval that may ultimately be granted requiring the landowners to reinstate the road verge area to the specifications and satisfaction of the Shire's Chief Executive Officer in consultation with the Manager Infrastructure Services if any damage occurs due to excessive or inappropriate use (i.e. heavy vehicles); and
- vi) The Shire has allowed for the installation of double access gates without any truncations or reduction in boundary fence height or a formal driveway crossover to Franks Street for an existing grouped dwelling development it previously undertook at No.65 Bennett Street, Lake Grace located immediately east of the subject land as shown in the recent photograph below (i.e. the Shire has set a precedent for non-compliant boundary fencing and vehicle access).



In light of all of the above it is concluded the proposals for Lot 100 (No.63) Bennett Street, Lake Grace 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 to ensure the development proceeds in a proper and orderly manner. As such, it is recommended Council exercise discretion and grant conditional development approval.

Legal Implications

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

Policy Implications

- State Planning Policy 7.3 – *Residential Design Codes (Volume 1) 2021*
- Shire of Lake Grace Policy No.5.6 – *Property Access and Crossovers*

Consultation

Not required or deemed necessary. The application was however the subject of discussion with the applicants / landowners, the Shire's Chief Executive Officer and Engineering Technical Officer.

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 by the development application fee paid by the applicants / landowners. All costs associated with the proposed development will be met by the applicants / landowners.

It is significant to note should the applicants / landowners be aggrieved by Council's final decision in this matter, they have the right seek a formal review of that decision by the State Administrative Tribunal. Should this occur for whatever reason, which is considered 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 following strategic planning documents:

- Shire of Lake Grace Local Planning Strategy 2007 as it applies specifically to housing choice and variety in neighbourhoods with a community identity and high levels of safety, accessibility and visual amenity.
- Shire of Lake Grace Strategic Community Plan 2017-2027:
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.

Voting Requirements

Simple majority required.

RECOMMENDATION / RESOLUTION

That the development application submitted by Peter & Michelle Lay (Landowners) for the construction of a proposed new steel framed, Colorbond clad lean-to extension to an existing oversize outbuilding (i.e. shed) on Lot 100 (No.63) Bennett Street, Lake Grace for domestic storage purposes (i.e. caravan parking) and the installation of double access gates in the existing Colorbond fence along the land's eastern side boundary to provide vehicle access to the proposed lean-to structure 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 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 the local government having first being sought and obtained.
4. The proposed lean-to structure shall be constructed using new materials only and match the appearance of the existing outbuilding (i.e. shed) to which it will be attached.
5. All stormwater drainage from the proposed lean-to structure shall be contained and disposed of on-site (i.e. no stormwater is permitted to be discharged to any adjoining property).
6. The proposed lean-to structure and existing outbuilding to which it will be attached shall only be used for domestic storage, maintenance, hobby and vehicle parking purposes unless otherwise approved by the local government.

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 applicants/landowners and not the local government to investigate any such constraints before commencing development. This approval will not necessarily have regard to any such constraint to development, regardless of whether or not it has been drawn to the local government's attention.
2. This is a development approval of the Shire of Lake Grace under its Local Planning Scheme No.4. It is not a building permit or an approval to commence or carry out development under any other law. It is the responsibility of the applicants/landowners to obtain any other necessary approvals, consents, permits and licenses required under any other law, and to commence and carry out development in accordance with all relevant laws.
3. 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.
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 local government'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.
6. The land subject to this approval has been designated by the Department of Water and Environmental Regulation as being flood prone. In granting this approval the local government accepts no liability or responsibility whatsoever for any injury, loss or damage that may occur in the event of a major flood event.
7. Failure to comply with any of the conditions of this development approval constitutes an offence under the provisions of the *Planning and Development Act 2005* and the Shire of Lake Grace Local Planning Scheme No.4 and may result in legal action being initiated by the local government.
8. If the applicant / landowners are aggrieved by this determination there is a right of review by the State Administrative Tribunal in accordance with the *Planning and Development Act 2005* Part 14. An application must be submitted directly to the State Administrative Tribunal within 28 days of the determination.

14.2.3 DEVELOPMENT APPLICATIONS x 4 – PROPOSED NEW TELECOMMUNICATIONS INFRASTRUCTURE ON VARIOUS AGRICULTURAL PROPERTIES

Applicant:	Crisp Wireless Pty Ltd on behalf of Various Landowners
File No.:	TBA
Attachments:	1 to 4 - Development Application documentation and plans
Author:	Mr Joe Douglas – Town Planner
Disclosure of Interest:	Nil
Date of Report:	23 September 2022
Senior Officer:	Mr Alan George – Chief Executive Officer

Summary

This report recommends that Council grant conditional approval to four (4) separate development applications received from Crisp Wireless Pty Ltd under the authority of the relevant landowners to construct and operate new telecommunications infrastructure on the following properties:

- i) Lot 1864 (No.4422) Lake Grace-Newdegate Road, Newdegate (Landowner: W.P. Walker);
- ii) Lot 2349 on Deposited Plan 209543 Burngup Road South, Buniche (Landowners: G.P. & J.L. Garlick);
- iii) Lot 3063 on Deposited Plan 214713 Newdegate-Ravensthorpe Road, East Newdegate with all access via Lot 1326 on Deposited Plan 155891 Orr Road, East Newdegate (Landowner: R.I. Orr); and
- iv) Lot 13165 on Deposited Plan 202915 Lake Grace-Newdegate Road, Lake Grace (Landowner: C.D. Carruthers).

Background

Crisp Wireless Pty Ltd have submitted four (4) separate development applications under the authority of the relevant landowners seeking Council's approval to construct a new 30 metre high telecommunications tower and associated infrastructure on the following properties as part of a broader program to provide improved wireless broadband coverage in regional and remote areas of Western Australia:

- i) Lot 1864 (No.4422) Lake Grace-Newdegate Road, Newdegate (Landowner: W.P. Walker);
- ii) Lot 2349 on Deposited Plan 209543 Burngup Road South, Buniche (Landowners: G.P. & J.L. Garlick);
- iii) Lot 3063 on Deposited Plan 214713 Newdegate-Ravensthorpe Road, East Newdegate with all access via Lot 1326 on Deposited Plan 155891 Orr Road, East Newdegate (Landowner: R.I. Orr); and
- iv) Lot 13165 on Deposited Plan 202915 Lake Grace-Newdegate Road, Lake Grace (Landowner: C.D. Carruthers).

A copy of the applications received, including supporting documentation and plans, is provided in Attachments 1 to 4.

All of the properties the subject of the applications have been developed and used for extensive agricultural purposes (i.e. broadacre cropping and grazing) for many years. Existing adjoining

land uses are also predominantly rural nature (i.e. broadacre cropping and grazing) with some Crown reserves in close proximity.

All properties upon which the proposed telecommunications infrastructure will be constructed have direct frontage and access to constructed public roads aside from Lot 3063 Newdegate-Ravensthorpe Road, East Newdegate. Access to this lot will be via Lot 1326 Orr Road located immediately west which is currently under the same ownership as Lot 3063.

