

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 February 2015

At: Council Chambers,
1 Bishop St Lake Grace WA

Commencing: 3.00 pm

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



Neville Hale
Chief Executive Officer

18 February 2015
Date

Shire of Lake Grace

Ordinary Council Meeting

Agenda

25 February 2015

Meeting Commencing at 3.00 pm

Disclaimer

No responsibility whatsoever is implied or accepted by the Shire of Lake Grace for any act, omission or statement or intimation occurring during Council/Committee meetings or during formal/informal conversations with staff. The Shire of Lake Grace disclaims any liability for any loss whatsoever caused arising out of reliance by any person or legal entity on any such act, omission or statement or intimation occurring during Council/Committee meetings or discussions. Any person or legal entity who acts or fails to act in reliance upon any statement does so at that person's and or legal entity's own risk.

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

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SHIRE OF LAKE GRACE

Agenda for the Ordinary Meeting of Council to be held at Council Chambers, 1 Bishop St Lake Grace WA, on Wednesday 25 February 2015.

1.0 OPENING & ANNOUNCEMENT OF VISITORS

The Shire President opened the meeting at __ pm.

2.0 ATTENDANCE RECORD

2.1 PRESENT

Cr AJ Walker	Shire President
Cr JF De Landgrafft	Deputy Shire President
Cr LW Armstrong	
Cr R Chappell	
Cr DS Clarke	
Cr SG Hunt	
Cr AD Marshall	
Cr MG Stanton	
Mr N Hale	Chief Executive Officer
Mr P Dittrich	A/Manager Corporate Services
Mr L Shopov	Manager Infrastructure Services
Ms L Holben	Manager Community Services
Mrs J Bennett	Executive Assistant
Ms M Knill	Communications & Executive Support Officer
_____	Observer

2.2 APOLOGIES

2.3 LEAVE OF ABSENCE PREVIOUSLY GRANTED

None.

3.0 PUBLIC QUESTION TIME

4.0 APPLICATIONS FOR LEAVE OF ABSENCE

5.0 MINUTES OF PREVIOUS COUNCIL MEETINGS

5.1 ORDINARY MEETING – 16 DECEMBER 2014

Resolution

MOTION 11984

Moved Cr
Seconded Cr

That the minutes of the Ordinary Meeting of Council held on the 16 December 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

10.0 MEMBERS' REPORTS

11.0 MATTERS FOR CONSIDERATION – WORKS & SERVICES

No items for consideration.

12.0 MATTERS FOR CONSIDERATION – PLANNING

12.1 PLANNING APPLICATION – EXPANSION OF EXISTING CATTLE FEEDLOT LOT 2540 MALLEE HILL RD SOUTH NEWDEGATE

Applicant:	Mr Beau Waddell (Landowner)
File No.	0455
Attachments:	Plans 1 to 5
Author:	Mr Joe Douglas & Mr Carlo Famiano Urban & Rural Perspectives -Town Planning Consultants
Disclosure of Interest:	Nil
Date of Report:	17 February 2015
Senior Officer:	Mr Neville Hale

Chief Executive Officer

Summary

This report recommends that a planning application submitted by Mr Beau Waddell (Landowner) to expand an existing cattle feedlot on Lot 2540 Mallee Hill Road, South Newdegate from 500 to 1,500 head of cattle be approved subject to conditions.

Background & Comment

The applicant is seeking Council's planning approval to expand an existing cattle feedlot on Lot 2540 Mallee Hill Road, South Newdegate from 500 to 1,500 head of cattle, including the installation of fencing and access tracks (see Plans 1 to 5).

Lot 2540 is classified 'General Agriculture' under the Shire of Lake Grace's current operative Local Planning Scheme No.4 (LPS No.4).

Under the terms of the Zoning Table in LPS No.4 the development and use of any land classified 'General Agriculture' zone for the purpose of a 'feedlot' is listed as an 'A' use which means it is not permitted unless Council has exercised its discretion by granting planning approval following completion of public advertising.

The application was advertised for public comment for the minimum required period of fourteen (14) days concluding on 13 February 2015. This process included a notice in the local newspaper, correspondence to adjoining landowners and display of the relevant report and plans at the Shire's Administration Centre. At the conclusion of public advertising the Shire had not received any submissions in respect of the proposal.

Clause 5.11.10 of LPS No.4 states that the development of feedlots (including any expansion of existing facilities) in the 'General Agriculture' zone will only be supported by Council where they comply with all relevant legislation, policies, guidelines and codes of practice applicable at the time and where any potential impacts associated with such usage are contained on-site.

Following a detailed assessment of the application in the context of the relevant planning criteria and standards the reporting officers' have concluded the proposed expansion of the existing cattle feedlot is capable of being supported and approved by Council for the following reasons:

- i) It is consistent with the objectives of the land's current 'General Agriculture' zoning classification in LPS No.4;

- ii) It complies with the buffer requirements of the Environmental Protection Authority's (EPA) '*Guidance Statement No.3 – Separation Distances Between Industrial & Sensitive Land Uses*' as this applies specifically to cattle feedlots;
- iii) It satisfies the various criteria for the development and use of land for the purposes of a cattle feedlot prescribed in the Department of Agriculture and Food's *Guidelines for the Environmental Management of Beef Cattle Feedlots in Western Australia 2002*;
- iv) The proposed works constitute a simple expansion to an existing feedlot on the subject land that was established prior to the introduction of LPS No.4 (i.e. Council's planning approval was not required under the Shire's previous TPS No.3);
- v) It will have sufficient setbacks from all adjoining property boundaries (i.e. it is compliant with the boundary setback requirements applicable to all land classified 'General Agriculture' in LPS No.4);
- vi) The plans submitted in support of the application appear to be well founded and capable of being implemented in a proper and orderly manner;
- vii) The location and scale of the proposed feedlot expansion is unlikely to have a detrimental impact upon the existing character and amenity of the immediate locality;
- viii) It will not result in the clearing of any significant native vegetation and is unlikely to have a detrimental impact on the natural environment;
- ix) It will add to the diversity of rural land usage in the locality and has potential to create additional employment opportunities;
- x) It is unlikely to have a detrimental impact upon the local and State road network given its relatively small scale and limited number of truck movements to and from the property on a yearly basis (i.e. 37 trips in & 50 trips out during the ten month growing season); and
- xi) It is supported by the local community as evidenced by the lack of submissions during the recent community consultation process.

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

Legal Implications

- Planning and Development Act 2005
- Shire of Lake Grace Local Planning Scheme No.4
- Environmental Protection Act 1986
- Environmental Regulations 1987

Policy Implications

- Environmental Protection Authority Guidance Statement No.3 – '*Separation Distances Between Industrial & Sensitive Land Uses*'
- Department of Agriculture and Food – '*Guidelines for the Environmental Management of Beef Cattle Feedlots in Western Australia 2002*'

Community Consultation

Completed in accordance with the specific requirements of Clause 9.4 of LPS No.4 for the minimum required period of fourteen (14) days.

