

Shire of Lake Grace



Ordinary Council Meeting

Minutes

26 August 2015

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SHIRE OF LAKE GRACE

Minutes of the Ordinary Meeting of Council held at the Lake King Hall, Lake King WA, on Wednesday 26 August 2015.

1.0 OPENING & ANNOUNCEMENT OF VISITORS

The Shire President opened the meeting at 3.03 pm and welcomed along Lake King Community Members present.

2.0 ATTENDANCE RECORD

2.1 PRESENT

Cr AJ Walker	Shire President
Cr JF De Landgraff	Deputy Shire President
Cr LW Armstrong	
Cr R Chappell	
Cr DS Clarke	
Cr SG Hunt	
Cr DP Sinclair	

In Attendance

Mr N Hale	Chief Executive Officer
Mr P Dittrich	A/Manager Corporate Services
Mr L Shopov	Manager Infrastructure Services
Ms L Holben	Manager Community Services
Mrs J Bennett	Executive Assistant

Observers/Visitors

Mr Murray McLean, Lake King
 Mrs Kylie Sugg, Lake King
 Ms Terri Brownley, Mt Madden
 Mr Dirk Hardey, Lake King
 Ms Sue-Anne Naughton, Lake King
 Ms Kate Hetherington, Lake King
 Ms Erika Meijbaum, Lake King
 Ms Courtney Roberts, Lake King
 Ms Rebecca Howe, Lake King

2.2 APOLOGIES

Cr MG Stanton
 Cr AD Marshall

2.3 LEAVE OF ABSENCE PREVIOUSLY GRANTED

Motion 12048 June 2015 – Cr Stanton has approved leave of absence from 28 August to 23 September 2015.

3.0 PUBLIC QUESTION TIME

3.1 MR ROYCE TAYLOR – QUESTIONS TAKEN ON NOTICE 22 JULY 2015 ORDINARY MEETING

At the July 2015 Ordinary Meeting, Mr Royce Taylor asked questions regarding a playground originally purchased for the Lake Grace Childcare Centre.

The question was taken on notice in order to allow staff the time to research the matter. The following response letter was sent to Mr Taylor:

0577

Lee Holben

Mr Royce Taylor
PO Box 280
LAKE GRACE WA 6353

Dear Royce,

PUBLIC QUESTION TIME – QUESTIONS TAKEN ON NOTICE 22 JULY 2015

I refer to your questions submitted to the Ordinary meeting of Council on the 22 July 2015 which I have included below for the purpose of reference:

Question 1

It came to my attention last night when talking to some ex committee members; from the day-care committee that a playground purchased for the day-care was the wrong one, as it wasn't age appropriate. The company who supplied the playground refused to replace it with the correct one so the committee had to purchase another one. My understanding is that this playground had been located at the Lake King Tavern. The playground was purchased with funds fundraised by the Lake Grace community and also grant money for the day-care building. The day-care committee indicated that they would be happy for the playground to be located at the LG pavilion once the upgrade was completed.

I can confirm that the Shire purchased two sets of playground equipment, each expensed against the Lake Grace Playgroup Capital account. The initial purchase was not suitable for the age group and the supplier was not prepared to take it back so it was stored at the Shire depot until reassigned to the Lake King public park located behind the Tavern (not on Tavern property).

The cost of the playground equipment subsequently placed at the Lake Grace Childcare Centre was fully funded by a Lotterywest Grant. There was no charge against the Lake Grace SAR account for either purchase.

Furthermore, I am advised that:

- *Gaillene Kennedy, Manager of Day Care at the time the facility was being constructed, has confirmed that no fundraising was undertaken for this piece of equipment; and,*
- *Other community members have been contacted and they too are unaware of any fundraising for this project.*

However, the community did provide labour to install the playground elements at the Lake Grace facility i.e. sandpit, gardens, pathways etc through busy bees.

No evidence can be found in the Shire's financial system that a donation from the Lake Grace community was paid towards the cost of either playground.

Question 2

Why was it taken to Lake King?

Given the existing equipment at all three playgrounds in Lake King were in a poor state of repair, the play equipment held at the Depot was re-assigned to Lake King.

The playground equipment located in Lake King has been augmented by several pieces of equipment donated by the Lake King community who also removed the old unsafe equipment previously located on that site.

Question 3

Will it be replaced?

Accordingly, the equipment now located at Lake King is not available to be relocated to the Lake Grace Recreation Centre. Moreover, there is no 2015/2016 budget item for a playground to be installed at the Lake Grace Recreation Grounds.

I trust the above comments address your concerns. I would be happy to discuss should you have any further information.

Yours faithfully,

Neville Hale
CHIEF EXECUTIVE OFFICER

24 August 2015
 nh:lh

3.2 MRS KYLIE SUGG

The following question was received via email from Mrs Kylie Sugg, Lake King:

Question

I was hoping you could please tell me where we are up to with the drainage at the Lake King pavilion and netball courts and when it will be fixed?

Background

The Lakes Winter Sports has been asking if we could get the drainage fixed at the back of the pavilion since 2011. I am sure the Shire had some experts out to look at it all 2 years ago and were going back to do some plans. Louka Shopov came out in April 2015 and had a look and said he would need to look into seeing if there was any paper work for the drainage.

Also in 2011, we asked if someone could look at our netball courts in relation to the cracks on the court. In April Louka said an expert would need to come out and look at the courts. I am 100% sure Vicki Bridger has written numerous emails about both these matters and they have been brought up in Progress Meetings too.

Reply – Mr Louka Shopov

Thank you for the photos and the reminder about drainage and netball courts surface problems at Lake King sports facilities. As we discussed on 30th of April 2015 on site, subsequent to which an allocation of \$ 6,516.00 has been made in 2015/16 Shire Budget, to install a drainage system between the sports pavilion and courts. In addition we will seal the surface cracks with hot bitumen emulsion. I expect this work to be completed in October 2015.

3.3 LAKE KING PLAYGROUP - MS COURTNEY ROBERTS AND MS REBECCA HOWE

Question

Ms Roberts and Ms Howe representing the Lake King Playgroup, spoke to Council regarding their proposal to improve the playground adjacent to the Lake King Hall. The group have formed a committee to progress the idea of establishment of a nature based playground and wanted to know the best way forward in terms of working with the Shire.

Reply

The Chief Executive Officer, Mr Neville Hale outlined the process to follow and advised the Group to work closely with the Shire's Manager Community Services throughout the process:

- 1. Develop the project plans and a budget**
- 2. Submit to the Shire with a proposal as to how it is envisaged the project is funded**
- 3. The proposal can then be considered by the Shire and necessary approvals given.**

4.0 APPLICATIONS FOR LEAVE OF ABSENCE

4.1 CR CHAPPELL

An Application for Leave of Absence form was received from Cr Chappell:

MOTION 12093

Moved Cr De Landgraft
Seconded Cr Hunt

That Cr Chappell be granted Leave of Absence from 12 September to 19 September 2015.

MOTION CARRIED 7/0

5.0 MINUTES OF PREVIOUS COUNCIL MEETINGS

5.1 ORDINARY MEETING – 22 JULY 2015

Resolution

MOTION 12094

Moved Cr Armstrong
Seconded Cr Hunt

That the minutes of the Ordinary Meeting of Council held on the 22 July 2015 be confirmed as a true and accurate record.

MOTION CARRIED 7/0

5.2 SPECIAL BUDGET MEETING – 29 JULY 2015

Resolution

MOTION 12095

Moved Cr Chappell
Seconded Cr De Landgraft

That the minutes of the Special Budget Meeting held on the 29 July 2015 be confirmed as a true and accurate record.

MOTION CARRIED 7/0

5.3 SPECIAL MEETING – 12 AUGUST 2015

Resolution

MOTION 12096

Moved Cr Armstrong
Seconded Cr Chappell

That the minutes of the Special Meeting of Council held on the 12 August 2015 be confirmed as a true and accurate record.

MOTION CARRIED 7/0

6.0 DECLARATIONS OF INTEREST

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

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

6.3 DECLARATIONS OF IMPARTIALITY INTEREST – ADMINISTRATION REGULATION SECTION 34C

Cr Clarke declared an interest in Item 16.1 and Cr Armstrong declared an interest in Item 14.2.

7.0 NOTICES OF URGENT BUSINESS

Nil.

8.0 MOTIONS OF WHICH NOTICE HAS BEEN RECEIVED

A Notice of Motion to Revoke has been received in relation to revoking Motion 12023 of the Ordinary Council Meeting of 22 April 2015 – refer Item 16.2 on p36.

