

Shire of Lake Grace

Ordinary Council Meeting

Minutes

27 June 2012



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SHIRE OF LAKE GRACE

Minutes of the Ordinary Meeting of Council held at Council Chambers, 1 Bishop St Lake Grace WA on Wednesday 27 June 2012.

1.0 OPENING & ANNOUNCEMENT OF VISITORS

The Shire President opened the meeting at 3.05pm.

2.0 ATTENDANCE RECORD

2.1 PRESENT

Cr LW Armstrong	Shire President
Cr IG Chamberlain	Deputy Shire President
Cr R Chappell	
Cr JF De Landgraft	
Cr OP Farrelly	
Cr AI Milton	
Cr DP Sinclair	
Cr AJ Walker	
Mr GK Simpson	Acting Chief Executive Officer
Ms S Appleton	Manager Corporate Services
Mr M Harrop	Manager Infrastructure Services
Mrs L Trevenen	Manager Community Services (Acting)
Mrs A Naisbitt	Customer Services Officer (Observer)
Mr A Lloyd	Parks & Gardens Team (Observer)
Mr M Owen	Community Emergency Services Officer (Observer)
Mrs H Bell	Senior Finance Officer (Observer)
Mrs Paula Carruthers	St John Ambulance Association, LG Branch
Fr Gayan Thamel	St John Ambulance Association, LG Branch
Mrs Maxine Steed	St John Ambulance Association, LG Branch
Mrs Eldie Berdin	St John Ambulance Association, LG Branch

2.2 APOLOGIES

2.3 LEAVE OF ABSENCE PREVIOUSLY GRANTED

None.

3.0 PUBLIC QUESTION TIME

3.1 MR NICK MAALOUF

At the May 2012 Council Meeting, Mr Maalouf submitted a question in writing regarding the reason for the motion to have the CEO's contract terminated and that the 4 May 2012 Special Minutes showed no speakers for or against the motion. Mr Maalouf requested a reply showing the reasons for the attempted dismissal which led to the CEO handing in his resignation.

A letter was sent to Mr Maalouf explaining the reasons i.e. the meeting was closed to the public and that minutes of council meetings are not required to record the debate, only the decisions of Council.

3.2 MRS TANIA SPENCER

At the May 2012 Council Meeting, Mrs Spencer referred to the minutes of the April 2012 Council Meeting, Item 15.4 Local Government Misconduct. She had previously submitted a complaint to the Local Government Standards Panel and questioned whether this matter (as per Item 15.4) would now be referred back to the President to be dealt with at a local level.

The Shire President advised the question would be taken on notice. At this point in time the Shire has made enquiries through the Department of Local Government and is awaiting a reply.

4.0 APPLICATIONS FOR LEAVE OF ABSENCE

4.1 CR NEWMAN

An application for leave of absence was received from Cr Newman for the 27th June 2012 Ordinary Council Meeting – Cr Newman has a CBH Board Meeting on the same day.

An application for leave of absence was received from Cr Armstrong for the period 6th July 2012 to 24th July 2012.

MOTION 11441

Moved Cr Chamberlain
Seconded Cr Farrelly

That:

1. Cr Newman's Application for Leave for 27th June 2012 is approved.
2. Cr Armstrong's Application for Leave from 6th July 2012 to 24th July 2012 is approved.

MOTION CARRIED 8/0

5.0 MINUTES OF PREVIOUS COUNCIL MEETINGS

5.1 ORDINARY MEETING – 23 MAY 2012

Resolution

MOTION 11442

Moved Cr Walker
Seconded Cr Sinclair

That the minutes of the Ordinary Meeting of Council held on the 23 May 2012 be confirmed as a true and accurate record.

MOTION CARRIED 8/0

6.0 DECLARATIONS OF INTEREST**6.1 DECLARATIONS OF FINANCIAL INTEREST – LOCAL GOVERNMENT ACT SECTION 5.60A****6.2 DECLARATIONS OF PROXIMITY INTEREST – LOCAL GOVERNMENT ACT 1995 SECTION 5.60B**

Cr Chamberlain declared a proximity interest in Item 12.3 in that he is an adjoining landowner.

6.3 DECLARATIONS OF IMPARTIALITY INTEREST – ADMINISTRATION REGULATION SECTION 34C

Cr Milton declared an interest affecting impartiality in Item 12.2 in that she is the Chairman of the St John Ambulance – Lake Grace Sub Centre.

7.0 NOTICES OF URGENT BUSINESS

The Shire President advised that a late item of urgent business regarding a planning application for Sugg Road Lake King will be included in today's agenda.

8.0 MOTIONS OF WHICH NOTICE HAS BEEN RECEIVED

None.

9.0 PETITIONS/DEPUTATIONS/PRESENTATIONS/SUBMISSIONS**9.1 PROPOSED NEW ST JOHN AMBULANCE DEPOT – STUBBS ST LAKE GRACE**

Amanda Milton, Chair of the St John Ambulance Lake Grace Sub Centre gave a presentation on the proposal for a new ambulance services building which is planned to be constructed within the Medical Precinct in Stubbs St Lake Grace - refer Item 12.2 on page 305 of this Agenda document.

3.44pm *Mrs Paula Carruthers, Fr Gayan Thamel, Mrs Maxine Steed & Mrs Eldie Berdin left the meeting.*

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

- Attended an informal community meeting re final plans for Lake King Traffic Management Project.
- Attended an interview with consultants re Community Strategic Plan
- Attended Lake King Progress Meeting – the Lake King Tractor Museum Project voted first priority for Lake King.
- Requested Shire assistance for Lakes ICPA Branch (copying of conference papers)

10.2 CR CHAPPELL

24/06/2012 to 27/06/2012 with Cr Armstrong travelled to Canberra to attend the 2012 National General Assembly of Local Government Conference.

The theme for 2012 is National Voice, Local Choice – Infrastructure Planning Services, and it is aimed at stimulating ideas about improving the way in which local government serves its communities and the way in which it with other levels of government.

Sunday was the Regional Cooperation and Development Forum. It will continue to build on examining the regional development opportunities and challenges in Australia through the lens of regional typologies. Guest speakers where Dr Peter Brain, Dr Ian Manning, Glenys Beauchamp, Christian Zahra, Su McCluskey, Dr Marcus Spiller, Hon Rob Kerin, and Craig Niemann.

The main thing to come out of all this is to strengthen ties between regional areas and cities and to stop the drain out of communities. The drain on communities is what we did in Lake Grace with Living Communities.

Monday was the official opening of conference with several guest speakers over the next two and half days including the Hon Simon Crean, Senator Christine Milne, Hon Mark Dreyfus and Senator Barnaby Joyce. Unfortunately politicians and ex-politicians tend to talk to you as if they are on an election campaign although they all did support ALGA to push for a referendum at the next federal election on the Constitutional Recognition of Local Government.

I suppose the most I got out of this trip was that it does not matter what size council you are we all have similar problems we all have problems funding and servicing our road networks, we are developing quicker than we can keep up and that we can identify the problems but no one has a direct answer. I don't believe that trying to throw buckets loads of money at them is always the answer and one guest speaker suggested that we may need to try and live within our means.

10.3 CR FARRELLY

- Attended Community Strategic Planning Workshop at the Lake Grace CRC on 22 May 2012
- 18 June 2012 – attended interview with Community Strategic Planning Consultant
- 21 June 2012 – represented Shire President in Kulin at the launch of the first stage of the “Tin Horse Highway” Book Launch, “Much More Than Metal” and the unveiling of the entry statement to the “Tin Horse Highway”.

10.4 CR CHAMBERLAIN

- Attended the Newdegate Community Development Association Meeting
- Attended the Colts Carnival Dinner in Lake Grace.

10.5 CR ARMSTRONG

- Attended the National General Assembly of Local Government in Canberra with Cr Chappell
- Attended the Newdegate Rejuvenation Committee Meeting
- Attended Newdegate Field Days Committee Meeting
- Attending Eastern Wheatbelt Primary Care Project Meeting tomorrow - 26th June 2012

11.0 MATTERS FOR CONSIDERATION – WORKS & SERVICES

11.1 TENDER 1/2012 – LAKE GRACE WATER MAINS UPGRADE

Applicant:	Chief Executive Officer
File No.	0704/0463
Attachments:	Comparison Price Schedule - <i>forwarded under separate cover</i>
Author:	Mr Martin Harrop Manager Infrastructure Services
Disclosure of Interest:	Nil
Date of Report:	6 June 2012
Senior Officer:	Mr Graeme Simpson Acting Chief Executive Officer

Summary

This report recommends that Council approve a tender for supply and installation of a water main upgrade to service the proposed residential subdivision of Lot 1 Wattle Drive, Lake Grace.

Background

The Shire of Lake Grace has undertaken a staged subdivision of Lot 1 Wattle Drive Lake Grace for residential purposes. On December 2009 the Western Australian Planning Commission (WAPC) granted conditional approval to subdivide Lot 1 Wattle Drive to create ten (10) new separately titled residential lots, one (1) reserve for public open space and one (1) balance of title lot.

Conditional approval of the subdivision required that the existing water main be upgraded to service the subdivision. The proposed works will involve supply and installation of a water main pipe from Dewar Street to Eggers Place on South Road.

The cost of the work is fully refundable from the Water Corporation 12 months from the date of completion of the works. The works are carried out to the specification and standard required by the Water Corporation, Public Transport Authority and Main roads.

At its Ordinary Meeting held on 16 April 2012 Council resolved to authorise the Chief Executive Officer to call tenders for the supply and installation of a water main upgrade for the proposed subdivision.

The tender was advertised in the 'West Australian' on Saturday 28 April 2012 and closed on Monday 14 May 2012 at 10.00am.

Three (3) conforming tenders were received from:

- Geographe Civil Pty Ltd
- Longfield Services Pty Ltd
- Tricoast Civil Pty Ltd

Comment

At the closure of the tender period minor changes to the scope of the works were requested by the Water Corporation and Public Transport Authority including:

- Upgrade the pipe at Dewar/South Road Intersection from 200PVC to 250PE and bore under pavement
- Omit the 400mm stainless steel sleeve and 250PE pipe under redundant railway line
- Upgrade the pipe from the railway line to south of Stubbs Street intersection to 250PE pipe
- Upgrade the South Street crossing from 300PVC to 400PE and bore installation

These changes will have a minor impact on the price schedule and therefore it was acceptable to evaluate the conforming tenders to the advertised plan to establish the preferred tenderer. Subject to the awarding of the preferred tenderer the Shire will request a revised price schedule to account for the change in scope of works.

Advice from WALGA confirmed that minor variations to tender prices are acceptable and that it enables the process to proceed without further delay.

Tenders were evaluated using the Western Australian Local Government's (WALGA) preferred model. The selection criteria were set as follows and an assessment based on a scoring range using the following criteria and weightings:

Demonstrated Relevant experience to meet specifications:	20%
Demonstrated Organisational Capacity:	30%
Demonstrated Organisational Resources:	30%
Demonstrated Understanding:	20%

Pricing for Tender 1/2012 was evaluated out of 100 using the following points scale:

Unreasonable:	25 Points
Reasonable:	50 Points
Good:	75 Points
Very Good:	100 Points

The percentage weighted sub totals were the added to the price points totalling a score out of two hundred (200).

Selection Criteria	Relevant Experience	Organisational Capacity	Organisational Resources	Demonstrated Understanding	Sub Total	Price (Points)	Total
Tenderer	20	30	30	20	100	100	
Longfield Services	14	24	24	17	79	100	179
Tricoast Civil	17	25.5	25.5	15	83	75	158
Geographe Civil	17	25.5	25.5	16	84	50	134

Table One: Tender Evaluation Scorecard for Tender 1/2012

Table one provides an assessment based on a scoring range using the above criteria and weightings. Further information on the tenderers price comparison schedule will be made available to elected members under separate cover.

Based on the above information and evaluation it is recommended that the Shire negotiate with the preferred tenderer, Longfield Services to provide a revised price schedule to account for the changes in project scope. The revised

schedule is estimated to be a minor variation and this process will allow the project to proceed with further delay.

Longfield Services has undertaken various pipeline installation works throughout the State and has Water Corporation accreditation to carry out such works. As such the tenderer has demonstrated the required ability to carry out the installation of water pipelines for the proposed residential subdivision at Lot 1 Wattle Drive, Lake Grace.

Legal Implications

Local Government Act 1995

Local Government (Functions and General) Regulations 1996

Policy Implications

Nil

Consultation

Internal: Chief Executive Officer

External: Water Corporation & David Wills and Associates

Financial Implications

Allowances will need to be made in Council's 2012/2013 budget for all costs associated with the next stage of the proposed subdivision development of Lot 1 Wattle Drive, Lake Grace for residential purposes. The cost of the work is fully refundable from the Water Corporation 12 months from the date of completion of the works.

Strategic Implications

The subdivision of Lot 1 Wattle Drive, Lake Grace for residential purposes is consistent with strategic land use planning direction afforded by the Shire of Lake Grace Local Planning Strategy as this relates to future residential development in the Lake Grace town site.

Voting Requirements

Simple majority required.

Officer Recommendation/Resolution

MOTION 11443

Moved Cr Farrelly
Seconded Cr Chappell

That Council accept Longfield Services as the preferred tenderer and authorise the Acting Chief Executive Officer to negotiate a variation to the price schedule as a result of changes to the scope of works as required by the Water Corporation and Public Transport Authority.

