

Shire of Lake Grace

Ordinary Council Meeting



NOTICE PAPER

To the President and Councillors

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

Date: Wednesday 22 June 2016

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

Commencing: 3.00 pm

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

A handwritten signature in blue ink, appearing to read "Neville Hale", is written over a light blue horizontal line.

Neville Hale
Chief Executive Officer

17 June 2016
Date

Shire of Lake Grace

Ordinary Council Meeting

Agenda

22 June 2016

Meeting Commencing at 3.00 pm



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SHIRE OF LAKE GRACE

Agenda for the Ordinary Meeting of Council to be held at the Council Chambers, 1 Bishop Street, Lake Grace on Wednesday 22 June 2016.

1.0 OPENING & ANNOUNCEMENT OF VISITORS

The Shire President opened the meeting at __ pm.

2.0 ATTENDANCE RECORD

2.1 PRESENT

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

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
Ms N Bowman	Governance & Council Support Officer

Observers/Visitors

2.2 APOLOGIES

2.3 LEAVE OF ABSENCE PREVIOUSLY GRANTED

Resolution 12219, 24 February 2016

Cr Marshall has approved leave of absence from 29 July 2016 to 22 August 2016.

Resolution 12267, 27 April 2016

Cr De Landgraft has approved leave of absence from 7 July 2016 to 12 August 2016.

Resolution 12282, 25 May 2016

Cr Lloyd has approved leave of absence from 16 October 2016 to 4 November 2016.

3.0 PUBLIC QUESTION TIME

4.0 APPLICATIONS FOR LEAVE OF ABSENCE

5.0 MINUTES OF PREVIOUS COUNCIL MEETINGS

5.1 ORDINARY MEETING – 25 MAY 2016

Resolution

RESOLUTION

Moved Cr
Seconded Cr

That the minutes of the Ordinary Meeting of Council held on the 25 May 2016 be confirmed as a true and accurate record.

MOTION CARRIED

6.0 DECLARATIONS OF INTEREST

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

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

6.3 DECLARATIONS OF IMPARTIALITY INTEREST – ADMINISTRATION REGULATION SECTION 34C

7.0 NOTICES OF URGENT BUSINESS

8.0 MOTIONS OF WHICH NOTICE HAS BEEN RECEIVED

9.0 PETITIONS/DEPUTATIONS/PRESENTATIONS/SUBMISSIONS

10.0 MEMBERS' REPORTS

10.1 **CR ARMSTRONG**

10.2 **CR CHAPPELL**

10.3 **CR CLARKE**

10.4 **CR DE LANDGRAFFT**

10.5 **CR HUNT**

10.6 **CR LLOYD**

10.7 **CR MARSHALL**

10.8 **CR STANTON**

10.9 **CR WALKER**

11.0 MATTERS FOR CONSIDERATION – INFRASTRUCTURE SERVICES

11.1 RELOCATION OF A STREET LIGHTING POLE AT LOT 268 MASON STREET, LAKE GRACE

Applicant: Fyfe Transport
File No. 0241
Attachments: 1. Western Power Access Offer Cost Estimate
 2. Western Power Access Offer Acceptance
 3. Western Power Design Drawing – WP Asset Relocation

Author: Mr Louka Shopov

Disclosure of Interest: Nil
Date of Report: 14 June 2016
Senior Officer: Mr Neville Hale


 Manager Infrastructure Services


 Chief Executive Officer

Summary

For Council to consider a request for relocation of street lighting pole on south corner of T-junction of Mason Street and South Road, Lake Grace.

Background

Mr David Fyfe, from Fyfe Transport, has requested the Shire to relocate a street lighting pole at the T-junction of Mason Street and South Road as the pole is within the turning path of long heavy vehicles and this is a traffic hazard with high probability and high level of risk consequences.

Road trains traveling north on South Road and negotiating left turn on Mason Road, use the south bound line to allow enough room for the movement. Traffic inspectors from Main Roads Western Australia (MRWA) regularly monitor the area and direct long heavy vehicles to use Absolon Street as an alternative access to industrial part of town.

Comment

Shire officers have lodged an application to Western Power for preliminary cost estimate of a potential relocation of the street light pole. Western Power estimated cost to relocate the pole is \$19,741.00 (GST excluded).

There is no strong justification for relocating the lighting pole, due to the alternative access to industrial area via Absolon Street. Transport operators would have to provide funding for the relocation of the pole for their convenience and safety.

Legal Implications

Transport operators could face significant fines for turning left on Mason Street with heavy truck combinations as they create traffic hazard by encroaching the opposite traffic line.

Policy Implications

Nil

Consultation

External - Western Power
Main Roads Western Australia (MRWA)
Fyfe Transport, Lake Grace

Financial Implications

There is no allowance for \$19,741.00 for the relocation of the street light pole in the Shire of Lake Grace 2015/2016 Budget.

Strategic Implications

Shire of Lake Grace Community Strategic Plan
Roads safety and level of service

Recommendation

That Council decline the request from Fyfe Transport for relocation of the street lighting pole at the south corner of T-junction between Mason Street and South Road, Lake Grace.

Voting Requirements

Simple majority required.

Resolution

Moved Cr

Seconded Cr

12.0 MATTERS FOR CONSIDERATION – PLANNING
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12.1 DEVELOPMENT APPLICATION – PROPOSED ADDITIONAL TEMPORARY WORKERS ACCOMMODATION (TRANSPORTABLE BUILDINGS) ON LOT 107 VARLEY ROAD, LAKE KING

Applicant:	Cooperative Bulk Handling Limited (Landowners)
File No.	0454
Attachments:	<ol style="list-style-type: none"> 1. Plan 1 - Location Plan 2. Plan 2 - Existing Lot Configuration 3. Plan 3 - Aerial Site Plan 4. Plan 4 - Site Development Plan 5. Plan 5 - Floor Plan (<i>under separate cover</i>) 6. Plan 6 - Elevations 7. Plan 7 - Photographs
Author:	Mr Joe Douglas & Carlo Famiano (Urban & Rural Perspectives) Town Planning Consultant
Disclosure of Interest:	Nil
Date of Report:	15 June 2016
Senior Officer:	Mr Neville Hale



Chief Executive Officer

Summary

This report recommends that a development application submitted by Cooperative Bulk Handling Limited (CBH) to place two (2) second-hand transportable buildings and develop associated infrastructure to provide additional temporary workers accommodation at its existing grain handling and storage facility on Lot 107 Varley Road, Lake King be approved subject to conditions.

Background

CBH are seeking Council's development approval to place two (2) second-hand transportable buildings to provide additional temporary workers accommodation (i.e. an additional 8 dwelling units) at its existing grain handling and storage facility on Lot 107 Varley Road, Lake King.

Lot 107 is located immediately adjacent to the northern boundary of the Lake King townsite. The land is irregular in shape, comprises a total area of approximately 22.325 hectares, and has direct frontage and access to Varley Road along its north-eastern boundary (see Plans 1 & 2).

Lot 107 has been partially cleared and developed for rural industry type purposes and contains a number of structures associated with CBH's existing grain handling and storage facilities on the land (i.e. sheds, weighbridge, conveyors, grain storage bins, temporary workers' accommodation dwellings, numerous internal access roads and stormwater drainage infrastructure). Vehicle access to the facility is currently provided by two (2) driveway crossovers along the property's Varley Road frontage which have been constructed in accordance with previous approvals issued by the Shire and Main Roads WA (MRWA) (see Plan 3).

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

- i) Placement of two (2) 47.6 square metre second-hand transportable buildings comprising a total of eight (8) bedrooms including ensuites to each. The structures will be raised approximately 200 millimetres above the natural ground level (see Plans 4 to 6);
- ii) The transportable buildings will have a setback of approximately 15.4 metres from the land's north-eastern front boundary (i.e. Varley Road);
- iii) The transportable buildings will comprise a flat zincalume roof and colorbond wall cladding (i.e. 'Paper Bark' colour). The overall height of the buildings will be 3 metres above the natural ground level;
- iv) Construction of pedestrian access ramps/paths and a steel framed, zincalume covered verandah over the pedestrian access areas;
- v) Installation of additional landscaping along the land's frontage to Varley Road to help screen the proposed buildings from public view;
- vi) Decommissioning of the on-site effluent disposal system servicing the existing workers' accommodation facilities on the land and the installation of new on-site effluent disposal system (i.e. septic tanks and leach drains) to service both the existing and proposed facilities;
- vii) The transportable buildings will provide temporary accommodation for up to eight (8) additional CBH workers, increasing the capacity of the accommodation facilities on the land to twenty four (24) employees; and,
- viii) Construction of eight (8) additional on-site car parking bays to cater for the increased number of employees proposed to be accommodated on the land.

Comment

Lot 107 is classified 'General Industry' zone under the Shire of Lake Grace's current operative Local Planning Scheme No.4 (LPS No.4).

The key objectives of the land's current 'General Industry' zoning classification are to provide for general light and service industries which by the nature of their operations should be separated from residential areas and to provide employment opportunities for residents of the district.

The current use of Lot 107 by CBH for grain handling and storage purposes is most appropriately defined in Schedule 1 of LPS No.4 as a 'rural industry'. Under the terms of LPS No.4 the development and use of any land classified 'General Industry' zone for the purposes of a 'rural industry' is listed as discretionary (i.e. 'D') which means it is not permitted unless Council has exercised its discretion by granting development approval.

Under the terms of LPS No.4 the use class 'temporary workers accommodation' is not expressly listed in the Zoning Table as being a permitted or discretionary use on any land within the Scheme Area. Notwithstanding this fact, given that Council has historically granted approval for the development and use of temporary workers accommodation on Lot 107 to support the current approved use of the land for 'rural industry' purposes with no evidence of any issues or complaints, it is contended that such development and use is acceptable on the property with significant scope for the issuance of further approvals without the need for public advertising.

In considering the application, Council must also have regard for the fact Lot 107 currently has direct frontage and access to Varley Road which is a State road under the care, control and management of MRWA and is currently classified 'Local Scheme Reserve – Major Road' in LPS No.4. Given these facts, the potential increase in the number of vehicle movements to and from the site arising from the proposed development and evidence of unauthorised access to/from Varley Road adjacent to the existing workers accommodation facilities, the application was referred to MRWA for review and comment in accordance with the specific requirements of Clause 5.3.1 of LPS No.4.

By correspondence dated 2 June 2016, MRWA advised it has no objection to the proposed development subject to no additional vehicle access points being constructed along the land's Varley Road frontage (i.e. all access/egress to Varley Road must be limited to the existing approved access points).

Compliance with LPS No.4 Development Standards

LPS No.4 does not contain any specific standards governing the development and use of land classified 'General Industrial' zone for the purposes of a 'rural industry' or 'temporary workers accommodation'. As such the application has been assessed with due regard for the general development standards applicable to all 'General Industry' type uses.

An assessment of the proposal against the development standards contained in LPS No.4 has confirmed it is compliant except for the following:

- i) Front building facade; and
- ii) Use of transportable buildings.

The following is a brief discussion of these two (2) non-compliance issues:

Front Building Facade

Clause 5.9.5 of LPS No.4 requires the front facade of all buildings in the 'General Industry' zone to be orientated towards the primary street frontage and constructed in brick, concrete or masonry. Notwithstanding this general requirement, LPS No.4 affords Council the discretion to vary this requirement where it is satisfied such variation will not detract from the amenity of the immediate locality.

The plans submitted in support of the application show the proposed buildings will be constructed of metal wall and roof cladding and sited with their front facades orientated internally and not towards the land's primary street frontage.

