

Shire of Lake Grace

Ordinary Council Meeting



NOTICE PAPER

To the President and Councillors

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

Date: Wednesday 23 September 2015

At: Council Chambers, 1 Bishop St
Lake Grace WA

Commencing: 3.00 pm

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

Neville Hale
Chief Executive Officer

17 September 2015
Date

Shire of Lake Grace

Ordinary Council Meeting

Agenda

23 September 2015

Meeting Commencing at 3.00 pm

Disclaimer

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In particular and without derogating in any way from the broad disclaimer above, in any discussion regarding any planning application or application for license, any statement or limitation or approval made by a member or officer of the Shire of Lake Grace during the course of any meeting is not intended to be and is not taken as notice of approval from the Shire of Lake Grace. The Shire of Lake Grace warns that anyone who has an application lodged with the Shire of Lake Grace must obtain and only should rely on WRITTEN CONFIRMATION of the outcome of the application and any conditions attaching to the decision made by the Shire of Lake Grace in respect of the application.



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SHIRE OF LAKE GRACE

Agenda for the Ordinary Meeting of Council to be held at Council Chambers, 1 Bishop St Lake Grace WA, on Wednesday 23 September 2015.

1.0 OPENING & ANNOUNCEMENT OF VISITORS

The Shire President opened the meeting at __ pm.

2.0 ATTENDANCE RECORD

2.1 PRESENT

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

In Attendance

Mr N Hale	Chief Executive Officer
Mr L Shopov	Manager Infrastructure Services
Ms L Holben	Manager Community Services
Mrs J Bennett	Executive Assistant

Observers/Visitors

2.2 APOLOGIES

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.

Motion 12093 August 2015 – Cr Chappell has approved leave of absence from 12 September to 19 September 2015.

3.0 PUBLIC QUESTION TIME

4.0 APPLICATIONS FOR LEAVE OF ABSENCE

5.0 MINUTES OF PREVIOUS COUNCIL MEETINGS

5.1 ORDINARY MEETING –26 AUGUST 2015

Resolution

MOTION 12115

Moved Cr
Seconded Cr

That the minutes of the Ordinary Meeting of Council held on the 26 August 2015 be confirmed as a true and accurate record.

MOTION

6.0 DECLARATIONS OF INTEREST

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

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

6.3 DECLARATIONS OF IMPARTIALITY INTEREST – ADMINISTRATION REGULATION SECTION 34C

7.0 NOTICES OF URGENT BUSINESS

8.0 MOTIONS OF WHICH NOTICE HAS BEEN RECEIVED

8.1 SHIRE PRESIDENT'S ALLOWANCE

A Notice of Motion has been received from Cr Chappell in relation to the Shire President's Allowance and the Salary & Allowances Tribunal determination.

This matter is the subject of Agenda Item 14.4 for today's meeting.

9.0 PETITIONS/DEPUTATIONS/PRESENTATIONS/SUBMISSIONS

10.0 MEMBERS' REPORTS

11.0 MATTERS FOR CONSIDERATION – INFRASTRUCTURE SERVICES

11.1 TENDER 3/2015 - SUPPLY AND DELIVERY OF A MOTOR GRADER

Applicant: Manager Infrastructure Services
File No. 0488/0586
Attachments: Evaluation RFT 3/2015 (*under separate cover*)

Author: Mr Louka Shopov
 Manager Infrastructure Services
Disclosure of Interest: Nil
Date of Report: 14 September 2015
Senior Officer: Mr Neville Hale



 Chief Executive Officer

Summary

This report recommends the various actions in relation to Tender 3/2015 Supply and Deliver a Motor Grader

Background

An advertisement for the calling of tenders for supply and delivery of a motor grader was placed through WALGA preferred suppliers electronic quotations system on 26 July 2015. The following manufacturers and sales companies that were selected to submit tenders and responded to the request are listed in Table 1.

No	Tenderer / Supplier	Manufacturer
1	Hitachi Construction Machinery (Australia)	John Deere
2	Komatsu Australia Pty Ltd	Komatsu
3	CJD Equipment Pty Ltd	Volvo
4	Westrac Pty Ltd	Caterpillar

Table 1: List of Suppliers & Manufacturers

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 65%
- Warranty and Service 15%
- Performance 10%
- Delivery Time 10%

The extent to which a Tender demonstrates greater satisfaction of each of these criteria have resulted 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
- Shire of Lake Grace Mechanic Mr Rob Palmer
- Grader Operator Mr Norbert Marwick

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

Tenderer	Manufacturer	Ranking
Hitachi Construction Machinery (Australia)	John Deere 770G	1 71.3
Komatsu Australia Pty Ltd	Komatsu GD 655-5	2 70.8
CJD Equipment Pty Ltd	Volvo G940P	3 69.3
Westrac Pty Ltd	Caterpillar 12M	4 67.6

Table 2: Evaluation ranking

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

The preferred supplier to deliver a motor grader is Hitachi with their John Deere 770G machine, for the total change-over price of \$ 291,700 (GST excluded)

Legal Implications

Local Government Act 1995

Local Government (Functions and General) Regulations 1996

Policy Implications

Nil

Consultation

Internal: Grader operators
Shire Mechanic
Works Supervisor
Chief Executive Officer

Financial Implications

Allowances of \$379,746 for purchasing a new grader and \$90,000 expected trade in value for the current Volvo G940, were made in the Shire's 2015/16 Budget (change over cost of \$289,746 excluding GST).

The recommended John Deere 770G is priced at \$371,700 with a trade-in value for the Volvo G940 of \$80,000 being a net value of \$291,700 (GST excluded).

Strategic Implications

Replacement of the Volvo G940 with a new machine will increase productivity, improve quality of works and reduce maintenance cost.

Recommendation

That Council award Tender 3/2015 for the Supply and Delivery of a Motor Grader to Hitachi Pty Ltd by:

1. Authorising the purchase of a John Deere 770G Grader for the price of \$371,700 (GST exclusive); and,
2. Accepting the trade-in value of \$80,000 (GST exclusive) for its existing Volvo G940 Grader.

Voting Requirements

Simple majority required.

Resolution

Moved Cr

Seconded Cr

11.2 TENDER 4/2015 – SUPPLY OF TWO PRIME MOVER TRUCKS

Applicant: Manager Infrastructure Services
File No. 0488/0586
Attachments: Evaluation RFT 4/2015 (*under separate cover*)

Author: Mr Louka Shopov
 Manager Infrastructure Services

Disclosure of Interest: Nil

Date of Report: 15 September 2015

Senior Officer: Mr Neville Hale




Chief Executive Officer

Summary

This report recommends the various actions in relation to Tender 4/2015, Supply of Two Prime Mover Trucks.

Background

An advertisement for the calling of tenders for supply and delivery of two prime mover trucks was placed in *Western Australian* newspaper on 26 July 2015. The following manufacturers and sales companies that submitted tenders are listed in Table 1.

No	Tenderer / Supplier	Manufacturer
1	CJD Trucks	Kenworth T409 SAR
2	Truck Centre WA	Mack Granite
3	Scania Australia Pty Ltd	Scania (LA 6x4 MNA 90)
4	Westrac Pty Ltd	WesTrac (CT 630A Day Cab)

Table 1: List of tenderers

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 65%
- Warranty and Service 15%
- Performance 10%
- Delivery Time 10%

The extent to which a Tender demonstrates greater satisfaction of each of these criteria have resulted 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
- Shire of Lake Grace Mechanic Mr Rob Palmer

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

Tenderer	Manufacturer	Ranking
CJD Trucks	Kenworth-(T409 SAR)	1 71.5
Truck Centre WA	Westrac CT 630A Day Cab	2 70.1
Scania Australia Pty Ltd	Mack Granite	3 69.5
Westrac Pty Ltd	Scania LA 6x4 MNA 90	4 68.4

Table 2: Evaluation ranking

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

The preferred Supplier to deliver two prime mover trucks is Kenworth, with their T 409 SAR, for the total change over price of \$ 210,000 each (GST excluded).

Legal Implications

Local Government Act 1995

Local Government (Functions and General) Regulations 1996

Policy Implications

Nil

Consultation

Internal: Shire Mechanic
Chief Executive Officer
Shire Truck Drivers

External: Fyfe Transport

Financial Implications

Allowances for purchasing of two new prime movers at total change over price of \$185,000 (GST excluded) have been made within the Shire's 2015/16 Annual Budget.

