

Shire of Lake Grace

Ordinary Council Meeting

Minutes

23 October 2013
Ordinary Meeting Commencing at 2.00 pm



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SHIRE OF LAKE GRACE

Agenda for the Ordinary Meeting of Council to be held at Council Chambers, 1 Bishop St Lake Grace WA on Wednesday 23 October 2013.

Declarations of Officer - Swearing in of Elected Members

The Chief Executive Officer conducted proceedings for the swearing in of the nine Elected Members voted in as a result of the 19 October 2013 local government elections.

Cr Len Armstrong, Cr Ross Chappell, Cr Debrah Clarke, Cr Jeanette De Landgraft, Cr Steve Hunt, Cr Allan Marshall, Cr Dean Sinclair, Cr Murray Stanton & Cr Andrew Walker made verbal declarations to faithfully fulfil their duties and observe the rules of conduct and signed their declarations as required under the Local Government (Constitution) Regulations 1998 of the *Local Government Act 1995*.

1.0 OPENING & ANNOUNCEMENT OF VISITORS

The Chief Executive Officer opened the meeting at 2.13 pm.

1.1 CONSTITUTIONAL MATTERS

The Chief Executive Officer conducted proceedings for:

1.1.1 ELECTION AND DECLARATION OF SHIRE PRESIDENT

The election and declaration of President by secret ballot in accordance with the *Local Government (Constitution) Regulations 1998 11A-11G*.

The Chief Executive Officer advised that at the close of nominations, two written nominations for the position of President were received in favour of Cr Len Armstrong and Cr Andrew Walker. Ballot papers were handed out, received and counted with Cr Walker being successful with a 5/4 vote count.

The Chief Executive Officer declared Cr Walker elected with a term of office expiring in October 2015. Cr Walker made his Declaration of Office as President.

1.1.2 ELECTION AND DECLARATION OF DEPUTY SHIRE PRESIDENT

The election and declaration of Deputy President by secret ballot in accordance with the *Local Government (Constitution) Amendment Regulations 1998 11A-11G*.

The Chief Executive Officer advised that at the close of nominations, two written nominations for the position of Deputy President were received in favour of Cr Ross Chappell and Cr Jeanette De Landgraft. Ballot papers were handed out, received and counted with Cr De Landgraft being successful with a 5/4 vote count.

The Chief Executive Officer declared Cr De Landgraft elected with a term of office expiring in October 2015. Cr De Landgraft made her Declaration of Office as Deputy President.

1.1.3 SEATING OF COUNCILLORS

As per Item 7.2 of Council's Standing Orders, the Chief Executive Officer conducted a random draw to determine the position that each Councillor will occupy at the Council table until the next local government election cycle in 2015.

Cr Walker took the Chair, congratulated all Councillors on their successful election and especially welcomed the new Councillors to their new positions with the Shire.

2.0 ATTENDANCE RECORD**2.1 PRESENT**

Cr AJ Walker	Shire President
Cr DF De Landgraft	Deputy Shire President

Cr LW Armstrong
 Cr R Chappell
 Cr DS Clarke
 Cr SG Hunt
 Cr AD Marshall
 Cr DP Sinclair
 Cr MG Stanton

Mr NA Hale	Chief Executive Officer
Mr J Bingham	Manager Corporate Services
Mr M Harrop	Manager Infrastructure
Mrs L Holben	Manager Community Services
Mrs J Bennett	Executive Assistant

Observers

Mr Darren Spencer	<i>2.40pm - left the meeting (after the elections)</i>
Mr Stephen Chappell	<i>2.40pm - left the meeting (after the elections)</i>
Mrs Nadene Owen	<i>2.42pm - left the meeting (after the elections)</i>
Mrs Rita Marshall	<i>2.42pm - left the meeting (after the elections)</i>
Mr Terry Gladish	<i>2.42pm - left the meeting (after the elections)</i>

2.2 APOLOGIES

None

2.3 LEAVE OF ABSENCE PREVIOUSLY GRANTED

None

3.0 PUBLIC QUESTION TIME

No members of the public present.

4.0 APPLICATIONS FOR LEAVE OF ABSENCE

4.1 CR SINCLAIR

An application in writing for Leave of Absence was received from Cr Sinclair.

