

Shire of Lake Grace

Ordinary Council Meeting

# MINUTES

23 October 2024

Meeting Commencing at 3:30 pm

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## **Acknowledgement of Country**

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

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

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## **SHIRE OF LAKE GRACE**

Minutes of the Ordinary Council Meeting held at the Council Chambers, 1 Bishop Street, Lake Grace, WA on Wednesday 23 October 2024 commencing at 3:30pm.

### **1.0 DECLARATION OF OPENING ANNOUNCEMENT OF VISITORS**

President Len Armstrong opened the meeting at 3.30pm

### **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 SG Hunt	Deputy Shire President
Cr RA Lloyd	
Cr AJ Kuchling	
Cr DS Clarke	

#### **3.2 APOLOGIES**

Cr BJ Hyde

#### **3.3 IN ATTENDANCE**

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

#### **3.4 OBSERVERS / VISITORS**

Nil

**3.5 LEAVE OF ABSENCE PREVIOUSLY GRANTED**

Cr R Chappell

**4.0 APPLICATIONS FOR LEAVE OF ABSENCE**

Nil

**5.0 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE**

Nil

**6.0 PUBLIC QUESTION TIME**

Nil

**7.0 PETITIONS/DEPUTATIONS/PRESENTATIONS**

Nil

**8.0 NOTATIONS OF INTEREST**

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

Nil

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

Nil

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

Nil

**9.0 ANNOUNCEMENTS BY THE PRESIDING MEMBER WITHOUT DISCUSSION**

Nil

**10.0 CONFIRMATION OF MINUTES**

**10.1 ORDINARY COUNCIL MEETING – WEDNESDAY 25 SEPTEMBER 2024**

**RECOMMENDATION / RESOLUTION**

**RESOLUTION**            **13943**

**Moved:**                **Cr Lloyd**  
**Seconded:**           **Cr Kuchling**

That the Minutes of the Ordinary Council Meeting held on Wednesday 25 September 2024 be confirmed as a true and accurate record of the meeting.

**CARRIED**                **5/0**

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

**10.2 SPECIAL COUNCIL MEETING**

Nil

**11.0 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**

Nil

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

President Armstrong approved a late Confidential Item to be considered at 17.1 in the agenda.

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**13.0 REPORTS OF COMMITTEES**

**13.1 LAKE GRACE LIBRARY RESOURCE AND COMMUNITY RESOURCE CENTRE  
MANAGEMENT COMMITTEE 9 OCTOBER 2024**

**RECOMMENDATION / RESOLUTION**

**RESOLUTION 13944**

**Moved: Cr Lloyd  
Seconded: Cr Clarke**

That the minutes of the Shire of Lake Grace Library Resource and Community Resource Centre Management Committee meeting held 9 October 2024 be received.

**CARRIED 5/0**

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

## 14.0 REPORTS OF OFFICERS

### 14.1 INFRASTRUCTURE SERVICES

#### 14.1.1 TRANSFER OF FUNDS – JAM PATCH TOILET UPGRADE

<b>Applicant</b>	Internal Report
<b>File No.</b>	0707
<b>Attachments</b>	Nil
<b>Author</b>	Craig Elefsen – Manager Infrastructure Services
<b>Disclosure of Interest</b>	Nil
<b>Date of Report</b>	15 October 2024
<b>Senior Officer</b>	Alan George – Chief Executive Officer

#### Summary

For Council to authorise the transfer of funds from “Visitor Centre Improvements Cap Exp to “Jam Patch Toilet upgrade”.

#### Background

In the 2024/25 Annual Budget it was proposed that a new toilet block would be built within the grounds of the Lake Grace Visitor centre for use by patrons of the recently constructed park in the main street. The all abilities playground has been completed and the majority of people are using the facilities at the playground rather than the park in the main street. The Jam Patch camping area currently has a bio toilet that relies on the sun and wind to break down the products in the storage tank. Since this toilet was installed the number of people using Jam Patch has increased dramatically

#### Comment

Now the Jam Patch camping area is getting utilised more frequently it has become evident that the current toilet facility isn't keeping up with the demand. On a regular basis the shire administration office receives calls complaining about the toilet being full and the smell of the toilet. The campground is getting promoted and has many 5 star reviews on apps such as Wikicamps.

If council agree on the transfer of funds the plan would be to utilise the kit toilet block that was purchased to go at the Lake Grace Visitor centre and install at Jam patch along with 2 holding tanks and a 10,000L water tank with a fence around the tank to prevent access to the public.

By installing this there will be ongoing costs as water will have to be transported in and the holding tanks will have to be emptied at a guess every 3 months. The current toilet is costing \$550 every 2 – 3 weeks to empty and is currently cleaned twice weekly, so in my opinion the ongoing costs of the proposed new toilet will be cheaper in the long run. Shire administration has liaised with the Environmental Health Officer and this is the most suitable way to resolve the problem.



Legal Implications

Nil

Policy Implications

Nil

Consultation

Internal: Jason Lip, Technical Officer  
Brendon Gerrard. Environmental Health Officer

Financial Implications

As this is a transfer of budget from one Job to another, there is no need to seek additional income as the net change of expenditure in our Annual Budget is \$0.

The impact to the following Job Budgets is as below (all figures exclusive of GST).

<b>Job</b>	<b>Current Budget</b>	<b>Adjustment</b>	<b>Budget after transfer</b>
Visitor Centre Improvement Cap Exp	\$80,000	-\$80,000	\$0
Jam Patch Toilet Upgrades	\$0	+\$80,000	\$80,000

Strategic Implications

**This item aligns with Aspire 2033 - Shire of Lake Grace Strategic Community Plan**

<b>Leadership Objective - Strong governance and leadership, demonstrating fair and equitable community values</b>		
Outcome	1	An innovative, productive agricultural industry
Strategy	1.1	Enhance and maintain transport network
Outcome	9	An efficient and effective organisation
Strategy	9.1	Maintain accountability and financial responsibility through effective planning

Voting Requirements

Simple majority

**RECOMMENDATION / RESOLUTION**

**RESOLUTION**      **13945**

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

That Council approve of the transfer of funds from “Visitor Centre Improvements Cap Exp” to “Jam Patch Toilet upgrade” to allow for a new toilet block and associated components to be installed at the Jam Patch Camp ground.

**CARRIED**              **5/0**

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

**14.2 PLANNING**

**14.2.1 PLANNING APPROVALS UNDER DELEGATION P01**

The following applications for planning have been approved by the Chief Executive Officer under the Delegation P01 as legislated by the *Planning and Development Act 2005*, Planning and Development (Local Planning Schemes) Regulations 2015 – schedule 2 (Deemed Provisions) clauses 82 to 84 and the Shire of Lake Grace Local Planning Scheme No.4:

Date of Approval	Applicant	Activity

***There have been no applications approved under delegated authority for this reporting period.***

**14.2.2 REQUEST FOR TEMPORARY ACCOMMODATION APPROVAL - LOT 3002 (NO.50)  
STUBBS STREET, LAKE GRACE**

<b>Applicant</b>	Pelham Enterprises
<b>File No.</b>	0369
<b>Attachments</b>	1. Submission Letter 2. Site Plan
<b>Author</b>	Alan George – Chief Executive Officer
<b>Disclosure of Interest</b>	Nil
<b>Date of Report</b>	18 October 2024
<b>Senior Officer</b>	Alan George – Chief Executive Officer

Summary

For Council to consider granting temporary approval to Pelham Enterprises for the development of workforce accommodation on Lot 3002 (No.50) Stubbs Street, Lake Grace, including the placement and use of one (1) five room portable accommodation unit and two (2) portable ablution units on the property, for a period of no longer than 12 months subject to a number of conditions and advice notes.

Background

Pelham Enterprises purchased the old Ag Dept building on Lot 3002 (No.50) Stubbs Street, Lake Grace approximately 2 years ago with the intent to turn it into workforce accommodation for seasonal workers to support the continued operation of its grain tarping enterprise.

In past years Pelham Enterprises housed 80% of its workforce at the Lake Grace Motel however due to delays in the renewal of the tarping contract with CBH coupled with an influx of Main Roads contractors, amongst others, this accommodation is no longer available this year.

Comment

Ron Pelham of Pelham Enterprises first approached Shire administration on 1 October advising that he had purchased transportable living quarters and associated ablution facilities enquiring on what approvals were needed to have it located on site etc.

Advice received from Joe Douglas the Shire Town Planner concluded that what's proposed falls under the use class 'workforce accommodation' which is defined in the Planning Regulations as premises, which may include modular or relocatable buildings, used:

- a) primarily for the accommodation of workers engaged in construction, resource, agricultural or other industries on a temporary basis; and
- b) for any associated catering, sporting and recreation facilities for the occupants and authorised visitors.

As such 'workforce accommodation' is the applicable use class that must be referenced in any development application. It should be noted rezoning is not required. This use can be approved by Council if it is satisfied it is suitable and acceptable.