Despite the proposal's non-compliance with Clause 5.9.5, the reporting officers have formed the view it is unlikely to have any adverse impacts on the existing character and amenity of the immediate locality for the following reasons:

- i) Lot 107 currently contains a number of similar structures with metal cladding on their front facades (i.e. transportable buildings and sheds), some of which are partially visible from Varley Road without any adverse visual impacts on the immediate locality;
- ii) The proposed buildings will have a 15.4 metre setback from the land's primary street frontage (i.e. Varley Road) and will be partially screened from public view through existing and proposed vegetation within the street setback and verge areas; and,
- iii) The proposed buildings are relatively small in size and therefore unlikely to have a negative impact on the local streetscape in terms of their bulk and scale.

Given the above conclusions it is recommended that Council support the orientation and non-masonry facade of the buildings as proposed.

Transportable Buildings

Clause 5.21 of LPS No.4 contains a number of provisions and standards applicable to the development and use of transportable dwellings or structures on any land within the Shire. This clause specifically states such buildings are not permitted unless:

- a) *in the opinion of the local government such a dwelling or building is in a satisfactory condition and will not detrimentally affect the amenity of the area; and,*
- b) *the sub-floor area of the building is enclosed with brick, stone, vermin battens or by other means acceptable to the local government and, where the building is considered by the local government to be exposed, or in a position such as to be visually prominent, the local government may require satisfactory landscaping measures to be carried out.*

As previously mentioned CBH are proposing to install two (2) second-hand transportable buildings on Lot 107 for workers accommodation purposes. A review of photographs provided by the applicant of similar buildings recently installed at their Mt Madden facility (see attached Plan 7) indicate the buildings to be placed on Lot 107 will be flat roofed, 'donga' type structures in relatively good condition that may require some minor upgrade works (i.e. external painting and enclosure of the sub-floor area) to bring them up to an acceptable standard of presentation.

The plans submitted in support of the application also propose the installation of a new landscaping strip along the land's frontage to Varley Road to help screen the proposed buildings from public view.

Given the above it is concluded the proposed buildings are unlikely to have a detrimental impact upon the visual amenity of the immediate locality provided minor upgrade works are undertaken (i.e. external painting and enclosure of the sub-floor area) and the proposed new landscaping strip along the land's frontage to Varley Road is installed. The imposition of suitable conditions on any development approval issued by Council is therefore recommended to satisfy the specific requirements of LPS No.4.

Bushfire Attack Level Assessment

Lot 107 has been identified by the Department of Fire and Emergency Services (DFES) as being located within a designated 'Bushfire Prone Area'. In accordance with Schedule 2 Part 10A of the *Planning and Development (Local Planning Scheme) Regulations 2015* a 'Bushfire Attack Level' (BAL) assessment is required to be submitted to assist Council's consideration and determination of the application.

The applicant has submitted a BAL assessment prepared by Milestone Building Code Certifiers. A review of that assessment has confirmed the following:

- i) Lot 107 is classified as having a BAL-FZ rating with an extreme risk of ember attack and burning debris ignited by wind-borne embers with a likelihood of exposure to an extreme level of radiant heat and direct exposure to flames from any fire front;
- ii) A preferred rating of BAL-19 could be achieved with a separation distance of at least 20 metres from any identified bushfire threat through the creation of an 'Asset Protection Zone' (APZ) to ensure the potential radiant heat impact of a fire does not exceed 29kW/m²;
- iii) Where an APZ of 20 metres cannot be provided to achieve the preferred BAL rating (i.e. BAL-19), an APZ of at least 13 metres will be sufficient to limit the radiant heat

- exposure to 29kW/m² and achieve a maximum rating of BAL-29 which is consistent with the objectives of State Planning Policy No.3.7 entitled '*Planning in Bushfire Prone Areas*'; and,
- iv) The APZ will need to be adequately maintained in future to prevent the accumulation of bushfire fuel loads with only 'low threat vegetation' as defined by Australian Standard No.AS3959-2009 being permitted within.

Whilst the aforementioned BAL assessment recommends a preferred rating of BAL-19 for the proposed development, the applicant will need to clear existing stands of native vegetation on Lot 107 and within the adjoining Varley Road verge area to create the required APZ which is not considered to be the most ideal outcome given the visual screening benefits the existing vegetation currently provides.

In order to maintain and improve the screening benefits afforded by the existing vegetation and proposed new landscaping along the land's frontage to Varley Road, it is considered preferable to allow for the development to proceed with an APZ of at least 13 metres to achieve a maximum rating of BAL-29 consistent with the objectives of State Planning Policy No.3.7 referred to previously above. The imposition of suitable conditions on any development approval issued by Council to achieve these outcomes is therefore recommended.

Conclusion

It is concluded from a detailed assessment of the application that CBH's proposal to construct additional temporary workers accommodation and associated infrastructure on Lot 107 Varley Road, Lake King is unlikely to have a negative impact on the general amenity, character, functionality and safety of the immediate locality and may therefore be supported and approved by Council subject to the imposition of a number of conditions to ensure the development proceeds in a proper and orderly manner. As such it is recommended that Council exercise its discretion and grant conditional development approval.

Legal Implications

Planning and Development Act 2005

Shire of Lake Grace Local Planning Scheme No.4

Part 10A Planning and Development (Local Planning Scheme) Regulations 2015

- *Bushfire Risk Management*

Environmental Protection (Clearing of Native Vegetation) Regulations 2004

Policy Implications

State Planning Policy 3.7 - Planning in Bushfire Prone Areas

Consultation

Community consultation not required however the application was referred to the following parties for review and comment during the assessment process:

External - Main Roads WA – Vehicle access requirements to/from Varley Road
Mr Geoffrey Lush of Lush Fire & Planning – Bushfire planning requirements

Financial Implications

Nil

Strategic Implications

N/A

Recommendation

That the application for development approval submitted by Cooperative Bulk Handling Limited to place two (2) second-hand transportable buildings and develop associated infrastructure to provide additional temporary workers accommodation on Lot 107 Varley Road, Lake King 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. All stormwater generated by the proposed development shall be managed and disposed of to the specifications and satisfaction of the Shire of Lake Grace;
3. A potable water supply shall be provided for the proposed development to the satisfaction of the Shire of Lake Grace;
4. The proposed development shall be provided with an adequate on-site effluent disposal system constructed and maintained to the specifications and satisfaction of the Shire of Lake Grace;
5. All on-site vehicle accessways and parking areas associated with the proposed development shall be constructed and maintained to the specifications and satisfaction of the Shire of Lake Grace;
6. No additional vehicle access points are permitted to be constructed along the land's Varley Road frontage (i.e. all access/egress to Varley Road must be limited to the existing approved access points);
7. All existing vegetation within the Varley Road road reserve shall be retained unless its removal is authorised in writing by the Shire's Chief Executive Officer;
8. A two (2) metre wide strip along the front boundary of Lot 107, as shown on the approved plans, shall be dedicated and used for landscaping purposes. A landscaping plan shall be prepared and submitted to the Shire of Lake Grace for consideration and approval by the Shire's Chief Executive Officer prior to the commencement of development on the land;
9. All approved landscaping shall be installed prior to occupation of the transportable buildings and shall be maintained as 'low bushfire threat vegetation' in accordance with Australian Standard No.AS3959-2009 to the satisfaction of the Shire of Lake Grace;
10. A maximum of twenty four (24) employees are permitted to be accommodated on the land at any one given time unless otherwise approved by Council;
11. The sub-floor area of the transportable buildings shall be enclosed with brick, stone, vermin proof battens or other means acceptable to the Shire of Lake Grace;
12. The external walls and gutters of the transportable buildings shall be repaired as required and painted with complementary colours to bring it up to an acceptable standard of presentation as determined by the Shire of Lake Grace;
13. A refundable cash bond of \$5,000.00 shall be paid to the Shire of Lake Grace prior to the issuance of a building permit to ensure the transportable buildings are completed to an acceptable standard of presentation as determined by the Shire within twelve (12) months of issuance of a building permit;
14. An 'Asset Protection Zone' comprising a minimum distance of 13 metres measured from the external walls of the transportable buildings (including any verandahs) shall be created by way of vegetation clearing in order to achieve a maximum rating of BAL-29 to the satisfaction of the Shire of Lake Grace;
15. The fine fuel load within the 13 metre 'Asset Protection Zone' required by Condition

- 14 above shall maintained at two (2) tonnes per hectare with only 'low bushfire threat vegetation' as defined by Australian Standard No.AS3959-2009 being permitted within;
16. Any fencing within the 'Asset Protection Zone' shall be constructed using non-combustible materials (e.g. iron, brick, limestone, metal post and wire); and,
 17. The land surrounding the proposed 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 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 development shall be carried out without the further approval of the Shire of Lake Grace having first been sought and obtained;
2. The applicant must make arrangements with the Department of Environment Regulation to secure approval to any clearing permit that may be required under the *Environmental Protection (Clearing of Native Vegetation) Regulations 2004* prior to the removal of any native vegetation;
3. 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;
4. The proposed development 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;
5. 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;
6. No construction works shall commence on the land prior to 7am without the Shire's written approval. No construction works are permitted on Sundays or Public Holidays;
7. Failure to comply with any of the conditions of this development approval constitutes an offence under the provisions of the *Planning and Development Act 2005* and the Shire of Lake Grace Local Planning Scheme No.4 and may result in legal action being initiated by the local government; and,
8. If the applicant or owner is aggrieved by this determination there is a right of review by the State Administrative Tribunal in accordance with the Planning and Development Act 2005 Part 14. An application must be submitted within 28 days of the determination.

Voting Requirements

Simple majority required.

Resolution

Moved Cr

Seconded Cr

**12.2 DEVELOPMENT APPLICATION – PROPOSED TELECOMMUNICATIONS
INFRASTRUCTURE ON LOT 1542 NEWDEGATE-RAVENSTHORPE ROAD,
LAKE KING**

Applicant: Axicom Pty Ltd on behalf of Gregory and Kim McLean (Landowners)
File No. 0454
Attachments: 1. Plan 8 – Location Plan
2. Plan 9 - Existing Lot Configuration
3. Plan 10 - Aerial Site Plan
4. Plan 11 - Site Development Plan
5. Plan 12 - Floor Plan (*under separate cover*)
6. Plan 13 - Elevations
Author: Mr Joe Douglas & Carlo Famiano (Urban & Rural Perspectives)
Town Planning Consultant
Disclosure of Interest: Nil
Date of Report: 15 June 2016
Senior Officer: Mr Neville Hale



Chief Executive Officer

Summary

This report recommends that a development application submitted by Axicom Pty Ltd on behalf of Gregory and Kim McLean (Landowners) to construct new telecommunications infrastructure on portion of Lot 1542 Newdegate-Ravensthorpe Road, Lake King be approved subject to conditions.

Background

The applicant is seeking Council's development approval to construct new telecommunications infrastructure on portion of Lot 1542 Newdegate-Ravensthorpe Road, Lake King to provide the Western Australia Police with Ultra High Frequency (UHF) coverage in the Lake King/Mount Madden area to allow for handheld radio telecommunications devices to be used efficiently and effectively without interference.

Lot 1542 is located approximately fourteen (14) kilometres south of the Lake King townsite. The land is irregular in shape, comprises a total area of approximately 990.94 hectares, and has direct frontage and access to Newdegate-Ravensthorpe Road along its eastern boundary (see Plans 8 & 9).

Lot 1542 has been extensively cleared throughout as a result of its historical development and use for broad acre agricultural purposes (i.e. cropping and grazing). Despite the land having been extensively cleared, there are a number of large stands of native vegetation scattered throughout as well as numerous salt lakes located within its western and northern segments. The land contains a number of physical improvements associated with its current rural use including dams, internal access tracks, boundary fencing and a disused single detached dwelling (see Plan 10).