9.0 PETITIONS/DEPUTATIONS/PRESENTATIONS/SUBMISSIONS

9.1 LAKE KING PROGRESS ASSOCIATION

Mr Dirk Hardey spoke on behalf of the Lake King Progress Association regarding plans for an all-weather patio extension to the Lake King Sports Pavilion. Concept plans for the proposal had been emailed to Councillors prior to the meeting.

Mr Hardy outlined in detail the proposed extension, including materials to be used and quotes, together with a budget. At this stage the Progress Association are actively seeking funding for the project through grant applications.

The President thanked members of the Lake King community for attending today's meeting and keeping the Council informed on how the community is thinking in terms of projects they are seeking to develop and progress.

3.26 pm: The President adjourned the meeting for an onsite inspection of the Lake King Pavilion to be followed by afternoon tea back at the Hall.

4.15 pm: The President re-convened the meeting.

10.0 MEMBERS' REPORTS

10.1 CR SINCLAIR

Wednesday 5 to Friday 7 August 2015

Attended the Local Government Convention in Perth which was very informative. Whilst there he spoke with the Westpac Bank regarding their bank in Lake Grace. He was assured that Westpac have recruited two new people who would be starting work within the next two weeks.

10.2 CR HUNT

Friday 24 July 2015

Attended the Lake King Primary School Excellence Award Presentation.

Wednesday 29 July 2015

Attended the Special Budget Meeting in Lake Grace.

Wednesday 5 August to Friday 7 August 2015

Attended the Local Government Convention in Perth, very well worthwhile.

Wednesday 12 August 2015

Attended the Special Council Meeting in Lake Grace.

10.3 CR CLARKE

Tuesday 11 August 2015

Attended the Visitor Centre meeting.

Wednesday 12 August

Attended the CWA Annual Luncheon and International Day.

Saturday 15 and Sunday 16 August 2015

Attended the Liberal Party State Conference.

10.4 CR DE LANDGRAFFT

Friday 24 July 2015

Attended Lake King Primary School for their presentation of their Excellence Award by David Axworthy and Ken Perris from the Education Department.

Wednesday 29th July 2015

Attended the Special Budget Meeting in Lake Grace.

Attended the Lake King Progress Association Meeting, included presentation of the pavilion plans.

Wednesday 5 August to Friday 7 August

Attended the WALGA Local Government Convention.

Wednesday 12 August 2015

Attended the Special Meeting of Council in Lake Grace.

10.5 CR ARMSTRONG

Wednesday 29 July 2015

Attended the Special Council Meeting to adopt the budget for 2015/16.

Wednesday 5 August to Monday 10 August

Attended the WALGA Local Government Convention including an Elected Members Training Course on the understanding of local government financials and ratios. It was very worthwhile and highly recommended to others.

Monday 17 August 2015

Attended the Newdegate Recreation Council Meeting. Congratulations to Shire staff on attending to the 23 dot point items of maintenance which were raised at a meeting 6 weeks ago. Staff responded quickly to remedy the situation, only 3 or 4 of those items now remain.

Wednesday 12 August 2015

Attended the Special Council Meeting in regards to the doctor.

Tuesday 4 and 18 August 2015

Attended Field Day Meetings at Newdegate in preparation for this year's Field Days.

Wednesday 26 August 2015

Prior to this meeting, attended a meeting with the Newdegate Cropping Group with regard to the future of the Newdegate Research Station.

10.6 CR CHAPPELL

Wednesday 29 July 2015

Attended the Special Council Meeting to adopt the budget for 2015/16.

Apologies to Lake King Progress Association for that night's meeting.

Monday 3 August 2015

Apologies to the Lake Grace Development Association for that night's meeting.

Wednesday 5 August 2015 to Friday 7 August 2015

Attended Local Government Week with fellow councillors and the CEO.

It was good to catch up with Councillors whom I know and meet new ones.

Wednesday 12 August 2015

Attended the Special Council Meeting in regards to the doctor.

10.7 CR WALKER

Friday 24 July 2015

Attended with Cr De Landgraftt, Cr Armstrong, Cr Hunt and Cr Sinclair the presentation of an Award of Excellence to the Lake King Primary School following

the Department of Education's School Performance Enquiry into Leadership and Relationships.

Wednesday 29 July 2015

Attended the Special Budget Meeting in Lake Grace.

Friday 31 July 2015

Participated in a teleconference discussion with Tina Donovan from Rural Health West and the CEO regarding the next step in the GP recruiting and advertising process.

Tuesday 11 August 2015

Attended the 4WDL Meeting at the West Arthur Shire Office in Darkan. The meeting dealt with confirmation of \$5.3M for the next 14 unit construction across the region and it was resolved that the Shire of Kent funding allocation is re-allocated to Wagin. The minutes are included in the Councillor's Information Bulletin.

Wednesday 12 August 2015

Attended a Special Council Meeting held in regards to GP service provision for the Shire.

Wednesday 26 August 2015

Attended a Newdegate Cropping Committee Meeting with Cr Armstrong and the CEO.

11.0 MATTERS FOR CONSIDERATION – INFRASTRUCTURE SERVICES

11.1 TENDER 1/2015 - SUPPLY OF BITUMEN AND AGGREGATE

Applicant: Manager Infrastructure Services
File No. 0488/0586
Attachments: Evaluation RFT 1/2015 (*under separate cover*)
Author: Mr Louka Shopov
 Manager Infrastructure Services
Disclosure of Interest: Nil
Date of Report: 19 August 2015
Senior Officer: Mr Neville Hale
 Chief Executive Officer

Summary

This report recommends the various actions in relation to Tender 1/2015.

Background

An advertisement for the calling of tenders for supply and lay of bitumen and supply of aggregate was placed in the Western Australian newspaper on Wednesday 26 August 2015.

The scope of the supply of bitumen and aggregate is listed in Table 1.

Road Name	Work Type	Volume(m ³) x Size(mm)	Area (m ²)	Project Funds
Varley South Rd Slk 4.0 to Slk 8.5 RRG	Reseal	315 x 10mm	31,500 (7m Seal)	Regional Road Group
Newdegate North Rd. Slk 6.0 to Slk 9.7 RRG	Reseal	260 x 10	25,900 (7m seal)	Regional Road Group
Holt Rock South Rd. Slk 18.8 to Slk 21.8 RRG	Reconstruct & 2 Coats Seal	294 x 14 220 x 10	21,000 (7m seal)	Regional Road Group
Biddy Camm Rd Slk 0.0 to Slk 4.5	Reseal	315 x 10	31,500 (7m seal)	Roads to Recovery
Taylor Road Slk 9.5 to Slk 10.5	Reseal	70 x 10	7,000 (7m seal)	Shire of Lake Grace
Magenta Road Slk 18.7 to Slk 21.7	Reseal	220 x 10	21,000 (7m seal)	Roads to Recovery

Table 1: Bitumen and aggregate requirements for 2015-2016 program.

The tender price schedule was divided into two (2) parts as separable portions or whole of contract. This enabled the Shire to determine if economies could be made with the supply and delivery of aggregate.

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

The assessment criteria applied was:

- Cost 80%
- Relevant Experience 10%
- Organisational Capacity & Resources 5%
- Demonstrated Understanding 5%

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

Comment

The Tenders were reviewed by an evaluation panel including the:

- Manager Infrastructure Services, Mr Louka Shopov
- CEO Mr. Neville Hale

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

Tenderer	Ranking		
	Part 1(A) Aggregate Supply	Part 1(B) Bitumen Supply	Part 2 Aggregate and Bitumen Supply
Fyfe Transport	60.9	No Tender	No Tender
Castle Equipment	57.6	No Tender	No Tender
Bitutek	56.9	55.5	55.8
Varley Transport	56.9	No Tender	No Tender
Downer	54.6	55.6	55.6
Linandrew	53.3	No Tender	No Tender
Great Southern	39.0	No Tender	No Tender
COLAS	No Tender	56.5	56.2
Fulton Hogan	No Tender	56.4	56.4

Table 2: Evaluation ranking

The tendered prices were assessed together with qualitative and specification criteria to determine the most advantageous outcome to the Shire. Local knowledge and demonstrated experience in providing timely and quality service factored in the overall weighting of the tender assessment. Based on the above evaluation it is recommended that the Shire separate the contract into separable portions for the supply and place of bitumen and supply of aggregate.

The preferred supplier of aggregate is Fyfe Transport which has long history of local transport business within the Shire of Lake Grace. The price offered by Fyfe Transport was a fixed price at \$179,564 (GST inclusive) (\$106.00 (GST inclusive) per m³, delivered on site) which equates to \$163,240 and \$96.36 respectively GST exclusive.

