

Shire of Lake Grace

Ordinary Council Meeting

Minutes

22 May 2013



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SHIRE OF LAKE GRACE

Minutes of the Ordinary Meeting of Council held at the Newdegate Community Library & Resource Centre, Collier St Newdegate WA on Wednesday 22 May 2013.

1.0 OPENING & ANNOUNCEMENT OF VISITORS

The Deputy Shire President welcomed all Councillors and opened the meeting at 5.00 pm.

2.0 ATTENDANCE RECORD

2.1 PRESENT

Cr IG Chamberlain	Deputy Shire President
Cr R Chappell	
Cr OP Farrelly	
Cr JF De Landgraft	
Cr SG Hunt	
Cr DP Sinclair	
Cr AJ Walker	
Mr GK Simpson	Acting Chief Executive Officer
Mr M Harrop	Manager Infrastructure Services
Mrs L Holben	Manager Community Services
Mrs L Trevenen	Coordinator Finance & Administration
Mrs J Bennett	Executive Assistant

2.2 APOLOGIES

Cr WA Newman	
Mr J Bingham	Manager Corporate Services

2.3 LEAVE OF ABSENCE PREVIOUSLY GRANTED

Cr Armstrong

As per motion 11614 at the 24 April 2013 Ordinary Meeting, Cr Armstrong has approved leave of absence from 8-31 May 2013.

3.0 PUBLIC QUESTION TIME

None

4.0 APPLICATIONS FOR LEAVE OF ABSENCE

4.1 CR WALKER

Cr Walker submitted an application for leave from 10 July to 10 August 2013.

Resolution

MOTION 11629

Moved Cr Sinclair
Seconded Cr Chappell

That Cr Walker's leave of absence from 10 July to 10 August 2013 be approved.

MOTION CARRIED 7/0

5.0 MINUTES OF PREVIOUS COUNCIL MEETINGS

5.1 ORDINARY MEETING – 24 APRIL 2013

Resolution

MOTION 11630

Moved Cr Chappell
Seconded Cr Walker

That the minutes of the Ordinary Meeting of Council held on the 24 April 2013 be confirmed as a true and accurate record.

MOTION CARRIED 7/0

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

None

8.0 MOTIONS OF WHICH NOTICE HAS BEEN RECEIVED**8.1 CHANGING OF DECISION - ROLES & FUNCTIONALITY PLAN****MOTION 11631**

Moved Cr Walker
Seconded Cr De Landgraftt

That Item 8.1 be moved forward to be considered as Item 19.1 during Confidential Business.

MOTION CARRIED 7/0

Refer page 801

9.0 PETITIONS/DEPUTATIONS/PRESENTATIONS/SUBMISSIONS

None

10.0 MEMBERS' REPORTS**10.1 CR DE LANDGRAFFT**

Reported attendance at Anzac Day service in Lake King, about 70 people attended the Ceremony. The organisation and presentation of the service was a credit to the community.

10.2 CHAPPELL

Reported attendance at the Anzac Day service in Lake Grace and laid a wreath on behalf of the Shire.

10.3 CR CHAMBERLAIN

As the Acting Shire President has not been attending to Shire business due to his annual on farm seeding program.

Attended the Anzac Day Dawn service in Newdegate. This year about 25 people attended the function and the number is growing every year.

Early this week we lost our fellow CEO from Dumbleyung who was tragically killed in a car accident was well respected in Lake Grace. Condolences are to be extended to his family.

MOTION 11632

Moved Cr Hunt
Seconded Cr Farrelly

That Council send it's condolences to Henry Van Der Ende's family .

MOTION CARRIED 7/0

11.0 MATTERS FOR CONSIDERATION – WORKS & SERVICES

No items for consideration.

12.0 MATTERS FOR CONSIDERATION – PLANNING
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12.1 PROPOSED SUBDIVISION – NOS 13 & 15 ABSOLON ST LAKE GRACE

Applicant:	PH & KE Gow (Licensed Surveyors) on behalf of Mr Damian Michael Trevenen (Landowner)
File No.	0454
Attachments:	Plans 1 to 4
Authors:	Mr Joe Douglas & Mr Carlo Famiano Urban & Rural Perspectives
Disclosure of Interest:	Nil
Date of Report:	14 May 2013
Senior Officer:	Mr Graeme Simpson Acting Chief Executive Officer

Summary

This report recommends that a subdivision application submitted to the Western Australian Planning Commission (WAPC) by PH & KE Gow (Licensed Surveyors) on behalf of Mr Damien Michael Trevenen (Landowner) and referred to the Shire for review and comment be supported by Council subject to the imposition of relevant conditions and advice notes.

Background

PH & KE Gow (Licensed Surveyors), acting on behalf of the current landowner, has submitted a subdivision application to the Western Australian Planning Commission (WAPC) seeking approval to realign the existing common boundary between Lots 132 & 133 (Nos.13 & 15) Absolon Street, Lake Grace.

Lots 132 & 133 are located in the south-western segment of the Lake Grace townsite on the north-western corner of Absolon and Carruthers Streets. The land is rectangular in shape, comprises a total combined area of approximately 2,109m² and is relatively flat throughout (see Plans 1 & 2).

Lots 132 & 133 are predominantly cleared and have historically been developed and used for low density residential purposes. The land contains a number of physical improvements associated with its current and historic use including a single detached dwelling, patio and shed (see Plan 3).

It is significant to note that the existing single detached dwelling straddles the common boundary between Lots 132 & 133 (i.e. the existing dwelling has been constructed over two separately titled lots). It is understood from the information submitted in support of the application that the proposed subdivision seeks to resolve this issue and enable both lots to be connected to the town's reticulated sewerage disposal system.

Specific details of the proposed subdivision are shown on the attached Plan 4 and summarised in the following table:

Lot Particulars	Existing Land Area (Approx.)	Proposed Land Area (Approx.)
Existing Lot 132	1,066m ²	-
Existing Lot 133	1,043m ²	-
Proposed Lot A	-	1,040m ²
Proposed Lot B	-	1,069m ²

Comment

In considering the subdivision proposal Council is required to have due regard for the provisions contained in the following planning documents prior to formulating its response to the WAPC:

- Shire of Lake Grace Local Planning Scheme No.4;
- Residential Design Codes of Western Australia (2010); and
- WAPC Development Control Policy No.DC 2.2 – Residential Subdivision.