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

- i) Erection of a new 60 metre high lattice tower comprising numerous panel and parabolic antennas located at varying heights. The tower will have a setback of approximately 1.4 kilometres west of the land's primary street frontage (i.e. Newdegate-Ravensthorpe Road) and approximately 110 metres from the land's southern side boundary. It is significant to note the overall height of the tower, including the antennas to be mounted thereon, will be 61.5 metres (see Plans 11 to 13);
- ii) Installation of a new 3.5 square metre metal equipment shelter comprising an approximate height of 2.7 metres;
- iii) Installation of cabling between the equipment shelter and the tower to service the proposed antennas;
- iv) Erection of a 2.4 metre high chain link security fence and suitable width access gates around a proposed 400 square metre compound containing all of the above mentioned infrastructure; and,
- v) All vehicle access to the facility will be provided via an existing internal access track connected to an existing driveway crossover on the land's Newdegate-Ravensthorpe Road frontage which will be used for construction and ongoing maintenance purposes on an infrequent basis.

Comment

Lot 1542 is classified 'General Agriculture' zone under the Shire of Lake Grace's current operative Local Planning Scheme No.4 (LPS No.4).

The key objectives of the land's current 'General Agriculture' zoning classification are to ensure the continuation of broad hectare farming as the principle land use within the district, protect the rural landscape/character, control the fragmentation of agricultural land through further subdivision, and consider non-rural uses where they can be shown to be of a benefit to the district.

Under the terms of LPS No.4 the development and use of land classified 'General Agriculture' zone for the purpose of 'telecommunications infrastructure' is listed as a discretionary (i.e. "D") use which means it is not permitted unless the local government has exercised its discretion by granting development approval.

In considering the application, Council must also have regard for the fact Lot 1542 currently has direct frontage and access to Newdegate-Ravensthorpe Road, which is a State road under the care, control and management of Main Roads Western Australia (MRWA) and is currently classified 'Local Scheme Reserve – Major Road' in LPS No.4.

Clause 5.3.1 of LPS No.4 expressly states that where a development application is submitted in respect of any land abutting a 'Major Road', the Shire may consult with and consider any advice from MRWA. Notwithstanding the general requirements of this clause, Council should note the application has not been referred to MRWA for review and comment as the volume of traffic likely to be generated by the proposal is expected to be quite minimal with referral deemed unnecessary in this particular instance.

Compliance with LPS No.4 Development Standards

LPS No.4 does not contain any specific standards governing the development and use of land within the scheme area for telecommunication infrastructure purposes. As such the application must be considered and determined by Council on its merits with due regard for the broader planning objectives of LPS No.4 including any impacts the proposal may have on surrounding land uses and the general character, amenity, functionality and safety of the immediate locality.

Following detailed assessment of the application the reporting officers' have formed the view the proposal satisfies the general aims and objectives of LPS No.4 and has considerable merit for the following reasons:

- i) The subject land is well removed from the nearest townsite (i.e. Lake King) and comprises a significant area which will enable its continued use for broad acre agricultural purposes;
- ii) The location of the proposed infrastructure maintains a substantial separation distance from any existing sensitive land uses, with the nearest dwelling being located approximately 4.1 kilometres north-east of the subject land;
- iii) It will not result in the clearing of any significant native vegetation of regional significance and is unlikely to have a detrimental impact on the natural environment;
- iv) Despite the height and bulk of the proposed tower, it is considered unlikely to have a detrimental impact on the visual character or amenity of the immediate locality due to the structure's visual permeability, the nature and scale of existing surrounding land uses (i.e. broad acre agriculture and land conservation reserves) and its location approximately 1.4 kilometres west of Newdegate-Ravensthorpe Road being the land's primary road frontage;
- v) It will not generate significant volumes of vehicular traffic; and,
- vi) It will provide a much needed upgrade to the WA Police's radio communications network within the district which is likely to be of significant long term benefit for the local community.

Western Australian Planning Commission State Planning Policy No.5.2 – Telecommunications Infrastructure

State Planning Policy No.5.2 (SPP 5.2) provides a framework for the preparation, assessment and determination of planning applications proposing the development of telecommunications infrastructure throughout Western Australia.

Section 5.1.1 of SPP No.5.2 contains a number of matters to be considered by all local government authorities when determining development applications for the construction of telecommunication facilities, with a particular emphasis on the location and design of such infrastructure to minimise any potential negative visual impacts.

A detailed assessment of the application by the reporting officers' has confirmed the proposal for Lot 1542 is generally consistent with the relevant criteria listed in Section 5.1.1 of SPP 5.2 for the following reasons:

- i) It will be located within an area comprising broad acre farming activities and conservation reserves and is unlikely to be visually prominent when viewed from any significant viewing locations in the locality such as scenic routes, lookouts and recreation sites;
- ii) It will not detract from a significant view of a heritage item or place, a landmark, a streetscape, vista or a panorama, whether viewed from public or private land in the locality;

- iii) Its location on the subject land will not compromise environmental, cultural heritage, social and visual landscape values;
- iv) The scale, materials, external colours and finishes of the proposed infrastructure are sympathetic to and will fit into the surrounding landscape; and,
- v) The location of the proposed infrastructure will facilitate continuous network coverage and improved telecommunications services for the WA Police which will be of significant benefit to the community.

Existing Disused Dwelling

As previously mentioned Lot 1542 currently contains an existing disused single detached dwelling located approximately 10 metres north-east of where the telecommunications tower and associated infrastructure are proposed to be constructed. Whilst the existing dwelling is not currently being used, it could be refurbished in the future and utilised for residential purposes.

Given the dwelling's proximity to the facility, any future inhabitants may raise a number of health and safety concerns with the Shire and/or other government agencies. In order to avoid the potential for any future complaints and the associated administrative and legal costs, it is recommended that Council impose a condition on any development approval issued requiring the placement of a restrictive covenant on the certificate of title for Lot 1542 prohibiting the dwelling from being refurbished and used for residential purposes for as long as the telecommunications tower and associated infrastructure remain on the land.

Bushfire Attack Level Assessment

Lot 1542 has been identified by the Department of Fire and Emergency Services (DFES) as being located within a designated 'Bushfire Prone Area'. In accordance with Schedule 2 Part 10A of the *Planning and Development (Local Planning Scheme) Regulations 2015* a 'Bushfire Attack Level' (BAL) assessment is required to be submitted to assist Council's consideration and determination of the application.

The applicant has submitted a BAL assessment and Target BAL report prepared by Bushfire Prone Planning. A review of that assessment and report has confirmed the following:

- i) Lot 1542 is classified as having a BAL-FZ rating with an extreme risk of ember attack and burning debris ignited by wind-borne embers with a likelihood of exposure to an extreme level of radiant heat and direct exposure to flames from any fire front;
- ii) A target rating of BAL-29 consistent with the objectives of State Planning Policy No.3.7 entitled '*Planning in Bushfire Prone Areas*' is recommended;
- iii) The following minimum separation distances (i.e. Asset Protection Zones) are required between the proposed development and the four (4) classes of vegetation identified on the land to achieve the target rating of BAL-29:
 - a) Class B Woodland – 14 metres (current separation distance is 0 metres);
 - b) Class C Shrubland – 9 metres (current separation distance is 29 metres);
 - c) Class D Shrub – 13 metres (current separation distance is 30 metres); and,
 - d) Class G Shrubland – 8 metres (current separation distance is 0 metres); and,
- iv) The Asset Protection Zones for each identified vegetation class will need to be cleared and/or adequately maintained in future to prevent the accumulation of bushfire fuel loads with only 'low threat vegetation' as defined by Australian Standard No.AS3959-2009 being permitted within.

In light of the above findings the reporting officers' have concluded the proposal could be supported and approved by Council subject to the imposition of a number of conditions to ensure the potential bushfire risk is minimised through the creation and maintenance of a suitable Asset Protection Zone around the proposed development (i.e. clearing of existing Class B Woodland and Class G Shrubland and ongoing maintenance works for all vegetation classes).

Conclusion

It is concluded from a detailed assessment of the application that the proposal to construct new telecommunications infrastructure on portion of Lot 1542 Newdegate-Ravensthorpe Road, Lake King is unlikely to have a negative impact on the general amenity, character, functionality and safety of the immediate locality and may therefore be supported and approved by Council subject to the imposition of a number of conditions to ensure the development proceeds in a proper and orderly manner. As such it is recommended that Council exercise its discretion and grant conditional development approval.

Legal Implications

Planning and Development Act 2005

Shire of Lake Grace Local Planning Scheme No.4

Part 10A Planning and Development (Local Planning Scheme) Regulations 2015

- *Bushfire Risk Management*

Environmental Protection (Clearing of Native Vegetation) Regulations 2004

Policy Implications

State Planning Policy 3.7 - Planning in Bushfire Prone Areas

State Planning Policy 5.2 - Telecommunications Infrastructure

Consultation

Community consultation not required. Despite the provisions contained in Clause 5.3.1 of LPS No.4, the application has not been referred to MRWA for review and comment as the volume of traffic likely to be generated by the proposed development is expected to be quite minimal with referral deemed unnecessary in this particular instance.

Financial Implications

Nil

Strategic Implications

N/A

Cultural Implications

The development of new telecommunications infrastructure on Lot 1542 as proposed could be expected to have significant long term cultural benefits as it will provide a much needed upgrade to the WA Police's radio communications network and create opportunity for telecommunications companies to install equipment to provide improved mobile telephone and broadband coverage within the district.

Recommendation

That the application for development approval submitted by Axicom Pty Ltd on behalf of Gregory and Kim McLean (Landowners) to construct new telecommunications infrastructure on Lot 1542 Newdegate-Ravensthorpe Road, Lake King 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 telecommunications tower shall not exceed a maximum height of 61.5 metres as shown on the approved plans;
3. The external surfaces of the equipment shelter on the land shall be Colorbond 'surf mist' or such other colour approved by Council;
4. Vehicle access to/from the development via Newdegate-Ravensthorpe Road shall be restricted to the existing driveway crossover servicing Lot 1542 unless otherwise approved by the Shire of Lake Grace and Main Roads WA;
5. A restrictive covenant prepared pursuant to the provisions of the *Transfer of Land Act 1893* as amended shall be registered on the Certificate of Title for Lot 1542 to prohibit the existing disused dwelling on the land from being refurbished and used for residential purposes for as long as the telecommunications tower and associated infrastructure remain on the property. All costs associated with the preparation and registration of the restrictive covenant required by this condition shall be met by the applicant and/or landowner;
6. An 'Asset Protection Zone' comprising a minimum distance of 14 metres between the proposed development and the Class B Woodland on the property shall be created by way of vegetation clearing in order to achieve a maximum rating of BAL-29 to the satisfaction of the Shire of Lake Grace;
7. An 'Asset Protection Zone' comprising a minimum distance of 8 metres between the proposed development and the Class G Grassland 14 on the property shall be created by way of vegetation clearing in order to achieve a maximum rating of BAL-29 to the satisfaction of the Shire of Lake Grace;
8. An 'Asset Protection Zone' comprising a minimum distance of 9 metres between the proposed development and the Class C Shrubland on the property shall be maintained in order to achieve a maximum rating of BAL-29 to the satisfaction of the Shire of Lake Grace;
9. An 'Asset Protection Zone' comprising a minimum distance of 13 metres between the proposed development and the Class D Scrub on the property shall be maintained in order to achieve a maximum rating of BAL-29 to the satisfaction of the Shire of Lake Grace;
10. The fine fuel loads within the 'Asset Protection Zones' required by Conditions 6 to 9 above shall be maintained at two (2) tonnes per hectare with only 'low bushfire threat vegetation' as defined by Australian Standard No.AS3959-2009 being permitted within;
11. Any fencing within the 'Asset Protection Zone' required by Conditions 6 to 9 above shall be constructed using non-combustible materials (e.g. iron, brick, limestone, metal post and wire); and,
12. The land surrounding the proposed 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 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 development shall be carried out without the further approval of the Shire of Lake Grace having first been sought and obtained;
2. The applicant must make arrangements with the Department of Environment Regulation to secure approval to any clearing permit that may be required under the *Environmental Protection (Clearing of Native Vegetation) Regulations 2004* prior to the removal of any native vegetation;
3. 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;
4. The proposed development 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;
5. 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;
6. No construction works shall commence on the land prior to 7am without the Shire's written approval. No construction works are permitted on Sundays or Public Holidays;
7. Failure to comply with any of the conditions of this development approval constitutes an offence under the provisions of the *Planning and Development Act 2005* and the Shire of Lake Grace Local Planning Scheme No.4 and may result in legal action being initiated by the local government; and,
8. If the applicant or owner is aggrieved by this determination there is a right of review by the State Administrative Tribunal in accordance with the Planning and Development Act 2005 Part 14. An application must be submitted within 28 days of the determination.