The preferred bitumen supplier is COLAS contracting who also has a team with extensive experience within the industry. It is recommended COLAS be awarded the contract to supply bitumen subject to fixed price at \$445,928.(GST inclusive) (\$4.98/m² for 14/10 mm bitumen seal and \$2.92/m² for 10mm final seal) which equates to \$405,390, \$4.53 and \$2.66 respectively GST exclusive.

Both contractors are capable of providing the supply of goods and services within the timelines required by the Shire of Lake Grace.

Legal Implications

Local Government Act 1995

Local Government (Functions and General) Regulations 1996

Policy Implications

Nil

Consultation

Internal: Works Supervisor

Financial Implications

Allowances have been made within the road program budget for the sealing program and the recommended tender falls within the budgeted parameters of the specified works.

Strategic Implications

The contract is required to enable the completion of road sealing program.

Shire of Lake Grace Strategic Community Plan

Ec1 Maintain community built infrastructure and provide an effective transportation network:

- Ec 1.1 Maintain efficient, safe and appropriate infrastructure including roads, built and civic infrastructure.
- Ec 1.2 Support the provision of appropriate transportation links, including road and rail infrastructure and services.
- Ec 1.3 Ensure the Shire's capital investment program is cost effective and financially sustainable.

Voting Requirements

Simple majority required.

Recommendation/Resolution

MOTION 12097

Moved Cr Hunt

Seconded Cr Clarke

1. That the contract for Tender 1/2015 - Supply of Aggregate for the 2015/16 financial year be awarded to Fyfe Transport for the lump sum of \$163,240 (GST exclusive), (\$96.36 per m³).
2. The contract for Tender 1/2015 – Supply and Lay of bitumen for the 2015-2016 financial year be awarded to COLAS Pty Ltd for \$405,390 (GST exclusive), (21,000 m² x \$4.53 per m² for 14/10 mm two coats seal and 116,900 m² x \$2.66 per m² for 10 mm single coat seal)

MOTION CARRIED 7/0

11.2 TENDER 2/2015 - RURAL ROADS RE- CONSTRUCTION

Applicant: Manager Infrastructure Services
File No. 0488/0586
Attachments: Evaluation RFT 2/2015 (*under separate cover*)
Author: Mr Louka Shopov
 Manager Infrastructure Services
Disclosure of Interest: Nil
Date of Report: 14 July 2015
Senior Officer: Mr Neville Hale
 Chief Executive Officer

Summary

This report recommends the various actions in relation to Tender 2/2015 Rural Roads Reconstruction.

Background

An advertisement for the calling of tenders for supply and lay of bitumen and supply of aggregate was placed in the Western Australian newspaper on Wednesday 26 July 2015. The scope of works is listed in Table 1.

ITEM NUMBER	DESCRIPTION OF WORK	QUANTITY UNIT
1	Reconstruction of Hogan Road, associated road formation, carting of gravel and drainage works (offshoots, table drains etc) as per 'Technical Specifications'. SLK 0.0 to SLK 6.6	6.6 km 9.0m wide
2	Reconstruction of Mount Vernon Road, associated road formation, carting of gravel and drainage works (offshoots, table drains etc) as per 'Technical Specifications'. SLK 2.45 to SLK 7.45	5 km 9.0m wide
3	Reconstruction of Biddy Camm Road, associated road formation, carting of gravel and drainage works (offshoots, table drains etc) as per 'Technical Specifications'. SLK 113.0 to SLK 118.0	3 km 9.0m wide
4	Reconstruction of Pickernell Road, associated road formation, carting of gravel and drainage works (offshoots, table drains etc) as per 'Technical Specifications'. SLK 0.0 to SLK 4.3	4.3 km 10.0m wide

Table 1: Rural Roads Reconstruction 2015/2016

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

The assessment criteria applied was:

- Cost 80%
- Relevant Experience 10%
- Organisational Capacity & Resources 5%
- Demonstrated Understanding 5%

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

Comment

The Tenders were reviewed by an evaluation panel including the:

- Manager Infrastructure Services, Mr Louka Shopov
- CEO Mr. Neville Hale

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

Tenderer	Ranking
Ravensthorpe Bulk Haulage	53.8
DeGrey Civil	55.2
Gencon	*Eliminated on price
Texcom Mining and Civil	*Eliminated on price
Tasman Civil	52.9
GS Hobbs Contracting	69.0
Next Gen Civil	*Eliminated on price
Wagin Earthmoving	56.7
SPA Stabilized Pavements	*Eliminated on price
FCS Contracting	54.1

Table 2: Evaluation ranking

Following initial evaluation of the price component those tenders marked with an asterisk were eliminated as the price deviation exceeded the preliminary budget parameter by more than 50%.

The tendered prices were assessed together with qualitative and specification criteria to determine the most advantageous outcome to the Shire. Local knowledge and demonstrated experience in providing timely and quality service factored in the overall weighting of the tender assessment.

The preferred Contractor to reconstruct the rural roads is GS Hobbs Contracting, for the total fixed price of \$ 377,550.00.

Legal Implications

Local Government Act 1995

Local Government (Functions and General) Regulations 1996

Policy Implications

Nil

Consultation

Internal: Works Supervisor
CEO

Financial Implications

Allowances have been made within the road program budget for the reconstruction of rural roads and the recommended tender falls within the budgeted parameters of the specified works..

Strategic Implications

The contract is required to enable the completion of Shire of Lake Grace 2015/16 Works Program.

Shire of Lake Grace Strategic Community Plan

Ec1 Maintain community built infrastructure and provide an effective transportation network:

- Ec 1.1 Maintain efficient, safe and appropriate infrastructure including roads, built and civic infrastructure.
- Ec 1.2 Support the provision of appropriate transportation links, including road and rail infrastructure and services.
- Ec 1.3 Ensure the Shire's capital investment program is cost effective and financially sustainable.

Voting Requirements

Simple majority required.

Recommendation/Resolution**MOTION 12098**

Moved Cr Armstrong
Seconded Cr Chappell

That the contract for Tender 2/2015 for the reconstruction 18.9 km of rural roads, as listed in the Tender Specification, is awarded to GS Hobbs Contracting, for a fixed total price of \$377,550 (GST exclusive).

MOTION CARRIED 7/0

12.0 MATTERS FOR CONSIDERATION – PLANNING

12.1 APPLICATION FOR PLANNING APPROVAL (AMENDED PLANS) – PROPOSED HOME BUSINESS (MOBILE WELDING) – 219 STUBBS ST LAKE GRACE

Applicant:	Benjamin & Annette Argent (Landowners)
File No.	0453
Attachments:	Plans 1 & 2
Author:	Mr Joe Douglas Urban & Rural Perspectives -Town Planning Consultant
Disclosure of Interest:	Nil
Date of Report:	11 August 2015
Senior Officer:	Mr Neville Hale Chief Executive Officer

Summary

This report recommends that amended plans submitted by Benjamin and Annette Argent (Landowners) to construct a new 270m² storage shed and associated infrastructure on Lot 1 (No.219) Stubbs Street, Lake Grace for use as a 'Home Business' (i.e. mobile welding) be conditionally approved by Council.

Background & Comment

In December 2014 Council granted conditional planning approval to Benjamin and Annette Argent (Landowners) for the construction of a new 270m² storage shed and associated infrastructure on Lot 1 (No.219) Stubbs Street, Lake Grace for use as a 'Home Business' (i.e. mobile welding).

That approval was granted subject to a range of conditions, the following being the most relevant to their recent request for Council's approval to an amended set of plans for the project:

- **Condition 6** – *The preparation and submission of suitably scaled revised plans illustrating the following:*
 - 1) *An overall site development plan showing the location of all existing and proposed improvements on the land associated with the 'Home Business' use, the proposed new shed's setbacks from the front and nearest side lot boundaries, finished floor levels, vehicle access and parking arrangements, loading and unloading areas, the dimensions and surface treatments for all trafficable areas including stormwater drainage arrangements and areas proposed to be revegetated including details of all plant species to be used for screening purposes;*
 - 2) *Front, rear and side elevation plans for the new shed including details of surface treatments and colours;*
- **Condition 14** - *The existing driveway crossover along the land's frontage to Stubbs Street shall be upgraded and maintained to the specifications and satisfaction of the Shire's Manager of Infrastructure.*

In subsequent discussions between the applicants, the Shire's Manager of Infrastructure Services and Main Roads WA (MRWA), changes to the location of the existing driveway crossover along the land's frontage to Stubbs Street were required to satisfy MRWA's specific requirements.