The following is an assessment of the proposal in the context of the specific requirements of these planning documents to determine its general suitability.

Shire of Lake Grace Local Planning Scheme No.4

Lots 132 & 133 are classified 'Residential' zone under the Shire of Lake Grace's current operative Local Planning Scheme No.4 (LPS No.4) with a density coding of R20.

A key objective of the land's current 'Residential' zoning classification is to encourage a high standard of development that enhances the character and amenity of residential areas while providing opportunities for a variety of housing types.

It is the reporting officers' view that the proposed subdivision of Lots 132 & 133 to create two (2) new separately titled lots for residential purposes is generally consistent with the objectives of the land's current 'Residential' zoning classification in LPS No.4, will resolve the current issue of a single house being constructed over the common boundary between two (2) separately titled lots and may therefore be supported by Council.

Residential Design Codes of Western Australia (2010) (R-Codes)

Lots 132 & 133 have been assigned a residential density coding of R20 in LPS No.4 which under the terms of the R-Codes allows for a minimum lot size of 440m² at an average of 500m².

The application proposes the creation of two (2) new lots comprising an area of 1,040m² and 1,069m² respectively. Having regard for the above R-Code standards it is clear that the proposal satisfies the minimum and average lot size requirements applicable to the land's current R20 density coding and may therefore be supported by Council.

WAPC Development Control Policy No.DC 2.2 – 'Residential Subdivision'

Development Control Policy No.DC 2.2 provides guidance on the matters required to be considered when subdividing or amalgamating land zoned for residential purposes. A key objective of the policy is to establish a consistent and coordinated approach to the creation of residential lots throughout the State.

The policy outlines the general requirements for the subdivision of residential zoned land and specifies standards required to be applied to ensure that all new lots are provided with a suitable level of amenity, services and access. Such standards include compliance with the minimum lot size requirements of the R-Codes, vehicle and pedestrian access arrangements, connection to sewerage and the provision of other essential service infrastructure.

Having regard for the details submitted in support of the application and the fact the land is located in a well established part of the Lake Grace townsite and is capable of being served by all necessary essential service infrastructure, the reporting officers are of the view that the proposed subdivision of Lots 132 & 133 is capable of being implemented in a manner consistent with the objectives and guidelines contained in Policy No.DC 2.2 and may therefore be supported by Council subject to the imposition of a number of conditions relating to future vehicle access arrangements (i.e. driveway crossovers) and suitable connections to the town's reticulated sewerage disposal system.

Conclusion

It is concluded from the above assessment that the proposed subdivision of Lots 132 & 133 (Nos.13 & 15) Absolon Street, Lake Grace to create two (2) new separately titled lots is consistent with the aims and objectives of the current local planning framework and may therefore be supported by Council. As such it is recommended that Council advise the WAPC that it supports the proposed subdivision of the land in accordance with the details of the plan submitted in support of the application subject to the imposition of relevant conditions and advice notes.

Legal Implications

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

Policy Implications

Residential Design Codes of Western Australia (2010)
WAPC Development Control Policy No.DC 2.2 – 'Residential Subdivision'

Consultation

Community consultation not required

Financial Implications

Nil

Strategic Implications

Nil

Voting Requirements

Simple majority required.

Recommendation/Resolution**MOTION 11633**

Moved Cr Walker
Seconded Cr Chappell

That Council advise the Western Australian Planning Commission that it supports the application submitted by PH & KE Gow (Licensed Surveyors) on behalf of Mr Damien Michael Trevenen (Landowner) to subdivide Lots 132 & 133 (Nos.13 & 15) Absolon Street, Lake Grace to create two (2) new separately titled 'residential lots in accordance with the details of the plan submitted in support of the application subject to the imposition of the following conditions and advice notes:

1. All existing buildings proposed to be retained on Proposed Lot B shall have the necessary clearance from the new lot boundaries as required under the relevant legislation including the Shire of Lake Grace Local Planning Scheme No.4 and Building Regulations of Australia. (Local Government)
2. All outbuildings and/or structures present on proposed Lot A at the time of subdivision approval shall be demolished and materials removed from the lot. (Local Government)
3. Suitable arrangements being made with the local government for the provision of a new vehicular crossover to service Proposed Lot A on the approved plan of subdivision. (Local Government)
4. Any redundant vehicle crossovers to be removed and the kerbing, verge and footpath reinstated to the satisfaction of the Western Australian Planning Commission and to the specifications of the local government. (Local Government)
5. Arrangements being made with the Shire of Lake Grace so that provision of a sewerage service will be available to the two lots shown on the approved plan of subdivision. (Local Government)
6. The provision of a three (3) metre wide easement along the full length of the rear boundary of proposed Lot A to accommodate the installation and future maintenance of the sewerage infrastructure required for proposed Lot B with such easement being granted free of cost to the Shire of Lake Grace. (Local Government)
7. All existing septic sewer systems on the land including all tanks and pipes and associated drainage systems (soak wells or leach drains) are to be decommissioned in accordance with the Health (Treatment of Sewerage and Disposal of Effluent and Liquid Waste) Regulations 1974, removed, filled with clean sand and compacted. Proof of decommissioning is to be provided in the form of either certification from a licensed plumber or a statutory declaration from the landowner/applicant confirming that the site has been inspected and all septic tanks, soak wells, leach drains and any associated pipe work have been removed. (Local Government)

MOTION 11633 continued

Advice Notes

1. In regard to Condition No.1 the Western Australian Planning Commission will accept building clearance requirements as specified in the relevant local planning scheme operative at the time the subdivision approval was granted by the Western Australian Planning Commission.

2. In regard to Condition No.2 a demolition licence may be required to be obtained from the local government prior to the commencement of demolition works.

MOTION CARRIED 7/0

12.2 PLANNING APPLICATION – PROPOSED STORAGE SHED & EQUIPMENT HIRE SERVICE 60 ABSOLON ST LAKE GRACE

Applicant:	Michelle Donegan (Landowner)
File No.	0506
Attachments:	Plans 5 to 9
Authors:	Mr Joe Douglas & Mr Carlo Famiano Urban & Rural Perspectives
Disclosure of Interest:	Nil
Date of Report:	14 May 2013
Senior Officer:	Mr Graeme Simpson Acting Chief Executive Officer

Summary

This report recommends that a planning application submitted by Michelle Donegan (landowner) to establish a new equipment hire service on Lot 323 (No.60) Absolon Street, Lake Grace and construct a new steel framed zincalume storage shed to service the existing mechanical repair and proposed equipment hire businesses on the land be approved subject to conditions.

