

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 24 November 2021

**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.

Alan George  
**Chief Executive Officer**

17 November 2021  
**Date**

Shire of Lake Grace

Ordinary Council Meeting

# Agenda

24 November 2021

Meeting Commencing at 3:30 pm

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

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## **SHIRE OF LAKE GRACE**

Agenda for the Ordinary Meeting of Council to be held at Council Chambers, 1 Bishop Street, Lake Grace, WA on Wednesday 24 November 2021.

### **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 to be read by the Shire President**

*The Shire of Lake Grace acknowledges and pays respect to the past, present and future Traditional Custodians and Elders of this nation and the continuation of cultural, spiritual and educational practices of Aboriginal and Torres Strait Islander people.*

**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 SD Carruthers	
Cr DS Clarke	
Cr SG Hunt	
Cr BJ Hyde	
Cr AJ Kuchling	
Cr RA Lloyd	
Cr JV McKenzie	

**3.2 APOLOGIES**

**3.3 IN ATTENDANCE**

Mr A George	Chief Executive Officer
Mr C Paget	Deputy Chief Executive Officer
Mr C Elefsen	Manager Infrastructure Services
Mrs R Rose	Executive Assistant (for the Minutes)

**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 – 27 OCTOBER 2021

#### ***Correction to the Minutes of the Ordinary Council Meeting of 27 October 2021 as follows:***

Item 14.4.6 – Appointment of Authorised Persons – Shire of Lake Grace

(10) Pursuant to the Dog Act 1976 the local government is required to appoint a “Registration Officer” to undertake the registration of dogs in accordance with the requirements of the Act. The following staff members are appointed as an authorised “Registration Officers”:

- *Add Rebecca Clark as authorised “Registration Officers” and*
- *Delete Brooke Williamson (resignation)*

(12) Pursuant to the Cat Act 2011 the local government may, in writing, appoint persons or classes of persons to be authorised for the purposes of performing particular functions. Accordingly, the following staff members are appointed as "Authorised Person – Registration Only":

- *Delete Brooke Williamson (resignation)*

All other matters in the Minutes of the Ordinary Council Meeting of 27 October 2021 remain unchanged.

#### **Recommendation / Resolution**

**Moved:**  
**Seconded**

That the Minutes of the Ordinary Council Meeting held on 27 October 2021 be confirmed as a true and accurate record of the meeting.

**CARRIED BY ABSOLUTE MAJORITY:**

### 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 SHIRE OF LAKE GRACE TOURISM ADVISORY COMMITTEE – 25 OCTOBER 2021

#### Recommendation / Resolution

**Moved:**  
**Seconded**

That the Minutes of the Shire of Lake Grace Tourism Advisory Committee meeting held on 25 October 2021 be received.

**CARRIED:**

### 13.2 LAKE GRACE LIBRARY RESOURCE & COMMUNITY RESOURCE CENTRE MANAGEMENT COMMITTEE – 26 OCTOBER 2021

#### Recommendation / Resolution

**Moved:**  
**Seconded**

That the Minutes of the Lake Grace Library Resource & Community Resource Centre Management Committee held on 26 October 2021 be received.


**CARRIED:**

## 14.0 REPORTS OF OFFICERS

### 14.1 INFRASTRUCTURE SERVICES

**14.2 PLANNING**

**14.2.1 DEVELOPMENT APPLICATION – PROPOSED NEW TELECOMMUNICATIONS INFRASTRUCTURE ON LOT 13069 ON DEPOSITED PLAN 206385 WILLCOCKS ROAD, SOUTH LAKE GRACE**

<b>Applicant:</b>	Field Solutions Group on behalf of KC & MJ Slarke (Landowners)
<b>File No.:</b>	TBA
<b>Attachments:</b>	Development Application documentation and plans
<b>Author:</b>	Mr Joe Douglas – Town Planner
<b>Disclosure of Interest:</b>	Nil
<b>Date of Report:</b>	16 November 2021
<b>Senior Officer:</b>	 Mr Alan George Chief Executive Officer

will

Summary

This report recommends that Council **grant conditional approval** to a development application received from Field Solutions Group on behalf of KC & MJ Slarke (Landowners) to construct and operate new telecommunications infrastructure on portion of Lot 13069 Willcocks Road, South Lake Grace.

Background

Field Solutions Group on behalf of KC & MJ Slarke (Landowners) have submitted a development application seeking Council’s approval to construct a new 45-metre-tall telecommunications tower and associated infrastructure on a 625m<sup>2</sup> portion of Lot 13069 Willcocks Road, South Lake Grace as part of a broader program to provide improved wireless broadband coverage in regional and remote areas of Western Australia.

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

Lot 13069 is located approximately 5 kilometres south-east of the Lake Grace townsite in the locality of South Lake Grace. The subject land comprises a total area of approximately 1022.33 hectares, is gently to moderately sloping throughout and has 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 the exception of Crown Reserve No.18384 located to the north-west of the subject land which is vested in the Water Corporation for water supply purposes.

The property has direct frontage and access to Willcocks Road along its southern boundary which is an unsealed local road under the care, control and management of the Shire that has been constructed to a rural standard and is capable of accommodating both light and heavy vehicle movements in a safe and convenient manner.

The proposed new tower and associated infrastructure will be sited on a high point in the north-western corner of Lot 13069 to maximise opportunity for wireless broadband coverage throughout the locality. All access to the development will be via the land's Willcocks Road frontage and existing all-weather access tracks on the subject land. No clearing of any native vegetation is required to accommodate the proposed development.

Council should note 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 the application.

That portion of the land where the development is proposed to be undertaken has been predominantly cleared of all native vegetation, does not contain any sites of European or Aboriginal Heritage significance and is not subject to inundation or flooding during extreme storm events. It has however, been designated by the Fire and Emergency Services Commissioner of Western Australia as being bushfire prone. Notwithstanding this fact, as the proposed development will not result in any significant intensification of land usage, increase the number of residents or employees on the land, 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 application.

#### Comment

Lot 13069 is 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 application has been assessed with due regard for all relevant objectives, standards and requirements prescribed in LPS4, clause 67 of the Deemed Provisions of the *Planning and Development (Local Planning Scheme) Regulations 2015* and State Planning Policy Nos.2.5 and 5.2 entitled 'Rural Planning' and 'Telecommunications Infrastructure' respectively. This assessment has confirmed the proposal is compliant with the following requirements:

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

The proposal is also consistent with the general aims and objectives of LPS4 and has considerable merit for the following reasons:

- i) It will assist implementation of the *State Planning Strategy 2050 (2014)* which advocates for the provision of an effective state-wide telecommunications network;
- ii) It will be located in an area dominated and characterised by broadacre farming activities on large sized lots. Furthermore, it is unlikely to be visually prominent when viewed from any

significant viewing locations in the locality such as scenic routes, lookouts and recreation sites;

- iii) It 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 locality;
- iv) Its location on the subject land 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) It will not generate significant volumes of vehicular traffic or place undue loads on existing essential service infrastructure in the immediate locality; and
- vii) The location of the proposed infrastructure will facilitate continuous network coverage and address current communication coverage deficiencies in the immediate locality which will be of significant benefit to the local community and travelling public.

