

# SHIRE OF LAKE GRACE



## *Minutes*

Ordinary Council Meeting

22 February 2006

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## **SHIRE OF LAKE GRACE**

### **MINUTES OF THE ORDINARY MEETING OF COUNCIL HELD AT THE LAKE GRACE SPORTSMANS CLUB, STUBBS ST LAKE GRACE, ON WEDNESDAY, 22 FEBRUARY 2006.**

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

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

#### **2.0 ATTENDANCE RECORD**

##### **2.1 PRESENT**

Cr G.E.J. Roberts	Shire President
Cr A.J. Walker	Deputy Shire President
Cr H.R. Bennett	
Cr I.G. Chamberlain	
Cr O.P. Farrelly	
Cr D.P. Sinclair	
Cr D.M.McL. Stewart	
Cr R.P. Taylor	
Mr C.G. Jackson	Chief Executive Officer
Ms L.I. McIlree	Deputy Chief Executive Officer
Mr G. Moulds	Acting Manager of Works & Services
Mrs J. Bennett	Executive Assistant
Mr Ross Chappell	Observer

##### **2.2 APOLOGIES**

Cr W.A. Newman

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

None.

### **3.0 PUBLIC QUESTION TIME**

#### **3.1 MR ROSS CHAPPELL**

**Query** – Mr Chappell queried why the specified area survey forms are numbered?

**Reply** – CEO replied that forms were numbered for the purpose of validity only and assured Mr Chappell that the numbers have not been recorded.

**Query** – Mr Chappell referred to the recent flood damage sustained to the Lake Grace Sports Dam and queried water levels in the dam and repairs that were made last year at a considerable cost to ratepayers, he made the point that an overflow system should have been considered for the front dam.

**Reply** – CEO replied that there is enough water left to water the ovals throughout the summer and emergency funding has been applied for through the Department of Sport & Recreation to repair the damage.

**Comment** – With regard to road conditions following the recent flooding Mr Chappell commented he felt Main Roads & Roadcare should have done more to stop the North Lake Grace road deteriorating and that more effort should have gone into getting the Lake Grace Dumbleyung Road open sooner.

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

#### **4.1 CR TAYLOR**

Written application for Leave of Absence received from Cr Taylor.

#### **MOTION 10145**

Moved Cr Farrelly  
Seconded Cr Bennett

That Cr Taylor's application for leave of absence for the period 14<sup>th</sup> to 23<sup>rd</sup> March 2006 be approved.

**MOTION CARRIED 8/0**

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

### **5.1 ORDINARY MEETING – 21 DECEMBER 2005**

#### Resolution

#### **MOTION 10146**

Moved Cr Stewart  
Seconded Cr Farrelly

That the minutes of the Ordinary Meeting of Council held on the 21 December 2005 be confirmed subject to correction of numerical order of motion numbers.

**MOTION CARRIED 8/0**

### **5.2 SPECIAL MEETING – 6 FEBRUARY 2006**

#### Resolution

#### **MOTION 10147**

Moved Cr Taylor  
Seconded Cr Bennett

That the minutes of the Special Meeting of Council held on Monday 6 February 2006 be confirmed.

**MOTION CARRIED 8/0**

## **6.0 NOTICES OF URGENT BUSINESS**

### **6.1 LAKE KING WATER SUPPLY – CEO VEHICLE CHANGEOVER – PURCHASE OF EQUIPMENT FOR NEWDEGATE, LAKE KING & VARLEY TOWN GARDENER**

President advised the following items of urgent business to be discussed at this meeting:

- Lake King Water Supply
- CEO Vehicle Changeover
- Purchase of Equipment for Newdegate, Lake King & Varley

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

None received.

## **8.0 PETITIONS/DEPUTATIONS/PRESENTATIONS/SUBMISSIONS**

None.

## **9.0 MEMBERS REPORTS**

### **9.1 CR CHAMBERLAIN**

#### **NEWDEGATE MEDICAL CENTRE & SENIORS ACCOMODATION**

Reported meeting with architect Gary Batt, Committees & CEO on 13 February to discuss Medical Centre and Aged Accommodation Projects. A range of options were put to the meeting including the merger of everything into one development at the Town Hall site. It is anticipated the cost to renovate the Masonic Lodge would be \$300,000. Ideas from the Committee meeting were then presented to the Newdegate Community Development Association. The architect will now prepare conceptual plans to be brought back to the community.

### **9.2 CR STEWART**

#### **NEWDEGATE COMMUNITY DEVELOPMENT ASSOCIATION**

Cr Stewart reported attendance at the Newdegate Community Development Association Meeting and commented on the following:

- Newdegate playground issues to be considered
- Tourism & Marketing Strategy for Newdegate which will be put as a budget item.

### **9.3 CR WALKER**

#### **LOCAL EMERGENCY MANAGEMENT MEETING**

Reported on Flood Recovery Meeting held 9 February with the following main points:

- Most agencies in attendance.
- Committee is winding down.
- Police replacement officer for Lake Grace.
- St John Ambulance/RAC Emergency Helicopter air lift and availability of emergency fuel supply and use of oval as designated helipad.
- Formal debrief to be held next week - 1 March 2006
- Community concert scheduled for 30 March 2006
- New emergency generator for Hospital

#### **SMALL TOWN SURVIVAL WORKSHOP**

Reported attendance, along with Cr Taylor, CEO and Executive Assistant at the Wheatbelt Area Consultative Committee's Small Town Survival Workshop held at Kulin on Tuesday 21 February 2006.

The workshop which was poorly attended by surrounding shires discussed issues such as inter town and shire rivalry and local government amalgamations, looked at ways of attracting new industry and what is required to keep people in our towns.



## **10.0 MATTERS FOR CONSIDERATION – WORKS & SERVICES**

*No items for consideration.*

**11.0 MATTERS FOR CONSIDERATION – TOWN PLANNING****11.1 SUBDIVISION APPLICATION – LOT NO 1 GELLIARD RD LAKE BIDDY**

**Correspondent:** West Australian Planning Commission  
**Applicant:** John Kinnear & Associates  
**File No.** 0454  
**Attachments:** Plans 1 & 2 and Attachments 1 & 2  
**Author:** Mr Joe Douglas  
Town Planning Consultant  
**Disclosure of Interest:** Nil  
**Date of Report:** 17 January 2006  
**Senior Officer:** Mr Chris Jackson  
Chief Executive Officer

**Summary**

The following report has been prepared in response to correspondence received from the Western Australian Planning Commission (WAPC) seeking Council's comment on the proposed subdivision of Lot 549 Gellard Road, Lake Biddy.

In accordance with the specific requirements of section 24(2) of the Town Planning and Development Act 1928 the Shire of Lake Grace has forty two (42) days to provide the WAPC with any comments and/or recommendations considered relevant to the proposal. However given that the application was received by the Shire just prior to Christmas 2005, the WAPC has agreed to extend the period for comment by the Shire until 27 February 2006.

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

**Background & Comment**

John Kinnear and Associates, on behalf of the current landowners Curwood Nominees Pty Ltd, has recently lodged an application with the WAPC seeking approval to subdivide Lot 549 Gellard Road, Lake Biddy.

It is understood from the details submitted in support of the application that the landowner is seeking approval to create two (2) separately titled lots (i.e. a broadacre rural lot and a larger than normal homestead lot) (see Attachment 1).

Lot 549 Gellard Road, Lake Bidy is located approximately fifteen (15) kilometres west-north-west of the Newdegate townsite on south side of Gellard Road and approximately three (3) kilometres to the east of the Gellard and Buniche Road intersection (see Plan 1).

