

# SHIRE OF LAKE GRACE



# ***Minutes***

Ordinary Council Meeting

23 July 2008

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## **SHIRE OF LAKE GRACE**

### **MINUTES OF THE ORDINARY MEETING OF COUNCIL HELD AT COUNCIL CHAMBERS, 1 BISHOP ST, LAKE GRACE ON WEDNESDAY, 23 JULY 2008.**

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

The Chairperson (President) opened the meeting at 1.02 pm.

#### **2.0 ATTENDANCE RECORD**

##### **2.1 PRESENT**

Cr AJ Walker	Shire President
Cr IG Chamberlain	Deputy Shire President
Cr JF De Landgraft	
Cr AJ Dunkeld	
Cr AI Milton	
Cr WA Newman	<i>entered the meeting at 1.09pm</i>
Cr OP Farrelly	
Cr DP Sinclair	
Cr RP Taylor	
Mr HJ Fraser	Chief Executive Officer
Mr MW Burbridge	Manager Corporate Services
Mr LW White	Manager Community Services
Mr J Douglas	Consultant Town Planner
	<i>- entered the meeting at 1.11pm</i>
Mrs J Bennett	Executive Assistant
Mr Geoff McDonald	Observer

##### **2.2 APOLOGIES**

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

None.

### **3.0 PUBLIC QUESTION TIME**

#### **3.1 MR GEOFF MACDONALD**

Mr MacDonald advised he was present at the meeting in relation to Item 12.5 and that he wished to make a statement in support of his application for subdivision to his property on Newdegate North Rd Lake Bidy, currently before the WA Planning Commission.

The application to subdivide was instigated to facilitate the sale of the land as a temporary relief for cash flow purposes. The proposed subdivided 244ha lot is a viable enterprise in its own right and could be utilised for feedlot purposes. The survey work has been completed. Mr MacDonald stated he has written confirmation from his immediate neighbour Mr Robert Newman, who has first option for purchase and the land would then be leased back to Mr MacDonald for the purposes of carrying on his farming enterprise.

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

#### **4.1 CR SINCLAIR**

An application for Leave of Absence was received from Cr Sinclair prior to the meeting.

#### **MOTION 10630**

Moved Cr Chamberlain  
Seconded Cr Milton

That Cr Sinclair be granted Leave of Absence for the period 5 August to 20 September 2008.

**MOTION CARRIED 8/0**

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

### **5.1 ORDINARY MEETING – 25 JUNE 2008**

#### Resolution

#### **MOTION 10631**

Moved Cr Taylor  
Seconded Cr Dunkeld

That the minutes of the Ordinary Meeting of Council held on the 25 June 2008 be confirmed as a true and accurate record.

**MOTION CARRIED 8/0**

### **5.2 SPECIAL MEETING – 9 JULY 2008**

#### Resolution

#### **MOTION 10632**

Moved Cr De Landgraft  
Seconded Cr Milton

That the minutes of the Special Meeting of Council held on the 9 July 2008 be confirmed as a true and accurate record.

**MOTION CARRIED 8/0**

## **6.0 DECLARATIONS OF INTEREST**

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

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

Crs Chamberlain and Dunkeld submitted declarations in relation to Item 12.5.

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

## **7.0 NOTICES OF URGENT BUSINESS**

None.

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

None.

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

None.

## **10.0 MEMBERS' REPORTS**

### **10.1 CR DE LANDGRAFFT**

Cr De Landgraft attended a meeting of the Lake King Progress Association. Information from the meeting will be provided to Councillors at the after meeting discussion. Minutes of the meeting will be published in the Information Bulletin.

### **10.2 CR MILTON**

Cr Milton attended the 8 July 2008 meeting of the Lake Grace Development Association. Sub committees of the Association presented reports on activities and included the following main topics:

- 'On the Sheeps Back ' Project and ways to move forward with it.
- Visitor Centre Meeting and activities.
- Tourism Group attendance at Australia's Golden Outback 2020 visioning workshop.

Minutes of the meeting will be published in the Information Bulletin.

### **10.3 CR WALKER**

Cr Walker reported attendance at a Lake Grace Centenary Meeting. They are looking at options for publications and memorabilia for the event. Due to Shire and work commitments Cr Walker advised of his resignation from his position as Deputy President of the Centenary Celebration Committee but will remain on the Publications Sub Committee.

**11.0 MATTERS FOR CONSIDERATION – WORKS & SERVICES****11.1 REGULATORY SIGNAGE – PROPOSAL TO INSTALL**

<b>Applicant:</b>	Main Roads WA
<b>File No.</b>	0469
<b>Attachments:</b>	MRWA Inspection Reports – diagrams and recommendations
<b>Author:</b>	Mr Jim Fraser Chief Executive Officer
<b>Disclosure of Interest:</b>	Nil
<b>Date of Report:</b>	14 July 2008
<b>Senior Officer:</b>	Mr Jim Fraser Chief Executive Officer

**Summary**

This report recommends a request be made to Main Roads Western Australia (MRWA) for the installation of Regulatory Signs.

**Background**

Following the road inspection carried out by Councillors and staff on 1 April 2008, an approach was made to Main Roads Western Australia requesting an assessment of the Fisher Road/ North Burngup Road and South Burngup Road/Mallee Hill Road intersections.

The detailed reports are attached.

Regulatory signs are the responsibility of MRWA.

**Comment**

Staff have assessed both reports and propose:

1. Fisher Road/North Burngup Road Intersection – it is recommended that Fisher Road be deemed the through road and that regulatory ‘Give Way’ signs be installed on North Burngup Road. MRWA advise that should the North Burngup Road be deemed the through road ‘Stop’ signs will be required on Fisher Road due to the limited site distance.
2. Mallee Hill Road/South Burngup Road Intersection – it is recommended that the Mallee Hill Road be deemed the through road and that regulatory ‘Give Way’ signs be installed on South Burngup Road.

There are other signage issues at both sites which will require work by Shire Staff.



Legal Implications

Regulatory signs are the responsibility of MRWA.

Policy Implications

N/A

Consultation

External – Main Roads Western Australia

Internal – Works Overseer – Mr Bill McKenna

Financial Implications

The 2008/09 budget will include an allocation for rural signage.

Strategic Implications

N/A

Cultural Implications

N/A

Voting Requirements

Simple majority required.

Recommendation/Resolution

**MOTION 10633**

Moved Cr Chamberlain

Seconded Cr Sinclair

That an application be made to Main Roads Western Australia to install regulatory 'Give Way' signs on North Burngup Road near the intersection with Fisher Road and South Burngup Road near the intersection with Mallee Hill Road.

**MOTION CARRIED 9/0**

## 12.0 MATTERS FOR CONSIDERATION – TOWN PLANNING

1.35pm Cr Farrelly left the meeting and returned at 1.37pm.

### 12.1 UNALLOCATED CROWN LAND EAST OF SPENCER AVENUE, LAKE KING TOWNSITE - PROPOSED STRUCTURE PLAN

An alternative design option for discussion (Proposed Structure Plan No 5) was handed out by Mr Douglas. A letter from Lake King Progress Association was also distributed.

<b>Applicant:</b>	Shire of Lake Grace
<b>File No.</b>	0510
<b>Attachments:</b>	Plans 1 to 6
<b>Author:</b>	Mr Joe Douglas & Carlo Famiano Planning Consultant
<b>Disclosure of Interest:</b>	Nil
<b>Date of Report:</b>	15 July 2008
<b>Senior Officer:</b>	Mr Jim Fraser Chief Executive Officer

#### Summary

This report has been prepared to facilitate commencement of the next stage of the planning process required to be followed to provide for the preparation, public advertising and final adoption of a proposed Structure Plan for the Lake King Townsite (eastern segment). The Structure Plan, once finally endorsed by the Western Australian Planning Commission, will enable the Shire to develop the land for predominantly residential purposes in the medium to long term future subject to the necessary clearances under the 'Native Title Act 1993'.

Preparation and adoption of the proposed Structure Plan in accordance with the specific requirements of the Shire of Lake Grace Local Planning Scheme No.4 is required to guide the future development and expansion of the Lake King townsite.

#### Background

The Shire of Lake Grace has undertaken various investigations over the last two (2) years to help plan for the staged development and release of approximately 42.6 hectares of unallocated Crown land located east of Spencer Avenue in the Lake King townsite for predominantly residential purposes (see Plans 1 & 2 – Location & Aerial Site Plans).

The State Land Services Division of the Department for Planning and Infrastructure and the Shire have also agreed to enter into a Development Lease agreement over the land for a period of ten (10) years which will enable the Shire to develop the land on a staged basis in

accordance with an approved Structure Plan. The Department for Planning and Infrastructure has however indicated that the necessary clearances under the 'Native Title Act 1993' will be a long process that could take up to two (2) years from December 2007 before the land can be made available to the Shire for development purposes.

#### Comment

The subject land is unallocated Crown land located in the eastern-most segment of the Lake King Townsite which has been set aside for future development purposes. The subject land comprises a total area of approximately 42.6 hectares and is classified 'Townsite Development' zone under the Shire's current operative Local Planning Scheme No.4 (LPS No.4).

Clause 5.10 of LPS No.4 states that all future development within the 'Townsite Development' zone must be undertaken in accordance with the details of a Structure Plan approved by the local government and the Western Australian Planning Commission and adopted as a Local Planning Policy under the provisions of Clause 2.4 of LPS No.4.

Final adoption/endorsement of the Structure Plan as a Local Planning Policy under LPS No.4 is required prior to the preparation and submission of any subdivision applications to the Western Australian Planning Commission for approval to commence subdivision development.

#### **Shire of Lake Grace Local Planning Strategy**

The Shire of Lake Grace has prepared a 'Local Planning Strategy' pursuant to the requirements of the Town Planning Regulations 1967 (as amended) under the provisions of the Planning and Development Act 2005. The Local Planning Strategy is a strategic planning tool which sets out the long term planning directions for land use and development throughout the Shire. The Strategy assists Council to make decisions in the context of State, regional and local planning policies by providing a long term strategic planning framework for future land use and development.

The Shire's Strategy, which was endorsed by the Western Australian Planning Commission on 13 June 2007, states that Lake King is characterised by the following key features:

- A resident population of approximately 40 people and a total of 15 dwellings.
- It functions as a Local Service Centre providing for the daily needs of the residents of the town and surrounding farmlands.
- No distinct commercial centre due to the fragmented pattern of development.

- A large grain handling and receival point in the northern part of the townsite which is well separated from existing and proposed residential, commercial and industrial development.
- A variety of buildings and styles reflecting various phases of development over the last 60 years including a limited number of heritage buildings such as the Lake King Goods Shed, Lake King Pioneer Memorial Hall, Lake King School and headmasters residence;
- A water supply reserve and operational infrastructure in the eastern part of the town;
- Large areas of Crown land in the western half of the town comprising significant stands of remnant vegetation which form part of the Damnosa Nature Reserve being an 'A' Class conservation reserve vested in the National Parks and Nature Conservation Authority and managed by CALM.
- Freehold agricultural land of high productive capacity immediately adjacent to all the town's boundaries.

