

Shire of Lake Grace

Special Council Meeting

MINUTES

31 August 2023

Meeting Commencing at 4:00 pm

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Acknowledgement of Country

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

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



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SHIRE OF LAKE GRACE

Minutes of the Special Council Meeting held at the Council Chambers, 1 Bishop Street, Lake Grace, WA on Thursday 31 August 2023 commencing at 4:03pm.

1.0 DECLARATION OF OPENING ANNOUNCEMENT OF VISITORS

2.0 ACKNOWLEDGEMENT OF COUNTRY

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

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

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

3.1 PRESENT

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

3.2 APOLOGIES

Cr J McKenzie

3.3 IN ATTENDANCE

Mr Alan George	Chief Executive Officer
Mr C Paget	Deputy Chief Executive Officer
Mr C Elefsen	Manager Infrastructure Services

3.4 OBSERVERS / VISITORS

Nil

3.5 LEAVE OF ABSENCE PREVIOUSLY GRANTED

Nil

4.0 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil

5.0 PUBLIC QUESTION TIME

Nil

6.0 PETITIONS/DEPUTATIONS/PRESENTATIONS

Nil

7.0 NOTATIONS OF INTEREST

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

Nil

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

Nil

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

Nil

8.0 ANNOUNCEMENTS BY THE PRESIDING MEMBER WITHOUT DISCUSSION

President Cr. Armstrong advised that there was a late report of significance that required Members' consideration at this meeting; he noted that the Shire's Standing Orders Local Law 2015 states:

3.1 Business to be specified in the agenda

- (1) *No business is to be transacted at any ordinary meeting of the Council other than that specified in the agenda, without the approval of the Presiding Member or a decision of the Council or Committee.*
- (2) *No business is to be transacted at a special meeting of the Council other than that given in the notice as the purpose of the meeting.*

As such, for this report to be considered it is necessary to suspend standing orders to allow this matter to be dealt with prior to the rest of the agenda items.

RECOMMENDATION / RESOLUTION

RESOLUTION **13726**

Moved: **Cr Hunt**
Seconded: **Cr Chappell**

That Council suspend standing orders to allow consideration of the late report “Freight Lines Group – Usage of Newdegate-Pingrup Road Under AMMS Tandem 7.3 & Tri Drive 4.3”

CARRIED **7/0**

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

Against: **Nil**

Standing orders were suspended at 4.05pm.

8.1.1 FREIGHT LINES GROUP - USAGE OF NEWDEGATE-PINGRUP ROAD UNDER AMMS TANDEM 7.3 & TRI DRIVE 4.3

Applicant	Freight Lines Group
File No.	0339
Attachments	Nil
Author	Jason Lip, Technical Officer
Disclosure of Interest	Nil
Date of Report	31 August 2023
Senior Officer	Craig Elefsen, Manager Infrastructure Services

Summary

Background

The Shire of Lake Grace has several local roads approved to take Restricted Access Vehicles (RAV) up to Concessional Level 3—known as the Accredited Mass Management Scheme—on the condition that they have written permission from the Shire.

The theory behind AMMS allowing freight operators to use trucks heavier than allowed on designated roads is that the operators have provided a loading scheme to Main Roads WA for their trucks that is balanced throughout the axle groups, reducing the amount of force any one axel group applies to the road surface to a damaging extent. Due to this loading spread, it is not expected to do any more damage to the road than the mass of a regular heavy vehicle combination classification.

In an email to the Shire dated 22 August 2023, Freight Lines Group is seeking use of the entirety of Newdegate-Pingrup Road within our Shire, which is a sealed road, for the use of AMMS Tandem 7.3 and Tri Drive 4.3 heavy vehicles.

Comment

The differences between RAV and Concessional Level length and weight limits are displayed below.

Classification	Max Length (m)	Max Mass (t)
RAV Tandem 7	36.5	108.5
AMMS Tandem 7.3	36.5	123.5
RAV Tri Drive 4	36.5	112.0
AMMS Tri Drive 4.3	36.5	129.5

Despite Newdegate-Pingrup Road being approved for AMMS Tandem 7.3 and Tri Drive 4.3, the current state of the road is deteriorating from current heavy vehicle traffic and the Shire is of the opinion that allowing concessional heavier vehicles would further accelerate the road's deterioration, despite the theory behind AMMS.

A condition for the use of Newdegate-Pingrup Road under AMMS Tandem 7.3 and Tri Drive 4.3 is written permission from the Shire of Lake Grace. Please note that the road section within the Shire of Kent can be used unconditionally, unlike our section.

There are no other routes of similar length that head Pingrup way from Newdegate that are also approved for Tandem 7.3 and Tri Drive 4.3 heavy vehicles.

