

# SHIRE OF LAKE GRACE



## *Minutes*

### Ordinary Council Meeting

28 February 2007

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## SHIRE OF LAKE GRACE

### MINUTES OF THE ORDINARY MEETING OF COUNCIL HELD AT THE LAKE GRACE SPORTSMANS CLUB, STUBBS ST LAKE GRACE, ON WEDNESDAY, 28 FEBRUARY 2007.

#### 1.0 OPENING & ANNOUNCEMENT OF VISITORS

The Chairperson (President) opened the meeting at 1.30 pm.

Cr Roberts made special mention of the official visit by the City of Gosnells, represented by Mr Lyall Richardson and his wife Elizabeth who shared lunch with Councillors immediately prior to the meeting.

Following the luncheon, Cr Roberts warmly welcomed Mr & Mrs Richardson to Lake Grace and expressed delight in the official visit. Mr Richardson was a former Mayor of the City of Gosnells from 1983 to 1989 and is also an Honorary Freeman of the City.

Mr and Mrs Richardson were in Lake Grace visiting family and as it coincided with the Council Meeting were able to officially pass on best wishes on behalf of the Mayor of Gosnells, Cr Patricia Morris.

In response to Cr Roberts, Mr Richardson entertained those present with a brief resume of his interesting and varied life and impressed everyone with his lifetime commitment to Local Government.

#### 2.0 ATTENDANCE RECORD

##### 2.1 PRESENT

Cr G.E.J. Roberts	Shire President
Cr A.J. Walker	Deputy Shire President
Cr I.G. Chamberlain	
Cr W.A. Newman	
Cr D.P Sinclair	
Cr D.M.McL. Stewart	
Cr R.P. Taylor	
Mr C.G. Jackson	Chief Executive Officer
Ms L.I. McIlree	Manager Corporate Services
Mr J Fraser	Manager Community Services
Mr G Brigg	Manager of Works
Mr Joe Douglas	Consultant Town Planner
Mrs J. Bennett	Executive Assistant

Inspector D Picton-King	Head of Central Division/Great Southern Police District
Sergeant M Power	Officer in Charge Lake Grace Police Station
Mr L Armstrong	Newdegate Railway Station

## **2.2 APOLOGIES**

Cr O.P. Farrelly

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

**MOTION 10325** 20 December 2006 - Cr Bennett granted Leave of Absence from 8 February 2007 to 12 April 2007.

# **3.0 PUBLIC QUESTION TIME**

## **3.1 MR LEN ARMSTRONG**

Mr Armstrong spoke on behalf of the Newdegate Community Development Association regarding Council's intention to lease the Newdegate Railway Station Building on behalf of the community. He requested permission to speak on a non agenda item, having previously been informed that the matter may have been on Council's Agenda for this Meeting. Mr Armstrong advised Council that he is a temporary resident at Newdegate and over the past twelve months has been involved in negotiations by the community for the lease and renovation of the Newdegate Railway Station and Goods Shed.

Mr Armstrong queried progress on the matter stating his interest in that he is co-owner of P&L House Renovators and wishes to renovate the building. He also advised that the community has raised \$10,000 to commence renovations. He is of the understanding that Westnet Rail, through the Department of Planning & Infrastructure's Public Transport Authority, has approached the Shire advising that they are interested in a 10 year peppercorn lease for the Railway Station and Goods Shed which would allow the community the opportunity to renovate the building for use by the community. He understood that the lease only requires formal Council approval and asked was there a way to move forward and get the required signatures.

The Manager of Community Services, Mr Jim Fraser responded on behalf of Council and advised Mr Armstrong that the lease documents have been received but are incomplete in that they do not show the Goods Shed on the plan. He has asked for a new plan to be included so that Council can then formally consider the lease. The Item will be presented at the March 2007 Meeting.

The Chief Executive Officer, Mr Chris Jackson further advised Mr Armstrong that a budget consideration for the project will be included as part of the 2007/08 budget process.

1.39pm *Mr Armstrong left the meeting.*

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

Resolution

**MOTION 10346**

Moved Cr Chamberlain  
Seconded Cr Stewart

That Cr Roberts be granted Leave of Absence for the period 5<sup>th</sup> March 2007 to 24<sup>th</sup> March 2007.

**MOTION CARRIED 7/0**

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

**5.1 ORDINARY MEETING – 20 DECEMBER 2006**

Resolution

**MOTION 10347**

Moved Cr Newman  
Seconded Cr Sinclair

That the minutes of the Ordinary Meeting of Council held on the 20 December 2006 be confirmed as a true and accurate record.

**MOTION CARRIED 7/0**

#### **6.0 NOTICES OF URGENT BUSINESS**

*Notice of late item – 13.9 Office Telephone System Upgrade*

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

None received.

**8.0 PETITIONS/DEPUTATIONS/PRESENTATIONS/SUBMISSIONS****8.1 GREAT SOUTHERN POLICE DISTRICT – INSPECTOR PICTON-KING**

The President welcomed Inspector David Picton-King, Head of the Great Southern Police District and Sergeant Matt Power of the Lake Grace Police Station to the Meeting.

Inspector Picton-King introduced himself and gave a brief presentation which included the following main points:

- Lake Grace Police Station has now been officially upgraded to a two officer station.
- The Police Service recognises the stable workload within this Shire and also the potential for increased through traffic due to the mining expansion at Ravensthorpe.
- WA Police has allocated Sergeant rank to all previous Senior Constable Office in Charge positions to recognise their important role and responsibilities.
- Outlined arrangements of the cell concept where stations are grouped together to maximise police presence. The Lake Grace cell includes Dumbleyung and Wagin.
- After some months of advertising the second position in Lake Grace has been filled – Senior Constable Clive Watkins and family will be relocating to Lake Grace.
- The issue of quality housing for officers has made it difficult for the Police Service to attract staff to relocate to country WA as the Government Housing body is no longer interested in building houses for Government employees, existing houses are old and often in a state of disrepair.
- On behalf of the Police Service expressed thanks to the Shire for its assistance, contribution and commitment with the housing matter and that the level of cooperation in achieving an outcome is much appreciated.

The President thanked Inspector Picton-King for his presentation.

Resolution**MOTION 10348**

Moved Cr Newman  
Seconded Cr Walker

Standing Orders suspended to bring Item 14.1 forward.

**MOTION CARRIED 7/9**

2.00pm *Inspector Picton-King and Sergeant Power left the meeting.*

## 8.2 14 BLACKBUTT WAY LAKE GRACE – ALLOCATION OF RESIDENCE

**Applicant:** Department of Housing and Works – Government  
Regional Officers Housing  
**File No.** 0295  
**Attachments:** Correspondence from Country Housing Authority  
**Author:** Mr Jim Fraser  
Project Officer  
**Disclosure of Interest:** Nil  
**Date of Report:** 19 February 2007  
**Senior Officer:** Mr Chris Jackson  
Chief Executive Officer

### Summary

This report recommends allocation of the new residence at 14 Blackbutt Way Lake Grace to the Department of Housing and Works (Government Regional Officers Housing) for allocation to the Western Australian Police Service.

### Background

Council is in the process of constructing a new four bedroom, two bathroom residence on Lot 102 (14) Blackbutt Way Lake Grace. Expressions of interest to occupy the dwelling has been advertised with significant interest being shown by the Government Regional Officers Housing (GROH), previously the Government Employees Housing Authority on behalf of the WA Police and visiting Sports Masseuse Diane Gray.

Two Government Agencies, the Western Australian Police Service and the Department of Agriculture and Food require housing to ensure a level of service to ratepayers and residents within the Shire.

Staff are of the view that the Police Service has the greatest need. The Officer in Charge, Sergeant Matt Power has been operating on his own for four months and has recently been able to attract an additional officer subject to the availability of suitable housing.

### Comment

The 2006/07 budget includes the provision for the construction of two residences including the Blackbutt Way residence. In both instances funding is supported by a grant from the Country Housing Authority (CHA).

Recent correspondence from the CHA requested Council consideration to dispose of the residence in Blackbutt Way to create funding to assist in the construction of another CHA sponsored dwelling. CHA Funding can not be used by Council for a property that is leased to GROH.

Staff have been in contact with the CHA and GROH and subject to the approval of Council and the Board of the CHA an arrangement can be made to allow GROH to lease the property. It is therefore recommended that the residence at 14 Blackbutt Way Lake Grace be leased to GROH.

GROH is offering a nine (9) year lease with a one (1) year option at a rental of \$400.00 (subject to review) per week. In purely capital terms this will allow Council to amortise the property over the period of the lease. After ten (10) years Council can re-negotiate a lease or otherwise dispose of the property.

Legal Implications

Local Government (Functions and General) Regulations 1996 Regulation 30 (2) (g).

Policy Implications

Nil.

Community Consultation

Expressions of interest to occupy the property were advertised. There was no specific community consultation.

Financial Implications

Refer Agenda Item 13.7.

Strategic Implications

The provision of housing will be a key consideration in developing Council's Strategic Plan.

Cultural Implications

N/A

Voting Requirements

Simple majority required.

Recommendation/Resolution

**MOTION 10349**

Moved Cr Walker  
Seconded Cr Newman

That the property at 14 (Lot 102) Blackbutt Way, Lake Grace be leased to the Department of Housing and Works (Government Regional Officers Housing) for a period of nine (9) years with a one (1) year option at an initial rental of \$400.00 per week.

**MOTION CARRIED 6/1**

Resolution

**MOTION 10350**

Moved Cr Taylor  
Seconded Cr Newman

That Standing Orders be resumed.

**MOTION CARRIED 7/0**

**9.0 MEMBERS' REPORTS**

**9.1 CR STEWART**

Cr Stewart reported attendance at the Newdegate Community Development Association Meeting, the recent AWARE Meeting and the Newdegate Recreation Council Meeting and will raise several issues at the Information Brief session following the meeting.

**9.2 CR WALKER**

Cr Walker reported attendance at a meeting held recently with Mr Andrew Castle, Principal, and representatives of the Narrogin Agricultural College, and representatives from the Lake Grace District High School, Department of Agriculture, Wheatbelt Development Commission and WA Farmers.

The meeting was held with the view to have general discussion regarding use of the existing Newdegate Research Station as an educational facility.

Mr Castle has made a submission to the Department of Agriculture for the Ag School to take on running of the Research Station and has put a lot of hard work into it, however with two Government organisations (i.e. Education and Agriculture) with their own policies it is very hard to marry them together.

The project has been ticked off on by everyone except the Education Department who have concerns that it is too close to the Gnowangerup facility. A small group is looking at ways to move forward with the project.

## 10.0 MATTERS FOR CONSIDERATION – WORKS & SERVICES

### 10.1 TENDER 2/2007 – PURCHASE OF 4X4 LOADER

*Late Item - Report presented at the meeting, Tender documents were available for inspection.*

**Applicant:** Manager of Works, Mr Glen Brigg  
**File No.** 0415  
**Attachments:** Tender advertisement, specifications and tender details  
**Author:** Mr Glen Brigg  
 Manager of Works  
**Disclosure of Interest:** Nil  
**Date of Report:** 28 February 2007  
**Senior Officer:** Mr Chris Jackson  
 Chief Executive Officer

#### Summary

For Council to consider tenders for the supply of one (1) new 4 x 4 front end loader with or without trade-in or outright purchase of its existing 1997 Volvo L90C Loader.

#### Background

Tenders for the replacement of this item of plant were called on Wednesday 14 February 2007 and closed at 11am today (28 February 2007).

#### Comment

Council received a total of 10 tenders from 6 suppliers for the supply of a new 4x4 front end loader, all of which were conforming tenders.

Council also received 1 tender for the outright purchase of its existing Volvo L90C Loader. Due to the lower value of the tender compared with the trade-in values, this option has not received further consideration.