In light of all of the above, it is concluded that the proposal to construct and operate new telecommunications infrastructure on portion of Lot 13069 Willcocks Road, South Lake Grace 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 standard conditions to ensure the development proceeds in a proper and orderly manner. As such, it is recommended Council exercise its discretion and grant conditional development approval.

#### Legal Implications

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

#### Policy Implications

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

#### Consultation

Not required or deemed necessary. The application was however, the subject of discussion with the applicant's town planning consultant and was modified prior to being formally lodged with the Shire to reflect some minor issues of concern raised by the reporting officer following preliminary assessment.

#### 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 applicant. All costs

associated with the proposed development will be met by Field Solutions Group in its capacity as the developer / service provider.

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

### Strategic Implications

- Shire of Lake Grace Local Planning Strategy 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

### Moved:

### Seconded:

That the development application submitted by Field Solutions Group on behalf of KC & MJ Slarke (Landowners) to construct and operate new telecommunications infrastructure on portion of Lot 13069 Willcocks Road, South Lake Grace be **approved** subject to the following conditions and advice notes:

### Conditions:

1. The proposed development shall be undertaken strictly in accordance with the information and plans submitted in support of the application subject to any modifications required as a consequence of any condition/s of this approval or otherwise approved by Council.
2. Any additional development which is not in accordance with the application the subject of this approval or any condition of approval will require the further approval of Council.
3. The proposed development shall be substantially commenced within a period of two (2) years from the date of this approval. If the development is not substantially commenced within this period this approval shall lapse and be of no further effect. Where an approval has so lapsed, the proposed development shall not be carried out without the further approval of Council having first being sought and obtained.


### Advice Notes:

1. This approval is not an authority to ignore any constraint to development on the land which may exist through contract or on title, such as an easement, memorial or restrictive covenant. It is the responsibility of the applicant and landowner and not the Shire to investigate any such constraints before commencing development. This approval will not necessarily have regard to any such constraint to development, regardless of whether or not it has been drawn to the Shire's attention.
2. This is a development approval of the Shire of Lake Grace under its Local Planning Scheme No.4. It is not a building permit or an approval to commence or carry out development under any other law. It is the responsibility of the applicant/landowner to obtain any other necessary approvals, consents, permits and licenses required under any other law, and to commence and carry out development in accordance with all relevant laws.
3. The applicant/landowner 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. No construction works shall commence on the land prior to 7am without the Shire's written approval. No construction works are permitted to be undertaken on Sundays or Public Holidays unless otherwise approved by the Shire's Chief Executive Officer.
5. 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.

6. 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 the determination.

**CARRIED:**

**14.2.2 DEVELOPMENT APPLICATION – PROPOSED UPGRADES AND ADDITIONS TO FARM SUPPLY CENTRE ON LOTS 146, 147 & 148 (NOS.11, 15 & 17) MAY STREET, NEWDEGATE**

<b>Applicant:</b>	King Endeavours Pty Ltd ATF Ross & Jodie Dunkeld Family Trust No.2 on behalf of themselves and the Western Australian Land Authority (Landowners)
<b>File No.:</b>	TBA
<b>Attachments:</b>	Development Application documentation and plans
<b>Author:</b>	Mr Joe Douglas – Town Planner
<b>Disclosure of Interest:</b>	Nil
<b>Date of Report:</b>	12 November 2021
<b>Senior Officer:</b>	 Mr Alan George Chief Executive Officer

Summary

This report recommends that Council **grant conditional approval** to a development application received from King Endeavours Pty Ltd ATF Ross & Jodie Dunkeld Family Trust No.2 on behalf of itself and the Western Australian Land Authority (Landowners) to undertake some minor upgrades to an existing approved farm supply centre on Lots 146 and 147 (Nos.15 & 17) May Street, Newdegate and the development of Lot 148 (No.11) to enable this land to be incorporated with and form part of the overall development.

Background

King Endeavours Pty Ltd ATF Ross & Jodie Dunkeld Family Trust No.2 on behalf of itself and the Western Australian Land Authority (Landowners) have submitted a development application seeking Council's approval for the following:

- i) The use of Lot 148 for 'trade supplies' purposes to extend an existing approved farm supply centre trading as Nutrien Ag Solutions Limited (formerly Landmark) on Lots 146 and 147 immediately east;
- ii) Removal of some existing vegetation on Lot 148 and construction of a compacted gravel and blue metal hardstand area to a depth of 200-300mm for vehicle access, parking and loading/unloading purposes;
- iii) Installation of a new 3-metre-wide landscaping strip along the southern boundary of Lot 148 and a portion of Lot 147 comprising existing vegetation to be retained and new drought tolerant plant species where required to help improve each lot's visual appearance and comply with the landscaping requirements of Local Planning Scheme No.4;
- iv) Installation of a new 1.8-metre-high chain mesh fence on Lots 147 and 148 for security purposes. The chain mesh fencing will match the existing chain mesh fence around the museum on the opposite side of the laneway at the rear of the subject landholdings; and
- v) Minor levelling and sealing of the existing vehicle accessways, parking and loading/unloading



area south of the existing building on Lots 146 and 147 (i.e. approximately 270m<sup>2</sup>) using blue metal.

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

Lots 146, 147 and 148 are located in a designated service commercial precinct in the southern part of the Newdegate townsite and comprise a total combined area of 3,795m<sup>2</sup>. All three lots are relatively flat throughout their entire area, have been extensively cleared of most native vegetation and have direct frontage and access to May Street along their southern boundaries which is a sealed and drained local road under the care, control and management of the Shire. The lots also have direct frontage and access to an unsealed public right-of-way along their northern rear boundary which is again under the care, control and management of the Shire.



Location & Lot Configuration Plan (Source: Landgate 2021)

Lots 146 and 147, which are owned by King Endeavours Pty Ltd ATF Ross & Jodie Dunkeld Family Trust No.2, contain an existing 860m<sup>2</sup> warehouse building, including offices and staff amenities within, as well as portion of a large steel framed and clad storage shed which are currently being used for the purposes of a farm supply centre (i.e. Nutrien Ag Solutions Limited). A gravel vehicle access way, parking area and landscaping are also provided on Lot 146.

Lot 148, which is currently owned by the Western Australian Land Authority and is the subject of a contract of sale with King Endeavours Pty Ltd, is vacant and has not been developed and/or used for any approved purpose/s. It is understood the contract of sale is conditional upon the development application the subject of this report being formally approved by Council.

All three (3) lots do not contain any sites of European or Aboriginal Heritage significance, are not subject to inundation or flooding during extreme storm events and are not located within any designated Public Drinking Water Source Area. They have however been designated by the Fire and Emergency Services Commissioner of Western Australia as being bushfire prone. Notwithstanding this fact, as the proposed development will not result in any significant

intensification of land usage, increase the number of residents or employees on the land, or increase the overall bushfire threat, a bushfire attack level (BAL) assessment and bushfire management plan are not required in support of the application.

Immediately adjoining and other nearby land uses are quite mixed and include:

- low density residential development to the west and south-west;
- a water supply reserve immediately south on the opposite side of May Street, low density residential development on Service Commercial zoned land to the south-east with the Newdegate Fire Brigade depot and Town Hall beyond;
- a St Johns ambulance depot and low-density residential development to the east; and
- undeveloped Crown land, low density residential development and the Newdegate Museum to the north.