MOTION CARRIED 8/0

12.0 MATTERS FOR CONSIDERATION – PLANNING
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12.1 AMENDMENT NO 1 – SHIRE OF LAKE GRACE LOCAL PLANNING STRATEGY – PROPOSED LIGHT INDUSTRIAL SUBDIVISION ON PORTION OF RESERVES 20531 & 25063 NEWDEGATE RAVENSTHORPE ROAD NEWDEGATE

Applicant:	Shire of Lake Grace
File No.	0370
Attachments:	Plans 1 to 5 & Attachment 1
Author:	Mr Joe Douglas & Mr Carlo Famiano Urban & Rural Perspectives -Town Planning Consultants
Disclosure of Interest:	Nil
Date of Report:	19 June 2012
Senior Officer:	Mr Graeme Simpson Acting Chief Executive Officer

Summary

This report recommends that Council resolve to:

- a) Finally adopt proposed Amendment No.1 to the Shire of Lake Grace Local Planning Strategy without modification, execute the amendment documents as required under the Town Planning Regulations 1967 and submit the documentation to the Western Australian Planning Commission seeking final endorsement; and
- b) Instruct the Shire's Administration to obtain quotations from and thereafter appoint a suitably qualified environmental consultant to undertake the investigation and reporting required in respect of the potential soil and/or groundwater contamination on the subject land in accordance with the Department of Environment and Conservation's 'Contaminated Sites Management Series' guidelines.

Background & Comment

Council has previously resolved to progress the subdivision development of portion of Reserves 20531 and 25063 Newdegate-Ravensthorpe Road, Newdegate for light and service industry type purposes to address the current critical shortage of land of this type in the Newdegate townsite. Preliminary plans of the proposed subdivision previously endorsed by Council are attached herewith (see Plans 1 to 5).

At its Ordinary Meeting held on 28 March 2012 the Lake Grace Shire Council resolved, pursuant to regulation 12C (1) of the Town Planning Regulations 1967, to amend the Shire of Lake Grace Local Planning Strategy by modifying the Strategy Text and Newdegate Townsite Development Strategy Plan to reclassify approximately 5.4 hectares of land comprising portion of Reserves 20531 and 25063 Newdegate–Ravensthorpe Road, Newdegate from 'Conservation' to 'Industrial' and 'Future Development Area DA11A' (Item 12.1 of Council's March 2012 ordinary meeting).

In accordance with the specific requirements of regulation 12 (1) of the Town Planning Regulations 1967 the proposed amendment to the Shire's Local Planning Strategy was referred to the Western Australian Planning Commission (WAPC) for consideration and certification. By correspondence

received by the Shire dated 10 April 2012 the WAPC granted consent for the proposed amendment to be advertised for public comment in accordance with regulation 12B of the Town Planning Regulations 1967 subject to the inclusion of the following text in Table 5 of section 5.3 of the Local Planning Strategy:

“DA11A will be guided by a Subdivision Guide Plan and developed in a manner that ensures a logical staging of industrial land in Newdegate.”

Given the above, the proposed amendment to the Local Planning Strategy was advertised for public comment for the minimum required period of twenty one (21) days concluding on 18 May 2012. This process included appropriate notices in the West Australian Newspaper, correspondence to all relevant service authorities and public display of the amendment documentation at the Shire’s administration centre.

Under the terms of Town Planning Regulations 1967 Council is now required to consider all submissions received in respect of the proposed amendment and determine whether or not it should be adopted with or without modification. At the conclusion of public advertising a total of seven (7) submissions had been received by the Shire, all of which were from government agencies. A summary of the submissions received is provided in the attached ‘Schedule of Submissions’ (see Attachment 1).

A detailed review of the submissions received during the public advertising period has revealed that the government agencies which provided a response are mainly supportive of and have no objections to the proposed Local Planning Strategy amendment.

Notwithstanding the broad level of support, the Department of Environment and Conservation (DEC) advised that previous investigations undertaken of the subject land identified that the area within and adjacent to its southern boundary may contain uncontrolled fill and potential contamination. As such the DEC has advised that any future development of the land will require the following tasks to be undertaken prior to commencement of any subdivision development works:

- i) Investigation of any soil and/or groundwater contamination in accordance with the DEC’s ‘Contaminated Sites Management Series’ guidelines; and
- ii) Site remediation, including validation of remediation, of any contamination identified.

Given the outcomes from public advertising it is recommended that Council now resolve to:

- a) Finally adopt Amendment No.1 to the Shire of Lake Grace Local Planning Strategy without modification and submit the relevant documentation and plans to the Western Australian Planning Commission seeking final endorsement; and
- b) Authorise the Shire Administration to obtain quotations from and thereafter appoint a suitably qualified environmental consultant to undertake the investigation and reporting required in respect of the potential soil and/or groundwater contamination on the land in accordance with the DEC’s ‘Contaminated Sites Management

Series' guidelines including details of all required site remediation works and associated costs for consideration by Council prior to making any further commitments to the rezoning and subsequent subdivision development of the land.

Legal Implications

Planning and Development Act 2005 (as amended)
Town Planning Regulations 1967 (as amended)

Policy Implications

Nil

Consultation

Community consultation completed in accordance with the specific requirements of the Town Planning Regulations 1967.

Financial Implications

It is understood that a suitable allowance has been made in Council's budget for the 2011/2012 financial year to progress Amendment No.1 to the Shire of Lake Grace Local Planning Strategy.

Based upon preliminary advice received by the reporting officers, it is recommended that Council make an allowance of up to \$50,000 in its budget for the 2012/2013 financial year to engage a suitably qualified environmental consultant undertake the investigation and reporting required in respect of the potential soil and/or groundwater contamination on the land in accordance with the DEC's 'Contaminated Sites Management Series' guidelines including details of all required site remediation works and associated costs.

Strategic Implications

The need for suitably located and serviced land in the Newdegate townsite for light/service industry type land uses has been well documented in previous reports considered by Council over the last 15 years. In order to now implement Council's preference to develop the relevant portions of Reserves 20531 and 25063 Newdegate-Ravensthorpe Road, Newdegate for light/service industrial purposes a suitable amendment to the Shire's current Local Planning Strategy is required.

Voting Requirements

Simple majority required.

Recommendation/Resolution

MOTION 11444

Moved Cr Chamberlain
Seconded Cr Sinclair

That Council:

1. Note all of the submissions received in respect of Amendment No.1 to the Shire of Lake Grace Local Planning Strategy as this relates to the proposed modifications to the Strategy Text and Newdegate Townsite Development Strategy Plan to reclassify approximately 5.4 hectares of land comprising portion of Reserves 20531 and 25063 Newdegate–Ravensthorpe Road, Newdegate from ‘Conservation’ to ‘Industrial’ and ‘Future Development Area DA11A’ and advise the Western Australian Planning Commission that no modifications to the amendment are recommended or required to reflect the submissions;
2. Finally adopt Amendment No.1 to the Shire of Lake Grace Local Planning Strategy without modification in accordance with regulation 12B (3) (b) of the Town Planning Regulations 1967 (as amended);
3. Endorse three (3) copies of the documentation prepared in respect of Amendment No.1 to the Shire of Lake Grace Local Planning Strategy by authorising the Shire President and Chief Executive Officer to sign the amendment documentation accordingly;
4. Authorise the Shire Administration to submit the endorsed documentation prepared in respect of Amendment No.1 to the Shire of Lake Grace Local Planning Strategy to the Western Australian Planning Commission seeking final endorsement in accordance with regulation 12B (3) (c) of the Town Planning Regulations 1967 (as amended);
5. Authorise the Shire Administration to obtain quotations from and thereafter appoint a suitably qualified environmental consultant to undertake the investigation and reporting required in respect of the potential soil and/or groundwater contamination on the land in accordance with the DEC’s ‘Contaminated Sites Management Series’ guidelines including details of all required site remediation works and associated costs for consideration by Council prior to making any further commitments to the rezoning and subsequent subdivision development of the land; and
6. Make an allowance of \$50,000 in Council’s budget for the 2012/2013 financial year to engage a suitably qualified environmental consultant to undertake the investigation and reporting as proposed by recommendation No.5 above.

MOTION CARRIED 8/0

12.2 PROPOSED EXCISION, RE-VESTING & REZONING OF PORTION OF RESERVE 27740 STUBBS ST LAKE GRACE

Applicant:	St John Ambulance Association in Western Australia Inc. Lake Grace Sub Centre
File No.	0369/0071
Attachments:	Plans 6 to 10
Author:	Mr Joe Douglas Urban & Rural Perspectives -Town Planning Consultants
Disclosure of Interest:	Nil
Date of Report:	19 June 2012
Senior Officer:	Mr Graeme Simpson Acting Chief Executive Officer

Summary

This report recommends that Council provide its in-principle support for the proposed excision, re-vesting and rezoning of portion of Reserve 27740 Stubbs Street, Lake Grace to accommodate the future proposed development of a new ambulance depot on the land by St John Ambulance Association in Western Australia Inc. (SJAAWA Inc) and authorise the Shire administration to commence the processes required to provide for the project's implementation.

Background

Ms Amanda Milton, in her capacity as the chairperson of St John Ambulance Lake Grace Sub Centre, has written to the Shire seeking Council's consideration and endorsement of a proposal to excise approximately 2,349m² from the western portion of Reserve 27740 Stubbs Street, Lake Grace and have this land re-vested in St John's to accommodate the future proposed development of a new ambulance depot in the Lake Grace townsite.

It is understood from recent discussions with Ms Milton and the information submitted to the Shire in support of the proposal that:

- i) SJAAWA Inc are seeking to relocate its existing ambulance depot on Reserve 22641 being Lot 28 (No.25) Bennett Street, Lake Grace to a more suitable, high profile location in the townsite to allow for the development of a new, more efficient customized facility;
- ii) The new ambulance depot on portion of Reserve 27740 will help cater for the second ambulance recently acquired by SJAAWA Inc for the Lake Grace sub-centre and provide new and improved training and administrative quarters as well as short term staff accommodation;
- iii) SJAAWA Inc Council is fully supportive of the proposal and will meet all costs associated with the future proposed development of portion of Reserve 27740 for the intended purposes including the provision of all required essential services; and
- iv) SJAAWA Inc, if the proposal for Reserve 27740 is approved by the Shire and the Department of Regional Development and Lands, agree to relinquish the current management order over the existing ambulance depot on Reserve 22641 to the State of Western Australia to allow the land and buildings thereon to be used for alternative purposes once vacated.

An indicative site development plan for the proposed new ambulance depot on the western portion of Reserve 27740 is attached herewith for Council's review and consideration (see Plan 10).

Comment

Having witnessed firsthand the cramped conditions currently experienced by the staff and volunteers responsible for the day-to-day operation of the existing St John's ambulance depot on Reserve 22641 located on Bennett Street, Lake Grace, the reporting officer is of the view that the proposal to develop a new custom built facility on the western portion of Reserve 27740 Stubbs Street, Lake Grace has considerable merit and is worthy of Council's consideration and support.

Notwithstanding this general conclusion, it is recommended that Council have due regard for the following key points in determining the general suitability of the proposal and whether or not it should resolve to provide its support:

- Reserve 27740 is located in the western part of the Lake Grace townsite and comprises a total area of approximately 1.2750 hectares (i.e. 12,750m²) (see Plans 6 to 9).
- Reserve 27740 can generally be described as relatively flat throughout its entire area and has been extensively cleared of all native vegetation.
- Reserve 27740 has direct frontage and access to Stubbs Street along its northern boundary which is a State road under the care, control and management of Main Roads WA.
- Reserve 27740 has previously been developed and is currently used in part for recreational purposes (i.e. sporting club and bowling greens). The western segment of the land being that portion identified as a potentially suitable location for the proposed new ambulance depot is currently vacant and not being used for any specific purpose/s.
- By virtue of its location in a well established part of the Lake Grace townsite, Reserve 27740 is served by a comprehensive network of essential service infrastructure including power, water, reticulated sewerage, stormwater drainage and telecommunications.
- All of the land comprising Reserve 27740 is currently a 'C' class Crown reserve vested in the Shire of Lake Grace for the designated purpose of 'Recreation Club & Club Premises'.
- Under the terms of the current management order for Reserve 27740 the Shire of Lake Grace has power to lease the land for any term not exceeding twenty one (21) years.
- A review of the Shire's records has confirmed that all of the land comprising Reserve 27740 is currently the subject of a lease agreement between the Shire and the Lake Grace Sportsman Club Incorporated for a term of twenty one (21) years commencing on the 15th October 1999 and expiring on the 14th October 2020 for an annual rental of \$2.00 excluding GST.
- Examination of the current lease agreement between the Shire and the Lake Grace Sportsman Club Incorporated has confirmed that there are no provisions in the agreement which permit the Shire to reduce the extent of the agreed lease area without the prior approval of the lessee (i.e. the Lake Grace Sportsman Club Incorporated). As such should Council resolve to support the excision of that portion of Reserve 27740 required to

- All of the land comprising Reserve 27740 is currently classified 'Special Use' zone with the designated purpose 'Recreation & Club Premises' in the Shire of Lake Grace's current operative Local Planning Scheme No.4 (LPS No.4). As such the development and use of all or part of the land for any alternative purpose/s including an ambulance depot is not permitted until a suitable amendment to LPS No.4 has been initiated by Council and approved by the Western Australian Planning Commission and the Minister for Planning.
- The excision of approximately 2,349m² from the western portion of Reserve 27740 and the re-vesting of this land as a separate Crown reserve to SJAAWA Inc will also require formal approval from the Department of Regional Development and Lands and the Minister for Lands.
- In creating the new 2,349m² Crown reserve required to accommodate the new ambulance depot the Department of Regional Development and Lands will require the provision of separate power, water, reticulated sewerage, stormwater drainage and telecommunications services. The costs associated with this work are yet to be determined and will need to be met by St John Ambulance Association in Western Australia Inc. as part of the process of either creating the new reserve or developing the land for the intended purpose. These matters will be the subject of further discussions and negotiations between the Department of Regional Development and Lands, SJAAWA Inc and the relevant essential service providers following Council's decision as to whether or not to support creation of the new ambulance depot site.
- A recent review of the indicative site development plan prepared in support of the proposed new ambulance depot on portion of Reserve 27740 in the context of the specific requirements of the Shire's current LPS No.4 has confirmed that it is well founded, capable of being implemented in a proper and orderly manner and unlikely to have a negative impact upon the amenity, character, functionality or safety of the immediate locality. The plan has been formulated with due regard for the general lay of the land, the availability of essential services, vehicle access/parking requirements and the nature and extent of existing established land uses in the immediate locality. In considering the general suitability of the plan Council should however note that it is still preliminary only and will be the subject of a further, more comprehensive assessment by the Shire following the receipt of a formal planning application at some point in the future wherein a lot more detail will need to be provided by SJAAWA Inc .
- With regard to SJAAWA Inc proposal to relinquish the current management order over the existing ambulance depot on Reserve 22641 Bennett Street, Lake Grace to the State of Western Australia to allow the land and buildings thereon to be used for alternative purposes, it is recommended that Council start considering potential options for the future development and use of this land with a view to seeking approval from the Department of Regional Development and Lands at the appropriate juncture to have this reserve vested in the Shire to accommodate any future preferred community based activity.