The recommended T 409 SAR prime mover trucks are priced at \$270,000 each (GST excluded) with a trade-in value of \$60,000 for each DAF FAT CF 85 (GST excluded), being a net value of \$210,000 for each new truck.

The recommended purchase price is 13.5% more than Budget allowance. The difference could be recovered by selling existing trucks at public auction or savings on the purchase of a one year old side tipper trailer, in excellent condition, for \$65,000 instead of a brand new one for \$105,000 (included in this year budget).

Strategic Implications

The replacement of two current DAF FAT CF 85, with new machines will upgrade Shire of Lake Grace vehicle fleet, increase productivity and reduce maintenance and running cost.

Recommendation

That Council award Tender 4/2015 for the Supply of Two Prime Mover Trucks to CJD Equipment Pty Ltd by:

1. Authorising the purchase of two (2) Kenworth T 409 SAR prime mover trucks for the price of \$270,000 each (GST excluded) at the total value of \$540,000 (GST excluded).
2. Accepting the trade-in value of \$60,000 (GST excluded) for each of the existing DAF FAT CE 85 trucks.

Voting Requirements

Simple majority required.

Resolution

Moved: Cr

Seconded: Cr

12.0 MATTERS FOR CONSIDERATION – PLANNING

12.1 PLANNING APPLICATION – PROPOSED TRANSPORT DEPOT & SHORT STAY WORKERS ACCOMMODATION ON LOT 209 McCracken Rd, Newdegate

Applicant: Leanne Bornatici (Landowner)
File No. 0370
Attachments: Plans 1 to 6
Author: Mr Joe Douglas & Mr Carlo Famiano
 Urban & Rural Perspectives -Town Planning Consultants
Disclosure of Interest: Nil
Date of Report: 14 September 2015
Senior Officer: Mr Neville Hale



Chief Executive Officer

Summary

This report recommends that a planning application submitted by Leanne Bornatici (Landowner) to develop a transport depot and short stay workers accommodation on Lot 209 (No.33) McCracken Road, Newdegate be conditionally approved under delegated authority by the Shire's Chief Executive Officer following completion of public advertising subject to no valid objections being received by the Shire during the advertising process.

Background

The applicant is seeking Council's planning approval to develop a transport depot and short stay workers accommodation on Lot 209 (No.33) McCracken Road, Newdegate.

Lot 209 is located in the eastern part of Newdegate within the town's designated industrial area on the south-western corner of the intersection of McCracken and Rasmussen Roads. The land is rectangular in shape, comprises a total area of approximately 2,612m² and has direct frontage and access to McCracken Road along its south-eastern boundary (see Plans 1 & 2).

Lot 209 is relatively flat throughout, has been extensively cleared of all native vegetation and is currently unused with no physical improvements (see Plan 3).

The plans prepared and submitted by the applicant are very broad and do not provide all of the information typically required in support of planning applications (i.e. accurate scaled overall site plan, on-site vehicle access, truck parking & associated stormwater drainage management arrangements etc.). Notwithstanding this fact there is scope for Council to consider and grant approval to the application subject to any valid planning conditions Council considers suitable and appropriate in the circumstances.

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

- i) The establishment of a new transport depot for the parking of trucks used to transport grain during the annual grain harvest period in the district (see Plans 4 & 5);
- ii) Placement of a 47.85m² second-hand transportable building comprising two (2) bedrooms, two (2) bathrooms, an office and crib area. The structure will be raised approximately 300mm above the natural ground level (NGL);
- iii) The purpose of the transportable building is to provide an office, respite and accommodation facilities in support of the proposed transport depot. The accommodation

- component is required to provide drivers with facilities to rest and recover (i.e. fatigue management);
- iv) The transportable building will have a setback of approximately 7.5 metres from the land's south-eastern front boundary (i.e. McCracken Road), a setback of approximately 17.8 metres to the land's north-eastern secondary street boundary (i.e. Rasmussen Road) and a setback of approximately 12 metres from the land's south-western side boundary;
 - v) Creation of on-site parking areas for heavy and light vehicles (i.e. gravel surface treatments);
 - vi) Installation of an on-site effluent disposal system (i.e. septic tanks & leach drains given reticulated sewerage disposal infrastructure is not available);
 - vii) Installation of on-site landscaping, boundary fencing and vehicle gates along the land's frontage to McCracken Road; and
 - viii) The transport depot will comprise two (2) employees (i.e. drivers) at any one time.

Comment

Land Use Permissibility

Lot 209 is classified 'General Industry' zone under the Shire of Lake Grace's current operative Local Planning Scheme No.4 (LPS No.4).

Under the terms of LPS No.4 the development and use of land in the 'General Industry' zone for the purposes of a 'transport depot' is classified as an 'A' which means it is not permitted unless the local government has exercised its discretion by granting planning approval after advertising the proposal for public comment in accordance with Clause 9.4 of LPS No.4.

Under the terms of LPS No.4 the use class 'short stay workers accommodation' is not expressly listed in the Zoning Table as being permitted on any land within the Scheme Area. Notwithstanding this fact, it is considered this proposed use of the subject land is ancillary to the proposed 'transport depot' and therefore has scope to be supported by Council.

The Shire has undertaken various tasks to progress public advertising of the proposal for the minimum required period of fourteen (14) days in accordance with the specific requirements of Clause 9.4 of LPS No.4. This process has included appropriate notices in a local newspaper circulating in the district, correspondence to all nearby and adjoining landowners and public display of the application at the Shire Administration Centre. Council is advised that public advertising will conclude on 7 October 2015 at which point a final decision on the application can be made.

In order to help expedite processing of the application it is recommended that the Shire's Chief Executive Officer be granted delegated authority to finally determine the application following completion of the required public advertising process subject to no valid planning objections being received by the Shire.

Compliance with LPS No.4 Development Standards

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

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

- i) Front building facade; and
- ii) Landscaping.

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

Front Building Facade

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

Under the terms of the plans submitted in support of the application the proposed building is a second-hand transportable structure constructed of metal wall cladding and glazing (i.e. openings). It is significant to note the application proposes the installation of landscaping within the front setback area of the building to help screen the structure from public view.

Despite the proposal being non-compliant with the specific requirements of LPS No.4, the reporting officers have formed the view it is unlikely to have any adverse impacts on the existing character and amenity of the immediate locality for the following reasons:

- i) The subject land is located in a designated industrial area characterised by other existing developments which have utilised non-masonry wall cladding on the facades buildings of similar and larger sizes;
- ii) The transportable building will be setback from the front boundary and partially screened from the land's primary street frontage (i.e. McCracken Road) through the installation of a new landscaping strip within the street setback area; and
- iii) The transportable building is relatively small in size and therefore unlikely to have any negative impacts on the local streetscape in terms of its bulk and scale.

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

Landscaping

Table 2 of LPS No.4 requires that 10% of the total land area for all 'General Industry' type development and usage be dedicated to landscaping, preferably within the primary street setback area. Given that Lot 209 comprises an area of 2,612m², a total of 261.2m² of landscaping is required to be provided on-site.

The information and plans submitted in support of the application propose the provision of approximately 6.7% (i.e. 175m²) of landscaping on Lot 209 which equates to a variation of 3.3% or 86.2m² to the total area required by LPS No.4.

Given the relatively minor nature of the proposed landscaping shortfall and previous decisions by Council to grant planning approval to developments within the Shire's designated industrial areas which were not strictly compliant with the specific requirements of LPS No.4, it is recommended that Council support and approve the area of landscaping proposed.

Transportable Buildings

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

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

As previously mentioned, the workers accommodation building proposed by the application is second-hand. A review of a photograph of the building provided by the applicant (see attached Plan 6) indicates it is an older style, flat roofed 'donga' type structure that could do with some minor upgrade works (i.e. external painting & enclosure of the sub-floor area) to ensure it is of a satisfactory visual standard and makes a positive contribution to the local streetscape.

It is therefore recommended that Council impose suitable conditions on any planning approval issued requiring the external walls and gutters of the building to be painted and the sub-floor area around its periphery enclosed in accordance with the specific requirements of LPS No.4.

