

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:** Tuesday 19 December 2017

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

**Commencing:** 1.00 pm

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

A handwritten signature in black ink, appearing to read "Denise Gobbart".

Denise Gobbart  
Chief Executive Officer

14 December 2017  
Date

Shire of Lake Grace

Ordinary Council Meeting

# Agenda

19 December 2017

Meeting Commencing at 1.00 pm



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## **SHIRE OF LAKE GRACE**

Agenda for the Ordinary Meeting of Council to be held at Council Chambers, 1 Bishop Street, Lake Grace, WA on Tuesday 19 December 2017.

### **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 R Chappell	
Cr DS Clarke	
Cr RA Lloyd	
Cr AD Marshall	
Cr MR Spurr	
Cr MG Stanton	
Cr P Stoffberg	

#### **In Attendance**

Ms D Gobbart	Chief Executive Officer
Ms L Gray	Deputy Chief Executive Officer
Mr D Holland	Manager Infrastructure Services
Ms N Bowman	Governance Officer

#### **Observers/Visitors**

#### **2.2 APOLOGIES**

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

### **3.0 PUBLIC QUESTION TIME**

#### **3.1 RESPONSES TO QUESTIONS TAKEN ON NOTICE**

At the Council Meeting held on 22 November 2017, Ms Michelle Slarke and Mrs Vynka Lay attended during Public Question Time and asked the following questions:

##### **3.1.1 Ms Michelle Slarke**

**Question 1:** In particular the provisions for the developers to provide on-site parking at the rear of the block. As such, I am representing these people present and a number of other Lake Grace ratepayers and long term residents who could not attend this meeting. These include Lakes District Regional Herbarium and Rare Flora Volunteers. Have Councillors viewed the site (Lot 5, Stubbs Street, Lake Grace) in person?

**Response 1:** At the time of the last meeting of Council with the exception of one, all other Councillors had viewed the site.

**Question 2:** At the rear of the site where parking is proposed there are five mature, remnant eucalypts. Is Council aware these trees are older than the town?

**Response 2:** Yes, the age of the trees is acknowledged as well as their contribution to local amenity and character.

**Question 3:** Is Council aware that only 16% of remnant bush is left in our Shire with less in the Lake Grace townsite?

**Response 3:** Recent estimates received from the Department of Primary Industries and Regional Development identifies the Shire has approximately 38% of remnant vegetation. This includes the vacant crown land east of the clearing limit and all reserves. Within agricultural properties it is estimated that 11% of remnant vegetation remains.

Notwithstanding, Council recognises the benefits of providing for the protection of remnant vegetation however in townsite areas it needs to balance that objective with the community's economic needs and landowners desire to develop their land.

**Question 5:** Will Council give assurance that these important trees will retain?

**Response 5:** No assurances can be given in this regard. Council is required to have due regard for the requirements of the Shire's Local Planning Scheme when it comes to the provision of on-site parking and consider the implications if no parking is provided.

**Question 7:** Also mentioned in the Agenda, when will Council finally adopt an independent Heritage List identifying buildings, places and objects – including historical trees such as these – that are of cultural significance and worthy of protection?

**Response:** The Shire's proposed new Heritage List is expected to be finalised and adopted by Council in the first half of 2018.

### **3.1.2 Mrs Vynka Lay**

**Question 1:** Why did the report by the Town Planning Consultant not mention the trees at the rear of the development if effect on natural environment was considered?

**Response 1:** Assessment of the development application received indicated only one (1) existing eucalypt tree at the rear of the property will need to be removed to accommodate the proposed new vehicle access and parking area. The removal of one (1) existing tree, which has already been subject to significant lopping and pruning, cannot reasonably be considered as having a negative impact upon the natural environment.

**Question 4:** Have Council considered whether people would actually use a rear carpark? As a local, I certainly would not.

**Response 4:** The provision of on-site parking for any form of commercial development in the Shire is a specific requirement of the Shire's Local Planning Scheme which Council is required to have due regard for when assessing and determining development applications. Council has the discretion to allow for a reduced number of on-site parking bays or not require any on-site parking bays at all depending upon the circumstances of each individual application.

In this instance the applicant has attempted to balance the requirements of the Shire's planning scheme with their commercial aims and objectives hence the revised site plan showing vehicle access and parking at the rear of the land where there is opportunity to do so. Whether or not people will choose to use the proposed parking area is not a relevant planning consideration. The provision of suitable and adequate parking to service the needs of the proposed use is the primary consideration given the specific requirements of the Shire's Local Planning Scheme.

**Question 5:** Has Council considered how the removal of the trees would change the character of the town centre and denude the town centre environment?

**Response 5:** Yes the impact was considered and it was concluded the removal of one (1) existing tree at the rear of the property to accommodate the proposed vehicle access and parking area cannot reasonably be expected to have a negative impact upon the character and amenity of the town centre area.

**Question 6:** Has Council compared the requirements for parking for this development to other businesses in this town and other towns? Many businesses do not have on-site parking.

**Response 6:** Since the introduction of planning controls in the Shire, Council has consistently required all new development proposals in townsite areas to provide on-site parking. The only exceptions relate to those sites where no land was available to provide on-site parking bays due to the historical nature and extent of development in which case concessions were granted.

In this particular instance there is land available at the rear of the property to accommodate the parking requirements of the Shire's Planning Scheme. It's open to Council to use its discretionary powers to either reduce the total number of on-site parking bays required to be provided or to waive the requirement altogether having regard for the circumstances of each individual proposal.

**Question 7:** Has Council considered that if there was no room for rear parking at the location, the parking requirement could not be imposed? Having to put a car park at the rear of the development could also impact on future development plans by the owners.

**Response 7:** If no room was available at the rear of this or any other property, the subject of a development application which requires the provision of additional on-site parking to satisfy the requirements of the Shire's Local Planning Scheme, it is open to Council to require an applicant to pay a cash-in-lieu contribution to the Shire for any on-site parking shortfall.

The amount payable is based upon land value plus the cost of constructing the parking bays and associated vehicle accessway. Current estimates indicate a payment of \$4,000 for each bay unable to be provided on-site should be payable to the local government to fund the construction of public parking areas in nearby areas which could prove to be a major impost and disincentive for any new development in the Shire.

It is acknowledged the requirement to provide on-site parking as well as loading / unloading areas for service vehicles could impact upon any future development plans for any given property however the provision of suitable parking and service vehicle areas to satisfy the parking demand and servicing requirements for any given use is a matter enshrined in the State and Local Planning Framework that Council is required to consider when assessing and determining development applications.

As previously mentioned above it is open to Council to use its discretion to allow for a reduction in the total number of parking bays or service vehicle areas required by the Shire's Local

Planning Scheme or to waive these requirements altogether having regard for the circumstances of any given proposal.

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

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

##### **5.1 ORDINARY MEETING – 22 NOVEMBER 2017**

###### Recommendation

That the minutes of the Ordinary Meeting of Council held on 22 November 2017 be confirmed as a true and accurate record.

#### **6.0 DECLARATIONS OF INTEREST**

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

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

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

#### **7.0 NOTICES OF URGENT BUSINESS**

##### **7.1 MEETING WITH SHIRE OF LAKE GRACE AUDITORS**

The purpose of this item is for Council to accept the meeting with Council's Auditor from Moore Stephens. This item will be considered under Urgent Business by Decision of the Meeting at Item 18.1.

##### **7.2 SHIRE OF LAKE GRACE 2016/2017 ANNUAL REPORT**

The purpose of this item is for Council to accept the Annual Report for the year ended 30 June 2017. This item will be considered under Urgent Business by Decision of Meeting at Item 18.2.

##### **7.3 2016/2017 ANNUAL ELECTORS MEETING**

The purpose of this report is for Council to endorse the date for the Annual Electors' General Meeting. This item will be considered under Urgent Business by Decision of Meeting at Item 18.3.

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

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



**10.0 MEMBERS' REPORTS**

**10.1 CR CHAPPELL**

**10.2 CR CLARKE**

**10.3 CR HUNT**

**10.4 CR LLOYD**

**10.5 CR MARSHALL**

**10.6 CR SPURR**

**10.7 CR STANTON**


**10.8 CR STOFFBERG**

**10.9 CR DE LANDGRAFFT**

<b>11.0 MATTERS FOR CONSIDERATION – INFRASTRUCTURE SERVICES</b>
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**11.1 NORTH LAKE GRACE / KARLGARIN RD - BLACK SPOT**

**Applicant:** Internal Report  
**File No.** 0486  
**Attachments:** Lake Grace-Karlgarin Road Blackspot Proposed Plan  
**Author:** Mr David Holland

  
 Manager Infrastructure Services

**Disclosure of Interest:** Nil  
**Date of Report:** 7 December 2017  
**Senior Officer:** Ms Denise Gobbart

  
 Chief Executive Officer

Summary

For Council to consider design changes to the 2017/18 Black Spot funded project on North Lake Grace / Karlgarin Road Straight Line Kilometres (SLK) 2.90 to Straight Line Kilometres (SLK) 4.30.

Background

The 2017/18 Black Spot funded project for North Lake Grace / Karlgarin Road was submitted by a previous Manager Infrastructure Services. When the project was submitted it stated that the following works were to be undertaken:

- clear side vegetation;
- reconstruct two culverts at SLK 3.19 and SLK 3.91;
- extend width of road;
- re-align sharp curves;
- bitumen sealing 1.4 kilometres; and,
- install guide posts, signs and line marking.

When the project was submitted for funding, no surveys had been undertaken of the current formation of the road, to ensure that the proposed works would remediate the issues at the site.

Considerable work has been undertaken to survey and design an outcome that would better suit the topography of the surrounding land.

Comment

The project submitted for funding with Black Spot monies has been lacking in design, and as such would not suit the conditions of the surrounding land which at times floods when heavy rain has fallen within the area and further afield.

To alleviate the problems with the curves and floodway will lessen the impact of flood water and make the “S” Bends more controllable, lessen the forces on the road and driver.

With these changes it will also lessen the likelihood of two trucks coming together on these bends, which are currently not to Main Roads WA (MRWA) standards and have elevation that is not conducive to the truck movements within the road reserve.

The works proposed for North Lake Grace / Karlgarin Rd are as follows:

- Remove any vegetation to the road clear zone, construct a new embankment to a section of the existing embankment;
- Formation widening to achieve the minimum standard of 10 metre width, upgrade batter slopes and backslopes to the proposed section of road;
- Construct new portions of road to achieve a smooth and flowing road formation;
- Construct and lengthen the flood way to MRWA specifications of a minimum length of 100 metres;
- Upgrade drainage lines within the works section and install new HDPE culverts within new works;
- Top up gravel to existing road to achieve a consistent base course of 200 millimetres;
- Grade and compact to achieve the levels required to tie in to the completed and existing formation;
- Cement stable floodway and wet mix the formation to allow a consistent base course, and to achieve the optimum moisture content;
- Grade and compact ready for sealing;
- Seal the completed section of road with a single 10 millimetre seal.

It is projected that these works are estimated to cost \$263,332. Funding allocated to the original project is \$67,031; leaving a shortfall in funding of \$196,301. The additional funds required could be transferred from Job 122516 Backslopes and Shoulder Maintenance. This will leave an estimated balance of \$279,098 for backslopes and shoulder maintenance works to be undertaken by the works team.

#### Legal Implications

Nil

#### Policy Implications

*Shire of Lake Grace Policy 5.8 Unsealed Roads – Standards*

*Shire of Lake Grace Policy 5.7 Road Classification*

#### Consultation

Internal

Denise Gobbart, Chief Executive Officer

John Dyer, Contract Manager Infrastructure Services

#### Financial Implications

Funds identified in the 2017/18 Annual Budget for Black Spots are \$67,031, with the projected cost of this project being \$263,332; it leaves a short fall of \$196,301.

The balance of any shortfall in funding can be transferred from Job 122516 Backslopes and Shoulders which had an original budget allocation of \$906,509. After the approval of the 2017/18 sealing program and authorising the Shire of Kondinin to undertake the works on Magenta Road a balance of \$475,399 remains in this account.

