

Shire of Lake Grace

Ordinary Council Meeting

Minutes

26 April 2017



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SHIRE OF LAKE GRACE

Minutes of the Ordinary Meeting of Council held at the Council Chambers, 1 Bishop Street, Lake Grace, WA on Wednesday 26 April 2017.

1.0 OPENING & ANNOUNCEMENT OF VISITORS

The Shire President opened the meeting at 3.01 pm.

2.0 ATTENDANCE RECORD

2.1 PRESENT

Cr JF De Landgraff	Shire President
Cr SG Hunt	Deputy Shire President
Cr R Chappell	
Cr DS Clarke	
Cr RA Lloyd	
Cr AD Marshall	
Cr MG Stanton	
Cr AJ Walker	

In Attendance

Ms L Gray	Deputy Chief Executive Officer
Mr P Webb	Manager Infrastructure Services
Ms N Bowman	Governance Officer

Observers/Visitors

Nil

2.2 APOLOGIES

Ms D Gobbart	Chief Executive Officer
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2.3 LEAVE OF ABSENCE PREVIOUSLY GRANTED

Cr Armstrong has been granted leave of absence from Saturday 8 April 2017 to Sunday 30 April 2017 inclusive.

3.0 PUBLIC QUESTION TIME

Nil

4.0 APPLICATIONS FOR LEAVE OF ABSENCE

Nil

5.0 MINUTES OF PREVIOUS COUNCIL MEETINGS

5.1 ORDINARY MEETING – 22 MARCH 2017

Resolution

RESOLUTION 12505

Moved Cr Hunt
Seconded Cr Stanton

That the minutes of the Ordinary Meeting of Council held on 22 March 2017 be confirmed as a true and accurate record.

CARRIED 8/0

6.0 DECLARATIONS OF INTEREST

6.1 DECLARATIONS OF FINANCIAL INTEREST – LOCAL GOVERNMENT ACT 1995 SECTION 5.60A

Nil

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

Nil

6.3 DECLARATIONS OF IMPARTIALITY INTEREST – ADMINISTRATION REGULATION 1996 SECTION 34C

Cr Chappell declared impartiality interest in Item 16.2 Bush Fire Advisory Committee – Appointment of Bush Fire Control Officers (refer to page 59) with the nature of the association being he is nominated as a Fire Control Officer and is the Chairperson of the meeting.

7.0 NOTICES OF URGENT BUSINESS

Nil

8.0 MOTIONS OF WHICH NOTICE HAS BEEN RECEIVED

Nil

9.0 PETITIONS/DEPUTATIONS/PRESENTATIONS/SUBMISSIONS

Nil

10.0 MEMBERS' REPORTS**10.1 CR CHAPPELL****Sunday 26 March**

Attended Neighbour Day in Newdegate with Cheryl Chappell and Deputy Chief Executive Officer, Linda Gray.

Monday 27 March

Attended the Strategic Community Planning Forums at Varley and Newdegate.

Tuesday 28 March

Attended the Strategic Community Planning Forums at Lake King and Lake Grace.

Wednesday 29 March

Attended the Annual General Meeting of Electors in Lake Grace.

Thursday 30 March

Attended an Integrated Strategic Planning Workshop in Katanning with Councillors Armstrong, Clarke and the Chief Executive Officer.

Saturday 1 April

Attended the National Youth Week movie night, "Trolls" with Cheryl Chappell in Lake King.

Sunday 2 April

Attended the community movie matinee, "Trolls", at the Lake Grace Town Hall.

Mr Paul Webb left the meeting at 3.04pm.

Wednesday 5 April

Attended and chaired the Bush Fire Advisory Annual General Meeting and General Meeting in Newdegate.

Thursday 6 April

Attended the Strategic Community Plan Workshop with Councillors and Managers. Attended the Drug Awareness Community Night held in Lake Grace.

Tuesday 25 April

Attended the Lake Grace Anzac Memorable service where I laid the wreath on behalf of the Shire.

10.2 CR CLARKE**Monday 27 March**

Attended the Strategic Community Planning Forums in Varley and Newdegate.

Wednesday 29 March

Attended the Visitors Centre Meeting and then the Annual General Meeting of Electors at Lake Grace.

Thursday 30 March

Attended an Integrated Strategic Planning Workshop in Katanning with Councillors Armstrong, Chappell and the Chief Executive Officer.

Tuesday 4 April

Attended the Lake Grace Library Resource and Community Resource Centre Management Committee Meeting.

Thursday 6 April

Attended the Strategic Community Plan Workshop with Councillors and Managers. Attended the Drug Awareness Community information evening.

Tuesday 25 April

Attended the Lake Grace ANZAC Day service.

Mr Paul Webb returned to the meeting at 3.06 pm.

10.3 CR HUNT

Wednesday 29 March

Attended the Annual General Meeting of Electors.