Legal Implications

Shire of Lake Grace Local Planning Scheme No.4
Planning and Development Act 2005 (as amended)
Town Planning Regulations 1967 (as amended)
Environmental Protection Act 1986
Land Administration Act 1997
Land Administration Regulations 1998

Policy Implications

Nil

Consultation

Community consultation to be undertaken in accordance with the specific requirements of the Town Planning Regulations 1967 (as amended) and the Land Administration Regulations 1998 if the project proceeds.

Financial Implications

The direct cost to the Shire of undertaking all of the administrative tasks associated with helping to progress the project including creating and rezoning the new reserve comprising the proposed new ambulance depot site are estimated to be in the order of \$9,000.00 excluding GST. Should Council resolve to support the project, a suitable allowance for this work will need to be made in Council's budget for the 2012/2013 financial year.

All other costs associated with the provision of essential services to the new ambulance depot site and its subsequent development for the intended purpose will be the responsibility of SJAAWA Inc.

Strategic Implications

The development of a new ambulance depot in the Lake Grace townsite is likely to have significant strategic and cultural benefits for the local community in terms of ambulance and first aid services and training opportunities.

Voting Requirements

Simple majority required.

Recommendation/Resolution

MOTION 11445

Moved Cr Chamberlain
Seconded Cr De Landgraft

That Council:

1. Provide its in-principle support for the proposed excision and re-vesting of approximately 2,349m² from the western portion of Reserve 27740 Stubbs Street, Lake Grace to accommodate the future proposed development of a new ambulance depot on the land by St John Ambulance Association in Western Australia Inc.;
2. Authorise the Shire Administration to write to the Lake Grace Sportsman Club Incorporated seeking its written approval to reduce the extent of the agreed lease area over Reserve 27740 Stubbs Street, Lake Grace by approximately 2,349m² as this applies to the western portion of the property;

MOTION 11445 continued

3. Following receipt of written advice from the Lake Grace Sportsman Club Incorporated confirming its possible agreement to the proposed variation to the current lease agreement for Reserve 27740, authorise the Shire Administration to write to the State Land Services Division of the Department of Regional Development and Lands seeking the Minister for Lands' approval to the excision of approximately 2,349m² from the western portion of Reserve 27740 and the re-vesting of this land as a separate Crown reserve to St John Ambulance Association in Western Australia Inc. for the purpose of 'Emergency Services';
4. In pursuance of section 75 of the Planning and Development Act 2005 (as amended), amend the Shire of Lake Grace Local Planning Scheme No.4 by reclassifying approximately 2,349m² of the western portion of Reserve 27740 Stubbs Street, Lake Grace from 'Special Use' zone to 'Local Scheme Reserve – Public Purposes' with the designated purpose 'Emergency Services' and modify the Scheme Map accordingly;
5. Grant delegated authority to the Shire President and Chief Executive Officer to sign and seal the local planning scheme amendment documentation for portion of Reserve 27740 Stubbs Street, Lake Grace as required during the processing period;
6. Authorise the Shire's Chief Executive Officer to make all necessary arrangements to progress the local planning scheme amendment proposal for portion of Reserve 27740 Stubbs Street, Lake Grace in accordance with the procedural requirements of the Town Planning Regulations 1967 (as amended); and
7. Authorise the Shire Administration to make an allowance of \$9,000.00 in Council's budget for the 2012/2013 financial year to undertake all of the administrative and town planning tasks required to help progress the project..

MOTION CARRIED 8/0

12.3 PROPOSED RURAL SUBDIVISION (BOUNDARY REALIGNMENT) – LOTS 103 & 214 NEWDEGATE ROAD NORTH, NEWDEGATE

3.59pm Cr Chamberlain declared a proximity interest in Item 12.3 in that he is an adjoining landholder and left the meeting.

Applicant: PH & KE Gow (Licensed Surveyors) on behalf of TR & PJ McCracken
File No. 0370
Attachments: Plans 11 to 16
Author: Mr Joe Douglas & Mr John Culmer
 Urban & Rural Perspectives -Town Planning Consultants
Disclosure of Interest: Nil
Date of Report: 19 June 2012
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 & Mrs Terence and Phyllis McCracken (landowners) and referred to the Shire for review and comment be supported by Council subject to conditions.

Background

PH & KE Gow (Licensed Surveyors), acting on behalf of the current landowners, has submitted a subdivision application to the Western Australian Planning Commission (WAPC) seeking approval to realign the boundaries between two (2) existing agricultural lots abutting the north-eastern boundary of Newdegate townsite to separate the arable and non-arable portions of the land into two (2) new separately titled lots.

Lots 103 & 214 are located immediately adjacent to the north-eastern boundary of the Newdegate townsite and comprise a total combined area of approximately 455.0428 hectares. Both lots have direct frontage and access to Newdegate-Ravensthorpe Road along their southern boundary and Newdegate Road North along their western boundary, both of which have been constructed to a sealed and drained standard (see Plans 11 & 12).

Lots 103 & 214 have been extensively cleared with the arable portions currently used for broadacre agricultural purposes (i.e. cropping & grazing).

Lot 103 comprises a total area of approximately 393 hectares and is physically divided by the current north-south alignment of Newdegate Road North. That portion of Lot 103 located on the east side of Newdegate Road North comprising an area of approximately 327 hectares is characterised by large open areas of arable land containing a few large stands of natural vegetation and numerous salt lakes in its central and eastern portions. The balance 66 hectare portion of Lot 103 located on the west side of Newdegate Road North forms an integral part of the Lake Stubbs floodplain and has limited agricultural production capacity due to its susceptibility to flooding and inundation during extreme storm events (see Plan 13).

Lot 214 is located immediately adjacent to the southern boundary of Lot 103 and comprises a total area of approximately 62 hectares. This land is predominantly

cleared and contains a number of physical improvements associated with its current rural use including a single detached dwelling, associated outbuildings, access tracks, firebreaks and boundary fencing (see Plan 13).

The proposed boundary realignment, as illustrated in the attached Plan 14, will result in the following changes to the current lot areas:

Lot Particulars	Existing Land Area (Approx.)	Proposed Land Area (Approx.)
Existing Lot 103	393.168 ha	-
Existing Lot 214	61.8748 ha	-
Proposed 'Lot A'	-	388.631 ha
Proposed 'Lot B'	-	66.3309 ha

Comment

In considering the subdivision application 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; and
- WAPC Development Control Policy No.DC 3.4 – 'Subdivision of Rural Land'.

The following is an assessment of the subdivision 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 (LPS No.4)

The majority portion of Lot 103 located on the east side of Newdegate Road North is currently classified 'General Agriculture' zone in LPS No.4 in recognition of its current agricultural production capacity (see Plans 15 & 16).

The balance 66 hectare portion of Lot 103 located on the west side of Newdegate Road North is currently classified 'Rural Residential' zone and 'Conservation' reserve in LPS No.4 in recognition of its limited agricultural potential, conservation significance and ability to be developed in part for rural living purposes at some point in the future should the demand arise (see Plans 15 & 16).

The majority of Lot 214 is also currently classified 'General Agriculture' zone in LPS No.4. The land does however comprise a small area along its frontage to Newdegate Road North which is classified 'Residential' zone with a density coding of R2 to allow for the development of some additional 'special residential' type lots in this location in the future as demand arises (see Plan 15).

A key objective of the land's current predominant 'General Agriculture' zoning is to ensure the continuation of broadacre 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.

Clause 5.11.12 of LPS No.4 states that Council will only recommend support for the further subdivision of land classified 'General Agriculture' zone where it accords with the provisions of the Shire's Local Planning Scheme, Local Planning Strategy, Local Planning Policies and any relevant Commission policies applicable at the time. In this case Section 4.6 of the WAPC's Development Control (DC) Policy No.3.4 entitled 'Subdivision of Rural Land' enables the consideration of subdivision

applications for farm adjustment or boundary realignment purposes (i.e. ‘farm rationalisation’). As such there is scope for Council to favourably consider and support this proposal.

In essence the subdivision application proposes the realignment of the boundaries between two (2) existing agricultural lots and will not result in the creation of any additional lots or dwelling entitlements (see Plan 14). Furthermore the proposed subdivision, if approved, will consolidate the titles in a manner that makes a clear distinction between the land’s differing zoning classifications, agricultural production capacity and future development potential.

Given these outcomes it is the reporting officers’ view that the proposed subdivision:

- a. is generally consistent with the guidance provided by the Shire’s current Local Planning Strategy and adopted local planning policies;
- b. is generally consistent with the objectives and provisions applicable to the land’s current predominant ‘General Agriculture’ zoning classification in LPS No.4 as this applies specifically to the continuation of broadacre agriculture in the District; and
- c. may therefore be supported by Council.

WAPC Development Control Policy No.DC3.4 – Subdivision of Rural Land

The Western Australian Planning Commission’s (WAPC’s) Development Control Policy No.DC3.4 provides guidance on the matters to be considered by the Commission when determining applications for the subdivision of rural land throughout Western Australia. A key objective of Policy No.DC3.4 is to minimise the ad-hoc fragmentation of rural land throughout the State.

Despite the fact that the further subdivision of agricultural land is generally not supported by the WAPC, section 4.6 of Policy No.DC3.4 enables the rationalisation of farming land through boundary realignments to improve farm management. As previously mentioned the subdivision application proposes to realign existing boundaries to define and reflect the arable, ‘General Agriculture’ zoned land east of Newdegate Road North (Proposed Lot A) and non-arable, ‘Rural Residential’ zoned and ‘Conservation’ reserve land west of Newdegate Road North (Proposed Lot B).

The following is an assessment of the subdivision proposal in the context of the relevant criteria:

- a) *The new lot pattern is consistent with the objectives of the policy.*

The proposed subdivision is considered to be consistent with the objectives of Policy No. DC3.4 and State Planning Policy No.2.5 as these relate specifically to the protection of agricultural land, planning for rural settlement and minimizing the potential for land use conflict. The subdivision is unlikely to compromise any of these key objectives and will result in the creation of two (2) new lots which are generally consistent with the prevailing lot sizes in the immediate locality.

- b) *No additional lots are created.*

The proposal will not result in the creation of any additional lots or dwelling entitlements.

- c) *The new lot boundaries reflect good environmental and land management practice and are appropriate for the intended land use.*

The proposed lot boundaries have been formulated with due regard for the land's current agricultural production capacity, current zoning classifications under LPS No.4 and future possible development and use. The proposed subdivision is also unlikely to have any negative environmental impacts and will provide for the creation of lots that can continue to be developed and used independently for broadacre agriculture and rural living / conservation purposes.

- d) *Former road reserves and small remnant portions of lots are not lots for purpose of boundary rationalization.*

The application does not propose to realign the boundaries of former road reserves or small remnant portions of lots.

Having regard for the objectives and guidelines contained within Policy No.DC3.4, the reporting officers' have formed the view that the proposed subdivision will not result in the ad-hoc fragmentation of rural land in the locality, is generally consistent with the provisions contained in Policy No. DC 3.4 and may therefore be supported by Council.

Conclusion

It is concluded from a detailed assessment of the subdivision proposal for Lots 103 & 214 Newdegate Road North, Newdegate in the context of the specific requirements of the current local planning framework that it is:

- i) unlikely to compromise the objectives for that portion of the land classified 'General Agriculture' zone in the Shire of Lake Grace's current operative Local Planning Scheme No.4;
- ii) unlikely to compromise the objectives for those smaller portions of the land classified 'Rural Residential' zone, 'Residential' zone and 'Conservation' reserve in the Shire of Lake Grace Local Planning Scheme No.4; and
- iii) generally consistent with the criteria contained in the Western Australian Planning Commission's Development Control Policy No.DC3.4 entitled Subdivision of Rural Land as these apply specifically to the rationalisation of farming land through the realignment of existing lot boundaries.

In light of these conclusions it is recommended that Council advise the Western Australian Planning Commission that it supports the proposed subdivision in accordance with the details of the plan submitted in support of the application subject to the following condition:

1. A section 70A notification, pursuant to the Transfer of Lands Act 1893 (as amended), is to be placed on the Certificate of Title of proposed 'Lot B' advising proprietors and prospective proprietors that that portion of proposed 'Lot B' currently classified 'Conservation' reserve in the Shire of Lake Grace's current operative local planning scheme will be required to be ceded to the Crown free of cost for amalgamation into the adjoining Unallocated Crown Land comprising Lake Stubbs in the event that proposed 'Lot B' is further subdivided for rural living purposes in the future.

It is recommended that Council request the Western Australian Planning Commission to impose the above condition on any approval issued to provide for the consolidation of the Lake Stubbs floodplain area into one new Crown land title at an

appropriate point in the future to assist the State's long term management and maintenance of this wetland for conservation purposes (see Plan 16).

Legal Implications

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

Policy Implications

WAPC Development Control Policy No.DC 3.4 – Subdivision of Rural Land

Consultation

Community consultation not required.

Financial Implications

Nil

Strategic Implications

Nil

Voting Requirements

Simple majority required.

Recommendation/Resolution

MOTION 11446

Moved Cr Walker
Seconded Cr De Landgraft

That Council advise the Western Australian Planning Commission that it supports the application submitted by PH & KE Gow (Licensed Surveyors) on behalf of Mr & Mrs Terence and Phyllis McCracken (Landowners) to subdivide Lots 103 & 214 Newdegate Road North, Newdegate in accordance with the details of the plan submitted in support of the application subject to the following condition:

1. A section 70A notification, pursuant to the Transfer of Lands Act 1893 (as amended), is to be placed on the Certificate of Title of proposed 'Lot B' advising proprietors and prospective proprietors that that portion of proposed 'Lot B' currently classified 'Conservation' reserve in the Shire of Lake Grace's current operative local planning scheme will be required to be ceded to the Crown free of cost for amalgamation into the adjoining Unallocated Crown Land comprising Lake Stubbs in the event that proposed 'Lot B' is further subdivided for rural living purposes in the future.

