

Shire of Lake Grace

Ordinary Council Meeting



## NOTICE PAPER

### To the President and Councillors

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

**Date:** Wednesday 27 August 2014

**At:** Council Chambers, 1 Bishop St, Lake Grace WA

**Commencing:** 2.00 pm

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

\_\_\_\_\_  
Neville Hale  
Chief Executive Officer

21 August 2014  
Date

# Shire of Lake Grace

## Ordinary Council Meeting

# Agenda

27 August 2014

Meeting Commencing at 2.00 pm

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## **SHIRE OF LAKE GRACE**

Agenda for the Ordinary Meeting of Council to be held at Council Chambers, 1 Bishop St Lake Grace WA on Wednesday 27 August 2014.

### **1.0 OPENING & ANNOUNCEMENT OF VISITORS**

The Shire President opened the meeting at \_\_\_ pm.

### **2.0 ATTENDANCE RECORD**

#### **2.1 PRESENT**

Cr AJ Walker	Shire President
Cr JF De Landgrafft	Deputy Shire President
Cr LW Armstrong	
Cr DS Clarke	
Cr SG Hunt	
Cr AD Marshall	
Cr DP Sinclair	
Cr MG Stanton	
Mr N Hale	Chief Executive Officer
Mr N Mitchell	A/Manager Corporate Services
Ms L Holben	Manager Community Services
Mrs J Bennett	Executive Assistant
_____	Observer

#### **2.2 APOLOGIES**

#### **2.3 LEAVE OF ABSENCE PREVIOUSLY GRANTED**

##### **CRS WALKER, CLARKE & CHAPPELL**

Motion 11851 July 2014, the following leave of absences were approved:

- Cr Walker – 1 August 2014 to 15 August 2014
- Cr Clarke – 27 July 2014 to 2 August 2014
- Cr Chappell – 25 August 2014 to 14 September 2014

### **3.0 PUBLIC QUESTION TIME**

### **4.0 APPLICATIONS FOR LEAVE OF ABSENCE**

**5.0 MINUTES OF PREVIOUS COUNCIL MEETINGS**

**5.1 ORDINARY MEETING – 23 JULY 2014**

Resolution

**MOTION 11870**

Moved Cr  
Seconded Cr

That the minutes of the Ordinary Meeting of Council held on the 23 July 2014 be confirmed as a true and accurate record.

**MOTION CARRIED**

**5.2 SPECIAL BUDGET MEETING – 1 AUGUST 2014**

Resolution

**MOTION 11871**

Moved Cr  
Seconded Cr

That the minutes of the Special Budget Meeting of Council held on the 1 August 2014 be confirmed as a true and accurate record.

**MOTION CARRIED**

**5.3 SPECIAL MEETING – 1 AUGUST 2014**

Resolution

**MOTION 11872**

Moved Cr  
Seconded Cr

That the minutes of the Special Meeting of Council held on the 1 August 2014 be confirmed as a true and accurate record.

**MOTION CARRIED**

**6.0 DECLARATIONS OF INTEREST**

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

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

**6.3 DECLARATIONS OF IMPARTIALITY INTEREST – ADMINISTRATION REGULATION SECTION 34C**

**7.0 NOTICES OF URGENT BUSINESS**

**8.0 MOTIONS OF WHICH NOTICE HAS BEEN RECEIVED**

**9.0 PETITIONS/DEPUTATIONS/PRESENTATIONS/SUBMISSIONS**

**10.0 MEMBERS' REPORTS**



## 11.0 MATTERS FOR CONSIDERATION – WORKS & SERVICES

### 11.1 SUPPLY OF BITUMEN AND AGGREGATE – CALL FOR TENDERS

**Applicant:** Acting Manager Infrastructure Services  
**File No.** 0488  
**Attachments:** Nil  
**Author:** Mr Alex Richardson

\_\_\_\_\_  
A/Manager Infrastructure Services

**Disclosure of Interest:** Nil  
**Date of Report:** 18 August 2014  
**Senior Officer:** Neville Hale

\_\_\_\_\_  
Chief Executive Officer

#### Summary

This report recommends that Council authorise the Chief Executive Officer to call tenders for the supply bitumen and aggregate for the Shire of Lake Grace 2014-2015 road sealing program.

#### Background

Council's road works program includes road reconstruction and reseals listed in the table below:

Road Name	Work Type	Volume(m <sup>3</sup> ) x Size(mm)	Area (m <sup>2</sup> )	Project Funds
Newdegate North (7m seal)	Reseal	230 x 14	Approx 1,000 (3km)	Regional Road Group
Holt Rock South (7m seal)	Reconstruct & Seal	460 x 10 460 x 10	Approx 42,000 (6km)	Regional Road Group & Roads to Recovery

In order to satisfy the specific requirements of the Local Government (Functions and General) Regulations 1996 it is recommended that Council resolve to proceed with the tasks required to publicly invite tenders for the supply of bitumen and aggregate for the Shire of Lake Grace 2014-2015 road sealing program.

#### Comment

The Tender may be awarded to who best demonstrates the ability to provide quality products and/or services at a competitive price.

The Tender will be separable which will allow local contractors to tender for the supply and delivery of aggregate. The tendered prices will be assessed together with qualitative and compliance criteria to determine the most advantageous outcome to the Shire.

The Principal has adopted a best value for money approach to this request.

This means that, although price is considered, the Tender containing the lowest price will not necessarily be accepted, nor will the Tender be ranked the highest on the qualitative criteria.

A scoring system will be used as a part of the assessment of the qualitative criteria.

The tenders will be assessed against the following qualitative criteria and weighting. The Tender may be awarded to who best demonstrates the ability to provide quality products and/or services at a competitive price.

The tendered prices will be assessed together with qualitative and specification criteria to determine the most advantageous outcome to the Shire.

The assessment criteria will be:

▪ Cost	80%
▪ Relevant Experience	10%
▪ Organisational Capacity and Resources	5%
▪ Demonstrated Understanding	5%

The extent to which a Tender demonstrates greater satisfaction of each of these criteria will result in a greater score. The aggregated score of each Tender will be used as one of the factors in the final assessment of the qualitative criteria and in the overall assessment of value for money.

#### Legal Implications

Local Government Act 1995

Local Government (Function and General) Regulations 1996

#### Policy Implications

Nil

#### Consultation

Internal: Chief Executive Officer

#### Financial Implications

Allowances have been made within the 2014/15 Budget for the road sealing program.

#### Strategic Implications

Materials and contractors are required to carry out the road sealing program.

#### Recommendation

That Council authorise the Chief Executive Officer to:

1. Call tenders for the supply of bitumen and aggregate for the 2014/15 Road Sealing Program; and,
2. That the following assessment criteria apply:
 

• Cost	80%
• Relevant Experience	10%
• Organisational Capacity and Resources	5%
• Demonstrated Understanding	5%

#### Voting Requirements

Simple majority required.

#### Resolution

Moved Cr

Seconded Cr

<b>12.0 MATTERS FOR CONSIDERATION – PLANNING</b>
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**12.1 PROPOSED LOCAL PLANNING POLICY NO 6.5 – ADVERTISING SIGNAGE**

<b>Applicant:</b>	Shire of Lake Grace
<b>File No.</b>	0050
<b>Attachments:</b>	Attachments 1
<b>Author:</b>	Mr Joe Douglas & Mr Carlo Famiano Urban & Rural Perspectives -Town Planning Consultants
<b>Disclosure of Interest:</b>	Nil
<b>Date of Report:</b>	19 August 2014
<b>Senior Officer:</b>	Mr Neville Hale

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Chief Executive Officer

Summary

This report provides details of a proposed draft local planning policy outlining Council's future possible position regarding the development and use of advertising signs throughout the Shire. It recommends that Council initiate the process required to provide for the future possible adoption of the policy under Local Planning Scheme No.4 including commencement of the required public advertising process.

Background

At its Ordinary Meeting held on 28 November 2012 the Lake Grace Shire Council authorised the Shire administration to prepare a suitable local planning policy to provide future guidance for the development and use of advertising signs throughout the municipality. Council's decision at the time was based upon an application received by the Shire for the erection of a large advertising sign on a private rural property with frontage to a major road (Item 12.1).

In light of the above resolution, the Shire administration prepared draft Local Planning Policy No.6.5 entitled 'Advertising Signage' for Council's consideration. At its Ordinary Meeting held on 19 December 2012 Council resolved that the policy be tabled until, at staff discretion, it be re-introduced for further consideration.

Given the recent trend involving the erection of advertising signs on private property throughout the Wheatbelt Region, particularly along major roads, the reporting officers' have formed the opinion that Council should now consider initiating the process required to provide for the future possible adoption of the policy under Local Planning Scheme No.4 to guide development of this type within the Shire.

The primary objectives of the proposed new policy are as follows:

- To improve the quality and appropriateness of advertising signs through the application of good design principles;
- To ensure that the display of advertisements does not have any adverse impacts on the amenity of surrounding land;
- To avoid the proliferation of advertising signs on individual sites and buildings;
- To improve the streetscape of major roads;
- To encourage the rationalisation of advertising signs on individual premises;

- To encourage the incorporation of advertising signs into the design of buildings;
- To ensure that advertising signs do not present a hazard or obstruction to pedestrians or block motorists' views of traffic information signs;
- To ensure that all advertising signs are not discriminatory or offensive;
- To ensure that advertising signs only relate to the products and/or services provided on the site on which they are displayed; and
- To provide increased certainty for advertisers, landowners, the community and others as well as consistency in decision making by Council.

A copy of the proposed draft policy is provided in Attachment 1 to this report.

#### Comment

Whilst there is a general need to be supportive of advertising signage, the Shire needs to ensure that the development and use of advertising signs does not have a detrimental impact on the amenity, character, functionality or safety of its urban and rural environments.

At present the Shire of Lake Grace has very limited statutory or policy guidance in its local planning framework to guide the development and use of land for advertising purposes. As such the Shire has little control over the potential proliferation of advertising signage within the municipality.

In light of the above and the potential negative impacts that advertising signage can have, it is considered appropriate that Council consider the preparation and adoption of a local planning policy to provide clear guidance for the development and use of advertising signage throughout the Shire and the processes required to obtain the necessary approvals.

It should be noted that the proposed new policy, if finally adopted, will not bind Council in respect of any one application for planning approval. Council is however required to have due regard for the provisions and objectives of the policy before making its decision on any application received.

Should Council resolve to endorse the proposed draft policy, arrangements will be made by the Shire Administration to advertise the policy for public comment for a minimum period of twenty one (21) days in accordance with the specific requirements of Clause 2.4.1 of LPS No.4.

Following completion of the required public advertising process a follow up report will be prepared for consideration by Council. This report will provide details of the outcomes from public advertising (i.e. a summary of all submissions received), any suggested modifications to the draft policy and a recommendation regarding its final adoption.

#### Legal Implications

- Shire of Lake Grace Local Planning Scheme No.4
- Planning and Development Act 2005

#### Policy Implications

The proposed local planning policy aims to ensure that all planning applications for the development and use of advertising signs in the Shire are accompanied by sufficient

relevant information and demonstrate compliance with a number of objectives, provisions and standards.

#### Consultation

A community consultation process is required to be undertaken by the Shire to formalise adoption of the proposed policy as a Local Planning Policy under Local Planning Scheme No.4. Community consultation will be undertaken for a minimum period of twenty one (21) days in accordance with the specific requirements of Clause 2.4.1 of LPS No.4.

#### Financial Implications

The Shire is responsible for meeting all costs associated with the preparation, advertising and adoption of the proposed new Local Planning Policy. The total cost of the project is estimated to be approximately \$3,500.00 excluding GST which will be covered by the Shire's current budget allowance for general town planning work in the 2014/2015 financial year.

