

# SHIRE OF LAKE GRACE



# ***Minutes***

Ordinary Council Meeting

27 February 2008

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## SHIRE OF LAKE GRACE

### MINUTES OF THE ORDINARY MEETING OF COUNCIL HELD AT THE COUNCIL CHAMBERS, 1 STUBBS ST LAKE GRACE ON WEDNESDAY, 27 FEBRUARY 2008.

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

The Chairperson (President) opened the meeting at 1.05pm welcoming everyone back from the Christmas holiday break and to this first meeting for 2008.

#### **2.0 ATTENDANCE RECORD**

##### **2.1 PRESENT**

Cr AJ Walker	Shire President
Cr IG Chamberlain	Deputy Shire President
Cr JF De Landgraft	
Cr AJ Dunkeld	
Cr OP Farrelly	
Cr WA Newman	
Cr DP Sinclair	
Cr RP Taylor	
Mr HJ Fraser	Chief Executive Officer
Mr MW Burbridge	Acting Manager Corporate Services
Mr LW White	Acting Manager Community Services
Mrs J Bennett	Executive Assistant
Mr Len Armstrong	Observer
Ms Sandy Knill	Observer
Mr Steve Curtin	Observer

##### **2.2 APOLOGIES**

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

#### **3.0 PUBLIC QUESTION TIME**

##### **3.1 MR STEVE CURTIN**

Mr Curtin advised he was present to request Council follow up the issue regarding the rating of his property at Lot 293 Lake Grace and his application to be rated as a rural property.

For the benefit of the new Councillors he gave a brief background in that his property is located on the edge of the Lake Grace Townsite, zoned Town Centre and rated as GRV. All other properties which are the same as his are rated as UV because they are outside the town boundary. He is currently paying town centre rates even though he supplies all his own services i.e. water, power and roads and wishes to be treated the same as everyone else who has a property like his.

Since his presentation to the September 2007 Council Meeting he has met with previous CEO Chris Jackson and Town Planning Consultant Joe Douglas and the new town planning scheme – Local Planning Scheme 4 (LPS4) has been gazetted.

Under LPS4 his land is classified as Rural Residential. He has also spoken with representatives from the Department of Local Government and Regional Development (DLGRD) who are of the opinion that he does have a case for an application to change the land classification to that of other farming properties in the district.

**Query:** Mr Curtin advised whilst he fully understands that with the recent changeover of CEO and Councillors the matter has not been progressed he requested the Shire now progress the matter as he would like a decision by the next Council meeting.

**Reply:** The Shire President and CEO both apologised for the delay. The CEO advised that he has briefly researched the matter and DLGRD guidelines clearly state that town boundaries define UV & GRV rating. Under the current town planning scheme LPS4 the land is zoned rural residential and is inside the townsite boundary which reflects land be rated GRV. An item will be prepared and put to the March meeting.

### 3.2 **MR LEN ARMSTRONG**

Mr Len Armstrong advised he is a permanent resident at 29 Collier St Newdegate but is not a ratepayer in the Shire of Lake Grace and wished to address Councillors re the Newdegate Landfill Site.

He was here to bring to Councils attention a couple of problems associated with transfer stations – Mr Armstrong advised he is a past councillor for the City of Albany and has experienced the problems associated with transfer stations, main points of concern follow:

- Costs as set down in engineers reports – report costs are generally kept to a minimum – costs will blow out
- Policing controls – ranger time
- Running costs
- Rubbish will end up in landfill somewhere
- Access for users - opening times

In concluding Mr Armstrong respectfully requested Councillors to not only use the results of SMEC report in their deliberations and not to rescind motion 10407 but move ahead with the motion from the May 2007 meeting.

### 3.3 MR ROSS CHAPPELL

Re – question on notice from 19 December 2007 meeting re native title claims over railway land in Lake Grace.

The following letter was sent to Mr Chappell on 15 February 2008:

## Shire of Lake Grace

PO Box 50 Lake Grace WA 6353 • Phone 9890 2500 • Fax 9890 2599 • Email: shire@lakegrace.wa.gov.au

Please address all correspondence to the Chief Executive Officer

Your Ref: 0368  
Our Ref: J Fraser  
Enquiries:



Mr Ross Chappell  
Post Office  
LAKE GRACE WA 6353

Dear Ross,

#### NATIVE TITLE CLAIMS – LAKE GRACE TOWNSITE

Staff have accessed the Office of Native Title Western Australia website in relation to the Lake Grace townsite and the following information is provided:

There are 16 native title claims in the Southwest, nine of which are represented by the South West Aboriginal Land & Sea Council and include:

- Wom Ber: WC96/105, WAD6130/98, Rep: Pat Morich, status – not registered; in mediation with the NNTT
- Wagyl Kaip: WC98/70, WAD6286/98, Rep: SWLSC, status – registered; in mediation with the NNTT
- Southern Noongar: WC96/109, WAD6134/98, Rep: SWLSC, status – not registered; in mediation with NNTT
- Single Noongar (Area 1): WC03/06, WG6006/03, Rep: SWLSC, status – not registered
- Ballardong: WC00/7, WAD6181/98, Rep: SWLSC, status – not registered

Further information is available by accessing the Office of Native Title Western Australia website [www.native.title.wa.gov.au](http://www.native.title.wa.gov.au) and the South West Aboriginal Land & Sea Council at [www.noongar.org.au](http://www.noongar.org.au).

Should you require additional information or wish to discuss the matter further please don't hesitate to contact me on ☎9890 2500.

Yours faithfully,

Jim Fraser  
CHIEF EXECUTIVE OFFICER

15 February 2008  
hj:fjb

Shire of Lake Grace ~ The Growing Centre

1.18pm

Mr Curtin left the meeting.

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

### **4.1 CR MILTON**

Cr Milton has made application for leave of absence from the 27 February to 28 February 2008 for medical reasons.

The application was received in writing on 6 February 2008.

#### Voting Requirements

Simple majority required

#### Recommendation/Resolution

### **MOTION 10551**

Moved Cr Newman  
Seconded Cr Sinclair

That Cr Milton's application for Leave of Absence from 27 February to 28 February 2008 be approved.

**MOTION CARRIED 8/0**

*1.20pm Mr Armstrong & Ms Knill left the meeting.*

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

### **5.1 ORDINARY MEETING – 19 DECEMBER 2007**

#### Resolution

### **MOTION 10552**

Moved Cr Dunkeld  
Seconded Cr Taylor

That the minutes of the Ordinary Meeting of Council held on the 19 December 2007 be confirmed as a true and accurate record.

**MOTION CARRIED 8/0**

## **6.0 DECLARATIONS OF INTEREST**

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

Cr Chamberlain advised a Declaration of Financial Interest in Item 14.8.

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

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

CEO Mr Jim Fraser submitted a Declaration of Impartiality Item 18.2.

## **7.0 NOTICES OF URGENT BUSINESS**

None.

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

None.

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

None.

## **10.0 MEMBERS' REPORTS**

### **10.1 CR DE LANDGRAFFT**

Cr Landgraftt reported attendance at the 11 Feb 2008 Lake King Progress Association Meeting and advised of the following main issues:

- A recycling station for Lake King – the community see this as an urgent issue. Council previously toured other country facilities some years ago and the community would like to see the project progressed.
- Fitness Club – met with Lance White, Manager Community Services and are very pleased with outcome – i.e. Fitness Instructor & Co-ordinators positions to be advertised.
- Rubbish tip fencing – In 2003 the Lake King Progress Association/St John Ambulance were paid \$1,700 to erect a fence around the rubbish tip site, the job has still not been done and the money will no longer cover the job – they are wondering where they stand – the materials are still there – are they obliged to do the job?



**10.2      CR DUNKELD**

- Advised he had met the new School Principal and encouraged him to approach Council with any issues.
- Community members have contacted him re the ARC Program.
- Lake Bidy /Buniche dams – he has approached adjoining landholders re proposed sale of the land – DEC could be interested.

**10.3      CR NEWMAN**

- Met with Rachael Steen re the ARC Program – she is very happy with the outcomes following the arranged meeting with Council

**10.4      CR WALKER**

Reported Executive Meeting held at Newdegate on Tuesday 19 February at the Library/Telecentre – topics of discussion as follows:

- Ngt Landfill Site – discussed at length.
- Independent Town Planner Paul Bashall – has looked at Newdegate Industrial Area – is to come to next meeting – will present a report.
- ARC Program – good outcomes.
- Newdegate Research Station – community share farming arrangements
- Lake King Toilets – project underway - waiting on electrician & plumber – ready to pour pad.
- Varley Hall – Council to have costing regarding future of building ready to present to the community at the Varley Progress Association Meeting.
- Lake Grace Community Dam – agenda item at today’s meeting.
- Sugg Rock & Mt Sheridan community dam proposals – meeting with Department of Water
- Lake Grace Sporting Precinct Upgrade – progressing well
- Staffing issues discussed
- Works Program – outline of projects that are underway – reseal and re-sheeting projects – employment of a grader driver

Reported attendance at a Local Emergency Management (LEMC) Committee Meeting held at Lake Grace on Monday 18 February 2008. Brian Willoughby was present at the meeting – he has been contracted to update the Shire’s Local Emergency Management Plan and will follow on the work done last year by Tim Stevens on the Shire’s Risk Management Arrangements.

The Emergency Management Plan is a requirement for Council under the Emergency Management Act 2005. Brian has prepared at least 10 of these types of plans for other Councils.

Meeting venues and times came up for discussion and it was agreed day meetings will now be held in Lake Grace as opposed to out of hours meetings around the Shire with Council to look at provision of a travel component for those volunteers who come in from outer areas. The Local Emergency Management

Committee is a committee of Council under the Local Government Act 1995. The next meeting will be held on 18 March 2008 at Lake Grace.

**10.5      CR CHAMBERLAIN**

- Cr Chamberlain advised Councillors that following discussion at the Executive Meeting reports will be given at future Council Meetings so that all Councillors are aware of what is discussed. Also discussed was the separation of responsibilities between management and Council and how to manage it – contacts with senior staff are important and need to be well managed.
- Key Performance Indicators – Councillors to give indication of KPI's for CEO performance.

1.45pm

*Cr Sinclair left the meeting and re-entered at 1.46pm.*

**11.0 MATTERS FOR CONSIDERATION – WORKS & SERVICES**

*No items for consideration.*

## 12.0 MATTERS FOR CONSIDERATION – TOWN PLANNING

### 12.1 PROPOSED SUBDIVISION – LOTS 2577 & 2578 PELHAM ROAD, MALLEE HILL

**Correspondent:** Western Australian Planning Commission  
**Applicant:** Harley Survey Group on behalf of Mr Jeffrey H Hall  
**File No.** 0453  
**Attachments:** Plans 1 to 3  
**Author:** Mr Joe Douglas & Mr Steve Pandevski  
 Town Planning Consultant  
**Disclosure of Interest:** Nil  
**Date of Report:** 18 February 2008  
**Senior Officer:** Mr Jim Fraser  
 Chief Executive Officer

#### Summary

The following report has been prepared in response to correspondence received from the Western Australian Planning Commission (WAPC) seeking Council's comment on the proposed subdivision of Lots 2577 and 2578 Pelham Road, Mallee Hill to create two (2) new lots.