Details of the conforming tenders are as follows:

Dealer	Type	Price	Trade	Net Cost
CJD Equipment	Volvo L90F	\$267,080	\$121,000	\$146,080
CJD Equipment	Volvo L110E	\$302,500	\$121,000	\$181,500
BT Equipment	Kawasaki 80ZV	\$264,000	\$82,500	\$181,500
Westrax	Cat 938IT G-11	\$301,917	\$78,100	\$223,817
Westrax	Cat 938 G-11	\$274,488	\$78,100	\$196,388
Westrax	Cat 950H	\$324,225	\$78,100	\$246,125
McIntosh & Sons	Case 721E XT	\$249,810	\$93,500	\$156,310
McIntosh & Sons	Case 721E	\$238,480	\$93,500	\$144,980
Earthwest	Hyundai HL 760-7	\$239,019	No trade	\$239,109
Earthwest	Hyundai HL 757-7	\$204,591	No trade	\$204,591

It is recommended the CJD Equipment Pty Ltd tender is accepted for the Volvo L90 F.

This recommendation comes from past experience as Council has dealt with CJD Equipment Pty Ltd and previously owned Volvo loaders.

Factors involved with this decision include:

- Purchase price
- Trade-in price
- CJD Equipment Pty Ltd have a proven ability for backup service and parts supply, operator comfort and noise levels
- Council, currently owns attachments to suit this machine

Legal Implications

Local Government Act 1995 s3.57

Local Government (Functions and General) Regulations 1996 Part 4

Policy Implications

In accordance with Council's tender process, Regional Price Preference Policy, and 2006/07 Budget.

Community Consultation

N/A

Financial Implications

Council has provision within its 2006/07 budget for the purchase and trade-in of this item of plant.

Cultural Implications

N/A

Strategic Implications

N/A

Voting Requirements

Simple majority required.

Recommendation/Resolution

**MOTION 10351**

Moved Cr Newman  
Seconded Cr Sinclair

That Council accept the tender from CJD Equipment Pty Ltd for the supply of one (1) Volvo L90F 4x4 Wheel Loader at the tendered changeover of price of \$146,080.00.

**MOTION CARRIED 7/0**

## 11.0 MATTERS FOR CONSIDERATION – TOWN PLANNING

### 11.1 SUBDIVISION – LOT 1165 VARLEY SOUTH ROAD / CARSTAIRS ROAD, VARLEY

**Correspondent:** Western Australian Planning Commission  
**Applicant:** John Kinnear & Associates  
**File No.** 0372  
**Attachments:** Plans 1 to 3 and Attachment 1  
**Author:** Mr Joe Douglas & Mr Steve Pandeski  
 Consultant Town Planner  
**Disclosure of Interest:** Nil  
**Date of Report:** 21 February 2007  
**Senior Officer:** Mr Chris Jackson  
 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 Lot 1165 Varley South Road / Carstairs Road, Varley.

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. However given that the application was received by the Shire just prior to Christmas 2006 and Council does not meet again until 28 February 2007, the WAPC has agreed to extend the period for comment by the Shire until 9 March 2007.

An assessment of the application in the context of current State Government planning policy and the Shire's current and proposed town planning schemes, and a final recommendation regarding the general suitability of the subdivision proposal are provided to assist preparation of the necessary response to the WAPC.

#### Background

John Kinnear and Associates, on behalf of the current landowners Dennis Wayne Joyce and Diana Gemma Joyce, has recently lodged an application with the WAPC seeking approval to subdivide Lot 1165 Varley South Road / Carstairs Road, Varley.

It is understood from the limited details submitted in support of the application that the landowner is seeking approval to excise a 1,200m<sup>2</sup> portion of land

located in the north eastern corner of Lot 1165 for the purpose of accommodating the installation and operation of Water Corporation infrastructure. The proposed lot (i.e. Lot B) will have 40 metres direct frontage to Carstairs Road and comprise a depth of 30 metres.

Lot 1165 is located adjacent to the southern extremity of the Varley townsite on the southern side of Carstairs Road (see Plan 1).

Approximately forty percent (40%) of the subject land (the northern portion) has been extensively cleared for agricultural purposes. The southern portion of the site contains remnant vegetation. Lake King Road traverses the north eastern portion of Lot 1165 and intersects with Varley South Road / Carstairs Road centrally at the northern boundary of the lot. According to information provided by the applicant there are currently no building improvements contained on Lot 1165 (see Plan 2).

As previously mentioned the application proposes the creation of two (2) lots from the existing one (1) lot (see Plan 3). 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 1165	420.2 hectares	-
Proposed Lot A	-	420.1485 hectares
Proposed Lot B	-	1,200m <sup>2</sup> (0.12 hectares)

On 6 February 2007 Mr Ken Pearce from the Water Corporation's Great Southern Region Office confirmed in a telephone discussion with staff from Planning Enterprises that the 1,200m<sup>2</sup> lot proposed to be excised from Lot 1165 will accommodate a new water chlorination module to service the Varley townsite. It is understood from discussion with Mr Pearce that the Water Corporation intends to relocate and upgrade the existing water chlorination module servicing the Varley townsite currently located on Reserve 27638 to within the boundaries of proposed Lot B.

Photographic information provided by the Water Corporation indicates that the proposed water chlorination infrastructure will be contained entirely within a colorbond "shed" structure to be constructed on proposed Lot B (see Attachment 1).

#### 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 Town Planning Scheme No.3, the (draft) Shire of Lake Grace Town Planning Scheme No.4 in so far as it provides guidance to Council, and any relevant adopted WAPC policy.

**Shire of Lake Grace Town Planning Scheme No.3**

Lot 1165 Varley South Road is not zoned within the Shire's current Town Planning Scheme No.3 (TPS No.3). As such Council has no scheme provisions or policies applicable to the proposed subdivision of the property in the manner proposed or for the purpose intended.

**Shire of Lake Grace (draft) Town Planning Scheme No.4**

At the time of preparing this report Town Planning Scheme No.4 (TPS No.4) was being considered for endorsement of final approval by the Minister for Planning and Infrastructure.

To that extent and in the absence of any direction from TPS No.3 it is considered reasonable under the circumstances for Council to consider the provisions of TPS No.4 in providing comments to the WAPC.

That portion of Lot 1165 located north of Lake King Road, being the portion from which the Water Corporation is seeking to excise 1,200m<sup>2</sup> of land to accommodate the proposed new water supply infrastructure, is proposed to be classified 'Townsite Development' zone in TPS No.4 to accommodate the future possible expansion of the Varley townsite.

Under the terms of the land's proposed 'Townsite Development' zoning classification a Structure Plan is required to be prepared to guide all future subdivision and development of the land. To that extent the proposal to subdivide the land may be considered premature.

Notwithstanding this possible conclusion, it is considered that the purpose of the subdivision is justified and warrants consideration on its individual merits prior to the commencement of any detailed and comprehensive structure planning.

Furthermore, given the relatively small area of land required by the Water Corporation (i.e. 1,200m<sup>2</sup>), it is considered that the proposed subdivision does not prejudice or jeopardise the opportunity or ability to prepare a Structure Plan for the subject area in the future when the demand arises.

**Shire of Lake Grace (draft) Local Planning Strategy**

At the time of preparing this report the Shire's proposed new Local Planning Strategy was being considered for endorsement of final approval by the Minister for Planning and Infrastructure.

The Local Planning Strategy identifies (*inter alia*) the following relevant planning strategies/actions as being relevant to the Varley townsite:

*“Ensure that land is appropriately serviced within the townsites of the Shire so as to facilitate future residential development opportunities.”*

*“Facilitate the upgrade of water infrastructure to accommodate the future development and growth of the townsites.”*

It is clear that the Local Planning Strategy anticipates future development and growth of the Varley townsite and to that extent makes provisions for the installation and upgrading of relevant essential service infrastructure to accommodate it. Given that the subdivision application before Council proposes the creation of a new lot to accommodate the installation of a new water chlorination module to service future water supply requirements of the Varley townsite, it is concluded that the intent of the subdivision is consistent with the planning strategies/actions contained within the Local Planning Strategy.

It is significant to also note that the north-eastern portion of Lot 1165 is identified in the Local Planning Strategy as being located within the ‘Varley Townsite Development Area’ and is earmarked for future rural residential development. Given the comparatively modest amount of land required to accommodate the proposed Water Corporation infrastructure (i.e. 1,200m<sup>2</sup>), it is concluded that the proposed subdivision does not prejudice or jeopardise the ability to comprehensively and satisfactorily plan for future rural residential development over the balance area of the property.

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

At the time of preparing this report Town Planning Scheme No.4 had not yet been gazetted and therefore the land still retained its ‘rural’ characteristics for the purpose of the Western Australian Planning Commission’s current *Policy No. DC3.4 – Subdivision of Rural Land*. This policy adopts a position whereby there is a general presumption against the subdivision of rural land unless it is consistent with the provisions of a town planning scheme, a local planning strategy, a local rural strategy, or where the application is made under the following circumstances:

- a) Where a significant natural or man-made feature already physically divides the proposed lots and an undesirable precedent would not be set;
- b) Where one or more of the lots is to accommodate an existing or proposed specific non-rural land uses such as recreation facilities, tourist facilities, public utilities, uses ancillary to the rural use of the land (e.g. abattoirs, canning works, grain pelletising plants etc.);
- c) Where the purpose of the subdivision is to excise a conservation lot in accordance with Western Australian Planning Commission criteria;
- d) Where the purpose of the subdivision is to facilitate the conservation of a heritage building or place where:

- i. The building, object or place is listed in the State Register of Heritage Places or a Heritage List in the town planning scheme;
  - ii. The subdivision is supported by the local government;
  - iii. The local government and landowner enter into a legal agreement, binding on successive owners in Title, to ensure the conservation of the heritage place and to limit the use of the newly created lot and place; and
  - iv. The allotment is of sufficient size to contain its own impacts and will not adversely affect the operation of external uses.
- e) Where the purpose of the subdivision is to provide for the relocation of existing boundaries where:
- i. the new boundaries reflect good environmental and land management practices;
  - ii. no additional dwelling entitlements are created or where the dwelling entitlements are removed or reduced; and
  - iii. the proposal is intended to facilitate ongoing agricultural usage on all of the lots.

Given that the primary purpose of the proposed subdivision is to facilitate the creation of a lot that will ultimately accommodate a new public utility (i.e. a Water Corporation water chlorination module to service the future water supply needs of the Varley townsite) it is concluded that the proposal is generally consistent with the Western Australian Planning Commission's *Policy No. DC3.4 – Subdivision of Rural Land* and may therefore be supported by Council.

### **Conclusion**

It is concluded from a detailed assessment of the application that the proposed subdivision of Lot 1165 Varley South Road / Carstairs Road, Varley is consistent with the Shire's proposed new Local Planning Strategy and the specific criteria contained within the Western Australian Planning Commission's *Policy No. DC3.4 – Subdivision of Rural Land* as this relates to the creation of lots for public utility purposes. To that extent Council may exercise its discretion and recommend approval of the subdivision application in accordance with the details of the plan submitted.

### Legal Implications

Planning and Development Act 2005  
 Shire of Lake Grace Town Planning Scheme No.3  
 Shire of Lake Grace Town Planning Scheme No.4 (Draft)

### Policy Implications

WAPC Policy No. DC 1.1 – *Subdivision of Land – General Principles*  
 WAPC Policy No. DC 3.4 – *Subdivision of Rural Land*

### Community Consultation

Not required.

Financial Implications

Nil

Strategic Implications

Shire of Lake Grace Local Planning Strategy (Draft) – Conditional approval of the subdivision application by the WAPC is unlikely to prejudice or jeopardise the strategic objectives of the ‘Varley Townsite Development Strategy’ and planning for future rural residential development as identified within the Local Planning Strategy. Furthermore, the provision and upgrading of essential service infrastructure to accommodate the future growth and development of the Varley townsite is encouraged and promoted by the Local Planning Strategy.

Cultural Implications

The provision of an adequate and safe water supply to the Varley townsite is pivotal to the wellbeing of current and future residents.

Council’s support for and the WAPC’s approval of the proposed subdivision will help to ensure that this cultural objective is achieved in the short term future.

Voting Requirements

Simple majority required.

