

Shire of Lake Grace

# Ordinary Council Meeting

# Minutes

26 June 2013



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## **SHIRE OF LAKE GRACE**

Minutes of the Ordinary Meeting of Council held at the Council Chambers, 1 Bishop Street Lake Grace WA on Wednesday 26 June 2013.

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

The Shire President opened the meeting at 2.00pm.

### **2.0 ATTENDANCE RECORD**

#### **2.1 PRESENT**

Cr Armstrong	Shire President
Cr IG Chamberlain	Deputy Shire President
Cr R Chappell	
Cr JF De Landgraftt	
Cr SG Hunt	
Cr WA Newman	
Cr OP Farrelly	
Cr DP Sinclair	
Cr AJ Walker	
Mr GK Simpson	Acting Chief Executive Officer
Mr J Bingham	Manager Corporate Services
Mr M Harrop	Manager Infrastructure Services
Mrs L Holben	Manager Community Services
Mrs J Bennett	Executive Assistant

#### **2.2 APOLOGIES**

None

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

##### **Cr Walker**

As per motion 11629 at the 22 May 2013 Ordinary Meeting, Cr Walker has approved leave of absence from 10 July - 10 August 2013.

### **3.0 PUBLIC QUESTION TIME**

No members of the public present

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

None

**5.0 MINUTES OF PREVIOUS COUNCIL MEETINGS**

**5.1 ORDINARY MEETING – 22 MAY 2013**

Resolution

**MOTION 11647**

Moved Cr Hunt  
Seconded Cr Farrelly

That the minutes of the Ordinary Meeting of Council held on the 22 May 2013 be confirmed as a true and accurate record.

**MOTION CARRIED 9/0**

**6.0 DECLARATIONS OF INTEREST**

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

None

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

None

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

None

**7.0 NOTICES OF URGENT BUSINESS**

**7.1 LATE ITEM – 11.1 SHIRE OF LAKE GRACE ASSET MANAGEMENT PLAN**

The President advised that a late item: 11.2 Shire of Lake Grace Asset Management Plan as emailed to Councillors will be included in today's agenda.

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

Nil

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

Nil

**10.0 MEMBERS' REPORTS**

**10.1 CR CHAMBERLAIN**

On Wednesday 30 May 2013 the Acting CEO and I attended a luncheon in Narrogin to meet the Land Corp Board and Staff and Wheatbelt Development Commission (WDC) officers.

The purpose was to discuss local land development issues under the Regional Development Assistance Program and the sub regional planning process which the WDC is taking a lead role.

Issued Raised were;

- The provision of the industrial land within Newdegate.
- The need for upfront water and electricity supplies to Lake King to enable future development
- The acquisition of two parcels of land in Mason St Lake Grace to enable the Shire to gain a service easement over the reserve land opposite the Shire Depot and to be able to get lots 273 and 274 in Mason Street St to provide machinery parking space.

The outcome was that the Business Manager RDAP will follow up the issues and meet with the Shire in the near future.

**10.2 CR NEWMAN**

Cr Newman reported on the Newdegate Railway Station Relocation Project being undertaken by the Newdegate Field Day Committee. CBH have been approached to part fund the project and Brookfield Rail have indicated an interest in moving the building.

The Jerramungup Shire have lost their resident Doctor and are having trouble employing another.

**10.3 CR FARRELLY**

Cr Farrelly reported attendance at the Wheatbelt Development Commission's Aged Care Solutions Project Workshop held in Lake Grace on 19 June. It was an interesting day, the Shire will receive all the information and will share it with Council at some point.

**10.4 CR ARMSTRONG**

- At Cr Armstrong's request the Acting Chief Executive Officer reported on the recent interviews undertaken by the Eastern Wheatbelt Primary Care Project Group (EWPCPG) of providers to undertake the process of potentially setting an entity which will support the continuity of medical practitioner services for the Shires of Lake Grace, Kulin, Kondinin and Narembeen.
- The ACEO advised the EWPC Group selected First Health of Albany to undertake the process of determining the viability of the project and as of yesterday they had commenced talking to Doctors around the district.
- Cr Armstrong reported chairing the 4WDL (Regional Voluntary Organisation of Councils) at Lake Grace earlier in June. The Hon Terry Waldron attended the meeting as well as representatives from the Shire of Kent. The main project for the group is the building of seniors independent living units across the seven shires. The group inspected the progress on the Bennett St units during the meeting.

- The Isolated Children's Parent Association held a public forum in Newdegate recently to discuss the Year 7 transition. The topic received a good airing, 50-60 people were in attendance including Education Department representatives.
- Attended the recent Wheatbelt Aged Care Solutions Workshop in Lake Grace – the Wheatbelt Development Commission were here to hear from the community their concerns re the aged being cared for in their homes. A Federal and State report concerning funding is coming soon.
- Attended the recent Nationals Forum held at the Lake Grace Sportsmans Club, main reason for attendance was to do some networking for assistance eg the Newdegate Research Station.
- Chaired the recent LEMC (Local Emergency Management Committee) – a topic from the meeting was the condition of the Tarco Rd communications tower, the Community Emergency Services Manager is to investigate with the view to getting it back up and running.
- Attended a WALGA (Western Australian Local Government Association) Focus Group Meeting in Narrogin yesterday with other Shires – it was an information gathering exercise on the adequacy of WALGA's service provision. It was a good forum, at this point in time regional areas are not being that well looked after by WALGA, a report is to come out.

<b>11.0 MATTERS FOR CONSIDERATION – WORKS &amp; SERVICES</b>
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**11.1 AGRICULTURE AREA (AA) DAM NUMBER 190 – JAMES DAM**

<b>Applicant:</b>	Water Corporation
<b>File No.</b>	0504
<b>Attachments:</b>	1. Letter - Water Corporation Application 2. 2004 AA Dam Rationalisation Survey Results
<b>Author:</b>	Mr Graeme Simpson Acting Chief Executive Officer
<b>Disclosure of Interest:</b>	Nil
<b>Date of Report:</b>	13 June 2013
<b>Senior Officer:</b>	Mr Graeme Simpson Acting Chief Executive Officer

Summary

The Water Corporation has requested that Council consider a proposal to transfer Management Order for Reserve 16318 (being AA Dam No 190 – James Dam) to the Shire.

Council resolved in September 2004 (Motion 9831) and inter alia;

- There are 14 dams listed for consideration and listing in the Emergency Farmland Water Response Plan. James Dam is not one of the 14 identified strategic dams.
- The Shire will not accept responsibility for strategic dams

Background

In April 2004 the Shire conducted a community survey of all Agriculture Area dams and requested comments and suggestions as to their importance to the farming community.

James Dam (Number 190) received comments from 5 residents:

- Pipeline might go and the dam may be needed in the future.
- Farmers would be involved in its upkeep.
- The dam will be good backup for dry years.
- Should we retain for tourism, walks, wildlife and flora

A recent inspection of the site has shown:

- The dam was left in situ and the infrastructure has deteriorated;
- The overhead tank stands look sturdy but the northern tank is badly rusted and the connection pipe between the tanks has become blocked.
- The connection from the water main to the tanks has been severed because of underground leaks in the service pipe.
- The narrow inlet and outlet pipes restrict the flow rate of water and it takes a long while to fill water tanks.
- The boundary fence is in a poor state of repair.
- It is assumed that the catchment dam needs dredging and the catchment needs maintenance.

Comment

The Water Corporation has received a request from a neighbouring farmer who has indicated his interest in acquiring this for private use. However, this may have implications for the future access by the public and the Shire.



There is a standpipe available in Lake Grace and another standpipe 16 kilometres away at the North Lake Grace, therefore access to water in dry conditions is not an unreasonable distance.

In view of the dilapidation of the existing infrastructure it is essential that the unserviceable tanks and stands be removed and a road side fence be erected to prevent unauthorised access.

#### Legal Implications

If the Council desires to accept the offer of the management order it would also be accepting all legal responsibilities associated with the care and control of the assets.

If Council chooses to refuse acceptance and control is to be given to a neighbouring landowner then the Shire needs to ensure that the access from the public road is prevented.

#### Consultation

A comprehensive consultation process was undertaken in 2004 and as the dam does not have strategic importance it is not envisaged that the Shire needs reopen the question, it can be left to the Water Corporation to publicise its intention to dispose of the dam and catchment.

Shire staff have indicated that there is no operational need for the Shire to acquire the site.

#### Financial Implications

The Shire will only be financially implicated if Council acquires the site.

#### Strategic Implications

Nil

#### Voting Requirements

Simple majority required

#### Recommendation/Resolution

### **MOTION 11648**

Moved Cr Chappell  
Seconded Cr Walker

That Council advises the Water Corporation that:-

1. The Shire does not consider that James Dam is of strategic significance and declines the offer of the Management Order over the amalgamated land parcel.
2. The supporting infrastructure on site has deteriorated and needs to be removed, namely tank stands, tanks with associated pipe work and the road side fence.
3. A new road side fence needs to be erected to prevent public access to the dam and spillway.
4. The Shire supports the proposal for nearby landowners to have use of the dam.