The Local Planning Strategy also recognises that the vacant Crown land in the eastern part of the townsite has significant potential to provide for the establishment of a wide range of residential, commercial, rural living and community uses for the following reasons:

- The current zoning enables further development for townsite purposes.
- The area is a logical extension to existing townsite development.
- The area has an adequate separation distance from existing industrial land uses.
- All essential services (except reticulated sewerage) are readily available.
- The land has good geotechnical conditions for building construction and on-site effluent disposal.
- The land has previously been cleared in most parts however is now covered by native re-growth vegetation, the conservation value and significance of which requires further investigation.
- Infiltration testing will be required prior to development to determine the most appropriate method of on-site effluent disposal.

The Strategy therefore recommends the preparation and adoption of a Structure Plan for this land to ensure that all future development proceeds in a proper and orderly manner with due regard for existing land uses, environmental characteristics and physical constraints.

### **Proposed Structure Plan Options**

Four (4) separate design options for the proposed Structure Plan with varying design layouts have now been prepared by the Shire's town planning consultants for consideration by Council (see Plans 3 to 6 being

Structure Plan Options 1 to 4). It is significant to note that all Structure Plan options have been prepared with due regard for the following:

- The provisions contained in the Department of Health's current 'Draft Country Sewerage Policy' as this relates to the subdivision of land in town's not served by reticulated sewerage; and
- The land capability and flora and fauna investigations commissioned by the Shire Administration over the last two (2) years.

Each Structure Plan option provides for a variety of commercial, residential and rural living-type lots, designated areas of public open space and a 20 metre wide landscaping strip along the land's frontage to Lake King-Norseman Road to ensure a suitable buffer area between this road and all future development.

The four (4) Structure Plan options are based on different design philosophies and result in varying lot yields. Generally each option provides for the creation of:

- i. Predominantly single residential housing lots ranging in size from a minimum of 1,000m<sup>2</sup> and a small number of rural living-type lots ranging in size from one (1) to two (2) hectares;
- ii. A number of additional commercial lots close to the existing town centre to facilitate the development of a distinct and recognisable town centre area; and
- iii. Expansive areas of public open space to conserve some of the pristine native vegetation on the land identified as having environmental significance.

The following is a brief summary of the subdivision statistics for each Structure Plan option presented for Council's consideration:

Option No.	Single House Lots	Rural Living Lots	Commercial Lots	Public Open Space
1	106 lots with areas ranging from 1,000m <sup>2</sup> to 2,448m <sup>2</sup> .	4 lots with areas ranging from 1ha to 2.03ha.	6 lots with areas ranging from 2,872m <sup>2</sup> to 4,694m <sup>2</sup>	5 lots with areas ranging from 2,930m <sup>2</sup> to 7.61ha
2	95 lots with areas ranging from 1,000m <sup>2</sup> to 3,285m <sup>2</sup> .	7 lots with areas ranging from 1.05ha to 1.42ha.	6 lots with areas ranging from 2,872m <sup>2</sup> to 4,694m <sup>2</sup>	3 lots with areas ranging from 5,095m <sup>2</sup> to 6.41ha
3	94 lots with areas ranging from 1,000m <sup>2</sup> to 6,950m <sup>2</sup> .	4 lots with areas ranging from 1.03ha to 2.0ha	6 lots with areas ranging from 2,872m <sup>2</sup> to 5,270m <sup>2</sup>	3 lots with areas ranging from 5,095m <sup>2</sup> to 6.16ha
4	87 lots with areas ranging from 1,000m <sup>2</sup> to 5,950m <sup>2</sup> .	5 lots with areas ranging from 1ha to 1.82ha.	4 lots with areas ranging from 2,872m <sup>2</sup> to 1.38ha	3 lots with areas ranging from 5,095m <sup>2</sup> to 9.37ha

Notwithstanding the extensive amount of work completed to-date to assist formulation of the Structure Plan options presented herewith, it should be noted that the Shire's botanical consultant Anne (Coates) Rick has recommended that a third and final flora survey be undertaken during Spring 2008 to identify any other populations of rare flora that may be contained on the land but could not be identified from previous surveys due to the limited amount of rainfall received during the preceding Winter months. The cost of this work is estimated to be in the order of \$5,000.00 excluding GST. Completion of this work will help to 'firm up' the suitability of Council's preferred Structure Plan option with only minor modifications to the plan likely prior to commencement of the planning processes required to provide for the final adoption and endorsement of the Structure Plan as a Local Planning Policy under LPS No.4.

#### Legal Implications

Planning and Development Act 2005

Environmental Protection Act 1985

Shire of Lake Grace Local Planning Scheme No.4

#### Policy Implications

In order to provide for the coordinated subdivision and development of vacant land within the eastern segment of the Lake King townsite Council must first prepare and adopt a Structure Plan as a Local Planning Policy in accordance with the specific requirements of the Shire's current operative Local Planning Scheme No.4.

#### Consultation

External - Once a preferred Structure Plan option has been selected by Council and the suitability of the design layout is confirmed by a final follow-up flora survey in Spring 2008, the Structure Plan will be advertised for public comment for a minimum period of 14 days in accordance with the specific procedures and requirements of clauses 2.4 and 5.10 of Local Planning Scheme No 4.

#### Financial Implications

The cost of preparing, advertising and finally adopting the proposed Structure Plan is required to be met by the Shire of Lake Grace and is estimated to be in the order of \$10,000.00 excluding GST. This estimate includes the cost of the follow up flora survey recommended to be undertaken in Spring 2008 and all plan preparation, reporting and public advertising costs. It is understood that a suitable allocation for this work will be made in Council's budget for the 2008/2009 financial year.

#### Strategic Implications

The development of the unallocated Crown land east of Spencer Avenue in the Lake King townsite is consistent with the strategic land use planning direction afforded by the Shire of Lake Grace's Local Planning

Strategy as this relates to future residential development in the Lake King townsite.

Cultural Implications

Nil

Recommendations

That Council:

1. Consider the four (4) Structure Plan options prepared for the unallocated Crown land in the eastern segment of the Lake King townsite and advise the Shire Administration and town planning consultant of its preferred design option.

2. Engage a botanist to undertake a third and final follow up flora survey of the unallocated Crown land in the eastern segment of the Lake King townsite during Spring 2008 to help firm up the suitability of Council's preferred Structure Plan option for this land.

Voting Requirements

Simple majority required.

Resolution

**MOTION 10634**

Moved Cr Milton  
Seconded Cr De Landgraft

That Proposed Structure Plan No 5 as presented at this meeting be presented to a public meeting with the community of Lake King and the outcome of that meeting then be presented back to Council.

**MOTION CARRIED 9/0**

***REASON FOR CHANGE***

***Following discussion Council agreed Proposed Structure Plan No 5, while still meeting all LPS4 requirements, was a more desirable outcome for the community than the previously considered options.***

## 12.2 LAKE GRACE TOWNSITE BOUNDARY - PROPOSED BOUNDARY MODIFICATIONS

*An additional attachment showing properties affected by the boundary realignment and the effect on their rates was distributed.*

**Applicant:** Shire of Lake Grace  
**File No.** 0376  
**Attachments:** Plans 7 & 8  
**Author:** Mr Joe Douglas & Carlo Famiano  
 Planning Consultant  
**Disclosure of Interest:** Nil  
**Date of Report:** 15 July 2008  
**Senior Officer:** Mr Jim Fraser  
 Chief Executive Officer

### Summary

This report has been prepared at the request of the Shire's Chief Executive Officer and aims to inform Council of the procedures required to be followed to secure approval to modify the current designated boundaries of the Lake Grace townsite for the purpose of excluding a number of rural residential lots. The proposed boundary modifications have arisen as a direct result of a recent request from the current owner (ratepayer) of an affected lot and will result in the overall size of the Lake Grace townsite being slightly reduced.

### Background & Comment

Lake Grace is one of eight (8) gazetted towns located within the municipal boundaries of the Shire of Lake Grace. Each town has a clearly identified boundary which delineates the extent of the gazetted townsite area. The Lake Grace townsite was gazetted in 1916 and is delineated by the area depicted on the attached Plan 7 (Existing Townsite Boundary).

A current owner (ratepayer) of land located within and on the fringe of the Lake Grace townsite has requested that the Shire consider modifying the existing townsite boundary to exclude all those lots currently classified 'Rural Residential' zone in the Shire's Local Planning Scheme No.4 (LPS No.4) to bring the rating of these properties into line with other similarly zoned properties located outside but in close proximity to the townsite.

Details of the possible alternative townsite boundaries for Lake Grace are shown in Plan 8. Under the terms of this plan a total of sixteen (16) lots will be excluded from the townsite area.

The following table provides details of the properties to be excluded from the Lake Grace townsite including their current zoning / reserve classification in LPS No.4.



No.	Affected Properties	Current Zoning / Reserve Classification in LPS No.4
1	Lot 327 Stubbs Street, Lake Grace	Rural Residential
2	Lot 293 Stubbs Street, Lake Grace	Rural Residential
3	Lot 67 Stubbs Street, Lake Grace	Rural Residential
4	Lot 68 Stubbs Street, Lake Grace	Rural Residential
5	Lot 69 Stubbs Street, Lake Grace	Rural Residential
6	Lot 72 Lucas Street, Lake Grace	Rural Residential
7	Lot 73 Lucas Street, Lake Grace	Rural Residential
8	Lot 74 Slarke Street. Lake Grace	Rural Residential
9	Lots 70, 71,109,108 & 110 Stubbs Street, Lake Grace	Conservation
10	Lots 111, 112 & 113 Stubbs Street, Lake Grace	Public Purpose - Cemetery

A review of Section 26 of the Land Administration Act 1997 indicates that the process of redefining or modifying a townsite boundary is initiated by an order made by the Minister for Lands. Following issuance of the order the Minister will then outline the processes required to be followed, which may include advertising the proposal for public comment.

In order to initiate the process to modify the boundaries of the Lake Grace townsite Council must first resolve to support the proposed boundary modifications. Once Council has formalised its decision, the Shire Administration would then formally write to the Minister for Lands requesting that an 'order' be made to redefine the townsite boundary. The timing associated with completing the whole process is unknown at this preliminary stage and would be better estimated once the Minister has considered the Shire's request and provided advice regarding the various tasks required to be completed.

In considering the suitability of the proposed changes to the Lake Grace townsite boundaries it is recommended that Council have due regard for the provisions contained in the Shire's Local Planning Strategy. The Strategy identifies that the Lake Grace townsite functions as the administrative centre of the Shire and as a District Service Centre providing services and facilities for residents within the Shire and surrounding areas.

In order to accommodate the future expansion of the Lake Grace townsite the Strategy supports development of the vacant 'Residential' zoned land in the eastern part of the townsite for future residential purposes, whilst that land fronting Dewar Street is identified as having potential to be developed for industrial and service commercial type uses. It is significant to note that the Strategy does not identify those lots proposed to be removed from the townsite as being of key strategic importance to the future expansion and development of the town for

urban purposes. Most of the affected lots are in fact classified 'Rural Residential' zone under LPS No.4 with limited potential for future urban development.