MOTION 11693

Moved Cr Hunt
Seconded Cr De Landgraftt

That Cr Sinclair be approved a leave of absence from the 19 November to 21 November 2013.

MOTION CARRIED 9/0

5.0 MINUTES OF PREVIOUS COUNCIL MEETINGS

5.1 ORDINARY MEETING – 25 SEPTEMBER 2013

Resolution

MOTION 11694

Moved Cr Chappell
Seconded Cr Armstrong

That the minutes of the Ordinary Meeting of Council held on the 25 September 2013 be confirmed as a true and accurate record.

MOTION CARRIED 9/0

5.2 SPECIAL MEETING – 16 OCTOBER 2013

Resolution

MOTION 11695

Moved Cr Armstrong
Seconded Cr De Landgraftt

That the minutes of the Special Meeting of Council held on the 16 October 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

None

8.0 MOTIONS OF WHICH NOTICE HAS BEEN RECEIVED

None

9.0 PETITIONS/DEPUTATIONS/PRESENTATIONS/SUBMISSIONS

None

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

- 16 Oct 2013 – attended Lake King Progress Association Meeting, the shop & tavern have new defibrillators through St John Ambulance funding, discussion on maintenance issues.

10.2 CR ARMSTRONG

- Attended the John Stanley Forum in Newdegate for struggling businesses on 16 October 2013
- Attended a meeting with the Water Corporation, the Shire CEO and Manager Infrastructure Services, School Principal and Ashley McDonald re Newdegate's water harvesting project
- Attended the Newdegate Community Development Association Meeting last week.

10.3 CR CHAPPELL

- 7 October 2013 – Lake Grace Development Association
- 10 October 2013 – Eastern Wheatbelt Primary Care Project Meeting at Corrigin
- 14 October 2013 – Newdegate Community Development Association Meeting
- 16 October 2013 – Lake King Progress Association
- 19 October 2013 – Local Government Elections vote count at the Shire

11.0 MATTERS FOR CONSIDERATION – WORKS & SERVICES

11.1 TENDER 1-2013 – SUPPLY OF BITUMEN AND AGGREGATE

Applicant: Chief Executive Officer
File No. 0586
Attachments: Nil
Author: Mr Martin Harrop
 Manager Infrastructure Services
Disclosure of Interest: Nil
Date of Report: 10 October 2013
Senior Officer: Mr Neville Hale
 Chief Executive Officer

Summary

For Council to approve the tender for the supply of bitumen and aggregate to approximately 95,200 square metres to various projects in the Shire for the 2013/14 financial year.

Background

An advertisement for the calling of tenders for supply bitumen and aggregate was placed in the Western Australian newspaper on Saturday 31st August 2013. The scope of the supply of bitumen and aggregate is listed in Table 1.

Location	Area (m ²)	Aggregate (m3)	Seal Type
Lake Grace Karlgarin Rd	8400	75	10mm Reseal
Holt Rock South Rd	49000	440	14mm 1st Coat
Holt Rock South Rd	7000	75	10mm Reseal/seal
Biddy Buniche Rd	8400	75	10mm Reseal
Biddy Buniche Rd	8400	90	14mm 1st Coat
Newdegate North	7000	65	10mm Reseal
Newdegate North	7000	75	14mm 1st Coat

Table 1: Bitumen and aggregate requirements for 2013-2014 Program.

The tender price schedule was divided into two (2) parts as separable portions or whole of contract. This enabled the Shire to determine if economies could be made with the supply and delivery of aggregate.

The tendered prices have been assessed together with qualitative and specification criteria to determine the most advantageous outcome to the Shire.

The assessment criteria were set as follows:

- Cost 80%
- Relevant Experience 10%
- Organisational Capacity & Resources 5%
- Demonstrated Understanding 5%

The extent to which a Tender demonstrates greater satisfaction of each of these criteria will result in a greater score. The aggregate score of each Tender will be used as one of the factors in the final assessment of the qualitative criteria and in the overall assessment of value for money.

Comment

The Tenders were reviewed by an evaluation panel including the:

Martin Harrop - Manager of Infrastructure Service
Doug Whiting - Supervisor of Works

The evaluation panel scoring is tabulated below providing the final ranking of tender submissions.