Conclusion

It is concluded from a detailed assessment of the application that the proposal to establish a transport depot and short stay workers accommodation on Lot 209 (No.33) McCracken Road, Newdegate is capable of being implemented in a proper and orderly manner and is unlikely to have a negative impact on the general amenity, character, functionality and safety of the immediate locality subject to compliance with a number of conditions. It is therefore recommended that the application be conditionally approved under delegated authority by the Shire's Chief Executive Officer following completion of public advertising subject to no valid objections being received by the Shire during the advertising process.

Legal Implications

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

Policy Implications

Nil

Consultation

Public advertising of the application is currently being undertaken by the Shire Administration for the minimum required period of fourteen (14) days in accordance with the specific requirements of clause 9.4 of Local Planning Scheme No.4.

The closing date for submissions is 7 October 2015.

Financial Implications

Nil

Strategic Implications

Nil

Recommendation

1. That Council grant delegated authority to the Shire's Chief Executive Officer to approve the application for planning approval submitted by Leanne Bornatici (Landowner) to develop a transport depot and short stay workers accommodation on Lot 209 (No.33) McCracken Road, Newdegate following completion of public advertising subject to no valid objections being received by the Shire during the advertising process. Any approval granted by the Shire's Chief Executive Officer pursuant to this resolution shall be subject to the following conditions and advice notes:

Conditions

1. Additional plans and information shall be prepared and submitted to the Shire of Lake Grace for consideration and approval by the Shire's Chief Executive Officer prior to the commencement of any development on the land. These additional plans and information are required to address the following:
 - i. The colours to be used on the external walls and gutters of the transportable building to be placed on the land to bring it up to suitable visual standard;
 - ii. Treatment/s to be used to enclose the sub-floor area of the transportable building;
 - iii. Details of the primary pedestrian access to the transportable building including any access steps and railing/s;
 - iv. The type of plants to be used within the front setback area to help screen the transportable building from public view;
 - v. The location and extent of all proposed on-site effluent disposal infrastructure; and
 - vi. Stormwater drainage management arrangements, particularly from the roofed catchment area of the transportable building.
2. The development shall be undertaken in a manner consistent with the information and plans originally submitted in support of the application as well as the additional plans and information required by Condition No.1 above if and when they are approved by the Shire's Chief Executive Officer.
3. All stormwater generated by the proposed development shall be managed and disposed of to the specifications and satisfaction of the Shire of Lake Grace.
4. A potable water supply shall be provided to the transportable building to the satisfaction of the Shire of Lake Grace and the Water Corporation.
5. The proposed development shall be provided with an adequate on-site effluent disposal system constructed and maintained to the specifications and satisfaction of the Shire of Lake Grace.
6. All vehicle accessways, driveway crossover/s and on-site car parking bays shall be constructed and maintained to the specifications and satisfaction of the Shire of Lake Grace.
7. All landscaping shown on the approved site development plan shall be planted and maintained to the specifications and satisfaction of the Shire of Lake Grace.
8. A maximum of two (2) employees are permitted to be accommodated on the land at any one time unless otherwise approved by Council.
9. The repair and maintenance of vehicles on the land shall be 'incidental' to the approved 'transport depot' use. Vehicle repairs and maintenance shall be limited to those vehicles owned by the applicant's business and directly associated with the approved use of the land. No vehicle repair and/or maintenance services shall be offered or provided to the general public without the prior approval of Council.
10. Any proposed mechanical or vehicle wash down areas must be fitted with an oil separator in

a location approved by the Shire's Environmental Health Officer to the specifications and satisfaction of the Shire of Lake Grace.

11. All oil storage drums / containers shall be kept undercover and on a suitably bunded hardstand area sufficient to contain the maximum quantity of oil stored in the containers to the satisfaction of the Shire of Lake Grace.
12. All waste oil, oil rags and absorbents shall be stored and disposed of to the satisfaction of the Shire of Lake Grace.
13. Any floodlights / security lights that need to be installed are not to be positioned or operated in such manner as to cause the light source to be directly visible to the travelling public or adjoining properties or cause annoyance to the surrounding area.
14. All rubbish generated on-site shall be managed and disposed of to the specifications and satisfaction of the Shire of Lake Grace.
15. The property shall be maintained in a neat and tidy condition at all times to the specifications and satisfaction of the Shire of Lake Grace.
16. Any proposed advertising signage shall be provided in accordance with the standards and requirements of the Shire's Local Planning Policy No.6.5 entitled 'Advertising Signage' unless otherwise approved by Council.
17. The external walls and gutters of the second-hand transportable building to be placed on the land shall be repaired as required and painted with complementary colours to bring it up to suitable standard of presentation.
18. The sub-floor area of the transportable building shall be enclosed with brick, stone, vermin battens or other means acceptable to the Shire of Lake Grace.
19. A refundable cash bond of \$5,000.00 is payable to the Shire of Lake Grace prior to the issuance of a building permit by the Shire to ensure that all upgrade works associated with the transportable building are completed in accordance with the relevant conditions of this approval.
20. A notification, pursuant to section 70A of the Transfer of Land Act 1893 shall be placed on the certificate of title of the land at the cost of the applicant. The notification shall state as follows:

"Proprietors and prospective proprietors are hereby notified that the land is located in the Newdegate townsite's designated industrial area which contains a range of industrial and public uses that may affect the use and enjoyment of the land for short stay workers accommodation purposes due to the emission of noise, dust and/or odours."

Advice Notes

1. The development shall be completed within a period of two (2) years from the date of this approval. If the development is not completed within this period the approval will lapse and be of no further effect. Where an approval has lapsed, no development shall be carried out without the further approval of the Shire of Lake Grace having first been sought and obtained.
2. A completed building permit application must be submitted to and approved by the Shire's Building Surveyor prior to the commencement of any construction on the land.
3. The transportable building to be placed on the land is required to comply in all respects with the National Construction Code of Australia. Plans and specifications which reflect these requirements must be submitted to the Shire with the building permit application.

4. The noise generated by any activities on-site including machinery motors or vehicles shall not exceed the levels as set out under the Environmental (Noise) Regulations 1997.
 5. No construction works shall commence on the land prior to 7.00 am without the Shire's written approval.
 6. Failure to comply with any of the conditions of this planning approval constitutes an offence under the provisions of the *Planning and Development Act 2005* and the Shire of Lake Grace Local Planning Scheme No.4 and may result in legal action being initiated by the local government.
2. In the event that any valid objections are received by the Shire of Lake Grace during the required public advertising process, the application shall be referred back to Council at the next available Ordinary Meeting for further consideration and final determination.

Voting Requirements

Simple majority required.

Resolution

Moved Cr

Seconded Cr

12.2 **PROPOSED AMENDMENT NO.4 TO LOCAL PLANNING SCHEME NO.4 – CROWN RESERVE 27942 BEING LOTS 92 & 93 (NOS. 50 & 52) STUBBS STREET, LAKE GRACE**

Applicant: Gray & Lewis Land Use Planners on behalf of LandCorp, the Department of Agriculture and Food Western Australia & the State of Western Australia

File No. 0525

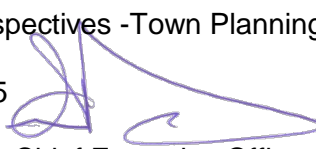
Attachments: Attachment 1

Author: Mr Joe Douglas
Urban & Rural Perspectives -Town Planning Consultant

Disclosure of Interest: Nil

Date of Report: 14 September 2015

Senior Officer: Mr Neville Hale



Chief Executive Officer

Summary

This report recommends that Council resolve to:

1. Initiate an amendment to the Shire of Lake Grace Local Planning Scheme No.4 to reclassify Lot 92 (No.50) and Lot 93 (No.52) Stubbs Street, Lake Grace within Reserve 27942 from Local Scheme Reserve 'Public Purpose - Agriculture WA' to 'Commercial' zone as depicted on the Scheme Amendment map;
2. Authorise the Shire's Administration to make all necessary arrangements to progress the scheme amendment proposal in accordance with the procedural requirements of the *Town Planning Regulations 1967* (as amended) and the new *Planning and Development (Local Planning Schemes) Regulations 2015* which take legal effect on 19 October 2015;
3. Seek consent from the Western Australian Planning Commission for a reduction in the standard prescribed public advertising period from 42 days to 21 days; and
4. Grant delegated authority to the Shire President and Chief Executive Officer to sign and seal the amendment documentation as required throughout the course of the scheme amendment process.