Financial Implications

Nil

Strategic Implications

The proposal is generally consistent with the objectives for the development and use of agricultural land within the municipality prescribed in the Shire's current Local Planning Strategy.

Recommendation

That the application for planning approval submitted by Mr Beau Waddell (Landowner) to expand the existing cattle feedlot on Lot 2540 Mallee Hill Road from 500 to 1,500 head of cattle be **APPROVED** subject to compliance with the following conditions and advice notes:

Conditions

1. The proposed development shall be undertaken in a manner consistent with the information and plans submitted in support of the application unless otherwise approved by Council.
2. The cattle feedlot shall be limited to a maximum of 1,500 head of cattle at any given time unless otherwise approved by Council.
3. No cattle are permitted to be slaughtered on the land unless otherwise approved by Council.
4. The property shall be maintained in a neat and tidy condition at all times to the specifications and satisfaction of the Shire of Lake Grace.
5. All solid and liquid waste generated by the feedlot shall be managed and disposed of to the specifications and satisfaction of the Shire of Lake Grace.
6. The waste disposal pond shall have sufficient capacity to retain a 10-year return frequency 72-hour storm event using a run-off coefficient of 0.8 for the feedlot pens and associated works. The pond shall also be capable of retaining all the captured stormwater from the feedlot in a 90 percentile wet year.
7. Suitable arrangements shall be made to ensure that no solid or liquid waste generated by the feedlot is released either directly or indirectly into the existing intermittent creek lines traversing the land.
8. Suitable arrangements shall be made to minimise the potential for any dust and/or odour nuisance arising from the feedlot use.
9. All internal vehicle accessways servicing the cattle feedlot shall be of a suitable width and surface finish to provide for the safe and convenient movement of heavy vehicles.
10. The existing driveway crossovers to be used to provide heavy vehicle access to and from the local road network shall be constructed and maintained to the specifications and satisfaction of the Shire's Manager Infrastructure Services at no cost to the Shire.

Advice Notes

1. The proposed 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. The operators of the cattle feedlot shall have due regard for and ensure compliance with the specific requirements of all relevant legislation, regulations, policies and guidelines including but not limited to the following:
 - i) Environmental Protection Act 1986;
 - ii) Environmental Regulations 1987;
 - iii) Department of Agriculture and Food – 'Guidelines for the Environmental Management of Beef Cattle Feedlots in Western Australia 2002'; and

- iv) Environmental Protection Authority Guidance Statement No.3 – *‘Separation Distances Between Industrial & Sensitive Land Uses’*.
3. 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.

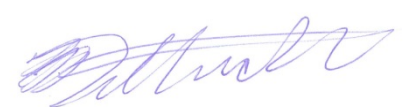
14.0 MATTERS FOR CONSIDERATION – FINANCE

14.1 ACCOUNTS FOR PAYMENT – DECEMBER 2014

Applicant: Shire of Lake Grace
File No. 0277
Attachments: List of Creditors
Author: Mrs Lynda Trawinski


 Finance Officer

Disclosure of Interest: Nil
Date of Report: 5 February 2015
Senior Officer: Mr Peter Dittrich


 A/Manager Corporate Services

Summary

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

Background

List of payments for the month December 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 December 2014 from the Municipal and Trust Account Total \$ 521,194.78.

Strategic Implications*Shire of Lake Grace Strategic Community Plan*

Civic Leadership Focus Area (5)

- Excellence in Shire administration and communication

Recommendation

That Council ratify the list of payments totalling \$521,194.78 as presented for the month of December 2014 incorporating:

- Trust Account Cheques:	806 to 812	\$	1,875.00
- Trust Account Cheque	813	\$	Void
- Electronic Funds Transfer:	EFT 13394 to EFT 13517	\$	331,970.72
- Municipal Account Cheques:	35706 to 35742	\$	76,201.44
- Direct Debits:	DD5367.1 to DD5367.9	\$	111,147.62

Voting Requirements

Simple majority required.

Resolution

Moved Cr

Seconded Cr

14.2 ACCOUNTS FOR PAYMENT – JANUARY 2015

Applicant: Shire of Lake Grace
File No. 0277
Attachments: List of Creditors
Author: Mrs Lynda Trawinski


 Finance Officer

Disclosure of Interest: Nil
Date of Report: 5 February 2015
Senior Officer: Mr Peter Dittrich


 A/Manager Corporate Services

Summary

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

Background

List of payments for the month January 2015 through the Municipal and Trust accounts are attached.

Comment

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

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

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

Legal Implications

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

Policy Implications

N/A

Consultation

N/A

Financial Implications

The list of creditors paid for the month of January 2015 from the Municipal and Trust Account Total \$ 614,256.66.

Strategic Implications

Shire of Lake Grace Strategic Community Plan

Civic Leadership Focus Area (5)

- Excellence in Shire administration and communication

Recommendation

That Council ratify the list of payments totalling \$614,256.66 as presented for the month of January 2015 incorporating:

- Trust Account Cheques:	814 to 816	\$	500.00
- Electronic Funds Transfer:	EFT 13518 to EFT 13621	\$	455,457.16
- Municipal Account Cheques:	35743 to 35777	\$	25,640.24
- Direct Debits:	DD5392.1 to DD5392.9	\$	132,659.26

Voting Requirements

Simple majority required.

Resolution

Moved Cr

Seconded Cr

14.3 FINANCIAL STATEMENTS – DECEMBER 2014

Applicant: Shire of Lake Grace
File No. 0275
Attachments: Financial Reports
Author: Mr Warrick Millar


 Senior Finance Officer

Disclosure of Interest: Nil
Date of Report: 11 February 2015
Senior Officer: Mr Peter Dittrich



A/Manager Corporate Services

Summary

Consideration of the financial statements for the month ending 31 December 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
- Capital Road Works
- Operating Revenue & Expenditure Graphs
- Bank Reconciliations

Comment

Nil

Legal Implications

Local Government Act 1995 – section 6.4

Local Government (Financial Management) Regulations 1996

Policy Implications

N/A

Consultation

N/A

Financial Implications

Nil

Strategic Implications

Shire of Lake Grace Strategic Community Plan

Civic Leadership Focus Area (5)

- Excellence in Shire administration and communication

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 December 2014 as attached is received.

Voting Requirements

Simple majority required.

Resolution

Moved Cr

Seconded Cr

14.4 FINANCIAL STATEMENTS – JANUARY 2015

Applicant: Shire of Lake Grace
File No. 0275
Attachments: Financial Reports
Author: Mr Warrick Millar



Senior Finance Officer

Disclosure of Interest: Nil
Date of Report: 11 February 2015
Senior Officer: Mr Peter Dittrich



A/Manager Corporate Services

Summary

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

Background

The following financial reports are included for your information:

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

Comment

Nil

Legal Implications

Local Government Act 1995 – section 6.4

Local Government (Financial Management) Regulations 1996

Policy Implications

N/A

Consultation

Nil

Financial Implications

Nil

Strategic Implications

Shire of Lake Grace Strategic Community Plan

Civic Leadership Focus Area (5)

- Excellence in Shire administration and communication

Recommendation

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

Voting Requirements

Simple majority required.

