

Shire of Lake Grace

Ordinary Council Meeting



NOTICE PAPER

To the President and Councillors

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

Date: Wednesday 25 June 2014

At: Council Chambers, 1 Bishop St, Lake Grace WA

Commencing: 2.00 pm

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

Neville Hale
Chief Executive Officer

19 June 2014
Date

Shire of Lake Grace

Ordinary Council Meeting

Agenda

25 June 2014

Meeting Commencing at 2.00 pm

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SHIRE OF LAKE GRACE

Agenda for the Ordinary Meeting of Council to be held at Council Chambers, 1 Bishop St Lake Grace WA on Wednesday 25 June 2014.

1.0 OPENING & ANNOUNCEMENT OF VISITORS

The Shire President opened the meeting at ___ pm.

2.0 ATTENDANCE RECORD

2.1 PRESENT

Cr AJ Walker	Shire President
Cr JF De Landgrafft	Deputy Shire President
Cr LW Armstrong	
Cr R Chappell	
Cr DS Clarke	
Cr SG Hunt	
Cr AD Marshall	
Cr DP Sinclair	
Cr MG Stanton	
Mr N Hale	Chief Executive Officer
Mr J Bingham	Manager Corporate Services
Mr M Harrop	Manager Infrastructure Services
Ms L Holben	Manager Community Services
Mrs J Bennett	Executive Assistant
_____	Observer

2.2 APOLOGIES

2.3 LEAVE OF ABSENCE PREVIOUSLY GRANTED

Nil

3.0 PUBLIC QUESTION TIME

3.1 QUESTIONS TAKEN ON NOTICE – 28 MAY 2014

At the Council Meeting held on 28 May 2014, Mrs Nadene Owen attended during Public Question Time and asked the following questions:

Question 1: What policies and procedures does the Shire have in place to ensure continuity of service delivery to ratepayers when the turnover of key senior officers is so high?

Question 2: What direction and support is provided to staff when the turnover at senior level is high and how does this impact on services provided to ratepayers?

The following replies were conveyed in writing to Mrs Owen on 11 June 2014:

Question 1:

Reply: *Senior Officers employed by the Shire of Lake Grace are contract based employees, and are subject to a Contract of Employment. Under the terms of the contracts Senior Officers are required to give 3 months notice which enables time for the senior management position to be advertised and subsequently filled.*

Should the Senior position be left vacant for a period during this process, a temporary relief person is sought through a local government employment agency to fill the gap.

Question 2:

Reply: *The day to day tasks of staff are guided by their Position Descriptions and are ongoing with little impact from a change in management.*

Staff are kept informed re movements of the Senior Staff and at all times have access to their Managers and the CEO. Staff are able to access support from within and external to the organisation should it be required.

4.0 APPLICATIONS FOR LEAVE OF ABSENCE

5.0 MINUTES OF PREVIOUS COUNCIL MEETINGS

5.1 ORDINARY MEETING – 28 MAY 2014

Resolution

MOTION 11836

Moved Cr
Seconded Cr

That the minutes of the Ordinary Meeting of Council held on the 28 May 2014 be confirmed as a true and accurate record.

MOTION CARRIED

6.0 DECLARATIONS OF INTEREST

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

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

6.3 DECLARATIONS OF IMPARTIALITY INTEREST – ADMINISTRATION REGULATION SECTION 34C

7.0 NOTICES OF URGENT BUSINESS

8.0 MOTIONS OF WHICH NOTICE HAS BEEN RECEIVED

9.0 PETITIONS/DEPUTATIONS/PRESENTATIONS/SUBMISSIONS

9.1 MICHAEL ALLEN – DEPARTMENT OF WATER

Mr Michael Allen, Department of Water, will attend the meeting via teleconference facility to discuss with Councillors the proposed Memorandum of Understanding between the Shire and the Department of Water regarding the proposed administration of an electronic swipe card system to be installed at four of the Department's strategic community water supply facilities within the Shire of Lake Grace – Refer Item 16.2 on page 703.

10.0 MEMBERS' REPORTS

11.0 MATTERS FOR CONSIDERATION – WORKS & SERVICES
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11.1 TENDER 2/2014 – MAINTENANCE GRADING NEWDEGATE

Applicant: Manager of Infrastructure
File No. 0468
Attachments: Evaluation Summary Table (Under Separate Cover)
Author: Mr Martin Harrop

 Manager Infrastructure Services

Disclosure of Interest: Nil
Date of Report: 13 June 2014
Senior Officer: Mr Neville Hale

 Chief Executive Officer

Summary

This report is for Council to consider the recommendation put forward by staff in respect to the tender for Maintenance Grading – Newdegate commencing 1 October 2014.

Background

The current Maintenance Grading - Newdegate contract is held by Newdegate Grading Service commenced on 5 October 2010 for a three (3) year term with maximum (1) year extension and is due to expire on 30 September 2014.

Tenders were called for Maintenance Grading - Newdegate contract and advertised in the Western Australian newspaper on the 2 April 2014.

Tender Scope

The specification of the Newdegate Maintenance Grading Contract is to:

Maintenance Grading

- *all roads shall be graded once (1) per calendar year with all running surfaces being undertaken in winter months*
- *all roads shall be graded once (1) per calendar year as summer grade with additional grade of specific sections as directed by Works Supervisor*
- *School bus routes are to be graded prior to commencement of each school term*
- *Back slopes, table drains and offshoots are to be maintained free of debris with clear flow path in drains*
- *Contractor will be available for harvest grade of specific sections as directed by Works Supervisor*

Tender Assessment

The non-weighted cost method will be used in the assessment of the tender as functional considerations including, capacity, experience, plant & equipment and performance are crucial to the outcome of the Contract. The evaluation panel will make a series of value judgements based on the capability of the Tenderer to complete the Requirements and a number of factors will be considered including:

- (a) the qualitative ranking of each Tenderer; and*
- (b) the pricing submitted by each Tenderer.*

The qualitative assessment criteria will be:

- | | |
|---|------------|
| • <i>Demonstrated Capacity and Experience</i> | <i>25%</i> |
| • <i>Key Personnel</i> | <i>25%</i> |
| • <i>Plant and Equipment</i> | <i>25%</i> |
| • <i>Performance</i> | <i>25%</i> |

Comment

Tenders were called for Maintenance Grading - Newdegate contract and advertised in the Western Australian newspaper on the 2 April 2014. Tenders closed on Wednesday 7 May at 4pm with the following tenders received:

- BIMS Earthmoving
- Blade Runner Grader Hire
- FCS Contracting
- G S Hobbs Contracting
- Leeuwin Civil P/L
- LRA Civil P/L
- M & K Hobbs Earthmoving
- M E Earthmoving
- Newdegate Grading & Plant Hire
- NJ Healy & Sons Earthmoving
- THEM Earthmoving P/L

The Tender evaluation panel included:

- Mr Doug Whiting, Works Supervisor
- Mr Martin Harrop, Manager Infrastructure Services

All tenders were assessed across the above qualitative criteria resulting in a weighted total score. The qualitative assessment provides the indication of which tenderer demonstrates the capacity to deliver the functional aspects including, capacity, experience, plant & equipment and performance required for the contract.

The results of the qualitative and pricing assessment are outlined in the following Evaluation Summary Score Table.

Evaluation Summary Score Table

Tenderer	Score
Newdegate Grading & Plant Hire	62.5
FCS Contracting	62.5
Blade Runner Grader Hire	60
BIMs Earthmoving	60
M&K Hobbs Contracting	60
GS Hobbs Contracting	60
NJ Healy & Sons Earthmoving	57.5
Leeuwin Civil P/L	57.5
THEM Earthmoving	52.5
LRA Civil P/L	50
ME Earthmoving	0

A zero (0) score indicates non-conformance with the key selection criteria.

Because of the close scoring of the tenders reference checks and discussions with the top three contractors were undertaken. This process enabled officers to confirm contractors understanding of the requirements of the maintenance grading contract.

The assessment of pricing was based on hourly rate. The hourly rate provides the best measure of determining competitive pricing when seeking tendered rates. The contract specification provides for recording of kilometre rates as measure of performance and monitoring productivity.

Each tender was then assessed according to hourly plant hire rate and the hourly plant hire rate plus mobilisation.

The tenderer which represents best value to Shire of Lake Grace is Newdegate Grading & Plant Hire. This is because:

- The plant hourly & mobilisation rate is ranked favourably due to being located within district
- The Qualitative Assessment was favourable due to demonstrated capacity and experience

Legal Implications

Local Government Act 1995 s 3.57 (Tenders for providing goods and services).
Local Government (Function and General) Regulations 1996 (Part 4, Tenders for providing goods and services).