Legal Implications

Nil

Policy Implications

Nil

Consultation

Internal: Alan George, Chief Executive Officer
Craig Elefsen, Manager Infrastructure Services

External: David Fyfe, Fyfe Transport

Financial Implications

While there is no immediate financial impact to the Shire, granting approval to use Newdegate-Pingrup Road for Concessional Level 3 heavy vehicles *could* mean increased maintenance/capital renewal costs in the future, to an unspecified amount.

Strategic Implications

Shire of Lake Grace Strategic Community Plan 2017-2027

Economic Objective - A prosperous agricultural based economy supporting diversification of industry		
Outcome	1.1	An innovative, productive agriculture industry
Strategies	1.1.1	Enhance and maintain transport network
Outcome	1.2	A diverse and prosperous economy
Strategies	1.2.2	Support local business and promote further investment in the district

Voting Requirements

Simple Majority

RECOMMENDATION / RESOLUTION

RESOLUTION **13727**

Moved: **Cr Chappell**
Seconded: **Cr Kuchling**

That Council does not approve Freight Lines Group using Newdegate-Pingrup Road under AMMS Tandem Drive 7.3 and Tri Drive 4.3 due to deteriorating road condition concerns.

CARRIED: **7/0**

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

Against: **Nil**

The President then called for a mover and seconder to reinstate standing orders at 4.23pm:

RECOMMENDATION / RESOLUTION

RESOLUTION **13728**

Moved: **Cr Chappell**
Seconded: **Cr Kuchling**

That Council reinstates standing orders for the remainder of the special meeting.

CARRIED **7/0**

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

Against: **Nil**

9.0 REPORTS OF OFFICERS

9.1 INFRASTRUCTURE SERVICES

9.1.1 ADOPTION OF 5-YEAR ROAD PLAN FOR REGIONAL ROAD GROUP

Applicant	Internal Report
File No.	0483
Attachments	1. Map of Sections
Author	Jason Lip, Technical Officer
Disclosure of Interest	Nil
Date of Report	28 August 2023
Senior Officer	Craig Elefsen, Manager Infrastructure Services

Summary

For Council to approve a 5-year plan for Regional Road Group funding to carry out works on Old Ravensthorpe Road from SLK 27.000 to 51.300 and Norseman Road from SLK 0.000 to 18.300.

Background

The Regional Road Group Program runs on a 5-year schedule. The current financial year 2023/24 is the last year of the current 5-year schedule and Main Roads WA—the manager of the program—has requested Shires to put forth the roadworks plans for the next 5-years, encapsulating 2024/25 to 2028/29. This schedule is to be approved by Council prior to submission to Main Roads WA.

Comment

In order to reduce the logistics of managing roadworks, Shire Infrastructure admin staff agreed to submit only two roads for works throughout the length of the program. These roads are Norseman Road from SLK 0.000 to 18.300 and Old Ravensthorpe Road from SLK 27.000 to 51.300. The earlier sections of Old Ravensthorpe Road were completed in previous years and this 5-year schedule will finish it off.

The scope of works for Norseman Road includes resealing the bitumen from SLK 0.000 to 14.000, then resheeting and a new 2 coat bitumen seal from 14.000 to 18.300. For the entire length the table drains and backslopes will be cleared of vegetation and culverts will be cleaned out and extended where necessary, replacing signage and installing new guideposts.

For Old Ravensthorpe Road we will be resheeting the entire road length of the above mentioned section, clearing the table drains and backslopes of vegetation, cleaning out culverts and extending them where necessary, replacing signage and installing new guideposts.

Legal Implications

Nil

Policy Implications

Nil

Consultation

Internal: Craig Elefsen, Manager Infrastructure Services

Financial Implications

As part of the 5-year plan costings were estimated for each section of road. These are as follows:

Financial Year	Norseman Road	Old Ravensthorpe Road
2024/25	\$262,776	\$321,480
2025/26	\$271,691	\$326,023
2026/27	\$215,586	\$368,958
2027/28	\$228,183	\$382,669
2928/29	\$673,970	\$392,587

Regional Road Group works off a yearly allowance that can be claimed back by the Shire, at a rate of 2/3 Main Roads funding to 1/3 Shire funding. Funding per year fluctuated between \$375,000 and \$450,000, historically.

Please note that Council will have to adopt these costings through the Annual Budget every financial year.

Strategic Implications

Shire of Lake Grace Strategic Community Plan 2017-2027

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

Leadership Objective - Strong governance and leadership, demonstrating fair and equitable community values		
Outcome	4.1	A strategically focused, unified Council functioning efficiently
Strategies	4.1.3	Provide strategic leadership and governance

Voting Requirements

Simple Majority

RECOMMENDATION / RESOLUTION

RESOLUTION **13729**

Moved: **Cr Hyde**

Seconded: **Cr Chappell**

That Council approves of the 5-year plan starting in FY24/25 for Regional Road Group to carry out resheeting works on Old Ravensthorpe Road from SLK 27.000 to 51.300 and resealing and resheeting and new seal works on Norseman Road from SLK 0.000 to 18.300.