The subject land has been extensively cleared for agricultural purposes however vegetation corridors have been retained along two (2) central north south traversing watercourses which appear to be tributaries of a small wetland located centrally on the southern boundary of Lot 549. Furthermore, significant stands of remnant vegetation exist centrally in the northern and south-eastern portions of the property. Portions of this vegetation are protected under the Soil and Land Conservation Act by a conservation covenant registered on the Certificate of Title for Lot 549 (see Attachment 2).

The properties contain a small number of physical improvements including boundary fences, unsealed access tracks, a dam, two sheds and a dwelling. The majority of the building improvements are located centrally in the northern part of the property.

As previously mentioned the application proposes the creation of two (2) lots from the existing one (1) lot (see Plan 2). 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 549	1091.62 hectares	-
Proposed Lot A	-	43.87 hectares
Proposed Lot B	-	1047.75 hectares

In considering the proposed subdivision Council is required to have due regard to the provisions of the Shire of Lake Grace Town Planning Scheme No.3, the (draft) Shire of Lake Grace Town Planning Scheme No.4 in so far as it provides guidance to Council, and any relevant adopted WAPC policy.

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

Lot 549 is not within the jurisdiction of the Shire's current Town Planning Scheme No.3 (TPS No.3) and therefore is not zoned. As such Council has no scheme provisions or policies applicable to the proposed subdivision of the property in the manner or for the purpose intended.

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

Although Town Planning Scheme No.4 (TPS No.4) is currently in draft format and does not form part of the normal statutory planning framework for determining planning applications, it is considered reasonable under the current circumstances, given that TPS No.3 is silent on the matter of subdivision of the subject land, for Council to use the proposed provisions of draft TPS No.4 as a guide to providing comments to the WAPC.

Notwithstanding the limited controls currently afforded by TPS No.3, the land is proposed to be classified 'General Agriculture' zone in the Shire's proposed new TPS No.4. Under the terms of 'General Agriculture' zoning classification and the provisions of the Shire's new Local Planning Strategy, the further subdivision of existing broadacre agricultural lots in the Shire can only be supported by Council where it accords with the specific provisions of TPS No.4, the Local Planning Strategy, Local Planning Policies and any relevant policies of the WAPC applicable at the time.

TPS No.4 identifies that the 'General Agriculture' zone is intended primarily for the preservation of agriculturally significant land. It states that land classified '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 jeopardise this potential.

The stated purpose of the proposed subdivision is to continue to use the land for rural purposes whilst also enabling the existing landowner, who according to the application currently lives alone on the property, to remain on a smaller homestead lot which has a significant portion of its area encumbered by a covenant protecting vegetation. Therefore the proposed subdivision, if approved, will excise and create a homestead lot of approximately 43.87 hectares containing protected vegetation, a dwelling and two sheds. The remaining balance portion of the lot being 1047.75 hectares is mainly cleared of vegetation, has two (2) watercourses that traverse it in a north-south direction and comprises an area of protected vegetation in its south-eastern portion.

TPS No.4 contains draft provisions that relate to the consideration of subdivision applications within the proposed 'General Agriculture' zone, specifically where homestead lots are proposed to be created. These provisions are discussed as follows:

*5.10.1 The local government may support subdivision in the General Agriculture zone to excise land containing an existing farm residence for the purposes of a homestead lot subject to*

*there having been a decline in population over two intercensal periods in the Census Collector District in which the land is located;*

Comment: According to Australian Bureau of Statistics (ABS) information the population within the district has declined over a period of two (2) intercensal periods.

*the proposed homestead lot having an area of between four (4) and twenty (20) hectares excluding any battleaxe leg;*

Comment: The homestead lot is proposed to have an area of 43.87 hectares, an area that is considerably larger than that anticipated by the Shire's draft LPS and TPS No.4.

*the proposed homestead lot having its own frontage and constructed vehicular access to a dedicated and constructed road;*

Comment: The proposed homestead lot will be provided with its own frontage and access to a dedicated and constructed road.

*the proposed homestead lot being served by a potable water supply and an adequate means of effluent disposal to the satisfaction of the local government and the Department of Health; and*

Comment: A dwelling and outbuildings currently exist on the proposed homestead lot; therefore it is served by adequate means of on-site effluent disposal and an on-site potable water source.

*the proposed homestead lot not generating demand for additional government and community services.*

Comment: It is considered that the proposed homestead lot will not generate demand for additional government and community services.

The proposed subdivision seeks to create a lot that is inconsistent with the draft TPS No.4 provisions that relate to homestead lots, i.e. the proposed homestead lot at 43.87 hectares in area is considerable larger than the maximum 20 hectares anticipated by draft TPS No.4.

Notwithstanding the inconsistency with the provisions of draft TPS No.4, and given that the proposed homestead lot contains vegetation identified as significant and worthy of conservation, the Council may exercise discretion and consider the proposed subdivision in the context of the provisions of the Western Australian Planning Commission's current *Policy No. DC3.4 – Subdivision of Rural Land*, which enables the subdivision of land for conservation purposes.

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

The provisions of the Western Australian Planning Commission's current *Policy No. DC3.4 – Subdivision of Rural Land* adopts a position of presuming against the subdivision of 'Rural' zoned land unless consistent with the provisions of a town planning scheme, a local planning strategy, a local rural strategy, or where the application is made under the following circumstances:

Where a significant natural or man-made feature already physically divides the proposed lots and an undesirable precedent would not be set;

Where one or more of the lots is to accommodate an existing or proposed specific non-rural land uses such as recreation facilities, tourist facilities, public utilities, uses ancillary to the rural use of the land (e.g. abattoirs, canning works, grain palletizing plants etc.);

Where the purpose of the subdivision is to excise a conservation lot in accordance with Western Australian Planning Commission criteria;

Where the purpose of the subdivision is to facilitate the conservation of a heritage building or place where:

- The building, object or place is listed in the State Register of Heritage Places or a Heritage List in the town planning scheme;
- The subdivision is supported by the local government;
- The local government and landowner enter into a legal agreement, binding on successive owners in Title, to ensure the conservation of the heritage place and to limit the use of the newly created lot and place; and
- The allotment is of sufficient size to contain its own impacts and will not adversely affect the operation of external uses.

Where the purpose of the subdivision is to provide for the relocation of existing boundaries where:

- The new boundaries reflect good environmental and land management practices;
- No additional dwelling entitlements are created or where the dwelling entitlements are removed or reduced; and
- The proposal is intended to facilitate ongoing agricultural usage on all of the lots.

Given the existence of an existing conservation covenant applicable to the subject land, which aims to protect and conserve stands of vegetation located on the land, it is considered reasonable to consider the proposed subdivision against the criteria contained in section 3.3 of the Western Australian Planning Commission's current *Policy No. DC3.4 – Subdivision of Rural Land* relating to subdivision for conservation purposes.

Provisions contained in section 3.3 of the Western Australian Planning Commission's current *Policy No. DC3.4 – Subdivision of Rural Land* affords the opportunity to subdivide agricultural land where subdivision results in vegetation conservation. These provisions are discussed as follows:

*A subdivision for conservation should meet all the criteria below:*

- (a) the land is located in the Wheatbelt Agricultural Policy Area;*

Comment: The land is located within the WAPC's Wheatbelt Agricultural Policy Area.