Policy Implications

Shire of Lake Grace Purchasing Policy 3.7
 Shire of Lake Grace Policy 5.8 – Unsealed Roads Standards

Consultation

Internal: Chief Executive Officer
 Works Supervisor

Financial Implications

Provision will be made in the 2014-2015 Budget. Subject to weather conditions the estimated contractual hours will range between 1200-1600 therefore costing the Shire between \$174,000 and \$232,000 per year and increasing with CPI on an annual basis.

Strategic Implications

To have a prosperous and diversified economy and well-serviced built infrastructure to foster the district community towards 2022 – Infrastructure Maintenance and improvement

Voting Requirements

Simple majority required

Recommendation

That Council award tender 2-2014 to Newdegate Grading & Plant Hire for the Maintenance Grading – Newdegate contract as follows:

1. Maintenance grading scope:
 - (i) all roads shall be graded (1) in a calendar year with all running surfaces being undertaken in winter months
 - (ii) all roads shall be graded (1) calendar year as summer grade with additional grade of specific sections as directed by Works Supervisor
 - (iii) School bus routes are to be graded prior to commencement of each school term
 - (iv) Back slopes, table drains and offshoots are to be maintained free of debris with clear flow path in drains
 - (v) Contractor will be available for harvest grade of specific sections as directed by Works Supervisor
 - (vi) in accordance with Shire of Lake Grace Policy 5.8 Unsealed Roads - Standards

2. The hourly hire rates for the following plant apply;
 - (i) CAT 140G at \$145 per hour
 - (ii) CAT 12G at \$135 per hour
 - (iii) CAT 140H at \$145 per hour

3. The contract is for a three (3) year period subject to annual review and adjustment for CPI (Perth All Areas CPI) with maximum (1) year extension commencing on 1 October 2014.

Resolution

Moved

Seconded

11.2 TENDER 3/2014 – MAINTENANCE GRADING LAKE KING & VARLEY

Applicant: Manager of Infrastructure Services
File No. 0468
Attachments: Evaluation Summary Table (Under Separate Cover)
Author: Mr Martin Harrop

 Manager of Infrastructure Services

Disclosure of Interest: Nil
Date of Report: 13 June 2014
Senior Officer: Mr Neville Hale

 Chief Executive Officer

Summary

This report is for Council to consider the recommendation put forward by staff in respect to the tender for Maintenance Grading–Lake King & Varley commencing 1 October 2014.

Background

The current Maintenance Grading - Lake King & Varley contract is held by GS Hobbs Contracting commenced on 5 October 2010 for a three (3) year with maximum (1) year extension and is due to expire on 30 September 2014.

Tenders were called for Maintenance Grading - Lake King & Varley contract and advertised in the Western Australian newspaper on the 2 April 2014.

Tender Scope

The specification of the Lake King & Varley Maintenance Grading Contract is to:

Maintenance Grading

- *all roads shall be graded once (1) per calendar year with all running surfaces being undertaken in winter months*
- *all roads shall be graded once (1) per calendar year as summer grade with additional grade of specific sections as directed by Works Supervisor*
- *School bus routes are to be graded prior to commencement of each school term*
- *Back slopes, table drains and offshoots are to be maintained free of debris with clear flow path in drains*
- *Contractor will be available for harvest grade of specific sections as directed by Works Supervisor*

Tender Assessment

The non-weighted cost method will be used in the assessment of the tender as functional considerations including, capacity, experience, plant & equipment and performance are crucial to the outcome of the Contract. The evaluation panel will make a series of value judgements based on the capability of the Tenderer to complete the Requirements and a number of factors will be considered including:

- (a) the qualitative ranking of each Tenderer; and
 (b) the pricing submitted by each Tenderer.

The qualitative assessment criteria will be:

<i>Demonstrated Capacity and Experience</i>	25%
<i>Key Personnel</i>	25%
<i>Plant and Equipment</i>	25%
<i>Performance</i>	25%

Comment

Tenders were called for Maintenance Grading - Lake King & Varley contract and advertised in the Western Australian newspaper on the 2 April 2014. Tenders closed on Wednesday 7 May at 4pm with the following tenders received:

- BIMS Earthmoving
- Blade Runner Grader Hire
- G S Hobbs Contracting
- Leeuwin Civil P/L
- LRA Civil P/L
- M & K Hobbs Earthmoving
- M E Earthmoving
- NJ Healy & Sons Earthmoving
- THEM Earthmoving P/L

The Tender evaluation panel included:

- Doug Whiting, Works Supervisor
- Martin Harrop, Manager Infrastructure Services

All tenders were assessed across the above qualitative criteria resulting in a weighted total score. The qualitative score provides the indication of which tenderer demonstrates the capacity to deliver the functional aspects including, capacity, experience, plant & equipment and performance required for the contract. The results of the qualitative assessment are outlined in the attached Evaluation Summary Score Table.

Evaluation Summary Score Table

Tenderer	SCORE
GS Hobbs Contracting	67.5
Blade Runner Grader Hire	62.5
M&K Hobbs Contracting	62.5
NJ Healy & Sons Earthmoving	60
BIMs Earthmoving	57.5
Leeuwin Civil P/L	57.5
THEM Earthmoving	52.5
LRA Civil P/L	50
ME Earthmoving	0

A zero (0) score indicates non-conformance with the key selection criteria.

The assessment of pricing was based on hourly rate. The hourly rate provides the best measure of determining competitive pricing when seeking tendered rates. The contract specification provides for recording of kilometre rates as measure of performance and monitoring productivity.

Each tender was assessed according to hourly plant hire rate and the hourly plant hire rate plus mobilisation.

The tenderer which represents best value to Shire of Lake Grace is GS Hobbs Contracting. This is because:

- The plant hourly & mobilisation rate is competitive due to being located within district
- The Qualitative Assessment was favourable due to demonstrated capacity and experience
- Previous performance has been reliable and to the desired level of service

Legal Implications

Local Government Act 1995 s3.57 (Tenders for providing goods and services).
Local Government (Function and General) Regulations 1996 (Part 4, Tenders for providing goods and services).

Policy Implications

Shire of Lake Grace Purchasing Policy 3.7
Shire of Lake Grace Policy 5.8 – Unsealed Roads Standards

Consultation

Internal: Chief Executive Officer and Works Supervisor

Financial Implications

Provision will be made in the 2014-2015 budget. Subject to weather conditions the estimated contractual hours will range between 1200-1600 therefore costing the Shire between \$198,000 and \$265,000 per year and increasing with CPI on annual basis.

Strategic Implications

To have a prosperous and diversified economy and well-serviced built infrastructure to foster the district community towards 2022 – Infrastructure Maintenance and improvement

Voting Requirements

Simple majority required

Recommendation

That Council award tender 3-2014 to GS Hobbs Contracting for the Maintenance Grading – Lake King & Varley contract as follows:

1. Maintenance Scope:
 - (i) all roads shall be graded once (1) per calendar year with all running surfaces being undertaken in winter months
 - (ii) all roads shall be graded once (1) per calendar year as summer grade with additional grade of specific sections as directed by Works Supervisor
 - (iii) School bus routes are to be graded prior to commencement of each school term
 - (iv) Back slopes, table drains and offshoots are to be maintained free of debris with clear flow path in drains
 - (v) Contractor will be available for harvest grade of specific sections as directed by Works Supervisor
 - (vi) in accordance with Shire of Lake Grace Policy 5.8 Unsealed Roads - Standards

2. The hourly hire rates for the following plant apply:
 - (i) Volvo G940 at \$165 per hour
 - (ii) Komatsu GD655-3 at \$160 per hour

3. The contract is for three (3) year period subject to review and adjustment for CPI (Perth All Areas CPI) with maximum two (1) year extension commencing on 1 October 2014

Resolution

Moved

Seconded

12.0 MATTERS FOR CONSIDERATION – PLANNING
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12.1 PROPOSED ROAD DEDICATION – THIEL ST LAKE GRACE

Applicant:	Shire of Lake Grace
File No.	0369
Attachments:	Plans 1 to 4 & Attachment 1
Author:	Mr Joe Douglas & Mr Carlo Famiano Urban & Rural Perspectives -Town Planning Consultants
Disclosure of Interest:	Nil
Date of Report:	17 June 2014
Senior Officer:	Mr Neville Hale

Chief Executive Officer

Summary

This report:

- i) provides details of the outcomes from recent public advertising of the proposal to dedicate a 1,926m² portion of Reserve 39207 being Lot 134 Absolon Street, Lake Grace as a public roadway; and
- ii) recommends that Council resolve to proceed to request the Hon. Minister for Lands to grant final approval to the proposed road dedication in accordance with the details shown on the attached Plan 4.