Voting Requirements

Simple majority required.

Resolution

Moved Cr

Seconded Cr

12.3 PLANNING APPLICATION – PROPOSED NEW CARPORT (INCLUDING DRIVEWAY AND CROSSOVER) ON LOT 224 (NO.3) DUNHAM STREET, LAKE GRACE

Applicant: Mr Mark Seaman (Landowner)
File No. 0454
Attachments: 1. Plan 14 - Location Plan
 2. Plan 15 - Existing Lot Configuration
 3. Plan 16 - Aerial Site Plan
 4. Plan 17 - Site Development Plan
 5. Plan 18 - Elevations
Author: Mr Joe Douglas & Carlo Famiano (Urban & Rural Perspectives)
 Town Planning Consultant
Disclosure of Interest: Nil
Date of Report: 15 June 2016
Senior Officer: Mr Neville Hale



Chief Executive Officer

Summary

This report recommends that a development application submitted by Mr Mark Seaman (Landowner) to construct a new steel framed colorbond carport and associated driveway and verge crossover on Lot 224 (No.3) Dunham Street, Lake Grace be approved subject to conditions.

Background & Comment

The applicant is seeking Council's development approval to construct a new steel framed colorbond carport and associated driveway and verge crossover to service the existing single detached dwelling on Lot 224 (No.3) Dunham Street, Lake Grace.

Lot 224 is located centrally within the Lake Grace townsite and has been developed and used for low density residential purposes (i.e. single detached dwelling and associated outbuildings). The land is irregular in shape, comprises a total area of approximately 1,006 square metres, and has direct frontage and access to Dunham Street along its western boundary and Eggers Place along its southern boundary (see Plans 14 to 16).

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

- i) Construction of a new 9 metre long and 4 metre wide steel framed 'Pale Eucalyptus' coloured colorbond carport with a total floor area of approximately 36 square metres (see Plans 17 & 18);
- ii) The carport will have a wall height of 2.7 metres and a ridge height of approximately 3.5 metres;
- iii) The carport will have a 4 metre setback from the land's Dunham Street frontage and a setback of approximately 6.5 metres from the land's secondary street boundary (i.e. Eggers Place);
- iv) The carport is proposed to be open and will not comprise a door along its front facade; and,
- v) Vehicle access to/from the carport will be via an existing gravel driveway and verge crossover along the land's Dunham Street frontage which has been constructed

without the Shire's formal development approval. It should be noted an existing approved gravel driveway and verge crossover has previously been constructed at the northern end of the property which also provides access to Dunham Street.

Lot 224 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 R20.

Under the terms of LPS No.4 the construction of a 'carport' in association with a dwelling is listed as being permitted ('P') on land classified 'Residential' zone subject to any such proposal satisfying the development standards prescribed in the Residential Design Codes of WA ('R-Codes') and LPS No.4.

An assessment of the proposal has confirmed it satisfies the majority of development standards except for the following:

- i) The carport is proposed to be sited within the 15 metre truncation of a street corner in lieu of being located outside of the truncation area as required by Clause 5.28 of LPS No.4; and,
- ii) The existing unauthorised gravel driveway and crossover is located within the corner truncation area of Dunham Street and Eggers Place which raises traffic safety concerns.

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

Clause 5.28 of Local Planning Scheme No.4 – 'Visual Truncation (Corner Lots and Vehicle Access ways)'

Clause 5.28 of LPS No.4 clearly states that any visual obstruction greater than 0.75 metres in height, measured from the natural ground level at the boundary, shall not be constructed or placed on a lot within a 15 metre truncation of a street corner.

Under the terms of the plans submitted in support of the application the new carport, which will be greater than 0.75 metres in height when measured from the natural ground level at the boundary, is proposed to be located within 15 metres of the corner truncation at the intersection of Dunham Street and Eggers Place.

Notwithstanding the proposal's non-compliance with the requirements of Clause 5.28, the reporting officers' have concluded it is capable of being supported and approved by Council for the following reasons:

- i) The proposed carport is open and constructed of lightweight materials. As such the structure will not have an adverse impact on vehicle sightlines at the intersection of Dunham Street and Eggers Place and give rise to any traffic safety concerns;
- ii) The proposed carport will not have any adverse impacts on the local streetscape in terms of its overall bulk and scale;
- iii) The verge area along the land's Dunham Street and Eggers Place frontages comprises a width of approximately six (6) metres. The substantial width of the verge area provides an increased setback between the proposed carport and the road carriageway which helps minimise the impact the carport may have on the local streetscape; and,
- iv) The front setback of the proposed carport satisfies the 'deemed to comply requirements' of Element 5.1.2 C2 of the R-Codes as this applies specifically to street setbacks.

Location and Design of the Existing Unauthorised Driveway and Verge Crossover

A portion of the existing unauthorised driveway and verge crossover has been constructed within the 6 metre truncation area at the intersection of Dunham Street and Eggers Place. This current arrangement is considered unacceptable from a traffic safety perspective as vehicles entering and exiting the property are able to traverse the intersection area of the two (2) road carriageways, often in reverse gear.

In light of these concerns it is recommended that Council require, as a condition of any development approval issued, that the existing driveway and verge crossover be slightly modified to ensure that no portion of either are located within the 6 metre corner truncation area.

Legal Implications

Planning and Development Act 2005

Shire of Lake Grace Local Planning Scheme No.4

Part 10A Planning and Development (Local Planning Scheme) Regulations 2015

- *Bushfire Risk Management – As the subject land is not located within a designated ‘bushfire prone area’ a Bushfire Attack Level (BAL) assessment is not required in support of the development application.*

Policy Implications

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

Consultation

Community consultation not required.

Financial Implications

Nil

Strategic Implications

N/A

Recommendation

That the application for development approval submitted by Mr Mark Seaman (Landowner) to construct a new carport and associated driveway and verge crossover to service the existing single detached dwelling on Lot 224 (No.3) Dunham 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. The new carport shall be of steel framed and ‘Pale Eucalyptus’ coloured colorbond construction with a total floor area not exceeding 36 square metres;
3. The new carport shall have a maximum wall height of 2.7 metres and a maximum ridge height of 3.5 metres;
4. The new carport shall be an open structure and must not be enclosed by any walls or doors unless otherwise approved by Council;
5. Those portions of the existing unauthorised driveway and verge crossover at the southern end of the land’s frontage to Dunham Street constructed within the 6 metre truncation area of the intersection of Dunham Street and Eggers Place shall be

- removed in their entirety at the landowner's expense within 28 days of the date of this approval;
6. The driveway and verge crossover which provide access to the new carport shall be constructed to a maximum width of 4 metres with no portion of either permitted within the 6 metre truncation area of the intersection of Dunham Street and Eggers Place;
 7. The modified verge crossover shall be constructed at the landowner's expense to the specifications and satisfaction of the Shire's Chief Executive Officer;
 8. The unauthorised driveway and verge crossover are not permitted to be used for vehicle access purposes until the works required by Conditions 5 to 7 above have been completed to the specifications and satisfaction of the Shire's Chief Executive Officer; and,
 9. All stormwater drainage discharge generated by the proposed development shall be managed and disposed to the specifications and 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 development shall be carried out without the further approval of the Shire of Lake Grace having first been sought and obtained;
2. A completed building permit application must be submitted to and approved by the Shire's Building Surveyor prior to the commencement of any construction on the land including any future proposed internal fit out works;
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 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 7am without the Shire's written approval. No construction works are permitted on Sundays or Public Holidays;
6. Failure to comply with any of the conditions of this development approval constitutes an offence under the provisions of the *Planning and Development Act 2005* and the Shire of Lake Grace Local Planning Scheme No.4 and may result in legal action being initiated by the local government; and,
7. If the applicant or owner is aggrieved by this determination there is a right of review by the State Administrative Tribunal in accordance with the Planning and Development Act 2005 Part 14. An application must be submitted within 28 days of the determination.

Voting Requirements

Simple majority required.

Resolution

Moved Cr

Seconded Cr

13.0 MATTERS FOR CONSIDERATION – HEALTH & BUILDING

No matters for consideration.

14.0 MATTERS FOR CONSIDERATION – FINANCE

14.1 ACCOUNTS FOR PAYMENT – MAY 2016

Applicant: Shire of Lake Grace
File No. 0277
Attachments: List of Creditors
Author: Miss Kairi Nigol



Finance Officer

Disclosure of Interest: Nil
Date of Report: 13 June 2016
Senior Officer: Ms Denise Gobbart



Acting Manager Corporate Services

Summary

For Council to ratify expenditures incurred for the month of May 2016.

Background

List of payments for the month May 2016 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; and,
- (d) The date of payment.

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

Legal Implications

Local Government (Financial Management) Regulations 1996 – Reg 12

Local Government (Financial Management) Regulations 1996 – Reg 13

Policy Implications

Policy 3.6 - Authorised Use of Credit Card/Fuel Cards

Policy 3.7 - Purchasing Policy

Consultation

N/A

Financial Implications

The list of creditors paid for the month of May 2016 from the Municipal and Trust Account Total \$980,696.72.

Strategic Implications

Shire of Lake Grace Strategic Community Plan

Civic Leadership Focus Area (5)

- *Excellence in Shire administration and communication*

Recommendation

That Council ratify the list of payments totalling \$980,696.72 as presented for the month of May 2016 incorporating:

- Trust Account Cheques:	890 - 900	\$	19,892.12
- Electronic Funds Transfer:	EFT15455 – EFT15584	\$	665,217.55
- Municipal Account Cheques:	Cheque 36237 - 36241	\$	19,398.58
- Direct Debits:	DD6156.1 – DD6156.10	\$	143,982.80
	DD6184.1 – DD6184.10		
	DD6192.1 – DD6192.17		
	DD6208.1 – DD6208.10		
- Electronic Funds Transfer:	Payroll Net Pay	\$	132,205.67

Voting Requirements

Simple majority required.

Resolution

Moved Cr

Seconded Cr

14.2 FINANCIAL STATEMENTS – MAY 2016

Applicant: Shire of Lake Grace
File No. 0275
Attachments: 1. Financial Reports May 2016
2. Bank Reconciliations
Author: Ms Denise Gobbart


Acting Manager Corporate Services

Disclosure of Interest: Nil
Date of Report: 13 June 2016
Senior Officer: Mr Neville Hale


Chief Executive Officer

Summary

Consideration of the financial statements for the month ending 31 May 2016.

