

Shire of Lake Grace



Ordinary Council Meeting

# Minutes

15 December 2015

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## **SHIRE OF LAKE GRACE**

Minutes of the Ordinary Meeting of Council held at Council Chambers, 1 Bishop Street, Lake Grace WA on Tuesday 15 December 2015.

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

The Shire President opened the meeting at 1:00 pm.

### **2.0 ATTENDANCE RECORD**

#### **2.1 PRESENT**

Cr AJ Walker	Shire President
Cr JF De Landgraft	Deputy Shire President
Cr LW Armstrong	
Cr R Chappell	
Cr DS Clarke	
Cr SG Hunt	
Cr AD Marshall	
Cr MG Stanton	

#### **In Attendance**

Mr N Hale	Chief Executive Officer
Ms D Gobbart	A/Manager Corporate Services
Mr L Shopov	Manager Infrastructure Services
Ms L Holben	Manager Community Services
Mrs D Robertson	Executive Assistant

#### **Observers/Visitors**

Mr Arthur Slarke  
Mr Ollie Farrelly

#### **2.2 APOLOGIES**

Nil

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

Nil

### **3.0 PUBLIC QUESTION TIME**

#### **3.1 MR OLLIE FARRELLY**

The following questions were received by letter in regard to Agenda item 14.3 Newdegate Independent Living Units and Lesser Hall Project.

##### *Question 1*

Is it possible to make the Simple Works Contract (ABIC SW-2008) that was issued to Eclat Building Pty Ltd available to the public at the Council meeting on Tuesday 15 December 2015?

*Reply – Ms Denise Gobbart*

*Advised Mr Farrelly that under the provisions of the Local Government Act the contract was not available to members of the public.*

Should it not be possible to view the above contract, the following information would be appreciated.

Question 2

How far advanced was the project before the contract was signed?

*Reply- Mr Neville Hale*

*Advised that earthworks had started as they were the responsibility of Shire staff but no works by Eclat commenced prior to the signing of the contract.*

Question 3

The contract was signed on 3/9/14 and the first payment of \$60,322.80 was made two days later on 5/9/14. Was this payment in keeping with the conditions of the contract?

*Reply - Ms Denise Gobbart*

*Advised that this payment was not in keeping with the conditions of the contract.*

Question 4

What did the contract state regarding progress payments?

*Reply – Ms Denise Gobbart*

*A deposit of \$60,322.80 then progress payments of \$150,000 on the first of the month with the 5% retention withheld from the final payment.*

Question 5

Were penalty clauses included in the contract?

*Reply – Ms Denise Gobbart*

*Advised that penalty clauses were included in the contract.*

Question 6

By whom and when was it decided that the contract should be terminated?

*Reply – Ms Denise Gobbart*

*Advice was sought from the Shires legal advisors under instruction of the Chief Executive Officer. Acting on advice received Senior Management issued a Notice to Remedy Default, which was issued on 6 November 2015 followed by a Notice of Termination of Contract to follow which was issued on 23 November 2015.*

### **3.2 MR ARTHUR SLARKE**

The following questions were received prior to the meeting in regard to a letter sent by Mr Slarke to the Shire dated 9 June 2015 about Southside salt land drainage and rehabilitation.

Question 1

Why didn't the CEO reply in writing within 7 days or a reasonable time?

*Reply - Mr Neville Hale*

*The letter was passed onto the responsible manager, it was understood that the manager met with Mr Slarke to discuss content of letter. It was the managers understanding that the issue had been addressed by way of the personal meeting and further correspondence was not required.*

Question 2

Why did it take until a letter dated 12 November from Mr Louka Shopov for my letter to be answered in writing?

*Reply – Mr Neville Hale*

*I instructed Mr Shopov, notwithstanding that he had met with you onsite, that it would be a matter of courtesy to respond in writing as you were expecting.*

*Mr Louka Shopov*

*Offered his apologies to Mr Slarke for not responding to his letter in the first instance as he thought the personal meeting had a better outcome for Mr Slarke and was of the mistaken view that a letter would not be required.*

Question 3

Why didn't our Councillors voluntarily show more support for my concerns to me personally?

*Reply - Cr Walker*

*Council was aware that correspondence had been received by the Shire office and had been allocated to the appropriate manager. Staff are paid to respond to correspondence and should act accordingly. Council were under the assumption that staff had dealt with the issue.*

*Mr Neville Hale*

*Council had been advised of the correspondence and the need for subsequent discussions with Mr Slarke and other parties about how to address the issues raised. In this regard Councillors were advised that a report would be prepared for their consideration and subsequent advice to Mr Slarke.*

Question 4

Are the Councillors interested in salinity in Lake Grace?

*Reply – Mr Neville Hale*

*The Shire is concerned about salinity within Lake Grace. The Shire has a role to play and participated in the Rural Towns Program, a program specifically aimed at the impact of salinity in rural towns but has no provision within the current year budget to undertake research. In conjunction with land care groups and land owners the Council will work towards a future plan.*

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

##### **4.1 CR WALKER AND CR STANTON**

###### **MOTION 12187**

Moved Cr Hunt  
Seconded Cr Chappell

That Cr Walker be granted leave of absence for the period 15 January 2016 to 31 January 2016.

and

That Cr Stanton be granted leave of absence for the period 7 February 2016 to 12 February 2016.

**MOTION CARRIED 8/0**

#### **5.0 MINUTES OF PREVIOUS COUNCIL MEETINGS**

##### **5.1 ORDINARY MEETING – 18 NOVEMBER 2015**

###### Resolution

###### **MOTION 12188**

Moved Cr Armstrong  
Seconded Cr Stanton

That the minutes of the Ordinary Meeting of Council held on the 18 November 2015 be confirmed as a true and accurate record.

**MOTION CARRIED 8/0**

#### **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**

Cr Marshall declared interests of impartiality in Item 16.4



## **7.0 NOTICES OF URGENT BUSINESS**

Nil

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

Nil

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

Nil

## **10.0 MEMBERS' REPORTS**

### **10.1 CR CHAPPELL**

**Monday 7 December** – Attended the Lake Grace Development Association Meeting.

**Wednesday 16 December** – Plans to attend the Newdegate Primary School Presentation Evening.

### **10.2 CR CLARKE**

**Thursday 10 December** – Attended the Visitors Centre meeting and Christmas function.

### **10.3 CR DE LANDGRAFFT**

**Friday 27 November** – Attended the WALGA Central Country Zone meeting in Brookton with Acting CEO, Peter Bradbrook.

**Tuesday 8 December** – Meeting in Lake Grace with Cr Walker and Acting CEO, Peter Bradbrook.

**Wednesday 16 December** – Plans to attend the Lake King Primary School Presentation Evening.

### **10.4 CR HUNT**

**Tuesday 1 December** – Attended the Lake Grace District High School Board meeting.

### **10.5 CR STANTON**

**Monday 30 November** – Met with Principal Ashley Mottershead and Cr Walker for the selection of the E & C Bennett Scholarship recipient.

**Wednesday 9 December** – Attended Lake Grace Community Resource Centre Christmas function.

**Friday 11 December** – Attended Late Night Shopping in Lake Grace

**Wednesday 16 December** – Plans to attend the Lake Grace District High School Concert and Awards presentation.

### **10.6 CR WALKER**

**Wednesday 25 November** – Attended the EWPCP meeting in Corrigin with Acting CEO, Peter Bradbrook, group agreed to reimburse the Shire of Lake Grace \$25,000 for costs associated with securing services of locum doctors during the absence of a permanent doctor.

**Thursday 26 November** – Attended the Newdegate Pool committee meeting. Some concerns were raised in regards to the fees and charges in relation to the Newdegate Pool.

**Monday 30 November** – Met with Principal Ashley Mottershead and Cr Stanton for the selection of the E & C Bennett Scholarship recipient.

**Tuesday 8 December** – Attended 4WDL meeting in Williams with Acting CEO. Reported problems with the Newdegate ILU's. Extensions have been applied for with two units to be completed by 11 February 2016 and the remaining units to be completed by 31 March 2016.

## 11.0 MATTERS FOR CONSIDERATION – INFRASTRUCTURE SERVICES

### 11.1 WALGA PREFERRED SUPPLIERS TENDER 4/2015 – SUPPLY OF TWO PRIME MOVER TRUCKS

<b>Applicant:</b>	Infrastructure Services
<b>File No.</b>	0586
<b>Attachments:</b>	<i>Under separate cover</i>
<b>Author:</b>	Mr Louka Shopov Manager Infrastructure Services
<b>Disclosure of Interest:</b>	Nil
<b>Date of Report:</b>	9 December 2015
<b>Senior Officer:</b>	Mr Peter Bradbrook Acting Chief Executive Officer

#### Summary

This report recommends purchasing of two prime mover trucks as part of Council's Plant Replacement Program. The recommendation is based on considerations of tender submissions organised by WALGA preferred suppliers electronic quotes (eQuotes) tool.

#### Background

A request for quotes for the supply and delivery of two prime mover trucks, in accordance with Council's approved specification was lodged on 19/11/2015 on WALGA Preferred Supplier eQuotes tool. Fifteen (15) suppliers of trucks were notified of this request. Six suppliers submitted quotes before the closing date on 4/12/2015 as listed in Table 1.

No	MANUFACTURER/SALES REPRESENTATIVE
1	CJD Trucks Pty Ltd (Kenworth-T409 SAR)
2	Truck Centre WA (Mack Granite)
3	Scania WA (LA 6x4 MNA 90)
4	WesTrac Pty Ltd (CT 630A Day Cab)
5	Daimler Trucks Perth (Freightliner Coronado)
6	AV Truck Services Pty Ltd (Western Star 48FS2)

*Table 1: Companies submitted quotes for supply of two prime mover trucks*

The quoted prices have been assessed together with qualitative and specification criteria to determine the most advantageous outcome to the Shire.

The assessment criteria applied was:

- Cost 65%
- Warranty and Service 15%
- Performance 10%
- Delivery Time 10%

The extent to which a tender demonstrates greater satisfaction of each of these criteria has resulted in a greater score. The aggregate score of each tender has been used in the final assessment of the qualitative criteria and in the overall assessment of value for money.

Comment

The Tenders were reviewed by an evaluation panel including the:

- Manager Infrastructure Services, Mr Louka Shopov
- Shire of Lake Grace Mechanic Mr Robert Palmer

The evaluation panel scoring is tabulated below providing the final ranking of tender submissions.

TENDERER	MODEL	RANKING
Truck Centre WA	Mack Granite	73.6
CJD Trucks Pty Ltd	Kenworth-(T409 SAR)	72.2
Westrac Pty Ltd	CT 630A Day Cab	71.9
Daimler Trucks Perth	Freightliner Coronado	70.4
Scania WA	LA 6x4 MNA 90	70.1
AV Truck Services Pty Ltd	Western Star 48FS2	69.3

*Table 2: Evaluation ranking*

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

The preferred supplier to deliver two prime mover trucks is Truck Centre WA, with their Mack Granite 6x4, for the total change over price of \$ 169,800.00 each (GST excluded).