#### Legal Implications

Land Administration Act 1997

Planning and Development Act 2005

Shire of Lake Grace Local Planning Scheme No.4

#### Policy Implications

Nil

#### Consultation

External - It is anticipated that the Shire will be required to undertake some form of public advertising of the proposal to modify the designated boundaries of the Lake Grace townsite in accordance with the details presented in Plan 8 of this report. The Minister for Lands is likely to confirm the public advertising requirements following consideration of and approval to the Shire's initial request in this matter.

#### Financial Implications

All costs associated with modifying the boundaries of the Lake Grace townsite are required to be borne by the Shire and is estimated to be in the order of \$2,500.00 excluding GST. The cost of this work could be absorbed in Council's budget for general town planning work in the 2008/2009 financial year.

The proposed modifications to the townsite boundary will result in a decrease in the total amount of rates payable to the Shire on an annual basis for thirteen (13) of the sixteen (16) lots affected by the changes as the rating of these properties would be based on their unimproved value rather than their gross annual rental value as determined by the Valuation Division of the Department for Planning and Infrastructure. An estimate of the extent of the reduced rate income has not been prepared however the loss of revenue could be expected to be substantial given the number of lots affected. Notwithstanding this possible loss, it may be prudent for Council to consider accepting this loss to ensure a consistent and more equitable approach to the rating of all 'Rural Residential' zoned lots in close proximity to the Lake Grace townsite.

#### Strategic Implications

Shire of Lake Grace Local Planning Strategy

#### Cultural Implications

Nil

#### Voting Requirements

Simple majority required.

Recommendation/Resolution

**MOTION 10635**

Moved Cr Newman  
Seconded Cr De Landgraft

That Council approve the proposed modifications to the designated boundaries of the Lake Grace townsite as depicted on Plan 8 of this report and submit a formal written request to the Minister for Lands seeking approval to the revised boundaries pursuant to Clause 26 of the Land Administration Act 1997.

**MOTION CARRIED 9/0**

### 12.3 PLANNING APPLICATION (PROPOSED HOME OFFICE) – 29 COLLIER ST NEWDEGATE

**Applicant:** P & L House Cladding Pty Ltd (Mr Len Armstrong)  
**File No.** 0455  
**Attachments:** Plans 9 & 10  
**Author:** Mr Joe Douglas & Carlo Famiano  
 Planning Consultant  
**Disclosure of Interest:** Nil  
**Date of Report:** 15 July 2008  
**Senior Officer:** Mr Jim Fraser  
 Chief Executive Officer

#### Summary

The following report has been prepared in response to an Application for Planning Approval submitted by Mr Len Armstrong of P & L House Cladding Pty Ltd seeking Council's approval to operate a 'home office' from the existing residential dwelling at Lot 19 (HN.29) Collier Street, Newdegate. An assessment of the application in the context of the Shire's current Local Planning Scheme No.4 and a recommendation regarding the proposal are provided below.

#### Background

Lot 19 Collier Street is located in the north western part of the Newdegate townsite on the northern side of Collier Street immediately opposite the Newdegate Primary School. Lot 19 has direct frontage to Collier Street and a Right-of-Way (ROW) at the rear which appears to be constructed to a gravel standard (see Plan 9 – Location Plan).

According to the latest base mapping and aerial imagery available from Landgate Lot 19 is rectangular in shape, relatively level and comprises a total area of approximately 1,012m<sup>2</sup>. The aerial imagery shows a single house centrally located with an outbuilding located at the rear of the property. Vehicle access to the land is currently facilitated via the rear ROW, with limited or no vehicle access being derived from Collier Street. Adjoining and nearby land uses are predominantly residential (see Plan 10 – Aerial Site Plan).

#### Comment

Mr Len Armstrong of P & L House Cladding Pty Ltd is seeking Council's planning approval to operate a home office from the existing dwelling on Lot 19. The home office relates to an existing established business (i.e. house cladding/renovations).

The applicant has advised that a small area at the rear of the existing dwelling will be utilised to carry out secretarial duties associated with the business (i.e. accounting and paperwork). The home office will comprise a computer, 2 drawer filing cabinet and an office desk.

The applicant has also confirmed that:

- i. the business employs three (3) people, none of whom will work in the proposed home office;
- ii. customers associated with the business will not visit the premises; and
- iii. the site will not be used for the display, sale and/or storage of any building materials.

In considering the application Council is required to have due regard for provisions contained in the Shire of Lake Grace Local Planning Scheme No.4 prior to making a final determination. The following is an assessment of the proposal in the context of the specific requirements of the Scheme to determine its general suitability.

Lot 19 is currently classified 'Residential' zone under Local Planning Scheme No.4 (LPS No.4) with a residential density coding of R20. Council's stated objectives for land classified 'Residential' zone are as follows:

- To achieve a high standard of residential development in accordance with contemporary planning and development practice for the benefit of the community of the Shire of Lake Grace.
- To enhance the character and amenity of residential areas.
- To provide for residential development at a range of densities with a variety of housing types to meet the needs of the community.
- To provide an opportunity for residents to undertake occupations ancillary to the use of their dwelling that are compatible in character, scale and operation with the residential use and which will not have an adverse affect upon the existing character and amenity of these areas.

According to LPS No.4 the definition of a 'home office' is as follows:

*"home office" means a home occupation limited to a business carried out solely within a dwelling by a resident of the dwelling but which does not –*

- (a) entail client or customers travelling to and from the dwelling;*
- (b) involve any adverting signs on the premises; or*
- (c) require any external change to the appearance of the dwelling."*

An assessment of the application confirms that the proposal complies with the definition outlined above.

The following standards are prescribed in Clause 5.15 of LPS No.4 and are applicable to the development and use of any land in the Shire for the purposes of a home office:

- 5.15.1 *An approval to conduct a home business or home occupation is issued to a specific occupier of a particular parcel of land. It shall not be transferred or assigned to any other person and shall not be transferred from the land in respect of which it was granted. Should there be a change of the occupier of the land in respect of which a home business or home occupation approval is issued the approval is cancelled.*

- 5.15.2 *If, in the opinion of the local government a home business or home occupation is having a negative impact on the character of amenity of a locality or is causing a nuisance or annoyance to owners or occupiers of land in the locality the local government may rescind the approval.*
- 5.15.3 *Where the conditions of approval to conduct a home business or home occupation are breached the local government may revoke the approval.”*

Under the terms of LPS No.4 a ‘home office’ is deemed to be a permitted (i.e. ‘P’) use on land classified ‘Residential’ zone subject to Council’s planning approval.

Having regard for all the details submitted by the applicant in support of the planning application to establish ‘home office’ on Lot 19 (HN.29) Collier Street, Newdegate it is concluded that the proposal:

- is generally consistent with the stated objectives of the land’s current ‘Residential’ zoning classification in LPS No.4;
- is consistent with the definition for a ‘home office’ provided in LPS No.4;
- is a permitted use of the land that is capable of being approved by Council subject to any conditions it considers appropriate in the circumstances; and
- is unlikely to have a detrimental impact upon the character and/or amenity of neighbouring properties or the immediate locality.

Legal Implications

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

Policy Implications

Nil

Consultation

External - not required.

Financial Implications

Nil

Strategic Implications

Nil

Cultural Implications

Nil

Voting Requirements

Simple majority required.

Recommendation/Resolution

**MOTION 10636**

Moved Cr Chamberlain  
Seconded Cr Sinclair

That Council approve the Application for Planning Approval submitted by Mr Len Armstrong of P & L House Cladding Pty Ltd to establish and operate a 'home office' from the existing residential dwelling at Lot 19 (HN.29) Collier Street, Newdegate subject to compliance with the following conditions:

1. The proposed use shall remain consistent with the following definition for the use class 'home office' prescribed in Schedule 1 of the Shire of Lake Grace Local Planning Scheme No.4:

'Home office' means a home occupation limited to a business carried out solely within a dwelling by a resident of the dwelling but which –

- (a) does not employ any person not a member of the occupier's household;
- (b) will not cause injury to or adversely affect the amenity of the neighbourhood;
- (c) does not occupy an area greater than 20 square metres;
- (e) does not involve any advertising signs on the premises;
- (f) does not involve the retail sale, display or hire of goods of any nature;
- (g) does not entail client or customers travelling to and from the dwelling;
- (h) does not require any external changes to the appearance of the dwelling;
- (i) does not result in the requirement for a greater number of vehicle parking facilities than normally required for a single dwelling or an increase in traffic volume in the neighbourhood;
- (j) does not involve the presence, use or calling of a vehicle more than 2 tonnes tare weight and does not include provision for the fuelling, repair or maintenance of motor vehicles; and
- (k) does not involve the use of an essential service of greater capacity than normally required in the zone.

2. The planning approval has been issued to the occupier and shall not be transferred or assigned to any other person and shall not be transferred from the land in respect of which it was granted.

3. The approved use shall be undertaken so as to not cause a nuisance or annoyance to the owners or occupiers of any nearby properties or have a negative impact on the character and/or amenity of the immediate locality.

**MOTION CARRIED 9/0**

**12.4      SUBDIVISION APPLICATION – LOTS 14887 & 12292**  
**PINGRUP/LAKE GRACE ROAD, SOUTH LAKE GRACE**

**Applicant:** PH & KE Gow (Licensed Surveyor) on behalf of KJ Holmes, TJ Holmes & JP Krepp (Landowners)  
**File No.** 0453  
**Attachments:** Plans 11 to 14  
**Author:** Mr Joe Douglas & Carlo Famiano  
 Planning Consultant  
**Disclosure of Interest:** Nil  
**Date of Report:** 15 July 2008  
**Senior Officer:** Mr Jim Fraser  
 Chief Executive Officer

Summary

The following report has been prepared in response to correspondence received from the Western Australian Planning Commission (WAPC) on 7 July 2008 seeking Council's comment on the proposed subdivision of Lots 14887 and 12292 Pingrup Lake Grace Road, South Lake Grace. An assessment of the application in the context of the Shire's current Local Planning Scheme No.4 and a recommendation regarding the proposal are provided below.

In accordance with the specific requirements of section 142(2) of the Planning and Development Act 2005 the Shire of Lake Grace has forty two (42) days to provide the WAPC with any comments and/or recommendations considered relevant to the proposal. The 42 day period for comment expires on 14 August 2008. Once Council has considered the proposal a formal written response will be prepared and submitted to the WAPC to assist consideration and determination of the application.

An assessment of the application in the context of the WAPC's current policy No. DC 3.4 (Subdivision of Rural Land) and the Shire's current Local Planning Scheme No.4 and a final recommendation regarding the general suitability of the proposal are provided to assist preparation of the necessary response to the WAPC.

Comment

The subject land is located approximately 21 kilometres south of the Lake Grace townsite in the locality of South Lake Grace (see Plan 11 – Location Plan & Plan 12 – Site Plan).