Recommendation/Resolution

**MOTION 10352**

Moved Cr Sinclair  
Seconded Cr Newman

That Council advise the Western Australian Planning Commission that it unconditionally supports the proposed subdivision of Lot 1165 Varley South Road / Carstairs Road, Varley by John Kinnear and Associates on behalf of the current landowners Dennis Wayne Joyce and Diana Gemma Joyce in accordance with the details of the plan submitted in support of the application.

**MOTION CARRIED 7/0**

## 11.2 ROAD CLOSURE – PORTION OF JARRING ROAD SOUTH, NEENDALLING

***During debate Cr Newman foreshadowed a motion regarding leaving the disused portion of Jarring Road South as Public Open Space.***

**Applicant:** Shire of Lake Grace  
**File No.** 0356  
**Attachments:** Plans 4 & 5 and Attachment 2  
**Author:** Mr Joe Douglas & Mr Steve Pandeski  
Consultant Town Planner  
**Disclosure of Interest:** Nil  
**Date of Report:** 21 February 2007  
**Senior Officer:** Mr Chris Jackson  
Chief Executive Officer

### Summary

This report provides details and recommendations in respect of the procedures required to be followed by Council to progress the proposed closure of the disused portion of Jarring Road South, Neendalling.

### Background

The Shire of Lake Grace realigned a 1.1 kilometre portion of Jarring Road South some time ago to provide a smoother and safer course of travel in the vicinity of Williams Locations 9738, 9739 and 10786 (see Plans 4 & 5). The realignment works resulted in the removal of two right angle bends which were deemed to be unsafe and in need of urgent attention. The physical construction works associated with the project have been completed and the Shire is now making all necessary arrangements to formalise the new alignment of Jarring Road South through Williams Locations 9738, 9739 and 10786 including finalisation of a subdivision application approved by the Western Australian Planning Commission on the 3rd December 2004 to dedicate the new road alignment as a public road.

In order to finalise the project the Shire must also make arrangements to progress the formal closure and possible disposal of the old disused portions of Jarring Road South in the vicinity of Williams Locations 9738, 9739 and 10786 which is no longer required for road access purposes. This will involve discussion and negotiations with the owners of all adjoining landholdings to determine if and how the land comprising the old road alignment could be distributed between these landowners if the Minister for Lands agrees to the road closure proposal.

Council considered the road closure proposal at its meeting in October 2006 and resolved to undertake the following tasks:

- i. Advertise for a minimum period of thirty five (35) days in a newspaper circulating in the district of Council's intention to resolve to request the Minister for Lands to close the old disused portion of Jarring Road South, Neendalling in the vicinity of Williams Locations 9738, 9739 and 10786;
- ii. Write to all adjoining landowners and relevant service authorities advising of Council's intention to resolve to request the Minister for Lands to close the old disused portion of Jarring Road South, Neendalling in the vicinity of Williams Locations 9738, 9739 and 10786 and request written comments in respect of the proposal; and
- iii. Following completion of the thirty five (35) day public advertising period referred to in recommendation i) above, consider all submissions received and make a recommendation in respect of each submission prior to making a final decision as to whether or not to resolve to request the Minister for Lands to close the old disused portion of Jarring Road South, Neendalling in the vicinity of Williams Locations 9738, 9739 and 10786.

#### Comment

In accordance with Council's previous resolution in this matter and the specific requirements of the Land Administration Act 1997, the Shire advertised the proposal for a minimum period of thirty five (35) days. The advertising process included notification in a newspaper circulating in the district and letters to all adjoining landowners and relevant service authorities.

At the close of public advertising (i.e. 31 January 2007) seven (7) written submissions had been received by the Shire in respect of the proposal, none of which raised any objections (see Attachment 2 – Schedule of Submissions). On the basis of this outcome it is clear that the public and relevant service authorities have no concerns regarding Council's proposal in this matter.

Should Council now resolve to request the Minister for Lands to close the relevant portion of Jarring Road South, Neendalling the Shire Administration will prepare and deliver the request to the Minister including the following information:

- written confirmation of Council resolution in this matter including details of the date of Council's resolution;
- a plan of survey or sketch plan showing the proposed future disposition of the subject land;
- Details of all submissions relating to the request that the Shire received during the thirty five (35) day advertising period and Council's recommendations in respect of each submission;
- A copy of the public advertisement placed in a newspaper circulating in the district advising of Council's intentions in this matter; and

- Any other information considered relevant to the Minister's consideration of Council's request.

In relation to point ii) above as this relates to the proposed future disposition of the land comprising the portion of Jarring Road South proposed to be closed, it is unclear at this stage if all immediately adjoining landowners are interested in having the land amalgamated into their respective properties. It is understood that at least one immediately adjoining landowner (i.e. Mr John DeVree) has previously expressed an interest to the Shire to have all the land comprising the closed road amalgamated into his Williams Location 9739. Notwithstanding Mr DeVree's proposal, it is recommended, in the interest of fairness, that Council request the Minister for Lands to make arrangements to offer the land to all immediately adjoining landowners on a shared basis for amalgamation into their individual properties. Under the terms of this proposal all immediately adjoining landowners would be offered the land comprising half the width of the closed road reserve area along the full length of their common boundary with the old road reserve. Should one owner advise that they are not interested in the half portion of the old road reserve area immediately abutting their property then all of the land comprising the closed road could then be offered to the other adjoining landowner.

#### Community Consultation

Public notification of Council's intentions in this matter has been undertaken for a minimum period of thirty five (35) days in accordance with the specific requirements of Section 58(3) of the Land Administration Act 1997. At the close of public advertising (i.e. 31 January 2007) seven (7) written submissions had been received by the Shire. A schedule of submissions is provided at Attachment 2.

#### Legal Implications

Land Administration Act 1997  
Land Administration Regulations 1998

#### Policy Implications

Nil

#### Financial Implications

All costs associated with the project have been allowed for in Council's budget for the 2006/2007 financial year.

#### Strategic Implications

Nil

#### Cultural Implications

Nil

### Recommendation

That Council resolve to:

1. Note the public submissions received in respect of the proposed closure of the disused portion of Jarring Road South, Neendalling in the vicinity of Williams Locations 9738, 9739, 10786 & 14395.
2. Endorse the 'Schedule of Submissions' including Council's recommendations in respect of each submission as provided in Attachment 2 to the above report.
3. Request the Hon. Minister for Lands to:
  - a) Formally close the old disused portion of Jarring Road South, Neendalling in the vicinity of Williams Locations 9738, 9739, 10786 & 14395;
  - b) Make arrangements to offer the land comprising the closed road reserve area to all immediately adjoining landowners on a shared basis for amalgamation into their individual properties whereby each owner would secure ownership rights to half the width of the closed road reserve area along the full length of their common boundary with the closed road reserve; and
  - c) Consider the option of offering all of the land comprising the closed road reserve area to one immediately adjoining landowner in the circumstance where the other adjoining landowner advises that they are not interested in securing ownership of the half portion of the closed road reserve area immediately abutting their property.
4. Authorise the Shire Administration to prepare the required documentation for submission to the Hon. Minister for Lands for formal consideration.
5. Advise those that prepared and lodged submissions on the proposal during public advertising of Council's resolution to proceed with the project including details of the proposed future disposition of the land comprising the closed road reserve area.

### Voting Requirements

Simple majority required.

Recommendation/Resolution

**MOTION 10353**

Moved Cr Taylor  
Seconded Cr Walker

That Council resolve to:

1. Note the public submissions received in respect of the proposed closure of the disused portion of Jarring Road South, Neendalling in the vicinity of Williams Locations 9738, 9739, 10786 & 14395.

2. Endorse the 'Schedule of Submissions' including Council's recommendations in respect of each submission as provided in Attachment 2 to the above report.

3. Request the Hon. Minister for Lands to:

a) Formally close the old disused portion of Jarring Road South, Neendalling in the vicinity of Williams Locations 9738, 9739, 10786 & 14395;

b) Make arrangements to offer the land comprising the closed road reserve area to all immediately adjoining landowners on a shared basis for amalgamation into their individual properties whereby each owner would secure ownership rights to half the width of the closed road reserve area along the full length of their common boundary with the closed road reserve; and

c) Consider the option of offering all of the land comprising the closed road reserve area to one immediately adjoining landowner in the circumstance where the other adjoining landowner advises that they are not interested in securing ownership of the half portion of the closed road reserve area immediately abutting their property.

4. Authorise the Shire Administration to prepare the required documentation for submission to the Hon. Minister for Lands for formal consideration.

5. Advise those that prepared and lodged submissions on the proposal during public advertising of Council's resolution to proceed with the project including details of the proposed future disposition of the land comprising the closed road reserve area.

**MOTION LOST 3/4**

**MOTION 10354**

Moved Cr Newman  
Seconded Cr Stewart

That Council resolve to:

1. Note the public submissions received in respect of the proposed closure of the disused portion of Jarring Road South, Neendalling in the vicinity of Williams Locations 9738, 9739, 10786 & 14395.
2. Endorse the 'Schedule of Submissions' including Council's recommendations in respect of each submission as provided in Attachment 2 to the above report.
3. Request the Hon. Minister for Lands to formally close the old disused portion of Jarring Road South, Neendalling in the vicinity of Williams Locations 9738, 9739, 10786 & 14395 and set the land aside as a Crown Reserve under the control and management of the Shire of Lake Grace for the purpose of "Landscape Protection".
4. Authorise the Shire Administration to prepare the required documentation for submission to the Hon. Minister for Lands for formal consideration.
5. Advise those that prepared and lodged submissions on the proposal during public advertising of Council's resolution to proceed with the project including details of the proposed future disposition of the land comprising the closed road reserve area.

**MOTION CARRIED 6/1**

### 11.3 PLANNING APPLICATION – PROPOSED EXPANSIONS AND UPGRADES TO THE LAKE GRACE CBH SITE

2.44 pm Mr Jackson left the meeting and returned at 2.46 pm.

**Applicant:** Co-operative Bulk Handling Limited  
**File No.** 0365 & 0453  
**Attachments:** Plan 6 and Attachment 3  
**Author:** Mr Joe Douglas & Mr Steve Pandeski  
Consultant Town Planner  
**Disclosure of Interest:** Nil  
**Date of Report:** 21 February 2007  
**Senior Officer:** Mr Chris Jackson  
Chief Executive Officer

#### Summary

This report provides details and recommendations in respect of an application for Council's planning consent submitted by Cooperative Bulk Handling Limited in respect of proposed expansions and upgrades to the existing grain handling and storage facility in the Lake Grace townsite for the purpose of increasing current storage capacity and operational efficiencies.

#### Background

Further to a recent meeting and discussions with representatives from the Shire of Lake Grace, Cooperative Bulk Handling Limited (CBH) has submitted an application to the Shire seeking Council's planning consent for proposed expansion and upgrade works to the existing grain handling and storage facility located along Kulin – Lake Grace Road, Lake Grace (see Plan 6 & Attachment 3).

It is understood from the details submitted in support of the application that the proposal being pursued by CBH varies quite considerably to that originally presented to and discussed with the Shire in December 2006. Under the terms of the documentation and plans submitted in support of the application the following expansion and upgrade works are proposed:

- Construction of a new 'Rapid Rail Loading Facility' comprising three (3) x 1,100 tonne overhead steel cells within the railway reserve and above the main railway line located adjacent to the north eastern corner of CBH's existing site boundary;
- Construction of two (2) new 48,000 tonne capacity open storage bulkheads on adjoining privately owned land (i.e. Lot 100) located immediately north of CBH's current site which will be serviced with a new truck discharge grid, conveyor and associated equipment capable of handling 500 tonnes of grain per hour. The new open storage bulkheads are proposed to be aligned in a north – south direction and integrated with CBH's existing conveyor system which in turn will be

linked into the new 'Rapid Rail Loading Facility' via an overhead transfer conveyor;

- Modifications to existing open storage bulkheads to suit new machinery and traffic circulation requirements;
- Installation of a new 'Type 10' sampling office with two hydraulic sampling spears to replace the existing sample platform;
- Upgrade of the existing weighbridge to 36 metres in length and a total weighing capacity of 160 tonnes; and
- Relocation of the existing on-site staff accommodation to a new, yet to be determined on-site location.