Legal Implications

*Local Government Act 1995*

*Local Government (Functions and General) Regulations 1996*

Policy Implications

Nil

Consultation

Internal: Shire of Lake Grace mechanic  
Shire of Lake Grace truck drivers  
External: Shire of Dalwallinu mechanic

Financial Implications

Allowances for purchasing of two new prime movers at total change over price of \$370,000 (GST excluded) have been made within Shire of Lake Grace 2015/16 Annual Budget.

Strategic Implications

The replacement of the two current DAF FAT CF 85, with new machines will upgrade Shire of Lake Grace vehicle fleet, increase productivity and reduce maintenance and running cost.

Voting Requirements

Simple majority required.

Recommendation / Resolution

**MOTION 12189**

Moved Cr Stanton

Seconded Cr Hunt

That Council in respect to Tender 4/2015:

- 1) Authorise the purchase of two Mack Granite 6x4 prime movers from Truck Centre WA for the price of \$209,400 each (GST excluded); and,
- 2) Accept the trade in value of \$39,600 (GST excluded) for each existing DAF FAT CE 85 trucks for a total net changeover price of \$339,600.00 (GST excluded).

**MOTION CARRIED 7/1**

## 12.0 MATTERS FOR CONSIDERATION – PLANNING

### 12.1 PLANNING APPLICATION – PROPOSED PATIO ADDITION (LAKE KING SPORTS PAVILION) NEWDEGATE-RAVENSTHORPE ROAD, LAKE KING

<b>Applicant:</b>	Dunkeld Construction on behalf of the Shire of Lake Grace (Management Body) & State of Western Australia (Landowner)
<b>File No.</b>	0456
<b>Attachments:</b>	Plans 1 to 6
<b>Author:</b>	Messrs Joe Douglas & Carlo Famiano Urban & Rural Perspectives Town Planning Consultant
<b>Disclosure of Interest:</b>	Nil
<b>Date of Report:</b>	7 December 2015
<b>Senior Officer:</b>	Mr Peter Bradbrook Acting Chief Executive Officer

#### Summary

This report recommends that a planning application submitted by Dunkeld Construction on behalf of the Shire of Lake Grace and State of Western Australia to construct a new colorbond patio addition to the existing sports pavilion building on Reserve 20321 being Lot 350 (No.6130) Newdegate-Ravensthorpe Road, Lake King be approved subject to conditions.

#### Background

The applicant is seeking Council's planning approval to construct a new colorbond patio addition to the existing sports pavilion on Reserve 20321 being Lot 350 (No.6130) Newdegate-Ravensthorpe Road, Lake King for the benefit of the local community.

Reserve 20321 is located in the south-western segment of the Lake King townsite, is rectangular in shape and comprises a total area of approximately 39.117 hectares. The land comprises a number of physical improvements associated with its current use for public recreation purposes (i.e. sports pavilion, playing fields, vehicle access and parking areas, a dam, fencing etc.) (see Plans 1 to 3).

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

- Construction of a new 150m<sup>2</sup> steel framed colorbond (i.e. 'Manor Red' colour) patio addition along the southern side of the existing sports pavilion on the subject land (see Plans 4 to 6);
- The new patio will have a pitched roof structure with a wall height of 2.78 metres and a ridge height of 5.54 metres;
- Construction of a new one (1) metre high retaining wall along the edge of the new patio area and new paving within; and
- Construction of a new verandah immediately adjacent to both sides of the new patio structure to replace an existing verandah along the building's southern elevation.

#### Comment

Reserve 20321 is classified 'Local Scheme Reserve – Recreation' under the Shire of Lake Grace's current operative Local Planning Scheme No.4 (LPS No.4).

Given the land's current reserve classification in LPS No.4 Council is required to consider the proposal and issue a formal planning approval in accordance with Clause 3.4.1 of LPS No.4 to enable the proposed development to proceed.

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 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 in the circumstances.

Council is advised that LPS No.4 does not contain any specific provisions or standards for the development and use of any land in the Scheme Area for 'recreational' purposes. As such any planning application received for the development and/or use of any such land must be 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 a detailed assessment of the proposal in the context of the specific requirements of LPS No.4 the reporting offices have formed the view the proposed patio addition to the existing recreation building on Reserve 20321 is generally acceptable for the following reasons:

- It is complimentary to and therefore unlikely to compromise the continued use of Reserve 20321 for 'recreational' purposes;
- It is suitably located and comprises adequate setbacks from all property boundaries and other existing improvements on Reserve 20321;
- It is unlikely to have a detrimental impact upon the natural environment;
- It is generally consistent with and complementary to all other existing improvements on Reserve 20321 in terms of its size, scale and finish and therefore unlikely to have a detrimental impact on the character or amenity of the land or its immediate surrounds; and
- It will prove to be a highly beneficial and worthwhile upgrade to the existing sports pavilion building in terms of its future use by the local community.

In light of the above it is concluded the proposal is capable of being implemented in a proper and orderly manner and is unlikely to have a negative impact upon 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
- Shire of Lake Grace Local Planning Scheme No.4

#### Policy Implications

Nil

Consultation

Not required.

Financial Implications

The Lake King Progress Association have initiated this project and are actively seeking financial contributions from various funding bodies/partners to bring the project to fruition. The community will be contributing in-kind works.

The project has no budget allocation within the 2015/16 Shire budget.

Strategic Implications

Nil

Voting Requirements

Simple majority required.

Recommendation / Resolution**MOTION 12190**

Moved Cr De Landgraft  
Seconded Cr Clarke

That the application for planning approval submitted by the Dunkeld Construction on behalf of the Shire of Lake Grace and State of Western Australia to construct a new colorbond patio addition to the existing sports pavilion building on Reserve 20321 being Lot 350 (No.6130) Newdegate-Ravensthorpe Road, Lake King be approved subject to compliance with the following conditions and advice notes:

Conditions

1. The development shall be undertaken in a manner consistent with the information and plans submitted in support of the application.
2. All existing vegetation adjacent to the sports pavilion building shall be retained unless its removal is authorised by the Shire's Chief Executive Officer.
3. All stormwater generated by the new patio addition shall be managed and disposed of to the specifications and satisfaction of the Shire of Lake Grace.

Advice Notes

1. The proposed development shall be completed within twenty four (24) 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. A completed building permit application must be submitted to and approved by the Shire's Building Surveyor prior to the commencement of any earthworks or construction on the land.
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 shall be submitted with the building permit application.



**MOTION 12190 continued:**

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 7:00 am without the Shire'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.

**MOTION CARRIED 8/0**

## 12.2 **PLANNING APPLICATION - PROPOSED DOPPLER RADAR TOWER & ASSOCIATED INFRASTRUCTURE, LAKE GRACE - NEWDEGATE ROAD, NEWDEGATE**

<b>Applicant:</b>	Western Australian Agriculture Authority on behalf of the State of Western Australia (Landowner)
<b>File No.</b>	0455
<b>Attachments:</b>	Attachments 1 to 4 & Plans 7 to 13
<b>Author:</b>	Messrs Joe Douglas & Steve Pandevski Urban & Rural Perspectives Town Planning Consultant
<b>Disclosure of Interest:</b>	Nil
<b>Date of Report:</b>	7 December 2015
<b>Senior Officer:</b>	Mr Peter Bradbrook Acting Chief Executive Officer

### Summary

This report recommends that a planning application submitted by the Western Australian Agriculture Authority on behalf of the State of Western Australia for approval to construct a new twenty-seven (27) metre high Doppler radar tower and associated infrastructure on Lot 154 being portion of Reserve 29080 Lake Grace-Newdegate Road, Newdegate be approved subject to conditions.

### Background

The Department of Agriculture and Food Western Australia (DAFWA), in association with the Bureau of Meteorology (BoM), are proposing to construct a new Doppler radar tower and associated infrastructure on Lot 154 (portion of Reserve 29080) Lake Grace-Newdegate Road, Newdegate to provide real-time weather information for farm businesses and rural communities.

The project is being funded under the State Government's Royalties for Regions program which will see a total of \$23 million invested in three (3) separate sites across the State's agricultural region, including Newdegate.

Following communications and dialogue between DAFWA, the Department of Lands (DoL), Cooperative Bulk Handling Limited (CBH) and the Shire administration, Council resolved at its Ordinary Meeting held on 26 August 2015 to support the proposed cancellation, excision, relinquishment and re-vesting of the relevant portion of Reserve 29080 with DAFWA as a new, standalone reserve set aside specifically to accommodate the proposed new Doppler radar tower and associated infrastructure. That resolution was contingent upon CBH's written agreement to the reserve's excision and reclassification given the current license agreement it has with the Shire for portion of Reserve 29080 (i.e. Lot 154) for temporary grain storage purposes which is directly affected. CBH have since provided written confirmation of its agreement to the proposal (see Attachment 4) which DAFWA have now acted upon by progressing preparation and lodgement of the required planning application to the Shire for approval to commence development.

Reserve 29080 is owned by the State of Western Australia with a management order registered to the Shire for the designated purposes 'Recreation, Showground and Temporary Storage' (see Attachment 1 – Reserve Enquiry Detail).

Lot 154, which forms part of Reserve 29080, is located at the western gateway to the Newdegate townsite on the north side of Lake Grace-Newdegate Road approximately 900 metres north of the Newdegate Airfield. The land is irregular in shape, covers a total area of

approximately 44.984 hectares and has direct frontage and access to Lake Grace-Newdegate Road along its southern boundary (see Plans 7 & 8).

Historically the subject land has 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.

The proposed Doppler radar tower and associated infrastructure are proposed to be located on a previously cleared portion of Lot 154 approximately 20 metres south of CBH's existing emergency grain storage facility and approximately 200 metres north of Lake Grace - Newdegate Road (see Plan 9).

Under the terms of the information and plans submitted in support of the application (see Attachment 2 & Plans 10 to 13) the following is proposed:

- i) Construction of a 256m<sup>2</sup> (i.e. 16 metre x 16 metre) battered concrete slab to accommodate the new Doppler radar tower and associated infrastructure which will be enclosed by a 1.8 metre high (approx.) chain wire fence with a double gate access;
- ii) Erection of a 27 metre high Doppler radar tower comprising a 22 metre high x 2.82 metre diameter concrete tower with a 4.5 metre x 5.486 metre fibreglass dome on top. The radar tower is proposed to be located within the compound and painted white in colour;
- iii) Construction of a new 8.4 metre long x 3 metre wide x 2.4 metre high air-conditioned equipment shed with 'surf mist' colorbond steel cladding and a small capacity rainwater tank abutting the western side of the tower;
- iv) Installation of a power generator within a 6.05 metre long and 2.4 metre wide weatherproof enclosure abutting the eastern side of the tower;
- v) Installation of a ground mounted satellite antenna in front of the equipment shed;
- vi) Installation of a 4 metre x 1.2 metre drainage basin adjacent to the compound area for stormwater drainage management purposes;
- vii) Fixing of a single bureau sign on the fence at the access entry to the compound; and
- viii) Shared vehicle access to/from Lake Grace-Newdegate Road using an existing gravel access road previously constructed on Lot 154.