With the additional funds of \$196,301 required to complete the North Lake Grace / Karlgarin Road this would leave a balance of \$279,098 in Job 122516 Backslopes and Shoulders.

Strategic Implications

*Shire of Lake Grace Strategic Community Plan 2017 - 2027*

Economic – A prosperous agricultural based economy, supporting diversification of industry.

- Outcome 1.1 An innovative, productive agriculture industry
- 1.1.1 Enhance and maintain transport network
  - 1.1.2 Improve flood mitigation for transport infrastructure

Recommendation

That Council:

1. approve the change in design for the 2017/18 Blackspot project on North Lake Grace / Karlgarin Road from Straight Line Kilometres 2.90 to Straight Line Kilometres 4.30, to better suit the topography of the surrounding land; and,
2. authorise additional funds of \$196,301 to be transferred from Job 122516 Backslopes and Shoulders Maintenance.

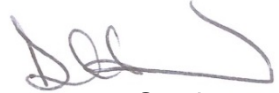
Voting Requirements

Simple majority required.

**11.2 REGIONAL ROAD GROUP SUBMISSIONS 2018/19**

**Applicant:** Internal Report  
**File No.** 0483  
**Attachments:** 1. Magenta Road  
 2. North Lake Grace / Karlgarin Road  
 3. Old Ravensthorpe Road  
**Author:** Mr David Holland

**Disclosure of Interest:** Nil  
**Date of Report:** 7 December 2017  
**Senior Officer:** Ms Denise Gobbart



Manager Infrastructure Services



Chief Executive Officer

Summary

For Council to endorse the 2018/19 Regional Road Group (RRG) submissions as presented to Main Roads WA (MRWA).

Background

The proposal is to complete two projects with the third project being included if funding is available from the RRG funding in the 2018/19 financial year.

Comment

These projects submitted to the RRG are within the *Roads 2030* Regional Strategies for Significant Local Government Roads.

The roads submitted are as follows:

- Magenta Road – 3 kilometres being Straight Line Kilometres (SLK) 24.63 to SLK 27.63 (refer attachment 1).  
 Projected cost estimate: \$361,370.
  - Works to be completed will be, formation widening to achieve the minimum standard of 10 metre width, upgrade batter slopes and backslopes to the proposed section of road, remove any vegetation to the road clear zone, top up gravel to achieve a consistent base course of 200 millimetres, grade and compact to achieve the levels required to tie in to the completed and existing formation, seal the completed section of road with a two coat 14/7 millimetre seal.
- North Lake Grace / Karlgarin Road – 2 kilometres being SLK 9.60 to SLK 11.60 (refer attachment 2).  
 Projected cost estimate: \$191,952.
  - Works to be completed will be, formation widening to achieve the minimum standard of 10 metre width, upgrade batter slopes and backslopes to the proposed section of road, remove any vegetation to the road clear zone, construct a new embankment to a section of 2 kilometres of the existing embankment, top up gravel to achieve a consistent base course of 200 millimetres, grade and compact to achieve the levels required to tie in to the completed and existing formation, seal the completed section of road with a two coat 14/7 millimetre seal.

- Old Ravensthorpe Road – 3 kilometres being SLK 0.25 to SLK 3.25 (refer attachment 3).  
Projected cost estimate: \$137,207.
  - Works to be completed will be, formation widening to achieve the minimum standard of 10 metre width, upgrade batter slopes and backslopes to the proposed section of road, remove any vegetation to the road clear zone, top up gravel to achieve a minimum base course of 200 millimetres, grade and compact to achieve the levels required to tie in to the completed and existing formation.

#### Legal Implications

Nil

#### Policy Implications

*Shire of Lake Grace Policy 5.8 Unsealed Roads – Standards*

*Shire of Lake Grace Policy 5.7 Road Classification*

#### Consultation

Internal: Denise Gobbart, Chief Executive Officer  
John Dyer, Contract Manager Infrastructure Services

#### Financial Implications

The projects submitted for RRG funding are funded jointly by MRWA (two thirds) and the Shire (one third). Funding for the successful projects would be included in the 2018/19 budget. The estimated total cost to the Shire is all projects where funded is as per the table below.

	<b>TOTAL</b>	<b>MRWA</b>	<b>SHIRE</b>
Magenta Rd	361,370	240,913	120,457
North Lake Grace / Karlgarin Rd	191,952	127,968	63,984
Old Ravensthorpe Rd	137,207	91,471	45,736
	<b>690,529</b>	<b>460,353</b>	<b>230,176</b>

In comparison RRG funding received in the past is as follows;

2017/18	\$405,826
2016/17	\$340,000
2015/16	\$330,000
2014/15	\$250,000

#### Strategic Implications

*Shire of Lake Grace Strategic Community Plan 2017 - 2027*

Economic – A prosperous agricultural based economy, supporting diversification of industry.

- Outcome 1.1 An innovative, productive agriculture industry
- 1.1.1 Enhance and maintain transport network
  - 1.1.2 Improve flood mitigation for transport infrastructure

Recommendation

That Council endorse the following road projects as presented to Main Roads WA for the 2018/19 Regional Road Group program:

1. Magenta Road – 3 kilometres being Straight Line Kilometres 24.63 to Straight Line Kilometres 27.63;
2. North Lake Grace / Karlgarin Road – 2 kilometres being Straight Line Kilometres 9.60 to Straight Line Kilometres 11.60; and,
3. Old Ravensthorpe Road – 3 kilometres being Straight Line Kilometres 0.25 to Straight Line Kilometres 3.25.

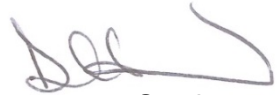
Voting Requirements

Simple majority required.

**11.3      PURCHASE OF EXCAVATOR**

**Applicant:** Internal Report  
**File No.** 0415  
**Attachments:** 1. Used machine quotes  
 2. Komatsu Quotations  
 3. Westrac Quotation  
**Author:** Mr David Holland

**Disclosure of Interest:** Nil  
**Date of Report:** 7 December 2017  
**Senior Officer:** Ms Denise Gobbart



Manager Infrastructure Services



Chief Executive Officer

**Summary**

For Council to consider the purchase of a new or second hand excavator.

**Background**

The 2017/18 Budget provided for the purchase of a loader to be located at the Lake Grace Landfill site on a permanent basis. Research has been ongoing to try and identify a loader suitable for the work required at the landfill site.

Consideration has now been given to the suitability of our current plant being used in road maintenance and construction. This is particularly valid given that a focus is being given to clearing roadside vegetation from the backslopes and table drains.

In the 2017/18 plant replacement program the L90 Volvo Loader was due to be replaced, with the L60E Volvo Loader being scheduled for replacement in the 2018/19 financial year. The trade in value was anticipated to be \$50,000 and \$35,000 respectively.

In consultation with staff, it has been determined that an excavator would be more suited to the works being required. In this consideration the need for a loader at the landfill site was a priority focus.

It was determined that, given we know the history of our loaders, we could relocate the Volvo L60E Loader to the Lake Grace Landfill Site, and purchase an excavator for the required road works.

Knowing the history of this machine we are aware of what issues the machine has. When looking at the purchase of a second hand machine, the real state of the machine is unknown until you start operating the machine. Given the work being undertaken at the landfill the loader will not be extensively used and would give us better value for money.

**Comment**

As Shire needs are ever changing and with the changes being made in the use of machinery this is an opportune time to utilise the machinery we have and make changes in the way works are carried out into the future. With this it has been put forward to the Manager Infrastructure Services that the changes that are occurring with weather events and the like, the need for an excavator are as follows:

- to up-grade Shire's drainage systems to allow better water flows;



- to utilise the excavator to mulch the vegetation and trees on the road verges, this will be a cost effective way of clearing the road reserve, with the use of a mulching attachment;
- loading and blending of materials in gravel pits;
- digging pits at the refuse site (Newdegate);
- removal of branches and larger trees with the use of a grab attachment; and,
- cost effectiveness of not hiring equipment and not having the equipment when required.

The Shire has contacted three major machinery companies to quote new machines and look into the availability of any second hand equipment (refer to attachment 1).

The Shire received quotes on second hand machines up to 5 years old, with over 2,000 hours on them ranging from \$100,000 to \$130,000. These machines are in the eastern states and would cost approximately \$20,000 to transport to Lake Grace as these are over size machines.

The Shire also received two quoted prices on new machines with extras at a cost of \$170,000; the quoted prices are for supply and delivery and set up with all requirements to fulfill Occupational Health and Safety legislations for works on roads (refer to attachment 2 and 3).

The Specifications of the excavator are as follows;

#### 1. TYPE OF VEHICLE

- |     |                         |                                  |
|-----|-------------------------|----------------------------------|
| 1.1 | Tracked Excavator       | Rubber Tracked or Rubber Inserts |
| 1.2 | Operating Weight        | Min 12,000 KG                    |
| 1.3 | Zero Swing              | Min Standard                     |
| 1.4 | Front Pusher Blade      | Min Standard                     |
| 1.5 | 900mm Toothed GP Bucket | Min Standard                     |

#### 2 ENGINE

- |     |               |           |
|-----|---------------|-----------|
| 2.1 | Engine Rating | Min 52 kW |
| 2.2 | Turbo Charged |           |
| 2.3 | Fuel Type     | DIESEL    |

#### 3 HYDRAULICS

- |     |                                    |  |
|-----|------------------------------------|--|
| 3.1 | High Flow                          |  |
| 3.2 | Boom & Arm Holding                 |  |
| 3.3 | Boom Lowering Device               |  |
| 3.4 | Quick Hitch Piping & Safety Switch |  |
| 3.5 | Burst Valve Protection             |  |
| 3.6 | Hammer Piping, Dual Flow           |  |

#### 4 ELECTRICS

- |     |  |  |
|-----|--|--|
| 4.1 | Reverse Warning Light and Alarm                                    |  |
| 4.2 | 2 Revolving Amber Lights   |  |
| 4.3 | Suitable clean source of 12v power required for two way connection |  |

#### 5 OPERATORS CAB

- |     |   |  |
|-----|---|--|
| 5.1 | ROPS Cabin Protection System                          |  |
| 5.2 | Fully adjustable ergonomically designed operator seat |  |
| 5.3 | Air Conditioner                                       |  |
| 5.4 | Radio - AM/FM/CD                                      |  |
| 5.5 | Tinted Windows  |  |
| 5.6 | Heavy Duty Canvas Seat Covers                         |  |

- 6 EXTRAS REQUIRED
  - 6.1 Protector Guards for Cab Lock Up
  - 6.2 UHF radio
  - 6.3 Small tool box & shovel holder
  - 6.4 9kg Fire extinguisher
  - 6.5 Machine to be delivered with a full fuel tank
  - 6.6 Operators Manual and Spare Parts Manual/CD
  - 6.7 Standard issue Tools
  - 6.8 Warranty period and extended warranty availability
- 7 PAINTING
  - 7.1 Colour to be as is with Shire of Lake Grace sign writing installed
- 8 LICENSING
  - 8.1 Vehicle to be delivered, registered in accordance with Department of Transport until 30 June
- 9 ADDITIONAL PRICING
  - 9.1 1500 Batter Bucket (cutting edge only)
  - 9.2 600 GP Toothed Bucket
  - 9.3 Mulching Head to Suit
  - 9.4 Reversing Camera (Optional)

It is proposed to use Western Australia Local Government Association's Preferred Supplier panel and that the e-Quote will open on Monday 15 January 2018 and close on Monday 29 January 2018, with the submissions to be evaluated and awarded no later than Monday the 26 February 2018.

#### Legal Implications

##### *Local Government Act 1995*

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.

*Local Government Act 1995*

## 3.57. Tenders for providing goods or services

- (1) A local government is required to invite tenders before it enters into a contract of a prescribed kind under which another person is to supply goods or services.
- (2) Regulations may make provision about tenders.