Thursday 6 April

Attended the Strategic Community Plan Workshop with fellow Councillors and Managers.

Wednesday 26 April

Attended the Audit Committee Meeting.

10.4 CR LLOYD

Monday 27 March

Attended the Strategic Community Planning Forum in Newdegate.

Wednesday 29 March

Attended the Annual General Meeting of Electors in Lake Grace.

Thursday 30 March

Attended the Newdegate Primary School end of term assembly.

Tuesday 4 April

Attended the Newdegate Machinery Field Day Meeting.

Wednesday 5 April

Attended the Lake King Progress Association Meeting.

Thursday 6 April

Attended the Strategic Community Plan Workshop with Councillors and Managers.

Friday 7 April

Attended the Newdegate Primary School ANZAC service.

Tuesday 18 April

Attended the Newdegate Recreation Council Meeting.

Tuesday 25 April

Attended the Newdegate ANZAC Day dawn service.

Wednesday 26 April

Attended the Audit Committee Meeting.

10.5 CR MARSHALL

Tuesday 25 April

Attended the ANZAC Day service in Lake Grace.

Wednesday 26 April

Attended the Audit Committee Meeting.

10.6 **CR STANTON**

Wednesday 29 March

Attended the Annual General Meeting of Electors.

Thursday 6 April

Attended the Strategic Community Plan Workshop with Councillors and Managers. Attended the Drug Awareness Community information evening at the Lake Grace Community Resource Centre.

Friday 7 April

Attended the ANZAC service at the Lake Grace District High School.

Tuesday 25 April

Attended the ANZAC Day service in Lake Grace.

Wednesday 26 April

Attended the Audit Committee Meeting.

10.7 **CR WALKER**

Wednesday 29 March

Attended the Annual General Meeting of Electors held in Lake Grace.

Thursday 6 April

Attended the Strategic Community Plan Workshop with Councillors and Managers.

Wednesday 26 April

Attended the Audit Committee Meeting as an observer.

10.8 **CR DE LANDGRAFFT**

Monday 27 March

Attended the Strategic Community Planning Forum in Newdegate.

Tuesday 28 March

Attended a Local Government Forum in Ravensthorpe with Minister for Regional Development, Agriculture and Food, Alannah MacTiernan, and Darren West and then a road tour to Newdegate.

Wednesday 29 March

Attended the Annual General Meeting of Electors held in Lake Grace.

Tuesday 4 April

Attended the Wheatbelt South Regional Road Group Meeting in Wickepin with the Chief Executive Officer.

Wednesday 5 April

Attended the Lake King Progress Association meeting.

Thursday 6 April

Attended the Strategic Community Plan Workshop with Councillors and Managers.

Wednesday 12 April

Attended the Local Recovery Coordinating Infrastructure Subcommittee meeting at Newdegate where I was an observer.

Tuesday 25 April

Attended the Lake King ANZAC Day service in Lake King.

11.0 MATTERS FOR CONSIDERATION – INFRASTRUCTURE SERVICES

11.1 UNBUDGETED EXPENDITURE - REPLACEMENT OF NEWDEGATE SPORTS DAM WATER TANK

Applicant: Internal
File No. 0532
Attachments: 1. Water Tank Foundation image
 2. Water Tank CAD Drawings
Author: Mr Jason Lip
Disclosure of Interest: Nil
Date of Report: 10 April 2017
Senior Officer: Mr Paul Webb


 Technical Officer


 Manager Infrastructure Services

Summary

For Council to consider unbudgeted expenditure of \$7,503.30 exclusive of GST to replace and bring up to working order the Newdegate Sports Dam water tank on top of the stormwater harvest turkey nests in Newdegate.

Background

There is a large steel water tank that supplies captured rain water to irrigate the Newdegate recreational pavilion's football oval and the Newdegate Primary School's facilities. It has been unused for several months due to structural failure and Newdegate community groups are looking to bringing this system back in to use.

The Rhino water tank currently sitting on the embankment of the Newdegate turkey nests, located south of the western main road entrance to the town near the saleyards. The tank has failed; no ring beam was installed and so part of the foundation of the tank has collapsed or eroded away. This has caused the entire tank to slightly twist, compromising the structure's ability to hold water. In addition, due to the large capacity of the tank, it has partially sunken into the ground.

The water held within the turkey nests flows into the tank by way of a floating pump. The tank holds water to be delivered to the Newdegate sports oval reticulation system and the Newdegate Primary School's reticulation, both of which are also receiving water from other sources.

Comment

There are two main ways to restore functionality:

1. Repair the current water tank; or,
2. Replace the water tank in its entirety.

Repairing the tank will require total disassembly of the tank, as a ring beam needs to be installed and the tank reconstructed over it. Labour will probably exceed the cost of tank replacement (in monetary cost but also in time spent), without consideration of the concrete component of the ring beam. The interior liner is easily compromised (damaged or contaminated) any works carried out will have to be very delicate.