Background & Comment

At its Ordinary Meeting held on 23 April 2014 the Lake Grace Shire Council resolved to initiate the process required to dedicate a 1,926m² portion of Reserve 39207 being Lot 134 Absolon Street, Lake Grace as a public roadway to be named Thiel Street as per the details shown in the attached Plan 4.

The proposal was advertised for public comment in accordance with the specific requirements of the Land Administration Act and Regulations for the minimum required period of thirty five (35) days. The advertising process included a notice in a local newspaper, correspondence to all relevant government agencies and nearby landowners and display of the relevant report and plans at the Shire's administration centre.

At the conclusion of public advertising a total of five (5) submissions had been received by the Shire, all of which were from government agencies. A summary of all submissions received is provided in the attached 'Schedule of Submissions' (see Attachment 1).

A detailed review of the submissions received following completion of public advertising has revealed that all respondents are generally supportive of and have no objections to the proposal.

In considering this matter Council should note that if it resolves to proceed with the project it is required, as part of that resolution, to indemnify the State of Western Australia against any possible costs and/or claims associated with the project's implementation.

The recommendation provided below addresses this specific requirement and incorporates the standard wording used by all local government authorities when progressing projects of this type.

Conclusion

Given the outcomes from public advertising and the fact that no objections were received it is recommended that Council now resolve to proceed to request the Hon. Minister for Lands to grant final approval to dedicate a 1,926m² portion of Reserve 39207 being Lot 134 Absolon Street, Lake Grace as a public roadway to be named Thiel Street in accordance with the details shown on the attached Plan 4.

Legal Implications

- Land Administration Act 1997
- Land Administration Regulations 1998

Policy Implications

Nil

Consultation

Community consultation completed in accordance with the specific requirements of the *Land Administration Act 1997* and *Land Administration Regulations 1998* (see Attachment 1 – Schedule of Submissions).

Financial Implications

It is estimated that the administrative costs associated with progressing the proposed road dedication process will be in the order of **\$3,500.00 excluding GST**. It is understood that there is scope in Council's budget for the 2013/2014 financial year to meet this cost.

Council should note that the above cost estimate does not include the costs associated with the required survey works which is a separate matter that will be addressed following further discussions and negotiations with the Department of Lands and confirmation of the Minister for Lands' final decision in the matter. Based on previous similar projects undertaken in the Shire, the total cost of the required survey works are likely to be in the order of **\$5,000 excluding GST**.

Strategic Implications

Nil

Recommendations

That Council resolve to:

1. Note all submissions received during public advertising of the proposed Thiel Street road dedication project;
2. Endorse the 'Schedule of Submissions' including Council's recommendations in respect of each submission as provided in Attachment 1 to the above report;
3. Request the Minister for Lands to grant final approval to the dedication of a 1,926m² portion of Reserve 39207 being Lot 134 Absolon Street, Lake Grace as a public roadway to be named Thiel Street as per the details shown in Plan 4 prepared in support of this report.
4. Authorise the Shire Administration to prepare and submit the required documentation and plans to the Department of Lands for formal consideration and final determination

by the Minister for Lands;

5. Advise those that prepared and lodged submissions during public advertising of Council's decision to proceed with the project; and

6. Indemnify the State of Western Australia against any possible costs and/or claims arising from the project's implementation.

Voting Requirements

Simple majority required.

Resolution

Moved Cr

Seconded Cr

12.2 PLANNING APPLICATION –MAINTENANCE WORKSHOP – 41 DEWAR ST LAKE GRACE

Applicant:	Mr Martino De Giambattista & Craig Pursey Planning Pty Ltd on behalf of Cooperative Bulk Handling Limited (Landowner)
File No.	0506
Attachments:	Plans 5 to 8 & Attachment 2
Author:	Mr Joe Douglas & Mr Steve Pandevski Urban & Rural Perspectives -Town Planning Consultants
Disclosure of Interest:	Nil
Date of Report:	17 June 2014
Senior Officer:	Mr Neville Hale

Chief Executive Officer

Summary

This report recommends that a planning application submitted by Mr Martino De Giambattista and Craig Pursey Planning Pty Ltd on behalf of Cooperative Bulk Handling Ltd (Landowner) to develop a vehicle fleet and equipment maintenance workshop, including an incidental transportable office building and outdoor storage area, on Lot 575 (No.41) Dewar Street, Lake Grace be approved subject to conditions.

Background

The applicants' are seeking Council's planning approval to develop a new vehicle fleet and equipment maintenance workshop, including incidental transportable office building and outdoor storage area, on Lot 575 (No.41) Dewar Street, Lake Grace to complement Cooperative Bulk Handling Ltd's (CBH's) existing grain handling and storage operations in the Lake Grace townsite.

Lot 575 is located in the central northern portion of the Lake Grace townsite and forms part of the Dewar Street light industrial subdivision project recently undertaken by LandCorp (see Plan 5 – Location/Site Plan).

The subject land comprises a total area of approximately 4,356m² and has direct frontage and access to Dewar Street along its southern boundary. The property has been extensively cleared, is relatively flat and does not contain any existing built form improvements.

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

- Construction of a new 12.5 metre wide and 24 metre long colorbond shed in the front half of the property comprising a total floor area of 300m² which will be used for vehicle and equipment maintenance and repair purposes. Access to the building will be provided along its eastern side via a 24 metre long and 8 metre wide concrete pad to be constructed in front of two large sliding doors (see Plans 6 to 8);
- Placement of an 18m² transportable building (possibly second-hand) in front of the proposed new colorbond shed to be used for administrative purposes. The external facade of the office building is proposed to be painted / rendered to complement the visual appearance of the shed at the rear. A new colorbond pitched roof and verandah are also proposed to be installed to improve its overall visual appearance when viewed from the street;

- Construction of a new 36m² freestanding colorbond carport immediately adjacent to the eastern side of the proposed office building for undercover parking purposes (i.e. 2 vehicles);
- Construction of three (3) open parking bays in front of the proposed office building;
- Construction of a six (6) metre wide gated entry centrally along the land's frontage to Dewar Street which will provide access to the proposed parking facilities, buildings and large open storage area at the rear of the property;
- Installation of approximately 440m² of landscaping (plant species not specified) in the front setback area and around the side and rear boundaries of the land for visual screening purposes;
- Installation of a 1.8 metre high ring lock fence along the front, side and rear boundaries of the land for security purposes;
- The site is intended to be used by CBH to complement its existing grain handling and storage activities in the Lake Grace townsite and will essentially function as a workshop for CBH's mechanical, electrical and diesel maintenance crews. Activities to be undertaken on-site include minor steel repairs and servicing of mainly light and some heavy vehicles as well as portable equipment to be stored within the shed; and
- Up to six (6) employees will use the site at any one time, although this will mostly consist of pick up and drop off of equipment and vehicles as most servicing and repairs will be undertaken off-site.

It is significant to note that the application provides no details regarding future proposed effluent disposal arrangements. Despite this shortcoming it should be noted that reticulated sewerage is not available in the immediate locality to service the proposed development on Lot 575. As such all effluent disposal on the land will need to be undertaken on-site using septic tanks and leach drains or alternative methods to the satisfaction of the Shire of Lake Grace and the Department of Health depending upon specific site conditions.

Comment

Zoning & Land Use Permissibility

Lot 575 is classified 'Service Commercial' zone under the Shire of Lake Grace's current operative Local Planning Scheme No.4 (LPS No.4).

The key objectives of the land's current 'Service Commercial' zoning classification are as follows:

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

Given the nature of the predominant proposed use of the land (i.e. motor vehicle and equipment repair and maintenance) with incidental office and storage activities, it is most appropriately classified as 'motor vehicle repairs' under the use class definitions prescribed in Schedule 1 of LPS No.4.

Under the terms of the Zoning Table in LPS No.4 the use class 'motor vehicle repairs' is listed as a permitted (i.e. 'P') use and may therefore be approved by Council subject to compliance with the various standards and requirements of LPS No.4 or any variations granted thereto.

Compliance with Development Standards

LPS No.4 does not contain any specific standards for the development and use of any land for the purpose of 'motor vehicle repairs'. The scheme does however contain a number of general provisions and standards applicable to the development and use of all land classified 'Service Commercial' zone including Lot 575.

Assessment of the proposal in the context of the specific provisions and standards applicable to the land's current 'Service Commercial' zoning classification has confirmed that it is generally compliant except for the front facade building materials, sealing and draining of vehicle accessways and parking areas and boundary fencing. The following is a brief discussion of these non-compliant elements:

Front Building Facade

Clause 5.8.2 of LPS No.4 requires the front facade of all buildings on land classified 'Service Commercial' zone to be orientated towards the street and constructed in brick, concrete or masonry. Notwithstanding this requirement the clause also affords Council the discretion to allow for variations where it is satisfied that such variations will not detract from the amenity of the locality.