*Local Government (Function and General) Regulations 1996 – Part 4 Provision of goods and services*

## 11. When tenders have to be publicly invited

- (1) Tenders are to be publicly invited according to the requirements of this Division before a local government enters into a contract for another person to supply goods or services if the consideration under the contract is, or is expected to be, more, or worth more, than \$150,000 unless subregulation (2) states otherwise.
- (2) Tenders do not have to be publicly invited according to the requirements of this Division if -
  - (a) the supply of the goods or services is to be obtained from expenditure authorised in an emergency under section 6.8(1)(c) of the Act; or
  - (b) the supply of the goods or services is to be obtained through the WALGA Preferred Supplier Program; or
  - (c) within the last 6 months —
    - (i) the local government has, according to the requirements of this Division, publicly invited tenders for the supply of the goods or services but no tender was submitted that met the tender specifications or satisfied the value for money assessment; or
    - (ii) the local government has, under regulation 21(1), sought expressions of interest with respect to the supply of the goods or services but no person was, as a result, listed as an acceptable tenderer; or
  - (d) the contract is to be entered into by auction after being expressly authorised by a resolution of the council of the local government; or
  - (e) the goods or services are to be supplied by or obtained through the government of the State or the Commonwealth or any of its agencies, or by a local government or a regional local government; or
  - (ea) the goods or services are to be supplied —
    - (i) in respect of an area of land that has been incorporated in a district as a result of an order made under section 2.1 of the Act changing the boundaries of the district; and
    - (ii) by a person who, on the commencement of the order referred to in subparagraph (i), has a contract to supply the same kind of goods or services to the local government of the district referred to in that subparagraph; or
  - (f) the local government has good reason to believe that, because of the unique nature of the goods or services required or for any other reason, it is unlikely that there is more than one potential supplier; or
  - (g) the goods to be supplied under the contract are —
    - (i) petrol or oil; or
    - (ii) any other liquid, or any gas, used for internal combustion engines; or
  - (h) the following apply —
    - (i) the goods or services are to be supplied by a person registered on the Aboriginal Business Directory WA published by the Small Business Development Corporation established under the Small Business Development Corporation Act 1983; and
    - (ii) the consideration under the contract is \$250 000 or less, or worth \$250 000 or less; and
    - (iii) the local government is satisfied that the contract represents value for money; or
  - (i) the goods or services are to be supplied by an Australian Disability Enterprise; or

- (j) the contract is a renewal or extension of the term of a contract (the original contract) where —
  - (i) the original contract was entered into after the local government, according to the requirements of this Division, publicly invited tenders for the supply of goods or services; and
  - (ii) the invitation for tenders contained provision for the renewal or extension of a contract entered into with a successful tenderer; and
  - (iii) the original contract contains an option to renew or extend its term; and
  - (iv) the supplier's tender included a requirement for such an option and specified the consideration payable, or the method by which the consideration is to be calculated, if the option were exercised; or
- (k) the goods or services are to be supplied by a pre-qualified supplier under Division 3.

#### 12. Anti-avoidance provision for r. 11(1)

- (1) This regulation applies if a local government intends to enter into 2 or more contracts (the contracts) in circumstances such that the desire to avoid the requirements of regulation 11(1) is a significant reason for not dealing with the matter in a single contract.

#### Policy Implications

##### *Shire of Lake Grace Policy 3.7 - Purchasing Policy*

##### *Shire of Lake Grace Policy 3.11 - Tender Selection Criteria*

Prior to publicly inviting tenders, the Shire's assessment criteria for which the tender should be accepted is as follows with any variation to be determined by Council:

#### **Plant and Equipment**

Tender Price	65%
Warranty & Servicing	15%
Performance	10%
Delivery/Availability	10%

#### Consultation

Internal Denise Gobbart, Chief Executive Officer  
 John Dyer, Contract Manager Infrastructure Services  
 Andrew Bowker, Construction Crew Team Leader

#### Financial Implications

In the budget this year we included;

	2017/2018	
	Budget	Purchased
Infrastructure Supervisor	38,000	36,506
Waka Packer Plate Compactor	2,550	
Prime Mover	215,000	
Works Crew Cab Truck	61,960	61,960
MIS Vehicle	43,000	
Loader LG Landfill	50,000	
	<u>410,510</u>	<u>98,466</u>
Transfer to Reserve	<u>200,000</u>	

The projected Plant Replacement for 2017/18 and 2018/19, is as follows;

Plant Replacement Program 2017/2018						
Plant #	Plant	Date Acquired	Rego	Trade	New	Change Over
PGRA05	JOHN DEERE GRADER	18/10/2011	LG 393	110,000	367,200	257,200
PLOD01	VOLVO LOADER L90	1/05/2007	LG 126	50,000	275,706	225,706
PTOR03	JOHN DEERE TRACTOR	21/01/2001	LG 045	10,000	46,766	36,766
	3 Point Linkage Rotary Mower			2,500	31,212	28,712

Plant Replacement Program 2018/2019						
Plant #	Plant	Date Acquired	Rego	Trade	New	Change Over
PLOD05	VOLVO LOADER L60	17/01/2006	LG 205	35,000	233,466	198,466
PBAH03	JOHN DEERE BACKHOE LOADER	20/10/2003	LG 106	15,000	153,875	138,875
PTRO08	HUSTLER SLASHER - NGT	30/06/2012		0	19,990	19,990
PTRA11	CMADE PIPE TRAILER	1/03/1994	LG 2092	0	2,500	2,500
PTRA17	JPAPAS BOXTOP TRAILER	30/06/2007	1THR 732	0	2,500	2,500
PLM03	HONDA 4-WHEEL MOTORBIKE	5/12/2006	LG 2640	500	6,898	6,398

### Strategic Implications

*Shire of Lake Grace Strategic Community Plan 2017 - 2027*

Economic – A prosperous agricultural based economy, supporting diversification of industry.

- Outcome 1.1 An innovative, productive agriculture industry
- 1.1.1 Enhance and maintain transport network
  - 1.1.2 Improve flood mitigation for transport infrastructure

### Recommendation

That Council, authorise the Chief Executive Officer:

1. to use Western Australia Local Government Association's Preferred Supplier panel for the supply of one (1) twelve (12) to fourteen (14) tonne rubber tracked excavator;
2. to seek quotations with the following specifications:
 

TYPE OF VEHICLE	
Tracked Excavator	Rubber Tracked or Rubber Inserts
Operating Weight	Min 12,000 KG
Zero Swing	Min Standard
Front Pusher Blade	Min Standard
900mm Toothed GP Bucket	Min Standard
ENGINE	
Engine Rating	Min 52 kW

Turbo Charged  
Fuel Type DIESEL

HYDRAULICS

High Flow  
Boom & Arm Holding  
Boom Lowering Device  
Quick Hitch Piping & Safety Switch  
Burst Valve Protection  
Hammer Piping, Dual Flow

ELECTRICS

Reverse Warning Light and Alarm  
2 Revolving Amber Lights  
Suitable clean source of 12v power required for two way connection

OPERATORS CAB

ROPS Cabin Protection System  
Fully adjustable ergonomically designed operator seat  
Air Conditioner  
Radio - AM/FM/CD  
Tinted Windows  
Heavy Duty Canvas Seat Covers

EXTRAS REQUIRED

Protector Guards for Cab Lock Up  
UHF radio  
Small tool box & shovel holder  
9kg Fire extinguisher  
Machine to be delivered with a full fuel tank  
Operators Manual and extended warranty available  
Standard issue Tools  
Warranty period and extended warranty availability

PAINTING

Colour to be as is with Shire of Lake Grace sign writing installed

LICENSING

Vehicle to be delivered, registered in accordance with Department of Transport until 30 June

ADDITIONAL PRICING

1500 Batter Bucket (cutting edge only)  
600 GP Toothed Bucket  
Mulching Head to Suit  
Reversing Camera (Optional); and,

3. allow the transfer of funds from the purchase of the refuse site loader to be incorporated into the funding with additional funds being taken from the plant reserve.

Voting Requirements

Simple majority required.

<b>12.0 MATTERS FOR CONSIDERATION – PLANNING</b>
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*This matter was presented to Council on 22 November 2017 and Council resolved as per resolution:*

*RESOLUTION 12639, moved Cr Chappell, seconded Cr Lloyd*

*That Council move to next business CARRIED 5/2*

**12.1 DEVELOPMENT APPLICATION – PROPOSED ADDITIONS TO EXISTING CAFE & ADDITIONAL USE (RECEPTION CENTRE) ON LOT 5 (NO.26) STUBBS STREET, LAKE GRACE**

<b>Applicant:</b>	Mr Paul Wheeler & Ms Michelle Donegan (Landowners)
<b>File No.</b>	0506
<b>Attachments:</b>	1. Plan 1 – Location Plan 2. Plan 2 – Existing Lot Configuration 3. Plan 3 – Aerial Site Plan 4. Attachment 1 5. Attachment 2
<b>Author:</b>	Mr Joe Douglas (Urban & Rural Perspectives) Town Planning Consultant
<b>Disclosure of Interest:</b>	Nil
<b>Date of Report:</b>	14 December 2017
<b>Senior Officer:</b>	Ms Denise Gobbart



Chief Executive Officer

Summary

This report recommends that a development application submitted by Mr Paul Wheeler and Ms Michelle Donegan (Landowners) to construct a new 72 square metre addition to the existing commercial building on Lot 5 (No.26) Stubbs Street, Lake Grace for the purposes of a 'restaurant / cafe' and 'reception centre' be approved by Council subject to conditions.

When considering this report Council should note the following key points:

- i) The development application was originally tabled for consideration and determination by Council at its November 2017 Ordinary Meeting (i.e. Item 12.2);
- ii) Due to various queries and concerns raised by the local community at its November meeting, the application remains undetermined;
- iii) On 7 December 2017 the applicants submitted an amended site development plan for the subject land and explanatory notes requesting Council's formal consideration and approval. The revised plan seeks to address various concerns raised at Council's November meeting; and,
- iv) This report now deals with the revised site development plan and has been updated accordingly including revisions to the recommended conditions of development approval.

Background

The applicants are seeking Council's development approval for the following:

- i) construction of a new 72 square metre addition to the western side of the existing commercial building on Lot 5 (No.26) Stubbs Street, Lake Grace;

- ii) use of the proposed new 72 square metre addition for the purposes of an expanded 'restaurant / cafe';
- iii) use of the entire premises, including the proposed addition, for the purposes of a 'reception centre';
- iv) construction of a new vehicle access and parking area at the rear of the property with direct access to/from an existing constructed right-of-way along the land's rear boundary;
- v) the provision of landscaping in select locations including the retention of all existing eucalypt trees at the rear of the property with the exception of one smaller sized tree that has been subject to previous lopping works and needs to be removed to provide safe and convenient vehicle access via the adjoining right-of-way; and,
- vi) removal of an existing corrugated iron storage shed at the rear of the property for vehicle safety purposes (i.e. improved sight lines for vehicles exiting Lot 5).

Lot 5 is located centrally in the Lake Grace townsite's designated commercial area and comprises a total site area of approximately 1,060 square metres (see Plans 1 and 2).

Lot 5 has direct frontage and access to Stubbs Street along its northern front boundary and a constructed right-of-way along its southern rear boundary. The property has historically been developed and used for both 'shop' and 'restaurant / cafe' purposes (i.e. Rosie's Cafe) and contains a single storey commercial building originally constructed in 1918 and two associated outbuildings at the rear (see Plan 3). It should be noted the surrounds of the building and rear yard area have never been developed in accordance with any standards or requirements and remain in an unimproved state with the exception of an old corrugated iron storage shed and separate toilet building (including its associated effluent disposal system). The rear of the property also contains a number of large, mature eucalypt trees.

It is understood the applicants are currently refurbishing the interior of the existing building on the land in readiness to re-open and use it for commercial purposes in early 2018. Council should note as these internal works have no material effect upon the external appearance of the building, Council's development approval is not required despite the building having been identified and listed in the Shire of Lake Grace Heritage Inventory as being of cultural heritage significance and worthy of protection.