MOTION CARRIED 7/0

4.01pm

Cr Chamberlain re-entered the meeting and was advised of the resolution regarding Item 12.3.

12.4 **PLANNING APPLICATION – PROPOSED EXHIBITOR DISPLAY SHED ON RESERVE 29080 LOT 154 LAKE GRACE NEWDEGATE RD NEWDEGATE**

Applicant:	Mr Brayden Dunkeld on behalf of Newdegate Machinery Field Days Inc
File No.	0506
Attachments:	Plans 17 to 21 & Attachment 2
Author:	Mr Joe Douglas & Mr John Culmer Urban & Rural Perspectives -Town Planning Consultants
Disclosure of Interest:	Nil
Date of Report:	19 June 2012
Senior Officer:	Mr Graeme Simpson Acting Chief Executive Officer

Summary

This report recommends that a planning application submitted by Mr Brayden Dunkeld on behalf of Newdegate Field Days Incorporated to construct a new steel framed, colorbond exhibitor display shed on portion of Reserve 29080 being Lot 254 Lake Grace-Newdegate Road, Newdegate be approved subject to conditions.

Background

The applicant is seeking Council's planning approval to construct a new steel framed, colorbond shed on portion of Reserve 29080 being Lot 154 Lake Grace-Newdegate Road, Newdegate to accommodate exhibitor displays at the 'Newdegate Machinery Field Days' annual event.

Lot 154 is located in the western extremities of the Newdegate townsite immediately north of the Newdegate Airport. The land is irregular in shape, covers a total area of approximately 44.984 hectares and has direct frontage to Lake Grace-Newdegate Road along its southern boundary (see Plans 17 & 18).

The land forms part of Crown Reserve 29080 which is owned by the State of Western Australia and currently vested in the Shire of Lake Grace for the designated purpose of 'Recreation & Showground' (see Attachment 2 – Reserve Enquiry Detail).

The central portion of Lot 154, being that portion of the land proposed to be developed by the applicant to accommodate the new display shed, has been historically developed and used to accommodate the 'Newdegate Machinery Field Days' annual event. As such this portion of the property has been extensively cleared and contains a number of access tracks, hard stand / parking areas and various structures associated with the staging of the event. The balance portion of the land is predominantly undeveloped and characterised by vast stands of native vegetation (see Plan 19).

Under the terms of the plans submitted in support of the application (see Plans 20 & 21) the following is proposed:

- i) Construction of a new 60 metre long and 18 metre wide steel framed, colorbond display shed with a wall height of 5.0 metres and a ridge height of 6.5 metres;
- ii) The new shed will have a total floor area of approximately 1,080m²;

- iii) The new shed will be enclosed on three (3) sides only;
- iv) The new shed will have a 545 metre setback from the land's front boundary (i.e. Lake Grace-Newdegate Road), a setback of approximately 382 metre from the land's western side boundary, a setback of approximately 327 metres from the land's eastern side boundary and a setback of approximately 220 metres from the land's northern rear boundary; and
- v) The new shed will be used as part of the 'Newdegate Machinery Field Days' annual event.

It is understood that once constructed the proposed shed will become the property of the Shire of Lake Grace. As such the applicant has requested that Council consider waiving the Shire's planning and building permit application fees for the project.

Comment

Current Zoning & Land Use Permissibility

Lot 154 comprises a number of zoning classification under the Shire of Lake Grace's current operative Local Planning Scheme No.4 (LPS No.4) which are detailed as follows:

- i) 'Local Scheme Reserve – Conservation';
- ii) 'Local Scheme Reserve – Recreation'; and
- iii) 'Residential' zone with an allocated density coding of R20.

That portion of Lot 154 the subject of this application is classified 'Local Scheme Reserve - Recreation' under LPS No.4 which directly reflects its current approved and designated purpose under the Land Administration Act 1997.

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

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

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

An assessment of the proposal in the context of the specific requirements of the Shire's LPS No.4 indicates that it is generally acceptable for the following reasons:

- The proposed new display shed is complimentary to and therefore unlikely to compromise the continued use of Reserve 29080 for 'recreational & showground' purposes being its current designated purpose under LPS No.4 and the Land Administration Act 1997;
- It is unlikely to have a detrimental impact on the natural environment;

- The scale of the proposed building is generally consistent with all existing improvements on Reserve 29080 and is therefore unlikely to have a detrimental impact on the character or amenity of the immediate locality; and
- The proposed works will result in a much needed upgrade to and provide for the productive use of a portion of Reserve 29080 for the 'Newdegate Machinery Field Days' annual event which has a significant benefit to the local community in terms of the economic, social and recreational activity.

Planning & Building Application Fees

As previously mentioned the proposed new display shed is being constructed to assist with the staging of the 'Newdegate Machinery Field Days' annual event. Furthermore, it is understood that the structure will become the property of the Shire of Lake Grace following its completion.

Given that the structure will become a Shire asset and that the annual event is conducted by a community organisation supported by the Shire, it is recommended that Council agree to waive the Shire's planning and building permit application fees which are estimated to be approximately \$1,500.00.

Conclusion

It is concluded from a detailed assessment of the application that the proposal to construct a new steel framed, colorbond exhibitor display shed on a portion of Reserve 29080 being Lot 154 Lake Grace-Newdegate Road, Newdegate is capable of being implemented in a proper and orderly manner and is unlikely to have a negative impact on the general amenity, character, functionality and safety of the immediate locality subject to compliance with a number of conditions.

Legal Implications

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

Policy Implications

Nil

Consultation

Community consultation not required.

Financial Implications

Should Council agree with the applicant's request to waive the Shire's planning and building permit application fees applicable in this instance it will forego approximately \$1,500.00 in fee revenue (Note: absolute majority vote required).

Strategic Implications

The proposed new exhibitor display shed will result in a much needed upgrade to and provide for the productive use of a portion of Reserve 29080 for the 'Newdegate Machinery Field Days' annual event which has a significant benefit to the local community in terms of the economic, social and recreational activity.

Voting Requirements

Absolute majority (5) required.

Recommendation/Resolution

MOTION 11447

Moved Cr Milton
Seconded Cr Farrelly

That Council:

1. APPROVE the application for planning approval submitted by Mr Brayden Dunkeld on behalf of Newdegate Field Days Incorporated to construct a new steel framed, colorbond exhibitor display shed on portion of Reserve 29080 being Lot 154 Lake Grace-Newdegate Road, Newdegate in accordance with the details of the plans submitted in support of the application subject to compliance with the following conditions:
 - i) The development is to be substantially commenced within a period of two (2) years from the date of this approval. If the development is not substantially commenced within this period the approval will lapse and be of no further effect. Where an approval has lapsed no development shall be carried out without the further approval of the Shire of Lake Grace having first been sought and obtained.
 - ii) A completed building licence application must be submitted to and approved by the Shire's Building Surveyor prior to the commencement of any development.
 - iii) The floor area of the proposed display shed shall not exceed 1,080m².
 - iv) The proposed display shed shall have a maximum wall height of 5.0 metres and a maximum ridge height of 6.5 metres above the natural ground level.
 - v) The external cladding of the proposed display shed shall be of colorbond construction.
 - vi) All stormwater generated by the proposed development shall be managed and disposed of to the specifications and satisfaction of the Shire of Lake Grace.
2. Waive the planning and building permit application fees payable in this instance and advise the applicant accordingly.

MOTION CARRIED BY ABSOLUTE MAJORITY 8/0

MOTION 11448

Moved Cr Milton
 Seconded Cr De Landgraftt

That the Item of Urgent Business regarding a planning application for the proposed transportable office in Lake King be brought forward for consideration at this point in the meeting.

MOTION CARRIED 8/0

12.5 PLANNING APPLICATION – PROPOSED TRANSPORTABLE OFFICE ON 155 (LOT 8) SUGG RD LAKE KING

Applicant: S & SJ Scardetta
File No. 0456
Attachments: Plans 22 to 26
Author: Mr Joe Douglas & Mr Carlo Famiano
 Urban & Rural Perspectives -Town Planning Consultants
Disclosure of Interest: Nil
Date of Report: 26 June 2012
Senior Officer: Mr Graeme Simpson
 Acting Chief Executive Officer

Summary

This report recommends that a planning application submitted by S & SJ Scardetta (Landowners) to locate a new transportable building on Lot 155 (No.8) Sugg Road, Lake King to be used for office purposes associated with the existing established business activities on the land be approved subject to conditions.

Background

The applicant is seeking Council's planning approval to locate a new transportable office on Lot 155 (No.8) Sugg Road, Lake King to support the existing rural storage and distribution business currently operating on the land.

Lot 155 is located in the north-western extremities of the Lake King townsite to the east of Hyden-Lake King Road and approximately 40 metres north-east of the intersection of Sugg Road and McLean Way. The land comprises a total area of approximately 1,800m² and has direct frontage to Sugg Road along its north-western boundary (see Plans 22 & 23).

Lot 155 is generally flat, has been cleared of vegetation and has previously been developed and is currently used for the storage and distribution of rural merchandise. The land contains an existing office and storage building which were previously approved by Council (see Plan 24).

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. building setbacks, car parking, stormwater drainage, landscaping details etc) (see Plans 25 & 26). 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 conditions Council's considers appropriate.

Under the terms of the information and plans submitted in support of the application the proposed new skid mounted transportable office building will:

- i) be 5.75 metres long and 3 metres wide with a total floor area of approximately 17.25m²;
- ii) have a setback of approximately 15 metres from the land's front boundary (i.e. Sugg Road) and a setback of approximately 20 metre from the land's south-western side boundary; and
- iii) comprise colorbond wall and roof cladding finished in 'Classic Cream'.

Comment

Current Zoning & Land Use Permissibility

Lot 155 is classified 'General Industry' zone under the Shire of Lake Grace's current operative Local Planning Scheme No.4 (LPS No.4).

The key objectives of the land's current 'General Industry' zoning classification are 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.

Under the terms of LPS No.4 the development and use of any land classified 'General Industry' zone for the sole purposes of an 'office' is classified as an 'X' use which means that it is not permitted.

Notwithstanding the above, the proposed 'office' use on Lot 155 is considered to be incidental to the predominant 'industrial' use currently operating on the land and may therefore be approved by Council subject to any conditions considered appropriate in the circumstances.

Compliance with LPS No.4 Development Standards

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

- i) The enclosure of the sub-floor area of all transportable buildings;
- ii) On-site car parking;
- iii) Façade construction (i.e. brick, concrete or masonry construction); and
- iv) Landscaping.

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

Transportable Buildings

Clause 5.21 of LPS No.4 contains a number of provisions applicable to the development and use of transportable structures on any land within the Shire. The clause specifically states that such buildings are not permitted unless:

- i) In the opinion of the local government such a building is in a satisfactory condition and will not detrimentally affect the amenity of the area; and
- ii) The sub-floor area of the building is enclosed with brick, stone, vermin battens or by other means acceptable to the local government and, where the building is considered to be exposed or visually prominent, the local government may require satisfactory landscaping measures to be carried out.

Given that the building proposed by the application is a brand new structure and will be located abutting the south-western side of the existing industrial building, it is considered unlikely to have a detrimental impact upon the amenity and/or character of the immediate locality.

The plans submitted in support of the application do not indicate the proposed building height (i.e. elevations), the proposed height above the natural ground level and information on how the sub-floor area will be treated. As such, it is recommended that Council impose suitable conditions on any planning approval issued requiring:

- i) The preparation and submission of an elevation plan for the proposed new transportable office; and
- ii) That the sub-floor area along the periphery of the new transportable office be enclosed in accordance with the specific requirements of LPS No.4.

On-Site Car Parking

As previously mentioned the plans submitted by the applicant are broad and do not provide all of the information typically required in support of planning applications. In this case there is uncertainty regarding whether the applicant has made any allowance for the provision of additional on-site car parking for the proposed 'office' use.

Notwithstanding the above and having regard for Table 2 of LPS No.4, an 'office' use requires the provision of one (1) on-site car parking bay for 10m² of gross lettable area. As such it is recommended that Council impose a condition on any planning approval issued requiring that at least two (2) additional on-site car parking bays be provided on Lot 155.

Building Façade

Clause 5.8.2 of LPS No.4 requires that:

"The front façade of all buildings in the General Industry zone shall be orientated to the street and constructed in brick, concrete or masonry, provided however, that an owner or his/her agent may apply to the local government for permission to vary these requirements where the local government is satisfied that such variation will not detract from the amenity of the area."

Under the terms of the plans submitted in support of the application the proposed new transportable office will be constructed of colorbond wall and roof cladding (i.e. 'Classic Cream'), comprise a front setback of approximately 15 metres from the Sugg Road boundary and will not be orientated towards the street frontage.

It is concluded from a detailed assessment of the application that the proposed use of colorbond construction materials on the external facades of the transportable office is unlikely to have an adverse impact on the existing amenity and character of the immediate locality for the following reasons:

- i) The proposed front setback of the transportable office from Sugg Road is substantial (approximately 15 metres);
- ii) The proposed transportable office will be located to the side of the existing industrial building on Lot 155; and
- iii) The proposed transportable office could be screened from the street by the planting of screening-type landscaping along its north-western facade.

Given the above, it is recommended that Council support construction of the structure's facade in colorbond material as proposed.

Landscaping

The application provides very little detail regarding any existing or proposed landscaping of the property. Details regarding existing and future landscaping are typically required to be submitted in support of planning applications with due consideration given to the location of all landscaping to ensure that it enhances the appearance of the local streetscape and softens the impact of any buildings, parking areas, open storage areas and any other space which, by virtue of their use, are likely to detract from the visual amenity of the local streetscape.