CBH has advised that the proposed expansion and upgrade works are likely to be completed prior to the 2007/2008 harvest period however scheduling of the various components of the project is still subject to ratification by key stakeholders including CBH's Board of Directors.

CBH has also advised that the final rail design and train shunting procedures are currently being developed by Westnet Rail and Australian Rail Group and that these agencies will contact the Shire and advise of the proposed design and operating procedures in due course.

It is understood that the current owner of the adjoining Lot 100 (i.e. Mr James Carruthers) has reached agreement with CBH regarding the acquisition of the land required to accommodate the proposed expansion works and that CBH, following settlement of the contract of sale, will make arrangements to prepare and lodge an application with the Western Australian Planning Commission seeking approval to amalgamate all land comprising the new expanded Lake Grace receival site into one title.

#### Comment

Council should note first and foremost that planning approval for the proposed expansions and upgrades to the existing grain handling and storage facility in Lake Grace by CBH is not legally required.

This can be attributed to the fact that all land comprising the existing and proposed development is located outside the designated boundaries of the Lake Grace townsite and does not therefore fall within the jurisdiction of the Shire's current Town Planning Scheme No.3 which only applies to land located within townsite boundaries.

As such Council cannot lawfully impose any planning conditions on the proposed development. Council should note that in the interests of maintaining an open and transparent working relationship, CBH have been

advised of this fact which included confirmation that no planning application fees are payable to the Shire in this particular instance.

Notwithstanding the fact that planning approval is not required, it is recommended that Council consider the proposal in the context of the specific requirements of the Shire's proposed new Town Planning Scheme No.4 with a view to formulating a range of suggested conditions to guide CBH's implementation of the project. In formulating a response it is recommended that Council encourage CBH to adhere to the conditions suggested to ensure that the project is implemented in a proper and orderly manner and does not have a detrimental impact upon the general amenity, character, functionality and safety of the immediate locality.

Following a review of the specific requirements of TPS No.4 the following planning and development issues have been identified as being significant and in need of attention during or after the project's implementation:

### **Stormwater Drainage Management**

The plans submitted by CBH in support of the proposal provide very few details in relation to how stormwater generated on the site will be managed in the future. Given the significant increase in impermeable surfaces that will arise as a direct result of the proposed development it is important to ensure that all future stormwater likely to be generated on the land is managed appropriately. It is therefore recommended that Council request that a stormwater drainage management plan be prepared and submitted to the Shire for assessment as soon as possible and that the plan be implemented by CBH as a matter of priority following its endorsement.

### **Dust Management**

It is reasonable to expect that the expansion and upgrade works proposed by CBH will lead to the generation of a significant amount of dust which will have potential to have a negative impact upon the surrounding area. In order to minimise any such impacts it is recommended that Council require CBH to implement dust suppression measures to the Shire's satisfaction throughout the development process.

In order to assist the suppression of dust and stormwater drainage management it is also recommended that Council request CBH to seal all new internal vehicle access roads.

### **Vehicle Access**

During discussions with CBH it was suggested that it may consider relocating key vehicle access points to and from the facility. The current plans submitted in support of the proposal do not show any changes in this regard however it is recommended that CBH be requested to consult with the Shire and possibly Main Roads WA should any major changes to the current arrangements be proposed at a later date.

It is also understood that the future use of the proposed new 'Rapid Rail Loading Facility' may involve the utilisation of trains that are longer than those currently used to out-load and transport grain from the receival site. The implications of this are that the longer trains will have potential to temporarily block either Kulin – Lake Grace Road in proximity to its intersection with Stubbs Street to the south or Bidy Camm Road to the north. The desirability of this situation arising is questionable and is an outcome that the Shire should seek to avoid in the interests of maintaining free flowing traffic movement and safety, particularly in the event of a major emergency.

As such it is recommended that Council request CBH to make suitable arrangements with Westnet Rail and Australian Rail Group to ensure that vehicle movements along the Kulin – Lake Grace Road and Bidy Camm Road are, in-so-far as possible, not restricted by the proposed new 'Rapid Rail Loading' arrangements.

It is also recommended that Council advise CBH, Westnet Rail and Australian Rail Group that in the event that the new system creates problems in this regard that Council expects the situation to be resolved as quickly as possible including full consultation and cooperation with the Shire.

#### **Site Maintenance / Visual Amenity**

In order to ensure that the proposed development and future use of the subject landholdings does not have a detrimental impact upon the visual amenity of the immediate locality it is recommended that Council request CBH to maintain the land in an orderly and tidy condition at all times and to screen any areas proposed to be used for the open storage of vehicles, machinery, materials, products (excluding grain), rubbish or waste products.

It is also recommended that Council request CBH to ensure that the proposed structural improvements on the land be constructed using building materials, finishes and colours similar to all existing improvements to ensure consistency in terms of the overall visual appearance of the site.

#### **On-Site Staff Accommodation**

CBH has advised of its intention to relocate the existing on-site staff accommodation to a new, yet to be determined on-site location. Specific details of the proposed building form and location of the new staff accommodation need to be provided as well as information regarding effluent disposal and car parking arrangements.

It is therefore recommended that Council request CBH to submit these details for Council's consideration and endorsement prior to proceeding with the proposed works to ensure that they meet the minimum standards required for development of this type.

Council may also wish to discuss with CBH the possibility of locating their accommodation within the townsite.

**Amalgamation**

Given that the two new 48,000 tonne capacity open storage bulkheads and associated conveyor will traverse the common boundary between the existing grain receival site and the adjoining privately owned land (i.e. Lot 100) proposed to be acquired from Mr James Carruthers, it is reasonable for Council to request CBH to make arrangements to prepare and lodge an application with the Western Australian Planning Commission seeking approval to amalgamate all land comprising the Lake Grace receival facility into one single title.

**Zoning**

Under the terms of the Shire's proposed new TPS No.4 all land comprising CBH's existing receival facility is proposed to be classified 'General Industry' zone whereas the adjoining Lot 100 is proposed to be classified 'General Agriculture' zone.

Given the proposed expansion of CBH's receival facilities onto Lot 100 it is reasonable to require the proposed zoning classification of Lot 100 to be changed from 'General Agriculture' to 'General Industry' zone to ensure consistency in terms of the application of the development standards contained in TPS No.4.

It is therefore recommended that Council instruct CBH to make arrangements with the Shire for the initiation of a suitable amendment to TPS No.4 following its final approval and gazettal.

The list of conditions provided in the final recommendation of this report presented below has been formulated with a view to addressing the various issues and concerns outlined above.

**Community Consultation**

Not required.

**Statutory Implications**

Nil

**Policy Implications**

Nil

**Financial Implications**

Given that planning approval for the proposed expansions and upgrades to the existing grain handling and storage facility in Lake Grace by CBH is not legally required, CBH is not obliged to pay any planning application fees which in this instance would have been quite substantial and covered most of the administrative costs borne by the Shire in dealing with and assessing the proposal (i.e. \$4,750.00 + 0.15% of the total estimated cost of the project). Notwithstanding the Shire's inability to charge any planning fees, CBH are still required to pay building license application fees when seeking approval for a building license. It is anticipated that some of the costs incurred by the Shire

in dealing with and assessing the proposal will therefore be recouped at the building license stage.

Strategic Implications

The proposal submitted by Cooperative Bulk Handling is of strategic importance to the management of this and future years grain harvests and could be expected to have a number of important benefits to local grain producers in terms of the efficiency of delivery of grain to the Lake Grace receival facility and its bulk distribution thereafter.

Cultural Implications

Nil

Voting Requirements

Simple majority required.

Recommendation/Resolution

**MOTION 10355**

Moved Cr Walker  
Seconded Cr Stewart

That Council resolve to advise Cooperative Bulk Handling Limited (CBH) that it supports the proposed expansions and upgrades to the grain handling and storage facilities on Lot 3 and the western portion of Lot 100 Kulin – Lake Grace Road, Lake Grace in accordance with the details of the plan submitted in support of the proposal subject to the following conditions and recommendations:

1. A satisfactory building license application and plans shall be submitted to and approved by the Shire.

2. That a stormwater drainage management plan be prepared by CBH and submitted to the Shire for assessment and endorsement by Council prior to the commencement of building construction works and that the plan be implemented prior to completion of all approved construction works (Note: This condition does not prevent CBH from commencing the preliminary earthworks required to accommodate any of the proposed expansion and upgrade works).

3. That CBH implement dust suppression measures to the specifications and satisfaction of the Shire throughout the development process.

**MOTION 10355 continued**

4. That CBH seal all new internal vehicle access roads to help to assist the suppression of dust and stormwater drainage management.

5. That CBH consult with and seek approval from the Shire (and Main Roads WA if required) where any major changes to the current vehicle access arrangements to the receival facility are proposed but not shown on the plan originally submitted in support of the proposal.

6. That CBH, Westnet Rail and Australian Rail Group provide the Shire with further details of the final rail design and shunting procedures to be followed in implementing the proposed new 'Rapid Rail Loading System' for Council's consideration and final endorsement.

7. That CBH make suitable arrangements with Westnet Rail and Australian Rail Group to ensure that vehicle movements along the Kulin – Lake Grace Road and Bidy Camm Road are, in-so-far as possible, not restricted by the proposed new 'Rapid Rail Loading System'.

8. That CBH maintain the land in an orderly and tidy condition at all times and screen any areas proposed to be used for the open storage of vehicles, machinery, materials, products (excluding grain), rubbish or waste products.

9. That all proposed structural improvements on the land be constructed using building materials, finishes and colours similar to all existing improvements to ensure consistency in terms of the overall visual appearance of the site.

10 That CBH provide the Shire with specific details of the proposed location and building form of the new staff accommodation, including information regarding effluent disposal and car parking arrangements, for endorsement by Council prior to commencement of development of the accommodation units (CBH are encouraged to discuss options for locating accommodation within the townsite).

11. That CBH make arrangements to prepare and lodge an application with the Western Australian Planning Commission seeking approval to amalgamate Lot 3 and the western portion of Lot 100 Kulin – Lake Grace Road, Lake Grace into one single title.

12. That CBH make arrangements with the Shire for the initiation of a suitable amendment to the Shire of Lake Grace Town Planning Scheme No.4 following its final approval and gazettal to change the zoning classification of the western portion of Lot 100 Kulin – Lake Grace Road, Lake Grace from 'General Agriculture' to 'General Industry' zone.

**MOTION CARRIED 7/0**

#### 11.4 PLANNING APPLICATION – PEDESTRIAN ACCESS RAMP LOT 355 (BANKWEST) STUBBS STREET LAKE GRACE

**Applicant:** Mr Robert Dennis Beard (Briden Contracting Pty Ltd) on behalf of BankWest  
**File No.** 0506  
**Attachments:** Plans 7 to 11  
**Author:** Mr Joe Douglas & Mr Steve Pandeski  
Consultant Town Planner  
**Disclosure of Interest:** Nil  
**Date of Report:** 19 February 2007  
**Senior Officer:** Mr Chris Jackson  
Chief Executive Officer

##### Summary

This report provides details and recommendations in respect of an application for Council's planning consent submitted by Mr Robert Dennis Beard of Briden Contracting Pty Ltd on behalf of BankWest to construct a new pedestrian access ramp to the main entrance of the BankWest building located on Stubbs Street, Lake Grace. The proposed access ramp, if approved, will be partially constructed on Lot 355 Stubbs Street, which is unallocated Crown land (UCL), and a portion will be constructed on the Stubbs Street road reserve (i.e. it will traverse the common boundary between Lot 355 and the Stubbs Street road reserve area).

##### Background

Lot 355 Stubbs Street, and therefore the BankWest building, is located centrally, in the northern portion of the Lake Grace townsite, on the northern side of Stubbs Street and to the west of the "old railway station building" (see Plan 7)

Lot 355 has direct frontage to Stubbs Street and comprises a total area of approximately 563m<sup>2</sup>. The land has been extensively developed for commercial purposes and contains a building that is currently occupied by BankWest who leases the land from the State of Western Australia. Land to the north and east is reserved for railway purposes, land to the west is characterised by small scale commercial activities, whilst land abutting the southern side of Stubbs Street is predominantly commercial in character (see Plan 8).