**MOTION CARRIED 9/0**

## 11.2 **SHIRE OF LAKE GRACE ASSET MANAGEMENT PLAN**

**Applicant:** Manager Infrastructure Services  
**File No.** 0603  
**Attachments:** Asset Management Plan  
**Author:** Mr Martin Harrop  
Manager Infrastructure Services  
**Disclosure of Interest:** Nil  
**Date of Report:** 24 June 2013  
Acting Chief Executive Officer

### Summary

The State Government of Western Australia requires all local governments to plan for the future as prescribed by the Local Government Act 1995. Part of this planning involves considering how the local government will continue to deliver services to the community on a long term basis.

The Shire of Lake Grace has prepared a 1<sup>st</sup> Cut Asset Management Plan aligned with the Western Australian Department of Local Government Asset Management Framework and International Infrastructure Management Manual (IIMM).

The key outcome of this report is to show how the shire will manage its infrastructure asset and ensure service delivery continues in line with the aspirations of the Councils Strategic Community Plan (SCP) and Corporate Business Plan (CBP).

### Background

In 2011, amendments to the Local Government (Administration) Regulations 1996 defined what comprised a plan for the future, which is the preparation of an Integrated Strategic Plan (ISP) comprising a Strategic Community Plan (SCP) and Corporate Business Plan (CBP).

The development of an asset management strategy and plans form part of the informing documents. The diagram in Figure 1 outlines how the various documents required by the Integrated Strategic Planning Framework guide and inform the development of the Community and Corporate plans. The ISP Framework needs to be in place by 30 June 2013.



Figure 1: Integrated Planning and Reporting Framework

Comment

**What is Asset Management?**

Asset Management is the task of managing non-current assets for the lowest lifecycle cost. In local government it goes one step further in that local governments need to focus on the service being delivered to the community and aim to deliver the service at the lowest lifecycle cost rather than the asset. In some instances this will mean that local government look for non-asset ownership solutions.

Currently community and technical levels of service (LoS) have not been determined for the Shire’s asset classes. The LoS aspired by the community ultimately determines the lifecycle costs to maintain assets. The development of Asset LoS is key to the revision of the 1<sup>st</sup> cut Asset Management Plan as it will affect the financial modelling.

**What assets do we currently have?**

This Asset Management Improvement Plan has compiled a list of assets and their values from existing databases and asset registers.

Some of this information is incomplete and/or out of date. The Asset Management Plan provides an opportunity to improve our asset knowledge and build a more complete picture over time. In the short term we will focus on assets that are (or potentially are) problematic for us now.

The Shire has \$153 Million of renewable assets as listed in Table 1 across several asset classes.

<b>Infrastructure Summary</b>	<b>Renewal Estimate (\$)</b>	<b>%</b>
Roads	\$ 92,372,453.00	60.3%
Pathways	\$ 1,168,850.00	0.8%
Buildings	\$ 48,965,050.00	31.9%
Hydrographics	\$ 719,480.00	0.5%
Water Supply	\$ 677,500.00	0.4%
Waste Water	\$ 2,877,549.00	1.9%
Parks & Reserves	\$ 2,740,950.00	1.8%
Miscellaneous	\$ 3,792,500.00	2.5%
<b>Total Infrastructure</b>	<b>\$ 153,314,332.00</b>	<b>100.0%</b>

**Table 1: Shire of Lake Grace Infrastructure Summary**

### **The Renewal Demand Model**

Financial modelling is used to predict future infrastructure management cost requirements to maintain assets at current conditions level. The Moloney Renewal Model was the financial modelling tool used to predict future expenditure requirements and asset conditions based on the adopted asset deterioration curves. The Moloney Model is used across local government nationally in asset management to forecast expenditure requirements on asset renewal.

### **The Renewal Funding Gap**

The purpose of asset management is to develop plans to maintain infrastructure at a particular service level and provide suitable funds to do this. The Current Asset management position after the financial modelling has indicated a renewal demand across all asset classes.

The annual renewal funding gap in dollars (\$) is shown in Figure 2 and based on preliminary information the annual renewal gap over next 20 years is \$5.334M. The renewal gap is the difference between current and required expenditure for asset renewal based on the modelling parameters used for asset deterioration and asset condition.

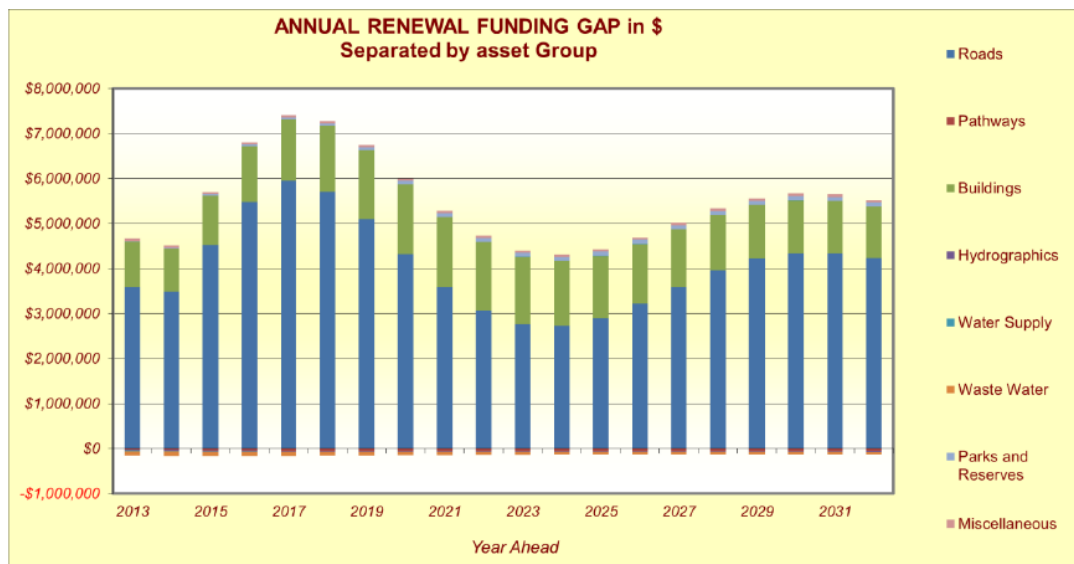


Figure 2: Annual Funding Renewal Gap over 20 years split by Asset Group

### Funding Capacity

The results of the 1<sup>st</sup> Cut Moloney modelling predict an annual funding gap of \$5.334M based on current asset information. The Moloney model can also be used to determine the funding requirements to close the gap entirely from rates revenue. The report states that an increase of 8.78% per annum over 19 years from 2011-2012 financial year rate base would be sufficient to close the funding gap for asset renewal expenditure.

As stated within the report the 1<sup>st</sup> cut model may not be all that accurate and should not be relied upon to determine long term funding needs. Issues contributing to the uncertainty include:

- Assumptions made on asset condition for each asset class impacts modelling results
- Intervention condition for renewal of asset affects modelling results
- Overall lives of the asset
- Quality of the asset data is considered old (2-5 years) and adhoc collected

Overall the modelling provides an indication of work required to improve the Asset Management plan.

### Current Status of Asset Management Data, Systems & Processes

The Asset Improvement Plan is a step forward in a sustained process to develop a fully integrated organizational asset management strategy. The key focus areas that need work to be undertaken include:

- Stakeholder Engagement – document stakeholder methodology in future versions of the Asset Management Plan
- Asset Management Policy Update – to provide options for service delivery and consideration of whole of life costs in the planning of service delivery
- Defining Levels of Service - define level of service (LOS) framework for Shire asset classes and document the cost of delivering such a service

- Risk Management Framework – Develop and document an adequate Risk Management Framework in future versions of the Asset Management Plans
- Asset Register Quality - need to resource the collection and management of asset registers to ensure inventory, condition and reporting done routinely
- Operations and Maintenance Strategy – develop and document Shire financial operation and maintenance strategy
- Renewal and Replacement strategy – document Renewal Intervention Condition Levels (RICL) for each asset class
- Capital Investment Strategy -prepare and document capital investment strategy
- Renewal and Maintenance Expenditure Quality – Improve the accuracy of the reported expenditure
- Modelling Parameters and Uncertainty – Review the modelling parameters used in the Moloney modelling to improve confidence in modelling results
- Governance and Management Arrangements - Continue the Asset Management Working Group

#### Legal Implications

Local Government Act 1995 - 5.56 Planning for the Future

Local Government (Administration) Regulations 1996 – Part 5.3

#### Policy Implications

Policy 7.9 Asset Management

#### Consultation

Internal: Senior Management Team

External: Core Business Australia

#### Financial Implications

Administration costs covered within the existing budget.

#### Strategic Implications

Shire of Lake Grace Strategic Plan – Item 6 Leadership - Provide a visionary and proactive approach to leadership at an operational and strategic level

#### Voting Requirements

Simple majority required.