Background

The following financial reports for May 2016 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

N/A

Legal Implications

Local Government Act 1995 – section 6.4

Local Government (Financial Management) Regulations 1996

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*

Recommendation

That Council in accordance with Regulation 34 of the *Local Government (Financial Management) Regulations 1996* receives the Statements of Financial activity for the period ended 31 May 2016.

Voting Requirements

Simple majority required.

Resolution

Moved Cr

Seconded Cr

14.3 DISPOSAL OF BUILDING ASSETS – RESERVE 22873

Applicant: Internal Report
File No. 0784
Attachments: Landgate – Reserve Enquiry Detail
Author: Ms Denise Gobbart

Disclosure of Interest: Nil
Date of Report: 14 June 2016
Senior Officer: Mr Neville Hale


 Acting Manager Corporate Services


 Chief Executive Officer

Summary

To consider and endorse the removal of the buildings included in our Asset Register that are not Shire owned assets.

Background

On reviewing our property insurances in comparison to our asset register it was identified that the following buildings are listed in our asset register:

- Asset 106: Varley Health Clinic
- Asset 1009: Varley Resource and Telecentre

It appears that when the valuation report for fair value of Land and Buildings was undertaken for the year ended 30 June 2014, the above mentioned properties were included into the valuation report.

The Varley Health Clinic and Varley Resource and Telecentre are both located on Reserve 22873 being Lots 18 and 19 on Plan 16119, with the street address of 1-3 Arthur Street, Varley. The agency responsible for Reserve 22873 is the Health Department of Western Australia, with Management Orders issued to the Ravensthorpe Health Service.

After identifying that the Lake Grace Sportsman's Club were also buildings that the Shire was not responsible for, discussions were held with our Auditors and the advice received is that as the Management Order have been issued to the Shire of Lake Grace, it would be deemed we own the buildings. Once the lease expires the property returns under our management.

Comment

When the Fair Value Valuation report was undertaken for the year ended 30 June 2014 the properties were included on our Asset Register with the following values:

	Fair Value	
	30/06/2014	
Asset 106:	\$86,524.80	Varley Health Clinic
Asset 1009:	\$87,709.18	Varley Resource and Telecentre
	\$174,233.98	

The inclusion of the above two properties over stated our building assets by \$174,233.98 at 30 June 2014.

The current Written Down Value (WDV) of the properties are as follows:

	Fair Value	Depreciation	WDV
	30/06/2014	31/05/2016	31/05/2016
Asset 106:	\$86,524.80	\$1,860.12	\$84,664.68
Asset 1009:	\$87,709.18	\$1,958.05	\$85,751.13
	\$174,233.98	\$3,818.17	\$170,415.81

To correct this error in our Asset Register we will be required to reverse any depreciation raised in the current year. Then do a prior year adjustment at 30 June 2015 to reverse any depreciation raised in that year and write out the total value of the properties from the general ledger. These transactions will lead to a prior year adjustment in the annual financial report for 30 June 2016. It is noted for Council information that we are not required to change the Annual Financial Report for the year ended 30 June 2015, just record the note in this year's report.

Legal Implications

Local Government Act 1995 Section 6.10 Financial Management Regulations

Regulations may provide for:

- (a) *the security and banking of money received by a local government;*
- (b) *the keeping of financial records by a local government;*
- (c) *the management by a local government of its assets, liabilities and revenue; and,*
- (d) *the general management of, and the authorisation of payments out of:—*
 - (i) *the municipal fund; and*
 - (ii) *the trust fund,**of a local government.*

Local Government (Financial Management) Regulations 1996 Regulation 17A Assets, valuation of for financial reports etc.

In this regulation:

- (1) *fair value, in relation to an asset, means the fair value of the asset measured in accordance with the AAS;*
- (2) *Subject to sub regulation (3), the value of an asset shown in a local government's financial reports must be the fair value of the asset;*
- (3) *A local government must show in each financial report:*
 - (a) *for the financial year ending on 30 June 2013, the fair value of all of the assets of the local government that are plant and equipment;*
 - (b) *for the financial year ending on 30 June 2014, the fair value of all of the assets of the local government:*
 - i. *that are plant and equipment; and,*
 - ii. *that are:*
 - (I) *land and buildings; or*
 - (II) *infrastructure;*
- and,*
- (c) *for a financial year ending on or after 30 June 2015, the fair value of all of the assets of the local government.*

- (4) A local government must revalue all assets of the local government of the classes specified in column 1 of the Table to this subregulation:
- by the day specified in column 2 of the Table; and
 - by the expiry of each 3 yearly interval after that day.

Table

Class of Asset	Day
Plant and equipment	30 June 2016
Land, buildings and infrastructure for which the fair value was shown in the local government's annual financial report for the financial year ending on 30 June 2014	30 June 2017
All other classes of asset	31 June 2018

- (5) A revaluation under subregulation (4) must be based on the value of the asset as at a time that is as close as possible to the day by which the revaluation is due.

Policy Implications

Policy 3.2 Significant Accounting Policies

The policy describes various aspects on the treatment of assets.

Consultation

Internal - Neville Hale, Chief Executive Officer

Financial Implications

The disposal of these assets from the Asset Register will reduce our opening valuation by \$174,233.98 and reduce the depreciation to 30 June 2015 by \$2,180.96. The depreciation raised in the current year to date of \$1,637.21 will be reversed. The net impact at the 30 June 2015 would be a loss in value of \$172,053.02 for Buildings – Specialised.

Strategic Implications

Focus Area – Economics

- *Ec1 Maintain community built infrastructure and provide an effective and efficient transportation network; and,*
- *Ec1.3 Ensure the Shire's capital investment program is cost effective and financially sustainable.*

Recommendation

That Council endorse the disposal of Asset 106 – Varley Health Clinic and Asset 1009 – Varley Resource and Telecentre from the Asset Register as at 30 June 2015, as the assets are located on Reserve 22873 being under the Management Order of the Ravensthorpe Health Services.

Voting Requirements

Absolute majority (5) required.

Resolution

Moved Cr

Seconded Cr

14.4 TRANSFERS TO RESERVE - UNBUDGETED

Applicant: Internal Report
File No. 0269
Attachments: Nil
Author: Ms Denise Gobbart

Disclosure of Interest: Nil
Date of Report: 16 June 2016
Senior Officer: Mr Neville Hale


 Acting Manager Corporate Services


 Chief Executive Officer

Summary

To consider and endorse transfers to reserve that, are not included in the 2015/2016 budget.

Background

Any reserve transfers that are not endorsed through the budget process require to be authorised in advance by absolute majority of Council. It has been identified that we have surplus funds that are being proposed for transfer to the Essential Medical Services Reserve, Works and Services Reserve and Lake Grace Sewerage Scheme Reserve.

There is also the potential of surplus Specified Area Rates (SARs) funds in relation to Sport and Recreation specified area rates. Approval is sort to transfer any surpluses to the relevant reserves, if required.

Comment

In relation to the Essential Medical Services funding it appears that there will be an estimated surplus of \$107,000 against the budget for the expenses in relation to the services provided through First Health. Projected expenditure is approximately \$171,900 which has been offset by reimbursements of \$69,500. At the time of the budget review we made provision of a total spend of \$210,000 for recruitment and the First Health agreement.

At the time the Budget Review was undertaken it was identified that gravel sourced from our own pits had not been expensed against the various road projects undertaken. On recording this expense offset revenue occurs. It was proposed to transfer these funds to a new Rehabilitation Reserve. At the Integrated Planning Asset Management (IPAM) committee meeting in May 2016 reviewing our Integrated Planning requirements it was the number of reserve accounts was discussed and agreed that a review was needed to reduce the number.

Given those comments, it is proposed that the funds be transferred to the Works and Services Reserve and during the budget process and the Rehabilitation to the purpose of the Works and Services Reserve.

At the time of preparing this report there is a surplus of \$48,000 over and above the proposed reserve transfer for Lake Grace Sewerage Scheme Reserve. Other works are proposed to be undertaken prior to year end. If this occurs this amount would be reduced.

As with any funds sourced through SARs any surplus funds are to be transferred to reserve or returned to the rate payer. At the time of preparing this report the balances have not yet been determined and are requesting Council authority to transfer any surplus funds at 30 June 2016 for the various SARs accounts.

Legal Implications

Local Government Act 1995 Section 6.2 Local government to prepare annual budget

- (4) *The annual budget is to incorporate:*
- (a) *particulars of the estimated expenditure proposed to be incurred by the local government;*
 - (b) *detailed information relating to the rates and service charges which will apply to land within the district including:*
 - (i) *the amount it is estimated will be yielded by the general rate; and*
 - (ii) *the rate of interest (if any) to be charged by the local government on unpaid rates and service charges;*
 - (c) *the fees and charges proposed to be imposed by the local government;*
 - (d) *the particulars of borrowings and other financial accommodation proposed to be entered into by the local government;*
 - (e) *details of the amounts to be set aside in, or used from, reserve accounts and of the purpose for which they are to be set aside or used;*
 - (f) *particulars of proposed land transactions and trading undertakings (as those terms are defined in and for the purpose of section 3.59) of the local government; and*
 - (g) *such other matters as are prescribed.*

Local Government Act 1995 Section 6.8 Expenditure from Municipal fund not included in annual budget

- (1) *A local government is not to incur expenditure from its municipal fund for an additional purpose except where the expenditure:*
- (a) *is incurred in a financial year before the adoption of the annual budget by the local government; or*
 - (b) *is authorised in advance by resolution*;* or
 - (c) *is authorised in advance by the mayor or president in an emergency.*

** Absolute majority required.*

- (1a) *In subsection (1) — additional purpose means a purpose for which no expenditure estimate is included in the local government's annual budget.*
- (2) *Where expenditure has been incurred by a local government:*
- (a) *pursuant to subsection (1)(a), it is to be included in the annual budget for that financial year; and,*
 - (b) *pursuant to subsection (1)(c), it is to be reported to the next ordinary meeting of the council.*

Consultation

Internal - Neville Hale, Chief Executive Officer

Financial Implications

The transfers to reserve are unspent surplus funds related to the relevant reserve. The year-end impact of these transfers is the same as if the budget had been fully spent. The balance of the reserve funds will increase for future use.

Strategic Implications

Focus Area - *Economics*

- *Ec3 Engage with the community to develop sustainable budget commitments*
- *Ec3.1 Integrate Strategic Community Plan objectives into long term financial planning (10 years).*

Recommendation

That Council authorise:

1. the following transfer of Municipal Funds to the;
Essential Medical Services Reserve \$107,000
Works and Services Reserve \$ 36,455
2. the transfer of any additional revenue raised to the 30 June 2016 in GL: 1I11361100 – Sale of Gravel to the Works and Services Reserve; and,
3. the transfer of and surplus specified area rate funds to the Lake Grace Sewerage Scheme Reserve, Lake Grace Specified Area Rates Reserve, Lake King Specified Area Rates Reserve, Newdegate Specified Area Rates Reserve and Varley Specified Area Rates Reserve as required.

Voting Requirements

Absolute majority (5) required.

Resolution

Moved Cr

Seconded Cr

14.5 FINANCIAL MANAGEMENT REVIEW – JUNE 2016

Applicant: Moore Stephens WA Pty Ltd
File No. 0202
Attachments: Financial Management Review
Author: Mr Neville Hale
 Chief Executive Officer
Disclosure of Interest: Nil
Date of Report: 15 June 2016
Senior Officer: Mr Neville Hale

Chief Executive Officer

Summary

For Council to receive the Financial Management Review as at June 2016 as prepared by Mr Greg Goodwin, the Shire's Auditor of Moore Stephens Pty Ltd, Chartered Accountants.

Background

During May 2016, the Shire engaged Greg Goodwin of Moore Stephens Pty Ltd to undertake a "reasonable assurance" assessment of its financial systems and procedures with a view to identifying areas for improvement.