*(b) the vegetation has been identified and agreed as worthy of protection in an approved strategy, catchment plan, or a specific assessment that identifies that the land:*

*has conservation values when assessed against the Vegetation Assessment Guidelines; and*

*(ii) is viable as bushland in the longer term and serves catchment and land management objectives;*

Comment: A conservation covenant protecting the significant stands of vegetation on the property exists. To this extent it is clearly demonstrated that the vegetation is worthy of conservation.

*(c) the Commissioner for Soil and Land Conservation provides advice supporting the subdivision;*

Comment: Although the Shire has not sought advice from the Commissioner for Soil and Land Conservation or the Department of Environment (nor is it required to do so), it is understood that the WAPC, as the determining authority will seek advice from these agencies prior to making a final determination on the application.

*(d) the conservation lot is at least 40 ha in area;*

Comment: The conservation lot is proposed to be 43.87 hectares in area.

*(e) at least 85% of the conservation lot is covered by native or regenerated vegetation;*

Comment: According to aerial photography provided by applicant, it appears that the conservation lot is at least 85% covered by native or regeneration vegetation.

*(f) the proposed conservation lot has an appropriate shape having regard for the native vegetation, natural features and farm management;*

Comment: The shape of the conservation lot although unconventional takes into consideration the extent of native vegetation. Therefore the proposed shape of the conservation lot is considered appropriate.

*(g) a conservation covenant in perpetuity with the Commissioner for Soil and Land Conservation, or another responsible agency, is registered on the Certificate of Title of the lot set aside for conservation and that covenant includes provisions that:*

*prohibit further clearing (other than for necessary land management requirements);*

*clearly delineate a building envelope and/or building exclusion area which are also shown on the subdivision plan; and*

*(iii) prohibit stocking outside any designated building envelope; and;*

Comment: The current conservation covenant that protects the vegetation from clearing and requires fencing to protect it from livestock is set to expire in the year 2020. Should Council recommended to the WAPC that the application be approved it should do so with a condition requiring the existing conservation covenant be re-drafted so that it remains valid in perpetuity.

*(h) the remaining agricultural lot must:*

*have sufficient area to be capable and suitable for sustainable agricultural use;*

*contain where practical, areas equivalent to approximately 20% of the area of that lot as native or regenerated vegetation as an integral part of sustainable farming; and*

*(iii) have a conservation covenant in perpetuity with the Commissioner for Soil and Land Conservation, or another responsible agency, registered on the Certificate of Title of the lot protecting the remaining native vegetation.*

Comment: The remaining agricultural lot is proposed to be 1047.75 hectares in area, which is considered to be of sufficient size to viably cater for broadacre agriculture. Furthermore, a portion of the vegetation located within the boundaries of the proposed agricultural lot is currently protected by the existing conservation covenant. Although the area of vegetation protected by the covenant on the agricultural lot is less than 20% of the lot area, it is considered desirable to continue to protect this vegetation in a manner similar to that on the conservation lot by re-drafting the conservation covenant so that it remains valid in perpetuity.

### Conclusion

It is concluded from a detailed assessment of the application that the proposed subdivision of Lot 549 Gellard Road, Lake Bidby as submitted by John Kinnear and Associates complies with specific criteria identified within the current Western Australian Planning Commission *Policy No. DC3.4 – Subdivision of Rural Land* as it relates to subdivision for conservation purposes.



To that extent the Council may exercise discretion and recommend approval of the subdivision application subject to a condition that requires the applicable conservation covenant to be redrafted so as to be valid for perpetuity.

Legal Implications

Town Planning and Development Act 1928 (as amended)  
Shire of Lake Grace Town Planning Scheme No.3  
Shire of Lake Grace Town Planning Scheme No.4 (Draft)

Policy Implications

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

Community Consultation

Not required.

Financial Implications

Nil

Strategic Implications

Shire of Lake Grace Local Planning Strategy (Draft) – Conditional approval of the application is unlikely to prejudice or jeopardise the strategic objectives of the ‘General Agricultural’ precinct within the draft Local Planning Strategy given that subdivision of the land as proposed will facilitate retention of population in the district whilst also ensuring long term conservation and protection of significant, remnant native vegetation in an area traditionally cleared and used for agricultural purposes.

Voting Requirements

Simple majority required.

Recommendation/Resolution

**MOTION 10148**

Moved Cr Stewart  
Seconded Cr Sinclair

That Council advise the Western Australian Planning Commission that it supports the proposed subdivision of Lot 549 Gellard Road, Lake Bidy by John Kinnear and Associates on behalf of the landowner Curwood Nominees Pty Ltd in accordance with the details of the plan submitted in support of the application and subject to the following condition:

A memorial in the form of a conservation covenant in perpetuity is to be placed on the Certificates of Title of proposed Lots A and B protecting the significant native vegetation as currently identified on the existing conservation covenant applicable to the Lot 549 on Deposited Plan 202883 on Certificate of Title Volume 1317, Folio 950, being document number G804721.

**MOTION CARRIED 8/0**

## 11.2 PLANNING APPLICATION – PROPOSED EXTENSIONS LOT 1 341 STUBBS ST LAKE GRACE

**Applicant:** Walson (WA) Pty Ltd  
**File No.** 0506  
**Attachments:** Plans 3,4 & 5  
**Author:** Mr Joe Douglas  
Town Planning Consultant  
**Disclosure of Interest:** Nil  
**Date of Report:** 14 February 2006  
**Senior Officer:** Mr Chris Jackson  
Chief Executive Officer

### Summary

This report provides details and recommendations in respect of an application for Council's planning consent submitted by Walson (WA) Pty Ltd on behalf of Farmers Centre (1978) Pty Ltd to construct a steel lean to with zincalume roof cladding abutting the existing Farmers Centre building (between the existing building and Stubbs Street) on Lot 341 Stubbs Street, Lake Grace. The application does not specify the intended use or purpose of the proposed lean to area however taking into consideration the existing use of that area it is assumed that it will continue to be used for general storage, access to the building, vehicle parking and vehicle servicing.

### Background

Lot 341 is located centrally within the Lake Grace townsite. The lot is approximately 1,980m<sup>2</sup> (22m x 90m) and has 90 metres of direct frontage to Stubbs Street which is identified as a major road (see Plan 3).

Walson (WA) Pty Ltd is seeking Council's planning consent to construct a steel "lean to" structure with zincalume roof cladding abutting the existing Farmers Centre building (between the existing building and Stubbs Street) on the subject land. (see Plans 4 & 5). Under the terms of the application the details of the proposed "lean to" structure are as follows:

- i) 32.9 metres in length;
- ii) 6.1 metres in depth;
- iii) 4.9 metres in height;
- iv) steel frame construction; and
- v) removal of existing vehicle access gate.

The application does not provide details on any changes to vehicle access, circulation and manoeuvrability as a result of the proposed structure.

It is understood that the Farmers Centre has been operating from Lot 341 for a substantial period of time. At the time of preparing this report Planning Enterprises could not identify the precise period of time that the Centre has been operational on the property, however it may be in excess of 25 years.

The operational benefits of the proposed “lean to” to the Farmers Centre business are clear; it will provide a sheltered area for storage, parking and servicing of vehicles and equipment. It will also provide a more comfortable and pleasant working environment for staff and in turn should facilitate improved work efficiencies and productivity.

#### Comment

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

Lot 341 is currently classified ‘Town Centre’ zone in the Shire of Lake Grace Town Planning Scheme No.3 (TPS No.3). Council’s stated objective for land classified ‘Town Centre’ zone is to ensure that the zone satisfactorily provides for the commercial, public use and civic activities of the District.