Furthermore, as the existing commercial building on the land has previously been approved to be used for 'restaurant / cafe' purposes, Council's development approval for the recommencement of this use as proposed is not required (i.e. the approved 'restaurant / cafe' use runs with the land in perpetuity unless expressly extinguished by a subsequent development approval issued by Council).

The following is a summation of the proposal for Lot 5 drawn from all the information and latest revised plan submitted in support of the application (see Attachments 1 and 2) that are of relevance from a town planning perspective:

- i) Construction of a new 72 square metre skillion roofed addition to the western side of the existing commercial building on the land comprising a 60 square metre alfresco style dining area with a zero lot line (i.e. nil) setback to Stubbs Street and bathroom facilities at the rear;
- ii) The proposed addition will be constructed using brick, timber and colorbond steel and will be finished using 'Classic Cream' and 'Gully Grey' paint colours;
- iii) The front facade and roof of the existing commercial building on the land will also be painted



- using the same colours as the proposed addition to ensure the seamless integration of the two structures;
- iv) Installation of new guttering on the existing building and proposed addition and a rainwater storage tank of sufficient capacity at the rear of the addition to capture, store and provide for the re-use of all stormwater collected from the roof catchment;
  - vii) All vehicle access to and from the site will be at the rear via the existing right-of-way which has been constructed to a basic sealed standard. The existing corrugated iron storage shed at the rear of the property is proposed to be removed to improve sight lines for vehicles exiting Lot 5 via the right-of-way;
  - v) A total of six (6) new on-site parking bays are proposed to be provided in previously cleared areas at the rear of the property with two way access to them via a new six (6) metre wide internal driveway from the existing right-of-way at the rear. The applicants have confirmed all parking bays and the associated accessway will be sealed using blue metal;
  - vi) A blue metal sealed light service vehicle parking, loading and reversing area is also proposed to be provided in previously cleared areas at the rear of the property in close proximity to the existing commercial building and proposed addition;
  - vii) The provision of new landscaping on the western side of the proposed addition to prohibit vehicle access to / from Stubbs Street and improve current levels of integration with the adjoining War Memorial located on the adjoining Lot 4 being Crown Reserve 17442;
  - viii) The provision of landscaping in select locations at the rear of the property including the retention of all existing eucalypt trees with the exception of one smaller sized tree that has been subject to previous lopping works and needs to be removed to provide safe and convenient vehicle access via the adjoining right-of-way;
  - ix) A total of 64 people are proposed to be accommodated within the existing building and proposed addition at any one time (i.e. 40 people inside the existing building and 24 in the proposed addition);
  - x) The 'restaurant / cafe' will operate within the existing building and proposed addition six (6) days a week from 6.30 am to 3.00 pm. The 'restaurant / cafe' will also be open four (4) nights a week including Sundays with operating hours varying depending upon demand. No alcohol will be served however patrons will be permitted to bring their own for consumption with meals;
  - xi) The existing building and proposed addition will also be used for the purposes of a 'reception centre' to cater for special events. Given the applicants' intention to only seek approval for Occasional Liquor Licences from the Department of Racing, Gaming and Liquor to enable the supply and sale of alcohol during functions and the fact such licenses are only able to be issued a maximum of twelve (12) times in any twelve month period, it is anticipated a maximum of twelve (12) functions will be held within the premises on an annual basis; and,
  - xii) The hours of operation of the proposed 'reception centre' use are likely to vary depending upon patron's individual needs and requirements. It is anticipated commencement and cessation times for any given function, as well as the duration of the period in which alcohol will be consumed, will be closely scrutinised by the Department of Racing, Gaming and Liquor when assessing applications received for an Occasional Liquor Licence with suitable conditions to be imposed to help control any local amenity impacts and ensure harm minimisation principles are adhered to.

### Comment

#### **Current Zoning and Land Use Permissibility**

Lot 5 is classified 'Commercial' zone under the Shire of Lake Grace Local Planning Scheme No.4 (LPS No.4).

Under the terms of LPS No.4 the use class 'restaurant / cafe' is listed as being a permitted (i.e. 'P') use on all land classified 'Commercial' zone. As mentioned above Council's development approval for the establishment of this use on Lot 5 is not required given the previous approval issued which remains valid. Notwithstanding this fact, Council's approval is required to allow the proposed 72 square metre addition to be used for 'restaurant / cafe' purposes.

The use class 'reception centre' is listed as being a discretionary (i.e. 'D') use on all land classified 'Commercial' zone which means it is not permitted unless Council has exercised its discretion by granting development approval.

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

An assessment of the proposal against the development standards contained in LPS No.4 has confirmed it satisfies the majority of requirements with the exception of on-site parking.

Table 2 of LPS No.4 requires a minimum of one (1) on-site parking bay be provided for every four (4) persons to be accommodated within any proposed 'restaurant / cafe' or 'reception centre' use. Given a total of 64 people are proposed to be accommodated on Lot 5 at any one time, a total of sixteen (16) on-site parking bays are required to be provided.

As mentioned previously above the applicants are now proposing to provide a total of six (6) on-site parking bays at the rear of the property to accommodate customer parking. This represents an on-site parking shortfall of ten (10) bays.

In considering this non-compliance issue it should be noted clause 4.24.7 of LPS No.4 affords Council the discretion to approve an application for development where the number of car parking bays proposed to be provided is less than the number specified in Table 2 of LPS No.4.

In this instance the reporting officer has concluded that despite the on-site parking shortfall, there is scope for Council to vary the parking standards prescribed in LPS No.4 and approve the application on the following grounds:

- i) Stubbs Street and the railway reserve immediately north contain a number of designated on-street parking bays and public parking areas on Crown land developed and managed by the Shire, all of which are located within convenient walking distance of Lot 5;
- ii) The proposed use of Lot 5 is likely to generate peak demand for parking outside normal business hours and is therefore unlikely to give rise to parking issues for other businesses operating in the immediate locality; and,
- iii) There are a number of other existing established commercial uses located on Stubbs Street that have been operating efficiently, effectively and safely without the total amount of on-site parking required by the Shire's local planning framework.

Having regard for all the above, the reporting officer has concluded the on-site parking shortfall associated with the proposed use of Lot 5 for the intended purposes is unlikely to have any detrimental impact upon the amenity, character, functionality and safety of the immediate locality. As such it is recommended Council exercise its discretion and support the proposed on-site parking shortfall.

Should Council decide for whatever reason that the provision of on-site parking at the rear of Lot 5 to accommodate patrons and service vehicles is unnecessary or undesirable, it should note the application will need to be referred to Main Roads WA for review and comment prior to Council making a final decision. This proposed action is considered necessary given Stubbs Street is a State Road under the care, control and management of Main Roads WA and the likelihood such a generous concession with respect to on-site parking is likely to place increased reliance upon the use of Stubbs Street and its associated parking areas to accommodate the vehicle movements and parking demand arising from the proposed development and use of Lot 5. As Main Roads WA is required to be afforded 42 days to provide comment, Council won't be able to make a final decision on the application until February 2018.

### **Vehicle Access Arrangements**

It is noted when the application was originally considered by Council at its November meeting the local community raised a number of queries and concerns regarding the proposal to use the existing right-of-way at the rear of Lot 5 to accommodate vehicle access to and from the proposed new parking and loading areas in the rear portion of the property.

Given:

- i) only six (6) on-site parking bays are now proposed;
  - ii) the applicants willingness to remove the existing corrugated iron storage shed at the rear of the property to improve sight lines for vehicles exiting Lot 5 via the right-of-way; and,
  - iii) the ability for Council to restrict all parking at the rear of the property to light vehicles only and require all heavy service vehicle access to be via the land's Stubbs Street frontage,
- the reporting officer has concluded the type, number and frequency of vehicle movements to and from the rear of the site is not significant enough to warrant any major safety concerns subject to compliance with the recommended conditions of development approval contained in this report.

### **Cultural Heritage Significance**

The existing commercial building in the front portion of Lot 5 (i.e. Rosie's Cafe) is listed in the Shire of Lake Grace Municipal Heritage Inventory as a place of cultural heritage significance due to its aesthetic contribution to the Lake Grace townsite and representation of periods of commercial development in the Shire.

This building has been assigned a 'Category B' classification which means it is considered worthy of a high level of protection and should be retained and conserved for the benefit of future generations. The Shire's Municipal Heritage Inventory recommends that maximum encouragement be provided to the landowner under LPS No.4 to conserve the significance of the place. In addition it recommends a more detailed Heritage Assessment/Impact Statement be undertaken before development approval is granted by Council for any major redevelopment works and incentives considered to promote conservation of the building.

It is significant to note the old corrugated iron storage shed and separate toilet building at the rear of Lot 5 have not been included in the land's Municipal Heritage Inventory listing and are not therefore officially recognised as having any cultural heritage significance and worthy of protection.

Notwithstanding the recommendations contained in the Shire's Municipal Heritage Inventory, it should be noted there are currently no legal implications or consequences associated with any place currently listed in the Inventory including Lot 5, particularly with regard to any future

proposed development and/or use. As such the Inventory has little effect beyond requiring Council to acknowledge the heritage value of those places listed.

In order to give legal effect to the Shire's Municipal Heritage Inventory Council recently resolved to prepare an independent, standalone Heritage List identifying buildings, places and objects within its municipal district that are of cultural heritage significance and worthy of protection. Such protection is afforded to those places considered to be of most significance through specific heritage provisions contained in the new Deemed Provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015* which all local government authorities throughout the State are now required to consider and apply when dealing with development applications involving any property included in their respective Heritage Lists.

Given all of the above, until such time as the Shire's proposed Heritage List is completed and adopted by Council in accordance with the procedural requirements of the Deemed Provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015*, Council has no legal powers to facilitate the long term protection and conservation of any places in the Shire identified as being of cultural heritage significance including any of the existing buildings on Lot 5.

Despite Council's current inability to impose conditions on any development approval issued for Lot 5 to provide for the long term protection and conservation of the existing buildings on the land, a range of conditions can be imposed to ensure the proposed addition to the existing commercial building on the front portion of the property is constructed and finished using materials that complement the building and don't compromise its heritage values.

### **General Townscape, Landscape and Development Improvement**

It is also noted when the application was originally considered by Council at its November meeting the local community raised queries and concerns regarding the possible need to remove a number of existing eucalypt trees at the rear of Lot 5 to provide the on-site vehicle parking, loading, reversing and accessway required to satisfy the various relevant standards prescribed in LPS No.4.

In recognition of community concerns the applicants recently submitted an amended site development plan for Lot 5 showing a revised layout for the vehicle parking, loading, reversing and accessway at the rear of the land.

Under the terms of the amended site development plan all proposed improvements at the rear of the property will be undertaken on previously cleared areas to provide for the long term protection of the existing eucalypt trees with the exception of one smaller sized tree that has been subject to previous lopping works (see Attachment 2) and needs to be removed to provide safe and convenient vehicle access via the adjoining right-of-way.

Council should note clause 4.36 of LPS No.4 affords it the discretion to impose conditions on any development approval relating to land within the Shire subject to any systems areas designated by the Environmental Protection Authority and/or any Landscape Plan, Townscape Plan or Soil Conservation Plan for the following purposes:

- i) Provide for the protection and rehabilitation of water courses and catchment areas;
- ii) Provide for the preservation of existing trees and nature corridors and the planting of additional trees and other vegetation in order to provide shade, aesthetic pleasure, reduce roadside noise, provide habitats for natural fauna, reduce salinity in soil, prevent erosion and assist in the proper balancing of the greenhouse effect;

- iii) To reflect the community's desire to preserve a streetscape, local landscape character and the visual amenity and character of the Scheme area generally; or,
- iv) Provide for the preservation of areas or buildings of architectural or historic interest and the development of land abutting the same.

It should however be noted Lot 5 and the existing eucalypt trees at the rear are not identified in any systems areas designated by the Environmental Protection Authority and/or any Landscape, Townscape or Soil Conservation Plan applicable to any land in the Lake Grace townsite. As such the reporting officer has formed the view Council does not have sufficient justification to exercise the discretion afforded to it under clause 4.36 of LPS No.4 to impose conditions on any development approval that may be issued for Lot 5 to provide for the preservation of all existing eucalypt trees at the rear of the property.