It is recommended that the applicant be required to prepare and submit detailed plans to the Shire regarding future landscaping of the site for review, assessment and endorsement prior to the commencement of any future development.

Conclusion

It is concluded from a detailed assessment of the application that the proposal to locate a new transportable office building on Lot 155 (No. 8) Sugg Road, Lake King for incidental office purposes is unlikely to have a negative impact on the general amenity, character, functionality and safety of the immediate locality and may therefore be approved by Council subject to the imposition of a number of conditions to ensure that the development proceeds in a proper and orderly manner.

Legal Implications

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

Policy Implications

Nil

Consultation

Community consultation not required.

Financial Implications

Nil

Strategic Implications

Nil

Voting Requirements

Simple majority required.

Recommendation/Resolution

MOTION 11449

Moved Cr De Landgraft
Seconded Cr Walker

That the application for planning approval submitted by S & SJ Scardetta (landowner) to locate a new transportable office building on Lot 155 (No.8) Sugg Road, Lake King be approved in accordance with the details of the plans submitted in support of the application subject to compliance with the following conditions and advice notes:

MOTION 11449 continued

1. The development is to be substantially commenced within a period of two (2) years from the date of this approval. If the development is not substantially commenced within this period the approval will lapse and be of no further effect. Where an approval has lapsed, no development shall be carried out without the further approval of the Shire of Lake Grace having first been sought and obtained.
2. Additional plan/s are required to be prepared and submitted to the Shire of Lake Grace, to the specifications and satisfaction of 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 plans are to be suitably scaled and are required to clearly illustrate the following:
 - i) The front, side and rear elevations of the proposed new transportable office;
 - ii) 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 10% of the total site area is required to be landscaped, including the provision of landscaping along the northern elevation of the proposed new transportable office building;
 - iii) Proposed setbacks of the proposed new transportable office building from all lot boundaries;
 - iv) All stormwater management arrangements;
 - v) The provision of two (2) additional on-site car parking bays in accordance with the parking standards prescribed in Table 2 of LPS No.4 for the use class 'office'; and
 - vi) The location and width of all existing crossovers, internal vehicle access ways and car parking areas.
3. The development is to be undertaken in a manner consistent with the details of the additional plan/s required in Condition No.2 above if and when these plans are approved by the Shire of Lake Grace.
4. A completed building permit application must be submitted to and approved by the Shire's Building Surveyor following approval to the additional plan/s required by Condition No.2 above and prior to the commencement of any earthworks or construction on the land.
5. All external wall and roof cladding of the proposed new transportable office shall be of colorbond (i.e. 'Classic Cream') construction.
6. The sub-floor area of the proposed new transportable office shall be enclosed with brick, stone, vermin battens or other means acceptable to the Shire of Lake Grace.
7. All landscaping depicted on the plans endorsed by the Shire's Chief Executive Officer (CEO) shall be installed prior to occupation of the building and maintained at all times to the satisfaction of the Shire of Lake Grace.

MOTION 11449 continued

8. All stormwater generated by the proposed development shall be managed and disposed of to the specifications and satisfaction of the Shire of Lake Grace.

9. All on-site vehicle access ways and car parking areas shall be constructed and maintained to the specifications and satisfaction of the Shire of Lake Grace with appropriate measures for drainage and disposal of surface water.

10. All advertising signage shall be provided in accordance with the requirements of Schedule 5 of Local Planning Scheme No.4 unless otherwise approved by Council.

Advice Notes

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

2. 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.

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

MOTION CARRIED 8/0

13.0 MATTERS FOR CONSIDERATION – HEALTH & BUILDING

No items for consideration.

14.0 MATTERS FOR CONSIDERATION – FINANCE

14.1 ACCOUNTS FOR PAYMENT – MAY 2012

Applicant:	Shire of Lake Grace
File No.	0277
Attachments:	List of Creditors
Author:	Miss Nicola Bateman Finance Officer
Disclosure of Interest:	Nil
Date of Report:	18 June 2012
Senior Officer:	Ms Samantha Appleton Manager Corporate Services

Summary

For Council to ratify expenditures incurred for the month of May 2012.

Background

List of payments for the month May 2012 through the Municipal account are attached together with a statement of credit card activity and details of direct debit payments which includes bank fees, costs for apprentices and loan repayments.

Comment

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

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

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

Legal Implications

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

Policy Implications

N/A

Consultation

N/A

Financial Implications

The list of creditors paid for the month of May 2012 from the Municipal Account totals \$661,290.99.

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 11450

Moved Cr Chappell
Seconded Cr Sinclair

That Council accepts the list of payments totalling \$661,290.99 as presented for the month of April 2012 incorporating:

- Direct Debits DD3990.1 to DD3993.1
- Municipal Account Cheques 34758 to 34786
- Electronic Funds Transfers EFT9521 to EFT9642

MOTION CARRIED 8/0

14.2 **FINANCIAL STATEMENTS – MAY 2012**

Applicant: Corporate Services Section
File No. 0275
Attachments: Financial Reports
Author: Ms Samantha Appleton
Manager Corporate Services
Disclosure of Interest: Nil
Date of Report: 13 June 2012
Senior Officer: Ms Samantha Appleton
Manager Corporate Services

Summary

Consideration of the financial statements for the month ending 31 May 2012.

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

N/A

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.

Recommendation

That Council, in accordance with Regulation 34 of the *Local Government (Financial Management) Regulations 1996* accepts the Statement of Financial activity for the period ended 31 May 2012.

Voting Requirements

Simple majority required.

Recommendation/Resolution

MOTION 11451

Moved Cr Chappell
Seconded Cr Milton

That Council, in accordance with Regulation 34 of the *Local Government (Financial Management) Regulations 1996* accepts the Statement of Financial activity for the period ended 31 May 2012.

MOTION CARRIED 8/0

14.3 2012/13 FEES AND CHARGES – ADOPTION

Applicant: Manager Corporate Services
File No. 0627
Attachments: Schedule
Author: Ms Samantha Appleton
Manager Corporate Services
Disclosure of Interest: Nil
Date of Report: 13 June 2012
Senior Officer: Ms Samantha Appleton
Manager Corporate Services

Summary

For Council to adopt the Schedule of Fees & Charges to be imposed in the coming financial year.

Background

The Schedule of Fees and Charges is submitted to Council for consideration and subsequent inclusion and adoption.

Adopting the fees and charges in June will enable these charges to be in force from 1 July 2012.

Comment

Incremental increases have been proposed for the majority of the proposed new fees and charges reflect the increased costs associated with providing these services over time.

The charge structure for building services have changed significantly with the introduction of an new number of statutory charges, it should be noted by Council that where charges are listed as statutory, Council has no discretion in determining the fee or charge for that particular service and these charges may change should legislation be used to change the charges mid year.

Charges for staff housing where housing is not negotiated as part of a contract will increase to \$75.00 per week. It should be noted the previous charge of \$55.00 had been in place for many years and had not been reviewed since 2001.

Local public notice advising of new fees and charges is required, with the schedule being made available for public inspection.

Legal Implications

Local Government Act 1992 Section 6.16
Local Government (Financial Management) Regulations 1996 – Regulations 22(g) and 25

Where a local government chooses to impose and recover a fee or charge for any goods or service it provides or proposes to provide, an Absolute Majority is required.

Policy Implications

Nil

Consultation

Internal: Former Chief Executive Officer – Mr Sean Fletcher
Building Surveyor – Mr Darryle Baxter
Environmental Health Officer – Mr Maurice Walsh
Manager Infrastructure Services – Mr Martin Harrop
Executive Assistant – Mrs Jeanette Bennett

Financial Implications

Anticipated income to be received from fees and charges will be included in Councils forthcoming budget deliberations.

Strategic Implications

Nil

Recommendation

That the 2012/13 Schedule of Fees and Charges as presented be adopted by Council and prepared for inclusion in the Shire's 2012/13 Budget, with the fees to come into effect from 1 July 2012.

Voting Requirements

Absolute majority (5) required.

Recommendation/Resolution

MOTION 11452

Moved Cr Chappell
Seconded Cr Farrelly

That Council adopt the 2012/13 Schedule of Fees and Charges as presented; subject to the amendment of the Bond Payable for Development of Relocated Buildings to \$5,000.00, for inclusion in the Shire's 2012/13 Budget, with the fees to come into effect from 1 July 2012.

MOTION CARRIED BY ABSOLUTE MAJORITY 8/0

Reason for Change:

The \$5,000.00 bond fee is included in Council Policy 6.3 Development of Moveable Buildings – Including Relocated Buildings

14.4 COUNTRY LOCAL GOVERNMENT FUND – 2011/12 ROUND FOUR PROJECT ALLOCATIONS

Applicant: Ms Samantha Appleton
File No. 066
Attachments: R4R Financial Assistance Agreement
Author: Ms Samantha Appleton
 Manager Corporate Services
Disclosure of Interest: Nil
Date of Report: 21 May 2012
Senior Officer: Ms Samantha Appleton
 Manager Corporate Services

Summary

For Council to allocate funds from the Royalties to Regions Country Local Government Fund to projects using the 2011-12 funding.

Background

Shire staff were requested to nominate projects for using the 4th round of Country Local Government Funding for approval by the Department of Regional Development and Lands prior to the end of February 2012.

By having projects pre-approved, projects will be able to be commenced immediately once the acquittal of the prior year projects are acquitted and signed off rather than have to wait for approvals of a new lot of projects as happened early in 2012 with the completion of the first lot of expenditure.

Comment

Projects submitted were required to be substantially ready to commence and to be detailed in documents such as the Forward Capital Works Plan. The projects submitted for approval have been presented to Councillor's at the Shire's Information sessions following on from Council meetings

The original projects submitted and funding requested were as follows:

• Lake Grace Sports Ground Redevelopment	\$170,000
• Varley Nursing Post	\$25,170
• Lake King Water Investigation	\$125,170
• Newdegate Playground	\$33,464
• Newdegate Entrance Statements	\$12,000
• Lake Grace Community Shed	<u>\$50,000</u>
Total	<u>\$415,804</u>

The submission for funds was assessed and it was established that the Lake King Water Investigation Project was not eligible for this type of funding on 18 May 2012 as detailed below:

Hi Samantha

RE: Draft FAA for CLGF 11/12

Thankyou for your time this afternoon. As discussed I am one of the Senior partners for ThinkScape and am reviewing Susie Murphy-White's assessment before submission to RDL. There are a couple of issues with the Draft FAA that I need clarification.

I wanted to clarify you are aware that for projects where other funds are yet to be secured, that Council is carrying a risk that they may need to find the additional funds if the other sources are not forthcoming. Whilst it is possible to renegotiate a contract with RDL, it should not be taken as a given, that RDL will necessarily agree to changing the contractual arrangements.

Regarding the Lake King redevelopment. At this point this is not eligible. Water Corp have clearly shown they do not support it at this time. RDL will require Water Corp support to agree to this project.

Can you please consider either:

- 1) allocating the CLGF funds from this project to another project, eg the Rec Centre,
- 2) finding an alternative project; or,
- 3) submitting an amended FAA that does not utilise the full allocation of CLGF funds for the Shire.

As I mentioned on the phone, we are now past our deadline for report to RDL. I will report that you have had a Land Development project within your FAA and have asked you to resubmit a different project. However, I do need a response from you (ideally today) as to how you will progress and modified documentation by the end of next week at the very latest to resubmit.

Please don't hesitate to contact me with any assistance I can provide.

Kind regards

Cec McConnell

Another project that was eligible needed to be sourced within a week and the agreement resubmitted for approval. At this point it was established that the Lake King Traffic Management Project would be suitable for this funding and this project was submitted for approval which has subsequently been granted.

Councillors are now required to approve the signing of the agreement and the application of the common seal and the inclusion of these projects in the 2012/13 budget, subject to the completion of projects funded by the 2010-11 funds currently underway.

Legal Implications

Local Government Act 1995 – section 6.2.2 Annual Budget

Policy Implications

Policy 1.11- Use of the Common Seal

Consultation

External: Department of Regional Development

Financial Implications

2012/13 Budget Expenditure

Strategic Implications

Shire of Lake Grace Strategic Plan

Shire of Lake Grace Forward Capital Works Plan

Recommendation

That :

1. Council approve the expenditure of 2011-12 Country Local Government Fund grant monies on the following projects:

a) Lake Grace Sports Ground Redevelopment	\$170,000
b) Varley Nursing Post	\$25,170
c) Lake King Traffic Improvements	\$125,170
d) Newdegate Playground	\$33,464
e) Newdegate Entrance Statements	\$12,000
f) Lake Grace Community Shed	\$50,000
Total	\$415,804

2. That the projects funded by the Country Local Government Fund 2011-12 (Round Four) be included in the 2012-13 budget.

3. That Council approve the use of the common seal on the Financial Assistance Agreement with the Department of Regional Development and Lands for the 2011-12 Country Local Government Fund grant amounting to \$415,804.

Voting Requirements

Absolute majority (5) required.

Resolution**MOTION 11453**

Moved Cr Farrelly
Seconded Cr Chappell

That :

1. Council approve the expenditure of 2011-12 Country Local Government Fund grant monies on the following projects:

a) Lake Grace Sports Ground Redevelopment	\$170,000
b) Varley Nursing Post	\$25,170
c) Lake King Traffic Improvements	\$125,170
d) Newdegate Playground	\$33,464
e) Newdegate Entrance Statements	\$12,000
f) Lake Grace Community Shed	\$50,000
Total	\$415,804

2. That the projects funded by the Country Local Government Fund 2011-12 (Round Four) be included in the 2012-13 budget.

MOTION 11453 continued

3. That Council approve the use of the common seal on the Financial Assistance Agreement with the Department of Regional Development and Lands for the 2011-12 Country Local Government Fund grant amounting to \$415,804.

4. That the Shire administration make formal contact with the Department of Health regarding the Varley Nursing Post, inform them of the intending expenditure of \$25,170 and draw up a formal agreement for ongoing expenditure and use of the building.

MOTION CARRIED BY ABSOLUTE MAJORITY 8/0

Reason for Change:

Council wishes there to be a formal agreement in place regarding expenditure of funds and ongoing use of the Varley Nursing Post.