#### Comment

Under the Shire of Lake Grace's current operative Local Planning Scheme No.4 (LPS No.4) that portion of Lot 154 proposed to accommodate the new Doppler radar tower is classified 'Local Scheme Reserve - Recreation'.

Clause 3.4.2 of LPS No.4 states that when 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.

As previously mentioned it is prudent to note that Council at its August 2015 Ordinary Meeting resolved to support the partial excision of Reserve 29080 to accommodate the new Doppler radar system project and that the DoL has initiated the action required under the

*Land Administration Act 1997* to formalise its development and use for this purpose. It is therefore considered reasonable for Council to form the view that the project is consistent with the land's ultimate intended tenure and usage.

In exercising discretion, and pursuant to clause 10.2 of LPS No.4, Council must also be satisfied the proposal is consistent with general principles of proper and orderly planning, any relevant 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 applicable to Reserve 29080 or its future development and/or use for any given purpose/s. As such the application must be considered and determined by Council on its merits with due regard for any impacts the proposal may have on surrounding land uses and the general character, amenity, functionality and safety of the immediate locality.

An initial assessment of the application identified matters that required input from other agencies. At that stage it was considered reasonable to consult the local community as well as seek input and advice from the Department of Planning (DoP), Main Roads WA (MRWA), the Civil Aviation Safety Authority (CASA) and Royal Flying Doctor Service (RFDS).

The DoP was consulted because it is listed as the authority ultimately responsible for Reserve 29080 as identified on Landgate's 'Reserve Enquiry Detail' (see Attachment 1). Clause 3.4.3 of LPS No.4 expressly states:

*"In the case of land reserved for the purposes of a public authority, the local government is to consult with that authority before determining an application for planning approval."*

MRWA was consulted because Lot 154 (portion of Reserve 29080) and the proposed new Doppler radar tower abuts Lake Grace-Newdegate Road which is identified as a 'Major Road' under LPS No.4. Clause 5.3.1 of LPS No.4 expressly states:

*"In considering any application for planning approval with respect to land abutting a Major Road Reserve the local government may consult with and consider the advice and recommendations of Main Roads WA."*

CASA and RFDS were consulted due to the height of the proposed Doppler radar tower, its proximity to the existing Newdegate airfield and concerns regarding the tower's potential impact upon aircraft take-off and landing patterns.

At the close of public advertising a total of four (4) submissions were received by the Shire, all of which were from the aforementioned agencies. None of the submissions received raised any objections to the proposal with all being supportive.

Following detailed assessment of the application, including the submissions received during public advertising, the reporting officers' have formed the view the proposal is capable of being supported and approved by Council for the following reasons:

- i) It does not conflict with any of Council's stated aims for LPS No.4 as listed in clause 1.6 and will help achieve the following key aims:
  - *To promote the sustainable use of rural land for agricultural purposes whilst accommodating other rural activities;*
  - *To protect, conserve and enhance the environmental values and natural resources of the Scheme area including the protection of remnant vegetation and the*

*rehabilitation and revegetation of degraded land while providing appropriate development opportunities to promote the local economy;*

- *To promote ecologically sustainable land use and development.*

- ii) It will not compromise the continued use of the remaining portion of Reserve 29080 for 'recreational, showground and temporary storage' purposes being its current designated purpose under the *Land Administration Act 1997*;
- iii) It will not compromise the continued use of Lot 154 for 'Recreation' reserve purposes being its current designated classification and purpose under LPS No.4;
- iv) It will not result in the clearing of any significant native vegetation and is unlikely to have a detrimental impact on the natural environment;
- v) Despite the height and bulk of the Doppler radar tower, it is considered unlikely to have a detrimental impact on the broader visual character or amenity of the locality due to its proposed location approximately 200 metres north of the Lake Grace – Newdegate Road, behind existing vegetation and abutting CBH's existing grain storage infrastructure. It could also be contended the proposed tower, if approved, will create a point of interest or man-made landmark in an otherwise repetitive landscape;
- vi) The location of the proposed facility maintains a substantial separation distance from all nearby private properties with the nearest property located approximately 630 metres to the north;
- vii) CBH, which uses a portion of Lot 154 under an existing short term license agreement with the Shire for emergency grain storage purposes, is supportive of the proposal;
- viii) The application has been the subject of a community consultation process undertaken in accordance with the specific requirements of LPS No.4 with no concerns or objections received during that process;
- ix) The weather information that will become available as a result of the proposed development will have substantial long-term benefits for agri-businesses and rural communities within the region.

Having regard for all of the above it is concluded the proposal is unlikely to have any detrimental impacts upon 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*

*Land Administration Act 1997*

#### Policy Implications

Nil

Consultation

Community consultation was undertaken by the Shire Administration for the minimum required period of fourteen (14) days which included publication of a notice in the Lakes Link newspaper inviting input from the local community and referral correspondence to the Department of Planning (DoP), Main Roads WA (MRWA), Civil Aviation Safety Authority (CASA) and Royal Flying Doctors Service (RFDS).

At the close of public advertising a total of four (4) submissions were received by the Shire, all of which were from the aforementioned agencies. None of the submissions received raised any objections to the proposal, with all being supportive.

A schedule providing a summary of all submissions received during the consultation period being 19 November to 4 December 2015 is provided at Attachment 3.

Financial Implications

Nil. All costs associated with the project will be met by the applicant with funding assistance from the State Government's Royalties for Regions program.

Strategic Implications

- State Planning Strategy
- Wheatbelt Regional Planning and Infrastructure Framework 2014 (Draft)
- Shire of Lake Grace Local Planning Strategy

Voting Requirements

Simple majority required.

Recommendation / Resolution**MOTION 12191**

Moved Cr Stanton  
Seconded Cr Armstrong

That the planning application submitted by the Western Australian Agriculture Authority on behalf of the State of Western Australia for approval to construct a new twenty-seven (27) metre high Doppler radar tower and associated infrastructure on Lot 154 being portion of Reserve 29080 Lake Grace-Newdegate Road, Newdegate be approved subject to compliance with the following conditions and advice notes:

Conditions

1. The proposed development 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 Doppler radar tower structure shall not exceed a maximum height of 27 metres as show on the approved plans.
3. The external surface of the new Doppler radar tower structure shall be white in colour and maintained to the specifications and satisfaction of the Shire of Lake Grace.
4. The external surface of all other associated buildings and structures on the land shall be Colorbond 'surf mist' or such other colour as may approved by Council and shall be maintained to the specifications and satisfaction of the Shire of Lake Grace.

**MOTION 12191 continued:**

5. All stormwater generated by the proposed development shall be managed and disposed of to the specifications and satisfaction of the Shire of Lake Grace.
6. The proposed development, including any earthworks or drainage works, shall be contained entirely within its designated boundaries including the new Crown reserve currently being created to accommodate it and shall not encroach onto any adjoining land.
7. Vehicle access to/from the development via Lake Grace-Newdegate Road shall be restricted to the existing driveway crossover servicing Lot 154 (i.e. this approval does not authorise the construction of a new, additional driveway crossover).
8. All waste generated during the construction process shall be managed and disposed of to the specifications and satisfaction of the Shire of Lake Grace. The storage of any waste on-site during the construction process is not permitted.
9. Consultation with Cooperative Bulk Handling Limited (CBH) shall be undertaken prior to and during the construction process to minimise any potential negative impacts upon the continued operation of CBH's existing emergency grain storage facility on portion of Lot 154.
10. The development shall be maintained in a neat and tidy condition at all times to the specifications and satisfaction of the Shire of Lake Grace.

**Advice Notes**

1. The 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 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 new development is required to comply with the National Construction Code of Australia. Plans and specifications which reflect these requirements shall 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. Any future advertising signage on the site shall be provided in accordance with the specific requirements of the Shire of Lake Grace Local Planning Scheme No.4 and the Shire of Lake Grace Local Planning Policy No.6.5 (i.e. 'Advertising Signage') unless otherwise approved by the Shire.
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.

**MOTION CARRIED 8/0**

### **12.3 PLANNING APPLICATION – THREE (3) NEW AGED / INDEPENDENT LIVING UNITS – DEPENDENT PERSONS’ DWELLINGS LOT 107 (NO.49) BENNETT STREET, LAKE GRACE**

<b>Applicant:</b>	Gary Batt & Associates Architects on behalf of the State of Western Australia (Landowner) & Shire of Lake Grace (Management Body/Developer)
<b>File No.</b>	0454
<b>Attachments:</b>	Plans 14 to 20
<b>Author:</b>	Messrs Joe Douglas & Carlo Famiano Urban & Rural Perspectives Town Planning Consultant
<b>Disclosure of Interest:</b>	Nil
<b>Date of Report:</b>	7 December 2015
<b>Senior Officer:</b>	Mr Peter Bradbrook Acting Chief Executive Officer

#### Summary

This report recommends that a planning application submitted by Gary Batt & Associates Architects on behalf of the Shire of Lake Grace and the State of Western Australia to construct three (3) new aged / dependent persons’ dwellings on Reserve 24473 being Lot 107 (No.49) Bennett Street, Lake Grace be approved subject to conditions.

#### Background

The applicant is seeking Council’s planning approval to construct three (3) new dependent persons’ dwellings on Reserve 24473 being Lot 107 (No.49) Bennett Street, Lake Grace to assist with the provision of much needed housing for aged, disabled or dependent persons within the Lake Grace townsite.

This application was withdrawn from consideration by Council at its November meeting due to the Department of Lands’ inability to arrange signing of the landowner section of the application form prior to that meeting. Subsequent email advice received from Mr Kevin Emrose, Assistant Manager, Case Management of the Department of Lands Goldfields Esperance and Wheatbelt Team has confirmed the Shire of Lake Grace, in its capacity as the registered management body for this and other Crown reserves in the Shire, has the legal authority to sign the landowner section of any planning application form in respect of Crown landholdings under its control. Given this advice the Shire’s acting CEO Mr Peter Bradbrook has now signed the application form which enables the matter to be formally considered and determined by Council.

Reserve 24473 is located centrally within the Lake Grace townsite on the north-eastern corner of the intersection of Bennett and Lawson Streets. The land is rectangular in shape, comprises a total area of approximately 1,042m<sup>2</sup> and is relatively flat throughout its entire area. The property has direct frontage and access to Bennett Street along its southern boundary, Lawson Street along its western boundary and a right-of-way along its northern rear boundary. Reserve 24473 is currently vacant/unused land (see Plans 14 to 16).

The subject land forms part of Crown Reserve 24473 which is owned by the State of Western Australia and currently vested in the Shire of Lake Grace for ‘Children Playground’ purposes. In September 2015 the Shire’s Administration lodged an application with the Department of Lands seeking the Hon. Minister for Lands approval to change the current designated purpose of Reserve 24473 from ‘Children Playground’ to ‘Community Aged Housing’. The Shire’s request in this matter is still being processed by the Department in



accordance with the procedures and requirements of the Land Administration Act 1997 and associated regulations.