Tenderer	Ranking
PART 1 (A) - Aggregate Supply	
Fyfe Transport	1
Carbone Bros.	2
Bitutek	3
Malatesta	4
Boral Asphalt	5
Fulton Hogan Industries	6
RNR Contracting	No Tender
PART 1 (B) - Bitumen Supply	
Bitutek	1
RNR Contracting	2
Boral Asphalt	3
Malatesta	4
Fulton Hogan Industries	5
Fyfe Transport	No Tender
Carbone Bros.	No Tender
PART 2 - Bitumen & Aggregate Supply	
Bitutek	1
Fulton Hogan Industries	2
RNR Contracting	3
Malatesta	4
Boral Asphalt	5
Fyfe Transport	No Tender
Carbone Bros.	No Tender

Table 2: Evaluation ranking

The tendered prices were assessed together with qualitative and specification criteria to determine the most advantageous outcome to the Shire. Local knowledge and demonstrated experience in providing timely and quality service factored in the overall weighting of the tender assessment. Based on the above evaluation it is recommended that the Shire separate the contract into separable portions for the supply of bitumen and aggregate.

The preferred supplier of aggregate is Fyfe Transport which has long history of local transport business within the Shire of Lake Grace. The price offered by Fyfe Transport was a fixed price.

The preferred bitumen supplier is Bitutek contracting who also has a team with extensive experience within the industry. It is recommended Bitutek be awarded the contract to supply bitumen subject to fixed price.

Both contractors are capable of providing the supply of goods and services within the timelines required by the Shire of Lake Grace.

Legal Implications

Local Government Act 1995

Local Government (Functions and General) Regulations 1996

Policy Implications

Nil

Consultation

Internal: Chief Executive Officer
Works Supervisor

Financial Implications

Allowances have been made within the road program budget for sealing program.

Strategic Implications

The contract is required to enable the completion of road sealing program.

Voting Requirements

Simple majority required.

Recommendation/Resolution

MOTION 11696

Moved Cr Sinclair

Seconded Cr De Landgraft

That Council, in relation to Tender 1/2013, award:

1. To Fyfe Transport the contract for the supply and delivery to site of 895 cubic metres of aggregate for the lump sum of \$100,345.
2. To Bitutek Pty Ltd the contract for the supply and spray of 153KL of bitumen and spread of aggregate for the lump sum of \$325,920.

MOTION CARRIED 9/0

12.0 MATTERS FOR CONSIDERATION – PLANNING
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12.1 PLANNING APPLICATION – PROPOSED EXTRACTIVE INDUSTRY
DOLOMITE QUARRY – 11 WATSON RD NEWDEGATE

Applicant:	Mr Ashley McDonald on behalf of D J McDonald (Lake Bidy) Nominees Pty Ltd (Landowners)
File No.	0455
Attachments:	Plans 1 to 4
Author:	Mr Joe Douglas & Mr Carlo Famiano Urban & Rural Perspectives -Town Planning Consultants
Disclosure of Interest:	Nil
Date of Report:	15 October 2013
Senior Officer:	Mr Neville Hale

Summary

This report recommends that a planning application submitted by Mr Ashley McDonald on behalf of D J McDonald (Lake Bidy) Nominees Pty Ltd (Landowners) to relocate an existing extractive industry ('Dolomite Quarry') to a new portion of Lot 11 Watson Road, Newdegate be approved subject to conditions.

Background

The applicant is seeking Council's planning approval to relocate an existing extractive industry use (i.e. a 'Dolomite Quarry') to a new portion of Lot 11 Watson Road, Newdegate to replace an existing quarry on the land which is understood to have been exhausted of all available dolomite since it was first established in 2004.

Lot 11 is located approximately 5.2 kilometres north-west of the Newdegate townsite immediately adjacent to the western edge of Lake Stubbs. The land is irregular in shape, comprises a total area of approximately 320.28 hectares and has direct frontage and access to Watson Road along its western boundary (see Plan 1 & 2).

Lot 11 has been extensively cleared as a result of its historical development and use for broadacre agricultural purposes (i.e. cropping & grazing). The land continues to be used for agricultural purposes and also contains an old dolomite quarry in its central portion. Lot 11 contains a number of physical improvements associated with these previously established land uses including dams, boundary fencing and internal access tracks (see Plan 3).