It is understood MRWA were not supportive of the original proposed vehicle access arrangements to the subject land (i.e. use of the existing driveway crossover to Stubbs Street) due to traffic safety concerns. Given those concerns, MRWA stipulated the following vehicle access requirements:

- i) Construction of a new driveway crossover to Stubbs Street approximately 20 metres east of the land's western property boundary;
- ii) Installation of a 300mm internal diameter pipe culvert in the new driveway crossover to Stubbs Street;
- iii) Clearing of approximately 1,000m² of roadside vegetation on the north side of Stubbs Street to improve vehicle sightlines;
- iv) Closure of the existing driveway crossover to Stubbs Street and reinstatement of the road verge, table drain and road shoulder;
- v) Sealing of the new driveway crossover to a distance of 22 metres from the edge of Stubbs Street to the property boundary within twelve (12) months of the date of MRWA's approval to the works;
- vi) Implementation of an MRWA approved Roadworks Traffic Management Plan in respect of the above works.

Given Conditions 6 and 14 of the original planning approval issued by Council and MRWA's specific requirements regarding future vehicle access arrangements, the applicants have prepared and submitted revised plans to the Shire for formal approval and requested that Council reconsider the wording of Condition 14.

A detailed review of the revised plans submitted by the applicants has confirmed they are generally suitable from a town planning perspective and satisfy MRWA's specific requirements (see attached Plans 1 & 2). As such it is recommended that Council grant approval to those plans and reword Condition 14 of the planning approval previously issued to read as follows:

The existing driveway crossover along the land's frontage to Stubbs Street shall be closed and a new driveway crossover constructed to provide access to Stubbs Street approximately 20 metres east of the land's western property boundary to the specifications and satisfaction of Main Roads WA. Once completed the new driveway crossover shall be maintained to the specifications and satisfaction of the Shire's Manager of Infrastructure.

Legal Implications

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

Policy Implications

Nil

Consultation

Community consultation not required given the original planning application received was advertised for public comment in accordance with the specific requirements of clause 9.4 of LPS No.4 for the minimum required period of fourteen (14) days.

Financial Implications

Nil

Strategic Implications*Shire of Lake Grace Strategic Community Plan*

Ec2 Provide an environment that supports business and investment opportunities

- *Ec 2.1 Create and support an environment for businesses to establish in the Lake Grace Shire through the appropriate zoning of land, provision of infrastructure and efficient & effective business approval process.*

En3 Manage and protect the natural environment

- *En 3.1 Provide effective planning and development controls of environmentally sensitive areas*

Voting Requirements

Simple majority required.

Recommendation/Resolution**MOTION 12099**

Moved Cr Hunt

Seconded Cr Chappell

That Council approve the amended plans submitted by Benjamin and Annette Argent (Landowners) to construct a new 270m² storage shed and associated improvements and infrastructure on Lot 1 (No.219) Stubbs Street, Lake Grace for use as a 'Home Business' (i.e. Mobile Welding) subject to compliance with all conditions originally imposed on the planning approval issued with the exception of Condition No.14 which now applies as follows:

Condition 14 - *The existing driveway crossover along the land's frontage to Stubbs Street shall be closed and a new driveway crossover constructed to provide access to Stubbs Street approximately 20 metres east of the land's western property boundary to the specifications and satisfaction of Main Roads WA. Once completed the new driveway crossover shall be maintained to the specifications and satisfaction of the Shire's Manager of Infrastructure.*

MOTION CARRIED 7/0

12.2 **PROPOSED EXCISION & RE-VESTING OF PORTION OF CROWN RESERVE 29080 LAKE GRACE-NEWDEGATE ROAD, NEWDEGATE - DOPPLER RADAR TOWER**

Applicant:	Department of Lands
File No.	0359
Attachments:	Plans 3 & 4
Author:	Mr Joe Douglas Urban & Rural Perspectives -Town Planning Consultant
Disclosure of Interest:	Nil
Date of Report:	18 August 2015
Senior Officer:	Mr Neville Hale Chief Executive Officer

Summary

This report recommends that Council resolve to support the proposed cancellation, excision, relinquishment and re-vesting of portion of Reserve 29080 with the Department of Agriculture and Food WA to allow the land to be developed and used for the purposes of a new Doppler radar system subject to Cooperative Bulk Handling Limited's written agreement to the proposal.

Background & Comment

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

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

The Department of Lands (DoL), following recent meetings and discussions with DAFWA, has now written to the Shire confirming DAFWA's intentions regarding the project and advising of the process and requirements for the return of Crown land to the State to enable the project to proceed. This can be attributed to the Shire's current interest in Reserve 29080 which has been set aside and vested in the Shire for the purposes of 'Recreation, Showground and Temporary Storage' and the fact the proposed development and use is long term in nature, will be used exclusively by BoM and is not considered by DoL to be ancillary or beneficial to the current designated purpose of the reserve.

Details regarding the preferred location, extent and anticipated form of the proposed development and use of the relevant portion of Reserve 29080 by DAFWA and BoM for the intended purpose are provided in the attached Plans 3 to 7.

In order for the project to proceed the following action will be required by the Shire:

- i) Discussions and negotiations with Cooperative Bulk Handling Limited (CBH) to secure their written approval to modify the current license agreement with the Shire as this applies to that portion of Reserve 29080 recently developed and now being used by CBH for temporary grain storage purposes and modifications to the license agreement thereafter. This is required as the area proposed to be developed by DAFWA and BoM falls within the current license agreement area (see Plan 8);

- ii) Formal resolution by Council agreeing to the proposed cancellation, excision and relinquishment of the relevant portion of Reserve 29080 to the Crown to allow for the creation of a new Crown reserve with a new management order issued to the appropriate DAFWA nominated body;
- iii) Completion and signing of a statutory declaration by the Shire advising the DoL that no portion of the land in question has been transferred, granted, created or reserved in a registrable form in favour of any other person or organization other than the Shire and that the land is free from any form of contamination arising from its previous use whilst under the care, control and management of the Shire;
- iv) Assessment and determination of a formal planning application from DAFWA and/or BoM following DoL's signing of the required planning application form in its capacity as agent for the current landowner being the State of Western Australia.

Given the project's significance and long term benefits for local farmers, emergency service providers, the transport industry and the broader community, it is recommended that Council resolve to:

- a) Support the proposed cancellation, excision, relinquishment and re-vesting of the relevant portion of Reserve 29080 with DAFWA subject to CBH's written agreement to modify the current license agreement with the Shire as it applies to that portion of the land recently developed and now being used by CBH for temporary grain storage purposes; and
- b) Authorise the Shire's Chief Executive Officer to complete and sign the statutory declaration requested by the Department of Lands subject to receipt of CBH's written agreement to the proposed modifications to the current license agreement with the Shire and progress the required modifications to that agreement thereafter.

Legal Implications

Land Administration Act 1997

Shire of Lake Grace Local Planning Scheme No.4

Planning and Development Act 2005

Policy Implications

Nil

Consultation

Community consultation not required.

Financial Implications

Nil

Strategic Implications

Shire of Lake Grace Strategic Community Plan

Ec2 Provide an environment that supports business and investment opportunities

- *Ec 2.1 Create and support an environment for businesses to establish in the Lake Grace Shire through the appropriate zoning of land, provision of infrastructure and efficient & effective business approval process.*

En3 Manage and protect the natural environment

- *En 3.1 Provide effective planning and development controls of environmentally sensitive areas*

Voting Requirements

Simple majority required.

Recommendation/Resolution

MOTION 12100

Moved Cr De Landgraftt
Seconded Cr Clarke

That Council:

1. Support the proposed cancellation, excision, relinquishment and re-vesting of the relevant portion of Reserve 29080 with the Department of Agriculture and Food WA subject to Cooperative Bulk Handling Limited's written agreement to modify the current license agreement with the Shire as it applies to that portion of the land recently developed and now being used by CBH for temporary grain storage purposes; and
2. Authorise the Shire's Chief Executive Officer to complete and sign the statutory declaration requested by the Department of Lands subject to receipt of CBH's written agreement to the proposed modifications to the current license agreement with the Shire and progress the required modifications to that agreement thereafter.

MOTION CARRIED 7/0

13.0 MATTERS FOR CONSIDERATION – HEALTH & BUILDING

13.1 APPLICATION FOR TRADERS PERMIT – WESTCOAST SEAFOODS

Applicant:	Mr Phillip Russell t/as Westcoast Seafoods
File No.	0395
Attachments:	Copy of Application
Author:	Mrs Lauren Pitman Environmental Health Officer
Disclosure of Interest:	Nil
Date of Report:	11 August 2015
Senior Officer:	Mr Neville Hale Chief Executive Officer

Summary

West Coast Seafoods Distributer, Mr Phillip Russell has submitted an application for a Traders Permit, to trade within the Shire of Lake Grace for two days every four weeks.