Background & Comment

Gray & Lewis Land Use Planners, acting on behalf of LandCorp, the Department of Agriculture and Food Western Australia (DAFWA) and the State of Western Australia, are seeking Council's approval to initiate a suitable amendment to the Shire's current operative Local Planning Scheme No.4 (LPS No.4) to:

1. Reclassify Lot 92 (No.50) and Lot 93 (No.52) Stubbs Street, Lake Grace within Reserve 27942 from Local Scheme Reserve 'Public Purpose - Agriculture WA' to 'Commercial' zone; and
2. Amend the Scheme Map accordingly.

Specific details of the proposed amendment including all relevant background information, justifications and plans and provided in Attachment 1.

Lots 92 and 93 are located on the corner of Stubbs and Lawson Streets immediately east of the Lake Grace townsite's designated commercial area. The land comprises a total combined area of approximately 2,098m² and contains two adjoining single storey, brick and framed construction office buildings and a number of ancillary improvements associated with its historical development and use by DAFWA for agricultural advisory purposes.

The land is a 'C' class Crown Reserve (i.e. Reserve No.27942) owned by the State of Western Australia with a management order issued in favour of the Western Australian Agriculture Authority for the designated purpose 'Government Buildings – Department of Agriculture'.

It is understood DAFWA vacated the premises on 30 June 2014 with the property subsequently listed with the State government's Land Asset Management Unit for disposal on the basis that the land and improvements thereon are surplus to future operational needs and requirements.

The purpose of the proposed amendment to LPS No.4 is to establish a suitable zoning over the land to ensure appropriate development and land use controls are in place prior to it being offered for sale on the open market.

The applicant has submitted the following justifications in support of the proposal:

1. *The existing offices on the land are sizeable and have capacity to cater for approximately 13 staff members.*
2. *As the land is no longer required by DAFWA it is sound to ensure alternative appropriate zonings are in place to guide any future development or land use changes, particularly in light of the potential for the existing offices to be refurbished to accommodate alternative land uses, or for the land to be redeveloped.*
3. *There are existing Commercial zoned lots immediate west of Lots 92 and 93 along Stubbs Street generally between Lawson Street and Bishop Street. This amendment proposes a 'Commercial' zone over Lots 92 and 93 consistent with zoning to the west.*
4. *The amendment minimises any potential for future land use conflict by ensuring any change in land use will be consistent with established zonings and existing development in the immediate vicinity.*
5. *Introduction of a 'Commercial' zone for Lots 92 and 93 will provide for new business opportunities within the established townsite of Lake Grace.*
6. *The location has potential to support a wide range of land uses which will be facilitated by the proposed 'Commercial' zone extension.*
7. *Due to the lots proximity to residential land, the amendment creates a close relationship between the local resident community and employment, and may increase access to new places of work.*
8. *The subject lots are located within walking distance of all the established infrastructure, services, and business within the Lake Grace townsite, particularly the main commercial strip along Stubbs Street.*
9. *The amendment will facilitate a Commercial zoning over the land compatible with the nature of existing development on the site and consistent with the established 'Commercial' zone to the west.*
10. *The proposed Commercial zone can be justified based on compliance with sound planning principles and ability to cater for a wider range of land uses. The Amendment will ensure appropriate land use and development controls are in place prior to the land being potentially sold in the future to a private buyer.*

Having regard for the various justifications above and the aims and objectives of the Shire's local planning framework, the reporting officer has formed the view that the scheme amendment proposal has considerable merit and should be favourably considered and supported by Council.

Legal Implications

- Shire of Lake Grace Local Planning Scheme No.4
- Planning and Development Act 2005
- Town Planning Regulations 1967 (as amended)
- Planning and Development (Local Planning Schemes) Regulations 2015

Policy Implications

Nil

Consultation

Public advertising of the scheme amendment proposal will be undertaken in accordance with the specific requirements of the *Town Planning Regulations 1967* (as amended) or the *Planning and Development (Local Planning Schemes) Regulations 2015* following the issuance of environmental clearance by the Environmental Protection Authority.

As the proposal is quite straightforward it is recommended, as per the applicant's request, that Council seek consent from the Western Australian Planning Commission for a reduction in the standard prescribed public advertising period from 42 days to 21 days.

Financial Implications

Nil

Strategic Implications

Nil

Recommendation

That Council resolve as follows:

1. In pursuance of Section 75 of the *Planning and Development Act 2005*, amend the Shire of Lake Grace Local Planning Scheme No.4 by reclassifying Lot 92 (No.50) and Lot 93 (No.52) Stubbs Street, Lake Grace within Reserve 27942 from Local Scheme Reserve 'Public Purpose - Agriculture WA' to 'Commercial' zone as depicted on the Scheme Amendment map;
2. Authorise the Shire's Administration to make all necessary arrangements to progress the scheme amendment proposal in accordance with the procedural requirements of the *Town Planning Regulations 1967* (as amended) and the new *Planning and Development (Local Planning Schemes) Regulations 2015* which take legal effect on 19 October 2015;
3. Seek consent from the Western Australian Planning Commission for a reduction in the standard prescribed public advertising period from 42 days to 21 days; and
4. Grant delegated authority to the Shire President and Chief Executive Officer to sign and seal the amendment documentation as required throughout the course of the scheme amendment process.

Voting Requirements

Simple majority required.

Resolution

Moved Cr

Seconded Cr

12.3 **PLANNING APPLICATION – PROPOSED NEW CARPORT ON LOT 19 (NO.9) MORRISON AVENUE, LAKE GRACE**

Applicant:	Mr Allan Duckworth (Landowner)
File No.	0454
Attachments:	Plans 7 to 11
Author:	Mr Joe Douglas & Mr Carlo Famiano Urban & Rural Perspectives -Town Planning Consultant
Disclosure of Interest:	Nil
Date of Report:	14 September 2015
Senior Officer:	Mr Neville Hale



Chief Executive Officer

Summary

This report recommends that a planning application submitted by Mr Allan Duckworth (Landowner) to construct a new timber framed carport to service an existing single detached dwelling on Lot 19 (No.9) Morrison Avenue, Lake Grace be approved subject to conditions.

Background & Comment

The applicant is seeking Council's planning approval to construct a new 22.4m² timber framed carport on Lot 19 (No.9) Morrison Avenue, Lake Grace to service the existing single detached dwelling on the land.

Lot 19 is located in the eastern part of the Lake Grace townsite and comprises a total area of approximately 809m². The land is irregular in shape and has been extensively developed and used for low density residential purposes (i.e. a single detached dwelling) (see Plans 7 to 9).

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

- i) Construction of a new 6.4 metre long and 3.5 metre wide timber framed carport with a maximum wall height of 2.5 metres;
- ii) The proposed new carport will have a total floor area of approximately 22.4m² and will be covered using cream coloured shade cloth supported by timber battens for shade purposes; and
- iii) The new carport will have a nil (i.e. zero) setback from the land's southern side boundary and a setback of approximately 3.5 metres from the land's western front boundary (i.e. Morrison Avenue).

Lot 19 is classified 'Residential' zone under the Shire of Lake Grace's current operative Local Planning Scheme No.4 (LPS No.4) with an applicable residential density coding of R20.

Under the terms of LPS No.4 the construction of a carport in association with a dwelling is permitted on land classified 'Residential' zone without the need for Council's formal planning approval subject to any given proposal satisfying the relevant standards prescribed in LPS No.4 and the Residential Design Codes of WA ('R-Codes').

An assessment of the proposal against the development standards contained in the LPS No.4 and the R-Codes has confirmed it satisfies the majority of standards except for the following:

- i) The application proposes that the new carport be built up to the southern side boundary and within the dwelling's front setback area (i.e. forward of the 6 metre line) in lieu of being constructed behind the dwelling's front setback line as required by the 'deemed to comply requirements' of Element 5.1.3 C3.2 ('Lot Boundary Setback') of the R-Codes.