Essentially the application seeks the WAPC's approval to the realignment of the existing property boundaries having regard for an existing roadway that severs one of the existing lots.

In accordance with the specific requirements of section 142(2) of the Planning and Development Act 2005 the Shire of Lake Grace has forty two (42) days to provide the WAPC with any comments and/or recommendations considered relevant to the proposal, being 8 February 2008. Given that the next scheduled Ordinary Meeting of Council is not until 27 February 2008 the Shire administration wrote to the Western Australian Planning Commission on 10 January 2008 advising that an extension until 7 March 2008 is required for the Shire to provide its comments. At the time of preparing this report the WAPC had not advised of any objections to the timeframes required by the Shire to respond.

This report provides an assessment of the application in the context of current State Government planning policy, the Shire's current town planning scheme and new local planning strategy. It also provides a final recommendation regarding the general suitability of the proposal to assist preparation of the necessary response to the WAPC.

### Background

Harley Survey Group Pty Ltd on behalf of the current landowner, Mr Jeffrey H Hall, has recently lodged an application with the WAPC seeking approval to subdivide Lots 2577 and 2578 Pelham Road, Mallee Hill to create two (2) new separately titled rural lots. As previously mentioned the subdivision application simply seeks to realign the existing lot boundaries to account for the current alignment of Willcocks Road which traverses the northern portion of Lot 2578. The application before Council seeks to realign the lot boundaries so that Willcocks Road becomes the northern boundary of proposed Lot A and the southern boundary of proposed Lot B.

The subject land is located approximately 20 kilometres east of the Lake Grace townsite in the locality of Mallee Hill. The subject land is bound by Reserves 26762 and 17648 to the north, Fourteen Mile Road to the east and Pelham Road to the west. Willcocks Road traverses the northern portion of Lot 2578 in an east-west direction (see Plan 1 – Location Plan).

The subject land has been extensively cleared for agricultural purposes and does not therefore contain any significant stands of vegetation. The subdivision application form completed by the applicant advises that the subject landholdings do not contain any building improvements, however a close examination of the latest aerial imagery available from Landgate identifies that there is in fact a dwelling and a number of outbuildings located centrally in the northern half of Lot 2577. Presumably the buildings are proposed to be retained. Notwithstanding, the buildings are substantially setback from the proposed boundary realignment and therefore have no impact upon the subdivision proposal (see Plan 2 - Aerial Site Plan).

As previously mentioned the application proposes the creation of two (2) new lots from two (2) existing lots (boundary re-alignment) with the proposed lot boundaries taking into consideration the current alignment of Willcocks Road through Lot 2578 (see Plan 3 – Plan of Proposed Subdivision). The following table summarises the land area of the existing and proposed lots:

Lot Particulars	Existing Land Area (Approx.)	Proposed Land Area (Approx.)
Existing Lot 2577	1456.266 hectares	-
Existing Lot 2578	427.53 hectares	-
Proposed Lot A	-	277.1101 hectares
Proposed Lot B	-	1606.686 hectares

### Comment

In considering the proposed subdivision and formulating an appropriate response to the WAPC Council is required to have due regard for the provisions of the Shire of Lake Grace Local Planning Scheme No.4

(LPS No.4), the Shire of Lake Grace Local Planning Strategy (LPS) and any relevant policies adopted by the WAPC.

**Shire of Lake Grace Local Planning Strategy (LPS) & Local Planning Scheme No.4 (LPS No.4)**

Under the terms of the LPS & LPS No.4 all agricultural land within the Shire, including the subject land, is intended to be preserved for agricultural purposes to accommodate the establishment of new agricultural uses and the protection of existing agricultural activities. Furthermore, the fragmentation of existing agricultural landholdings, via subdivision, which has the potential to jeopardise the sustainability and viability of broad acre farming activities is discouraged.

Given that the application submitted by Harley Survey Group Pty Ltd for the subject landholdings seeks to realign lot boundaries using a logical boundary (i.e. an existing road reserve) and does not propose the creation of any additional lots, it is considered that the proposal is generally consistent with Council's planning objectives for agricultural land within the Shire and is unlikely to have any detrimental impacts.

**Western Australian Planning Commission Policy No. DC 3.4 – Subdivision of Rural Land**

The Western Australian Planning Commission (WAPC) has recently reviewed this policy and published the updated policy document in January 2008. This latest policy, like its predecessor, adopts a position whereby there is a general presumption against the fragmentation of rural land through subdivision unless it is consistent with the provisions of a town planning scheme, a local planning strategy or a local rural strategy. This revised policy does however provide greater clarity than its predecessor as to what is considered to be fragmentation of rural land and what is not.

The policy under section 4.1 states:

The following forms of subdivision are not fragmentation, do not result in loss of rural character and may be permitted:

- (a) To realign lot boundaries for farming purposes and/or for access to landlocked lots, with no increase in the number of lots.
- (b) To reduce the area of large land parcels which are two or more times the area of typical lots used in the district for farming.
- (c) To protect and actively conserve places of cultural and natural heritage.
- (d) To allow for the efficient provision of utilities and infrastructure and/or for access to natural resources.
- (e) To allow for the continued occupation of existing houses when they are no longer used in a farming operation.

- (f) For other unusual or unanticipated purposes which, in the opinion of the WAPC, do not conflict with policy and are necessary in the public interest.

It is clear that the application falls comfortably within the realm of criteria (a) above in that it seeks to realign lot boundaries, will not result in an increase in the total number of existing lots and will assist in better farm management by addressing the current situation where a gazetted road traverses the northern portion of Lot 2578. It is therefore concluded that the proposal is consistent with the WAPC's Policy No. DC3.4 – Subdivision of Rural Land.

### **Conclusion**

It is concluded from an assessment of the application that the proposal to subdivide Lots 2577 and 2578 Pelham Road, Mallee Hill by realigning their common boundaries to create two (2) new separately titled lots to account for the current alignment of Willcocks Road is consistent with the Shire's Local Planning Strategy and Town Planning Scheme No.4 and the specific criteria contained within the Western Australian Planning Commission's Policy No. DC3.4 – Subdivision of Rural Land.

To that extent Council may exercise its discretion and recommend approval of the application to the WAPC in accordance with the details of the plan submitted.

### Legal Implications

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

### Policy Implications

WAPC Policy No.DC 3.4 – Subdivision of Rural Land (2008)

### Community Consultation

Not required.

### Financial Implications

Nil

### Strategic Implications

Shire of Lake Grace Local Planning Strategy

### Cultural Implications

Nil

### Voting Requirements

Simple majority required.

Recommendation/Resolution

**MOTION 10553**

Moved Cr Farrelly  
Seconded Cr Taylor

That Council advise the Western Australian Planning Commission that it unconditionally supports the application submitted by Harley Survey Group Pty Ltd on behalf of the current landowner, Mr Jeffrey H Hall, to subdivide Lots 2577 and 2578 Pelham Road, Mallee Hill in accordance with the details of the plan submitted in support of the application.

**MOTION CARRIED 8/0**



**12.2 PLANNING APPLICATION – PROPOSED SERVICE COMMERCIAL DEVELOPMENT (FARM SUPPLY CENTRE), LOT 356 STUBBS STREET, LAKE GRACE**

**Applicant:** SolutionsWon Group Pty Ltd on behalf of ND & LA Maalouf Pty Ltd  
**File No.** 0506  
**Attachments:** Plans 4 to 9  
**Author:** Mr Joe Douglas & Mr Steve Pandevski  
Town Planning Consultants  
**Disclosure of Interest:** Nil  
**Date of Report:** 18 February 2008  
**Senior Officer:** Mr Jim Fraser  
Chief Executive Officer

Summary

This report provides details and recommendations in respect of an application for Council's planning consent submitted by SolutionsWon Group Pty Ltd (on behalf of ND & LA Maalouf Pty Ltd as trustee for the ND & LA Maalouf Superannuation Fund) to undertake substantial improvements to the Landmark premises located on Lot 356 Stubbs Street, Lake Grace which currently operates as a Farm Supply Centre.

The application for planning consent submitted by SolutionsWon Group Pty Ltd was submitted to the Shire on 12 December 2007. On 13 December 2007 Planning Enterprises, on behalf of the Shire of Lake Grace and in its capacity as the Shire's town planning consultant, prepared correspondence to the applicant advising that:

- I. the plans required additional information and certain modifications in order to satisfy the specific requirements laid out in the Shire's current Local Planning Scheme No.4 (LPS No.4); and
- II. the application would require referral to Main Roads Western Australia (MRWA) for review and comment due to the land's direct frontage to Stubbs Street which is a regional road controlled by MRWA.

On 16 January 2008 additional information and revised plans were submitted to Planning Enterprises by the applicant for review and assessment.

Background

Lot 356 is located centrally within the eastern portion of the Lake Grace townsite on the northern side of Stubbs Street and to the west of the Lake Grace – Kulin Road and Reserve 46639. The lot is approximately 1,857m<sup>2</sup> in area, rectangular in shape and has approximately 96 metres direct frontage to Stubbs Street (see Plan 4 – Location Plan).

According to the latest aerial imagery available from Landgate it appears that Lot 356 is relatively level and contains buildings, some car parking and manoeuvring areas and external /storage display areas. It is understood that the subject land currently accommodates three (3) business ventures as follows:

1. The eastern portion of the subject land is intermittently used as “overflow motor vehicle storage” for a car sales business located on McMahon Street;
2. The central building is utilised for a freight/transport business; and
3. The western portion of the site and associated building is used as a Farm Supply Centre which involves the storage and sale of agricultural farm supplies and is the predominant use on the site.

Vehicle access to the property is currently facilitated via Stubbs Street. It also appears that the majority of the clientele parking is also provided adjoining the existing buildings along the Stubbs Street verge with no designated points of access/egress to the adjoining road carriageway.

Lot 356 does not contain any significant vegetation or landscaped areas (see Plan 5 – Aerial Site Plan).

The following is a brief summation of the key elements of the proposed development:

- i) Total warehouse area - 260m<sup>2</sup>;
- ii) Total office/showroom area – 240m<sup>2</sup>;
- iii) Total landscaping area – 197m<sup>2</sup> (10.6% of the total site area);
- iv) Total length of building (frontage to Stubbs Street) – 38.1m;
- v) Total width of building – 13.2m;
- vi) Max. height of building – 8m (Stubbs Street – south elevation);
- vii) Min. height of building – 4.07m (above office and showroom area);
- viii) External wall finish – painted concrete tilt-up panels;
- ix) Ten (10) on-site carparking bays; and
- x) One designated access point to the Stubbs Street road carriageway.