### **Clearing of Land including Remnant Vegetation**

Clause 4.38 of LPS No.4 expressly states the clearing of any native vegetation within the Scheme Area is not permitted unless a clearing permit is obtained from the Department of Water and Environmental Regulation (DWER) under the provisions of the *Environmental Protection (Clearing of Native Vegetation) Regulations 2004* or the clearing is of a type that does not require a permit (i.e. the clearing is for an exempt purpose as prescribed in the *Environmental Protection (Clearing of Native Vegetation) Regulations 2004*).

Having regard for the prescribed clearing works listed in the *Environmental Protection (Clearing of Native Vegetation) Regulations 2004* as being exempt from the requirement to seek and obtain a clearing permit approval from the DWER, the reporting officer has concluded a clearing permit to remove one (1) existing eucalypt tree at the rear of Lot 5 as proposed is not required (i.e. it is an exempt form of clearing that does not require approval under the aforementioned regulations).

Council should also note the following key points:

- i) The proposal to clear one (1) existing eucalypt tree from the rear of Lot 5 could not reasonably be considered as having the potential to give rise to any negative impacts upon the natural environment;
- ii) The applicants intention to provide additional landscaping on Lot 5 could be expected to result in a nett gain in the total amount of vegetation on the land which has significant environmental benefit; and,
- iii) It is open to the applicants to withdraw their current development application, clear one or more existing eucalypt trees at the rear of the property in accordance with the exemption afforded to them under the *Environmental Protection (Clearing of Native Vegetation) Regulations 2004* and then submit a new development application seeking Council's approval for the proposed development and use of the land. Under this scenario the removal of any trees from the property would not form part of the new application and would not therefore warrant or require Council's formal consideration.

### **Conclusion**

It is concluded from a detailed assessment of the application that the proposal to construct a new 72 square metre addition to the existing commercial building on Lot 5 (No.26) Stubbs Street, Lake Grace for the purposes of a 'restaurant / cafe' and 'reception centre' 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 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* – 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 this application.

#### Policy Implications

Nil

#### Consultation

Community consultation not required.

#### Financial Implications

Nil

#### Strategic Implications

*Shire of Lake Grace Local Planning Strategy* - The proposal for Lot 5 is considered to be generally consistent with the aims and objectives of the Shire’s Local Planning Strategy as it applies to the following:

- Promote the diversification of the Shire’s economy by encouraging the development of a wide range of new commerce and industry.
- Direct the majority of new commercial and industrial development to the Lake Grace, Newdegate, Lake King and Varley townsites to build upon existing infrastructure in these settlements and maximise efficiencies of operation and economies of scale.
- Ensure the long term protection and preservation of all buildings and places within the Shire identified by the local community as being of cultural heritage significance.

*Shire of Lake Grace Strategic Community Plan 2017-2027* – The proposal for Lot 5 is considered to be generally consistent with the aims and objectives of the Shire’s Strategic Community Plan as it applies to the following:

Economic – A prosperous agricultural based economy, supporting diversification of industry.

Outcome 1.2 A diverse and prosperous economy

- 1.2.2 Support local business and promote further investment in the district

Outcome 1.3 An attractive destination for visitors

- 1.3.2 Maintain and enhance local iconic attractions and infrastructure

Environment – Protect and enhance our natural and built environment.

Outcome 3.1 A well maintained attractive built environment servicing the needs of the community

- 3.1.1 Maintain, rationalise, improve or renew buildings and community infrastructure
- 3.1.2 Maintain the integrity of heritage buildings and places

### Recommendation

That the application for development approval submitted by Mr Paul Wheeler and Ms Michelle Donegan (Landowners) to:

- a) construct a new 72 square metre addition to the western side of the existing commercial building on Lot 5 (No.26) Stubbs Street, Lake Grace;
- b) use the proposed new 72 square metre addition for the purposes of an expanded 'restaurant / cafe';
- c) use the entire premises, including the proposed addition, for the purposes of a 'reception centre';
- d) construct a new vehicle access and parking area at the rear of the property with direct access to/from an existing constructed right-of-way along the land's rear boundary;
- e) install landscaping in select locations and retain all existing eucalypt trees at the rear of the property with the exception of one smaller sized tree that has been subject to previous lopping works and needs to be removed to provide safe and convenient vehicle access via the adjoining right-of-way; and
- f) remove an existing corrugated iron storage shed at the rear of the property for vehicle safety purposes,

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 latest information and revised plans submitted in support of the application unless otherwise approved by Council.
2. The proposed 72 square metre addition to the western side of the existing commercial building on the land shall be constructed using brick, timber and steel with all external surfaces finished using 'Classic Cream' and 'Gully Grey' heritage paint colours unless otherwise approved by Council.
3. The front facade and roof of the existing commercial building on the land shall be painted using the same colours as the proposed addition to provide for the visual integration of the two structures.
4. A maximum of sixty four (64) people are permitted to be accommodated within the existing building and proposed addition at any one time (i.e. 40 people inside the existing building and 24 in the proposed addition) unless otherwise approved by Council.
5. All vehicle access to and from Lot 5 shall be via the existing right-of-way at the rear of the property and shall be restricted to light vehicles only (i.e. no vehicles are permitted to enter or exit the land from its Stubbs Street frontage and no heavy vehicles are permitted to access or park at the rear of the land via the existing right-of-way).
6. All heavy vehicles servicing the land and uses thereon are required to park and load / unload using public parking areas along Stubbs Street (i.e. access and parking at the rear of the land via the existing right-of-way is not permitted).
7. A total of six (6) on-site parking bays, the associated six (6) metre wide internal driveway and light service vehicle access, parking and reversing area shall be constructed on Lot 5 in accordance with the details of the plans submitted in support of the application to the specifications and satisfaction of the Shire's Chief Executive Officer.
8. All light vehicle access and parking areas at the rear of Lot 5 shall be constructed on a suitably graded gravel base to direct all stormwater flows to the local road network and sealed with loose blue metal to the specifications and satisfaction of the Shire's Chief Executive Officer.

9. The existing corrugated iron storage shed at the rear of Lot 5 shall be removed as part of the construction of the light vehicle access and parking areas required by Condition 7 of this approval.
10. Only one (1) existing smaller sized eucalypt tree at the rear of Lot 5 identified in Attachment 2 to this report is permitted to be removed to accommodate the light vehicle access and parking areas required by Condition 7 of this approval. All other existing eucalypt trees on the land shall be retained and conserved as landscaping for visual amenity and shade purposes unless they become diseased or dangerous.
11. A suitable landscaping plan shall be prepared and submitted to the Shire for consideration and determination by the Shire's Chief Executive Officer. All proposed new landscaping shall be provided in the locations depicted on the approved landscaping plan within twelve (12) months of the date of this approval and shall thereafter be permanently maintained to the satisfaction of the Shire's Chief Executive Officer.
12. A suitable capacity rainwater tank shall be installed in the location depicted on the site development plan submitted in support of the application to capture all stormwater collected from the roof catchment of the existing building and proposed addition on the land to help reduce the amount of stormwater emanating from the site.
13. The existing building, proposed addition and toilet at the rear of Lot 5 shall be connected to the Lake Grace townsite's reticulated sewerage disposal scheme to the specifications and satisfaction of the Shire's Chief Executive Officer if a suitable connection has not already been provided.
14. Any effluent and rubbish generated on-site shall be managed and disposed of to the specifications and satisfaction of the Shire's Chief Executive Officer.
15. The land and approved uses thereon shall be ordered and maintained in a neat and tidy condition at all times to the specifications and satisfaction of the Shire's Chief Executive Officer.
16. Any open storage area, drying area or any other space used in connection with the approved uses on Lot 5 which, by virtue of its location and use is likely to detract from the visual amenity of the surrounding area, shall be screened from public view by a closed wall or fence no less than 1.8 metres in height, or screen landscaping approved by Council.
17. Any future proposed advertising signage shall be provided in accordance with the specific requirements of the Shire of Lake Grace Local Planning Scheme No.4 and Local Planning Policy entitled 'Advertising Signs' unless otherwise approved by Council.

#### **Advice Notes**

1. The development is to be completed within a period of two (2) years from the date of this approval. If the development is not completed within this period the approval will lapse and be of no further effect. Where an approval has lapsed, no development shall be carried out without the further approval of the Shire of Lake Grace having first been sought and obtained.
2. This approval is not an authority to ignore any constraint to development on the land which may exist through contract or on title, such as an easement or restrictive covenant. It is the responsibility of the applicant and landowner and not the Shire to investigate any such constraints before commencing development. This approval will not necessarily have regard to any such constraint to development, regardless of whether or not it has been drawn to the Shire's attention.



3. This is a development approval of the Shire of Lake Grace under its Local Planning Scheme No.4. It is not a building permit or an approval to commence or carry out development under any other law. It is the responsibility of the applicant and landowner to obtain any other necessary approvals, consents, permits and licenses required under any other law, and to commence and carry out development in accordance with all relevant laws.
4. In accordance with the Building Act 2011 and Building Regulations 2012, demolition and building permit applications must be submitted to and approved by the Shire's Building Surveyor prior to the commencement of any demolition, construction or earthworks on the land.
5. All internal and external modifications to the existing building on Lot 5 and the proposed addition are required to comply in all respects with the National Construction Code of Australia and the Health (Public Buildings) Regulations 1992 where applicable. Plans and specifications which reflect these requirements are required to be submitted with the building permit application.
6. 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.
7. No construction works shall commence on the land prior to 7.00 am without the Shire's written approval. No works are permitted on Sundays or Public Holidays.
8. 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.
9. 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.

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

*No matters for consideration.*

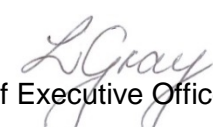
<b>14.0 MATTERS FOR CONSIDERATION – FINANCE</b>
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**14.1 ACCOUNTS FOR PAYMENT – NOVEMBER 2017**

<b>Applicant:</b>	Internal Report
<b>File No.</b>	0277
<b>Attachments:</b>	List of Creditors
<b>Author:</b>	Mrs Victoria Gracheva
<b>Disclosure of Interest:</b>	Nil
<b>Date of Report:</b>	6 December 2017
<b>Senior Officer:</b>	Ms Linda Gray



Finance Officer



Deputy Chief Executive Officer

Summary

For Council to ratify expenditures incurred for the month of November 2017.

Background

List of payments for the month of November 2017 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*

Regulation 12 Payments from municipal fund or trust fund, restrictions on making

- (1) A payment may only be made from the municipal fund or the trust fund —
  - (a) if the local government has delegated to the CEO the exercise of its power to make payments from those funds — by the CEO; or
  - (b) otherwise, if the payment is authorised in advance by a resolution of the council.
- (2) The council must not authorise a payment from those funds until a list prepared under regulation 13(2) containing details of the accounts to be paid has been presented to the council.

*Local Government (Financial Management) Regulations 1996*

Regulation 13 Payments from municipal fund or trust fund by CEO, CEO's duties as to etc.

- (1) If the local government has delegated to the CEO the exercise of its power to make payments from the municipal fund or the trust fund, a list of accounts paid by the CEO is to be prepared each month showing for each account paid since the last such list was prepared —
  - (a) the payee's name; and
  - (b) the amount of the payment; and
  - (c) the date of the payment; and

- (d) sufficient information to identify the transaction.
- (2) A list of accounts for approval to be paid is to be prepared each month showing —
- (a) for each account which requires council authorisation in that month —
    - (i) the payee's name; and
    - (ii) the amount of the payment; and
    - (iii) sufficient information to identify the transaction; and
  - (b) the date of the meeting of the council to which the list is to be presented.
- (3) A list prepared under subregulation (1) or (2) is to be —
- (a) presented to the council at the next ordinary meeting of the council after the list is prepared; and
  - (b) recorded in the minutes of that meeting.