14.5 MUNICIPAL FUNDS – INCREASE TO BANK OVERDRAFT

MOTION 11454

Moved Cr De Landgrafft
Seconded Cr Chamberlain

That Item 14.5 be dealt with under Confidential Business (i.e. the meeting is closed to the public) prior to Item 19.1.

MOTION CARRIED 8/0

Applicant: Ms Samantha Appleton
File No. 0268
Attachments: Nil
Author: Ms Samantha Appleton
Manager Corporate Services
Disclosure of Interest: Nil
Date of Report: 21 May 2012
Senior Officer: Ms Samantha Appleton
Manager Corporate Services

Summary

For Council to endorse the administrative action taken to increase its bank overdraft from \$100,000 to \$500,000 for the period to 3 September 2012.

Background

Cash flows have been reduced in the last quarter to 2011/12 necessitating that overdraft funds have been accessed through the Shire's Westpac Banking Municipal Fund Account in order to keep the Shire operating during the above mentioned period.

Comment

Cash flows for the 2011/12 year have been reduced from those expected due to a number of factors that have reduced cash inflows.

These include an increase to rates and debtors outstanding, with some likely to be deemed uncollectible (old housing debtors) and delayed in the case where properties are being sold and are yet to undergo settlement due to legal delays.

Shire staff is currently utilising the services of debt collectors (Austral Mercantile) to collect rates and pursuing housing rental debtors via the rental tenancies tribunal, however it is unlikely these funds will be available in a timely manner prior to the 2012/13 rates being due.

The increase in overdraft is to allow the Shire to continue its operations and to pay its employees and creditors as they fall due in the interim period until the first rate payments are collected in September 2012.

The use of an increased overdraft facility was discussed with the Shire's auditors UHY Haines Norton during their recent visit for the interim audit and financial management review.

Legal Implications

The *Local Government Act 1995* section 6.20 reads

6.20. *Power to borrow*

(1) *Subject to this Act, a local government may —*

- (a) *borrow or re-borrow money;*
- (b) *obtain credit; or*
- (c) *arrange for financial accommodation to be extended to the local government in ways additional to or other than borrowing money or obtaining credit,*

to enable the local government to perform the functions and exercise the powers conferred on it under this Act or any other written law.

(2) *Where, in any financial year, a local government proposes to exercise a power under subsection (1) (**power to borrow**) and details of that proposal have not been included in the annual budget for that financial year —*

- (a) *unless the proposal is of a prescribed kind, the local government must give one month's local public notice of the proposal; and*
- (b) *the resolution to exercise that power is to be by absolute majority.*

(3) *Where a local government has exercised a power to borrow and —*

- (a) *it does not wish to proceed with the performance of the function or the exercise of the power for which the power to borrow was exercised; or*
- (b) *after having completed the performance of the function or the exercise of the power for which the power to borrow was exercised, any part of the money borrowed, credit obtained or financial accommodation arranged has not been expended or utilized,*

the local government may resolve to expend the money or utilize the credit or financial accommodation for another purpose if one month's local public notice is given of the proposed change of purpose.*

** Absolute majority required.*

Policy Implications

N/A

Consultation

Internal: Chief Executive Officer
External: Westpac Bank
UHY Haines Norton

Financial Implications

Expenditure to Interest on Overdraft Account E160107 – amount subject to overdraft balance maintained

Strategic Implications

Shire of Lake Grace Strategic Plan
7. Organisational Excellence

Recommendation

That Council authorise the increasing of the bank overdraft amount on the Municipal Account to \$500,000 for the period ending 3 September 2012.

Recommendation changed due to request from Council for further examination of financial position of Shire.

1. That Council authorise the increasing of the bank overdraft amount on the Municipal Account to \$500,000 for the period ending 3 September 2012.

Voting Requirements

Absolute majority required.

Recommendation/Resolution

NOTE: Refer page 802 for Resolution

15.0 MATTERS FOR CONSIDERATION – ADMINISTRATION
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15.1 BUSHFIRE ADVISORY COMMITTEE – APPOINTMENT OF FIRE CONTROL OFFICERS & ANNUAL GENERAL MEETING

Applicant:	Bushfire Advisory Committee
File No.	0177
Attachments:	Letter to Albany DOAC
Author:	Mr Marcus Owen Community Emergency Services Manager
Disclosure of Interest:	Nil
Date of Report:	18 June 2012
Senior Officer:	Ms Samantha Appleton Manager Corporate Services

Summary

The purpose of this report is for:

1. Council to appoint the nominated Bushfire Control Officers for the 2012/2013 season.
2. Council to endorse the following actions moved at the Bushfire Advisory Committee General Meeting that:
 - **Action 1** - The Shire of Lake Grace correspond with FESA to keep the old Varley fire truck at Dunn Rock until such times as a new truck is supplied.
 - **Action 2** - The Shire of Lake Grace investigate why the mobile repeater was not in place for the 2011/2012 fire season, as promised as per minutes of Bushfire Advisory Meeting held on 5 October 2011 and to ensure it is in place for the 2012/2013 fire season.
 - **Action 3** - The Shire publish a notice permitting burning on a Sunday and make necessary amendments to the information brochure.

Background

The Annual General Meeting of the Bushfire Advisory Committee was held on 17 April 2012, followed by a General Meeting, at the Newdegate Indoor Recreation Centre commencing at 3:40pm. Twenty one members were present.

Action 1

In March 2011 a new fire appliance was delivered to Varley Town Brigade. The old truck was brought back to Lake Grace, serviced and delivered to Dunn Rock, on advice from Mr Mac Johnston (FESA), until such time that we were asked to return it.

The Shire has now been requested by FESA to return the truck. This request came by way of "Have you got the new truck for Varley? If so could you return the old one so we can update our records".

The truck has been at Dunn Rock for the 2011/12 fire season, housed on Mr Bernie Giles farm. The truck turned out approximately six times during the season, two times being to assist just over the border into the Ravensthorpe Shire.

A Risk to Resource Assessment was done prior to the 2011/12 fire season with a view to securing a new fire appliance for Dunn Rock, unfortunately this application was unsuccessful. This application will be lodged again in 2013/14 when permitted.

The committee and residents in the Dunn Rock area were very unhappy with the news that the truck was to be returned, taking away a valuable fire fighting asset.

The subject of the Shire purchasing the truck was raised again and to be pursued.

Following the meeting Mr Damian Buswell (Acting Area Manager, FESA) and the author discussed the feasibility of the purchase of the truck; the main points being;

- Was the truck acquired before or after the introduction of the ESL in July 2003?
- If after the introduction the process is very hard.
- If before the introduction the process is easy.

The old Varley fire truck was funded by rate payers prior to the introduction of the ESL in July 2003. Therefore the process to purchase is as follows:

- *Complete a one page document - 'Request to Retain an ESL Replaced Appliance/Vehicle'*

Action 2

Poor radio communication in the eastern end of the shire, especially east of the barrier fence, has been an issue for several years now.

The first reference to the problem was at the Bushfire Advisory Committee (BFAC) meeting in April 2008

'Line of sight problems are hindering the effectiveness of communications east of the fence. Investigations are underway as to the possibility of installing an additional repeater in the area.'

At the BFAC meeting in March 2009 the following motion re Bushfire Radios was moved and carried:

*Moved: Darcy Roberts
Seconded: Richard Metcalf*

The meeting discussed the problems with the bushfire radios. The need for a new repeater at the Eastern end of the Shire was a matter of urgency due to fires on the east of the fence.

'A letter to be sent to and tabled at the Albany District Operations Advisory Committee Meeting, to be held in Albany, on 26 March 2009, regarding Bushfire Radio problems.'

A copy of the letter referred to in the motion is attached. (Attachment 1)

At subsequent BFAC meetings regular updates on the progress of a trailer mounted mobile repeater were given by Mr Mac Johnston FESA.

The most recent being given at the meeting held on 5 October 2011

MOBILE REPEATER

- *The mobile repeater is currently still being built*
- *Trailer at Belmont being refitted*
- *They have most of the equipment for the fit out*
- *The repeater will be fitted to trailer*
- *They are experimenting with a demountable type of repeater*
- *This would give the ability to locate, even with a helicopter*
- *The repeater will be functional for fire season 2011/2012*

Neither the committee nor the author are aware of what was discussed within FESA or by whom other than Mr Mac Johnston and Mr Allen Brown FESA.

Acting Area Manager Mr Damian Buswell explained to the committee that it is a very costly exercise to put together a mobile repeater and that only a trained technician would be able to erect it for use. He went on to explain that there is a mobile repeater located at Belmont that can be dispatched to an incident as required; he also alluded to the possibility of mobile repeaters being located at regional offices. The feeling of the committee was that Belmont and the regional offices were 'too far away' and was not a viable solution to the problem.

Action 3

The question of burning on Sundays, during the Restricted Burning Time, cropped up again; some people wanted to burn on Sundays and others didn't. Sometimes the best time to light up was on a Sunday.

Farmers who wanted to burn chaff heaps, which can burn for several days, were quite restricted/limited to times to burn them.

The Bushfire Regulations 1954 state:

Regulation 15B – Obligations of permit holder

The permit holder shall not light a fire to burn the bush on a Sunday if the burning of the bush on Sundays is for the time being prohibited in the district in which the bush is situated pursuant to regulation 15C(1).

15C(1) – a local government may by public notice published in a newspaper circulating in its district prohibit the burning of the bush in that district on Sundays during the restricted burning times and may, by subsequent notice so published, revoke that notice.

Currently within the Shire, burning is not permitted on Sundays during the restricted burning time. This information is published in the bushfire information brochure distributed throughout the shire with the rates notices.

The members of the committee moved and carried the following motion:

Moved - Peter Roberts

Seconded - Doug Dunham

The advisory committee ask the Shire to publish a notice permitting burning on a Sunday during the restricted burning times in accordance with

Regulation 15C(1) of the Bushfires Act 1954 and to make the necessary amendments to the Bushfire Information Brochure.

Comment

Bushfire Control Officers

The Bushfire Control Officer appointments will require gazettal once Council has ratified the appointments for the 2012/2013 season.

Action 1

Having had the truck at Dunn Rock for one fire season it has proved its worth, by attending six or so fires, as a valuable asset. A point was raised at the meeting, 'There are 70,000 Ha of reserve to the north of Dunn Rock and it would be unreasonable to expect farmers to take their brand new vehicles through the bush to fight fires'.

Even though the Risk to Resource (R to R) application was unsuccessful for 2011/12 it will be resubmitted at the appropriate times until it is successful.

Should the Shire purchase the truck for Dunn Rock and R to R eventually prove successful the old truck could either be relocated to another part of the shire or could be sold.

Action 2

Chief Bushfire Control Officer Mr Bill Lloyd again asked the question, regarding the mobile repeater, at the District Operations Advisory Committee meeting held in Narrogin in March and was informed that Mr Mac Johnston had started to look into preparing a business case, prior to his departure, and that District Manager Mr Kevin Parsons would follow up on the status of the business case.

The new CEO of FESA is currently carrying out a wide range of reviews within FESA and therefore contributing to the delay the finding of a resolution to this issue.

Action 3

A motion was moved by the committee, to allow burning on Sundays during the Restricted Burning Time, this was subsequently carried and the Bushfire Committee are recommending the Shire exercise Regulation 15C(1).

Legal Implications

Bush Fire Act 1954

Shire of Lake Grace Bush Fire Local Laws

Policy Implications

Nil

Consultation

Internal: Mr Bill Lloyd, CBFCO

External: Mr Damian Buswell, Acting Area Manager, FESA

Financial Implications

Action 1 - \$6,000 to \$10,000 to purchase truck, plus maintenance costs

Action 2 – Nil

Action 3 - Nil

Strategic Implications

Nil

Voting Requirements

Simple majority required.

Recommendation/Resolution**MOTION 11455**

Moved Cr De Landgraftt
 Seconded Chappell

That Council:

1. Appoint the following Bushfire Control Officers for the 2012/2013 season.

Chief Fire Control Officer

Bill Lloyd

Deputy Chief Fire Control Officer – Lake Grace

Doug Dunham

Deputy Chief Fire Control Officer – Newdegate

Wes Hall

Deputy Chief Fire Control Officer – Lake King

Richard Metcalf

Fire Weather Officers

Lake Grace	Doug Dunham
Newdegate	Wes Hall
Varley	Steven Davies
Mt Madden	Lindsay Brownley
Lake King	Richard Metcalf

Deputy Fire Weather Officers

Lake Grace	Brad Watson
Newdegate	Ian Lloyd
Varley	Craig Newman
Lake King	Hugh Roberts
Mt Madden	Bernie Giles

Harvest Ban – CBH Advisory Officers

Mt Madden	Lindsay Brownley
Lake King	Jason Sugg
Varley	Steven Davies
Newdegate	Bill Lloyd
Buniche	Tim Lloyd
Lake Grace	Scott Strevett
Kuender	Terry Smith
Dunn Rock	Bernie Giles

MOTION 11455 cont.**Fire Control Officers**

Brigade FCO's	Permit issuing FCO's with two way radios	Non permit issuing without two way radios
North Lake Grace	Doug Dunham (Base) Brad Watson Leon Morgan Glen Willcocks Evan Wyatt Greg Carruthers	Ross Chappell
South Lake Grace	Scott Strevett (Base) Kevin Naisbitt Cameron Slarke	
North Newdegate	Barry Ness (Base) Ron Shalders Craig Shalders Ian Lloyd Bill Lloyd John Dunkeld Tim Lloyd Greg Dunkeld Pete Walker	
South Newdegate	Geoff Cugley Matt Cugley Wes Hall Peter Kennedy Syd Walker Geoff Richardson	
Lake King/Varley	Ben Hyde Jason Sugg Arthur Sugg (Base) Jorg Brinkmann Craig Newman Steven Davies Richard Metcalf (Base) Hugh Roberts	Stephen Hyde
Mt Madden/ Dunn Rock	Bernie Giles David Roberts Lindsay Brownley Peter Newman Clinton Byrne	
Newdegate Town Lake Grace Town Lake King Town Varley Town	David Tonkin Marcus Owen Ben Carlton & Ross Dunkeld Stephen Hyde & Brent Hyde	

MOTION 11455 cont.**DUAL FIRE CONTROL OFFICERS FOR THE SHIRE OF LAKE GRACE**

Representatives from the Shire of Lake Grace to be appointed as Dual Fire Control Officers for the following Shires for the 2012/2013 Bush Fire Season:

Ravensthorpe & Jerramungup

Bernie Giles

Kondinin

Hugh Roberts

Kulin

Doug Dunham

Evan Wyatt

Dumbleyung

Kevin Naisbitt

Leon Morgan

Kent

Leon Morgan

Esperance

Richard Metcalf

1. Authorise the following persons to issue clover and proclaimed plant burning permits during the 2012/2013 season in conjunction with the closest available Fire Control Officer to the person making the application:
 - Chief Fire Control Officer
 - Deputy Chief Fire Control Officers
 - Chief Executive Officer
 - Manager Corporate Services
2. Authorise the following persons to supply information relating to harvest bans for general radio broadcasting during the 2012/2013 season:
 - Chief Executive Officer
 - Chief Bush Fire Control Officer
 - Manager Corporate Services
 - Deputy Chief Bush Fire Control Officers
 - Base Radio Operators and their Spouses
 - Community Emergency Services Manager
3. **Action 1** – That the Shire proceeds with the purchase of Varley's old fire truck to be based at Dunn Rock and continue to resubmit the Risk to Resource application to obtain a new appliance.
4. **Action 2** – That the Shire write a letter to FESA asking for an explanation as to why the repeater was not delivered to the Shire for the 2011/12 fire season, as promised, and what they plan to do to rectify the problem.
5. **Action 3** – That the Shire proceed and publish a notice in the local news papers and make the necessary amendments in the information brochure to allow burning on Sundays during the Restricted Burning Time, prior to the 2012/13 bushfire season.