The other option is to replace the tank. The existing tank would be demolished, only requiring a single operator with a loader rather than a team dismantling the tank down to its components.

As an additional point to help reduce costs, the current water tank far exceeds its intended purpose, and holds roughly 235,000 litres of water (around 11 metres in diameter). A water tank with a capacity of around 12,000 litres with a height of 2.2 metres will be enough for temporary storage and water pressure, taking into account that in-town reticulation has more than a single source of water and that there are also additional tanks situated at the sports ovals and the primary school for extra capacity. The tank itself will not cost as much due to being a volumetrically smaller replacement, with the supplier/fabricator handling both delivery and installation.

Either option will require the services of a plumber and an electrician. The plumber will reconnect all poly pipes between the tank, the floating pump and the reticulation systems to the Newdegate town. The electrician will reinstall any floating switches and connections, reprogram the pump controls and maintain working order of the floating pump.

Additional works from the Shire crew include preparing the embankment for a replacement water tank, which includes filling in any hole or washed away gravel, stabilising and compacting the gravel at a 150-200 millimetres cover, and laying of aggregate for erosion control.

From these two options it is advised to completely replace the tank.

Legal Implications

Local Government Act 1995

6.8. Expenditure from municipal fund not included in annual budget

- (1) A local government is not to incur expenditure from its municipal fund for an additional purpose except where the expenditure —
- (a) is incurred in a financial year before the adoption of the annual budget by the local government; or
 - (b) is authorised in advance by resolution*; or
 - (c) is authorised in advance by the mayor or president in an emergency.

* *Absolute majority required.*

- (1a) In subsection (1) —

additional purpose means a purpose for which no expenditure estimate is included in the local government's annual budget.

- (2) Where expenditure has been incurred by a local government —

- (a) pursuant to subsection (1)(a), it is to be included in the annual budget for that financial year; and
- (b) pursuant to subsection (1)(c), it is to be reported to the next ordinary meeting of the council.

Policy Implications

Policy 3.7 – Purchasing Policy

For direct purchases between \$500 and \$5,000, two (2) verbal or written quotes are required.

For the purchase and installation of a 12,000 litre water tank, quotes have been sourced from:

- Tank Master;
- Acus Water Tanks Perth; and,
- Pioneer Water Tanks.

From the quotes supplied, in addition to supporting documents such as CAD drawings and specifications (refer to Attachment 2 and 3) for ring beam and sand pad preparations, Pioneer Water Tanks has been selected, which also happens to be the cheapest.

The entire project will require more than just the purchase and installation of the water tank. It is recommended to use Outback TV as the electrician, Trevenen Plumbing Services as the plumber to connect the new water tank to the reticulation.

The quotes received from these three contractors are above \$500, it is advised to waive the Purchasing Policy requirements due to historical difficulty in receiving quotes from non-local plumbers and electricians for works under \$2,000 (the other local concreter has expressed no interest in carrying out the specified work) and prior and proven work on the same infrastructure owned by the Shire.

Consultation

Internal Paul Webb, Manager Infrastructure Services
Doug Whiting, Infrastructure Supervisor

External Ashley McDonald, Newdegate farmer

Financial Implications

Unbudgeted expenditure of \$7,503.30 from Account E113183 "Sports Oval Dam Upgrade".

Expenditure:

Purchase, delivery and installation of 12,000L tank	\$3,556.18
Removal of old infrastructure	\$1,165.00
Plumbing works – pipe connections	\$1,200.00
Electrical works – switch installations and programming	\$900.00
Subtotal	\$6,821.18
10% allowance	\$682.12
Total Exc. GST	\$7,503.30
GST	\$750.33
Total	\$8,253.63

Income:

Transfer from Reserve Account A001335 "Newdegate Sports Dam Reserve" \$7,503.30

For reference, the purchase of a 240,000 litre steel water tank is roughly \$14,000.

Strategic Implications

Shire of Lake Grace Strategic Community Plan

- Social Focus Area 3 - New/maintained and well-used community infrastructure.
- S2.2 - Provide recreational facilities and services that are well used and deliver multiple benefits.

Voting Requirements

Absolute majority (5) required.

Recommendation/Resolution

RESOLUTION 12506

Moved Cr Hunt

Seconded Cr Chappell

That Council:

1. Approve unbudgeted expenditure of \$7,503.30 exclusive of GST from Account E113183 "Sports Oval Dam Upgrade", for the purchase of a replacement 12,000 litre water tank and works to bring it to an operational state;
2. Waive the requirement of *Policy 3.7 – Purchasing Policy* to acquire two (2) verbal or written quotes for hiring a plumber and an electrician to perform works required to bring the new water tank operational;
3. Transfer up to \$7,503.30 from Reserve Account A001335 "Newdegate Sports Dam Reserve Bank MUN" to Expenditure Account E113183 "Sports Oval Dam Upgrade".