CARRIED: **7/0**

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

Against: **Nil**

9.2 ADMINISTRATION

9.2.1 CHANGE OF PROHIBITED BURNING TIME

Applicant	Bush Fire Advisory Committee (BFAC)
File No.	
Attachments	Nil
Author	Mr Matt Castaldini
Disclosure of Interest	Nil
Date of Report	24/08/2023
Senior Officer	Mr Alan George

Summary

Following discussion at the March 2023 BFAC meeting a resolution was passed to change the Prohibited Burning Time for the Shire of Lake Grace.

Background

Annually the Shire ends the Prohibited Burning Time on 31 January, allowing “Permits the Set Fire to the Bush” to be issued from 1 February. Annually the Chief Bush Fire Control Officer, their Deputies and Fire Control Officers will review seasonal conditions and either allow or decline permits to be issued.

At the March 2023 BFAC meeting, a resolution was passed to change the Prohibited Burning Time end date from 31 January to 28 February each year. It was recognised that permits have not been issued for many years due to conditions not being suitable for safe burning activities and the risk of fire escape during this period is too great.

The recent Shackleton bushfire (6 February 2022) started in the Shire of Bruce Rock, originated from a legally permitted burn several days prior that was not extinguished sufficiently for the extreme weather event experienced on the day.

The Local Government has limited abilities to seasonally vary Prohibited and Restricted Burning Times and Fire Control Officers have managed this risk by not issuing permits in February.

Comment

As a Bush Fire organisation, we desire to make decisions that protect and empower our community. The Committee has resolved to change the end date of the Prohibited Burning Time to the end of February to mitigate the risk of applying fire to the landscape in unsafe conditions.

We are seeking council endorsement of our resolution the apply to DFES and the Minister to change the date and publish the change in the Government Gazette.

Legal Implications

Bush Fires Act 1954 - Part III, Division 2

s.17 Prohibited burning times may be declared by the Minister

(1) The Minister may, by declaration published in the *Gazette*, declare the times of the year during which it is unlawful to set fire to the bush within a zone of the State mentioned in the declaration and may, by subsequent declaration so published, vary that declaration or revoke that declaration either absolutely or for the purpose of substituting another declaration for the declaration so revoked.

Policy Implications

Nil

Consultation

Bush Fire Advisory Committee

Financial Implications

Nil

Strategic Implications

Shire of Lake Grace Strategic Community Plan 2017-2027

Leadership Objective - Strong governance and leadership, demonstrating fair and equitable community values		
Outcome	4.1	A strategically focused, unified Council functioning efficiently
Strategies	4.1.3	Provide strategic leadership and governance
Outcome	4.2	An efficient and effective organisation
Strategies	4.2.2	Comply with statutory and legislative requirements
	4.2.3	Provide a positive and safe workplace

Voting Requirements

Simple Majority

RECOMMENDATION / RESOLUTION

RESOLUTION **13730**

Moved: **Cr Hyde**

Seconded: **Cr Lloyd**

That Council endorse changing the Restricted Burning Time from 31 January to 28 February annually.

CARRIED: **7/0**

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

Against: **Nil**

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

RECOMMENDATION / RESOLUTION

RESOLUTION **13731**

Moved: **Cr Kuchling**

Seconded: **Cr Clarke**

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.

These items and any attachments are confidential in accordance with Section 4.23(2)(a) of the Local Government Act 1995.

CARRIED **7/0**

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

Against: **Nil**

RECOMMENDATION / RESOLUTION

RESOLUTION **13732**

Moved: **Cr Lloyd**

Seconded: **Cr Chappell**

That Council accepts the recommendation contained within Item 10.1.1 - Lake Grace and Newdegate Medical Centre – RFT 2023-24 01 Provision of Medical Services for the Shire of Lake Grace.

CARRIED **7/0**

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

Against: **Nil**

RECOMMENDATION / RESOLUTION

RESOLUTION **13733**

Moved: **Cr Kuchling**
Seconded: **Cr Chappell**

That Council Moves from behind closed doors to continue the meeting.

CARRIED **7/0**

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

Against: **Nil**

11.0 CLOSURE

There being no further business, the Shire President closed the meeting at 4.40 pm.

12.0 CERTIFICATION

I, Leonard William Armstrong, certify that the minutes of the Special Meeting held on Thursday 31 August 2023 as shown were confirmed as a true record of the meeting.


Signature

27 SEP 2023

Date