Lot 12292 comprises an area of approximately 828.7 hectares and is dissected by the north-south alignment of Pingrup - Lake Grace Road through its eastern portion. Lot 14887 is located a small distance east of Pingrup – Lake Grace Road immediately adjacent to the eastern



boundary of Lot 12292. It comprises a total area of approximately 336.8 hectares and does not have any direct frontage to a gazetted and constructed roadway (i.e. it is landlocked).

The latest aerial imagery available from Landgate confirms that Pingrup - Lake Grace Road is constructed to a suitable sealed standard and that the subject landholdings are currently used for broadacre agricultural purposes (i.e. cropping & grazing). The aerial imagery also shows a number of small lakes and dams scattered throughout the land, particularly the western portion of Lot 12292 which is located in close proximity to Lake Grace. Both lots have been extensively cleared to facilitate the current agricultural usage and do not appear to contain any significant vegetation. A small pocket of remnant vegetation is evident in the central portion of Lot 14887 (see Plan 13 – Aerial Photo).

The subdivision application lodged by PH & KE Gow (Licensed Surveyors) on behalf of the current landowners Kelvin John Holmes, Tamara Jane Holmes and Jason Peter Krepp seeks the WAPC's approval to the realignment of the common boundaries between Lots 14887 and 12292 (see plan 14 – Subdivision Application). It is understood from the details submitted in support of the application that the boundary realignment is being proposed to facilitate the sale of the land located on the western side of Pingrup – Lake Grace Road (i.e. Proposed Lot A) to a third party.

Specific details of the changes to the current land areas arising from the proposed subdivision are provided in the following table:

Lot Particulars	Existing Land Area (Approx.)	Proposed Land Area (Approx.)
Existing Lot 12292	828.7 ha	-
Existing Lot 14887	336.8 ha	-
Proposed Lot A	-	647.4 ha
Proposed Lot B	-	518.1 ha

In considering the subdivision application Council is required to have due regard for any relevant provisions contained in the following planning documents prior to formulating its response to the WAPC:

- Shire of Lake Grace Local Planning Scheme No.4; and
- WAPC Development Control Policy No. DC 3.4 – Subdivision of Rural Land

The following is an assessment of the subdivision proposal in the context of the specific requirements of these documents to determine its general suitability.

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

Lots 14887 & 12292 are currently classified 'General Agriculture' zone in the Shire of Lake Grace Local Planning Scheme No.4 (LPS No.4) where the following objectives are required to be considered:

"The General Agriculture Zone is intended primarily for the preservation of agriculturally significant land. Land classified as General Agriculture Zone within the Scheme Area is capable of high levels of agricultural production and is therefore a valuable resource worthy of protection. The local government shall therefore seek to ensure that no action is taken to jeopardize this potential.

#### **Zone Objectives**

- To ensure the continuation of broad-acre farming as the principal land use in the District and encouraging where appropriate the retention and expansion of agricultural activities;
- To protect the potential of agricultural land for primary production and to preserve the landscape and character of the rural areas;
- To provide for a range of rural pursuits such as broad-acre and diversified farming which are compatible with the capability of the land and retain the rural character and amenity of the locality;
- To control the fragmentation of broad-acre farming properties through the process of subdivision;
- To consider non-rural uses where they can be shown to be of benefit to the District and not detrimental to the natural resources or the environment;
- To protect broad-acre agricultural land from land degradation and any further loss of biodiversity by—
  - (i) minimising the clearing of remnant vegetation on public and private lands;
  - (ii) encouraging the retention and protection of existing remnant vegetation;
  - (iii) encouraging the development and protection of corridors of native vegetation;
  - (iv) encouraging the development of environmentally acceptable surface and sub-surface drainage works;
  - (v) encouraging the rehabilitation of salt affected land;
  - (vi) controlling the introduction and spread of alien species of flora and fauna;
  - (vii) encouraging soil conservation through the application of cultural vegetational land management measures."

The application proposes the realignment of a common boundary between two (2) existing rural lots. The proposed lot areas are sufficient

in size to preserve the current broadacre agricultural use of the land and will not result in its fragmentation. To that extent it is the view of this report that the proposed subdivision is generally consistent with the 'General Agriculture' zone objectives of LPS No.4 as this applies specifically to the continuation of broadacre agriculture in the District.

### **WAPC Development Control Policy No.DC 3.4 – Subdivision of Rural Land**

A key objective of WAPC Policy No.DC 3.4 is to minimise the ad-hoc fragmentation of rural land throughout Western Australia. Furthermore, section 3.1 of the above policy specifically states that there is a general presumption against the further subdivision of rural land unless it is specifically provided for in a town planning scheme, an endorsed local planning strategy or an endorsed local rural strategy.

Section 4.5 of the above policy also states that existing lot boundaries that are poorly aligned with natural or constructed features may be corrected through a minor boundary realignment. In this instance the applicant is requesting that the boundary between the two existing agricultural lots be realigned to coincide with the boundaries of the Pingrup- Lake Grace Road road reserve area. At present Pingrup Lake Grace Road passes through Lot 12292 in a north south direction, dividing the land into two distinct parts. Meanwhile Lot 14887 does not have legal frontage to a gazetted and constructed roadway and is therefore 'landlocked'. The proposal will result in Lot 14887 (proposed Lot B) being provided with legal road frontage to Pingrup Lake Grace Road through its amalgamation with that portion of Lot 12292 located immediately west.

Having regard for the objectives and guidelines contained within Policy No. DC 3.4, the reporting officers have formed the view that the proposed subdivision will not result in the ad-hoc fragmentation of rural land in the locality, is generally consistent with the provisions contained in Policy No. DC 3.4 and will resolve the current legal access issues affecting Lot 14887.

### Conclusion

The proposed subdivision of Lots 14887 and 12292 for boundary realignment purposes is considered to be consistent with the objectives and criteria contained in the Shire of Lake Grace Local Planning Scheme No.4 and Western Australian Planning Commission Policy No.DC 3.4. To that extent it is recommended that Council unconditionally supports the proposed subdivision in accordance with the details of the plans submitted in support of the application.

### Legal Implications

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

Policy Implications

WAPC Development Control Policy No. DC 3.4 – Subdivision of Rural Land

Community Consultation

Not required

Financial Implications

Nil

Strategic Implications

Nil

Cultural Implications

Nil

Voting Requirements

Simple majority required.

Recommendation/Resolution

**MOTION 10637**

Moved Cr Farrelly  
Seconded Cr Milton

That Council advise the Western Australian Planning Commission that it unconditionally supports the application submitted by PH & KE Gow (Licensed Surveyors) on behalf of Kelvin John Holmes, Tamara Jane Holmes and Jason Peter Krepp (Landowners) to subdivide Lots 14887 and 12292 Pingrup Lake Grace Road, South Lake Grace in accordance with the details of the plans submitted in support of the application.

**MOTION CARRIED 9/0**

## 12.5 SUBDIVISION APPLICATION – LOT 1 NEWDEGATE NORTH ROAD, LAKE BIDDY

*1.40pm Declarations of proximity interest were declared by Crs Chamberlain and Dunkeld in that they are both neighbours to Mr MacDonald – Cr Chamberlain and Cr Dunkeld left the meeting.*

**Applicant:** Harley Survey Group on behalf of Oakalona Pty Ltd (Landowner)  
**File No.** 0455  
**Attachments:** Plans 15 to 18  
**Author:** Mr Joe Douglas & Carlo Famiano  
 Planning Consultant  
**Disclosure of Interest:** Nil  
**Date of Report:** 15 July 2008  
**Senior Officer:** Mr Jim Fraser  
 Chief Executive Officer

### Summary

The following report has been prepared in response to correspondence received from the Western Australian Planning Commission (WAPC) on 9 July 2008 seeking Council's comment on the proposed subdivision of Lot 1 Newdegate North Road, Lake Biddy into two (2) new, separately titled rural lots.

In accordance with the specific requirements of section 142(2) of the Planning and Development Act 2005 the Shire of Lake Grace has forty two (42) days to provide the WAPC with any comments and/or recommendations considered relevant to the proposal. The 42 day period for comment expires on 18 August 2008. Once Council has considered the proposal a formal written response will be prepared and submitted to the WAPC to assist consideration and determination of the application.

An assessment of the application in the context of the Shire's current Local Planning Strategy, Local Planning Scheme, current State Government planning policy and a final recommendation regarding the general suitability of the proposal are provided below to assist preparation of comments to the WAPC.

### Background

Harley Survey Group Pty Ltd on behalf of the current landowner, Oakalona Pty Ltd, has recently lodged an application with the WAPC seeking approval to subdivide Lot 1 Newdegate North Road, Lake Biddy to create two (2) new separately titled rural lots with direct frontage and access to Newdegate North Road.

The subject land is located approximately 15 kilometres north-north-east of the Lake Biddy townsite and approximately 25 kilometres north of the Newdegate townsite in the locality of Lake Biddy. The subject land is located on the western side of Newdegate North Road to the north of Mount Sheridan Road (see Plan 15 – Location Plan).

Besides three (3) stands of vegetation located centrally in the southern portion of Lot 1, the subject land has been extensively cleared for agricultural purposes.

The applicant has advised that the subject land does not contain any building improvements. A review of the latest aerial imagery available from Landgate confirms that the subject land does not contain any buildings however there are two access tracks that traverse the property in an east-west direction and provide access to Newdegate North Road (see Plan 16 - Aerial Site Plan).

As previously mentioned the application proposes the creation of two (2) new rural lots from one (1) existing lot (see Plan 17 – Plan of Proposed Subdivision). The following table summarises the land area of the existing and proposed lots:

Lot Particulars	Existing Land Area (Approx.)	Proposed Land Area (Approx.)
Existing Lot 1	579.2896 hectares	-
Proposed Lot A	-	335.2345 hectares
Proposed Lot B	-	244.0551 hectares

#### Comment

In considering the proposed subdivision and formulating an appropriate response to the WAPC Council is required to have due regard for the provisions of the Shire of Lake Grace Local Planning Scheme No.4 (LPS No.4), the Shire of Lake Grace Local Planning Strategy (LPS) and any relevant policies adopted by the WAPC.

The following is an assessment of the subdivision proposal in the context of the specific requirements of these documents to determine its general suitability.

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

Under the terms of the Local Planning Strategy and Local Planning Scheme No.4 all agricultural land within the Shire, including the subject land, classified 'General Agriculture' zone is intended to be preserved for agricultural purposes to accommodate the establishment of new agricultural uses and the protection of existing agricultural activities.

Furthermore, the fragmentation of existing agricultural landholdings, via subdivision, which has the potential to jeopardise the sustainability and viability of broadacre farming activities is discouraged.