The following is a brief discussion of this non-compliance issue:

R-Code Element 5.1.3 C3.2 – ‘Lot Boundary Setback’ (Buildings on Boundary)

As previously mentioned the new carport is proposed to be built up to the southern side boundary and forward of the 6 metre front setback line with a front boundary setback of 3.5 metres in lieu of being constructed behind the front setback line as required by the ‘deemed to comply requirements’ of Element 5.1.3 C3.2 of the R-Codes.

Council may consider this non-compliance issue under the ‘design principles criteria’ contained in Element 5.1.3 of the R-Codes which expressly states:

“P3.1 Buildings setback from lot boundaries so as to:

- reduce impacts of building bulk on adjoining properties;*
- provide adequate direct sun and ventilation to the building and open spaces on the site and adjoining properties; and*
- minimise the extent of overlooking and resultant loss of privacy on adjoining properties.*

P3.2 Buildings built up to boundaries (other than the street boundary) where this:

- makes more effective use of space for enhanced privacy for the occupant/s or outdoor living areas;*
- does not compromise the design principle contained in clause 5.1.3 P3.1;*
- does not have any adverse impact on the amenity of the adjoining property;*
- ensures direct sun to major openings to habitable rooms and outdoor living areas for adjoining properties is not restricted; and*
- positively contributes to the prevailing development context and streetscape.”*

Following a detailed assessment of the application in the context of the above ‘design principles criteria the reporting officers’ have concluded the proposed carport structure is capable of being supported and approved by Council for the following reasons:

- i) The average and maximum wall height of the carport to be built up to the southern side boundary satisfies the ‘deemed to comply requirements’ of Element 5.1.3 C3.1 of the R-Codes entitled ‘Lot Boundary Setback’;
- ii) The proposed carport is a light-weight, open sided structure that is unlikely to have an adverse impact on the local streetscape in terms of its bulk and scale;
- iii) That portion of the proposed new carport to be built up to the southern side boundary of Lot 19 abuts the driveway of the existing single detached dwelling on the adjoining Lot 20 (No.11) Morrison Avenue. As such it is contended the proposed new carport will not have any adverse impacts on any major openings to habitable rooms or the outdoor living area associated with the existing dwelling on the adjoining Lot 20;
- iv) Abutting Lot 19 is a substantial verge area comprising a width of seven (7) metres along the land’s Morrison Avenue frontage. The large verge width provides an increased setback between the proposed carport and the road pavement, therefore reducing the carport’s potential impact on the Morrison Avenue streetscape;
- v) The proposed carport and existing dwelling satisfy the ‘deemed to comply requirements’ of Element 5.1.2 C2.1 of the R-Codes entitled ‘Street Setback’ as these apply specifically to both minimum and average required front setback dimensions;

- vi) That portion of the proposed carport to be built up to the southern side boundary and forward of the front setback line will not have an adverse impact on the visual outlook from the immediately adjoining property (i.e. Lot 20 / No.11 Morrison Avenue); and
- vii) The proposed new carport satisfies the 'deemed to comply requirements' of Element 5.4.2 C2.1 of the R-Codes entitled 'Solar Access for Adjoining Sites'.

In light of the above findings and conclusions it is recommended that Council exercise its discretion and grant conditional planning approval to the application.

Legal Implications

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

Policy Implications

Nil

Consultation

Community consultation not required.

Financial Implications

Nil

Strategic Implications

Nil

Recommendation

That the application for planning approval submitted by Mr Allan Duckworth (Landowner) to construct a new carport to service the existing single detached dwelling on Lot 19 (No.9) Morrison Avenue, Lake Grace be approved in accordance with the details of the information and plans submitted in support of the application subject to compliance with the following conditions and advice notes:

Conditions

1. The development is to be undertaken in a manner consistent with the information and plans submitted in support of the application.
2. The new carport shall be an open structure and not be enclosed by any walls or doors unless otherwise approved by Council.
3. The new carport shall be of timber framed construction with a total floor area not exceeding 22.4m² unless otherwise approved by Council.

Advice Notes

1. The development shall be completed within a period of two (2) years from the date of this approval. If the development is not completed within this period the approval will lapse and be of no further effect. Where an approval has lapsed, no development shall be carried out without the further approval of the Shire of Lake Grace having first been sought and obtained.
2. A completed building permit application must be submitted to and approved by the Shire's Building Surveyor prior to the commencement of any construction on the land.
3. The new carport is required to comply in all respects with the National Construction Code of Australia. Plans and specifications which reflect these requirements must be submitted to the Shire with the building permit application.

4. The noise generated by any activities on-site including machinery motors or vehicles shall not exceed the levels as set out under the Environmental (Noise) Regulations 1997.
5. No construction works shall commence on the land prior to 7am without the Shire's written approval. No construction works are permitted to be undertaken on Sundays or Public Holidays.
6. Failure to comply with any of the conditions of this planning approval constitutes an offence under the provisions of the *Planning and Development Act 2005* and the Shire of Lake Grace Local Planning Scheme No.4 and may result in legal action being initiated by the local government.

Voting Requirements

Simple majority required.

Resolution

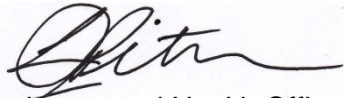
Moved Cr

Seconded Cr

13.0 MATTERS FOR CONSIDERATION – HEALTH & BUILDING

13.1 APPLICATION TO KEEP ROOSTERS – LAKE GRACE TOWNSITE

Applicant:	Mr & Mrs Noel Giles and Mr & Mrs Terry Gladish
File No.	0379
Attachments:	Letters
Author:	Mrs Lauren Pitman



Environmental Health Officer

Disclosure of Interest:	Nil
Date of Report:	14 September 2015
Senior Officer:	Mr Neville Hale



Chief Executive Officer

Summary

A decision by Council is sought for the keeping of a rooster on two premises within the town site of Lake Grace.

Background

A verbal complaint was made by a resident of Lake Grace at the end of May 2015 to the Shire regarding the noise caused by roosters, one being at 3 Absolon Street Lake Grace and one at another house in the immediate area.

The Shire's EHO followed up in person with Mr Gladish, whose late father-in-law was the owner of 3 Absolon Street. The premises is now vacant and the estate still under the control of the executor. Information on the Shire's Health Local Law regarding the keeping of roosters was given to Mr Gladish and a verbal request was made to look into relocating the rooster in order to comply with the local law, as no approval for the rooster was sighted by Shire's EHO in June 2015. Some weeks were given for arrangements to be made to re-locate the rooster to a rural area.

The rooster from 3 Absolon was still not re-located by July 2015, and a further rooster was found to be at 6 Bennett Street. The Shire's EHO visited the 6 Bennett Street property, spoke to the owners, Mr and Mrs Giles, gave them a copy of the Shire's Health Local Law and discussed the possibility of relocating the rooster in order to comply with the local law.

Re-locating both these roosters was heavily opposed by both Mrs Gladish and Mr and Mrs Giles.

Due to the fact that Council is given the ability under the local law to approve a written application to keep a rooster, it was suggested by Shire's EHO in letters to the Gladish's and the Giles' that if they did not intend to remove the roosters by the 31 August 2015, they must apply in writing to the Shire to keep the roosters on the properties.

Both parties applied and both the applications were received on or prior to 14 August 2015.

Comment

The Shire of Lake Grace's Health Local Law 2001 Part 5 Clause 5.4.4 outlines the circumstances for keeping of roosters. In summary, a person cannot keep a rooster or permit a

rooster to be kept on a premises located in a town site within the Shire of Lake Grace, without written approval from Council. A person may apply in writing and Council may give approval, with or without conditions. Council can revoke an approval or not approve the keeping of a rooster if the rooster is, in the opinion of Council, causing a nuisance or is injurious, offensive or dangerous to health.

The two applications to keep a rooster on the properties of 3 Absolon Street and 6 Bennett Street are attached to this item.

To assist Council in making an informed and fair decision on this matter, and to ensure surrounding residents are not aggrieved by a decision made by Council, the Shire's EHO consulted residents of Absolon and Bennett Streets located between Carruthers and Bishop Streets through a letter drop and a survey.

The residents were asked whether they objected to the keeping of roosters at each property. The results are below, and a copy of the letter and survey is attached.