CARRIED BY ABSOLUTE MAJORITY 8/0

11.2 MAGENTA ROAD FLOOD MITIGATION WORKS

Applicant: Internal Report
File No. 0490
Attachments: Nil
Author: Mr Paul Webb

Disclosure of Interest: Nil
Date of Report: 6 April 2017
Senior Officer: Ms Denise Gobbart


Manager Infrastructure Services

Chief Executive Officer

Summary

For Council to consider reallocation of municipal funds for road works to mitigate damage to Magenta Road 11 Straight Line Kilometres (SLK).

Background

The recent flooding event has left many roads damaged, and a number of key locations are still underwater. The Chief Executive Officer has been liaising with relevant agencies in an attempt to mitigate water over road problems. To date, Main Roads WA have not offered funding to mitigate water over road.

In the week immediately preceding the event, the Shire's operational staff undertook the initial inspection of damage and road condition to an estimate of \$10,000,000, not including roads that were still at this time, under water.

On completion of the initial required inspection, the Shire was required to engage with an independent third party engineer to verify the primary inspection. This has now been completed, and all information compiled and delivered to Main Roads Western Australia (MRWA) regional office in Northam. Officers are now waiting for confirmation of funding from the Northam Regional office.

The recent estimate of road damage in the Shire of Lake Grace caused by the declared natural disaster is \$11,711,493. The Shire's engineering staff are prioritising work to expedite the repair process.

Comment

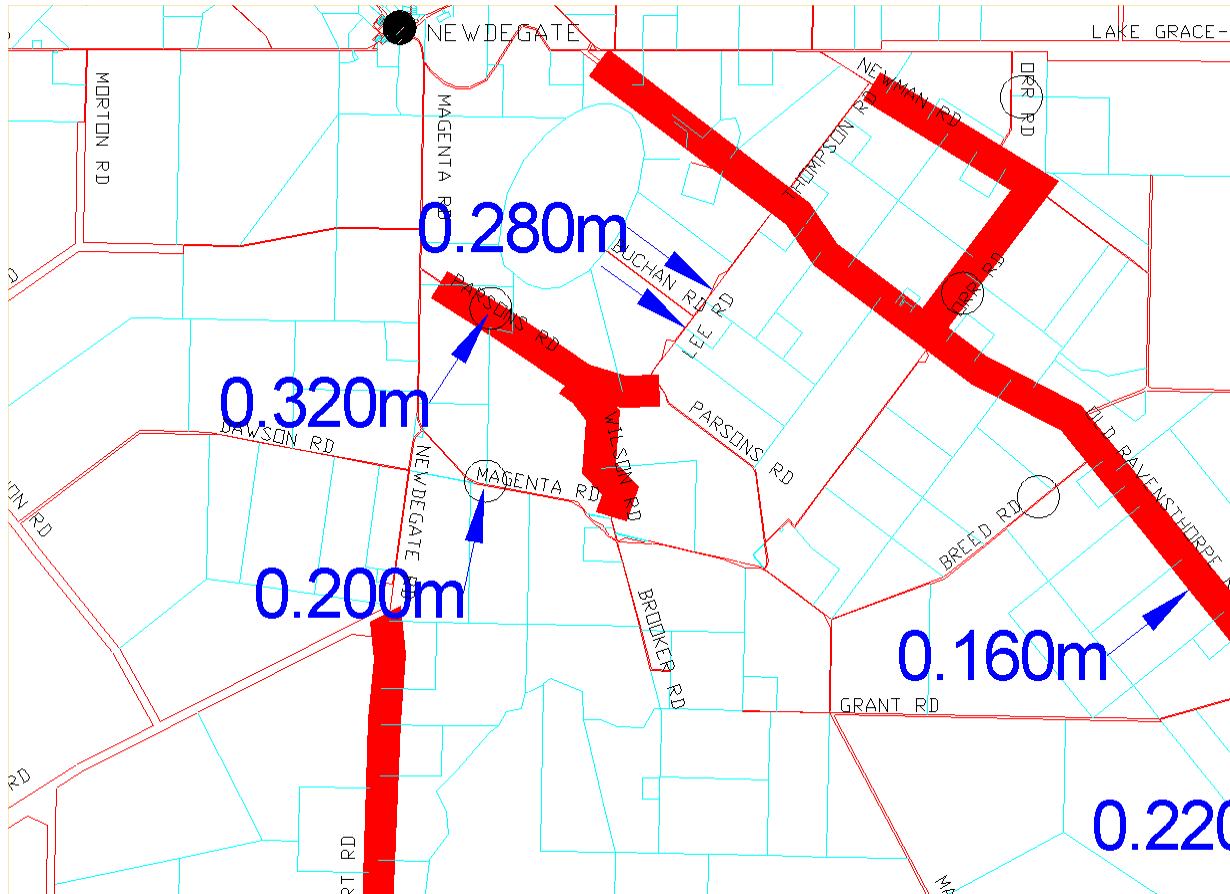
The Shire's Chief Executive Officer has liaised with Mr Andrew Watson, Commissioner of Soil and Land Conservation from the Department of Agriculture and Food Western Australia (DAFWA), to discuss possible solutions to water over roads. Relocation of water could potentially cause environmental, litigation or inundation of downstream asset, and as such advice was sought to limit other risks, further damage or litigation.