(See Plans 6 to 9 – Submitted Site Development Plans)

It should also be noted that as a result of the proposed building improvements car parking for ten (10) vehicles is now proposed to be provided on-site and in front of the main entrance door, whereas car parking is currently undertaken on the Stubbs Street verge.

Furthermore, the proposed plan indicates that service vehicle access to the proposed warehouse component is via a “one way” access system. Access is proposed to be via Stubbs Street at the western end of the proposed warehouse and egress is also proposed via Stubbs Street, however at the eastern end of the proposed warehouse, 16.5 metres away.

Finally, the plans indicate a singular vehicle access point to the Stubbs Street road carriageway. The proposal will likely require the construction of an access road servicing the car parking bays, the warehouse and outdoor storage and display area on the Stubbs Street verge area however this is likely to be a more acceptable arrangement than the current uncontrolled access arrangements to Stubbs Street.

#### Comment

#### **Shire of Lake Grace Local Planning Strategy & Local Planning Scheme No.4**

Lot 356 is identified as land suitable for “service commercial” development within the Lake Grace Townsite Development Strategy Map contained within the Local Planning Strategy (LPS). An objective of the LPS is to:

“Develop a diversified range of commerce and industry in appropriate locations which provides significant employment opportunities and reduces the local economy’s dependency upon the agricultural sector.”

The subject land is currently predominantly used as a Farm Supply Centre and has excellent access to the local and regional road network. Furthermore Lot 356 is surrounded by similarly classified “service commercial” and reserved land. To that extent it is contended that the location of the proposed development is consistent with the land’s current strategic land use classification and therefore appropriate.

The proposed building improvements to the Landmark premises will not only improve the visual amenity of the immediate locality but will likely also improve the operational efficiencies and diversification of the business, perhaps culminating in additional employment opportunities.

Given the above, it is the view of this report that the proposal satisfies the relevant objectives of the Shire’s LPS.

Similarly Lot 356 is classified ‘Service Commercial’ zone in the Shire of Lake Grace Local Planning Scheme No.4 (LPS No.4). Council’s stated objectives for land classified ‘Service Commercial’ zone are:

- To provide for a range of uses which complement the Commercial zone.
- To accommodate wholesaling, retail warehouses, showrooms, trade centres and professional services that provide for the needs

of the community but due to their nature are generally not appropriate or cannot be accommodated in the Commercial Zone.

- To achieve a high standard of development and presentation including buildings, landscaping and vehicle parking.

In considering the proposal against the above objectives it is considered that:

- The existing and proposed use of the land complements existing 'Commercial' zoned land in the Lake Grace townsite;
- The proposed use accommodates a component of showroom, warehousing, trade display and bulk retail; and
- The proposed improvements to the site provide for a high standard of development and presentation and will therefore make a positive contribution to the general amenity, character, functionality and safety of the immediate locality.

It is considered that Landmark's business includes activities that are most appropriately categorised as a 'Farm Supply Centre' under LPS No.4. LPS No.4 defines 'Farm Supply Centre' as:

*“a premises used for the sale of farm supplies including vegetable seed, fertilisers, agricultural chemicals, stock foods, tractors, farm equipment, implements or components, or irrigation equipment.”*

A 'Farm Supply Centre' on land classified 'Service Commercial' zone under LPS No.4 requires Council to exercise discretion if granting planning approval. In considering the application LPS No.4 requires Council to have due regard for provisions contained in clause 10.2, which include:

- the compatibility of a use or development with its setting;
- the preservation of the amenity of the locality;
- the relationship of the proposal to development on adjoining land or on other land in the locality including, but not limited to, the likely effect of the height, bulk, scale, orientation and appearance of the proposal;
- whether the proposed means of access to and egress from the site are adequate and whether adequate provision has been made for the loading, unloading, manoeuvring and parking of vehicles;
- the amount of traffic likely to be generated by the proposal, particularly in relation to the capacity of the road system in the locality and the probable effect on traffic flow and safety;
- whether adequate provision has been made for the landscaping of the land to which the application relates and whether any trees or other vegetation on the land should be preserved; and

- the comments or submissions received from any authority consulted under clause 10.1.1.

In considering the proposal against the above criteria Council should note the following comments:

- The site is currently used for the purposes of a 'Farm Supply Centre';
- The site is bound by reserved land to the north, east and west and similarly zoned land on the south side of Stubbs Street;
- The visual amenity of the premises and the immediate locality will likely be substantially improved as a result of the proposed works and landscaping; and
- The suitability of the proposed access arrangements to Stubbs Street have been reviewed by Main Roads Western Australia and are discussed later in this report.

### **Specific Comments - Development Components**

In relation to development standards LPS No.4 states:

- 5.7.1 Table 2 sets out the site and development requirements for various land uses which may be supplemented by the local government's specific requirements.*
- 5.7.2 The local government in determining applications for any development may require such development to comply generally with the standards required for various land uses as required in Table 2 to ensure that the scale, nature, design, general appearance and impact of such uses is compatible with the objectives of the zone in which the development is proposed and the general purposes and aims of the Scheme.*
- 5.7.3 The site and development requirements for the development of uses not referred to in Table 2 shall be in accordance with the local government's specific requirements in each particular case.*

The use of the land as a 'Farm Supply Centre' as defined by LPS No.4 is not referred to in Table 2 therefore Council may exercise discretion and impose development standards that it thinks reasonable under the circumstances. To assist Council in exercising discretion Table 2 may be used as a guide.

In addition to Table 2 clause 5.8 of LPS No.4 provides development requirements that specifically apply to land classified 'Commercial Development'. Council is also required to have due consideration for the provisions contained under this clause.

### **Rear Setback**

LPS No.4 does not specify a required rear setback for a 'Farm Supply Centre' building nor does it specify a setback requirement for the individual office, showroom and warehouse components of the

proposed 'Farm Supply Centre' building. The existing buildings on the site maintain a setback of approximately (no less than) 4 metres to the rear (northern) lot boundary with only a 2 metre length of building wall currently built up to the rear boundary.

The application proposes the construction of a 38.1 metre length of building wall up to the rear boundary. Given that the subject lot 'backs onto' land reserved for railway purposes it is considered that the proposed boundary wall will not have a detrimental impact on the amenity or functionality of the locality or adjoining lands and therefore this report does not raise any objections to the proposed rear boundary building wall.

The Shire's Building Surveyor has been consulted in relation to the acceptability of the proposed windows and emergency exits located on the rear wall of the proposed building, with particular focus given to 'fire source features' and 'required emergency exits' under the Building Codes of Australia (BCA).

In summary the Shire's Building Surveyor has advised that:

- i) the windows are likely to satisfy 'fire source' separation requirements under the BCA and therefore may remain subject to adequate details being provided at the building licence stage demonstrating compliance with energy efficiency requirements; and
- ii) The proposed emergency exit will need to be relocated to a point that provides exit onto the subject land and not directly onto the adjoining railway reserve as is currently proposed.

The reason for requiring the relocation of the emergency exit located on the northern boundary rear wall is that Landmark will not be able to guarantee that a safe and efficient emergency exit onto the adjoining railway reserve for future occupants of the proposed building can be maintained in perpetuity.

For example, the land levels of the adjoining railway reserve may be modified at some stage in the future which will jeopardise the ability of the emergency exit to function safely and efficiently.

In the event that Council grants its approval to the proposed development it is a recommendation of this report that it does so with a condition requiring the emergency exit located on the northern boundary of the 'Warehouse' area to be relocated so as to provide an exit within the grounds of the subject land and to satisfy BCA requirements, and that such modifications be shown on the building licence plans.

**Side Setback**

LPS No.4 does not specify a required side setback for a 'Farm Supply Centre' building nor does it specify a setback requirement for the individual office, showroom and warehouse components of the proposed 'Farm Supply Centre' building. The existing buildings on the site maintain a setback of approximately 15 metres to the eastern side lot boundary and approximately 36 metres to the western side lot boundary.

The application proposes the new building to maintain setbacks of approximately 11 metres to the eastern side lot boundary and approximately 45 metres to western side lot boundary.

The building's proposed side setbacks are considered suitable and will not have a detrimental impact on the amenity or functionality of the locality or adjoining lands therefore this report does not raise any objections in relation to this matter.

**Front (Stubbs Street) Setback**

LPS No.4 does not specify a required front "street" setback for a 'Farm Supply Centre' nor does it specify a setback requirement for the individual office, showroom and warehouse components of the proposed 'Farm Supply Centre' building. The front setback of the existing buildings on the land range from nil (i.e. 0m) to a maximum of 2 metres to Stubbs Street.

Under the terms of the application the new building will maintain a minimum setback to Stubbs Street of approximately 5.8 metres and maximum setback of approximately 7 metres. As such the proposed building is setback further on the site than the existing building and proposes significant upgrades to the front setback area by establishing landscaping, sealed carparking and a clear pedestrian entry court. Given these improvements this report does not raise any objections in relation to this matter.

**Stubbs Street Building Facade**

In relation to building façades clauses 5.8.2 and 5.8.3 of LPS No.4 state that:

- 5.8.1 *The front façade of all buildings in the Commercial and Service Commercial zones shall be orientated to the street and constructed in brick, concrete or masonry, provided however that an owner or his/her agent may apply to the local government for permission to vary these requirements where the local government is satisfied that such variation will not detract from the amenity of the area.*
- 5.8.2 *The front façade of all buildings in the Commercial and Service Commercial zones shall reflect and be compatible with the predominant existing streetscape and architectural style and the local government may impose conditions relating to building*

*setbacks, design, scale, materials and finish to ensure compatibility with the existing streetscape and general architectural style.*

The proposed Stubbs Street building façade is considered to be well designed, provides adequate pedestrian cover, is sufficiently articulated and interesting and provides for efficient pedestrian access to the showroom and office space.

It is clear that the design of the façade is not in the same architectural style as existing established buildings along Stubbs Street due to the age difference between the existing buildings and the proposed building and evolutions in construction techniques over time. Notwithstanding this fact, the proposed building façade is considered to be generally compatible with the local streetscape for the following reasons:

- There are sufficient openings in the façade to create interest;
- There is a 'wrap around' awning which provides pedestrian cover and additional articulation;
- The main entrance to the building is clear, well defined and suitably prominent;
- The proposed corporate colour scheme comprises soft earthy tones which are appropriate for the locality;
- The proposed corporate signage strategy is "smart" and assists with minimising the impact of external wall spans and identifying the main entrance into the building;
- Carparking is conveniently and efficiently located in close proximity to the main entrance; and
- Strategically located landscaping will further improve the amenity of the proposed building surrounds and the streetscape.