#### Strategic Implications

The development and use of advertising signage throughout the Shire has potential to have a number of negative impacts on the amenity, character, functionality and safety of areas in which they are located. Clear planning guidance is therefore required to ensure that the erection of signage throughout the Shire of Lake Grace proceeds in a proper and orderly manner with minimal impact on local streetscapes, visual landscape values or the safety of pedestrians and motorists.

#### Recommendation

That Council resolve to adopt the draft policy entitled 'Advertising Signage' as Local Planning Policy No.6.5 under the Shire of Lake Grace Local Planning Scheme No.4 (LPS No.4) and authorise the Shire administration to advertise the policy for public comment in accordance with the procedures and requirements of Clause 2.4.1 of LPS No.4.

#### Voting Requirements

Simple majority required.

#### Resolution

Moved Cr

Seconded Cr

**12.2 PROPOSED COMMUNITY MEN'S SHED ON RESERVE 2264 BEING LOT 28  
BENNETT ST LAKE GRACE**

**Applicant:** Lake Grace Community Men's Shed Inc.  
**File No.** 0369/0623  
**Attachments:** Plans 1 to 5  
**Author:** Mr Joe Douglas & Mr Carlo Famiano  
Urban & Rural Perspectives -Town Planning Consultants  
**Disclosure of Interest:** Nil  
**Date of Report:** 19 August 2014  
**Senior Officer:** Mr Neville Hale

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Chief Executive Officer

**Summary**

This report recommends that a planning application submitted by Lake Grace Community Men's Shed Incorporated to construct a new 'Men's Shed' on portion of Reserve 22641 being Lot 28 (No.25) Bennett Street, Lake Grace be approved subject to conditions.

**Background**

At its Ordinary Meeting held on 27 July 2011 Council resolved to grant in-principle support for a proposal by Lake Grace Community Men's Shed Incorporated to develop a new Community Men's Shed in the Lake Grace townsite.

Lake Grace Community Men's Shed Incorporated is now seeking Council's planning approval to develop and use a portion of Reserve 22641 being Lot 28 (No.25) Bennett Street, Lake Grace for the purposes of a Community Men's Shed including the construction of a new steel framed colorbond building to accommodate the proposed use.

Lot 28 is located centrally in the Lake Grace townsite with direct frontage and access to Bennett Street along its southern boundary and a right-of-way along its northern rear boundary. The land is rectangular in shape, comprises a total area of approximately 1,064m<sup>2</sup> and has been partially developed for emergency service purposes (i.e. a St John's Ambulance depot). The land contains a number of physical improvements associated with its current use including a single storey commercial building, vehicle access, parking, landscaping and boundary fencing (see Plans 1 to 3).

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

Under the terms of the information and plans submitted in support of the application the following is proposed:

- i) Construction of a new 139m<sup>2</sup> steel framed colorbond (i.e. 'Paperbank' colour) Community Men's Shed comprising a length of 20.03 metres and a width of 6.92 metres (see Plans 4 & 5);
- ii) The building will have a wall height of 3.3 metres and a ridge height of approximately 4.228 metres;
- iii) The building will have a setback of 18 metres from the land's front boundary (i.e. Bennett Street), a setback of 12 metres from the land's rear boundary and a 2

- metre setback from the land's eastern side boundary;
- iv) The removal of an existing tree at the rear of the property to allow for construction of the new building as well as a designated on-site parking area at the rear, access to which will be facilitated via the existing right-of-way;
  - v) The Community Men's Shed is expected to have no more than twenty (20) members utilising the facility at any given time;
  - vi) It is anticipated the Community Men's Shed would attract no more than twelve (12) vehicles at any given time. On-street car parking is available within the Bennett Street road reserve area with additional off-street parking available at the rear of the nearby IGA supermarket at No.20 Stubbs Street;
  - vii) The St John's Ambulance depot will continue to operate from the existing building on the land until it is relocated to Lot 501 Stubbs Street. As such the toilet facilities within the existing St John's building will not be available to users of the Community Men's Shed until such time as St John's Ambulance relocates its operations. In the interim, toilets are available for use at the nearby RSL building at No.24 Stubbs Street to the rear of the subject land (i.e. on the opposite side of the right-of-way); and
  - viii) The hours of operation for the Community Men's Shed will be dependent upon community requirements and demand but is expected to operate at least one day per week from 9am to 3pm.

#### Comment

Lot 28 is classified 'Public Purpose' reserve under the Shire of Lake Grace's current operative Local Planning Scheme No.4 (LPS No.4) with the designated purpose 'Emergency Services'.

Clause 3.4.2 of LPS No.4 states that in determining a planning application for the development of any land reserved under LPS No.4, Council must have due regard for the various general matters set out in clause 10.2 of LPS No.4 and the ultimate purpose intended by the land's reserve classification.

In exercising discretion, and pursuant to clause 10.2 of LPS No.4, Council must be satisfied that the proposal is consistent with general principles of proper and orderly planning, the provisions and standards contained in LPS No.4 and any other planning consideration the local government deems relevant.

Following a detailed assessment of the application the reporting officers' have concluded that the proposal is consistent with the specific requirements of LPS No.4 and is capable of being supported and approved by Council for the following reasons:

- It is unlikely to compromise the ultimate purpose intended by the land's current reserve classification in LPS No.4 (i.e. 'Emergency Services');
- It is consistent with the current designated purpose of the Management Order for Reserve 22641 issued by the Department of Land's under the authority from the Minister for Lands being 'Community Purposes';
- It is unlikely to have a detrimental impact on the character or amenity of the immediate locality;
- It will provide for the productive use of a portion of Reserve 22641 which is currently underutilised; and
- It could be expected to have significant cultural and social benefits for the Lake Grace community.

**Compliance with Development Standards**

LPS No.4 does not contain any specific standards for the development and use of any land for the purposes of a 'community facility'. The scheme does however contain a number of general provisions and standards applicable to the development and use of land in various zones.

Assessment of the proposal in the context of the general development standards in LPS No.4 has confirmed that it is mostly compliant except for on-site vehicle parking arrangements.

Table 2 of LPS No.2 does not specify the minimum number of on-site parking bays required to be provided for a 'community facility'. As such the provision of on-site parking for a 'community facility' within the scheme area is at the discretion of Council.

In this instance the reporting officers have formed the view that the parking ratio applicable to a 'club' use, being one (1) bay for every 45m<sup>2</sup> of gross floor area, should be applied meaning that a total of three (3) additional on-site parking bays should be provided to accommodate the car parking demand likely to be generated by the Community Men's Shed.

The site development plan submitted in support of the application illustrates the provision of a new parking area at the rear of the property, access to which will be facilitated via the adjoining right-of-way. Notwithstanding this fact the plan does not show the total number of on-site parking bays to be provided or their orientation or dimensions.

Given all of the above and the significant amount of room available at the rear of the property to accommodate the car parking demand likely to be generated by the proposed new use, it is considered prudent that Council consider imposing a suitable condition on any planning approval issued requiring the submission of an amended site development plan illustrating the provision of at least three (3) on-site car parking bays at the rear of the land with access from the adjoining right-of-way.

Given the availability of on street parking and alternative parking nearby, the desire to encourage a more pedestrian focus for this and the adjacent RSL site, Council may wish to exclude the 3 bay parking condition.

**Additional Information**

In considering this application Council should also note that the proposed Community Men's Shed will:

- i) comprise a two (2) metre setback from the land's eastern side boundary which may not be sufficient to comply with the fire separation requirements of the National Construction Code of Australia (NCC); and
- ii) not be provided with or have direct access to any on-site sanitary facilities until such time as the St John's Ambulance depot is relocated.

Notwithstanding the above issues, the reporting officers have formed the view that Council may still grant conditional planning approval for the project with the onus then falling on the applicant during the building permit application stage to investigate the various options available to ensure compliance with the fire separation and sanitary facility requirements of the NCC.

**Conclusion**

It is concluded from a detailed assessment of the application that the proposal to



construct a new Community Men's Shed on portion of Reserve 22641 being Lot 28 (No.25) Bennett Street, Lake Grace is capable of being implemented in a proper and orderly manner and is unlikely to have a negative impact on the general amenity, character, functionality and safety of the immediate locality subject to compliance with a number of conditions. As such it is recommended that Council exercise its discretion and grant conditional approval to the application.

#### Legal Implications

- Planning and Development Act 2005
- Land Administration Act 1997
- Shire of Lake Grace Local Planning Scheme No.4

#### Policy Implications

Nil

#### Consultation

Community consultation not required however the project is a local initiative which is understood to have a significant amount of community support.

#### Financial Implications

Nil

#### Strategic Implications

The development of a new Community Men's Shed as proposed is likely to have a number of significant and worthwhile social and cultural benefits for the local community.

#### Recommendation

That the application for planning approval submitted by Lake Grace Community Men's Shed Incorporated to construct a new Community Men's Shed on portion of Reserve 22641 being Lot 28 (No.25) Bennett Street, Lake Grace be **APPROVED** subject to compliance with the following conditions and advice notes:

#### **Conditions**

1. The development is to be undertaken in a manner consistent with the information and plans submitted in support of the application. Any proposed variations to the details shown on the approved plans, including boundary setbacks, will require the further approval of Council.
2. A revised site plan is required to be prepared and submitted to the Shire of Lake Grace, to the specifications and satisfaction of the Shire, for consideration and approval by the Shire's Chief Executive Officer prior to the commencement of any development on the land. The revised site plan is to be suitably scaled and is required to clearly illustrate the provision of at least three (3) suitably dimensioned on-site car parking bays at the rear of the property with access from the adjoining right-of-way.
3. The development shall be undertaken in a manner consistent with the details of the revised plan required by Condition No.2 above if and when this plan is approved by the Shire's Chief Executive Officer.
4. All stormwater drainage discharge generated by the proposed development shall be managed and disposed of to the specifications and satisfaction of the Shire of Lake Grace.
5. All on-site parking areas associated with the proposed new Community Men's Shed shall be constructed and maintained to the specifications and satisfaction

of the Shire's Manager Infrastructure Services with appropriate measures for drainage and disposal of surface water.

6. The new Community Men's Shed building shall have a maximum floor area of 139m<sup>2</sup>, a maximum external wall height of 3.3 metres and a maximum ridge height of 4.228 metres.
7. All external wall and roof cladding of the new Community Men's Shed building shall be of colorbond construction (i.e. 'Paperbark' colour) unless otherwise approved by Council.
8. All rubbish generated on-site shall be managed and disposed of to the specifications and satisfaction of the Shire of Lake Grace.
9. The property shall be maintained in a neat and tidy condition at all times to the specifications and satisfaction of the Shire of Lake Grace.
10. Any future proposed advertising signage shall be provided in accordance with the specific requirements of the Shire of Lake Grace Local Planning Scheme No.4 unless otherwise approved by Council.

#### **Advice Notes**

1. The proposed development shall be completed within a period of two (2) years from the date of this approval. If the development is not completed within this period the approval will lapse and be of no further effect. Where an approval has lapsed, no development shall be carried out without the further approval of the Shire of Lake Grace having first been sought and obtained.
2. A completed building permit application must be submitted to and approved by the Shire's Building Surveyor prior to the commencement of any construction on the land.
3. The proposed development is required to comply in all respects with the National Construction Code of Australia. Plans and specifications which reflect these requirements are required to be submitted with the building permit application.
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. No construction works shall commence on the land prior to 7am without the Shire of Lake Grace's written approval.
6. Failure to comply with any of the conditions of this planning 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.

#### Voting Requirements

Simple majority required.