It is difficult to categorise the Farmers Centre as a ‘use class’ listed in TPS No.3 as it has evolved over the years and it includes aspects of a variety of uses, for example:

- Machinery Sales - sale of machinery;
- Showroom - display of goods offered for sale;
- Warehouse - storage of goods that may be offered for wholesale; and
- Service Industry - a light industry including the sale and service of goods, and may include a shop front.

Notwithstanding, all of the above uses are capable of obtaining planning consent under TPS No.3. To that extent the application before Council seeks approval for a “lean to” addition associated with a long standing use on the subject land, for which TPS No.3 affords Council the discretion to consider and approve.

The ‘Development Requirements’ table in TPS No.3 (i.e. Table 2) states that all standards for the development of ‘Commercial Uses’ within the ‘Town Centre’ zone are at the discretion of Council. As such Council may impose any conditions considered reasonable and appropriate in the circumstances to ensure that a high standard of amenity is achieved.

Table 3 – Carparking in TPS No.3 is silent on the matter of the minimum number of required carparking bays for the Farmers Centre. It does however advise that carparking is to be determined by Council, having regard to the nature and anticipated use. Notwithstanding, it is considered that the proposed “lean to”, if approved, is unlikely to generate a need for additional carparking.

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

Under the Shire’s proposed new Local Planning Strategy and Town Planning Scheme No.4 (TPS No.4) adopted by Council at its Ordinary Meeting held on the 23<sup>rd</sup> March 2005, the subject landholding is proposed to be classified ‘Service Commercial’ zone.

The objectives of the 'Service Commercial' zone prescribed in TPS 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.

The existing Farmers Centre and proposed "lean to" is most appropriately classified as a 'Farm Supply Centre' under the Zoning Table contained in TPS No.4. As such it is a use that is permissible on land classified 'Service Commercial' zone under TPS No.4.

### **Development Components**

It is established that the proposed "lean to" is a structure that is capable of being approved by Council under TPS No.3, subject to Council being satisfied with the development components of the proposal, and/or accordingly imposing suitable conditions on the approval. In considering the proposal Council is required to have due consideration to all relevant matters, two (2) of those matters being the implications of the proposal on-site vehicle accessibility and circulation and streetscape impacts.

### **Vehicle Access and Circulation**

The proposed "lean to" is to be constructed within the existing 10 metre setback between the existing building line of the shed and the Stubbs Street road reserve boundary. According to the plans submitted an existing gate between the showroom portion of the building and the shed affords internal vehicle access for deliveries and pickups.

Approval of the "lean to" will decrease the existing un-built setback distance from 10 metres to 3.9 metres which will likely prove to be of insufficient width to enable the efficient circulation of larger commercial vehicles to access the shed via the existing sliding doors facing Stubbs Street. To that extent, approval of the application as proposed will result in the need for vehicles delivering and picking up bulky goods and materials from the Farmers Centre to use a portion of the Stubbs Street road reserve area for vehicle access and parking.

It is understood that the Stubbs Street verge is currently used (in an informal capacity) for vehicle circulation and access to the Farmers Centre, however approval of the proposed "lean to" structure by Council will legitimise the use of the Stubbs Street verge area for vehicle access and circulation.

Stubbs Street is classified as Major Road Reserve in both TPS 3 and TPS 4. As such any application for development on land abutting it which has the

potential to impact upon traffic movement and safety should be referred to Main Roads Western Australia (MRWA) for comment prior to Council making a decision. This is clearly documented in draft TPPS No.4 – clause 5.27.5. To this extent it is recommended that Council refer the proposal to MRWA for comment prior to determining the application.

### **Streetscape**

The area under the proposed “lean to” will likely be used for some form of outdoor storage and a day-to-day working area. For the purpose of preserving and enhancing streetscape amenity in accordance with stated planning objectives, Council should consider imposing a condition on any planning approval that may be issued requiring the provision of landscaping within the setback area between the “lean to” and the verge so as to soften the visual impact of the proposed “lean to” and the use of the area therein from Stubbs Street. This approach may however seriously constrain vehicle accessibility to the “lean to” area and the existing sliding doors to the shed and could therefore prove undesirable. This matter will need to be considered further following a response from MRWA.

### **Conclusion**

It is concluded from an assessment of the application in the context of the Shire’s current Town Planning Scheme No.3 and proposed new Town Planning Scheme No.4 that the proposed “lean to”, if approved, is likely to require the use of the Stubbs Street verge (i.e. a portion of the designated road reserve area) for vehicle access and circulation and may not achieve planning objectives associated with traffic safety and amenable streetscapes. It is therefore considered necessary to refer the application to Main Roads WA for comment prior to Council making a final determination.

### Legal Implications

- Town Planning and Development Act 1928 (as amended)
- Shire of Lake Grace Town Planning Scheme No.3
- Shire of Lake Grace Town Planning Scheme No.4 (adopted by Council 23<sup>rd</sup> March 2005)

### Policy Implications

Nil

### Community Consultation

Not required, however it is recommended that the matter be referred to Main Roads WA for comment prior to a final determination by Council.

### Financial Implications

Nil

### Strategic Implications

Nil

Recommendation

That Council resolve to defer consideration of the planning application submitted by Walson (WA) Pty Ltd on behalf of Farmers Centre (1978) Pty Ltd to construct a steel “lean to” abutting the existing Farmers Centre building on Lot 341 Stubbs Street, Lake Grace pending referral of the proposal to Main Roads Western Australia for comment and receipt of advice from Main Roads Western Australia regarding the acceptability of the potential impacts upon the Stubbs Street road reserve area.

Voting Requirements

Simple majority required.

Recommendation/Resolution

**MOTION 10149**

Moved Cr Walker  
Seconded Cr Farrelly

That Council approve the planning application submitted by Walson (WA) Pty Ltd on behalf of Farmers Centre (1978) Pty Ltd to construct a steel “lean to” abutting the existing Farmers Centre building on Lot 341 Stubbs Street, Lake Grace subject to:

1. Referral of the proposal to Main Roads Western Australia for comment and receipt of advice from Main Roads Western Australia regarding the acceptability of the potential impacts upon the Stubbs Street road reserve area.
2. Issue of a Building licence prior to the commencement of any works on the site.
3. Building materials matching the existing building.
4. All stormwater drainage managed to the specifications and satisfaction of the Shire of Lake Grace.
5. Sealing of the area to the satisfaction of the Shire of Lake Grace.

**MOTION CARRIED 8/0**

**REASON FOR CHANGE**

***Council considered that to avoid further time delays the planning application for the development be approved subject to Main Roads approval.***

## 12.0 MATTERS FOR CONSIDERATION – HEALTH & BUILDING

### 12.1 WASTE MANAGEMENT REVIEW

**Applicant:** Mr Maurice Walsh EHO  
**File No.** 0521  
**Attachments:** Copy of GHD'S draft report on the Shire of Lake Grace Waste Management Review.  
**Author:** Mr Maurice Walsh  
 Environmental Health Officer  
**Disclosure of Interest:** Nil  
**Date of Report:** 15 February 2006  
**Senior Officer:** Mr Chris Jackson  
 Chief Executive Officer

#### Summary

As a result of Council staff engaging GHD to look at the Shire of Lake Grace's current waste management facilities and practices Council has received a draft report which is attached for Councillors and staff perusal.