### **Landscaping**

The application proposes to landscape 10% of the total site area. The landscaping is strategically placed to provide a pleasant visual setting when viewed from the proposed office and showroom component of the building. It will also enhance the streetscape amenity of the development and defines pedestrian access to the main entrance. As such it is considered that the proposed landscaping satisfies the specific requirements of LPS No.4.

### **Carparking**

The development proposes the provision of ten (10) on-site carparking bays all within the front setback area. Table 2 of LPS No.4 does not specify a minimum number of carparking bays required to be provided for a 'Farm Supply Centre', however it does specify that a 'Showroom' is to provide 2 car parking spaces per 100m<sup>2</sup> of showroom floor area. Taking into consideration this ratio, it is the view of this report that the proposed on-site car parking bays will sufficiently accommodate the needs of the business. Furthermore, and as previously mentioned, the



proposed location of the car parking bays provides convenient and efficient access to the main entrance.

### **Fencing**

In relation to fencing clause 5.8.6 of LPS No.4 states the following:

*5.8.3 The minimum standard fence for lots used for commercial or service commercial purposes shall be a 1.8 metre high colorbond / neetascreen style fence unless otherwise approved by the local government.*

Along the Stubbs Street boundary, to the west of the proposed building, the application proposes new fencing to secure the proposed external storage/display area (Trade Display). The proposed fencing is not “colorbond/neetascreen” in style but rather open “security style fencing”. In support of the proposed fencing style the applicant has submitted that the “outdoor equipment display area needs to be on public view and as such the proposed fencing will provide the necessary security without impeding the function of this part of the site.”

Provided that the outdoor display area is maintained in a neat, tidy and orderly manner this report does not object to the proposed fencing style.

### **Signage**

The application proposes two fixed wall signs with one being on the southern facing (Stubbs Street) warehouse wall and the other fixed to the east facing warehouse wall above the office and showroom component, visible from Lake Grace – Kulin Road. A dual-faced free standing ‘pylon type’ sign is also proposed in front of the main entrance.

The fixed wall signs are approximately 6.3m long, 1.4m high, green in colour and display the business name and slogan. The total area of these two signs is 17.64m<sup>2</sup> (i.e. 8.82m<sup>2</sup> each).

The proposed freestanding ‘pylon type’ sign also displays the business name, is approximately 6 metres in height from natural ground level, has two faces (i.e. one towards Stubbs Street and the other towards Lake Grace – Kulin Road) and has a total sign face area of 6.84m<sup>2</sup> (i.e. 3.42m<sup>2</sup> each).

Schedule 5 of LPS No.4 includes details of the types and maximum areas of advertising that is considered acceptable under any circumstances for different types of uses (i.e., industrial, shopping centres, home occupations, etc) and exempts advertising signage that satisfies the maximum areas from requiring planning approval.

Having regard for the proposed use of the land as a ‘Farm Supply Centre’, this report forms the view that the activity, for the purpose of

advertising, is most closely represented by ‘Industrial and Warehouse Premises’ as identified in Schedule 5.

Advertising signs that satisfy the provisions contained in the following extract from Schedule 5 of LPS No.4 do not require Council approval (i.e. they can be installed “as of right”):

<p>Industrial and Warehouse Premises</p>	<p>A maximum of 4 advertisements applied to or affixed to the walls of the building but not including signs which project above the eaves or the ridge of the roof of the building, and excluding signs projecting from a building whether or not those signs are connected to a pole, wall or other building.</p> <p>A maximum of two free-standing advertisement signs not exceeding 5m in height above ground level.</p>	<p>Total area of any such advertisements shall not exceed 15sqm</p> <p>Maximum permissible total area shall not exceed 10sqm &amp; individual advertisement signs shall not exceed 6sqm.</p>
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In assessing the proposed signage against the above criteria it is noted that:

- the proposed fixed wall signs are greater in combined sign face area by 2.64m<sup>2</sup> than that exempted from approval by Schedule 5; and
- the free standing ‘pylon type’ sign is lesser in combined sign face area by 3.16m<sup>2</sup> than that exempted from approval by Schedule 5, however is 1m higher than what is exempted from approval by Schedule 5.

Taking the above into consideration it is clear that Council must consider the appropriateness of the proposed signs as part of the application for planning consent for the proposed development.

In considering the appropriateness of the proposed advertising signage the following comments are submitted for Council’s consideration:

- The scale, strategic positioning and appearance of the proposed signage is considered appropriate for the proposed size and scale of the new building and its setting;
- The signage enhances the proposed appearance and amenity of the new building due to the consistent and compatible use of corporate colours; and
- The signage is considered to form an integral and functional component of the external building façade and design providing information, interest and identifying the main entrance points to the building.

To that extent this report forms the view that the proposed advertising signage is suitable and accordingly Council may grant its approval.

### **Vehicle Access Arrangements**

Given that Lot 356 abuts and obtains direct access to and from Stubbs Street, which is under the care, control and management of Main Roads Western Australia (MRWA), comments were sought from the Wheatbelt South Region Office of that authority on the appropriateness and suitability of the proposed development, particularly the proposed vehicle access and parking arrangements.

The following comments were provided by MRWA:

- There is sufficient manoeuvring space for the proposed parking bays;
- Will the proposed vehicle manoeuvring within the verge conflict with the local government's plans for footpaths/existing pedestrian movements?
- Property owners will need to seek approval from MRWA for any proposed new driveways and/or alterations to existing driveways.

In response to the above MRWA comments it is considered that the proposed vehicle parking and access arrangements are suitable given that access to and from the site is currently unmanaged (i.e. the proposed access arrangements are an improvement on the current situation). As such it is considered unlikely that the proposed vehicle access and parking arrangements will have an adverse impact upon pedestrian access.

It is also considered unlikely that a pedestrian footpath will be constructed on the northern side of Stubbs Street abutting the subject land because there is not sufficient density of development on this side of the road to justify the provision of a footpath. It is therefore likely that pedestrian access in the locality will continue to be encouraged and provided along the existing pedestrian pathway on the southern side of Stubbs Street where there is a greater density of development.

Finally, in the event that Council grants its approval to the application, it is recommended, having regard for MRWA's recent comments, that a condition be imposed requiring the landowner/applicant to seek and obtain the necessary approvals from MRWA for any modifications to the existing vehicle access arrangements to Lot 356 including the provision of any new driveways.

### **Stormwater Drainage Management**

The 500m<sup>2</sup> of roof cover proposed by the development requires that consideration be given to additional stormwater drainage management measures. The application proposes the installation of a rainwater tank

abutting the north-west corner of the proposed warehouse component of the building to assist with the management of roof catchment stormwater. This appears to be a viable and sustainable form of stormwater management as it also enables the recycling and reuse of stormwater for other purpose, such as the irrigation of landscaping.

Notwithstanding the general acceptability and encouragement for this form of stormwater management, the final details need to be provided to the satisfaction of the Shire as part of the building licence application process. A condition along these lines is therefore recommended should Council resolve to approve the planning application.

### **Conclusion**

It is concluded from an assessment of the application in the context of the Shire's Local Planning Strategy and Local Planning Scheme No.4 that the proposed development and use of Lot 356 Stubbs Street for the purposes of a 'Farm Supply Centre' is capable of being implemented in a proper and orderly manner subject to compliance with a number of conditions to ensure that it proceeds in accordance with the details of the plans submitted in support of the application and in a manner consistent with the existing amenity and character of the immediate locality.

### Legal Implications

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

### Policy Implications

Nil

### Community Consultation

External - Not required by LPS No.4 however the application was referred to Main Roads Western Australia (MRWA) for comments. The comments provided by MRWA are discussed above.

### Financial Implications

Nil

### Strategic Implications

Shire of Lake Grace Local Planning Strategy

### Voting Requirements

Simple majority required.

Recommendation/Resolution

**MOTION 10554**

Moved Cr Farrelly  
Seconded Cr De Landgraft

That Council approve the application for planning consent submitted by SolutionsWon Group Pty Ltd (on behalf of ND & LA Maalouf Pty Ltd as trustee for the ND & LA Maalouf Superannuation Fund) to develop a new Farm Supply Centre on Lot 356 Stubbs Street, Lake Grace in accordance with the details of the plans submitted in support of the application subject to compliance with the following conditions:

1. If this approval is not substantially commenced within a period of two (2) years, 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 local government having first been sought and obtained.
2. Demolition Licence must be sought from and issued by the local government before the commencement of any demolition works on the site.
3. In accordance with the Local Government (Miscellaneous Provisions) Act 1960 and Building Regulations 1989, a Building Licence application must be submitted to and approved by the local government prior to the commencement of any earthworks or construction.
4. The emergency exit located on the northern boundary of the 'Warehouse' area as shown on the approved plans shall be relocated so as to provide an exit within the boundary of Lot 356. Such modifications to the plans are to satisfy BCA requirements and be shown on the building licence plans to be submitted to the local government.
5. Any additional development, which is not in accordance with the application the subject of this approval or any condition of this approval, will require further approval of the local government.
6. The modification of any existing vehicle access arrangements from Stubbs Street to Lot 356 or the provision of new vehicle access arrangements from Stubbs Street to Lot 356 will require the prior approval of Main Roads Western Australia.
7. Landscaping, drainage, parking areas, kerbing, line marking as depicted on the approved plans shall be constructed, implemented and maintained at all times to the satisfaction of the local government.

**MOTION 10554 continued**

8. The parapet wall and footings shall be constructed entirely within the boundaries of Lot 356.
9. Provision must be made for access and facilities for use by people with disabilities in accordance with provisions of the Building Code of Australia and AS 1428.1.
10. No products, materials or other goods are to be stored outside of the building unless in a designated area approved by the local government for that purpose.
11. No products, materials or other goods (for sale or otherwise) are to be displayed outside of the building unless in a designated area approved by the local government for that purpose.
12. The premises shall be kept in a neat, tidy and orderly condition at all times to the satisfaction of the local government.
13. Where petrol, benzene or other inflammable or explosive substances or grease, oil or greasy/oily matter is likely to be discharged, a sealed wash-down area connected to a plate separator or other approved device must be installed and connected to the satisfaction of the local government.
14. Vehicle access to the Stubbs Street road carriageway shall be restricted to that shown on the approved plan.
15. The equipment display hardstand area as depicted on the approved plans shall be constructed and maintained to the satisfaction of the local government.
16. All stormwater drainage generated by the approved development shall be managed to the specifications and satisfaction of the local government.
17. Earthworks are not to extend over the boundaries of Lot 356.
18. All designated pedestrian access ways are to be paved and protected from vehicle access to the satisfaction of the local government.
19. The development must connect to the local government's reticulated sewerage system unless otherwise approved by the local government and the Department of Health.