The application seeks Council's planning approval to construct a new pedestrian access ramp approximately 9.54 metres in length abutting the front of the BankWest building to provide access for people with disabilities to the main entrance of the bank. The ramp is proposed to be 1.2 metres in width and constructed of concrete. The access ramp is proposed to traverse the common boundary between Lot 355 and the Stubbs Street road reserve (i.e. it

is proposed to be partially constructed on Lot 355 and partially constructed within the adjoining road reserve area) (see Plans 9, 10 & 11).

Comment

Council's approval of the application will not materially change, alter or affect the current use of Lot 355 for commercial purposes and could be expected to provide more efficient and safe pedestrian access to the BankWest building. As such there are no major concerns with or objections to the development proposal from a land use planning perspective.

In considering the suitability of the proposal and determining whether or not to grant approval, Council needs to be satisfied that the proposed development meets criteria under the Local Government (Uniform Local Provisions) Regulations 1986.

The relevant criteria is contained within Regulation 17 of the Local Government (Uniform Local Provisions) Regulations 1986, which states

- (1) A person who constructs anything on, over, or under a public thoroughfare or other public place that is local government property without first obtaining written permission from the local government commits an offence.
- (2) A local government may:
  - (a) grant permission to construct anything on, over, or under a public thoroughfare or other public place that is local government property; and
  - (b) impose conditions in respect of the permission, which may include a condition imposing a charge for any damage to the public thoroughfare or public place resulting from the construction.
- (3) It is a condition of the permission that the ordinary and reasonable use of the public thoroughfare or public place for the purpose to which it is dedicated is not to be permanently or unreasonably obstructed.
- (4) A person who fails to comply with a condition of the permission commits an offence.
- (5) A person who constructs anything in accordance with permission under this section is required to:
  - (a) maintain it; and
  - (b) obtain from an insurance company approved by the local government an insurance policy, in the joint names of the local government and the person, indemnifying the local government

against any claim for damages which may arise in, or out of, its construction, maintenance or use.

- (6) A person who fails to comply with sub regulation (5) commits an offence.
- (7) The penalty for an offence under sub regulation (1), (4), or (6) is \$1,000.”

It is submitted that the proposed construction of a new pedestrian access ramp partially within the Stubbs Street road reserve area will result in the effective use of land and provide broad access efficiencies and benefits to all patrons of BankWest in a manner consistent with “universal access” principles.

Furthermore, given the relatively wide verge abutting the BankWest building and the wide pedestrian path contained within it, it is considered that construction of the access ramp will not unreasonably impact on the efficient and safe use of the thoroughfare by pedestrians or vehicles and that the thoroughfare will not therefore be unreasonably obstructed.

Notwithstanding these positive conclusions, the current and future occupier/s and/or owner/s of Lot 355 Stubbs Street will be required, pursuant to Regulation 12, sub-regulation (5), paragraph (b) of the abovementioned Regulations, to obtain an insurance policy indemnifying the Shire against any claim for damages which may arise in, or out of, maintenance or use of the pedestrian access ramp.

In relation to the level of indemnity insurance cover typically required in this situation Planning Enterprises can confirm, following recent enquiries with other local government authorities in Western Australia, that the amount of cover typically required ranges from \$10,000,000 to \$20,000,000. It is therefore recommended in this instance, based on precautionary principles, that the insurance policy should cover damages up to a maximum of \$20,000,000.

Community Consultation  
Consultation not required.

Legal Implications  
Planning and Development Act 2005  
Shire of Lake Grace Town Planning Scheme No.3  
Local Government (Uniform Local Provisions) Regulations 1986

Policy Implications  
Nil

Financial Implications

If adequate indemnity insurance cover is taken out there are no anticipated financial implications for the Shire. If however indemnity insurance cover is not required by Council or is inadequate or not renewed by the lessee / owner of Lot 355 then the Shire could be held liable for any injury or damages that may occur as a result of the existence, use and/or maintenance of the pedestrian access ramp due to its location in a public place.

Strategic Implications

Nil

Cultural Implications

The development of a new pedestrian access ramp as proposed will provide broad access efficiencies and benefits to all patrons of BankWest in a manner consistent with “universal access” principles.

Voting Requirements

Simple majority required.

Recommendation/Resolution

**MOTION 10356**

Moved Cr Taylor  
Seconded Cr Newman

That Council resolve to:

a) Approve the application for planning consent submitted by Mr Robert Dennis Beard of Briden Contracting Pty Ltd on behalf of BankWest to construct a new pedestrian access ramp on Lot 355 Stubbs Street, Lake Grace and within the road reserve area immediately abutting Lot 355 in accordance with the details of the plans submitted in support of the application subject to compliance with the following conditions:

1. Completion of all development within twelve (12) months of the date of Council’s issuance of planning consent.
2. A satisfactory building license application and plans being submitted to and approved by the Shire.
3. The proposed access ramp shall have adequate clearance from any existing underground essential service infrastructure (e.g. reticulated sewerage, water etc.) as required by the relevant service agencies.

**MOTION 10356 continued**

4. The occupier and/or owner of Lot 355 Stubbs Street shall obtain from an insurance company approved by the Shire an insurance policy, in the joint names of the Shire and the occupier and/or owner of Lot 355, indemnifying the local government against any claim for damages which may arise in, or out of, the construction, maintenance or use of the pedestrian access ramp in an amount approved by the Shire's Chief Executive Officer.

5. The insurance policy referred to in Condition No.4 above shall be renewed annually by the occupier and/or owner in an amount approved by the Shire's Chief Executive Officer.

6. The occupier and/or owner of Lot 355 Stubbs Street is required to maintain, or repair the development at their own expense and to alter or remove the development, in part or in whole, if the land is required for the purpose of carrying out any public work, or other work authorised by statute, without the Shire being liable to compensate any person therefore.

7. The occupier and/or owner of Lot 355 Stubbs Street is required to make good any damage caused to the road reserve during construction within 48 hours of the damage occurring or such longer time as the Chief Executive Officer decides on written request by the occupier and/or owner.

8. In the event that Lot 355 Stubbs Street is transferred to a new owner or the premises is occupied by a new tenant, the new owner or new tenant, prior to finalising the transfer of ownership or lease agreement, will be required to obtain indemnity insurance as per condition No.4 above with this requirement to be immediately recorded on the Shire's record information and rating system for future reference and guidance.

b) Advise the applicant and the State Land Services Division of the Department for Planning and Infrastructure of Council's decision in this matter including specific details of the conditions imposed.

**MOTION CARRIED 6/1**

***NOTE: Council requested staff follow-up on the issue of insurance and road reserves and any development which impinges upon the road reserve.***

3.01pm Meeting adjourned for afternoon tea.

3.20pm Meeting reconvened with all those previously in attendance present with the exception of Mr Joe Douglas..

## 12.0 MATTERS FOR CONSIDERATION – HEALTH & BUILDING

### 12.1 LAKE GRACE TOWN SEWERAGE SCHEME - ASSET MANAGEMENT PLAN

**Applicant:** N/A  
**File No.** 0499  
**Attachments:** Asset Management Plan  
**Author:** Mr Chris Jackson  
 Chief Executive Officer  
**Disclosure of Interest:** Nil  
**Date of Report:** 21 February 2007  
**Senior Officer:** Mr Chris Jackson  
 Chief Executive Officer

#### Summary

For Council to approve the Lake Grace Town Sewerage Scheme-Asset Management Plan.

#### Background

The Shire of Lake Grace provides a sewerage wastewater collection and disposal service to customers/ratepayers in the Lake Grace townsite. The service is operated in accordance with the requirements of a License issued to the Shire by the Economic Regulation Authority under the provisions of the Water Services Licensing Act 1995.

An operational audit and asset management system review was conducted in November 2005 and completed in May 2006. In June 2006 the Economic Regulation Authority confirmed that Council had complied with the requirements of the Water Services Licence but needed to address a number of issues. In August 2006 staff submitted an Asset Management Review Post Audit and Implementation Plan.

Two major items that needed to be addressed included the update of the Wastewater Customer Service Charter for the Scheme which Council approved in July 2006 and the update of the Asset Management Plan. The plan has not been updated since 1999.

#### Comment

With the assistance of SMEC Australia the Asset Management Plan has now been updated. The mission of the shire in providing this service is to provide cost effective wastewater collection, treatment and disposal services for the town of Lake Grace, which meets community

expectations for health and environmental management. The objectives set out in the plan are as follows:

- Continue to produce effluent of sufficient quality to be used for irrigation of local parks and reserves.
- Reduce the daily operational requirements of the system.
- Have the operation and maintenance of the system contracted to the Water Corporation.

Council has previously discussed the need to undertake improvements to the system particularly the manual requirements of the Imhoff tank which are very time consuming for staff and there are occupational health and safety related issues.

The possible hand over of the system has previously been raised with the Water Corporation and this report now provides detail of how this could move forward. It is recommended that discussions formally commence with the Water Corporation but for Council to reserve its right to retain the system if future developments with improvements and financial estimates prove that there is no need to go down this path.

Improvements to the system are of an urgent nature and it is recommended that engineering design on the replacement of the Imhoff Tank commence immediately and tenders then be called.

#### Legal Implications

Environmental Protection Act 1986 (as amended).  
Health Act 1911 (as amended).  
Local Government Act 1995 (as amended).  
Water Agencies (Powers) Act 1984 (as amended).  
Water Services Licensing Act 1995 (as amended).

#### Policy Implications

Nil

#### Community Consultation

Nil

#### Financial Implications

Account E103163 Upgrade Lake Grace Sewerage Budget \$150,000

The Financial Planning Section 9 of the report indicates that there should be sufficient funds from both reserve and future cash flows to undertake major improvements to the system.

#### Strategic Implications

N/A

Cultural Implications

N/A

Voting Requirements

Simple majority required.

Recommendation/Resolution

**MOTION 10357**

Moved Cr Newman  
Seconded Cr Sinclair

That:

1. Council approve the Asset Management Plan Lake Grace Town Sewerage Scheme February 2007 and for it to be submitted to the Economic Regulation Authority,
2. Engineering design options be prepared for the future replacement of the Imhoff Tank with a new primary treatment system constructed to a standard that is capable of being able to hand over the sewerage system or the management thereof to the Water Corporation.
3. Capital Expenditure costs be prepared based on the engineering design options taking into consideration that sufficient funds are available to undertake any proposed works from reserve.
4. Following completion of the design tenders to be called on the construction if the works can not be undertaken directly by the Shire.
5. Discussions commence with the Water Corporation on the future management or ownership of the Lake Grace Town Sewerage System
6. Council reserves its right to not hand over the system pending the outcomes from improvements to the system and financial considerations.

**MOTION CARRIED 7/0**

**13.0 MATTERS FOR CONSIDERATION – FINANCE****13.1 ACCOUNTS FOR PAYMENT DECEMBER 2006 & JANUARY 2007**

**Applicant:** Shire of Lake Grace  
**File No.** 0277  
**Attachments:** List of Creditors  
**Author:** Miss Rysha Bird  
Finance Officer  
**Disclosure of Interest:** Nil  
**Date of Report:** 20 February 2007  
**Senior Officer:** Mr Chris Jackson  
Chief Executive Officer

Summary

For Council to ratify expenditures incurred for the months of December 2006 and January 2007.

Background

List of invoices paid for the months of December 2006 and January 2007 through the Municipal Account are attached.

Comment

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

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

The attached list meets the requirements of the Financial 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 months of December 2006 and January 2007 from the Municipal Account amounts to \$719,829.43.

Strategic Implications

N/A

Cultural Implications

N/A

Voting Requirements

Simple majority required.

Recommendation/Resolution

**MOTION 10358**

Moved Cr Taylor  
Seconded Cr Sinclair

That Municipal Account cheques 32317 to 32406, Electronic Funds Transfers EFT2342 to EFT2520 and direct debits to the Municipal Accounts totalling \$719,829.43 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.