Background

The applicant is seeking Council's planning approval to establish a new equipment hire service on Lot 323 (No.60) Absolon Street, Lake Grace and construct a new steel framed zincalume storage shed to service the existing mechanical repair and proposed equipment hire businesses on the land (i.e. 'GS Mobile Mechanical Services').

Lot 323 is located in the southern extremities of the Lake Grace townsite directly opposite the intersection of Absolon Street and Franks Street. The land comprises a total area of approximately 1,700m² and has direct frontage to Absolon Street along its northern boundary (see Plans 5 to 7).

Lot 323 has been extensively developed for industrial purposes and contains a number of improvements associated with its current approved use (i.e. large industrial shed, gravel access and parking areas, boundary fencing etc).

The plans submitted by the applicant are very broad and do not provide all of the information typically required in support of planning applications (i.e. car parking layout, stormwater drainage arrangements, finished floor level, landscaping details etc). Notwithstanding this fact, given the nature and scale of the existing development and use of the land, there is scope for Council to consider and grant approval to the application subject to any valid planning conditions Council's considers appropriate in the circumstances.

Under the terms of the information and plans submitted in support of the application and subsequent oral advice received from Michelle Donegan the following is proposed:

- i) Construction of a new 6 metre long and 6 metre wide steel framed zincalume storage shed at the rear of the property with a wall height of 2.4 metres and a ridge height of 2.775 metres;
- ii) The new storage shed will have a total floor area of approximately 36m²;

iii) The new storage shed will have a 42.76 metre setback from the land's front boundary (i.e. Absolon Street), a minimum setback of approximately 1.5 metres from the land's eastern side boundary and a setback of approximately 1.5 metres from the land's southern rear boundary; and

iv) The storage shed will be used to accommodate a new small scale equipment hire business (i.e. lawn mowers, gardening equipment etc) as well as excess stock associated with the existing mobile mechanical repair business on the land.

Comment

Current Zoning & Land Use Permissibility

Lot 323 is classified 'General Industry' zone under the Shire of Lake Grace's current operative Local Planning Scheme No.4 (LPS No.4).

The key objective of the land's current 'General Industry' zoning classification is to provide for general, light and service industries which by the nature of their operations should be separated from residential areas and to provide employment opportunities for residents of the district.

Having regard for the various use classes contained in the Zoning Table of LPS No.4 and the land use definitions in Schedule 1, it is concluded that the proposed development and use of Lot 323 for equipment hire and storage purposes is most appropriately classified as a 'service industry'.

Under the terms of LPS No.4 the development and use of land in the 'General Industry' zone for the purposes of a 'service industry' is classified as a permitted (i.e. 'P') use which means that Council cannot refuse the application but may impose any valid planning conditions considered appropriate in the circumstances.

Compliance with LPS No.4 Development Standards

An assessment of the proposal against the development standards contained in LPS No.4 has confirmed that it satisfies the majority of standards except for the following:

- i) Rear & Side Boundary Setbacks;
- ii) Landscaping;
- iii) On-Site Car Parking;
- iv) Front Building Facade; and
- v) Sealing of Vehicle Access & Parking Areas.

The following is a brief discussion of these non-compliance issues:

Point 1: Rear & Side Boundary Setbacks

Table 2 of LPS No.4 entitled 'Site & Development Requirements' specifies that all 'service industry' type development shall have an average setback of 7.5 metres from the rear boundary of the land on which any improvements are proposed to be constructed with all side boundary setbacks to be at the discretion of Council in each particular case.

Under the terms of the application for Lot 323 the new storage shed is proposed to have an average setback of 1.5 metres from the rear boundary and a 1.5 metre setback from the eastern side boundary. It is understood that the applicant is seeking a variation to the rear boundary setback requirements of LPS No.4 to

maintain as much room on-site to ensure safe and convenient access for heavy vehicles.

Having regard for the limited area of the site, its future proposed use and the minimal impact that a reduced rear boundary setback will have upon the general amenity and continued use all adjoining properties, the reporting officers believe that there is scope for Council to support development of the new storage shed in the location proposed provided it is constructed in a manner which ensures compliance with the fire separation requirements of the National Construction Code of Australia (NCC). As this is a building related issue rather than a planning matter it will need to be addressed by the applicant as part of the building permit application process.

Point 2: Landscaping

Clause 5.9.10 of LPS No.4 specifies that landscaping shall be provided to all 'service industry' type development and should be located in such positions on a site so as to enhance the appearance of any development or screen from view any open storage area, drying areas and any other space which, by virtue of its use, is likely to detract from the visual amenity of the surrounding area. A minimum of 10% of the total site area is required to be landscaped however Council has in previous decisions reduced this to a minimum of 5% of the total site area.

The application does not provide any information regarding any existing or future proposed landscaping of the property. It is noted that there are a number of existing trees along the land's eastern side boundary which could be classified as landscaping for the purposes of satisfying the requirements of LPS No.4 however the applicant has not provided any information confirming their intent to retain it for landscaping purposes. It is therefore recommended that the applicant be required to prepare and submit further information and/or plans to the Shire regarding future landscaping of the site for review, assessment and endorsement prior to the commencement of any future development.

Point 3: On-Site Car Parking

Table 2 of LPS No.4 requires that one (1) on-site car parking bay be provided for every two (2) employees of any 'service industry' type use in the Scheme Area.

As previously mentioned the plans submitted by the applicant are very broad and do not provide all of the information typically required in support of planning applications. In this case there is some degree of uncertainty regarding current and future proposed on-site car parking arrangements.

Given the proposed intensification of current business activity on the land it is recommended that the applicant be required to address this matter upfront to ensure that a safe and convenient on-site vehicle parking area is clearly designated and created. This is proposed to be achieved by imposing a number of suitably worded conditions on any planning approval issued by Council.

Point 4: Front Building Facade

Clause 5.9.5 of LPS No.4 requires the front facade of all buildings in the 'General Industry' zone to be orientated to the primary street frontage and constructed in brick, concrete or masonry. Notwithstanding this general requirement, LPS No.4 affords Council the discretion to vary this requirement where it is satisfied that such variation will not detract from the amenity of the immediate locality.