The information and 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. properly scaled overall site plan with contours, precise location and dimensions of the proposed new extractive industry site and associated stock pile areas, all internal vehicle access ways and loading/parking areas, environmental and water resource 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. Closure and rehabilitation of the now exhausted dolomite quarry in the central portion of Lot 11 within the next two (2) years in accordance with the specific requirements of the Department of Mines and Petroleum;
- ii The establishment of a new dolomite quarry immediately east of the old quarry which will involve the removal and stockpiling of 200 to 300mm of topsoil and the extraction of the exposed dolomite seam below to a depth of 1 to 2 metres;
- iii The new quarry will operate during daylight hours between January and March each year;
- iv All excavation works will be undertaken during January of each year and will involve the removal and stockpiling of up to 5,000 tonnes of unprocessed dolomite using a bulldozer;
- v The unprocessed dolomite is screened and crushed on-site during a two (2) week period during February to reduce it down to a 1 to 2mm particle size;
- vi The processed dolomite is loaded directly onto trucks using a ramp and loader and then transported from site for direct delivery to customers during February and March each year;
- vii The total amount of dolomite to be extracted, processed and transported from the site on an annual basis is estimated to be in the order of 3,000 to 5,000 tonnes;
- viii All machinery used to process the extracted dolomite is hired from external sources. The machinery is self powered (i.e. no electrical connections are required) and maintained and/or repaired off-site;
- ix Fuel for all machinery and vehicles will be supplied using mobile tankers as required (i.e. fuel is not delivered and stored on-site);
- x Access to the quarry from within Lot 11 will be via an existing gravel access way which provides a direct connection to Watson Road along the land's western boundary. No visitors will be permitted to enter the land unless authorised to do so;
- xi Truck movements from Lot 11 will be via Watson Road (unsealed) through to Lake Biddy Road (sealed) which is approximately 3 kilometres away. A total of 100 fully laden truck movements from the property through to Lake Biddy Road are estimated to occur per annum;
- xii The land will be rehabilitated upon completion of the proposed quarrying activities, the timeframe for which has not been specified by the applicant. Rehabilitation works will include the redistribution of stockpiled topsoil and regrading of the land to enable it to again be used for broadacre agricultural purposes (i.e. cropping & grazing);
- xiii The nearest sensitive land use (i.e. residential dwelling) is located approximately 1.76 kilometres west of the existing and proposed quarries on the land. No complaints from any adjoining landowners

have been received by the applicant since quarrying activities commenced back in 2004; and

- xiv No new buildings or structures are proposed to be constructed on the land as part of the proposed development and use of the property.

Comment

Current Zoning & Land Use Permissibility

Lot 11 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.

Under the terms of LPS No.4 the development and use of any land classified 'General Agriculture' zone for the purposes of an 'extractive industry' is listed as a discretionary (i.e. 'D') use which means it is not permitted unless the local government has exercised its discretion by granting planning approval.

Compliance with Development Standards

Clause 5.14.1 of LPS No.4 states that Council can support the development of land in the Scheme Area for extractive industry purposes in the following circumstances:

- a. where the extraction of minerals or basic raw materials does not adversely affect the environment or amenity in the locality of the operation during or after excavation;
- b. where due consideration is given to the rehabilitation and sequential use of extraction areas early in the planning process; and
- c. where proposals comply with all relevant legislation, policies, guidelines and codes of practice applicable at the time including the Shire of Lake Grace Extractive Industries Local Law.

Having regard for the information submitted in support of the application the reporting officers' have formed the view that the proposal to relocate the existing extractive industry use to a new portion of Lot 11 is capable of being supported by Council for the following reasons:

- i. The application represents a continuation of an existing use that has been operating on the land since 2004;
- ii. The predominant use surrounding Lot 11 is broadacre farming (i.e. cropping & grazing) with a conservation reserve located immediately east. It is significant to note that the nearest sensitive land use (i.e. residential dwelling) is located approximately 1.76 kilometres away;
- iii. The proposed extractive industry is capable of being conducted in a manner which will not be obstructive or detrimental to the amenity and character of the immediate locality;

- iv. The proposed extractive industry is unlikely to have a detrimental impact on the visual amenity of the immediate locality or the continued operation of other existing established rural land uses;
- v. The proposed extractive industry will not result in the clearing of any existing native vegetation of regional significance or interfere with any natural drainage lines or drainage catchments in the locality;
- vi. The current use of the land for extractive industry purposes has not historically generated excessive and unreasonable volumes of vehicular traffic and is unlikely to do so in the future; and
- vii. The proposed extractive industry will not have any detrimental impacts upon the continued use of the balance areas of the property for broadacre agricultural purposes (i.e. cropping & grazing).