Under the terms of the plans submitted in support of the application the proposed development will comprise the following key elements:

- i) Construction of three (3) new dwellings designed specifically to accommodate dependent persons' (see Plans 17 to 20);
- ii) The new dwellings will be constructed of weatherboard/fibre cement wall cladding and custom orb roofing (i.e. 'Slate Grey');
- iii) Each dwelling will have two (2) bedrooms, one (1) bathroom, two (2) toilets, a double carport and an alfresco area;
- iv) Each dwelling will comprise a total floor area of approximately 124m<sup>2</sup> not including the carport and alfresco areas;
- v) All dwellings will have a wall height of 2.6 metres (i.e. plate height) and a ridge height of approximately 5.8 metres;
- vi) Proposed Unit 1 will be orientated towards Bennett Street while Units 2 & 3 will be orientated towards Lawson Street;
- vii) The new dwellings will be connected to power, water, telecommunications and reticulated sewerage disposal infrastructure with stormwater drainage to be directed to the local road and drainage network in accordance with Council policy.

#### Comment

Reserve 24473 is classified 'Residential' zone under the Shire of Lake Grace's current operative Local Planning Scheme No.4 (LPS No.4) with an applicable residential density coding of R30. This zoning classification was applied to the land as part of preparation of LPS No.4 to reflect a decision by Council to develop the land for aged persons accommodation at some point in the future based upon local demand.

A key objective of the land's current 'Residential' zoning classification is to encourage a high standard of development that enhances the character and amenity of residential areas while providing opportunities for a variety of housing types.

Under the terms of LPS No.4 the development and use of land in the 'Residential' zone for the purpose of aged / dependent persons' dwellings is classified as a 'D' use which means it is not permitted unless Council has exercised its discretion by granting planning approval.

An assessment of the application by the reporting officers' against the development standards prescribed in LPS No.4 and the 'deemed to comply requirements' of the Residential Design Codes of Western Australia (i.e. R-Codes) has confirmed it satisfies the majority of standards except for the following:

- i) Element 5.1.2 C2.1 – 'Street setback'; and
- ii) Element 5.5.2 C2.1 – 'Aged or dependant persons' dwellings'.

The following is a brief discussion of the above non-compliance issues:

#### **Point 1: Element 5.1.2 C2.1 – 'Street setback'**

The application proposes a minimum front setback of 1.75 metres for Unit 1 in lieu of 2 metres as required by the 'deemed to comply requirements' of Element 5.1.2 C2.1 of the R-Codes.

Council may consider this non-compliance issue under the ‘design principles criteria’ contained in Element 5.1.2 of the R-Codes which expressly states:

*“P2.1 Buildings setback from street boundaries an appropriate distance to ensure they:*

- *Contribute to, and are consistent with, an established streetscape;*
- *Provide adequate privacy and open space for dwellings;*
- *Accommodate site planning requirements such as parking landscaping and utilities ; and*
- *Allow safety clearances for easements for essential services.*

*“P2.2 Buildings mass and form that:*

- *Uses design features to affect the size and scale of the building;*
- *Uses appropriate minor projections that do not detract from the character of the streetscape;*
- *Minimises the proportion of the facade at ground level taken up by building services, vehicle entries and parking supply, blank walls servicing infrastructure access and meters and the like; and*
- *Positively contributes to the prevailing development context and streetscape.”*

Following a detailed assessment of the application in the context of the above ‘design principles criteria’ the reporting officers’ have concluded the proposed reduced setback of Unit 1 from the land’s front boundary is capable of being supported and conditionally approved by Council for the following reasons:

- i) The front setback variation (i.e. 250mm) is considered minor and unlikely to have a detrimental impact on the local streetscape or amenity of any adjoining properties in terms of the development’s overall bulk and scale;
- ii) The average front setback for Unit 1 meets the ‘deemed to comply requirements’ of Element 5.1.2 C2.1 of the R-Codes;
- iii) The carport is an open structure and will not have any adverse impacts on the local streetscape in terms of its bulk and scale;
- iv) Abutting Lot 107 is a substantial verge area with a width of approximately six (6) metres along its Bennett Street frontage. The verge width provides an increased setback between the proposed carport and the road pavement, therefore minimising the impact of the proposed built form on the Bennett Street streetscape; and
- v) There is adequate and sufficient area on Lot 107 to accommodate all essential servicing requirements and any associated easements.

**Point 2: Element 5.5.2 C2.1 – ‘Aged or dependant persons’ dwellings’**

The application proposes the following:

- i) A plot ratio for each dwelling ranging from 109m<sup>2</sup> to 120m<sup>2</sup> in lieu of a maximum plot ratio of 100m<sup>2</sup> as required by the ‘deemed to comply requirements’ Element 5.5.2 C2.1 of the R-Codes;
- ii) The construction of three (3) dependent persons’ dwellings in lieu of a minimum of five (5) dwellings per development as required by the ‘deemed to comply requirements’ Element 5.5.2 C2.1 of the R-Codes; and
- iii) No on-site visitor car parking bays in lieu of one (1) on-site visitor bay required by the ‘deemed to comply requirements’ of Element 5.5.2 C2.1 of the R-Codes.

Council may consider this non-compliance issue under the ‘design principles criteria’ contained in Element 5.5.2 of the R-Codes which expressly states:

*“P2 Aged or dependent persons’ dwellings for the housing of aged or dependent persons designed to meet the needs of aged or dependent persons; and*

- *reduces car dependence (i.e. is located in close proximity to public transport and services);*
- *has due regard to the topography of the locality in which the site is located in respect to access and mobility;*
- *does not impinge upon neighbour amenity; and*
- *responds to a demand for aged or dependent persons’ accommodation in the locality which is recognised in the local planning framework.”*

Following a detailed assessment of the application in the context of the above ‘design principles criteria’ the reporting officers’ have concluded the proposed development is capable of being supported and conditionally approved by Council for the following reasons:

- i) The proposed dwellings have been designed and will be constructed in accordance with Australian Standard AS4299 (i.e. ‘Adaptable Housing’) to ensure they satisfy the specific needs and requirements of the future intended occupants (i.e. aged / dependent persons);
- ii) Lot 107 is located in close proximity to the Lake Grace town centre area which will provide for the daily needs of the future occupants of the dwellings within a walkable distance;
- iii) The Bennett and Lawson Street road reserves each comprise an eight (8) metre wide road carriageway which is considered more than adequate to accommodate any on-street car parking demand likely to be generated by the proposed development (i.e. visitor parking);
- iv) The proposed development will not have any adverse impacts on any adjoining properties or the local streetscape in terms of its overall bulk and scale;
- v) The proposed development has been designed with due regard for the natural topography of the land and its immediate surrounds; and
- vi) The proposed development will benefit the local community by providing much needed housing for aged / dependent persons in the Lake Grace townsite.

#### Legal Implications

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

#### Policy Implications

- State Planning Policy No.3.1 - *Residential Design Codes of Western Australia*

#### Consultation

Not required.

#### Financial Implications

It is understood that a suitable allowance has been made in Council’s 2015/2016 budget for the construction of the three (3) new aged / dependent persons’ dwellings on Reserve 24473 as proposed.

Strategic Implications

Nil

Voting Requirements

Simple Majority

Recommendation / Resolution

**MOTION 12192**

Moved Cr Clarke

Seconded Cr De Landgraft

That the application for planning approval submitted by Gary Batt & Associates Architects on behalf of the Shire of Lake Grace and the State of Western Australia to construct three (3) new aged / dependent persons dwellings on Reserve 24473 being Lot 107 (No.49) Bennett Street, Lake Grace be approved subject to compliance with the following conditions and advice notes:

Conditions

1. The proposed development shall be undertaken in a manner consistent with the information and plans submitted in support of the application unless otherwise approved by Council.
2. At least one (1) permanent occupant of each dwelling shall be aged or physically dependent as defined by the Residential Design Codes of Western Australia (2015).
3. The proposed dwellings shall incorporate, as a minimum, the following design elements as prescribed by the Residential Design Codes of Western Australia (2015):
  - i) Level external entry path to the front door, with preferably all external doors having level external entry paths;
  - ii) All external and internal doors shall have a minimum 820mm wide clear opening (AS4299);
  - iii) All internal corridors to be a minimum 1,000mm wide with the width to be increased to a minimum of 1,200mm in corridors with openings on side walls;
  - iv) A visitable toilet (AS4299), preferably located within the bathroom; and
  - v) Toilet and toilet approach doors shall have a minimum 250mm high nib wall on the door handle side of the door and provision for the installation of grab rails in accordance with AS4299.
4. A Notification under section 70A of the *Transfer of Land Act 1893* must be registered over the Certificate of Title of each new dwelling if the strata subdivision of the land were to ever proceed to notify owners and prospective purchasers that restrictions apply to the use of each dwelling as stipulated by this approval.
5. All proposed vehicle crossovers, accessways and parking areas shall be constructed and maintained to the specifications and satisfaction of the Shire of Lake Grace.
6. All dwellings shall be connected to reticulated sewerage disposal infrastructure to the satisfaction of the Shire of Lake Grace.
7. All carports shall be open structures and are not permitted to be enclosed by any walls or doors unless otherwise approved by Council.

**MOTION 12192 continued:**

8. All stormwater drainage discharge generated by the approved structures shall be managed to the specifications and satisfaction of the Shire of Lake Grace.
9. All landscaping is to be completed in accordance with approved plans prior to occupation of the dwellings and shall be maintained to the satisfaction of the Shire of Lake Grace.
10. Any front walls and/or fencing within the primary street setback area of the proposed development shall be visually permeable to the satisfaction of the Shire of Lake Grace.
11. The street verge adjacent to the development shall be landscaped to the satisfaction of the Shire of Lake Grace.

Advice Notes

1. The proposed development shall be substantially commenced within a period of two (2) years from the date of this approval. If the development is not substantially commenced within this period this approval will lapse and be of no further effect. Where this approval has lapsed, no activity 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 including any future proposed internal fit out works.
3. The proposed development on the land is required to comply in all respects with the National Construction Code of Australia. Plans and specifications which reflect these requirements must be submitted to the Shire with the required 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 7:00 am without the Shire'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.

**MOTION CARRIED 8/0**

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

*No items for consideration*

## 14.0 MATTERS FOR CONSIDERATION – FINANCE

### 14.1 ACCOUNTS FOR PAYMENT – NOVEMBER 2015

<b>Applicant:</b>	Shire of Lake Grace
<b>File No.</b>	0277
<b>Attachments:</b>	List of Creditors
<b>Author:</b>	Miss Kairi Nigol Finance Officer
<b>Disclosure of Interest:</b>	Nil
<b>Date of Report:</b>	7 December 2015
<b>Senior Officer:</b>	Ms Denise Gobbart Acting Manager Corporate Services

#### Summary

For Council to ratify expenditures incurred for the month of November 2015.