Recommendation/Resolution

**MOTION 11649**

Moved Cr Newman  
Seconded Cr Hunt

That Council:

1. Acknowledge the Manager of Infrastructure Services report as an informing strategy regarding the development of the Shire's Asset Management Plan as a component of its Integrated Planning.
2. Receive Version 1 of the Asset Management Plan with Councillors requested to review the 1<sup>st</sup> Cut and provide comment to the Chief Executive Officer.

**MOTION CARRIED 9/0**

<b>12.0 MATTERS FOR CONSIDERATION – PLANNING</b>
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<b>12.1 <u>PROPOSED 'A' CLASS RESERVE–RESERVE 34213 FENCE ROAD LAKE CAMM</u></b>
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**MOTION 11650**

Moved Cr Newman  
Seconded Cr De Landgraftt

That Standing Orders (under clause 8.5 & 8.6) be suspended, at this time being 2.21pm, to allow discussion on the matter of Reserve 34213.

**MOTION CARRIED 9/0**

**MOTION 11651**

Moved Cr Sinclair  
Seconded Cr De Landgraftt

That Standing Orders resume, the time being 2.26pm.

**MOTION CARRIED 9/0**

<b>Applicant:</b>	Dept of Environment and Conservation
<b>File No.</b>	0359
<b>Attachments:</b>	1. Reserve 34213 plan dated 24 May 2013 2. Agenda item 12.2 from the 26 October 2011 meeting
<b>Author:</b>	Mr Graeme Simpson Acting Chief Executive Officer
<b>Disclosure of Interest:</b>	Nil
<b>Date of Report:</b>	11 June 2013
<b>Senior Officer:</b>	Mr Graeme Simpson Acting Chief Executive Officer

Summary

The Department of Environment and Conservation has written to the Shire advising of its findings in respect to Councils previous decision of the 26 October 2011 and is seeking reconsideration of Councils former position and support of the Shire for the transfer of Crown Reserve 34213 to the Conservation Commission of WA as an 'A' class native reserve.

Background

Council previously resolved by resolution 11308;

*That Council does not support the DEC's bid to re-classify Reserve 34213 to a Class A Reserve for conservation purposes on the grounds that Reserve 34213 may be required in the future for water requirements for what is a water deficient area .*

The Acting Director General of the Department of Environment and Conservation has responded and advises Council as follows:



- Nature reserves when managed by DEC are set aside for the conservation of flora and fauna and they are managed so as to maintain and restore the natural environment. Passive recreation that is compatible with the proposed reserve's purpose of "Conservation and Flora and Fauna", such as bushwalking and nature appreciation, are allowed.
- The reserve is 323.7ha in size and contains vegetation in good condition, a large granite outcrop, a track for access to the granite outcrop and records of *Isoetes brevicula*, a Priority level 3 perennial herb found only in rock hollows on granite outcrop.
- Reserve 34213 has significant conservation values as both a nature refuge and a recreational site for locals. To conserve both these uses DEC proposes that the reserve be managed as a Nature Reserve thus allowing for the passive recreation to continue within Reserve 34213.

DEC previously approached the Shire of Lake Grace in late 2011 regarding this proposal. At the time the Shire indicated that the Lake King area is water deficient and that the reserve, which is currently has the purpose of "Water" might be required for future water needs.

Further investigation of the site and discussions with the Department of Water (DOW) indicate that there is no water infrastructure currently constructed within Reserve 34213.

DOW also advised that there was no documented water source of any significance or water extraction information for this reserve and that the site is not a priority for establishment of a community water supply.

DOW advised that there are a number of existing strategic community water supplies in the Shire of Lake Grace and they are focused on maintaining these sites to provide emergency water supplies.

#### Comment

Reserve 34213 is located on the western side of Fence Road between Broombrush Flat Road and Finley Road in the Lake Camm locality and comprises a total area of 323.7ha.

The subject land is characterised by low level scrub type vegetation and includes a centrally located granite outcrop and an internal walking track from Fence Road to granite outcrop.

Management of this area is difficult because of its remote location and it abuts farming land so the comment by the Acting Director General that "*management of this area for conservation will ensure that the vegetation and associated fauna within Reserve 34213, including *Isoetes brevicula* is protected and that community can continue to use this area for passive recreation*" can be viewed in a positive light as the aim of the Department should encourage it to make sure firebreaks are maintained.

#### Legal Implications

The Shire of Lake Grace Local Planning Scheme No 4 shows the current classification as Local Scheme Reserve – Public Purposes – Water Supply and needs to be changed to Local Scheme Reserve – Conservation.

This can be considered to be a minor amendment and left to the next review or as a part of a future omnibus amendment to LPS4.

*Local Government (administration) Regulations 10(2)(b) states*

*(2) If a decision has been made at council or a committee meeting then any decision to revoke or change the first-mentioned decision must be made –*

*(a) in the case where the decision to be revoked or changed was required to be made by an absolute majority or by a special majority, by that kind of majority or*

*(b) in any other case, by an absolute majority.*

*(3) This regulation does not apply to the change of decision unless the effect of the change would be that the decision would be revoked or would become substantially different.*

*[Regulation 10 amended in Gazette 31 Mar 2005 p. 1030]*

In this application the request is for the previous Council decision, Motion 11308 dated 26 October 2011, to be changed to become directly opposed to the previous intention.

#### Policy Implications

Nil

#### Consultation

The Department of Environment and Conservation has had discussions with the Department of Water and its advice was;

- There is no water infrastructure currently constructed on the reserve 34213
- There is no documented water source of any significance or water extraction information for this reserve and the site and not a priority for establishment of a community water supply.
- There is a number of existing strategic community water supplies in the Shire and the Department of Water is focused on maintaining those sites to provide emergency water supplies

#### Financial Implications

There will be a cost to amend the Local Planning Scheme No 4 which will include advertising the proposed change. This could cost up to \$500.00 to complete.

#### Strategic Implications

The proposal is consistent with the environment protection objectives of the Shire of Lake Grace Planning Strategy.

The proposal will allow the land to be used for passive recreation purposes in a manner consistent with and complementary to DEC's conservation objectives. As such it is likely to have significant and worthwhile cultural benefits for the local community and travelling public.

#### Recommendation

That Council resolve to:

- 1) advise the Department of Environment and Conservation that the Shire of Lake Grace supports the proposal to have Reserve 34213 set aside as a 'Class A' reserve vested in the Conservation Commission of Western Australia for the purpose of Conservation of Flora and Fauna; and,
- 2) That the classification of Reserve 34213 in the Shire of Lake Grace Local Planning Scheme no 4 (LPS No 4) be changed from 'Local Scheme

Reserve – Public Purpose – Water Supply’ to ‘Local Scheme Reserve – Conservation’ reserve in the next review of LPS No 4 or as part of a future possible omnibus amendment to LPS No 4.

Voting Requirements

Motion to Change Motion 11308 dated 26 October 2011 requires an absolute majority (5).

Recommendations 1 and 2 require a simple majority.

Resolution

**MOTION 11652**

Moved Cr Newman  
Seconded Cr De Landgraft

That as previously resolved through Motion 11308 of October 2011:

Council does not support the DEC’s bid to re-classify Reserve 34213 to a Class A Reserve for conservation purposes on the grounds that Reserve 34213 may be required in the future for water or other community requirements for what is a water deficient area.

**MOTION CARRIED 9/0**

***REASON FOR CHANGE***

***Council has not changed its position on this matter and has added the words ‘or other community’ to the original motion.***

## 12.2 **PROPOSED LIGHT INDUSTRIAL SUBDIVISION ON PORTION OF RESERVES 29080 & 39314 LAKE GRACE-NEWDEGATE ROAD, NEWDEGATE**

<b>Applicant:</b>	Shire of Lake Grace
<b>File No.</b>	0370 & 0726
<b>Attachments:</b>	Plans 1 to 4 and Attachment 1
<b>Authors:</b>	Messrs Joe Douglas & Carlo Famiano (Urban & Rural Perspectives)
<b>Disclosure of Interest:</b>	Nil
<b>Date of Report:</b>	18 June 2013
<b>Senior Officer:</b>	Mr Graeme Simpson Acting Chief Executive Officer

### Summary

This report has been prepared pursuant to a previous resolution by Council to defer consideration of Item 12.1 in the October 2012 agenda which provided details of a recent decision by the Western Australian Planning Commission to grant conditional approval to a proposed new light industrial subdivision development in the Newdegate townsite.

This revised version of the previous report aims to inform Council of:

- i) the background to and general history of the proposed development of a new light industrial area in the Newdegate townsite and Council's decision in December 2001 to progress the subdivision development of a 3.26 hectare portion of Reserves 29080 & 39314 Lake Grace-Newdegate Road in the western extremities of the townsite for this purpose; and
- ii) the Western Australian Planning Commission's (WAPC's) decision on the 27th September 2012 to grant conditional approval to the proposed subdivision by LandCorp of portion of Reserves 29080 & 39314 Lake Grace-Newdegate Road to allow for the creation of nine (9) individually titled light industrial lots.

### Background

As Council is aware the Shire of Lake Grace has for many years been investigating a suitable location for the development of additional light industrial land in Newdegate to address the shortage of land of this type in the townsite.