Resolution

Moved Cr

Seconded Cr

14.5 2014/15 BUDGET REVIEW

Applicant: Corporate Services Section
File No. 0625
Attachments: Attachments A, B
Author: Mr Peter Dittrich


 A/Manager Corporate Services

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


 Chief Executive Officer

Summary

For Council to adopt the 2014/15 Budget Review.

Background & Comment

According to the Local Government (Financial Management) Regulations 1996 all Local Governments in Western Australia are required to conduct a budget review each financial year.

The review of the Shire's expected financial position by 30 June 2014 must occur between 1 January and 31 March with the outcomes considered by council. The council must then determine whether to adopt the review, any parts of the review or any recommendations within the review. The Budget Review must be presented to the Department of Local Government within 30 days of Council determination.

Budget Review Process

Under the Review process, a local government is required to report on significant variances within each program either above or below tolerances adopted by Council. A program is typically Governance, General Purpose Funding, Law, Order & Safety, Transport and so on. The level of variance that requires an explanation for the Shire of Lake Grace is 10% and \$5,000.

Budget Review Documents

Presented to the Audit Committee is the Shire's 2014/15 Budget Review consisting of:

- Attachment A – Budget Review based on Accounts as at 31st December 2014
 - The Finance Statement with variances expected indicated by program and the Report on significant variances greater than 10% and \$5,000;
 - Note 1 to 12
- Attachment B – Schedules 3-14 as at 31st December 2014
 - The Schedules have also been provided as further background information.
- Attachment C – Budget Review Notes dated 11th February 2015
 - List of Accounts showing movement following Budget Review and explanation pages 1-8

Analysis of Expected Financial Position by 30 June 2014

An initial budget was based on a projected end of year surplus of \$747,438.. It should be noted that the actual carried forward position of \$865,986 was \$118,548 more than that reported at the adopted budget.

Outcome of Budget Review

After a review of the accounts with staff in January the following proposed changes are presented to Council (see Budget Review Attachment 2) for detailed figures.

If the Budget Review proposals are fully adopted it is estimated that the Shire will not have a carry forward cash surplus in 2015/16.

Legal Implications

- Section 33A - Local Government (Financial Management) Regulations 1996
- Section 6.8 (1) Local Government Act 1995 – Expenditure in municipal fund not included in annual budget.

Policy Implications

Nil

Consultation

Internal: CEO & Senior Management Team

Financial Implications

The Shire will not have a carry forward cash surplus in 2015/16.

Strategic Implications

Shire of Lake Grace Strategic Community Plan

Civic Leadership Focus Area (5)

- Excellence in Shire administration and communication

Voting Requirements

Absolute majority (5) required.

Audit Committee Recommendation

That Council adopt the proposed Budget Review 2014/15 as shown in:

1. Attachment A – Budget Review based on Accounts as at 31st December 2014 supported by the information detailed in;
2. Attachment B – Schedules 3-14 as at 31st December 2014; and,
3. Attachment C – Budget Review Notes dated 11th February 2015 Pages 1 to 8.

Resolution

Moved Cr

Seconded Cr

14.6 2013/14 ANNUAL GENERAL MEETING OF ELECTORS

Applicant: Manager Corporate Services
File No. 0202
Attachments: Nil
Author: Mr Peter Dittrich



A/Manager Corporate Services

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



Chief Executive Officer

Summary

The purpose of this item is to set a date for the Annual General Meeting of Electors.

Background

In accordance with the Local Government Act 1995, Council is to accept the Audited Annual Financial Statements for a financial year no later than 31 December after that financial year.

The Shire, via the appointed Auditors, has been granted an extension to the 28th of February 2015. At the time of writing this item, the audited financial statements are expected to be delivered to the Shire within the next week.

The CEO is to give local public notice of the availability of the annual report as soon as practicable after the report has been accepted by the local government.

An Annual General Meeting of Electors is to be held once every financial year, on a day not more than 56 days after Council has accepted the Annual Report.

Comment

The Final Audit for the Shire of Lake Grace was started in early December 2014. The completion of the audit and the financial report confirms all figures for the 2013/14 year and reflects an increase in the carried forward position at 30 June 2014, which has been taken into consideration for the 2014/15 budget review.

It is anticipated that the Annual Report will be presented to the audit committee prior to this meeting.

It is recommended that the Annual General Meeting of Electors be held at 5:30 pm on 25 March 2015 at the Varley Town Hall. The venue is in keeping with the rotation of the electors meetings between the four towns.

It should be noted that the Annual Electors Meeting is to be held within 56 days of the Annual Report being received by Council, which means that the Annual Electors meeting will need to be held prior to the 20 May 2015, if the report is accepted at the 25 March 2015 Ordinary Meeting.

Legal Implications

Local Government Act 1995 s1.7, s1.8, s5.54, s5.27 & s5.29

Policy Implications

N/A

Consultation

Internal: Chief Executive Officer
Shire of Lake Grace Audit Committee

External: UHY Haines Norton (Auditors)

Financial Implications

Nil

Strategic Implications

Shire of Lake Grace Strategic Community Plan

Civic Leadership Focus Area (5)

- Excellence in Shire administration and communication

Voting Requirements

Absolute majority (5) required.

Recommendation

That Council advise the Chief Executive Officer to convene the Annual General Meeting of Electors for 5:30 pm on 25 March 2015 at the Varley Town Hall, subject to the final audit of the Shire of Lake Grace being received by 10 March 2015.

14.7 NEWDEGATE COMMUNITY BUS - REPLACEMENT

Applicant: Newdegate Community Cropping Project
File No. 0760
Attachments: Nil
Author: Mr Peter Dittrich



A/ Manager Corporate Services

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



Chief Executive Officer

Summary

For Council to consider the replacement of the Newdegate Community Bus.

Background

The Newdegate Community Cropping Project passed a motion at its February 2015 meeting to replace the Newdegate Community Bus.

Comment

In August 2010 the Shire purchased a Toyota Bus registration 1AOD 444 on behalf of the Newdegate Community Cropping Project at a cost of \$15,000 excluding GST.

The purchase was financed by way of a donation received from the Newdegate Community Cropping Project for \$15,000.

The Shire has been requested to purchase a replacement bus at a cost of \$18,000 excluding GST. This purchase will be fully funded by the Newdegate Community Cropping Project.

The Newdegate Community Cropping Project would like the Shire to dispose of Toyota Bus registration 1AOD 444 once the replacement bus has been purchased and to donate the net proceeds of the sale to them in recognition of their contribution to the Newdegate Community Bus.

