

SHIRE OF LAKE GRACE



Minutes

Ordinary Council Meeting

28 June 2006

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SHIRE OF LAKE GRACE

MINUTES OF THE ORDINARY MEETING OF COUNCIL HELD IN THE LAKE GRACE SPORTSMANS CLUB, STUBBS STREET, LAKE GRACE ON WEDNESDAY, 28 JUNE 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 W.A. Newman	
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 J. Fraser	Project Officer
Mrs J. Bennett	Executive Assistant
Ms R. Bird	Clerical Trainee
Darren Spencer	Observer
Donna Hendry	President, Pingaring Progress Association
Karen Baker	Vice President, Pingaring Progress Association
Terri Stone	Treasurer, Pingaring Progress Association
Bruce Jensen	Pingaring Progress Association
Ian Wyatt	Pingaring Progress Association
Steve Crook	Entered the meeting at 2.50pm (<i>Naturalisation ceremony during afternoon tea break</i>)
Velia Crook	Entered the meeting at 2.50pm (<i>Observer - Naturalisation ceremony</i>)

2.2 APOLOGIES

Cr D.P. Sinclair

2.3 LEAVE OF ABSENCE PREVIOUSLY GRANTED

None.

3.0 PUBLIC QUESTION TIME**3.1 MR DARREN SPENCER**

Mr Spencer advised he was at the meeting in relation to Item 11.3, the Proposed Lease with Option to Purchase Lot 292 Dewar St Lake Grace and explained that he has been liaising with both DOLA and more recently Landcorp to work through the process. Landcorp had advised him that there was no option to lease the land but that it could be sold. He had then become aware an item was being put to Council.

Query: Mr Spencer queried estimation on the timeline for the subdivision?

Reply: The President indicated Council would be hopeful of finalising the matter within 12 months.

The CEO advised an engineer has provided Council with initial costings for the development of industrial blocks in Dewar St but that the matter had not yet been formally discussed by Council. The CEO advised Mr Spencer he is happy to pursue the matter with Landcorp.

4.0 APPLICATIONS FOR LEAVE OF ABSENCE

None

5.0 MINUTES OF PREVIOUS COUNCIL MEETINGS**5.1 ORDINARY MEETING – 24 MAY 2006**

Resolution

MOTION 10203

Moved Cr Bennett
Seconded Cr Walker

That the minutes of the Ordinary Meeting of Council held on the 24 May 2006, as circulated, be confirmed as a true and accurate record of the meeting subject to the following correction:

Page 512 Motion 10197: Inclusion of Cr Newman as seconder of the motion.

MOTION CARRIED 8/0

6.0 NOTICES OF URGENT BUSINESS

None.

7.0 MOTIONS OF WHICH NOTICE HAS BEEN RECEIVED

7.1 CR HELEN BENNETT – 2006 NATIONAL RURAL YOUTH CONVENTION

Recommendation

Moved Cr Bennett
Seconded Cr

That Council offer four young adults from within the Shire the opportunity to attend the 2006 National Rural Youth Convention and finance the convention for each representative up to \$800.00 each.

Background

The Western Australian Federation of Rural Youth is hosting the National Youth Convention from the 27 August to 2 September 2006. It is run in conjunction with the Dowerin Machinery Field Days and the National Young Farmer of the Year Finals and is open to young people aged between 18 and 35 years.

The Convention will attract approximately 150 young adults from all over Australia and is an official Year of the Outback Event.

Comment

The Shire of Lake Grace is currently undertaking a Cultural Planning project and young people have recently had the opportunity to participate in community workshops.

Cultural Development Consultant, Sandra Krempf's workshop reports and summaries highlight the following:

Young people play a very important role in growing community spirit and determining a community's identity.

They should have opportunities to trial their ideas in a supportive environment.

History has shown that the ones we leave out of planning for the future – we lose.

They will go where they have been included - where they have a sense of belonging.

Council may wish to include in its recommendation inclusion of the costs in the 2006/07 budget considerations and options for a selection process of delegates to the conference.

With this in mind the following amended recommendation is put forward for consideration.

Recommendation

Note: Nomination required when considered by Council.

That Council:

1. Offer four young adults from within the Shire the opportunity to attend the 2006 National Rural Youth Convention and finance the convention for each representative up to \$800.00 each.
2. Include costs of \$3,200.00 in the 2006/07 budget.
3. Establish a selection committee consisting of Cr Helen Bennett, Cr _____, CEO Chris Jackson, a Youth Advisory Committee Representative and a WA Farmers Federation representative to develop the selection criteria, advertise and invite submissions from throughout the Shire and select the representatives.

Resolution

MOTION 10204

ORIGINAL MOTION

Moved Cr Bennett
Seconded Cr Farrelly

That Council:

1. Offer four young adults from within the Shire the opportunity to attend the 2006 National Rural Youth Convention and finance the convention for each representative up to \$800.00 each.
2. Include costs of \$3,200.00 in the 2006/07 budget.
3. Establish a selection committee consisting of Cr Helen Bennett, Cr Royce Taylor, CEO Chris Jackson and a Youth Advisory Committee Representative to develop the selection criteria, advertise and invite submissions from throughout the Shire and select the representatives.

AMENDMENT

Moved Cr Stewart
Seconded Cr Newman

That, as recommended the WA Farmers Federation Representative be included in point 3.

MOTION 10204 continued

After debate the presiding person then put the amendment which was
CARRIED 5/3

The presiding person then put the amended motion:

COUNCIL DECISION

Moved Cr Stewart
Seconded Cr Newman

That Council:

1. Offer four young adults from within the Shire the opportunity to attend the 2006 National Rural Youth Convention and finance the convention for each representative up to \$800.00 each.
2. Include costs of \$3,200.00 in the 2006/07 budget.
3. Establish a selection committee consisting of Cr Helen Bennett, Cr Royce Taylor, CEO Chris Jackson, a WA Farmers Federation Representative and a Youth Advisory Committee Representative to develop the selection criteria, advertise and invite submissions from throughout the Shire and select the representatives.
4. That the Selection Committee endeavour to access suitable grants that may offset conference costs.

MOTION CARRIED 8/0

8.0 PETITIONS/DEPUTATIONS/PRESENTATIONS/SUBMISSIONS

8.1 PINGARING COMMUNITY CENTRE

Mrs Karen Baker, Vice President of the Pingaring Progress Association addressed Council on behalf of the Association regarding the former Pingaring Primary School building now known as the Pingaring Community Centre.

Mrs Baker briefly talked about the history of the building and how it came into being as a community managed facility which is now the most well used building in Pingaring and the hub of the community.

Mrs Baker went on to outline the recent issues involving administration of the centre due to misunderstandings of wordings in the original Memorandum of Understanding between the Pingaring Progress Association and the Shires of Lake Grace and Kulin. Their main issue is to do with the allocation of funds which is provided annually by the Shires of Kulin and Lake Grace to the Progress Association to maintain the building and that maintenance works carried out by Shire staff are being deducted from their allowance rather than being covered in the general budget.

The Association wish to thank Jim Fraser, Project Officer for all his hard work, effort and liaison with the Committee into the preparation of the proposed management agreement and funding model. The Association supports the recommendations made by Mr Fraser and hope they will help overcome the current challenges faced in maintaining the community centre facility.

Councillors then asked questions of those in attendance. Mrs Hendry concluded by stating that the main issue has to do with applying to the Shire for larger maintenance jobs not covered by the budget.

Shire President, Cr Darcy Roberts thanked the Pingaring Progress Association for their well presented deputation and advised that Council would bring forward the Community Centre item so that the Progress Association members could be present during debate on the item.

MOTION 10205

Moved Cr Newman
 Seconded Cr Bennett

That Standing Orders be suspended to allow the consideration of Item 14.1 Pingaring Community Centre – Pingaring Progress Association – Proposed Agreement and Funding Model.

MOTION CARRIED 8/0

**14.1 PINGARING COMMUNITY CENTRE – PINGARING PROGRESS ASSOCIATION
 PROPOSED AGREEMENT AND FUNDING MODEL**

Applicant:	Project Officer
File No:	0436
Attachments:	Current Agreement, Proposed Draft Agreement, Budgets, Definitions, Shire of Kulin - Council resolution
Author:	Mr Jim Fraser Project Officer
Disclosure of Interest:	Nil
Date of Report:	13 June 2006
Senior Officer:	Mr Chris Jackson Chief Executive Officer

Summary

This report recommends acceptance of a management document between the Pingaring Progress Association Inc (PPA) and the Shires of Lake Grace and Kulin and a funding model for the Pingaring Community Centre.

Background

The facility at Pingaring, being the former Primary School is situated on Reserve 21983 and is the subject of a management order issued by the Department for Planning and Infrastructure for the Shire of Lake Grace.

Historically, the buildings were scheduled for disposal by the Education Department. The community negotiated the vesting of the reserve (and thus the improvements) to the Shire of Lake Grace. At that time the negotiations centred on saving the building and the community agreed at that time to fully fund the ongoing maintenance and future development of the site. The situation has changed over time and the Shires of Lake Grace and Kulin now contribute to the facility.

The existing agreement between the PPA and the Shires of Lake Grace and Kulin has been the subject of review for some time.

The Project Officer has attended two meetings of the Association and Crs Stewart and Walker also attended the meeting held on 13 June 2006.

A contentious issue currently is the uncertainty that the total amount allocated to the Association will in fact be available. This is due to the use of the funds by Council to pay for maintenance items which may arise during the financial year and which haven't been included in the PPA budget.

It is also noted that the current contribution of \$4,000.00 from Council is funded from the specified area rates collected from the Lake Grace Ward.

There is no doubt that the situation at Pingaring is unique. The town facilities are split between the Shires of Lake Grace and Kulin and the end users of the facilities are from a wide geographic area. The funding arrangement for the provision of facilities is also different from the norm when compared to other areas within the Shire.

Comment

It is the view of the Project Officer that one of the first issues to resolve is a definition of the building. The consensus agreement reached after discussion at the more recent Committee Meeting was that the facility be defined as a Multi Purpose Centre.

The nomenclature is pertinent from the aspect of Specified Area Rates (SAR). Currently operating and maintenance costs for Halls are covered by an SAR and capital costs are funded from general rates. The Pingaring facility is currently listed under *Other Culture* within the SAR budget for Lake Grace.

The Project Officer is of the view that as a multi purpose centre the facility could be listed under the heading *Public Halls Civic Centres*.

The Pingaring recreation grounds and sports pavilion are listed under *Other Recreation and Sport* in the SAR.

The intent of the definition is to ensure that it is clear that major maintenance and capital items can be funded from general rates. Importantly the inclusion of these items in the general budget becomes a more transparent process requiring direct input from Councillors.

The Association has been requested to provide a matrix outlining the various uses and users of the facility. It is known that a Playgroup

operates one day per week and there are plans for the commencement of a Day Care Service one day a week.

The local newspaper *The Gumtree Gazette* is produced and distributed from the facility. There is also a number of groups and organisations which meet within the facility and some pay a hire fee. Currently this fee is retained by the PPA.

The PPA is actively involved in a wide range of fund raising activities to support such groups as the local seniors and the coordination of a Christmas function. They also contribute to community projects which enhance the town, support the retention of business and add to the visitor experience.

The PPA currently separates their various financial activities. They have submitted a budget for the running of the Community Centre which totals expenditure of \$8,680.00 made up as follows:

Electricity	\$600.00
Water	\$1,500.00
Gas	\$100.00
Telephone & Internet Service	\$600.00
Insurance	\$1,400.00
Carpet cleaning	\$200.00
Building sprayed for insects	\$310.00
Other cleaning supplies	\$150.00
Gardener wages for the year 4 hrs per week @ \$15.00 per hour	\$3,120.00
Garden supplies	\$200.00
Incidental repairs and tradesman costs	\$500.00
TOTAL	\$8,680.00

The gardening costs amount to approximately 36% of their budget. A local resident is employed to undertake the work. It may be appropriate to transfer this cost to the category of *Other Recreation and Sport* which is also included in the SAR calculations. This would free up more funds for the actual maintenance of the building and grounds.

The list of works required at the facility includes:

- Tree lopping – there are several large gums that pose a threat to both people and property
- Exterior fencing – the exterior fence is in various stages of disrepair
- Security lighting – as the facility is utilised at night a sensor light would benefit users.
- Playground – the PPA has purchased a shade sail and some new playground equipment. A safety assessment of insitu

playground equipment is required to assess its ongoing suitability.

- Painting – both external and internal with the outside being more urgent.

Another ongoing issue causing some angst between the PPA and Council is the restumping project that was carried out in the 2004/05 financial year. The cause for concern is the interpretation of the work as maintenance and therefore that amount was “deducted” from the amount payable to the PPA. The Project Officer agrees with the action taken, however it does highlight the problems faced by all parties with the present system. The PPA believe the work was structural and a safety issue and should be the responsibility of Council.