#### Background

List of payments for the month November 2015 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

Policy 3.6 - Authorised Use of Credit Card

#### Consultation

N/A

#### Financial Implications

The list of creditors paid for the month of November 2015 from the Municipal and Trust Account Total \$ 760,264.63.

Strategic Implications

Shire of Lake Grace Strategic Community Plan

*Civic Leadership Focus Area (5)*

- *Excellence in Shire administration and communication*

Voting Requirements

Simple majority required.

Recommendation / Resolution**MOTION 12193**

Moved Cr Stanton

Seconded Cr Marshall

That Council ratifies the list of payments totalling \$ 760,264.63 as presented for the month of November 2015 incorporating:

- Trust Account Cheques:	Trust 864 to 867	\$ 1,286.00
- Electronic Funds Transfer:	EFT14804 to EFT14910	\$ 463,373.39
- Municipal Account Cheques:	Cheque 36164 to 36170	\$ 14,390.74
- Direct Debits:	DD5850.1 to DD5851.9	\$ 141,793.71
	DD5857.1 to DD5858.3	
- Electronic Funds Transfer:	Payroll Net Pay	\$ 139,420.79

**MOTION CARRIED 8/0**



**14.2 FINANCIAL STATEMENTS – OCTOBER 2015 AND NOVEMBER 2015**

<b>Applicant:</b>	Shire of Lake Grace
<b>File No.</b>	0275
<b>Attachments:</b>	1. Financial Reports October 2015 2. Financial Reports November 2015
<b>Author:</b>	Ms Denise Gobbart
<b>Disclosure of Interest:</b>	Nil
<b>Date of Report:</b>	7 December 2015
<b>Senior Officer:</b>	Ms Denise Gobbart Acting Manager Corporate Services

**Summary**

Consideration of the financial statements for the months ending 31 October and 30 November 2015.

**Background**

The following financial reports are included for your information:

- Monthly Statement of Financial Activity
- Financial Activity Variances
- Significant Accounting Policies
- Statement of Objective
- Acquisition of Assets
- Disposal of Assets
- Information on Borrowings
- Reserves
- Net Current Assets
- Rating Information
- Trust Funds
- Operating Statement by Programme
- Balance Sheet
- Financial Ratios
- Capital Road Works
- Operating Revenue & Expenditure Graphs
- Bank Reconciliations

**Comment**

Nil

**Legal Implications**

*Local Government Act 1995 – section 6.4*

*Local Government (Financial Management) Regulations 1996*

**Policy Implications**

N/A

**Consultation**

Nil

Financial Implications

Nil

Strategic Implications

Shire of Lake Grace Strategic Community Plan

*Civic Leadership Focus Area (5)*

- *Excellence in Shire administration and communication*

Voting Requirements

Simple majority required.

Recommendation / Resolution

**MOTION 12194**

Moved Cr Hunt

Seconded Cr Stanton

That Council in accordance with Regulation 34 of the *Local Government (Financial Management) Regulations 1996* receives the Statement of Financial activity for the periods ended 31 October and 30 November 2015 as attached is received.

**MOTION CARRIED 8/0**

**MOTION 12195**

Moved Cr Chappell  
Seconded Cr Hunt

That the meeting is to be closed to the public at this time, being 1:50 pm to discuss the Newdegate Independent Living Units and Lesser Hall Project.

**MOTION CARRIED 8/0**

*1:51 pm Mr Arthur Slarke, Mr Ollie Farrelly, Ms Lee Holben and Mrs Danielle Robertson left the meeting.*

**MOTION 12196**

Moved Cr Chappell  
Seconded Cr Clarke

That Council, as per clause 16.1 of the Shire's Standing Orders Local Law, suspends standing orders at this time being 2:02 pm to discuss the Newdegate Independent Living Units and Lesser Hall Project.

**MOTION CARRIED 8/0**

*2:04 pm Cr Chappell left the meeting and returned at 2:05 pm.  
2:33 pm Cr Stanton left the meeting and returned at 2:35 pm.  
2:37 pm Cr Chappell left the meeting and returned at 2:39 pm.  
2:55 pm Mr Louka Shopov left the meeting.  
2:56 pm Cr Marshall left the meeting.  
2:57 pm Mr Louka Shopov returned to the meeting.  
2:58 pm Cr Marshall returned to the meeting.*

**MOTION 12197**

Moved Cr Chappell  
Seconded Cr Marshall

That Standing Orders resume, the time being 3:01 pm.

**MOTION CARRIED 8/0**

### 14.3 NEWDEGATE INDEPENDENT LIVING UNITS & LESSER HALL PROJECT

**Applicant:** Internal Report  
**File No.** 0728/0659  
**Attachments:** Nil  
**Author:** Ms Denise Gobbart  
 Acting Manager Corporate Services  
**Disclosure of Interest:** Nil  
**Date of Report:** 07 December 2015  
**Senior Officer:** Mr Peter Bradbrook  
 Acting Chief Executive Officer

#### Summary

For Council to receive information regarding the status of the construction of the four independent living units and upgrade to the Lesser Hall project in Newdegate.

#### Background

After recommendation from the Newdegate Rejuvenation Project Committee, on the 23 April 2014 Council resolved as follows;

#### **MOTION 11802**

Moved Cr Armstrong  
 Seconded Cr De Landgraft

*That Council award Eclat Building as successful tenderer for the construction of the 4 units and the lesser hall upgrade for lump sum value of \$1,005,380 as per Gary Batt & Associates site layout plan A1.0 March 2014 wherein:*

- i) The contract with Eclat Building is for the following scope of works;*
  - Construction of 4 independent living units as per Gary Batt & Associates design and specification to be constructed onsite*
  - Construction of the Lesser Hall upgrade & Gazebo as per Gary Batt & Associates design and specification*
- ii) The Shire manage all site preparation works, road construction, drainage, hard and soft landscaping, retaining walls as per Gary Batt & Associates site layout plan A1.0 March 2014*

#### **MOTION CARRIED 9/0**

A letter was sent to Eclat Building Pty Ltd (Eclat) on the 04 June 2014 confirming that their tender was successful and advised that a Simple Works Contract would be forwarded from Gary Batt & Associates (Architect).

Prior to any works commencing a Building Permit was required; this was issued on the 25 July 2014. From this time site preparation works were able to proceed.

The Simple Works Contract (ABIC SW-2008) was issued and signed by both parties on the 03 September 2014. The date of practical completion was 30 weeks from that date, subject to public holidays and disruptive weather delays.

Knowing that the contract was to be terminated shire staff were requested to prepare a listing and estimated cost of works outstanding.

Comment

The following details are a summary in relation to various components of the Independent Living Units Project managed by the Shire of Lake Grace.

Payments

The following is a listing of payments made against the contract:

Date	Payee	EFT #	Amount
05-Sep-14	Eclat Building	EFT13071	60,322.80
20-Oct-14	Eclat Building	EFT13227	70,000.00
21-Nov-14	Eclat Building	EFT13362	150,000.00
17-Dec-14	Eclat Building	EFT13456	50,000.00
16-Jan-15	Eclat Building	EFT13539	75,000.00
21-Jan-15	Eclat Building	EFT13585	3,355.00
03-Feb-15	Colli Timber & Hardware	EFT13622	32,580.90
13-Feb-15	Eclat Building	EFT13655	75,000.00
27-Feb-15	Eclat Building	EFT13729	42,420.00
13-Mar-15	Combine Metal Industries	EFT13792	14,034.52
02-Apr-15	Mathew Clarke	EFT13890	16,000.00
10-Apr-15	Laura Sankiaho	EFT13943	2,970.00
10-Apr-15	Mathew Clarke	EFT13945	7,700.00
10-Apr-15	Jonas Woerdemann	EFT13939	13,377.50
10-Apr-15	Patrick Baschner	EFT13949	4,550.00
29-Apr-15	Bamley Pty Ltd	EFT14008	2,516.80
29-Apr-15	Eclat Building	EFT14009	23,015.43
06-May-15	Eclat Building	EFT14045	35,186.82
06-May-15	Jason Windows	EFT14046	14,813.18
29-May-15	Eclat Building	EFT14173	27,202.00
16-Jun-15	S&L Trevelan Pty Ltd	EFT14231	6,798.00
23-Jun-15	Eclat Building	EFT14269	20,000.00
26-Jun-15	Jason Windows	EFT14278	15,096.49
30-Jun-15	Enviro Green Plumbers	EFT14314	13224.00
22-Jul-15	Eclat Building	EFT14382	10,925.21
24-Jul-15	Eclat Building	EFT14388	25,000.00
24-Jul-15	JE Aikman	EFT14391	4180.00
24-Jul-15	Zaps Electrical Service	EFT14401	9903.30
31-Jul-15	Unique Plumbing	EFT14459	6000.00
21-Aug-15	Eclat Building	EFT14543	25,000.00
09-Sep-15	Armstrong Building & Construction	EFT14570	5750.00
09-Sep-15	Eclat Building	EFT14573	24,250.00
21-Sep-15	Eclat Building	EFT14653	50,000.00
			<b>\$936,171.95</b>

Contract Value and Balance Outstanding

A summary of the funds paid and balance remaining on the contract is as follows;

Contract Value	\$1,005,380.00
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Less: Total Contract Payments	\$936,171.95
	<u>\$69,208.05</u>
Add: Approved Contract Variations	<u>\$18,624.25</u>
Contract Funds Remaining Payable	<u><u>\$87,832.30</u></u>

### *Project Funding*

The funding as presented to Council at the Ordinary meeting 23 April 2014 is as follows;

Country Local Government Fund (Regional)	\$538,000
Country Local Government Fund (Local)	\$140,000
Country Local Government Fund (Local)	\$120,000
Regional Development Commission	\$627,000
Newdegate Town Hall Reserve Including \$25,000 provision in 2013/14 Budget	\$160,000
<b>Total Budget</b>	<b>\$1,585,000</b>

Eclat Building	\$1,005,380
Shire Site works & Project Management	\$503,000
<b>Total Costs</b>	<b>\$1,508,380</b>

A \$76,620 contingency exists with current secured funds along with additional funds within the Newdegate Hall Reserve of approximately \$145,000.

To date the funding received from the Shire of Williams for the Country Local Government Fund (Regional) and Regional Development Commission totals \$1,072,236.87. This amount offsets the entire project costs. A transfer from the Newdegate Hall Reserve of \$71,696.93 has been made, to offset project expenses at 30 June 2015.

There is \$260,000 Country Local Government Fund (Local) currently held in restricted cash that is available for the completion of the project.

All Regional Development Commission funds have been received from and acquitted to the Shire of Williams.

A balance of \$96,495 Country Local Government Fund (Regional) is still available to be claimed from the Shire of Williams.

Retention funds of \$50,000 are currently held in our Trust Fund is available for the completion of the project.

On the tender received from Eclat Building Pty Ltd showed value of the hall and gazebo works as being \$134,115. Based on this we would be able to transfer another \$62,418 from the Newdegate Hall Reserve. In the initial budget a provision of \$160,000 was allowed, so an additional provision of \$25,885 is available for completion of the project.