He is seeking Council approval of the application so that the Shire of Lake Grace may grant him a Trader's Permit for his trading activities.

Background

West Coast Seafood Distributers have serviced the towns and residents of the Shire of Lake Grace, supplying them with frozen food products, for over 5 years, and operated with Trader's Permits issued by the Shire of Lake Grace in accordance with the *Activities on Thoroughfares and Trading in Thoroughfares and Public Places Local Law 2001* (Local Law).

A new owner has recently taken over the business and was requested by the Shire's Environmental Health Officer to apply for a Trader's Permit so that the trading activity can still take place without breaching the local law.

The activities and the trading regime that have been applied for by the new proprietor are based on the previous proprietor's trading activity within the Shire of Lake Grace, for which annual Trader's Permits have been approved by the Shire.

Comment

An application for Trader's Permit has been received by the Shire of Lake Grace, for the operation of a food delivery van.

The trading activities applied for are:

- Delivering pre-ordered goods and actively offering goods for sale in a public place to residents and businesses within the Lake King and Newdegate areas on a Wednesday once every 4 weeks
- Delivering pre-ordered goods and actively offering goods for sale in a public place to residents and businesses within the Lake Grace area on a Thursday once every 4 weeks
- Offering goods for sale while parked in the rest area on the corner of Mitchell and Maley Streets in Newdegate for up to one hour only, on a Wednesday once every 4 weeks.

Mr Russell, the proprietor of the food van is seeking approval for the above listed trading activities. Any changes to this regime and activities listed above will be subject to a new application.

Under Part 7 Clause 7.2 of the Local Law, the Shire of Lake Grace can approve an application unconditionally or subject to conditions. It is recommended that conditions are applied to the traders permit as listed in Clause 7.3 of the Local Law. This Trader's Permit would be subject to the following conditions:

- Payment of an annual permit fee
- The trading activity must only occur during the period for which the permit is valid for
- The trading activity is limited only to the district and location described on the permit
- The holder of permit must hold public liability insurance indemnifying the Shire of Lake Grace in respect of any injury to any person or any damage to any property which may occur in connection with the use of the public place by the permit holder.
- The permit holder must hold a Certificate of Registration under the Food Act 2008 granted by the Shire in which the food vehicle is garaged.

Legal Implications

Shire of Lake Grace Thoroughfares and Trading in Thoroughfares and Public Places Local Law

Policy Implications

Nil

Consultation

Internal: Chief Executive Officer

External: Westcoast Seafoods

Financial Implications

Payment of a Trader's Permit fee on an annual basis is required. The annual fee is set at \$300 as per the adopted fees and charges for 2015/16 budget.

Strategic Implications

Shire of Lake Grace Strategic Community Plan

- Ec1 - Support for growth, development and diversification of local business and employment opportunities across the whole of the Shire.
- Ec1.4 Promote the benefits of supporting the local economy and the associated flow on affects
- Ec2 - Develop/promote and partner with new industries to create opportunities within the Shire
- Ec2.1 Create and support a cost effective environment for businesses to establish in the Lake Grace Shire
- S1 - Maintain current populations and attract new people to live in the Shire
- S1.3 - Exploring financial incentives to support /attract new business and residents

Voting Requirements

Simple majority required.

Recommendation/Resolution

MOTION 12101

Moved Cr Armstrong
Seconded Cr Chappell

That Council approve the application for Trader's Permit submitted by West Coast Seafood Distributer, Mr Philip Russell allowing him to trade within the Shire of Lake Grace, subject to the following conditions:

- Payment of an annual permit fee
- The trading activity must only occur during the period for which the permit is valid for
- The trading activity is limited only to the district and location described on the permit
- The holder of permit must hold public liability insurance indemnifying the Shire of Lake Grace in respect of any injury to any person or any damage to any property which may occur in connection with the use of the public place by the permit holder.
- The permit holder must hold a Certificate of Registration under the Food Act 2008 granted by the Shire in which the food vehicle is garaged.

MOTION CARRIED 7/0

14.0	MATTERS FOR CONSIDERATION – FINANCE
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14.1	<u>ACCOUNTS FOR PAYMENT – JULY 2015</u>
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Applicant:	Shire of Lake Grace
File No.	0277
Attachments:	List of Creditors
Author:	Mrs Lynda Trawinski Finance Officer
Disclosure of Interest:	Nil
Date of Report:	15 August 2015
Senior Officer:	Mr Peter Dittrich A/Manager Corporate Services

Summary

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

Background

List of payments for the month July 2015 through the Municipal and Trust accounts are attached.

Comment

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

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

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

Legal Implications

Local Government (Financial Management) Regulations 1996 – Reg 12

Local Government (Financial Management) Regulations 1996 – Reg 13

Policy Implications

Policy 3.6 - Authorised Use of Credit Card

Consultation

N/A

Financial Implications

The list of creditors paid for the month of July 2015 from the Municipal and Trust Account Total \$ 660,068.23.

Strategic Implications

Shire of Lake Grace Strategic Community Plan

Civic Leadership Focus Area (5)

- a) Excellence in Shire administration and communication

Voting Requirements

Simple majority required.

Recommendation/Resolution

MOTION 12102

Moved Cr Clarke
Seconded Cr De Landgraft

That Council ratify the list of payments totalling \$660,068.23 as presented for the month of July 2015 incorporating:

- Trust Account Cheques:	838 to 839	\$	350.00
- Electronic Funds Transfer:	EFT 14337 to EFT 14463	\$	614,199.57
- Municipal Account Cheques:	35967 to 36108	\$	44,557.27
- Direct Debits:	DD5654.1 to DD5654.8	\$	961.39

MOTION CARRIED 7/0

14.2 UNBUDGETED EXPENDITURE – REEL MOWER FOR NEWDEGATE

Cr Armstrong declared an interest of impartiality in Item 14.2 in that he is the groundsman for the Newdegate Ovals.

Applicant:	Corporate Services
File No.	0756
Attachments:	Authorisation
Author:	Mr Peter Dittrich A/Manager Corporate Services
Disclosure of Interest:	Nil
Date of Report:	17 August 2015
Senior Officer:	Mr Neville Hale Chief Executive Officer

Summary

For Council to endorse the expenditure of \$22,000 (excl GST) for the purchase of a TORO Reel Master 3100-3 Mower to be funded from the Newdegate Ground Keeping Reserve and Newdegate SAR's.

Background

In August 2015 the Shire of Lake Grace was offered the opportunity to purchase a second hand Reel Master 3100-3 Mower. The reel mower is to be used for the maintenance of the Newdegate Oval.

A number of purchasers had expressed an interest in the equipment and a decision to purchase was required prior to the next Ordinary Meeting of Council.

Funds had been set aside into a Reserve Account over the past two years and additional funds have been budgeted to be transferred to the Reserve during 2015/16, to facilitate such a purchase

Comment

The representative of the Newdegate Recreation Committee had indicated that the oval surface is in need of improvement and that the existing slasher mower, on its own, is not able to deliver the required outcome. In the past it had been requested that a reel mower be purchased and provision by way of funds set aside to a Reserve have been made.

A second hand reel mower has been located, it has minimal hours of usage and is in very good condition. In view of the reserve funds available, an inspection of the equipment was undertaken by the groundsman (Cr Armstrong) and following discussion by Council, it was agreed that the purchase should proceed whilst the opportunity existed.

The purchase of the reel mower was authorised under S 6.8 (1) (c) by the Shire President and is required to be reported to the next ordinary meeting of the council for ratification.

Legal Implications

Local Government Act 1995 s6.8 (1) (c)

Expenditure from municipal fund not included in annual budget

(1) A local government is not to incur expenditure from its municipal fund for an additional purpose except where the expenditure —

(a) is incurred in a financial year before the adoption of the annual budget by the local government; or

- (b) is authorised in advance by resolution*; or
- (c) is authorised in advance by the mayor or president in an emergency.

(1a) In subsection (1) — additional purpose means a purpose for which no expenditure estimate is included in the local government’s annual budget.

(2) Where expenditure has been incurred by a local government —

- (a) pursuant to subsection (1)(a), it is to be included in the annual budget for that financial year; and
- (b) pursuant to subsection (1)(c), it is to be reported to the next ordinary meeting of the council.