The application proposes the use of a combination of materials for the front facade of the two main buildings on the land (i.e. shed & office) which are not masonry but include colorbond steel and a painted / rendered finish to the office. Council's approval to these proposed variations to the requirements of LPS No.4 is therefore needed.

Having regard for the proposed orientation and intended use of the buildings, their general siting, design, scale, colour and appearance as well as the location and extent of landscaping in the front setback area, it is considered reasonable for Council to grant approval to the use of non-masonry materials on the front facade of the shed and office buildings as proposed.

Notwithstanding this conclusion, given that the proposed office building is transportable and quite possibly a second-hand structure to be sourced from another CBH site, it is recommended that Council impose a suitable condition on any planning approval issued requiring the office building to be completed to an acceptable standard of visual presentation prior to occupation to help minimise any potential negative impacts it may have upon the amenity of the immediate locality.

Sealing & Draining of Vehicle Accessways & Parking Areas

Whilst adequate provision has been made for on-site vehicle access and parking, the information and plans submitted in support of the application provide no details regarding future proposed surface treatments or stormwater drainage management arrangements.

Clause 5.8.5 of LPS No.4 expressly states that all on-site vehicle accessways and parking areas in the Service Commercial zone are required to be sealed and drained to the specifications and satisfaction of the local government.

Given that one of Council's stated objectives for the development and use of land in the Service Commercial zone is to achieve a high standard of development and presentation including vehicle parking and the fact that this development is the first to be undertaken in the new Dewar Street subdivision, it is recommended that Council consider imposing a condition on any planning approval issued requiring the vehicle accessways, parking and manoeuvring areas in the front portion of the property (i.e. all areas in front of the proposed shed) to be sealed, drained and line marked to the specifications and satisfaction of the Shire's Manager Infrastructure.

Boundary Fencing

Clause 5.8.6 of LPS No.4 expressly states that the minimum standard fence for all lots classified 'Service Commercial' zone shall be a 1.8 metre high colorbond / neetascreen style fence unless otherwise approved by Council.

The application proposes ring lock style fencing along all property boundaries which is clearly contrary to the requirements of LPS No.4. Notwithstanding this fact, there is scope for Council to grant approval to the use of ring lock fencing as proposed given the location and extent of all proposed landscaping which is likely to provide the same visual screening effect as colorbond / neetascreen style fencing provided it comprises suitable species and is planted and maintained appropriately.

Whilst the use of landscaping is not the preferred approach to visual screening given the difficulties associated with establishing and maintaining new vegetation in this part of the Lake Grace townsite, the amount of usable land it will ultimately consume within Lot 575 and the potential fire risk to immediately adjoining properties, it is an option that could be considered by Council if it so chooses. The reporting officers would however prefer to see the side and rear boundaries fenced as per the specific requirements of LPS No.4 and an internal dividing fence of a similar standard installed to screen the open storage area at the rear of the property. In so-doing the potential issues associated with the use of landscaping for screening purposes will be avoided.

Conclusion

It is concluded from a detailed assessment of the application that the proposal to develop a new vehicle fleet and equipment maintenance workshop, including incidental transportable office building and an incidental outdoor storage area on Lot 575 (No.41) Dewar Street, Lake Grace is unlikely to have a negative impact on the general amenity, character, functionality and safety of the immediate locality and may therefore be approved by Council subject to the imposition of a number of conditions to ensure that the development proceeds in a proper and orderly manner.

Legal Implications

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

Policy Implications

Nil

Consultation

Community consultation not required.

Financial Implications

Nil

Strategic Implications

Nil

Recommendation

That the application for planning approval submitted by Mr Martino De Giambattista and Craig Pursey Planning Pty Ltd on behalf of Cooperative Bulk Handling Limited (Landowner) to develop a new vehicle fleet and equipment maintenance workshop, including incidental transportable office building and outdoor storage area, on Lot 575 (No.41) Dewar Street, Lake Grace be **APPROVED** subject to compliance with the following conditions and advice notes:

Conditions

1. The development is to be undertaken in a manner consistent with the information and plans submitted in support of the application unless otherwise approved by Council.
2. This approval is for 'Motor Vehicle Repairs with incidental 'Office' and 'Storage' as defined in the Shire of Lake Grace Local Planning Scheme No.4. The subject land may not be used for any other purpose/s without the prior approval of Council.
3. The premises shall be kept in a neat and tidy condition at all times to the satisfaction of the Shire of Lake Grace.
4. The transportable office building shall be constructed to an acceptable standard of presentation as determined by the Shire's Chief Executive Officer prior to occupation of the building.
5. All stormwater generated by the proposed development shall be managed and disposed of to the specifications and satisfaction of the Shire's Manager Infrastructure.
6. The proposed new driveway crossover along the land's Dewar Street frontage shall be sited as per the location shown on the approved plans and constructed and maintained at all times to the specifications and satisfaction of the Shire's Manager Infrastructure.
7. A minimum of five (5) on-site parking bays measuring 5.5 x 2.5 metres shall be provided as per the locations shown on the approved plans, clearly marked on the ground and served by a 6 metre wide sealed and drained accessway. Where the accessway abuts a building or other barrier, a minimum width of 6.5 metres is required.
8. All vehicle accessways, parking and manoeuvring areas in the front portion of the property (i.e. all areas in front of the front facade of the proposed shed) shall be sealed, drained and line marked to the specifications and satisfaction of the Shire's Manager Infrastructure.
9. All vehicle accessways, parking, manoeuvring and open storage areas in the rear portion of the property (i.e. all areas east of and behind the proposed shed) shall be treated and drained to the specifications and satisfaction of the Shire's Manager Infrastructure.
10. Any floodlights / security lights that need to be installed are not to be positioned or operated in such manner as to cause the light source to be directly visible to the travelling public or adjoining properties or cause annoyance to the surrounding area.
11. The development shall be provided with an adequate on-site effluent disposal system as determined by the Shire's Environmental Health Officer with all such work to be undertaken to the specifications and satisfaction of the Shire of Lake Grace and Department of Health.

12.All outdoor storage areas shall be screened from view from any public street and/or surrounding development by a 1.8m colorbond or neetascreen fence or newly planted vegetation as approved by the Shire’s Manager Infrastructure.

13.A detailed landscaping plan shall be prepared and submitted to the Shire for consideration and approval prior to the commencement of development. The landscaping plan shall incorporate all areas proposed to be vegetated as shown on the approved site development plan and should be formulated to ensure effective screening of all open storage areas from Dewar Street and all adjoining properties.

14.All landscaping shown on the approved landscaping plan shall be planted and maintained to the specifications and satisfaction of the Shire’s Manager Infrastructure.

15.The aforementioned landscaping shall be planted prior to occupation of the buildings on the land (i.e. prior to issuance of an occupancy permit by the Shire’s building surveyor).

16.Ring lock style fencing and vehicle access gates shall be provided along all property boundaries as per the details shown on the approved plans.

17.Any proposed advertising signage shall be provided in accordance with the specific requirements of the Shire of Lake Grace Local Planning Scheme No.4 unless otherwise approved by Council.

Advice Notes

1. The 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 completed building permit application must be submitted to and approved by the Shire’s Building Surveyor prior to the commencement of any construction on the land.

3. The proposed development is required to comply in all respects with the National Construction Code of Australia. Plans and specifications which reflect these requirements shall be submitted with the building permit application.

4. The noise generated by any activities on-site including machinery motors or vehicles shall not exceed the levels as set out under the Environmental (Noise) Regulations 1997.

5. No construction works shall commence prior to 7.00am without the Shire’s written approval.

6. Failure to comply with any of the conditions of this planning approval constitutes an offence under the provisions of the *Planning and Development Act 2005* and the Shire of Lake Grace Local Planning Scheme No.4 and may result in legal action being initiated by the local government.

Voting Requirements

Simple majority required.

Resolution

Moved Cr

Seconded Cr

12.3 **PLANNING APPLICATION – ADVERTISING SIGNAGE – NO 1 QUONDONG COURT & LOT 210 STUBBS ST LAKE GRACE**

Applicant:	Shire of Lake Grace
File No.	0453
Attachments:	Plans 9 to 12
Author:	Mr Joe Douglas & Mr Carlo Famiano Urban & Rural Perspectives -Town Planning Consultants
Disclosure of Interest:	Nil
Date of Report:	17 June 2014
Senior Officer:	Mr Neville Hale

Chief Executive Officer

Summary

This report recommends that a planning application submitted by the Shire of Lake Grace to erect two (2) new advertising signs on Lot 219 (No.1) Quondong Court and portion of Reserve 51678 being Lot 210 Stubbs Street, Lake Grace be approved subject to conditions.