**MOTION 10554 continued.**

20. All construction works within the Stubbs Street road reserve including, but without limiting the generality of the foregoing, any crossover, vehicle access, stormwater connection, service adjustment or landscaping, must be built to the satisfaction of the relevant authorities and the local government.

21. Any adjustment to power poles, manholes, drainage sumps, service pits or similar that may be required as a consequence of this approval shall be arranged by the applicant at his/her own expense prior to works commencing on-site.

**MOTION CARRIED 8/0**

**12.3      PLANNING APPLICATION – PROPOSED COLORBOND / STEEL  
FRAMED STORAGE SHED, LOT 314 MASON STREET, LAKE  
GRACE**

**Applicant:** Mr PJ Clarke  
**File No.** 0506  
**Attachments:** Plans 10 to 13  
**Author:** Mr Joe Douglas & Mr Steve Pandevski  
Town Planning Consultant  
**Disclosure of Interest:** Nil  
**Date of Report:** 18 February 2008  
**Senior Officer:** Mr Jim Fraser  
Chief Executive Officer

Summary

This report provides details and recommendations in respect of an application for Council's planning consent submitted by Mr PJ Clarke to construct a new colorbond / steel framed industrial storage shed on Lot 314 Mason Street, Lake Grace.

Background

Lot 314 and the adjoining Lot 313 Mason Street forms one landholding in the ownership of Riverland Investments and is located in the established industrial area in the southern portion of the Lake Grace townsite. Lot 313 comprises an area of approximately 1,733m<sup>2</sup>. Lot 314 also comprises an area of approximately 1,733m<sup>2</sup>. Combined the lots comprise a total land area of approximately 3,466m<sup>2</sup>. The lots have direct frontage and obtain vehicle access from Mason Street, which is constructed to a gravel standard abutting the landholding (however is to a bitumen standard further east), and forms the southern boundary of the landholdings (see Plan 10 – Location Plan).

The subject landholdings currently contain a 225m<sup>2</sup> steel framed shed located centrally and traversing the common property boundary between Lots 313 and 314. The applicant advises that the existing shed is currently used for general storage purposes associated with an established broadacre farming activity in the district (see Plan 11 – Aerial Site Plan).

Adjoining lots to the south, north and east are similarly zoned for industrial purposes and appear to be developed and used for industrial purposes.

Land to the west is reserved for conservation purposes under the Shire of Lake Grace Local Planning Scheme No.4 (LPS No.4) and forms land that is part of the 'Lakes System'.



The application seeks Council's planning approval to construct a new 140m<sup>2</sup> steel framed 'Paperbark' coloured colorbond shed along the eastern boundary of Lot 314 with dimensions 20 metres long, 7 metres wide and 4.3 metres high to the ridge. The shed is proposed to be setback approximately 16.5 metres from the Mason Street boundary and 1.5 metres from the eastern boundary of Lot 314. Planning Enterprises, on behalf of the Shire of Lake Grace, contacted the applicant to obtain details as to the intended use of the proposed shed. The applicant advised that the shed will be used for the storage of farming equipment and machinery with a portion also being used as a workshop to service and maintain the farming equipment and machinery. The applicant advised that the premises will not be used as a commercial venture, but rather for private purposes only.

In support of the proposed shed, the applicant has submitted signed statements from the three (3) adjoining property owners advising that there are no objections to the construction of the proposed shed as detailed in the submitted plans (see Plans 12 & 13 – Submitted Development Plans).

#### Comment

Lots 313 and 314 are currently classified 'General Industry' zone in the Shire of Lake Grace Local Planning Scheme No.4 (LPS 4). Council's stated objective for land classified 'General Industry' zone is:

- To provide a location for general, light and service industries which by the nature of their operations should be separated from residential areas.
- To ensure an adequate supply of suitably located land for future industrial development.
- To provide for a range of compatible general, light and service industries to support the needs and development of the district.
- To provide a range of employment opportunities for residents of the district.
- To ensure that development is in accordance with appropriate and satisfactory standards of function, amenity and safety.
- To ensure that appropriate buffers are provided and maintained between industrial uses and adjacent uses so as to avoid land use conflicts.
- To encourage the provision of additional landscaping to the established industrial areas to improve their visual appearance.

Under the terms of the land's current zoning classification the construction of a shed for the purposes of storage and minor servicing and maintenance of machinery and equipment is most appropriately classified as a light industry and is permitted by LPS No.4. In determining the application Council may resolve to either approve (with or without conditions) or refuse the application.

In assessing the proposal against the relevant standards contained in LPS No.4 it is concluded that there are no substantial objections to, or concerns raised by the proposal. To that extent it is concluded that Council may grant its planning approval.

In the event that Council resolves to grant its approval to the application it is recommended that it considers imposing conditions that will:

- Provide for suitable stormwater management;
- Address the construction and draining of crossovers, access and parking areas to the satisfaction of the Shire;
- Ensure the establishment of landscaping as depicted on the submitted plans; and
- Resolve the arrangement whereby an existing building traverses a common lot boundary.

### **Conclusion**

It is concluded from an assessment of the application in the context of the Shire's current Local Planning Scheme No.4 that the proposal to construct a new colorbond storage shed on Lot 314 Mason Street, Lake Grace is capable of being implemented in a proper and orderly manner subject to compliance with a number of conditions to ensure that the proposed development proceeds in accordance with the details of the plans submitted in support of the application and does not have a negative impact upon the general amenity, character, functionality and safety of the immediate locality.

### Legal Implications

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

### Policy Implications

Nil

### Community Consultation

Nil

### Financial Implications

Nil

### Strategic Implications

Shire of Lake Grace Local Planning Strategy

### Cultural Implications

N/A

### Voting Requirements

Simple majority required.

Recommendation/Resolution

**MOTION 10555**

Moved Cr Taylor  
Seconded Cr Dunkeld

That Council approve the application for planning consent submitted by Mr PJ Clarke to construct a new steel framed, colorbond clad storage shed on Lot 314 Mason Street, Lake Grace in accordance with the details of the plans submitted in support of the application subject to compliance with the following conditions:

1. If this approval is not substantially commenced within a period of two (2) years, 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 local government having first been sought and obtained.
2. A satisfactory building licence application and plans being submitted to and approved by the local government.
3. The proposed shed shall be externally clad in 'Paperbark' coloured colorbond sheeting and shall have a total floor area not exceeding 140m<sup>2</sup>.
4. The proposed shed shall have a maximum ridge height of 4.23 metres.
5. The proposed landscaping shall be established within 90 days of the practical completion of the development.
6. All crossovers, accessways and parking areas are to be suitably constructed and drained to the specifications and satisfaction of the local government.
7. All stormwater drainage discharge generated by the approved shed shall be managed to the specifications and satisfaction of the local government.
8. Lots 313 and 314 are to be amalgamated into a single lot within twelve (12) months of the date of Council's issuance of planning approval.

**MOTION CARRIED 8/0**

**13.0 MATTERS FOR CONSIDERATION – HEALTH & BUILDING****13.1 NEWDEGATE LANDFILL SITE**

**Applicant:** Department of Environment & Conservation  
**File No.** 0336  
**Attachments:** Correspondence  
**Author:** Mr Jim Fraser  
Chief Executive Officer  
**Disclosure of Interest:** Nil  
**Date of Report:** 13 February 2008  
**Senior Officer:** Mr Jim Fraser  
Chief Executive Officer

**Summary**

This report recommends an application be made to the Department of Environment and Conservation for a licence to construct a transfer station on Reserve 37433 Newdegate.

**Background**

The Newdegate landfill site has been an issue for Council for several years and has been the subject of several reports.

At its Ordinary Meeting held on 23 May 2007, Motion 10407, Council resolved in part as follows:

*That the staff be instructed to investigate and progress the acquisition of the land located on the corner of Watson Road and Lake Bidy Road for the purpose of a rubbish landfill site for Newdegate.*

Lindsay Stephens from Landfill Research was retained to prepare a report on the potential sites in and around Newdegate. The report is comprehensive and it appears that a landfill site can be developed.

More recently the Department of Environment and Conservation has written to Council in relation to the Newdegate site advising that there is little likelihood that a lengthy extension to the licence of the site will be granted. The licence for the site (L7100/1997/9) expires on 7 March 2008.

Council has already introduced measures to reduce the amount of rubbish going to the Newdegate landfill site. The weekly domestic rubbish pickup is taken to the Lake King site and a fortnightly recycling service has been introduced.

### Comment

In reviewing the background in the compilation of this report it is evident that the Department of Environment and Conservation holds the view that Council had agreed to the construction of a transfer station at the current landfill site.

A report ***Rehabilitation and Post Closure Management Plan*** for the Newdegate Rubbish Tip dated July 2006 states:

*'The Shire of Lake Grace has accepted the Department of Environment's decision and will rehabilitate the site after closure and convert a portion of it to be used as an approved transfer station and recycling station. Waste collected at the site will be transferred to an existing approved landfill site in the Shire of Lake Grace.'*

The latest correspondence from the Department underlines the seriousness of the situation and the need for Council to recognize this. Staff have been in contact with Departmental representatives and it has been made very clear that the development of a transfer station is still the preferred option. The development of a new landfill site was not favoured for a number of reasons including the time frame for the site investigation, gazettal and commissioning and thus the continued use of the current site during this time frame.

Whilst the relevant costs of both options have not been assessed in the compilation of this item the SMEC report dated April 2007 has reference to both a transfer station and a landfill site.

### Legal Implications

Environmental Protection Act 1986

Environmental Protection (Rural Landfill) Regulations 2002

### Policy Implications

N/A

### Consultation

External – Department of Environment & Conservation

Internal – Environmental Health Officer

### Financial Implications

The 2007/08 Budget includes an amount of \$60,000.00 (Acc E101260) for Waste Management Upgrade.

### Strategic Implications

To be developed during the strategic planning process.

Cultural Implications

N/A

Recommendation 1

That Motion 10407 from Council's 23 May 2007 Ordinary Meeting is rescinded. *1/3 of the members of council required to agree.*

*As per the Local Government Act 1995, Local Government (Administration) Amendment Regulations 2005, Regulation 10, a notice of motion to revoke or change a decision is to be signed by at least 1/3 of the members of council.*

Voting Requirements

Absolute majority required.

Recommendation 2

That:

1. An application for works approval for the construction of a transfer station (Category 62: Solid Waste Depot within Reserve No 37433 be made to the Department of Environment and Conservation;
2. An application to renew licence number L7100/1999/7 for a Class 11 Category 64 – Putrescible landfill site within Reserve No 37433 for a period of one year be made to the Department of Environment and Conservation.

Voting Requirements

Simple majority required.