The applications for Lot 1864 (No.4422) Lake Grace-Newdegate Road, Newdegate and Lot 13165 on Deposited Plan 202915 Lake Grace-Newdegate Road, Lake Grace were referred to Main Roads WA for review and comment given their direct frontage and access to State Roads under the care, control and management of that agency and the intention to use these roads to construct and access the proposed telecommunications following installation. Main Roads WA has confirmed it has no objections to the proposed developments and associated access arrangements despite concerns regarding the suitability of the existing driveway crossovers to these roads which do not appear to have been constructed to the relevant standards pursuant to the required approvals. Main Roads WA has formed the view and confirmed no upgrade works are required to any existing driveway crossovers given the low intensity of usage and minimal perceived risk to road users.

Council should also note the following key points:

- i) The proposed infrastructure will be sited on high points on each property to maximise opportunities for wireless broadband coverage and may be visible from certain vantage points. Notwithstanding this fact, its visual impact on the local rural landscape is likely to be limited and needs to be balanced with the benefits associated with improved telecommunication coverage throughout the district;
- ii) The proposed infrastructure will not transmit electromagnetic waves/fields to mobile phones and will not therefore emit any electromagnetic radiation. As such, an electromagnetic energy (i.e. EME) compliance report is not required to be prepared and submitted in support of each application;
- iii) No clearing of any native vegetation appears to be required to accommodate the proposed development on each lot (i.e. the relevant portions of each lot where development is proposed to be undertaken appears to have previously been cleared of all native vegetation);
- iv) None of the properties contain any sites of European or Aboriginal Heritage significance or are subject to inundation or flooding during extreme storm events; and
- v) The proposed infrastructure will be installed on portions of Lot 1864 (No.4422) Lake Grace-Newdegate Road, Newdegate, Lot 3063 Newdegate-Ravensthorpe Road, East Newdegate and Lot 13165 Lake Grace-Newdegate Road, Lake Grace that have been designated by the Fire and Emergency Services Commissioner of Western Australia as being bushfire prone. Notwithstanding this fact, as the proposed developments will not result in any significant intensification of land usage, increase the number of residents or employees on each property, involve the occupation of employees on site for any considerable amount of time, or increase the overall bushfire threat, a bushfire attack level (BAL) assessment and bushfire management plan are not required in support of the relevant applications.

Comment

All lots the subject of the abovementioned development applications are classified 'General Agriculture' zone in the Shire of Lake Grace Local Planning Scheme No.4 (LPS4).

Under the terms of the Zoning Table in LPS4 the development and use of any land classified 'General Agriculture' zone for 'Telecommunication Infrastructure' purposes is listed as a use that is not permitted unless the local government has exercised its discretion by granting development approval.

The applications have 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 State Planning Policy Nos.2.5 and 5.2 entitled 'Rural Planning' and 'Telecommunications Infrastructure' respectively. These assessments have confirmed each proposal is compliant or capable of compliance with the following requirements:

- Land capability and suitability;
- Lot boundary setbacks;
- Land use compatibility including the continuation of broadacre agricultural production;
- Amenity of the locality including potential environmental, visual and social impacts;
- Heritage protection;
- On-site vehicle access and parking; and
- Flood, stormwater drainage and bushfire risk management.

The proposals are also consistent with the general aims and objectives of LPS4 and have considerable merit for the following reasons:

- i) They will assist implementation of the *State Planning Strategy 2050* (2014) which advocates for the provision of an effective state-wide telecommunications network;
- ii) They will be located in areas dominated and characterised by broadacre farming activities on large sized lots. Furthermore, they are unlikely to be visually prominent when viewed from any significant viewing locations in the relevant localities such as scenic routes, lookouts and recreation sites;
- iii) They will not detract from a significant view of a heritage item or place, a landmark, a streetscape, vista or a panorama, whether viewed from public or private land in the relevant localities;
- iv) Their location on each property will not compromise environmental, cultural heritage, social and visual landscape values;
- v) The scale, materials, external colours and finishes of the proposed infrastructure are not inconsistent with other existing similar developments within the Shire's broadacre agricultural areas and could be expected to fit into the surrounding landscape without raising any major concerns or objections;
- vi) They will not generate significant volumes of vehicular traffic or place undue loads on existing essential service infrastructure in the relevant localities; and
- vii) The location of the proposed infrastructure will facilitate continuous network coverage and address current communication coverage deficiencies which will be of significant benefit to

the local community and travelling public.

Notwithstanding the above findings and conclusions, Council should note the proposal for Lot 3063 Newdegate-Ravensthorpe Road, East Newdegate, whereby all access to the new telecommunications infrastructure is proposed via Lot 1326 Orr Road, East Newdegate located immediately west, needs to be considered carefully due to the potential for Lot 1326 to be sold to a third party at some point in the future. Should this occur the new owner of Lot 1326 may seek to prohibit access through this lot to the telecommunications infrastructure on Lot 3063 and, in so doing, create a legal dispute the Shire may be asked to get involved in to help resolve.

In order to avoid any future potential dispute, including claims of trespass, it is recommended Council impose an additional condition on any approval granted involving these two lots requiring the following:

- i) The preparation and registration of a right-of-carriageway easement on the certificates of title for Lot 3063 and Lot 1326 to provide legal access rights to Lot 3063 through Lot 1326 within 90 days of settlement of any future contract for the sale of either of these two lots to a third party; or
- ii) The construction of a new, separate driveway access to Lot 3063 via this lot's frontage to Newdegate-Ravensthorpe Road within 90 days of settlement of any future contract for the sale of Lot 3063 or Lot 1326 to a third party to the specifications and satisfaction of the Shire's Chief Executive Officer in consultation with Main Roads WA.

Council should note this additional condition will run with the land in perpetuity as part of any development approval that may ultimately be granted and will not apply if both lots are sold at the same time to one (1) new landowner only. An additional advice note is recommended for inclusion in any approval granted to alert the applicant and landowner/s to these facts.

In light of all of the above, it is concluded that the proposal to construct and operate new telecommunications infrastructure on the various properties the subject of this report 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 a number of conditions to ensure the development proceeds in a proper and orderly manner. As such, it is recommended Council exercise discretion and grant conditional development approval.

Legal Implications

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

Policy Implications

- State Planning Policy 2.5 - Rural Planning
- State Planning Policy No.5.2 - Telecommunications Infrastructure

Consultation

Public advertising of the applications was not required or deemed necessary. The applications were however the subject of discussion with the applicant and the Shire's Engineering Technical Officer.

As mentioned previously above, the applications for Lot 1864 (No.4422) Lake Grace-Newdegate Road, Newdegate and Lot 13165 on Deposited Plan 202915 Lake Grace-Newdegate Road, Lake Grace were also referred to Main Roads WA for review and comment given their direct frontage and access to State Roads under the care, control and management of that agency with no objections raised.

Financial Implications

There are no known financial implications in relation to this item aside from the administrative costs associated with processing the applications which are provided for in Council's annual budget and have been offset by the development application fees paid by the applicant. All costs associated with the proposed developments will be met by Crisp Wireless Pty Ltd in its capacity as the developer / service provider.