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

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

The policy under section 4.1 states:

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

*(a) To realign lot boundaries for farming purposes and/or for access to landlocked lots, with no increase in the number of lots.*

*Comment: The application does not provide any information that suggests that it proposes a realignment of lot boundaries. To that extent the proposal does not satisfy this criterion. In the event that it can be demonstrated that the intent of the subdivision is to amalgamate one of the subdivided portions with an adjoining, existing lot for ongoing agricultural purposes it would be open to Council to favourably consider such an application, should such an application be made.*

*(b) To reduce the area of large land parcels which are two or more times the area of typical lots used in the district for farming.*

*Comment: In comparing the areas of lots in the vicinity of the subject land it is evident that Lot 1 is not “two or more times” the area of typical lots used in the district for farming and is in fact an average sized lot (see Plan 18 – Comparison of Lot Sizes in the Immediate Vicinity).*

*(c) To protect and actively conserve places of cultural and natural heritage.*

*Comment: Not applicable.*

*(d) To allow for the efficient provision of utilities and infrastructure and/or for access to natural resources.*

*Comment: Not applicable.*

*(e) To allow for the continued occupation of existing houses when they are no longer used in a farming operation.*

*Comment: Not applicable.*

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

*Comment: The applicant has not provided any additional information which would justify Council's consideration of the proposal under this criterion.*

In reviewing the application against the above WAPC DC Policy No. 3.4 criteria it is clear that the application does not satisfy any of the criteria that would warrant its recommendation for subdivision approval.

Conclusion

The proposed subdivision of Lot 1 Newdegate North Road, Lake Bidy to create two (2) new separately titled rural lots is considered to be inconsistent with the objectives and criteria contained in the Shire of Lake Grace Local Planning Scheme No.4 and Western Australian Planning Commission Policy No. DC 3.4. To that extent it is recommended that Council advise the Western Australian Planning Commission that it does not support the proposed subdivision in its current form.

Legal Implications

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

Policy Implications

WAPC Development Control Policy No. DC 3.4 – Subdivision of Rural Land

Community Consultation

Not required

Financial Implications

Nil

Strategic Implications

Shire of Lake Grace Local Planning Strategy – The proposal is not consistent with the strategic planning direction provided by the Shire's Local Planning Strategy as this applies specifically to the subdivision of productive agricultural land.

Cultural Implications

Nil

Recommendation

That Council advise the Western Australian Planning Commission that it does not support the application submitted by Harley Survey Group Pty Ltd on behalf of the current landowner, Oakalona Pty Ltd for approval to subdivide Lot 1 Newdegate North Road, Lake Bidy to create two (2) new separately titled rural lots for the following reasons:

1. The proposed subdivision is inconsistent with the objectives for land classified 'General Agriculture' zone in the Shire of Lake Grace Local Planning Strategy and Local Planning Scheme No.4. The subdivision, if permitted, would result in an unplanned breakdown of



the property which would be detrimental to its continued use for agricultural purposes.

2. Approval to the subdivision would be inconsistent with the criteria contained within the Western Australian Planning Commission's Development Control Policy No.3.4 entitled 'Subdivision of Rural Land'.
3. Although there are some smaller lots nearby, the two (2) lots proposed by the application are smaller than the prevailing lot size in the locality. As such approval to the subdivision would set an undesirable precedent for other similar subdivisions in the locality in the future.

Voting Requirements

Simple majority required.

Resolution

**MOTION 10638**

Moved Cr De Landgraft  
Seconded Cr Taylor

That the meeting be adjourned at 2.03pm for a short period.

**MOTION CARRIED 7/0**

*Note: Meeting closed to allow discussion with Council's Town Planning Consultant, Mr Joe Douglas and landholder Mr Geoff MacDonald – Mr Douglas was not in attendance during Public Question Time when Mr MacDonald put his case.*

Resolution

**MOTION 10639**

Moved Cr Farrelly  
Moved Cr Sinclair

2.12pm - that the meeting re-open.

**MOTION CARRIED 7/0**

Resolution

**MOTION 10640**

Moved Cr Newman  
Seconded Cr De Landgraft

That Council advise the Western Australian Planning Commission that it does support the application submitted by Harley Survey Group Pty Ltd on behalf of the current landowner, Oakalona Pty Ltd for approval to subdivide Lot 1 Newdegate North Road, Lake Bidy to create two (2) new separately titled rural lots.

**MOTION CARRIED 7/0**

2.13pm Mr MacDonald left the meeting and Crs Chamberlain and Dunkeld re-entered.

*The President advised Crs Chamberlain and Dunkeld of the outcome.*

**12.6      PROPOSED LIGHT INDUSTRIAL SUBDIVISION – VARIOUS CROWN LANDHOLDINGS – DEWAR STREET, LAKE GRACE**

**Applicant:** Shire of Lake Grace  
**File No.** 0369  
**Attachments:** Plans 19 to 23  
**Author:** Mr Joe Douglas & Carlo Famiano  
Planning Consultant  
**Disclosure of Interest:** Nil  
**Date of Report:** 15 July 2008  
**Senior Officer:** Mr Jim Fraser  
Chief Executive Officer

**Summary**

The following report has been prepared to enable Council to consider two (2) revised subdivision design options for a proposed new light industrial subdivision comprising various Crown landholdings on the north side Dewar Street, Lake Grace. The revised design concepts have been prepared in response to instructions received from the Shire's Chief Executive Officer to formulate some alternative and less costly subdivision options to help address the current critical shortage of industrial land in the Lake Grace townsite in an efficient and timely manner.

It is recommended that Council consider the two options presented and advise the Shire administration of its preferred option. The preferred design concept will then be referred to a consulting civil engineer for assessment of all servicing requirements and preparation of a preliminary construction cost estimate. The construction cost estimate will then be presented to Council for consideration prior to the preparation and lodgement of a formal subdivision application with the Western Australian Planning Commission.

**Background**

The current supply of vacant light industrial land in the Lake Grace townsite has dropped to a level where the Shire needs to consider developing additional light industrial land to ensure an adequate supply to satisfy consumer demand and support future economic development and growth in the town and the district generally. This report presents two (2) revised subdivision design options for the Crown land located on the north side of Dewar Street, Lake Grace (see Plan 19 – Location Plan).

The Shire of Lake Grace has previously investigated the feasibility and cost of undertaking the staged development of various unallocated Crown landholdings located north of the railway line in the Lake Grace townsite. These investigations confirmed that much of the land proposed

to be subdivided is constrained by groundwater contamination arising from the existing fuel and former depots on Dewar Street. The cost of developing the contaminated areas for industrial purposes is likely to be both time consuming and expensive.

In light of these constraints to the implementation of the original proposed subdivision plan, the Shire's Chief Executive Officer instructed the reporting officers to prepare a revised subdivision concept plan which focused on that land located on the north side of Dewar Street not affected by groundwater contamination.

Two (2) revised options for the subdivision of this land have been completed by the Shire's town planning consultant and are now presented to Council for consideration and selection of a preferred design option to enable preparation of a preliminary construction cost estimate by a consulting civil engineer (see Plans 22 & 23 – Revised Design Options).

#### Comment

The subject land comprises various Crown landholdings located on the north side of Dewar Street within and immediately adjacent to the northern boundary of the Lake Grace townsite (see Plan 19 – Location Plan & Plan 20 – Aerial Photo). The land comprises a total area of approximately 4.097 hectares and is classified 'Service Commercial' zone under the Shire's current operative Local Planning Scheme No.4 (LPS No.4).

The objectives of the 'Service Commercial' zone under LPS No. 4 are as follows:-

- To provide for a range of uses which complement the Commercial zone.
- To accommodate wholesaling, retail warehouses, showrooms, trade centres and professional services that provide for the needs of the community but due to their nature are generally not appropriate or cannot be accommodated in the Commercial Zone.
- To achieve a high standard of development and presentation including buildings, landscaping and vehicle parking.

Under the terms of LPS No.4 the development of extractive, general and rural industry-type uses is not permitted on any land classified 'Service Commercial' zone. Notwithstanding this fact, a wide range of cottage, light and service industry-type uses have potential to be developed on land classified 'Service Commercial' zone (including the subject land) following the issuance of a formal planning approval by Council.

The original subdivision concept considered by Council in 2006 for the subject land proposed the creation of twelve (12) new light industrial lots and the construction of a new 375 metre long road carriageway within the Boulton Street road reserve area (see Plan 21). Given the significant

costs associated with construction of this design option due to the extent of the required road and drainage works, two (2) revised subdivision design options have been prepared to reduce the length of roads required and therefore the overall construction costs.

The following table provides a brief summary of the subdivision statistics for each new design option in comparison to the original design concept prepared in 2006:

Option No.	Total Number of Lots	Length of New Roads to be Constructed
<b>Original 2006 Concept Plan</b>	<b>12 lots</b> with areas ranging from 2,022m <sup>2</sup> to 4,909m <sup>2</sup> .	375 metres
<b>1</b>	<b>12 lots</b> with areas ranging from 2,160m <sup>2</sup> to 4,944m <sup>2</sup> .	135 metres
<b>2</b>	<b>9 lots</b> with areas ranging from 2,057m <sup>2</sup> to 4,827m <sup>2</sup> .	Nil

**Option 1** provides for the creation of twelve (12) new light industrial lots and the construction of 135 metres of new roads within two (2) new separate cul-de-sacs connected to the north side of Dewar Street.

**Option 2** provides for the creation of nine (9) new light industrial lots and does not require the construction of any new roads.

Both plans provide for the amalgamation of the western most portion of Lot 3001 into Lot 3000 being Reserve 48143 which is currently vested in the Shire for community purposes (i.e. recycling depot). This proposed design configuration is considered appropriate due to this land's low lying nature and susceptibility to flooding during extreme storm events.

Having regard for the above development statistics it is reasonable to conclude that Option 2 will be the cheapest of the three options to construct. Notwithstanding this conclusion it is important for Council to note that the total lot yield for Option 2 is only nine (9) lots compared to twelve (12) lots under both the original 2006 concept plan and the new Option 1 plan. These differences should be considered by Council prior to determining its preferred design option.

Council should also note that the Western Australian Planning Commission is not generally supportive of industrial subdivision proposals which provide for the creation of cul-de-sacs due to concerns regarding the efficiency and safety of heavy vehicle movements. Despite these concerns it could be argued that in the case of Option 1 the proposed cul-de-sacs are only short and provide access to relatively large lots which have adequate space to accommodate the safe and efficient movement of heavy vehicles.

Legal Implications

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

Policy Implications

Nil

Community Consultation

A community consultation process will need to be undertaken by the Shire to provide for the formal closure and subsequent development of the land comprising the Boulton Street road reserve area which is currently used to gain practical access to an existing water supply standpipe located at the western end of UCL Lot 166. Formal approval to the closure of Boulton Street under the provisions of the Land Administration Act will be a specific requirement for each new subdivision design option (i.e. Options 1 & 2).

Financial Implications

The cost of preparing and constructing the proposed subdivision of the subject land will be determined by a consulting civil engineer following confirmation of Council's preferred design option. It is anticipated that the construction costs will range from \$25,000 to \$40,000 per lot excluding GST.