#### Resolution

Moved Cr

Seconded Cr

**12.3 PLANNING APPLICATION – PROPOSED RELOCATION OF THE NEWDEGATE RAILWAY STATION & CONSTRUCTION OF A NEW DISPLAY SHED ON PORTION OF RESERVE 29080 BEING LOT 154 LAKE GRACE NEWDEGATE ROAD NEWDEGATE**

<b>Applicant:</b>	Ms Lucy Kelly (Lucy Kelly Designs) on behalf of Newdegate Machinery Field Days Incorporated
<b>File No.</b>	0455
<b>Attachments:</b>	Plans 6 to 12 & Attachments 2 & 3
<b>Author:</b>	Mr Joe Douglas & Mr Carlo Famiano Urban & Rural Perspectives -Town Planning Consultants
<b>Disclosure of Interest:</b>	Nil
<b>Date of Report:</b>	19 August 2014
<b>Senior Officer:</b>	Mr Neville Hale

\_\_\_\_\_  
Chief Executive Officer

Summary

This report recommends that a planning application submitted by Ms Lucy Kelly (Lucy Kelly Designs) on behalf of Newdegate Machinery Field Days Incorporated to relocate the former Newdegate Railway Station building from Reserve 37609 to portion of Reserve 29080 being Lot 154 Lake Grace-Newdegate Road, Newdegate including restoration of the building and construction of a new steel framed colorbond display shed immediately adjacent to it be approved subject to conditions.

Background

The applicant is seeking Council's planning approval for the following:

- i) Removal and relocation of the former Newdegate Railway Station building from Reserve 37609 (railway reserve) to portion of Reserve 29080 being Lot 154 Lake Grace-Newdegate Road, Newdegate, including restoration of the building in its entirety to enable it to be used for community purposes; and
- ii) Construction of a new steel framed colorbond display shed immediately adjacent to the relocated Railway Station building on Lot 154 to accommodate exhibitor displays at the 'Newdegate Machinery Field Days' event.

Lot 154 is located in the western extremities of the Newdegate townsite immediately north of the Newdegate Airport. The land is irregular in shape, covers a total area of approximately 44.984 hectares and has direct frontage to Lake Grace-Newdegate Road along its southern boundary (see Plans 6 & 7).

The land forms part of Crown Reserve 29080 which is owned by the State of Western Australia and currently vested in the Shire of Lake Grace for the designated purpose of 'Recreation & Showground' (see Attachment 3 – Reserve Enquiry Detail).

The subject land has historically been developed and used for a variety of purposes including facilities to accommodate the annual 'Newdegate Machinery Field Days' event in its eastern half and a temporary CBH emergency grain storage facility in its western half. As such these portions of Lot 154 have been extensively cleared and contain a number of vehicle access tracks, hard stand/parking areas and various structures associated with the current approved uses.

The balance portions of Lot 154 are undeveloped and characterised by expansive stands of native vegetation (see Plan 8).

Under the terms of the information and plans submitted in support of the application the following is proposed:

- i) The removal and relocation of the former Newdegate Railway Station building from Reserve 37609 (railway reserve) to an existing cleared area in the south-eastern portion of Reserve 29080 in close proximity to the Newdegate indoor recreation building;
- ii) Restoration of the former railway building including internal and external paint work, replacement of damaged roof tiles, relining internal walls with plaster sheeting, repairs to the existing fireplace and installation of a new heating unit;
- iii) Construction of a new 20.52 metre long and 16.2 metre wide steel framed, colorbond (i.e. 'Deep Ocean' & Basalt' colours) display shed immediately adjacent to the western side of the relocated railway building;
- iv) The new shed will have a wall height of 3.2 metres, a ridge height of 4.88 metres and a total floor area of approximately 328.73m<sup>2</sup> (see Plans 9 to 12);
- v) The new shed will be used to accommodate exhibitor displays during the 'Newdegate Machinery Field Days' annual event;
- vi) The former railway building will be used as an ancillary structure to the proposed display shed during the field day event and by local community groups throughout the year (i.e. meetings, activities etc);
- vii) The new shed and relocated railway building will have a 271 metre setback from the land's front boundary (i.e. Lake Grace-Newdegate Road), a setback of approximately 19.13 metre from the land's eastern side boundary and a setback of approximately 565 metres from the land's northern rear boundary;
- viii) The structures are not proposed to be connected to water supply, gas or on-site effluent disposal infrastructure. Electricity will however be provided to the structures from the existing power supply infrastructure on the land in accordance with Western Power's requirements;
- ix) New kitchen and bathroom facilities may be installed within the proposed display shed at some point in the future however in the interim users will be reliant upon similar facilities currently available in the Newdegate recreation building. Council should note that any further additions and/or upgrade works to the proposed buildings will require a separate application to the Shire at the appropriate time; and
- x) The existing sealed and drained vehicle access and parking areas located immediately east of the proposed development and adjacent to the Newdegate indoor recreation building as well as those access and parking areas associated with the field day event will be used to accommodate the parking demand likely to be generated by the proposed new land uses.

#### Comment

#### **Current Zoning & Land Use Permissibility**

Under the Shire of Lake Grace's current operative Local Planning Scheme No.4 (LPS No.4) Lot 154 has been assigned the following reserve and zoning classifications:

- i) 'Local Scheme Reserve – Conservation';
- ii) 'Local Scheme Reserve – Recreation'; and

iii) 'Residential' zone with a density coding of R20.

That portion of Lot 154 the subject of this application is classified 'Local Scheme Reserve - Recreation' which directly reflects its current approved and designated purpose under the *Land Administration Act 1997*.

Clause 3.4.2 of LPS No.4 states that in determining a planning application for the development and use of any land reserved under LPS No.4 Council must have due regard for the various general matters set out in clause 10.2 of LPS No.4 and the ultimate purpose intended by the land's reserve classification.

In exercising discretion, and pursuant to clause 10.2 of LPS No.4, Council must be satisfied that the proposal is consistent with general principles of proper and orderly planning, the provisions and standards contained in LPS No.4 and any other planning consideration the local government deems relevant.

Council is advised that LPS No.4 does not contain any specific standards for the development and use of any land in the Scheme Area for 'recreational & showground' purposes. As such the planning application must be considered and determined by Council on its merits with due regard for any impacts it may have on surrounding land uses and the general character, amenity, functionality and safety of the immediate locality.

Following detailed assessment of the application the reporting officers' have formed the view that the proposal is capable of being supported and approved by Council for the following reasons:

- It is complimentary to and therefore unlikely to compromise the continued use of Reserve 29080 for 'recreational & showground' purposes being its current designated purpose under LPS No.4 and the *Land Administration Act 1997*;
- It will not result in the clearing of any significant native vegetation and is unlikely to have a detrimental impact on the natural environment;
- The scale and finish of the proposed buildings is generally consistent with other existing improvements on Reserve 29080 and is therefore unlikely to have a detrimental impact on the character or amenity of the immediate locality;
- The structures will have sufficient setbacks from all adjoining property boundaries;
- Restoration of the former Newdegate Railway Station building as proposed will provide for the productive use of a currently disused building that is falling into disrepair and result in long term preservation of the building's local heritage character; and
- The project will help to improve the operational efficiency of the 'Newdegate Machinery Field Days' event which has significant economic, tourism and social benefits for the local community.

### **Municipal Heritage Inventory**

The former Newdegate Railway Station building on Reserve 37609 is located within the 'Newdegate Railway Precinct' which has been identified at both local and state government level as being of cultural heritage significance.

Council should note that neither the 'Newdegate Railway Precinct' or the Railway Station building itself are included in the Shire's draft Heritage List or the State Register of Heritage Places. As such there are no legal means immediately available to facilitate

or require their long term protection and conservation under the Planning and Development Act 2005 or the Heritage of Western Australian Act 1990.

Notwithstanding the above, the 'Newdegate Railway Precinct' and the Railway Station building are listed in the Shire's Municipal Heritage Inventory as a 'Category 3' place of cultural heritage significance. By virtue of this classification the Municipal Heritage Inventory recommends that:

- i) the place be retained and conserved if possible; or
- ii) where retention and conservation are not considered possible, that the place be photographically recorded prior to any major redevelopment or demolition.

In considering the suitability of the application before it Council must consider the potential impacts the proposed development works may have on the heritage character and integrity of the 'Newdegate Railway Precinct' as well as the Railway Station building itself.

Following assessment of the proposal in the context of the guidance and recommendations contained in the Shire's Municipal Heritage Inventory, the reporting officer's have formed the view that it will not significantly compromise or undermine the existing character and integrity of the 'Newdegate Railway Precinct' or the Railway Station building itself for the following reasons:

- i) The former railway station building is not prominently located within the Newdegate townsite and is not safely accessible or available for use by the general public;
- ii) Removal and relocation of the railway station building as proposed will have little negative impact on the heritage value or character of the 'Newdegate Railway Precinct' given the building's current location within the railway reserve;
- iii) The railway station building is currently vacant/unused, in poor overall condition and in urgent need of restoration if its cultural heritage significance is to be conserved for the long term future; and
- iv) Relocation and restoration of the railway station building as proposed will help facilitate conservation of its heritage character for the long term benefit of the local community.

Having regard for the recommendations contained in the Shire's Municipal Heritage Inventory, it is recommended that Council require, as a condition of planning approval, the preparation of a Photographic Archival Record of the former Newdegate Railway Station Building similar to that prepared for the former Newdegate Masonic Lodge in August 2008.

#### Conclusion

It is concluded from a detailed assessment of the application that the proposal to relocate and restore the Newdegate Railway Station building and to construct a new steel framed, colorbond display shed on portion of Reserve 29080 being Lot 154 Lake Grace-Newdegate Road, Newdegate is capable of being implemented in a proper and orderly manner and is unlikely to have a negative impact on the general amenity, character, functionality and safety of the immediate locality subject to compliance with a number of conditions.

#### Legal Implications

- Shire of Lake Grace Local Planning Scheme No.4

- Planning and Development Act 2005
- Heritage of Western Australian Act 1990

Policy Implications

Nil

Consultation

Community consultation not required.

Financial Implications

Nil

Strategic Implications

The proposed relocation and restoration of the former Newdegate Railway Station building and construction of a new associated display shed are considered to have significant cultural benefits for the local community.

Recommendation

That the application for planning approval submitted by Ms Lucy Kelly (Lucy Kelly design) on behalf of Newdegate Machinery Field Days Incorporated to relocate the former Newdegate Railway Station building from Reserve 37609 to portion of Reserve 29080 being Lot 154 Lake Grace-Newdegate Road, Newdegate, including restoration of the building and construction of a new steel framed colorbond display shed immediately adjacent to it, be **APPROVED** subject to compliance with the following conditions and advice notes:

**Conditions**

1. The development shall be completed within a period of twelve (12) months from the date of this approval. If the development is not completed within this period the approval will lapse and be of no further effect. Where an approval has lapsed, no development shall be carried out without the further approval of the Shire of Lake Grace having first been sought and obtained.
2. The development and use of the buildings shall be undertaken in a manner consistent with the information and plans submitted in support of the application to the satisfaction of the Shire of Lake Grace. Any proposed variations to the details shown on the approved plans will require the further approval of Council.
3. The new display shed shall have a maximum floor area of 328.74m<sup>2</sup>, a maximum external wall height of 3.2 metres and a maximum ridge height of 4.88 metres.
4. All external wall and roof cladding of the new display shed shall be of colorbond construction (i.e. 'Deep Ocean' & 'Basalt' colours).
5. Prior to removal and relocation of the former railway station building from Reserve 37609 the applicant is required to prepare a Photographic Archival Record of the building to the specifications and satisfaction of the Shire of Lake Grace.
6. That portion of Reserve 37609 upon which the former railway station building is currently located shall, upon removal of the building, be rehabilitated and reinstated to an acceptable standard of presentation as determined by the Shire of Lake Grace and shall include removal and disposal of all rubbish and other materials no longer required.
7. The former railway station building shall be restored to an acceptable standard of presentation as determined by the Shire within twelve (12) months of issuance of a building permit.