Resolutions

**MOTION 10556**

Moved Cr Newman  
Seconded Cr De Landgraft

That the Officers Recommendation not be accepted and Council delegate Crs Walker, Chamberlain, Newman and Dunkeld to meet with the Department of Environment and Conservation in Albany with all relevant information to progress the landfill site for Newdegate.

**MOTION CARRIED 8/0**

***Reason for Change***

***Council did not support rescinding of Motion 10407.***

## 14.0 MATTERS FOR CONSIDERATION – FINANCE

### 14.1 ACCOUNTS FOR PAYMENT – DECEMBER 2007

**Applicant:** Shire of Lake Grace  
**File No.** 0277  
**Attachments:** List of Creditors  
**Author:** Ms Rysha Bird  
 Finance Officer  
**Disclosure of Interest:** Nil  
**Date of Report:** 18 February 2008  
**Senior Officer:** Mr Jim Fraser  
 Chief Executive Officer

#### Summary

For Council to ratify expenditures incurred for the month of December 2007.

#### Background

List of invoices paid for the month of December 2007 through the Municipal Account is attached.

#### Comment

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

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

The attached list meets the requirements of the Financial Regulations.

#### Legal Implications

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

#### Policy Implications

N/A

#### Community Consultation

N/A

#### Financial Implications

The list of creditors paid for the month of December 2007 from the Municipal Account amounts to \$178,429.98.

Strategic Implications

N/A

Cultural Implications

N/A

Voting Requirements

Simple majority required.

Recommendation/Resolution

**MOTION 10557**

Moved Cr Taylor  
Seconded Cr Newman

That Municipal Account cheques 32964 to 32996, Electronic Funds Transfers EFT3581 to EFT3628 and direct debits to the Municipal Accounts totalling \$178,429.98, having been checked and certified in accordance with the Financial Management Regulation 12, be confirmed, and passed for payment against the respective accounts as shown on the summary of Accounts for Payment schedule.

Cheque numbers 32981 through 32984 and 32986 were cancelled.

**MOTION CARRIED 8/0**



**14.2      ACCOUNTS FOR PAYMENT – JANUARY 2008**

2.28pm      *Cr Sinclair left the meeting and returned at 2.30pm.*

**Applicant:**                      Shire of Lake Grace  
**File No.**                              0277  
**Attachments:**                      List of Creditors  
**Author:**                              Ms Rysha Bird  
    Finance Officer  
**Disclosure of Interest:**      Nil  
**Date of Report:**                      18 February 2008  
**Senior Officer:**                      Mr Jim Fraser  
    Chief Executive Officer

Summary

For Council to ratify expenditures incurred for the month of January 2008.

Background

List of invoices paid for the month of January 2008 through the Municipal Account is 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:

- (e) The payee's name
- (f) The amount of the payment
- (g) Sufficient information to identify the transaction
- (h) The date of payment

The attached list meets the requirements of the Financial Regulations.

Legal Implications

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

Policy Implications

N/A

Community Consultation

N/A

Financial Implications

The list of creditors paid for the month of January 2008 from the Municipal Account amounts to \$520,193.83, and Trust Account amounts to \$576.00.

Strategic Implications

N/A

Cultural Implications

N/A

Voting Requirements

Simple majority required.

Recommendation/Resolution

**MOTION 10558**

Moved Cr Dunkeld  
Seconded Cr Farrelly

That Municipal Account cheques 32997 to 33048, Electronic Funds Transfers EFT3629 to EFT3725 and direct debits to the Municipal Accounts totalling \$520,193.83, and Trust Accounts cheques 542 to 544 totalling \$576.00, having been checked and certified in accordance with the Financial Management Regulation 12, be confirmed, and passed for payment against the respective accounts as shown on the summary of Accounts for Payment schedule.

Cheque numbers 33018 through 33022 were cancelled.

**MOTION CARRIED 8/0**

### 14.3 **FINANCIAL STATEMENTS – DECEMBER 2007**

**Applicant:** Shire of Lake Grace  
**File No.** 0275  
**Attachments:** Financial Reports  
**Author:** Mrs Danielle Robertson  
Senior Finance Officer  
**Disclosure of Interest:** Nil  
**Date of Report:** 11 December 2007  
**Senior Officer:** Mr Jim Fraser  
Chief Executive Officer

#### Summary

Consideration of the financial statements for the month ending 31 December 2007.

#### Background

The following financial reports are included for your information:

- Monthly Statement of Financial Activity
- Summary of Net Current Assets
- Operating Statement by Programme
- Balance Sheet
- Assets Purchased and Sold
- Capital Road Works, Operating Expenditure and Operating Income Graphs
- Bank Reconciliation

#### Legal Implications

Local Government Act 1995 – section 6.4  
Local Government (Financial Management) Regulations 1996

#### Policy Implications

N/A

#### Community Consultation

N/A

#### Financial Implications

Nil.

#### Strategic Implications

N/A

#### Voting Requirements

Simple majority required.

Recommendation/Resolution

**MOTION 10559**

Moved Cr Sinclair  
Seconded Cr Newman

That the financial reports for the month ending 31 December 2007 as attached be received.

**MOTION CARRIED 8/0**

## 14.4 FINANCIAL STATEMENTS – JANUARY 2008

**Applicant:** Shire of Lake Grace  
**File No.** 0275  
**Attachments:** Financial Reports  
**Author:** Mrs Danielle Robertson  
Senior Finance Officer  
**Disclosure of Interest:** Nil  
**Date of Report:** 12 February 2008  
**Senior Officer:** Mr Jim Fraser  
Chief Executive Officer

### Summary

Consideration of the financial statements for the month ending 31 January 2008.

### Background

The following financial reports are included for your information:

- Monthly Statement of Financial Activity
- Summary of Net Current Assets
- Operating Statement by Programme
- Balance Sheet
- Assets Purchased and Sold
- Capital Road Works, Operating Expenditure and Operating Income Graphs
- Bank Reconciliation

### Legal Implications

Local Government Act 1995 – section 6.4  
Local Government (Financial Management) Regulations 1996

### Policy Implications

N/A

### Community Consultation

N/A

### Financial Implications

Nil.

### Strategic Implications

N/A

### Voting Requirements

Simple majority required.

Recommendation/Resolution

**MOTION 10560**

Moved Cr Farrelly  
Seconded Cr Newman

That the financial reports for the month ending 31 January 2008 as attached be received.

**MOTION CARRIED 8/0**

## 14.5 FINANCIAL STATEMENTS – MONTHLY REPORTING

**Applicant:** Acting Manager Corporate Services  
**File No.** 0275  
**Attachments:** Haines Norton Newsletter, Budget worksheets  
**Author:** Mr Bill Bond  
A/Manager Corporate Services  
**Disclosure of Interest:** Nil  
**Date of Report:** 9 January 2008  
**Senior Officer:** Mr Jim Fraser  
Chief Executive Officer

### Summary

This report details how the current monthly financial statements are not accurately representing the true cost of works programs to both Council and the Manager of Works, in a suitable time frame.

Council figures are corrected at the end of reporting periods as required prior to 2005 (i.e. on a quarterly basis), but these figures need to be dynamic to allow accurate reporting and the subsequent claiming of funds throughout the year.

### Background

Council's Financial Activity Statements are prepared in accordance with the Local Government (Financial Management) Regulations as per requirements.

Council Auditors, UHY Haines Norton, advise that all indirect allocations should be reviewed on a regular basis to ensure that there is no under or over allocating to jobs in the works program.

Indirect allocations within local government refer to Plant Operating Costs, Public Works Overheads, Plant Depreciation and Building Overheads. These figures should be reviewed monthly, and should always come back to \$0.

Current practices involve manually adjusting plant operating costs on a quarterly basis, which has resulted in incorrect figures being presented to Council and the Manager of Works on all major works involving the use of Council Plant.

The methodology has also resulted in only 56% of plant operating costs being allocated in the 2006-07 financial year automatically by the financial management system.

Comment

When we look at the Plant Operating Section of the current financial statements, under the heading Operating Statement by Programme, Expenditure, the figures presented show:

	<b>Year to Date Actual</b>	<b>Year to Date Budget</b>
July 2007	\$ 30,016	\$ 96,226
August 2007	\$ 71,795	\$167,188
September 2007	\$ 96,712	\$ 21,031
October 2007	\$151,100	\$ 91,993
November 2007	\$174,698	\$162,955
December 2007	\$ 46,046	\$ 16,798

The figures above show that plant expenditure on various jobs has resulted in Council being advised of incorrect costs for work undertaken by Council staff, and that the reports have only shown the variance between, for example, November Actual of \$174,698 and Budget of \$162,955 - a difference of \$11,743.

Ideally, all Plant Operating Costs would be allocated against the relevant jobs by the end of each month, resulting in a Year to Date Budget figure of \$0. This would then highlight the difference between November Actual and Budget of \$174,698.

Examples of the effect this can have on Job Costings can be seen in the November Capital Renewal Roadworks:

**Job No 8001 Newdegate North Road**

Budget	\$200,000
November Expenditure	\$174,833.19
Actual November Expenditure	\$212,629.58

**Job No 122501 Maintenance Grading**

Budget	\$291,000
November Expenditure	\$100,366.38
Actual November Expenditure	\$129,336.04

The reason for the inaccuracies has been caused by the plant operating and depreciation rates not being reviewed on a regular basis and the monthly financial statements not reporting back to a \$0 balance.

The Chief Executive Officer has approved a revised series of rates as set out in the attached schedule, but these also need to be reviewed on a monthly basis.

An additional discrepancy has been highlighted in that Council's allocation of fuel is distorted, because of the use of the Hino Fuel Truck (LG 364) to refill other plant on site. On many occasions,



poor record keeping has resulted in all the fuel being allocated to this vehicle, which is only a supply vehicle. This practice is also being used with 2 other utilities, to supply fuel on site to the graders.

In consultation with Council's Mechanic methods are being investigated as to how the accuracy of this system can be improved.

Legal Implications

Nil

Policy Implications

Nil.

Community Consultation

N/A

Financial Implications

Council has the opportunity to optimise plant usage within the Shire.

Strategic Implications

N/A.

Cultural Implications

N/A

Voting Requirements

Absolute majority (5) required.

Recommendation/Resolution

**MOTION 10561**

Moved Cr De Landgraft  
Seconded Cr Newman

That:

1. Staff undertake regular reviews of all indirect allocation rates; and,
2. That the 2007/08 Budget be amended to show the complete allocation of all Public Works Overheads and Plant Operating Costs on a monthly (rather than quarterly) basis.

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

**14.6 INVESTMENT OF SURPLUS FUNDS – JANUARY – FEBRUARY 2008**

**Applicant:** Acting Manager of Corporate Services  
**File No.** 0267  
**Attachments:** Nil  
**Author:** Mr Mark Burbridge  
A/Manager Corporate Services  
**Disclosure of Interest:** Nil  
**Date of Report:** 19 February 2008  
**Senior Officer:** Mr Jim Fraser  
Chief Executive Officer

Summary

Report on the investment of surplus funds for the Reserve and Municipal Funds.