It is estimated that the sale of the bus will generate net proceeds in the order of \$9,000.

Legal Implications

Local Government Act 1995 - Section 6.8.1(b) requires a local government not incur any expenditure that is not included in its budget unless authorized by resolution by absolute majority and Section 6.11.2(b).

Policy Implications

N/A

Consultation

External: Newdegate Community Cropping Project

Internal: Chief Executive officer.

Financial Implications

The cost of the replacement bus will be financed by way of donation from the Newdegate Community Cropping Project.

The donation to the Newdegate Community Cropping Project will be financed by the proceeds of sale, excluding GST, of the current Newdegate Community Bus.

Strategic Implications

Shire of Lake Grace Strategic Community Plan

- S2 Provide a supportive social environment

Recommendation

That Council authorise the purchase of a 2004 Toyota Coaster at a cost of \$18,000 excluding GST financed by way of donation from the Newdegate Community Cropping Project for the amount of \$18,000.

That Council authorise the disposal of Toyota Bus registration 1AOD 444 and that the net proceeds of the sale, in the order of \$9,000, be donated to the Newdegate Community Cropping Project in recognition of their contribution to the Newdegate Community Bus.

Voting Requirements

Absolute majority (5) required.

Resolution

Moved Cr

Seconded Cr

15.0 MATTERS FOR CONSIDERATION – COMMUNITY SERVICES
--

15.1 UNITING CHURCH LAKE GRACE

Applicant:	Department of Lands
File No.	0369/0436
Attachments:	1. Department of Lands Letter 2. Resident letters x 3 3. Location plan 4. Extract from Heritage Inventory 5. Public Meeting
Author:	Ms Lee Holbe  Manager Community Services
Disclosure of Interest:	Nil
Date of Report:	6 February 2015
Senior Officer:	Mr Neville Hale  Chief Executive Officer

Summary

For Council to determine whether to accept a Management Order over the former Crown Grant in Trust (Reserve), "Church Site Methodist" Lot 47 Bennett Street, Lake Grace.

Background

The attached letter (15 July 2014) from the Department of Lands details the background to Lot 47 (formerly Reserve 17308), Bennett Street, Lake Grace which was set aside to be used as a church site.

The land and buildings are surplus to the needs of the Uniting Church in Australia (the Church) and it would like to surrender the site. Given the land is a Reserve held by the Church under Conditional Tenure, the Department of Lands seeks to have the land first surrendered to the State so the land can be reserved for "Community Centre" purposes then transferred to the Shire.

Originally the discussion included Lots 46 and 47 Bennett Street Lake Grace. Lot 46 is separate to the request from the Department of Lands and may be for private sale by the Uniting Church in the future.

This item has previously been to Council on the 28 September 2012, Motion 11517:

*Moved Cr Chamberlain
Seconded Cr Newman*

That Council:

- 1. Supports the Lake Grace Development Association's application to the Uniting Church of Australia to secure ownership of Lots 46 and 47 Bennett Street Lake Grace with the intention of creating a historical precinct for future museum use.*
- 2. Decline the offer from the Lake Grace Development Association Inc to accept possession of the Lake Grace Uniting Church, also known as the Methodist Church at Lots 46 and 47 Bennett Street Lake Grace.*

Motion 11892 of the 27 August 2014 Ordinary Meeting:

*Moved Cr Marshall
Seconded Cr Armstrong*

That the item lay on the table for further consultation with stakeholders and the community.

Comment

The Department's preferred option reflects the fact that the land is the property of the Crown and a transfer in favour of the LGDA would amount to a transfer of ownership thus requiring the LGDA to purchase the land.

With the land retained by the State and reserved for community purpose, a Management Order could be issued to the Shire, with power to lease, thereby giving the LGDA access to the land without the need for financial consideration.

However, such an arrangement would also expose the Shire to future cost should the LGDA undertake development of the land then find it was not in the position to sustain that development. In such a case, the community may expect the Shire to assume responsibility in an effort to continue to provide the facility/service. This concern is highlighted by reference to the Lake Grace Strategic Community Plan in which such expectations are enunciated.

The existing structure appears to be in a poor condition, is constructed of brick /cement block whilst the grounds are in a poor state. To assume responsibility for both land and buildings would expose the Shire to the potential costs associated with any renovation and general improvements including high cost wet areas and disability access.

The LGDA had expressed an interest in the property and the neighbouring vacant lot as a potential site to develop a museum of local artefacts. There is, however, some concern that the site may not be sufficiently high profile to attract the attention of travellers passing through town.

An alternative may be to express an interest in the proposed land transfer subject to the buildings being demolished and the land cleared. Lot 46 Bennett Street would still need to be purchased to allow for any significant development ie future aged housing or similar community use. At this point in time a figure of \$15,000 has been mentioned to purchase Lot 46 Bennett Street.

Since the Ordinary meeting of Council held on the 27 August 2014 extensive Community Consultation has been held as detailed in the section Consultation further on in this report.

The Site is listed in the Lake Grace Municipal Inventory of Heritage Places as a Category C.

Category C definition is as below:

Category C: *A place of some cultural heritage significance to Shire of Lake Grace. No constraints.*

Recommend: *Encourage retention of the place, and document the place if retention is not possible.*

IMPLICATIONS:

Shire of Lake Grace officers available to discuss any proposals affecting the cultural heritage significance of the place, but there are no statutory requirements pertaining to heritage issues.

Private owners do not qualify for any funding.

Local Government, churches and community owners qualify for Lotterywest conservation funding, although at a lower priority. It is funded loosely on a \$ for \$ basis, although 'inkind' contributions are encouraged. Benefit to the community is a significant factor in assessment for funding. A Conservation Plan is a pre-requisite for conservation works funding, but a Conservation Plan can also be funded on same basis.

Three letters have been received from the Community in response to the public community consultation (attached).

The key points from the letters include:

- Shire of Lake Grace accepts management and financial responsibility for the land and buildings.
- Shire of Lake Grace to restore the buildings.
- The buildings to remain on site.
- The buildings not be demolished

Twenty six residents attended a public meeting on the 2 December with the key points from this meeting including:

- Shire of Lake Grace accepts Management order.
- Preserve the buildings to maintain a sense of place and history.
- In regards to further aged housing – is there a need for more aged housing we already have 10 units plus the community housing.
- Consider what community groups could utilise the building ie ARC could have their own building until a long term decision is made.

Consideration needs to be given to the fact that percentage wise very few residents took the time to either respond to the community consultation and or attend the public meetings.

Potential Options:

- It has been discussed that the Church could be utilised for community use. Considering the condition of the facility thought would need to be given as to this use. The facility would not be suitable for large numbers of residents at any one time.
- A number of residents feel that the two lots could be utilised for future Over 55 units. Two units could be built behind the church and another two on Lot 46, with the Church being utilised for community use until funding becomes available for the units. During the consultation when this has been discussed other members of the community have questioned the need for more aged accommodation.