In order to offset the costs of the project the Shire may make application to the Department of Local Government and Regional Development for funding assistance under the Regional Headworks Program. The Shire can also make application to LandCorp for funding assistance under the Townsite Development Program. Notwithstanding the potential to secure funding assistance for the project from these sources, it should be noted that the timeframes typically associated with securing this assistance are usually long and could delay the release and sale of the proposed lots.

Strategic Implications

The development and release of additional light industrial land in the Lake Grace townsite is consistent with the strategic direction provided by the Shire's Local Planning Strategy and could be expected to make a positive contribution to the future economic development of the Lake Grace townsite and the district generally.

Cultural Implications

Nil

Voting Requirements

Simple majority required.

Recommendation/Resolution

**MOTION 10641**

Moved Cr Newman  
Seconded Cr Farrelly

That Council:

1. Consider the two (2) revised subdivision design options for a proposed new light industrial subdivision comprising various Crown landholdings on the north side Dewar Street, Lake Grace.
2. Engage a consulting civil engineer to undertake an assessment of all servicing requirements and preparation of a preliminary construction cost estimate for Council's preferred subdivision design option being Option 2.

**MOTION CARRIED 9/0**

**MOTION 10642**

Moved Cr Newman  
Seconded Cr Chamberlain

That Standing Orders be suspended at 2.28pm.

**MOTION CARRIED 9/0**

**MOTION 10643**

Moved Cr Milton  
Seconded Cr Newman

That Standing Orders be resumed at 2.45pm.

**MOTION CARRIED 9/0**

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

*No items for consideration.*



**14.0 MATTERS FOR CONSIDERATION – FINANCE****14.1 ACCOUNTS FOR PAYMENT – JUNE 2008**

**Applicant:** Shire of Lake Grace  
**File No.** 0277  
**Attachments:** List of Creditors  
**Author:** Miss Rysha Bird  
Finance Officer  
**Disclosure of Interest:** Nil  
**Date of Report:** 16 July 2008  
**Senior Officer:** Mr Jim Fraser  
Chief Executive Officer

Summary

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

Background

List of invoices paid for the month of June 2008 through the Municipal Account is attached.

Comment

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

- (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

N/A

Community Consultation

N/A

Financial Implications

The list of creditors paid for the month of June 2008 from the Municipal Account totalling \$949,186.61.

Strategic Implications

N/A

Cultural Implications

N/A

Voting Requirements

Simple majority required.

Recommendation/Resolution

**MOTION 10644**

Moved Cr Milton  
Seconded Cr Farrelly

That Municipal Account cheques 33219 to 33261, Electronic Funds Transfers EFT4112 to EFT4236 and direct debits to the Municipal Accounts totalling \$949,186.61 having been checked and certified in accordance with the Financial Management Regulation 12, be confirmed, and passed for payment against the respective accounts as shown on the summary of Accounts for Payment schedule.

EFT4160, EFT4166, & EFT4187 were cancelled.

**MOTION CARRIED 9/0**

**14.2 INTERIM FINANCIAL STATEMENTS – YEAR ENDED 30 JUNE 2008**

**Applicant:** Shire of Lake Grace  
**File No.** 0275  
**Attachments:** Financial Reports  
**Author:** Mrs Danielle Robertson  
 Senior Finance Officer  
**Disclosure of Interest:** Nil  
**Date of Report:** 15 July 2008  
**Senior Officer:** Mr Jim Fraser  
 Chief Executive Officer

Summary

For Council to receive detailed interim financial statements for the period ending 30 June 2008 in accordance the requirements of the Local Government Act 1995 and Regulations.

Background

The following financial reports are included for your information:

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

Legal Implications

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

Policy Implications

N/A

Community Consultation

N/A

Financial Implications

Nil.

Strategic Implications

N/A

Cultural Implications

N/A

Voting Requirements

Simple majority required.

Recommendation/Resolution

**MOTION 10645**

Moved Cr Taylor  
Seconded Cr Newman

That the Interim Financial Reports for the period ending 30 June 2008 as attached be received.

**MOTION CARRIED 9/0**

*3.17pm Meeting adjourned for afternoon tea.*

*4.08pm Meeting reconvened with all those previously present in attendance with the exception of Cr Newman and Mr Joe Douglas.*

### 14.3 ADOPTION OF 2008/09 BUDGET

<b>Applicant:</b>	Council
<b>File No.</b>	0273
<b>Attachments:</b>	Under separate cover
<b>Author:</b>	Mr Mark Burbridge Manager Corporate Services
<b>Disclosure of Interest:</b>	Nil
<b>Date of Report:</b>	16 July 2008
<b>Senior Officer:</b>	Mr Jim Fraser Chief Executive Officer

#### Summary

The purpose of this item is for Council to adopt the 2008/09 Budget in accordance with the requirements of the Local Government Act 1995.

#### Background

The Act requires Council, by 31 August each financial year, to prepare and adopt in the form and manner prescribed, a financial budget for the financial year ending 30 June.

#### Comment

Following several staff budget planning sessions, two draft budget sessions have subsequently been held with Councillors on 25 June and 9 July 2008.

The 2008/09 Budget has been prepared on the basis of a General Rate increase of 5.5% and an overall Specified Area Rate increase of 15.6%. Combined average increase in total rates across all wards is in the vicinity of 8.7%.

The 2008/09 budget is presented for adoption in the Statutory Format as required by regulation and is made up of the following statements:

- Income Statement by Nature or Type
- Income Statement by Program
- Cash Flow Statement
- Rate Setting Statement
- Notes to and forming part of the Budget:
  - Note 1 – Significant Accounting Policies
  - Note 2 – Revenue and Expenses
  - Note 3 – Acquisition of Assets
  - Note 4 – Disposal of Assets
  - Note 5 – Information on Borrowings
  - Note 6 – Reserves

- Note 7 – Net Current Assets
- Note 8 – Rating Information
- Note 9 – Specified Area Rates
- Note 10 – Service Charges
- Note 11 – Fees & Charges Revenue
- Note 12 – Discounts, Incentives, Concessions & Write-offs
- Note 13 – Interest Charges and Instalments
- Note 14 – Councillor's Remuneration
- Note 15 – Notes to the Cash Flow Statement
- Note 16 – Trust Funds
- Note 17 – Trading Undertakings and Major Trading Undertakings

The following supporting information is also presented as part of the 2008/09 Budget:

- Summary of Accounts (Schedules 3 to 14)
- Rate calculations for the Specified Areas of Lake Grace, Newdegate, Lake King and Varley
- 2008/09 Capital and Maintenance Road Program
- Indicative Plant Replacement Schedule 2008 - 2014
- Schedule of Fees and Charges

**Note:** In accordance with Section 112 of the Health Act 1911, waste collection charges for Lake Grace, Newdegate, Lake King and Varley and recycling charges for Lake Grace and Newdegate have been included in the 2008/09 Schedule of Fees and Charges.

#### Legal Implications

Local Government Act 1995 – section 6.2

Local Government (Financial Management) Regulations – Part 3

#### Policy Implications

N/A

#### Community Consultation

Community groups and Councillors have had the opportunity to submit budget requests.

#### Financial Implications

The Budget document outlines Council's revenues and expenditure for the financial year ending 30 June 2009 and establishes activities which Council will pursue during the 2008/09 financial year.

#### Strategic Implications

Nil.

## Recommendations

### **1. Budget Adoption**

That Council, in accordance with the requirements of section 6.2 of the Local Government Act 1995, adopt it's 2008/09 Budget as presented.

### **2. Adoption of Valuations**

That the Gross Rental Values of \$3,409,944 excluding exempt properties valued at \$197,639 and Unimproved Values of \$153,557,495 excluding exempt properties valued at \$40,100, as advised by the Valuer General applicable as from 1 July 2008 be adopted by Council for the purpose of levying rates and charges.

### **3. Minimum Rates**

That the minimum rate for Gross Rental Value Assessments be \$295.00 (\$280.00 for 2007/08) and for Unimproved Value Assessments be \$190.00 (\$180.00 for 2007/08) for the 2008/09 rateable year.

### **4. Rate in the Dollar Gross Rental Value and Unimproved Value**

That the rate in the dollar for the 2008/09 rateable year be set at:

- Gross Rental Value properties - 7.2677 cents in the dollar (7.0949 for 2007/08).
- Unimproved Value properties - 1.0490 cents in the dollar (1.0491 for 2007/08).

### **5. Discount**

That no discount be offered to the 2008/09 rating year in respect to rates paid within the 35 days after the date of issue of the rates notice.

### **6. Penalty on Rates**

a) Rates by Instalment:

Rate instalments not paid by the due date of the instalment be subject to a simple interest penalty calculation of 10% per annum calculated daily.

b) All Other Rates and Charges

All rates and charges outstanding (with the exception of rates being paid by instalments) to incur a 10% penalty after the expiration of 70 days from the date of issue of the rate notice.

### **7. Instalment Dates**

That Council offer the options of one (1) payment due in full by 5 September 2008 or 35 days after the date of service appearing on the rate notice, whichever is the later, or two (2) or four (4) equal or nearly equal instalments.

That the following instalments dates be set:

For two (2) instalments:

1<sup>st</sup> instalment 5 September 2008

2<sup>nd</sup> instalment 9 January 2009

For four (4) instalments

1<sup>st</sup> instalment 5 September 2008

- 2<sup>nd</sup> instalment 7 November 2008
- 3<sup>rd</sup> instalment 9 January 2009
- 4<sup>th</sup> instalment 13 March 2009

The administration charge imposed where payment is made by instalments be set at \$10.00 per instalment.

The interest rate imposed where payment is made by instalments be set at 5.5%pa, calculated from the date the instalment is due.

**8. Specified Area Rate – Resource Centre Loans 168 (Lake Grace) and 169 (Newdegate)**

That in accordance with section 6.37 of the Local Government Act 1995 the specified area rate to service Loans 168 and 169 for the Lake Grace and Newdegate Resource Centres for the 2008/09 rating year be raised on those properties identified as being within the specified area as follows:  
Lake Grace Gross Rental Valuation properties 0.1617 cents in the dollar (0.1639 cents in 2007/08)  
Lake Grace Unimproved Valuation properties 0.0162 cents in the dollar (0.0172 cents in 2007/08);  
Newdegate Gross Rental Valuation properties 0.2271 cents in the dollar (0.2445 cents in 2007/08) and;  
Newdegate Unimproved Valuation properties 0.0119 cents in the dollar (0.0134 cents in 2007/08).

**9. Newdegate Indoor Recreation Centre – Loan 170**

That in accordance with section 6.37 of the Local Government Act 1995 the specified area rate to service Loan 170 for the Newdegate Indoor Recreation Centre for the 2008/09 rating year be raised on those properties identified as being within the specified area, as follows:  
Newdegate Gross Rental Valuation properties 0.5263 cents in the dollar (0.5322 cents in 2007/08) and;  
Newdegate Unimproved Valuation properties 0.0459 cents in the dollar (0.0496 cents in 2007/08).