Policy Implications

N/A

Consultation

Internal Staff
 Council

Financial Implications

The purchase of the reel mower is to be funded from the Newdegate Ground Keeping SAR Reserve and the Newdegate Oval Ground Keeping expenditure account.

Strategic Implications

Nil

Voting Requirements

Absolute majority (5) required.

Recommendation/Resolution

MOTION 12103

Moved Cr Chappell
Seconded Cr Hunt

That Council, in accordance with s6.8 (1)(c) of the Local Government Act 1995:

1. endorse the unbudgeted expenditure of \$22,000 excl GST for the purchase of the Reel Master 3100-3 Mower from account 1E1132760 Newdegate Recreation Plant & Equipment Capital Expenditure to be funded from:
 - a. A0013380 Newdegate Ground Keeping SAR Reserve \$20,000; and,
 - b. E1132250 Newdegate Oval Ground Keeping \$2,000
2. authorise the associated amendments to the 2015/16 Budget to facilitate the above purchase..

MOTION CARRIED BY ABSOLUTE MAJORITY 7/0

15.0 MATTERS FOR CONSIDERATION – COMMUNITY SERVICES

No matters for consideration.

16.0 MATTERS FOR CONSIDERATION - ADMINISTRATION
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16.1 KENT ROAD – REQUEST FOR NAME CHANGE

Cr Clarke declared a declared an interest of impartiality in Item 16.1 in that the applicant is her father.

Applicant:	Mr Don Crook
File No.	0357
Attachments:	1. Letter & Diagram 2. Letters
Author:	Mr Neville Hale Chief Executive Officer
Disclosure of Interest:	Nil
Date of Report:	13 August 2015
Senior Officer:	Mr Neville Hale Chief Executive Officer

Summary

For Council to consider the renaming of part of Kent Road to Crook Road.

Background

The section of Kent Road under consideration runs from the northern most intersection on North Burngup Road to Holme Road. – see attached diagram.

Council, at its 24 June 2015 Ordinary Meeting received a request from Mr Don Crook to change the name of the above mentioned section of Kent Road and resolved to advertise the proposed name change within the Pingaring community and surrounding areas.

In addition, the Shire wrote to each of the effected land holders seeking comment regarding historical information about the road and further comment on the renaming of the identified section of road to Crook Road.

The Shire has received two written responses.

Comment

The current road alignment lends itself to the segregation of Kent Road into two distinct sections.

There are currently three (3) properties with Kent Road “street addresses” of which only one (1) refers to it in the postal address. This one property uses a separate address for its rates notice.

Respondent 1, in response to the advertisement indicated that though she was not a local of the Pingaring area she was concerned that the Kent family be asked for comment on the grounds that the name Kent Road would be lost to the area.

Respondent 2, a land owner with a Kent Road mail address commented:

“I appreciate the Crook family wanting to honour Len Crook in this way, but there is a Reserve on the South East side of the property named after Len (Crook Nature Reserve).”

It is important to note that the proposal relates to only one section of the existing Kent Road and that Kent Road would remain as that section between North Burngup Road and Holmes Road.

However, the Crook family contribution and historical association to the area is already formally recognised by way of the Crook Nature Reserve.

Notwithstanding the above, the change of road name for that section between North Burngup Road and Holmes Road would improve road identification for those travelling through the area and make it easier for emergency services to identify call out location.

Legal Implications

Responsibility for the naming of roads, features, townsites and places (including Reserves) in Western Australia resides with the Minister of Land Information, under the Land Administration Act 1997.

The Geographic Names Committee was established to provide the Minister of Lands Information with advice on geographical nomenclature matters and guidelines to facilitate the approval and processing on nomenclature applications.

Generally, Local Governments propose road names to the Geographic Names Committee and all interested parties are advised.

Policy Implications

Council has no specific policy with regards to the naming of roads within the Shire; however road names are generally selected in accordance with guidelines provided by the Geographic Names Committee, specifically:

- b) New names and changes of names shall have strong local community support.
- c) Names in public use shall have primary consideration.
- d) Name duplication and dual naming should be avoided, especially those in close proximity.
- e) Names of living individuals should only be used in exceptional circumstances.
- f) Name characterised as follows to be avoided, where possible; incongruous; given and surname combinations; qualified names; double names; corrupted, unduly cumbersome, obscene, derogatory or discriminating names; and commercialised names.
- g) Preferred sources of names are: - descriptive names appropriate to features, pioneers, war casualties and historical events connected with the area, and name from Aboriginal languages currently or formerly identified within the general area.
- h) Generic terms must be appropriate to features described.

- i) New names proposed must be accompanied by exact information as to location, feature identification, origin, or if alteration is proposed, by a rationale.
- j) The use of genitive apostrophe is to be avoided (e.g. Butcher's)
- k) Hyphenated words in place names shall only be used where they have been adopted in local usage. (e.g. City of Kalgoorlie-Boulder)

Consultation

The proposal has been advertised throughout the area via the community News and public notices.

Letters were sent to each of the affected landowners.

Financial Implications

Minimal cost to alter the road name signage but would be in the order of up to \$1,000.

Strategic Implications

Shire of Lake Grace Community Strategic Plan

Civic Leadership:

- CL 1 - Elected members provide visionary leadership that fairly and equitably represents their shire community.
- CL 1.2 - Greater representative input into decisions - Proactive community input into decision making.

Road naming is an integral part of rural addressing and helps maintain a sense of geographical identity.

Recommendation

Voting Requirements

Simple majority required.

Resolution

MOTION 12104

Moved Cr Chappell
Seconded Cr De Landgraft

That Council:

1. endorse the proposal to rename the section of Kent Road, commencing at the northern most intersection on North Burngup Road travelling approximately 8 km south to Holme Road to Crook Road; and,
2. recommends the proposed road name change to the Geographic Names Committee for its determination.

MOTION CARRIED 7/0

16.2 TRANSFER OF CROWN RESERVE 24213

Applicant:	Department of Parks and Wildlife
File No.	0359
Attachments:	Letter & Notes of May 2015 Meeting
Author:	Mr Neville Hale Chief Executive Officer
Disclosure of Interest:	Nil
Date of Report:	17 August 2015
Senior Officer:	Mr Neville Hale Chief Executive Officer

Summary

For Council to reconsider its position in regards to the transfer of Crown Reserve 34213 to the Conservation Commission of Western Australia and to determine what reserve status it would support.

Background

The Department of Parks and Wildlife (DPAW), formerly the Department of Environment and Conservation (DEC), has written to the Shire seeking reconsideration of Council's earlier decisions regarding the Reserve and is seeking the support of the Shire for the transfer of Crown Reserve 34213 to the Conservation Commission of Western Australia as a class "A" nature reserve.

Council, at its 22 April 2015 Ordinary Meeting again resolved to not support the transfer as a Class A Nature Reserve but did request the CEO to make contact with DPAW and invite a representative to discuss options.

Mr Greg Durell, DPAW, District Manager for the Great Southern Region attended the 27 May 2015 and advised that in terms of conservation importance, Parks/Reserves have ratings as follows:

- a) Nature Reserves;
- b) National Park; and
- c) Conservation Park – where this status allows for other uses such as tourism and recreation and perhaps water.

See attached notes from that discussion.

Following the discussion it was concluded that Council seek comment from local landholders regarding the potential to support the transfer of Reserve 34213 from the Department of Water to the management of DPAW as a Conservation Park.

Comment

Reserve 34213 is currently managed by the Department of Water, which in mid 2011 identified the reserve as surplus to its management requirements.

Reserve 34213 is located on the western side of Fence Road between Broombrush Flat Road and Finley Road in the Lake Camm locality and comprises a total area of 323.7ha.

The subject land is characterised by low level scrub type vegetation and includes a centrally located granite outcrop and an internal walking track from Fence Road to the granite outcrop.

As mentioned when this matter was previously considered in 2013 and April 2015, Management of this area is difficult because of its remote location and it abuts farming land. DPAW has again stated that “management of this area for conservation will ensure that the vegetation and associated fauna within Reserve 34213, including *Isoetes brevicula* is protected and that the community can continue to use this area for passive recreation”.

Following consultation with local land owners it has been established that there is support for the transfer of the management of Reserve 34213 should its status be limited to that of Conservation Park with notation that it may be used for water catchment and storage purposes.