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Because the use class 'workforce accommodation' is not listed in the Zoning Table of Local Planning Scheme No.4 the covering letter required in support of the development application must explain how the proposed development is consistent with the land's 'Commercial' zoning objectives.

A workforce accommodation management plan is also required to explain how the proposed use will be managed to ensure any potential negative impacts are suitably mitigated.

A suitably scaled site development plan is essential and must be prepared by a professional draftsman showing all the existing improvements on the land and all proposed additions.

If the existing building/s on the land will be used to accommodate workers then suitably scaled floorplans showing what rooms will be used and for what purpose must be provided.

Suitably scaled floorplans and elevation drawings for the 40ft container with 5 single units, 3 single toilets and 2 twin shower units must also be provided if the landowner is going to install those to accommodate workers.

He went on to say;

*"Because we are dealing with a use not listed in the Zoning Table of Local Planning Scheme No.4 the development application is classed as 'complex' in the Planning Regulations and must be advertised for a minimum period of 28 days.*

*Once a compliant development application is received and the relevant development application fee is paid the Shire has 90 days to make a final decision regarding the issuance of development approval.*

*As you can see this is all quite complicated which means the landowner should consider engaging an independent town planning consultant to prepare the required development application.*

*If this is all too hard and time consuming, which I suspect is going to be the case given the emails below, then the other option is for the landowner to prepare a written submission to the Shire, including some basic plans showing what's proposed, requesting temporary approval for by all the proposed works and use. Council can grant a temporary approval without the need for development approval for a maximum period of 12 months. The letter to the Shire must confirm the total number of people to be accommodated, the total number of parking bays to be provided to accommodate the parking demand likely to be generated and be accompanied by a simple site development plan showing what's proposed and where. Details regarding management should also be provided in the letter to again demonstrate how any potential negative impacts will be addressed including how any complaints from adjoining and other nearby landowners will be dealt with by the landowner.*

*The granting of a temporary approval will give the landowner time to prepare a suitable development application to formalise the proposed use on a permanent basis.*

*The landowner also needs to be mindful of the fact that even if a temporary approval is granted by Council, a building permit application is still going to be required for all new structures proposed to be placed on the property which is going to take a bit of time. They cannot place the structures on the property and start using them until all required approvals have been secured otherwise they risk prosecution action, the fines for which are substantial."*

It is acknowledged that this application is very late coming to Council for approval and that the applicant should have been prepared earlier however given the circumstances regarding the unavailability of the usual accommodation in town and the temporary solution that is available to progress the project it is recommended that Council grant conditional temporary approval to the development and use of Lot 3002 (No.50) Stubbs Street, Lake Grace for a period of no longer than 12 months.

#### Legal Implications

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

#### Policy Implications

The Shire of Lake Grace Town Planning Scheme No.4 dictates the conditions required for the property to conform to regulations surrounding “workforce accommodation”. The land does not require rezoning however it must still abide by all the terms and conditions of a commercial development. It is significant to also note that portion of the property where the temporary structures are proposed to be sited is not designated by the relevant State Government agencies as being bushfire prone, flood prone or contaminated. Furthermore, all vehicle access will be via the land’s Lawson Street frontage with no direct access to Stubbs Street which is a State Road under the care, control and management of Main Roads WA.

#### Consultation

Joe Douglas, Town Planner, Exurban Rural and Regional Planning  
Paul Foran, Building Surveyor, Shire of Narrogin  
Jason Lip, Technical Officer, Shire of Lake Grace

#### Financial Implications

Normal building permit application fees apply.

#### Strategic Implications

**This item aligns with Aspire 2033 - Shire of Lake Grace Strategic Community Plan**

<b>Economic Objective - A prosperous economy supporting diversification of industry</b>		
Outcome	1	An innovative, productive agriculture industry
Strategies	1.3	Support and promote the agricultural productivity of the district
Outcome	2	A diverse and prosperous economy
Strategies	2.2	Support local business and promote further investment in the district
	2.3	Investigate and support housing market opportunities

Given that the proposed accommodation is for “seasonal workers” there may be the possibility that it may be available for other accommodation purposes when not in use subject to Council’s further approval.

Voting Requirements

Simple majority

**RECOMMENDATION / RESOLUTION**

**RESOLUTION            13946**

**Moved:                    Cr Hunt**  
**Seconded:                Cr Clarke**

That Council:

Approve the request from Pelham Enterprises for temporary approval for the development of workforce accommodation on Lot 3002 (No.50) Stubbs Street, Lake Grace, including the placement and use of one (1) five room portable accommodation unit and two (2) portable ablution units on the property, for a period of no longer than 12 months subject to the following conditions and advice notes:

Conditions

1. The proposed development shall be undertaken strictly in accordance with the information and plans submitted in support of the application subject to any modifications required as a consequence of any condition/s of this approval or otherwise approved by the local government.
2. Any additional development which is not in accordance with the application the subject of this approval or any condition of approval will require the further approval of the local government
3. This approval is valid for a period of twelve (12) months only after which the use shall cease with all associated temporary improvements removed from the relevant portion of the land and the land reinstated to its original condition insofar as practicable prior to the commencement of development within 60 days unless otherwise approved by the local government.
4. The proposed ablution buildings must be connected to reticulated sewerage disposal infrastructure prior to their occupation and use.

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/landowner and not the local government to investigate

any such constraints before commencing development. This approval will not necessarily have regard to any such constraint to development, regardless of whether or not it has been drawn to the local government's attention.

2. This is a temporary approval issued by the Shire of Lake Grace under the Deemed Provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015*. It is not a building permit or an approval to commence or carry out development under any other law. It is the responsibility of the applicant/landowner to obtain any other necessary approvals, consents, permits and licenses required under any other law, and to commence and carry out development in accordance with all relevant laws.
3. In accordance with the *Building Act 2011* and *Building Regulations 2012*, a Building Permit application must be submitted to and approved by the local government's Building Surveyor prior to the commencement of any earthworks or construction on the land as well as an Occupancy Permit upon completion and before occupation and use of the proposed structures.
4. The noise generated by any activities on-site including machinery motors or vehicles shall not exceed the levels as set out under the *Environmental (Noise) Regulations 1997*.
5. The applicant/landowner is reminded of their obligation to ensure compliance with the Shire's *Health Local Law 2016* at all times.
6. A formal development application to formalize the proposed development (i.e. works and use) on a permanent basis must be prepared and submitted to the local government for consideration and determination in sufficient time before this temporary approval lapses to enable it to be considered prior to its expiry.
7. Failure to comply with any of the conditions of this approval constitutes an offence under the provisions of the *Planning and Development Act 2005* and the Shire of Lake Grace Local Planning Scheme No.4 and may result in legal action being initiated by the local government.
8. If the applicant/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 within 28 days of the determination.

**CARRIED**      5/0

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

**14.2.3 PROPOSED AMENDMENT NO.7 – SHIRE OF LAKE GRACE LOCAL PLANNING SCHEME NO.4**

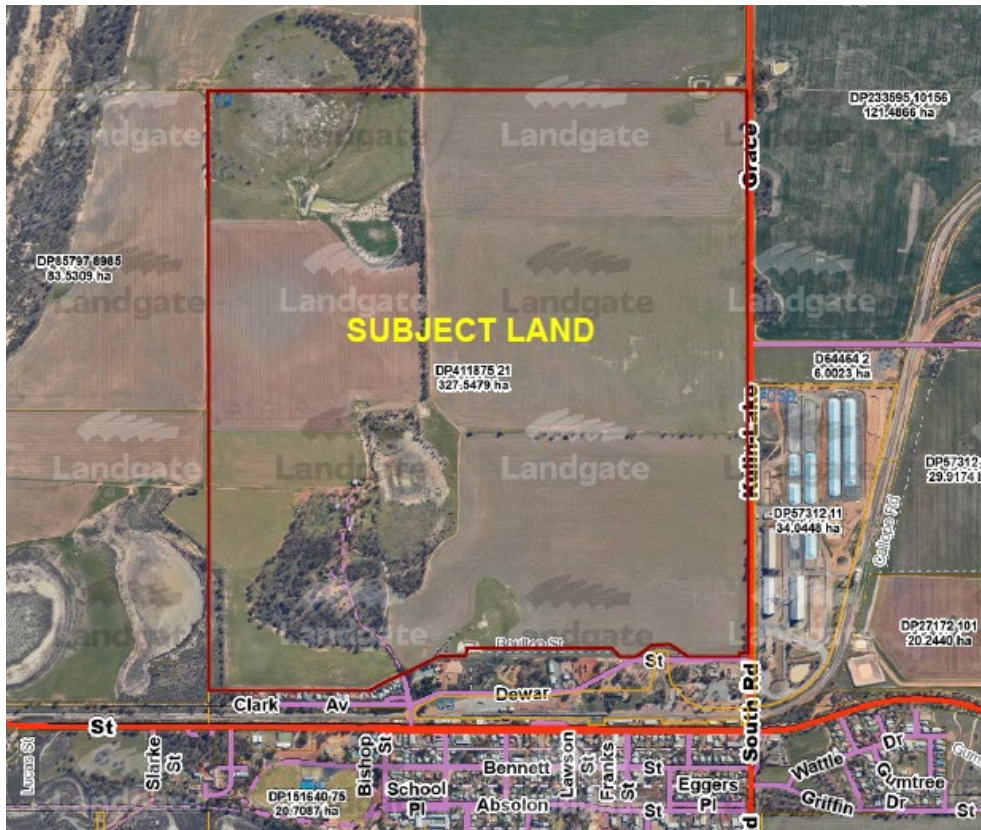
<b>Applicant</b>	Shire of Lake Grace (Impending Landowner)
<b>File No.</b>	0525
<b>Attachments</b>	Nil
<b>Author</b>	Joe Douglas – Town Planner
<b>Disclosure of Interest</b>	Nil
<b>Date of Report</b>	16 October 2024
<b>Senior Officer</b>	Mr Alan George – Chief Executive Officer