- A number of residents have investigated the possibility of utilising this facility as a second hand shop but have come to the conclusion that the community would not support such a venture and have decided not to pursue this.
- The facility was originally looked at to house historical information both internally and externally. Currently the Australian Inland Mission (AIM) and the Visitors Centre are struggling for volunteers and this concept would put extra pressure on the limited number of volunteers in the Shire. At the same time it was discussed that the facility could be moved next door to the Visitor Centre so it could be manned by the volunteers manning the Visitor Centre but such a move would destroy any Heritage value.
- From the public meeting it was also suggested that ARC could utilise this facility until a future decision is made for the use. It has been identified that ARC staff spend up to two and a half hours removing all ARC equipment when functions such as weddings, funerals, training and meetings occur in the Lesser Hall and then another hour returning the equipment. This opportunity would take the pressure off in endeavouring to make a decision as to whether the facility is kept or demolished and also support what is currently an Occupational Health and Safety issue.

In view of the level of community response against the future potential costs, Council may consider retention of the building is questionable.

Accordingly, some of the options to be considered are:

1. Not accept the proposed Management Order over Lot 47 Bennett Street, Lake Grace and advise the Department of Lands accordingly.
2. Accept/not accept the proposal to purchase Lot 46 Bennett Street Lake Grace at a cost of \$15,000.
3. Document the Uniting Church.
4. Accept the proposed Management Order over Lot 47 Bennett Street Lake Grace as a Vacant block and advise the Department of Land accordingly.
5. Accept the proposed Management Order over Lot 47 Bennett Street Lake Grace with the Church and advise the Department of Land accordingly.
6. Allocate funds in the 2015/2016 budget to purchase Lot 46 Bennett Street Lake Grace.
7. Allocate funds in the 2015/2016 budget to renovate the Church Building for community use.

Legal Implications

Land Administration Act 1997

Local Government Act 1995

Policy Implications

N/A

Consultation

Internal: Shire President and Councillors
 Chief Executive Officer
 Senior Management Team
 Building Team Supervisor

External: Department of Lands
 Uniting Church

Community Consultation:

- Community News – 11 September 2014 to 18 December 2014.
- Church open for Public to inspect – 11 people attended including CEO, 1 councillor and 1 staff member.
- Public Meeting – 2 December 2014 – 26 people attended including CEO, 4 Councillors and 3 staff members.
- Facebook:
 - 11 September 2014 – reaching 82 people
 - 30 October 2014 – reaching 42 people
 - 24 November 2014 – reaching 221 people
 - 5 December 2014 – reaching 53 people
 - 3 December 2014 – reaching 96 people
 - 2 December 2014 reaching 26 people
- Shire's Website – from 11 September 2014 and is still on the website, with the summary report from the 2 December 2015 public meeting
<http://www.lakegrace.wa.gov.au/council/community-consultation/uniting-church-land-and-building/>

Financial Implications

Whilst there is minimal cost to the Shire in accepting a Management Order over this land, any expectation to contribute to the maintenance and or improvement of the buildings thereon could be considerable over time as well as the purchase of Lot 46 at an expected cost of \$15,000.

Strategic Implications*Shire of Lake Grace Community Strategic Plan*

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

Officer Recommendation

That Council:

1. Accept the proposed Management Order over Lot 47 Bennett Street Lake Grace as a vacant block and advise the Department of Lands accordingly.
2. Accept the proposal to purchase Lot 46 Bennett Street Lake Grace at a cost of \$15,000.
3. Document the Uniting Church.

4. Allocate funds in the 2015/2016 budget for the purchase of Lot 46 Bennett Street Lake Grace.

Voting Requirements

Simple majority required.

Resolution

Moved Cr

Seconded Cr

15.2 LEASE AGREEMENTS – LAKE GRACE CHILDCARE CENTRE & LAKE GRACE PLAYGROUP

Applicant: Lake Grace Playgroup & Children Services Support Unit

File No. 0254/0750

Attachments: 1. Lease Agreement Lake Grace Playgroup
2. Lease Agreement Lake Grace Childcare Centre Support Unit

Author: Ms Lee Holbert

 Manager Community Services

Disclosure of Interest: Nil

Date of Report: 02 February 2015

Senior Officer: Mr Neville Hale

 Chief Executive Officer

Summary

The purpose of this report is to formalise two Lease Agreements for the Lake Grace Playgroup Building which relates to the provision of Playgroup services to the Shire of Lake Grace by the Lake Grace Playgroup and the Lake Grace Childcare Centre which relates to the provision of Child Care services to the Shire of Lake Grace by the Children Services Support Unit Inc., (CSSU) and to approve the use of the common seal on the document.

Background

The volume of land on Reserve no 27864, Lot 233/234 on Deposited Plan 170888, Certificate of Title Volume LR301, Folio 709 has two buildings on it, the Day care building and the Playgroup building (old Kindergarten building).

The Playgroup operates out of the Playgroup building on a Thursday and Children Services Support Unit operates out of the Day Care building Monday to Friday.

At the Ordinary meeting of Council held on the 28 May 2014 the following motion was endorsed:

That Council:

1. Enters into the Lease Agreement as presented, with the Children Services Support Unit Inc. subject to approval by the Minister for Lands; and
2. Authorise the use of the common seal by the Shire President and the Chief Executive Officer on the Lease Agreement document.

A second lease for the Lake Grace Playgroup has now been drawn up to work alongside the Lake Grace Day Care lease as both buildings are on the same Reserve 72864.

The Department of Lands has reviewed both leases to ensure they comply with the appropriate rules and regulations. Minor changes have been recommended by The Department of Lands and are highlighted in yellow for identification.

Comment

The Leases will be reviewed in five years' time.

Legal Implications

Lease Agreements between the Shire of Lake Grace, Lake Grace Playgroup and Children Services Support Unit Inc.

Policy Implications

Shire of Lake Grace Policy 1.11 Use of the Common Seal

Consultation

Internal: Senior Management Team

External: Jamie-Lee King, Senior State Land Officer, Department of Lands.
Lake Grace Playgroup.
Rebecca Jones, Family Day Care Service Coordinator, Children Services Support Unit Inc.

Financial Implications

The Agreement sets out the Shire's financial obligations for the provision of building insurance and any capital expenditure.

The costs are consistent with previous agreements and in line with the current budget.

Strategic Implications

Shire of Lake Grace Strategic Community Plan

- S1: Maintain current populations and attract new people to live in the shire.
- S2 Maintain and support the growth of basic services.
- S3: Maintain and improve social/community infrastructure to support community wellbeing.

Recommendation

That Council:

1. Enters into the Lease Agreement as amended, with the Lake Grace Playgroup and Children Services Support Unit subject to approval by the Minister for Lands.; and,
2. Authorises the use of the common seal by the Shire President and the Chief Executive Officer on the Lease Agreement documents..

Voting Requirements

Simple Majority required.