### Comment

Lots 146 and 147 are classified 'Service Commercial' zone in the Shire of Lake Grace Local Planning Scheme No.4 (LPS4) and have previously been approved to be developed and used for the purposes of a farm supply centre.

Lot 148 is classified 'Recreation' reserve in LPS4 however the land has never been developed and used for this purpose and is currently being offered for sale by the the Western Australian Land Authority (trading as Development WA) for commercial purposes. Under the terms of LPS4 a person must not use or commence or carry out development on a Local Scheme Reserve without first having obtained Council's development approval. In determining an application for development approval Council is required to have due regard to:

- a) the matters set out in clause 67 of the deemed provisions of the Planning and Development (Local Planning Schemes) Regulations 2015; and
- b) the ultimate purpose intended for the Reserve.

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

- Land capability and suitability including topography, soil types and stability, drainage and flood risk;
- Land use compatibility;
- Environmental protection and conservation
- Visual character and amenity;
- Vehicle access and parking including sealing;
- Landscaping; and
- Stormwater drainage and bushfire risk management.

Notwithstanding the above conclusion, Council is required to consider and exercise its discretion in relation to the following matters when finally determining the application:

i) 'Recreation' Reserve Classification

As mentioned previously above, Lot 148 is classified 'Recreation' reserve in LPS4 for the

purpose of providing a small buffer area between the existing service commercial development on Lots 146 and 147 May Street and a number of 'Residential' zoned lots to the west. The same reserve classification has also been applied to Lot 139 (No.9) May Street located immediately west of Lot 148 for the same purpose.

Lots 139 and 148 are both currently vacant and have not been developed or used for any specific approved purpose. The existing vegetation on both lots has slowly been degraded over time through unauthorised vehicle access and parking.

The reporting officer is not aware of any plans by the Shire to formally acquire these two lots from the Western Australian Land Authority which it technically should have considered doing a number of years ago to secure the right to develop and use the land for recreational purposes in accordance with its current reserve classification in LPS4.

In the absence of any plan to acquire Lots 139 and 148 for recreational purposes and the fact no submissions were received from the local community objecting to the proposed development and use of Lot 148 to expand the existing farm supply centre on Lots 146 and 147 immediately east, Council has the discretion to approve the application as it applies specifically to Lot 148 if it satisfied this lot is not required for passive recreational purposes and the proposed development will not have a negative impact on the general amenity, character, functionality and safety of the immediate locality.

Having regard for the nature, scale and intensity of the proposed development and use of Lot 148 and its general compliance with the standards and requirements of LPS4, it is considered reasonable to conclude it will not have any detrimental impacts on the immediate locality and could provide highly beneficial in terms of supporting local economic development and growth which is a key strategic objective.

Finally, Council should note that should it refuse the development application as it applies specifically to Lot 148, there may be potential for the Western Australian Land Authority to pursue a claim for compensation from the Shire for injurious affection under section 173 of the Planning and Development Act 2005 (as amended). If this were to occur the Shire may itself be required to acquire Lots 139 and 148 from the Western Australian Land Authority.

ii) Boundary Fencing

Clause 4.8.6 of LPS4 expressly states the minimum standard fence for lots used for commercial or service commercial purposes shall be a 1.8-metre-high Colorbond / Neetascreen style fence unless otherwise approved by the local government.

Under the terms of the application received 1.8-metre-high chain mesh / ring lock type fencing and vehicle access gates are proposed to be erected along or adjacent to the boundaries of Lots 147 and 148.

Having regard for the applicant's intention to retain, protect and enhance the existing vegetation along the street frontage of Lots 147 and 148, the visual screening that will be afforded by this vegetation and the fact there are a number of other properties in the immediate locality that have been permitted to use open, visually permeable fencing of the same type, it is considered reasonable for Council to exercise its discretion and allow the installation of chain mesh / ring lock fencing as proposed.

In light of all of the above, it is concluded the proposals for Lots 146, 147 and 148 (Nos.11, 13 & 15) May Street, Newdegate 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 standard conditions to ensure the development proceeds in a proper and orderly manner. As such, it is recommended Council exercise its discretion and grant conditional development approval.

#### Legal Implications

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

#### Policy Implications

- Council Works Policy 5.6 – ‘Property Access and Crossovers’
- Council Works Policy 5.9 – ‘Storm Water Drainage’

#### Consultation

The application was advertised for public comment for a period of twenty-eight (28) days which included publication of a notice and a full copy of the development application on the Shire’s website and correspondence to all private landowners in the immediate locality inviting their feedback and comment.

Council should note at the conclusion of public advertising on Friday 22 October 2021 no submissions had been received by the Shire which suggests the local community is generally supportive of the proposal and has no objections.

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

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

#### Strategic Implications

- Shire of Lake Grace Local Planning Strategy 2007 as it applies specifically to the development of a diversified range of commerce and industry in appropriate locations to provide local employment opportunities.

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

*Economic Objective - A prosperous 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.*

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

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

*Outcome 3.1 - A well maintained attractive built environment servicing the needs of the community.*

### Voting Requirements

Simple majority required.

### **Recommendation / Resolution**

**Moved:**

**Seconded:**

That the development application submitted by King Endeavours Pty Ltd ATF Ross & Jodie Dunkeld Family Trust No.2 on behalf of itself and the Western Australian Land Authority (Landowners) to undertake some minor upgrades to an existing approved farm supply centre on Lots 146 and 147 (Nos.15 & 17) May Street, Newdegate and the development of Lot 148 (No.11) to enable this land to be incorporated with and form part of the farm supply centre on the adjoining lots be **approved** subject to the following conditions and advice notes:

#### Conditions:

1. The proposed development shall be undertaken strictly in accordance with the information and plans submitted in support of the application subject to any modifications required as a consequence of any condition/s of this approval or otherwise approved by Council.
2. Any additional development which is not in accordance with the application the subject of this approval or any condition of approval will require the further approval of Council.
3. The proposed development shall be substantially commenced within a period of two (2) years from the date of this approval. If the development is not substantially commenced within this period, this approval shall lapse and be of no further effect. Where an approval has so lapsed, the proposed development shall not be carried out without the further approval of Council having first being sought and obtained.
4. Lot 148 shall be filled and compacted to the specifications and satisfaction of the Shire's Chief Executive Officer in consultation with the Shire's Manager Infrastructure Services to ensure all stormwater drainage from the proposed development is capable of being directed to the May Street road reserve area for discharge into the Shire's local drainage system.
5. The existing native vegetation along the primary street frontage of Lots 147 and 148 (i.e. May Street) shall be retained and maintained in perpetuity to the specifications and satisfaction of the Shire's Chief Executive Officer unless its removal is authorised by Council.
6. The additional planting proposed to be undertaken to supplement the existing native vegetation along the primary street frontage of Lots 147 and 148 shall be installed by no later


than the end of winter 2022 and retained and maintained thereafter in perpetuity to the specifications and satisfaction of the Shire's Chief Executive Officer.