Background

The Shire of Lake Grace has for many years undertaken the staged subdivision development of Lot 1 Wattle Drive, Lake Grace for residential purposes to satisfy market demand for vacant residential land in the townsite. Recently the Shire completed the subdivision development of portion of the land to create ten (10) new separately titled residential lots on Quondong Court.

The Shire is now seeking Council's planning approval to erect new advertising signage on Lot 219 (No.1) Quondong Court and portion of Reserve 51678 being Lot 210 Stubbs Street, Lake Grace (i.e. one sign per property) to assist with the sale of the land in this stage of the development to the general public (see Plans 8 to 11).

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

- i) Erection of two (2) new metal advertising signs, one being 3.0 metres wide x 1.5 metres high and one being 2.4 metres wide x 1.2 metres high, with a total area per sign of 4.5m² and 2.88m² respectively (see Plan 12);
- ii) The signs will each have 1.6 metres clearance from the natural ground level with an overall height of 3.1 metres and 2.8 metres respectively to the top of each sign;
- iii) The sign proposed to be erected on Lot 219 will be orientated towards Wattle Drive;
- iv) The sign proposed to be erected on portion of Reserve 51678 will be orientated towards Stubbs Street;
- v) Both signs will be of static illumination (i.e. unlit);
- vi) The signs will provide details regarding the sale of residential lots on Quondong Court (i.e. property transaction signage); and
- vii) The signage is temporary and will only be required until such time as all lots within this latest stage of subdivision development have been sold.

Comment

Current Zoning & Land Use Permissibility

Lot 219 and Reserve 51678 are classified 'Residential' zone with a density coding of R20 under the Shire of Lake Grace's current operative Local Planning Scheme No.4 (LPS No.4).

Under the terms of Clause 8.2(g) and Schedule No.5 of LPS No.4 the erection and display of a number of specific types of advertising signage is exempt from the requirement to obtain Council's planning approval. A review of Schedule No.5 has identified that the proposed signage on Lot 219 and Reserve 51678 is not one of the exempted types as the sign exceeds the maximum allowable area of 2m². As such Council's planning approval is required in this particular instance.

Council should note that as Stubbs Street is classified as a State road under the care, control and management of Main Roads WA (MRWA), a separate approval is required from this agency under the provisions of the *Main Roads Act 1930* and more specifically *Main Roads (Control of Advertisements) Regulations 1996* for the proposed advertising sign fronting this roadway. As such should Council resolve to approve the application, a separate approval will then need to be sought from MRWA's Narrogin office for the new advertising sign proposed to be erected on portion of Reserve 51678.

Development Standards

With the exception of those advertising signs listed in Schedule No.5 of LPS No.4 as being exempt from the requirement to obtain Council's planning approval, there are no specific development standards applicable to the erection of non-exempt advertising signage within the Shire. As such any planning application received for non-exempt advertising signage must be considered and determined by Council on its individual merits.

Having regard for the purpose, location, nature and scale of the proposed signage on Lot 219 and portion of Reserve 51678 and the predominant land usage on surrounding properties (i.e. residential, parks & recreation) it is concluded that the proposal is generally acceptable for the following reasons:

- It is temporary only and will be removed by the Shire once all lots the subject of the advertising campaign are sold;
- It will assist the Shire's marketing campaign and is consistent with the approach taken by most land developers throughout Western Australia;
- It is unlikely to have any negative impacts on any adjoining or nearby properties; and
- It is unlikely to have a detrimental impact upon the general amenity, character, functionality or safety of the immediate locality.

Conclusion

It is concluded from a detailed assessment of the application that the proposal to erect new freestanding advertising signage on Lot 219 (No.1) Quondong Court and on portion of Reserve 51678 being Lot 210 Stubbs Street, Lake Grace is capable of being implemented in a proper and orderly manner and is unlikely to have a negative impact on the general amenity, character, functionality and safety of the immediate locality subject to compliance with a number of conditions.

Legal Implications

- Planning and Development Act 2005
- Shire of Lake Grace Local Planning Scheme No.4
- Main Roads Act 1930
- Main Roads (Control of Advertisements) Regulations 1996

Policy Implications

Nil

Consultation

Community consultation not required.

Financial Implications

It is understood the total cost of erecting the proposed signage will be in the order of \$1,500 excluding GST and that there is scope in Council's budget for the 2013/2014 financial year to meet this cost.

Strategic Implications

Nil

Recommendations

That the application for planning approval submitted by the Shire of Lake Grace to erect two (2) new freestanding advertising signs on Lot 219 (No.1) Quondong Court and portion of Reserve 51678 being Lot 210 Stubbs Street, Lake Grace (i.e. one sign per property) be **APPROVED** subject to compliance with the following conditions and advice notes:

Conditions

1. The development is to be undertaken in a manner consistent with the information and plans submitted in support of the application unless otherwise approved by Council.
2. The new advertising signage shall be erected entirely within the boundaries of Lot 219 and Reserve 51678 and shall not encroach upon the adjoining road reserve areas.
3. a The new advertising signage on Lot 210 Stubbs St Lake Grace shall not exceed 4.5m² (i.e. 3.0 metres wide x 1.5 metres high) with the support posts not being greater than 3.1 metres in height.
b. The new advertising signage on Lot 219 Quondong Court, Lake Grace shall not exceed 2.88m² (i.e. 2.4 metres wide x 1.2m high) with the support posts not being greater than 2.8 metres in height.
4. Any proposal to illuminate the advertising signage shall be approved by the Shire prior to the installation of lighting.
5. The new advertising signage shall be maintained in a neat, tidy and functional condition at all times to the specifications and satisfaction of the Shire's Chief Executive Officer.
6. In the event the advertising signage is damaged, vandalised and/or falls into a state of disrepair, it shall be repaired, removed or replaced within fourteen (14) days of the Chief Executive Officer's notice to do so.

7. The advertising signage shall not display any content that is offensive or politically or racially motivated.
8. All existing vegetation located on Reserve 51678 shall be retained unless its removal to accommodate the signage is authorised by the Shire's Chief Executive Officer.

Advice Notes

1. The development shall be completed within a period of twelve (12) months from the date of this approval. If the development is not completed within this period the approval will lapse and be of no further effect. Where an approval has lapsed, no development shall be carried out without the further approval of the Shire of Lake Grace having first been sought and obtained.
2. The advertising signage on portion of Reserve 51678 being Lot 210 Stubbs Street, Lake Grace shall comply in all respects with *Main Roads (Control of Advertisements) Regulations 1996*. The Shire must therefore make arrangements with respect to securing the necessary approval from Main Roads WA prior to installation of the signage on this land.

Voting Requirements

Simple majority required.

Resolution

Moved Cr

Seconded Cr

12.4 **PLANNING APPLICATION – PROPOSED UPGRADES TO CBH FACILITY 9688 NEWDEGATE RAVENSTHORPE ROAD MT MADDEN**

Applicant:	Co-operative Bulk Handling
Attachments:	Plans 13 to 15
Author:	Mr Joe Douglas & Mr Steve Pandevski Urban & Rural Perspectives -Town Planning Consultants
Disclosure of Interest:	Nil
Date of Report:	17 June 2014
Senior Officer:	Mr Neville Hale

Chief Executive Officer

Summary

This report recommends that a planning application submitted by Cooperative Bulk Handling Limited (CBH) to undertake a number of minor upgrades its existing grain handling and storage facility on Lot 1452 (No.9688) Newdegate–Ravensthorpe Road, Mt Madden be conditionally approved.

Background

Lot 1452 is located on the western side of Newdegate-Ravensthorpe Road in the Mt Madden locality and is the last lot within the Shire’s municipal area before entering the Shire of Ravensthorpe (see Plan 13 – Location / Site Plan).

The subject land comprises a total area of approximately 16.391 hectares and has been extensively developed by CBH for grain handling and storage distribution purposes over a number of years.

CBH is seeking Council’s planning approval to undertake minor upgrades works to the facility to help improve its current operational efficiency.

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

- i) Upgrades to portions of the existing internal access road network including drainage and kerbing as required;
- ii) Reductions to the current length of two existing grain storage bulkheads to accommodate the proposed upgrades to the internal access road network; and
- iii) Construction of a new grain receival ‘E’ pit and adjustments to / installation of new spouts, chutes, augers etc. as required.

(See Plans 14 & 15 – Proposed Site Development Plans)

Comment

Local Planning Scheme No. 4 (LPS No.4)

Lot 1452 is classified ‘General Agriculture’ zone under the Shire of Lake Grace’s current operative Local Planning Scheme No.4 (LPS No.4).

The application, which is directly associated with the existing approved grain handling and storage use of Lot 1452, is most appropriately defined in Schedule 1 of LPS No.4 as a ‘rural industry’. A ‘rural industry’ is listed in the zoning table of LPS No.4 as

discretionary (i.e. 'D') use on all land classified 'General Agriculture' zone which means it is not permitted unless Council has exercised its discretion and granted planning approval.