8. The sub-floor area of the relocated railway station building shall be enclosed with brick, stone, vermin battens or other means acceptable to the Shire of Lake Grace.
9. All stormwater drainage discharge generated by the proposed new display shed and railway station building shall be managed and disposed of within Reserve 29080 to the specifications and satisfaction of the Shire of Lake Grace.
10. All rubbish generated on-site (i.e. Reserve 29080) shall be managed and disposed of to the specifications and satisfaction of the Shire of Lake Grace.
11. The relevant portion of Reserve 29080 shall be maintained in a neat and tidy condition at all times to the specifications and satisfaction of the Shire of Lake Grace.
12. Any future proposed advertising signage shall be provided in accordance with the specific requirements of the Shire of Lake Grace Local Planning Scheme No.4 unless otherwise approved by Council.

### **Advice Notes**

1. A demolition permit must be submitted to and approved by the Shire's Building Surveyor prior to removal and relocation of the former railway station building from Reserve 37609.
2. A completed building permit application must be submitted to and approved by the Shire's Building Surveyor prior to the commencement of any construction on Reserve 29080.
3. The development is required to comply in all respects with the National Construction Code of Australia. Plans and specifications which reflect these requirements are required to be submitted with the building permit application.
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. No construction works shall commence on the land prior to 7am without the Shire of Lake Grace's written approval.
6. Failure to comply with any of the conditions of this planning 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.

### Voting Requirements

Absolute majority (5) required.

### Resolution

Moved Cr

Seconded Cr



**12.4 PLANNING APPLICATION – PROPOSED CHANGE OF USE TO ‘SINGLE HOUSE’ ‘HOME BUSINESS’ (BUILDING DESIGNER) & ‘RESTAURANT (CAFÉ) ON LOT 25 COLLIER ST NEWDEGATE**

<b>Applicant:</b>	Mrs Lucy Kelly (Landowner)
<b>File No.</b>	0455
<b>Attachments:</b>	Plans 13 to 18 & Attachment 4
<b>Author:</b>	Mr Joe Douglas & Ms Elle O'Connor Urban & Rural Perspectives -Town Planning Consultants
<b>Disclosure of Interest:</b>	Nil
<b>Date of Report:</b>	19 August 2014
<b>Senior Officer:</b>	Mr Neville Hale

\_\_\_\_\_  
Chief Executive Officer

Summary

This report recommends that a planning application submitted by Ms Lucy Kelly (Landowner) to change the current approved use of the existing building on Lot 25 (No.17) Collier Street, Newdegate from ‘single house’ and ‘home business’ (building designer) to ‘single house’, ‘home business’ (building designer) and ‘restaurant’ (cafe), be approved subject to conditions.

Background

Lot 25 is located centrally within the Newdegate townsite on the south-eastern corner of the intersection of Collier and Mitchell Streets. The land is irregular in shape, comprises a total area of approximately 990m<sup>2</sup> and has direct frontage and access to Collier Street along its western boundary, Mitchell Street along its northern boundary and a right-of-way along its eastern boundary (see Plans 13 to 15).

Lot 25 has historically been developed and used for a variety of purposes over many years including a power generation facility, garage, retail store, veterinary clinic, beauty salon and a restaurant / coffee shop. The land contains a number of physical improvements associated with its previous development and usage including a single storey building, outdoor kitchen and alfresco area, informal on-site parking and accessways, landscaping and boundary fencing.

At its Ordinary Meeting held on 20 May 2014 the Lake Grace Shire Council granted conditional planning approval for use of the property and improvements thereon for the purposes of a ‘single house’ and ‘home business’ (building designer).

The applicant is now seeking Council’s planning approval to include an additional ‘restaurant’ (cafe) use on the land which will operate in conjunction with the recently approved ‘single house’ and ‘home business’ uses.

Under the terms of the information and plans submitted in support of the application (see Plans 16 to 18 & Attachment 4) the following is proposed:

- i) Establishment of a new ‘restaurant’ (cafe) on Lot 25 which will comprise a total floor area of approximately 53.5m<sup>2</sup> including the food preparation, dining / alfresco areas and operate in conjunction with the approved ‘single house’ and ‘home business’ (building designer) uses;
- ii) Minor upgrades and improvements to the external facade of the existing building

- on the land including installation of new advertising signage;
- iii) Construction of a new compacted gravel vehicle accessway and seven (7) on-site angled car parking bays in the southern portion of the property and driveway crossover along the land's Collier Street frontage;
  - iv) All vehicle access to the site will be facilitated by an existing driveway crossover along the land's Mitchell Street frontage. Vehicles will leave the site in a forward gear via the new driveway crossover along the land's Collier Street frontage referred to in point iii) above;
  - v) The cafe will be operated and managed by the current landowner (i.e. no additional staff are proposed to be employed);
  - vi) The cafe will accommodate up to twenty-three (23) people at any one time; and
  - vii) The cafe will operate Monday to Saturday between 8am & 5pm and will be closed on Sundays.

#### Comment

#### **Current Zoning & Land Use Permissibility**

Lot 25 is classified 'Commercial' zone under the Shire of Lake Grace's current operative Local Planning Scheme No.4 (LPS No.4).

The key objectives of the land's current 'Commercial' zoning classification in LPS No.4 are to:

- a) ensure the zone develops and continues to function effectively as the principal place for retail shopping, commercial, civic and administrative activity within the relevant townsite and the District generally; and
- b) encourage a high standard of development which serves to enhance the character of the zone and to maintain safety and efficiency of traffic flows.

Under the terms of LPS No.4 the development and use of any 'Commercial' zoned land for the purposes of a 'restaurant' including Lot 25 is listed as being a permitted (i.e. 'P') use which means it is permitted subject to the issuance of a formal planning approval by Council.

#### **Compliance with Development Standards**

Assessment of the proposal in the context of the general development standards prescribed in LPS No.4 has confirmed it is mostly compliant except for on-site vehicle parking arrangements.

Clause 5.26 of LPS No.4 expressly states:

*"A person shall not develop or use any land or erect, use or adapt any building unless a suitable number of car parking spaces are provided in accordance with the requirements specified in Table 2."*

Table 2 of LPS No.4 requires that a minimum of ten (10) car parking bays for every 100m<sup>2</sup> of gross lettable floor area or 1 bay for every 4 seats, whichever is the greater, must be provided to accommodate the car parking demand likely to be generated by the proposed new use of the land for the purposes of a restaurant / cafe. As the application is proposing a maximum of 23 seats within the new restaurant / cafe, a total of six (6) on-site parking bays are required to be provided in addition to the two (2) on-site parking bays required for the recently approved 'home business' use. As such a total of eight (8) on-site parking bays are required to be provided to satisfy the requirements of LPS

#### No.4.

The site development plan submitted in support of the application proposes the provision of a total of seven (7) new angled on-site car parking bays to accommodate the parking demand likely to be generated by the existing and proposed uses on the land (see Plan 17). This represents a shortfall of one (1) on-site parking bay which is a matter that requires Council to exercise discretion should it resolve to grant approval to the application.

Having regard for the nature and intensity of usage of the land, its location in the central part of the Newdegate townsite and the significant amount of verge parking available along Mitchell and Maley Streets, it is reasonable to conclude that a one (1) bay on-site parking shortfall is unlikely to have a detrimental impact upon the amenity, character, functionality or safety of the immediate locality. As such it recommended that Council support the minor shortfall in the total number of on-site parking bays proposed to be provided.

#### **Advertising Signage**

The application proposes the installation of two (2) new mounted advertising signs on the eastern and western sides of the existing front veranda of the building along the land's Mitchell Street frontage (see Plan 18). The proposed new signs are approximately 2 metres in width and 790mm in height, black and white in colour and will display the cafe name 'Collier & Mitchell'.

Under the terms of Schedule No.5 of LPS No.4 the erection and display of a number of advertising signs is exempt from the requirement to seek and obtain Council's prior planning approval. Assessment of the proposed advertising signage on Lot 25 against the standards prescribed in Schedule No.5 has confirmed that it is compliant and therefore exempt from the need for Council's approval.

#### **Conclusion**

It is concluded from a detailed assessment of the application that the proposed change of use of Lot 25 (No.17) Collier Street, Newdegate from 'single house' and 'home business' (building designer) to 'single house', 'home business' (building designer) and 'restaurant' (cafe) is unlikely to have a negative impact on the general amenity, character, functionality and safety of the immediate locality and may therefore be supported and approved by Council subject to the imposition of a number of conditions to ensure it proceeds in a proper and orderly manner.

#### Legal Implications

- Planning and Development Act 2005
- Shire of Lake Grace Local Planning Scheme No.4

#### Policy Implications

Nil

#### Consultation

Community consultation not required however it is significant to note that Lot 25 has direct frontage and access to Mitchell Street which is classified in LPS No.4 as a 'Major Road' reserve. Under the terms of clause 5.31 of LPS No.4 any planning application proposing the development and/or use of land abutting a 'Major Road' reserve **may** be referred to Main Roads WA (MRWA) for review and comment prior to Council making a final determination.

Notwithstanding the specific requirements of clause 5.31 of LPS No.4, it should be noted that the application does not propose the provision of any additional vehicular access / egress points along the land's Mitchell Street frontage (i.e. the existing approved and constructed driveway crossover along Mitchell Street will be retained and used for vehicle access purposes). Given this fact the reporting officers have formed the view that the application does not require referral to MRWA for review and comment prior to Council making a final determination.

#### Financial Implications

Nil

#### Strategic Implications

The establishment of a new restaurant / cafe on Lot 25 as proposed is likely to have a number of significant and worthwhile social and cultural benefits for the local community.

#### Recommendation

That the application for planning approval submitted by Ms Lucy Jane Kelly (Landowner) to change the current approved use of Lot 25 (No.17) Collier Street, Newdegate from 'single house' and 'home business' (building designer) to 'single house', 'home business' (building designer) and 'restaurant' (cafe) be **APPROVED** subject to compliance with the following conditions and advice notes:

#### **Conditions**

1. The proposed development and use of the land for the purposes of a single house', 'home business' (building designer) and 'restaurant' (cafe) shall be undertaken in a manner consistent with the information and plans submitted in support of the application unless otherwise approved by Council.
2. The 'home business' approval is personal to the applicant (i.e. Lucy Jane Kelly) and shall not be transferred to or assigned to any other person or undertaken at any premises other than the land in respect of which this approval is granted.
3. This approval for the 'home business' will no longer be valid if there is a change in the owner or occupier of the land.
4. If in the opinion of Council the approved 'home business' on the land is causing a nuisance or annoyance to owners or occupiers of other land in the neighbourhood, Council may withdraw the planning approval granted by it and after such withdrawal no person shall upon that land carry on a 'home business' unless a further planning approval to do so is granted by Council.
5. A maximum of twenty-three (23) patrons are permitted to be accommodated in the cafe at any one time unless otherwise approved by Council.
6. The restaurant / cafe's hours of operation are limited to the hours 8.00am to 5.00pm Monday to Saturday unless otherwise approved by Council.
7. The proposed new driveway crossover to Collier Street shall be constructed prior to commencement of the restaurant / cafe use to the specifications and satisfaction of the Shire of Lake Grace and maintained thereafter to the specifications and satisfaction of the Shire.
8. The proposed new internal vehicle accessway and on-site parking bays shall be constructed prior to commencement of the restaurant / cafe use to the

specifications and satisfaction of the Shire of Lake Grace and maintained thereafter to the specifications and satisfaction of the Shire.