Under the terms of the application for Lot 323 the proposed new storage shed will be located at the rear of the property with the front facade to be constructed using zincalume wall cladding and not brick, concrete or masonry as required by LPS No.4.

Despite the proposal being non-compliant with the specific requirements of LPS No.4, the reporting officers have formed the view that it is unlikely to have any adverse impact on the existing character and amenity of the immediate locality for the following reasons:

- i) The subject land is located in a designated industrial area characterised by other existing developments which have utilised zincalume wall cladding on buildings of similar and larger sizes (i.e. the use of zincalume wall cladding is consistent with other existing approved developments in the immediate locality);
- ii) The new storage shed will be located at the rear of the property and has scope to be screened from the land's primary street frontage (i.e. Absolon Street) through the retention of a number of existing trees along the land's eastern side boundary and/or the planting of additional vegetation for landscaping purposes; and
- iii) The new storage shed is relatively small in size and therefore unlikely to have any negative impact on the local streetscape in terms of its bulk and scale.

Given the above conclusions it is recommended that Council support the use of zincalume wall cladding on the front facade of the new storage shed as proposed.

Point 5: Sealing of Vehicle Access & Parking Areas

Clause 5.9.7 of LPS No.4 requires all on-site vehicle accessways and parking areas in the 'General Industry' zone to be sealed and drained to the specifications and satisfaction of the Shire.

It is significant to note that Lot 323 has an expansive vehicle access and parking area constructed using compacted gravel (i.e. an unsealed trafficable surface) with all stormwater drainage directed towards Absolon Street.

Given the specific requirements of Clause 5.9.7 of LPS No.4 and the proposed intensification of land usage and development on Lot 323, it is recommended that Council impose a condition on any planning approval issued which requires all on-site vehicle accessways and parking areas on the property to be sealed and drained to the specifications and satisfaction of the Shire.

Notwithstanding the reporting officers' recommendation in this regard it is noted that Council has in previous cases waived the requirement to seal and drain on-site vehicle accessways and parking areas due to the significant costs associated with such work and the financial burden it places on small business operators in the district. This is a matter for Council to consider when determining the application. If it chooses to waive the condition provided in the recommendation below an alternative revised motion may be required.

Conclusion

It is concluded from a detailed assessment of the application that the proposal to establish a new equipment hire service on Lot 323 (No.60) Absolon Street, Lake Grace and construct a new steel framed zincalume storage shed to service the

existing mechanical repair and proposed equipment hire businesses on the land is unlikely to have a negative impact on the general amenity, character, functionality and safety of the immediate locality if undertaken in accordance with the specific standards and requirements of Local Planning Scheme No.4. It is therefore recommended that Council exercises its discretion and grant approval to the application subject to the imposition of a number of conditions to ensure that the proposed development and use of the land proceeds in a proper and orderly manner.

Legal Implications

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

Policy Implications

Nil

Consultation

Community consultation not required

Financial Implications

Nil

Strategic Implications

Nil

Recommendation

That the application for planning approval submitted by Michelle Donegan (Landowner) to establish a new equipment hire service (i.e. 'service industry' use) on Lot 323 (No.60) Absolon Street, Lake Grace and construct a new steel framed zincalume storage shed to service the existing mechanical repair and proposed equipment hire businesses on the land be APPROVED subject to compliance with the following conditions and advice notes:

1. Additional information and/or 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. The additional information and/or plans are required to address the following matters:

i) The location and extent of all proposed landscaping to demonstrate compliance with the specific requirements of the Shire of Lake Grace Local Planning Scheme No.4 where a minimum of 5% of the total site area is required to be landscaped;

ii) All stormwater management arrangements to deal with the stormwater to be generated by the proposed new zincalume storage shed at the rear of the property;

iii) The location, configuration and dimensions of all on-site parking areas to satisfy the parking standards prescribed in Table 2 of LPS No.4 as these apply specifically to the use class 'service industry' (i.e. one (1) on-site car parking bay for every two (2) employees); and

iv) Arrangements for the sealing and draining of all on-site vehicle accessways and parking areas.

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 information and plans required by Condition No.1 above if and when they are approved by the Shire of Lake Grace.
3. The new storage shed shall have a total floor area not exceeding 36m².
4. The new storage shed shall have a maximum wall height of 2.4 metres and a maximum ridge height of 2.775 metres.
5. All stormwater generated by the proposed development shall be managed and disposed of to the specifications and satisfaction of the Shire of Lake Grace.
6. The disposal of stormwater onto any adjoining privately owned property is not permitted. All stormwater generated on-site shall be disposed of on-site or directed to the Absolon Street road reserve area to the specifications and satisfaction of the Shire of Lake Grace.
7. All on-site vehicle accessways and parking areas shall be sealed, drained and maintained to the specifications and satisfaction of the Shire of Lake Grace.
8. All new landscaping approved by the Shire of Lake Grace shall be installed within three (3) months of completion of the new storage shed and maintained at all times to the satisfaction of the Shire.
9. The property shall be ordered and maintained in a neat and tidy condition at all times to the satisfaction of the Shire of Lake Grace.
10. The open storage of vehicles, goods and machinery on the land is not permitted unless it is screened from public view to the specifications and satisfaction of the Shire of Lake Grace.
11. All 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.

Advice Notes

1. The development shall be completed within a period of two (2) years from the date of this approval. If the development is not completed within this period the approval will lapse and be of no further effect. Where an approval has lapsed, no development shall be carried out without the further approval of the Shire of Lake Grace having first been sought and obtained.
2. A completed building permit application must be submitted to and approved by the Shire's Building Surveyor prior to the commencement of any construction on the land.
3. The proposed development is required to comply in all respects with the National Construction Code of Australia. Plans and specifications which reflect these requirements shall be submitted with the building permit application.

4. The noise generated by any activities on-site including machinery motors or vehicles shall not exceed the levels as set out under the Environmental (Noise) Regulations 1997.
5. No construction works shall commence prior to 7.00 am without the Shire's written approval.
6. Failure to comply with any of the conditions of this planning approval constitutes an offence under the provisions of the Planning and Development Act 2005 and the Shire of Lake Grace Local Planning Scheme No.4 and may result in legal action being initiated by the local government.

Voting Requirements

Simple majority required.