Advice Notes:

1. This approval is not an authority to ignore any constraint to development on the land which may exist through contract or on title, such as an easement, memorial or restrictive covenant. It is the responsibility of the applicant and landowner and not the Shire to investigate any such constraints before commencing development. This approval will not necessarily have regard to any such constraint to development, regardless of whether or not it has been drawn to the Shire's attention.
2. This is a development approval of the Shire of Lake Grace under its Local Planning Scheme No.4. It is not a building permit or an approval to commence or carry out development under any other law. It is the responsibility of the applicant/landowner to obtain any other necessary approvals, consents, permits and licenses required under any other law, and to commence and carry out development in accordance with all relevant laws.
3. The applicant is reminded of their obligation to ensure compliance with the requirements of the Shire of Lake Grace Annual Fire Management Notice as it applies specifically to all townsite land in the Shire to help guard against any potential bushfire risk (<https://www.lakegrace.wa.gov.au/services/bushfire-emergency-management/fire-management-requirements.aspx>).
4. All chemical storage on the land shall be undertaken in a manner consistent with the Dangerous Goods Safety Act 2004 and all associated regulations as well as Australian Standard AS 2507-1998 entitled 'The Storage and Handling of Agricultural and Veterinary Chemicals'. Any queries regarding the relevant requirements should be directed to the Department of Mines, Industry Regulation and Safety ([www.dmirs.wa.gov.au](http://www.dmirs.wa.gov.au)).
5. No construction works shall commence on the land prior to 7am without the Shire's written approval. No construction works are permitted to be undertaken on Sundays or Public Holidays unless otherwise approved by the Shire's Chief Executive Officer.
6. Any future proposed advertising signage shall be provided in accordance with the specific requirements of the Shire of Lake Grace Local Planning Scheme No.4 and Local Planning Policy 6.5 entitled 'Advertising Signage' unless otherwise approved by Council.
7. It is recommended the applicant consider preparing and lodging an application to the Western Australian Planning Commission to amalgamate all three (3) lots the subject of this approval into one (1) new separately titled lot to avoid any complications or delays with the processing of any building permit applications that may be needed in the future.
8. 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.
9. 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.

**CARRIED:**

**14.2.3 DEVELOPMENT APPLICATION – PROPOSED ADDITIONS AND UPGRADES TO AN EXISTING MOTOR VEHICLE REPAIR BUSINESS ON LOT 175 (NO.2) MCCRACKEN ROAD, NEWDEGATE**

<b>Applicant:</b>	Louis & Idra Greyling (Landowners)
<b>File No.:</b>	TBA
<b>Attachments:</b>	Development Application documentation and plans
<b>Author:</b>	Mr Joe Douglas – Town Planner
<b>Disclosure of Interest:</b>	Nil
<b>Date of Report:</b>	16 November 2021
<b>Senior Officer:</b>	 Mr Alan George Chief Executive Officer

Summary

This report recommends that Council **grant conditional approval** to a development application received from Louis and Idra Greyling (Landowners) for a number of proposed additions and upgrades to an existing motor vehicle repair business on Lot 175 (No.2) McCracken Road, Newdegate.

Background

Louis and Idra Greyling (Landowners) have submitted a development application for Lot 175 (No.2) McCracken Road, Newdegate seeking Council’s approval for the following:

- i. Construction of a proposed new 37.21m<sup>2</sup> steel framed, zincalume clad addition to an existing shed located in the western portion of the property;
- ii. Construction of a proposed new 144m<sup>2</sup> steel framed, zincalume clad lean-to structure immediately adjacent to another existing shed located centrally on the land;
- iii. Installation of two (2) new rainwater tanks adjacent to the improvements proposed in points i) and ii) above for stormwater drainage management purposes;
- iv. The clearer delineation of two (2) existing driveway crossovers along the land’s McCracken Road and Newdegate Road North frontages through the installation of new vehicle access gates of a suitable width to accommodate light and heavy vehicle movements;
- v. The provision of four (4) designated on-site parking bays to accommodate staff and customer vehicles; and
- vi. Installation of a new two (2) metre high chain mesh fence with barbed wire atop along the land’s McCracken Road and Newdegate Road North frontages for security purposes.

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

Lot 175 is located in a designated service commercial precinct in the eastern part of the



Newdegate townsite and comprises a total area of 3,852m<sup>2</sup>. The land is relatively flat throughout, has been predominantly cleared of native vegetation, aside from a few trees that have been retained for landscaping purposes, and has direct frontage and access to McCracken Road along its southern boundary and Newdegate Road North along its eastern boundary which are both sealed and drained local roads under the care, control and management of the Shire.



Location & Lot Configuration Plan (Source: Landgate 2021)

The subject land has been extensively developed and used for service commercial purposes for many years and contains a number of associated improvements including three (3) sheds, a caretaker’s dwelling, sealed and drained vehicle accessways and crossovers, parking and loading/unloading bays, an elevated loading ramp and landscaping comprising native vegetation in strategic locations.

Lot 175 does not contain any sites of European or Aboriginal Heritage significance, is not subject to inundation or flooding during extreme storm events, is not located within any designated Public Drinking Water Source Area and has not been designated by the Fire and Emergency Services Commissioner of Western Australia as being bushfire prone.

Immediately adjoining and other nearby land uses are essentially service commercial and industrial in nature with the exception of the Newdegate Caravan Park located to the north-east on the opposite side of Newdegate Road North.

Comment

Lots 175 is classified ‘Service Commercial’ zone in the Shire of Lake Grace Local Planning Scheme No.4 (LPS4).



Under the terms of the Zoning Table in LPS4 the use class 'Motor Vehicle Repairs' is listed as a permitted (i.e. 'P') use on any land classified 'Service Commercial' zone. Notwithstanding this fact, Council's development approval is still required for any proposed new works on the land pursuant to the specific requirements of regulation 60 of the Deemed Provisions of the Planning and Development (Local Planning Schemes) Regulations 2015 (as amended).

The application has been assessed with due regard for all relevant objectives, standards and requirements prescribed in LPS4, clause 67 of the Deemed Provisions of the *Planning and Development (Local Planning Scheme) Regulations 2015* and Council's policy manual. This assessment has confirmed the proposal is compliant with the following requirements:

- Land capability and suitability including topography, soil types and stability, drainage and flood risk;
- Land use compatibility;
- Siting, design and lot boundary setbacks;
- Maximum permitted building height;
- Environmental protection and conservation;
- Visual character and amenity;
- Vehicle access and parking including sealing;
- Landscaping; and
- Stormwater drainage and bushfire risk management.

Notwithstanding the above conclusion, Council is required to consider and exercise its discretion in relation to the following matters when finally determining the application:

#### Boundary Fencing

Clause 4.8.6 of LPS4 expressly states the minimum standard fence for lots used for commercial or service commercial purposes shall be a 1.8-metre-high Colorbond / Neetascreen style fence unless otherwise approved by the local government.

Under the terms of the application received a new two (2) metre high chain mesh fence, including vehicle access gates, with barbed wire atop is proposed to be erected along the subject land's McCracken Road and Newdegate Road North frontages for security purposes.

Having regard for the requirements of the Shire's Fencing Local Law 2016 which allows for fencing of the type proposed on any lot used for commercial, service commercial or industrial purposes and the fact there are a number of other properties in the immediate locality that have been permitted to use open, visually permeable fencing of the same type, it is considered reasonable for Council to exercise its discretion and allow the installation of chain mesh / ring lock fencing as proposed.

In light of all of the above, it is concluded the proposals for Lot 175 (No.2) McCracken Road, Newdegate 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 standard conditions to ensure the development proceeds in a proper and orderly manner. As such, it is recommended Council exercise its discretion and

grant conditional development approval.