Summary

This report recommends that Council resolve to initiate proposed Amendment No.7 to the Shire of Lake Grace Local Planning Scheme No.4 to change the current zoning of an 8.58 hectare portion of Lot 21 (No.19) Mather Road, Lake Grace from 'General Agriculture' to 'General Industry' zone.

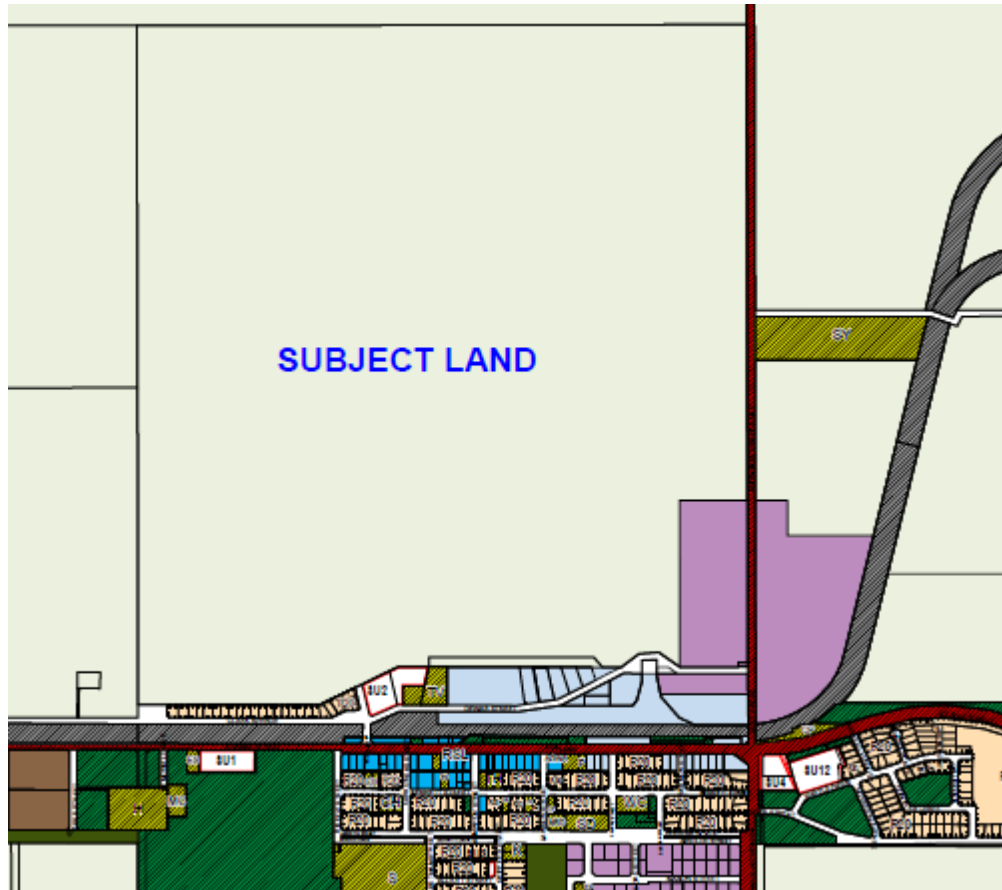
Background & Comment

Further to instructions received from the Shire’s Chief Executive Officer, this report has been prepared to provide for the initiation of a standard amendment to the Shire of Lake Grace Local Planning Scheme No.4 to change the current zoning classification of an 8.58 hectare portion of Lot 21 (No.19) Mather Road, Lake Grace from 'General Agriculture' to 'General Industry' zone.





*Location & Lot Configuration Plan (Source: Landgate 2024)*



*Current Zoning Map (Source: Shire of Lake Grace Local Planning Scheme No.4)*

It is understood the Shire is looking to develop additional industrial lots in the Lake Grace townsite to accommodate current and future anticipated demand for vacant industrial zoned land. The Chief Executive Officer has confirmed the Shire has negotiated an agreement with the current landowner Linda Anne Carruthers to purchase and excise an approximately 17.75 hectare portion from the south-eastern corner of Lot 21 (i.e. a new superlot), of which 9.17 hectares is already zoned for industrial purposes with the remaining 8.58 hectare portion immediately west and north proposed to be rezoned from 'General Agriculture' to 'General Industry' as shown on the plans provided in Attachment 1.

The 8.58 hectare portion of Lot 21 proposed to be rezoned is considered to be well suited for future industrial development for the following reasons:

- i) It represents a logical extension to existing industrial zoned land in the northern part of the Lake Grace with adequate separation distances from existing residential and other sensitive land uses;
- ii) It has been extensively cleared throughout and contains no native vegetation or other features of environmental significance;
- iii) It is gently sloping throughout and comprises soils that are geotechnically suitable for building construction and on-site effluent disposal;

- 
- iv) It is not designated as being bushfire prone and contains no buildings or places of cultural heritage significance;
  - v) It is not located within a public drinking water source area and has not been designated as a contaminated site;
  - vi) Despite portions of the land being designated by the Department of Water and Environmental Regulation as being flood prone, the Floodplain Management Strategy commissioned by the Shire following the major flood event in the Lake Grace townsite in January 2006 confirmed flooding only occurs over a relatively small area and ranges in depth from 0.02 to 0.15 metres above the land's natural ground level which is an issue that is capable of being addressed at reasonable cost when the land is ultimately subdivided into smaller lots and developed thereafter by individual landowners;
  - vii) The land has direct frontage and access to constructed public roads along its eastern and southern boundaries; and
  - viii) All key essential services are readily available except reticulated sewerage disposal infrastructure which is not proposed or required given the land's suitability and capability to accommodate on-site effluent disposal; and
  - ix) It is generally consistent with the aims and objectives of the State, regional and local planning frameworks as they apply specifically to:
    - Economic development and growth, including business diversification and retention and creation of employment opportunities;
    - Utilisation of existing infrastructure to maximise efficiencies of operation and economies of scale;
    - Preservation and protection of local amenity and character, the natural environment and cultural heritage values;
    - Mitigation of future potential risks including bushfire and flooding; and
    - Supporting and accommodating industrial activities requiring good vehicular access and/or large sites in suitable locations that are generally compatible with urban areas.
    -

Council should note any potential issues associated with the rezoning proposal will be considered and assessed in detail through the scheme amendment process which, if initiated by Council as recommended, will involve the following key steps:

- i) Preparation of the formal scheme amendment documentation required following receipt of a site and soil assessment by a suitably qualified consultant which is currently being prepared;
- ii) Referral to the Environmental Protection Authority for review and environmental clearance;
- iii) Referral to the Department of Planning, Lands and Heritage for approval to commence public advertising (i.e. community consultation and referrals to all relevant government agencies and essential service providers);
- iv) Community consultation for a period of 42 days including referral to all relevant government agencies and essential service providers inviting their feedback and comment;
- v) Review and assessment of all submissions received and a further report to Council regarding the outcomes from public advertising and agency referrals, any key issues of concern raised

- and a recommendation regarding final adoption of the scheme amendment proposal;
- vi) Referral to the Western Australian Planning Commission for review, assessment and determination with respect to a final recommendation to the Minister for Planning; and
  - vii) Final determination by the Hon. Minister for Planning.

As can be seen from the above the process is comprehensive and affords significant opportunity for input by the local community, State government agencies and essential service providers.

Council should also note any issues associated with the future proposed development and use of the subject land for industrial purposes will be considered and addressed during the development application stage of statutory planning process.

On balance, and having regard for all of the above, it is concluded the proposal is well founded, has considerable merit and is worthy of Council's initial support. As such, it is recommended Council exercise discretion and resolve to initiate the proposed amendment to Local Planning Scheme No.4 and follow due process thereafter.