In summary, the following funding is available for completion of the project;

CLGF Regional	\$96,495
CLGF Local	\$260,000
Trust - Retention	\$50,000
Newdegate Hall Reserve - Contract Price	\$62,418
Newdegate Hall Reserve - Project Completion	<u>\$25,885</u>
	<u>\$494,798</u>

*Works Outstanding on Termination of Eclat Contract*

The following is a listing of works outstanding at the date of termination of the contract with Eclat Building Pty Ltd.

<b>Eclat Contract Works Outstanding</b>	<b>Unit One</b>	<b>Unit Two</b>	<b>Unit Three</b>	<b>Unit Four</b>	<b>Lesser Hall</b>
Install External cladding (corrugated steel)			X	X	
Install barge boards and flashing, gables cladding, eaves trimming			X	X	
Supply and install wall insulation			X	X	
Supply, install, flush and make good gyprock to ceilings and walls including cornice and bulkheads			X	X	
Internal and external painting	X	X	X	X	
Complete carport common (fire ), wall including finishing off existing villaboard			X	X	
Installation of solar hot water system	X	X	X	X	
Flush, sand gyprock joints, install cornice and bulkheads		X			
Supply and installation of air conditioning	X	X	X	X	
Electrical fit out, lighting and power supply including smoke detectors, switchboard extension, power meter, sub main circuit protection, phone outlets	X	X	X	X	
Supply, install and commission of VAST satellite	X	X	X	X	
Supply and install kitchen, laundry and vanity cupboards and cabinets.	X	X	X	X	
Supply and install floor and wall ceramic tiling	X	X	X	X	
Supply and install floor covering	X	X	X	X	
Supply and install sanitary units (toilets, sinks, washing basins, vanity, trough) dishwasher, top plate	X	X	X	X	
Complete roof ridges and gutters			X	X	
Install down pipes and connect to stormwater drainage	X				
Install downpipes		X			
Supply and install internal plumbing pipes and hardware			X	X	
Supply and install internal doors			X	X	

Supply and install plumbing hardware		X			
Window treatment	X	X	X	X	
General cleaning	X	X	X	X	X
Supply and install air conditioning and hot water units					X
Installation of lighting and power points and switches					X
Installation of emergency (EXIT) signs and lighting					X
Upgrade main switchboard					X
Installation of Gazebo including lighting and painting					X
Installation of down pipes and guttering					X
Floor cover					X
Plastering and painting of external brick cladding					X
Painting of kitchen walls					X

*Estimated Value of Works Outstanding on Termination of Eclat Contract*

The estimated values of the works outstanding are as follows;

Unit One	\$67,687
Unit Two	\$68,687
Unit Three	\$101,791
Unit Four	\$101,791
Lesser Hall	\$36,410
Gazebo	\$16,000
	<u>\$392,366</u>

It is noted that this estimate value of works outstanding on the termination of the contract, does not include electrical or plumbing costs for the housing component of the project. A quote of \$43,120 has been accepted from Unique Plumbing Services to finalise the plumbing works for the project.

*Project Works to be completed by the Shire of Lake Grace*

Below is a listing of works to be completed by the Shire to finalise the project. The estimated cost of these works is \$155,000.

<b>Works to be completed by Shire of Lake Grace</b>
Supply lay and compact road pavement material
Install concrete kerbing
Supply place and compact hot mix
Brick paving
Retaining walls
Fencing
Stormwater drainage
Landscaping



Legal Implications

Legal advice was obtained from McLeods Barristers & Solicitors in relation to any actions and the process the shire was able to take in relation to the contract, in accordance with the Simple Works Contract held with Eclat.

On obtaining legal advice the process was commenced to termination of the contract with Eclat Building Pty Ltd. The contract was terminated on Monday 23 November 2015.

Policy Implications

Shire of Lake Grace Policy 3.7 - Purchasing Policy:

*Objectives*

*To provide compliance with the Local Government Act 1995 and the Local Government (Functions and General) Regulations, 1996 (as amended).*

*To provide clear guidelines to the Council and its officers for purchasing goods and services where the value of goods will be equal to or less than \$100,000 excluding GST.*

*To ensure consistency for all purchasing activities that integrates within all the Local Government operational areas.*

*To establish Council's support for local business.*

Consultation

Internal: Peter Bradbrook – Acting Chief Executive Officer

External: McLeods – Barristers & Solicitors

Financial Implications

A summary of the projected cost and available funding follows;

Estimated Value of Works Outstanding on Contract	\$392,366
Shire of Lake Grace Project Works	\$155,000
Unique Plumbing Services - Accepted Quote	\$ 43,120
	<u>\$590,486</u>
Less Available Funding	<u>\$494,798</u>
Project Shortfall	<u>\$ 95,688</u>

It is noted that this summary does not include a provision for the completion of the electrical works on the housing component of the project.

As detailed above an estimated project shortfall of \$95,688, other sources of funding will be required to cover this expense. Investigation is required to ascertain if we are able to use the \$44,669 in restricted cash for LOGCHOP Housing or surplus trust funds held by Great Southern Community Housing Association Inc.

The legal advice obtained for the termination of the contract was at a cost of \$4,046.70.

Strategic Implications

Shire of Lake Grace Strategic Community Plan

*Economic Focus Area 6) Increased affordable housing options*

Voting Requirements

Simple majority required

Recommendation / Resolution**MOTION 12198**Moved Cr Hunt  
Seconded Cr Stanton

That Council acknowledges the projected project funding shortfall and authorise the Chief Executive Officer to investigate alternatives to fund the shortfall and to seek legal advice on recovery options under the terms of the contract.

**MOTION CARRIED 8/0****MOTION 12199**Moved Cr Stanton  
Seconded Cr De Landgraft

That Council re-open the meeting to the public at this time, being 3:05 pm.

**MOTION CARRIED 8/0**

- 3:06 pm Mrs Danielle Robertson returned to the meeting*
- 3:08 pm President adjourned the meeting for afternoon tea.*
- 3:21 pm The meeting reconvened with all those previously present in attendance as well as Ms Lee Holben.*

**15.0 MATTERS FOR CONSIDERATION – COMMUNITY SERVICES**

*No items for consideration*

<b>16.0 MATTERS FOR CONSIDERATION - ADMINISTRATION</b>
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**16.1 DONATION ESPERANCE BUSH FIRES – LORD MAYOR’S DISTRESS RELIEF FUND**

<b>Applicant:</b>	Shire of Lake Grace / Shire President
<b>File No.</b>	0043
<b>Attachments:</b>	Nil
<b>Author:</b>	Mr Peter Bradbrook Acting Chief Executive Officer
<b>Disclosure of Interest:</b>	Nil
<b>Date of Report:</b>	24 November 2015
<b>Senior Officer:</b>	Mr Peter Bradbrook Acting Chief Executive Officer

Summary

The purpose of this report is for Council to consider contributing to the Lord Mayor’s Distress Relief Fund, which has been activated to raise and coordinate donations to support the victims of the 2015 Esperance Fires.

Background

Lightning ignited bushfires within the Esperance Shire on Sunday the 15 November 2015 and continued for several days thereafter. Catastrophic conditions were experienced on Tuesday 17 November with the fires being fanned by 100 kph winds. Four people lost their lives trying to escape.

Homes were destroyed, crops were decimated, fences and machinery were ruined and animals died during the fires. Seed for next year’s crops was lost while feed for the animals was wiped out in many instances.

Comment

The Shire President has raised the matter of donating funds to the Lord Mayor’s Distress Relief Fund to assist those affected by the bushfires. He believes it is important to acknowledge the circumstances that initiated the fires and caused the tragedies experienced. The Shire of Lake Grace has been fortunate to have been spared the heartache suffered by residents in the Esperance Shire.

The Shire President believes the Shire should assist with a donation and, where possible, local farmers could be encouraged to provide seed wheat and hay for feed to assist fellow farmers in the Esperance district to recover from the disaster.

Lake Grace was the benefactor of assistance from the Lord Mayor’s Distress Relief Fund in 2006 when the Shire experienced severe flooding. It is now an opportune time to assist another community suffering severe hardship. Besides which it is a humane action to take in any case.

Legal Implications

Nil

Policy Implications

Nil

Consultation

Internal – Shire President.

Financial Implications

Council budgeted only \$4,120 for donations and ex gratia payments in 2015/16. (Last year \$5,300 was budgeted but only \$1,550 was spent.) \$479 of the \$4,120 has already been spent this year leaving only \$3,641 in the account. The recommendation is for a minimum of \$5,000 to be allocated to the Lord Mayor's Distress Relief Fund. A budget adjustment would be necessary when the Budget is reviewed in February 2016.

Strategic Implications

The Shire of Lake Grace Strategic Community Plan supports a social environment by planning for the continuity of essential emergency services, including Bush Fire Brigades & St John Ambulance.

Providing assistance to the Esperance community is an extension of this commitment and demonstrates visionary leadership by elected members, as mentioned in the Strategic Community Plan.

Voting Requirements

Absolute majority (5) required.

Recommendation / Resolution**MOTION 12200**

Moved Cr Hunt  
Seconded Cr De Landgraft

That Council donates \$5,000 to the Lord Mayor's Distress Relief Fund, established for the 2015 Esperance Fires.

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

**16.2 LAKE GRACE SWIMMING POOL – 2015/16 SEASON**

*Cr Marshall declared an interest affecting impartiality in item 16.4 in that one of the Lake Grace Pool Managers is a family member.*

**Applicant:** Lake Grace Swimming Pool  
**File No.** 0517  
**Attachments:** Nil  
**Author:** Mr Peter Bradbrook  
 Acting Chief Executive Officer  
**Disclosure of Interest:** Nil  
**Date of Report:** 7 December 2015  
**Senior Officer:** Mr Peter Bradbrook  
 Acting Chief Executive Officer

Summary

The purpose of this item is for Council to approve the proposed Lake Grace Swimming Pool arrangements for the 2015/16 Season.

Background

At its 24 September 2014 meeting Council endorsed the opening hours for the Lake Grace Swimming Pool for the 2014/15 pool season. The 2014/15 pool season opened on Saturday 15 November 2014 and closed on Monday 30 March 2015. The pool was open 42.75 hours per week during this time.

Opening hours for the 2015/16 season have been advertised during October 2015 as follows:

Early morning:	Tues, Wed, Thurs and Fri	5.30am-7.00am
Midmorning:	Tues, Thurs and Sat	10.30am-11.30am
Weekday afternoons:	Mon-Fri	2.00pm-6.00pm
Weekends:	Sat and Sun	1.30pm-6.00pm

The advertised hours (38 per week) were to suit the beginning of the season and were to change as the weather became warmer. As Council would be aware, the opening of the 2015/16 pool season was delayed due to the requirement for a new chlorinator to be installed. The new chlorinator is now installed and operating. The times advertised in October were not implemented due to the delay.

During the delay with the opening the Pool Managers used the opportunity to undertake a survey in consultation with the community, regarding preferred opening hours for this pool season.