Background

In accordance with Council Policy 3.5

Comment

The following surplus funds have been invested during the period January – February 2008:

<b>Financial Institution</b>	<b>Fund</b>	<b>Lodgement</b>	<b>Maturity</b>	<b>Term</b>	<b>Amount</b>	<b>Interest Rate</b>
Westpac	Municipal	17/12/07	17/01/08	1 Month	\$301,597.81	6.84%
Westpac	Municipal	17/01/08	17/02/08	1 Month	\$303,349.89	6.48%
BankWest	Municipal	17/12/07	16/01/08	30 days	\$305,192.88	7.35%
BankWest	Municipal	17/12/07	16/01/08	30 days	\$305,192.88	7.35%
BankWest	Municipal	16/01/08	15/02/08	30 days	\$307,036.58	7.04%
BankWest	Reserve	18/09/07	17/03/08	6 months	\$1,000,000.00	7.06%

Term deposits held at Westpac and BankWest maturing on 17 February 2008 and 15 February 2008 respectively will both be returned to Council's Municipal Cheque account to meet upcoming cash expenditure requirements.

Legal Implications

Nil

Policy Implications

As per Council Policy 3.5

Community Consultation

N/A

Financial Implications

N/A

Strategic Implications

N/A

Voting Requirements

Simple majority required.

Recommendation/Resolution

**MOTION 10562**

Moved Cr Newman  
Seconded Cr Dunkeld

That the investment report for the period January – February 2008 be approved.

**MOTION CARRIED 8/0**

**14.7      PUBLIC WORKS OVERHEADS - ALLOCATIONS**

**Applicant:** Acting Manager Corporate Services  
**File No.** 0273  
**Attachments:** Budget worksheets  
**Author:** Mr Bill Bond  
A/Manager Corporate Services  
**Disclosure of Interest:** Nil  
**Date of Report:** 9 January 2008  
**Senior Officer:** Mr Jim Fraser  
Chief Executive Officer

**Summary**

Public Works Overheads are currently only allocated out to work undertaken by council employees activities, however we are increasingly using contractors and the Manager of Works and his associated overheads need to be allocated to contract administration work also.

It is proposed that one third of the costs directly associated with the Manager of Works are allocated to the associated works programs which are undertaken by contractors.

**Background**

Public Works Overheads are an indirect allocation historically established to allocate out the administrative side of works programs and the employees leave liabilities to ensure an even spread of costs on all work undertaken by Councils' outside employees.

With Council undertaking a move from works programs undertaken by council employees to the increased use of contract administration work, the expenses associated with the Manager of Works needs to also be allocated to the preparation and supervision of contractors

**Comment**

The 2007-08 Works Program attached indicates that of the total job costs of approximately \$3,456,756, about one third of the expenditure is paid to contractors (\$1,223,226).

It is therefore proposed that 33% of the accounts listed below are allocated for contract administration on this work.

	<b>BUDGET</b>	<b>ACTUAL</b>
E143010 Engineering Salaries & Wages	\$114,731	\$52,960
E143016 Fringe Benefit Tax	\$8,952	\$3,273
E143018 Professional Indemnity	\$15,481	\$16,383
E143019 Engineering Conference Expenses	\$ 2,500	\$ 0
E143025 Vehicle Expenses LG002	\$6,780	\$3,614
E143030 Engineering Office Expenses	\$9,853	\$ 8,495
<b>Total</b>	<b>\$158,297</b>	<b>\$84,725</b>

This would result in a full years allocation of \$158,297 divided by 33% = \$52,238, or an additional 4.2% being added to the total cost of the contractors work program for the 2007-08 financial year.

Legal Implications

Nil

Policy Implications

Nil

Community Consultation

N/A

Financial Implications

This is a financial allocation within the accounts only and does not represent any additional cost to Council.

Strategic Implications

N/A

Cultural Implications

N/A

Voting Requirements

Simple majority required.

Recommendation/Resolution

**MOTION 10563**

Moved Cr Newman  
Seconded Cr Taylor

That Council agree to the allocation of direct Manager of Works costs to be spread over contracted works programs to better represent the current activities of Council.

**MOTION CARRIED 8/0**

**14.8      BUDGET 2007/08 – DEPUTY PRESIDENTS FEE**

2.50pm      *Cr Chamberlain declared a financial interest in Item 14.8, he being Deputy Shire President, and left the meeting.*

**Applicant:**                    Acting Manager Corporate Services  
**File No.**                        0273  
**Attachments:**                Nil  
**Author:**                        Mr Bill Bond  
    Acting Manager Corporate Services  
**Disclosure of Interest:** Nil  
**Date of Report:**              9 January 2008  
**Senior Officer:**              Mr Jim Fraser  
    Chief Executive Officer

Summary

The 2007-08 Statutory Budget, as adopted by Council in July 2007, has under Item 14 - Councillor's Remuneration an incorrect amount listed for the Deputy Presidents Allowance.

The prescribed payment under the Local Government Act 1995 in conjunction with the Local Government Administration Regulations states that the prescribed percentage of the Presidents Allowance is 25%.

Background

The Annual Budget is prepared in accordance with the Local Government Act 1995 and the Local Government (Administration) Regulations 1996.

The Local Government Act 1995 Section 5.98A (1) states:

“A local government may decide to pay the deputy mayor or deputy president of the local government an allowance of up to the prescribed percentage of the annual local government allowance to which the mayor or president is entitled under section 5.98(5).

The Local Government (Administration) Regulations 1996 Section 33A states:

“Annual local government allowance for deputies - S5.98A.”

“For the purposes of section 5.98A(1) the prescribed percentage is 25%.”

Comment

Council in past years has paid the President \$6,300 per annum and the Deputy President \$2,100.

In the 2007-08 Budget, the President's Allowance has been increased to \$10,000 per annum and the Deputy President's Allowance to \$3,500 per annum.

Staff recommend, to ensure Council compliance with the Local Government Act 1995, that the Deputy President's Allowance be adjusted to \$2,500.

Legal Implications

Local Government Act 1995 Sect 5.98A  
Local Government (Administration) Sect 33A

Policy Implications

Nil.

Community Consultation

N/A

Financial Implications

This will reduce council expenditure, Account E041065 from \$3,500 to \$2,500.

Strategic Implications

N/A

Cultural Implications

N/A

Voting Requirements

Absolute majority (5) required.

Recommendation/Resolution

**MOTION 10564**

Moved Cr Newman  
Seconded Cr Sinclair

That Council reduce the 2007/08 budgeted Deputy President's Allowance by \$1,000 to \$2,500 to comply with the requirements of section 5.98A of the Local Government Act 1995.

**MOTION CARRIED BY ABSOLUTE MAJORITY 7/0**

2.57pm

*Cr Chamberlain re-entered the meeting and the Chairman advised him of the outcome.*



## 14.9 BUDGET 2007/08 – RATE SETTING STATEMENT

**Applicant:** Acting Manager Corporate Services  
**File No.** 0273  
**Attachments:** Budget comparison & extract  
**Author:** Mr Bill Bond  
A/Manager Corporate Services  
**Disclosure of Interest:** Nil  
**Date of Report:** 9 January 2008  
**Senior Officer:** Mr Jim Fraser  
Chief Executive Officer

### Summary

The 2007/08 Statutory Budget, as adopted by Council in July 2007, has an incorrect Rate Setting Statement as part of the formal document.

The mistakes are contained within the areas of Community Amenities and Transport, and have the total effect Council claiming \$28,488 too much for rates, sewerage and specified area rating.

### Background

The Annual Budget is an extremely complex item to prepare and requires an intimate knowledge of the Local Government Act 1995 and the Local Government (Financial Management) Regulations 1996 to undertake the process.

The mistake which has occurred is in the Rate Setting Statement and Section 6.34 of The Local Government Act 1995 deals with the limit on revenue or income from general rates.

The section states “Unless the Minister otherwise approves, the amount shown in the annual budget as being the amount it is estimated will be yielded by the general rate is not to –

- (a) be more than 110% of the amount of the budget deficiency; or
- (b) be less than 90% of the amount of the budget deficiency.

### Comment

The errors that have occurred within the Rate Setting Statement are that expected income from sewerage rates have been included as revenues under Community Amenities and also as part of the Amount required to be Raised from Rates.

This has resulted in a duplication of expected funds to the value of \$84,012.

The second mistake is that grant income for the Airstrip Seal has been left out of the Transport Revenues to the value of \$112,500.

Although the difference between the two items is \$28,488 which is only 1.09% of the amount raised from rates of \$2,604,962, the figure might become more relevant depending on the outcome of the airstrip repairs.

Legal Implications

Local Government Act 1995 Sect 6.34

Policy Implications

Nil

Community Consultation

N/A

Financial Implications

Nil at this time.

Strategic Implications

N/A

Cultural Implications

N/A

Voting Requirements

Simple majority required.

Recommendation/Resolution

**MOTION 10565**

Moved Cr Farrelly  
Seconded Cr Dunkeld

That the contents of the report in respect to the Rate Setting Statement be accepted.

**MOTION CARRIED 8/0**

**14.10**      **MT MADDEN GROUNDWATER DRILLING PROGRAM - AGREEMENT**

**Applicant:**                      Acting Manager Corporate Services  
**File No.**                            0608  
**Attachments:**                  Letter & Agreement  
**Author:**                           Mr Bill Bond  
    A/Manager Corporate Services  
**Disclosure of Interest:** Nil  
**Date of Report:**                30 January 2008  
**Senior Officer:**                Mr Jim Fraser  
    Chief Executive Officer

Summary

This report recommends the use of the Common Seal.

Background

The Department of Water has provided funding of \$30,000 as a contribution toward the cost of a groundwater drilling program at Mt Madden.

A copy of the Agreement is attached.

Comment

The Agreement proposed by the Department of Water requires the Seal of the Shire of Lake Grace.

Legal Implications

Local Government Act 1995

Policy Implications

Council Policy 1.11 – Use of Common Seal

Community Consultation

There has been ongoing consultation relative to drought-proofing the Shire.

Financial Implications

The grant has been included in the 2007-08 budget review.

Strategic Implications

The provision of community water supplies will form part of Council's proposed Strategic Plan.

Voting Requirements

Simple majority required.

Recommendation/Resolution

**MOTION 10566**

Moved Cr Taylor  
Seconded Cr De Landgraft

That the use of the Common Seal be authorised on an agreement between the Department of Water and the Shire of Lake Grace for the provision of funds of \$30,000 for the Mt Madden Groundwater Drilling Program.