Clause 5.14.2 of LPS No.4 clearly states that all applications for planning approval for the establishment of an extractive industry in the Shire shall be accompanied by a Management Plan which:

- a. describes the physical characteristics of the excavation site including significant environmental features;
- b. demonstrates that sensitive land uses within 1,000 metres of the proposal will not be adversely affected by the extractive industry operations;
- c. identifies appropriate buffer distances required for extraction that are needed to buffer the impact of operations to adjacent land uses;
- d. provides details of the proposed use, development and management of the site including the nature and estimated duration of excavation works, environmental and water resource management standards, excavation areas, stock piles, machinery maintenance areas, processing plants, fuel storage and on-site access roads, parking for cars and other vehicles used on the site, and proposals for landscaping to screen activities on the site from public view;
- e. describes arrangements for access to the site, including the roads which are proposed to be used to provide the main vehicular access and likely traffic volumes;
- f. provides details of proposed decommissioning and rehabilitation works;
- g. describes future land use and development proposals following completion of decommissioning and rehabilitation works; and
- h. any other information the local government considers relevant.

As previously mentioned the information and plans submitted by the applicant are quite broad and do not provide all of the information typically required in support of planning applications, in particular the specific requirements of Clause 5.14.2 of LPS No.4. In this case there is still some degree of uncertainty regarding the proposed development, use and rehabilitation of the subject land.

Notwithstanding the above, the reporting officers' have formed the view that further details regarding the operation, management and future rehabilitation of that portion of the land proposed to be used for extractive industry purposes can and should be secured from the applicant by imposing a number of suitably worded conditions on any planning approval issued by Council.

Shire of Lake Grace Extractive Industries Local Law

On 27 September 2000 Council adopted a local law governing the development and use of any land in the Shire for extractive industry purposes. Under the terms of this local law a person is not permitted to carry on an extractive industry on any land within the Shire:

- a. unless the person is the holder of a valid and current licence; and
- b. otherwise than in accordance with any terms and conditions set out in, or applying in respect of, that licence.

The applicant has clearly stated that dolomite has been extracted from the land since 2004. It is not known if this activity has been undertaken in accordance with an approved extractive industry license and is a matter that may warrant further investigation by the Shire Administration. Council should note that planning approval for the extractive industry use on the land was not required back in 2004 as the Shire's then operative Town Planning Scheme No.3 only applied to land within the Shire's designated townsites.

In order to ensure that all future extraction of dolomite from the subject land is undertaken in accordance with the terms and conditions of an approved Extractive Industry License it is recommended that Council include an advice note on any planning approval issued reminding the applicant of their obligation to seek and obtain approval to an Extractive Industry License in accordance with the specific requirements of the Shire's Extractive Industries Local Law prior to any further development and use of the land for extractive industry purposes.

Council should note that the information requirements to obtain approval to an Extractive Industry License are more onerous than what is required for a planning application. It is therefore considered justified to require the applicant as a condition of planning approval to compile and submit more detailed information than what has been provided thus far as it will assist preparation and timely processing of the required Extractive Industry License application.

Conclusion

It is concluded from a detailed assessment of the application that the proposal to relocate the existing extractive industry use (i.e. 'Dolomite quarry') to a new portion of Lot 11 Watson Road, Newdegate to replace an existing quarry on the land is unlikely to have a negative impact on the general amenity, character, functionality and safety of the immediate locality and may therefore be supported and approved by Council subject to the imposition of a number of conditions to ensure that the proposed development and use proceeds in a proper and orderly manner.