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

Strategic Implications

- Shire of Lake Grace Local Planning Strategy 2007 as it applies specifically to the development of telecommunication infrastructure throughout the Shire's municipal district.
- Shire of Lake Grace Strategic Community Plan 2017-2027:

Economic Objective - A prosperous agriculturally based economy, supporting diversification of industry.

Outcome 1.1 - An innovative, productive agriculture industry.

1.1.3 - Support and promote the agricultural productivity of the district.

Outcome 1.2 - A diverse and prosperous economy.

1.2.1 - Advocate for improved communications and support infrastructure.

1.2.2 - Support local business and promote further investment in the district.

Outcome 1.3 - An attractive destination for visitors.

1.3.3 - Continue to provide and maintain visitor support services.

Environment Objective - Protect and enhance our natural and built environment.

Outcome 3.2 - A natural environment for the benefit and enjoyment of current and future generations.

3.2.1 - Manage and preserve the natural environment

Voting Requirements

Simple majority required.

RECOMMENDATION / RESOLUTION

1. That the development applications submitted by Crisp Wireless Pty Ltd under the authority of the relevant landowners to construct and operate new telecommunications infrastructure on the following properties be **approved** subject to the following conditions and advice notes:
 - i) Lot 1864 (No.4422) Lake Grace-Newdegate Road, Newdegate (Landowner: W.P. Walker);
 - ii) Lot 2349 on Deposited Plan 209543 Burngup Road South, Buniche (Landowners: G.P. & J.L. Garlick);
 - iii) Lot 3063 on Deposited Plan 214713 Newdegate-Ravensthorpe Road, East Newdegate with all access via Lot 1326 on Deposited Plan 155891 Orr Road, East Newdegate (Landowner: R.I. Orr); and
 - iv) Lot 13165 on Deposited Plan 202915 Lake Grace-Newdegate Road, Lake Grace (Landowner: C.D. Carruthers).

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 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 the local government having first being sought and obtained.
4. Safe and convenient on-site vehicle access to the proposed new telecommunications infrastructure on the land shall be provided and maintained for the life of the development to the specifications and satisfaction of the local government's Chief Executive Officer in consultation with the local government's Manager Infrastructure Services.
5. All guy wires and footings associated with the proposed 30-metre-high telecommunications tower shall be sited so as to not impede the ability to provide and maintain a firebreak along any lot boundary pursuant to the specific requirements of the Shire of Lake Grace Annual Fire Management Notice for bushfire protection purposes.
6. The proposed telecommunications infrastructure and all associated improvements shall be maintained in good working order for the full term of their operational lifespan to avoid any potential risk or hazards.
7. The proposed telecommunications infrastructure and all associated improvements must be decommissioned and removed from the land at the end of their operational lifespan with the

ground rehabilitated to its natural state (i.e. bare earth with no vegetation) and stabilised as may be required no later than six (6) months thereafter to the satisfaction of the local government's Chief Executive Officer unless otherwise approved by the local government.

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/s 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/s 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/s are reminded of their obligation to ensure compliance with the requirements of the Shire of Lake Grace Annual Fire Management Notice as it applies specifically to all rural land in the Shire to help guard against any potential bushfire risk.
4. 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.
5. If the applicant / landowner/s are aggrieved by this determination there is a right of review by the State Administrative Tribunal in accordance with the *Planning and Development Act 2005* Part 14. An application must be submitted directly to the State Administrative Tribunal within 28 days of the local government's determination.
6. That the development approval for Lot 3063 on Deposited Plan 214713 Newdegate-Ravensthorpe Road, East Newdegate with all access via Lot 1326 on Deposited Plan 155891 Orr Road, East Newdegate (Landowner: R.I. Orr) recommended in point 1 above include the following additional condition and advice note:

Additional Condition

8. In the event of one (1) of the lots the subject of this approval is ever sold to a third party in the future, the relevant landowners shall, within ninety (90) days of settlement of the contract of sale, either:
 - i) Arrange for the preparation and registration of a right-of-carriageway easement on the certificates of title for Lot 3063 and Lot 1326 to provide legal access rights to Lot 3063 through Lot 1326 within 90 days of settlement of any future contract for the sale of either of these two lots to a third party; or
 - ii) Arrange for the construction of a new, separate driveway access to Lot 3063 via this lot's frontage to Newdegate-Ravensthorpe Road within 90 days of settlement of any future contract for the sale of Lot 3063 or Lot 1326 to a third party to the specifications and satisfaction of the Shire's Chief Executive Officer in consultation with Main Roads WA.

Additional Advice Note

7. Condition 8 will run with the land in perpetuity as part of this development approval and will not apply if both lots are sold at the same time to one (1) new landowner only.

14.3 HEALTH AND BUILDING

14.4 ADMINISTRATION

14.4.1 SOUTHWEST NATIVE TITLE SETTLEMENT – LAND BASE CONSULTATION

Applicant:	Department of Planning Lands and Heritage
File No.:	0367 / 0368
Attachments:	1. South West Native Title Settlement Map 2. Location Map
Author:	Mr Alan George - Chief Executive Officer
Disclosure of Interest:	Nil
Date of Report:	31 August 2022
Senior Officer:	Mr Alan George - Chief Executive Officer

Summary

For Council to provide comment on the land identified for possible transfer and inclusion in the Noongar Land Estate.

Background

The South West Native Title Settlement (Settlement) is a landmark native title agreement reached between the State Government (State) and the six Noongar Agreement Groups. The six requisite Indigenous Land Use Agreements (ILUAs) were conclusively registered, leading to the Settlement commencing on 25 February 2021 after some years of delay. The Settlement recognises the Agreement Groups as the Traditional Owners of the south west of Western Australia, while resolving native title in exchange for a negotiated package of benefits. The area subject to the Settlement is depicted in the attached map.

A key negotiated benefit is the delivery of a 320,000 hectare Noongar Land Estate, in accordance with the Noongar Land Base Strategy (Annexure J to the ILUAs). The Noongar Land Estate will contain up to 300,000 hectares of land transferred in reserve or leasehold, and up to 20,000 hectares of land transferred in freehold. The Landholding Body for all land transferred is the Noongar Boodja Land Sub Pty Ltd., which will hold and manage the land in the Noongar Land Estate in consultation with the soon to be established Noongar Regional Corporations. All land will be used and managed in line with Noongar cultural, social and economic aspirations for the benefit of generations to come.

Over the next five years, the Department of Planning, Lands and Heritage (Department) will progress selected land parcels through to transfer under the Settlement, subject to all necessary

consultation and approvals with stakeholders. Land eligible for inclusion in the Noongar Land Estate includes:

- unallocated Crown land;
- unmanaged reserves;
- land owned or held by the Aboriginal Lands Trust / Aboriginal Affairs Planning Authority; and
- land owned or held by State agencies or Local Government Authorities, at the discretion of the State agency or Local Government Authority.

Comment

A key part of the process being followed by the Department involves the referral of land under consideration for inclusion in the Noongar Land Estate to relevant State agencies and Local Government Authorities.