**MOTION CARRIED 8/0**

**15.0 MATTERS FOR CONSIDERATION – ADMINISTRATION****15.1 COMMUNITY DAM – PORTION LOT 9748 LAKE GRACE – PROPOSED LEASE**

<b>Applicant:</b>	Zilkens & Co, Barristers & Solicitors Woodhouse Legal – Solicitors & Legal Consultants
<b>File No.</b>	0572
<b>Attachments:</b>	Correspondence, Lease Agreement
<b>Author:</b>	Mr Jim Fraser Chief Executive Officer
<b>Disclosure of Interest:</b>	Nil
<b>Date of Report:</b>	13 February 2008
<b>Senior Officer:</b>	Mr Jim Fraser Chief Executive Officer

**Summary**

This report recommends Council ceases negotiations for the lease of portion of Lot 9748 from Mr James Carruthers and others.

**Background**

Staff have been negotiating with Mr James Carruthers to construct a dam on portion of Lot 9748.

This follows the successful negotiation for the lease of portion of Reserve 26137 from the Water Corporation which has a series of roaded catchments constructed thereon. The site on Lot 9748 was chosen when a suitable site for a dam could not be found within the reserve.

There has been a number of issues during the negotiations with Mr Carruthers and recently the President, Cr Andrew Walker tried to arrange a meeting. Cr Walker was advised by Mr Carruthers to continue any negotiations through his solicitor.

Funding for the project has been made available from the State Government following the January 2006 flood event. Staff from the Department of Sport & Recreation have sought advice as to when the funding will be spent. There is a possibility that the funding will be withdrawn.

Staff will continue to assess alternatives.

Comment

The draft lease prepared by Council's legal advisers, Woodhouse Legal, was deemed to be suitable by the landowners on which community dams have/are being constructed.

Mr Carruthers has briefed his solicitors and staff provide the following comments:

- **Delete clause 2.4**

As there is access to the site from the Lake Grace Newdegate Road it is agreed that this clause could be deleted.

- **Add to Item 5 Schedule the following:**

That the dam be a minimum size of 50,000m<sup>3</sup> – there is insufficient area within the proposed lease to achieve a dam of this capacity.

For use in reticulating the Lake Grace townsite community oval.

This clause would place severe restrictions on Council and its operations. The water could not be used for watering additional areas such as the school oval or townsite gardens including the median strip; fire fighting purposes; road making purposes and use by other farmers during periods of drought and/or water deficiency.

- **Add a new clause 3.1(2)**

This new clause reinforces the perceived control over the community asset sought by the lessor and in the opinion of staff could place Council in a position with maximum exposure to litigation.

- **Delete clause 3.2(2)**

This again restricts the use of the facility by others.

- **Replace clause 3.3 with the following:**

Council currently has insurance cover of \$100M with Local Government Insurance Services (LGIS). The suggested change could require Council to change insurers should the Lessor not accept LGIS.

- **Add a clause 3.3(2)**

It is the understanding of staff that the indemnification is provided under Council's current insurance cover.

- **Add a clause 3.4**

Staff have no issues with this clause as it would form part of a management plan.

- **Add a clause 3.5**

Staff have no issues with this clause.

- **Add a clause 3.6**

Lot 9748 is 318HA in area and the dam site is 2.3873HA being less than 1% of Lot 9748. The total land holding for rating purposes is 1,113.2HA.

- **Add a clause 4.2**

Staff have no issue with this clause.

- **Add a clause 4.3**

Whilst the clause appears suitable it is open ended and does not cover the situation as to which party has priority to the available water. The main purpose of the dam is to collect water during weather events and then transfer the water to the main dam storage at the earliest possible opportunity. The clause may restrict Council's management of the dam.

- **Add a clause 8**

Whilst this is a normal situation where lease preparation costs are covered by the lessee, again, the lessor has sought an open ended commitment from Council.

As there are several clauses which staff believe cannot be negotiated it is recommended that the site be abandoned and alternative arrangements considered.

Legal Implications

Property Law Act 1969

Policy Implications

N/A

Consultation

External – Mr James Carruthers

Department of Sport & Recreation

Internal - Shire President Cr Andrew Walker

Financial Implications

Continuing negotiations will impact on Council as there is an expectation that Council will be required to pay both parties legal costs.

Staff will continue to liaise with officers from the Department of Sport & Recreation in relation to the CSRFF funding.

Strategic Implications

The provision of community water supplies will be considered in the strategic planning process.

Cultural Implications

N/A

Voting Requirements

Simple majority required.

Recommendation/Resolution

**MOTION 10567**

Moved Cr De Landgraft  
Seconded Cr Taylor

That the solicitors acting for Mr James Carruthers and others be advised that it is Council's intention to cease negotiations for a lease over portion of Lot 9748.

**MOTION CARRIED 8/0**



## **16.0 URGENT BUSINESS BY DECISION OF THE MEETING**

None.

## **17.0 SCHEDULING OF MEETING**

### **17.1 MARCH 2008 ORDINARY MEETING**

#### **Motion 10528 November 2007 states:**

An Ordinary Meeting of Council will be held on Wednesday 26 March 2008, commencing at 1.00pm at the Varley Sports Pavilion, Varley.

## **18.0 CONFIDENTIAL BUSINESS – As per Local Government Act s.5.23 (2)**

### **MOTION 10568**

Moved Cr Newman  
Seconded Cr Dunkeld

That Council close the meeting to the public at this time, being 3.11pm, to discuss Items 18.1 Sale of Lot 200 Blackbutt Way Lake Grace and 18.2 Senior Officer Positions – Appointments.

**MOTION CARRIED 8/0**

### **18.1 SALE OF LOT 200 BLACKBUTT WAY LAKE GRACE**

<b>Applicant:</b>	Elders Real Estate
<b>File No.</b>	0358
<b>Attachments:</b>	Contract of Sale Valuation – PL Bolto & Co
<b>Author:</b>	Mr Jim Fraser Chief Executive Officer
<b>Disclosure of Interest:</b>	Nil
<b>Date of Report:</b>	19 February 2008
<b>Senior Officer:</b>	Mr Jim Fraser Chief Executive Officer

#### Summary

This report recommends the acceptance of an offer to purchase Lot 200 Blackbutt Way Lake Grace and the Use of the Common Seal on the relevant documentation.

### Background

In 2006 a number of vacant properties in Blackbutt Way were listed for sale with Elders Real Estate. Council will recall the recent sale of Lot 108 Blackbutt Way in December 2007.

On 8 January 2008, an offer was received for the purchase of Lot 200 Blackbutt Way Lake Grace. Due to the Christmas holiday period and the two month gap between Council Meetings, a valuation on the property was requested and done by PL Bolto & Co dated 22 January 2008.

The Valuation of Lot 200 is listed as \$30,000 with a suggested listing price of \$35,000 – prices inclusive of GST.

Accordingly the following advertisement was placed in the West Australian on Saturday 26 January 2008:

<p style="text-align: center;"><b>DISPOSAL OF PROPERTY</b></p> <p>Submissions are invited on the proposed sale of Lot 200 Blackbutt Way Lake Grace to Amy Madeline Jones for \$33,000.00.</p> <p>The property has been independently valued at \$30,000.00.</p> <p>Submissions must reach the undersigned by 12 noon on Monday 11 February 2008 and be addressed to: Chief Executive Officer Shire of Lake Grace PO Box 50 Lake Grace WA 6353</p> <p>Jim Fraser <b>CHIEF EXECUTIVE OFFICER</b></p>
--

Submissions closed at 12 noon on Monday 11 February 2008 – no submissions were received.

### Comment

With no submissions being received Council can now proceed with the disposal of Lot 200 Blackbutt Way Lake Grace to Amy Madeline Jones for a consideration of \$33,000.00.

### Legal Implications

Local Government Act 1995, sections 1.8 and 3.58(3) and (4)

### Policy Implications

N/A

### Consultation

External – State wide public notice was given to the proposal.

Financial Implications

No funds have been budgeted for the sale of this land. It is recommended that the proceeds from the sale be placed in the Land Development Reserve.

Strategic Implications

Development of new residential properties in Lake Grace supports the long term stability of the Shire.

Cultural Implications

N/A

Voting Requirements

Simple majority required.

Recommendation

That:

1. The offer to purchase Lot 200 Blackbutt Way Lake Grace from Amy Madeline Jones for the consideration of \$33,000 be accepted;
2. The Use of the Common Seal on the relevant Transfer of Land documentation be approved; and
3. The confidentiality of this report is lifted.

Resolution

**MOTION 10569**

Moved Cr Newman  
Seconded Cr Sinclair

That:

1. The offer by Amy Madeline Jones for the purchase Lot 200 Blackbutt Way Lake Grace be accepted for the consideration of \$33,000;
2. The Use of the Common Seal on the relevant Transfer of Land documentation be approved; and
3. The confidentiality of this report is lifted.

**MOTION CARRIED 8/0**

***Reason for Change – clarification of wording***

**MOTION 10570**

Moved Cr Farrelly  
Seconded Cr Dunkeld

That Council re-open the meeting to the public at this time,  
being 3.20pm.

**MOTION CARRIED 8/0**

*The President read aloud Motion 10599*

*3.21pm Meeting adjourned for afternoon tea. During the afternoon tea break a Citizenship ceremony for Mr Daniel van Graan of Newdegate was held together with a 'meet and greet' for LGDHS new Principal John Boyland, wife Sue and Deputy Principal Peter Dines, wife and daughter Alison and Stella.*

*4.10pm Meeting reconvened with all those previously in attendance present with the exception of Messrs Burbridge & White.*

**MOTION 10571**

Moved Cr Newman  
Seconded Cr De Landgraft

That Council close the meeting to the public at this time, being 4.11pm, to discuss Item 18.2 Senior Officer Positions – Appointments.

**MOTION CARRIED 8/0**

*4.11pm Mrs Bennett left the meeting.*

**18.2 SENIOR OFFICER POSITIONS – APPOINTMENTS**

*Item forwarded under separate cover.*

**MOTION 10572**

Moved Cr Newman  
Seconded Cr Sinclair

That the action of the Chief Executive Officer in appointing Mr Mark Burbridge to the position of Manager Corporate Services and Mr Lance White to the position of Manager Community Services for a period of five (5) years commencing 6 March 2008 be accepted.

**MOTION CARRIED 8/0**

**MOTION 10573**

Moved Cr Dunkeld  
Seconded Cr Taylor

That Council re-open the meeting to the public at this time being 4.50pm.

**MOTION CARRIED 8/0**

*The President read aloud Motion 10572.*

**19.0 CLOSURE**

There being no further business, the Chairperson closed the meeting at 4.53pm.

**20.0 CERTIFICATION**

I Andrew James Walker certify that the minutes of the meeting held on the 27 February 2008 as shown were confirmed as a true record at the meeting held on the 26 March 2008.

\_\_\_\_\_  
Chairman

\_\_\_\_\_  
Date