On Saturday morning 21 November 2015, Letisha Marshall and Fiona Chatfield made themselves available at the Lake Grace Plaza to talk to pool patrons regarding the upcoming pool season arrangements and sought information from them regarding their preferred operating hours. People added their names to the pool update contact list and the Managers also talked to people about pool safety, the WAW (Watch Around Water) program and what we have to look forward to for this pool season.

Comment

Twenty nine (29) community members took the opportunity to speak with Letisha and Fiona regarding current pool hours and options for amending the hours slightly.

Feedback received from pool patrons regarding opening hours indicated that the preferred hours would total 49.5 hours per week. It has been mentioned earlier in this article that Council approved 42.75 hours for the 2014/2015 swimming season.

It is recommended that Council approves 48 hours per week, as follows:

Tuesday, Wednesday, Thursday & Friday	5.30am – 7.00am	total 6 hours
Sunday – Saturday (7 days)	12noon – 6.00pm	total 42 hours

These times do eliminate the mid-morning sessions held on Tuesday, Thursday and Saturday last year; however the pool will open at noon daily, rather than 1.45pm. Although the above times provide for the Managers to work six hours shifts by each of them providing a letter agreeing to this arrangement the six hour shifts are acceptable.

It should be noted that during periods of bad or extreme weather the Pool Managers will close the pool to suit weather conditions i.e. thunderstorms, rainy and cold days. When this results in them closing the pool premises there will be no claim for wages during the closure. This will provide flexibility, budget wise, to extend the opening hours later into the evening, especially when heatwave conditions are experienced, which will be appreciated by the pool patrons.

Legal Implications

Nil.

Policy Implications

Nil.

Consultation

Internal: Acting Manager Corporate Services  
Swimming Pool Manager

External: Pool patrons

Financial Implications

A budget allocation of \$42,518.00 has been made in the 2015/16 Budget for Lake Grace Swimming Pool salaries, including superannuation. I have ascertained that from December 1<sup>st</sup> 2015 to 31<sup>st</sup> March 2016 \$30,397 has been budgeted for Wages/Salaries and Superannuation for the Lake Grace Swimming Pool.

I have calculated that opening the pool for 48 hours per week for this period will incur wages and superannuation of around \$27,545. (Based on \$30 per hour plus 0.95% superannuation for a period of 17 weeks @ 48 hours and 3 days x 7.5 hours x \$30 x 0.95%). Whilst the figure of \$27,545 is based solely on the opening hours of the pool the remaining \$3,000 (approx.) may be consumed by cleaning, gardening and vacuuming costs outside of the opening hours.

A further \$56,803 has been budgeted for Operating Expenses and I have been informed that when the new chlorination system has been installed there should be a reduction in these expenses. This cannot be confirmed until the new system is in operation for the four months the pool may be open.

Swimming Pool expenses will need to be addressed when the Budget Review is undertaken in February 2016.

#### Strategic Implications

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

- S3: Maintain and improve social community infrastructure to support community wellbeing.
- S5: Encourage and support the community and individuals to maintain and aspire to a healthy wellbeing (i.e. mental, social and physical) and balanced lifestyle.

#### Voting Requirements

Simple majority required.

#### Recommendation / Resolution

#### **MOTION 12201**

Moved Cr Hunt  
Seconded Cr Armstrong

That Council notes the information and endorses the 2015/16 Lake Grace Swimming Pool Season arrangements as follows:

Pool Season:           Open 7 days per week from 4/12/2015 – 31/03/2016  
(excluding Christmas Day)

Opening Hours:       Early morning swimming:   Tues-Fri 5:30 am – 7:00 am  
(excluding Christmas Day, Boxing Day, New Year's Day and  
Australia Day)

Weekdays and Weekends:   Noon – 6:00 pm

**MOTION CARRIED 8/0**



### 16.3 LOCAL EMERGENCY MANAGEMENT COMMITTEE – ESTABLISHMENT

<b>Applicant:</b>	Community Emergency Services Manager (CESM)
<b>File No.</b>	0239
<b>Attachments:</b>	Extract SEMC Policy & Governance Framework Review Project
<b>Author:</b>	Mrs Jeanette Bennett Executive Officer
<b>Disclosure of Interest:</b>	Nil
<b>Date of Report:</b>	1 December 2015
<b>Senior Officer:</b>	Mr Peter Bradbrook Acting Chief Executive Officer

#### Summary

This report is for Council to formalise the establishment of the Shire's Local Emergency Management Committee (LEMC).

#### Background

The Shire has an existing and active shire wide LEMC; it is scheduled to meet quarterly and has representation from various relevant agencies throughout the Shire.

Under the *Emergency Management Act 2005*, local governments are required to have Local Emergency Management Arrangements (LEMA) and each local government is required to establish, administer and maintain a LEMC.

Section 38 of the Emergency Management Act (EMA) states as follows:

#### **38. Local emergency management committees**

- (1) *A local government is to establish one or more local emergency management committees for the local government's district.*
- (2) *If more than one local emergency management committee is established, the local government is to specify the area in respect of which the committee is to exercise its functions.*
- (3) *A local emergency management committee consists of —*
  - (a) *a chairman and other members appointed by the relevant local government in accordance with subsection (4); and*
  - (b) *if the local emergency coordinator is not appointed as chairman of the committee, the local emergency coordinator for the local government district.*
- (4) *Subject to this section, the constitution and procedures of a local emergency management committee, and the terms and conditions of appointment of members, are to be determined by the State Emergency Management Committee (SEMC).*

In regard to subsection (4) of the EMA as stated above, the Shire's CESM, Mr Paul Roadley contacted Marie O'Dea from State Emergency Management Committee Secretariat who provided information regarding the LEMC constitution (i.e. terms of reference), procedures and the terms and conditions of appointment of members.

The SEMC 'draft' procedure manual at attachment forms part of the State Emergency Management Committee (SEMC) Policy and Governance Framework Review Project which has been distributed by the SEMC Policy Team for comment until 15 January 2016.

The information as supplied from the draft State Emergency Management Procedure Manual clearly sets out guidance on:

- LEMC Membership
- LEMC Membership Roles and Responsibilities
- LEMC Meeting Frequency
- LEMC Meeting Business
- Local Emergency Management Arrangement Requirements

### Comment

The draft guidelines state the Chair of the LEMC should be an elected member of Council and also make reference to the Local Emergency Coordinator being appointed as Deputy Chair and that the Local Recovery Coordinator should be appointed a member of the committee.

Mr Roadley advises that under the Shire of Lake Grace's current Local Emergency Management Arrangements (LEMA), the Chairman is the Shire President, the Police Department is the nominated Local Emergency Coordinator and the CEO the Local Recovery Coordinator.

Should Council wish to, it can amend the Shire's LEMA to read 'Elected Member' as Chair rather than the 'Shire President'.

Upon establishment of the committee, the various local agencies will be contacted to nominate a representative and proxies to the LEMC.

With regard to the committee's Terms of Reference, these can be formally adopted by the LEMC once the procedures as set out in the draft manual are adopted at the State Emergency Management Committee level.

### Legal Implications

*Emergency Management Act 2005*

### Policy Implications

Shire of Lake Grace Policy 4.1: Army Reserve and Local Emergency Service Members

### Consultation

Internal: Mr Paul Roadley, CESM

External: Ms Marie O'Dea, SEMC Secretariat

### Financial Implications

The Shire's annual budget allocates funds for its Local Emergency Management Committee expenses – Account E053101.

- Elected Member (i.e. Councillor) sitting fees do not apply as the LEMC is not a committee of Council.
- Elected Members are eligible to claim travel reimbursement as per Policy 1.6 – Members Travel Expenses.

Strategic Implications*Shire of Lake Grace Strategic Community Plan*

S2: Provide a supportive social environment

S2.1 Plan for the continuity of essential emergency services, including Bush Fire Brigades and St Johns Ambulance.

Voting Requirements

Simple majority required.

Recommendation / Resolution**MOTION 12202**

Moved Cr Chappell

Seconded Cr Hunt

1. That, as per section 38 of the *Emergency Management Act 2005*, Council establish a Local Emergency Management Committee consisting of:

Chair	Cr Andrew Walker
Deputy Chair	Officer in Charge, Lake Grace Police (Local Emergency Coordinator)
Executive Officer	Community Emergency Services Manager

- Committee:
1. Shire Chief Executive Officer (Local Recovery Coordinator)
  2. Shire Manager Community Services (Local Government Officer)
  3. Shire of Lake Grace Chief Bush Fire Control Officer
  4. St John Ambulance representatives from Lake Grace, Newdegate, Lake King and Varley.
  5. Department of Health representative
  6. Department of Child Protection and Family Support representative
  7. Co-operative Bulk Handling representative
  8. Department of Education representative
  9. Department of Fire and Emergency Services representative
  10. Main Roads WA representative
  11. Parks and Wildlife representative

2. The terms of appointment for the LEMC be for a two year period (i.e. October 2017), to coincide with the local government election cycle.
3. The Terms of Reference for the LEMC be as per the State Emergency Management Procedure Manual.

**MOTION CARRIED 8/0**

**16.4 NEWDEGATE SWIMMING POOL MANAGEMENT COMMITTEE**

<b>Applicant:</b>	Shire of Lake Grace
<b>File No.</b>	0412
<b>Attachments:</b>	Annexure A – Management Committee Rules
<b>Author:</b>	Mr Peter Bradbrook Acting Chief Executive Officer
<b>Disclosure of Interest:</b>	Nil
<b>Date of Report:</b>	04 December 2015
<b>Senior Officer:</b>	Mr Peter Bradbrook Acting Chief Executive Officer

**Summary**

The purpose of this report is to progress the appointment of three shire nominees to the Newdegate Swimming Pool Management Committee.

**Background**

On 5 October 2011 a representative for the Minister for Education and the Chief Executive Officer of the Shire of Lake Grace signed the Newdegate Primary School Pool Licence.

The term of the licence was for ten years commencing on 1 January 2010 and expiring on 31 December 2019 with provision for a further term of ten years expiring on 31 December 2029.

The Shire is entitled to exclusive use of the Facilities at all times other than:

- (i) Between the hours of 8.30am and 4.00pm on all School Days;
- (ii) Any time that the School requires use of the Facilities outside of the hours set in point (i) and has given the Shire at least 7 days prior written notice of its requirement to use the Facilities; and/or
- (iii) Such other times as are first agreed to by the Parties in writing.

Clause 6.16 (a) of the Agreement states that “The care and management of the Facilities shall be undertaken by the Management Committee. Membership of the Management Committee shall consist of 6 members (or such number as the Parties may from time to time agree) who, subject to this Agreement and any direction from the Parties, shall:

- (i) Monitor review and evaluate use of the Facilities by the Parties; and
- (ii) Exercise the functions set out in Annexure A (Management Committee Rules)

Clause 6.16 (b) of the Agreement states that “Membership of the Management Committee shall be comprised of the following members:

3 Shire appointees and 3 Ministerial appointees”.

Clause 6.16 (c) of the Agreement states that “The presiding member of the Management Committee shall be selected by the members of the Management Committee from members of the Management Committee”.