#### 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 2.0 – Environment and Natural Resources
- State Planning Policy 2.9 – Water Resources
- State Planning Policy 3.0 – Urban Growth and Settlement
- State Planning Policy 3.4 – Natural Hazards and Disasters
- State Planning Policy 4.1 – Industrial Interface
- Government Sewerage Policy 2019
- Development Control Policy 4.1 – Industrial Subdivision
- Development Control Policy 4.2 - Planning for Hazards and Safety
- Draft Operational Policy 1.12 – Planning Proposals Adjoining Regional Roads in Western Australia

#### Consultation

To be undertaken in accordance with the procedural requirements of the *Planning and Development (Local Planning Schemes) Regulations 2015* as they apply specifically to standard amendments to local planning schemes.

#### Financial Implications

The total cost of progressing the proposed amendment to Local Planning Scheme No.4, which is expected to take approximately 12 to 15 months to finalise, is estimated to be in the order of \$18,000 to \$20,000 excluding GST. This estimate includes all reporting including a site and soil investigation by a suitably qualified consultant, referrals, public advertising and final gazettal if the

amendment is ultimately approved by the Hon. Minister for Planning. It is understood sufficient allowance has been made in the Shire's budget for 2024/25 to cover the cost of the work required to progress the project during the current financial year with a further allowance to be made in the budget for 2025/26 to complete it.

### Strategic Implications

- The proposed amendment to Local Planning Scheme No.4 is generally consistent with the following strategic plans previously considered and adopted by Council:

- *Shire of Lake Grace Local Planning Strategy 2007:*

#### *Visions/Objectives:*

- *Development of a diversified range of commerce and industry in appropriate locations which provides significant employment opportunities and reduces the local economy's dependency upon the agricultural sector.*

#### *Strategies:*

- *Promote the diversification of the Shire's economy by encouraging the development of a wide range of new commerce and industry.*
  - *Direct the majority of new commercial and industrial development to the Lake Grace, Newdegate, Lake King and Varley townsites to build upon existing infrastructure in these settlements and maximise efficiencies of operation and economies of scale.*
  - *Ensure that sufficient amounts of commercial and industrial land are provided in appropriate locations in each of the Shire's main settlements to accommodate new commercial and industrial activities.*
  - *Address the current critical shortages of suitably zoned and serviced industrial land in the Lake Grace and Newdegate townsites.*
- *Aspire 2023 - Shire of Lake Grace Strategic Community Plan:*
    - *Economic Objective - A prosperous economy supporting diversification of industry.*
    - *Environment Objective - A well maintained, attractive natural and built environment servicing the needs of the community.*
    - *Leadership Objective - Strong governance and leadership, demonstrating fair and equitable community values*

### Voting Requirements

Simple majority

**RECOMMENDATION / RESOLUTION**

**RESOLUTION**            **13947**

**Moved:**                    **Cr Clarke**

**Seconded:**               **Cr Lloyd**

That Council resolve as follows:

1. That the local government, pursuant to section 75 of the *Planning and Development Act 2005*, amend the Shire of Lake Grace Local Planning Scheme No.4 by:
  - i) Rezoning an 8.58 hectare portion of Lot 21 (No.19) Mather Road, Lake Grace from ‘General Agriculture’ to ‘General Industry’ zone; and
  - ii) Amending the Scheme map accordingly.
2. The amendment is standard under the provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015* for the following reason(s):
  - i) The amendment would have minimal impact on land in the Scheme area that is not the subject of the amendment; and
  - ii) The amendment would not result in any significant environmental, social, economic or governance impacts on land in the Scheme area.
3. Authorise public advertising of the proposed amendment in accordance with the procedural requirements of the *Planning and Development (Local Planning Schemes) Regulations 2015* as they apply specifically to standard amendments to local planning schemes following receipt of written notification of the Environmental Protection Authority’s determination pursuant to section 48A of the *Environmental Protection Act 1986* confirming the proposal is environmentally acceptable and approval from the Western Australian Planning Commission thereafter to commence public advertising.

**CARRIED**                    **5/0**

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

**Against:**                    **Nil**

**14.3 HEALTH AND BUILDING**

Nil

#### 14.4 ADMINISTRATION

##### 14.4.1 SOUTH WEST NATIVE TITLE SETTLEMENT – LAND BASE CONSULTATION

<b>Applicant</b>	Department of Planning Lands and Heritage
<b>File No.</b>	0809 / 0367 / 0368
<b>Attachments</b>	Location maps
<b>Author</b>	Alan George – Chief Executive Officer
<b>Disclosure of Interest</b>	Nil
<b>Date of Report</b>	7 October 2024
<b>Senior Officer</b>	Alan George – Chief Executive Officer

#### Summary

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

#### Background

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

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

Over the next several years, the Department of Planning, Lands and Heritage (Department) will progress selected land parcels through to transfer under the Settlement, subject to all necessary consultation and approvals with stakeholders. Land eligible for inclusion in the Noongar Land Estate includes:

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

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As the Noongar Land Estate will be predominantly drawn from the pool of unallocated Crown land (UCL) and unmanaged reserves (UMR), the Minister for Lands is responsible for delivering this outcome on behalf of the broader State Government. The Department of Planning, Lands and Heritage (Department) is the State Agency principally assisting the Minister for Lands. An agreed process for delivering the Noongar Land Estate was committed under the six ILUAs, being the Noongar Land Base Strategy (Strategy) at Annexure J to the ILUAs. Per the Strategy, the Department works in partnership with the Trustee to progress these significant land tenure outcomes.

Council has previously been requested to comment on numerous areas of land for possible inclusion in the Noongar Land Estate.

### Comment

There are 4 areas identified for possible transfer in this tranche of requests.

Two of these are in Reserve 21168 in the location of Hatters Hill some 12km east of the vermin fence. This is a Reserve managed by the Department of Energy, Mines, Industry Regulation and Safety (DMIRS) the use is listed as Water Supply. It is extremely unlikely that the Shire would undertake any development in the area anytime in the future.

Another is located on Reserve 19789 and is located on the Lake Grace-Pingaring Rd approximately 2 KM north of Duckworth Rd. It consists of an old disused Water Corp AA Dam and catchment. This dam was first offered to the Shire over 5 years ago however was not taken up due to its small size, overgrown catchment and it did not hold water.

The final location is Reserve 20710 located on Burngup North Rd approximately 1km south of Kent Rd. It too is an old disused AA Dam and catchment under the control of the Water Corporation and its use listed as water. Again, due to its size and dilapidated state the Shire did not take over the control of the dam.

Several years ago the adjoining landowner to Reserve 20710 expressed some interest in the dam as he was able to extract some water from it for sheep and spraying before it was wasted. This will be conveyed to DPLH for its further enquiries.

Council comments are being sought on;

1. Is the Shire supportive of the transfer of this land to the Noongar People under the Settlement?
2. Does the Shire have any interest in the land?
3. Does the Shire have existing or planned infrastructure within the land parcel that requires protection? If yes, please provide details and advise if access to this infrastructure will need to be maintained.
4. Is the land parcel subject to any mandatory connection to services?
5. Are any future proposals for the land identified? Please provide detail of what is proposed and in what timeframe?
6. Are there any future proposals for adjoining land that may affect the land identified in the spreadsheet? If so, in what timeframe?

7. Please advise of any proposed planning scheme amendments that may affect the zoning of this land at a State or Local government level. If a scheme amendment is to occur, what is the change proposed and when will it come into effect?
8. Please advise of any known land management issues such as site contamination, hazards, debris or rubbish dumping, unauthorised land use and environmental considerations (such as inundation or similar site constraints).
9. Please provide any additional comments on the proposed transfer of this land as part of the Settlement.

Legal Implications

South West Native Title Settlement

Policy Implications

Nil

Consultation

Nil

Financial Implications

Nil

Strategic Implications

Nil

Voting Requirements

Simple majority

**RECOMMENDATION / RESOLUTION**

**RESOLUTION**            **13948**

**Moved:**                    **Cr Lloyd**  
**Seconded:**                **Cr Kuchling**

That Council authorises administration to provide comment on the consideration for inclusion in the Noongar Land Estate of Reserves 19789, 20710, and 21168.