The Shire of Kulin recently resolved in part that the contribution from the Shire of Kulin be recognised purely as a contribution on behalf of Kulin Shire residents towards the actual running costs of the services provided from the Centre. We do not expect to contribute towards other costs i.e. buildings and grounds maintenance or capital expenditure.

The Project Officer is concerned some of the items listed in the PPA budget can be assessed as maintenance and therefore could be rejected by the Shire of Kulin. Alternatively, as an example, the PPA raises funds for the benefit of seniors from the facility but these “costs” are not included in the budget, thus there is no contribution from the Shire of Kulin.

The foregoing examples emphasise the current difficulties faced in dealing with the PPA and administering the current agreement. There is reluctance on behalf of the PPA to prepare an overall budget for their entire operations. The Project Officer believes that the preparation and submission to Council of a total budget is a necessity as it will allow both staff and Councillors to better appreciate the contribution that the PPA makes to the overall benefit of the Pingaring community including those facilities in each of the Shires of Lake Grace and Kulin. It is difficult to make informed decisions without the benefit of all the information.

The situation with the Pingaring townsite with facilities in each of the Shires of Lake Grace and Kulin poses issues for both Councils. The Chief Executive Officer, Mr Chris Jackson has raised the issue of a rationalisation of Shire boundaries in relation to Pingaring with the Project Officer. Whilst little research has been undertaken into the matter in the preparation of this agenda item it is felt that the matter is important and should be brought to the attention of Council.

Given the complex nature of the arrangements with Pingaring and the unworkable funding proposal put by the Shire of Kulin it is recommended that negotiations continue with the parties.

Legal Implications

Local Government Act 1995: Section 3.1 General Provision
Section 6.37 Specified Area Rating
Local Government (Financial Management) regulations 1996.

Policy Implications

Policy 3.3 Specified Area Rating

Community Consultation

Crs Walker and Stewart attended a PPA committee meeting on 13 June 2006.

Financial Implications

The 2006/07 budget is being formulated.

Strategic Implications

The delivery of services to the community is an important aspect of the strategic directions of Council.

Recommendation

That:

1. Negotiations continue with the Pingaring Progress Association Inc and the Shire of Kulin to reach agreement on a new Management Agreement.
2. For the purposes of Specified Area Rating:
 - a) the facility be called a Multi Purpose Centre under the sub heading Public Halls, Civic Centres
 - b) the grounds be listed under the sub heading Other Recreation and Sport
3. Major maintenance items as agreed between the Shire of Lake Grace and the Pingaring Progress Association and capital expenditure be funded from general rates within the normal budget process.
4. The Pingaring Progress Association Inc be advised, that as a minimum, the Association is to provide a full budget combining their various activities, to the Shire of Lake Grace.
5. A full investigation in relation to a rationalisation of boundaries with the Shire of Kulin pertaining in particular to the provision of services to the townsite of Pingaring be undertaken.

Voting Requirements

Simple majority required.

Resolution

MOTION 10206

Moved Cr Chamberlain
Seconded Cr Newman

That negotiations continue with the Pingaring Progress Association Inc and the Shire of Kulin to reach agreement on a new Management Agreement.

MOTION CARRIED 5/3

REASON FOR CHANGE – Council considered that due to the complexity of funding through the Specified Area Rate, these issues will be considered in conjunction with the upcoming Specified Area Rate policy review investigation.

For the benefit of the Pingaring Progress Association members present, the CEO explained the outcome of the item and what will happen as a result of the decision.

MOTION 10207

Moved Cr Stewart
Seconded Cr Taylor

That Standing Orders be resumed.

MOTION CARRIED 8/0

2.30pm Mr Spencer left the meeting.

2.35pm Mr Jensen, Mrs Baker, Mrs Stone, Mr Wyatt and Mrs Hendry left the meeting.

2.37pm Mr Spencer re-entered the meeting.

9.0 MEMBERS' REPORTS

None received.

10.0 MATTERS FOR CONSIDERATION – WORKS

10.1 GORDON ROAD LAKE GRACE – PROPOSED ROAD WORKS AND ACCESS TO ROE LOCATION 24 (PELHAM)

Applicant:	Project Officer
File No.	0476
Attachments:	Plan 1 – Proposed Right of Carriageway Plan 2 – Lot 41 Boundary redefinition Roe Location 41
Author:	Mr Jim Fraser Project Officer
Disclosure of Interest:	Nil
Date of Report:	9 June 2006
Senior Officer:	Mr Chris Jackson Chief Executive Officer

Summary

This report recommends a course of action to provide legal access to Roe Location 24 which is currently 'landlocked' and to upgrade two floodway sections on Gordon Road, Lake Grace.

Background

The matter of upgrading two floodway sections on Gordon Road, Lake Grace has been outstanding since 1988.

It was reported to a Special Works Committee Meeting held in June 1988 that two sections of Gordon Road had become flooded and an estimate to alleviate the problem was assessed at \$16,100.00. Subsequent negotiations with the landowner, Mr Pelham, who agreed to supply any required fill reduced the estimate to \$9,000.00.

It was later resolved at a full Council Meeting that no Council funds be expended on Gordon Road in the 1989/90 Works Programme.

In the minutes of a Works Committee Meeting confirmed on 28 February 1990 there are two references to Gordon Road as follows:

1. Gordon Road – Realignment

That it be recommended that Council assist with the construction of a new access to Pelham farm by supplying gravel to the new junction at a total cost of \$1,200.00.

2. Gordon Road - Alignment

That it be recommended that Council take action to have a new road reserve established from Gordon Road to Pelham's homestead as agreed by Mr P Pelham and Mr D Clarke.

The Minutes of the Works Committee Meeting held on 28 February 1990 were subsequently adopted by Council.

It has not been possible to determine the route agreed to between the parties although in recent discussions with Mr Clarke he advised that Pelham's previously had access through his property.

The matter has been in abeyance until more recently with the issue of access having been revived in light of the recent floods affecting Gordon Road. Both low lying areas have a 375mm Spirilox culvert pipe in place indicating that some work has been carried out in recent years.

Comment

A licensed surveyor, Mr Peter Gow was recently requested by the Shire to investigate the surveyed road marked on the attached plan. The plan indicates that the fence is substantially on the property boundary and also that this route would not provide adequate access to Roe Location 24.

As part of the flood assessment damage, the Works Manager has estimated repairs to Gordon Road at \$27,050.00.

The matter of access to Roe Location 24 has been discussed with Mr Joe Douglas of Planning Enterprises being the Shire's town planning consultant. Mr Douglas advised that the easiest and most cost effective method of providing access to the lot is for the landowner to make arrangements with a licensed surveyor and the Shire to create an Easement in Gross (Right of Carriageway) over the adjoining Roe Location 41 as indicated on the attached plan. The alignment of the proposed easement is on the high ground between two lakes comprising an existing access track from Gordon Road through Roe Location 41 to Roe Location 24.

Mr Douglas advised that historically the problem was created by the State of Western Australia as Roe Location 24 was subdivided and created without direct frontage to a dedicated road reserve. As such there is no obligation for Council to resolve and provide road access to Roe Location 24. Notwithstanding this fact it is in the interests of the landowner and the public at large for the creation of a legal means of access to Roe Location 24.

Another course of action available to the landholder to resolve the current access issue is for him to prepare and lodge an application with the Western Australian Planning Commission seeking approval to amalgamate Roe Locations 24 and 41 into one certificate of title which, if

approved, will result in all land comprising the amalgamated lot having direct frontage access to Gordon Road. This is probably the easiest and most cost effective option available to address the legal access issue however the landowner's willingness to relinquish two titles in favour of one is a matter for him to determine based on his own enquiries and conclusions.

The matter of road closures and the provision of access to Lot 9209 (i.e. Crown Reserve 16895) was also raised with Mr Douglas as a part of the overall assessment of the affected area. Mr Douglas advised as follows:

1. There are a number of outstanding road closure projects throughout the Shire that require attention but these are on hold pending the allocation by Council of sufficient funds to complete them. This proposal is no more significant than any of the other current projects. As such Council needs to set priorities as to the order of completion of each outstanding road closure project and allocate sufficient funds to provide for their completion. The average cost of each project is likely to be in the order of \$5,000.00 excluding GST given the town planning, surveying and administrative requirements associated with each.
2. Access to Lot 9209 being Crown Reserve 16895 is again a matter for the Crown to address given that it allowed for the creation of the Reserve without dedicated road frontage. This matter could be resolved through negotiation between the Department for Planning and Infrastructure and the owner of Roe Location 9528 to provide access to Reserve 16895 from Gordon Road via Roe Location 9528. The Shire could facilitate this process by making the Department for Planning and Infrastructure aware of the issue and requesting that it resolve the matter. It should be noted that Reserve 16895 is an unvested Crown Reserve set aside for the purposes of 'Public Utility' (i.e. the Reserve is not vested in the Shire for any specific local government purpose).

Legal Implications

- Planning and Development Act 2005
- Land Administration Act 1997
- Transfer of Land Act 1893

Policy Implications

Nil.

Community Consultation

There has not been any formal community consultation. The matter has been discussed with Mr Doug Clarke in relation to the Licensed Surveyor accessing his property.

Financial Implications

There are no financial implications for Council in relation to either the creation of an Easement in Gross (Right of Carriageway) over Roe Location 41 for the benefit of Roe Location 24 or the amalgamation of these two properties into one certificate of title as the responsibilities and costs associated with both of these options will fall upon the landowner who derives the greatest benefit from resolving the current legal access issue.

The repairs to Gordon Road have been assessed as part of the flood damage at \$27,050.00. Depending on the Shire's submission to the State Government, Council's commitment may be 25%.

Strategic Implications

Nil.

Voting Requirements

Simple majority required.

Recommendation/Resolution

MOTION 10208

Moved Cr Bennett
Seconded Cr Taylor

1. That it be acknowledged that the preferred and most cost effective means of creating legal access to Roe Location 24 is for the current owner of Roe Location 24 to either:

a) make arrangements with a licensed surveyor to create an Easement in Gross (Right of Carriageway) over his adjoining Roe Location 41 which will provide legal access to Roe Location 24 via Gordon Road; or,

b) prepare and lodge a suitable application with the Western Australian Planning Commission seeking approval to amalgamate Roe Locations 24 and 41 into one certificate of title which, if approved, will result in all land comprising the amalgamated lot having direct frontage access to Gordon Road.

2. Adjoining landowners being Mr P Pelham and Mr D Clarke be advised of the decision of Council.

MOTION CARRIED 8/0

11.0 MATTERS FOR CONSIDERATION – TOWN PLANNING**11.1 PLANNING APPROVAL – LOT 152 SUGG RD LAKE KING**

Applicant: Mr Grant Murray Devereux
File No.: 0456
Attachments: Plan 1 & Attachment 1
Author: Mr Joe Douglas & Mr Steve Pandevski
Town Planning Consultant
Disclosure of Interest: Nil
Date of Report: 16 June 2006
Senior Officer: Mr Chris Jackson
Chief Executive Officer

Summary

This report provides details and recommendations in respect of an application for Council's retrospective planning consent submitted by Mr Grant Murray Devereux as the current lessee and prospective land owner of Lot 152 Sugg Road, Lake King (the subject land).

The subject land and buildings thereon are currently being used for the storage and sale of rural supplies and the operations associated with the existing Tyrepower business.

In support of the application the applicant advises that when the building was originally granted building licence approval by the Shire in 1995 the need for planning approval was overlooked. This is confirmed by Shire staff who have undertaken an extensive search of the Shire's planning approval records for the years 1994 and 1995 and have not been able to locate a valid planning approval. The applicant submits that the main part of the building on the subject land accommodates the Lake King Tyrepower business, whilst a lesser extent of the building accommodates a rural supplies business.

Furthermore, the applicant advises that should Council grant planning approval, he intends to continue with the process of acquiring the fee simple interest in the land from the Crown.

Background

At the Ordinary Meeting held on 22 March 2006 (Item 11.1) Council considered a request received by the Land Asset Management Services Division of the Department for Planning and Infrastructure - (DPI-LAMS) from the current lessee of Lot 152 Sugg Road, Lake King to release the land from the Crown estate and acquire it as a freehold lot. It was reported to Council that although the administration did not have any objections to the proposed freeholding of the subject land, the existing use of the land and the building thereon for the purpose of warehousing / wholesaling and motor vehicle repairs had been operating without Council's planning consent.

Council at that meeting resolved to advise DPI LAMS that:

a) it does not have any objections to the proposal to freehold Lot 152 Sugg Road, Lake King;

b) according to Shire records, the existing physical improvements and land use on Lot 152 Sugg Road, Lake King have not to-date obtained Council's planning consent under the operational Shire of Lake Grace District Town Planning Scheme, currently being Town Planning Scheme No.3.; and

c) a completed application for planning consent with appropriate plans are required to be submitted to the Shire detailing the existing improvements and the nature of the land use on Lot 152 Sugg Road, Lake King for consideration and determination by Council.