9. All stormwater drainage discharge generated by the proposed new internal vehicle accessway and on-site parking bays shall be managed and disposed of to the specifications and satisfaction of the Shire of Lake Grace.
10. All rubbish generated on-site shall be managed and disposed of to the specifications and satisfaction of the Shire of Lake Grace.
11. The property shall be maintained in a neat and tidy condition at all times to the specifications and satisfaction of the Shire of Lake Grace.
12. Any future proposed advertising signage shall be provided in accordance with the specific requirements of the Shire of Lake Grace Local Planning Scheme No.4 unless otherwise approved by Council.

### **Advice Notes**

1. The proposed development and use shall be established on the land within a period of two (2) years from the date of this approval. If the development and use is not established within this period the approval will lapse and be of no further effect. Where an approval has lapsed, the development and use shall not be carried out without the further approval of the Shire of Lake Grace having first been sought and obtained.
2. 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.
3. No construction works shall commence prior to 7.00am without the Shire's written approval.
4. The cafe shall comply in all respects with the specific standards and requirements of the Health Act 1911 and all associated regulations including the Health (Public Buildings) Regulations 1992.
5. The cafe shall comply in all respects with the specific standards and requirements of the Australia New Zealand Food Standards Code.
6. Failure to comply with any of the conditions of this planning 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.

### Voting Requirements

Simple majority required.

### Resolution

Moved Cr

Seconded Cr

**13.0 MATTERS FOR CONSIDERATION – HEALTH & BUILDING**

*No items for consideration.*

**14.0 MATTERS FOR CONSIDERATION – FINANCE**

**14.1 ACCOUNTS FOR PAYMENT – JULY 2014**

**Applicant:** Shire of Lake Grace  
**File No.** 0277  
**Attachments:** List of Creditors  
**Author:** Mrs Lynda Trawinski

\_\_\_\_\_  
Finance Officer

**Disclosure of Interest:** Nil  
**Date of Report:** 11 August 2014  
**Senior Officer:** Mr Niel Mitchell

\_\_\_\_\_  
A/ Manager Corporate Services

Summary

For Council to ratify expenditures incurred for the month of July 2014.

Background

List of payments for the month July 2014 through the Municipal and Trust accounts are attached.

Comment

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

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

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

Legal Implications

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

Policy Implications

N/A

Consultation

N/A

Financial Implications

The list of creditors paid for the month of July 2014 from the Municipal and Trust Account Total \$ 512,983.05

Strategic Implications

*Shire of Lake Grace Strategic Community Plan*

EC1.3 Ensure the Shire's capital investment program is cost effective and financially sustainable.

Recommendation

That Council ratify the list of payments totalling \$512,983.05 as presented for the month of July 2014 incorporating:

- Trust Account Cheques:	779 to 785	\$	1,710.00
- Electronic Funds Transfer:	EFT 12826 to EFT 12927	\$	454,423.45
- Municipal Account Cheques:	35536 to 35561	\$	39,063.97
- Direct Debits:	DD5159.1 to DD159.10	\$	17,785.63

Voting Requirements

Simple majority required.

Resolution

Moved Cr

Seconded Cr



**14.2      FINANCIAL STATEMENTS – JULY 2014**

*The July 2014 Financial Statements will be presented to Council at its 24 September 2014 Ordinary Meeting. This is in accordance with the Local Government Act 1995 – section 6.4 Local Government (Financial Management) Regulations 1996*

*Reason: Staff are currently checking to ensure the financial statements correctly reflect the adopted 2014/15 budget.*

<b>15.0 MATTERS FOR CONSIDERATION – COMMUNITY SERVICES</b>
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**15.1 SHIRE OF LAKE GRACE EMERGENCY RISK MANAGEMENT PLAN AND LOCAL EMERGENCY MANAGEMENT PLAN FOR THE PROVISION OF WELFARE SUPPORT**

**Applicant:** Shire of Lake Grace Local Emergency Management Committee

**File No.** 0240

**Attachments:** 1. Shire of Lake Grace Emergency Risk Management Plan  
2. Local Emergency Management Plan for the Provision of Welfare Support

**Author:** Mr Marcus Owen

\_\_\_\_\_  
Community Emergency Services Manager

**Disclosure of Interest:** Nil

**Date of Report:** 5 August 2014

**Senior Officer:** Ms Lee Holben

\_\_\_\_\_  
Manager Community Services

Summary

The purpose of this report is for Council to endorse;

1. The reviewed Shire of Lake Grace Emergency Risk Management Plan (2013 to 2018)
2. Local Emergency Management Plan For The Provision Of Welfare Support (February 2014)

Background

**1. Shire of Lake Grace Emergency Risk Management Plan**

To comply with its responsibilities under the *Emergency Management Act 2005* the Shire of Lake Grace, with funding assistance from AWARE (All West Australians Reducing Emergencies), conducted a 5 yearly review of its Emergency Risk Management Plan.

A community survey was disseminated via the Progress and Development Associations to identify the order of the highest perceived risk of emergency.

The Local Emergency Management Committee also completed the survey the results of which can be seen within the document.

At a workshop, held during the LEMC meeting in August 2013, the top five risks were entered into the risk register and a 'level of risk', low, moderate, high or extreme, determined by using the risk matrix.

A risk treatment plan was then formulated for each of those risks.

The top 5 risks identified by the community were exactly the same as those identified in 2008; bushfire, drought, pest infestation, transport and severe storms.

## **2. Local Emergency Management Plan for the Provision of Welfare Support**

The Local Emergency Management Plan for the Provision of Welfare Support is an integral part of the Local Emergency Management Arrangements for the Shire of Lake Grace.

The Department of Child Protection & Family Support is the lead agency when it comes to the provision of welfare, with the support of the Shire, in the event of an incident. Neville Blackburn, Department Child Protection & Family Support, updated this document together with information supplied by the Shire.

### Comment

Both of these documents were tabled at the Local Emergency Management Committee meeting held 8 May 2014 and were accepted by the Committee.

### Legal Implications

*Emergency Management Act 2005* Section 41 Emergency Management Arrangements in Local Government

State Emergency Management Committee policy 2.5 - Emergency Management in Local Government District and policy 2.9 – Management of Risk

### Policy Implications

Nil

### Consultation

Internal: Shire of Lake Grace Local Emergency Management Committee

External: Community Consultation  
Adam Smith, State Emergency Management Committee Secretariat  
Neville Blackburn, Child Protection & Family Support

### Financial Implications

Nil

### Strategic Implications

*Shire of Lake Grace Strategic Community Plan*

Social S3 – Maintain and improve social/community infrastructure to support community wellbeing

### Recommendation

That Council endorse;

1. The reviewed Shire of Lake Grace Emergency Risk Management Plan (2013 to 2018)
2. Local Emergency Management Plan for the Provision of Welfare Support (February 2014)

Voting Requirements

Simple majority

Resolution

Moved Cr

Seconded Cr

**15.2 SHIRE OF LAKE GRACE BUSHFIRE ADVISORY COMMITTEE – RE-ALIGNMENT OF FIRE ZONE BOUNDARY**

**Applicant:** Shire of Lake Grace Bushfire Advisory Committee  
**File No.** 0177  
**Attachments:** Map showing proposed re-aligned boundary  
**Author:** Mr Marcus Owen

**Disclosure of Interest:** Nil  
**Date of Report:** 5 August 2014  
**Senior Officer:** Ms Lee Holben

\_\_\_\_\_  
Community Emergency Services Manager

\_\_\_\_\_  
Manager Community Services

Summary

The purpose of this report is for Council to endorse the re-aligning of the Fire Zone boundary between Zone 1 (Lake Grace North) and Zone 3 (Newdegate North).

Background

When harvesting and Vehicle Movement Bans are imposed, in specific zones as opposed to a ban over the whole shire, there is still an element of uncertainty amongst the community as to which fire zone they are in. More often than not Fire Control Officers and shire administration staff receive phone calls from community members enquiring as to which zone they are in.

The majority of the boundaries follow existing road ways and are therefore easy to explain over the phone however; the boundary between zones 1 & 3 is difficult to explain, especially by shire administration staff that are unfamiliar with the lie of the land, as it only follows a road for part of the way.

To help alleviate this problem it was suggested by the author, at the advisory meeting held on 8 April 2014, the boundary be re-aligned to follow a more north/south direction following roads and dominant geographical features.

See attached map; orange line – current boundary, green line – proposed new boundary.

The following motion was moved:

*Moved – Doug Dunham, Seconded – Kevin Naisbitt*

*That the boundary between Zone 1 (Lake Grace North) & zone 3 (Newdegate North) be re-aligned to the following;*

- *From Lake Grace - Newdegate Road north up Burngup South Road to Bidy/Camm Road.*

- *East along Bidy/Camm Road to Lake Road.*
- *North up Lake Road, keeping to the west of the Harris Nature Reserve, to Harris Road.*
- *North on Harris Road to the intersection with Stone Road and the Shire boundary.*

Comment

All necessary alterations will be made to the current zone maps which will then be made available to the public via the Shire's website electronically or hard copy, once Council has endorsed the changes.

Legal Implications

Nil

Policy Implications

Nil

Consultation

Shire of Lake Grace Bushfire Advisory Committee

Financial Implications

Development of new maps

Strategic Implications

*Shire of Lake Grace Strategic Community Plan*

Environment. En7 Protect the Natural Environment

- 7.2 Maintain firebreaks and reduce fuel loads (reserves)
- 7.4 Maintain firebreaks and reduce fuel loads (private property)

Recommendation

That Council endorse the proposed re-alignment of the boundary between Zone 1 (Lake Grace North) & Zone 3 (Newdegate North) in accordance with the following re-alignment:

- a) From Lake Grace - Newdegate Road, north up Burngup South Road to Bidy/Camm Road.
- b) East along Bidy/Camm Road to Lake Road.
- c) North up Lake Road, keeping to the west of the Harris Nature Reserve, to Harris Road.
- d) North on Harris Road to the intersection with Stone Road and the Shire boundary.

Voting Requirements

Simple majority required.

Resolution

Moved Cr

Seconded Cr

**15.3 NEWDEGATE TENNIS CLUB – CSRFF FUNDING APPLICATION ENDORSEMENT**

**Applicant:** Newdegate Tennis Club  
**File No.** 0167  
**Attachments:** CSRFF Grant application  
**Author:** Ms Lee Holben

**Disclosure of Interest:** Nil  
**Date of Report:** 01 August 2014  
**Senior Officer:** Mr Neville Hale

\_\_\_\_\_  
Manager Community Services

\_\_\_\_\_  
Chief Executive Officer

Summary

For Council to endorse an application to the Community Sport and Recreation Facilities Fund (CSRFF) submitted by the Shire of Lake Grace on behalf of the Newdegate Tennis Club to install external night lights on four courts at the Newdegate Tennis Club.

Background

This CSRFF application follows on from ongoing communication and correspondence from the Newdegate Tennis Club detailing the proposal for the installation of external night lights and requesting support of their application.

The Newdegate Tennis Club's proposal is to install lights on the front four courts of the tennis club. The back two courts already have external night lights. If successful this project will ensure all six courts comply with club competition standards.

Comment

The Newdegate Tennis Club currently has thirty three members and a growing interest by the younger residents of the area. Social tennis at night has become extremely popular and makes it extremely difficult for the club to support the new members interested in joining the club.

The Newdegate Tennis Club has prepared the grant and will be financially supporting the grant with \$7,000 in cash, as well as volunteer labour and donated materials.

This application is supported by Tennis West (letter), and the Newdegate Community Cropping Group (Financially).

There are no other local groups seeking funding through the Department of Sport & Recreation's CSRFF program in this funding round.

The application would therefore be the Shire of Lake Grace's top priority if endorsed by Council.

#### Legal Implications

If this application is successful the Shire of Lake Grace would be responsible for the payment of all accounts and the successful acquittal of the grant funds.