#### Background

GHD are consulting engineers would have considerable experience in the field of developing waste management programs and systems both in Australia and Internationally. The aim was to obtain some expertise and guidance with the view to review waste management the Shire of Lake Grace.

#### Comment

Staff from the Department of Environment inspected the Lake Grace, Newdegate and Lake King rubbish tips mid 2004. As a result of the inspections Council was advised that waste management practices in the Shire of Lake Grace should be improved and special mention was made with regard to the current location of the Newdegate site being on the edge of a lake.

The Shire's rubbish tips were inspected again by staff from the Department of Environment on 14 February 2006. It is likely that Council will be further advised to look at improving waste management practices and consider the short term future of the Newdegate and Lake Varley sites.

The Department of Environment is currently going through an enforcement and prosecution policy review. The author has been advised that the DoE may well look at issuing infringements of up to \$5,000 on local authorities in the future that are found to in breach of



the Environment (Country Landfill) Regulations 2002. In this regard the recent inspection of the Shire's rubbish tips on the 14 February 2006 revealed several breaches of the legislation.

In addition it is estimated that the cost to clean up and remove accumulated tyres, waste oil products, chemical containers and empty fuel drums from all rubbish tips in the Shire of Lake Grace is currently in excess of \$25,000. All of the issues are related to the fact that Council does not have any control of what is dumped at any of the rubbish tips in the Shire because the sites are not manned.

It is recommended that a representative from GHD attend a meeting with Councillors to discuss future options for waste management in the Shire of Lake Grace. Council will be further advised of the outcome of the recent inspection of the Shire's rubbish tips by the Department of Environment's staff at this meeting.

Legal Implications

Environmental Protection Act 1986 (as amended)  
Environmental (Country Landfill) Regulations 2002

Policy Implications

Unknown

Financial Implications

E101260 Waste Review Budget \$80,000

Strategic Implications

Unknown

Voting Requirements

Simple majority required.

Recommendation/Resolution

**MOTION 10150**

Moved Cr Bennett  
Seconded Cr Taylor

1. That the draft Waste Management Review prepared by GHD be received.
2. That Council's Environmental Health Officer and a representative from GHD be invited to present the report and to discuss future options for waste management prior to the March Ordinary Meeting.

**MOTION CARRIED 8/0**

## 13.0 MATTERS FOR CONSIDERATION – FINANCE

2.17pm            *Mr Jackson left the meeting.*

### 13.1            ACCOUNTS FOR PAYMENT DECEMBER 2005 & JANUARY 2006

**Applicant:**                      Shire of Lake Grace  
**File No.**                            14.3.4  
**Attachments:**                 List of Creditors  
**Author:**                         Ms Leonie McIlree  
   Deputy Chief Executive Officer  
**Disclosure of Interest:**    Nil  
**Date of Report:**                14 February 2006  
**Senior Officer:**                Mr Chris Jackson  
   Chief Executive Officer

#### Summary

For Council to ratify expenditures incurred for the months of December 2005 and January 2006.

#### Background

List of invoices paid for the months of December 2005 and January 2006 through the Municipal Account is attached.

#### Comment

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

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

The attached list meets the requirements of the Financial Regulations.

#### Legal Implications

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

#### Policy Implications

N/A

#### Community Consultation

N/A

Financial Implications

The list of creditors paid for the months of December 2005 and January 2006 from the Municipal account amounts to \$433,998.49, electronic funds transfers from the Municipal account amounting \$188,678.07 and direct debits to the Municipal Account totalling \$120,529.09.

Strategic Implications

N/A

Voting Requirements

Simple majority required.

Recommendation/Resolution

**MOTION 10151**

Moved Cr Farrelly  
Seconded Cr Stewart

That Municipal Account cheques 31672 to 31788, totalling \$433,998.49, Electronic Funds Transfers EP001176 to EP001323, totalling \$188,678.07, direct debits to the Municipal Account totalling \$120,529.09, having been checked and certified in accordance with the Financial Management Regulation 12, be confirmed, and passed for payment against the respective accounts as shown on the summary of Accounts for Payment schedule.

**MOTION CARRIED 8/0**

## **FINANCIAL STATEMENTS - DECEMBER 2005**

**Applicant:** Shire of Lake Grace  
**File No.** 0275  
**Attachments:** Financial Reports  
**Author:** Ms Leonie McIlree  
Deputy Chief Executive Officer  
**Disclosure of Interest:** Nil  
**Date of Report:** 14 February 2006  
**Senior Officer:** Mr Chris Jackson  
Chief Executive Officer

### Summary

Consideration of the financial statements for the month ending 31 December 2005.

### Background

The following financial reports are included for your information:

- Statement of Financial Activity
- Function Report
- Capital Expenditure Summary
- Bank Reconciliation
- SAR Summary

### Legal Implications

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

### Policy Implications

N/A

### Community Consultation

N/A

### Financial Implications

Nil.

### Strategic Implications

N/A

Voting Requirements

Simple majority required.

Recommendation/Resolution

**MOTION 10152**

Moved Cr Bennett  
Seconded Cr Taylor

That the financial reports for the month ending 31 December 2005 as attached be received.

**MOTION CARRIED 8/0**

## 14.0 MATTERS FOR CONSIDERATION – ADMINISTRATION

2.19pm Mr Jackson returned to the meeting.

### 14.1 FLOOD DAMAGE JANUARY 2006 - REPAIRS

**Applicant:** N/A  
**File No.** 0516  
**Attachments:** Nil  
**Author:** Mr Chris Jackson  
 Chief Executive Officer  
**Disclosure of Interest:** Nil  
**Date of Report:** 14 February 2006  
**Senior Officer:** Mr Chris Jackson  
 Chief Executive Officer

#### Summary

To provide an update on flood damage incurred following rain received on and after the 13 January 2006, to endorse correspondence sent to the Minister for Planning and Infrastructure in relation to funding for road flood damage repairs and acknowledge appointment of temporary staff to assist with the flood recovery process.

#### Background

The following letter was sent on the 15 February 2006 to the Hon Alannah MacTiernan MLA Minister for Planning and Infrastructure.

*Thank you for your recent visit to Lake Grace to inspect damage to public infrastructure following Tropical Cyclone Clare and the subsequent floods.*

*A preliminary estimate of the extent and nature of damage to local roads, sporting facilities and the Lake Grace cemetery has been undertaken and is expected to exceed \$3m. Road infrastructure repairs are estimated as follows:*

- 1. Opening up costs \$150,000*
- 2. Reinstatement costs \$2,500,000*

*These preliminary estimates have been provided to Main Roads pending completion of a formal application for special funding assistance. Assessment of the roads continues to be hampered with rain continuing to fall. Lake Grace recorded a further 34mm on Saturday 11<sup>th</sup> February taking the total rain received since the 13 January 2006 to 296.2mm.*

*As you would be aware Lake Grace is included as part of the Proclaimed Eligible Natural Disaster area following TC Clare and the subsequent floods. We have been advised that 75% of approved reinstatement costs will be provided by the Federal Government, with the balance of 25% required to be paid by the Shire of Lake Grace. As the Supplementary Fund under the State Road Funds to Local Government Agreement will be effectively reimbursed for the full cost of reinstatement under the conditions of the Federal Government's Natural Disaster Relief Fund (NDRF), Council seeks your support in allocating additional funds from the Supplementary Fund to cover Council's 25% which is expected to exceed \$625,000.*

*A large proportion of Council's 2005/2006 road construction & maintenance program is completed and there is no scope for the program to be amended to accommodate this unforeseen expenditure. If special funding is not made available then Council will be forced to defer the reinstatement works for consideration in the 2006/2007 financial year or advertise its intent to borrow the funds. Both options are not considered appropriate given the urgent need to undertake the works now for safety and economic reasons.*

*Any additional funding assistance that can be provided from the Supplementary Fund over and above the 75% that will be reimbursed under the NDRF would greatly assist in reinstating vital road infrastructure for the Lake Grace community.*

*Your urgent consideration of this special request would be appreciated and if you would like further detail on the proposal, please do not hesitate to contact me.*

*Signed  
Cr Darcy Roberts  
Shire President  
Shire of Lake Grace*

### Comment

At the time of writing the item no response to the above letter had been received from the Minister.