Rooster located at:	Objections	No Objection	N/A
6 Bennett St Lake Grace	4	13	0
3 Absolon St Lake Grace	6	10	1

From the results above, it can be concluded that not just the person who made the verbal complaint to the Shire, but others in the neighbourhood, are also negatively affected by the roosters being kept at these properties.

The common reason for objection was sleep disturbance from the roosters crowing. This can cause stress, tiredness and a safety issue for those whose jobs require them to be very alert while performing them – for example driving.

Council is asked to take into account the public consultation undertaken when making a decision on the keeping of these roosters in the townsite.

Legal Implications

Health Act 1911 (as amended)

Shire of Lake Grace Health Local Law 2001

Policy Implications

Nil

Consultation

Members of the public were consulted during August 2015 through the local newsletter and also a survey to the residents of Bennett and Absolon Streets who may be negatively affected by the roosters being kept at the premises located in their neighbourhood.

Financial Implications

Nil

Strategic Implications

Nil

Recommendation

That Council:

1. Refuse the applications for keeping of a rooster at both 3 Absolon Street and 6 Bennett Street, Lake Grace; and,
2. Allow a period of 28 days from the date of the Council decision, for the roosters to be removed from the properties of 3 Absolon Street and 6 Bennett Street Lake Grace.

Voting Requirements

Simple majority required.

Resolution

Moved Cr

Seconded Cr

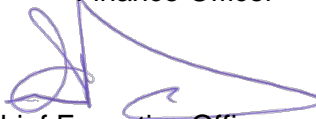
14.0	MATTERS FOR CONSIDERATION – FINANCE
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14.1 **ACCOUNTS FOR PAYMENT – AUGUST 2015**

Applicant:	Shire of Lake Grace
File No.	0277
Attachments:	List of Creditors
Author:	Mrs Lynda Trawinski
Disclosure of Interest:	Nil
Date of Report:	15 August 2015
Senior Officer:	Mr Neville Hale



Finance Officer


 Chief Executive Officer

Summary

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

Background

List of payments for the month August 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 August 2015 from the Municipal and Trust Account Total \$ 318,602.49.

Strategic Implications

Shire of Lake Grace Strategic Community Plan

Civic Leadership Focus Area (5)

- a) Excellence in Shire administration and communication

Recommendation

That Council ratify the list of payments totalling \$318,602.49 as presented for the month of August 2015 incorporating:

- Trust Account Cheques:	840 to 841	\$	200.00
- Electronic Funds Transfer:	EFT 14464 to EFT 14565	\$	264,587.35
- Municipal Account Cheques:	36109 to 36130	\$	42,885.86
- Direct Debits:	DD5654.2 to DD5695.5	\$	10,929.28

Voting Requirements

Simple majority required.

Resolution

Moved Cr

Seconded Cr

14.2 FINANCIAL STATEMENTS

Applicant: Corporate Services
File No. 0756
Attachments: Authorisation
Author: Mr Warrick Millar



Senior Finance Officer

Disclosure of Interest: Nil
Date of Report: 17 September 2015
Senior Officer: Mr Neville Hale


Chief Executive Officer

Summary

Consideration of the financial statements for the month ending 31 July 2015.

Background

The following financial reports are included for your information:

- Monthly Statement of Financial Activity
- Financial Activity Variances
- Significant Accounting Policies
- Statement of Objective
- Acquisition of Assets
- Disposal of Assets
- Information on Borrowings
- Reserves
- Net Current Assets
- Rating Information
- Trust Funds
- Operating Statement by Programme
- Balance Sheet
- Financial Ratios
- Capital Road Works
- Operating Revenue & Expenditure Graphs
- Bank Reconciliations

Comment

Nil

Legal Implications

Local Government Act 1995 – section 6.4

Local Government (Financial Management) Regulations 1996

Policy Implications

N/A

Consultation

Nil

Financial Implications

Nil

Strategic Implications

Shire of Lake Grace Strategic Community Plan

Civic Leadership Focus Area (5)

- Excellence in Shire administration and communication

Recommendation

That Council, in accordance with Regulation 34 of the *Local Government (Financial Management) Regulations 1996*, receives the Statement of Financial activity for the period ended 31 July 2015 as attached.

Voting Requirements

Simple majority required.

Resolution

Moved Cr

Seconded Cr

14.3 UNBUDGETED EXPENDITURE – DEPARTMENT OF SPORT AND RECREATION KIDSPORT PROGRAM

Applicant: Community Services
File No. 0216
Attachments: Nil
Author: Mrs Cheryl Chappell
Community Services Officer
Disclosure of Interest: Nil
Date of Report: 11 September 2015
Senior Officer: Mr Neville Hale



Chief Executive Officer

Summary

For Council to endorse unbudgeted expenditure of \$2,000 for the support of KIDSPORT applications from the community.

Background

The Department of Sport and Recreation (DSR), has provided funding to support the KidSport programme to assist children to meet the cost of participation in sporting activities.

KidSport enables Western Australian children to participate in community sport and recreation, no matter their financial circumstances. Eligible youth aged 5–18 years can apply for financial assistance to contribute towards club fees. The fees go directly to the registered KidSport clubs through their participating local government.

Previously KidSport was administrated from Department of Sport and Recreation Narrogin, this has changed and is now the responsibility of each participating Local Government to advertise and administer the program.

The Shire has received funding from Department of Sport and Recreation of \$2,000 plus GST to run the program for 2015/2016 financial year. It will be necessary for the Shire to establish an account for the redistribution of these funds.

Comment

The Shire has been working in partnership with KidSport since it was implemented in 2012.

The Key Outcomes of KidSport are:

- Increased participation opportunities for eligible KidSport children and youth in sport and recreation clubs.
- Increase in 'new' eligible KidSport participants joining sport and recreation clubs.
- Increase club membership in sport and recreation clubs.
- KidSport is promoted and supported by State sporting associations (SSA's), local sport and recreation clubs and community organisations.
- Partnerships/relationships are developed between Department of Sport and Recreation (DSR), State sporting associations, local governments, referral agents, other community organisations, and government agencies.
- Develop and strengthen local government support, education and training for community sport and recreation organisations.

- Continued identification of targeted areas for implementation of KidSport. I.e.; localities, clubs, individuals.
- Effective administration and promotion of KidSport

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.

** Absolute majority required*

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

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

(a) pursuant to subsection (1)(a), it is to be included in the annual budget for that financial year; and

(b) pursuant to subsection (1)(c), it is to be reported to the next ordinary meeting of the council.

A condition of the grant is that acquittal is to be received by the Department of Sport and Recreation within 30 days each financial year. In addition, the Shire is required to repay, to the Department of Sport and Recreation, those funds which are not used in accordance to the Agreement.

Policy Implications

Nil.

Consultation

Internal: Senior Management Team.

External: Department of Sport and Recreation.

Financial Implications

The KidSport program will have no financial implications to the Shire as it will be funded by Sport and Recreation each year. The Shire of Lake Grace Community Services Department will manage the funds in conjunction with Corporate Services.

A new income account, I113291 - DSR Grant – Kidsport will be established for the purpose of receiving the unbudgeted income.

A new expenditure account, E113291 – Kidsport, will be established to facilitate payment of the grant funds received.

Strategic Implications

Shire of Lake Grace Strategic Community Plan

- EC5.4 Identify new funding opportunities to support identified and prioritised needs.
- S5.3 Plan into community activities, a range of participation opportunities across all demographics to support an active lifestyle (mind and body).

Recommendation

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

1. approve the unbudgeted expenditure of \$2,000 plus GST for the management of the Kidsport program from account E113291 - Kidsport.
2. Endorse the creation of Income account I113291 DSR Grant Kidsport for funding from Department Sport and Recreation.
3. Authorise the associated amendments to the 2015/16 Budget to facilitate the above.

Voting Requirements

Absolute majority (5) required.

Resolution

Moved Cr

Seconded Cr

14.4 SHIRE PRESIDENT'S ALLOWANCE – SALARY & ALLOWANCES TRIBUNAL DETERMINATION

Applicant: Cr Ross Chappell
File No. 0038
Attachments: 1: Email from Cr Ross Chappell
 2: Determination Notice
Author: Mr Peter Dittrich
 Acting Manager Corporate Services
Disclosure of Interest: Nil
Date of Report: 7 September 2015
Senior Officer: Mr Neville Hale



Chief Executive Officer

Notice of Motion

The Chief Executive Officer received a notice of motion from Cr Ross Chappell on 7 September 2015 for Council to consider making a submission to the Salaries and Allowances Tribunal in relation to the determination of the President's Allowance.