### Legal Implications

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

### Policy Implications

- Council Works Policy 5.6 – ‘Property Access and Crossovers’
- Council Works Policy 5.9 – ‘Storm Water Drainage’

### Consultation

Not required or deemed necessary. The application was however the subject of discussion with the applicant prior to it being finalised and formally submitted to the Shire for processing.

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

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

### Strategic Implications

- Shire of Lake Grace Local Planning Strategy 2007 as it applies specifically to the development of a diversified range of commerce and industry in appropriate locations to provide local employment opportunities.
- Shire of Lake Grace Strategic Community Plan 2017-2027:
  - Economic Objective - A prosperous 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.*
    - 1.2.2 - Support local business and promote further investment in the district.*
  - Environment Objective - Protect and enhance our natural and built environment.*
  - Outcome 3.1 - A well maintained attractive built environment servicing the needs of the community.*

## Voting Requirements

Simple majority required.

## **Recommendation / Resolution**

**Moved:**

**Seconded:**

That the development application submitted by Louis and Idra Greyling (Landowners) for a number of proposed additions and upgrades to an existing motor vehicle repair business on Lot 175 (No.2) McCracken Road, Newdegate be **approved** subject to the following conditions and advice notes:

### Conditions:

1. The proposed development shall be undertaken strictly in accordance with the information and plans submitted in support of the application subject to any modifications required as a consequence of any condition/s of this approval or otherwise approved by Council.
2. Any additional development which is not in accordance with the application the subject of this approval or any condition of approval will require the further approval of Council.
3. The proposed development shall be substantially commenced within a period of two (2) years from the date of this approval. If the development is not substantially commenced within this period this approval shall lapse and be of no further effect. Where an approval has so lapsed, the proposed development shall not be carried out without the further approval of Council having first being sought and obtained.
4. The two (2) new rainwater tanks proposed to be used for stormwater drainage management purposes shall be installed prior to occupation and use of the proposed shed extension and lean-to structure.

### Advice Notes:

1. This approval is not an authority to ignore any constraint to development on the land which may exist through contract or on title, such as an easement, memorial or restrictive covenant. It is the responsibility of the applicant and landowner and not the Shire to investigate any such constraints before commencing development. This approval will not necessarily have regard to any such constraint to development, regardless of whether or not it has been drawn to the Shire's attention.
2. This is a development approval of the Shire of Lake Grace under its Local Planning Scheme No.4. It is not a building permit or an approval to commence or carry out development under any other law. It is the responsibility of the applicant/landowner to obtain any other necessary approvals, consents, permits and licenses required under any other law, and to commence and carry out development in accordance with all relevant laws.
3. The applicant is reminded of their obligation to ensure compliance with the requirements of the Shire of Lake Grace Annual Fire Management Notice as it applies specifically to all townsite land in the Shire to help guard against any potential bushfire risk

(<https://www.lakegrace.wa.gov.au/services/bushfire-emergency-management/fire-management-requirements.aspx>).

4. In accordance with the Building Act 2011 and Building Regulations 2012, a building permit application must be submitted to and approved by the Shire's Building Surveyor prior to the commencement of any earthworks or construction on the land.
5. The proposed development is required to comply in all respects with the National Construction Code of Australia. Plans and specifications which reflect these requirements are required to be submitted with the building permit application.
6. No construction works shall commence on the land prior to 7am without the Shire's written approval. No construction works are permitted to be undertaken on Sundays or Public Holidays unless otherwise approved by the Shire's Chief Executive Officer.
7. Any future proposed advertising signage shall be provided in accordance with the specific requirements of the Shire of Lake Grace Local Planning Scheme No.4 and Local Planning Policy 6.5 entitled 'Advertising Signage' unless otherwise approved by Council.
8. 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.
9. 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.


**CARRIED:**

#### **14.3 HEALTH AND BUILDING**

Nil

**14.4 ADMINISTRATION**

**14.4.1 4WDL TOURISM AND KEY WORKER HOUSING PROJECTS**

<b>Applicant:</b>	Mr Alan George Chief Executive Officer – Shire of Lake Grace
<b>File No.:</b>	0733
<b>Attachments:</b>	Nil
<b>Author:</b>	Mr Alan George – Chief Executive Officer Shire of Lake Grace  Mr Gavin Treasure – Chief Executive Officer Shire of Dumbleyung
<b>Disclosure of Interest:</b>	Nil
<b>Date of Report:</b>	15 November 2021
<b>Senior Officer:</b>	 Mr Alan George Chief Executive Officer

Summary

For Council to **approve** the use of \$5,000 from the Shire of Lake Grace’s approved budget for Consultants for use with both 4WDL project activities. A similar funding request is being sought from each of the 4WDL LGA members. Therefore, no net offsetting budget or cashflow deficit is expected. Shire CEO in kind time is anticipated to assist with managing, overseeing and supporting both project activities.

Background

At its most recent meeting held on 9 November 2021, the 4WDL VROC considered proposals for separate tourism and key worker housing project activities. The purpose of this agenda item is to seek Council funding endorsement support for contributions towards both projects in conjunction with other 4WDL LGA members.

Comment

*Tourism*

The purpose of the 4WDL Tourism Action Plan is to establish a 3-5-year tourism action plan that links all LGA’s connected through 4WDL and identifies key new project opportunities for potential development / redevelopment and investment throughout the region. Each project will have sufficient design, description and scope to enable the 4WDL to seek (grant) funding towards the same.

The aim is to increase the tourism product and events offering throughout the 4WDL group by identifying opportunities to attract and retain tourists in the region. The test to be used in relation to impact includes increase in overall visitation (numbers), increased overnight stays and positive

employment impacts. **The first recommended project is to conduct a review of existing tourist accommodation options in each LGA, including recommendations and a plan for improvement.**

Future potential projects may include:-

- ✓ Identify and scope potential new or refurbished project attractions, including consideration being given to historical interpretation, night-time and art experiences
- ✓ Identify and scope potential new motor vehicle, bike riding and/or walking trails
- ✓ Identify new or expanded key signature events
- ✓ Identify new or expanded Aboriginal tourism experiences

### *Key Worker Housing*

At the 4WDL meeting of CEO's on 14 September 2021, an action was proposed for the Shire of Dumbleyung CEO to compile a 4WDL '*Housing Needs Analysis Scope*' prior to the next in-person meeting on the 9 November 2021 to help identify, from the survey undertaken as to where the collective is currently positioned.