In exercising discretion, and pursuant to clause 10.2 of LPS No.4, Council must be satisfied that the proposal is consistent with general principles of proper and orderly planning, the provisions and standards contained in LPS No.4 and any other planning considerations the local government deems relevant.

Following an assessment of the proposal in the context of the specific requirements of LPS No.4 the reporting officers have formed the view that it may be supported by Council for the following reasons:

- i) The proposed works are considered minor upgrades to an existing approved grain handling and storage facility which is essential to the continued broadacre production of grain crops in the locality; and
- ii) The location and scale of the proposed works are unlikely to have a detrimental impact upon the existing character and amenity of the immediate locality.

It is noted that Lot 1452 is located immediately adjacent to Newdegate-Ravensthorpe Road which is classified as a 'Major Road' under the care, control and management of Main Roads Western Australia (MRWA). Under the terms of clause 5.31 of LPS No.4 any planning application proposing the development and use of any land abutting a 'Major Road' reserve **may** be referred to MRWA for review and comment prior to Council making a final determination.

Given the minor nature of the proposed works and the fact the application does not propose any additional access to / from Newdegate-Ravensthorpe Road, it is considered unnecessary to refer the proposal to MRWA for review and comment prior to Council making a final determination on the matter.

Conclusion

It is concluded from a detailed assessment of the application that CBH's proposal to partially upgrade on-site vehicle access, reduce the length of two (2) storage bulkheads and construct a new grain receiptal 'E' pit at its existing grain handling and storage facility on Lot 1452 (No.9688) Newdegate–Ravensthorpe Road, Mt Madden is unlikely to have a negative impact on the general amenity, character, functionality and safety of the immediate locality and may therefore be approved by Council subject to the imposition of a number of conditions and advice notes to ensure the development proceeds in a proper and orderly manner. It is therefore recommended that Council exercise its discretion and grant conditional approval to the application.

Legal Implications

- Shire of Lake Grace Local Planning Scheme No.4
- Planning and Development Act 2005 (as amended)

Policy Implications

Nil

Consultation

Community consultation not required.

Financial Implications

Nil

Strategic Implications

Nil

Recommendation

That the application for planning approval submitted by Co-Operative Bulk Handling Limited (CBH) to partially upgrade on-site vehicle access, reduce the length of two (2) storage bulkheads and construct a new grain receival 'E' pit at its existing grain handling and storage facility on Lot 1452 (No.9688) Newdegate–Ravensthorpe Road, Mt Madden be **APPROVED** subject to compliance with the following conditions and advice notes:

Conditions

1. The development is to be undertaken in a manner consistent with the information and plans submitted in support of the application unless otherwise approved by Council.
2. All stormwater generated by the proposed development shall be managed and disposed of to the specifications and satisfaction of the Shire's Manager Infrastructure.

Advice Notes

1. The development shall be completed within a period of two (2) years from the date of this approval. If the development is not completed within this period the approval will lapse and be of no further effect. Where an approval has lapsed, no development shall be carried out without the further approval of the Shire of Lake Grace having first been sought and obtained.
2. A completed building permit application must be submitted to and approved by the Shire's Building Surveyor prior to the commencement of any construction on the land.
3. The proposed development is required to comply in all respects with the National Construction Code of Australia. Plans and specifications which reflect these requirements shall be submitted with the building permit application.
4. The noise generated by any activities on-site including machinery motors or vehicles shall not exceed the levels as set out under the Environmental (Noise) Regulations 1997.
5. No construction works shall commence prior to 7.00 am without the Shire's written approval.
6. Failure to comply with any of the conditions of this planning approval constitutes an offence under the provisions of the *Planning and Development Act 2005* and the Shire of Lake Grace Local Planning Scheme No.4 and may result in legal action being initiated by the local government.

Voting Requirements

Simple majority required.

Resolution

Moved Cr

Seconded Cr

13.0 MATTERS FOR CONSIDERATION – HEALTH & BUILDING

No items for consideration.

14.0 MATTERS FOR CONSIDERATION – FINANCE

14.1 ACCOUNTS FOR PAYMENT – MAY 2014

Applicant: Shire of Lake Grace
File No. 0277
Attachments: List of Creditors
Author: Miss K Nigol

 Finance Officer

Disclosure of Interest: Nil
Date of Report: 12 June 2014
Senior Officer: Mr John Bingham

 Manager Corporate Services

Summary

For Council to ratify expenditures incurred for the month of May 2014.

Background

List of payments for the month May 2014 through the Municipal and Trust accounts are attached.

Comment

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

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

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

Legal Implications

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

Policy Implications

N/A

Consultation

N/A

Financial Implications

The list of creditors paid for the month of May 2014 from the Municipal and Trust Account Total \$531,709.64

Strategic Implications*Shire of Lake Grace Strategic Community Plan*

- EC1.3 Ensure the Shire's capital investment program is cost effective and financially sustainable.

Recommendation

That Council ratify the list of payments totalling \$531,709.64 as presented for the month of May 2014 incorporating:

- Trust Account Cheques	767 to 777	\$ 2,800.00
- Electronic Funds Transfer	EFT 12503 to EFT 12632	\$458,642.13
- Municipal Account Cheques	35467 to 35501	\$ 36,180.68
- Direct Debits:	DD5093.1 to DD5093.10	\$ 34,086.83

Voting Requirements

Simple majority required.

Resolution

Moved Cr

Seconded Cr

14.2 FINANCIAL STATEMENTS – MAY 2014

Applicant: Shire of Lake Grace
File No. 0275
Attachments: Financial Reports
Author: Mrs Lee-Anne Trevenen

Disclosure of Interest: Nil
Date of Report: 13 June 2014
Senior Officer: Mr John Bingham

Coordinator Finance & Administration

Manager Corporate Services

Summary

Consideration of the financial statements for the month ending 31 May 2014.

Background

The following financial reports are included for your information:

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

Comment

Nil

Legal Implications

Local Government Act 1995 – section 6.4

Local Government (Financial Management) Regulations 1996

Policy Implications

N/A

Consultation

Nil

Financial Implications

Nil

Strategic Implications

Shire of Lake Grace Strategic Community Plan

EC1.3 Ensure the Shire's capital investment program is cost effective and financially sustainable.

Recommendation

That Council in accordance with Regulation 34 of the *Local Government (Financial Management) Regulations 1996* receives the Statement of Financial activity for the period ended 31 May 2014 as attached is received.

Voting Requirements

Simple majority required.

Resolution

Moved Cr

Seconded Cr

14.3 UNBUDGETED EXPENDITURE - BUSINESS VEHICLE LOAN PAY OUT

Applicant: Shire of Lake Grace
File No. 0202
Attachments: Nil

Author: Mr John Bingham
 Manager of Corporate Services

 Manager of Corporate Services

Disclosure of Interest: Nil
Date of Report: 13 June 2014
Senior Officer: Mr Neville Hale

 Chief Executive Officer

Summary

This report provides detail about a proposal to payout a Business Vehicle Loan financed by Narrogin Toyota.

Background

A Business Vehicle Loan or Finance Lease was entered into by the Shire of Lake Grace on 28 October 2013. The purpose of finance was for purchase of a new Toyota Landcruiser Prado (LG001) for the incoming CEO.

Cash Price:	\$55,962.27
Accessories:	\$ 5,703.35
<u>Dealer Delivery:</u>	<u>\$ 594.00</u>
Total Cash Price:	\$62,259.62 GST incl.

Luxury Car Tax:	\$ 583.09
Total Deposit/Trade	\$33,500.00
Reo/MV Stamp Duty	\$ 297.75

Amt. payable to dealer	\$29,460.46
<u>Plus Dealer Delivery</u>	<u>\$ 378.00</u>
Amount Financed	\$30,018.46

As at 13/6/2013 an amount of \$7,455.04 has been repaid - the outstanding balance is \$22,563.42.

After discussions with Council's Auditors in May 2014, and in consultation with the Department of Local Government it was identified that a finance lease transfers ownership of the vehicle to the Shire but the financier has security of the property in the vehicle. Section 6.21(2) of the *Local Government Act 1995* only allows security to be given over the general funds of a local government as defined in section 6.21(4). The Shire is therefore in breach of the Act.

To remedy the breach the Shire can payout the loan and secure the property. The payout quote for the vehicle is \$24,699.72. The payout quote expiry date is 10 July 2014.

Legal Implications

Local Government Act 1995 - Section 6.8.1 (b), 6.21 (2) & (4)

Policy Implications

Nil

Consultation

External: UHY Haines Norton
Department of Local Government and Communities

Financial Implications

Whilst provision was made within the 2013/14 budget for the replacement of the CEO's vehicle, no provision was made for a lease payout. A budgeted surplus of \$30,631.51 currently exists for Fringe Benefit Tax (E042023 & E143016) and these funds can be re-allocated to accommodate the payout.