	<b>Questions</b>	<b>Comment</b>
1	Is the Shire supportive of the transfer of this land to the Noongar People under the Settlement?	Yes, subject to consultation being undertaken with the adjoining land owners to Reserve 20710 for possible access to the water



2	Does the Shire have any interest in the land?	No
3	Does the Shire have existing or planned infrastructure within the land parcel that requires protection? If yes, please provide details and advise if access to this infrastructure will need to be maintained.	No
4	Is the land parcel subject to any mandatory connection to services?	No
5	Are any future proposals for the land identified? Please provide detail of what is proposed and in what timeframe?	No
6	Are there any future proposals for adjoining land that may affect the land identified in the spreadsheet? If so, in what timeframe?	No
7	Please advise of any proposed planning scheme amendments that may affect the zoning of this land at a State or Local government level. If a scheme amendment is to occur, what is the change proposed and when will it come into effect?	Nil
8	Please advise of any known land management issues such as site contamination, hazards, debris or rubbish dumping, unauthorised land use and environmental considerations (such as inundation or similar site constraints).	None known
9	Please provide any additional comments on the proposed transfer of this land as part of the Settlement <b>COMMENT</b> Interest in the dam has previously been shown by the adjoining landowner for use of the water for stock and spraying purposes if and when it has been able to collect water	Reserve 20710

**CARRIED**

**4/1**

**For:**

**Cr Armstrong, Cr Hunt, Cr Lloyd, Cr Kuchling**

**Against:**

**Cr Clarke**

CESM Mr Ryan Sutherland entered the meeting at 3.46pm

**14.4.2 SHIRE OF LAKE GRACE FEEDBACK TO WESTERN AUSTRALIAN LOCAL GOVERNMENT ASSOCIATION FOR SUBMISSION REGARDING REVIEW OF THE DRAFT STATE HAZARD PLAN FIRE**

<b>Applicant</b>	Shire of Lake Grace
<b>File No.</b>	0565 / 0029
<b>Attachments</b>	WALGA Advocacy Position
<b>Author</b>	Mr Ryan Sutherland, CESM
<b>Disclosure of Interest</b>	Nil
<b>Date of Report</b>	15 October 2024
<b>Senior Officer</b>	Mr Alan George, CEO

Summary

The Shire of Lake Grace provide feedback to the Western Australian Local Government Association (WALGA) regarding the draft State Hazard Plan Fire (September 2024).

Background

In accordance with State Hazard Plan Fire (July 2024), the Shire of Lake Grace is the Controlling Agency responsible for responding to (all incidents reported as involving) fire within the local government district and outside Department of Biodiversity, Conservation and Attractions (DBCA) managed land and the gazetted fire district.

The Shire of Lake Grace operates nine Bush Fire Brigades (BFB), consisting of three Settlement Brigades and six Farmer Response Brigades<sup>1</sup>. The total number of people registered with the Shire of Lake Grace's BFBs is 370 volunteer firefighters. In accordance with the *Work Health and Safety Act 2020 (WA)*, the Shire and its officers owe a primary duty of care to volunteer firefighters under the Shire's control.

On 30 September 2024, WALGA requested consultation from Local Governments in regard to the review of the State Hazard Plan Fire (the Draft Plan). As emphasised by WALGA, the Draft Plan states that "To comply with the obligations of the *Work Health and Safety (WHS) Act 2020*, Controlling Agencies responsible for the hazard of Fire should ensure their personnel are trained to a standard accepted by the HMA" (p. 16, para 3.2.5). WALGA has also provided a Advocacy Positions Manual (the Advocacy Position) which addresses the management of Bush Fire Brigades ([8.10 Management of Bush Fire Brigades](#)).

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<sup>1</sup> A Settlement Bush Fire Brigade consists of a brigade equipped with a Local Government Grant Scheme (LGGS) funded fire appliance which is typically maintained in a fire shed or station. A Farmer Response Bush Fire Brigade is not equipped with a LGGS funded fire appliance(s). Farmer response brigades consist of volunteer firefighters who use privately owned firefighting equipment.

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Comment

*1) Communication of Risk*

In accordance with the WHS Act 2020 (WA), local governments, as a control agency and registerer of BFBs, are responsible for assessing risk and determining adequate safety control measures for volunteer BFB firefighters. There are 138 local governments in Western Australia as well as an approximate 18,000 volunteer BFB firefighters. It is an assumption that each local government has the capacity and capability to adequately assess firefighting risks alone. A unified and standardised approach is required with specific consideration for the risk exposure of BFBs.

The Draft Plan and WALGA's Advocacy Position (at 8.10 3. (d)) support that the State Government (e.g. Hazard Management Agency, i.e. the FES Commissioner) determine a standard of training for personnel. Concurrently, WALGA's Advocacy Position, regarding the Local Emergency Management Arrangement system states that reform should "Improve the connectivity of Local Governments' various risk management and hazard planning processes through an integrated approach" (p. 4, 8.11 2. f)). Reform or standardisation of training requirements ought to also adopt an integrated approach underpinned by risk management principles. The Draft Plan does not emphasise this.

Currently, unless independently conducted, Local Governments have minimal access to standardised risk assessment tools for the operation of BFBs or volunteer firefighters. Notably, the Local Government Insurance Scheme has provided some information pertaining to risk management, including via the LGIS Manual Task Risk Assessment (2022). Notably, however, between February 2022 and February 2024, the training prescribed by LGIS for "volunteer bushfire fighters" and recommended by DFES, outlined in the Bush Fire Service Training Program, were in contradiction. A common risk management process would alleviate such contradictions and provide a standard source for safety control measure advice in Western Australia.

The State Emergency Risk Management Guideline (2023) (at p. 7 - 9) outlines the Emergency Risk Management Process in Western Australia. In compliance with Australian Standard (AS/NZS ISO) 31000:2018, this process involves assessment of risk by the stages: 1) risk identification; 2) risk analysis; 3) risk evaluation (and detailed/further analysis); and 4) risk treatment. Importantly, the process is complimented at all stages by communication and consultation with stakeholders. Regarding specific hazard types, the State Emergency Risk Management Guideline (2023) references response safety control measures such as training and PPE.

The establishment of minimal training standards and the uniform application of such standards across Western Australian local governments ought to apply the Emergency Risk Management Process. A standardised risk assessment tool, including risk matrixes, ought to universally communicate risk and adequate controls to provide an integrated and standardised approach. This approach would connect individual local governments, WALGA and DFES.

Increased transparency and risk communication will encourage a common understanding of firefighting risks and safety control measures, including training requirements. A standardised risk assessment (e.g. risk matrix) ought not to be entrenched in the State Hazard Plan Fire, but available to local government as a subordinate document.

## *2) Training and Recognition of Competency*

Anecdotal evidence received from Shire volunteer firefighters indicates a high-level of concern about the changing of minimum training standards and training pathways. The Shire acknowledges that minimum training standards may evolve as understanding or risks, equipment and technology, firefighting strategies and tactics develop. However, the Shire strongly encourages that minimum standard of training be complementary and adapted upon previous minimum standards.

The evolution of training must be based upon a structured progression of the training courses (and subordinate modules) managed by DFES. This was effectively demonstrated by the evolution of the course DFES1023 Firefighting Skills, when the DFES0999 Crew Protection module was included in that course's curriculum. Although only an additional few hours to undertake, this module incorporated valuable training of new life-preserving equipment included under the pre-existing Firefighting Skills course.

By contrast, in February 2024, DFES's Bush Fire Service Training Program was amended to recommend a revised "minimum standard for **all** [emphasis added] personnel". The recommended training were the courses Bushfire Safety Awareness and Firefighting Skills, which are also the "minimal skills" prescribed by the LGIS Manual Tasks Risk Assessment (2022) (p. 4). Previously, under the 2022 version of the DFES Training Program, for volunteer firefighters who were members of a Farmer Response Brigade, the "recommended minimum standard" of training was the course Rural Fire Awareness.

Regarding Farmer Response Brigade volunteers, the amendment in February 2024 has had a "stranding" effect. In 2022 and 2023, Farmer Response Brigade volunteers, at the recommendation of DFES, completed the course Rural Fire Awareness which now, under the revised DFES Training Program, does not achieve the "recommended minimum standard". This is despite the curriculums for courses Rural Fire Awareness and Bushfire Safety Awareness sharing common training content.

Rather than recognise the existing skills trained under the Rural Fire Awareness course, there is currently no pathway provided by DFES to bridge volunteers who have completed that course to the course Bushfire Safety Awareness. Rather, such volunteers are now recommended to complete both Bushfire Safety Awareness and Firefighting Skills courses in entirety. Anecdotally, this has had a significantly demoralising effect for volunteers, and provided grounds for distrust of local government and DFES.

## *3) Reference to Safety Control Measures*

Regarding safety control measures, the Department of Energy, Mines, Industry Regulation and Safety (DEMIRS) outline the hierarchy of control for workplace risk (How is risk controlled? ([dmp.wa.gov.au](http://dmp.wa.gov.au))). This advice establishes that control measures may involve, in order: 1) Elimination; 2) Substitution; 3) Isolation; 4) Engineering controls; 5) Administrative controls; and 5) Personal Protective Equipment (PPE).

Considering the safety controls outlined by DEMIRS, it is abstract that the draft State Hazard Plan Fire prescribes specific regulation of training (an administrative control) as a safety control measure and, alone, directly links this control measure with the WHS Act 2020 (WA). While other

safety controls can be identified in the draft State Hazard Plan Fire, only training is uniquely identified as such a control.