As a result of the above Council resolution the Shire has received a planning application from Mr Devereux seeking retrospective approval for the continued use of the subject land for warehousing/wholesaling and motor vehicle repairs.

Comment

The application before Council seeks retrospective planning approval for the use of the land for warehousing / wholesaling and motor vehicle repairs. Although the Shire of Lake Grace Town Planning Scheme No.3 (TPS No.3) does not specifically provide for retrospective planning approvals, section 164(1) of the Planning and Development Act 2005 enables local governments to grant retrospective planning approvals. It states:

“164(1) *A responsible authority may grant its approval under a planning scheme or interim development order for development already commenced or carried out.”*

Lot 152 Sugg Road, Lake King (the subject land) is located in the north-west sector of the newer part of the Lake King townsite and is currently classified 'Lake King' zone under TPS No.3 (see Plan 1). The current zoning classification requires all development to be consistent with a Development Plan adopted as a policy by Council. An approved Development Plan for the Lake King townsite exists and identifies the land for industrial purposes.

To that extent the existing development and use of the land is consistent with the adopted Development Plan, and therefore consistent with the land's current TPS No.3 zoning classification.

The draft Shire of Lake Grace Town Planning Scheme No.4 (TPS No.4) was adopted by Council in March 2005 and is currently awaiting final approval from the Western Australian Planning Commission (WAPC) and the Hon. Minister for Planning and Infrastructure. Lot 152 Sugg Road is classified 'General Industry' zone under TPS No.4. The existing development and use of the land is permissible within the zone.

Notwithstanding the permissibility of the activity on the subject land under the current and proposed local authority town planning scheme, the Council, prior to granting its approval, is required to be satisfied that the development does not have a detrimental impact on the amenity of the locality by virtue of the external storage of goods and materials, unreasonable boundary setbacks and inadequate screen landscaping, for example.

It may be reasonable to form the view that given that the existing improvements and use has occupied the subject land for approximately ten (10) years without generating objections from the local community, it forms an accepted part of the Lake King townsite, and that the external appearance of the development is similarly acceptable. It is based on this view that this report concludes that the existing development is generally consistent with the objectives of TPS No.3 and satisfies the general criteria required for approval (see Attachment 1 – Site Photographs).

Notwithstanding the general acceptability of the application, it is noted by viewing photograph 2 & 4 in Attachment 1 that the crossovers to the subject land are informally constructed to a gravel standard. Given the potential of the uses on the site to generate significant motor vehicle volumes, including heavier transport and rural type vehicles, it may be appropriate to require as a condition of planning approval that the crossovers to the subject land be upgraded to a suitable standard at the applicant's expense to the satisfaction of the Shire. The imposition of this condition will assist in protecting against debris and other materials being deposited onto Sugg Road by vehicles egressing the subject land thereby potentially damaging the bitumen seal and shortening the life span of the road, which in turn will result in the requirement for more frequent maintenance works by the Shire.

Conclusion

The application submitted by Mr Grant Devereux for Council's retrospective planning consent for the use of Lot 152 Sugg Road, Lake King for warehousing/wholesaling and motor vehicle repairs is considered by this assessment and report to be acceptable. As such Council may grant its retrospective planning consent to the application as submitted.

Should Council resolve to grant approval to the application it is recommended that a condition requiring the upgrading of the existing crossovers to Lot 152 be imposed for the purpose of managing road wear as a result of debris being deposited onto Sugg Road by vehicles egressing the subject land.

Council should note that should the applicant be aggrieved by the decision of Council or any conditions imposed thereon, the applicant has a right of review to the State Administrative Tribunal pursuant to Part 14 of the Planning and Development Act 2005.

Legal Implications

- Planning and Development Act 2005 – the head of power for retrospective planning approvals and requests for review to the State Administrative Tribunal.
- Shire of Lake Grace Town Planning Scheme No.3 – stipulates the provisions for the assessment and determination of planning applications.
- Shire of Lake Grace Town Planning Scheme No.4 (adopted by Council 23rd March 2005) – upon gazettal will replace TPS No.3 and will stipulate the requirements for the assessment and determination of planning applications.

Policy Implications

Policy 5.8 Property Access and Crossovers

Community Consultation

Not required.

Financial Implications

Should a condition requiring the upgrade of the existing crossovers to Lot 152 Sugg Road not be imposed by Council in issuing retrospective planning approval, the continued use of the land for the approved purposes may contribute to the sooner than expected deterioration of Sugg Road which in turn will require the Shire to perhaps budget for unexpected maintenance works on this road.

Strategic Implications

Nil

Voting Requirements

Simple majority required.

Recommendation/Resolution

MOTION 10209

Moved Cr Farrelly
Seconded Cr Newman

That Council resolve to grant its retrospective approval to the application for planning consent submitted by Mr Grant Murray Devereux for the development and use of Lot 152 Sugg Road, Lake King for the purpose of warehousing/wholesaling and motor vehicle repairs subject to the following condition:

1. The existing driveway crossovers that provide access to and from the subject land via Sugg Road shall be upgraded to a suitable standard at the applicant's expense to the specifications and satisfaction of the Shire of Lake Grace.

MOTION CARRIED 8/0

11.2 PLANNING APPLICATION – PROPOSED LIQUID FERTILISER STORAGE DEPOT, LOT 346 CNR DEWAR ST & KULIN LG ROAD, LAKE GRACE

Applicant: Mr Steve McWhirter c/- Paceview Pty Ltd T/as Stevemacs
File No.: 0506
Attachments: Plans 2, 3, & 4 & Attachment 2
Author: Mr Joe Douglas & Mr Steve Pandevski
 Town Planning Consultant
Disclosure of Interest: Nil
Date of Report: 16 June 2006
Senior Officer: Mr Chris Jackson
 Chief Executive Officer

Summary

This report provides details and recommendations in respect of a planning application recently submitted by Mr Steve McWhirter on behalf of Paceview Pty Ltd trading as Stevemacs to install twenty (20) new 43,000 litre storage tanks on the eastern portion of Lot 346 (Reserve 29566) Dewar Street, Lake Grace to provide for the bulk storage of ammonium nitrate liquid fertiliser (Flexi N).

Background

At the Ordinary Meeting held on 24 May 2006 (Item 11.2), Council initially considered the above planning application and resolved to:

1. *Refer the planning application by Mr Steve McWhirter on behalf of Paceview Pty Ltd to install twenty (20) new 43,000 litre storage tanks on the eastern portion of Lot 346 (Reserve 29566) Dewar Street, Lake Grace to provide for the bulk storage of ammonium nitrate liquid fertiliser (Flexi N) to the Department of Environment for assessment and comment prior to Council making a final determination on the application.*
2. *Request the Department of Environment to provide written comments and recommendations to the Shire by no later than 16 June, 2006 to enable the application to be formally assessed and presented to Council for consideration and a final determination at its June 2006 Ordinary Meeting.*

Comments have been received from the Department of Environment and are discussed in further detail below.

Lot 346, being Crown Reserve 29566, is located in the north eastern portion of the Lake Grace townsite with direct frontage to Dewar Street along its northern boundary and Kulin – Lake Grace Road along its eastern boundary (see Plan 2). Paceview Pty Ltd currently leases the northern portion of Lot 346 from the Public Transport Authority (PTA) and has developed the site for fuel storage and distribution purposes (see Plan

3). The land is also used to store tarpaulins associated with the adjoining CBH grain receipt and storage facility.

The PTA, via its leasing agent Burgess Rawson (WA) Pty Ltd, has advised that it has no objection to the development proposal but is unable to provide unilateral support until such time as all necessary approvals have been obtained from the relevant authorities including the Shire of Lake Grace, Department of Industry and Resources (DOIR) and the Department of Environment (DOE).

It is understood from the details submitted in support of the application that Paceview Pty Ltd is intending to erect twenty (20) new prefabricated 43,000 litre storage tanks on a 2,026m² portion of Reserve 29566. Although the application does not provide clear details of the proposed storage tanks, it is deduced from the information provided that each tank will be 4.3 metres in diameter and 10 metres in height (see Plan 4).

Under the terms of the application the tanks will be located approximately one (1) metre apart, three (3) rows wide and up to seven (7) tanks deep. The land immediately surrounding the tanks is proposed to be fenced and bunded using a 500mm high, plastic lined bund wall. A "low point sump" is also proposed in the south west corner of the subject land.

Comment

Lot 346 is currently classified 'Industrial' zone in the Shire of Lake Grace Town Planning Scheme No.3 (TPS No.3). Council's stated objective for land classified 'Industrial' zone is to ensure that adequate and suitably located land is provided to enable development of industrial enterprises which will contribute to the economic activity of the district. The proposed development is located within an area characterised by similar industrial uses and structures as that proposed by the application. To that extent the application is not considered out of character and therefore not incompatible with the existing character and amenity of the immediate locality. Furthermore, vehicle access to the site is proposed via existing crossovers to Dewar Street and Kulin-Lake Grace Road.

The proposed development and use of Lot 346 is most appropriately classified as a 'General Industry' under the use class table and definitions contained in TPS No.3. As such Council's planning approval is required prior to the commencement of development.

In assessing the proposal staff at the Department of Industry and Resources (DOIR), Department of Environment (DOE) and CSBP (the fertiliser manufacturer) were consulted.

DOIR staff indicated that if the nitrogen content of the fertiliser was less than 40% it would not be classified as a Dangerous Good and does not therefore require licensing under dangerous goods legislation. The manufacturer, CSBP, verbally confirmed that the nitrogen content of the fertiliser "Flexi N" is 34% and that the fertiliser had been assessed and determined by the DOIR as not being a Dangerous Good.

Staff at the Northam office of the DOE requested that they be provided an opportunity to assess and provide comments on the proposal prior to Council making a final determination on the planning application.

Accordingly the application details were forwarded to the DOE office in Northam and the following comments were subsequently provided by the DOE in correspondence to the Shire dated 2 June 2006:

“The Department of Environment has reviewed the proposed development of a fertiliser storage depot and has no objection to the development. The following advice is provided in relation to the development;

- *It is noted that the fertiliser storage tanks will be placed upon a lined and bunded storage area. It is recommended that the containment area be constructed in a manner that is consistent with the “Process material storage and use” specifications outlined in the Water Quality Protection Note “Industrial sites near sensitive environments – establishment and operation”.*
- *The Department of Environment recommend that the proponent develop a spill management plan for the site. For further information please refer to the Water Quality Protection Note “Containment spills – emergency response”.*

In summary the DOE has not objected to the proposal subject to the appropriate construction of the bunded and lined containment area and the preparation and implementation of a spill management plan.

Conclusion

Given that the development:

- a) is proposed on land appropriately zoned under TPS No.3 and the Shire’s proposed new TPS No.4;
- b) is within a locality used for similar industrial activities;
- c) does not require the attention of the Department of Industry and Resources and therefore is not subject to the licensing requirements of the Department of Consumer and Employment Protection; and
- d) has been considered by the Department of Environment which advised that it has no objections subject to appropriate construction of the containment area and preparation and implementation of a spill management strategy,

it may be reasonable for Council to exercise its discretion and grant conditional planning approval to the proposed development.

In making a final determination on the application it is recommended that Council consider imposing a number of conditions on any approval issued to address the following matters:

The need to ensure that a building licence is obtained from the Shire for any buildings prior to the construction of the proposed liquid fertiliser storage tanks;

The need to ensure that the bunded and lined containment area is appropriately constructed in accordance with the “Process material storage and use” specifications as outlined in the Department of Environment’s Water Quality Protection Note “Industrial sites near sensitive environments – establishment and operation”.

The need to ensure that an appropriate spill management plan is prepared and implemented in accordance with the Department of Environment’s Water Quality Protection Note “Containment spills – emergency response”.

The need to ensure that all structures proposed within the application are constructed so as to not have a negative impact upon the visual amenity of the immediate locality by way of their appearance and are maintained to a neat and tidy standard to the satisfaction of the Shire.

The need to ensure that any advertising signage placed on the site conforms to the specific requirements of the Shire of Lake Grace TPS No.3.

Legal Implications

- Planning and Development Act 2005
- Environmental Protection Act 1986
- Shire of Lake Grace Town Planning Scheme No.3

Policy Implications

Nil

Community Consultation

Community consultation is not required under TPS No.3 and given that the proposed development is located within an industrial zoned area in close proximity to similar uses it is considered that community consultation is not necessary.

Notwithstanding this conclusion, the Department of Environment (DOE) has been consulted and has advised that it does not object to the proposal subject to the appropriate construction of the bunded and lined containment area and the preparation and implementation of a spill management plan.