Comment

The attached report concludes:

"Based on our work described in this report (which is not an audit), nothing has come to our attention to indicate the Shire of Lake Grace has not established and maintained, in all material respects, appropriate and effective financial management systems and procedures during the period of our review being 1 July 2015 to 31 March 2016"

Greg Goodwin

Notwithstanding the above, a number of areas of improvement have been identified, each with varying degrees of risk as detailed in "3.0 Summary of Findings" of the Review. The Review identified six (6) systems and procedures area of low risk in need of attention, the majority of which related to reconciliations not being independently signed-off.

The most significant of these low risk areas relates to failure by some officers to comply with the Shire's Purchasing Policy, particularly in regard to obtaining necessary quotes. This matter has been raised directly with the officers and further tightening of the process has been initiated.

Of greater risk is the failure to reconcile the rates book and the inconsistent payroll reconciliation process. The failure to keep accurate and reconciled rate details could lead to a loss in rates revenue. These matters had previously been identified by Ms Gobbart, Acting Manager Corporate Services and steps have been put in place to resolve these and other rates procedural matters.

The Corporate Business Plan was not formally reviewed and adopted by Council though it was considered during the 2015/16 Budget deliberations. Moore Stephens Pty Ltd has been engaged to assist the Shire in undertaking a formal review for 2016/17.

Legal Implications

Local Government Act 1995 – 6.10 Financial management regulations

Local Government (Financial Management) Regulations 1996 – Reg 5(2)(c)

- (c) *undertake reviews of the appropriateness and effectiveness of the financial management systems and procedures of the local government regularly (and not less than once in every 4 financial years) and report to the local government the results of those reviews*

Policy Implications

Nil

Consultation

N/A

Financial Implications

Whilst there are no immediate financial implications as a result of the deficiency in some areas of financial procedures, it is essential that the shortcomings be addressed. In this regard, remedial actions have been initiated to make staff cognisant of the requirements of sound financial management procedures and processes.

Strategic Implications

- CL 1.3 *Improve organisational capability and capacity
Operate in a financially sustainable manner*

Recommendation

That Council, in accordance with the requirements of the Local Government (Financial Management) Regulations 1996, Reg 5(2)(c), receive the *Financial Management Review Report, June 2016* prepared by Moore Stephens Pty Ltd, noting that notwithstanding those areas identified for improvement the report states:

“nothing has come to our attention to indicate the Shire of Lake Grace has not established and maintained, in all material respects, appropriate and effective financial management systems and procedures during the period of our review being 1 July 2015 to 31 March 2016.”

Voting Requirements

Simple majority required.

Resolution

Moved Cr

Seconded Cr

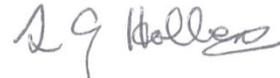
15.0 MATTERS FOR CONSIDERATION – COMMUNITY SERVICES
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15.1 NEWDEGATE SKATE PARK – ENDORSEMENT OF CONCEPT PLAN

Applicant: Newdegate Active Precinct
File No. 0783
Attachments:

1. Proposal
2. Location Map
3. Email confirming donation of block
4. Email confirming cash donation
5. Letter from Newdegate Machinery Field Day Inc
6. Letter of support from Newdegate Primary School

Author: Ms Lee Holben



Manager Community Services

Disclosure of Interest: Nil
Date of Report: 9 June 2016
Senior Officer: Mr Neville Hale



Chief Executive Officer

Summary

The purpose of this report is to seek Councils endorsement to accept the gift of 11 Maley Street, Newdegate (corner Mitchell Street and Newdegate Ravensthorpe Road), Lot 8, Title Volume 1841, Title Folio 885, Diagram DP147856 on behalf of the Community, to facilitate the Change of use from Commercial (Shop) to Commercial (Civic-Public Recreation) and to endorse the concept of a Skate park/playground/park.

Background

The current Newdegate Playground was built in October 1997 for children aged three (3) to six (6). The park is in Collier Street where it cannot be seen from the main street and in particular to visitors passing through the town.

It is not used frequently due to only catering for 3 to 6 year olds, does not encourage learning experiences, or encounters as well as not providing shade, lawn or seating facilities.

Under the name Newdegate Active Precinct (NAP) three mothers from Newdegate researched the possibility of a skate park/playground/park for Newdegate and came up with the proposed concept (refer attachment 1). The concept has been discussed with the community through one on one conversation's, presentations at the Newdegate Community Development Association, Newdegate Machinery Field Days Incorporated, Convic – Skate park design and Construction, Newdegate Primary School, Lake Grace Police, Community Child Health Nurse, Narrogin Primary Health, Newdegate Industry and Business leaders, 25 May 2016 Ordinary meeting of council and through the Gatepost. Further ongoing community consultation is planned.

The NAP have worked with a local business owner to secure the proposed site – 11 Maley Street as a gift for the facility as well as a cash donation of \$2,000 to help cover settlement costs (refer attachments 2 & 3).

Newdegate Machinery Field Days Incorporated has pledged \$200,000 towards the project (refer attachments 4 & 5).

Discussions regarding potential funding avenues have commenced with Lotterywest, Department of Sport and Recreation to name a few.

Comment

Well-planned and well-designed playgrounds have the potential to become well-used and highly valued community assets. Playgrounds are often one of the few places children can play freely without adult direction. Importantly risk and challenge in playgrounds must be age and developmentally appropriate for the children who use them.

The proposed site has been donated by the owners for the purpose of a skate park/playground with conditions of advertisement for their business along with other potential donors i.e. Newdegate Machinery Field Days Incorporated, Australia Post Neighbourhood grants, Department Sport and Recreation and Lotterywest.

The proposed concept will attract visitors to stop in the town by being highly visible to passing traffic, close to public toilets, barbeques, and facilities at Pioneer Park.

NAP is working with well-known Skate park designer and construction company Convic on a proposed design concept. Convic are global leaders in Skate park design and have constructed over six hundred (600) sports facilities around the world. Convic manages everything from start to finish; concept, planning, design and construction.

It is proposed that the design and construction of the facility will be approximately \$350,000 to \$400,000. The Newdegate Active Precinct Committee is not requesting any budget allocations for the purchase of the land, design, or construction of the facility.

The Newdegate Active Precinct Committee are requesting that the Shire of Lake Grace accept ownership of the land and to facilitate the change of use from Commercial (Shop) to Commercial (Civic-Public Recreation) and provide yearly ongoing maintenance budgets for the facility, as well as support with any grant preparations relating to the project.

Legal Implications

Local Planning Scheme No 4.

Lot 8 currently zoned Commercial which will allow the required use subject to the issuance of Development Approval by Council (\$295 fee).

A Development Application is required to formalise the approved use of the land (Lot 8) from Commercial (Shop) to Commercial (Civic-Public Recreation).

Policy Implications

Nil

Consultation

Internal – Community Service Officers
Senior Management Team
Shire of Lake Grace Councillors

External - Newdegate Active Precinct Committee, Sarah Lloyd, Helen Steicke, Emily Gilmour
 Lynda and Scott Hackford
 Newdegate Community Development Association
 Newdegate Machinery Field Days Incorporated
 Convic – Skate park design and Construction
 Newdegate Primary School
 Lake Grace Police
 Community Child Health Nurse
 Narrogin Primary Health
 Newdegate Industry and Business leaders

Financial Implications

No budget allocations for this project have been allocated in the 2015/2016 or the draft 2016/2017 budget.

It is proposed that the design and construction of the facility will be approximately \$350,000 to \$400,000. The Newdegate Active Precinct Committee is not requesting any budget allocations for the purchase of the land, design or construction of the facility.

The Newdegate Active Precinct Committee are requesting that the Shire of Lake Grace accept ownership of the land and to facilitate the change of use from Commercial (Shop) to Commercial (Civic-Public Recreation) and provide yearly ongoing maintenance budgets for the facility, as well as support with any grant preparations relating to the project.

A budget allocation will need to be considered as part of the 2016/2017 budget for the Change of purpose and ongoing maintenance of the facility.

At this point in time it is difficult to speculate as to the ongoing annual cost of maintaining the Playground until a design is confirmed. By working with the committee on the design, ongoing maintenance costs can be considered as part of the final design.

Once the land is transferred over to the Shire, general maintenance of the vacant block (slashing, spraying of weeds etc) will need to be considered as part of the 2016/2017 budget deliberations.

Strategic Implications

Shire of Lake Grace Strategic Plan

Strategic Community Plan – Connecting with our Future 2023.

Community Values – good facilities and community activities.

Shire's Values – Encouraging learning and knowledge.

Social S3.2 Identify new infrastructure projects using evidence based research and which show multiple benefits.

Shire of Lake Grace Strategic Plan 2010 – 2015***Social and Community Well Being***

- *Enhance the quality of the life for residents within the Shire of Lake Grace.*

Infrastructure

- *Develop, maintain and rationalize key infrastructure in the best interests of the community. Economic development of the Shire and the region.*

Recommendation**That Council:**

1. Endorse the concept plan of the Newdegate Skate park facility;
2. Accept the gift of ownership of 11 Maley Street Newdegate (Lot 8, Title Volume 1841, Title Folio 885 Diagram DP147856) for a Skate Park facility;
3. Facilitate the planning process to change the land use of Lot 8 from Commercial (Shop) to Commercial (Civic-Public Recreation); and,
4. Include within Council's 2016/2017 budget funding allocation deliberations to cover change of use of the land and ongoing maintenance costs of the facility.

Voting Requirements

Simple Majority required.

Resolution

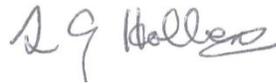
Moved Cr

Seconded Cr

15.2 SHIRE STREET BANNERS – CONCEPT AND DRAFT DESIGNS

Applicant: Internal Report
File No. 0451
Attachments: 1. Draft Designs
2. Map of pole location Lake Grace
Author: Ms Lee Holben

Disclosure of Interest: Nil
Date of Report:
Senior Officer: Mr Neville Hale


Manager Corporate Services

Chief Executive Officer

Summary

The purpose of this report is to seek Council endorsement to accept the concept and draft designs for street banners for the Shire of Lake Grace.

Background

The town of Lake Grace has five (5) banner poles that were erected as part of the 100 year celebrations to house PVC banners.

Unfortunately the PVC banners did not survive long as the winds that are experienced in Lake Grace took their toll.

The town of Newdegate has two (2) banner poles that have housed metal banners for a period of at least five (5) years. These banners have survived extremely well.

Lake King and Varley do not have banner poles.

In 2014/2015 the community through the Lake Grace Development Association requested that the Shire look at a series of banners for the banner poles in Lake Grace as they had been bare for a number of years.

Comment

The Community Service team worked with the Lake Grace Development Association and the concept of acknowledging the tremendous skill and representation that the Shire has in its residents both in Recreation and Culture i.e. the home of the 2015 Brownlow medal, International writer, State tennis player, and International artists.

Due to the limited number of banners permittees were set to acknowledge those that had represented the State either internationally or interstate. No names would be used but acknowledge the achievement.

Once the concept had been decided a range of community consultation commenced. This was through discussion with every Development/Progress association and through electronic means (The Gate Post, The Lakes Link, Lake King Newsletter, and the Varley news). A good response was received from the community.

These concepts were given to a graphic designer to come up with some designs (see attached information).

The banner pole in front of the Lake Grace Visitor Centre will be reserved for the blue “i” (information) both sides to indicate where the Visitor Centre is situated.