Several meetings have been held on site at Old Ravensthorpe Road, Magenta Road and Hatters Hill Road, and suggestions have been discussed with land holders, the Shire and DAFWA.

Council will note that the Shire has no budget to undertake unscheduled capital works. Council will also note that due to the storm damage incurred that the Shires 2016/17 capital works program has effectively stopped whilst our team initially dealt with inspections and then any required mitigation works. This in effect will enable Council, if they believe appropriate, to reallocate funds

for approved projects into the proposed works program to ensure the route allows for safe egress, farming activity and offer safe alternate bus access, over the coming winter period.

Magenta Road 11 slk



This is the section of road prior to Brooker Road. The last measure in March 2017 indicated water at 0.200 metres. Inspection indicates that this water is in a trapped low, but local land holders are undertaking contouring works causing the water to recede. As a result of these third party works the surface of the road is exposed, but the sub base is still saturated.

A local resident, Mr Wesley Hall, has offered to provide 500 cubic metres of road base, if the Shire will provide labor to build up the road to ensure that it is available to Restricted Access Vehicles through the coming season.

Building on saturated surfaces will always be a risky proposition, but in consideration of the upcoming winter, Council may wish to shoulder this risk and build up the road on the proposition that it may require Restricted Access Vehicle access in the immediate future.

Mr Hall’s offer to provide the gravel is very community minded, and the gravel alone will save Council \$2,500, not including cartage. The nearest accessible pit is on Breed Road approximately 10 kilometres away. Total supply cost may be in the vicinity of \$7,500.

Costed breakdown estimate for the project indicates approximately \$22,000 in shire wet plant, \$1,800 in contract wet plant, \$4,500 in materials and a 15% contingency (including freight costs). Overall estimate for works is \$32,245.09.

Councillors will note the variance between the estimate of \$32,245.09, and the Rodgers Road project of \$35,510. This is simply to reallocate the project funding in entirety.

Once drying has occurred through the next season, additional works expenditure will be required for culvert and seal installation.

Legal Implications

Local Government Act 1995

6.8. Expenditure from municipal fund not included in annual budget

- (1) A local government is not to incur expenditure from its municipal fund for an additional purpose except where the expenditure —
- (a) is incurred in a financial year before the adoption of the annual budget by the local government; or
 - (b) is authorised in advance by resolution*; or
 - (c) is authorised in advance by the mayor or president in an emergency.

* *Absolute majority required.*

- (1a) In subsection (1) —

additional purpose means a purpose for which no expenditure estimate is included in the local government's annual budget.

- (2) Where expenditure has been incurred by a local government —

- (a) pursuant to subsection (1)(a), it is to be included in the annual budget for that financial year; and
- (b) pursuant to subsection (1)(c), it is to be reported to the next ordinary meeting of the council.

Policy Implications

N/A

Consultation

Internal Jeanette De Landgraft, Shire President
Denise Gobbart, Chief Executive Officer

External Andrew Watson, Soil Commissioner, DAFWA
Wesley Hall
Trevor De Landgraft

Financial Implications

Transfer of existing budgetary funds of \$35,510 into the new Magenta Road project.

Strategic Implications

Shire of Lake Grace Community Strategic Plan

- A financially sustainable organisation operating from a diverse funding base.
- A leader in the operation of an efficient and effective roads and transport system.
- An effective manager of community assets.

- A leader in water, waste and natural resource management.

Voting Requirements

Absolute majority (5) required.

Recommendation/Resolution

RESOLUTION 12507

Moved Cr Marshall
Seconded Cr Clarke

That Council approve transfer of funds from Rodger Road, Job 1210101 \$35,510 for improvement works on Magenta Road 11 Straight Line Kilometres, subject to gravel being supplied by others.

CARRIED BY ABSOLUTE MAJORITY 8/0

12.0 MATTERS FOR CONSIDERATION – PLANNING
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**12.1 DEVELOPMENT APPLICATION – PROPOSED NEW OUTBUILDING ('SHED')
– LOT 105 (NO.53) BENNETT STREET, LAKE GRACE**

Applicant: Anton and Nicola Kuchling (Landowners)
File No.: 0454
Attachments: 1. Plan 1 – Location Plan
 2. Plan 2 – Existing Lot Configuration
 3. Plan 3 – Aerial Photograph
 4. Plan 4 – Site Development Plan
 5. Plan 5 – Elevation Drawings
Author: Mr Joe Douglas (Urban & Rural Perspectives)
 Town Planning Consultant
Disclosure of Interest: Nil
Date of Report: 18 April 2017
Senior Officer: Ms Denise Gobbart



Chief Executive Officer

Summary

This report recommends that a development application submitted by Anton and Nicola Kuchling (Landowners) to construct a new steel framed, colorbond domestic outbuilding to service an existing single detached dwelling on Lot 105 (No.53) Bennett Street, Lake Grace be approved subject to conditions.