Comment

It appears that the Management Committee has never been established. The current Principal of the Newdegate Primary School requested a meeting of the “Committee” and this was held on 26 November. The Shire President, Acting Manager Corporate Services and the Manager Community Services attended.

As can be seen within the Management Committee Rules the Committee should meet at least once per semester. It should also be noted that the Committee cannot bind either the Minister or the Shire to any monetary or procedural obligation without the prior approval of both Parties or the particular Party in the case of a specific monetary or procedural matter.

The Newdegate Swimming Pool Manager was nominated as a potential appointment by the Principal, who was informed that it was not appropriate for her to be a voting member of the Committee. There was no objection to her attending the meeting to report on the Facility in a non-voting capacity.

Legal Implications

Nil

Policy Implications

Nil

Consultation

Nil

Financial Implications

There should be no significant increase in expenditure already incurred by the Shire of Lake Grace in relation to operating the Newdegate Swimming Pool.

Voting Requirements

Simple majority required.

Recommendation / Resolution**MOTION 12203**

Moved Cr Hunt

Seconded Cr De Landgraft

That Council appoints the three shire nominees as follows:

1. Cr Armstrong as the Newdegate Town Ward Councillor;
2. The Chief Executive Officer or his delegate, and
3. Invites nominations from the community to serve on the Committee to fill the remaining position.

**MOTION CARRIED 8/0**

**16.5      APPOINTMENT OF ELECTED MEMBER BY COUNCIL**

<b>Applicant:</b>	Shire of Lake Grace
<b>File No.</b>	0228
<b>Attachments:</b>	Nil
<b>Author:</b>	Mr Peter Bradbrook Acting Chief Executive Officer
<b>Disclosure of Interest:</b>	Nil
<b>Date of Report:</b>	04 December 2015
<b>Senior Officer:</b>	Mr Peter Bradbrook Acting Chief Executive Officer

**Summary**

The purpose of this report is to appoint an eligible person, willing to accept the appointment, to the unfilled office of Councillor for the Rural Ward.

**Background**

Local Government elections were held on the 17 October 2015. When nominations closed for the Rural Ward there were only two nominations received for the three vacancies. This resulted in the need to conduct an Extraordinary Election in accordance with s4.57 of the Local Government Act, 1995.

Council resolved, on 1 October 2015, that the Electoral Commissioner be responsible for the conduct of the Extraordinary Election and that it be held on 23 December 2015. When nominations closed on 16 November no nominations had been received.

Section 4.57(3) of the Local Government Act 1995 states:

“Council may appoint to any unfilled office a person who would be eligible to be a candidate for election to the office and who is willing to accept the appointment”. The appointment must be endorsed by an absolute majority of Council.

Mrs Rosalind Alice Lloyd of Newdegate has indicated a willingness to accept the appointment.

**Comment**

The eligibility of the candidate has been verified.

**Legal Implications**

*S4.57(3) of the Local Government Act 1995.*

**Policy Implications**

Nil

**Consultation**

Nil

**Financial Implications**

Whilst the position remained unfilled there were savings on travel reimbursement and meeting attendance fees.

Strategic Implications*Shire of Lake Grace Strategic Community Plan*

Vision: "To have skilled and confident leaders with fair and equitable community values."

Focus Area 1) Representative, equitable and visionary Council leadership

Voting Requirements

Absolute majority (5) required.

Recommendation / Resolution**MOTION 12204**

Moved Cr Chappell  
Seconded Cr Clarke

That Council endorses the appointment of Mrs Rosalind Alice Lloyd to the unfilled position of Councillor for the Rural Ward; with the term to expire on 19 October 2019.

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

**16.6      4WDL VROC STRATEGIC PLANNING – PRIORITIES**

<b>Applicant:</b>	4WDL ( <i>Shires of Wagin, Williams, West Arthur, Woodanilling, Dumbleyung &amp; Lake Grace</i> )
<b>File No.</b>	0733
<b>Attachments:</b>	4WDL Strategic Plan
<b>Author:</b>	Mrs Jeanette Bennett Executive Officer
<b>Disclosure of Interest:</b>	Nil
<b>Date of Report:</b>	9 December 2015
<b>Senior Officer:</b>	Mr Peter Bradbrook Acting Chief Executive Officer

**Summary**

For 4WDL Member Councils to provide feedback and prioritise the list of key projects put forward by members at the recent 4WDL Meeting.

**Background**

At its February 2015 Meeting, the 4WDL VROC discussed priority projects that aligned with the Groups Strategic Plan. The 4WDL Strategic Plan 2014/15 – 2016/17 is attached for reference.

At meetings held throughout the year, conversations have been had around what the next major project for the 4WDL to focus on could be.

Member councils would be aware that the Regional Aged Housing Project has been highly successful in achieving a great outcome for the region with the construction of well-aged housing across the Shires and the 4WDL is keen to now look towards a future collaborative project to benefit the people living in our Shires.

To assist with the process of ‘future 4WDL projects’ both the Wheatbelt Development Commission and Regional Development Australia organisations have attended meetings over past months to talk about priorities at both State and Federal level in relation to available grant funding opportunities that may exist.

At its meeting on Tuesday 8 December, group members discussed areas of common need across the region that would align with Federal and State focus areas and identified the following priority areas:

- Communications i.e. mobile phone reception & internet services/capacity throughout the region.
- Water Security i.e. developing water security plans for the region to ensure our ‘water’ future.
- Housing i.e. provision of short and long term accommodation for local industry.
- Development of ‘business ready’ industrial land i.e. develop land and business premises ready to move into.

**Comment**

The meeting felt it appropriate to take the discussion back to individual councils so that all 4WDL member shires can have input into what they feel is most important for their community and the region.

As stated above the 4WDL group have identified four common areas of need relevant to Shires across the region and request each Member Council prioritise the areas from highest to lowest.



Councils may also wish to suggest other ideas and projects for discussion and consideration by 4WDL.

Legal Implications

N/A

Policy Implications

N/A

Consultation

4WDL member councils to provide comment and feedback.

Financial Implications

N/A

Strategic Implications

**4WDL Strategic Plan 2014/15 – 2016/17**

*Vision: To be an alliance that is proactive and responsive to the changing environment whilst valuing and enhancing local communities.*

*Mission:*

- *To position 4WDL as a viable, political, social and economic region.*
- *To enhance service delivery and infrastructure for our collective and individual communities.*
- *To achieve a sustainable, cost effective model for the sharing of resources.*

Voting Requirements

Simple majority required

Recommendation / Resolution

**MOTION 12205**

Moved Cr Clarke  
Seconded Cr De Landgraft

That the Shire of Lake Grace prioritises the areas as follows:

1. Communications
2. Water
3. Health Services
4. Housing

**MOTION CARRIED 8/0**

## 17.0 INFORMATION BULLETIN

### 17.1 INFORMATION BULLETIN REPORT – DECEMBER 2015

<b>Applicant:</b>	Executive Services
<b>File No.</b>	N/A
<b>Attachments:</b>	Information Bulletin (under separate cover)
<b>Author:</b>	Mrs Danielle Robertson Executive Assistant
<b>Disclosure of Interest:</b>	Nil
<b>Date of Report:</b>	8 December 2015
<b>Senior Officer:</b>	Mr Peter Bradbrook Acting Chief Executive Officer

#### Summary

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

#### Background

The Information Bulletin Reports deal with monthly standing items and other information of a strategic nature relevant to Council.

***Note: 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 (December 2015) Information Bulletin Report has been emailed to Councillors.

The December 2015 Information Bulletin attachment includes:

#### **Reports**

1. Council Status Report - November 2015
2. Infrastructure Services Report – November 2015
3. Outstanding Rates Report – November 2015
4. Monthly Schedules – October 2015
5. Monthly Schedules – November 2015
6. CESM Report – November 2015
7. Dogging Monthly Data – November 2015
8. Lake Grace Swimming Pool Report – November 2015
9. Lake Grace Visitor Centre Statistics – Sept-Nov 2015
10. Shire of Lake Grace Website Statistics – November 2015
11. Shire of Lake Grace Facebook Insights – November 2015

#### **Letters**

12. Dept Local Govt & Communities – Workforce Planning Capacity Building

**Minutes**

13. WALGA Central Country Zone minutes – 27 November 2015

14. LEMC Meeting – 26 October 2015

Legal Implications

Nil

Policy Implications

Nil

Consultation

N/A

Financial Implications

Nil

Strategic Implications

Shire of Lake Grace Strategic Community Plan

*Civic Leadership - Focus Area 5*

- *Excellence in Shire administration and communication*

Voting Requirements

Simple majority required.

Recommendation / Resolution**MOTION 12206**

Moved Cr De Landgraft

Seconded Cr Armstrong

That Council accepts the Information Bulletin report.

**MOTION CARRIED 8/0**

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

**18.1 WA SPORTS STAR OF THE YEAR**

Given the successes of Nat Fyfe in 2015 and previous recognition by Council on his achievements and positive representation of Lake Grace and its surrounds, Council will forward congratulations and acknowledgement to Nat Fyfe on his recent award for WA Sports Star of the Year.

**19.0 SCHEDULING OF MEETING**

**19.1 FEBRUARY 2016 ORDINARY MEETING**

As per Resolution 12181, 18 November 2015, the February 2016 Ordinary Meeting of Council has been scheduled to take place on Wednesday 24 February 2016, commencing at 3.00 pm in Council Chambers, 1 Bishop St, Lake Grace WA 6353.

**20.0 CONFIDENTIAL BUSINESS – AS PER LOCAL GOVERNMENT ACT S5.23 (2)**

**MOTION 12207**

Moved Cr Chappell  
Seconded Cr Marshall

That Council close the meeting to the public at this time, being 3:46 pm to discuss Item 20.1 – Australia Day Citizenship Awards.

**MOTION CARRIED 8/0**

**20.1 CONFIDENTIAL ITEM – 2016 AUSTRALIA DAY CITIZENSHIP AWARDS**

*Item forwarded under separate cover*

**MOTION 12208**

Moved Cr Chappell  
Seconded Cr Armstrong

That Council re-open the meeting to the public at this time, being 3:58 pm.

**MOTION CARRIED 8/0**

*The President read aloud the motion passed in Confidential Business*

**MOTION 12209**

Moved Cr Chappell  
Seconded Cr Clarke

That the recipients of the 2016 Premier's Australia Day Active Citizenship Awards for:

- Active Citizenship of the Year for persons over 25 years;
- Active Citizenship Award for a Community Event of the Year;
- Active Citizenship Award for a person under 25 years.

remain confidential until 26th January 2016.

**MOTION CARRIED 8/0**

**21.0 CLOSURE**

There being no further business, the Shire President closed the meeting at 4:01 pm.

**22.0 CERTIFICATION**

I, \_\_\_\_\_, certify that the minutes of the meeting held on the 15 December 2015 as shown were confirmed as a true record at the meeting held on the 24 February 2016.

\_\_\_\_\_  
Shire President

\_\_\_\_\_  
Date