In accordance with Section 2.9 (2) of the Shire of Lake Grace Standing Orders, the notice was received at least four clear working days before the meeting at which the motion is to be moved. The Chief Executive Officer directed that the following officer report be prepared.

Summary

For Council to consider making a submission to the Salaries and Allowances Tribunal in relation to the Determination of The Salaries and Allowances Tribunal on Local Government Chief Executive Officers and Elected Members Pursuant to Section 7A and 7B of the Salaries and Allowances Act 1975.

Background

Section 7B(2) of the Salaries and Allowances Act 1975 requires the Tribunal, at intervals of not more than 12 months, to inquire into and determine -

- the amount of fees, or the minimum and maximum amounts of fees, to be paid under the Local Government Act 1995 ('the LG Act') to elected council members for attendance at meetings;
- the amount of expenses, or the minimum and maximum amounts of expenses, to be reimbursed under the LG Act to elected council members; and
- the amount of allowances, or the minimum and maximum amounts of allowances, to be paid under the LG Act to elected council members.

The Tribunal issued its determination in June 2015.

On review of the determination, and in particular, Clause 3.2 (4) which reads as follows:

*(4) The maximum annual local government allowance for a mayor or president of a local government shall not exceed the maximum allowance applicable to that local government in Table 7 or **0.2 per cent** of the local government's operating revenue for the 2013-14 financial year, **whichever is the lesser**. (Emphasis added)*

It was determined that the President's Allowance needed to be reviewed in order to comply with the requirements of the determination.

The Shire of Lake Grace falls under Band 4 in the determination which sets the maximum amount payable at \$19,570. However, based on the Operating Revenue of the Shire for 2013-14 of \$5,556,046, the maximum payable allowed under the above clause is \$11,112 per annum.

Cr Ross Chappell met with the Acting Manager of Corporate Services on the 28th August 2015 to discuss how the President's Allowance was determined. Cr Chappell expressed his concern that the amount of the President's Allowance was inadequate given the time commitment required of the Shire President to perform the role, which also includes, but is not limited to, meetings with VROC, 4WDL, and Wheatbelt General Practice Business Support Service.

An email was received from Cr Ross Chappell on the 7th September 2015 in which he requested that an agenda item be put to the ordinary Council Meeting to be held on 23rd September 2015 for Council to consider making a submission to the Salary and Allowances Tribunal in relation to the following points:

1. Having to use 0.2% of revenue rather than Table 7 Band 4 of the Determination of The Salaries and Allowances Tribunal to set the Annual Allowance for the President does not adequately meet the needs of the Shire of Lake Grace.
2. Ask our zone or other zones to support an increase
3. Enquire as to whether the Salaries and Allowance Tribunal are likely to do a road trip as they have done previously.

Comment

The Salary and Allowances Tribunal usually call for public submissions in the second half of each financial year. This will provide an opportunity for Council to make its submission to the Salary and Allowances Tribunal in relation to the setting of the President's Allowance.

Legal Implications

Local Government Act 1995 – s5.98 (1A) & (5)
Salaries and Allowances Act 1975 Section 7B

Policy Implications

Nil

Consultation

Internal: Cr R Chappell

Financial Implications

The allowance paid to the President is set at the time of budget adoption in accordance with the limitations placed on it under the Local Government Act, 1995.

Strategic Implications

Shire of Lake Grace Strategic Community Plan
Economics Focus (Area 5)

- Transparent Government financial planning

Recommendation

That Council :

1. Acknowledge the calculation of the President's Allowance for 2015/16 has been made in accordance with the 2015 Determination of the Salaries and Allowances Tribunal;
2. Advise its delegates to the Central Country Zone meeting to raise for discussion at the earliest opportunity the issue of the limitation on the Presidents Allowance by the Salary and Allowances Tribunal; and
3. Make a submission in relation to the President's Allowance to the Salary and Allowances Tribunal when public submissions are next called.

Voting Requirements

Simple majority required.

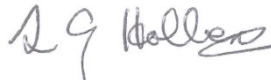

Resolution

Moved Cr

Seconded Cr

15.0 MATTERS FOR CONSIDERATION – COMMUNITY SERVICES
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15.1 UNITING CHURCH LAKE GRACE – POTENTIAL USE AS A THRIFT SHOP

Applicant:	Lake Grace CWA and Activ Southern Districts Regional Council	
File No.	0436	
Attachments:	Letters	
Author:	Ms Lee Holben	
		Manager Community Services
Disclosure of Interest:	Nil	
Date of Report:	10 September 2015	
Senior Officer:	Mr Neville Hale	
		Chief Executive Officer

Summary

For Council to consider the potential use of the Methodist Church Site (Uniting Church) Lot 47 Bennett Street, Lake Grace as a Thrift shop coordinated by the Lake Grace Country Women's Association and Activ Southern Districts Regional Council.

Background

This particular site - Methodist Church Site (Uniting Church) Lot 47 Bennett Street, Lake Grace has been subject to four previous Council agenda items:

28 September 2012, 27 August 2014, 25 February 2015 and 22 July 2015 with the following resolution endorsed at the 22 July 2015 Ordinary Meeting of Council:

MOTION 12065

That Council approves the giving of public notice (thirty days) for registration of potential use of the Church Site - Methodist (Uniting Church), Lot 47 Bennett Street, Lake Grace.

Comment

Two written responses were received in response to the public notice placed in the Shire of Lake Grace Community News during the months of July and August 2015.

The responses were from Lake Grace Country Women's Association (11 August) and Activ Southern Districts Regional Council (14 August) requesting the Shire to consider utilising the Lake Grace Uniting Church site (Lot 47 Bennett Street, Lake Grace) as an Thrift Shop to be managed by the two organisations.

Active Southern Districts Regional Council are part of Activ Foundation who assist those in the community with various forms of disability. The Southern Districts Regional Council of Activ currently operate Thrift shops in Albany and Katanning, both are staffed with volunteers.

Active Southern Districts Regional Council have indicated that they would support the Lake Grace Country Women's Association by providing the costs of set up (shelving etc), covering the cost of power, water and the necessary insurances.

There would be a sign advertising the facility and opening times (to start with one day a week). Sign to be approximately 90 x 60cm. Items would include, clothing, furniture and general household goods. Initially these items would be supplied from Albany and Katanning.

It has been confirmed by Activ Southern Districts Regional Council that there would be no cost to the Shire of Lake Grace other than the provision of the facility and the cost of insuring the building.

The Manager of Infrastructure and Building Supervisor have indicated that minor works would be needed i.e. re doing seals etc. in toilet (only open one), and place some battens in the ceiling to ensure ceiling is secure. This work should be done within the 2015/2016 budget allocation.

The Lake Grace CWA ladies would man the facility one day a week.

The land was a Reserve held by the Church under Conditional Tenure, the Department of Lands sought to have the land first surrendered to the State so the land could be reserved for “Community Centre” purposes then transferred to the Shire. This transfer is currently in the process of being completed.

Lot 47 is classified “Local Scheme Reserve – Church” in Local Planning Scheme No 4 in recognition of its historical development and use for Church purposes. The Local Scheme Reserve classification gives Council the ability to change/grant planning approval, providing it consults with the agency that has the primary interest in the land and there are no objections from that agency. As the Shire will take control of Lot 47 by virtue of the proposed new Crown reserve classification and management order to be issued under the Land Administration Act by the Department of Lands, it only needs to consult with itself for the purposes of approval under Local Planning Scheme No 4.

It is important to note that there would still be a need to obtain approval under the Land Administration Act from the Department of Lands to change the use of the land if any proposed new use does not fit the Department of Lands definition for “Community Centre”.

As such no portion of Lot 47 could be developed and used for any commercial purpose without the Department of Lands formal approval.

Legal Implications

Nil

Policy Implications

N/A

Consultation

Internal: Senior Management Team

External: Lake Grace Country Women’s Association
Allan McKechnie, Chair Activ Southern Districts Regional Council

Financial Implications

An allocation of \$5,730.00 has been made in the 2015/2016 budget for maintenance and insurance of this site.