Financial Implications

Nil

Strategic Implications

Nil

Voting Requirements

Simple majority required.

Recommendation/Resolution

MOTION 10210

Moved Cr Farrelly
Seconded Cr Newman

That Council resolve to approve the application for planning consent submitted by Mr Steve McWhirter on behalf of Paceview Pty Ltd trading as Stevemacs to install twenty (20) new 43,000 litre storage tanks on the eastern portion of Lot 346 (Reserve 29566) Dewar Street, Lake Grace to provide for the bulk storage of ammonium nitrate liquid fertiliser (Flexi N) in accordance with the details of the plans submitted subject to the following conditions:

1. The proposed development shall be substantially commenced within a period of two (2) years from the date of this approval. If the development is not substantially commenced within this period the approval will lapse and be of no further effect. Where an approval has lapsed, no development shall be carried out without the further approval of the Shire of Lake Grace having first been sought and obtained.
2. A Building Licence application must be submitted for any buildings constructed on the site, to be approved by the Shire prior to any construction or earthworks commencing on the site.
3. The construction of a bunded and lined containment area in accordance with the Department of Environment's Water Quality Protection Note "Industrial sites near sensitive environments – establishment and operation" and to the satisfaction of the Shire. In determining what is satisfactory construction the Shire shall consult with and be guided by the advice of the Department of Environment.
4. The preparation and implementation of a spill management plan in accordance with the Department of Environment's Water Quality Protection Note "Containment spills – emergency response" and to the satisfaction of the Shire. In determining what is a satisfactory spill management plan the Shire shall consult with and be guided by the advice of the Department of Environment.
5. The proposed liquid fertiliser storage tanks shall be white in colour so as to be consistent with other similar bulk storage structures in the immediate locality.
6. All components of the development including, but not limited to, landscaping, parking areas, access ways and structures/buildings are to be maintained to a neat and tidy standard at all times to the satisfaction of the Shire.
7. Any proposed on-site advertising signage shall be provided in accordance with the standards and requirements of the Shire of Lake Grace Town Planning Scheme No.3.

MOTION CARRIED 8/0

11.3 PROPOSED LEASE WITH OPTION TO PURCHASE – LOT 292 DEWAR ST LAKE GRACE

Applicant: Department for Planning and Infrastructure
(Land Asset Management Services Division)
File No.: 0363
Attachments: Plans 5, 6 & 7
Author: Mr Joe Douglas
Town Planning Consultant
Disclosure of Interest: Nil
Date of Report: 16 June 2006
Senior Officer: Mr Chris Jackson
Chief Executive Officer

Summary

This report provides details and recommendations in respect of a recent written request from the Land Asset Management Services Division of the Department for Planning and Infrastructure (DPI LAMS) for advice from the Shire regarding the suitability of a proposal by Mr Darren Spencer to lease Lot 292 Dewar Street, Lake Grace for light industrial purposes with the option to purchase the land at a later date.

Background

It is understood from previous discussion with Mr Darren Spencer and correspondence recently received from DPI LAMS that Mr Spencer is seeking to obtain a suitable property in the Lake Grace townsite to provide for the expansion of his existing wool trading business. Mr Spencer has advised that he has outgrown his existing premises in Stubbs Street, Lake Grace and is seeking to construct a purpose built facility within the townsite to provide more storage space and improve operational efficiencies.

Following discussion with the reporting officer regarding a potentially suitable site Mr Spencer wrote to DPI LAMS expressing his interest in the possible lease and/or acquisition of Lot 292 Dewar Street, Lake Grace.

Comment

Lot 292 Dewar Street is located in the northern part of the Lake Grace townsite on the south side of Dewar Street which is a sealed and drained local road under the care, control and management of the Shire of Lake Grace (see Plan 5). The land covers a total area of approximately 7,320m² and is currently vacant, undeveloped and not being used for any specific purpose.

The subject land is located in a designated light industrial area within the Lake Grace townsite and is currently classified 'Industrial' zone in the Shire of Lake Grace Town Planning Scheme No.3. Under the terms of the

land's current zoning classification the proposed development and use of the land by Mr Spencer is most appropriately classified as 'Light Industry' which is a use permitted by the Scheme subject to Council's planning consent.

Council should also note that the proposed development and use of the land by Mr Spencer may be permitted by Council under the terms of the land's proposed 'Service Commercial' zoning classification in the Shire's proposed new Town Planning Scheme No.4.

Notwithstanding the permissibility of the proposed development and use of Lot 292 by Mr Spencer, Council should have regard for a recent plan of subdivision prepared by the Shire for the Crown land fronting Dewar Street to address the current shortage of industrial land in the Lake Grace townsite (see Plan 6). Under the terms of this plan the area currently comprising Lot 292 is proposed to be subdivided into two separately titled industrial lots of 4,822m² and 2,498m² with the lesser area to be incorporated into an adjoining 5,142 m² lot (see Plan 7).

Given Council's intentions for Lot 292 in terms of future proposed industrial subdivision development and the fact that a lot comprising a total area of 4,822m² is proposed to be created from Lot 292 which is still capable of accommodating Mr Spencer's proposed business activities, it is recommended that **only a 4,822m² portion** of Lot 292 be leased and ultimately sold to Mr Spencer. In so doing the integrity of the proposed plan of industrial subdivision for this part of the Lake Grace townsite will be protected so as to facilitate future subdivision development in accordance with the details of the Shire's proposed subdivision plan.

Alternatively Council could advise the Department for Planning and Infrastructure of its agreement to the proposed lease of **all land** comprising Lot 292 to Mr Spencer in accordance with the following conditions:

1. All future building development on Lot 292 including primary vehicle accessways is only permitted to be undertaken on the western portion of the property comprising the proposed 4,822m² industrial lot and subject to the issuance of planning approval by the Lake Grace Shire Council;
2. The balance 2,498m² portion of Lot 292 is only permitted to be used for vehicle parking and storage purposes and shall not be developed so as to contain any built structures;
3. Any future sale of Lot 292 to Mr Spencer shall only comprise the proposed 4,822m² industrial lot containing the built structures and primary vehicle accessways developed by Mr Spencer;
4. In the event that Mr Spencer seeks to acquire the 4,822m² developed portion of Lot 292 prior to the proposed subdivision development of the

immediate area for industrial purposes, Mr Spencer shall be required to meet all costs associated with the creation of the required 4,822m² lot;

5. In the event that the Shire, Department for Planning and Infrastructure and/or LandCorp decide to proceed with the subdivision development of Lot 292 and adjoining Crown land, the lease agreement with Mr Spencer as this relates to the balance 2,498m² portion of Lot 292 shall cease 60 days prior to the commencement of subdivision development works.

This alternative approach will allow Mr Spencer access to all land comprising Lot 292 in the short to medium term future, thereby ensuring ongoing maintenance and management of the whole property. It will also ensure that the integrity of the proposed plan of industrial subdivision for this part of the Lake Grace townsite is protected so as to facilitate future subdivision development in accordance with the details of the Shire's proposed subdivision plan.

Legal Implications

- Planning and Development Act 2005
- Land Administration Act 1997
- Shire of Lake Grace Town Planning Scheme No.3
- Shire of Lake Grace Town Planning Scheme No.4 (Draft)

Policy Implications

Nil

Community Consultation

Not required.

Financial Implications

Nil

Strategic Implications

The proposed lease, development and sale of Lot 292 Dewar Street, Lake Grace has significant potential to compromise the integrity of the proposed plan of industrial subdivision prepared by the Shire of Lake Grace for the various Crown landholdings fronting Dewar Street. As such any agreements formulated in this regard must account for this potential impact to ensure that the Shire's strategy to provide additional industrial land in the Lake Grace townsite can be effectively implemented without the introduction of any further constraints.

Voting Requirements

Simple majority required.

Recommendation/Resolution

MOTION 10211

Moved Cr Newman
Seconded Cr Stewart

That Council resolve to advise the Land Asset Management Services Division of the Department for Planning and Infrastructure of its agreement to the proposed lease of all land comprising Lot 292 Dewar Street, Lake Grace to Mr Darren Spencer subject to the following conditions:

1. All future building development on Lot 292 including primary vehicle access ways is only permitted to be undertaken on the western portion of the property comprising the proposed 4,822m² industrial lot and subject to the issuance of planning approval by the Lake Grace Shire Council;
2. The balance 2,498m² portion of Lot 292 is only permitted to be used for vehicle parking and storage purposes and shall not be developed so as to contain any built structures;
3. Any future sale of Lot 292 to Mr Spencer shall only comprise the proposed 4,822m² industrial lot containing the built structures and primary vehicle access ways developed by Mr Spencer;
4. In the event that Mr Spencer seeks to acquire the 4,822m² developed portion of Lot 292 prior to the proposed subdivision development of the immediate area for industrial purposes, Mr Spencer shall be required to meet all costs associated with the creation of the required 4,822m² lot;
5. In the event that the Shire, Department for Planning and Infrastructure and/or LandCorp decide to proceed with the subdivision development of Lot 292 and adjoining Crown land, the lease agreement with Mr Spencer as this relates to the balance 2,498m² portion of Lot 292 shall cease 60 days prior to the commencement of subdivision development works.

MOTION CARRIED 8/0

11.4 PROPOSED INDUSTRIAL SUBDIVISION – LOT 216 MALEY ST NEWDEGATE

Cr Newman advised the meeting that he was disclosing an interest affecting impartiality in Item 11.4 because he is a Director of Co-operative Bulk Handling.

MOTION 10212

Moved Cr Chamberlain
Seconded Cr Farrelly

That Cr Newman be allowed to participate in the discussion but not vote on the matter.

MOTION CARRIED 7/0

2.50pm Steve & Velia Crook entered the meeting.

Applicant: Co-operative Bulk Handling Limited
File No.: 0365 & 0455
Attachments: Plans 8 & 9
Author: Mr Joe Douglas
 Town Planning Consultant
Disclosure of Interest: Nil
Date of Report: 16 June 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 216 being Reserve 37609 Maley Street, Newdegate for industrial purposes (i.e. existing CBH grain handling and storage facilities).

In accordance with the specific requirements 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.

An assessment of the application in the context of the current statutory planning framework 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

Co-operative Bulk Handling Limited (CBH), on behalf of the current landowner the State of Western Australian (i.e. the Crown) and under authority from the Public Transport Authority and the Department for Planning and Infrastructure, has recently lodged an application with the WAPC seeking approval to subdivide Lot 216 being Crown Reserve 37609 Maley Street, Newdegate to excise existing grain handling and storage facilities developed on the northern-most portion of the subject land. It is understood that following completion of the subdivision process CBH will acquire the fee simple interest in the newly created lot from the Crown which will comprise a total area of approximately 1.2954 hectares.

That portion of Lot 216 proposed to be excised from the parent lot and acquired by CBH is currently the subject of a 99 year lease agreement between CBH and the Public Transport Authority to which the land is currently vested for railway purposes.

Under the terms of the lease agreement CBH has the option of acquiring the fee simple interest in the land at any time during the 99 year lease term. It is understood from the details submitted in support of the application that CBH has decided to exercise its option to acquire the railway land comprising the Newdegate receival point from the Crown and has initiated the action required to create a separately titled lot for transferral into CBH's ownership in the short term future.

Lot 216 is located centrally within the Newdegate townsite on the northern side of Maley Street and comprises a total area of 7.8289 hectares (see Plan 8).

That portion of Lot 216 proposed to be excised and acquired by CBH is located on the north side of the railway line, comprises a total area of 1.2954 hectares and has been extensively developed by CBH in recent years in association with the adjoining Lot 189 for grain handling and storage purposes (see Plan 9).

Vehicle access to the majority of Lot 216 is currently available via Maley Street which is a sealed and drained local road under the care, control and management of the Shire of Lake Grace. Despite having direct frontage to Road No.9219 on its north-western boundary, practical access to that portion of Lot 216 proposed to be excised and acquired by CBH is only currently available via the adjoining Lot 189 which is currently leased to CBH by the Department for Planning and Infrastructure for grain handling and storage purposes (see Plan 8). This can be attributed to the fact that Road No.9219 remains unconstructed.