Between 1997 and 2001 Council considered a total of six (6) different site development options for the project, the locations of which are illustrated on the attached Plan 1.

Following detailed investigation of each option, including planning, environmental and engineering studies and consultation with various government agencies including the Water Corporation, Western Power, Telstra the Department of Environment and Conservation, Department of Planning and Department of Regional Development and Lands (formerly DOLA), Council resolved at its Ordinary Meeting on 19 December 2001 to proceed with the various tasks required to progress the subdivision development of a 3.26 hectare portion of Reserves 29080 & 39314 Lake Grace-Newdegate Road in the western extremities of the Newdegate townsite (i.e. Option 2 as shown on the attached Plan 1).

In 2003, following more detailed investigations, discussions and negotiations between the Shire, LandCorp, the Department of Regional Development and Lands

and various service agencies, it was agreed that LandCorp would proceed to obtain the necessary approval from the WAPC to subdivide portion of Reserves 29080 & 39314 Lake Grace-Newdegate Road to create a total of thirty three (33) new individually titled light industrial lots.

On the 30 June 2005 a subdivision application prepared under the authority of LandCorp and the Department of Regional Development and Lands was submitted to the WAPC to obtain approval for Stage 1 of the project comprising the relevant portion of Reserves 29080 & 39314. Under the terms of that application a total of nine (9) new light industrial lots ranging in size from 1,462m<sup>2</sup> to 3,622m<sup>2</sup> plus one drainage lot of 6,350m<sup>2</sup> and all associated roadways were proposed (see Plans 2 to 4).

On the 27th September 2012 the WAPC, after much deliberation over Council's decision in September 2005 not to support the subdivision application despite having been instrumental in initiating the whole process, decided to grant conditional approval for Stage 1 of the project as proposed to give all parties concerned the flexibility required to help address the current shortage of light industrial land in the townsite in the short term future. The Commission's approval, which is valid for a period of four (4) years from the abovementioned date, includes ten (10) standard conditions and nine (9) associated advice notes which will need to be satisfied as part of the project's implementation (see Attachment 1).

#### Comment

In light of the Commission's recent approval there is now considerable scope to secure LandCorp's agreement to commence the engineering design and physical construction works required to implement Stage 1 of the project should the Shire wish to proceed. Any such agreement by LandCorp will however be dependent upon the availability of funding and LandCorp's current development priorities.

It is significant to also note that the WAPC's approval of the application also provides the Shire with an alternative option for the development and release of additional light industrial land in Newdegate townsite in the event that the WAPC and EPA decide not to support Council's more recent proposal to progress the rezoning and subdivision of portion of Reserves 20531 & 25063 in the eastern part of the townsite adjacent to Lake Burkett (i.e. Option 6 as shown on the attached Plan 1) due to potential environmental constraints and/or higher than anticipated development costs.

#### Legal Implications

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

#### Policy Implications

Nil

#### Consultation

A significant amount of community consultation has been undertaken by the Shire since the project's inception in 1997. Community feedback was sought on all of the site options illustrated on the attached Plan 1. No particular site option presented to the local community received overwhelming feedback, support or opposition. The community were generally supportive of most options presented and appeared more interested in Council making a firm commitment to the project's implementation on any one of the proposed sites to address the industrial land supply shortage in the townsite.

In addition to the community consultation process undertaken by the Shire between 1997 and 2001, details of all site options under consideration were also referred to the Department of Environment and Conservation and Department of Planning for review and comment. Both of these agencies indicated their general preference and support for the development of portion of Reserves 29080 & 39314 Lake Grace-Newdegate Road due to its locational and environmental advantages.

Given Council's decision in December 2001 to pursue the subdivision development of portion of Reserves 29080 & 39314 Lake Grace-Newdegate Road for light industrial purposes, public advertising of the Shire's intention to rezone and develop the land for this purpose was undertaken in the latter half of 2004 for a period of ninety (90) days as part of the process of formulating the Shire's now approved and operative Local Planning Scheme No.4 and Local Planning Strategy. It is significant to note that during public advertising only one (1) submission was received from the local community objecting to the proposal, the details of which are outlined as follows:

**Submitter:**

Sylvia J Brandenburg - "Bounty" Ravensthorpe Road LAKE KING WA 6356

**Summary of Comments Received:**

*Concerned that the proposed new light industrial area in Newdegate comprising a portion of Crown Reserves 29080 and 39314 is too far removed from the town centre area and other businesses of a similar nature. Recommend that the Shire consider developing other sites for this purpose including privately owned land adjacent to the Newdegate townsite or the old refuse disposal site along the Newdegate – Ravensthorpe Road.*

**Council's Final Recommendation on the Submission:**

*That the comments by Mrs Sylvia Brandenburg regarding the location of the proposed new light industrial area in Newdegate be duly noted but that no modifications be made to the Local Planning Strategy (LPS) or Town Planning Scheme No.4 (TPS No.4) for the following reasons:*

- i) The site identified in the LPS and TPS No.4 was determined by Council as the preferred location for future industrial development in Newdegate following detailed investigation of a number of site options and discussions with the relevant landowners;*
- ii) Council's preferred site is capable of being developed to accommodate a wide variety of industrial land uses in close proximity to the Newdegate townsite without compromising the existing character or amenity of the immediate locality or the natural environment;*
- iii) The Newdegate community is generally supportive of future industrial development in this location; and*
- iv) LandCorp, DOLA and the Department of Local Government and Regional Development, following confirmation of Council's preferred site option, have undertaken a significant amount of work to progress the development and release of the required land and are in the final stages of securing all the necessary funding and development approvals.*

Despite the objection referred to above, Council resolved in February 2003 to dismiss it and finally adopt Local Planning Scheme No.4 and Local Planning Strategy including the rezoning of Reserves 29080 & 39314 Lake Grace-Newdegate Road, Newdegate for light industrial purposes as proposed. It was on the basis of that decision that the Western Australian Planning Commission and Hon. Minister for Planning granted final approval on 31 August 2007 to the rezoning of the land for the intended purpose.

Financial Implications

To be determined following the preparation of revised development cost estimates by LandCorp. It is anticipated that LandCorp will bear most of the costs associated with the project however the Shire may be asked to make some in-kind contributions during the construction process to help reduce overall costs.

Strategic Implications

The proposed subdivision of portion of Reserves 29080 & 39314 Lake Grace-Newdegate Road, Newdegate is consistent with the strategic direction provided in the Shire of Lake Grace Local Planning Strategy as this applies specifically to the development of additional light industrial land in the Newdegate townsite. It also provides a further short term, economically viable opportunity to address the current shortage of land of this type in the townsite which has been a longstanding issue that remains unresolved.

Recommendation

That Council receive and acknowledge the correspondence received from the Western Australian Planning Commission confirming the issuance of conditional subdivision approval for the creation of nine (9) new light industrial lots on portion of Reserves 29080 & 39314 Lake Grace-Newdegate Road, Newdegate which is valid for a period of four (4) years from the 27th September 2012.

Voting Requirements

Simple majority required

Resolution**MOTION 11653**

Moved Cr Chamberlain  
Seconded Cr Newman

1. That Council Receive and acknowledge the correspondence received from the Western Australian Planning Commission confirming the issuance of conditional subdivision approval for the creation of nine (9) new light industrial lots on portion of Reserves 29080 & 39314 Lake Grace-Newdegate Road, Newdegate which is valid for a period of four (4) years from the 27th September 2012.
2. That the Shire of Lake Grace inform the Planning Commission that it has not changed its position of September 2005 and does not wish to support any industrial development on Reserves 29080 and 39314.
3. That Council considers the location of the subject land not suitable for the purposes of industrial lots.

**MOTION CARRIED 9/0**

***Reasons for Change***

- ***Council has previously decided its preferred area.***
- ***The subject land is a gravel pit and has a drain right across it.***
- ***It would require a lot of extra gravel for the levels.***
- ***Septics will not work as you cannot dig there.***
- ***With regard to the preferred Lake Burkett option and the environmental study that it required there is always the option of an alternative consultant.***

### **12.3 PLANNING APPLICATION – PROPOSED UPGRADES TO LAKE GRACE SPORTS PAVILLION, LOT 75 BISHOP STREET, LAKE GRACE**

<b>Applicant:</b>	Shire of Lake Grace
<b>File No.</b>	0546
<b>Attachments:</b>	Plans 5 to 9
<b>Authors:</b>	Messrs Joe Douglas & Carlo Famiano (Urban & Rural Perspectives)
<b>Disclosure of Interest:</b>	Nil
<b>Date of Report:</b>	18 June 2013
<b>Senior Officer:</b>	Mr Graeme Simpson Acting Chief Executive Officer

#### Summary

This report recommends that a planning application submitted by the Shire of Lake Grace to undertake a number of alterations and additions to the existing sports pavilion building on Lot 75 Bishop Street, Lake Grace be approved subject to conditions.