Resolution

MOTION 11634

Moved Cr Farrelly
Seconded Cr Chappell

That the application for planning approval submitted by Michelle Donegan (Landowner) to establish a new equipment hire service (i.e. 'service industry' use) on Lot 323 (No.60) Absolon Street, Lake Grace and construct a new steel framed zincalume storage shed to service the existing mechanical repair and proposed equipment hire businesses on the land be APPROVED subject to compliance with the following conditions and advice notes:

1. Additional information and/or 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. The additional information and/or plans are required to address the following matters:
 - i) The location and extent of all proposed landscaping to demonstrate compliance with the specific requirements of the Shire of Lake Grace Local Planning Scheme No.4 where a minimum of 5% of the total site area is required to be landscaped;
 - ii) All stormwater management arrangements to deal with the stormwater to be generated by the proposed new zincalume storage shed at the rear of the property;
 - iii) The location, configuration and dimensions of all on-site parking areas to satisfy the parking standards prescribed in Table 2 of LPS No.4 as these apply specifically to the use class 'service industry' (i.e. one (1) on-site car parking bay for every two (2) employees); and
 - iv) Arrangements for the sealing and draining of all on-site vehicle accessways and parking areas.

MOTION 11634 continued

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 information and plans required by Condition No.1 above if and when they are approved by the Shire of Lake Grace.
3. The new storage shed shall have a total floor area not exceeding 36m².
4. The new storage shed shall have a maximum wall height of 2.4 metres and a maximum ridge height of 2.775 metres.
5. All stormwater generated by the proposed development shall be managed and disposed of to the specifications and satisfaction of the Shire of Lake Grace.
6. The disposal of stormwater onto any adjoining privately owned property is not permitted. All stormwater generated on-site shall be disposed of on-site or directed to the Absolon Street road reserve area to the specifications and satisfaction of the Shire of Lake Grace.
7. All on-site vehicle accessways and parking areas shall be sealed with a minimum standard cover of blue metal to help minimise the generation of dust, and drained and maintained to the specifications and satisfaction of the Shire of Lake Grace.
8. All new landscaping approved by the Shire of Lake Grace shall be installed within three (3) months of completion of the new storage shed and maintained at all times to the satisfaction of the Shire.
9. The property shall be ordered and maintained in a neat and tidy condition at all times to the satisfaction of the Shire of Lake Grace.
10. The open storage of vehicles, goods and machinery on the land is not permitted unless it is screened from public view to the specifications and satisfaction of the Shire of Lake Grace.
11. All 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.

Advice Notes

1. The development shall be completed within a period of two (2) years from the date of this approval. If the development is not completed within this period the approval will lapse and be of no further effect. Where an approval has lapsed, no development shall be carried out without the further approval of the Shire of Lake Grace having first been sought and obtained.
2. A completed building permit application must be submitted to and approved by the Shire's Building Surveyor prior to the commencement of any construction on the land.

MOTION 11634 continued

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

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

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

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

MOTION CARRIED 7/0

REASON FOR CHANGE

Point No 7 – Council considered it unnecessary for the accessways and parking areas to be sealed as the cost of sealed surfaces would be too much of an impost on the landowners.

13.0 MATTERS FOR CONSIDERATION – HEALTH & BUILDING

No items for consideration.

14.0 MATTERS FOR CONSIDERATION – FINANCE

14.1 ACCOUNTS FOR PAYMENT – APRIL 2013

Applicant: Shire of Lake Grace
File No. 0277
Attachments: List of Creditors
Author: Ms Tracie Buntrock
Finance Officer
Disclosure of Interest: Nil
Date of Report: 7 May 2013
Senior Officer: Mr John Bingham
Manager Corporate Services

Summary

For Council to ratify expenditures incurred for the month of April 2013.

Background

List of payments for the month April 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 April 2013 from the Municipal and Trust Accounts Total \$419,251.19.

Strategic Implications

Shire of Lake Grace Strategic Plan

7. Organisational Excellence

7.1 Develop systems compliant with various statutes, regulations and policies.

Voting Requirements

Simple majority required.

Recommendation/Resolution

MOTION 11635

Moved Cr Farrelly

Seconded Cr De Landgraft

That Council ratify the list of payments totalling \$419,251.19 as presented for the month of April 2013 incorporating:

- Direct Debits DD4448.1 to DD4477.1
- Municipal Account Cheques 35064 to 35095
- Electronic Funds Transfers EFT10846 to EFT10961
- Trust Account Cheques 710 to 713

MOTION CARRIED 7/0

14.2 FINANCIAL STATEMENTS – APRIL 2013

Coordinator Finance and Administration Mrs Lee Trevenen advised that the Bank reconciliations had since been completed and distributed the relevant paperwork.

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: 9 May 2013
Senior Officer: Mr John Bingham
Manager Corporate Services

Summary

Consideration of the financial statements for the month ending 30 April 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
- Net Current Assets
- Rating Information
- Operating Statement by Programme
- Balance Sheet
- Financial Ratios
- Capital Road Works, Operating Revenue & Expenditure Graphs

Comment

March bank reconciliation is yet to be finalised. Manager Corporate Services will provide further detail.

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

Goal 7: Organisational Excellence

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

Voting Requirements

Simple majority required.

Recommendation/Resolution

MOTION 11636

Moved Cr Farrelly
Seconded Cr Sinclair

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 30 April 2013.

MOTION CARRIED 7/0

15.0 MATTERS FOR CONSIDERATION – ADMINISTRATION
--

15.1 LEASE AGREEMENT – GNOWANGERUP FAMILY SUPPORT ASSOCIATION INC.

Applicant:	Gnowangerup Family Support Association Inc.
File No.	0703
Attachments:	Lease Agreement
Author:	Ms Lee Holben Manager Community Services
Disclosure of Interest:	Nil
Date of Report:	10 May 2013
Senior Officer:	Mr Graeme Simpson Acting Chief Executive Officer

Summary

The purpose of this report is to formalise the Lease Agreement for the Lake Grace Childcare Centre which relates to the provision of Child Care services to the Shire of Lake Grace by the Gnowangerup Family Support Association Inc., and to approve the use of the common seal on the document.

Background

The Manager of the Gnowangerup Family Support Association Inc. has been in discussion with the Shire since September 2012 regarding the Child Care Centre Lease.

It has taken a number of months for clarification of a range of points within the lease.

Comment

This Lease will be reviewed in five years time.