#### Policy Implications

*Shire of Lake Grace Policy 3.6 - Authorised Use of Credit Card/Fuel Cards*

*Shire of Lake Grace Policy 3.7 - Purchasing Policy*

#### Consultation

N/A

#### Financial Implications

The list of creditors paid for the month of November 2017 from the Municipal and Trust Account Total \$830,642.93.

#### Strategic Implications

*Shire of Lake Grace Strategic Community Plan 2017 – 2027*

Leadership – Strong governance and leadership, demonstrating fair and equitable community values.

Outcome 4.2 An efficient and effective organisation

- 4.2.1 Maintain accountability and financial responsibility through effective planning
- 4.2.2 Comply with statutory and legislative requirements

#### Recommendation

That Council ratify the list of payments totalling \$830,642.93 as presented for the month of November 2017 incorporating:


- Trust Account Cheques:	1377 - 1393	\$	2,245.00
- Electronic Funds Transfer:	EFT17517 – EFT17628	\$	433,497.52
- Municipal Account Cheques:	36639 - 36652	\$	43,301.56
- Direct Debits:	DD7297.1 – DD7297.6 DD7349.1 – DD7349.6 DD7378.1 – DD7378.5 DD7385.1 DD7387.1 – DD7387.6 DD7390.1 – DD7390.22 DD7392.1	\$	171,042.59
- Electronic Funds Transfer:	Payroll Net Pay	\$	180,556.26

#### Voting Requirements

Simple majority required.

**14.2      FINANCIAL STATEMENTS – NOVEMBER 2017**

**Applicant:** Shire of Lake Grace  
**File No.** 0275  
**Attachments:** 1. Financial Reports November 2017  
 2. Bank Reconciliations November 2017  
**Author:** Ms Linda Gray  
**Disclosure of Interest:** Nil  
**Date of Report:** 13 December 2017  
**Senior Officer:** Ms Denise Gobbart

  
 Deputy Chief Executive Officer

  
 Chief Executive Officer

**Summary**

Consideration of the financial statements for the month ending 30 November 2017.

**Background**

The following financial reports to 30 November 2017 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 and Expenditure Graphs
- Bank Reconciliations

**Comment**

N/A

**Legal Implications**

*Local Government Act 1995*

Section 6.4      Financial report

- (1) A local government is to prepare an annual financial report for the preceding financial year and such other financial reports as are prescribed.
- (2) The financial report is to —
  - (a) be prepared and presented in the manner and form prescribed; and
  - (b) contain the prescribed information.

- (3) By 30 September following each financial year or such extended time as the Minister allows, a local government is to submit to its auditor —
- (a) the accounts of the local government, balanced up to the last day of the preceding financial year; and
  - (b) the annual financial report of the local government for the preceding financial year.

*Local Government (Financial Management) Regulations 1996*

Regulation 34 Financial activity statement required each month (Act s. 6.4)

(1A) In this regulation —

**committed assets** means revenue unspent but set aside under the annual budget for a specific purpose.

- (1) A local government is to prepare each month a statement of financial activity reporting on the revenue and expenditure, as set out in the annual budget under regulation 22(1)(d), for that month in the following detail —
  - (a) annual budget estimates, taking into account any expenditure incurred for an additional purpose under section 6.8(1)(b) or (c); and
  - (b) budget estimates to the end of the month to which the statement relates; and
  - (c) actual amounts of expenditure, revenue and income to the end of the month to which the statement relates; and
  - (d) material variances between the comparable amounts referred to in paragraphs (b) and (c); and
  - (e) the net current assets at the end of the month to which the statement relates.
- (2) Each statement of financial activity is to be accompanied by documents containing —
  - (a) an explanation of the composition of the net current assets of the month to which the statement relates, less committed assets and restricted assets; and
  - (b) an explanation of each of the material variances referred to in subregulation (1)(d); and
  - (c) such other supporting information as is considered relevant by the local government.
- (3) The information in a statement of financial activity may be shown —
  - (a) according to nature and type classification; or
  - (b) by program; or
  - (c) by business unit.
- (4) A statement of financial activity, and the accompanying documents referred to in subregulation (2), are to be —
  - (a) presented at an ordinary meeting of the council within 2 months after the end of the month to which the statement relates; and
  - (b) recorded in the minutes of the meeting at which it is presented.
- (5) Each financial year, a local government is to adopt a percentage or value, calculated in accordance with the AAS, to be used in statements of financial activity for reporting material variances.

Policy Implications

Nil

Consultation

N/A

Financial Implications

Nil

Strategic Implications

*Shire of Lake Grace Strategic Community Plan 2017 – 2027*

Leadership – Strong governance and leadership, demonstrating fair and equitable community values.

Outcome 4.2 An efficient and effective organisation

- 4.2.1 Maintain accountability and financial responsibility through effective planning
- 4.2.2 Comply with statutory and legislative requirements

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 30 November 2017.


Voting Requirements

Simple majority required.

<b>15.0 MATTERS FOR CONSIDERATION – COMMUNITY SERVICES</b>
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**15.1 ENTERPRISING COMMUNITIES – ENGAGEMENT REPORT**

**Applicant:** Internal Report  
**File No.** 0801  
**Attachments:** 1. Enterprising Communities Summary of Engagement  
**Author:** Ms Linda Gray

  
 Deputy Chief Executive Officer

**Disclosure of Interest:** Nil  
**Date of Report:** 13 December 2017  
**Senior Officer:** Ms Denise Gobbart

  
 Chief Executive Officer

Summary

The purpose of this report is for Council to acknowledge the Enterprising Communities - Summary of Engagement Report.

Background

The Shire was successful in obtaining a grant from Regional Development Australia (Wheatbelt) for the purposes of working with their community to facilitate conversations focused on community based enterprises and opportunities.

The Shire hosted three events on weekday evenings, with a session in Lake Grace, Lake King and Newdegate. Support for these community film nights was obtained from the following local organisations; Lake King Progress Association, Varley Progress Association, Newdegate Community Development Association, Lake Grace Development Association and Lake Grace and Newdegate Community Resource Centres.

At these events, participants watched a selection of short films showcasing community enterprises that had been undertaken in other communities and participated in a structured conversation process.

The Engagement Report is the summary of the three evenings, and the ideas, issues and opportunities that were identified by the attendees from each town.

Comment

In acknowledging this report it will initiate two actions:

- the ideas and opportunities in the document will be assessed as actions that will assist the Shire in meeting the objectives of the Community Strategic Plan; and,
- the Engagement Report will be distributed to the supporting community groups.

Legal Implications

Nil

Policy Implications

Nil



Consultation

Internal Denise Gobbart, Chief Executive Officer

Financial Implications

Nil

Strategic Implications

*Shire of Lake Grace Strategic Community Plan 2017 -2027*

Social – A valued, healthy and inclusive community and life-style.

Outcome 2.1 An engaged, supportive and inclusive community

- 2.1.1 Community services and infrastructure meeting the needs of the district

Economic – A prosperous agricultural based economy, supporting diversification of industry.

Outcome 1.2 A diverse and prosperous economy

- 1.2.2 Support local business and promote further investment in the district

Recommendation

That Council acknowledge the Enterprising Communities Summary of Engagement Report, as prepared by Creative IQ.

Voting Requirements

Simple majority required.

## 15.2 LEASE AGREEMENT – NEWDEGATE MEDICAL CENTRE AND MOVESMART PHYSIOTHERAPY

**Applicant:** Movesmart Physiotherapy  
**File No.** 0784  
**Attachments:** 1. Movesmart Physiotherapy's Letter dated 17 October 2017 – Lease Agreement  
 2. Email from Movesmart Physiotherapy dated 4 December 2017  
 3. Email from Movesmart Physiotherapy dated 13 December 2017  
**Author:** Ms Linda Gray  
**Disclosure of Interest:** Nil  
**Date of Report:** 13 December 2017  
**Senior Officer:** Denise Gobbart

  
 Deputy Chief Executive Officer

  
 Chief Executive Officer

### Summary

For Council to approve a reduction in rent for the current lease agreement between the Shire of Lake Grace and Karen Rodgers-Smart, MoveSmart Physiotherapy.

### Background

On 8 August 2016, Ms Karen Rodgers-Smart requested use of a room at the Newdegate Medical Centre to provide physiotherapy services to the town of Newdegate and surrounding communities.

The lease was for a twelve month period commencing 6 February 2017 with a year's extension. It is now close to the end of the first twelve month period and Ms Rodgers-Smart has asked that her lease agreement be reviewed.

### Comment

Ms Rodgers-Smart have identified her only concern with the continuation of the lease of the room in the Newdegate Medical Centre was a financial one. Experience has now shown that over the summer months (from September to April) attendance drops 50% to 75% in comparison with business during the winter months. Despite the lack of customers, she does not wish to vacate the room during that time as her equipment is heavy, and she would still prefer the room to be exclusive to Movesmart Physiotherapy.

A reduction in rent just for the summer months was discussed but payment with a variation per season was not considered to be efficient. She has therefore suggested that a reduction that would have been applicable for the summer months be spread across the whole year. The current rent charged is \$110.00 GST inclusive per week with the new rent is proposed to be \$66.00 GST inclusive per week.

Amenities are also charged for the room hire and this is set at \$22.00 GST inclusive per week, and will remain the same. If Council approve a reduction in rent from \$110.00 GST inclusive per week to \$66.00 GST inclusive per week from 1 January 2018, Ms Rodgers-Smart would continue her lease of the Newdegate Medical Centre for another year. She is keen to provide a service to the community, but has to be realistic in that her business needs to be viable.

### Legal Implications

In accordance with section 18 of the *Land Administration Act 1997 (LAA)* the Minister's approval is granted to the proposed lease provided to *Department of Lands (DoL)* by letter dated 10 January 2017 on condition that the lease is on the same terms as that provided to DoL with that letter. However, the Lease Agreement does state that:

### **5. Rent Review**

- (1) The lessor may review the Rent on and from each Rent Review Date to determine the Rent to be paid by the Lessee until the next Rent Review Date.
- (2) if the Lessor decides to review the Rent from any Rent Review Date, it will review and determine, in its absolute discretion, the reviewed Rent to be payable from the relevant Rent Review Date.

### Policy Implications

Nil

### Consultation

Internal: Denise Gobbart, Chief Executive Officer

External: Karen Rodgers-Smart, Movesmart Physiotherapy

### Financial Implications

There has been rental provision included in the 2017/18 budget of \$2,400. If the reduction is approved from 1 January 2018, it will still bring in an income of \$4,420 for the total year.

### Strategic Implications

*Shire of Lake Grace Strategic Community Plan 2017 - 2027*

Social – A valued, healthy and inclusive community and life-style.

Outcome 2.2 A healthy and safe community

- 2.2.2 Provide and advocate for medical and health service

### Recommendation

That Council approves the weekly rent of \$66.00 GST inclusive payable by Movesmart Physiotherapy for the lease of a room at the Newdegate Medical Centre effective from 1 January 2018.

### Voting Requirement

Absolute majority (5) required.

**16.0 MATTERS FOR CONSIDERATION - ADMINISTRATION****16.1 WATER CORPORATION – TRANSFER OF SURPLUS DAMS**

**Applicant:** Water Corporation  
**File No.** 0463 and 0505  
**Attachments:** Nil  
**Author:** Ms Denise Gobbart  
 Chief Executive Officer  
**Disclosure of Interest:** Nil  
**Date of Report:** 11 December 2017  
**Senior Officer:** Ms Denise Gobbart



Chief Executive Officer

Summary

For Council to consider the acquisition of various AA Dams from the Water Corporation.