**MOTION CARRIED 7/0**

## 13.2 FINANCIAL STATEMENTS – DECEMBER 2006

**Applicant:** Shire of Lake Grace  
**File No.** 0275  
**Attachments:** Financial Reports  
**Author:** Ms Leonie McIlree  
Manager Corporate Services  
**Disclosure of Interest:** Nil  
**Date of Report:** 19 February 2007  
**Senior Officer:** Mr Chris Jackson  
Chief Executive Officer

### Summary

Consideration of the financial statements for the month ending 31 December 2006.

### Background

The following financial reports are included for your information:

- Statement of Financial Position
- Net Current Assets
- Operating Statement by Program
- Balance Sheet
- SAR Summary
- Bank Reconciliations

### 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

### Cultural Implications

N/A

### Voting Requirements

Simple majority required.

Recommendation/Resolution

**MOTION 10359**

Moved Cr Sinclair  
Seconded Cr Stewart

That the financial reports for the month ending 31 December 2006 as attached be accepted.

**MOTION CARRIED 7/0**

### 13.3 FINANCIAL STATEMENTS – JANUARY 2007

**Applicant:** Shire of Lake Grace  
**File No.** 0275  
**Attachments:** Financial Reports  
**Author:** Ms Leonie McIlree  
Manager Corporate Services  
**Disclosure of Interest:** Nil  
**Date of Report:** 19 February 2007  
**Senior Officer:** Mr Chris Jackson  
Chief Executive Officer

#### Summary

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

#### Background

The following financial reports are included for your information:

- Statement of Financial Activity
- Net Current Assets
- Operating Statement by Program
- Balance Sheet
- Assets Purchased and Sold
- Bank Reconciliations

#### 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

#### Cultural Implications

N/A

#### Voting Requirements

Simple majority required.

Recommendation/Resolution

**MOTION 10360**

Moved Cr Walker  
Seconded Cr Newman

That the financial reports for the month ending 31 January 2007 as attached be accepted.

**MOTION CARRIED 7/0**

### 13.4 AUDIT COMMITTEE MEETING – 2006/07 BUDGET REVIEW

**Applicant:** Manager Corporate Services  
**File No.** 0273  
**Attachments:** Audit Committee Minutes & Updated Statements  
**Author:** Ms Leonie McIlree  
 Manager Corporate Services  
**Disclosure of Interest:** Nil  
**Date of Report:** 19 February 2007  
**Senior Officer:** Mr Chris Jackson  
 Chief Executive Officer

#### Summary

The purpose of this report is for Council to receive the Minutes of the Audit Committee Meeting held on 6 February 2007 and to endorse Audit Committee recommendations in relation to the 2006/07 Budget Review and Expanded Audit Scope.

#### Background

The Audit Committee meeting was held in Lake Grace with Ms Bev Webb of Jiriki Management attending, providing a presentation on the content of monthly financial reports with advice as to how to correctly read the statements.

As a result of this presentation, the monthly financial reports have been condensed and will provide more meaningful information. Ms Webb will provide further financial assistance during July 2007 and it is planned that a workshop be organised with all Council members on the content of the monthly reports.

#### Comment

At its 6 February 2007 Meeting the Audit Committee made the following recommendation to Council on the 2006/07 budget review.

#### **MOTION 0014**

*Moved Cr Taylor*  
*Seconded Mr Burt*

*That the 2006/07 Budget Review as presented be approved and the following amendments be made to the 2006/07 Budget:*

- *Amend carried forward figure from \$2,204,198 to \$1,988,584*
- *Reduce E091916 (Construct Transportable House (2)) by \$200,000 to nil*
- *Reduce I091951 (Country Housing Authority Grant) by \$50,000 to nil*
- *Reduce E107210 (Public Toilets Lake King) by \$85,000 to nil*
- *Reduce I107251 (Grant – Lake King Toilets) by \$25,000 to nil*
- *Reduce Proceeds from New Debentures by \$100,000 to \$293,978*
- *Reduce E041040 (Election Expenses) by \$8,000 to nil;*
- *Reduce E101205 (Landfill Site Rehabilitation) by \$40,000 to nil;*
- *Reduce E106040 (Townscape Design) by \$20,000 to nil;*
- *Reduce E137500 (Lot 1 Development Costs) by \$77,779 to nil*
- *Reduce E137600 (Transfer to Reserve) by \$46,188 to nil*

- Reduce I137100 (Grant – DLGRD Headworks) by \$36,217 to nil
- Reduce I137900 (Proceeds – Sale Lot 1) by \$87,750 to nil
- Increase E113191 (Locust Control) from nil to \$1,967
- Reduce E121215 (Lake Grace Drainage) by \$200,000 to nil;
- Reduce I121776 (Grant – Drainage Improvements) by \$100,000 to nil
- Increase E121219 (Aylemore Road) by \$69,600 to \$140,000
- Reduce E121235 (Lake King Traffic Improvements) by \$40,000 to nil
- Increase E121236 (Mt Sheridan) by \$50,000 to \$90,000
- Reduce E121242 (Blackspot Newdegate-Pingrup Rd) by \$75,000 to nil
- Reduce I121775 (Grant – Blackspot – Newdegate-Pingrup Rd) by \$75,000 to nil
- Increase E121265 (Footpath – Lake Grace) by \$20,000 to \$60,000
- Increase E121294 (Burngup Nth/Kent Rd Intersection) from nil to \$7,529
- Increase E122046 (Road Patching) by \$15,541 to \$175,541
- Increase E122120 (Depot Operating, Repairs, Maint) by \$4,000 to \$10,000
- Increase E122200 (Signs & Guideposts) by \$15,000 to \$30,000
- Reduce E123010 (Replace LG002) by \$34,000 to nil
- Reduce I123115 (Proceeds of sale of assets) by \$30,000 to \$229,000

**MOTION CARRIED 3/0**

Following an Executive Meeting held on 20 February 2007, attended by the Shire President and Deputy Shire President, Chief Executive Officer, Manager of Works, Manager Corporate Services and Manager Community Services, further changes have been identified.

The proposed changes, together with budget review explanations are as follows:

**Note 1 – Carried Forward Figure**

Carried forward figure for adoption of 2006/07 was not calculated correctly. The carried forward figure should have included provisions for annual leave, long service leave, doubtful debts and accruals for interest and wages. Carried forward figure amended from \$2,204,198.00 to \$1,988,548.00.

**Note 2 - Construction of Housing unachievable this Financial Year**

Funding application for \$50,000 to Country Housing Authority was successful however construction of house will not be completed this financial year. Accounts I091951 and E091916 have been amended to reflect change and proceeds from new debentures reduced by \$100,000.

**Note 3 - Construction of Lake King Toilets**

Tenders to be called early March 2007 however it is anticipated that construction will not commence until the new financial year. Accounts I107251 and E107210 have been amended. Grant funds of \$25,000 for construction of toilets have already been received and will be transferred to restricted cash and utilised in the 2007/08 financial year.

**Note 4 - Election expenses**

Following recent changes to the Local Government Act 1995, all Local Government Elections will be held in October, reducing the budget by \$8,000.00.

**Note 5 - Grant for Lakes Cultural Planning Project (income not budgeted for)**

Funding of \$6,382.00 received but not budgeted for from Community Arts Network (WA) for development of Lakes Cultural Plan.

**Note 6 - Landfill Site and Rehabilitation will not be achieved**

An application has recently been submitted to the Department of Environment and Conservation to extend the life of the Newdegate Refuse site for a further 12 months. As such, rehabilitation will be carried over to 2007/08 year.

**Note 7 - Townscape Consultant**

Will not be achieved this budget - funding of \$20,000.00 to be carried over to 2007/08 budget. Funding for townscape of \$5,000.00 for each town remains in the budget.

**Note 8 - Adjust for sale of Lot 1, Lake Grace**

Due to delays with Town Planning amendments, sale of Lot 1, Lake Grace is unlikely to proceed. Budget has been amended to reflect this change, however this has a nil effect on the end of year surplus/(deficit) as the balance from selling land was to be transferred to the Land Development Reserve.

**Note 9 - Adjustment for locust control spraying of ovals**

Following the locust plague, a local contractor was engaged to undertake spraying on local ovals and reserves.

**Note 10 - Sale of LG002 deferred**

Sale of LG002 deferred. Proceeds from sale and capital expenditure have been amended. *(Note: LG002 plates have been transferred to new MOW vehicle with the old vehicle which is now used by the Works Supervisor registered as LG2852)*

**Note 11 - Burngup/Nth Kent Rd**

Works completed on intersection during July 2007 with no budget allocation.

**Note 12 - Lake Grace Drainage (E121215)/Note 13 - Lake Grace Drainage income deferred (I121776)**

Works deferred to 2007/08 financial year, pending Flood Management Study.

**Note 14 - Aylemore Road** 

Following recalculation of works for Aylemore Road, budget provision has been increased by \$29,600 up to \$100,000 to enable works to be completed. *(The Audit Committee had recommended an increase up to \$140,000 but the Manager of Works has re-assessed it at \$100,000)*

**Note 15 - Lake King Traffic Improvements**

Deferred to 2007/08.

**Note 16 - Mt Sheridan Road**

Following re-calculation of works for Mt Sheridan Road, budget provision has been increased by \$50,000 up to \$90,000 to enable works to be completed. The original budget was well underestimated.

**Note 17 - Lake Grace Footpath**

Increase provision to enable works to be completed. Additional \$20,000 required as pavers have been used up in other locations.

**Note 18 - E122046 Road Patching budget / Note 19 - E122120 Depot Maintenance / Note 20 - E122200 Signs & Guideposts**

Maintenance accounts have been increased to allow for works to be completed. Total cost \$34,541.

**Note 21 – E123045 Purchase Prime Mover deferred**

Following review of current plant, purchase of prime mover has been deferred. The purchase was to be funded with \$80,000 transfer from plant reserve and \$130,000 from general purpose revenue. Future reports will be provided on the whole Plant Replacement Program.

**Note 22 – E123052 – Replace Various Utes/Light Vehicles**

LG049 (Newdegate Maintenance Grader (Mitsubishi Triton Ute)) proceeds from sale \$3,000 and LG384 (Newdegate Maintenance Gardener (Mazda Tray Top Ute)) proceeds from sale \$4,000 – replacement vehicles have been purchased however due to condition of vehicle have not been traded. Reduce proceeds from sale of assets by \$7,000.

**Note 23 – Purchase Road Broom (unbudgeted expenditure) ★**

New account required to enable completion of sealing program due to current broom being unserviceable, broom was purchased over 25 years ago. Expenditure of \$17,000 is off-set by transfer from Plant Replacement Reserve.

**Note 24 – Low Loader ★**

Account E123053 increased by \$68,200 to \$100,000 to allow for the purchase of a new low loader to replace the existing low loader which is in a very poor condition. Additional expenditure off-set by transfer from Plant Replacement Reserve. This trailer replaces the need to purchase a pig trailer.

**Note 25 – Reserve Transfer ★**

Income from Plant Replacement Reserve to off-set expenditure associated with Notes 26 and 27.

**Note 26 – Underground Power ★**

*(Copies of final report will be provided at the Council Meeting)*

Final underground power cost totalled \$300,042 with Council's contribution \$150,021. Original budget was \$200,000 with a transfer of \$200,000 from Works & Services Reserve. Budget adjusted to reflect savings and reduction in transfer from Works and Services Reserve from \$200,000 to cover costs of \$150,021 only. This has a nil effect on the budget surplus/(deficit).

<p><b>Note:</b></p>	<p> Denotes change from Committee Recommendation</p> <p> Denotes additions to Recommendation</p>
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Following these changes, the 2006/07 Budget review now forecasts a surplus of \$83,245.

The Audit Committee also considered content for a purchasing policy which will be presented to Council's March meeting for consideration.

Legal Implications

Local Government (Financial Management) Regulations 1996 – Section 33A.

Policy Implications

N/A

Community Consultation

N/A

Financial Implications

Refer to section under Comment.

Strategic Implications

N/A

Cultural Implications

N/A

Voting Requirements

Absolute majority (5) required.