Resolution

Moved Cr

Seconded Cr

15.3 FREIGHT LOADING PLATFORMS – LAKE GRACE, BUNICHE AND NEWDEGATE

Applicant: WestNet Rail
File No. 0448
Attachments: 1. WestNet Rail letters
 2. Lake Grace Development Association letter
 3. Extract from
Author: Ms Lee Holber


 Manager, Community Services

Disclosure of Interest: Nil
Date of Report: 02 February 2015
Senior Officer: Mr Neville Hale



Chief Executive Officer

Summary

The purpose of this report is to seek Council's direction in respect to the offer from WestNet Rail to accept leases for the Lake Grace, Buniche and Newdegate Freight Loading Platforms.

Background

WestNet Rail is seeking to ascertain whether the Shire of Lake Grace requires the Freight Loading Platforms located within the rail Corridors which includes the Platforms at Lake Grace, Buniche and Newdegate.

The facilities are superfluous to WestNet Rails operational needs and an option is to demolish the loading platforms.

WestNet Rail is prepared to offer a Licence over the facilities if the Shire deems the facilities worthwhile retaining for community usage. If the Shire requests a Licence then the Shire of Lake Grace would be responsible for the ongoing maintenance and repair of such facilities.

Comment

Both the Lake Grace and Newdegate Freight Loading Platforms are listed in the Lake Grace Municipal Inventory of Heritage Places as a Category B.

Category B definition is as below:

Category B *A place of considerable cultural heritage significance to the Shire of Lake Grace. A place worthy of recognition in the 'Heritage List' and protection through provisions of the Shire of Lake Grace's Town Planning Scheme.*

Planning application needs to be submitted to Shire of Lake Grace for any proposed development.

Recommend: Retain and conserve the place.

IMPLICATIONS: *Planning applications must be submitted to Shire of Lake Grace for approval prior to undertaking any works.*

The Lake Grace Development Association has responded to the Community Consultation, requesting that the Lake Grace ramp and crane remain.

It has been noted that general comments have been made that some local businesses do use the Lake Grace loading platform to unload/load their trucks, though they have not responded to the community consultation.

The current condition of the loading ramps is poor and would need work done to them to ensure they meet safety standards – see attached photos.

The Manager Infrastructure and the Building Team Supervisor have looked at the Lake Grace Goods Shed and Loading Ramp and have indicated that \$7,500 would ensure it would meet basic safety standards. At a minimum the steel rail supports need to be made straight, both the edge hard wood sleepers and the hard wood planks need replacing as well as backfill, level and compact the gravel platform. White ant treatment would also be needed, adding to the cost.

The Lake Grace Crane needs some basic work to make it presentable as a heritage piece. Research could be done into the history of the crane and documentation and signage could be created depicting this information. The Lake Grace Visitor Centre could include it on its history trails, information for visitors to the region. Signage could cost between \$1,000 and \$3,000 depending on the extent.

In regards to the Newdegate Goods Shed and Loading Platform, the only response to the community consultation was from the Newdegate Community Development Association who indicated that the community had no desire to keep the Goods Shed and Loading Platform.

The Manager Infrastructure and the Building Team Supervisor have looked at the Newdegate Goods Shed and Loading Ramp and have indicated that \$3,000 would ensure it would meet basic safety standards. White ant treatment would also be needed, adding to the cost.

The Buniche loading ramp is contained within a fenced area and is utilised by Westnet Rail as a storage area with no public access.

Legal Implications

Public Liability Insurance

Policy Implications

Nil

Consultation

Internal: Shire President and Councillors
Chief Executive Officer
Senior Management Team
Building Team Supervisor

External: Laura Adair, Network Lease Manager WestNet Rail.
Helen Bennett Chairperson Lake Grace Development Association
Roz Lloyd Secretary/Treasurer Newdegate Community Development Association

Community Consultation:

- Community News - 20 November to 5 December 2014.
- Shire of Lake Grace Web site - 5 November to 5 December 2014.
- Shire of Lake Grace Web site 14 January to 27 January 2015.
- Appeared in the Community E-News on the 16 January 2015.
- On Facebook it appeared on the:
 - 5 November 2014 – reaching 27 people.
 - 5 December 2014 – reaching 20 people.
 - 14 January 2015 – reaching 34 people.
- Community Notice Board November and December 2014.
- Manager Community Services discussed with the Lake Grace Development Association and the Newdegate Community Development Association.

Financial Implications

There is currently no financial provision in the 2014/2015 budget for the maintenance/repair of these Freight Loading Platforms.

Should a lease be entered into by the Shire provision would need to be made within the 2015/16 budget for maintenance and signage for the Lake Grace Goods Shed and Loading Ramp.

Strategic Implications

Shire of Lake Grace Strategic Community Plan

Corporate Vision

- An effective manager of community assets.

Officer Recommendation

That Council:

1. Decline the WestNet Rail offer to accept leases for the Buniche and Newdegate Good Sheds and Loading Platforms.
2. Request Staff to document both Buniche and Newdegate Loading Platforms prior to their demolition.
3. Accept the WestNet Rail offer to enter into a lease for the Lake Grace Goods Shed and Loading Platform.
4. Allocate funds in the 2015/2016 budget to ensure the Lake Grace Freight Loading Platform meets safety standards and that the crane is maintained as a heritage item.

Voting Requirements

Simple majority required.

Resolution

Moved Cr

Seconded Cr

16.0 MATTERS FOR CONSIDERATION - ADMINISTRATION
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16.1 LOCAL GOVERNMENT COMPLIANCE AUDIT – 1 JANUARY to 31 DECEMBER 2014

Applicant:	Department of Local Government & Communities
File No:	0528
Attachments:	Compliance Audit Return
Author:	Mrs Jeanette Bennett


Executive Assistant

Disclosure of Interest:	Nil
Date of Report:	11 February 2015
Senior Officer:	Mr Neville Hale


Chief Executive Officer

Summary

The purpose of this report is for recommendation to Council of the Statutory Compliance Audit Return (CAR) for the year ending 31 December 2014 and endorsement of the required certification.

Background

Each year, the Department of Local Government and Communities produces a Statutory Compliance Audit Return for Local Government to carry out an audit in areas of compliance as set out in the CAR.

The completed CAR return is to be reviewed by the Audit Committee, the results then reported to Council, prior to adoption by Council and submission of the certified return to the Department of Local Government and Communities by 31 March 2015.

The Compliance Audit was presented to the Audit Committee at its 17 February 2015 Meeting.

Comment

As in the three years previous, the 2014 Compliance Audit was completed in-house. The decision to again complete the audit in-house was made due to very few issues being identified in the Compliance Return for 2013.

The number of questions in the 2014 is again in a reduced format, with the areas of compliance included restricted to those considered high risk. There are 78 questions in this year's return.

This year's return has been completed online and now requires certification by Shire of Lake Grace President and Chief Executive Officer.