On 13 October 2021, Mr Rob Cossart (CEO) and Ms Clare Atkins from the Wheatbelt Development Commission visited the CEO of Wagin to discuss the shortage of housing. The possibility was raised of the WDC and 4WDL Shires scoping a project whereby a consultant could be employed to help determine the implications and viability of Shires funding new housing to accommodate workers by way of long-term lease arrangements, with government agencies and/or local employers. The follow up email from this meeting explains the concept as follows:-

*'Good Morning Bill,*

*Just sending through some notes from our recent meeting where we discussed the current shortage of housing in Wagin and the Wheatbelt on a broader scale:-*

- *This shortage is expected to continue with State Government employee housing requirements and general worker accommodation fuelling a strong rental market that has seen consistently low vacancy rates over the past few years. This has become a barrier to local businesses being able to increase production and building on capacity.*
- *Rob introduced the concept of approaching some of the larger entities who are seeking housing for employees with the proposal of establishing long term lease agreements to assist securing finance and creating a demand for local shires investing in building houses.*
- *There may be scope for a joint project between WDC and members of the 4WDL Local Government Group to engage a consultant who would gather the required information to assess if this could be a model that is achievable and financially viable. WDC is willing to co- contribute to the cost of engaging a consultant to complete the project.*
- *Rob will continue to progress enquiries with senior management at a State Government level to introduce the concept of committing to longer term leases to secure long term housing options for employees in Wheatbelt towns.*

- *Bill will take the concept to the next 4WDL meeting to gauge support and feedback from other LGAs. Following this meeting a scoping document will be written up to define the project and allow a budget to be set prior to engaging a consultant.*

*The product of this body of work will allow viability of this strategy to be assessed, Rob will have a report that substantiates his enquiries at higher Government levels and allow other shires to assess the potential of a similar project to alleviate the widespread worker housing shortages.*

*Given the importance of the housing issues the WDC would like to have the report by the end of the year to facilitate future discussion and investment.*

*Kind Regards,*

*Clare Atkins, Regional Development Officer, Wheatbelt Development Commission'*

## COMMENT

### Tourism

Tourism is an important industry driver for Wheatbelt communities, including those in the 4WDL group. At present, no 4WDL LGA is considered a destination, more so a place to visit, maybe stopover on a journey to another preferred location. By taking a strategic and focused approach on identifying opportunities to expand the tourism offerings for visitors in the region, this increases the likelihood of increasing visitation both in numbers and duration leading to increased economic benefit, particularly for our hospitality and retail business sectors.

Due to geographic tourism alignment challenges through the 4WDL group, initial focus will be given to a review of existing tourist accommodation options in each LGA, including recommendations and a plan for improvement. If resources and time allows, additional effort may be exerted to consider other tourism activation opportunities under a broader tourism action plan. This is considered secondary in importance to the prioritised tourism accommodation review.

### Key Worker Housing

The significant lack of key worker housing (both government and business) in all 4WDL LGA communities is the impetus behind this initiative. Failed market conditions in our towns in which lending institutions do not support loans for new housing is a significant issue restricting infrastructure investment. In consultation between the CEO's of Wagin & Dumbleyung, it was agreed that this proposal should be discussed in advance of the previously referred to 4WDL Housing Needs Analysis Scope being prepared.

Whilst it is 'early days' the scope for a joint (WDC 4WDL) approach to engage a consultant to carry out the work as proposed, could include (but not be limited to):-

- Identification of available residential land within each (4WDL) Shire
- Identification of number of dwellings required and over what period
- Broad configuration (type) of housing units required (i.e., single/multiple dwellings)
- Investigation into what headworks charges might apply
- Ascertaining the financial capacity of Shires to fund developments
- Financial Modelling to determine viability of project
- And (critically) the commitment of third parties (Government/employers) to lock into long term leasing arrangements.

A principal objective is that the provision of workers accommodation should be cost neutral to the Shires choosing to take up this initiative. This would need to be by way of either self-supporting loans or locked in long term lease arrangements with the agencies involved.

#### Legal Implications

Nil

#### Policy Implications

Nil

#### Consultation

Early initial engagement has occurred through 4WDL CEO's and elected members. Shire of Dumbleyung facilitated a joint LGA workshop of CEO's and other key LGA officers to consider the Tourism project scope on 25 October 2021, in which Australia's Golden Outback CEO attended.

The Shire of Wagin coordinated a Housing Needs Analysis to gauge/assess the level of interest and impact in relation to key worker housing shortages. The WDC has also recently engaged with the Shire of Wagin in which an offer was made to co-contribute funding towards the key worker housing project, initially targeting government employees and their host agencies.

#### Financial Implications

This agenda item seeks to access \$5,000 from the Shire of Lake Grace's approved budget for Consultants for use with both 4WDL project activities. A similar funding request is being sought from each of the 4WDL LGA members. Therefore, no net offsetting budget or cashflow deficit is expected. Shire CEO in kind time is anticipated to assist with managing, overseeing and supporting both project activities.

It is anticipated that either a part time employee or a consultant will be appointed to deliver the Tourism project. The Wheatbelt Development Commission (WDC) has notionally agreed to co-contribute \$10,000 for the Key Worker Housing project. An external consultant will probably be appointed for this activity.

This is considered a low risk project for the Shire of Lake Grace to participate with significant upside potential. 4WDL has a demonstrated track record of similar success, particularly in relation to an earlier Aged Care Housing Project which attracted grant funding success for all LGA participants.

#### Strategic Implications

The 4WDL Strategic Plan includes the following strategic priorities:-

**Housing**, short and long-term accommodation, undertake a needs analysis for the provision of short- and long-term accommodation. *Monitor for funding opportunities State Government funding for Community Housing possibility for refurbishment of existing or new dwellings for member local governments that require it, not all membership have same need for housing currently.*



**Tourism**, identify opportunities to work across the 4WDL region. *Compile a 'Drive Trail' brochure for all 4WDL member local governments to maximise the current tourism market and the travelers through the region.*

This agenda item and funding request is consistent and closely aligns with both 4WDL strategic priority projects.

Voting Requirements

Absolute majority required.

**Recommendation / Resolution**

**Moved:**


**Seconded:**

That Council endorses operational expenditure commitments for the following two (2) 4WDL projects:

- Tourism Action Plan (Tourism Accommodation Review ) \$3,000 and
- Key worker Housing \$2,000

**CARRIED BY ABSOLUTE MAJORITY:**

**14.4.2 DISSOLUTION OF TWO (2) COMMITTEES OF COUNCIL**

<b>Applicant:</b>	Internal Report
<b>File No.:</b>	0795
<b>Attachments:</b>	Nil
<b>Author:</b>	<i>RRRose</i>  Mrs Racelis Rose Executive Assistant
<b>Disclosure of Interest:</b>	Nil
<b>Date of Report:</b>	2 November 2021
<b>Senior Officer:</b>	  Mr Chris Paget Deputy Chief Executive Officer

Summary

At the Ordinary Council Meeting of 27 October 2021, Council determined the allocation of membership to various Committees of Council. During this process, two (2) Committees of Council were recommended to be **disbanded**, namely:

- Newdegate Rejuvenation Committee (Resolution 13484)
- Lake King Grassed Oval Committee (Resolution 13485)

As discussed by the Council below, the reasons for the proposed dissolutions are that the Terms of Reference for both committees are no longer applicable/required for the purposes they were originally established.

*Resolution 13484*

*Moved Cr Armstrong*

*Seconded Cr Carruthers*

*That Council disband the Newdegate Rejuvenation Committee (NRC) as the Terms of Reference is no longer relevant. Administration staff to present an agenda item and take up to the November 2021 Council meeting.*

*Carried by Absolute Majority: 9/0*

The primary objective of the Newdegate Rejuvenation Committee is to consult on the status of the Newdegate Town Centre Rejuvenation Project and where appropriate make recommendations to Council. As of this writing, the project that has **not** been completed is the Newdegate Town Hall additions and modifications. For the purpose of the centenary celebrations of Newdegate in September 2022, minor repairs, alterations and modification will be facilitated by the Shire. Contractors will be engaged to take responsibility of this project.

After the centenary celebrations, a community consultation will be conducted to determine what needs to be done with the Newdegate Town Hall, e.g. demolish the building and rebuild or repurpose the area to make way for an alternative function and use of the facility.