Comment

That portion of Lot 216 proposed to be excised from the parent lot and acquired by CBH is currently classified 'Industrial' zone in the Shire of

Lake Grace Town Planning Scheme No.3. Council's stated objective for all land classified 'Industrial' zone in the Scheme Area is as follows:

- *To ensure that adequate and suitably located land is provided to enable development of industrial enterprises which will contribute to the economic activity of the district.*

Council should also consider the proposed classification of the subject land in the Shire's proposed new Local Planning Strategy and Town Planning Scheme No.4 given that both of these documents have been finally adopted by Council and are awaiting final approval from the WAPC and the Minister for Planning and Infrastructure. The proposed strategic land use and zoning classifications applicable to the subject land in these documents and their associated objectives are summarised as follows:

DOCUMENT	PROPOSED CLASSIFICATION	OBJECTIVES
Local Planning Strategy	Industrial	Development of a diversified range of commerce and industry in appropriate locations which provides significant employment opportunities and reduces the local economy's dependency upon the agricultural sector.
Town Planning Scheme No.4	'General Industrial' zone	<p>To provide a location for general, light and service industries which by the nature of their operations should be separated from residential areas.</p> <p>To ensure an adequate supply of suitably located land for future industrial development.</p> <p>To provide for a range of compatible general, light and service industries to support the needs and development of the district.</p> <p>To provide a range of employment opportunities for residents of the district.</p> <p>To ensure that development is in accordance with appropriate and satisfactory standards of function, amenity and safety.</p> <p>To ensure that appropriate buffers are provided and maintained between industrial uses and adjacent uses so as to avoid land use conflicts.</p> <p>To encourage the provision of additional landscaping to the established industrial areas to improve their visual appearance.</p>

Given that the subject land has been extensively developed for industrial purposes under approvals previously issued by the Shire and is currently used for this purpose for the benefit of the local community and the local

and State economy, it is concluded that the proposal is generally consistent with Council's stated objectives in Town Planning Scheme No.3 and the Shire's proposed new Local Planning Strategy and Town Planning Scheme No.4.

Notwithstanding this conclusion it is considered prudent for Council to consider requesting the WAPC to impose conditions on any subdivision approval issued requiring CBH to make suitable arrangements with the Shire of Lake Grace and the Department for Planning and Infrastructure with respect to the following issues:

- It is clear from the latest available aerial photography and the plan submitted in support of the subdivision application that grain storage facilities and associated infrastructure have previously been constructed across the common boundary between the proposed Lot 100 and the adjoining Lot 189 currently owned by the Department for Planning and Infrastructure. This arrangement is problematic from a management point of view without any formal agreement between CBH and the Department for Planning and Infrastructure regarding access, maintenance and general management arrangements. It could therefore be argued that the ideal subdivision arrangement would be for all the land comprising the proposed Lot 100 to be excised from Lot 216 as currently proposed and then amalgamated into the adjoining Lot 189 which is similarly zoned so as to incorporate all of CBH's facilities into one consolidated lot.

If the subdivision is to proceed in accordance with the details of the plan submitted in support of the application it is recommended that Council recommend the WAPC to impose a suitable condition on any subdivision approval issued requiring the formulation of a legal agreement between CBH and the Department for Planning and Infrastructure to ensure that the two sites are managed appropriately having regard for the current encroachments across the common boundary between the proposed Lot 100 and the adjoining Lot 189.

Alternatively Council could advise the WAPC of the need to modify the proposed plan of subdivision so as to amalgamate all of the land comprising the proposed Lot 100 into the adjoining Lot 189. CBH could then negotiate with the Department for Planning and Infrastructure regarding the acquisition from the Crown of all land comprising the Newdegate receival point (i.e. Lot 100 and Lot 189) and not just a small portion of the railway reserve as currently proposed.

- The land proposed to be excised from Lot 216 and acquired by CBH (i.e. Lot 100) will have direct frontage access to Road No.9219 immediately west which is currently unconstructed. Given that this is the only dedicated road access to the proposed lot and the fact that the current use of the land for industrial purposes may generate the need to obtain access to the land in the future via this road and the nearby Road

No.16668 for general operational and maintenance purposes, it is not unreasonable for Council to request the WAPC to impose a condition requiring CBH to fund the cost of constructing and draining both of these roads to an acceptable standard at the subdividers cost. This is in fact standard practice in all subdivision development throughout Western Australia and is a typical policy requirement of the WAPC. Such a request also has the benefit of significantly improving current access arrangements to the Newdegate wastewater treatment plant and the Shire's proposed new water storage dam on VCL Lot 208. It is therefore recommended that Council request the WAPC to impose a suitable condition on any subdivision approval issued in respect of the submitted plan requiring the construction and drainage of portion of Road No.9219 and all of Road No.16668 in order to provide practical access to the proposed Lot 100.

In the event that the Commission requires that the proposed Lot 100 be amalgamated with the adjoining Lot 189 the above recommendation regarding the construction and drainage of portion of Road No.9219 and all of Road No.16668 can be ignored as Lot 189 already has direct frontage access to a dedicated and constructed road (i.e. Duncan Road).

Legal Implications

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

Policy Implications

- WAPC Policy No. DC 1.1 – *Subdivision of Land – General Principles*
- WAPC Policy No. DC4.1 – *Industrial Subdivision*

Community Consultation

Not required.

Financial Implications

Nil if the subdivider is required as a condition of subdivision approval to fund the cost of constructing and draining portion of Road No.9219 and all of Road No.16668 immediately west of the proposed Lot 100. If Council does not request the WAPC to impose any such condition then it is possible that the Shire may in the future be requested and obliged to construct and drain these roads at its own cost to provide an acceptable means of vehicle access to Lot 100.

Strategic Implications

- Shire of Lake Grace Local Planning Strategy

Voting Requirements

Simple majority required.

Recommendation/Resolution

MOTION 10213

Moved Cr Farrelly
Seconded Cr Walker

1. That Council advise the Western Australian Planning Commission that it supports in-principle the proposed subdivision of Lot 216 (Reserve 37609) Maley Street, Newdegate by Co-operative Bulk Handling Limited (CBH) however it would like to see the subdivision plan modified to provide for the amalgamation of the proposed Lot 100 into the adjoining Lot 189 to address the current building and infrastructure encroachment issues across the common boundary between these two landholdings and to provide for the consolidation of all CBH's existing grain handling and storage facilities into one title rather than the creation of an additional separately titled lot.

2. That Council advise the Western Australian Planning Commission that should the proposed subdivision of Lot 216 (Reserve 37609) Maley Street, Newdegate be approved in accordance with the details of the plan submitted in support of the application that the following conditions be imposed:

i) The applicant entering into a legal agreement with the Department for Planning and Infrastructure to provide for reciprocal rights of access and shared management arrangements over the proposed Lot 100 and the adjoining Lot 189 to address the issues associated with the existing building and infrastructure encroachments across the common boundary between these two lots.

ii) Portion of Road No. No.9219 and all of Road No.16668 immediately west of the proposed Lot 100 being constructed and drained at the subdivider's cost to the satisfaction of the Western Australian Planning Commission.

MOTION CARRIED 7/0

11.5 PLANNING APPLICATION – PROPOSED CARPORT – LOT 258 (15) CLARKE AVE LAKE GRACE

Applicant: Outdoor World Albany for L & G Oliver
File No.: 0454
Attachments: Plans 10, 11, 12 & 13
Author: Mr Joe Douglas & Mr Steve Pandevski
 Town Planning Consultants
Disclosure of Interest: Nil
Date of Report: 26 June 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 Outdoor World Albany for L&G Oliver to construct a new two (2) car tandem carport on Lot 258 (No.15) Clark Avenue, Lake Grace.

Background

Lot 258 is located in the north-west portion of the Lake Grace townsite in a designated residential area. It covers a total area of approximately 809m² and has 20.12 metres of direct frontage to Clarke Avenue (see Plan 10).

The subject land has been developed for residential purposes and comprises a single storey detached dwelling constructed centrally upon the lot and an outbuilding, that appears to be a shed or a garage located in the north west corner of the property (see Plan 11).

The application seeks Council's consent to construct a new 49.58m² steel framed, gabled colorbond carport in a location on the subject land, between the existing dwelling and the western property boundary (see Plans 12 & 13). It is understood from the details and plans submitted in support of the application that the carport is proposed to be 13.4 metres long, 3.7 metres wide and will have a ridge height of approximately 3.3 metres with a gutter height of 2.4 metres.

Under the terms of the plans submitted the carport is proposed to be setback 0.6 metres from the land's western boundary, which adjoins Lot 259 Clark Avenue, Lake Grace which has also been developed for low density residential purposes.

Comment

Lot 258 is currently classified 'Residential' zone in the Shire of Lake Grace Town Planning Scheme No.3 (TPS 3) and is proposed to retain the 'Residential' zoning classification in the Shire's proposed new Local Planning Strategy and Town Planning Scheme No.4 (TPS 4).

Council's stated objective for land classified 'Residential' zone is to ensure that the zone adequately provides for the residential needs of the District in a manner consistent with maximum residential amenity and public safety. To achieve this objective Council will adopt Residential Planning Codes consistent with the residential character of the areas, and which will enable residential uses other than single houses to be appropriately located.

Under the terms of the land's current zoning classification the construction of a single house and ancillary outbuildings (i.e. garage, shed etc.) is permitted subject to compliance with the relevant standards and requirements laid down in Town Planning Scheme No.3 and the Residential Design Codes of Western Australia.

Clause 5.3.3 of TPS No.3 states:

"Unless otherwise provided for in the Scheme, the development of land for any residential purposes dealt with by the Residential Planning (Design) Codes shall conform to the provisions of those codes."

The Scheme does not provide provisions for the consideration of the proposed carport other than those of the Residential Design Codes.

Therefore, in considering the application Council is required to have due regard to the provisions of the Residential Design Codes (R-Codes). This report is satisfied that the proposed carport meets the relevant acceptable development provisions of the R-Codes, except for the proposed side boundary setback. In accordance with the R-Codes, where a proposal does not meet the relevant acceptable development provisions, Council may exercise discretion and consider the application against the relevant performance criteria for each issue/design component, however prior to determining the proposal Council may undertake consultation with any potentially affected neighbour providing a period of no less than 14 days to comment.

Proposed Carport Side Setback

The subject land has a base residential density coding of R12.5 which identifies the land for low density residential usage. Development of land identified for low density residential purposes generally requires greater setbacks to boundaries, preserving an appropriate level of amenity.

The R-Codes, under clause 3.31 A1 and Table 2, requires all buildings (including carports) to be setback no less than 1 metre from a side boundary. The application submitted proposes a 0.6 metre side boundary setback to the carport. However, the R-Codes afford Council the flexibility to consider the proposal against the relevant performance criteria of the R-Codes (clauses 3.3.1 P1 and 3.3.2 P2). In accordance with the relevant R-Codes performance criteria, if Council is satisfied (inter alia) that the

carport makes effective use of space, does not have a significant adverse effect on the amenity of the adjoining property and provides adequate direct sun and ventilation to nearby dwellings and their outdoor living areas, it may grant its approval to the proposed 0.6 metre setback to the side boundary.

In considering the matter Council should note that:

the application proposes a 400mm variation to the normally required side boundary setback;
 the carport is an open structure that will not impact upon access to direct sun and ventilation; and
 the adjoining property has a garage or shed structure located near to the common side boundary.

Neighbour Consultation

Clause 2.5.1 of the R-Codes states:

*“In the case of a proposed development that:
 requires the exercise of discretion by the Council under the Codes...; and
 may, in the opinion of the Council, adversely affect the amenity of an
 adjoining property,
 the consultation procedures of the Codes apply to provide for affected
 property owners to view and comment on the proposal.”*

Although the proposed carport may not have a significant detrimental impact on the adjoining residential property, it is difficult to conclusively establish that position without affording the owner of adjoining Lot 259 Clark Avenue an opportunity to provide comments on the application. To this extent, this report recommends that Council refer the application to the current owner of adjoining Lot 259 for comment for a period of not less than 14 days.

Conclusion

It is concluded from a detailed assessment of the application in the context of the Shire’s current Town Planning Scheme No.3 and the Residential Design Codes of Western Australia that the proposal to construct the carport as proposed on Lot 258 (No.15) Clarke Avenue, Lake Grace has potential to be implemented in a proper, orderly and safe manner, however prior to determining the application it is recommended that the matter be referred to the owner of adjoining Lot 259 Clark Avenue for comment.

Legal Implications

Shire of Lake Grace Town Planning Scheme No.3
 Residential Design Codes of Western Australia 2002

Policy Implications

Nil

Community Consultation

Consultation with the owner of adjoining Lot 259 Clark Avenue, Lake Grace for a period of not less than 14 days, prior to determination of the application, is recommended in accordance with Clause 2.5.1 of the Residential Design Codes of Western Australia 2002.

Financial Implications

Nil

Strategic Implications

Nil

Voting Requirements

Simple majority required.

Recommendation/Resolution

MOTION 10214

Moved Cr Bennett
Seconded Cr Newman

That Council resolve to:

1. Refer the application for Council's planning consent submitted by Outdoor World Albany for L&G Oliver to construct a new two (2) car tandem carport on Lot 258 (No.15) Clark Avenue, Lake Grace to the owner of the adjoining Lot 259 Clark Avenue, Lake Grace for comment for a period of not less than 14 days;
2. In the event that no comments, or no substantial objections, are received from the owner of the adjoining Lot 259 Clark Avenue, Lake Grace, the Chief Executive Officer be granted delegated authority to approve the application in accordance with the details of the submitted plans subject to the following conditions:
 - a) All development shall be completed within twelve (12) months of the date of Council's issuance of planning consent.
 - b) A building licence shall be obtained from the Shire prior to the commencement of any works on the site associated with the proposed development.
 - c) All stormwater drainage shall be managed to the specifications and satisfaction of the Shire.
3. Refer the matter back to Council for consideration at its next available Ordinary Meeting in the event that substantial objections are received as a result of the neighbour consultation process.