Officer/Committee Recommendation/Resolution

**MOTION 10361**

Moved Cr Newman  
Seconded Cr Taylor

1. That the minutes of the Audit Committee meeting held 6 February 2007 be received;

**MOTION 10361 continued.**

2. That the 2006/07 Budget Review be approved and the following amendments be made to the 2006/07 Budget:

**Note:** ★ Denotes change from Audit Committee Recommendation

★ Denotes additions to Recommendation

1. Amend carried forward figure from \$2,204,198 to \$1,988,548;
2. Reduce E091916 (Construct Transportable House (2)) by \$200,000 to nil;
2. Reduce I091951 (Country Housing Authority Grant) by \$50,000 to nil;
2. Reduce Proceeds from New Debentures by \$100,000 to \$293,978;
3. Reduce E107210 (Public Toilets Lake King) by \$85,000 to nil;
3. Reduce I107251 (Grant – Lake King Toilets) by \$25,000 to nil;
4. Reduce E041040 (Election Expenses) by \$8,000 to nil;
5. Increase I042442 (Other Sundry Income) by \$6,382;
6. Reduce E101205 (Landfill Site Rehabilitation) by \$40,000 to nil;
7. Reduce E106040 (Townscape Design) by \$20,000 to nil;
8. Reduce E137500 (Lot 1 Development Costs) by \$77,779 to nil;
8. Reduce E137600 (Transfer to Reserve) by \$46,188 to nil;
8. Reduce I137100 (Grant – DLGRD Headworks) by \$36,217 to nil;
8. Reduce I137900 (Proceeds – Sale Lot 1) by \$87,750 to nil;
9. Increase E113191 (Locust Control) from nil to \$1,967;
10. Reduce E123010 (Replace LG002) by \$34,000 to nil;
10. Reduce I123115 (Proceeds of sale of assets) by \$30,000 to \$229,000;
11. Increase E121294 (Burngup Nth/Kent Rd Intersection) from nil to \$7,529;
12. Reduce E121215 (Lake Grace Drainage) by \$200,000 to nil;
13. Reduce I121776 (Grant – Drainage Improvements) by \$100,000 to nil;
14. ★ Increase E121219 (Aylemore Road) by \$29,600 to \$100,000;
15. Reduce E121235 (Lake King Traffic Improvements) by \$40,000 to nil;
16. Increase E121236 (Mt Sheridan) by \$50,000 to \$90,000;
17. Increase E121265 (Footpath – Lake Grace) by \$20,000 to \$60,000;
18. Increase E122046 (Road Patching) by \$15,541 to \$175,541;
19. Increase E122120 (Depot Operating, Repairs, Maint) by \$4,000 to \$10,000;
20. Increase E122200 (Signs & Guideposts) by \$15,000 to \$30,000;
21. Reduce E123045 (Purchase Prime Mover) by \$210,000 to nil;
21. Reduce I123100 (Transfer From Reserve) by \$80,000 to \$12,000;
22. Reduce Proceeds from Disposal of Assets by \$7,000 to \$307,000;
23. ★ Increase E123058 – Purchase Road Broom by from nil to \$17,000;
24. ★ Increase E123053 – Purchase Low Loader – increase by \$68,200 to \$100,000;

**MOTION 10361 continued.**

25. ★ Increase I123100 Transfer from Reserve by \$85,200 to \$177,200 to cover costs with purchase of Road Broom and Low Loader;
  26. ★ Reduce E121211 Underground Power by \$49,979 to \$150,021;
  27. ★ Reduce I121800 Transfer from Reserve (Underground Power) by \$49,979 to \$150,021.
3. That UHY Haines Norton be requested to expand its current audit scope commencing Year Ended 30 June 2007 to Year Ended 30 June 2009 to include a Financial Management Review and detailed testing of rates, valuations, receipts, debtors, payroll, creditors and asset management.

**MOTION CARRIED 7/0**

### 13.5 INVESTMENT OF SURPLUS FUNDS

**Applicant:** Manager Corporate Services  
**File No.** 0267  
**Attachments:** Nil  
**Author:** Leonie McIlree  
 Manager Corporate Services  
**Disclosure of Interest:** Nil  
**Date of Report:** 19 February 2007  
**Senior Officer:** Chris Jackson  
 Chief Executive Officer

#### Summary

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

#### Background

In accordance with Council Policy,

#### Comment

The following surplus funds have been invested during the months of December 2006 - January 2007:

Bank	Account	Fund	Term	Amount	Interest Rate	Expiry Date
Westpac	12-8929	Municipal	30 days	\$500,000	5.91%	28 February 2007
Elders Rural Bank	301230348	Municipal	5 months	\$600,000	6.44%	18 March 2007
Elders Rural Bank	301214813	Reserve	6 months	\$1,600,000	6.40%	2 May 2007

Term deposit 12-8910 was closed on 1 December 2006. An amount of \$9,898.38 in interest was earned on this term deposit during the four months it was invested.

The Reserve investment with Elders Rural Bank was reinvested for a further 3 months on 2 February 2007.

#### Legal Implications

Nil.

#### Policy Implications

As per Council's policy.

Community Consultation

N/A

Financial Implications

N/A

Strategic Implications

N/A

Recommendation

That the investment report for the months of December 2006 – January 2007 be approved.

Voting Requirements

Simple majority required.

Recommendation/Resolution

**MOTION 10362**

Moved Cr Newman  
Seconded Cr Taylor

That the investment report for the months of December 2006 – January 2007 be approved.

**MOTION CARRIED 7/0**

### 13.6 **DISPOSITION OF PROPERTY – VEHICLE DRAWN MULTI TYRED ROLLER**

**Applicant:** Mr BR Kennedy  
**File No.** 0427  
**Attachments:** Letter & minute  
**Author:** Mr Jim Fraser  
 Manager Community Services  
**Disclosure of Interest:** Nil  
**Date of Report:** 19 February 2007  
**Senior Officer:** Mr Chris Jackson  
 Chief Executive Officer

#### Summary

This report recommends the disposal of Council property under the provisions of Section 3.58(5)(d) of the Local Government Act 1995.

#### Background

Council previously considered the disposal of a vehicle drawn multi tyred roller (Reg No LG 2291 at its 22 November 2006 Ordinary Meeting. A copy of the Minute is attached.

#### Comment

Council resolved at the November 2006 Meeting to reconsider the disposal of the multi tyred roller pending the input of the New Manager of Works, Mr Glen Brigg.

Mr Brigg commenced duties on Monday 22 January 2007 and has assessed the operational capacity of Council's plant, particularly in relation to compaction equipment. On the basis of advances in compaction methods and the reluctance of operators to use the drawn rollers the Manager of Works recommends the disposition of the drawn roller.

#### Legal Implications

Local Government Act 1995 - Section 3.58(5)(d)  
 Local Government (Functions and General) Regulations - Regulation 30(3)(a)

#### Policy Implications

N/A

#### Community Consultation

Nil.

#### Financial Implications

The disposal of plant (Reg No LG 2291) is not included in the 2006/07 budget.

Strategic Implications

Nil.

Cultural Implications

Nil.

Voting Requirements

Simple majority required.

Recommendation/Resolution

**MOTION 10363**

Moved Cr Chamberlain  
Seconded Cr Sinclair

That the Vehicle Drawn Multi Tyred Roller, Registration LG 2291 be sold to Mr BR Kennedy of Newdegate on an 'as is where is' basis for the sum of \$2,000.00 plus GST.

**MOTION CARRIED 7/0**

**13.7      STANDPIPE & TANK NORTH EAST NEWDEGATE - FUNDING AGREEMENT**

**Applicant:** Department of Water  
**File No.** 0560  
**Attachments:** Letter of Agreement  
**Author:** Mr Jim Fraser  
Manager Community Services  
**Disclosure of Interest:** Nil  
**Date of Report:** 19 February 2007  
**Senior Officer:** Mr Chris Jackson  
Chief Executive Officer

Summary

This report recommends the use of the Common Seal.

Background

The Department of Water has provided funding of \$12,500.00 for the construction of a tank and standpipe at a site adjacent to the Biddy Camm Mission Rd intersection.

A copy of the Agreement is at attachment.

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 the Common Seal

Community Consultation

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

Financial Implications

The grant has been included in the 2006/07 budget.

Strategic Implications

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

Cultural Implications

Nil.

Voting Requirements

Simple majority required.

Resolution

**MOTION 10364**

Moved Cr Stewart  
Seconded Cr Chamberlain

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 grant funds of \$12,500.00 (plus GST) for the North East Newdegate Standpipe and Tank Project.

**MOTION CARRIED 7/0**

### 13.8 LAKE GRACE PLAYGROUP – REQUEST FOR DONATION

**Applicant:** Lake Grace Playgroup  
**File No.** 0574  
**Attachments:** Letter  
**Author:** Mr Jim Fraser  
 Manager Community Services  
**Disclosure of Interest:** Nil  
**Date of Report:** 20 February 2007  
**Senior Officer:** Mr Chris Jackson  
 Chief Executive Officer

#### Summary

This report recommends the payment of a donation of \$1,500.00 to the Lake Grace Playgroup.

#### Background

The Lake Grace Playgroup has provided a service to Lake Grace for many years operating from several venues. Their most recent venue was the community constructed Kindergarten located on the corner of Absolon and Griffiths Sts Lake Grace.

Council, at its 20 December 2006 Ordinary Meeting, resolved as follows:

#### **MOTION 10340**

*Moved Cr Farrelly*

*Seconded Cr Walker*

- 1) *That the Department of Education and Training be advised that:
 
  - a) Council withdraws its offer to discuss the sale of the building at this time,
  - b) The continued use of the Kindergarten facility for use by the Lake Grace District High School for pre-primary is approved until the 2009 school year under the arrangements as set out in the draft lease agreement, and that;
  - c) Discussion continue with the Department and the School on the future of the Kindergarten facilities with the discussions to be concluded prior to the end of the 2007 school year.*

2) *That the Lake Grace Play Group be advised that every assistance will be provided to endeavour to find a suitable location for their activities and that discussion will continue with the Department of Education and Training on the future long term use of the Kindergarten facilities.*

**MOTION CARRIED 8/1**

#### Comment

The Lake Grace Playgroup has been active in seeking suitable premises to continue providing their services to Lake Grace. The Uniting Church of Australia has agreed to lease their Church premises to the Playgroup for a period of five (5) years. To ensure the safety of the children who will utilize the facility, the Playgroup is seeking financial assistance from Council towards the cost of erecting suitable fencing around the perimeter of the site.

As outlined in their correspondence the cost for the materials is \$3,000.00. The Lake Grace Lions Club has offered a donation of \$400.00 and will assist in the erection of the fence. The Playgroup has \$1,100.00 available to cover part of the cost and is seeking a donation from Council of \$1,500.00.

Council allocated an amount of \$4,000.00 in the 2006/07 budget at Account E041190 Donations and most of the allocation has been expended.

Council also allocated an amount of \$3,200.00 at Account E041175 Community Conference Contribution and of this \$867.00 has been spent.

It is recommended that Council make a donation to the Lake Grace Playgroup to assist them with the development of a stand alone facility.

Legal Implications

There is no requirement to amend the 2006/07 Budget.

Policy Implications

Nil.

Community Consultation

Nil.

Financial Implications

The transaction will not impact on the net result of the 2006/07 Budget.

Strategic Implications

Nil.

Cultural Implications

Nil.

Voting Requirements

Simple majority required.

Recommendation/Resolution

**MOTION 10365**

Moved Cr Walker  
Seconded Cr Taylor

That a donation of \$1,500.00 be made to the Lake Grace Playgroup towards the cost of fencing Lot 46 Bennett St Lake Grace (Uniting Church site).

**MOTION CARRIED 7/0**

### 13.9 OFFICE TELEPHONE SYSTEM UPGRADE

**Applicant:** Senior Administration Officer  
**File No.** 0017  
**Attachments:** Quote & Supporting Documentation  
**Author:** Mr Mark Burbridge  
Senior Administration Officer  
**Disclosure of Interest:** Nil  
**Date of Report:** 26 February 2006  
**Senior Officer:** Mr Chris Jackson  
Chief Executive Officer

#### Summary

For Council to consider the unbudgeted purchase of an upgraded office telephone system to be implemented in conjunction with the opening of newly expanded and improved office premises.