Legal Implications

Lease Agreement between the Shire of Lake Grace and the Gnowangerup Family Support Association Inc.

Policy Implications

Shire of Lake Grace Policy 1.11 Use of the Common Seal

Consultation

Internal: Senior Management Team

External: Gnowangerup Family Support Association 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 Plan

7.1 Support the implementation of quality service provision underpinned by continuous improvement strategies..

Recommendation

That Council:

1. Enters into the Lease Agreement as presented, with the Gnowangerup Family Support Association Inc subject to approval by the Minister for Lands.; and,
2. Authorises use of the common seal by the Shire President and the Acting Chief Executive Officer on the Lease Agreement document.

Voting Requirements

Simple Majority required.

Resolution

MOTION 11637

Moved Cr Chappell
Seconded Cr Walker

That Council:

1. Enters into the Lease Agreement as presented, with the Gnowangerup Family Support Association Inc with an annual lease payment of \$2,000.00 (exclusive of GST), subject to approval by the Minister for Lands.; and,
2. Authorises use of the common seal by the Shire President and the Acting Chief Executive Officer on the Lease Agreement document.

MOTION CARRIED 7/0

REASON FOR CHANGE

Council wished that the annual lease payment be recorded in the Minutes.

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

Applicant:	Executive Services
File No.	0052
Attachments:	Register of Delegations
Author:	Mr Graeme Simpson Acting Chief Executive Officer
Disclosure of Interest:	Nil
Date of Report:	15 May 2013
Senior Officer:	Mr Graeme Simpson Acting Chief Executive Officer

Summary

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

Background

In accordance with the requirements of the *Local Government Act 1995*, s 5.46 (2); the local government is to review its delegations made under this division at least once each financial year. The previous review was undertaken in June 2012.

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

Comment

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

Changes since the previous review in June 2012 include:

- F03 – Paragraph 1 of the Delegation rewritten for clarity.
- F04 – Paragraph 1 of the Delegation rewritten for clarity.
- F05 – Paragraph 1 of the Delegation rewritten for clarity.
- F07 – Delegation heading and paragraph 1 rewritten for clarity.
- E06 – Deletion of the word ‘etc’.
- A01 - Delegation revised at Council’s 19 December 2012 Ordinary Meeting to allow the Chief Executive Officer to *invite* any tenders provided appropriate provision is made in the Shire’s budget. Consideration of the tenders still requires a Council decision.

Previously the Chief Executive Officer’s delegation allowed the acceptance of tenders or quotations when the consideration involved was less than \$100,000 and provision was made in the Shire’s budget.

The Shire’s Purchasing Policy covers purchases up to \$100,000.00.

Legal Implications

Local Government Act, 1995 - s5.16 Delegations to committees

- s5.42 Delegations to the CEO
- s5.43 Limits on delegations
- s5.44 CEO may delegate

Town Planning and Development Act 2005

Building Act 2011

Bush Fires Act 1954

Dog Act 1976

Health Act 1911

Local Government (Miscellaneous Provisions) Act 1960

Policy Implications

Shire of Lake Grace Policy Manual.

Consultation

N/A

Financial Implications

N/A

Strategic Implications

Shire of Lake Grace Strategic Plan - 7. Organisational Excellence

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

Voting Requirements

Absolute majority (5) required.

Recommendation/Resolution

MOTION 11638

Moved Cr De Landgraft
Seconded Cr Hunt

That Council, in accordance with s5.42 of the *Local Government Act 1995*, delegate to the Chief Executive Officer and others, the discharge of duties and powers as detailed in the attached Register of Delegations (June 2012) noting that the Chief Executive Officer has on-delegated some of his powers and duties to other staff.

MOTION CARRIED BY ABSOLUTE MAJORITY 7/0

15.3 **APPOINTMENT OF AUTHORISED OFFICERS**

Applicant: Acting Chief Executive Officer
File No: 0052
Attachments: Nil
Author: Mr Graeme Simpson
Acting Chief Executive Officer
Disclosure of Interest: Nil
Date of Report: 15 May 2013
Senior Officer: Mr Graeme Simpson
Acting Chief Executive Officer

Summary

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

Background

In accordance with a number of provisions of various Acts, Regulations and local laws, Council is required to appoint authorised persons to perform various authorised functions.

Authorisations are reviewed on an annual basis and updated to reflect staff changes. Following approval by Council the authorisations will be given to staff in writing and identification cards issued.

Comment

(1) Section 3.24 of the Local Government Act 1995 enables a local government to expressly authorise a person(s) to exercise its executive powers under Division 3 of the Act.

These authorisations relate to certain provisions about land, including issuance of notices requiring certain things to be done by an owner or occupier of land in accordance with Schedule 3.1 of the Act. These can include matters relating to drainage requirements, safety issues and unsightly land. It is proposed to appoint Mr Graeme Simpson and Mr John Bingham.

(2) Part 3 Division 3 Section 3.28 & 3.29 of the Local Government Act 1995 provides for Power of Entry eg. abandoned vehicles or home industry. For this purpose it is proposed to authorise Mr Graeme Simpson, Mr Martin Harrop, Mr John Bingham, Ms Lee Holben and Mr Ron Steed.

(3) Section 3.39 of the Local Government Act 1995 enables Council to appoint an authorised person for the purpose of removing or impounding of goods that are involved in a contravention, as prescribed by regulation or local law, that can lead to impounding. Mr Graeme Simpson, Mr John Bingham and Mr Ron Steed are the authorised officers.

(4) & (5) Part 9 of the Local Government Act 1995 provides for the appointment of authorised persons relating to enforcements and legal

proceedings, i.e. the fining of a person committing an offence and the issuing of infringement notices.

Section 37 of the *Control of Vehicles (Off-road Areas) Act 1978* also deals with infringement notices.

For the purposes of the above staff members are designated as Authorised Officers – Mr Graeme Simpson, Mr Martin Harrop, Mr John Bingham and Mr Ron Steed.

(6) The extension of the payment period (s9.19) and/or the withdrawal of the notice (s9.20) is to be authorised by Acting Chief Executive Officer, Graeme Simpson or Manager Corporate Services, John Bingham.

(7) Furthermore, in accordance with s449 of the *Local Government (Miscellaneous Provisions) Act 1960*, a local government may establish and maintain one or more public pounds and may appoint persons to be keepers of those pounds so as to have care, control and management of those pounds. Mr Doug Whiting and Mr Robert Palmer are appointed as Pound Keepers. Mr Ron Steed is appointed as Ranger.