*Resolution 13485  
Moved Cr Carruthers  
Seconded Cr Lloyd*

*That Council disband the Lake King Grassed Oval Committee (LKGOC) as the Terms of Reference is no longer relevant. Administration staff to present an agenda item and take up to the November 2021 Council meeting.*

*Carried by Absolute Majority 9/0*

The Lake King Grassed Oval committee was discussed and it was pointed out that the Shire is looking after the ongoing maintenance and upkeep of the Lake King oval, and as such this committee is no longer required and thus should be disbanded.

### Legal Implications

#### *Local Government Act 1995*

#### *Subdivision 2 – Committees and their meetings*

#### 5.8. Establishment of Committees

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

\* Absolute majority required.

#### 5.9. Committees, types of

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

#### 5.10. Committee members, appointment of

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

\* Absolute majority required.

- (2) At any given time each council member is entitled to be a member of at least one committee referred to in section 5.9(2)(a) or (b) and if a council member nominates himself or herself to be a member of such a committee or committees, the local government is to include that council member in the persons appointed under

subsection (1)(a) to at least one of those committees as the local government decides.

- (3) Section 52 of the Interpretation Act 1984 applies to appointments of committee members other than those appointed under subsection (4) or (5) but any power exercised under section 52(1) of that Act can only be exercised on the decision of an absolute majority of the local government.
- (4) If at a meeting of the council a local government is to make an appointment to a committee that has or could have a council member as a member and the mayor or president informs the local government of his or her wish to be a member of the committee, the local government is to appoint the mayor or president to be a member of the committee.
- (5) If at a meeting of the council a local government is to make an appointment to a committee that has or will have an employee as a member and the CEO informs the local government of his or her wish —
  - (a) to be a member of the committee; or
  - (b) that a representative of the CEO be a member of the committee, the local government is to appoint the CEO or the CEO’s representative, as the case may be, to be a member of the committee.

Policy Implications

Nil

Consultation

Internal Mr Chris Paget, Deputy Chief Executive Officer

Financial Implications

Nil

Strategic Implications

Shire of Lake Grace Strategic Community Plan 2017 - 2027  
Social – A valued, healthy and inclusive community and life-style  
Outcome 2.1 An engaged, supportive and inclusive community

Leadership – Strong governance and leadership, demonstrating fair and equitable community values  
Outcome 4.2 An efficient and effective organisation  
4.2.1 Maintain accountability and financial responsibility through effective planning  
4.1.2 Promote and advocate for the community and district  
4.1.3 Provide strategic leadership and governance

Voting Requirements

Absolute majority required.

**Recommendation / Resolution**

**Moved:**



**Seconded:**

That Council, based on this report, formally dissolve the following two (2) committees:

- Newdegate Rejuvenation Committee
- Lake King Grassed Oval Committee

**CARRIED BY ABSOLUTE MAJORITY**

**14.4.3 APPOINTMENT OF ACTING CHIEF EXECUTIVE OFFICER**

<b>Applicant:</b>	Internal Report
<b>File No.:</b>	0009
<b>Attachments:</b>	Nil
<b>Author:</b>	 Mr Alan George Chief Executive Officer
<b>Disclosure of Interest:</b>	Nil
<b>Date of Report:</b>	17 November 2021
<b>Senior Officer:</b>	 Mr Alan George Chief Executive Officer

Summary

For Council to appoint an Acting Chief Executive Officer during the period of Annual Leave by the Chief Executive Officer.

Background

The Chief Executive Officer is seeking Council approval to take Annual Leave for the periods:

- from Monday 10 January 2022 to Friday 28 January 2022 (15 days) and
- from Monday 14 February 2022 to Friday 25 February 2022 (10 days) inclusive.

There may be some fluidity of dates in January. As there is currently no policy for approving the Chief Executive Officer's leave, this item is presented to Council for approval.

In accordance with Policy 1.14 Christmas / New Year Closure of Council Facilities the Administration Centre will be closed from midday 24 December 2021 to Monday 4 January 2022 inclusive. During this time the Chief Executive will be utilising accrued Rostered Days Off (RDO).

An allowance is provided in the Annual Budget for higher duties to be paid during a period of time an Acting Chief Executive Officer is appointed.

Comment

Mr. Chris Paget has indicated that he is willing to take on the role of Acting Chief Executive Officer in the absence of Mr. Alan George on annual leave. Mr. Paget is familiar with the operations of local government.

## Legal Implications

### Local Government Act 1995

#### 5.36. Local government employees

- (1) A local government is to employ —
  - (a) a person to be the CEO of the local government; and
  - (b) such other persons as the council believes are necessary to enable the functions of the local government and the functions of the council to be performed.
- (2) A person is not to be employed in the position of CEO unless the council —
  - (a) believes that the person is suitably qualified for the position; and
  - (b) is satisfied\* with the provisions of the proposed employment contract.

\* Absolute majority required.

- (3) A person is not to be employed by a local government in any other position unless the CEO —
  - (a) believes that the person is suitably qualified for the position; and
  - (b) is satisfied with the proposed arrangements relating to the person's employment.
- (4) Unless subsection (5A) applies, if the position of CEO of a local government becomes vacant, it is to be advertised by the local government in the manner prescribed, and the advertisement is to contain such information with respect to the position as is prescribed.
- (5A) Subsection (4) does not require a position to be advertised if it is proposed that the position be filled by a person in a prescribed class.
- (5) For the avoidance of doubt, subsection (4) does not impose a requirement to advertise a position before the renewal of a contract referred to in section 5.39.

## Policy Implications

There is no policy on approving leave for the Chief Executive Officer.

### Policy 1.14 Christmas / New Year Closure of Council Facilities

*The Administration Centre will be closed for business on Christmas Eve and re-open on the first working day following New Year's Day.*

*Shire staff will take leave entitlements during this closure period for those days that are not designated public holidays.*

*The Lake Grace and Newdegate landfill sites close on Christmas Day only. All other normal operating times apply over the Christmas / New Year period.*

*The Lake Grace Swimming Pool closes on Christmas Day only. All other normal operating times apply over the Christmas / New Year period.*

### Delegation A05 – Acting Chief Executive Officer

*During un-scheduled absences of the Chief Executive Officer, the Chief Executive Officer is delegated authority to appoint one of Council's designated Senior Officers, being the Deputy Chief Executive Officer or the Manager Infrastructure Services to act, as Chief Executive Officer in accordance with the terms of his/her contract.*

**NOTE:**

*During scheduled absences of the Chief Executive Officer, the Chief Executive Officer is to recommend to Council to appoint a senior employee of the Shire's staff to act in the capacity of Chief Executive Officer.*

Consultation

Internal: Cr Len Armstrong – Shire President  
Mr Chris Page – Deputy Chief Executive Officer

Financial Implications

A provision for higher duties allowance is provided within the annual Budget for staff acting in higher positions.