To ensure that the banners are available to all towns, the project would need to be staged. Below is a suggested timeframe:

Stage one 2015/2016:	Design and construction of one full set of banners for five (5) banner poles to be displayed on the Lake Grace poles will be completed in 2016/2017. The 2015/2016 budget allocation will be carried over into 2016/2017 for payment.
Stage two 2016/2017	Confirm with Newdegate Community if they want banners and how many.
Stage three 2017/2018	Confirm with Lake King Community if they want banners, how many, as poles will need to be purchased and installed and confirm the site of the poles.
Stage Four 2017/2018	Confirm with Varley if they want banners, how many, as poles will need to be purchased and installed and confirm the site of the poles.

Legal Implications

Nil

Policy Implications

Policy 6.5 - Advertising Signage

Consultation

Internal –	Community Service Officers Senior Management Team Shire of Lake Grace Councillors
External -	Lake Grace Visitor Centre Lake Grace Development Association Newdegate Community Development Association Lake King Progress Association Varley Progress Association Advertised in the Gate Post and the Lakes Link

Financial Implications

2015/2016 budget (Signage) has an allocation of \$5,300 allocated for this project. Quotes obtained for 1.6 Aluminium, Digital printed double sided for the two size banners that the poles will accommodate are \$800 (3 poles) and \$1,000 (2 poles), a total of \$4,400. Graphic design for the project has been \$600.00.

For stages 2, 3 and 4 the printing will be cheaper as the artwork would have already been produced.

The draft 2016/2017 includes a budget item (Signage) for considerations as part of the budget deliberations. This would cover the cost of Stage 2.

Stage 3 and 4 would need to be included in the 2017/2018 Budget deliberations.

Costings for the Banner Poles will vary according to the number ordered. An indication of cost being \$2,920 per banner pole.

Strategic Implications

Shire of Lake Grace Strategic Plan

Strategic Community Plan

- *Connecting with our Future 2023*

Community Values

- *good facilities and community activities*

Shire's Values

- *Encouraging learning and knowledge*

Social S3.2 Identify new infrastructure projects using evidence based research and which show multiple benefits.

Social and Community Well Being

- *Enhance the quality of the life for residents within the Shire of Lake Grace*

Infrastructure

- *Develop, maintain and rationalize key infrastructure in the best interests of the community. Economic development of the Shire and the region.*

Recommendation

That Council:

1. Endorse the concept of Community Street Banners;
2. Endorse the Chief Executive Officer to approve the final banner designs; and,
3. Include within Council's 2016/2017 (Stage 2) and 2017/2018 (Stage 3 and 4) budget funding allocation deliberations funds to complete all stages.

Voting Requirements

Simple majority required.

Resolution

Moved Cr

Seconded Cr

16.0 MATTERS FOR CONSIDERATION - ADMINISTRATION
--

16.1 DELEGATION OF POWERS TO THE CHIEF EXECUTIVE OFFICER AND THE DELEGATIONS REGISTER

Applicant:	Executive Services
File No.	0052
Attachments:	Register of Delegations
Author:	Mr Neville Hale Chief Executive Officer
Disclosure of Interest:	Nil
Date of Report:	10 June 2016
Senior Officer:	Mr Neville Hale



Chief Executive Officer

Summary

The purpose of this report is for Council to review its delegation of powers and duties performed by the Chief Executive Officer and other staff.

Background

In accordance with the requirements of the *Local Government Act 1995, s 5.46 (2)*; the local government is to review its delegations made under this division at least once each financial year. The previous review was undertaken in June 2015.

The Delegation Register is a requirement under the *Local Government Act 1995, s 5.46 (2)* and is subject to the annual external audit process.

Comment

The attached Delegation Register details where the Council has delegated powers and duties to the Chief Executive Officer, and where the Chief Executive Officer has delegated to other employees.

Only one (1) amendment has been approved by Council since the previous review in June 2015, being for Delegation F02 – Payment of Creditors which was submitted to Council at its 18 November 2015 Ordinary Council Meeting resolution 12173.

The Delegations register has been reviewed and a number of the delegations have minor amendments to the wording. Each delegation includes cross reference to Council policy and or separately appointed Authorised Officers where appropriate.

Amendments

The following amendments have been made to reflect the change in the Shire's Organisational Structure i.e. reference to Manager Corporate and Manager Community Services has been changed to Deputy Chief Executive for the following:

- A01 – Tenders
- A03 – Impounding Goods
- A04 – Sale of Impounded/Seized/Confiscated Vehicles, Animals or Goods
- A05 – Acting Chief Executive Officer
- A06 – Power of Entry

- F02 – Payment of Creditors
- F03 – Insurance
- F04 – Surplus Equipment, Materials, Tools etc
- F06 – Trust Fund
- F07 – Investments of Funds not Required for Operating Expenditure
- F08 – Write-off of Small Balances
- PR01 – Consumption of Liquor on Shire Property
- O04 – Proceedings under Dog Act 1976
- O06 – Licenses – Local Laws
- O07 – Amusements
- O08 – Proceedings under the Cat Act

Legal Implications

Local Government Act, 1995 - s5.16 Delegations to committees

- s5.42 Delegations to the CEO
- s5.43 Limits on delegations
- s5.44 CEO may delegate

Planning and Development Act 2005

Bush Fires Act 1954

Dog Act 1976

Health Act 1911

Food Act 2008

Local Government (Miscellaneous Provisions) Act 1960

Shire of Lake Grace Local Laws

Policy Implications

Shire of Lake Grace Policy Manual

Consultation

N/A

Financial Implications

Nil

Strategic Implications

Shire of Lake Grace Strategic Plan – Civic Leadership

- *Focus 5 – Excellence in Shire administration and communication*

Recommendation

That Council as of 2 July 2016, in accordance with s 5.42 of the *Local Government Act 1995*, delegate to the Chief Executive Officer and others, the discharge of duties and powers as detailed in the attached Register of Delegations (Review June 2016) noting that the Chief Executive Officer has delegated some of his powers and duties to other staff in accordance with limitations imposed by s 5.43 of the Act and other relevant legislation.

Voting Requirements

Absolute majority (5) required.

Resolution

Moved Cr

Seconded Cr

16.2 APPOINTMENT OF AUTHORISED PERSONS

Applicant:	Executive Services	
File No.	0052	
Attachments:	Nil	
Author:	Ms Natasha Bowman	
		Governance & Council Support Officer
Disclosure of Interest:	Nil	
Date of Report:	10 June 2016	
Senior Officer:	Mr Neville Hale	
		Chief Executive Officer

Summary

The purpose of this report is for Council to appoint Authorised Persons to exercise power under the Local Government Act 1995, associated legislation and other Acts, on behalf of the Shire of Lake Grace.

Background

Council previously, at its 21 October 2015 Ordinary Council Meeting, appointed authorised officers.

In accordance with a number of provisions of various Acts, Regulations and local laws, Council is required to appoint authorised persons to perform various authorised functions.

Authorisations are reviewed and updated to reflect staff changes. To reflect the changes in the Shire's Organisational Structure the authorisations need to be reviewed.

Comment

(1) Section 3.24 of the *Local Government Act 1995* enables a local government to expressly authorise a person(s) to exercise its executive powers under the Act.

These authorisations relate to certain provisions about land, including issuance of notices requiring certain things to be done by an owner or occupier of land in accordance with Schedule 3.1 of the Act. These can include matters relating to drainage requirements, safety issues and unsightly land. It is proposed to appoint Mr Neville Hale, Ms Denise Gobbart and Mr Louka Shopov.

(2) Part 3 Division 3 Section 3.28 & 3.29 of the *Local Government Act 1995* provides for Power of Entry, subject to notice and other than by a Local Law e.g. abandoned vehicles or home industry. For this purpose it is proposed to authorise Mr Neville Hale, Mr Louka Shopov and Ms Denise Gobbart.

(3) Section 3.39 of the *Local Government Act 1995* enables Council to appoint an authorised person for the purpose of removing or impounding of goods that are involved in a contravention, as prescribed by regulation or local law, that can lead to impounding. Mr Neville Hale, Mr Louka Shopov and Ms Denise Gobbart are the authorised persons.

(4) & (5) Part 9 of the *Local Government Act 1995* provides for the appointment of authorised persons relating to enforcements and legal proceedings, i.e. the fining of a person committing an offence and the issuing of infringement notices.

Section 37 of the *Control of Vehicles (Off-road Areas) Act 1978* also deals with infringement notices.

For the purposes of the above staff members are designated as Authorised Persons – Mr Neville Hale, Mr Louka Shopov and Ms Denise Gobbart.

(6) The extension of the payment period (s9.19) and/or the withdrawal of the notice (s9.20) is to be authorised by Chief Executive Officer, Mr Neville Hale or Manager Corporate Services, Ms Denise Gobbart.

(7) Furthermore, in accordance with s449 of the *Local Government (Miscellaneous Provisions) Act 1960*, a local government may establish and maintain one or more public pounds and may appoint persons to be keepers of those pounds so as to have care, control and management of those pounds. Mr Doug Whiting and Mr Robert Palmer are appointed as the Authorised Persons.

(8) Pursuant to the *Dog Act 1976* the local government is required to appoint “Registration Officers” to effect the registration of dogs pursuant to the requirement of the Act.

The following staff members are appointed as the authorised “Registration Officers”:

- Ms Denise Gobbart
- Mrs Lee-Anne Trevenen
- Mrs Victoria Gracheva
- Mr Reece Lay
- Ms Kairi Nigol
- Ms Natasha Bowman

(9) Pursuant to the *Cat Act 2011* the local government may, in writing, appoint persons or classes of persons to be authorised for the purposes of performing particular functions.

Accordingly, the following staff members are appointed as "Authorised Persons":

- Ms Denise Gobbart
- Mrs Lee-Anne Trevenen
- Mrs Victoria Gracheva
- Mr Reece Lay
- Ms Kairi Nigol
- Ms Natasha Bowman

(10) Pursuant to s27 of the *Health Act 1911* Council may appoint an Environmental Health Officer to perform such duties as the local government from time to time directs and also such as are specifically prescribed by any order of the Executive Director, Public Health. Mrs Lauren Pitman, Mr Julian Goldacre and Mr Barry Smith are the appointed Environmental Health Officers.

(11) Pursuant to s17 of the *Caravan Parks and Camping Grounds Act 1995* the Chief Executive Officer may appoint such persons to be authorised persons for the purposes of the Act. An authorised person may enter and inspect premises to ensure compliance with the requirements of the Act.

The Chief Executive Officer has appointed Mrs Lauren Pitman, Mr Julian Goldacre and Mr Barry Smith as authorised persons (Power of Entry and Inspection) for the purposes of s17 of the *Caravan Parks and Camping Grounds Act 1995*.

(12) For the purposes of s26 of the *Litter Act 1979* all Council Members and Shire Employees are deemed to be authorised persons.

(13) Section 122 of the *Food Act 2008* requires the local government as the “Enforcement Agency” (Refer Delegation H04) to appoint Authorised Officers in writing and issue certificates of authorisation. For the purposes of s122, Mrs Lauren Pitman, Mr Julian Goldacre and Mr Barry Smith are the Shire’s Authorised Officers.

(14) Under Section 96(3) of the Building Act 2011, a local government may appoint authorised persons in relation to buildings and incidental structures located or proposed to be located in the Shire (Refer Delegation B01). Mr Josiah Farrell is appointed as an authorised person.