(8) Pursuant to the *Dog Act 1976* the Shire is required to appoint “Registration Officers” to effect the registration of dogs pursuant to the requirement of the Act.

The following staff members along with Mr Ron Steed are appointed as authorised “Registration Officers”:

- Mr John Bingham
- Ms Heather Bell
- Ms Tracie Buntrock
- Ms Kiera Stephen

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

(10) Pursuant to s59(2)(a) of the *Bush Fires Act 1954* a local government may institute or carry on proceedings, including the issue of infringement notices, against a person for an offence alleged to have been committed against the Act.

For the purposes of proceedings, Council has delegated its authority to the Chief Executive Officer (s59(3)) who has on-delegated (see Delegations Register – Other 03) to the Manager of Corporate Services. Mr Ron Steed and Mr Marcus Owen are also appointed officers to carry on proceedings.

(11) Pursuant to s17 of the *Caravan Parks and Camping Grounds Act 1995* the Chief Executive Officer may appoint such persons to be authorised

persons for the purposes of the Act. An authorised person may enter and inspect premises to ensure compliance with the requirements of the Act.

The Chief Executive Officer has appointed Mr Maurice Walsh as an authorised person for the purposes of the Caravan Parks and Camping Grounds Act 1995.

(12) For the purposes of s26 of the Litter Act 1979 all staff are deemed to be authorised officers.

Consultation

N/A

Legal Implications

Local Government Act, 1995

Local Government (Miscellaneous Provisions) Act 1960

Bush Fires Act 1954

Dog Act 1976

Health Act 1911

Litter Act 1979

Control of Vehicles (Off-Road Areas) Act 1978

Caravan Parks and Camping Grounds Act 1995

Cemeteries Act 1986

Policy Implications

N/A

Financial Implications

N/A

Strategic Implications

Provides for the good governance of the Shire.

Voting Requirements

Simple majority required.

Recommendation/Resolution

MOTION 11639

Moved Cr Farrelly
Seconded Cr Hunt

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

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

- Graeme Simpson
- John Bingham

MOTION 11639 continued

(2) Local Government Act 1995, Part 3 Division 3 Section 3.28 & 3.29 of the Local Government Act 1995 provides for Power of Entry (relates to abandoned vehicles or home industry):

- Graeme Simpson
- Martin Harrop
- John Bingham
- Lee Holben
- Ron Steed

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

- Graeme Simpson
- John Bingham
- Ron Steed

(4) Local Government Act 1995, Part 9, Division 2, Subdivision 1, Miscellaneous provisions about enforcement – s9.10, s9.11 and s9.15; and **Control of Vehicles (Off-Road Areas) Act 1978** – s37 (relates to the fining of a person committing an offence):

- Graeme Simpson
- Martin Harrop
- John Bingham
- Ron Steed

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

- Graeme Simpson
- Martin Harrop
- John Bingham
- Ron Steed

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

- Graeme Simpson
- John Bingham

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

- Doug Whiting (Pound Keeper)
- Robert Palmer (Pound Keeper)
- Ron Steed (Ranger)

(8) Dog Act 1976 – Registration Officers

- John Bingham
- Heather Bell

MOTION 11639 continued

- Tracie Buntrock
- Kiera Stephen
- Ron Steed

(9) Health Act 1911 – s27 Appointment of Environmental Health Officer
- Maurice Walsh

(10) Bush Fires Act 1954 – s59(2)(a) and (3) – Issue of infringement notices, Council Delegation – Other 03
- John Bingham
- Marcus Owen
- Ron Steed

(11) Caravan Parks and Camping Grounds Act 1995 – s17 Authorised Persons
- Maurice Walsh

(12) Litter Act 1979 – s26
- All Shire Staff

MOTION CARRIED 7/0

16.0 INFORMATION BULLETIN

16.1 INFORMATION BULLETIN REPORT – MAY 2013

Applicant:	Executive Services
File No.	N/A
Attachments:	1. Grants Register 2. Council Meeting Status Report 3. 4.
Author:	Mrs Jeanette Bennett Executive Assistant
Disclosure of Interest:	Nil
Date of Report:	15 April 2013
Senior Officer:	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.

Element	Status & Comments
Strategic Community Plan	Adopted at the November 2012 Meeting. Staff have 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. Responsibility of : Chief Executive Officer & Council
Corporate Business Plan Due to Department of Local Government by 30 June 2013.	To be developed from the Shire's existing Strategic Plan and the Strategic Community Plan. Action CEO & Council. This now requires action. Responsibility of: Chief Executive Officer & Council

<p>Workforce Plan Due to Department of Local Government by 30 June 2013.</p>	<p>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. Responsibility of: Manager Community Services, Coordinator Finance & Administration, Executive Assistant</p>
<p>Asset Management Plan Due to Department of Local Government by 30 June 2013.</p>	<p>Asset Improvement Strategy Report was presented to Council at the February meeting informing Council of the Shire's Asset Management Process. Responsibility of: Manager Infrastructure Services</p>
<p>Long Term Financial Plan Due to Department of Local Government by 30 June 2013.</p>	<p>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. Responsibility of: Manager Corporate Services</p>

The information at attachment includes:

1. Grants Register

Provides a list of grants applied for (pending, approved and completed) on behalf of the Shire.

2. Council Status Report

Provides a list of Council resolutions and tracks their progress.

3. Letter – Varley Ag Solutions

Letter received from Varley Ag Solutions thanking the Shire for their assistance with the Varley town busy bee held on 19 April 2013.

4. Letter – Member for Mandurah

Letter of introduction from David Templeman MLA, Member for Mandurah.

5. Letter – Minister for Local Government

Letter of appreciation from newly appointed Minister for Local Government, Hon Tony Simpson MLA.

6. Letter – Breast Screen WA

Letter and statistics from Breast Screen WA's recent visit to Lake Grace.

7. Constitutional Recognition

The Prime Minister has announced that a Referendum will take place to coincide with the Federal Election in September to seek Recognition for Local Government in the Australian Constitution. The Australian Local Government Association is conducting a national campaign to gain a YES vote at the Referendum which will involve various media. WALGA supports the campaign and is contributing a proportional share of the costs on the condition of State

Council that all state associations also contribute their fair share. Following the announcement by the Prime Minister on Thursday morning all WA Councils were sent a copy of the WALGA media release and a document of key speaking points prepared by ALGA as a reference for Mayors and Presidents when speaking with their local media.