Only one area of non-compliance was identified in this return, that being in relation to finance:

- **Finance Q7** – relates to the Auditor's report for 2013/14 being received by the local government by 31 December 2014.

However, the Shire's Auditors, UHY Haines Norton advised the Minister for Local Government that the audit had not been completed and requested an extension in accordance with the provisions of the Local Government Act 1995. This was approved.

Consultation

Internal: Chief Executive Officer
Acting Manager Corporate Services

Legal Implications

The Statutory Compliance Return is required under Section 7.13 of the Local Government Act 1995 and items 13 – 15 of the Audit Regulations.

Regulation 13 is titled *Prescribed statutory requirements for which compliance audit needed (Act s. 7.13(l)(i))* and sets out a table listing the relevant sections.

Regulations 4 & 5 are as follows:

Reg.14. Compliance audits by local governments

(1) *A local government is to carry out a compliance audit for the period 1 January to 31 December in each year.*

(2) *After carrying out a compliance audit the local government is to prepare a compliance audit return in a form approved by the Minister.*

(3A) *The local government's audit committee is to review the compliance audit return and is to report to the council the results of that review.*

(3) *After the audit committee has reported to the council under subregulation (3A), the compliance audit return is to be —*

(a) *presented to the council at a meeting of the council; and*

(b) *adopted by the council; and*

(c) *recorded in the minutes of the meeting at which it is adopted.*

Reg.15. Compliance audit return, certified copy of etc. to be given to Executive Director

(1) *After the compliance audit return has been presented to the council in accordance with regulation 14(3) a certified copy of the return together with —*

(a) *a copy of the relevant section of the minutes referred to in regulation 14(3)(c); and*

(b) *any additional information explaining or qualifying the compliance audit, is to be submitted to the Executive Director by 31 March next following the period to which the return relates.*

(2) *In this regulation — certified in relation to a compliance audit return means signed by —*

(a) *the mayor or president; and*

(b) *the CEO.*

Policy implications

N/A

Financial implications

N/A

Strategic implications*Shire of Lake Grace Strategic Community Plan*

Civic Leadership Focus Area (5)

- Excellence in Shire administration and communication

Voting Requirements

Simple majority required

Audit Committee Recommendation

1. That Council Adopt the Local Government Statutory Compliance Return 1 January 2014 to 31 December 2014 for the Shire of Lake Grace; and
2. That the Shire President and the Chief Executive Officer endorse the certification contained within the Local Government Statutory Compliance Return.

Voting Requirements

Simple majority required.

Resolution

Moved


Seconded

16.2 SALE OF LOT 212 QUONDONG COURT – USE OF THE COMMON SEAL

Applicant: Acting Manager Corporate Services
File No. 0697/0358
Attachments: Nil
Author: Mr Peter Dittrich


 A/Manager Corporate Services

Disclosure of Interest: None
Date of Report: 12 February 2015
Senior Officer: Mr Neville Hale


 Chief Executive Officer

Summary

For Council to authorise use of the Common Seal to the Appointment of Settlement Agent and Transfer of Land documents for Lot 212 Quondong Court, Lake Grace.

Background

At its December 2014 Ordinary Meeting of Council it was agreed (Motion 11981) to authorise the Chief Executive Officer to accept the offer received from Farmers Centre (1978) Pty Ltd for the purchase of Lot 212 Quondong Court.

Comment

In order to finalise the sale the Shire is now required to apply the Common Seal to the associated documents.

The settlement date of the land transfer is 26th February 2015.

Under the Shire of Lake Grace Standing orders:

Part 17 - Common Seal***17.1 The Council's Common Seal***

(1) The CEO is to have charge of the common seal of the Local Government, and is responsible for the safe custody and proper use of it.

(2) The common seal of the Local Government may only be used on the authority of the Council given either generally or specifically and every document to which the seal is affixed must be signed by the President and the CEO or a senior employee authorised by him or her.

Policy Implications

Policy 1.11 – Use of the Common Seal

Consultation

Internal: CEO

Financial Implications

Nil

Strategic Implications

Nil

Recommendation

That Council authorise the Shire President and Chief Executive Officer to apply the Common Seal to the documents relating to the disposal of 212 Quondong Court Lake Grace.

Voting Requirements

Simple majority required

Resolution

Moved Cr


Seconded Cr

16.3 DEVELOPMENT ASSESSMENT PANEL (DAP) NOMINEES – SHIRE OF LAKE GRACE

Applicant: Department of Planning
File No. 0718
Attachments: Letter & Nomination Form
Author: Mrs Jeanette Bennett


 Executive Assistant

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


 Chief Executive Officer

Summary

For Council to nominate four Elected Members as Development Assessment Panel (DAP) nominees for appointment as DAP members by the Minister for Planning.

Background & Comment

The Shire has received correspondence from the Director General of the Department of Planning advising us that appointments of all existing local government DAP members expires on 26 April 2015.

Development Assessment Panels were established in 2011 to determine planning applications that meet a certain threshold.

The Shire of Lake Grace is requested to nominate four elected members of the Council, comprising two local members and two alternate local members to sit on a local DAP should the need arise.

Following receipt of the nominations, the Minister for Planning will consider and appoint members for a two year term expiring on 26 April 2017.

At its 20 November 2013 Ordinary Meeting, Council considered the appointment of delegates to external committees and organisations and the following Crs were appointed as the Shire's Delegates:

- Cr Armstrong and Cr Chappell as Members
- Cr Walker and Cr Clarke as Deputy Members

Consideration may need to be given to the local government election cycle in that it may result in a change to the Shire's DAP Membership. If current Councillors who are the DAP Members are not re-elected, the Deputy Local DAP Members can take their place.

Terms of office for the relevant Councillors are as follows:

- Cr Armstrong (2017)
- Cr Chappell (2017)
- Cr Walker (2017)
- Cr Clarke (2015)

It is a requirement that all appointed DAP Members attend DAP training before they can sit on a DAP and determine applications. Training options are available in Perth. Local government representatives who have previously been appointed to a DAP and have already received training are not required to attend further training.

Should an application be received from the Shire of Lake Grace requiring a DAP meeting, and the Shire's local members have not yet attended training, the Department of Planning will travel to the country to deliver the training.

The Shire is required to submit its nominations to the Department of Planning by Friday 13 March 2015.

Legal Implications

Regulation 26 of the *Planning and Development (Development Assessment Panels) Regulations 2011*.

Policy Implications

N/A

Consultation

Internal: Chief Executive Officer
Crs Armstrong, Chappell, Walker & Clarke

External: Department of Planning Staff

Financial Implications

Local DAP Members are entitled to be paid for their attendance at DAP training and at DAP Meetings should they be required.

A sitting fee of \$400.00 applies when attending training in Perth.

Strategic Implications

Shire of Lake Grace Strategic Community Plan
Civic Leadership - Focus Area 5)

- Excellence in Shire Administration and Communication

Recommendation

That Council advise the Department of Planning that it nominates Crs Armstrong and Chappell as its local DAP Members; and Crs Walker and Clarke as its Deputy DAP Members

Voting Requirements

Simple majority required.