Legal Implications

Local Government Act, 1995

Local Government (Miscellaneous Provisions) Act 1960

Bush Fires Act 1954

Dog Act 1976

Health Act 1911

Litter Act 1979

Control of Vehicles (Off-Road Areas) Act 1978

Caravan Parks and Camping Grounds Act 1995

Cemeteries Act 1986

Cat Act 2011

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*

Recommendation

That Council, appoint the following persons as “Authorised Persons” in respect to the requirements of the specified Acts effective 2 July 2016:

(1) Local Government Act 1995, Part 3, Division 3, Subdivision 2, certain provisions about land - s3.24 (relates to the issuing of notices):

- Neville Hale
- Denise Gobbart
- Louka Shopov

(2) Local Government Act 1995, Part 3 Division 3 Section 3.28 & 3.29 of the Local Government Act 1995 provides for Power of Entry (relates to abandoned vehicles or home industry):

- Neville Hale
- Denise Gobbart
- Louka Shopov

(3) Local Government Act 1995, Part 3, Division 3, Subdivision 4, impounding goods involved in certain contraventions – s3.39 (relates to the power to remove and impound):

- Neville Hale
- Denise Gobbart
- Louka Shopov

(4) Local Government Act 1995, Part 9, Division 2, Subdivision 1, miscellaneous provisions about enforcement – s9.10, s9.11 and s9.15; and **Control of Vehicles (Off-Road Areas) Act 1978** – s37 (relates to the fining of a person committing an offence):

- Neville Hale
- Denise Gobbart
- Louka Shopov

(5) Local Government Act 1995, Part 9, Division 2, Subdivisions 1 & 2, miscellaneous provisions about enforcement and infringement notices – s9.13, s9.16 and s9.17: (relates to the issuing of notices):

- Neville Hale
- Denise Gobbart
- Louka Shopov

(6) Local Government Act 1995, Part 9, Division 2, Subdivision 2, miscellaneous provisions about enforcement – s9.19 and s9.20 (relates to amendment of notices):

- Neville Hale
- Denise Gobbart

(7) Local Government (Miscellaneous Provisions) Act 1960 – s449 Local governments may establish pounds, appoint pound keepers and Rangers:

- Doug Whiting
- Robert Palmer

(8) Dog Act 1976 – Registration Officers

- Denise Gobbart
- Lee-Anne Trevenen
- Victoria Gracheva
- Reece Lay
- Kairi Nigol
- Natasha Bowman

(9) Cat Act 2011 – Authorised Persons

- Denise Gobbart
- Lee-Anne Trevenen
- Victoria Gracheva
- Reece Lay
- Kairi Nigol
- Natasha Bowman

(10) Health Act 1911 – s27 Appointment of Environmental Health Officer

- Lauren Pitman
- Julian Goldacre
- Barry Smith

(11) Caravan Parks and Camping Grounds Act 1995 – s17 Authorised Persons (Power of Entry and Inspection).

- Lauren Pitman
- Julian Goldacre
- Barry Smith

(12) Litter Act 1979 – s26 – Authorised Persons

- Members of Council and Shire Employees

(13) Food Act 2008 – s122 – Authorised Persons

- Lauren Pitman
- Julian Goldacre
- Barry Smith

(14) Building Act 2011 – s96(3) Authorised Persons

- Josiah Farrell

Voting Requirements

Simple majority required.

Resolution

Moved Cr

Seconded Cr

16.3 2016 POLICY MANUAL REVIEW

Applicant: Executive Services
File No. 0052
Attachments: 1. Draft Policy Manual – June 2016
2. WALGA Model Purchasing Policy
Author: Mrs Jeanette Bennett

Disclosure of Interest: Nil
Date of Report: 13 June 2016
Senior Officer: Mr Neville Hale


Executive Officer

Chief Executive Officer

Summary

The purpose of this report is for Council to review its Policy Manual for 2016 and to adopt the proposed additions and alterations accordingly.

Background

The last full review was undertaken in June 2015. Council will recall that the 2015 review process included a discussion by Council at its May 2015 Ordinary Meeting where the proposed reviewed policies and some new proposed policies were reviewed. The meeting was closed to the public during those discussions. Subsequently, the 2015 review was formalised through Resolution 12059 at Council's 24 June 2015 Ordinary Meeting.

The Policy Manual includes reference to the manner in which Policy is to be amended and is as follows:

Additions, deletions or alterations to Council Policy shall only be effected by specific Council resolution stating:

- *The proposed policy; and*
- *That the Policy Manual be updated.*

The Reviewed 2016 Policy Manual as attached is now presented for adoption.

Comment

Within the context of leadership and decision making, written policies are a way for Council to give expression to preferred solutions to problems or matters of concern. They are a guide to the staff and elected members when making decisions.

The following outlines changes and makes comment on proposed alterations made to the Policy Manual for the June 2016 Review:

- **Policies 2.2, 2.8, 3.1, 3.2, 3.3, 3.5, 3.6, 3.8, 3.9, 3.10, 4.2, 4.2A, 4.2B, 4.4, 4.7, 4.8, 5.1, 7.1, 7.4, 7.5 & 7.9**
Policy Review updated to reflect the change in the organisational structure by replacing the title of Manager Corporate Services with Deputy Chief Executive Officer.

- **Policy 3.7 – Purchasing**
Policy Updated to reflect the latest WALGA Model Purchasing Policy and Shire Officers authorised to issue purchase orders and their values. A copy of the WALGA Model Purchasing Policy is attached for Councillors information.
- **Policy 4.3 - Senior Employees**
Updated to reflect the change in organisational structure by replacement of Manager Corporate Services and Manager Community Services with Deputy Chief Executive Officer.
- **Policy 5.7 – Road Classification**
Updated to insert the word ‘loose’ in “A”, “B” & “C” Class categorisations in relation to the depth of gravel sheet. This is in line with the Unsealed Roads Manual produced by the *Australian Road Research Board*.

Policy Guidelines also updated to include reference to the above.

The Shire’s Risk Management Policy (1.13) is due for review in October 2016 as part of Audit Regulation 17’s requirement that a local government’s risk management systems and procedures are appropriate and effective. The review is to be undertaken by the Chief Executive Officer and reported to the Audit Committee.

Legal Implications

The local government’s functions are described in the *Local Government Act 1995* and relate to:

Local Government Act 1995 Part 3:

- good government of the district;
- a legislative function (the making of local laws); and,
- an executive function (decisions relating to the range and scope of services and facilities provided to the community).

Section 2.7 (2) (b) of the *Local Government Act 1995* also prescribes the policy role of the Council as the body that “determines the local government’s policies”.

In addition to the *Local Government Act 1995*, local government is assigned many and varied powers and duties under legislation enacted by the state government. These are many and include:

- Western Australian Planning & Development Act 2005
- Water Services Code of Conduct (Customer Service Standards) 2013
- Bushfires Act 1954
- Freedom of Information Act
- Rates and Charges (Rebates and Deferments) Act 1992
- State Records Act 2000
- Food Act 2008
- Equal Opportunity Act 1984

Policies are developed by local government in regard to these (and other) pieces of legislation.

Policy Implications

Shire of Lake Grace Policy Manual

Consultation

Internal - Executive Officer

Financial Implications

Nil

Strategic Implications*Shire of Lake Grace Strategic Community Plan*

Civic Leadership

- *CL 1 Elected Members provide visionary leadership*

Recommendation

That Council, in reviewing its Policy Manual for the 2016/17 Financial Year:

1. Adopts the Policy Manual additions and alterations as follows:

Policies 2.2, 2.8, 3.1, 3.2, 3.3, 3.5, 3.6, 3.8, 3.9, 3.10, 4.2, 4.2A, 4.2B, 4.4, 4.7, 4.8, 5.1, 7.1, 7.4, 7.5 & 7.9

Policy altered to reflect the change in the organisational structure by replacing the title of Manager Corporate Services with Deputy Chief Executive Officer.

Policy 3.7 – Purchasing (effective 2 July 2016)

Policy altered to include the latest WALGA Model Purchasing Policy and Shire Officers authorised to issue purchase orders and their values.

Policy 4.3 - Senior Employees (effective 2 July 2016)

Policy altered to reflect the change in organisational structure by replacing the title of Manager Corporate Services and Manager Community Services with Deputy Chief Executive Officer.

Policy 5.7 – Road Classification

Addition of the word 'loose' in "A", "B" & "C" Class categorisations in relation to the depth of gravel sheet. This is in line with the Unsealed Roads Manual produced by the *Australian Road Research Board*.

Addition of 'Unsealed Roads Manual produced by the *Australian Road Research Board*' under Guidelines.

2. Updates the Policy Manual accordingly.

Voting Requirements

Simple majority required.

Resolution

Moved Cr

Seconded Cr

17.0 INFORMATION BULLETIN

17.1 INFORMATION BULLETIN REPORT – JUNE 2016

Applicant: Executive Services
File No. N/A
Attachments: Information Bulletin (*under separate cover*)
Author: Ms Natasha Bowman


Governance & Council Support Officer

Disclosure of Interest: Nil
Date of Report: 16 June 2016
Senior Officer: Mr Neville Hale


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 (June 2016) Information Bulletin Report has been emailed to Councillors.

The June 2016 Information Bulletin attachment includes:

Reports

1. Council Status Report – May 2016
2. Infrastructure Services Report – May 2016
3. Outstanding Rates Report – May 2016
4. Monthly Schedules – May 2016
5. Lake Grace Visitor Centre – March-May 2016 Tourism Statistics
6. CESM Report - June 2016
7. WALGA – President's Report – July 2016

Letters

8. Letter from Lake Grace Visitor Centre Committee – Future of Visitor Centre 19 May 2016
9. Letter from Mikaela Knill – Ranger Services 23 May 2016
10. Letter from City of Kalgoorlie Boulder – Curing our cancer 8 June 2016

Circulars & Newsletters

11. Lake Grace Sub Centre – Newsletter No 3 May 2016
12. McLeods Barristers & Solicitors – Local Government Update – Dealing with Vexatious Proceedings and Vexatious Litigants
13. McLeods Barristers & Solicitors – Local Government Update – Supreme Court determines that landfill applies to clean fill
14. WALGA – Info Page – Legal Advice regarding the ‘Instant Start’ proposal
15. WALGA – Vacancies on Boards and Committees – Control of Vehicles Act Advisory Committee
16. WALGA – Economic Briefing Local Government Cost Index – 20 May 2016

Minutes

17. Lake Grace Development Association Inc – 4 April 2016
18. LEMC – 18 February 2016
19. 4WDL – Tuesday 14 June 2016
20. Local Government Managers Australia – 11 March 2016
21. Tree Planting Notes – 1 June 2016
22. WALGA – CCZ Executive Committee minutes – 7 June 2016

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*

Recommendation

That Council accepts the Information Bulletin report.

Voting Requirements

Simple majority required.

Resolution

Moved Cr

Seconded Cr

18.0 URGENT BUSINESS BY DECISION OF THE MEETING

19.0 SCHEDULING OF MEETING

19.1 JUNE 2016 ORDINARY MEETING

The next Ordinary Meeting of Council is scheduled to take place on Wednesday 27 July 2016, commencing at 3.00 pm at the Council Chambers, 1 Bishop Street, Lake Grace, WA.

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

RESOLUTION

Moved Cr
Seconded Cr

That Council close the meeting to the public at this time, being __ pm to discuss Items 20.1 – Chief Executive Officer – Appointment and Contract and 20.2 – Proposed Acquisition of Lot 20 Mather Road, Lake Grace.

MOTION CARRIED

20.1 CHIEF EXECUTIVE OFFICER – APPOINTMENT AND CONTRACT

Item forwarded under separate cover.

20.2 PROPOSED ACQUISITION OF LOT 20 MATHER ROAD, LAKE GRACE

To be emailed as a late item.

RESOLUTION

Moved Cr
Seconded Cr

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

MOTION CARRIED

21.0 CLOSURE

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

22.0 CERTIFICATION

I, Jeanette Frances De Landgraft, certify that the minutes of the meeting held on the 22 June 2016 as shown were confirmed as a true record at the meeting held on the 27 July 2016.

Shire President

Date