#### Background & Comment

The Shire of Lake Grace has undertaken various tasks to progress a number of proposed upgrades to the existing sports pavilion on Lot 75 Bishop Street, Lake Grace (i.e. the 'Lake Grace Recreation Reserve') for the benefit of the local community. Tasks undertaken to-date include preparation of design concepts and final working drawings for construction purposes and preparation and lodgement of a formal planning application for consideration and approval by Council (see Plans 5 to 9).

Lot 75 is classified 'Local Scheme Reserve - Recreation' under the Shire of Lake Grace's current operative Local Planning Scheme No.4 (LPS No.4).

Given the land's current reserve classification in LPS No.4 Council is required to consider the proposal and issue a formal planning approval in accordance with Clause 3.4.1 of LPS No.4 to enable the proposed development to proceed.

Clause 3.4.2 of LPS No.4 states that in determining a planning application for the development and use of any land reserved under LPS No.4 Council must have due regard for the various general matters set out in clause 10.2 of LPS No.4 and the ultimate purpose intended by the land's reserve classification.

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 consideration the local government deems relevant in the circumstances.

Council is advised that LPS No.4 does not contain any specific provisions or standards for the development and use of any land in the Scheme Area for 'recreational' purposes. As such any planning application received for the development and/or use of any such land must be determined by Council on its merits with due regard for any impacts it may have on surrounding land uses and the general character, amenity, functionality and safety of the immediate locality.



Following a detailed assessment of the proposal in the context of the specific requirements of LPS No.4 the reporting offices have formed the view that the proposed alterations and additions to the existing sports pavilion building on Lot 75 Bishop Street, Lake Grace are generally acceptable for the following reasons:

- They are complimentary to and therefore unlikely to compromise the continued use of Lot 75 for 'recreational' purposes being its current designated purpose under LPS No.4.
- They are unlikely to have a detrimental impact on the natural environment;
- They will result in much needed improvements and upgrades to the existing sports pavilion building which could be expected to have significant cultural, recreational and social benefits for the local community;
- The existing sports pavilion is suitably located and comprises adequate setbacks from all property boundaries and other existing improvements on Lot 75; and
- The size, scale and finish of the proposed works are generally consistent with other existing improvements on Lot 75 and are therefore unlikely to have a detrimental impact on the character or amenity of the land or its immediate surrounds.

#### Conclusion

It is concluded from a detailed assessment of the application that the proposed alterations and additions to the existing sports pavilion building on Lot 75 Bishop Street, Lake Grace are capable of being implemented in a proper and orderly manner and are 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

#### Policy Implications

Nil

#### Consultation

Not required however it is understood that the local community is generally supportive and has had significant involvement in formulation of the preferred design concept from the project's inception.

#### Financial Implications

It is understood that the total cost of the project will be in the order of \$750,000 excluding GST. The Shire Administration is currently undertaking various tasks to finalise project costings and future funding arrangements.

#### Strategic Implications

Nil

#### Voting Requirements

Simple majority required

Recommendation/Resolution

**MOTION 11654**

Moved Cr Chappell  
Seconded Cr Sinclair

That the application for planning approval submitted by the Shire of Lake Grace to undertake a number of alterations and additions to the existing sports pavilion building on Lot 75 Bishop 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 details of the information and plans submitted in support of the application.
2. All stormwater shall be managed and disposed of to the specifications and satisfaction of the Shire's Manager of Infrastructure.
3. All existing vegetation adjacent to the sports pavilion building shall be retained unless its removal is authorised by the Shire's Chief Executive Officer.
4. The preparation of a landscape plan to the satisfaction of the Shire's Chief Executive Officer.

**Advice Notes**

- i) The development is to 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.
- ii) A completed building permit application must be submitted to and approved by the Shire's Building Surveyor prior to the commencement of any earthworks or construction on the land.
- iii) 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.

**MOTION CARRIED 9/0**

#### **12.4 PLANNING APPLICATION – PROPOSED RESTAURANT ON LOT 97 (No.6321) KULIN-LAKE GRACE ROAD,NORTH LAKE GRACE ('WALKERS HILL VINEYARD')**

<b>Applicant:</b>	Jared and Tania Bray
<b>File No.</b>	0453
<b>Attachments:</b>	Plans 10 to 14
<b>Authors:</b>	Messrs Joe Douglas & Carlo Famiano (Urban & Rural Perspectives)
<b>Disclosure of Interest:</b>	Nil
<b>Date of Report:</b>	18 June 2013
<b>Senior Officer:</b>	Mr Graeme Simpson Acting Chief Executive Officer

##### Summary

This report recommends that a planning application submitted by Jared and Tania Bray (Landowners) to establish a restaurant to support an existing winery (i.e. 'Walkers Hill Vineyard') on Lot 97 (No.6321) Kulin-Lake Grace Road, North Lake Grace be conditionally approved under delegated authority by the Shire's Chief Executive Officer following completion of public advertising subject to no valid objections being received by the Shire during the advertising process.

##### Background

The applicant is seeking Council's planning approval to establish a restaurant to support an existing winery (i.e. 'Walkers Hill Vineyard') on Lot 97 (No.6321) Kulin-Lake Grace, Road, North Lake Grace.

Lot 97 is located approximately 7.5 kilometres north of the Lake Grace townsite on the north-eastern corner of the intersection of Kulin-Lake Grace Road and Burns Road (see Plan 10).

Lot 97 is rectangular in shape, comprises a total area of approximately 11.828 hectares and has direct frontage and access to Kulin-Lake Grace Road along its western boundary and Burns Road along its southern boundary (see Plan 11).

Lot 97 is gently undulating and has been extensively cleared of all native vegetation. The land has historically been developed and used for broadacre agricultural purposes (i.e. cropping and grazing) with the majority eastern portion of the property still capable of being used for this purpose. The balance western portion of the land is currently used for the purposes of a 'winery' including cellar door sales and contains a number of physical improvements associated with this use including a well established vineyard, processing and storage sheds, internal access tracks and boundary fencing (see Plans 12 & 13).

The plans prepared and submitted by the applicant are very broad and do not provide all of the information typically required in support of planning applications (i.e. accurate scaled overall site plan, building floor & elevation plans, vehicle access, parking & associated stormwater drainage management arrangements, fire management arrangements etc.). Notwithstanding this fact there is scope for Council to consider and grant approval to the application subject to any valid planning conditions Council considers suitable and appropriate in the circumstances.

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

- i. Upgrades to an existing 54m<sup>2</sup> zincalume shed on Lot 97 to accommodate the proposed new restaurant which will involve the sale and consumption of alcohol and food (i.e. wine by the glass, cheese platters, coffee and cake);
- ii. The proposed works include substantial modifications to the internal layout out of the existing shed to accommodate the proposed restaurant, bar and food preparation area and construction of a 37m<sup>2</sup> open verandah and deck area for use by patrons;
- iii. The restaurant will comprise a total internal floor area of approximately 46m<sup>2</sup> including the food preparation and bar areas;
- iv. The total area identified for alcohol consumption (i.e. the 'licensed area') is approximately 71m<sup>2</sup> which includes both the internal and external areas referred to above;
- v. Creation of an on-site car parking area on the north side of the aforementioned shed;
- vi. Installation of ablution facilities and an on-site effluent disposal system (i.e. septic tanks & leach drains);
- vii. The restaurant will be operated and managed by the current landowners (i.e. no additional staff are proposed to be employed);
- viii. The restaurant will accommodate up to twenty (20) people at any one time; and
- ix. The restaurant will operate Monday to Sunday (i.e. 7 days a week) between 10am & 7pm and will be closed on Christmas Day, Good Friday and ANZAC day.

It is understood that the landowners have also recently made application to the Department of Racing, Gaming & Liquor to obtain approval for a 'Producers License' under the Liquor Control Act 1988 to enable the sale and consumption of alcohol from the premises. This application is unlikely to be determined by the Department until such time as the Shire has issued the necessary planning and health approvals.

#### Comment

#### **Current Zoning**

Lot 97 is classified 'General Agriculture' zone under the Shire of Lake Grace's current operative Local Planning Scheme No.4 (LPS No.4).

A key objective of the land's current 'General Agriculture' zoning classification is to ensure the continuation of broad hectare farming as the principle land use within the district, protect the rural landscape character, control the fragmentation of agricultural land through further subdivision and consider non-rural uses where they can be shown to be of a benefit to the district.

Having regard for the objectives of the land's current 'General Agriculture' zoning classification in LPS No.4 and the permissibility of the proposed use of the land for the intended purpose, the reporting officers have formed the view that:

- It has potential to have a number of important and worthwhile social, economic and tourism benefits for the local district and may therefore be supported by Council;
- It is unlikely to have any negative impacts upon the existing established agricultural uses on surrounding properties;

- It is unlikely to have a detrimental impact on the visual amenity or character of the immediate locality; and
- Has scope to result in a number of worthwhile improvements to the visual appearance of an existing building on the land and its immediate surrounds.