MOTION CARRIED 8/0

2.55pm Meeting adjourned for afternoon tea and Naturalisation Ceremony for Mr Steve Crook.

3.22pm Meeting reconvened with all those previously in attendance present with the exception of Ms Rysha Bird, Mr Steve and Mrs Velia Crook.

12.0 MATTERS FOR CONSIDERATION – HEALTH & BUILDING

12.1 TENDER 3/2006 CONSTRUCTION OF TOILET AND CHANGEROOM FACILITIES & TENDER 4/2006 SPORTS SURFACES – LAKE GRACE SPORTING PRECINCT

Applicant: Lake Grace Sporting Precinct Redevelopment Working Group
File No. 0403
Attachments: Advert & Tender Specifications
Author: Mr Chris Jackson
Chief Executive Officer
Disclosure of Interest: Nil
Date of Report: 27 June 2006
Senior Officer: Mr Chris Jackson
Chief Executive Officer

Summary

For Council to accept tenders for stage one improvement's to the Lake Grace Sporting Precinct.

Background

At Councils March Ordinary meeting it was resolved as follows.

That

- a. Stage one redevelopment of the Lake Grace Sporting Precinct proceed with work to commence during the 2006/2007 financial year.
- b. Funding be included in the 2006/2007 budget with total capital expenditure of \$836,934 and income of CSRFF \$245,000, Loan funds \$278,978 Rec Council Trust Funds \$200,000 and community In-kind & other \$112,956.
- c. Tenders be called for the construction of toilet and change room facilities with construction works to be undertaken during 2006/2007.

- d. *Tenders be called for sports surfaces to include flexi pave surface finish for the netball/basketball courts and a super grass surface for the tennis courts with the works to be undertaken during 2006/2007.*
- e. *Tender specifications to be drawn up in consultation with the Lake Grace Sport Precinct Working Group.*
- f. *That in accordance with Council Policy 3.3 Stage One of the Lake Grace Sporting Precinct Redevelopment be funded by way of Specified Area Rates.*

Tenders have been called and closed on Friday 23 June 2006 with tenders received from;

- Éclat Building Pty Ltd
- TigerTurf trading as Advanced Sporting Surfaces Australia
- Sport Surfaces

Comment

Tender 3/2006 Construction of Toilet & Change Room Facilities

Only one tender has been received for these facilities from Éclat Building Pty Ltd (Fergus Colman) \$267,108 plus GST. The tender submitted could be deemed non-conforming as the requested documentation has not been submitted.

Éclat Building Pty Ltd currently has the contract for redevelopment works at the shire office and for construction of the Newdegate toilet block. Whilst the price submitted exceeds the original estimate the total budget will have savings in areas such as sports surfaces and with some negotiation other savings could also be identified. Mr Colman has advised that the submitted price is based on a transportable design of 14.4m x 7.2m with two toilet & change room areas and a disabled toilet.

The specifications prepared for this tender allowed for the consideration of both a transportable or built on site facility. A number of transportable companies advised that they were not in a position to tender given that they were all experiencing a large demand for their products and could not guarantee delivery within the next twelve months. Fleetwood Portables have also recently advised that the transportable home that the Shire has ordered will again be delayed with delivery now not expected until October 2006. The order was placed in September 2005.

Given that it is clear that any delay in proceeding with a construction contract for this facility will only see the price increase, the lack of interest from both transportable and other building companies will continue and the fact that a builder is already in town undertaking works; it is recommended that Council accept the tender of Éclat Building Pty Ltd and discussions commence on design and price options.

Tender 4/2006 Sports Surfaces

TigerTurf Trading as Advanced Sporting Surfaces price submitted \$72,905.05 (estimated cost of road base 3,697m² @ \$21 = \$77,637 Total \$150,542)

Sports Surfaces price submitted Option A \$140,245 Option B \$143,820

Both tenders received for the Sports Surfaces are conforming and have been evaluated using the following criteria and weightings:

Tender price 50%, performance and experience of tenderer in completing similar projects 30%, capability and competence to tenderer to perform the work required 10%, beneficial effects of tender/local content 5% and methodology 5%. Refer attached score card.

Tender price-Both companies have submitted prices that are similar, within the projected budget and have been rated accordingly. Sports Surfaces has included the cost of the road base (Asphalt) in the total cost were as TigerTurf have excluded this cost which can be undertaken by others.

Performance and experience-Both companies have submitted examples of recently completed projects and have shown a wealth of experience in undertaking this type of work. Sports surfaces have undertaken significant works through out Western Australia including construction of the existing tennis courts in Lake Grace. TigerTurf have also completed projects in Western Australia and in Victoria. Sports Surfaces have stressed the importance of meeting tolerance specifications and they do not rely on subcontractors carrying out base and asphalt works.

Capability and competence- The details submitted including references demonstrate that both companies have the capability and competence to undertake the proposed works.

Local Content-Whilst the Regional Price Preference has not be applied in total Sports Surfaces have listed a local contractor to undertake the sub-base earthworks.

Methodology-Both tenders have applied suitable methods and procedures to undertake the proposed works.

Both companies have submitted various options for consideration including different types of surfaces and court furniture etc. Based on the selection criteria Sports Surfaces has rated slightly higher than TigerTurf given previous work within the Shire, the benefits of undertaking the road base as one contract, the minor local content and as such it is recommended that the tender of Sport Surfaces be accepted.

Option B is recommended based on the need to get the maximum life from the surface product but discussions will be held between the Working Group and Sports Surfaces to confirm the best options in accordance with budget requirements.

Stage one redevelopment includes the following works.

- Relocation and construction of the netball/basketball courts;
- Relocation and construction of the tennis courts;
- Construction of toilets and change rooms;
- Relocation of practice cricket nets;
- Grassing of western oval for expansion;
- Development of new entry and parking;
- Associated infrastructure (lighting, access ways, parking, etc) and removal of old infrastructure and amenities.

It is planned for the works to commence in September/October and be completed in time for the commencement of the winter sports season.

Legal Implications

Local Government Act 1995 S3.57

Local Government (Functions & General Regulations 1996 Part 4

Policy Implications

Specified Area Rating Policy 3.3

Community Consultation

The Lake Grace Sporting Precinct Redevelopment Working Group has met on the 2nd May 2005, 18th July 2005, 20th September 2005, 4th October 2005, 15 November 2005 and 23 May 2006. Prior to the community survey community information presentations were also held on the 31st January 2006 and 7th February 2006.

Financial Implications

The budget has been revised to reflect the submitted tenders.

Expenditure

Sports Surface for all Courts	\$143,820
Court Furniture	\$20,000
Fencing	\$30,000
Court Lighting	\$68,000
Toilets & Change Rooms	\$267,108
Fees (includes supervision)	\$15,000
Geotechnical Survey	\$5,000
Hockey Ground Lights	\$2,000
Cricket Nets	\$8,000
Works on Hockey Ground	\$5,350
Playground	\$40,000

BBQ	\$4,500
Parking Areas	\$41,186
Roads	\$61,000
Paving	\$8,325
Site Works	\$79,711
District Allowance 5%	\$37,473
Total	\$836,934

Income	
CSRFF	\$245,000
Loan funds	\$278,978
Rec Council Trust Funds	\$200,000
Community In-kind & Other	\$112,956
Total	\$836,934

Strategic Implications

Redevelopment of the Lake Grace Sporting Precinct has been listed as a priority for many years.

Voting Requirements

Absolute majority required.

Recommendation/Resolution

MOTION 10215

Moved Cr Walker
Seconded Cr Newman

That:

1. The tender of Sports Surfaces for the construction of four (4) Tennis Courts and two (2) Netball Courts at the Lake Grace Sporting Precinct (Tender 4/2006) for a consideration of up to \$143,820 be approved;
2. The tender of Éclat Building Pty Ltd for the Construction of Toilet & Change Room Facilities (Tender 3/2006) at the Lake Grace Sporting Precinct for a consideration of up to \$267,108 be approved.

MOTION CARRIED 8/0

13.0 MATTERS FOR CONSIDERATION – FINANCE**13.1 ACCOUNTS FOR PAYMENT MAY 2006**

Applicant: Shire of Lake Grace
File No. 0277
Attachments: List of Creditors
Author: Ms Leonie McIlree
Deputy Chief Executive Officer
Disclosure of Interest: Nil
Date of Report: 13 June 2006
Senior Officer: Mr Chris Jackson
Chief Executive Officer

Summary

For Council to ratify expenditures incurred for the month of May 2006.

Background

List of invoices paid for the month of May 2006 through the Municipal Account and Trust 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 May 2006 from the Municipal account amounts to \$732,805.99, direct debits from the Municipal account total \$116,899.52 and Trust accounts amounts to \$110.00.

Cheques EFT1649 and 31953 were cancelled.

Strategic Implications

N/A

Voting Requirements

Simple majority required.

Recommendation/Resolution

MOTION 10216

Moved Cr Stewart
Seconded Cr Taylor

That Municipal Account cheques 31952 to 32005, 400285 to 400291 and Electronic Funds Transfers EFT1539 to EFT1667, totalling \$732,805.99, Direct Debits totalling \$116,899.52 and Trust Account cheque 510 totalling \$110.00 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

13.2 FINANCIAL STATEMENTS MAY 2006

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

Summary

Consideration of the financial statements for the period ending 31 May 2006.

Background

The following financial reports are included for your information:

- Statement of Financial Activity
- Operating Statement
- Capital Statement
- 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

Voting Requirements

Simple majority required.

Recommendation/Resolution

MOTION 10217

Moved Cr Bennett
Seconded Cr Farrelly

That the financial reports for the period ended 31 May 2006 as attached be approved.

MOTION CARRIED 8/0

13.3 **TOWN PLANNING FEES - REVIEW**

Applicant: Shire of Lake Grace
File No.: 0272
Attachments: Attachment 3
Author: Mr Joe Douglas & Mr Steve Pandevski
 Town Planning Consultants
Disclosure of Interest: Nil
Date of Report: 16 June 2006
Senior Officer: Mr Chris Jackson
 Chief Executive Officer

Summary

The following report has been prepared for the Lake Grace Shire Council to consider charging planning application fees.

Background

Until recently local government planning fees were not regulated, which resulted in different local governments charging different fees, and in the case of some regional local governments, planning fees were not, and still are not being charged. It is understood that some regional local governments do not charge planning application fees for fear that fees will be a disincentive to developers considering marginally viable development projects.

In 1998 the Western Australian Planning Commission sought comments on a proposed uniform system of maximum fees and charges for local government planning applications developed by the (then) Western Australian Municipal Association in conjunction with the (then) Ministry for Planning.

A Planning Fees Working Group was then set up to consider the proposed system of fees in light of the received comments and after making revisions to the proposed system it was presented to the Minister for Planning in 1999 for endorsement and authorisation of instructions to Parliamentary Counsel to prepare Regulations.

In 2000 the Town Planning (Local Government Planning Fees) Regulations were passed. The fee system is based on the following principles:

- the underlying principle of the fees is “fee for service” ;
- it is clear and easy to administer;
- for ease of administration development application fees represent an average cost of local government providing the service;
- does not include the cost of governance; and
- it allows local governments to charge a lesser fee or no fee at all.

The regulations allow Council’s to charge planning fees for:

- development applications;

- subdivision clearances;
- town planning scheme amendments;
- adoption of structure plans;
- home occupations;
- change of use;
- zoning certificates;
- property settlement questionnaires; and
- written planning advice.

Refer to Attachment 3 for the tables that identify the maximum applicable application fees under the Town Planning (Local Government Planning Fees) Regulations 2000.

As a general observation it is considered that the regulated local government planning application fees have operated relatively successfully since their implementation in 2000, with many local authorities formulating individual fee schedules that include variations to the regulated fees depending upon local expectations, however that do not exceed those fees stipulated by the regulations.

Comment

The Shire of Lake Grace currently charges a fee of \$100.00 for all planning applications regardless of their complexity. As such in many cases the administrative cost borne by the Shire in assessing and processing applications as required by relevant Western Australian legislation is borne by the ratepayers. Although there are broader community benefits in ensuring that planning applications are adequately assessed and processed, such as preservation of amenity, provision of adequate infrastructure and services and that the development of land is undertaken in a proper and orderly manner, it may be considered inequitable for the ratepayers of the Shire to carry the administrative costs for developers securing planning approvals that the developer would normally be expected to pay.