Legal Implications

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

Policy Implications

State Planning Policy 2.4 – Basic Raw Materials
 State Planning Policy 2.5 – Agriculture and Rural Land Use Planning
 State Planning Policy 4.1 – State Industrial Buffer Policy
 Basic Raw Materials Applicants' Manual 2009

Consultation

Community consultation not required

Financial Implications

Nil

Strategic Implications

Nil

RecommendationVoting Requirements

Simple majority required.

Resolution**MOTION 11697**

Moved Cr Marshall
Seconded Cr Sinclair

That the application for planning approval submitted by Mr Ashley McDonald on behalf of D J McDonald (Lake Bidy) Nominees Pty Ltd (Landowners) to relocate an existing extractive industry use (i.e. 'Dolomite quarry') to a new portion of Lot 11 Watson Road, Newdegate to replace an existing quarry on the land be approved subject to compliance with the following conditions and advice notes:

Conditions

1. A Management Plan shall be prepared and submitted to the Shire of Lake Grace for consideration and approval by the Shire's Chief Executive Officer prior to the commencement of any development on the land. The Management Plan shall incorporate all information submitted in support of the original planning application as well as the following additional information:
 - a) A suitably scaled site plan which clearly illustrates the location and extent of the new excavation area, all proposed stockpile areas, internal vehicle access, circulation and parking areas, loading ramps, refuelling areas and plant and machinery parking and processing areas;
 - b) A site plan illustrating vehicle access/egress point(s) associated with the proposed extractive industry and the dimensions and surface treatments for all internal access ways and parking areas;
 - c) The maximum number of people proposed to be employed on the site at any one time;
 - d) Details of the estimated duration of all proposed new excavation works;
 - e) Details regarding dust management;
 - f) Cross sectional drawings of the old and new excavation areas demonstrating existing ground levels, the maximum depth of excavation works and final proposed ground levels following the cessation of all quarrying activities; and
 - g) Details of the proposed decommissioning and rehabilitation works for both the old and new excavation areas including likely timeframes for completion and fill materials to be used.
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 Management Plan required by Condition No.1 above if and when it is approved by the Shire's Chief Executive Officer.

MOTION 11697 continued

3. The maximum depth of all excavation works shall not exceed three (3) metres below the natural ground level unless otherwise approved by Council.
4. The new extractive industry area shall only be operated during daylight hours between January and March unless otherwise approved by Council.
5. The applicant shall be responsible for the cost of repairing any undue damage to local roads caused by the heavy vehicle movements associated with the extractive industry operations on the land as determined on a yearly basis by the Shire of Lake Grace.
6. All on-site refuelling shall take place within a suitably located and constructed bunded area in accordance with the Department of Mines and Petroleum standard requirements and any other relevant regulations.
7. Any oil or fuel leakages/spills shall be cleaned up within 24 hours and all contaminated soil disposed of to the satisfaction of the Shire of Lake Grace.
8. The dust control measures outlined in the approved 'Management Plan' shall be implemented to the satisfaction of the Shire of Lake Grace.
9. The old disused quarry shall be rehabilitated in accordance with the approved 'Management Plan' within two (2) years from the date of this approval to the satisfaction of the Shire of Lake Grace.
10. The new quarry and its immediate surrounds shall be rehabilitated in accordance with the approved 'Management Plan' within two (2) years of cessation of the extractive industry use to the satisfaction of the Shire of Lake Grace.
11. The subject land shall be kept in a neat and tidy condition at all times to the satisfaction of the Shire of Lake Grace.
12. The dumping of any rubbish and/or contaminated materials within or around the old and new quarry areas is not permitted at any time. The quarry areas shall be filled with clean materials in accordance with the details contained in the approved 'Management Plan' to the satisfaction of the Shire of Lake Grace.
13. No blasting associated with the proposed extractive industry use shall be carried out on the land at any time unless otherwise approved by Council.
14. Any proposed advertising and/or directional signage shall be provided in accordance with the specific requirements of Schedule 5 of Local Planning Scheme No.4 and the Shire's local planning policy entitled 'Advertising Signage' unless otherwise approved by Council.