Background

The applicants are seeking Council's development approval to construct a new 84 square metres steel framed, colorbond outbuilding at the rear of Lot 105 (No.53) Bennett Street, Lake Grace.

Lot 105 is located centrally in the Lake Grace townsite in a well-established residential area and comprises a total site area of approximately 1,064 square metres (see Plans 1 and 2).

Lot 105 has direct frontage and access to Bennett Street along its southern front boundary and a right-of-way along its northern rear boundary. The property has historically been developed and used for low density residential purposes and contains a relocated, single storey dwelling in good condition. A small shed was located at the rear of the land however that structure was recently removed to enable construction of the new shed proposed by this application (see Plan 3).

Under the terms of the information and plans submitted in support of the application (see Plans 4 and 5) the following is proposed:

- i) Construction of a new 12 metre long and 7 metre wide steel framed colorbond outbuilding with a total floor area of 84 square metres;
- ii) The new outbuilding will be clad with 'Deep Ocean' coloured walls and doors, 'Classic Cream' coloured trim and zincalume roofing;
- iii) The new outbuilding will have a skillion type roof pitched at 5 degrees with wall heights ranging from 3.2 to 3.8 metres above the natural ground level at an average of 3.5 metres;
- iv) The new outbuilding will have a setback of 4.5 metres from the land's rear boundary to the north and a 1 metre setback from the land's western side boundary;

- v) The new outbuilding will be orientated to enable vehicle access directly to/from the right-of-way at the rear of the property. A personal access door will also be provided on the outbuilding's southern elevation;
- vi) Stormwater will be collected from the outbuilding's roof catchment and piped to the right-of-way at the rear of the property. Rain water storage tanks are proposed to be installed at a later date to facilitate the re-use of all stormwater collected from the structure; and,
- vii) The applicants have confirmed in writing the new outbuilding will be used for domestic purposes only (i.e. general storage, a home workshop and the parking of vehicles).

Comments

Current Zoning and Land Use Permissibility

Lot 105 is classified 'Residential' zone under the Shire of Lake Grace Local Planning Scheme No.4 (LPS No.4) with a residential density coding of R20.

Under the terms of LPS No.4 the construction of an 'outbuilding' in association with a single dwelling is listed as being permitted ('P') on land classified 'Residential' zone subject to compliance with the relevant development standards prescribed in the Residential Design Codes (i.e. the 'R-Codes').

Compliance with Development Standards

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

- i) Maximum permitted floor area; and,
- ii) Maximum permitted wall height.

The new outbuilding is proposed to have a floor area of 84 square metres in lieu of a maximum permitted floor area of 80 square metres as prescribed in Clause 5.19.4 of LPS No.4 for structures with non-reflective cladding.

Furthermore the new outbuilding is proposed to have a maximum wall height of 3.8 metres in lieu of a maximum permitted wall height of 3.3 metres as prescribed in Clause 5.19.8 of LPS No.4.

In considering whether or not to approve these proposed variations to the standards prescribed in LPS No.4, Council must decide whether such variations are likely to have a detrimental impact upon the amenity and character of the immediate locality or any immediately adjoining or other nearby properties.

It is concluded following detailed assessment of the application by the reporting officer that the proposed variations are unlikely to have any adverse impacts and may be supported and approved by Council for the following reasons:

- i) The outbuilding is not considered to be excessively large in its local context and will be finished using visual appealing materials and colours;
- ii) The outbuilding will be located at the rear of the land with sufficient setbacks from existing development on all immediately adjoining and other nearby properties. As such it is expected to have minimal impact on the visual amenity of the local streetscape or any neighbouring properties;
- iii) A number of nearby properties have been developed and used for public purposes and do not contain any dwellings that will be directly impacted by the proposal (i.e. the old

Department of Agriculture WA administration centre, local police station and public open space); and,

- iv) The proposal satisfies the 'deemed to comply requirements' of Element 5.4.2 C2.1 of the R-Codes as these apply specifically to maintaining opportunity for solar access to adjoining sites.

Conclusion

It is concluded from a detailed assessment of the application that the proposal to construct a new steel framed, colorbond outbuilding ('shed') at the rear of Lot 105 (No.53) Bennett Street, Lake Grace is unlikely to have a negative impact on the general amenity, character, functionality and safety of the immediate locality and may therefore be supported and approved by Council subject to the imposition of a number of conditions to ensure the development proceeds in a proper and orderly manner. As such it is recommended Council exercise its discretion and grant conditional development approval.