Background

On 16 May 2017 Mr David Morgan, Senior Project Planner of Water Corporation emailed seeking our interest in acquiring a number of water sources located within the Shire of Lake Grace that are surplus to their operational needs. There are approximately fifteen sites that they have identified as surplus to their operational needs. The sites are identified as follows;

Name	Address	Comments
Newdegate Railway Dam and Catchment	Reserve 20629 Lake Grace-Newdegate Rd	The Turkey Nest dam will be excised and retained by WaterCorp. The balance of the reserve (including the Railway dam and catchment) is available for transfer.
AA Dam No 186 White Dam Old	Reserve 13231 (Lot 15658) Dumbleyung-Lake Grace Road, Neendaling	Lot 15678 is north of Dumbleyung-Lake Grace Rd. The Tarin Rock Tanks and pipe corridors will be excised from the reserve and retained by Water Corporation.
AA Dam No 187 Neendaling	Reserve 13231 (Lot 500) Dumbleyung-Lake Grace Road, Neendaling	Lot 500 is south of Dumbleyung-Lake Grace Rd.
AA Dam No 377 Nth Lake Grace	Reserve 18067 (Lot 12561) Kulin-Lake Grace Road, Kuender	
AA Dam No 379 Lake Grace East (Dam & Catchment)	Reserve 18384 (Lot 12722) Oldham Road, South Lake Grace	
AA Dam No 379 Lake Grace East (Catchment)	Reserve 18384 (Lot 15546) Oldham Road, South Lake Grace	
AA Dam No 380 Greys Lake Grace East	Reserve 18981 (Lot 13057) Beenong Rd, Beenong	
AA Dam No 390 Lake Bidy No.1	Reserve 23140 (Lot 2079) Witham Road, Lake Bidy	
AA Dam No 394 Gerards (Dam & Catchment)	Reserve 18962 (Lot 799) Kent Road, North Burngup	
AA Dam No 394 Gerards (Catchment)	Reserve 18962 (Lot 897) Kent Road, North Burngup	

Name	Address	Comments
AA Dam No 395 Buniche (Catchment)	Reserve 18960 (Lot 301) Bidy Buniche Road, Buniche	Lot 301 is South of Bidy-Buniche Rd.
AA Dam No 395 Buniche (Catchment)	Reserve 18960 (Lot 302) Bidy Buniche Road, Buniche	
AA Dam No 395 Buniche (Dam & Catchment)	Reserve 18960 (Lot 303) Bidy Buniche Road, Buniche	
AA Dam No 395 Buniche (Catchment)	Reserve 18960 (Lot 304) Bidy Buniche Road, Buniche	
AA Dam No 395 Buniche (Catchment)	Reserve 18960 (Lot 555) Bidy Buniche Road, Buniche	
AA Dam No 427 Wardercarrin	Reserve 19789 (Lot 14365) Commonwealth Road, Kuender	
AA Dam No 429 Kents	Reserve 20710 (Lot 1294) Burngup North Road, Kuender	
AA Dam No 438 Lake Magenta (Dam & Catchment)	Reserve 20274 (Lot 2682) Magenta-Giles Road, Magenta	Lot 2682 is North of Magenta-Giles Rd.
AA Dam No 438 Lake Magenta (Catchment)	Reserve 20274 (Lot 3032) Magenta-Giles Road, Magenta	
AA Dam No 547 Dempster Rock 1 & 2	Reserve 21143 (Lot 987) Dempster Rock Road	
AA Dam No 561 Lake Biddy	Reserve 23140 (Lot 2079) Witham Road, Lake Biddy	
AA Dam No 626 Lake Romani	Reserve 20282 Off Old Ravensthorpe Rd, Dunn Rock	

They advise that there is an opportunity for the Shire to take control of these water sources and their associated catchments. If we are interested once the Water Corporation receives a formal request of interest, their Asset Managers will be consulted to confirm any special requirements and prepare the necessary paperwork for the Department of Lands.

As the dams are all located on Crown Reserves, the reserve, in its entirety, would be transferred free of cost via the Department of Lands. The Water Corporation will prepare the paperwork to facilitate the transfer, although it should be noted that only the Department of Lands can finalise the transfer of Crown Reserves. This process can take several months, although the Water Corporation will assist wherever possible to ensure the transaction happens smoothly and in a timely fashion.

Water Corporation advises that whilst this project has minimal Water Corporation funding, the Department of Water's 'Community Water Grants Scheme' could be accessed to fund significant repairs or improvements.

It appears that all water sources listed are classified as Class 'C' Reserves. Reserves are areas of Crown Land reserved for various public purposes, reserves maybe vested, leased or Crown Grant in Trust. Class 'C' reserves form the vast majority of reserves. Amendments to or the declaration of Class 'C' reserves are determined by the Governor in Executive Council.

At the Ordinary Meeting of Council held 22 August 2017 it was resolved that we had no interest in acquiring AA Dam No 186 White Dam Old located on Lot 15658 and AA Dam No 187 Neendaling located on Lot 500, both on Reserve 13231 Dumbleyung-Lake Grace Road.

It is intended that after an assessment of each of the other sites a report will be presented to Council as to the need for acquisition or not.

This report will deal with the following dam locations as they have now been inspected;

- AA Dam No 377 North Lake Grace – Reserve 18067 (Lot 12561) Kuender;
- AA Dam No 380 Greys Lake Grace East – Reserve 18981 (Lot 13057) Beenong;
- AA Dam No 394 Gerards – Reserve 18962 (Lots 799 & 897) North Burngup;
- AA Dam No 427 Wardercarrin – Reserve 19789 (Lot 14365) Kuender; and,
- AA Dam No 429 Kents – Reserve 20710 (Lot 1294) Kuender.

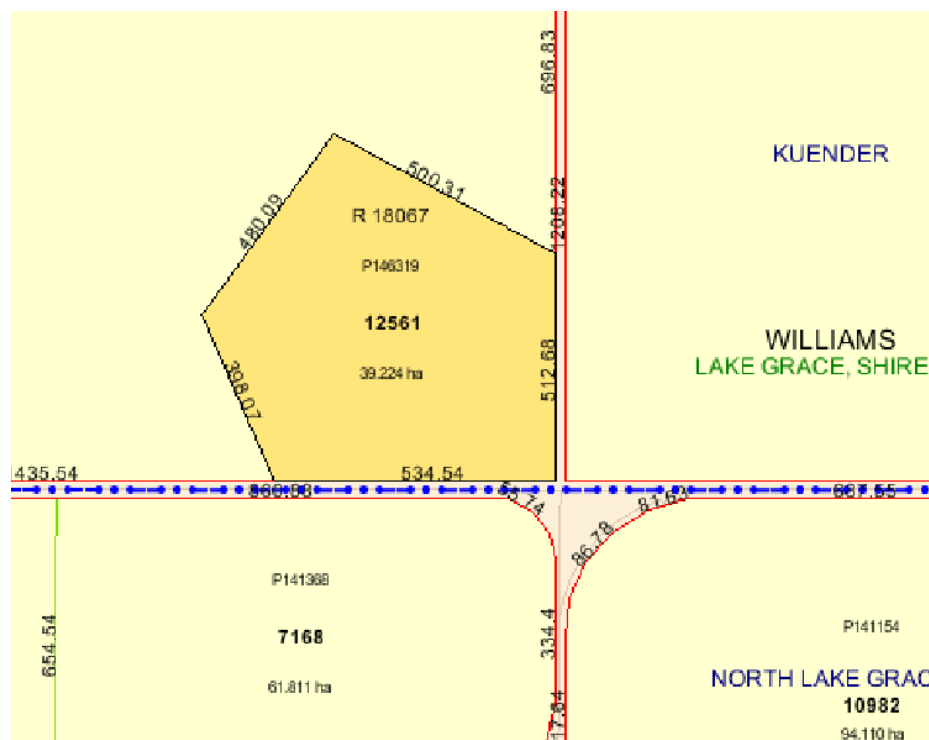
#### Comment

Previously, the administration had been in discussion with the Water Corporation regarding the Newdegate and Lake Grace dam facilities for our acquisition. The additional listing of AA Dams received was unsolicited. Given this a low level of importance was given to bring the item to Council.

Recently I was contacted by MKII Consulting Pty Ltd as there is an interest in Reserve 18962 by a party involved in mining in that area. I advised that I was presenting an item to Council and would have a response after the December meeting.

#### AA Dam No 377 North Lake Grace – Reserve 18067 (Lot 12561) Kuender

Reserve 18067 is identified at the following location at the intersection of Gorge Rock Road and Eggers Road, as can be seen below.



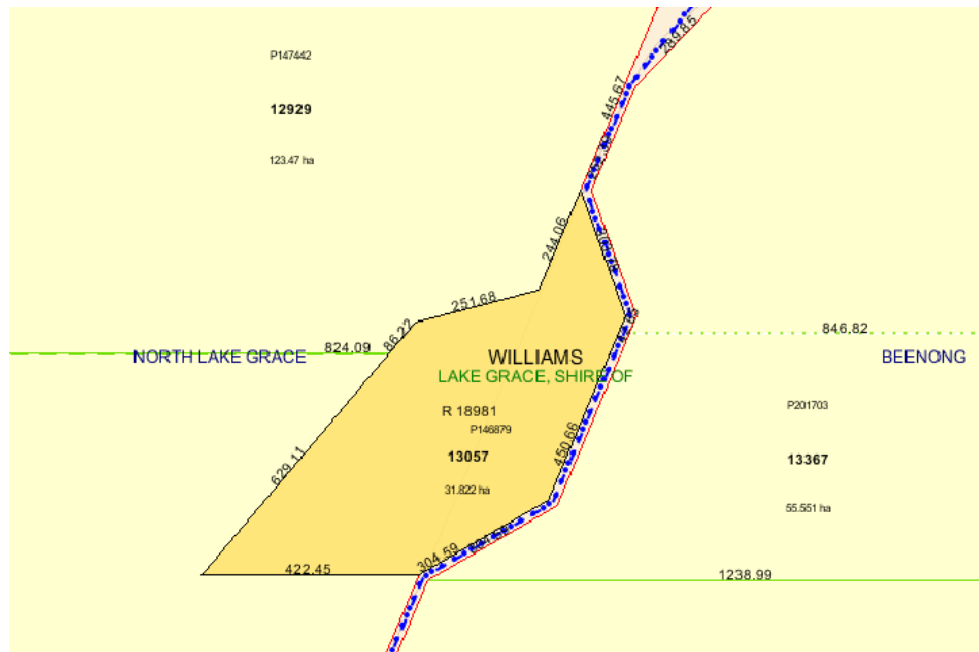
The following picture shows the Aerial Photography from 2011 of the site.



A recent site inspection shows the dam is in a bad state of repair. There used to be a roof over the dam, there are still timbers showing but little iron left on the structure. Although this would be a good water source, there would be an issue with public liability at this site. Evidence showed that people are currently taking water from the dam.

AA Dam No 380 Greys Lake Grace East – Reserve 18981 (Lot 13057) Beenong

Reserve 18981 is identified at the following location on Beenong North Road, as can be seen below.



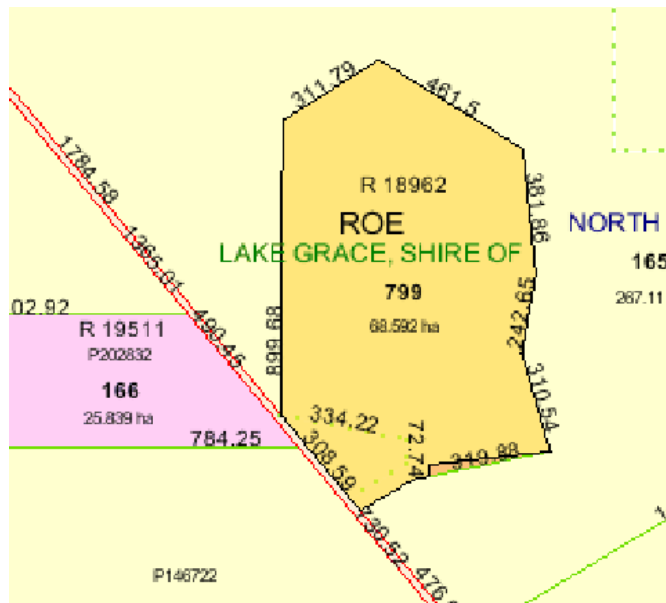
The following picture shows the Aerial Photography from 2014 of the site.