Other infrastructure that has sustained damage includes.

- Lake Grace Sports Dam - A preliminary estimate of \$291,520 for repairs to the dam has been submitted to the Department of Sport & Recreation. No response has been received at this time.
- Lake Grace Golf Course - A preliminary estimate of \$125,000 for repairs to the course has been submitted to the Department of Sport & Recreation. No response has been received at this time.
- Lake Grace Cemetery - One quote has been received for \$71,500 to undertake repairs to 130 memorials. An application for funding to Lotterywest is currently being planned together with the formation of a small community committee to assist with the repair works.

A meeting was held on Tuesday 7 February 2006 to discuss, workshop and coordinate a funding application for the Natural Disaster Mitigation Program and to explore any further funding opportunities that may exist. The meeting was attended by various agencies including the Dept of Ag, Main Roads, Avon Catchment Council, Wheatbelt Development Commission, Wheatbelt Area Consultative Committee and the Lake Grace Progress Association.

A Flood Recovery Project Officer has been appointed on a temporary basis to coordinate funding applications on behalf of the Shire. Community assistance has also been requested through completion and return of survey forms. The information gathered will be used in the application process.

Applications that are currently being prepared and considered include mitigation funding for the Lake Grace Townsite (Drainage issues CBH, Stubbs St, Bennett St) Cemetery Lake (long term options to stop

flooding) and funding for development of new emergency response plans for the whole shire.

The Local Emergency Management (LEM) Recovery Committee has met on the 16, 18 & 25 January and 7 February 2006. Four Community Flood Update newsletters have also been produced to provide information to the community.

The Lord Mayors Disaster Relief Fund is also being investigated to support members of the community experiencing hardship. This process would initially be administered through the LEM Recovery Committee.

A Proclaimed Eligible Natural Disaster Damage Estimates Summary Form has been submitted to the Western Australian Natural Disaster Relief Arrangements (WANDRA) which estimates total expenditure for the Shire alone at \$3,114,312. Other agencies such as Main Roads and West Net Rail will also be submitting estimates.

An Assistant Works Manager has been appointed on a temporary basis to assist with coordinating the various reinstatement works together with engineering support on contract to help prepare the required Special Assistance funding application through Main Roads.

As a thank you to the community for their support during the floods it is planned to host a 'free' community concert on Thursday 30 March 2006. The concert/song writing workshop featuring Hirst and Greene is part of a regional tour previously scheduled prior to the flood event and provides an ideal opportunity for a community get together. It is planned to hold the concert in the evening on the lawn at the Lake Grace District High School using the undercover area as the stage. Funds have been allocated in the 2005/06 budget (Account E042275) for such an event and sale of food is to be organised through community groups.

It is recommended that Council endorse the letter to the Minister, acknowledge the appointment of the Assistant Works Manager, Engineering Support and Flood Recovery Project Officer and support the hosting of a community concert.

Legal Implications

N/A

Policy Implications

N/A

Community Consultation

N/A

Financial Implications

It is recommended that the following accounts be established.



Account E122070 Flood Opening Up Costs \$150,000  
Account E122071 Flood Reinstatement Costs \$2,500,000  
Account I122070 Flood Opening Up Funding \$150,000  
Account I122071 Flood Reinstatement Funding \$2,500,000

Other accounts relating to sporting facilities and the cemetery will be included in the March Budget review if required.

Strategic Implications

The Shire of Lake Grace is committed to maintaining good road and other community Infrastructure which will need to be brought back to an acceptable condition in line with Councils future strategic direction.

Voting Requirements

Simple majority required.

Recommendation/Resolution 1

**MOTION 10153**

Moved Cr Walker  
Seconded Cr Farrellt  
That

1. The letter to the Minister for Planning and Infrastructure relating to Flood Damage Repairs be endorsed.
2. The appointment of the following temporary positions: Assistant Works Manager, Engineering Support and Flood Recovery Project Officer is acknowledged.
3. The hosting of a community 'thank you' concert following the recent floods is supported.

**MOTION CARRIED 8/0**

Voting Requirements

Absolute majority required.

Recommendation/Resolution 2

**MOTION 10154**

Moved Cr Taylor  
Seconded Cr Bennett

That the 2005/2006 Budget be amended with the inclusion of the following accounts:

Account E122070 Flood Opening Up Costs \$150,000  
Account E122071 Flood Reinstatement Costs \$2,500,000  
Account I122070 Flood Opening Up Funding \$150,000  
Account I122071 Flood Reinstatement Funding \$2,500,000

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

Voting Requirements

Simple majority required.

Resolution

**MOTION 10155**

Moved Cr Walker  
Seconded Cr Bennett

That Council approve the calling of tenders for rates of machinery hire.

**MOTION CARRIED 8/0**

***REASON FOR CHANGE (i.e. ADDITIONAL MOTION)***

***As flood recovery works will exceed \$50,000, tenders need to be called and Council approval required.***

## 14.2 LAKE GRACE LIBRARY RESOURCE & TELECENTRE MANAGEMENT COMMITTEE – APPOINTMENT, MEMBERSHIP & MINUTES

**Applicant:** Lake Grace Library, Resource & Telecentre Management Committee  
**File No.** 0157  
**Attachments:** Minutes & copy of s5.9 Local Govt Act 1995  
**Author:** Mrs Jeanette Bennett  
 Executive Assistant  
**Disclosure of Interest:** Nil  
**Date of Report:** 15 February 2006  
**Senior Officer:** Chris Jackson  
 Chief Executive Officer

### Summary

For Council to formally establish the Lake Grace Library, Resource & Telecentre Management Committee as a Committee of Council, endorse appointment of its members and to receive minutes of the meeting held on 9 February 2006.

### Background

Following signing of the formal agreement on 11 January 2006 between the Minister for Education and the Shire of Lake Grace, a formal Library, Resource & Telecentre Management Committee meeting was held on the 9 February 2006.

As per Clause 3 of the Agreement, a committee has been established under the provisions of section 5.9 (1) & (2)(c) of the Local Government Act 1995 comprising:

- a) 2 members appointed by the Shire, being the CEO and a Councillor (Chris Jackson & Cr Ollie Farrelly)
- b) 2 members appointed by the Minister, one of whom is the Principal (Grant Draper & Stuart Blackwood)
- c) 1 member to be appointed by the Telecentre Management Committee (Mary Naisbitt)
- d) 1 elected community member to be organised by the Management Committee (Linda Carruthers)

A copy of section 5.9 of the Local Government Act 1995, (types of committees) is attached.

### Comment

As a committee of Council, Shire staff will prepare the agendas and minutes and arrange for public notice of meetings. The meetings will be open to the public and will include public question time.

At the 9 February 2006 meeting, Mary Naisbitt was elected as Chairman for a 12 month period.