In considering the application Council must also have regard for the fact that Lot 97 currently has direct frontage and access to Kulin-Lake Grace Road which is a State Road under the care, control and management of Main Roads WA and currently classified 'Local Scheme Reserve – Major Road' in LPS No.4. Given this fact and the potential increase in the number of vehicle movements to and from the site arising from the proposed use of the land for the purposes of a restaurant, the application has been referred to Main Roads WA for review and comment. Of particular concern is the suitability of the current entry/exit point on the corner truncation between Kulin-Lake Grace Road and Burns Road and the possible need to close and relocate this primary access point for traffic safety reasons.

### **Land Use Permissibility**

Under the terms of LPS No.4 the development and use of land in the 'General Agriculture' zone for the purposes of a 'restaurant' is classified as an 'A' which means it is not permitted unless the local government has exercised its discretion by granting planning approval after advertising the proposal for public comment in accordance with Clause 9.4 of LPS No.4.

The Shire has undertaken various tasks to progress public advertising of the proposal for the minimum required period of fourteen (14) days in accordance with the specific requirements of Clause 9.4 of LPS No.4. This process has included appropriate notices in a newspaper circulating in the district, correspondence to all nearby and adjoining landowners and public display of the application at the Shire Administration Centre. Council is advised that public advertising will conclude on 4 July 2013 at which point a final decision on the application can be made.

In order to help expedite processing of the application it is recommended that the Shire's Chief Executive Officer be granted delegated authority to finally determine the application following completion of the required public advertising process subject to no valid planning objections being received by the Shire.

### **Compliance with LPS No.4 Development Standards**

With the exception of on-site car parking LPS No.4 does not contain or prescribe any minimum standards for the development and/or use of land classified 'General Agriculture' zone for the purpose of a 'restaurant'. Furthermore the Shire has not prepared or adopted any local planning policies in support of LPS No.4 to guide the future development and/or use of any land for this purpose.

Notwithstanding these facts, Council is required, when determining the current planning application for Lot 97, to have due regard for the various matters prescribed in clause 10.2 of LPS No.4 and may choose to impose any number of conditions it considers appropriate in the circumstances to ensure that the proposed development and use of the land proceeds in a proper and orderly manner.

Following a detailed assessment of the proposal in the context of the specific requirements of LPS No.4, including those matters prescribed in Clause 10.2, it is recommended that Council consider imposing a number of conditions and advice notes on any planning approval issued to address the following matters:

- The need to ensure that the external appearance of the proposed additions to the existing shed on the land are of a suitable standard in terms of their design, scale, materials and colour;
- The need to ensure suitable arrangements are made with respect to on-site vehicle access, parking and associated stormwater drainage management arrangements;
- The possible need to close and relocate the primary access point to / from the property on the corner truncation between Kulin-Lake Grace Road and Burns Road for traffic safety reasons (subject to comment by Main Roads WA);
- The need to ensure suitable arrangements are made with respect to bush fire safety;
- The need to ensure that any proposed new advertising signage is provided in accordance with the specific standards and requirements of the Shire of Lake Grace Local Planning Scheme No.4 and Main Roads (Control of Advertisements) Regulations 1996.
- The need to ensure compliance with the specific standards and requirements of the Health Act 1911 and all associated regulations;
- The need to ensure compliance with the specific standards and requirements of the Australia New Zealand Food Standards Code;
- The need to ensure compliance with the specific standards and requirements of the National Construction Code 2012; and
- The need to ensure compliance with the specific standards and requirements of the Liquor Licensing Act 1988 and all associated regulations.

### **Conclusion**

It is concluded from a detailed assessment of the application that the proposal to establish a restaurant to support the existing winery (i.e. 'Walkers Hill Vineyard') on Lot 97 (No.6321) Kulin-Lake Grace Road, North 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. It is therefore recommended that the application be conditionally approved under delegated authority by the Shire's Chief Executive Officer following completion of public advertising subject to no valid objections being received by the Shire during the advertising process.

### Legal Implications

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

### Policy Implications

Nil

### Consultation

Public advertising of the application is currently being undertaken by the Shire Administration for the minimum required period of 14 days in accordance with the specific requirements of clause 9.4 of Local Planning Scheme No.4. The closing date for submissions is 4 July 2013.

### Financial Implications

Nil

Strategic Implications

Nil. The proposed use is generally consistent with the strategic direction provided for the subject land and its immediate surrounds in the Shire's current endorsed Local Planning Strategy.

Voting Requirements

Simple majority required.

Recommendation/Resolution

**MOTION 11655**

Moved Cr Farrelly  
Seconded Cr De Landgraft

1. That Council grant delegated authority to the Shire's Chief Executive Officer to approve the application for planning approval submitted by Jared and Tania Bray (Landowners) to establish a restaurant on Lot 97 (No.6321) Kulin-Lake Grace Road, North Lake Grace following completion of public advertising subject to no valid objections being received by the Shire during the advertising process. Any approval granted by the Shire's Chief Executive Officer pursuant to this resolution shall be subject to the following conditions and advice notes:

**Conditions:**

1) Suitably scaled and dimensioned plans are required to be submitted to the Shire for consideration and approval by the Shire's Chief Executive Officer prior to the commencement of any development on the land. These plans shall illustrate the following:

- a. The area and configuration of all proposed internal and external floor space of the proposed restaurant including bar and food preparation areas;
- b. Building elevation details including all existing and proposed materials and colours to be used on the external surfaces of the building;
- c. The location, configuration and surface finish of all existing and proposed on-site vehicle access, parking and associated stormwater drainage management arrangements. These plans shall reflect the specific standards and requirements of the Shire of Lake Grace Local Planning Scheme No.4 and any other current infrastructure policies adopted by the local government; and
- d. The location and configuration of all existing and proposed vehicle entry and exit points to the property from the adjoining public roadways. These plans shall reflect the specific standards and requirements of the Shire of Lake Grace and/or Main Roads Western Australia.

2) The development is to be undertaken in a manner consistent with the information and plans originally submitted in support of the application as well as the additional plans required by Condition No.1 above if and when they are approved by the Shire's Chief Executive Officer.

3) A maximum of twenty (20) patrons are permitted to be accommodated in the restaurant at any one time unless otherwise approved by Council.

**MOTION 11655 continued**

- 4) The restaurant shall be provided with an adequate on-site effluent disposal system constructed and maintained to the specifications and satisfaction of the Shire of Lake Grace.
- 5) All rubbish generated on-site shall be managed and disposed of to the specifications and satisfaction of the Shire of Lake Grace.
- 6) 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.
- 7) All on-site vehicle accessways and parking areas shall be constructed, drained and maintained to the specifications and satisfaction of the Shire of Lake Grace.
- 8) The existing vehicle entry/exit point on the corner truncation between Kulin-Lake Grace Road and Burns Road shall be closed and a new entry point constructed to the specifications and satisfaction of Main Roads Western Australia if this agency advises the Shire that this existing entry/exit point is unsafe and should be decommissioned and relocated for traffic safety reasons.
- 9) Any proposed advertising signage shall be provided in accordance with the standards prescribed in Schedule 5 of Local Planning Scheme No.4 unless otherwise approved by Council.
- 10) A bush fire management plan shall be prepared and implemented to the specifications and satisfaction of the Shire of Lake Grace.

**Advice Notes:**

- i) 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.
- ii) 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.
- iii) 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.
- iv) No construction works shall commence prior to 7.00 am without the Shire's written approval.
- v) The restaurant shall comply in all respects with the specific standards and requirements of the Health Act 1911 and all associated regulations including the Health (Public Buildings) Regulations 1992.
- vi) The restaurant shall comply in all respects with the specific standards and requirements of the Australia New Zealand Food Standards Code.



**MOTION 11655 continued**

vii) The restaurant shall comply in all respects with the specific standards and requirements of the Liquor Licensing Act 1988 and all associated regulations.

viii) 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.

2. In the event that any valid objections are received by the Shire of Lake Grace during the required public advertising process the application shall be referred back to Council at the next available Ordinary Meeting for further consideration and final determination.

**MOTION CARRIED 9/0**

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

*No items for consideration.*

**14.0 MATTERS FOR CONSIDERATION – FINANCE**

**14.1 ACCOUNTS FOR PAYMENT – MAY 2013**

**Applicant:** Shire of Lake Grace  
**File No.** 0277  
**Attachments:** List of Creditors  
**Author:** Ms Tracie Buntrock  
Customer Services Officer  
**Disclosure of Interest:** Nil  
**Date of Report:** 10 June 2013  
**Senior Officer:** Mr John Bingham  
Manager of Corporate Services

Summary

For Council to ratify expenditures incurred for the month of May 2013

Background

List of payments for the month May 2013 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 2013 from the Municipal and Trust Accounts Total \$895,478.05

Strategic Implications

*Shire of Lake Grace Strategic Plan*

*7: Organisational Excellence*

*7.1 Develop systems to ensure compliance with various statutes, regulations and policies.*

Voting Requirements

Simple majority required.

Recommendation/Resolution

**MOTION 11656**

Moved Cr Newman  
Seconded Cr Chappell

That Council ratify the list of payments totalling \$895,478.05 as presented for the month of May 2013 incorporating:

- Direct Debits DD4485.1 to DD4539.1
- Municipal Account Cheques 35096 to 35120
- Electronic Funds Transfers EFT10962 to EFT11083
- Trust Account Cheques 714 to 735.