Legal Implications

Local Government (Administration) Regulations 1996

Regulation 10. Revoking or changing decisions (Act s. 5.25(1)(e))

(1) If a decision has been made at a council or a committee meeting then any motion to revoke or change the decision must be supported —

- (a) in the case where an attempt to revoke or change the decision had been made within the previous 3 months but had failed, by an absolute majority; or*
- (b) in any other case, by at least 1/3 of the number of offices (whether vacant or not) of members of the council or committee, inclusive of the mover.*

(1a) Notice of a motion to revoke or change a decision referred to in subregulation (1) is to be signed by members of the council or committee numbering at least 1/3 of the number of offices (whether vacant or not) of members of the council or committee, inclusive of the mover.

(2) If a decision has been made at a council or a committee meeting then any decision to revoke or change the first-mentioned decision must be made —

- (a) in the case where the decision to be revoked or changed was required to be made by an absolute majority or by a special majority, by that kind of majority; or*
- (b) in any other case, by an absolute majority.*

The Shire of Lake Grace Local Planning Scheme No 4 shows the current classification as Local Scheme Reserve – Public Purposes – Water Supply and if a change was to be approved, would need to be changed to Local Scheme Reserve – Conservation Park

This can be considered to be a minor amendment and left to the next review or as a part of a future omnibus amendment to LPS4.

Officers of the Department of Local Government and Communities have advised that as the previous decisions did not result in any change to the status of the Reserve, there is no requirement to revoke the earlier decisions. It is contended that the decisions reflected the views of Council at that time and that Council is open to change its position

Policy Implications

Nil

Consultation

The Department of Parks and Wildlife (formally Department of Environment and Conservation) has indicated that it had discussions with the Department of Water and its advice was;

- There is no water infrastructure currently constructed on the reserve 34213
- There is no documented water source of any significance or water extraction information for this reserve and the site and not a priority for establishment of a community water supply.
- There is a number of existing strategic community water supplies in the Shire and the Department of Water is focused on maintaining those sites to provide emergency water supplies

Financial Implications

Nil

Strategic Implications

The proposal is consistent with the environment protection objectives of the Shire of Lake Grace Local Planning Strategy.

The proposal will allow the land to be used for recreation purposes in a manner consistent with and complementary to DPAW's conservation objectives. As such it is likely to have significant and worthwhile cultural benefits for the local community and travelling public.

Voting Requirements

Recommendation 1: Absolute majority (5) required.

Recommendation 2: Simple majority required.

Recommendations/ResolutionsNotice of Motion to Revoke

A Notice of Motion to Revoke has been received in writing.

In accordance with Regulation 10 of the *Local Government (Administration) Regulations 1996*, Cr Armstrong moved, supported by Cr De Landgraft and Cr Sinclair (being 1/3 of the Offices of Council) that Council consider revoking Motion 12023 of the 22 April 2015 Ordinary Meeting.

Recommendation 1/Resolution**MOTION 12105**

Moved Cr Hunt
Seconded Cr Clarke

That Motion 12023 of the 22 April 2015 Ordinary Council Meeting be revoked.

MOTION CARRIED BY ABSOLUTE MAJORITY 7/0

Recommendation 2/Resolution

MOTION 12106

Moved Cr Clarke
Seconded Cr De Landgraft

That Council:

1. advise the Department of Parks and Wildlife that the Shire of Lake Grace supports the proposal to have Reserve 34213 set aside as a 'Conservation Park' reserve vested in the Conservation Commission of Western Australia for the purpose of Tourism, Recreation and Water; and,
2. That the classification of Reserve 34213 in the Shire of Lake Grace Local Planning Scheme no 4 (LPS No 4) be changed from 'Local Scheme Reserve – Public Purpose – Water Supply' to 'Local Scheme Reserve – Conservation Park' in the next review of LPS No 4 or as part of a future possible omnibus amendment to LPS No 4 with capacity to be used for recreation and water catchment and storage purposes.

MOTION CARRIED 7/0

16.3 WALGA GOVERNANCE REVIEW – DISCUSSION PAPER

Applicant:	WA Local Government Association
File No.	0029
Attachments:	Discussion Paper
Author:	Mr Neville Hale Chief Executive Officer
Disclosure of Interest:	Nil
Date of Report:	13 August 2015
Senior Officer:	Mr Neville Hale Chief Executive Officer

Summary

For Council to review and comment on the attached WALGA Governance Review – Discussion Paper.

Background

The review is being undertaken as a consequence of concerns expressed by the Shire of Wagin regarding the effectiveness and efficiency of State Council and Zone processes. The Review has been widened to include:

The attached Discussion Paper focuses on the following:

- A review of Documentation – Key Issues – Section 2 of the Paper;
- Technical drafting – Correction of technical wording issues and the alignment of issues in the three governance documents – Section 3 of the Paper;
- Review of State Council and Zone processes and effectiveness – Section 4 of the Paper.

The three Governance documents to be reviewed are:

- Constitution
- Corporate Governance Charter
 - Code of Conduct
 - Confidentiality Agreement; and,
- Standing Orders
 - State Council
 - Annual General Meeting

Comment

The various matters upon which WALGA is seeking comment are outlined in the attached Discussion Paper which is comprehensive in its detail on the issues under consideration.

One matter of interest to regionally based local governments is discussed in Clause 2.2.11 – Relationship between State Council, Zones and Local Governments which outlines the current structure and relationship between each of the three levels of representation. The proposed Executive Committee discussion and its impact on the current State Council Co-Chairs arrangements and Policy Forums.

Consistent with the general tightening of accountability across the sector, Clause 2.3.2 contemplates measures to deal with breaches of the Corporate Governance Charter and the roll of State Council's Standing Orders to include complaints-handling procedures.

The general thrust of Section 3 – Technical Drafting seeks to bring into alignment the contents of the three core documents of the Association, i.e. the Constitution, Corporate Governance Charter and the Standing Orders and the fixes required are detailed in the paper.

Section 4 Review of State Council and Zone Effectiveness is the essential item of consideration flowing from the earlier expressed concerns of the Shire of Wagin. The matter of inclusiveness in the decision making process, i.e. Zones have an opportunity to provide comment, verses timeliness, the set meeting schedules of Zones and Council, has created problems in the past.

Of concern to some has been the feeling that regional issues may not get the attention they deserve.

Legal Implications

N/A

Policy Implications

N/A

Consultation

WALGA is the representative body of local governments across the State.

Financial Implications

N/A

Strategic Implications

Shire of Lake Grace Strategic Community Plan

Civic Leadership

- CL 1 Elected members provide visionary leadership that fairly and equitably represents their shire community
- CL 1.2 Greater representative input into decisions, proactive community input into decision making

Recommendation

For Councillors to consider the merits of the WALGA Governance Review – Discussion Paper.

Voting Requirements

Simple majority required.

Resolution**MOTION 12107**

Moved Cr Hunt
Seconded Cr De Landgraft

That Council acknowledges and receives the report regarding the WALGA Governance Review Discussion Paper.

MOTION CARRIED 7/0

16.4 POTENTIAL SITES – LAKE GRACE OVER 55 AGED ACCOMMODATION

Applicant:	Shire of Lake Grace
File No.	0454
Attachments:	Appraisal Report
Author:	Mr Neville Hale Chief Executive Officer
Disclosure of Interest:	Nil
Date of Report:	24 August 2015
Senior Officer:	Mr Neville Hale Chief Executive Officer

Summary

For Council to determine its preferred site for the development of the next three Over 55 Aged units to be constructed in Lake Grace.

Background

Council at its 22 July 2015 Ordinary Meeting resolved:

MOTION 12076 Moved Cr Clarke, Seconded Cr Stanton

That Council authorise:

1. The CEO to secure a detailed assessment to construct three (3) new aged persons' dwellings on either:

- a) 32 (Lot 56) Absolon Street Lake Grace,*
- b) 44/46 (Lots 46/47 Bennett Street Lake Grace, or*
- c) 49 & 51 (Lot 107 & Lot 106) Bennett St Lake Grace*

2. Costs associated with architectural and design assessment to be funded from Account E042029 Consultancy Charges or Account E106030 Town Planning Consultant Fee for costs associated with any required planning matters.

MOTION CARRIED 8/0

Similar to the three units built at 5 Bennett Street in 2014, the proposed development will comprise the following key elements:

- i) Three (3) new dwellings designed specifically to accommodate the elderly which will be constructed of weatherboard/fibre cement wall cladding and powder coated steel roofing;
- ii) Each dwelling will comprise three (3) bedrooms, two (2) bathrooms and a double carport;
- iii) The dwellings will have a total floor area ranging between 157.86m² to 159.19m² (including individual carports);
- iv) All dwellings will have a wall height of 2.44 metres and a ridge height of approximately 5.5 metres;
- v) Proposed Units will have either direct frontage, access to a common internal driveway access and or access to/from an existing right-of-way.