### **Library Staff Review**

Section 5.5 of the Agreement required a review of Library staff be undertaken at the end of 2005 for implementation in 2006. This is currently underway.

The Librarian is currently employed for 15 hours per week and there is concern that due to lack of librarian hours and restricted overlap time between library staff, school commitments are taking up the majority of the 15 hours leaving only enough time to meet basic customer service requirements with no extra time to spend on community programs. A meeting will be held between the CEO and the Principal to discuss the situation.

### Legal Implications

Local Government Act 1995 section 5.9 – relates to committees  
Local Government Act 1995 (Administration) Regulations 1996 – relates to operation and function of committees

### Policy Implications

Operation of public library facilities is an important Local Government service.

### Community Consultation

The community is represented on the Committee and meetings are open to the public.

### Financial Implications

N/A

### Strategic Implications

N/A

Voting Requirements

Absolute majority required.

Recommendation/Resolution

**MOTION 10156**

Moved Cr Farrelly  
Seconded Cr Stewart

That Council:

1. Establish the Lake Grace Library, Resource & Telecentre Management Committee under section 5.9 of the Local Government Act 1995 to operate under the terms as set out in the formal agreement between the Shire and the Minister for Education.
2. As per clause 3.1 of the Agreement appoint members of the Lake Grace Library, Resource & Telecentre Management Committee as follows:
  - Cr Farrelly & CEO
  - LGDHS Principal & Deputy Principal
  - Mrs Mary Naisbitt
  - Mrs Linda Carruthers
3. Receive minutes of the 9 February 2006 Management Committee Meeting.

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

## 15.0 URGENT BUSINESS BY DECISION OF THE MEETING

### 15.1 LAKE KING WATER SUPPLY – CR ROBERTS

The following article was published in today's (Wednesday 22 February 2006) West Australian. The water deficiency situation at Lake King is ongoing, long term options need to be considered and the situation needs to be addressed:

Grace road transport operator David Hughes-Owen is conducting ongoing road closures, and disseminating information.

## Contrasts in water worries for towns

SUELLEN JERRARD

Water is being carted to the south-east Wheatbelt town of Lake King while its neighbour Lake Grace, 115km west, remains surrounded by floodwater.

Lake Grace Shire president Darcy Roberts said it was ridiculous one area of the shire was under water while another could not get enough drinking supplies.

Cr Roberts said a lack of rain was not the problem in Lake King and accused the Water Corporation of ignoring leakage problems at the town's dam.

More than 90mm of rain has fallen in Lake King this year, compared to just 0.6mm in January and February last year.

Cr Roberts said that was enough to fill the town dam but instead it was only about 4m deep.

Lake Grace has had 334mm this year, close to what it could expect over 12 months.

Infrastructure repairs are continuing nearly six weeks after the record rain.

Water Corporation Great Southern business manager David Hughes-Owen said Lake King's water shortage was due to the drying climate and not the town's supply dam, which had been recently upgraded.

Carting from a standpipe in Lake Grace started on February 7 after the capacity of Lake King's dam fell to 11 per cent, prompting complaints over water quality. About 200 kilolitres was carted each week at a cost of \$306,000.

The dam was now 31 per cent full, allowing the carting program to be reviewed.

Cr Roberts said the money would be better spent on a long-term solution for Lake King's 40 permanent residents given water had been carted to the town three out of the last five summers.

"They'll keep putting a bandaid on the problem hoping it will get better but it won't until they fix it," he said.

"If this happened in Perth or Albany or Bunbury it would have been fixed yesterday." But Mr Hughes-Owen said it would be expensive to pipe water to Lake King compared with the cost-effective measure of carting.

The Water Corporation has also carted water to Varley, about 50km north of Lake King, since February 1 and to Munglinup, 110km west of Esperance, for a week in mid-January.

Mr Hughes-Owen said while supplies in both towns were healthy, recent heavy rain had caused water quality problems.



**Dam problem:** Lake Grace Shire president Darcy Roberts checks Lake King's dam. After good January rains, its water depth is just 4m.

Following discussion it was agreed the following action take place.

Resolution

**MOTION 10157**

Moved Cr Bennett  
Seconded Cr Sinclair

That Council write to the Minister for Water Resources expressing great concern regarding the quality of the Lake King Town water supply and the condition of the Lake King Town Water Dam, and requesting urgent action be taken to improve the condition of the water to Lake King residents.

**MOTION CARRIED 8/0**

**15.2 MOTOR VEHICLE CHANGEOVER – CEO VEHICLE**

Over the past four years Council has been purchasing its CEO vehicles through Edwards Motors Holden of Narrogin, who have been supplying a Holden Statesman V8 for nil \$ changeovers at 15,000kms. This deal is now no longer available.

Quotes were sourced for a replacement vehicle from Edwards Holden and Maalouf Ford as follows:

	Changeover
<b>Maalouf Ford</b>	
Ford Fairlane V6	\$3,392
Ford Fairlane V8	\$7,007
<b>Edwards Holden</b>	
Holden Statesman V6	\$3,700
Holden Statesman V8	\$6,500

Resolution

**MOTION 10158**

Moved Cr Bennett  
Seconded Cr Farrelly

That the quote from Maalouf Ford for the changeover of LG001 Holden Statesman for a 2006 Ford Fairlane 4.0 Litre at the changeover price of \$3,392.00 be accepted.

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

2.57pm Ms Michelle Slarke entered the meeting.

**15.3 NEWDEGATE TOWN GARDENING EQUIPMENT – CR STEWART**

The Newdegate community have requested purchase of the following gardening equipment for Newdegate, Lake King & Varley townsites to be permanently stationed at Newdegate for use by the Town Gardener:

1. Ride on mower
2. Spraying unit
3. Water tank

These items were to be considered as part of the 2006/07 budget considerations however It is recommended that these items be brought forward as pre budget expenditure for purchase this financial year.

During discussion it was agreed research is required on how it is to be funded and quotes need to be sought and brought back to Council prior to any decision being made. Consideration also needs to be given on the need for a trailer and options for storage of the equipment.

**MOTION 10159**

Moved Cr Stewart  
Seconded Cr Walker

That quotes be sourced for suitable gardening equipment for at Newdegate, Lake King & Varley and for this information along with storage options to be presented to Council for consideration.

**MOTION CARRIED 8/0**

3.08 pm Meeting adjourned for afternoon tea.

*During the afternoon tea break, the CEO introduced Ms Michelle Slarke, Flood Recovery Project Officer who gave an outline on Flood Mitigation funding applications currently being prepared.*

3.39 pm Meeting re-convened with all those previously present in attendance with the exception of Ms McIlree and Ms Slarke.



## **16.0 SCHEDULING OF MEETING**

### **As per Motion 10131 December 2005:**

An Ordinary Meeting of the Council will be held on Wednesday 22 March 2006 at the Varley Sports Pavilion, Varley commencing at 1.30 pm.

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

### **MOTION 10159**

Moved Cr Taylor  
Seconded Cr Stewart

That Council close the meeting to the public at this time, being 3.40pm pm, to discuss the nomination for an Honorary Freeman of the Municipality and the CEO Performance Review.

**MOTION CARRIED 8/0**

3.40pm *Mr Chappell left the meeting.*

3.41pm *Cr Taylor, being related to the nominee, expressed an interest of impartiality in Item 17.1, and left the meeting.*

**17.1      HONORARY FREEMAN - NOMINATION**

**Applicant:** N/A  
**File No.** 18.1.2  
**Attachments:** Nil  
**Author:** Mrs Jeanette Bennett  
Executive Assistant  
**Disclosure of Interest:** Nil  
**Date of Report:** 15 February 2006  
**Senior Officer:** Mr Chris Jackson  
Chief Executive Officer

Summary

For Council to consider a nomination for an Honorary Freeman of the Municipality.