**MOTION CARRIED 9/0**

## 14.2 FINANCIAL STATEMENTS – MAY 2013

**Applicant:** Corporate Services Section  
**File No.** 0275  
**Attachments:** Financial Reports  
**Author:** Mrs Lee-Anne Trevenen  
Coordinator Finance & Administration  
**Disclosure of Interest:** Nil  
**Date of Report:** 10 June 2013  
**Senior Officer:** Mr John Bingham  
Manager Corporate Services

### Summary

Consideration of the financial statements for the month ending 31 May 2013.

### 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

### 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 Plan*

*7: Organisational Excellence*

*7.1: Develop systems to ensure compliance with various statutes, regulations and policies.*

Voting Requirements

Simple majority required.

Recommendation/Resolution

**MOTION 11657**

Moved Cr Hunt  
Seconded Cr Newman

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 2013.

**MOTION CARRIED 9/0**

**14.3      OUTSTANDING DEBTORS – DEBT WRITE-OFFS**

**Applicant:** Manager Corporate Services  
**File No.** 0276  
**Attachments:** Nil  
**Author:** Mrs Lee-Anne Trevenen  
Coordinator Finance & Administration  
**Disclosure of Interest:** Nil  
**Date of Report:** 14 June 2013  
**Senior Officer:** Mr John Bingham  
Manager Corporate Services

Summary

For Council to agree to the write-off of various outstanding debtor accounts.

Background

Following an extensive review of the Shire's debtor ledger from March through to May 2013, staff are of the view that a number of debtor accounts require writing off for varying reasons.

Comment

A list detailing the debtor and amount to be written off is provided as follows:

<b>List of Write-Offs 2012-2013</b>			
AAPLO	ACE P/L	\$6.60	Below \$50 - not viable
AAT01	ACE TRENCHING	\$3.30	Below \$50 - not viable
DAB01	AUSMIC BOOMERANG	\$32.56	Below \$50 - not viable
DDR03	D RICKARD	\$83.64	Council past employee - not contactable
DJS02	J M SABOURNE	\$94.5	Advised did not receive the equipment
DJM03	JM MORGAN	\$26.36	Below \$50 - not viable
DJH02	JOHN HOLLAND PTY LTD	\$125.74	Insufficient documentation to prove debt
DKL01	K LOVEJOY	\$291.09	Council past employee - not contactable
DSS02	STEVIE SMITH	\$92.50	Dog fees - not viable
DTS02	TRAVIS SALVAGE	\$696.32	Broken window - not viable

For the debts of \$50.00 or less, as per the Shire's Delegation Register, Delegation No F08, the Chief Executive Officer has delegated authority to write-off small balances under \$50.00 from rates assessments and sundry debtors accounts. The Chief Executive Officer has on-delegated this power to the Manager Corporate Services.

The amount to be written off totals \$1,452.61. Of this amount, \$68.82 of debt write-offs can occur under Delegation F08.

The balance of \$1,383.79 write-off requires authorisation by Council

Legal Implications

Section 6.12 (c) of the Local Government Act 1995 gives authority to Council to write-off any amount of money which is owed to the local government (absolute majority required).

**Shire of Lake Grace Delegation Register – Delegation F08**

The Chief Executive Officer has delegated authority to write-off small balances of under \$50.00 from rates assessments and sundry debtors accounts. The Chief Executive Officer has on-delegated this power to the Manager Corporate Services.

Policy Implications

N/A

Consultation

N/A

Financial Implications

The write-off will have an effect on the Shire’s end of year surplus or deficit as no provision has been made in the 2012/13 budget review for the write-off of these debtor accounts.

Strategic Implications

N/A

Voting Requirements

Absolute majority (5) required

Recommendation/Resolution

**MOTION 11658**

Moved Cr Newman  
 Seconded Cr De Landgraft

That Council agrees to the write-off of the following outstanding debtor accounts:

<b>Debtor No</b>	<b>Name</b>	<b>Amount</b>
DDR03	D Rickard	\$83.64
DJS02	JM Sabourne	\$94.50
DJH02	John Holland Pty Ltd	\$125.74
DKL01	K Lovejoy	\$291.09
DSS02	Stevie Smith	\$92.50
DTS02	Travis Salvage	\$696.32
Total:		\$1,383.79

**MOTION CARRIED BY ABSOLUTE MAJORITY 9/0**



**14.4 APPOINTMENT OF NOMINATED AUDITOR**

<b>Applicant:</b>	UHY Haines Norton
<b>File No.</b>	0202
<b>Attachments:</b>	Letter
<b>Author:</b>	Mrs Lee-Anne Trevenen Coordinator Finance & Administration
<b>Disclosure of Interest:</b>	Nil
<b>Date of Report:</b>	14 June 2013
<b>Senior Officer:</b>	Mr John Bingham Manager Corporate Services

**Summary**

That Council consider the addition of Mr Wen-Shien Chai of UHY Haines Norton as nominated auditor of the Shire of Lake Grace for the period 1 July 2013 to 30 June 2015.

**Background**

Motion 11480 states that Council at its 25 July 2012 ordinary meeting resolved to accept a quote from UHY Haines Norton for the provision of audit services for the years ended 30 June 2013, 30 June 2014, and 30 June 2015.

Council appointed Mr D J Tomasi and Mr G Godwin of UHY Haines Norton as nominated auditors for this period.

**Comment**

In order to provide greater flexibility and to conform with the advancement of Mr Wen-Shien Chai to audit and engagement partner status within UHY Haines Norton, as at 1 July 2013, Council are asked to resolve by absolute majority to add Chai as an auditor of the Shire.

Accordingly, it is necessary for Council to appoint Mr Wen-Shien Chai as an additional nominated auditor so that he may oversee and sign off on the independent audit report on the annual financial report in his own right.

**Legal Implications**

Local Government Act 1995 s3.57

Local Government (Functions and General) Regulations 1996 Part 4

Local Government Act 1995 Section 7.3 (1), (2), (3) – Appointment of Auditors

Policy Implications

N/A

**Consultation**

N/A

**Financial Implications**

Audit costs are included in Council's 2012/13 Budget as per UHY Haines Norton's accepted quote in 2012. The appointment of Mr Chai as an additional nominated auditor will have no financial implication.

Strategic Implications

N/A

Voting Requirements

Absolute Majority (5) Required

Recommendation/Resolution

**MOTION 11659**

Moved Cr Farrelly  
Seconded Cr Chappell

That Council appoint Mr Wen-Shien Chai of UHY Haines Norton,(in addition to Mr D J Tomasi and Mr G Goodwin of UHY Haines Norton), as nominated auditors for the period 1 July 2013 to 30 June 2015.

**MOTION CARRIED BY ABSOLUTE MAJORITY 9/0**

**15.0 MATTERS FOR CONSIDERATION – ADMINISTRATION**

**15.1 BUSHFIRE ADVISORY COMMITTEE – APPOINTMENT OF FIRE CONTROL OFFICERS**

**Applicant:** Bushfire Advisory Committee  
**File No.** 0177  
**Attachments:** Nil  
**Author:** Mr Marcus Owen  
Community Emergency Services Manager  
**Disclosure of Interest:** Nil  
**Date of Report:** 5 June 2013  
**Senior Officer:** Mr John Bingham  
Manager Corporate Services

Summary

The purpose of this report is for Council to appoint Bushfire Control Officers for the 2013/2014 season.

Background

At the Annual General Meeting of the Shire Bushfire Advisory Committee held on the 11 April 2013, Fire Control Officers as listed below were nominated as for the 2013/2014 fire season.

These nominations now require appointment by Council.

Comment

Bushfire Control Officers require gazettal once Council has made the appointments for the 2013/2014 season.

Legal Implications

Bush Fire Act 1954  
Shire of Lake Grace Bush Fire Local Laws

Policy Implications

Nil

Consultation

Nil

Financial Implications

Cost of approximately \$250.00 for gazettal of the Bushfire Control Officers in the Government Gazette.

Strategic Implications

Nil

Voting Requirements

Simple majority required.