MOTION CARRIED 8/0

15.2 **NEWDEGATE TOWN CENTRE REJUVENATION CONCEPT PLAN STAGE TWO & STAGE THREE - ADOPTION**

Note: Cr Chamberlain foreshadowed during debate that he will move to have Items 1a, b & c of the Committee's Recommendation No 2 referred back to administration for re-assessment and then brought back to Council to resolve the technical issues.

Applicant:	Shire of Lake Grace
File No.	0659
Attachments:	Draft Concept Plan Presentation to the Community on the Newdegate Rejuvenation Project Compilation of Community Survey Responses
Author:	Mrs Lee-Anne Trevenen Acting Manager Community Services
Disclosure of Interest:	Nil
Date of Report:	18 June 2012
Senior Officer:	Mr Graeme Simpson Acting Chief Executive Officer

Summary

The purpose of this report is for Council to adopt the Newdegate Town Centre Rejuvenation Concept Plan for Stage 2 and Stage 3 as recommended by the Newdegate Rejuvenation Committee.

Background

The Newdegate Rejuvenation Committee held a meeting on 30 May 2012 to evaluate the recent community engagement undertaken regarding the Newdegate Town Centre Rejuvenation Concept Plan for Stage 2 and Stage 3 and resolved through motion 0019 and motion 0020 to make a series of recommendations to Council including:

- That the Newdegate Town Centre Rejuvenation Concept Plan Stage Two and Stage Three is adopted with the following clarifications:
 - ⇒ The construction type for the Independent Living Units is light weight frame construction to include a brick veneer exterior if appropriate as this would appear to be the most cost effective method for the delivery of this project.
 - ⇒ That the work concerned can be done on the basis of owner/builder and that the Shire's Chief Executive Officer approached to confirm if the Shire's Construction team is best placed to undertake this work in a cost effective manner.
- Advice to Council that the likely Whole of Life Cost shortfall resulting from the Newdegate Townsite Rejuvenation Project including cladding the Main Hall only is \$91,091 per annum.
- Informing Council that a further community meeting is required regarding the use of the Main Hall to determine the level of works undertaken.

The following report which was compiled by the previous Chief Executive Officer Sean Fletcher for the Newdegate Rejuvenation Committee Meeting on meeting on 30 May 2012 is presented for background information:

At the Newdegate Rejuvenation Committee meeting on 29 February 2012, the Committee under motion 0015 resolved the following regarding the Concept Plan:

That the Committee:

1. *Endorses the Newdegate Town Centre Rejuvenation Concept Plan Stage Two and Stage Three.*
2. *Presents to Council the Newdegate Town Centre Rejuvenation Concept Plan Stage Two and Stage Three at the March 2012 Ordinary Meeting so that the Concept Plan can be issued for public comment.*

The Concept Plan was then presented at the Ordinary Meeting of Council on 28 March 2012. Accordingly, Council resolved through motion 11391:

That Council:

1. *Endorses the Newdegate Town Centre Rejuvenation Concept Plan Stage Two and Stage Three and that this plan is issued for public comment in accordance with Motion 11344.*
2. *In accordance with Motion 11344 regarding the Newdegate Rejuvenation Project Plan endorses the Newdegate Town Centre Rejuvenation Committee to evaluate the outcomes of the public comment period and then make a recommendation to Council on the final concept plan for stage 2 and stage 3 in time for the June 2012 Council meeting.*

In keeping with the Newdegate Townsite Rejuvenation Project Plan, the following engagement was conducted:

- Community Meeting held in Newdegate at the Community Resource Centre on 24 April 2012. The Committee attended this meeting along with some members of the Newdegate community;
- Fact Sheet 2 was issued providing an update on the Rejuvenation Project;
- Notification of the community meeting on the Shire's Facebook page; and
- A survey was issued with responses due on 27 April 2012.

The Committee is now required to consider the feedback and discussions to date and form a recommendation to Council on the final Concept Plan.

Comment

Community Meeting 2012

At the Community Engagement meeting on 24 April 2012, the author (Mr Fletcher) presented the Concept Plan, the impact of Whole of Life Cost analysis and responses to the survey to date. A copy of the presentation is attached.

The author (Mr Fletcher) then facilitated a discussion with the Committee and community members who had the opportunity to explore a number of issues including:

Independent Living (Aged) Units (Stage 2 & Stage 3)

Comments were made whether the proposed independent living units could be relocated to the Masonic Hall site. It was the majority view of the meeting that this matter was addressed previously including general agreement for the units to remain at the Town Hall site.

Lesser Hall (Stage 2)

The general feedback was that the kitchen within the Lesser Hall was in good condition as it was only ten years old. In particular, the cupboards were still in very good condition. So the expectation was that not a lot of work would be required to bring this up to “scratch”.

Town Hall (Stage 4)

Some very good discussion and feedback centred around the Town Hall. In particular, there was the realisation that in order to determine the level of work undertaken on the Hall, there had to be agreement on what its use would be and whether this would increase and the affordability of investing in the Hall's possible refurbishment and expansion. This included:

- Concern regarding its current use. At this point in time only the Kindy Gym use the Hall. There was even some comment made on whether to keep the Hall;
- Acknowledgement that the “bones” of the Hall are sound/very good;
- Whether the stage and the acoustics were sufficient to encourage social activities and the holding of events e.g. performing arts. Comments ranged from whether to look at the Old Doctor's surgery to become the backstage area as there were no “wings” to accompanying the stage. The meeting in general felt that this was not very practical. However, a number commented that it may be more appropriate to seek from the Shire a commitment to look at suitable mobile staging and flooring including carpet tiles that can be used at a number of locations including the Newdegate Pavilion;
- The need to avoid duplication. At present there is the Newdegate Pavilion and proposed expansion to the Newdegate Community Resource Centre. ;
- That the current written down value of the Hall was \$17,092.

Conclusion of the Meeting

It was the conclusion of the meeting to “lock in “ Stage 2 and Stage 3 as presented. The meeting also concluded that further discussion was required to answer the question regarding Stage 4: “How much of your future is put into the Town Hall” and to advise the community regarding the dedicated use for the Lesser Hall. This would once again be in the form of a community meeting held in the Town Hall.

Community Survey

In all a total of 24 responses was received. Of these, three surveys were received well after the due date but have been included in the analysis. In short, 79% of respondents support Stage 2/Stage 3. In hand with this, 79% of respondents support the upgrade of the Lesser Hall. Only 37.5% of respondents support the upgrade of the Main Hall. However, 75% of respondents support external cladding only.

In terms of the construction type for the Independent Living Units, 42% support brick, 42% support light frame construction, 8% support transportables with 4% or one respondent saying no.

It is clear from the above that the majority of respondents support Stage 2 and Stage 3 as a concept including the upgrade of the Lesser Hall. However, the majority of respondents did not support the upgrade of the Main Hall.

The majority view regarding the Independent Living Units would be a construction that was light frame in nature (i.e. cladding and transportable) that was cost effective.

A copy of the summary of the responses is attached.

Legal Implications

Nil

Policy Implications

Shire Policy 7.9 Asset Management

Although the origin of the Rejuvenation project was prior to the adoption of the Shire's asset management policy, it is still incumbent on the Shire to ensure that the "whole of life" cost assessment is applied to the outcomes of this project and provision made for appropriate costs in due course regarding the Asset Management Plan and Long Term Financial Plan.

Whole of Life Cost Analysis

The Whole of Life cost based on a 40 year cycle for the Rejuvenation Project including Stage 4 as cladding only to the Main Hall is as follows:

Cost Element	Comment	Cost \$
Construction cost	Includes the Newdegate Medical Centre and Hall Cladding	2 446 000
Maintenance cost	On all three areas	2 000 000
Refurbishment cost	Fixtures	400 000
Replacement cost	Based on the original construction cost (Depreciation)	2 446 000
Operating cost	Power, water, cooling, heating, insurance, cleaning, loan (10 Years)	1 631 945
Total		8 923 945

Table Four: Capital Evaluation Model

Gap Analysis

Cost Element	Annual \$	Total \$
Operating	50 799	2 031 960
Replacement	111 150	4 446 000
Sub-Total	161 949	6 477 960
Current Costs	(68 858)	(2 434 320)
Total Gap	101 091	4 045 640

Table Five: Gap Analysis

As can be seen in Table Five, the gap per annum is \$101,091. The issue then is what strategies can be put in place to reduce the gap. This is so that the operating costs and the replacement costs are covered. At this point the Shire only puts \$10,000 into reserve per annum or \$400,000 over the life of the project. This still leaves a shortfall of \$3,645,640 or \$91,091 per annum. Possible funding strategies per annum are:

Specified Area Rate:	\$31 091	(Lesser Hall/Main Hall cladding)
Medical Centre Reserve:	\$40 000	(Met through the general rate)
Lease for Life Fees on Units:	\$20 000	(Recouped on refund of "loan" other costs)
Total	\$91 091	

The above will have a key impact on the Specified Area Rate for Newdegate representing 12% increase on SARs for this community. The \$40,000 per annum for the Medical Centre represents an increase of 1.8% on the general rate.

Written Down Value

The current Written Down Value of the Pavilion is \$17,092 which should be \$0 in three years time.

Consultation

External: Architect: Gary Batt of Gary Batt and Associates

Internal: Senior Management Team
Council
Rejuvenation Committee and the Community as per discussion in this report

Financial Implications**Indicative Costs**

As per previous reports, the indicative costs for various parts of the project including staging costs as follows:

Build 2 Villas

Based upon current design:	\$659,000
Based upon Light weight Framing:	\$639,000
Transportables:	\$622,000

Build 4 Villas

Based upon current design:	\$1,216,000
Based Upon Light weight Framing:	\$1,196,000
Transportables:	\$1,145,000

Lesser Hall modifications: \$270,000
(Inc. external cladding component of \$50,000)

New Entrance and Foyer:	\$368,000
Renovate Town Hall internally:	\$667,000
Cladding to Town Hall:	\$150,000

Please note the above figures are an opinion of cost and are subject to further review. The figure of \$150,000 for the cladding to the Town (Main) Hall is a cost effective option compared to undertaking a new entrance and foyer at a cost of \$368,000 and internal renovations at a cost of \$667,000.

Budget for Revised Stage 2 and Stage 3

At this point, the budget and funding sources for Stage 2 and Stage 3 are outlined in the concept plan as follows:

Stage Two

Consists of Two Units and Works to the Lesser Hall and connecting landscape to the two Independent Living Units

Budget		Funding Source	
Units:	\$659 000	Country Local Government Fund R:	
Lesser Hall:	<u>\$270 000</u>	\$694 304*	
Total:	\$929 000	Shire Reserve (Newdegate Hall):	
		\$267 745	
		Total:	\$962 049
		* Will allow for other works if required	

It should be noted that the cost of the units is based on the original brick design.

Stage Three

Final Two Units

Budget		Funding	
Units:	\$557 000	Country Local Government Fund R:	\$454 163
		Action Agenda Funding/Other	\$102 837
		Total:	\$557 000

The above is in keeping with Council Motion 11344.

Other Issues Regarding Funding

The Committee needs to note that under some of the funding provided (e.g. Action Agenda Funding once approved), the Independent Living Units cannot be sold in due course without specific permission from the Minister concerned.

However, the units can be rented or Lease for Life implemented to ensure an appropriate level of return.

Whole of Life Costs

As per the section in this report regarding the Asset Management Policy.

Concept Plans

The Budget for 2011/12 has an allocation of \$30,000 towards planning and design costs.

Strategic Implications

Shire of Lake Grace Strategic Plan

Focus 2 – Social and Community Well Being

- Upgrade Newdegate Town Hall – Confirm plan & seek funding – Rejuvenation Project Stage 2;
- Facilitate development of self funded retiree villages (Regional Country Local Government Fund Project):
 - Lake Grace;
 - Newdegate Rejuvenation Project – Stage 3

Conclusion

The Newdegate Town Centre Rejuvenation Project is at the point where it is now possible to proceed with Stage 2 and Stage 3. This includes:

- Works to the Lesser Hall funded through the Newdegate Hall Reserve. The Shire may need to apply for other funding under the Royalties for Regions Regional Fund regarding the fit-out or additional works to the Lesser Hall or this may be achievable through Lotterywest (on the basis of public or community usage of space);
- Commencement on the Independent Living Units, subject to confirmation under the sign off the Country Local Government Fund Regional Component Financial Assistance Agreement for funding 2012/13.