A penalty payment of \$2,136.30 applies for early contract termination.

Strategic Implications

Nil

Recommendation

That Council approve the payout of the \$24,699.72 Business Vehicle Loan financed through Narrogin Toyota to be offset against savings from Fringe Benefits Tax Accounts E042023 and E143016.

Voting Requirements

Absolute majority (5) required.

Resolution

Moved Cr

Seconded Cr

15.0 MATTERS FOR CONSIDERATION – COMMUNITY SERVICES
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15.1 MOBILE COVERAGE PROGRAM – DEPARTMENT OF COMMUNICATIONS

Applicant: Department of Communications
File No. 0196
Attachments: Letter - Department of Communications
 Wheatbelt Development Commission Briefing
 Note 20 May 2014.
Author: Ms Lee Holben

 Manager Community Services

Disclosure of Interest: Nil
Date of Report: 13 June 2014
Senior Officer: Mr Neville Hale

 Chief Executive Officer

Summary

This report informs Council of the Federal Government funding commitment of \$100 million towards a programme to improve mobile coverage and competition in regional Australia through the proposed Mobile Coverage Program (MCP).

Background

The proposed Mobile Coverage Program (MCP) includes two components:

- \$80 million Mobile Network Expansion Project to improve mobile coverage along major transport routes in small communities and in areas that are prone to experiencing natural disasters.
- \$20 million Mobile Black Spots Project to improve mobile coverage in locations with unique coverage problems such as areas with high demand for services during seasonal holiday periods.

The above program has received over 2,000 submissions, and closes on 30 June 2014.

The State Government recently announced in the State Budget, \$45 million to implement Stage 2 of the Regional Mobile Communications Project (RMCP). The Wheatbelt Development Commission (WDC) have supported the concept of leverage funding by accessing the \$20 million Federal MCP. This will provide more towers and move towards better broadband accessibility.

In 2010 the Wheatbelt Development Commission (WDC) requested detailed telecommunication information from all Wheatbelt local governments, including identification of black spots as part of the

Royalties for Regions Regional Mobile Communications Project (RMCP) roll out. The State Broadband Working Group (BWG) commissioned a Telecommunications Needs Assessment (TNA) into ongoing mobile coverage issues across regional Western Australia which was completed by the Department of Commerce (DoC) on 31 January 2014.

The WDC has used this information to prioritise Wheatbelt sites. While Telstra and DoC have their own prioritisation criteria each method used has produced similar priorities.

The WDC in their submission for the Wheatbelt has advised that ninety eight Wheatbelt sites have been identified.

Comment

Three sites from the Lake Grace area have been identified and are part of the ninety eight Wheatbelt sites identified by the WDC.

- Cairstairs/Lake King Road (approx. cost in 2010 = \$850,000)
- Lake Magenta (approx. cost in 2010 = \$580,000)
- Tarco Road (not costed)

The Varley Progress Association have installed a telephone signal booster at the Recreation Pavilion to improve signal reception at the tennis courts, recreation building and bowling rinks allowing emergency service volunteers that may be engaged in activities at the centre to be contacted.

The Varley Post Office staff currently has an application in to Australia Post Community Grants for a similar system to be installed at the Varley Nursing Post to allow the Doctor to access clients files when at the Nursing Post. If successful this system will also benefit the St John Ambulance Depot and Fire brigade whose facilities are within the signal range.

The Tarco Road site previously had a tower which collapsed in 2013. DEFS is currently investigating the feasibility of reinstalling the tower. When the tower was operational it was solar powered. This tower provided a service for the mid band frequency.

Discussions with Rebecca Kelly, Senior Regional Officer Wheatbelt Development Commission have reinforced the importance of responding to the Department of Communications request to identify and prioritise sites in the Shire of Lake Grace and any support that can be provided by the Shire of Lake Grace if successful.

Legal Implications

Nil

Policy Implications

N/A

Consultation

- Internal: CEO
Senior Management Team.
Marcus Owen
- External: Rebecca Kelly, Senior Regional Officer Wheatbelt
Development Commission

Financial Implications

There could be financial implications to the Shire depending on the nominated sites and the nature and amount of the Shire's support.

This could be –

- a financial contribution to the cost of installing the base station;
- provide leasehold tenure for a site for a base station at zero or concessional costs;
- provide civil works at zero or concessional cost, ie the cost of bulldozing an access road to the site;
- Provide access to an existing tower; or
- Provide a connection to an existing power source.

Strategic Implications

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

- S1.2 Maintain and support the growth of basic services.

Recommendation

That Council:

1. Register with the Department of Communications by the 30 June 2014 the three priority sites for Lake Grace, being:
 - a. Cairstairs/Lake King Road;
 - b. Lake Magenta;
 - c. Tarco Road; and,
2. Indicate its willingness to negotiate on the provision of civil works in regard to the site and its access.

Voting Requirements

Simple majority required

Resolution

Moved Cr

Seconded Cr

16.0 MATTERS FOR CONSIDERATION - ADMINISTRATION**16.1 DELEGATION OF POWERS TO THE CHIEF EXECUTIVE OFFICER AND THE DELEGATION REGISTER**

Applicant: Executive Services
File No. 0052
Attachments: Register of Delegations
Author: Mrs Jeanette Bennett

Executive Assistant

Disclosure of Interest: Nil
Date of Report: 17 June 2014
Senior Officer: Mr Neville Hale

Chief Executive Officer

Summary

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

Background

In accordance with the requirements of the *Local Government Act 1995*, s 5.46 (2); the local government is to review its delegations made under this division at least once each financial year. The previous review was undertaken in May 2013.

The Delegation Register is a requirement under the *Local Government Act 1995*, s 5.46 (2) and is subject to the annual external audit process.

Comment

The attached Delegation Register details where the Council has delegated powers and duties to the Chief Executive Officer, and where the Chief Executive Officer has delegated to other employees.

Amendments approved by Council since the previous review in May 2013 include:

- Amendment October 2013 to include Delegation O08 – Proceedings under the Cat Act 2011.
- Amendment April 2014 to include Delegations
 - H02 – Prohibition Orders (*Food Act 2008*)
 - H03 - Registration of Food Business (*Food Act 2008*)
 - H04.- Prosecutions (*Food Act 2008*)

Amendment to Delegation PR01

In this current review (June 2014), Delegation PR01 has been amended to properly recognise the approval for applications to consume liquor on Shire properties does not extend to include the requirements of the *Liquor Licensing Act 1998* and associated applications for Occasional Liquor Licences which must be granted by the Department of Racing and Gaming.

Delegation PR01 is also subject to the requirements of the Shire's Local Government Property Local Law – a note has been included in the Delegation Register to this effect.

For the purposes of clarity, it is proposed to include within the Shire's Delegation Register, **Section D - Delegations Under Other Legislation and Regulations**. These relate to the Health Act & Environmental Protection (Noise) Regulations 1997 etc.

Note: Attachment Section D will be made available to Councillors prior to the meeting.

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 2005

Bush Fires Act 1954

Dog Act 1976

Health Act 1911

Local Government (Miscellaneous Provisions) Act 1960

Policy Implications

Shire of Lake Grace Policy Manual.

Consultation

N/A

Financial Implications

N/A

Strategic Implications

Shire of Lake Grace Strategic Plan – Civic Leadership

- Focus 5 – Excellence in Shire administration and communication.

Recommendation

That Council, in accordance with s5.42 of the *Local Government Act 1995*, delegate to the Chief Executive Officer and others, the discharge of duties and powers as detailed in the attached Register of Delegations (Review June 2014) noting that the Chief Executive Officer has on-delegated some of his powers and duties to other staff.

Voting Requirements

Absolute majority (5) required.

Resolution

Moved Cr

Seconded Cr

16.2 **MEMORANDUM OF UNDERSTANDING - ADMINISTRATION OF ELECTRONIC ACCESS CARD SYSTEM - DEPARTMENT OF WATER**

Applicant: Department of Water
File No. 0634/0504
Attachments: Draft Memorandum of Understanding
Author: Mr Marcus Owen

Community Emergency Services Manager

Disclosure of Interest: Nil
Date of Report: 12 May 2014
Senior Officer: Mr Neville Hale

Chief Executive Officer

Summary

The purpose of this report is for Council to discuss the Memorandum of Understanding with the Department of Water (DoW) regarding the proposed administration of an electronic access card system to be installed at four of the Department's strategic community water supply facilities within the Shire of Lake Grace.