By contrast, protective clothing requirements are not addressed or outlined in the Draft Plan. However, PPE is a common safety control measure implemented by DFES. This is reflected in DFES Standard Operating Procedure 3.02.01 - Personal Protective Equipment (PPE). The Work Health and Safety (General) Regulations 2022 (WA) outlines duties about the provision and management of personal protective equipment.

It is suggested that the Risk Management Process (outlined above) be utilised to support local government in the selection of safety management controls. For example, this process can be used to guide local government, in consultation with DFES, to select PPE relative to the risks volunteer firefighters are exposed to in various firefighting environments. Concurrently, the Risk Management Process ought to be applied to provide a business case for adequate Local Government Grant Scheme funding for the provision of safety equipment including PPE, for volunteer firefighters.

#### Legal Implications

*Bush Fires Act 1954 (WA)*: Implications include for the management and operation of volunteer Bush Fire Brigades.

*Emergency Management Act 2005 (WA)*: Implications to incident management.

*Work Health and Safety Act 2020 (WA)*: Implications include the primary duty of care owed to workers (and volunteers), including for the provision of safety control measures such as training.

*Work Health and Safety Regulations 2022 (WA)*: Implications include the provision of personal protective equipment and training, including regarding duties owed by both Person Conducting Business or Undertaking (PCBU) and the worker (volunteer).

#### Policy Implications

*Bush Fire Brigade Local Law*: Implications include the processes for determining and delivering training requirements, as well as the provision of safety equipment.

#### Consultation

Volunteer Bush Fire Brigade members, including Fire Control Officers.

#### Financial Implications

Costs associated with the delivery of training courses and the procurement of safety equipment.

#### Strategic Implications

**This item aligns with Aspire 2033 - Shire of Lake Grace Strategic Community Plan:**

<b>Social Objective - A valued, healthy and inclusive community and lifestyle</b>		
Outcome	7	A healthy and safe community
Strategies	7.3	Support provision of emergency services and encourage community volunteers

<b>Leadership Objective - Strong governance and leadership, demonstrating fair and equitable community values</b>		
Outcome	8	A strategically focused, unified Council functioning efficiently
Strategies	8.1	Provide informed leadership on behalf of the community
	8.2	Promote and advocate for the community and district
	8.3	Provide strategic leadership and governance
Outcome	9	An efficient and effective organisation
Strategies	9.1	Maintain accountability and financial responsibility through effective planning
	9.2	Comply with statutory and legislative requirements
	9.3	Provide a positive and safe workplace
	9.4	Establish and maintain community endorsed levels of service across all functions of Council

**This Item aligns with the Shire of Lake Grace Public Health & Wellbeing Plan 2022-2026**

<b>Outcome</b>	<b>12</b>	<b>A Healthy and Sustainable Community</b>
	12.4	Engage with agencies to maintain safe roads, provide bushfire protection and monitor climate change impacts.

Voting Requirements

Simple majority

CESM Mr Ryan Sutherland left the meeting at 3.49pm

**RECOMMENDATION / RESOLUTION**

**RESOLUTION**            **13949**

**Moved:**                    **Cr Lloyd**

**Seconded:**                **Cr Hunt**

That Council endorse that:

The Background and Comment provided in the item above be submitted to the Western Australian Local Government Association (WALGA) regarding the draft State Hazard Plan Fire (September 2024).

**CARRIED:**                **5/0**

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

**Against:**                 **Nil**

**14.4.3 NEWDEGATE RESEARCH STATION - LEASE**

<b>Applicant</b>	Newdegate Community Cropping Project Committee (NCCP)
<b>File No.</b>	0664
<b>Attachments</b>	Lease document
<b>Author</b>	Alan George - Chief Executive Officer
<b>Disclosure of Interest</b>	Nil
<b>Date of Report</b>	17 October 2024
<b>Senior Officer</b>	Alan George - Chief Executive Officer

Summary

For Council to consider entering into a Farm lease on Western Australian Agriculture Authority (WAAA) land (Part 1) for the Newdegate Research Station, for a ten (10) year term.

Background

Since 1 April 2008 the Shire has entered into a lease arrangement for the Newdegate Research Station to allow for community cropping. The current lease expires 31 March 2025 and was for a 5 year term.

The leased area is negotiated on an annual basis and may vary depending on the Lessor's requirement for land on the Newdegate Research Station. The Department Primary Industries and Regional Development (DPIRD) reserve the right to negotiate annual variations to the leased area, as determined by DPIRD Research requirements.

The leased area for the period 01 February 2019 to 31 March 2025 was, for cropping and grazing, 1,179 ha charged at:

<b>Year</b>	<b>Rate Per Hectare (Ex GST)</b>	<b>Area (Ha)</b>	<b>Annual Cost (Ex GST)</b>	<b>Plus GST</b>	<b>Total Fee Payable (Inc GST)</b>
2020	\$30.00	1,179	\$35,370.00	\$3,537.00	\$38,907.00
2021	\$35.00	1,179	\$41,265.00	\$4,126.50	\$45,391.50
2022	\$40.00	1,179	\$47,160.00	\$4,716.00	\$51,876.00
2023	\$45.00	1,179	\$53,055.00	\$5,305.50	\$58,360.50
2024	\$55.00	1,179	\$64,845.00	\$6,484.50	\$71,329.50

The Lessee is responsible for payment of all electricity and water charges incurred at the Newdegate Research Station. The Lessor will issue an invoice quarterly for monies owing, calculated from invoices received from water and electricity providers.

The use of this property is for the growing of cereal/legume/oilseed crops and grazing of sheep. Parties are to agree the rotation options for individual paddocks within the leased area.

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Comment

A meeting was held at the Research Station in May 2024 with representatives from the NCCP, DPIRD and the CEO regarding the renegotiation of the existing lease which expires on 31 March 2025. Various subjects were discussed including the success of the project over the years, the abandoned asbestos containing houses, the lack of access to several areas due to contamination and the fertilizer shed falling down.

The NCCP were seeking a renewal of the lease along with the following requests;

- The ACM containing abandoned houses be fenced off for safety reasons
- The new lease to be for 10 years to give some security of tenure.
- The fertilizer shed be replaced at the NCCP cost in exchange for a reduction in Lease payments.

It was requested by DPIRD that the requests be put in writing and they would be considered.

A follow up letter was sent to DPIRD on 24 May 2024 listing the requests which included the request to reduce the lease payments to a peppercorn amount.

On 2 August 2024 a draft lease for the Newdegate Research Station was received approving all of the requests.

On 17 August it was brought to the attention of the author that previous negotiations in February 2019 that DPIRD agreed to the repair of the fertilizer shed as, due to the move toward paying commercial lease payments to DPIRD, the provision of a functioning fertilizer shed be expected. A request was sent to DPIRD to have the clause “The fertilizer shed be replaced at the NCCP cost in exchange for a reduction in Lease payments.” removed

On 17 October advice was received from DPIRD that the clause pertaining to the replacement of the fertilizer shed had been removed. It was advised that provision had been made in DPIRDs 24/25 budget to have the fertiliser shed assessed and depending on cost it will either be repaired or replaced. Any replacement will be in the 25/26 budget year.

This is an excellent result for the NCCP which has the potential to save them in the proximity of \$1million in rental payments over the term of the new lease thus allowing more to be distributed to the community.

Legal Implications

*Biosecurity and Agriculture Management Act 2007*

*Local Government Act 1995*

9.49A Execution of Documents

- (1) A document is duly executed by a local government if —
- (a) the common seal of the local government is affixed to it in accordance with subsections (2) and (3); or
  - (b) it is signed on behalf of the local government by a person or persons authorised under subsection (4) to do so.



- 
- (2) The common seal of a local government is not to be affixed to any document except as authorised by the local government.
  - (3) The common seal of the local government is to be affixed to a document in the presence of —
    - (a) the mayor or president; and
    - (b) the chief executive officer or a senior employee authorised by the chief executive officer, each of whom is to sign the document to attest that the common seal was so affixed.
  - (4) A local government may, by resolution, authorise the chief executive officer, another employee or an agent of the local government to sign documents on behalf of the local government, either generally or subject to conditions or restrictions specified in the authorisation.
  - (5) A document executed by a person under an authority under subsection (4) is not to be regarded as a deed unless the person executes it as a deed and is permitted to do so by the authorisation.
  - (6) A document purporting to be executed in accordance with this section is to be presumed to be duly executed unless the contrary is shown.
  - (7) When a document is produced bearing a seal purporting to be the common seal of the local government, it is to be presumed that the seal is the common seal of the local government unless the contrary is shown.