**10. Specified Area Rate – Recreation & Culture Operating Costs**

That in accordance with section 6.37 of the Local Government Act 1995 the specified area rates to recoup costs of recreation and culture operating expenses for the Lake Grace, Newdegate, Lake King and Varley area being \$452,191, \$245,583, \$66,800 and \$63,272 respectively for the 2008/09 rating year be raised on those properties identified as being within the specified area as follows:  
Lake Grace Gross Rental Valuation properties 5.9130 cents in the dollar (5.2961 cents in 2007/08);  
Lake Grace Unimproved Valuation properties 0.6188 cents in the dollar (0.5810 cents in 2007/08);  
Newdegate Gross Rental Valuation properties 5.2487 cents in the dollar (4.4391 cents in 2007/08);  
Newdegate Unimproved Valuation properties 0.3668 cents in the dollar (0.3344 cents in 2007/08);



Lake King Gross Rental Valuation properties 1.9066 cents in the dollar (1.6797 cents in 2007/08);  
 Lake King Unimproved Valuation properties 0.2260 cents in the dollar (0.2069 cents in 2007/08);  
 Varley Gross Rental Valuation properties 4.0642 cents in the dollar (2.1279 cents in 2007/08) and;  
 Varley Unimproved Valuation properties 0.3256 cents in the dollar (0.1756 cents in 2007/08).

#### **11. Television Service Charges**

That in accordance with section 6.32 and 6.38 of the Local Government Act 1995, Council levy a television service charge for the 2008/09 rating year of  
 \$35.00 per service (\$14.50 in 2007/08) on properties within the Lake Grace townsite;  
 \$45.00 per service (\$34.50 in 2007/08) on properties within the Newdegate townsite and;  
 \$115.00 per service (\$107.00 in 2007/08) within the Lake King townsite.

#### **12. That the rates for the Lake Grace Sewerage Scheme for 2008/09 rating year be based on the schedule of rates approved by Cabinet in respect to subsidised sewerage schemes, being:**

Sewerage Rate to be 2.00 cents (2.00 cents in 2007/08) in the dollar on rateable properties within the Lake Grace Townsite;

Minimum rates to be:

Residential properties	\$275.90 (\$266.80 in 2007/08)
Commercial properties	\$607.90 (\$587.90 in 2007/08)
Vacant Land properties	\$181.60 (\$175.60 in 2007/08)

Maximum rate: \$687.50 (\$664.90 in 2007/08) (on residential properties valued at more than \$34,375)

Non rateable properties connected to the sewer:

Class 1 – Institutional, Recreational, Cultural, Education, Religious or Public Amenities: For each property:

First major fixture	\$163.30 per annum
Each additional fixture	\$71.80 per annum.

Class 2 & 3 – CBH, State and Local Government Properties of a commercial nature:

Each connection \$907.80 per annum.

### **13. Setting of President Allowance, Deputy President Allowance and Sitting Fees**

President Allowance	\$10,500
Deputy President Allowance	\$2,625
Council Meeting Sitting Fee	President \$280.00 Councillors \$140.00 per meeting
Committee Meeting Sitting Fee	\$70.00 per meeting

**Note:** The Committee Meeting Sitting Fee only applies if the committee is a committee of Council.

### **14. Schedule of Fees and Charges**

That the 2008/09 Schedule of Fees and Charges be accepted.

### **15. Materiality Variance**

That Council adopts a percentage of plus or minus 10% to be used for the reporting of variances of actual expenditure and revenue to budgeted expenditure and revenue in the Monthly Statement of Financial Activity.

#### Voting Requirements

Absolute majority (5) required.

#### Resolution

#### **MOTION 10646**

Moved Cr Farrelly  
Seconded Cr De Landgraft

#### **1. Budget Adoption**

That Council, in accordance with the requirements of section 6.2 of the Local Government Act 1995, adopt it's 2008/09 Budget as presented.

#### **2. Adoption of Valuations**

That the Gross Rental Values of \$3,409,944 excluding exempt properties valued at \$197,639 and Unimproved Values of \$153,557,495 excluding exempt properties valued at \$40,100, as advised by the Valuer General applicable as from 1 July 2008 be adopted by Council for the purpose of levying rates and charges.

#### **3. Minimum Rates**

That the minimum rate for Gross Rental Value Assessments be \$295.00 (\$280.00 for 2007/08) and for Unimproved Value Assessments be \$190.00 (\$180.00 for 2007/08) for the 2008/09 rateable year.

**MOTION 10646 continued.**

**4. Rate in the Dollar Gross Rental Value and Unimproved Value**

That the rate in the dollar for the 2008/09 rateable year be set at:

- Gross Rental Value properties - 7.2677 cents in the dollar (7.0949 for 2007/08).
- Unimproved Value properties - 1.0490 cents in the dollar (1.0491 for 2007/08).

**5. Discount**

That no discount be offered to the 2008/09 rating year in respect to rates paid within the 35 days after the date of issue of the rates notice.

**6. Penalty on Rates**

a) Rates by Instalment:

Rate instalments not paid by the due date of the instalment be subject to a simple interest penalty calculation of 10% per annum calculated daily.

b) All Other Rates and Charges

All rates and charges outstanding (with the exception of rates being paid by instalments) to incur a 10% penalty after the expiration of 70 days from the date of issue of the rate notice.

**7. Instalment Dates**

That Council offer the options of one (1) payment due in full by 5 September 2008 or 35 days after the date of service appearing on the rate notice, whichever is the later, or two (2) or four (4) equal or nearly equal instalments.

That the following instalments dates be set:

For two (2) instalments:

1<sup>st</sup> instalment 5 September 2008

2<sup>nd</sup> instalment 9 January 2009

For four (4) instalments

1<sup>st</sup> instalment 5 September 2008

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3<sup>rd</sup> instalment 9 January 2009

4<sup>th</sup> instalment 13 March 2009

The administration charge imposed where payment is made by instalments be set at \$10.00 per instalment.

The interest rate imposed where payment is made by instalments be set at 5.5%pa, calculated from the date the instalment is due.

**MOTION 10646 continued.****8. Specified Area Rate – Resource Centre Loans 168 (Lake Grace) and 169 (Newdegate)**

That in accordance with section 6.37 of the Local Government Act 1995 the specified area rate to service Loans 168 and 169 for the Lake Grace and Newdegate Resource Centres for the 2008/09 rating year be raised on those properties identified as being within the specified area as follows:

- Lake Grace Gross Rental Valuation properties 0.1617 cents in the dollar (0.1639 cents in 2007/08)
- Lake Grace Unimproved Valuation properties 0.0162 cents in the dollar (0.0172 cents in 2007/08);
- Newdegate Gross Rental Valuation properties 0.2271 cents in the dollar (0.2445 cents in 2007/08) and;
- Newdegate Unimproved Valuation properties 0.0119 cents in the dollar (0.0134 cents in 2007/08).

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- Newdegate Gross Rental Valuation properties 0.5263 cents in the dollar (0.5322 cents in 2007/08) and;
- Newdegate Unimproved Valuation properties 0.0459 cents in the dollar (0.0496 cents in 2007/08).

**10. Specified Area Rate – Recreation & Culture Operating Costs**

That in accordance with section 6.37 of the Local Government Act 1995 the specified area rates to recoup costs of recreation and culture operating expenses for the Lake Grace, Newdegate, Lake King and Varley area being \$452,191, \$245,583, \$66,800 and \$63,272 respectively for the 2008/09 rating year be raised on those properties identified as being within the specified area as follows:

- Lake Grace Gross Rental Valuation properties 5.9130 cents in the dollar (5.2961 cents in 2007/08);
- Lake Grace Unimproved Valuation properties 0.6188 cents in the dollar (0.5810 cents in 2007/08);
- Newdegate Gross Rental Valuation properties 5.2487 cents in the dollar (4.4391 cents in 2007/08);
- Newdegate Unimproved Valuation properties 0.3668 cents in the dollar (0.3344 cents in 2007/08);
- Lake King Gross Rental Valuation properties 1.9066 cents in the dollar (1.6797 cents in 2007/08);
- Lake King Unimproved Valuation properties 0.2260 cents in the dollar (0.2069 cents in 2007/08);
- Varley Gross Rental Valuation properties 4.0642 cents in the dollar (2.1279 cents in 2007/08) and;

**MOTION 10646 continued.**

- Varley Unimproved Valuation properties 0.3256 cents in the dollar (0.1756 cents in 2007/08).

### **11. Television Service Charges**

That in accordance with section 6.32 and 6.38 of the Local Government Act 1995, Council levy a television service charge for the 2008/09 rating year of \$35.00 per service (\$14.50 in 2007/08) on properties within the Lake Grace townsite;

\$45.00 per service (\$34.50 in 2007/08) on properties within the Newdegate townsite and;

\$115.00 per service (\$107.00 in 2007/08) within the Lake King townsite.

### **12. That the rates for the Lake Grace Sewerage Scheme for 2008/09 rating year be based on the schedule of rates approved by Cabinet in respect to subsidised sewerage schemes, being:**

Sewerage Rate to be 2.00 cents (2.00 cents in 2007/08) in the dollar on rateable properties within the Lake Grace Townsite;

Minimum rates to be:

Residential properties	\$275.90 (\$266.80 in 2007/08)
Commercial properties	\$607.90 (\$587.90 in 2007/08)
Vacant Land properties	\$181.60 (\$175.60 in 2007/08)

Maximum rate: \$687.50 (\$664.90 in 2007/08) (on residential properties valued at more than \$34,375)

Non rateable properties connected to the sewer:

Class 1 – Institutional, Recreational, Cultural, Education, Religious or Public Amenities: For each property:

First major fixture	\$163.30 per annum
Each additional fixture	\$71.80 per annum

Class 2 & 3 – CBH, State and Local Government Properties of a commercial nature:

Each connection \$907.80 per annum.

### **13. Setting of President Allowance, Deputy President Allowance and Sitting Fees**

President Allowance	\$10,500
Deputy President Allowance	\$2,625
Council Meeting Sitting Fee	President \$280.00 Councillors \$140.00 per meeting
Committee Meeting Sitting Fee	\$70.00 per meeting

**MOTION 10646 continued.**

**Note:** The Committee Meeting Sitting Fee only applies if the committee is a committee of Council.

**14. Schedule of Fees and Charges**

That the 2008/09 Schedule of Fees and Charges be accepted.

**15. Materiality Variance**

That Council adopts a percentage of plus or minus 10% to be used for the reporting of variances of actual expenditure and revenue to budgeted expenditure and revenue in the Monthly Statement of Financial Activity.

**16. Leave Reserve**

That the purpose of the 'Long Service Leave' Reserve be changed to 'Leave Reserve' – to be used to fund accrued leave entitlements of employees.

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

***REASON FOR CHANGE***

***The recommendation was amended to include Item 16.***

## 15.0 MATTERS FOR CONSIDERATION – ADMINISTRATION

### 15.1 COUNTRY HOUSING AUTHORITY – FINANCIAL ASSISTANCE AGREEMENT

<b>Applicant:</b>	Country Housing Authority
<b>File No.</b>	0295
<b>Attachments:</b>	Copy of Agreement
<b>Author:</b>	Mr Jim Fraser Chief Executive Officer
<b>Disclosure of Interest:</b>	Nil
<b>Date of Report:</b>	14 July 2008
<b>Senior Officer:</b>	Mr Jim Fraser Chief Executive Officer

#### Summary

This report recommends use of the Common Seal as per Policy 1.11.