Resolution

Moved Cr

Seconded Cr

16.4 LAKE GRACE SALEYARDS – FUTURE USE

Applicant: Shire of Lake Grace
File No. 0061
Attachments: Letter & Meeting Notes
Author: Mr Neville Hale



Chief Executive Officer

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



Chief Executive Officer

Summary

For Council to consider submissions in regard to the future of the Lake Grace Saleyards.

Background

The Saleyards facility, being Lot 2, is located on the corner of Gorge Rock and Biddy Camm Roads. The land is owned in freehold by the Shire and is approximately 2.43 ha (6 acres) in area.

In February 2009, Council met with twenty (20) interested persons made up of a number of local business and community members to discuss the future use of the saleyards following the expiry of a lease over the facilities then held by the Western Australian Livestock Salesman's Association (WASLA).

Matters considered at the time included:

- Due to limited use, WASLA was not prepared to carry out required remedial work and had offered the facilities to the Shire; and,
- It was considered that there was limited need for a saleyard facility but recognised that there was a requirement for holding pens and a loading ramp to allow load consolidation for stock carriers.

See attached copy of notes from the meeting. It was resolved that a working group be formed to monitor and assist with the takeover of the facilities. This has since occurred and the working group dissolved.

At its February 2009 Ordinary Meeting, Council resolved through *MOTION 10747* as follows:

*Moved Cr Taylor
 Seconded Cr Newman*

That the offer from the Western Australian Livestock Salesman's Association for Council to accept the facilities within the Lake Grace Saleyards complex situated on Lot 2 Lake Grace, be accepted at no cost from the termination of their lease of the site on 30 June 2009.

MOTION CARRIED 9/0

Following an enquiry, in June 2014, from a local resident interested in purchasing and developing the land, it was identified that the intended use was not consistent with the land's current zoning. Moreover, interest from other parties, including CBH, highlighted the need to revisit the earlier discussion of options for this land. It was considered appropriate that the community should be again given the opportunity to comment on the prospect of the land being sold.

A notice, calling for comment, was placed in the Community News on 18 December 2014 and 29 January 2015 indicating that the land could be sold by public auction at some time in the near future. The period for comment closed on 6 February 2015.

One written submission was received from Fyfe Transport (see attached).

Comment

Since the February 2009 review, the Katanning saleyards have been constructed and these operate as the focal point for such sales. The Lake Grace facility is unlikely to be required for other than local occasional use.

The saleyards previously operated as a private business venture and use by farmers and transport operators could be considered a business rather than a community responsibility.

The land, Lot 2, has been the subject of previous discussions with Council and the community. Proposed uses included lifestyle lots and general industry as well as retention of the current use. However, the options are limited by the expanding presence of the CBH storage facilities and the buffer requirements that impact on the various proposed uses.

In the attached letter from Fyfe Transport, a local business employing a number of local people, it is stated that:

- The existing saleyards are used by farmers to hold small lots of sheep as a pick up point for the company;
- The company currently yard sheep, sometimes overnight, prior to transporting them to Katanning; and,
- The yards form a crucial part of its animal welfare procedures.

As with the previous discussions on this subject, Council may wish to first hold a discussion with interested community members before finalising its position given that there is no immediate written expression of interest.

Council may wish to consider:

- The outright sale of the saleyards;
- The sale of a portion of the 2.43 ha Lot, retaining a smaller area for short term holding pens; or,
- Retaining the facility.

Legal Implications

N/A

Policy Implications

N/A

Consultation

Public notice included in Community News on 18 December 2014 and 29 January 2015.

Submissions received:

- Fyfe Transport

Financial Implications

Subject to sale by auction to determine value.

No provision for proceeds of sale has been made in the current budget nor the Long Term Financial Plan. Accordingly, should the land be sold it would represent an opportunity to place funds in reserve if no immediate need is demonstrated.

Strategic Implications

Shire of Lake Grace Strategic Community Plan

Economic

- EC1 Maintain community built infrastructure and provide an effective and efficient transportation network

Recommendation

That Council invite representatives from local stock agencies, transport operators, interested farmers, CBH and Lake Grace Development Association to attend a meeting to ascertain the level of demand for the retention of the saleyards on Lot 2, cnr Biddy – Camm and Gorge Rock Roads, Lake Grace.

Voting Requirements

Simple majority required.

Resolution

Moved Cr

Seconded Cr

17.0 INFORMATION BULLETIN

17.1 INFORMATION BULLETIN REPORT – NOVEMBER 2014

Applicant:	Executive Services
File No.	N/A
Attachments:	1- 13 (under separate cover)
Author:	Mrs Jeanette Bennett



Executive Assistant

Disclosure of Interest:	Nil
Date of Report:	16 February 2015
Senior Officer:	Mr Neville Hale



Chief Executive Officer

Summary

The purpose of the Information Bulletin is to keep Elected Members informed on matters of interest and importance to Council.

Background

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

Copies of other relevant Councillor information are distributed via email.

Comment

This month's (January 2015) Information Bulletin Report has been emailed to Councillors.

The January 2015 Information Bulletin at attachment includes:

A. Reports

1. December 2014 Council Status Report
2. Infrastructure Services Report – December 2014
3. Infrastructure Services Report – January 2015
4. Outstanding Rates Report – January 2015
5. Environmental Health Officer Report
6. Shire Website & Facebook Statistics December 2014 & January 2015
7. Lake Grace Visitor Centre Statistics

B. Letters / Updates

8. Lake Grace District High School – School Awards Thankyou

C. Minutes

9. Audit Committee – 17 February 2015
10. Newdegate Rejuvenation Committee – 18 February 2015
11. 4WDL VROC – 10 February 2015
12. Roe Tourism Association – 15 December 2015
13. Lake Grace Visitor Centre – 12 January 2015

Legal Implications

Nil

Policy Implications

Nil

Consultation

N/A

Financial Implications

Nil

Strategic Implications*Shire of Lake Grace Strategic Community Plan*

Civic Leadership - Focus Area 5)

- Excellence in Shire Administration and Communication

Voting Requirements

Simple majority required.

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 MARCH 2015 ORDINARY MEETING

As per Resolution 11960, 19 November 2014 the March 2015 Ordinary Meeting of Council has been scheduled to take place on Wednesday 25 March 2015, commencing at 3.00 pm at the Varley Sports Pavilion, Varley 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 Items 20.1 and 20.2.

MOTION CARRIED

20.1 LAKE GRACE MEDICAL PRACTICE – GENERAL PRACTITIONER

Item forwarded under separate cover.

20.2 EASTERN WHEATBELT DECLARED SPECIES GROUP INC. - FUNDING

Item forwarded under separate cover.

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 February 2015 as shown were confirmed as a true record at the meeting held on the 25 March 2015.

Chairman

Date