Committee Recommendation 1

That:

1. Based on the community engagement process undertaken during April 2012 Council adopts the Newdegate Town Centre Rejuvenation Concept Plan Stage Two and Stage Three with the following clarifications:
 - a. The construction type for the Independent Living Units is light weight frame construction to include a brick veneer exterior if appropriate as this would appear to be the most cost effective method for the delivery of this project.
 - b. That the work concerned can be done on the basis of owner/builder and that the Shire's Chief Executive Officer approached to confirm if the Shire's Construction team is best placed to undertake this work in a cost effective manner.

Committee Recommendation 2

That Council:

1. Accepts the Newdegate Rejuvenation Committee's advice that the likely Whole of Life Cost shortfall resulting from the Newdegate Townsite

Rejuvenation Project including cladding the Main Hall only is \$91,091 per annum and that the possible funding strategies to address this shortfall include:

- a. Raising \$31,091 per annum from the Newdegate Specified Area Rate to cover the costs regarding the Lesser Hall cladding of the Main Hall and that this amount is put into reserve for the purpose of reducing the whole of life cost gap.
 - b. Raising \$40,000 per annum from the general rate and that this amount is put into reserve for the purpose of reducing the whole of life cost gap regarding the Newdegate Medical Centre.
 - c. Raising \$20,000 from fees and deductions from the Lease for Life component and that this amount where possible is put into reserve for the purpose of reducing the whole of life cost gap regarding the Independent Living Units.
2. Endorses the Newdegate Rejuvenation Committee recommendation that a further community meeting is required regarding the use of the Main Hall to determine the level of works undertaken.

Voting Requirements

Simple majority required.

Resolution

MOTION 11456

Moved Cr Walker
Seconded Cr Milton

That:

1. Based on the community engagement process undertaken during April 2012 Council adopts the Newdegate Town Centre Rejuvenation Concept Plan Stage Two and Stage Three with the following clarifications:
 - a. The construction type for the Independent Living Units is light weight frame construction to include a brick veneer exterior if appropriate as this would appear to be the most cost effective method for the delivery of this project.
 - b. That the work concerned can be done on the basis of owner/builder and that the Shire's Chief Executive Officer approached to confirm if the Shire's Construction team is best placed to undertake this work in a cost effective manner.
2. Accepts the Newdegate Rejuvenation Committee's advice that the likely Whole of Life Cost shortfall resulting from the Newdegate Townsite Rejuvenation Project including cladding the Main Hall only is \$91,091 per annum and that the possible funding strategies to address this shortfall to be investigated by staff.

MOTION 11456 continued

3. Endorses the Newdegate Rejuvenation Committee recommendation that a further community meeting is required regarding the use of the Main Hall to determine the level of works undertaken.

MOTION CARRIED 8/0

Reason for Change

Cr Walker moved the motion on the understanding that Items 1a, b & c of the Committee's Recommendation No 2 are referred back to administration for re-assessment and then brought back to Council to resolve the technical issues.

15.3 **DELEGATION OF POWERS TO THE CHIEF EXECUTIVE OFFICER AND THE DELEGATION REGISTER**

Applicant:	Executive Services
File No.	0052
Attachments:	Register of Delegations
Author:	Mrs Jeanette Bennett Executive Assistant
Disclosure of Interest:	Nil
Date of Report:	19 June 2012
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 2010.

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 2011 include:

- All references to the Manager of Works have been changed to Manager Infrastructure Services to reflect the change in title.
- All references to 'Council' where it means 'the Shire' (i.e. not the 9 elected members) have been amended to reflect such.
- Delegation A04, value for sale of goods has been raised from \$2,000 to \$3,000.
- Building Delegations B01, B03, B04, B05 & B06 which were made under various sections of the *Local Government (Miscellaneous Provisions) Act 1960* have been superseded by the *Building Act 2011*.
- Previous Delegation B07, as adopted by Council at its 26 October 2011 Ordinary Meeting has been re-numbered Delegation B01.
- Delegation P01 which deals with the public advertising of development (i.e. planning) applications has been amended to reflect the Shire's Local Planning Scheme No 4.

Legal Implications

- Local Government Act, 1995*
- s5.16 Delegations to committees
 - s5.42 Delegations to the CEO

- s5.43 Limits on delegations
- s5.44 CEO may delegate

Town Planning and Development Act 2005

Bush Fires Act 1954

Dog Act 1976

Health Act 1911

Local Government (Miscellaneous Provisions) Act 1960

Policy Implications

Shire of Lake Grace Policy Manual.

Consultation

N/A

Financial Implications

N/A

Strategic Implications

Shire of Lake Grace Strategic Plan - 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 11457

Moved Cr Chappell
Seconded Cr Farrelly

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 8/0

15.4 **4WD VOLUNTARY REGIONAL ORGANISATION OF COUNCILS (VROC) – MEMBERSHIP PROPOSAL**

Applicant: Executive Services
File No. 0031
Attachments: Nil
Author: Mr Graeme Simpson
 Acting Chief Executive Officer
Disclosure of Interest: Nil
Date of Report: 19 June 2012
Senior Officer: Mr Graeme Simpson
 Acting Chief Executive Officer

Summary

The purpose of this report is to seek Council's support to formalise the Shire's membership to the 4WD Voluntary Regional Organisation of Councils (4WD VROC) which includes the Shires of Williams, Woodanilling, Wagin, West Arthur and Dumbleyung.

Background

This Shire currently has observer status of the 4WD VROC and is a member of the regional housing alliance made up of the 4WD VROC and the Lakes VROC (Shires of Lake Grace, Dumbleyung and Kent).

The regional housing alliance project will see 38 seniors accommodation units built across the seven shires over the next four to five years.

Other 4WD projects that the Shire is involved with include the common compliance reporting project, Youth Friendlies Community Program and an Economic Development within the Region Survey project.

Comment

It is not uncommon to belong to more than one Voluntary Regional Organisation or to shift membership to a neighbouring group.

In this case it is proposed to hold membership in two groups which often combine for a specific project and conversely remain separated on other occasions. Travelling to and attending meetings is a time issue for Councillors and Staff, but now local government has the benefit of project money availability through regional bodies, it is time well invested.

Legal Implications

Nil.

Policy Implications

Nil.

Consultation

Internal: Shire President
 Senior Management Team

Financial Implications

Only indirect cost of travel, councillors time and administration time are applicable but there are significant financial benefits for participants of regional projects.

Strategic Implications

Shire of Lake Grace Strategic Plan - 7. Organisational Excellence

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

Voting Requirements

Simple majority required.

Recommendation/Resolution

MOTION 11458

Moved Cr Milton
Seconded Cr Chappell

That Council endorse the proposal to join the Shires of Williams, Woodanilling, Wagin, West Arthur and Dumbleyung as members of the 4WD Voluntary Regional Organisation of Councils (VROC).

MOTION CARRIED 8/0

16.0 INFORMATION BULLETIN

16.1 INFORMATION BULLETIN REPORT – JUNE 2012

Applicant:	Executive Services
File No.	N/A
Attachments:	<ol style="list-style-type: none"> 1. Grants Register 2. Council Status Report 3. Email - Department of Local Govt 4. Letter – Members for the Agricultural Region 5. Letter – Hon Mia Davies 6. Letter – State Leader of the Opposition 7. Letter – Shire of Kent 8. Letter – Federal Leader of the Opposition 9. Letter – Federal Minister for Finance; Commerce; Small Business 10. WALGA Infopage
Author:	Mrs Jeanette Bennett Executive Assistant
Disclosure of Interest:	Nil
Date of Report:	14 May 2012
Senior Officer:	Mr Sean Fletcher 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

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

Tracks the progress of Council resolutions.

3. Email – Department of Local Government

An email from the Department of Local Government's Research & Policy Officer for Reform Implementation, advising that the LGAB at their Board Meeting on 7 June 2012 resolved to accept the Shire's Ward and Representation proposal to establish Town & Rural Wards. The recommendation has been passed on to the Minister for formal endorsement of the Board's resolution. The email has previously been forwarded to Councillors for their information.

4. Letter – Members for the Agricultural Region

A letter from the Hon Max Trenorden MLC and the Hon Phillip Gardner MLC regarding the outcomes of the Railway Retention Alliance Meeting held in York on Friday 30/3/2012 where the need for an alternative report to the Strategic Grain Network Report (SGNR) to be prepared to confirm to Government that the SGNR is a flawed report was discussed.

The letter states that although no formal motion was passed by the meeting there was general consensus that this was the necessary way forward. An indicative quote has been sourced and the letter asks that member shires within the Alliance contribute towards the cost of the report.

Cr Chamberlain attended the meeting in York on behalf of the Shire. A response to the proposal is requested.

5. Letter – Hon Mia Davies

A letter was received from Mia Davies MLC relaying her support for the preservation of the poll provisions.

6. Letter – State Leader of the Opposition

A letter has been received from Mark McGowan MLA, Leader of the Opposition advising of the Labor Party's opposition to forced amalgamations of Councils.

7. Letter – Shire of Kent

A letter from the Shire of Kent advising their Council had considered the recommendations from the April 2012 Lakes VROC Meeting regarding a meeting to determine the future direction for the Lakes VROC and the provision of a shared Environmental Health & Building Officer.

8. Letter – Federal Leader of the Opposition

A letter has been received from Hon Tony Abbott MHR regarding the introduction of the carbon tax on 1 July 2012 and the impact on operating costs for Councils across Australia.

9. Letter – Federal Minister for Finance; Commerce; Small Business

A letter from Hon Simon O'Brien MLC, regarding the new Building Act and its effect on the building industry.

The letter requests that we use quick and informal ways to satisfy ourselves that an application is in order, rather than relying on formal processes in the Act that seem to be causing unnecessary delays. A copy of a Building (s67 Exemption) Order 2012 made by the Minister under section 67(1) of the *Building Act 2011* along with The Ministerial Order are attachments to the letter.

10. WALGA Infopage

A WALGA Infopage regarding the implementation of the *Cat Act 2011*.

Legal Implications

Nil

Policy Implications

Nil

Consultation

Nil

Financial Implications

Should Council decide to contribute to the Railway Alliance towards the preparation of a new Strategic Grain Network Report, an allocation will need to be made in the 2012/13 Budget.

Strategic Implications

Shire of Lake Grace Strategic Plan

Voting Requirements

Simple majority required.

Officer's Recommendation

That Council:

1. Accept the Information Bulletin Report; and,
2. Consider a contribution of \$_____ to be included in the 2012/13 draft budget payable to the Wheatbelt Railway Alliance towards the preparation of a new Strategic Grain Network Report.

Voting Requirements

Simple majority required.

Officer's Recommendation/Resolution

MOTION 11459

Moved Cr Chamberlain
Seconded Cr Milton

That Council:

1. Accept the Information Bulletin Report; and,
2. Consider a contribution of \$1,000.00 to be included in the 2012/13 draft budget payable to the Wheatbelt Railway Alliance towards the preparation of a new Strategic Grain Network Report.

MOTION CARRIED 8/0

17.0 URGENT BUSINESS BY DECISION OF THE MEETING

Note: Item of business regarding planning was previously considered at Item 12.5 of the agenda.

18.0 SCHEDULING OF MEETING

18.1 JULY 2012 ORDINARY MEETING

Motion 11333 November 2011 states:

An Ordinary Meeting of Council will be held on Wednesday 25 July 2012, commencing at 3:00pm at Council Chambers, 1 Bishop St Lake Grace WA.

4.58pm *Meeting adjourned for a short break*

5.05pm *Meeting reconvened with all those previously in attendance present with the exception of Mr Owen, Mr Lloyd, Mrs Naisbitt & Mrs Bell .*

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

MOTION 11460

Moved Cr Chamberlain
Seconded Cr Chappell

That Council close the meeting to the public at this time, being 5.08 pm, to consider Items 14.5 Municipal Funds - Increase to Bank Overdraft and Item 19.1 Manager Community Services - Appointment.

MOTION CARRIED 8/0

5.08pm *Ms Appleton & Mr Harrop left the meeting.*

14.5 MUNICIPAL FUNDS – INCREASE TO BANK OVERDRAFT

MOTION 11461

Moved Cr Chamberlain
Seconded Cr De Landgraftt

That Standing Orders be suspended, the time being 5.10pm for discussion on Item 14.5.

MOTION CARRIED

MOTION 11462

Moved Cr Walker
Seconded Cr Sinclair

That Standing Orders resume at this time being 6.19pm.

MOTION CARRIED 8/0

MOTION 11463

Moved Cr Chamberlain
Seconded Cr De Landgraft

1. That Council authorise the increasing of the bank overdraft amount on the Municipal Account to \$500,000 for the period ending 3 September 2012.
2. That Council request UHY Haynes Norton carry out a forensic audit over the last two financial years by the middle of July 2012 and report to Council in person on the financial position of the Shire.

MOTION CARRIED BY ABSOLUTE MAJORITY 8/0

19.1 MANAGER COMMUNITY SERVICES - APPOINTMENT

Item forwarded under separate cover

MOTION 11464

Moved Cr Chappell
Seconded Cr Milton

That:

1. Council accepts the recommendation of the Acting Chief Executive Officer to employ Ms Lee Holben in the position of Manager Community Services on contract for a three (3) year term.
2. The use of the Common Seal on the contract be authorised.

MOTION CARRIED 8/0

MOTION 11465

Moved Cr Chappell
Seconded Cr Milton

That Council re-open the meeting to the public at this time, being 6.22 pm.

MOTION CARRIED

20.0 CLOSURE

There being no further business, the Chairperson closed the meeting at 6.23 pm.

21.0 CERTIFICATION

I Leonard William Armstrong certify that the minutes of the meeting held on the 27 June 2012 as shown were confirmed as a true record at the meeting held on the 25 July 2012.

Chairman

Date