A recent site inspection shows that Beenong North Road has been constructed through the middle of the Reserve. The first location maps show the road reserve located to the East side of the reserve. This reserve is more of a natural bush reserve with cleared catchment area. There was evidence of significant amounts of water entering the catchment.

AA Dam No 394 Gerards – Reserve 18962 (Lots 799 & 897) North Burngup

Reserve 18962 is identified at the following location on Crook Road, as can be seen below.





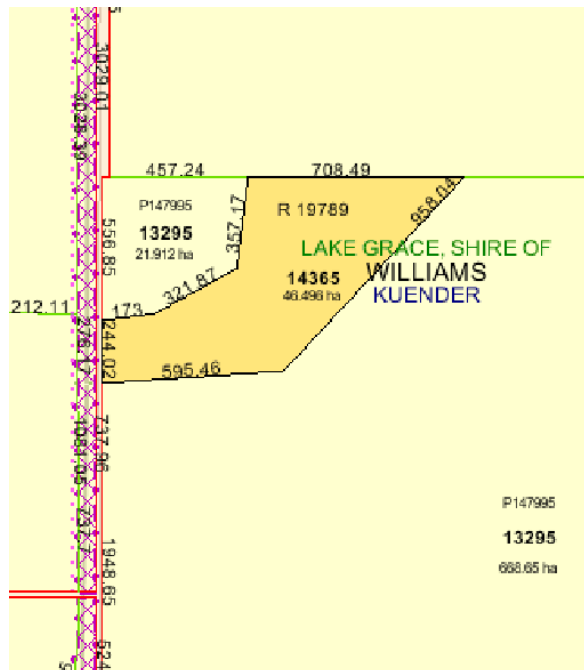
The following picture shows the Aerial Photography from 2011 of the site.



The site has an old gravel source; there is evidence that it is being used by others with sand and metal dumps located around the site. This Dam site is a covered site with the roof being in a poor state. Most of the iron is still on the roof but is collapsing inwards. There is a lot of gravel washed into the spillway leading into the dam. I am informed that a mining company is looking at purchasing the farm land surrounding this site.

AA Dam No 427 Wardercarrin – Reserve 19789 (Lot 14365) Kuender

Reserve 19789 is identified at the following location on North Lake Grace / Karlgarin Road, as can be seen below.



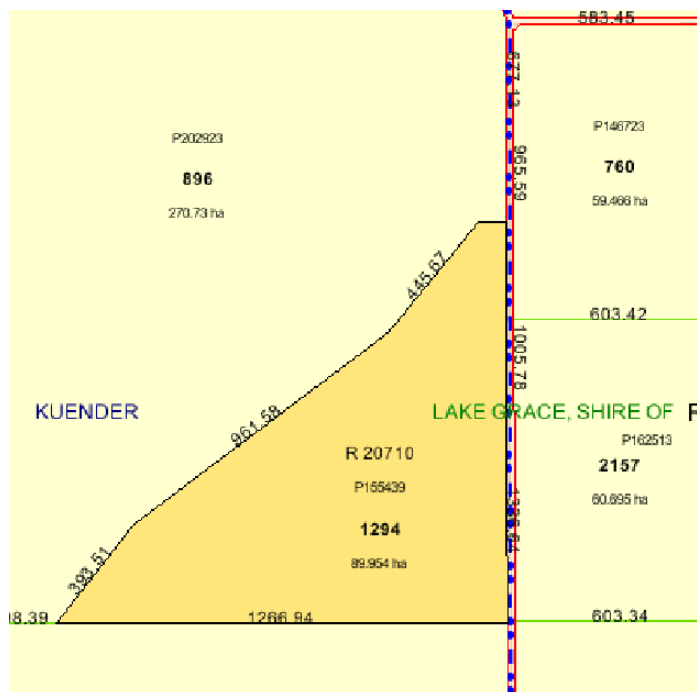
The following picture shows the Aerial Photography from 2011 of the site.



This reserve is located north of Duckworth Road, with the Dam close to the road reserve. The catchment is overgrown. It appears that people are using the most northern side of the catchment for shooting target practice.

AA Dam No 429 Kents – Reserve 20710 (Lot 1294) Kuender

Reserve 20710 is identified at the following location on North Burngup Road, as can be seen below.



The following picture shows the Aerial Photography from 2011 of the site.



A recent site inspection shows the dam is in a bad state of repair, with the spillway collapsing and the catchment being well vegetated. There is an old pipe structure coming from the Dam where it appears that people have accessed the water. There was evidence of significant amounts of water entering the catchment.

As with any Crown Reserve that is vested within the Shire, becomes responsible for the management and care of the land. Having investigated a listing of reserves within the Shire it would appear that we may have in the vicinity of 19,000 hectares vested for varying purposes under our control. To acquire further reserves including dams is going to place a further burden on the existing ratepayers to maintain the facilities. Bushfire mitigation would be a major responsibility with land parcels of these dimensions.

The benefit for acquiring the land is the future use of the water sources and potential gravel resources located on the reserve.

Given the additional financial commitment that acquiring these AA Dams would place on Shire operations and the potential to restrict intended uses by other parties it would be recommended to advice Water Corporation that we don't wish to acquire these Dams.

#### Legal Implications

##### *Local Government Act 1995*

s3.54. Reserves under control of local government

- (1) If land reserved under the Land Administration Act 1997 is vested in or placed under the control and management of a local government, the local government may do anything for

the purpose of controlling and managing that land that it could do under section 5 of the Parks and Reserves Act 1895 if it were a Board appointed under that Act to manage and control the land and for that purpose a reference in that section to a by-law is to be read as a reference to a local law.

- (2) Subsection (1) is subject to any express provision to the contrary made by an order under the Land Administration Act 1997 in respect of the land.

[Section 3.54 amended by No. 49 of 2004 s. 74(4).]

#### Policy Implications

Not Applicable

#### Consultation

Internal                      Works Staff

#### Financial Implications

If the reserve was accepted from the Water Corporation, the Shire would become responsible for the Management of the reserve including bush fire mitigation activities.

#### Strategic Implications

*Shire of Lake Grace Strategic Community Plan 2017 - 2027*

Economic – A prosperous agricultural based economy, supporting diversification of industry.

- Outcome 1.1      An innovative, productive agriculture industry
- 1.1.4      Maintain and provide water infrastructure and lobby to support drought-proofing and water harvesting initiatives
- Outcome 1.2      A diverse and prosperous economy
- 1.2.2      Support local business and promote further investment in the district

#### Recommendation

That Council, advise Water Corporation that we have no interest in acquiring:

1. AA Dam No 377 North Lake Grace located on Reserve 18067 (Lot 12561) Kulin-Lake Grace Road, Kuender;
2. AA Dam No 380 Greys Lake Grace East located on Reserve 18981 (Lot 13057) Beenong Road, Beenong;
3. AA Dam 394 Gerards (Dam and Catchment) located on Reserve 18962 (Lot 799) Kent Road, North Burngup;
4. AA Dam 394 Gerards (Catchment) located on Reserve 18962 (Lot 897) Kent Road, North Burngup;
5. AA Dam 427 Wardercarrin located on Reserve 19789 (Lot 14365) Commonwealth Road, Kuender;
6. AA Dam 429 Kents located on Reserve 20710 (Lot 1294) Burngup North Road, Kuender; and,
7. The remaining AA Dams offered will be inspected and presented to Council at the March meeting.

#### Voting Requirements

Simple majority required.

## 17.0 INFORMATION BULLETIN

### 17.1 INFORMATION BULLETIN REPORT – DECEMBER 2017

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

  
 Governance Officer

**Disclosure of Interest:** Nil  
**Date of Report:** 12 December 2017  
**Senior Officer:** Ms Denise Gobbart

  
 Chief Executive Officer

#### Summary

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

#### Background

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

***Note: The Information Bulletin is an internal management document; therefore attachments are not for public information.***

Copies of other relevant Councillor information are distributed via email.

#### Comment

This month's (December 2017) Information Bulletin Report has been emailed to Councillors.

The December 2017 Information Bulletin attachment includes:

#### **Reports**

1. Council Status Report – November 2017
2. Infrastructure Services Report – November 2017
3. Monthly Schedules – November 2017
4. Outstanding Rates Report – November 2017
5. Lake Grace Community Library Report and Statistics – October to November 2017
6. Lake King Library Report and Statistics – August to December 2017
7. Newdegate Library Statistics – November 2017

#### **Circulars & Newsletters**

8. Department of Local Government, Sport and Cultural Industries – Circular 20/2017
9. Department of Local Government, Sport and Cultural Industries – Circular 21/2017
10. WALGA – Economic Briefing
11. WALGA Media Release – Collaboration Key to Sharing Budget Repair
12. Peter Rundle MLA Media Release – Bushfire Mitigation Funding Available for Local Governments
13. Peter Rundle MLA Media Release – Rundle Questions Health Minister over HACC Shut Downs

14. Colin de Grussa MLC Media Release – Labor’s Lack of Organisation Let Down Volunteer Groups
15. Local Government Professionals Australia Information Circular – LG Professionals WA welcomes Ian Cowie as President

### **Minutes**

16. Newdegate Community Library Management Committee Meeting – 15 November 2017
17. Newdegate Swimming Pool Management Committee Meeting – 13 November 2017
18. Local Emergency Management Committee Meeting – 16 November 2017
19. Lake Grace Development Association Meeting – 2 October 2017
20. Varley Progress Association AGM – 17 October 2017
21. WALGA - Central Country Zone Meeting – 1 December 2017

### Legal Implications

Nil

### Policy Implications

Nil

### Consultation

N/A

### Financial Implications

Nil

### Strategic Implications

*Shire of Lake Grace Strategic Community Plan 2017 – 2027*

Leadership – Strong governance and leadership, demonstrating fair and equitable community values.

Outcome 4.1 A strategically focused, unified Council functioning efficiently

- 4.1.1 Provide informed leadership on behalf of the community
- 4.1.2 Promote and advocate for the community and district
- 4.1.3 Provide strategic leadership and governance

Outcome 4.2 An efficient and effective organisation

- 4.2.1 Maintain accountability and financial responsibility through effective planning
- 4.2.2 Comply with statutory and legislative requirements

### Recommendation

That Council accepts the Information Bulletin report.

### Voting Requirements

Simple majority required.

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

That Council accept Item 18.1 Meeting with Shire of Lake Grace Auditors, Item 18.2 Shire of Lake Grace 2016/2017 Annual Report and Item 18.3 2016/2017 Annual Electors General Meeting as late items of urgent business.

**18.1 MEETING WITH SHIRE OF LAKE GRACE AUDITORS**

*This item will be a late item and will be emailed out separately.*

**18.2 SHIRE OF LAKE GRACE 2016/2017 ANNUAL REPORT**

*This item will be a late item and will be emailed out separately.*

**18.3 2016/2017 ANNUAL ELECTORS GENERAL MEETING**

*This item will be a late item and will be emailed out separately.*

**19.0 SCHEDULING OF MEETING****19.1 FEBRUARY 2018 ORDINARY MEETING**

The next Ordinary Meeting of Council is scheduled to take place on Wednesday 28 February 2018, commencing at 3.00 pm at the Council Chambers, 1 Bishop Street, Lake Grace.

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

That Council meet behind closed doors at \_\_\_ pm in accordance with section 3.7 of the Shire of Lake Grace Standing Orders Local Law 2015, and Section 5.23(2)(b) of the Local Government Act 1995.

*This item and any attachments are confidential in accordance with Section 5.23(2)(b) of the Local Government Act 1995 as it contains “the personal affairs of any person”.*

**20.1 CHIEF EXECUTIVE OFFICER – ANNUAL PERFORMANCE REVIEW 2017**

*Item forwarded under separate cover.*

*This item and any attachments are confidential in accordance with Section 5.23(2)(c) of the Local Government Act 1995 as it contains “a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting”.*

**20.2 CONTRACT AGREEMENT – WHEATBELT GENERAL PRACTICE BUSINESS SUPPORT SERVICE**

*Item forwarded under separate cover.*

**21.0 CLOSURE**

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