#### Background

Council currently utilises a Commander ePath telephone system which was installed in 2002, following the partial failure of the previous telephone system.

This system was installed with the emergency approval of the Shire President, and the unbudgeted expense was later ratified at Council's May 2002 Meeting (Motion 9186).

#### Comment

The current system includes 14 extensions, which has been sufficient for Council's requirements in the past, but with the upgrade to Council's Administration Centre and the restructuring to Council's Management and Administration Staff, it is anticipated that at least 24 extensions would be needed to meet future requirements.

Whilst the current system is expandable and would be capable of being upgraded to support a larger number of extensions, this would require investing money into an aging system that does not possess many of the features desirable in newer systems, such as:

- Voice Messaging
- Night Answering Service
- Direct Extensions
- Fully Digital and/or IP Handsets
- Consolidation of Data and Telephone wiring
- Integration with Computer Systems
- Ease of future upgrades (does not require onsite technicians)

Current staff have also expressed their dissatisfaction with the current system's "user friendliness" and lack of modern features, and it is envisaged that a newer telephone system would reduce staff training times and improve Council's level of customer service.

A quote has been obtained from Commander Centre in Mandurah, Council's current telephone service provider, for a replacement system that offers all the features listed above, as well as much better long term upgradeability and scalability. A copy of the quote and supporting documentation is attached.

#### Legal Implications

Local Government Act 1995 Section 6.8 (1) (b)

#### Policy Implications

N/A

#### Community Consultation

N/A

#### Financial Implications

A quote received from Commander Centre for a suitable replacement system installed in the new office facilities totals \$24,763.44 excluding GST.

No allowance for this expense has been made in Council's 2006/07 Budget. Should Council authorise this unbudgeted expense, a new account in Schedule 4 (Governance General) would be created and would be funded from Council's General Purpose income.

Current Budget Review forecasts that Council will most likely carry a surplus at the end of the 2006/07 financial year, which could be used to offset the unbudgeted expenditure associated with the proposed telephone system upgrade.

Ongoing Maintenance / Service Agreement for the new telephone system would be provided by Commander Centre in Mandurah (as currently), and would be in the order of \$211.10 per Month or \$2533.20 per Year. This expense will be met as part of Council's ongoing Telephone expenses budget.

#### Strategic Implications

Improved telephony systems will enhance the quality of Council's Customer Service, as well as provide a more efficient, professional, and desirable workplace for Council staff.

#### Cultural Implications

N/A

Voting Requirements

Absolute majority (5) required.

Recommendation/Resolution

**MOTION 10366**

Moved Cr Newman  
Seconded Cr Sinclair

1. That Council authorise the unbudgeted expense of \$24,763.44 excluding GST for the upgrade to Council's Administration Centre Telephone system; and
2. That the 2006/07 budget be amended by the addition of Capital Expenditure Account E042560 – Upgrade Telephone System, to which the costs of the telephone system be expensed.

**MOTION CARRIED 7/0**

**14.0 MATTERS FOR CONSIDERATION – ADMINISTRATION**

**14.1 14 BLACKBUTT WAY LAKE GRACE – ALLOCATION OF RESIDENCE**

*Item put forward to 8.1 – refer page 104*

## 14.2 LAKE GRACE SWIMMING POOL - PETITION

**Applicant:** Lake Grace & Districts Health Service  
**File No.** 0517  
**Attachments:** Correspondence & Petition  
**Author:** Mr Chris Jackson  
 Chief Executive Officer  
**Disclosure of Interest:** Nil  
**Date of Report:** 19 February 2007  
**Senior Officer:** Mr Chris Jackson  
 Chief Executive Officer

### Summary

For Council to consider correspondence and a petition in relation to operating hours for the Lake Grace Swimming Pool.

### Background

In December 2006 correspondence was received from Anna Taylor and the Lake Grace and Districts Health Service relating to swimming pool operating hours. Letters attached.

It has been requested that Council consider amending the operating hours to reflect the changes that have come about with daylight saving and to consider the advantages to the health of our community which would come as a result of extended hours. Suggested times could be 12.30pm - 7.30pm.

A petition has also been received that states as follows.

#### *Petition for Healthier Lifestyle Opportunities*

*To lobby the Shire Council to extend the swimming pool hours to enable our community members to enjoy a healthier lifestyle to assist them to avoid the problems associated with adult and childhood obesity and its related deadly diseases.*

*We the undersigned request the Shire Council to:*

- *Amend the hours of the pool during daylight saving to 7pm*
- *Extend the hours to 8pm or longer on hot nights*
- *Extend the season to remain open during the April school holidays*

The petition contains 32 signatures

### Comment

The Lake Grace Swimming Pool operating hours are currently 11am to 6pm. The pool is also open for early morning swimming from 6.30am to 7.30am. The pool open hours have also in the past been extended if weather conditions dictate.

An average day for the pool manager would consist of arrival at the pool prior to 6.30am for early morning swimming, home for breakfast at 7.30am and return to the pool prior to 11am to prepare the facility for the pool day. Prior to the 11am opening various pool maintenance tasks would be undertaken which may include cleaning, checking and maintaining chlorine and water levels. On top of the day to day pool supervision other duties include the cleaning of facilities such as the toilets and maintaining the pool grounds (lawn mowing etc).

With an average day for the pool manager exceeding 8 hours per day and working 7 days per week for 5 to 6 months of the year, this is a very big commitment. This makes it very difficult to extend the hours worked with the pool being a one man operation and the manager working in these hours without breaks. The current pool manager who has been in this role since 1989 has indicated that he believes his commitment to the current pool hours are suitable particularly as they are outside normal industrial relations requirements.

Two other staff have suitable qualifications to manage the pool and have been used from time to time. This has recently occurred during January when the pool manager took long service leave and following a request to extend the hours prior to a recent movie night at the recreation centre. Both are employed by the Shire with other duties and are not always available to undertake relief work.

The pool season generally runs from October until March with the manager being employed as if he works a 76 hour fortnight whilst he only physically works for a 5/6 month period.

It has been suggested that the opening time of 11am could be pushed back to 12.30pm allowing the pool to remain open until 7.30pm. This does not solve the problem of the hours that are worked by the pool manager who would still be required at the pool prior to opening and would still exceed 8 hours per day, 7 days per week. The use of additional staff for extended times would solve the problem but the current staff with the qualifications would not be able to commit to a regular arrangement.

At this time there would appear no option but for the current opening hours to remain in place and if weather conditions are suitable, for the pool manager to be instructed to open the pool for a longer period.

In the long term consideration needs to be given to the current operation of the pool with a single manager given the hours that are required to operate the facility. The introduction later this year of the Health (Aquatic Facilities) Regulations will also impose significant new requirements relating to qualifications, design and construction, water quality and testing, supervision and bather numbers, and safety requirements. Even without the new regulations the pool operation is most likely a 1½ FTE position to effectively run both the technical aspects of the pool and the day to day operations, supervision etc. Having more than one employee on a roster basis would greatly assist in allowing the pool hours to alter to reflect community expectations.

Legal Implications

Local Government Officers Award

Shire of Lake Grace Standing Orders Local Law 1998 Section 2.5

Petitions

Proposed Health (Aquatic) Regulations 2007

Policy Implications

N/A

Community Consultation

Refer attached petition.

Financial Implications

No impact at this time.

Strategic Implications

The pool is identified as an important community facility.

Cultural Implications

The pool is identified as an important community facility.

Voting Requirements

Simple majority required.

Recommendation/Resolution

**MOTION 10367**

Moved Cr Newman  
Seconded Cr Sinclair

That:

- 1) The Lake Grace & Districts Health Service (Petitioner) and Anna Taylor be advised that:
  - a) The Shire of Lake Grace is not in a position to alter pool opening hours at this time given staffing constraints at the pool;
  - b) The Pool Manager will be instructed that when weather permits arrangements will be made for the pool to remain open longer;
  - c) The Shire will be undertaking a review of staffing arrangements at the pool with a view to new arrangements being put in place for the start of the 2007/2008 pool season.
- 2) The CEO undertake a review of the Lake Grace Swimming Pool staffing arrangements with a view to making recommendations for the 2007/2008 budget that will address issues relating to pool opening hours and the implications of the proposed Health (Aquatic) Regulations 2007.

**MOTION CARRIED 6/1**

### 14.3 RESERVE 20263 RIFLE RANGE HILL LAKE GRACE – MANAGEMENT OF RESERVE

**Applicant:** Department for Planning & Infrastructure  
**File No.** 0359  
**Attachments:** Correspondence, excerpt from Master Trails Plan  
**Author:** Mr Chris Jackson  
 Chief Executive Officer  
**Disclosure of Interest:** Nil  
**Date of Report:** 20 February 2007  
**Senior Officer:** Mr Chris Jackson  
 Chief Executive Officer

#### Summary

The purpose of this report is for Council to consider accepting management of Reserve 20263 (Lake Grace Rifle Range Reserve) for the development of a Wildflower Walk Trail.

#### Background

A letter (attached) has been received from the Department for Planning & Infrastructure, State Land Services, advising that the WA Rifle Association has requested the transfer of control of Reserve 20263 to the Shire of Lake Grace. The letter requests Council's confirmation for acceptance of management of the Reserve.

#### Comment

Located just 5kms east of Lake Grace on the Lake Grace Newdegate Road, Rifle Range Hill is one of the few remaining natural bush areas close to the Lake Grace townsite where wildflowers bloom prolifically during spring. Because of its close proximity to the town, its main road frontage and easy access the Rifle Range has become a very popular wildflower viewing spot for tourists.

Since the opening of the Visitors Centre in 2005 and the Tourism Promotions Groups marketing activities Lake Grace is fast becoming well known for its wonderful display of wildflowers during the Spring season and is attracting more and more visitors each year.

This is also due to the hard work and efforts of the local Rare Flora and Tourism Promotions Groups and the Lake Grace Lions Club in documenting, identifying and marking the wildflower species resulting in wildflower information being now readily available to visitors.

During development of the Shire's Master Trail Plan (see attached excerpts) Rifle Range Wildflower Walk was identified as a priority for trail development. Grants for development of the Wildflower Walk Trail will be sought when suitable funding opportunities arise.

Over the past few years significant damage has taken place to the buildings at this site through vandalism and because of the risk to visitors Council contacted the WA Rifle Range Association in 2004 requesting that they make the site safe which was done. The Lake Grace Lions Club also undertook cleaning up of the site at that time.

The adjoining Reserve (Old Speedway) is also held by the Shire for the purpose of recreation.

An excellent opportunity exists to create a recreation precinct that provides nature experiences for locals and tourists and to provide for the conservation of local flora and fauna.

Legal Implications

A new Management Order for the Reserve will be issued in the Shire's name.

Policy Implications

N/A

Community Consultation

The Trails Master Plan was developed through extensive community consultation and workshops.

Financial Implications

No cost at this time but future development of the area as a whole will need to be costed. Funding opportunities are available.

Strategic & Cultural Implications

Tourism and attraction of visitors to the town is important to the development of the area.

Voting Requirements

Simple majority required.

Recommendation/Resolution

**MOTION 10368**

Moved Cr Walker  
Seconded Cr Stewart

That the Department for Planning and Infrastructure State Land Services be advised that the Shire of Lake Grace is prepared to accept management of Reserve 20263 for the purpose of "Recreation".

**MOTION CARRIED 7/0**

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

None.

**16.0 SCHEDULING OF MEETING**

**16.1 NEXT ORDINARY MEETING OF COUNCIL**

**Refer Motion 10319, 22 November 2006 Ordinary Meeting**

The next Ordinary Meeting of Council is to be held on 28 March 2007, commencing at 1pm at the Varley Sports Pavilion.

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

**18.0 CLOSURE**

There being no further business, the Chairperson closed the meeting at 3.52 pm.

**19.0 CERTIFICATION**

I \_\_\_\_\_ certify that the minutes of the meeting held on the 28 February 2007 as shown on page numbers \_\_\_\_\_ to \_\_\_\_\_ were confirmed as a true record at the meeting held on the 28 March 2007.

\_\_\_\_\_  
Chairman

\_\_\_\_\_  
Date