Council is requested to provide comment on a parcel of land on the southern boundary of the shire being the northern part of Reserve 34410, Certificate of Title 3135/59. The entire reserve consists of 8065ha which is predominantly within the Shire of Ravensthorpe.(see attachment 2). The land in question is on the northern corner of Fitzgerald Road and Newdegate Ravensthorpe Road and consists of 896 ha and the Mt Madden CBH bin is located in its southeast corner. The current land use is for parklands and recreation and falls under control of DPLH. There is what appears to be a Main Roads gravel pit on the eastern side.

Comments are being sought on:

- | | |
|---|----------------------------------|
| 1. Is the Shire supportive of the transfer of this land to the Noongar People under the Settlement? | Yes |
| 2. Does the Shire have any interest in the land? | No |
| 3. Does the Shire have existing or planned infrastructure within the land parcel that requires protection? If yes, please provide details and advise if access to this infrastructure will need to be maintained. | No |
| 4. Is the land parcel subject to any mandatory connection to services? | No |
| 5. Are any future proposals for the land identified? Please provide detail of what is proposed and in what timeframe? | No |
| 6. Are there any future proposals for adjoining land that may affect the land identified in the spreadsheet? If so, in what timeframe? | No |
| 7. Please advise of any proposed planning scheme amendments that may affect the zoning of this land at a State or Local government level. If a scheme amendment is to occur, what is the change proposed and when will it come into effect? | Nil |
| 8. Please advise of any known land management issues such as site contamination, hazards, debris or rubbish dumping, unauthorised land use and environmental considerations (such as inundation or similar site constraints). | None that the Shire is Aware off |
| 9. Please provide any additional comments on the proposed transfer of this land as part of the Settlement | Nil |

Given the nature and location of the land in question, it is considered that the Shire has no interests to note in the transfer.

These requests follow on from those received over the past 12 months or so with more anticipated to follow over the next five years. It is worthwhile noting that whilst these are in remote locations with little or no interest to the Shire, that some other shires have had requests regarding UCL in townsites.

Legal Implications

South West Native Title Settlement

Policy Implications

Nil

Consultation

Nil

Financial Implications

Nil

Strategic Implications

Nil

Voting Requirements

Simple majority required.

RECOMMENDATION / RESOLUTION

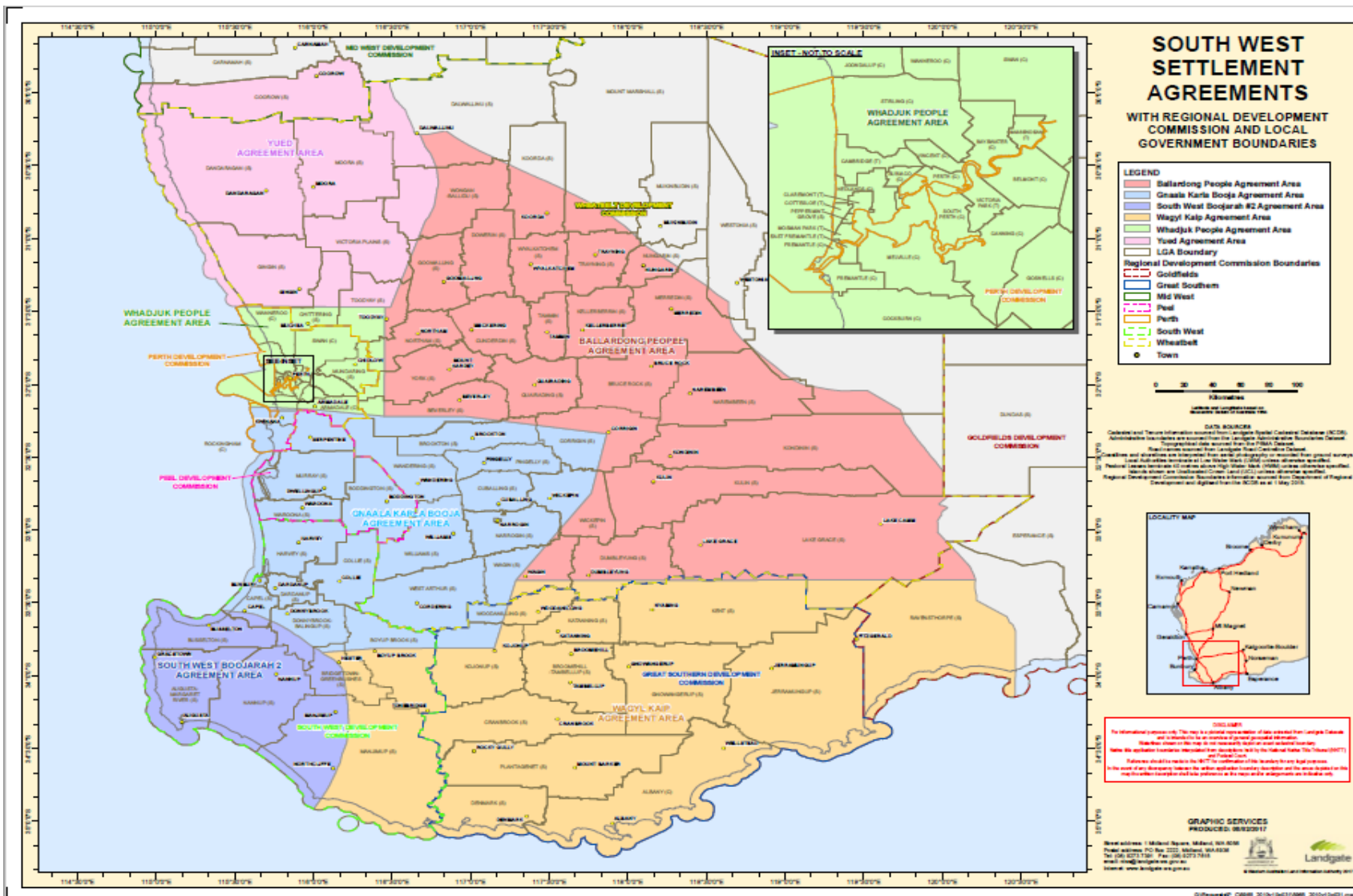
That Council authorises administration to provide comment on the consideration for inclusion in the Noongar Land Estate of Part of Reserve 34410 being Certificate of Title 3135/59

Comments to read as follows:

- | | |
|---|-----|
| 1. Is the Shire supportive of the transfer of this land to the Noongar People under the Settlement? | Yes |
| 2. Does the Shire have any interest in the land? | No |
| 3. Does the Shire have existing or planned infrastructure within the land parcel that requires protection? If yes, please provide details and advise if access to this infrastructure will need to be maintained. | No |
| 4. Is the land parcel subject to any mandatory connection to services? | No |
| 5. Are any future proposals for the land identified? Please provide detail of what is proposed and in what timeframe? | No |
| 6. Are there any future proposals for adjoining land that may affect the land identified in the spreadsheet? If so, in what timeframe? | No |
| 7. Please advise of any proposed planning scheme amendments that may affect the zoning of this land at a State or Local government level. If a scheme amendment is to occur, what is the change proposed and when will it come into effect? | Nil |

8. Please advise of any known land management issues such as site contamination, hazards, debris or rubbish dumping, unauthorised land use and environmental considerations (such as inundation or similar site constraints).	None that the Shire is Aware of
9. Please provide any additional comments on the proposed transfer of this land as part of the Settlement	Nil





14.4.2 REVIEW OF POLICY 4.2A – HOME PURCHASE INCENTIVE – OWNER OCCUPIED HOUSING

Applicant:	Internal
File No.:	0052
Attachments:	Policy 4.2 A – Home Purchase Incentive – Owner Occupied Housing (with Amendment)
Author:	Mr Kevin Wilson – Manager Corporate Services
Disclosure of Interest:	Nil
Date of Report:	15 September 2022
Senior Officer:	Mr Alan George – Chief Executive Officer

Summary

The purpose of this report is for Council to review and adopt the attached amended Policy 4.2A – Home Purchase Incentive – Owner Occupied Housing.