*Shire of Lake Grace Standing Orders Local Law 2015*

19.1 The Council's Common Seal

- (1) The CEO is to have charge of the common seal of the local government, and is responsible for the safe custody and proper use of it.
- (2) The common seal of the local government may only be used on the authority of the Council given either generally or specifically and every document to which the seal is affixed must be signed by—
  - a) the President and the CEO or an appropriate officer authorised;
  - b) the Deputy President and the CEO or an appropriate officer authorised; or
  - c) the CEO and an appropriate officer authorised.
- (3) The common seal of the local government is to be affixed to any local law which is made by the local government.
- (4) The CEO is to record in a register each date on which the common seal of the local government was affixed to a document, the nature of the document, and the parties to any agreement to which the common seal was affixed.
- (5) Any person who uses the common seal of the local government or a replica thereof without authority commits an offence. **Penalty:** \$1,000

Policy Implications

Policy 1.11 Use of the Common Seal

The Common Seal of the Shire of Lake Grace is to be affixed to the following documents:

- Deeds of agreement
- Senior officer contracts of employment
- Land transactions (including leases)
- Other documents requesting use of the common seal

A document is validly executed by the Shire of Lake Grace when the seal of the Shire is affixed to it by the President and the Chief Executive Officer, and the President and Chief Executive Officer attest the fixing of the seal.

All documents signed under seal must, in accordance with s9.49 of the Act, first be presented to Council for its authorisation of the seal to be affixed to it by the President and the Chief Executive Officer, and the President and Chief Executive Officer attesting the fixing of the seal.

Consultation

Kieth Van Dongen Director Asset Management – DPIRD  
Newdegate Community Cropping Project Committee

Financial Implications

The rent payable for the leased area for the term of the lease will be calculated at the rate of \$1.00 (GST inclusive) per annum on demand if requested by DPIRD, paid in advance.

In addition to the rent, the Lessee is responsible for payment of all electricity and water charges incurred at the Newdegate Research Station. The Lessor will issue an invoice quarterly for monies owing, calculated from invoices received from the water and electricity providers.

All of these expenses are to be on charged to Newdegate Machinery Field Day Incorporated.

Strategic Implications

**This item aligns with Aspire 2033 - Shire of Lake Grace Strategic Community Plan**

<b>Social Objective - A valued, healthy and inclusive community and lifestyle</b>		
Outcome	6	An engaged, supportive and inclusive community
Strategies	6.3	Actively promote and support local events and activities for the community
<b>Leadership Objective - Strong governance and leadership, demonstrating fair and equitable community values</b>		
Outcome	8	A strategically focused, unified Council functioning efficiently
Strategies	8.1	Provide informed leadership on behalf of the community
	8.2	Promote and advocate for the community and district
	8.3	Provide strategic leadership and governance
Outcome	9	An efficient and effective organisation
Strategies	9.1	Maintain accountability and financial responsibility through effective planning

Voting Requirements

Simple majority

**RECOMMENDATION / RESOLUTION**

**RESOLUTION**            **13950**

**Moved:**                    **Cr Lloyd**  
**Seconded:**                **Cr Kuchling**

That Council:

1. enters into a lease for the Newdegate Research Station being part Roe Location 2680 (1,179 hectares) with the Western Australian Agriculture Authority for a ten (10) year term commencing 1 April 2025;
2. enters into an agreement with the Newdegate Machinery Field Day Incorporated, on behalf of the Newdegate Community Cropping Project Group, to fulfil the Shire of Lake Grace’s obligations under the lease; and
3. authorises the use of the common seal by the President and the Chief Executive Officer on the Lease Agreement.

**CARRIED**                    **5/0**

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

**14.4.4 LAKE GRACE DISTRICT HIGH SCHOOL – REQUEST FOR SPONSORSHIP**

<b>Applicant</b>	Lake Grace District High School
<b>File No.</b>	0247
<b>Attachments</b>	Nil
<b>Author</b>	Alex Adams – Executive Assistant
<b>Disclosure of Interest</b>	Nil
<b>Date of Report</b>	17 October 2024
<b>Senior Officer</b>	Alan George – Chief Executive Officer

Summary

For Council to consider supporting the Lake Grace District High School in implementing their positive behaviour policy by sponsoring a pool pass as a high school student prize.

Background

Correspondence has been received from Michele Bambling, Secondary Specialist Teacher at Lake Grace District High School, requesting sponsorship of a pool pass as a prize donation to the high school. This is part of the positive behaviour policy where high school students participate in

a program where they earn themselves ‘points’ for positive behaviour at the school. The culmination of the highest points will see students win a prize for their consistent positive behaviour and effort for the year. This is not part of the presentation night but is an internal class-based program.

Comment

The school are seeking a variety of prizes from the local community to assist with this program. The criteria is that they need to be something real and authentic that the students will find value in. A pool season pass will fit this criteria and have the benefit of encouraging active leisure time for the students.

Legal Implications

Nil

Policy Implications

Nil

Consultation

Alan George – Chief Executive Officer

Financial Implications

A seasonal pool pass for a student is valued at \$91.00.

Strategic Implications

**This item aligns with Aspire 2033 - Shire of Lake Grace Strategic Community Plan**

<b>Social Objective - A valued, healthy and inclusive community and lifestyle</b>		
Outcome	6	An engaged, supportive and inclusive community
Strategies	6.2	Maintain and support the growth of education, childcare, youth and aged services
	6.3	Actively promote and support local events and activities for the community
Outcome	7	A healthy and safe community
Strategies	7.1	Improve access to sport, leisure and recreation facilities, services and programs

Voting Requirements

Simple majority

**RECOMMENDATION / RESOLUTION**

**RESOLUTION**            **13951**

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

That Council:

Donates a student seasonal pool pass to Lake Grace District High School for the 2024/25 pool season in support of the High School positive behavior program.

**CARRIED**                    **5/0**

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

**14.4.5 CHRISTMAS/NEW YEAR CLOSURE OF COUNCIL ADMINISTRATION**

<b>Applicant</b>	Mrs Tegan Hall – Manager Corporate Services
<b>File No.</b>	Nil
<b>Attachments</b>	Nil
<b>Author</b>	Mrs Tegan Hall – Manager Corporate Services
<b>Disclosure of Interest</b>	Nil
<b>Date of Report</b>	18 October 2024
<b>Senior Officer</b>	Mr Alan George – Chief Executive Officer

Summary

Administration is seeking approval from Council to close the office and suspend service from close of business on Friday the 20<sup>th</sup> of December 2024 and re-open on Thursday the 2<sup>nd</sup> of January 2025.

Background / Comment

Council Policy states that “The Administration Centre will be closed for business on Christmas Eve and re-open on the first working day following New Year’s Day.” This year Christmas Eve falls on a Tuesday. As such, approval is sought to close for an additional two business days being Monday the 23<sup>rd</sup> of December 2024 and Tuesday the 24<sup>th</sup> of December 2024.

History has shown that during this period the Administration Office experiences very little, if any, contact with the public. It is anticipated staff will be applying for leave on these days regardless. All staff will need to apply for either annual leave or rostered day off.

The closure is expected to have nil effect on the operations of the Shire. A skeleton crew will be available to maintain watering regimes and in case of emergencies.

Sufficient advertising will be put in place to give the public adequate notice of the closure.

Legal Implications

Nil

Policy Implications

Policy 1.14 Christmas/New Year Closure of Council Facilities

Consultation

Internal Mr Alan George – Chief Executive Officer  
All administration staff

Financial Implications

Nil as the days off will be covered by either annual leave or rostered day off

Strategic Implications

**This item aligns with Aspire 2033 - Shire of Lake Grace Strategic Community Plan**

<b>Leadership Objective - Strong governance and leadership, demonstrating fair and equitable community values</b>		
Outcome	8	A strategically focused, unified Council functioning efficiently
Strategies	8.1	Provide informed leadership on behalf of the community
	8.2	Promote and advocate for the community and district
	8.3	Provide strategic leadership and governance
	8.4	Provide timely communications on all Council activities to community
Outcome	9	An efficient and effective organisation
Strategies	9.1	Maintain accountability and financial responsibility through effective planning
	9.2	Comply with statutory and legislative requirements
	9.3	Provide a positive and safe workplace
	9.4	Establish and maintain community endorsed levels of service across all functions of Council

Voting Requirements

Absolute majority

**RECOMMENDATION / RESOLUTION**

**RESOLUTION**            **13952**

**Moved:**                    **Cr Lloyd**

**Seconded:**                **Cr Clarke**

That Council approves the closure of the Administration office from close of business on Friday the 20th of December 2024 and re-open on Thursday the 2nd of January 2025.

**CARRIED**                    **5/0**

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

**Against:**                    **Nil**

**14.5 FINANCE**

**14.5.1 ACCOUNTS FOR PAYMENT – SEPTEMBER 2024**

<b>Applicant</b>	Internal Report
<b>File No</b>	0277
<b>Attachments</b>	List of Accounts Payable
<b>Author</b>	Tegan Hall - Manager Corporate Services
<b>Disclosure of Interest</b>	Nil
<b>Date of Report</b>	14 October 2024
<b>Senior Officer</b>	Mr Alan George – Chief Executive Officer

Summary

For Council to ratify expenditures incurred for the month of September 2024.