While there are sections of Local Government in WA who oppose Constitutional Recognition, the vast majority of Members do support the change. The most critical reason for voting YES is to provide certainty for Commonwealth funding for Local Government across Australia which could be put at risk by recent court proceedings. Over the past three years alone more than 6000 local projects across Australia have received Commonwealth funding including the \$1.75 billion Roads to recovery program.

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.

Officer's Recommendation/Resolution

MOTION 11640

Moved Cr Chappell
Seconded Cr Sinclair

That Council accepts the Information Bulletin report.

MOTION CARRIED 7/0

17.0 URGENT BUSINESS BY DECISION OF THE MEETING

None

18.0 SCHEDULING OF MEETING

18.1 JUNE 2013 ORDINARY MEETING

Motion 11543 November 2012 states:

An Ordinary Meeting of Council will be held on Wednesday 26 June 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)

19.1 ITEM 8.1 – NOTICE OF MOTION TO CHANGE A RESOLUTION

Resolution

MOTION 11640

Moved Cr Hunt
Seconded Cr Sinclair

That Council close the meeting to the public at this time, being 5.37 pm, to consider Item 8.1 and the appointment of a Chief Executive Officer.

MOTION CARRIED 7/0

5.38pm Mr Harrop, Ms Holben, Mrs Trevenen & Mrs Bennett left the meeting.

Resolution

MOTION 11641

Moved Cr Walker
Seconded Cr Farrelly

That Standing Orders 8.3, 8.5, 8.6 & 8.9 be suspended.

MOTION CARRIED 7/0

A Notice of Motion to Change a Decision of Council has been received from Crs Walker, Farrelly and Chappell.

Motion 11503, 29 August 2012 Special Meeting of Council states:

That the incoming Chief Executive Officer, within two months of his/her commencement, presents to the Council a roles and functionality plan that provides for core services to be maintained, without necessarily replacing departing staff and/or through natural attrition.

Legal Implications

Local Government Act 1995 s5.25 (1) (e)

Local Government (Administration) Regulations 1996, regulation 10 states:

- 10. Revoking or changing decisions made at council or committee meetings — s. 5.25(1)(e)*
(1) If a decision has been made at a council or a committee meeting then any motion to revoke or change the decision must be supported —
(a) in the case where an attempt to revoke or change the decision had been made within the previous 3 months but had failed, by an absolute majority; or
(b) in any other case, by at least 1/3 of the number of offices (whether vacant or not) of members of the council or committee, inclusive of the mover.
(1a) Notice of a motion to revoke or change a decision referred to in subregulation (1) is to be signed by members of the council or committee numbering at least 1/3 of the number of offices (whether vacant or not) of members of the council or committee, inclusive of the mover.
(2) If a decision has been made at a 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 a 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.]

Voting Requirements

Recommendation 1: Absolute majority (5) required.

Recommendation 2: Simple majority required.

Recommendation 1

That Motion No 11503 of the 29 August 2012 Special Meeting be changed.

Recommendation 2

That Motion 11503 be changed to read:

1. That Council authorise the President and the Acting Chief Executive Officer to seek expressions of interest for a suitable consultant to conduct a roles and functionality review and future plan that provides for core services to be maintained at the most economical and cost effective level. This may include, through natural attrition, the opportunity to not necessarily replace departing staff.

2. The outcomes of this plan are to be reported to Council with appropriate recommendations to coincide as nearly as possible to the appointment of a substantive Chief Executive Officer.

Appointment of Chief Executive Officer

The Acting Chief Executive Officer reported to Council during discussion that he would like Councillors to consider the following issues:

1. The appointment of a permanent Chief Executive Officer and the preparation of a roles and functionality plan are intrinsically linked and consideration should be given to arranging for the new appointee to carry out the task.
2. The result of the Councillors survey to compile a short list of candidates resulted in Mr Neville Hale receiving unanimous support.
3. There is a need to be seen to follow due process for the appointment, however, in view of the fact that there is a clearly preferred candidate and there are numerous CEO positions currently being advertised, it is suggested Council needs to consider that time is of the essence and it would be prudent for Council to move quickly to secure the preferred candidate.
4. Council still needs to be diligent in its process by interviewing the candidate and checking out his referees.

Resolution

MOTION 11642

Moved Cr Hunt
Seconded Cr Chappell

That Standing Orders resume.

MOTION CARRIED 7/0

Resolution

MOTION 11643

Moved Cr Sinclair
Seconded Cr Farrelly

That Council re-open the meeting to the public at this time, being 6.33pm.

MOTION CARRIED 7/0

Resolution

MOTION 11644

Moved Cr Walker
Seconded Cr Hunt

That Motion No 11503 of the 29 August 2012 Special Meeting be changed.

MOTION CARRIED BY ABSOLUTE MAJORITY 7/0

Resolution

MOTION 11645

Moved Cr Walker
Seconded Cr Hunt

That Motion No 11503 of the 29 August 2012 Special Meeting be changed to read:

That the incoming Chief Executive Officer, prior to his commencement and in consultation with the Shire President, conduct and present to Council, a roles and functionality review and future plan that provides for core services to be maintained at the most economical and cost effective level. This may include, through natural attrition, the opportunity to not necessarily replace departing staff

MOTION CARRIED 7/0

6.42pm *Mr Harrop, Ms Holben, Mrs Trevenen & Mrs Bennett re-entered the meeting.*

19.2 APPOINTMENT OF A CHIEF EXECUTIVE OFFICER

Resolution

MOTION 11646

Moved Cr Walker
Seconded Cr De Landgraft

That Council advise Mr Neville Hale that he is the preferred candidate for the position of Chief Executive Officer and that Council would like to meet with him as soon as possible to present a formal proposal for employment and discuss arrangements for the preparation of a roles and functionality review and future plan.

MOTION CARRIED 7/0

20.0 CLOSURE

There being no further business, the Acting Shire President closed the meeting at 6.46pm.

21.0 CERTIFICATION

I Leonard William Armstrong certify that the minutes of the meeting held on the 22 May 2013 as shown were confirmed as a true record at the meeting held on the 26 June 2013.

Chairman

Date