#### Policy Implications

##### *Shire of Lake Grace Policy 1.12 Community Engagement*

To ensure that the residents of the Shire of Lake Grace have the maximum opportunity to contribute to their own social, economic and community well-being as well as good governance through information, consultation and active participation in the development of major programs, projects and events throughout the Shire.

#### Consultation

Internal: Chief Executive Officer

External: Newdegate Tennis Club  
Wade McLean Regional Officer Narrogin Office Department  
of Sport and Recreation – Wheatbelt Office  
Alex Geraghty Tennis Australia

#### Financial Implications

There is no funding required from the Shire for this project. The cost to the Shire is limited to administration support of this application.

#### **Project Budget**

The project budget is outlined as follows:

Contractor:	\$66,820.00
Materials:	\$ 3,600.00
Labor:	<u>\$ 1,800.00</u>
<b>Total:</b>	<b>\$72,220.00</b>

#### **Funding Sources**

The expected funding sources are as follows:

Applicant cash:	\$ 7,000.00
Community Cropping:	\$35,747.00
CSRFF:	\$24,073.00
Donated materials:	\$ 3,600.00
Volunteer labor	<u>\$ 1,800.00</u>
<b>Total:</b>	<b>\$72,220.00</b>

#### Strategic Implications

##### *Shire of Lake Grace Strategic Community Plan*

- S3 Maintain and improve social/community infrastructure to support community well-being.



- S5 Encourage and support the community and individuals to maintain and aspire to a healthy well-being (i.e. mental, social and physical) and balanced lifestyle.

Recommendation

That Council:

1. Endorse as its priority project the application from the Newdegate Tennis Club to the Department of Sport and Recreation for CSRFF funding of \$24,073.00 towards the installation of external night lighting at the Newdegate Tennis Club.
2. Authorise the Chief Executive Officer to advise the Department of sport and Recreation accordingly.

Voting Requirements

Simple majority required.

Resolution

Moved Cr

Seconded Cr

#### 15.4 **NEWDEGATE PUBLIC TOILETS – LICENCE TO OCCUPY THE LAND**

**Applicant:** The Public Transport Authority of Western Australia  
**File No.** 0301, 300/09  
**Attachments:** Licence Plan No L2699 Newdegate  
**Author:** Ms Lee Holben

\_\_\_\_\_  
Manager Community Services

**Disclosure of Interest:** Nil  
**Date of Report:** 14 August 2014  
**Senior Officer:** Mr Neville Hale

\_\_\_\_\_  
Chief Executive Officer

##### Summary

The purpose of this report is for Council to:

1. , Enter into a Contract for Grant of a Licence to Occupy Land on Licence Plan No L2699 Newdegate with the Public Transport Authority of Western Australia; and,
2. To approve the use of the common seal on Licence Plan No L2699 Newdegate.

##### Background

The subject land has been leased by the Shire of Lake Grace (formerly Lake Grace Road Board) since April 1958 for the purpose of a site for public conveniences.

##### Comment

During the 2013/2014 financial year the Shire of Lake Grace installed a RV dump point at the back of the public conveniences of Licensed Area Plan No L2699. This is indicated by a red square on the diagram at the back of the attached Licence Plan No L1299 Newdegate.

##### Legal Implications

*Land Administration Act 1997 – s79* – The Minister may lease Crown Land for any purpose.

Licence Plan No L1299 Newdegate Agreement between the Shire of Lake Grace and the Public Transport Authority of Western Australia.

##### Policy Implications

Shire of Lake Grace Policy 1.11 Use of the Common Seal

##### Consultation

Internal: Mr Martin Harrop  
Mrs Lee-Anne Trevenen

External: Jim Mullins, Senior Property Manager (PTA)

Financial Implications

The Agreement sets out the Shire's financial obligations for the provision of building insurance, maintenance and any capital expenditure.

The costs are consistent with previous agreements and in line with the current budget.

Strategic Implications

Shire of Lake Grace Strategic Community Plan

Ec3 Maintain community built infrastructure to ensure it is appropriate for all towns in the Shire

S3 Maintain and improve social/community infrastructure to support community wellbeing.

Recommendation

That Council:

1. Enters into a Contract for Grant of a Licence to Occupy Land on Licence Plan No L2699 Newdegate with the Public Transport Authority of Western Australia.; and,
2. Authorises use of the common seal by the Shire President and the Chief Executive Officer on the Licence Plan No L2699.

Voting Requirements

Simple Majority required.

Resolution

Moved Cr

Seconded Cr

**15.5 LOCAL GOVERNMENT HERITAGE INVENTORY – REVIEW 2014**

**Applicant:** Shire of Lake Grace  
**File No.** 0430  
**Attachments:** State Heritage Office letter 29 April 2014  
Shire’s LG Heritage Inventory (available on  
the Shire’s website [www.lakegrace.wa.gov.au](http://www.lakegrace.wa.gov.au))  
**Author:** Ms Lee Holben

\_\_\_\_\_  
Manager Community Services

**Disclosure of Interest:** Nil  
**Date of Report:** 01 August 2014  
**Senior Officer:** Mr Neville Hale

\_\_\_\_\_  
Chief Executive Officer

Summary

The purpose of this report is for the Council to:

- 1) Endorse the inclusion of information provided by the State Heritage Office regarding the Newdegate Research State in its Local Government Heritage Inventory;
- 2) Adopt the Shire of Lake Grace Local Government Heritage Inventory as amended.
- 3) Adopt the identified priority places of significance that warrant inclusion in the Shire of Lake Grace LPS No.4 Heritage List.

Background

The review of the Municipal Inventory of Heritage Places is a requirement of the Heritage Act (1990). Municipal Inventory of Heritage Places are now known as Local Government Heritage Inventories. The process primarily reviewed, updated and amended existing places and added new places or deleted other places, with reference to the Heritage Council’s guiding document, ‘*Guidelines for the Assessment of Local Heritage Places*’.

The Shire of Lake Grace has been notified by the State Heritage Office that the P12728 Newdegate Research Station (Reserve 24920 – Lot 2680 on Deposited Plan 209993 LR3154/301 and Lot 2566 on Deposited Plan 209993 LR3154/100) has recently been referred to the State Heritage Office, under section 9 of the Heritage of Western Australia Act 1990 and in relation to the Government Heritage Property Disposal Process.

The referral was considered by the Heritage Council’s Register Committee at their meeting on 28 March 2014. The Committee determined that while the place may have some cultural heritage significance, it was unlikely that the place would meet the threshold for entry on the State Register of Heritage Places.

The State Heritage Office noted that the Newdegate Research Station has been included in the Shire of Lake Grace Local Government Heritage Inventory and suggested that the Council could consider protecting the place through the Heritage List associated with the local planning scheme. The information provided in the report from the State Heritage Office has been added to the Newdegate Research Stations listing in Local Government Heritage Inventory

The Shire of Lake Grace adopted a ‘Municipal Inventory of Heritage Places’ in June 1998 which included the Newdegate Research Station. The Inventory was prepared in response to the requirement of Section 45 of the *Heritage of Western Australia Act (1990)* and included various sites and buildings. These were identified by the following:

- sites where important or memorable events took place;
- buildings which have a particular architectural appeal or represent a period of development;
- buildings associated with a particular person or historical event.

The Shire of Lake Grace also has an obligation to prepare a ‘Heritage List’ in accordance with Part 7 (‘Heritage Protection’) of the Shire’s Local Planning Scheme No.4 (which was gazetted on 12 November 2007). The Heritage List identifies those places within the Shire which are of cultural heritage significance and worthy of conservation under the provisions of the Scheme, together with a description of each place and the reasons for its entry. The provisions also enable the local government to identify ‘heritage areas’ that require special planning control in order to conserve and enhance their cultural heritage significance.

#### Comment

The Shires ‘Local Government Heritage Inventory Review 2014’ has now been reviewed and can be updated to include the latest information provided by the State Heritage Office regarding the Newdegate Research Station.

As an outcome of this review of the Local Government Heritage Inventory, the 2011 places have been renumbered and reordered.

It is suggested that the following places be deleted from the Local Government Heritage Inventory predominantly due to lack of information to locate the place or substantiate the significance:

<b>1998 REF</b>	<b>PLACE NAME</b>
5	Millington’s Farm (Shire of Kulin)
18	Furniture Court, Lake Grace
29	Former school house, Lake Grace (relocated from site)
52	Varley Cemetery
55	Culleton’s RTC, Lake King
58	Boutique, Lake Grace
63	Lake Grace Infant Health Clinic (demolished)
68	Lake Grace Recreation & Show Grounds (listed as a site)

72	King Edward Farm, Neendaling
77	Beenong Phone Exchange
86	Wyatt's, Pingaring
92	Higgin's Garage & house, Newdegate
94	Newdegate Masonic Lodge
95	Newdegate Golf & Bowls Club (listed as a site)
100	Keighley property, Lake Bidy
101	Witham Farm, Lake Bidy
104	Rhode's house & garage, Lake King
106	Community sheep dip, Lake King
110	Lake King Light Industrial area
114	Pickernell, Lake King
121	Former Holmes property, Mt Madden
122	Teasdale's, Mt Madden
126	Varley Visitors Centre
128	Varley Country Club
130	Dempster Rock phone exchange, Varley (SITE)

Several places previously listed as places are now listed as sites, in addition to a number of nominations. In line with 'Guidelines for the Assessment of Local Heritage Places', sites are no longer considered integral to a heritage inventory and do not require place records. Accordingly, the Sites have been listed. These place records will be maintained outside of the Local Government Heritage Inventory for archival reasons.

Management categories are critical to providing some guidance to the owners, managers and the Shire of Lake Grace, to respond appropriately to each heritage place. Based on the assessed significance, management categories have been reviewed and determined, consistent with the assessed level of significance for each place in accordance with 'Guidelines for the Assessment of Local Heritage Places'.

Furthermore, according to the Shire's current operative Local Planning Scheme No.4 a Heritage List is defined as the following:

*"a list of those places which, in the opinion of the council, are of such cultural heritage significance to the local government that conservation and protection under the provisions of this scheme is warranted"*

The objective of a Heritage List is to identify those sites/buildings within the Shire of Lake Grace that have heritage value and to ensure that these 'places' are retained and preserved for future generations.

The Shire of Lake Grace is required, under the provisions outlined in Part 7 of Local Planning Scheme No.4, to prepare a Heritage List. This requirement has not been initiated since the Scheme's gazettal in November 2007.

When preparing the Heritage List a description of each place to be included is required including the reasons for each entry. Consideration must also be given to the Shire's Municipal Heritage Inventory prepared under section 45 of the Heritage of Western Australia Act (1990) and Aboriginal heritage sites in the Shire recorded by the Department of Indigenous Affairs. Investigation of any other possible heritage sites or buildings should be also undertaken to ensure that the Heritage List is accurate and comprehensive.

In considering a proposal to include a place in the Heritage List the Shire of Lake Grace will need to notify the owner and occupier of the place in writing and provide them with a copy of the description proposed to be used and the reasons for the proposed entry. A period of 21 days must be provided inviting the landowner and occupier to lodge a submission to the Shire. Council would then need to consider the submission made and resolve to enter the place on the Heritage List with or without modification or reject the proposal after considering the submission.

Once the Heritage List is finally adopted the Shire of Lake Grace is required to keep a copy of the List with the Scheme documents for public inspection. Furthermore, where a place is included on the Heritage List, the Shire of Lake Grace is required to give notice of the inclusion to the Western Australian Planning Commission, the Heritage Council of Western Australia and the owner and occupier of the place.

Clause 7.2 of Local Planning Scheme No.4 also enables the Shire to designate 'heritage areas'. These are areas which in the opinion of the Shire require special planning control to conserve and enhance the cultural heritage significance and character of an area. The Shire can adopt for each heritage area a Local Planning Policy which would include the following:

- a map showing the boundaries of the heritage area;
- a record of places of heritage significance; and
- objectives and guidelines for conservation of the heritage area.