Strategic Implications

Shire of Lake Grace Community Strategic Plan

- *Ec1 – Support for growth, development and diversification of local business and employment opportunities*
- *Ec3 – maintain community built infrastructure*
- *S3 – Maintain and improve social/community infrastructure to support community wellbeing*

Officer Recommendation

That Council:



1. Endorse the use of the former Methodist Church Site (Uniting Church) Lot 47 Bennett Street, Lake Grace for community purposes (Thrift Shop) to be coordinated by the Lake Grace Country Women's Association and Activ Southern Districts Regional Council for a twelve (12) month period, to be reviewed at the end of this period subject to approval from the Department of Lands; and,
2. That Council authorise the Shire Administration to prepare and lodge a formal planning application seeking Council's approval under Local Planning Scheme No.4 to change the current approved use of Lot 47 (No.46) Bennett Street, Lake Grace from 'Place of Worship' to 'Community Purpose'

Voting Requirements

Simple Majority required.

16.0 MATTERS FOR CONSIDERATION - ADMINISTRATION
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16.1 SHIRE OF LAKE GRACE RECORDKEEPING PLAN – AMENDED PLAN

Applicant:	Coordinator Finance and Administration
File No.	0027
Attachments:	Amended Recordkeeping Plan 2015 Letter State Records Commission
Author:	Mrs Lee-Anne Trevenen 
Disclosure of Interest:	Coordinator Finance and Administration Nil
Date of Report:	14 September 2015
Senior Officer:	Mr Neville Hale 

Chief Executive Officer

Summary

For Council to adopt the Shire of Lake Grace Amended Recordkeeping Plan RKP 2015023 as attached.

Background

Shire of Lake Grace Policy 7.6 - Record Keeping Plan requires Council to maintain a Recordkeeping Plan in accordance with the requirements of the *State Records Act 2000*.

The objectives being;

- *The purpose of the Record Keeping Plan is to define the principles that underpin the Shires record keeping function and the roles and responsibilities of those individuals who manage or perform record keeping processes on behalf of the Shire.*
- *The Plan and its associated procedures establish a framework for the reliable and systematic management of Shire records in accordance with legislative requirements and best practice standards.*

Under the *State Records Act 2000 section 28* the Plan must be reviewed within five (5) years of the approval date and a report of the review submitted to the State Records Commission. The purpose of the review is to ensure that the Plan accurately reflects current practices.

The Shire of Lake Grace Recordkeeping Plan 2004111 was originally adopted by the Director, State Records Commission on 30 August 2006. A further review was undertaken and an updated Recordkeeping Plan was submitted to the State Records Commission in June 2009 to supersede Recordkeeping Plan 2004111.

Following the submission of the Plan, Shire staff worked with the State Records Commission to refine the document. The final review of the Recordkeeping Plan RKP 2009026 was submitted to the Commission on 7 January 2010 and the Shire of Lake Grace was advised on 19 April 2010 that the Plan was approved at the State Records Commission's 7 April 2010 meeting.

At its May 2010 Ordinary Meeting, Council resolved by Motion 11011 to adopt the Shire of Lake Grace Amended Recordkeeping Plan RKP 2009026, as approved by the State Records Commission on 7 April 2010.

The five (5) year review of the Recordkeeping Plan was submitted to the State Records Commission by the due date of 7 April 2015. Shire staff carried out the review in consultation with the State Records Commission staff and identified that the recordkeeping processes and practices described in the Recordkeeping Plan 2009026 had changed in some areas and therefore, an amendment to the Recordkeeping Plan was required.

The amended Recordkeeping Plan was to be submitted to the State Records Commission by 30 June 2015 primarily due to;

- i) the increasing demands relating to electronic records management ie; website, metadata, systems and migration strategy*
- ii) a Records Disaster Recovery Plan was identified as needing to be developed as part of the Recordkeeping Plan.*
- iii) procedure updates*
- iv) confirmation that State archives awaiting transfer to the State Records Office; and records storage facility monitored regularly*
- v) annual listing of records due for disposal; and implementation of a regular disposal program*
- vi) review of recordkeeping activities in section 6.2 Agencies Evaluation; and regular review of performance indicators.*

Comment

The amended Recordkeeping Plan was to be submitted to the State Records Commission by the due date 30 June 2015 and supersedes Recordkeeping Plan 2009026.

The Amended Recordkeeping Plan, RKP 2015023 demonstrates continued progress towards better practice recordkeeping and compliance with the minimum requirements of State Record Commission Standard 2: Recordkeeping Plans and State Record Commission Standard: 6 Outsourcing.

The next review is to be submitted to the State Records Office by 7 August 2020.

Legal Implications

In accordance with *section 28 of the State Records Act 2000*, the Amended Recordkeeping Plan RKP 2015023 for the Shire of Lake Grace is to be reviewed within five (5) years of its approval date.

Policy Implications

Shire of Lake Grace Policy 7.6 Record Keeping Plan – requires Council to maintain a Recordkeeping Plan in accordance with the requirements of the *State Records Act 2000*.

Consultation

Internal: Acting Manager Corporate Services
 Chief Executive Officer
 External: State Records Commission

Financial Implications

Nil

Strategic Implications

Shire of Lake Grace Community Strategic Plan 'Connecting with our Future 2023'

Civic Leadership - Strategy CL6.2 – Incorporate benchmark/best practice into planning and delivery.

Recommendation

That Council:

1. adopts the attached Shire of Lake Grace Amended Recordkeeping Plan (RKP 22015023), as approved by the State Records Commission on 7 August 2015.
2. adopts the Records Disaster Recovery Plan 2015 as part of the Recordkeeping Plan 2015.

Voting Requirements

Simple majority required.

Resolution

Moved Cr


Seconded Cr

17.0	INFORMATION BULLETIN
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17.1 INFORMATION BULLETIN REPORT – AUGUST 2015

Applicant: Executive Services
File No. N/A
Attachments: 1-10 (*under separate cover*)
Author: Mrs Jeanette Bennett

Disclosure of Interest: Nil
Date of Report: 17 September 2015
Senior Officer: Mr Neville Hale



Executive Assistant



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 (August 2015) Information Bulletin Report has been emailed to Councillors.

The August 2015 Information Bulletin at attachment includes:

Reports

1. August 2015 Council Status Report
2. Infrastructure Services Report – August 2015
3. Outstanding Rates Report – August 2015
4. Monthly Schedules – July 2015
5. Environmental Health Officer's Report – August/September 2015
6. Lake Grace Visitor Centre Statistics – August 2015

Minutes

7. 4WDL Minutes – 8 September 2015
8. Audit Committee Minutes – 17 June 2015
9. WALGA CCZ Minutes – 28 August 2015

Circulars etc.

10. Department of Local Government Circular 15/2015 Local Government Elections

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.

Recommendation

That Council accepts the Information Bulletin report.

Voting Requirements

Simple majority required.

Resolution

Moved Cr

Seconded Cr

18.0 URGENT BUSINESS BY DECISION OF THE MEETING**19.0 SCHEDULING OF MEETING****19.1 SEPTEMBER 2015 ORDINARY MEETING**

As per Resolution 11960, 19 November 2014 the October 2015 Ordinary Meeting of Council has been scheduled to take place on Wednesday 21 October 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**

Moved Cr
Seconded Cr

That Council close the meeting to the public at this time, being ___ pm, to discuss:

- Item 20.1 – CEO Performance Review
- Item 20.2 – Lake Grace & Newdegate Medical Centre Practice – Interim Arrangements
- Item 20.3 - Workforce Planning & Organisational Structure.

MOTION CARRIED

20.1 CEO PERFORMANCE REVIEW

Item emailed separately.

20.2 LAKE GRACE & NEWDEGATE MEDICAL PRACTICE – INTERIM ARRANGEMENTS

Late item emailed separately.

20.3 WORKFORCE PLANNING & ORGANISATIONAL STRUCTURE

Late item emailed separately.

MOTION

Moved Cr
Seconded Cr

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

MOTION CARRIED

21.0 CLOSURE

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

22.0 CERTIFICATION

I, _____, certify that the minutes of the meeting held on the 23 September 2015 as shown were confirmed as a true record at the meeting held on the 21 October 2015.

Shire President

Date