Legal Implications

Planning and Development Act 2005

Shire of Lake Grace Local Planning Scheme No.4

Planning and Development (Local Planning Scheme) Regulations 2015 - Part 10A

- Bushfire Risk Management – As the subject land is not located within a designated 'bushfire prone area' a Bushfire Attack Level (BAL) assessment is not required in support of this application.

Policy Implications

State Planning Policy No.3.1 - Residential Design Codes

Consultation

Community consultation not required.

Financial Implications

Nil

Strategic Implications

Nil

Voting Requirements

Simple majority required.

Recommendation/Resolution**RESOLUTION 12508**

Moved Cr Hunt
Seconded Cr Stanton

That the application for development approval submitted by Anton and Nicola Kuchling (Landowners) to construct a new steel framed, colorbond domestic outbuilding (i.e. shed) on Lot 105 (No.53) Bennett Street, Lake Grace be approved subject to the following conditions and advice notes:

Conditions

1. The proposed development shall be undertaken in a manner consistent with the information and plans submitted in support of the application unless otherwise approved by Council.
2. The finished floor level of the outbuilding shall not exceed 200 millimetres above the natural ground level unless otherwise approved by the Shire of Lake Grace.
3. All stormwater generated by the new outbuilding shall be managed and disposed of to the specifications and satisfaction of the Shire's Chief Executive Officer.
4. The new outbuilding shall be used for domestic purposes only (i.e. general storage, a home workshop and the parking of vehicles) unless otherwise approved by Council.

Advice Notes

1. The development is to be completed within a period of two (2) years from the date of this approval. If the development is not completed within this period the approval will lapse and be of no further effect. Where an approval has lapsed, no development shall be carried out without the further approval of the Shire having first been sought and obtained.
2. This approval is not an authority to ignore any constraint to development on the land which may exist through contract or on title, such as an easement or restrictive covenant. It is the responsibility of the applicant and landowner and not the Shire to investigate any such constraints before commencing development. This approval will not necessarily have regard to any such constraint to development, regardless of whether or not it has been drawn to the Shire's attention.
3. This is a development approval of the Shire under its Local Planning Scheme No.4. It is not a building permit or an approval to commence or carry out development under any other law. It is the responsibility of the applicant and landowner to obtain any other necessary approvals, consents, permits and licenses required under any other law, and to commence and carry out development in accordance with all relevant laws.
4. In accordance with the *Building Act 2011* and *Building Regulations 2012*, a building permit application must be submitted to and approved by the Shire's Building Surveyor prior to the commencement of any construction or earthworks on the land.
5. The proposed new outbuilding is required to comply in all respects with the National Construction Code of Australia. Plans and specifications which reflect these requirements are required to be submitted with the building permit application.

RESOLUTION 12508 continued

6. Failure to comply with any of the conditions of this development approval constitutes an offence under the provisions of the *Planning and Development Act 2005* and the Shire of Lake Grace Local Planning Scheme No.4 and may result in legal action being initiated by the local government.
7. If the applicant or owner is aggrieved by this determination there is a right of review by the State Administrative Tribunal in accordance with the *Planning and Development Act 2005* Part 14. An application must be submitted within 28 days of the determination.

CARRIED 8/0

12.2 DEVELOPMENT APPLICATION – PROPOSED SHORT-TERM ACCOMMODATION, RECEPTION CENTRE & INCIDENTAL OFFICE – LOT 1 (NO.18) STUBBS STREET, LAKE GRACE

Applicant: Graham and Elaine Witt (Landowners)
File No.: 0506
Attachments: 1. Plan 6 – Location Plan
2. Plan 7 – Existing Lot Configuration
3. Plan 8 – Aerial Photograph
4. Plan 9 – Site and Floor Plan Layouts (*under separate cover*)
5. Plan 10 – Proposed Advertising Signage
6. Proposed Development
Author: Mr Joe Douglas (Urban & Rural Perspectives)
Town Planning Consultant
Disclosure of Interest: Nil
Date of Report: 18 April 2017
Senior Officer: Ms Denise Gobbart



Chief Executive Officer

Summary

This report recommends that a development application submitted by Graham and Elaine Witt (Landowners) to establish a new short-term accommodation facility, reception centre and incidental office on Lot 1 (No.18) Stubbs Street, Lake Grace be approved subject to conditions.

Background

The applicants are seeking Council's development approval to change the current approved use of Lot 1 (No.18) Stubbs Street, Lake Grace from 'office' to 'short-term accommodation', 'reception centre' and 'incidental office'.

Lot 1 is located centrally in the Lake Grace townsite's designated commercial area and comprises a total site area of approximately 1,058 square metres (see Plans 6 and 7).