#### Implications for Landowners

As Council is aware the Newdegate Cropping Committee is currently investigating the purchase of the Newdegate Research Station to continue the Community Cropping program. Should the Newdegate Research Station be listed on a Heritage List, Council should be aware that there are a number of legal and financial implications for any landowner whose property is included in a Heritage List.

The first implication is the requirement for a formal planning approval to be obtained from the local government prior to any development proceeding, with all applications being assessed on their merits in view of their listing. The local government may require a heritage assessment to be carried out prior to approval of the planning application to ensure that any new buildings or alterations and additions to existing buildings included in the Heritage List are in keeping with the heritage character of the property and the existing improvements thereon.

A planning application will be required for the following:

- the demolition of any existing heritage building or structure;
- the carrying out of any building or other work which affects the interior and/or exterior of a heritage building;
- any works to a site/building located within a heritage area;
- the placement of an advertisement on a heritage building listed in Schedule 5 of the Scheme.

When preparing a planning application for submission to the local government the landowner may be required to provide additional information (above the standard requirements) including street elevations of the proposed and existing development on each of the immediately adjoining properties and a detailed schedule of finishes. These additional requirements, including the preparation of a heritage assessment, will have financial implication for the landowner in respect to preparing the additional details and engaging professional advice.

The second implication for landowners is the potential restriction of utilising the land or building/s thereon to its full potential. The preservation of a site or building could result in the development (including demolition) being either not supported or restricted by the local government. This will impact upon the landowner's ability to develop and/or use the property to its full potential.

The third implication relates to instances where the local government enters into a heritage agreement with the owner or occupier, in accordance with the *Heritage of Western Australia Act 1990*, for the purpose of binding the land or affecting the use of the land and/or buildings thereon insofar as the interest of that owner or occupier permits. The heritage agreement may include a covenant intended to run with the land relating to the development and/or use of any part of the land. Whilst the landowner may initially agree to enter into such agreements, the lifting or removal of the agreement could be time consuming and costly. It should be noted that such agreements would not be common and would not apply to those places included in the Heritage List.

It should also be noted that according to Local Planning Scheme No.4 and provisions contained in the *Planning and Development Act 2005*, penalties of \$50,000 and a daily penalty of \$5,000 may be imposed upon any person that does not comply with the provisions outlined within the Scheme as these relate specifically to development affecting property included in the Heritage List.

Council may not consider it necessary for the Newdegate Research Station to be listed on a Heritage List considering all of the above.

#### Legal Implications

Section 9 of the *Heritage of Western Australia Act (1990)*.  
 Section 45 of the *Heritage of Western Australia Act (1990)*  
 Government Heritage Property Disposal Process  
 State Register of Heritage Places  
 Part 7 ('Heritage Protection') of the Shire's Local Planning Scheme No.

#### Policy Implications

N/A



Consultation

Internal: Senior Management Team

External State Heritage Office  
Jo Douglas, Partner URP - Urban & Rural Perspectives

Financial Implications

There are no financial allocations in the 2014/2015 budget for the Newdegate Research Station.

Strategic Implications

Nil

Recommendation

That Council

1. Include the updated information as provided by the State Heritage Office for the Newdegate Research Station into the Shire of Lake Grace Local Government Heritage Inventory.
2. Adopt the amended 'Lake Grace Local Government Heritage Inventory ' as attached.
3. Adopt the identified priority places of significance for inclusion in the Shire of Lake Grace LPS No.4 Heritage List.
  - 1) LG3 Lake Grace War Memorial Library
  - 2) LG 33 Lake Grace Hospital Precinct, Inland Mission Hospital, Lake Grace Memorial Hospital, Nurses Quarters & Maternity Hospital (site)
  - 3) B1 Dingo Rock Catchment
  - 4) N11 Hainsworth Building

Voting Requirements

Simple minority required

Resolution

Moved Cr

Seconded Cr

**15.6 LAKE GRACE LIBRARY & COMMUNITY RESOURCE CENTRE  
MANAGEMENT COMMITTEE MEMBERSHIP - NOTICE OF MOTION TO  
CHANGE A RESOLUTION**

**Applicant:** Lake Grace Library & Community Resource  
Centre Management Committee  
**File No.** 0039  
**Attachments:** Nil  
**Author:** Ms Lee Holben

\_\_\_\_\_  
Manager Community Services

**Disclosure of Interest:** Nil  
**Date of Report:** 19 August 2014  
**Senior Officer:** Mr Neville Hale

\_\_\_\_\_  
Chief Executive Officer

Summary

For Council to change Motion 11713 of the Ordinary Meeting 20 November 2013 with regard to the appointment of representatives to the Lake Grace Library and Community Resource Centre Management Committee (LGL&CRCMC).

A Notice of Motion to Change a Decision of Council has been received from Crs Marshall, Hunt and Clarke.

Background

At the November 2013 Ordinary Meeting, the following Resolution 11713 was carried and states:

*Moved Cr Marshall, Seconded Cr Hunt*

*That Council establish, in accordance with s5.9(2)(c) of the Local Government Act 1995 and with the requirements of the Licence Agreement – Lake Grace Library and Community Resource Centre Management Agreement, a management committee and appoint:*

<i>2 x Shire members</i>	<i>Cr Clarke and the CEO (or his nominee)</i>
<i>2 x Ministerial appointees</i>	<i>Principal - Mrs Ashley Mottershead</i>
	<i>Registrar - Mrs Michelle Lay</i>
<i>1 x Community Resource Centre Management Committee</i>	<i>Coordinator - Mrs Suzanne Reeves</i>
<i>1 x Community representative</i>	<i>Mrs Mary Naisbitt</i>
<i>Executive Officer (non-voting)</i>	<i>Mrs Lois Dickins (Library)</i>

*as members of the Management Committee.*

**MOTION CARRIED BY ABSOLUTE MAJORITY 8/0**

The appointments were made in good faith based on the information available at the time.

It has since however been brought to the Shire's attention by the LGL&CRMC that there is some conjecture regarding the community representative and the Community Resource Centre representative.

Due process is required in accordance with Clause C of the Licence Agreement between the Shire and the Education of Deucation and to resolve the matter, the LGL&CRMC determined the following actions required to be undertaken.

*Clause C of the Licence states:*

- *The Committee Resource Centre nominate its representative to "the committee".*
- *"The Committee" advertise, calling for nominations for the position of Community Representative, then select and nominate to Council its chosen Community Representative.*

Advertising for the Community Representative was placed in newsletters circulating through the district during the months of May and June 2014 with one nomination, Mr Ollie Farrelly.

At the LGL&CRMC Meeting held on the 3 July 2014, under Resolution 0007:

- the nomination of Mr Ollie Farrelly as the Community Representative was endorsed.
- the nomination of Mrs Mary Naisbitt as the Community Resource Centre Representative was endorsed.

#### Comment

For the above nominations by the LGL&CRMC to take effect, the decision of Council made at the November 2013 Ordinary Meeting requires changing as per the Local Government Regulation 10 outlined below.

The Notion of Motion to Change a Decision has been signed by Crs Marshall, Hunt and Clarke, being 1/3 of the number of offices of members of the Council as per the regulatory requirement which is set out below.

#### Legal Implications

*Local Government Act 1995 s5.25 (1) (e)*

*Local Government (Administration) Regulations 1996, regulation 10 states:*

*10. Revoking or changing decisions made at council or committee meetings — s. 5.25(1)(e)*

*(1) If a decision has been made at a council or a committee meeting then any motion to revoke or change the decision must be supported —*

*(a) in the case where an attempt to revoke or change the decision had been made within the previous 3 months*

*but had failed, by an absolute majority; or  
(b) in any other case, by at least 1/3 of the number of offices  
(whether vacant or not) of members of the council or  
committee, inclusive of the mover.  
(1a) Notice of a motion to revoke or change a decision referred to in  
subregulation (1) is to be signed by members of the council or  
committee numbering at least 1/3 of the number of offices  
(whether vacant or not) of members of the council or  
committee, inclusive of the mover.  
(2) If a decision has been made at a council or a committee meeting  
then any decision to revoke or change the first-mentioned  
decision must be made —  
(a) in the case where the decision to be revoked or changed  
was required to be made by an absolute majority or by a  
special majority, by that kind of majority; or  
(b) in any other case, by an absolute majority.  
(3) This regulation does not apply to the change of a decision unless  
the effect of the change would be that the decision would be  
revoked or would become substantially different.  
[Regulation 10 amended in Gazette 31 Mar 2005 p. 1030.]*

In accordance with Recital C of the Licence Agreement between the Shire and the Department of Education; a Committee is to be established under the provisions of s5.9(2) of the Local Government Act 1995 as set out in clause 3 of the Licence Agreement.

Clause 3, annexure B4.2 of the Agreement requires the Committee to consist of:

- 2 members appointed by the Shire;
- 2 members to be appointed by the Minister, one to be the Principal;
- 1 member representing the Telecentre Management Committee; and
- elected community member (election to be organised by the Management Committee)
- With the School/Community Librarian as the Executive Officer of the Committee.

Policy Implications

N/A

Consultation

Internal: Crs Marshall, Hunt & Clarke  
Chief Executive Officer

External: XXXXX

Financial Implications

Nil

Strategic Implications

*Shire of Lake Grace Strategic Community Plan*

- Civic Leadership – Cl 1 – leadership, good governance,

Recommendation 1

Moved Cr Marshall, supported by Crs Hunt and Clarke, being 1/3 of the Offices of Council:

That Council consider a change to Resolution No 11713 of the 20 November 2013 Ordinary Meeting.

Recommendation 2

That Council agree to change Resolution 11713 of the 20 November 2013 Ordinary Meeting.

Recommendation 3

That Resolution 11713 be changed to read:

That Council establish, in accordance with s5.9(2)(c) of the Local Government Act 1995 and with the requirements of the Licence Agreement – Lake Grace Library and Community Resource Centre Management Agreement, a management committee and appoint:

2 x Shire members	Cr Clarke and the CEO (or his nominee)
2 x Ministerial appointees	Principal - Mrs Ashley Mottershead Registrar - Mrs Michelle Lay
1 x Community Resource Centre Management Committee Member	Mrs Mary Naisbitt
1 x Community Representative	Mr Ollie Farrelly
1 x Executive Officer (non-voting)	Mrs Lois Dickins (Library)

Voting Requirements

Absolute majority (5) required for Recommendations 2 & 3.

Resolution

Moved Cr

Seconded Cr

<b>16.0 MATTERS FOR CONSIDERATION - ADMINISTRATION</b>
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**16.1 APPOINTMENT OF BUILDING SURVEYOR AND THE BUILDING SERVICES SCHEME**

<b>Applicant:</b>	Town of Narrogin
<b>File No.</b>	0512
<b>Attachments:</b>	Nil
<b>Author:</b>	Mr Brian Robinson Town of Narrogin Director Technical & Environmental Services
<b>Disclosure of Interest:</b>	Nil
<b>Date of Report:</b>	19 August 2014
<b>Senior Officer:</b>	Mr Neville Hale

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Chief Executive Officer

Summary

In this report Council is requested to delegate authority to the Chief Executive Officer for the appointment of a new Building Surveyor for the Shire of Lake Grace.

Background

As Councillors would be aware, Mr Darryle Baxter has resigned from his position of Building Surveyor and is no longer employed by the Town of Narrogin.