Recommendation/Resolution**MOTION 11660**

Moved Cr Chamberlain  
Seconded Cr Newman

That Council:

1. Appoints the following Bushfire Control Officers for the 2013/2014 season:

<b>Chief Fire Control Officer:</b>		Bill Lloyd
<b>Deputy Chief Fire Control Officer:</b>	<b>Lake Grace</b>	Doug Dunham
<b>Deputy Chief Fire Control Officer:</b>	<b>Newdegate</b>	Wes Hall
<b>Deputy Chief Fire Control Officer:</b>	<b>Lake King</b>	Richard Metcalf
<b>Fire Weather Officers:</b>	<b>Lake Grace</b>	Doug Dunham
	<b>Newdegate</b>	Wes Hall
	<b>Varley</b>	Steven Davies
	<b>Mt Madden</b>	Lindsay Brownley
	<b>Lake King</b>	Richard Metcalf
<b>Deputy Fire Weather Officers:</b>	<b>Lake Grace</b>	Brad Watson
	<b>Newdegate</b>	Ian Lloyd
	<b>Varley</b>	Craig Newman
	<b>Lake King</b>	Hugh Roberts
	<b>Mt Madden</b>	Bernie Giles
<b>Harvest Ban CBH Advisory Officers:</b>	<b>Mt Madden</b>	Lindsay Brownley
	<b>Lake King</b>	Jason Sugg
	<b>Varley</b>	Steven Davies
	<b>Newdegate</b>	Bill Lloyd
	<b>Buniche</b>	Tim Lloyd
	<b>Lake Grace</b>	Scott Strevett
	<b>Kuender</b>	Terry Smith
	<b>Dunn Rock</b>	Bernie Giles
<b>Permit Issuing Fire Control Officers with 2 Way Radios</b>	<b>North Lake Grace</b>	Doug Dunham (Base)
		Brad Watson
		Leon Morgan
		Glen Willcocks
		Evan Wyatt
		Greg Carruthers
<b>Non Permit Issuing Fire Control Officer without 2 Way Radio</b>	<b>North Lake Grace</b>	Ross Chappell
<b>Permit Issuing Fire Control Officers with 2 Way Radios</b>	<b>South Lake Grace</b>	Scott Strevett (Base)
		Kevin Naisbitt
		Cameron Slarke
	<b>North Newdegate</b>	Barry Ness (Base)
		Ron Shalders
		Craig Shalders
		Ian Lloyd
		Bill Lloyd
		John Dunkeld
		Tim Lloyd
		Greg Dunkeld
		Pete Walker

**MOTION 11660 continued****South Newdegate**

Geoff Cugley  
 Matt Cugley  
 Simon Cugley  
 Wes Hall  
 Peter Kennedy  
 Syd Walker  
 Geoff Richardson

**Lake King/Varley**

Stephen (Ben) Hyde  
 Jason Sugg  
 Arthur Sugg (Base)  
 Jorg Brinkmann  
 Craig Newman  
 Steven Davies  
 Richard Metcalf  
 (Base)  
 Hugh Roberts

**Mt Madden/Dunn Rock**

Bernie Giles  
 David Roberts  
 Lindsay Brownley  
 Peter Newman

**Newdegate Town**

David Tonkin

**Lake Grace Town**

Marcus Owen

**Lake King Town**

Ben Carlton

**Varley Town**

Ross Dunkeld  
 Stephen (Ben) Hyde  
 Brent Hyde

**Dual Fire Control Officers for the Shire of Lake Grace**

Representatives from the Shire of Lake Grace to be appointed as Dual Fire Control Officers for the following Shires for the 2013/2014 Bush Fire Season:

**Ravensthorpe & Jerramungup**

Bernie Giles

**Kondinin**

Hugh Roberts

**Dumbleyung**

Kevin Naisbitt Leon

**Kulin**

Morgan

Doug Dunham

Evan Wyatt

Steven Davies

**Kent**

Leon Morgan

**Esperance**

Richard Metcalf

**Dual Fire Control Officers from other Shires**

Officers appointed from respective Shires for the 2013/2014 Bush Fire Season:

**Jerramungup**

Paul Hislop

2. Authorise the following persons to issue clover and proclaimed plant burning permits during the 2013/2014 season in conjunction with the closest available Fire Control Officer to the person making the application:

- Chief Fire Control Officer
- Deputy Chief Fire Control Officers
- Chief Executive Officer
- Manager Corporate Services

**MOTION 11660 continued**

3. Authorise the following persons to supply information relating to harvest bans for general radio broadcasting during the 2013/2014 season:

- Chief Executive Officer
- Chief Bush Fire Control Officer
- Manager Corporate Services
- Deputy Chief Bush Fire Control Officers
- Base Radio Operators and their Spouses
- Community Emergency Services Manager

**MOTION CARRIED 9/0**

<b>16.0 INFORMATION BULLETIN</b>
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**16.1 INFORMATION BULLETIN REPORT – JUNE 2013**

<b>Applicant:</b>	Executive Services
<b>File No.</b>	N/A
<b>Attachments:</b>	1.Council Meeting Status Report 2.Registration of Voting Delegated– WALGA2013 AGM 3.Memo – Eastern Wheatbelt General Practice Business Support Service 4.Lake King Library Report 5.Lake Grace Visitors Centre- Tourism Statistics 6. Grants Register
<b>Author:</b>	Ms Rebecca Allen Executive Assistant
<b>Disclosure of Interest:</b>	Nil
<b>Date of Report:</b>	17 June 2013
<b>Senior Officer:</b>	Mr Graeme Simpson Acting 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.

A copy of other relevant Councillor information is distributed via email and the weekly mail-out.

Comment**Integrated Planning Update**

This is to provide Council with information regarding the status of the various main elements of the Shire's Integrated Planning process as per the Integrated Planning and Reporting Framework 2011.

<b>Element</b>	<b>Status &amp; Comments</b>
<b>Strategic Community Plan</b>	Completed and Adopted at the November 2012 Meeting.  Staff have since been working on prioritising desired outcomes from the Community Strategic Plan into financial years to 2023, so it translates into practical project data for costing. Council is to meet and make a decision on which projects are priorities and timeline them over 10years. The information is then included/integrated into the Corporate Business Plan, Workforce Plan & Long Term Financial Plan. <b>Responsibility of: Chief Executive Officer &amp; Council</b>
<b>Corporate Business Plan</b> Due to Department of	To be developed from the Shire's existing Strategic Plan and the Strategic Community Plan.

Local Government by 30 June 2013.	<b>Responsibility of: Chief Executive Officer &amp; Council</b>
<b>Workforce Plan</b> Due to Department of Local Government by 30 June 2013.	Current organisational profile nearing completion. This process is being carried out in-house including a survey to staff and engaging with staff regarding the purpose of Workforce Planning. Meetings are scheduled regularly to track progress. Completion of this is reliant on the finalising of the Corporate Business Plan. <b>Responsibility of: Manager Community Services, Coordinator Finance &amp; Administration, Executive Assistant</b>
<b>Asset Management Plan</b> Due to Department of Local Government by 30 June 2013.	Asset Improvement Strategy Report was presented to Council at the February meeting informing Council of the Shire's Asset Management Process. <b>Responsibility of: Manager Infrastructure Services</b>
<b>Long Term Financial Plan</b> Due to Department of Local Government by 30 June 2013.	Core Business (Bruce Lorrimer) is working on the draft plan that will integrate to align with the Strategic Community Plan, the Corporate Business Plan and the Workforce Plan. The Corporate Business Plan requires completion for this to be finalised. <b>Responsibility of: Manager Corporate Services</b>

The information at attachment includes:

**1. Council Status Report**

Provides a list of Council resolutions and tracks their progress.

**2. Letter - Registration of Voting Delegates – WALGA 2013 AGM**

Letter received from WALGA advising date and time of AGM and Registration for Voting Delegates.

**3. Memo – Eastern Wheatbelt General Practice Business Support Service**

Memo sent by Acting Chief Executive Officer, Graeme Simpson with developments regarding Eastern Wheatbelt General Practice Business Support Service.

**4. Report– Lake King Library Report**

Report from the Lake King Library.

**5. Report– Lake Grace Visitors Centre Tourism Report May 2013**

Report from Lake Grace Visitors Centre – Tourism Report May 2013

**6. Report– Grants Register**

Register of the Shire's current grants

Legal Implications

Nil



Policy Implications

Nil

Consultation

N/A

Financial Implications

Nil

Strategic Implications

Shire of Lake Grace Strategic Plan

Voting Requirements

Simple majority required.

Voting Requirements

Simple majority required.

Recommendation/Resolution

**MOTION 11661**

Moved Cr Hunt  
Seconded Cr De Landgraft

That Council:

1. Accepts the Information Bulletin report; and,
2. Nominates Cr Armstrong and Cr Sinclair as its voting delegates for the WALGA AGM to be held at the Local Government Convention on Wednesday 7 August 2013.

**MOTION CARRIED 9/0**

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

None

**18.0 SCHEDULING OF MEETING**

**18.1 JULY 2013 ORDINARY MEETING**

**Motion 11543 November 2012 states:**

An Ordinary Meeting of Council will be held on Wednesday 24 July 2013 commencing at 2:00pm at Council Chambers, 1 Bishop St Lake Grace WA.

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

None

**20.0 CLOSURE**

Prior to closing the meeting, as Cr Walker is going on leave, he wished to note in the minutes, a thank you to the Acting CEO Mr Graeme Simpson, for his efforts in producing the requested financial information over the past year for the various projects and that his realistic costings and timely and accurate reporting has been appreciated.

There being no further business, the Shire President closed the meeting at 2.58pm.

**21.0 CERTIFICATION**

I Leonard William Armstrong certify that the minutes of the meeting held on the 26 June 2013 as shown were confirmed as a true record at the meeting held on the 24 July 2013.

\_\_\_\_\_  
Chairman

\_\_\_\_\_  
Date