Background / Comment

The Shire of Lake Grace Policy Manual was adopted during the Ordinary Council Meeting of 23 June 2021 as per Resolution 13425. The Policy manual includes reference to the manner in which policy is to be amended as follows:

“Additions, deletions and/or alterations to the Shire of Lake Grace Policy shall only be affected by Council resolutions stating:

- *The proposed policy and that*
- *The Policy Manual be updated “*

Except for Policy 4.2A – Home Purchase Incentive – Owner Occupied Housing, there are no other policies added, deleted nor altered. Within the context of leadership and decision making, written policies are a way for Council to give expression to preferred solutions to problems or matters of concerns. They are used as a guide to the staff and elected member when making decisions. The following outlines the changes and make comment on the proposed alterations made to the Policy 4.2A – Home Purchase Incentive – Owner Occupied Housing:

Old Policy Reads as follows:	Amended Policy will read as follows:
All permanent full-time staff who purchase their own home within the Shire of Lake Grace shall receive a once-off incentive payment of \$3,000 towards the purchase of that home after the completion of 12 months service.	All permanent full-time staff who purchase their own home within the Shire of Lake Grace shall receive a once-off incentive payment of \$3,000 towards the purchase of that home after the completion of 12 months service.
This incentive is limited to one payment per household.	This incentive is limited to one payment per household.
	All permanent part time staff who purchase their own home within the Shire of Lake Grace shall receive a once-off incentive payment pro-rata calculated in accordance with their hours of work.
	This incentive is limited to one payment per household

Legal Implications

Part 3 of the Local Government Act 1995 outlines the functions of the local government's:

- Good government of the district
- A legislative function (the making of local laws), and
- An executive function (decisions relating to the range and scope of services and facilities provided to the community).

The Local Government Act 1995 section 2.7 (2)(b) also recommends that the policy role of the Council as the body that “*determines the local government's policies*”.

Policy Implications

Shire of Lake Grace Policy Manual (June 2021)

Consultation

Internal Management Team – Shire of Lake Grace
 Staff – Shire of Lake Grace

Financial Implications

The review of this policy did not incur any expenses.

Strategic Implications

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

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
	4.2.3	Provide a positive and safe workplace

Voting Requirements

Simple majority required.

RECOMMENDATION / RESOLUTION

That Council review and adopt the amended Policy 4.2A – Home Purchase Incentive – Owner Occupied Housing.

14.4.3 REVIEW OF POLICY 4.2B – STAFF HOUSING – RENT SUBSIDY

Applicant:	Internal
File No.:	0052
Attachments:	Policy 4.2 B – Staff Housing – Rent Subsidy (with Amendment)
Author:	Mr Kevin Wilson – Manager Corporate Services
Disclosure of Interest:	Nil
Date of Report:	15 September 2022
Senior Officer:	Mr Alan George – Chief Executive Officer

Summary

The purpose of this report is for Council to review and adopt the attached amended Policy 4.2B – Staff Housing – Rent Subsidy.

Background / Comment

The Shire of Lake Grace Policy Manual was adopted during the Ordinary Council Meeting of 23 June 2021 as per Resolution 13425. The Policy manual includes reference to the manner in which policy is to be amended as follows:

“Additions, deletions and/or alterations to the Shire of Lake Grace Policy shall only be affected by Council resolutions stating:

- *The proposed policy and that*
- *The Policy Manual be updated “*

Except for Policy 4.2B – Staff Housing – Rent Subsidy, there are no other policies added, deleted nor altered. Within the context of leadership and decision making, written policies are a way for Council to give expression to preferred solutions to problems or matters of concerns. They are used as a guide to the staff and elected member when making decisions. The following outlines the changes and make comment on the proposed alterations made to the Policy 4.2B – Staff Housing-Rent Subsidy:

Old Policy Reads as follows:	Amended Policy will read as follows:
The following rental subsidy / benefit will be provided for all permanent full time Shire employees.	The following rental subsidy / benefit will be provided for all permanent full time and part time Shire employees on a pro-rata basis.

Legal Implications

Part 3 of the Local Government Act 1995 outlines the functions of the local government's:

- Good government of the district
- A legislative function (the making of local laws), and
- An executive function (decisions relating to the range and scope of services and facilities provided to the community.

The Local Government Act 1995 section 2.7 (2)(b) also recommends that the policy role of the Council as the body that “determines the local government’s policies”.

Policy Implications

Shire of Lake Grace Policy Manual

Consultation

Internal Management Team – Shire of Lake Grace
Staff – Shire of Lake Grace

Financial Implications

The review of this policy did not incur any expenses.

Strategic Implications

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

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
	4.2.3	Provide a positive and safe workplace

Voting Requirements

Simple majority required.

RECOMMENDATION / RESOLUTION

That Council review and adopt the amended Policy 4.2B – Staff Housing – Rent Subsidy.

14.4.4 LAKE GRACE SALEYARDS

Applicant:	Mr Alan George – Chief Executive Officer
File No.:	0307
Attachments:	Nil
Author:	Mr Alan George – Chief Executive Officer
Disclosure of Interest:	Nil
Date of Report:	19 September 2022
Senior Officer:	Mr Alan George – Chief Executive Officer

Summary

For Council to consider the recommendations from the public consultation meeting held on Wednesday 14 September 2022 regarding the future of the Lake Grace Sale Yards.

Background

The saleyards located on the corner of Gorge Rock and Biddy Camm Road is land owned in freehold by the Shire of Lake Grace. In February 2009, there were twenty (20) business and community members involved in the discussion into the future use of the saleyards. During that time the lease holder was the WA Livestock Salesman's Association (WASLA) who considered that due to its limited use:

- a) Was not prepared to carry out required remedial work and offered the facilities to the Shire of Lake Grace.
- b) There was limited need for a saleyard facility but recognised that there was a requirement for holding pens and loading ramps to allow load consolidation for stock carriers
- c) In addition the saleyards needed to have major upgrades with regards to overhead walkways and loading ramps for occupational health and safety reasons.

In February 2009, and in order to monitor and assist with the Shire taking over the facilities, a working group was formed and the lease for the site by WASLA was terminated on 30 June 2009. Over subsequent years, the future of the saleyards has been the subject of several surveys and meetings. In 2016 Council moved a motion to not sell the saleyards as they could be needed for holding yards for consolidation of small numbers of stock for shipping purposes or for use in case of emergencies.