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 – SEPTEMBER 2013**

Applicant:	Shire of Lake Grace
File No.	0277
Attachments:	List of Creditors
Author:	Ms Tracie Buntrock
Disclosure of Interest:	Nil
Date of Report:	11 October 2013
Senior Officer:	Mr John Bingham

Summary

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

Background

List of payments for the month September 2013 through the Municipal account 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 September 2013 from the Municipal and Trust Accounts Total \$521,683.80

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 11698

Moved Cr Hunt
Seconded Cr De Landgraft

That Council receive the list of payments totalling \$521,683.80 as presented for the month of September 2013 incorporating:

1. Municipal Account –
Direct Credits DD4700.1 to DD4742.
Cheques 35213 to 35244; and,
Electronic Funds Transfers 11507 to 11630

Totalling \$521,633.80; and,

2. Trust Account Cheque 737 totalling \$ 50.00

MOTION CARRIED 9/0

14.2 FINANCIAL STATEMENTS – SEPTEMBER 2013

Note: At the time of printing the Agenda documents, the September 2013 Financial Reports and Bank Reconciliations were still being finalised – the reports were provided to Councillors by email prior to the meeting and tabled at the meeting for inclusion in the Attachments.

Applicant: Corporate Services Section
File No. 0275
Attachments: Financial Reports
Author: Mrs Lee-Anne Trevenen
Disclosure of Interest: Nil
Date of Report: 10 October 2013
Senior Officer: Mr John Bingham

Summary

Consideration of the financial statements for the month ending 30 September 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

Goal 7: Organisational Excellence

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

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 September 2013.

Voting Requirements

Simple majority required.

Recommendation/Resolution

MOTION 11699

Moved Cr Chappell
Seconded Cr Armstrong

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 September 2013.

MOTION CARRIED 9/0

15.0 MATTERS FOR CONSIDERATION – ADMINISTRATION
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15.1 CAT ACT 2011 – PROPOSED SHIRE OF LAKE GRACE DELEGATION O08

Applicant:	Executive Services
File No.	0052
Attachments:	Extract - <i>Cat Act 2011</i> New Delegation O08
Author:	Mrs Jeanette Bennett
Disclosure of Interest:	Nil
Date of Report:	16 October 2013
Senior Officer:	Mr Neville Hale

Summary

The purpose of this report is for Council to approve the proposed Delegation O08 to the Chief Executive Officer to cover the exercise of any of its powers or the discharge of any of its duties under the *Cat Act 2011*.

Background & Comment

The *Cat Act 2011* (the Act) comes into effect as of 1 November 2013. Under the Act local government is responsible for administering and enforcing the legislation.

Delegations – *Cat Act 2011*

The Cat Act 2011, Division 2, section 44 (1), (2) & (3) refers to the local government delegating to its CEO, the exercise of any of its powers or the discharge of any of its duties under another provision of the Act. Further, the delegation under this section is to be in writing and may be general or as otherwise provided in the instrument of documentation and is to be made by an absolute majority.

Division 2, section 45 refers to the CEO on- delegating to any employee of the local government, the exercise of any of the CEO's powers or the discharge of any of the CEO's duties under another provision of the Act.

Delegations – *Local Government Act 1995*

In accordance with the requirements under section 5.42 of the *Local Government Act 1995*; the local government may delegate to the CEO the exercise of any of its powers or the discharge of any of its duties under the Act other than those referred to in section 5.43. Section 5.44 allows for the CEO to delegate powers and duties to other employees.

Accordingly, a new delegation has been prepared for inclusion in the Delegation Register under the 'Other' – Delegation O08 – refer attachment.

Legal Implications

Local Government Act, 1995 - s5.42 Delegations to the CEO
- s5.44 CEO may delegate
- s5.46 Register of Delegations

Cat Act, 2011 - Division 2 s44 (1), (2) & (3), s45 (1), (2), (3), (4), (5) & (6), s46 & s 47.

Policy Implications

N/A

Consultation

N/A

Financial Implications

N/A

Strategic Implications

Provides for good governance within the Shire - the new cat laws are about encouraging responsible pet ownership and reducing the number of unwanted cats in the community.

Voting Requirements

Absolute majority (5) required.

Recommendation/Resolution

MOTION 11700

Moved Cr De Landgraft
Seconded Cr Sinclair

That Council:

1. In accordance with s5.42 of the *Local Government Act 1995*, delegate to the Chief Executive Officer, the discharge of duties and powers as detailed in the attached Delegation O08, noting that the Chief Executive Officer will on-delegate some of his powers and duties to other staff.
2. That the Delegations Register be updated accordingly.