#### Background

An application for financial assistance to the Country Housing Authority (CHA) for the erection of a dwelling in Newdegate was successful. The CHA has agreed to provide \$50,000.00 to the project subject to the execution of a Financial Assistance Agreement under Council's Common Seal.

A copy of the agreement is attached.

#### Comment

Staff have assessed the Agreement and the following comments refer:

- The CHA has the right to lodge a Caveat over the title to Lot 11 Maley St Newdegate, Certificate of Title Volume 1223, folio 511.
- The land and residence can be sold by Council in the future subject to the approval of the CHA and at market value.
- The involvement of the CHA in the project is to be acknowledged.

#### Legal Implications

N/A

Policy Implications

Policy 1.11 – Use of Common Seal.

Consultation

Internal – Manager Corporate Services

Financial Implications

Allowance has been made in the 2008/08 budget for four months rent to be received.

Strategic Implications

The provision of housing will be included in Council's Strategic Plan.

Cultural Implications

N/A

Voting Requirements

Simple majority required.

Recommendation/Resolution

**MOTION 10647**

Moved Cr De Landgrafft  
Seconded Cr Taylor

That the use of the common seal as per Policy 1.11 be approved on the Financial Assistance Agreement between the Country Housing Authority and the Shire of Lake Grace.

**MOTION CARRIED 8/0**



**15.2      WA LOCAL GOVERNMENT ASSOCIATION – ANNUAL  
GENERAL MEETING 2008**

**Applicant:** WA Local Government Association  
**File No.** 0029  
**Attachments:** Extracts from Agenda – pages 13-53  
**Author:** Mr Jim Fraser  
Chief Executive Officer  
**Disclosure of Interest:** Nil  
**Date of Report:** 15 July 2008  
**Senior Officer:** Mr Jim Fraser  
Chief Executive Officer

Summary

This report is prepared to provide direction to Council's voting delegates for the Annual General Meeting of the WA Local Government Association.

Background

The WA Local Government Association has released its Agenda for this year's Annual General Meeting which is to be held on Saturday 2 August 2008 during Local Government Week.

There are sixteen items on the Agenda for decision at the Annual General Meeting. Council has previously nominated Crs Walker and Chamberlain as its voting delegates for the meeting.

Comment

Council may wish to include in its recommendation that the voting delegates are able to change their position on the vote following debate on the item to reflect the best interests of this Shire.

Background information on each item is at attachment, comments as follows:

**3.1 Endorsement of 'The Journey' – Sustainability into the Future Draft Report**

The Shire of Sandstone make some very valid comments in relation to the SSS report. Their position is that another State Conference to be held to consider the final report rather than allow State Council to adopt the report on behalf of all local governments.

In this instance where it is evident that the principle of 'one size fits all' is unworkable, staff are of the view that a whole of industry vote will be more beneficial.

### **3.2 Systemic Sustainability Study Report (SSS)**

Item 3 of the motion requires more research and provision of information to member Councils. Whilst it is fair to say that negative comments are more likely to be aired, there is little evidence available to assess the results of amalgamations in other state jurisdictions.

### **3.3 Closing of Regional Partnerships and the Area Consultative Committees**

The possible alternate motion (see pages 24-25) better reflect a way forward for local government to endeavour to save this Federal funding source although staff are of the view that rural Shires will have problems accessing funds.

### **3.4 Australian Bureau of Statistics – Census 2011 Fly-In, Fly-Out**

The City of Kalgoorlie-Boulder has been advocating changes to the Census forms for many years to reflect the effects of a fly-in fly-out workforce on service delivery. Whilst there is no easy solution staff are of the view that there can be a case mounted to 'count' fly-in fly-out members twice i.e. their normal place of residence and their fly-in fly-out destination. The requirement for service delivery between remote camps and town sites could then be measured through the Financial Assistance Grants process.

### **3.5 Wheatbelt Drainage Council**

The issue of local government involvement in deep drainage is one for individual councils to assess. Staff support the stance as proposed by the Shire of Mukinbudin.

### **3.6 Binding the Crown – Risk Prevention and Mitigation**

Staff strongly recommend support for the concept of binding the crown in matters of reducing fire hazards and the control of pests and weeds. Council's proximity to substantial reserves both within the Shire and outside the Fence impact on the community as well as impacting on ratepayers e.g. \$5,000.00 contribution to wild dog control.

### **3.7 Enquiry into Fire and Emergency Services Legislation**

Local Government derives its legislation from the State and in this instance the immunity should be preserved in the amended legislation.

### **3.8 Funding to the Royal Flying Doctor Service**

Whilst the State Government reduces health services to rural areas the need for an organisation such as the Royal Flying Doctor Service increases. Staff recommend support for the motion.

### **3.9 Withdrawal of State Government Services**

The motion from the Shire of Laverton goes to the core of service provision by the State Government. Local government generally provides services on a needs basis. Since the corporatisation of Western Power and the Water Corporation as examples, we are now faced with substantial headworks charges when planning developments. The State accepts royalties and taxes from the wealth creators but progressively rural areas are facing reductions in service delivery.

### **3.10 Private Members Bill to secure Third Party Review Rights**

Council has previously considered this matter at a meeting held on 26 March 2008 and resolved as follows:

*1. Acknowledge receipt of the draft Private Member's Bill entitled Planning and Development Amendment (Third Party Appeals) Bill 2007 proposed to be introduced to State Parliament in 2008 by Dr Janet Woollard MLA (Member for Alfred Cove) and circulated to all Western Australian local government authorities for review and comment.*

*2. Acknowledge receipt of correspondence from Mr Milton Evans, the Mayor of the City of Albany, dated 28 November 2007 encouraging support for the proposed Private Member's Bill entitled Planning and Development Amendment (Third Party Appeals) Bill 2007.*

*3. Acknowledge WALGA's resolution dated 8 February 2008 to "continue to be opposed to the introduction of third party appeal rights (for planning decisions) in Western Australia".*

*4. Form the view that:*

*i) The existing planning and legislative framework contains sufficient requirements and processes to enable local government authorities to have due regard for broader community interests in exercising their decision making responsibilities without the need to introduce third party appeal rights on such decisions; and*

*ii) The introduction of third party appeal rights in the manner proposed by the draft Private Member's Bill entitled Planning and*

*Development Amendment (Third Party Appeals) Bill 2007 will have significant negative implications for Local Government, the development industry and the community at large, with particular reference to the Shire of Lake Grace municipal area, and is not therefore supported by the Lake Grace Shire Council.*

*5. Advise Dr Janet Woollard (Member for Alfred Cove), Mr Milton Evans (Mayor, City of Albany), the Western Australian Local Government Association and Mrs Alannah MacTiernan (Minister for Planning and Infrastructure) of Council's resolution in this matter.*

### **3.11 Third Party Appeal Rights for the City of Albany**

The comment provided through the Secretariat is supported by staff.

### **3.12 Elected Member Allowances**

Staff recommend for a third party to set and review Elected Member Allowances.

### **3.13 Local Government (Official Conduct) Amendment Act 2007**

Whilst it is important to recognise the principles of natural justice and procedural fairness, they do not necessarily have to be enshrined in legislation. The Secretariat has provided information that the Standards Panel has adopted suitable procedures.

### **3.14 Elected Member Legal Representation**

Staff have recommended that the motion not be supported as it may lead to unnecessary expenditure and confusing views/legal advice depending on the material submitted for consideration.

### **3.15 Rate Exemption Charitable Bodies**

The current situation allows charitable organisations recognised by the Australian Taxation Office to provide independent living units to owners/lifetime leaseholders rates exempt. The occupants continue to utilise the full suite of services provided by the local government.

### **3.16 Capital Improved Value – Basis of Rating**

Staff have not researched the Capital Improved Valuation method, however support for the motion is recommended. The effects on specified area rates has also not been assessed.

### Legal Implications

Voting on the proposed motions will be in accordance with WALGA's constitution.

Policy Implications

N/A

Community Consultation

N/A

Financial Implications

N/A

Strategic Implications

N/A

Cultural Implications

N/A

Voting Requirements

Simple majority required.

Recommendation/Resolution

**MOTION 10648**

Moved Cr Chamberlain  
Seconded Cr Sinclair

1. That Council provide the following direction to its voting delegates to this year's Annual General Meeting of the Western Australian Local Government Association:

3.1 Endorsement of 'The Journey' – Sustainability into the Future Draft Report - **support**

3.2 Systemic Sustainability Study Report (SSS) - **support**

3.3 Closing of Regional Partnerships and the Area Consultative Committees - **support alternative recommendation**

3.4 Australian Bureau of Statistics (ABS) – Census 2011 Fly-In, Fly-Out – **support**

3.5 Wheatbelt Drainage Council – **support**

3.6 Binding the Crown – Risk Prevention and Mitigation - **support**

3.7 Enquiry into Fire and Emergency Services Legislation – **support**

3.8 Funding to the Royal Flying Doctor Service – **support**

3.9 Withdrawal of State Government Services – **support**

3.10 Private Members Bill to secure Third Party Review Rights - **oppose**

3.11 Third Party Appeal Rights for the City of Albany – **oppose**

3.12 Elected Member Allowances – **support**

**MOTION 10648 continued.**

3.13 Local Government (Official Conduct) Amendment Act 2007 –

**oppose**

3.14 Elected Member Legal Representation – **oppose**

3.15 Rate Exemption Charitable Bodies – **support**

3.16 Capital Improved Value – Basis of Rating – **support**

2. That Council authorise its delegates to change their position on voting following debate on the item to reflect the best interests of the Shire.

**MOTION CARRIED 8/0**

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

None.

**17.0 SCHEDULING OF MEETING**

**17.1 AUGUST 2008 ORDINARY MEETING**

**Motion 10528 November 2007 states:**

An Ordinary Meeting of Council will be held on Wednesday 27 August 2008, commencing at 1.00pm at the Lake King Hall, Lake King.

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

**MOTION 10649**

Moved Cr Farrelly  
Seconded Cr Taylor

That Council close the meeting to the public at this time, being 5.05 pm, to discuss a proposal for the development of Lot 1 Lake Grace.

**MOTION CARRIED 8/0**

**MOTION 10650**

Moved Cr Chamberlain  
Seconded Cr Sinclair

That Council re-open the meeting to the public at this time, being 5.32 pm.

**MOTION CARRIED 8/0**

*It is noted that no resolutions were considered whilst the meeting was closed to the public.*

## **19.0 CLOSURE**

There being no further business, the Chairperson closed the meeting at 5.33 pm.

## **20.0 CERTIFICATION**

I Andrew James Walker certify that the minutes of the meeting held on the 23 July 2008 as shown were confirmed as a true record at the meeting held on the 27 August 2008.

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Chairman

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Date