Co-operative Bulk Handling (CBH) Ltd made an enquiry in August 2022 regarding what the Shire's thoughts were on the future of the site and expressed an interest in purchasing the land should it become available at some time in the future.

At the 24 August council meeting, Council determined that community consultation should be undertaken to discuss the future of the saleyards before any decision was made on its future regardless of CBH's interest.

Comment

A community consultation meeting was held at the Lake Grace Sportsmans Club on Wednesday 14 September 2022. There were 5 members of the public, 2 staff members and 3 councillors in attendance, however, there was some very good discussion around the future use of the saleyards with the outcome being that it was recommended that the entire saleyard complex be retained and the actual yards be reduced to around half or one third of its current size with only one loading ramp being retained. The balance of the yards would be removed and sold by public tender. Some of the proceeds of the sale would be used to upgrade the remaining yards and pens. The holding paddocks would be retained for possible future sale as industrial land or for a future relocation of the Shire depot. Some of the reasoning for keeping the land were the yards, pens and load out ramps were handed over to the Shire by the Western Australian Livestock Salesman's Association as a donation, the need for stock holding facilities in case of an emergency e.g. fire, disease, truck rollover etc. and for stock consolidation purposes.

Taking into consideration that there were only 5 members of the public who attended the meeting in person, it was obvious that the saleyards complex should remain in the possession of the Shire albeit with some modifications to the actual yards and pens. It was also put at the meeting that the position be reviewed at some time in the future, (3 to 5 years).

Legal Implications

The remaining loading ramp, pens and yards would need to be upgraded to current Work Health and Safety standards.

Policy Implications

The draft Animal Welfare in Emergencies Plan when incorporated into the Local Emergency Management Arrangements will provide some basis for keeping some of the yards and pens.

Consultation

External Messrs. David Fyfe, Tyson Prater, Grant Marshall, Brad Watson and
Morrie Smith

Financial Implications

The budget for the upkeep of the saleyards for this financial year is \$8,705.27

Last year's actuals were \$2,077.70 which was mainly spraying, utilities and insurance. Similar costs are envisaged in the future if no action is taken. There has been no income from the site for many years.

The sheep yards are made of heavy galvanised steel pipe and are in excellent condition. Tenders would be called for the purchase and removal of the yards. Given the number of panels in the yards a good income should be achievable.

Any funds from the sale of the surplus yards would be put to the upgrade of the retained yards, pens and ramp with the any surplus being retained for future developments.

Strategic Implications

This aligns with several objectives in the Shire of Lake Grace Strategic Community Plan 2017-2027 as follows:

Economic Objective - A prosperous agricultural based economy supporting diversification of industry

Outcome	1.1	An innovative, productive agriculture industry
Strategies	1.1.3	Support and promote the agricultural productivity of the district
	1.1.5	Liaise with key stakeholders for the improvement of the agricultural industry

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

Outcome	2.1	An engaged, supportive and inclusive community
Strategies	2.1.1	Community services and infrastructure meeting the needs of the district

Environment Objective - Protect and enhance our natural and built environment

Outcome	3.1	A well maintained attractive built environment servicing the needs of the community
Strategies	3.1.1	Maintain, rationalise, improve or renew buildings and community infrastructure

Voting Requirements

Simple majority required.

RECOMMENDATION / RESOLUTION

That Council:

1. Considers the results of the public consultation meeting held on 14 September 2022.
2. Authorises administration to carry out further investigations with local industry representatives into what facilities should remain and what an approximate cost to undertake the minor improvements to the remaining yards and pens would be.
3. Authorises administration to seek an indication of the prices that could be received for the sale of the yards.
4. Administration to report back to Council once the initial investigations have been carried out.

14.4.5 LOCAL GOVERNMENT REFORM – ELECTION TRANSITION ARRANGEMENTS

Applicant:	Hon John Carey MLA Minister for Housing; Lands; Homelessness; Local Government
File No.:	0229 / 0374
Attachments:	Letter from the Minister Hon John Carey MLA
Author:	Mr Alan George – Chief Executive Officer
Disclosure of Interest:	Nil
Date of Report:	21 September 2022
Senior Officer:	Mr Alan George – Chief Executive Officer

Summary

For Council to decide whether it proceeds down the Voluntary Pathway or the Reform Election Pathway with regards to the need to reduce the number of council members under the proposed local government reforms.

Background

On 3 July 2022, it was announced the final package of proposed local government reforms, following a review of public submissions. As part of the reforms to strengthen local democracy and increase community engagement, new requirements will be introduced to provide for:

- The introduction of optional preferential voting;
- Directly elected Mayors and Presidents for band 1 and 2 local governments;
- Councillor numbers based on population; and
- The removal of wards for band 3 and 4 local governments.

Work on a Bill to amend the Local Government Act 1995 (the Act) is ongoing, and a Bill is expected to be introduced into Parliament in early 2023.

Many of the reform proposals related to council representation are based on recent trends, and are intended to provide greater consistency between districts. Accordingly, for more than half of all local governments, the reforms will not require any specific change to the size or structure of the council.

However, the reform proposals do require some local governments to:

- Reduce the number of elected members on council in accordance with population thresholds; or
- Change from a council elected mayor or president to a directly elected mayor or president (this reform affects only band 1 and 2 local governments); or
- Abolish wards (for band 3 and 4 local governments with wards); or
- Implement more than one of the above.

The Amendment Act will also provide that optional preferential voting will apply for all local government elections. Optional preferential voting means that all electors have the choice to number preferences for as many or as few candidates as they wish to.

Comment

The Department of Local Government, Sport and Cultural Industries (DLGSC) has completed an initial review, and identified that the Shire of Lake Grace needs to reduce the number of council members under the proposed reforms.

Under the reforms, local governments with populations under 5,000 have the option to have 5, 6 or 7 councillors. When providing feedback last year, Council decided that due to the size of the shire it was preferred to remain at the maximum number allowed (being 7) to endeavour to retain a fair representation across the shire.

The other reforms with the exception of preferential voting have no effect on the shire.

Which of the two options being the Voluntary Pathway or the Reform Election Pathway will need to be determined by council.

Voluntary Pathway

Council may decide to implement these changes on a voluntary basis.

This pathway will require the council to make the steps outlined below, and could involve staging any larger changes in the number of councillors over two ordinary elections. This pathway provides the greatest possible lead time to plan for next year's ordinary elections. If council wishes to undertake this process, it should, by 28 October 2022:

- Advise the DLGSC of its intention to undertake a voluntary process. This advice should include a high-level plan outlining the potential changes to be implemented for the ordinary elections to be held in 2023 (and in 2025, if applicable); and
- Initiate a Ward and Representation Review to determine the specific changes to the structure of the council for the 2023 and 2025 ordinary elections, to be completed by 14 February 2023.

The Ward and Representation Review would need to be initiated ahead of the 28 October 2022 date and finalised by 14 February 2023 to ensure that the timeframes set out in the Act can be practically met.