It is proposed to utilise the floor plans from 5 Bennett Street Lake Grace for the proposed three new units.

Gary Batt Associates Architects have provided an Appraisal Report on the three locations identified at the 22 July 2015 Ordinary Meeting.

Comment

As previously stated, two of the proposed sites are zoned R20 and under the provisions of the R codes, whilst Lot 107 is zoned R30. Special purpose dwellings, i.e. aged or dependent persons units, are afforded a 30% density bonus over the base “R” classification. Hence, Council may approve three (3) Independent Living units on either of the two R20 sites.

Lot 107 is coded R30 under LPS No.4 (see Scheme Map extract below) which means that for standard residential type development the minimum allowable lot area per dwelling is 300sqm. However, given the Shire’s intention to develop aged persons accommodation and that the R-Codes allow a one third reduction in the minimum allowable lot area per dwelling, the Shire can go down to 200sqm per dwelling unit subject to compliance with the relevant section of the R-Codes and Council’s formal planning approval.

The Report prepared by the Gary Batt Architects recommends the use of Lot 107 and has identified Lot 106, which together form Reserve 24473, for future similar development. Please see attached report. The Reserve is currently under a Management Order with the Shire for the purpose of “Childrens Playground”.

Should Council approve of the use of this site, it will be necessary to seek the approval of the Minister for Lands to change the purpose of the Reserve. This is expected to take in the order of three months.

The Reserve is currently zoned “Aged Housing” under the Shire’s Local Planning Scheme.

Legal Implications

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

Policy Implications

Nil

Consultation

Internal	Gary Batt & Associates Senior Management Team
External	Department of Lands Craig Reeves, Department of Water Joe Douglas, Urban and Rural Perspectives Alan Stubberfield, Outback TV

Financial Implications

\$5,000 is included in Shire’s 2015/2016 budget for the initial assessment.

Strategic Implications*Shire of Lake Grace Strategic Community Plan*

Economic: The Shire of Lake Grace is a prosperous and diversified economy and well serviced built infrastructure to foster the district community towards 2023.

- Ec3.1 Prioritise the immediate development of a 10 year infrastructure plan that determines the rational for ongoing works, maintenance, usage and development of built and civic infrastructure.

The development of additional aged person's accommodation in the Lake Grace town site could be expected to have significant cultural benefits for both the town and the Shire generally as it will enable many elderly people to maintain and foster ties with their families and the local community.

Voting Requirements

Simple majority required.

Recommendation/Resolution**MOTION 12108**

Moved Cr Chappell
Seconded Cr Clarke

That Council:

1. Endorse Lot 107 Bennett Street, Lake Grace for development of three Over 55 Aged Units to be funded through the 4WDL Aged Housing Project under the 2015 Royalties for Regions Southern Investment Initiative; and,
2. Authorise the Chief Executive Officer to seek approval for the designated purpose of Reserve 24473, located on the corner of Lawson and Bennett Street, Lake Grace, to be changed from "Children's Playground" to "Community Aged Housing" with costs to be funded from account E106030 – Town Planning Consultant.

MOTION CARRIED 7/0

17.0	INFORMATION BULLETIN
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17.1 **INFORMATION BULLETIN REPORT – JULY 2015**

Applicant:	Executive Services
File No.	N/A
Attachments:	1- 19 (<i>under separate cover</i>)
Author:	Mrs Jeanette Bennett Executive Assistant
Disclosure of Interest:	Nil
Date of Report:	15 August 2015
Senior Officer:	Mr Neville Hale Chief Executive Officer

Summary

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

Background

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

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

Copies of other relevant Councillor information are distributed via email.

Comment

This month's (July 2015) Information Bulletin Report has been emailed to Councillors.

The June 2015 Information Bulletin at attachment includes:

Reports

1. July 2015 Council Status Report
2. Outstanding Rates Report – July 2015
3. Shire of Lake Grace Facebook Statistics – June & July 2015
4. EWBG – Monthly Activity Report (Dogger) - July 2015
5. Dept Sport & Recreation – Kidsport Reports

Letters

6. WALGA – Cr Lynne Craigie New State President
7. WALGA State President – State Council Visit
8. Email from Central Country Zone re speakers at 3 September Forum
9. Minister for Transport – Main Roads WA Operations
10. Main Roads WA re Centralisation of Wheatbelt Region Operations
11. Deputy Prime Minister Warren Truss – ALGA National General Assembly in Canberra
12. City of South Perth re City of Perth Bill 2015
13. Lake Grace Pingrup Football Club – Colts Carnival Thank You
14. Ms Holly King – Work Experience Thank You

Minutes

15. 4WDL Meeting Minutes 12 August 2015
16. LGRHAC Meeting Notes – 6 August 2015

Circulars etc.

17. Department of Local Government & Communities – Election Circular
18. WALGA – Economic Briefing – July 2015
19. Lake Bryde Natural Diversity Recovery Catchment Newsletter – August 2015

Legal Implications

Nil

Policy Implications

Nil

Consultation

N/A

Financial Implications

Nil

Strategic Implications

Shire of Lake Grace Strategic Community Plan

Civic Leadership - Focus Area 5)

- Excellence in Shire Administration and Communication

Voting Requirements

Simple majority required.

Voting Requirements

Simple majority required.

Recommendation/Resolution**MOTION 12109**

Moved Cr Hunt

Seconded Cr Armstrong

That Council accepts the Information Bulletin report.

MOTION CARRIED 7/0

18.0 URGENT BUSINESS BY DECISION OF THE MEETING

None.

19.0 SCHEDULING OF MEETING

19.1 SEPTEMBER 2015 ORDINARY MEETING

As per Resolution 11960, 19 November 2014 the September 2015 Ordinary Meeting of Council has been scheduled to take place on Wednesday 23 September 2015, commencing at 3.00 pm in Council Chambers, 1 Bishop St, Lake Grace WA.

20.0 CONFIDENTIAL BUSINESS – as per Local Government Act s5.23 (2)

MOTION 12110

Moved Cr Chappell
Seconded Cr Armstrong

That Council close the meeting to the public at this time, being 5.51 pm, to discuss Item 20.1 – Lake Grace & Newdegate Medical Practice – GP Vacancy.

MOTION CARRIED 7/0

20.1 LAKE GRACE & NEWDEGATE MEDICAL PRACTICE – GP VACANCY

MOTION 12110

Moved Cr Chappell
Seconded Cr Armstrong

That Council close the meeting to the public at this time, being 5.51 pm, to discuss Item 20.1 – Lake Grace & Newdegate Medical Practice – GP Vacancy.

MOTION CARRIED 7/0

MOTION 12111

Moved Cr Chappell
Seconded Cr De Landgraft

That Council, as per clause 16.1 of the Shire of Lake Grace Standing Orders Local Law, suspends Standing Orders at this time, being 5.17 pm.

MOTION CARRIED 7/0

5.40 pm *Mr Shopov left the meeting and returned at 5.46 pm.*

MOTION 12112

Moved Cr Chappell
Seconded Cr De Landgraftt

That Standing Orders resume, the time being 5.46 pm

MOTION CARRIED 7/0

MOTION 12113

Moved Cr Sinclair
Seconded Cr Hunt

That Council re-open the meeting to the public at this time, being 5.47 pm.

MOTION CARRIED

MOTION 12114

Moved Cr Chappell
Seconded Cr Hunt

That Council:

1. Engage First Health to manage the Lake Grace medical practice as from 1 October 2015 in accordance with the attached proposal flowing from its Memorandum of Understanding with the Wheatbelt General Practice Business Support Service of which the Shire of Lake Grace is a participant;
2. Agree to the contract service fee of \$143,227 in year one together with cost incurred as a result of variation between locum doctor billings and expenses incurred; and,
3. Recognise that, in accordance with Local Government (Functions and General) Regulations - reg 11(2)(f), it has good reason to believe that, because of the unique nature of the services required and given that tenders had previously been called for the establishment of the MOU, it is unlikely that there is more than one potential supplier of this service;
4. Request the Chief Executive Officer to contact Mr Chris Swarts, First Health, to arrange a meeting to finalise the specific services to be provided in the management and operations of the Lake Grace and Newdegate Medical Practice for final consideration by Council at its September 2015 Ordinary Meeting.

MOTION CARRIED 7/0

21.0 CLOSURE

There being no further business, the Shire President closed the meeting at 5.49 pm.

22.0 CERTIFICATION

I, Andrew James Walker, certify that the minutes of the meeting held on the 26 August 2015 as shown were confirmed as a true record at the meeting held on the 23 September 2015.

Shire President

Date