Background

During 2005 a nomination was received for a former Councillor to be made an Honorary Freeman of the Municipality.

In 2002 Council adopted a policy (Policy 1.10) to confer the title of Honorary Freeman of the Municipality upon a Councillor after completion of 20 years service to the Council.

Comment

Council has previously conferred the title upon two of its former Councillors, Mr Len Elliott who completed 29 years service and Mrs Sylvia Brandenburg who completed 26 years service.

The nominee has served 11 years as a Councillor.

Legal Implications

In accordance with s3.1 (1) of the general function powers of a local government in providing for the good government of persons within its district, Council may confer such a title.

Policy Implications

Council Policy 1.10

Community Consultation

N/A

Financial Implications

Minor costs for certificates and frames.

Strategic Implications

N/A

Recommendation

For Council discussion and direction.

Voting Requirements

Simple majority required.

Resolution

**MOTION 10160**

Moved Cr Walker  
Seconded Cr Stewart

That in accordance with Council Policy no further action is taken regarding this request.

**MOTION CARRIED 7/0**

3.55pm Cr Taylor re-entered the meeting.

As per S5.70 of the Local Government Act 1995, the CEO disclosed an interest in Item 17.2 as it related to his contract. Council agreed that the CEO should remain in the Meeting.

## 17.2 **INTERIM PERFORMANCE REVIEW - CHIEF EXECUTIVE OFFICER**

**Applicant:** Cr Roberts  
**File No.** 0012  
**Attachments:** Draft report  
**Author:** Mrs Jeanette Bennett  
 Executive Assistant  
**Disclosure of Interest:** Nil  
**Date of Report:** 20 February 2006

### Summary

The purpose of this report is for Council to receive the CEO's interim performance review report and approve its recommendations.

### Background

In accordance with the requirements of his employment contract, Mr Chris Jackson has undertaken an interim performance review and has completed twelve months service as of 6 February 2006.

Mr Gary Martin conducted the performance review which was carried out through phone and email contact.

All Councillors were provided with a set of questions which were completed and returned to Mr Martin for collation. The results are presented in the attached report.

### Comment

The following report compiled by Mr Martin makes comment that the positive outcome of the assessment shows that the CEO has the support and confidence of Elected Members and that no further review is required at this time.

#### CEO INTERIM PERFORMANCE REVIEW 2005 - CONSOLIDATED SCORES

##### **PROBITY**

Are you satisfied that the CEO's conduct and integrity has been appropriate? 31  
 Are you aware of any significant matter that reflected on the CEO's conduct or performance? 7 No

##### **STATUTORY FUNCTION**

Are you satisfied with the standard of the information and advice provided by the CEO? 29  
 Are you satisfied that the CEO has provided the Council with information and advice in a timely manner? 29  
 Are you satisfied that the CEO has ensured that Council decisions are implemented in a timely manner? 31

Are you satisfied that the CEO has managed the day to day operations of the Shire in a satisfactory manner? 29

Are you satisfied that the CEO has managed the Shire employees effectively? 30

Are you satisfied that the CEO has kept the records of the Shire properly? 32

#### **RELATIONSHIP**

Has the CEO developed and maintained a satisfactory working relationship with the elected members? 34

Has the CEO developed and maintained a satisfactory working relationship and maintained good communication with the community? 32

#### **STATUTORY COMPLIANCE**

Are you satisfied that the CEO has maintained a high standard of statutory compliance? 32

#### **MANAGEMENT**

Are you satisfied that the CEO has effectively and efficiently managed the Shire's resources? 31

Are you satisfied that the CEO has properly implemented Council policy? 28

#### **FINANCIAL MANAGEMENT**

Are you satisfied that the CEO has managed the Council's finances effectively? 31

#### **OVERALL**

Are you satisfied with the CEO's overall performance of his role and duties since commencing duty in 2005? 33

How would you rate the CEO's performance 4 Excellent  
3 Very Good

(1. Excellent 2. Very Good, 3. Satisfactory .4 Needs improvement 5. Poor)

Do you have any particular issue that you wish to raise about the CEO's conduct or performance? 7 No

Do you require a personal interview with the consultant? 7 No

Are you comfortable with this survey process? 6 Yes 1 No

#### **COMMENT**

This report contains the summary of the consolidated scores received from seven of the nine Councillors who submitted individual assessments of the CEO's performance.

The scores were made on a scale of 1 to 5, with 1 being low or poor, 3 being satisfactory and 5 being high or excellent.

It is important to note that the CEO's performance only needed to rate consistently at a 3 to result in an overall satisfactory outcome. The total score potential for each item was 35 (7x5). A satisfactory average score would be 21 (7x3).

The lowest score was a 28 (implementation of Council policy) which is still well in excess of the satisfactory score of 21. The vast majority of scores were in the very high or very satisfactory level. The positive outcome of the CEO Performance Assessment process was further supported by 4 Councillors rating the CEO's performance as excellent and the other three rating it as very good. No negative score or issue was identified.

In view of the overall positive outcome from the assessment process it is evident that the CEO enjoys considerable confidence and support from the elected members and that no further review is required at this time. The positive outcome is such that even a negative assessment from the two other Councillors would not change the overall majority support position from seven Councillors. It is not anticipated that the two assessments that were not received would be negative.

#### **RECOMMENDATION**

It is recommended that the Council:

1. Receive this report with the meeting closed to the public as it deals with a matter affecting an employee.
2. Note the very satisfactory outcome of the interim CEO Performance Review.
3. That the confidentiality of the report be lifted following the Council meeting.

Gary Martin

Local Government Consultant

31 January 2006

Legal Implications

CEO contract between the Shire of Lake Grace & Christopher Jackson.

Policy Implications

N/A

Community Consultation

N/A

Financial Implications

N/A

Strategic Implications

N/A

Recommendation

That Council:

1. Receive the report,
2. Note the very satisfactory outcome of the interim CEO Performance Review; and,
3. The confidentiality of this report be lifted following the Council Meeting.

Voting Requirements

Simple majority required.

Resolution

**MOTION 10161**

Moved Cr Chamberlain  
Seconded Cr Bennett

That Council:

1. Receive the report,
2. Note the very satisfactory outcome of the interim CEO Performance Review; and,
3. The confidentiality of this report be lifted following the Council Meeting.

**MOTION CARRIED 8/0**

***During discussion it was noted that performance criteria for the CEO position is to be developed. Confidence and satisfaction in the performance of the CEO was noted.***

**MOTION 10162**

Moved Cr Walker  
Seconded Cr Farrelly

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

**MOTION CARRIED 8/0**

The CEO read aloud Motions 10160 and 10162.

**18.0 CLOSURE**

Council commended the excellence, commitment and performance of  
staff both during and following the floods.

There being no further business, the Chairperson closed the meeting  
at 4.15 pm.

**19.0 CERTIFICATION**

I \_\_\_\_\_ certify that the minutes of the meeting held on  
the 22 February 2006 as shown on page numbers \_\_\_\_\_ to \_\_\_\_\_ were  
confirmed as a true record at the meeting held on the 22 March 2006.

\_\_\_\_\_  
Chairman

\_\_\_\_\_  
Date