Planning application fees are normally budgeted in the project costs by developers when undertaking significant developments and generally represent an insignificant component when compared to the overall cost of a development. However, it is also acknowledged that in the case of minor developments, such as changes of use, erection of sheds, or the like, the application fee component may represent a more considerable component of the development costs and therefore may be considered a disincentive to development by some.

The existing, regulated fee structure however attempts to address this matter by applying minimal fixed fees for lesser developments, thereby ensuring that the fees charged are generally proportional to the development costs. It is open to the Council, should it resolve to charge planning application fees, to instruct the administration to prepare a fee schedule that that not only takes into consideration the costs incurred by the Shire for providing the planning service but also takes into consideration the cost of the proposed development.

Income strategies and business modelling for service providers, such as local governments, over the past 10 years has shifted towards the principle of “user pays”. In the case of planning services offered by local government, it is reasonable to expect that the applicant is responsible for at least a portion of the expenses incurred by the local government (service provider) in the assessment and processing of applications. Conversely, some argue that there is a legislative requirement to obtain approvals from local government so it is unfair to implement a “user pays” system on application fees as there is no option but for the developer to apply for approval.

The above views are both relevant and cannot be unilaterally discounted; however the provision of the planning service represents an expense to local governments that cannot be recovered, at least in part, unless fees are charged. Not charging any planning application fees or charging a flat fee irrespective of complexity places significant budgetary pressure on other local government income streams, such as the rate base, to financially subsidise planning assessments and processes that are incurred directly as a result of development proposals received, and as a result local governments forego the opportunity to utilise those funds for other municipal projects, such as road and drainage construction/maintenance and the development of parks and recreation areas.

In conclusion it makes good financial sense for local government to collect planning application fees to subsidise the cost of providing a “service”. However it is also acknowledged that this approach represents a significant shift from the traditional and existing approach by the Shire of Lake Grace to charge a flat fee of \$100.00 as an incentive for new developments within the Shire. It is not precisely known how successful this approach has been in enticing developments to be undertaken within the Shire, particularly given the broader economic factors that influence the viability of developments, however it is perhaps reasonable to assume that a planning application fee ranging from between, say \$100.00 to \$3,000.00 depending upon the scale of a proposed development is unlikely to be the determining factor whether a development is economically viable or otherwise.

To that extent it is the recommendation of this report that Council considers:

- i) charging fees for local government planning applications based upon the scale of the proposed development;
- ii) instructing the Shire administration to prepare a fee schedule, which is allowable by, but departs from that provided within the Town Planning (Local Government Planning Fees) Regulations 2000; and
- iii) basing the fee schedule on the costs incurred by the Shire for providing the planning service but also takes into consideration the cost of the proposed development.

Legal Implications

- Town Planning (Local Government Planning Fees) Regulations 2000

Policy Implications

Nil

Community Consultation

Public Consultation is not required however should Council resolve to revise its current planning application fees and instruct the administration to prepare a new fee schedule, it is open to the Council to then undertake a public consultation process to gauge the community's response prior to adopting the new fee schedule.

Financial Implications

By implementing a new fee schedule and charging fees for planning applications based upon the scale of each proposed development the Shire could potentially collect between \$7,000 and \$15,000 per annum which could then be used to subsidise the costs incurred by the Shire in undertaking its legislative obligation to provide planning services.

Strategic Implications

Nil

Recommendation

That a revised planning application fee schedule based upon the scale of development be adopted and implemented in the 2006/07 financial year

Voting Requirements

Simple majority required.

Resolution

MOTION 10218

Moved Cr Bennett
Seconded Cr Farrelly

That a revised planning application fee schedule based upon the scale of development be considered for adoption and implementation in the 2006/07 financial year.

MOTION CARRIED 8/0

Reason for Change

Prior to making a decision, Council wish to view the revised fee schedule and retain the option for status quo to remain should those revised fees not be considered appropriate.

13.4 **ALGA NATIONAL LOCAL ROADS AND TRANSPORT CONGRESS & THE PACIFIC EDGE REGIONAL ARTS AUSTRALIA NATIONAL CONFERENCE - DELEGATES**

Applicant: Council
File No. 1.4.1
Attachments: Conference Programs
Author: Mr Chris Jackson
 Chief Executive Officer
Disclosure of Interest: Nil
Date of Report: 19 April 2005
Senior Officer: Mr Chris Jackson
 Chief Executive Officer

Summary

The purpose of this report is for Council to formally confirm sending delegates to the Australian Local Government Association (ALGA) 2006 National Local Roads and Transport Congress to be held in Alice Springs in July 2006 and to the Pacific Regional Arts Australia National Conference to be held in Mackay in September 2006.

Background

ALGA National Local Roads and Transport Congress - Council has now been attending this Congress for the past three years and those Councillors who have attended consider it most worthwhile.

This year's Congress is to be held in Alice Springs, Northern Territory from the 9-11 July 2006 and Council has indicated informally it will again be represented by two delegates.

The Pacific Edge Regional Arts Australia National Conference – As a result of Council's innovative and active involvement in CANWA's cultural planning program, the Shire of Lake Grace was approached by Community Arts Network WA (CANWA) to submit an expression of interest to lead a forum session in partnership with them titled "A Collaborative Approach to Cultural Planning in Regional Western Australia". The CANWA submission was successful hence the invitation to present at the conference.

Chris Jackson, Chief Executive Officer and Michelle Slarke, Visual Artist and Shire Project Officer, will present with a CANWA representative. The conference is to be held in Mackay, Queensland from 15-17 September 2006 with the presentation scheduled for Sunday afternoon 17 September 2006.

Comment

Roads and Transport Congress

The 2006 Congress will focus on forging the National Local Roads and Transport Strategy.

Themed, *Paving the way – Driving the roads and transport agenda*, this year's Congress is seeking collective action to secure positive outcomes to address the roads and transport needs of our communities and to unite local government behind a single roads and transport plan.

Pacific Edge Regional Arts Conference

This is a bi-annual conference and is Australia's largest regional arts event. The Cultural Planning process that Council has undertaken is innovative in Australia.

The Pacific Edge will showcase the best in regional arts performance and practice, whilst demonstrating the vital role the arts play in building the capacity, lifestyle and sustainability of regional communities.

This forum will not only promote our Shire and community cultural activities but will provide professional development opportunities for our delegates and will also represent ideas and issues from our region.

Legal Implications

N/A

Policy Implications

N/A

Community Consultation

N/A

Financial Implications

Roads and Transport Congress

Registration fees of \$660 per person	\$1,320.00
Desert Palms Resort 8 nights @ \$120 per night	\$ 960.00
Airfares x 2 @ \$645 each	<u>\$1,290.00</u>
Total	<u>\$3,570.00</u>

Account E041030 has sufficient funds to cover all expenses. The cost of additional meals is not included.

Pacific Edge Regional Arts Conference

Registration fees of \$385.00 per person	\$ 770.00
Airfares x 2 @ \$1,001 each	\$2,002.00
Accommodation – 8 nights @ approx \$100 each	<u>\$ 800.00</u>
Total	<u>\$3,572.00</u>

Ms Slarke has applied to Arts WA Artflight funding to cover her air fares and travel to and from Perth which will reduce the total cost by \$1,001 to \$2,572.00.

Account E042270 – Cultural Development Plan has sufficient funds to cover expenses. The cost of meals is not included.

Strategic Implications

The Roads Congress brings local government together to help shape and define a case for better funding and management of local road networks.

The interaction between Councillors is an important and effective means of better understanding the issues impacting upon road transport.

The Pacific Arts conference has been built around the current priorities of regional Australians for the arts and cultural development in their communities and will bring together people who work in, are involved in and are interested in the Arts across Australia and internationally, allowing them to meet and share their ideas and experiences.

Recommendation

Note: Nominations required when considered by Council.

1. That Council confirm the registration of two delegates (Cr _____ and Cr _____) to attend the National Local Roads and Transport Congress 2006 from Sunday 9 July to Tuesday 11 July 2006 in Alice Springs and cover all associated accommodation and travel costs.

2. That Council confirm the registration of Chris Jackson and Michelle Slarke to attend the Pacific Edge Regional Arts Australia Conference from Friday 15 September to Sunday 17 September 2006 in Mackay, Queensland and cover all associated accommodation and travel costs.

Voting Requirements

Simple majority required.

Resolution

MOTION 10219

Moved Cr Newman
Seconded Cr Bennett

1. That Council confirm the registration of two delegates Cr Royce Taylor and Cr Ollie Farrelly to attend the National Local Roads and Transport Congress 2006 from Sunday 9 July to Tuesday 11 July 2006 in Alice Springs and cover all associated accommodation and travel costs.

2. That Council confirm the registration of Chris Jackson and Michelle Slarke to attend the Pacific Edge Regional Arts Australia Conference from Friday 15 September to Sunday 17 September 2006 in Mackay, Queensland and cover all associated accommodation and travel costs.

MOTION CARRIED 8/0

14.0 MATTERS FOR CONSIDERATION – ADMINISTRATION

**14.1 PINGARING COMMUNITY CENTRE – PINGARING PROGRESS ASSOCIATION
PROPOSED AGREEMENT AND FUNDING MODEL**

See page 107 – item was brought forward.

14.2 AUTHORISED OFFICERS - APPOINTMENT

Applicant: Chief Executive Officer
File No: 0052
Attachments: Nil
Author: Mrs Jeanette Bennett
Executive Assistant
Disclosure of Interest: Nil
Date of Report: 20 June 2006
Senior Officer: Mr Chris Jackson
Chief Executive Officer

Summary

The purpose of this report is for Council to appoint Authorised Persons to exercise power under the Local Government Act 1995, associated legislation and other Acts, on behalf of the Shire of Lake Grace.

Background

In accordance with a number of provisions of various Acts, Regulations and local laws, Council is required to appoint authorised persons to perform various authorised functions. It is now appropriate to revisit and update the existing appointments of “authorised persons”.

Comment

Section 3.24 of the Local Government Act 1995 enables a local government to expressly authorise a person(s) to exercise its executive powers under Division 3 of the Act relating to certain provisions about land, including notices requiring certain things to be done by an owner or occupier of land in accordance with Schedule 3.1 of the Act including such things as drainage requirements, safety matters and unsightly land. It is proposed to appoint Mr Chris Jackson, Ms Leonie McIlree and Mr Garry Moulds.

Section 3.39 of the Local Government Act 1995 enables Council to appoint an authorised person for the purpose of removing or impounding of goods that are involved in a contravention, as prescribed by regulation or local law, that can lead to impounding. It is proposed to appoint Mr Chris Jackson.

For the purposes of s37 of the Control of Vehicles (Off-road Areas) Act 1978 it is proposed to designate the following staff members as Authorised Officers – Mr Chris Jackson, Ms Leonie McIlree and Mr Garry Moulds.

For the purposes of s26 of the Litter Act 1979, all Councillors and Staff are deemed to be authorised officers.

Section 9.10 of the Local Government Act 1995 provides for the appointment of authorised persons for the purpose of investigating the suspected commission of an offence against the Local Government Act 1995 and or the Shire's local laws (s9.11 & s9.15). It is proposed to appoint Mr Chris Jackson, Ms Leonie McIlfree and Mr Garry Moulds.

For the subsequent issue of infringement notices in accordance with s9.13, s9.16 and 9.17 of that Act, it is proposed to appoint Mr Chris Jackson and Ms Leonie McIlfree.

The extension of the payment period (s9.19) and/or the withdrawal of the notice (s9.20) is to be authorised by the Chief Executive Officer Mr Chris Jackson.

Furthermore, in accordance with s449 of the Local Government (Miscellaneous Provisions) Act 1960, a local government may establish and maintain one or more public pounds and may appoint persons to be keepers of those pounds so as to have care, control and management of those pounds. It is proposed to appoint Mr Gary Seward and Mr Wayne Trawinski as Pound Keepers. Geoff Copely of WA Ranger Services is to be appointed as Ranger.

Pursuant to the Dog Act 1976 the Shire is required to appoint "Registration Officers" to effect the registration of dogs pursuant to the requirement of the Act. It is proposed to appoint the following staff members as "Registration Officers":

- Chris Jackson
- Leonie McIlfree
- Mark Burbridge
- Danielle Robertson
- Rysha Bird
- Skye Gambuti

Pursuant to s27 of the Health Act 1911 Council may appoint an Environmental Health Officer to perform such duties as the local government from time to time directs and also such as are specifically prescribed by any order of the Executive Director, Public Health. Mr Maurice Walsh is the appointed Environmental Health Officer.

Pursuant to s59(2)(a) of the Bush Fires Act 1954 a local government may institute or carry on proceedings, including the issue of infringement notices, against a person for an offence alleged to have been committed against the Act. For the purposes of proceedings, Council has delegated its authority to the Chief Executive Officer (s59(3)) who has on-delegated (see Delegations Register – Other 03) to the Deputy Chief Executive Officer.