Background

List of payments for the month of September 2024 through the Municipal account are attached.

Comment

In accordance with the requirements of the Local Government Act 1996, a list of creditors and Credit cards and Fuel Cards transactions 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 and Reg 13A

Policy Implications

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

Consultation

Nil



Financial Implications

The list of creditors paid for the month of September 2024 from the Municipal Account  
Total \$1,010,276.99

Strategic Implications

This aligns with Aspire 2033 - Shire of Lake Grace Strategic Community Plan

<b>Leadership Objective - Strong governance and leadership, demonstrating fair and equitable community values</b>		
Outcome	9	An efficient and effective organisation
Strategies	9.1	Maintain accountability and financial responsibility through effective planning
	9.2	Comply with statutory and legislative requirements

Voting Requirements

Simple majority

**RECOMMENDATION / RESOLUTION**

**RESOLUTION 13953**

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

That Council ratify the list of payments totalling \$1,010,276.99 as presented for the month of September 2024 incorporating:

<b>Payment Method</b>	<b>EFT/DD Number</b>	<b>Amount</b>
Electronic Funds Transfers	EFT27002 – EFT27154	\$941,116.84
Direct Debits	DD111116.1 – DD111137.1	\$56,709.62
Credit Card	DD111142.1	\$7,340.96
Fuel Cards	EFT27029, 27070 & 27103	\$5,109.57
	<b>TOTAL</b>	<b>\$1,010,276.99</b>

**CARRIED 5/0**

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

# Shire of Lake Grace



## CERTIFICATE OF EXPENDITURE September 2024

This Schedule of Accounts to be passed for payment, covering

<b>Payment Method</b>	<b>EFT/DD Number</b>	<b>Amount</b>
Electronic Funds Transfers	EFT27002 – EFT27154	\$941,116.84
Direct Debits	DD11116.1 – DD11137.1	\$56,709.62
Credit Card	DD11142.1	\$7,340.96
Fuel Cards	EFT27029, 27070 & 27103	\$5,109.57
	<b>TOTAL</b>	<b>\$1,010,276.99</b>

to the Municipal Account, totalling \$1,010,276.99 which were submitted to each member of the Council on 23 October 2024, have been checked and fully supported by vouchers and invoices which are submitted herewith and which have been duly certified as to the receipt of goods and the rendition of services and as to prices, computations, and costing's and the amounts shown are due for payment.

\_\_\_\_\_  
Alan George  
**CHIEF EXECUTIVE OFFICER**

## 14.5.2 FINANCIAL REPORTS – 30 SEPTEMBER 2024

<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 – 30 September 2024</li> </ul>
<b>Author</b>	Mrs Victoria Fasano - Senior Finance Officer Investments & Reporting
<b>Disclosure of Interest</b>	Nil
<b>Date of Report</b>	30 September 2024
<b>Senior Officer</b>	Mr Alan George - Chief Executive Officer

### Summary

Consideration of the Monthly Financial Reports for the period ending 30 September 2024 and Bank Reconciliations for the month ending 30 September 2024.

### Background

The provisions of the Local Government (Financial Management) Regulations 1996 require a monthly financial report to be presented at an Ordinary Council meeting within two (2) months of the period end date.

### Comment

As of 30 September 2024, operating revenue was slightly under the target by \$31,815 (0.48%), mainly due to General rates (specifically, Interim Rates) being below budget.

Operating expenditure is below YTD budget by \$2,326,141 (52.86%), mainly due to Depreciation of \$2,087,701 (100%), which will be posted in Synergy after 23/24 Annual Financial Statement audit. Materials and contracts are down due to delays in operating jobs. Employee costs are slightly over the budget due to Labour Overheads. Utility charges are below the budget due to decreased water and power demand.

Investing activities revenue is below the target by \$21,396 (3.48%). Some of the "Local Roads & Community" projects are not yet initiated or are in the early stage of completion, funds will be recognised later in the financial year. In addition, Drought and Community funding finalised with no further expected income.

Investing activities expenses are below the target by \$1,981,171 (64.53%) due to early days in the new FY. Bulk of Capital projects not being initiated (67%) or in an early stage of completion.

Cash at bank is similar to the corresponding period last year. An investment agreement is in place for Overnight Cash Deposit with WA Treasury Corporation for total of \$7,509,436, as well as 3 term deposits invested in CBA – a total of \$8,600,000.

Outstanding rates are tracking well and have recovered 77.8% to date.

The General debtor is \$374,096 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 30 September 2024. 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 (\$10,000 or 10% whichever is greater) must be compiled and adopted by Council. As this report is composed at a program level, variance commentary considers the most significant items that comprise the variance.

Policy Implications

Nil

Consultation

Internal Mrs Tegan Hall – Manager Corporate Services

Financial Implications

Nil

Strategic Implications

This item aligns with Aspire 2033 - Shire of Lake Grace Strategic Community Plan

<b>Leadership Objective - Strong governance and leadership, demonstrating fair and equitable community values</b>		
Outcome	9	An efficient and effective organisation
Strategies	9.1	Maintain accountability and financial responsibility through effective planning
	9.2	Comply with statutory and legislative requirements

Voting Requirements

Simple Majority

**RECOMMENDATION / RESOLUTION**

**RESOLUTION 13954**

**Moved: Cr Lloyd**  
**Seconded: Cr Kuchling**

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

1. Statements of Financial activity for the period ended 30 September 2024 and
2. Municipal, Trust and Reserve Funds bank reconciliations for the period ended 30 September 2024.

**CARRIED 5/0**

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

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<b>14.6 COMMUNITY SERVICES</b>
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Nil

<b>15.0 QUESTIONS OF WHICH DUE NOTICE HAS BEEN GIVEN</b>
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Nil

<b>16.0 INFORMATION BULLETIN – OCTOBER 2024</b>
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<b>Applicant:</b>	Internal Report
<b>File No.</b>	Nil
<b>Attachments:</b>	Information Bulletin Cover Page Only
<b>Author:</b>	Alex Adams - Executive Assistant
<b>Disclosure of Interest:</b>	Nil
<b>Date of Report:</b>	18 October 2024
<b>Senior Officer:</b>	Mr Alan George - Chief Executive Officer

Summary

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

Background / Comment

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

The October 2024 Information Bulletin attachments include:

Reports:

- Visitor Centre Report July – September 2024
- EHO Report July – September 2024
- Newdegate Library Report July – September 2024
- Lake King Library Report July – September 2024

External Organisations

- Lake King Progress Association Minutes 17 July 2024
- Festival of Small Halls – thank you

Circulars, Media Releases, Newsletters, Letters

- As emailed to Councillors

Legal Implications

Nil

Policy Implications

Nil

Consultation

Nil

Financial Implications

Nil

Strategic Implications

This item aligns with Aspire 2033 - Shire of Lake Grace Strategic Community Plan

<b>Leadership Objective - Strong governance and leadership, demonstrating fair and equitable community values</b>		
Outcome	8	A strategically focused, unified Council functioning efficiently
Strategies	8.1	Provide informed leadership on behalf of the community
Outcome	9	An efficient and effective organisation
	9.2	Comply with statutory and legislative requirements

Voting Requirements

Simple majority

**RECOMMENDATION / RESOLUTION**

**RESOLUTION**            **13955**

**Moved:**                    **Cr Clarke**  
**Seconded:**               **Cr Kuchling**

That Council accepts the Information Bulletin Report for October 2024.

**CARRIED**                 **5/0**

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

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

**RECOMMENDATION / RESOLUTION**

**RESOLUTION**            **13956**

**Moved:**                **Cr Lloyd**  
**Seconded:**           **Cr Kuchling**

Move behind closed doors to consider Item 17.1 - Purchase of Lot 352 Stubbs Street Lake Grace.

**CARRIED**                **5/0**

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

Meeting suspended at 4.05pm to allow Councillors to read the item.

Meeting resumed at 4.10pm.

**RECOMMENDATION / RESOLUTION**

**RESOLUTION**            **13957**

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

That Council accept the recommendation contained in Item 17.1 - Purchase of Lot 352 Stubbs Street Lake Grace.

**CARRIED**                **5/0**

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

**RECOMMENDATION / RESOLUTION**

**RESOLUTION**            **13958**

**Moved:**                **Cr Kuchling**  
**Seconded:**           **Cr Clarke**

That Council move out from behind closed doors to continue with the meeting.

**CARRIED**                **5/0**

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

**18.0 DATE OF NEXT MEETING – 27 NOVEMBER 2024**

The next Ordinary Council Meeting is scheduled to take place on Wednesday 27 November 2024 commencing at 3:30pm at the Council Chambers, 1 Bishop Street, Lake Grace.

**19.0 CLOSURE**

There being no further business, the Shire President closed the meeting at 4.20pm.