Background

The DoW is responsible for the management of water resources throughout the State of Western Australia. The Shire of Lake Grace has been approached by DoW to discuss the proposal of upgrading facilities and installing an access card system at four key strategic community water supplies, namely:

- Dingo Rock (Reserve 18911),
- Sugg Rock (Reserve 23842),
- Mt Madden Dam (Reserve 20110) and
- Marchetti's Tank (Reserve 28449).

The purpose of which will be to manage and monitor the water use and manage the sustainability of water supply.

Increasing numbers of shires have installed access card systems to their potable water supplies and this is likely to place more pressure on sites that are not regulated.

This proposal has been discussed by the Rural Water Council of WA, at a meeting held on 28 March 2014.

The DoW is seeking a Memorandum of Understanding with the Shire for the administration of a swipe card system for access to the facilities listed above.

Comment

The strategic water supply dams are for use by the farming community in times of dry seasons, to provide emergency livestock water and to supplement farm supplies in areas where access to the Integrated Water Supply Scheme is limited or non-existent.

In accordance with the proposed MOU, prior to the installation of the access card system the DoW will upgrade the facilities; repair or replace existing infrastructure, address access or turn around issues and any other required works.

After completion of the upgrade, the DoW will undertake the on-going maintenance of the facility. The DoW will also supply, to the Shire, relevant document templates for reporting and card applications.

To keep things simple and by taking a regional approach to all services, potable and non-potable, it is envisaged that the DoW will install the same access card system as that installed at the Shire's potable water facilities. This will allow for easy integration of existing procedures:

- The same card can be used at potable and non-potable facilities; and,
- The downloaded data can be processed in the same manner.

Clause 4 of the proposed MOU outlines the administrative responsibilities of the Shire as follows:

1. Approval for applications for access cards;
2. Provision of reports;
3. Monitoring of water levels during dry seasons; and,
4. Advise the Department of any issues with the supply or card system.

By being involved in the issuing of the cards, the Shire can ensure security of supply and prevent unauthorised use. Cards can be issued to the farming community who rely on this supply as opposed to, for example - mining companies. The level and frequency of reporting would need to be established at the outset to prevent an escalation in time and resources being imposed upon the Shire.

The monitoring of water levels, could be carried out by a local Fire Control Officer close to the supply or by a staff member in conjunction with work being carried out in that area. Other issues that may arise can be reported to the Department via email or telephone. For issues regarding the card system, a site visit may be required. Within the control box there is a 'bypass' that can be connected to allow the system suppliers internet access to carry out diagnostic checks.

The Department of Water is quite flexible as to how the administration of the facilities is approached and is willing to negotiate an acceptable outcome.

Notwithstanding the above, the matter becomes more complex once any fee is charged for access to the water, in this regard it is considered appropriate for the Shire to not charge an access/infrastructure fee as to do so would:

- Result in inequitable costs for users unless based on volume of water taken;
- Require increased administration for billings and recovery of outstanding payments;
- mean funds raised can be used only for administration and future maintenance or upgrading of the Department's Water Supply assets; and,
- Imply that the Shire may be the de-facto manager of the facilities as it would be collecting monies for future maintenance and upgrades.

Moreover, any funds received by the Shire from users of the Water Supply may only be used for the purposes of cost recovery for administration of the swipe card system and/or be set aside to contribute to the future maintenance or upgrading needs of the Water Supply, as agreed in consultation with the Department. At this point it is recommended that no charge be made for infrastructure access.

The "use of infrastructure" text in the draft MoU refers to water being taken from the standpipe or cam lock outlets from the water supply site after using a swipe card to gain access. The term is used because the DoW is not a licenced supplier of water and is unable to impose a charge based on volume taken; i.e. per kilolitre.

As indicated earlier, a "use of infrastructure" fee would be inequitable as it could result in significant price differences for the same quantity of water taken, eg an infrastructure access fee of \$10 per use would mean some one taking 10 x 1,000ltr pays \$100.00 for 10,000 ltrs, whilst someone taking 1 x 10,000ltrs pays \$10.00.

From a community water supply view, an integrated management system that includes both potable and non-potable water supplies would provide an opportunity to enhance emergency water supply facilities across the Shire and ensure they are maintained at an appropriate standard for the benefit of the community. This arrangement would also need to include Water Corporation town supply dams, no longer fit for purpose, located in Newdegate and Lake King.

The installation of swipe cards for DoW facilities would enable both the Department and the Shire to gauge the level of usage and provide useful data for future reference.

In September 2004, Council resolved (motion 9831) to not accept responsibility for strategic dams within the Shire. The proposed MOU provides for the strategic dams remaining the responsibility of the Department of Water, that it would install a swipe card system and that it

will undertake on-going management and maintenance of the facility (Cl 3 of the MOU).

Legal Implications

Local Government Act 1995

Refer to Clause 3.3 of the MOU

The Department will ensure that:

- (a) all legal requirements associated with the infrastructure, and the maintenance of the infrastructure are met;*
- (b) all relevant authorisations, consents and permits required for the infrastructure will be obtained;*
- (c) all required insurances will be maintained over the infrastructure.*

Policy Implications

Nil

Consultation

Internal: Mr Neville Hale

External: Mr Michael Allen, Department of Water

Financial Implications

The cost of providing administrative support, i.e. issuing of Water supply access card and the provision of an annual report, is estimated for data download, monitoring and reporting to be 3 hours per month @ \$50/hr = \$1800/annum

Clause 5.1 of the MOU enables the Shire to charge a one off application fee for the Water Supply access card (and charge for replacement of the card if required) and also bill the user monthly for use of the infrastructure.

It is suggested that an application fee of \$35.00 and \$35.00 for a replacement card, be included in the Shire's 2014/15 Schedule of Fees and Charges together with a refundable bond of \$50.00. The actual cost of an access card is \$15 excluding GST, freight and our administration.

Strategic Implications

Shire of Lake Grace Community Strategic Plan

- Environment 2 – Improve water security and use of non-potable water

Recommendation

That Council enter into a Memorandum of Understanding with the Department of Water for the following sites;

- Dingo Rock;
- Marchetti's Tank;
- Sugg Rock; and,
- Mt Madden.

Subject to the Memorandum of Understanding being amended to include:

1. the Shire charging an administration fee of \$35.00 for the issuing of a Water Access Card and \$35.00 for a replacement Card;
2. a refundable bond of \$50 to be paid for the Card at time of issue;
3. that the reporting requirement be limited to six monthly, i.e. twice per year; and,
4. no infrastructure fee be applied.

Voting Requirements

Simple majority required.

Resolution

Moved Cr

Seconded Cr

17.0 INFORMATION BULLETIN

17.1 INFORMATION BULLETIN REPORT – JUNE 2014

Applicant: Executive Services
File No. N/A
Attachments: 1 to 6 *(provided for Councillors information under separate cover)*
Author: Mrs Jeanette Bennett

 Executive Assistant

Disclosure of Interest: Nil
Date of Report: 17 June 2014
Senior Officer: Mr Neville Hale

 Chief Executive Officer

Summary

The purpose of this report is to keep Elected Members informed on matters of interest and importance to Council.

Background

The Information Bulletin Report deals with monthly standing items and other information of a strategic nature relevant to Council. The Information Bulletin is an internal management document; therefore attachments are not for public information.

Copies of other relevant Councillor information are distributed via email and the weekly mail-out system.

Comment

The information at attachment includes:

A. Reports

1. Council Status Report.
2. May 2014 Infrastructure Services Report
3. Lake King Library Report
4. Lake Grace Library Report
5. Central Wheatbelt Visitor Centre – June Update

B. Minutes

6. 4WDL Minutes June 2014

Legal Implications

Nil

Policy Implications

Nil

Consultation

Nil

Financial Implications

Nil

Strategic Implications

Shire of Lake Grace Strategic Community Plan

Voting Requirements

Simple majority required.

Officer's Recommendation

That Council accepts the Information Bulletin report.

Voting Requirements

Simple majority required.

Resolution

Moved Cr

Seconded Cr

18.0 URGENT BUSINESS BY DECISION OF THE MEETING

19.0 SCHEDULING OF MEETING

19.1 JULY 2014 ORDINARY MEETING

Motion 11711 November 2013 states:

An Ordinary Meeting of Council will be held on Wednesday 23 July 2014 commencing at 2:00 pm at Council Chambers, 1 Bishop St Lake Grace WA.

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

MOTION

Moved Cr
Seconded Cr

That Council close the meeting to the public at this time, being ___ pm, to consider _____.

MOTION CARRIED

MOTION

Moved Cr
Seconded Cr

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

MOTION CARRIED

21.0 CLOSURE

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

22.0 CERTIFICATION

I Andrew James Walker certify that the minutes of the meeting held on the 25 June 2014 as shown were confirmed as a true record at the meeting held on the 23 July 2014.

Chairman

Date