Pursuant to s17 of the Caravan Parks and Camping Grounds Act 1995 the Chief Executive officer may appoint such persons to be authorised persons for the purposes of the Act. An authorised person may enter and inspect premises to ensure compliance with the requirements of the Act. The Chief Executive Officer has appointed Mr Maurice Walsh as an authorised person for the purposes of the Caravan Parks and Camping Grounds Act 1995.

Community Consultation

N/A

Legal Implications

Local Government Act, 1995 – s3.24, s9.10

Local Government (Miscellaneous Provisions) Act 1960 - s449

Bush Fires Act 1954 - s59

Dog Act 1976

Health Act 1911 - s27

Litter Act 1979 – s26

Control of Vehicles (Off-Road Areas) Act 1978 – s37

Caravan Parks and Camping Grounds Act 1995 – s17

Policy Implications

N/A

Financial Implications

N/A

Strategic Implications

Provides for the good governance of the Shire.

Voting Requirements

Simple majority required.

Recommendation/Resolution

MOTION 10220

Moved Cr Chamberlain
Seconded Cr Walker

That Council appoint the following persons as “Authorised Officers” in respect to the requirements of the specified Acts:

Local Government Act 1995, Part 3, Division 3, Subdivision 2, Certain provisions about land - s3.24 (relates to the issuing of notices):

- Chris Jackson, Leonie McIlree, Garry Moulds

MOTION 10220 continued.

Local Government Act 1995, Part 3, Division 3, Subdivision 4, Impounding goods involved in certain contraventions – s3.39 (relates to the power to remove and impound):

- Chris Jackson

Local Government Act 1995, Part 9, Division 2, Subdivision 1, Miscellaneous provisions about enforcement – s9.10, s9.11 and s9.15; and

Control of Vehicles (Off-Road Areas) Act 1978 – s37 (relates to the fining of a person committing an offence):

- Chris Jackson
- Leonie McIlree
- Garry Moulds

Local Government Act 1995, Part 9, Division 2, Subdivisions 1 & 2, Miscellaneous provisions about enforcement and infringement notices – s9.13, s9.16 and s9.17: (relates to the issuing of notices):

- Chris Jackson
- Leonie McIlree

Local Government Act 1995, Part 9, Division 2, Subdivision 2, Miscellaneous provisions about enforcement – s9.19 and s9.20 (relates to amendment of notices):

- Chris Jackson

Local Government (Miscellaneous Provisions) Act 1960 – s449 Local governments may establish pounds, appoint pound keepers and Rangers:

- Wayne Trawinski (Pound Keeper)
- Gary Seward (Pound Keeper)
- Geoff Copely (Ranger)

Dog Act 1976 – Registration Officers

- Chris Jackson
- Leonie McIlree
- Mark Burbridge
- Danielle Robertson
- Rysha Bird
- Skye Gambuti

Health Act 1911 – s27 Appointment of Environmental Health Officer

- Maurice Walsh

Bush Fires Act 1954 – s59(2)(a) and (3) – Issue of infringement notices, Council Delegation – Other 03

- Deputy Chief Executive Officer

Caravan Parks and Camping Grounds Act 1995 – s17 Authorised Persons

- Maurice Walsh

MOTION CARRIED 8/0

14.3 DELEGATION OF POWERS TO THE CHIEF EXECUTIVE OFFICER AND THE DELEGATION REGISTER

Applicant: Chief Executive Officer
File No. 1.4.21
Attachments: Register of Delegations
Author: Mrs Jeanette Bennett
Executive Assistant

Disclosure of Interest: Nil
Date of Report: 20 June 2006
Senior Officer: Mr Chris Jackson
Chief Executive Officer

Summary

The purpose of this report is for Council to review its delegation of powers and duties performed by the CEO and other staff.

Background

In accordance with the requirements of section 5.46 of the Local Government Act 1995 every Council is to register and annually review its delegations to the Chief Executive Officer.

Comment

The attached Delegation Register is presented to Council with no changes recommended following the previous review in May 2005.

Legal Implications

Local Government Act, 1995 - s5.16 Delegations to committees
- s5.42 Delegations to the CEO
- s5.43 Limits on delegations
- s5.44 CEO may delegate

Town Planning and Development Act 1928

Bush Fires Act 1954

Dog Act 1976

Health Act 1911

Local Government (Miscellaneous Provisions) Act 1960

Policy Implications

Clarification of existing delegations.

Community Consultation

N/A

Financial Implications

N/A

Strategic Implications

Provides for the improved documentation of Council operations.

Voting Requirements

Absolute majority (5) required.

Recommendation/Resolution

MOTION 10221

Moved Cr Taylor
Seconded Cr Bennett

That Council, in accordance with s5.42 of the Local Government Act 1995, delegate to the Chief Executive Officer the discharge of duties and powers as detailed in the attached Register of Delegations noting that the Chief Executive Officer has on-delegated some of his powers and duties to other staff.

MOTION CARRIED 8/0

14.4 **POLICY MANUAL – SECTION 1 GOVERNANCE - REVIEW**

Applicant:	Project Officer
File No.	0050
Attachments:	Existing Policies 1.1 to 1.11 and Local Govt Operational Guidelines – Number 14
Author:	Mr Jim Fraser Project Officer
Disclosure of Interest:	Nil
Date of Report:	21 June 2006
Senior Officer:	Mr Chris Jackson Chief Executive Officer

Summary

This report recommends changes to Policy 1.2 Meeting Dates, 1.3 Annual Dinner, 1.5 Floral Emblem, 1.6 Members Travel Expenses, 1.7 Members Partner Expenses, 1.9 Legal Representation Cost Indemnification and 1.10 Honorary Freeman.

Background

The last review of policies was undertaken by Council in February 2004, however there has been ad hoc alterations up to September 2005.

The Policy Manual includes reference to the manner in which Policy is to be amended and is as follows:

Additions, deletions or alterations to Council Policy shall only be effected by specific Council resolution stating:

- *The proposed policy; and,*
- *That the Manual be updated*

The Project Officer under the direction of the Chief Executive Officer has commenced a review of the Policy Manual.

For the purposes of the review each of the seven sections will be independently reviewed and submitted to Council for consideration.

Comment

PROPOSED AMENDMENTS:

Section 1 – Governance Policy 1.2 Meeting Dates

Council is to meet on the fourth Wednesday of the months of February to November and on the third Wednesday for the month of December.

A meeting in the month of January will only be held when it is called under provisions of Section 5.4 of the Local Government Act 1995.

Note: The Policy was amended in February 2004 by the addition of the words “excluding January”.

The proposed alteration outlines the provisions of the Local Government Act 1995 under which a meeting can be called in January should there be a need.

Section 1 – Governance Policy 1.3 Annual Dinner

Objective: To host a dinner each year to recognise the service of individuals and groups/organisations to the **Commonwealth of Australia, the State of Western Australia and/or the Shire of Lake Grace.**

Note: The broadening of the Objective is to ensure that persons who as an example, receive a bravery award for an event outside the Shire or receive recognition under the Australian Honours system can be recognised.

Section 1 – Governance Policy 1.5 Floral Emblem - Shire

Policy: The floral emblem for the Shire of Lake Grace is Morrison (Verticordia Nitens) being representative of the flora of the district.

Objective: To encourage the use of the floral emblem in promotional material for the district of the Shire of Lake Grace.

Guidelines: To ensure uniformity Council will provide relevant artwork to groups and organisations wishing to include the floral emblem in their promotional material.

Note: The Executive Assistant is involved in tourism development throughout the Shire and has indicated that Lake King uses the Grevillea excelsior as its unofficial town emblem. This species flowers from July to November throughout the Shire and Rare Flora Group Members have commented that the Grevillea is a better shape to work with for art purposes and a line drawing of the flower has already been done and is readily available for use.

Given the above and that as yet we do not use it as an emblem to any great extent for promotion Council may wish to reconsider using the Morrison and have community input into possibly changing to the Grevillea excelsior.

Section 1 – Governance Policy 1.6 Members Travel Expenses

Policy: That where possible Councillors travel and accommodation arrangements be made prior to departure with charges covered through the use of official Shire orders.

Where this is not possible Council has adopted Schedule 1, Travelling, Transfer and Relieving Allowance of the Public Service Award 1992, as amended from time to time as the basis for reimbursing Councillors for expenses incurred for accommodation – see Attachment 6.1. Council has adopted the Local Government Officers Award (WA) 1999, as amended from time to time, in respect to rates payable per kilometre – see Attachment 6.1.

Guidelines: Generally the following charges will apply and are to be included on the official Shire order:

- i. Accommodation
- ii. Meals
- iii. Daily newspaper
- iv. Laundry and dry cleaning where the length of stay is in excess of 72 hours.

Claims with supporting documentation are to be forwarded to the Deputy Chief Executive Officer.

Section 1 – Governance Policy 1.7 Members Partners Expenses

Policy: Council does not pay the expenses of Councillor's partners at recognised major Local Government conferences and events such as Local Government Week, the annual conference of the Australian Local Government Association and the National Roads Conference.

Note: The Project Officer has endeavoured to cover the main instances where partners traditionally accompany Councillors. The term "conference" may be too restrictive as Local Government Week as an example is more a series of events.

There may also be occasions where there are tangible benefits to the community through the attendance of Councillor's partners. Guidelines including the need to seek the permission of Council can be developed.

Section 1 – Governance Policy 1.8 Code of Conduct

Note: Advice has been received from the Western Australian Local Government Association that with the pending passage through Parliament of the Local Government (Official Conduct) Bill 2005, the Code of Conduct will be updated to encompass the Rules of Conduct within the regulations that will underpin the legislation in the near future.

As a result of this information no action is proposed at this stage.

Section 1 – Governance Policy 1.9 Legal Representation Cost Indemnification

Note: The Department of Local Government and Regional Development has recently released Local Government Operational Guidelines No 14 – Legal Representation for Council Members and Employees.

In the introduction it is interesting to note the opening comment “**In today’s society there is an increased risk of legal action being taken or threatened against individual council members and employees.**”

The new policy document is far more comprehensive than the previous one. It is recommended that it be adopted.

An issue for decision is the matter of delegation. Some CEO’s have requested Council not to delegate the power to deal with requests for the payment of legal representation costs because of the sensitive nature of providing funding. Clause 6 of the new policy provides for the delegation to the Chief Executive Officer.

The new policy and guidelines document is attached.

Section 1 – Governance Policy 1.10 Honorary Freeman of the Municipality

Policy: That Council may confer the title of Honorary Freeman of the Municipality upon a Councillor or a Community Member who in the opinion of the Council has served the Commonwealth of Australia, the State of Western Australia and/or the community of the Shire of Lake Grace with the level of distinction required for bestowing of the title.

No more than one such Title shall be awarded in any one year.

Objective: To recognise the commitment and service of recipients to the Commonwealth of Australia, the State of Western Australia and/or the community of the Shire of Lake Grace.

Guidelines: Local Government Act 1995, Section 3.1 General Function.
The contribution the recipient has made to the community.

Note: The intent of the provisions of the Local Government Act 1960 were to allow a Council to confer the title of Honorary Freeman of the Municipality on a person who had made a significant and lengthy contribution to their community. There were few occasions when the title was actually conferred as it was considered to be an award of the highest order.

The proposed policy will allow the Council to make a judgement and provide some flexibility in the actual bestowing of the title on either a Councillor or community member.

Legal Implications

There are no legal requirements pertaining to the review of the Policy Manual.

Policy Implications

The Policy Manual will be amended to reflect the decisions of Council.

Community Consultation

There has not been any community consultation. The Project Officer has sought the assistance of the Chief Executive Officer. Input and advice has also been requested from the Department of Local Government and Regional Development and the Western Australian Local Government Association.

Financial Implications

There are no financial implications.

Strategic Implications

N/A

Voting Requirements

Simple majority required

Recommendation/Resolution

MOTION 10222

Moved Cr Stewart
Seconded Cr Newman

That Section 1 – Governance of Council's Policy Manual as reviewed be adopted and subsequently endorsed by the Shire President and Chief Executive Officer.

MOTION CARRIED 8/0

15.0 URGENT BUSINESS BY DECISION OF THE MEETING

No urgent business.

16.0 SCHEDULING OF MEETING

As per Motion 10131 December 2005:

An Ordinary Meeting of the Council will be held on Wednesday 26 July 2006 at the Lake Grace Sportsmans Club, Lake Grace commencing at 1.30 pm.

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

No confidential business.

18.0 CLOSURE

There being no further business, the Chairperson closed the meeting at 4.00pm.

I _____ certify that the minutes of the meeting held on the 24 May 2006 as shown on page numbers _____ to _____ were confirmed as a true record at the meeting held on the 28 June 2006.

Chairman

Date