Strategic Implications

Shire of Lake Grace Strategic Community Plan 2017-2027

Leadership – Strong governance and leadership, demonstrating fair and equitable community values

Outcome 4.1 A strategically focused, unified Council functioning efficiently

4.1.1 Provide informed leadership on behalf of the community

4.1.2 Promote and advocate for the community and district

4.1.3 Provide strategic leadership and governance

Voting Requirements

Absolute majority required

**Recommendation / Resolution**

**Moved:**

**Seconded:**

That Council approve:



1. the Chief Executive Officer's annual leave for the period Monday 10 January 2022 to Friday 28 January 2022 (15 Days) and from Monday 14 February 2022 to Friday 28 February 2022 inclusive, noting that there may be some fluidity of dates in January
2. the Appointment of Mr Chris Paget, Deputy Chief Executive Officer as Acting Chief Executive Officer for the periods from Monday 10 January 2022 to Friday 28 January 2022 (15 Days) and from Monday 14 February 2022 to Friday 28 February 2022 inclusive;
3. the hourly rate of \$78.3979 be paid during the period of Acting Chief Executive Officer appointment, which is within the prescribed band for level four Local Governments.

**CARRIED BY ABSOLUTE MAJORITY:**



## 14.5 FINANCE

### 14.5.1 ACCOUNTS FOR PAYMENT – OCTOBER 2021

<b>Applicant</b>	Internal Report
<b>File No</b>	0277
<b>Attachments</b>	List of Accounts Payable
<b>Author</b>	 Ms Rebecca Clark Finance Officer – Rates & Creditors
<b>Disclosure of Interest</b>	Nil
<b>Date of Report</b>	18 November 2021
<b>Senior Officer</b>	 Mr Chris Paget Deputy Chief Executive Officer

#### Summary

For Council to ratify expenditures incurred for the month of October 2021.

#### Background

List of payments for the month of October 2021 through the Municipal account is attached.

#### Comment

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

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

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

#### Legal Implications

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

#### Policy Implications

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

Consultation

N/A

Financial Implications

The list of creditors paid for the month of October 2021 from the Municipal and Trust Accounts total is \$970,112.31.

Strategic Implications

Shire of Lake Grace Strategic Community Plan 2017-2027  
 Leadership – Strong governance and leadership, demonstrating fair and equitable community values.

- Outcomes 4.2 An efficient and effective organisation
  - 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**

**Moved:**  
**Seconded:**

That Council ratify the list of payments totalling \$970,112.31 as presented for the month of October 2021 incorporating:



Payment Method	Cheque/EFT/DD Number	Amount
Electronic Funds Transfers	EFT22724 - EFT22860	\$906,957.31
Municipal Account Cheques	36958 – 36959	\$1,274.44
Direct Debits	DD9720.1 – DD9755.1	\$61,880.56
	<b>TOTAL</b>	<b>\$970,112.31</b>

to the Municipal account, totalling \$970,112.31 which were submitted to each member of the Council on 24 November 2021, 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 the prices, computations, and costings and the amounts show are due for payment.

Alan George  
 CHIEF EXECUTIVE OFFICER

**CARRIED:**

**14.5.2 FINANCIAL REPORTS – 31 OCTOBER 2021**

<b>Applicant</b>	Internal Report
<b>File No</b>	0275
<b>Attachments</b>	<ul style="list-style-type: none"> <li>• Monthly Financial Reports</li> <li>• Bank reconciliations – October 2021</li> </ul>
<b>Author</b>	 Ms Victoria Fasano Finance Officer – Reporting and Investments
<b>Disclosure of Interest</b>	Nil
<b>Date of Report</b>	18 November 2021
<b>Senior Officer</b>	 Mr Chris Paget Deputy Chief Executive Officer

Summary

Consideration of the Monthly Financial Reports for the period ending 31 October 2021 and Bank Reconciliations for the month ending 31 October 2021.

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 October 2021, operating revenue over target by \$49,409 (0.86%) mostly due to Rates and Operating grants received earlier than budgeted. Interest earnings below target due to low interest rates.

Operating expenditure is under YTD budget by \$625,239 (17.11%) mainly due to Materials and contracts, employee and overhead cost down, but this is only the beginning of a new financial year and is expected.

The capital program is below the target by \$85,998. Capital grants and contributions are down due to bulk of Local Roads & Community and Drought & Community projects are not yet initiated/finalised, funds will be recognised later in financial year. Payments for property, plant and equipment are below target as well due to slow-down in capital projects and lead to offset the capital grants reduction.

Cash at bank is similar to the corresponding period last year, an investment agreement for 3 term deposits with Bankwest is in place (total of \$5,502,735).

Outstanding rates is tracking well and have recovered 85.1% to date.

General debtor is \$52,969 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 October 2021. 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

Nil

#### Financial Implications

Nil

#### Strategic Implications

Shire of Lake Grace Strategic Community Plan 2017 - 2027

Leadership – Strong governance and leadership, demonstrating fair and equitable community values

Outcome 4.2 An efficient and effective organisation

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**

**Moved:**

**Seconded:**

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 October 2021
2. Municipal, Trust and Reserve Funds bank reconciliations for the period ended 31 October 2021

**CARRIED:**

**14.6 COMMUNITY SERVICES**

**15.0 QUESTIONS OF WHICH DUE NOTICE HAS BEEN GIVEN**

## 16.0 INFORMATION BULLETIN – NOVEMBER 2021

<b>Applicant:</b>	Internal Report
<b>File No.</b>	Nil
<b>Attachments:</b>	Information Bulletin
<b>Author:</b>	<i>RRRose</i>  Mrs Racelis Rose Executive Assistant
<b>Disclosure of Interest:</b>	Nil
<b>Date of Report:</b>	17 November 2021
<b>Senior Officer:</b>	  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

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.

### Comment

This month's Information Bulletin Report was emailed to Councillors.

The November 2021 Information Bulletin attachment include:

### Reports:

- Infrastructure Services Report – October 2021
- Lake Grace Visitor Centre Report – Nil
- Lake Grace Library Report and Statistics – Nil
- Lake King Library Report and Statistics – November 2021
- Newdegate Library Report and Statistics – Nil

### Circulars, Media Releases, Newsletters, Letters:

- PHEOC Bulletin No. 85
- PHEOC Bulletin No. 86
- PHEOC Bulletin No. 87
- WALGA Reform Initiatives an Informed Approach
- Media Release – President Local Government Professionals Australia – Reaffirms Role and Relevant of National body

- Media Release – Peter Rundle MLA – Disaster assistance for Roe hit hard by July storms
- Council Connect Website

Legal Implications

Nil

Policy Implications

Nil

Consultation

Nil

Financial Implications

Nil

Strategic Implications

Shire of Lake Grace Strategic Community Plan 2017 – 2027

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Outcome 4.1 A strategically focused, unified Council functioning efficiently

4.1.1 Provide informed leadership on behalf of the community

4.1.2 Promote and advocate for the community and district

4.1.3 Provide strategic leadership and governance

Outcome 4.2 An efficient and effective organisation

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**

**Moved:**

**Seconded:**

That Council accepts the Information Bulletin Report for November 2021.

**CARRIED:**

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

### Recommendation / Resolution

**Moved:**

**Seconded:**

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.

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

**CARRIED:**

### Recommendation / Resolution

**Moved:**

**Seconded:**

That Council accept the recommendations contained in the Confidential Item

**CARRIED:**

### Recommendation / Resolution

**Moved:**

**Seconded:**

That Council move from behind closed doors.

**CARRIED:**

## 18.0 DATE OF NEXT MEETING – 22 DECEMBER 2021

The next Ordinary meeting of Council is scheduled to take place on Wednesday 22 December 2021 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.