Reform Election Pathway

Alternatively, it is intended that the Amendment Act will provide for all changes to be implemented through reform elections in 2023. This pathway would provide that all of the council's offices can be declared vacant, all wards can be abolished (if applicable), and the number of council offices would be set based on the reform proposals.

Elections would then be held to fill all council offices, with a split between two and four year terms as might be necessary to re-establish an ordinary election cycle. For local governments in band 1 or 2, the newly-elected council would then be able to consider whether to establish new wards through a future Ward and Representation Review.

It is also intended that the Amendment Act will contain provisions for the Reform Election Pathway to apply if a local government:

- Does not advise of an intention to follow the Voluntary Pathway, or
- Decides to follow the Voluntary Pathway, but does not suitably complete a Ward and Representation Review by the dates required.

Formal written advice on the preferred pathway to the DLGSC by 28 October 2022. Given the timeframes already established in the Act, no extension to the dates specified in this letter will be possible.

Regardless of the fact that the shire has no wards in place, a Ward and Representation Review is required to be completed which is a lengthy process of community consultation and dissemination of information to ratepayers.

There are five (5) councillor positions including the current vacant position which would become vacant in 2023. Under the reforms, there would only be three (3) positions available, if council decides to proceed down the Voluntary Pathway. This would ensure that there is not a complete loss of council experience in the chambers if there is a major swing.

The Reform Election Pathway, all positions would be vacated and the elections would then be held to fill all positions which could result in a totally inexperienced council being elected.

Legal Implications

The new Local Government Act and proposed reforms.

Policy Implications

Policy 1.22 Legislative Compliance

The Shire of Lake Grace has an obligation to ensure that legislative requirements are complied with. The community and those working at the Shire have an expectation that the Council will comply with applicable legislation and the Council should take all appropriate measures to ensure that that expectation is met.

Consultation

Nil

Financial Implications

Some expenditure will be required to undergo the public consultation part of the Ward and Representation Review.

Strategic Implications

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

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

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

Voting Requirements

Absolute majority required.

RECOMMENDATION / RESOLUTION

That Council:

1. Provides formal written advice to the Department of Local Government, Sport and Cultural Industries that its preferred pathway is _____.
2. Will undertake a Ward and Representation Review and have the completed review submitted to the Local Government Advisory board by 14 February 2023.
3. Confirms that the preferred number of councillors is seven (7).

14.4.6 ADOPTION OF NEW SHIRE POLICY – GRAVEL EXTRACTION FROM RESERVES

Applicant:	Internal Report
File No.:	0671
Attachments:	Policy 5.11 – Gravel Extraction from Reserves
Author:	Mr Craig Elefsen - Manager Infrastructure Services
Disclosure of Interest:	Nil
Date of Report:	23 September 2022
Senior Officer:	Mr Alan George - Chief Executive Officer

Summary

For Council to adopt new Policy 5.11 - Gravel Extraction from Reserves and for it to be included and published in an updated version of the Shire of Lake Grace Policy Manual.

Background / Comment

To date, there has been no policy or process formalised for gravel extraction from Reserves or Road reserves. Going forward, this policy will enable Shire staff access to a maintained register that has approved sites listed and any conditions on these sites. The new policy will also work alongside existing Policy 5.4 Road Making Materials. By having this policy in place, it will eliminate any illegal activities when sourcing gravel in reserves.

Legal Implications

Environmental Protection (Clearing of Native Vegetation) Regulations 2004

Policy Implications

Addition to policies.

Consultation

Internal: Mr Alan George - Chief Executive Officer
Mr Jason Lip - Technical Officer

Financial Implications

Nil

Strategic Implications

This aligns with the Shire of Lake Grace Strategic Community Plan 2017-2027 particularly the Environment Objective and Leadership Objective as follows:

Environment Objective - Protect and enhance our natural and built environment

Outcome 3.2 A natural environment for the benefit and enjoyment of current and future generations

Strategies 3.2.1 Manage and preserve the natural environment

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

Outcome 4.2 An efficient and effective organisation

Strategies 4.2.2 Comply with statutory and legislative requirements

Voting Requirements

Absolute majority required.

RECOMMENDATION / RESOLUTION

That Council:

1. Adopt Policy 5.11 - Gravel Extraction from Reserves,
2. Shire Administration include Policy 5.11 into the Shire of Lake Grace Policy Manual; and
3. Publish an updated version of the Shire of Lake Grace Policy Manual.

14.5 FINANCE

14.5.1 ACCOUNTS FOR PAYMENT – AUGUST 2022

Applicant	Internal Report
File No	0277
Attachments	List of Accounts Payable
Author	Mr Kevin Wilson – Manager Corporate Services
Disclosure of Interest	Nil
Date of Report	14 September 2022
Senior Officer	Mr Alan George - Chief Executive Officer

Summary

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

Background

List of payments for the month of August 2022 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 August 2022 from the Municipal and Trust Accounts Total \$673,791.09.

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 required.

RECOMMENDATION / RESOLUTION

That Council ratify the list of payments totalling \$673,791.09 as presented for the month of August 2022 incorporating:

Payment Method	Cheque/EFT/DD Number	Amount
Electronic Funds Transfers	EFT23933 – EFT24033	\$621,576.23
Municipal Account Cheques	37016 – 37021	\$15,900.24
Direct Debits	DD10131.1 – DD10160.10	\$36,314.62
	TOTAL	\$673,791.09

Shire of Lake Grace



CERTIFICATE OF EXPENDITURE August 2022

This Schedule of Accounts to be passed for payment, covering

Payment Method	Cheque/EFT/DD Number	Amount
Electronic Funds Transfers	EFT23933 = EFT24033	\$621,576.23
Municipal Account Cheques	37016 - 37021	\$15,900.24
Direct Debits	DD10131.1 – DD10160.10	\$36,314.62
	TOTAL	\$673,791.09

to the Municipal Account, totalling \$673,791.09 which were submitted to each member of the Council on 28 September 2022, have been checked and fully supported by vouchers and invoices which are submitted herewith and which have been duly certified as to the receipt of goods and the rendition of services and as to prices, computations, and costing's and the amounts shown are due for payment.

Alan George
CHIEF EXECUTIVE OFFICER

14.5.2 FINANCIAL REPORTS – 31 JULY 2022

Applicant:	Internal Report
File No.	0275
Attachments:	• Monthly Financial Reports • Bank Reconciliations – July 2022
Author:	Mr Kevin Wilson – Manager Corporate Services
Disclosure of Interest	Nil
Date of Report	23 September 2022
Senior Officer	Mr Alan George - Chief Executive Officer

Summary

Consideration of the Monthly Financial Reports for the period ending 31 July 2022 and Bank Reconciliations for the month ending 31 July 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 July 2022, operating revenue below target by \$227,047 (47.5%) due to delay in WA Financial Assistance Grant received in August. Due to term deposits in place Interest will be received at maturity.

Operating expenditure is under YTD budget by \$ 240,038 (20.97%) mainly due to Materials and contracts, Employee Costs are down due to delay in operating and capital jobs. Insurance expenses lower as the second instalment will come in October. Depreciation on the other hand slightly over the budget target.