Whilst in the Town's employ, Mr Baxter was authorised as a Building Surveyor for the Town of Narrogin. Additionally, Mr Baxter's services were contracted to the following Local Governments:

- Shire of Broomehill Tambellup
- Shire of Cuballing
- Shire of Dumbleyung
- Shire of Gnowangerup
- Shire of Kent
- Shire of Lake Grace
- Shire of Narrogin
- Shire of Woodanilling

The Shires of Dumbleyung, Kent and Lake Grace have advised they wish to continue to use the Town of Narrogin for its Building Services. Additionally it is anticipated that the Shire of Narrogin will also seek to continue the service.

Council is requested to consider the delegation of authority to the Chief Executive Officer for the appointment of a new Building Surveyor for the Shire of Lake Grace.

Comment

Pursuant to the *Building Act 2011* and the associated Regulations, there are several classes of Building Surveyor, which are summarised as follows:

<b>Class of Building Practitioner</b>	<b>Type of Building/Permit may be issued</b>
Building Surveying Practitioner – Level One	Any type of building or incidental structure
Building Surveying Practitioner – Level Two	A building not exceeding 2,000m <sup>2</sup> or 3 storeys
Building Surveying Practitioner – Technician	A building not exceeding 500m <sup>2</sup> or 2 storeys

In 2012, Mr Josiah Farrell was appointed to the position of Cadet Building Surveyor. His role has primarily been to provide administrative support to the Building Surveyor, whilst completing formal qualifications.

Whilst Mr Farrell has completed a significant portion of the required course of study in order to be considered a Building Surveyor Technician, he will not formally obtain the required qualifications for another 10-12 months. Although unable to legally issue a building licence, Mr Farrell has been completing all necessary administrative works, allowing the Building Surveyor to simply check and endorse the required permits.

It is therefore proposed that the Town of Narrogin enter into an interim arrangement with a suitably qualified Building Surveyor who would endorse permits processed by Mr Farrell. Discussions with other relevant local authorities indicate that they would be happy for such an arrangement to be put in place. This will ensure the cost to both the Town and its clients to be minimised whilst ensure the same level of service.

Officers have had consultation with qualified Building Surveyors to endorse the Certificates of Design Compliance and a proposal is expected to be presented in the near future. It is recommended to update the Delegations Register to reflect the required appointments.

Legal Implications

Pursuant to the Local Government Act 1995 and the Building Codes of Australia, local authorities are required to appoint and authorise a suitably qualified Building Surveyor in their employ.

Policy Implications

Nil.

Consultation

Chief Executive Officer

Financial Implications

All costs associated with the appointment are included within the Shire's 2014/15 Budget.

Strategic Implications

N/A

Recommendation

That Council authorise the Chief Executive Officer to appoint a suitably qualified Building Surveyor pursuant to Section 96(3) of the Building Act 2011 for the issuing of certificates of design compliance to facilitate the granting of building permits.

Voting Requirements

Simple majority required.

Resolution

Moved Cr

Seconded Cr



**16.2      AUTHORISATION TO USE THE COMMON SEAL – THIEL ST ROAD DEDICATION**

**Applicant:** Executive Assistant  
**File No.** 0052  
**Attachments:** Dept of Lands Letter & Easement  
**Author:** Mrs Jeanette Bennett

\_\_\_\_\_  
Executive Assistant

**Disclosure of Interest:** Nil  
**Date of Report:** 19 August 2014  
**Senior Officer:** Mr Neville Hale

\_\_\_\_\_  
Chief Executive Officer

Summary

The Use of the Common Seal is sought to execute an Easement, required to protect existing sewerage infrastructure.

Background

In January 2014, the Shire responded to a request from the Department of Lands regarding the proposed change of purpose of portion of Reserve 39207, being Lot 134 Absolon St Lake Grace.

In reply the Shire advised the Department of Lands that it still wished to proceed with the dedication of Thiel Street as a public roadway given that it has been constructed and is being used as a public thoroughfare.

The Shire further advised that the three (3) metre wide easement shown on the copy of Deposited Plan 19943 covers the sewer line and the Shire would like it protected from future development. An easement is therefore required over portion of proposed Lots 336 and 337 to protect existing sewerage disposal infrastructure traversing these two lots.

Council has since formally agreed under Resolution 11803 of April 2014, to initiate the process required under section 56 of the Land Administration Act 1997 to dedicate the 1,926m<sup>2</sup> portion of Reserve 39207, being Lot 134 Absolon St, Lake Grace as a public roadway to be named Thiel St.

The easement is now required.

Legal Implications

N/A

Policy Implications

Shire of Lake Grace Policy 1.11 – Use of the Common Seal

Consultation

N/A

Financial Implications

Costs of \$817.00 associated with the lodgement of the easement are covered in the 2014/15 budget, Job No 122703 Road Closures.

Strategic Implications

*Shire of Lake Grace Strategic Community Plan*

- Civic Leadership – Cl 1 – leadership, good governance,

Recommendation

That Council authorise the President and the Chief Executive Officer to affix the Common Seal on the Easement document being for the protection of the existing sewerage line, Thiel St Lake Grace.

Voting Requirements

Simple majority required.

Resolution

Moved Cr

Seconded Cr

**16.3      LOT 47 BENNETT ST LAKE GRACE – MANAGEMENT ORDER**

**Applicant:** Department of Lands  
**File No.** 0369/0436  
**Attachments:** letter and location plan  
**Author:** Mr Neville Hale

\_\_\_\_\_  
Chief Executive Officer

**Disclosure of Interest:** Nil  
**Date of Report:** 22 August 2014  
**Senior Officer:** Mr Neville Hale

\_\_\_\_\_  
Chief Executive Officer

Summary

For Council to determine whether it is prepared to accept a Management Order over the former Crown Grant in Trust (Reserve), “Church Site Methodist” Lot 47 , 46 Bennett Street, Lake Grace

Background

The attached letter from the Department of Lands details the background to Lot 47 (formerly Reserve 17308), 46 Bennett Street, Lake Grace which was set aside to be used as a church site.

The land and buildings are surplus to the needs of the Uniting Church in Australia (the Church) and it would like to surrender the site in favour of the Lake Grace Development Association (LGDA). Given the land is a Reserve held by the Church under Conditional Tenure, the Department of Lands seeks to have the land first surrendered to the



State so the land can be reserved for “Community Centre” purposes then transferred to the Shire with power to lease the land to the LGDA.

Council comment on this proposal is now requested.

Comment

The Department’s preferred option reflects the fact that the land is the property of the Crown and a transfer in favour of the LGDA would amount to a transfer of ownership thus requiring the LGDA to purchase the land.

With the land retained by the State and reserved for community purpose, a Management Order could be issued to the Shire, with power to lease, thereby giving the LGDA access to the land without the need for financial consideration.

However, such an arrangement would also expose the Shire to future cost should the LGDA undertake development of the land then find it was not in the position to sustain that development. In such a case, the community may expect the Shire to assume responsibility in an effort to continue to provide the facility/service. This concern is highlighted by reference to the Lake Grace Strategic Community Plan in which such expectations are enunciated.

The existing structure appears to be in a poor condition, is constructed of brick /cement block and asbestos panels whilst the grounds are in a poor state. To assume responsibility for both land and buildings would expose the Shire to the potential costs associated with any renovation that required dismantling of the asbestos cladding in addition to other more general improvements including high cost wet areas and disability access.

The LGDA had expressed an interest in the property and the neighbouring vacant lot as a potential site to develop a museum of local artefacts. There is, however, some concern that the site may not be sufficiently high profile to attract the attention of travellers passing through town. The level community interest and that of the LGDA is not as yet readily evident to justify the Shire commitment to take on such a responsibility.



An alternative may be to express an interest in the proposed land transfer subject to the buildings being demolished and the land cleared. In this way the vacant land could be used for future aged housing or similar community use.

The Shire has a number of facilities to maintain and an additional building, particularly one containing asbestos with limited exposure to through traffic, is difficult to justify at this time.

#### Legal Implications

Land Administration Act 1997

Local Government Act 1995

Policy Implications

Community Strategic Plan

Ec1 – Support for growth, development and diversification of local business and employment opportunities

Ec3 – maintain community built infrastructure

S3 – Maintain and improve social/community infrastructure to support community wellbeing

Consultation

External: Department of Lands

Financial Implications

Whilst there is minimal cost to the Shire in accepting a Management Order over this land, any expectation to contribute to the maintenance and or improvement of the buildings thereon could be considerable over time.

Strategic Implications

Strategic Community Plan

Social – S3 – Identify new infrastructure projects using evidence based research and which show multiple benefits

Recommendation

That Council not accept the proposed Management Order over Lot 47, 46 Bennett Street, Lake Grace and advise the Department of Land accordingly.

Voting Requirements

Simple majority required.

Resolution

Moved Cr

Seconded Cr

<b>17.0 INFORMATION BULLETIN</b>
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**17.1 INFORMATION BULLETIN REPORT – JULY 2014**

**Applicant:** Executive Services  
**File No.** N/A  
**Attachments:** 1 to 9 *(provided for Councillors information under separate cover)*  
**Author:** Mrs Jeanette Bennett

\_\_\_\_\_  
 Executive Assistant

**Disclosure of Interest:** Nil  
**Date of Report:** 19 August 2014  
**Senior Officer:** Mr Neville Hale

\_\_\_\_\_  
 Chief Executive Officer

Summary

The purpose of this report is to keep Elected Members informed on matters of interest and importance to Council.

Background

The Information Bulletin Report deals with monthly standing items and other information of a strategic nature relevant to Council. The Information Bulletin is an internal management document; therefore attachments are not for public information.

Copies of other relevant Councillor information are distributed via email.

Comment

This month's (July 2014) Information Bulletin Report has been emailed to Councillors, printed copies have not been produced.

The information at attachment includes:

**A. Reports**

1. Council Status Report.
2. July 2014 Infrastructure Services Report
3. Shire Website & Facebook Statistics
4. Lake King Library Report

**B. Letters**

5. Landcorp re Newdegate Light Industrial Land
6. WA Country Health Service re LG Hospital Redevelopment

**C. Minutes**

7. 4WDL Minutes 12 August 2014
8. Lake Grace Library & Community Resource Centre Minutes 3 July 2014
9. Bushfire Advisory Committee Meeting Minutes 8 April 2014

Legal Implications

Nil

Policy Implications

Nil

Consultation

N/A

Financial Implications

Nil

Strategic Implications

*Shire of Lake Grace Strategic Community Plan*

- Civic Leadership – Cl 1 – leadership, good governance,

Voting Requirements

Simple majority required.

Officer's Recommendation

That Council accepts the Information Bulletin report.

Voting Requirements

Simple majority required.

Resolution

Moved Cr

Seconded Cr

**18.0 URGENT BUSINESS BY DECISION OF THE MEETING**

**19.0 SCHEDULING OF MEETING**

**19.1 SEPTEMBER 2014 ORDINARY MEETING**

**Motion 11711 November 2013 states:**

An Ordinary Meeting of Council will be held on Wednesday 24 September August 2014 commencing at 2:00 pm at the Lake King Hall, Lake King WA.

**20.0 CONFIDENTIAL BUSINESS – as per Local Government Act s5.23 (2)**

**MOTION**

Moved Cr  
 Seconded Cr

That Council close the meeting to the public at this time, being \_\_ pm, to consider \_\_\_\_\_.

**MOTION CARRIED**

**20.1 SENIOR MANAGER APPOINTMENT – MANAGER CORPORATE SERVICES**

*Report to Councillors provided under separate cover*

**MOTION**

Moved Cr  
 Seconded Cr

That Council re-open the meeting to the public at this time, being \_\_ pm.

**MOTION CARRIED**

**21.0 CLOSURE**

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

**22.0 CERTIFICATION**

I Andrew James Walker certify that the minutes of the meeting held on the 27 August 2014 as shown were confirmed as a true record at the meeting held on the 24 September 2014.

\_\_\_\_\_  
Chairman

\_\_\_\_\_  
Date