MOTION CARRIED BY ABSOLUTE MAJORITY 9/0

15.2 **APPOINTMENT OF AUTHORISED OFFICERS**

Applicant: Chief Executive Officer
File No: 0052
Attachments: Extract – *Cat Act 2011*
Author: Ms Heather Bell
Disclosure of Interest: Nil
Date of Report: 15 October 2013
Senior Officer: Mr Neville Hale

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

Council previously, at its 22 May 2013 Ordinary Council Meeting, appointed authorised officers.

Due to the appointment of a permanent CEO, other staff and the introduction of the Cat Act 2011 on 1 November 2013, a review and update of authorised officers is required.

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 Neville Hale 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 Neville Hale, 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 Neville Hale, 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 Neville Hale, 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 Chief Executive Officer, Neville Hale 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 local government 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 the Cat Act 2011 the local government may, in writing, appoint persons or classes of persons to be authorised for the purposes of performing particular functions.

Accordingly, the following staff members along with Mr Ron Steed are appointed as "Authorised Persons":

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

(10) 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.

(11) 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.

(12) 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.

(13) 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

Cat Act 2011

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 11701

Moved Cr Hunt
Seconded Cr Chappell

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):

- Neville Hale
- John Bingham

(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):

- Neville Hale
- 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):

- Neville Hale
- 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):

- Neville Hale
- 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):

- Neville Hale
- 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):

- Neville Hale
- John Bingham

MOTION 11701 continued

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
- Tracie Buntrock
- Kiera Stephen
- Ron Steed

(9) Cat Act 2011 – Authorised Persons

- John Bingham
- Heather Bell
- Tracie Buntrock
- Kiera Stephen
- Ron Steed

(10) Health Act 1911 – s27 Appointment of Environmental Health Officer

- Maurice Walsh

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

- John Bingham
- Marcus Owen
- Ron Steed

(12) Caravan Parks and Camping Grounds Act 1995 – s17 Authorised Persons

- Maurice Walsh

(13) Litter Act 1979 – s26

- All Shire Staff

MOTION CARRIED 9/0

16.0 INFORMATION BULLETIN**16.1 INFORMATION BULLETIN REPORT – OCTOBER 2013**

Applicant:	Executive Services
File No.	N/A
Attachments:	1 to 5 (<i>for Councillors information only</i>)
Author:	Mrs Jeanette Bennett
Disclosure of Interest:	Nil
Date of Report:	16 October 2013
Senior Officer:	Mr Neville Hale

Summary

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

Background

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

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

Comment

The information at attachment includes:

1. Council Status Report

Tracks the progress of Council resolutions.

2. Minutes – 4WDL VROC

Minutes of the 4WDL VROC held 10 September 2013.

3. Informal Minutes – Lake Grace Sports Pavilion Committee

Notes from the informal meeting of the Lake Grace Sports Pavilion Meeting held on 3 September 2013.

4. Lake Grace Visitor Centre Statistics

Lake Grace Visitor Centre Statistics for September 2013.

5. WALGA – Economic Briefing

WALGA's October 2013 Economic Briefing.

Legal Implications

Nil

Policy Implications

Nil

Consultation

Nil

Financial Implications

Nil

Strategic Implications

Shire of Lake Grace Strategic Plan

Voting Requirements

Simple majority required.

Officer's Recommendation/Resolution

MOTION 11702

Moved Cr Chappell
Seconded Cr Clarke

That Council receive the Information Bulletin report.

MOTION CARRIED 9/0

17.0 URGENT BUSINESS BY DECISION OF THE MEETING

None.

18.0 SCHEDULING OF MEETING

18.1 NOVEMBER 2013 ORDINARY MEETING

Motion 11543 November 2012 states:

An Ordinary Meeting of Council will be held on Wednesday 20 November 2013, commencing at 8:00am at the Newdegate Community Library & Resource Centre, Collier St Newdegate WA.

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

None

20.0 CLOSURE

There being no further business, the Shire President closed the meeting at 3.18pm.

21.0 CERTIFICATION

I Andrew James Walker certify that the minutes of the meeting held on the 23 October 2013 as shown were confirmed as a true record at the meeting held on the 20 November 2013.

Presiding Member

Date