The capital program is below the target by \$285,431(77.23%). Bulk of "Local Roads & Community" and "Drought & Community" projects are not yet initiated/finalised, funds will be recognised later in financial year. Payments for property, plant and equipment are below target as well due Many of Capital projects have not been initiated as yet (77%) or in early stage of completion. This leads to Capital grants income decrease being offset by the reduction in payments for property, plant and equipment.

Cash at bank is slightly higher than the corresponding period last year, an investment agreement for 2 term deposits with Commonwealth Bank is in place (\$7,000,000).

Outstanding rates will be reported in August due to the rates revenue being recognised in August following the adoption of the budget.

General debtor is \$248,598 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 July 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 Mr Alan George – Chief Executive Officer

Financial Implications

Nil

Strategic Implications

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

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

Voting Requirements

Simple majority required.

RECOMMENDATION / RESOLUTION

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 July 2022 and
2. Municipal, Trust and Reserve Funds bank reconciliations for the period ended 31 July 202

14.5.3 FINANCIAL REPORTS – 31 AUGUST 2022

Applicant:	Internal Report
File No.	0275
Attachments:	• Monthly Financial Reports • Bank Reconciliations – August 2022
Author:	Mr Kevin Wilson – Manager Corporate Services
Disclosure of Interest	Nil
Date of Report	23 September 2022
Senior Officer	Mr Alan George - Chief Executive Officer

Summary

Consideration of the Monthly Financial Reports for the period ending 31 August 2022 and Bank Reconciliations for the month ending 31 August 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 August 2022, operating revenue insignificantly below target by \$5,216 (0.09%). Due to term deposits in place Interest will be received at maturity.

Operating expenditure is under YTD budget by \$340,742 (16.1%) mainly due to Materials and contracts are down as a consequence of delay in operating and capital jobs. Insurance expenses lower as the second instalment will come in October. Depreciation and Utility charges on the other hand over the budget target.

The capital program is below the target by \$358,480 (77.23%). Bulk of "Local Roads & Community" and "Drought & Community" projects are not yet initiated/finalised, funds will be recognised later in financial year. Payments for property, plant and equipment are below target as well due Many of Capital projects have not been initiated as yet (69%) or in early stage of completion. This leads to Capital grants income decrease being offset by the reduction in payments for property, plant and equipment.

Cash at bank is slightly higher than the corresponding period last year, an investment agreement for 2 term deposits with Commonwealth Bank is in place (\$7,000,000).

Outstanding rates is at the level expected considering the rates notices had been sent on 24/08/2021 and due on 30/09/2021. Collected to date 0.7%

General debtor is \$262,927 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 August 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 Mr Alan George – Chief Executive Officer

Financial Implications

Nil

Strategic Implications

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

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

Voting Requirements

Simple majority required.

RECOMMENDATION / RESOLUTION

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 July 2022 and
2. Municipal, Trust and Reserve Funds bank reconciliations for the period ended 31 July 2022.

14.5.4 APPROVAL FOR WRITE OFF OF RATES

Applicant:	Internal Report
File No.	0789
Attachments:	Nil
Author:	Mr Kevin Wilson – Manager Corporate Services
Disclosure of Interest	Nil
Date of Report	19 September 2022
Senior Officer	Mr Alan George - Chief Executive Officer

Summary

For Council to authorise the writing off of legal charges on assessments A3667.

Background

The following outstanding rates & charges are deemed uncollectable:

Assessment No	Description	Reason for Write Off	Amount
A3667	Legal Fees	Administration error at the Shire office	\$863.73
		TOTAL	\$863.73

Comment

The owners of the property at 7 Eggers Place submitted a Direct Debit for a time to pay arrangement for their rates 2020/2021 and the full amount was paid in accordance with the plan.

On 3 May 2021, the owners advised the office by email that they would like to continue this arrangement to pay for the upcoming rates period. Unfortunately, with the resignation of the Rates Officer around that time, this action was not flagged in the rates module and the time to pay arrangement was not reactivated. As a result, no payments were made on the 2021/2022 rates which after a period of time were sent to the debt collectors who then initiated their processes.

This action has not only resulted in a lot of stress and anxiety on behalf of the rate payer but also generated an \$867.73 legal debt on the 2022/23 Rates Notice. Due to the fact that this outcome was as a result of clerical omission at the Shire that the legal charge be written off.

The ratepayers have already submitted a new Direct Debit Request to generate a time to pay arrangement for the actual 2022/2023 rates.

Legal Implications

Local Government Act S6.12(c)

Policy Implications

Policy 3.9 – Outstanding Rate Debtors

Consultation

Internal: Mr Chris Paget - Deputy Chief Executive Officer
External: IT Vision Rates Services

Financial Implications

A loss of revenue of \$863.73 will occur with the write off of rates and penalty interest raised on the property.

Strategic Implications

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

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

- | | | |
|------------|-------|---|
| Outcome | 4.2 | An efficient and effective organisation |
| Strategies | 4.2.1 | Maintain accountability and financial responsibility through effective planning |
| | 4.2.2 | Comply with statutory and legislative requirements |

Voting Requirements

Simple majority required.

RECOMMENDATION / RESOLUTION

That Council, pursuant to S6.12(c) of the Local Government Act 1995, write-off the following outstanding rates & charges:

Assessment No	Description	Reason for Write Off	Amount
A3667	Legal Fees	Administration error at the Shire office	\$863.73
		TOTAL	\$863.73

14.6 COMMUNITY SERVICES

15.0 QUESTIONS OF WHICH DUE NOTICE HAS BEEN GIVEN

16.0 INFORMATION BULLETIN – SEPTEMBER 2022

Applicant:	Internal Report
File No.	Nil
Attachments:	Information Bulletin Cover Page Only
Author:	Mrs Racelis Rose - Executive Assistant
Disclosure of Interest:	Nil
Date of Report:	19 September 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 September 2022 Information Bulletin attachments include:

Reports:

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

External Organisations

- Central Country Zone – Minutes of Meeting – 26 August 2022
- Lakes Sub Regional Group – Minutes of Meeting – 22 August 2022
- Roe Tourism – Minutes of Meeting – 15 August 2022

Circulars, Media Releases, Newsletters, Letters:

- SHICC Public Health Bulletin No. 34 – 06 September 2022
- SHICC Public Health Bulletin No. 33 – 23 August 2022
-

Legal Implications

Nil

Policy Implications

Nil

Consultation

Nil

Financial Implications

Nil

Strategic Implications

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

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

Voting Requirements

Simple majority required.

RECOMMENDATION / RESOLUTION

That Council accepts the Information Bulletin Report for September 2022.

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

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

Item 17.1.1 Lease of Lot 101 (Future Lot B) Biddy Camm Road, Lake Grace WA

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

18.0 DATE OF NEXT MEETING – 26 OCTOBER 2022

The next Ordinary Council Meeting is scheduled to take place on Wednesday 26 October 2022 commencing at 3:30pm at the Council Chambers, 1 Bishop Street, Lake Grace.

19.0 CLOSURE

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