Lot 1 has direct frontage and access to Stubbs Street along its northern front boundary, Carruthers Street along its western side boundary and a right-of-way along its southern rear boundary. The property has historically been developed and used for 'office' purposes (i.e. the old Westpac Bank) and contains a single storey commercial building including caretakers quarters and associated outbuildings, all of which are in good condition (see Plan 8).

The following is a summation of the proposal for Lot 1 drawn from the information and plans submitted in support of the application (see Plans 9 and 10 & Attachment 6) that are of relevance from a town planning perspective:

- i) The establishment of a new short-term accommodation facility, function centre and incidental office within the existing commercial building on the land which was purchased by the applicants in February 2017 following Westpac Banking Corporation's decision to close its Lake Grace branch at the end of June 2016 and divest its interests in the property;
- ii) Various internal modifications to the building's current floor plan layout as well as numerous fixture and fitting upgrades to accommodate the proposed new uses in a more suitable and efficient manner with due regard for the building's architectural heritage and character;

- iii) Minor external works to the building's facade to reinstate architectural features reminiscent of the era in which it was originally constructed (i.e. new window awnings);
- iv) The 'short-term accommodation' use will be the primary activity on the land which will be undertaken in three (3) bedrooms within the existing building. These rooms will be upgraded to provide temporary accommodation for up to six (6) guests;
- v) The proposed accommodation will be made available on a daily basis with a check in time of 2 pm and a departure time of 11 am depending upon individual requirements;
- vi) A small office comprising an area of approximately 16 square metres will also be established within an existing room in the front portion of the building previously used for this purpose. The office will be made available for use by guests wishing to conduct any business related meetings (i.e. the 'office' use will be incidental to the primary 'short-term accommodation' use);
- vii) The 'reception centre' use will be undertaken in the main room in the front portion of the building which served as the customer service area for the previous banking activities conducted therein. A maximum of 50 people are proposed to be accommodated within the 'reception centre' which will only be used for this purpose when no guests are being accommodated, unless the function is directly associated with guest activities (e.g. a birthday party, wedding etc.);
- viii) Functions expected to be accommodated within the 'reception centre' include birthday parties, cocktail parties, wedding receptions, workshops for local businesses, meetings, small quiz nights for fundraising purposes or exhibitions;
- ix) Given the applicants intention to only seek approval for Occasional Liquor Licences from the Department of Racing, Gaming and Liquor to enable the supply and sale of alcohol during functions and the fact such licenses are only able to be issued a maximum of twelve (12) times in any twelve month period, it is anticipated a maximum of twelve functions will be held within the premises on an annual basis;
- x) The hours of operation of the proposed 'reception centre' use are likely to vary depending upon patron's individual needs and requirements. It is anticipated commencement and cessation times for any given function, as well as the duration of the period in which alcohol will be consumed, will be closely scrutinised by the Department of Racing, Gaming and Liquor when assessing applications received for an Occasional Liquor Licence with suitable conditions to be imposed to help control any local amenity impacts and ensure harm minimisation principles are adhered to;
- xi) The applicants anticipate the need to employ a small number of staff to conduct functions and are intending to employ local people to assist in this regard. Furthermore the applicants' will, in-so-far as possible, be seeking to purchase all food and alcohol from local businesses when catering for any function;
- xii) Two (2) new professionally manufactured wall mounted signs will be located on the front facade of the building 1,100 millimetres above ground level. Each sign will comprise an area of 1 square metre (i.e. the dimensions of each sign will be 1,000 millimetres x 1,000 millimetres) and will be designed to complement the building's heritage character;
- xiii) A total of six (6) parking bays will be provided at the rear of the property to accommodate the car parking demand likely to be generated by the proposed new uses. Five of the six parking bays and the associated six (6) metre wide vehicle accessway to/from Carruthers Street will be constructed using compacted gravel. The remaining car parking bay will be provided in the existing carport at the rear of the property which has a concrete floor; and,

- xiv) In recognition of the possible on-site parking shortfall arising from the proposed new uses, the applicants are proposing to utilise on-street parking currently available along Carruthers and Stubbs Streets. They have also submitted a letter from the owners of the IGA supermarket located on Lot 2 immediately east confirming their agreement to allow patrons of the accommodation and function centre uses on Lot 1 to utilise the large parking area at the rear of the supermarket if/when additional parking is required.

Comments

Current Zoning and Land Use Permissibility

Lot 1 is classified 'Commercial' zone under the Shire of Lake Grace Local Planning Scheme No.4 (LPS No.4).

Under the terms of LPS No.4 the use class 'reception centre' is listed as being a discretionary (i.e. 'D') use on all land classified 'Commercial' zone which means it is not permitted unless Council has exercised its discretion by granting development approval.

The use class 'office' is listed as being a permitted (i.e. 'P') use on all land classified 'Commercial' zone. Notwithstanding this fact, Council's development approval is still a specific requirement of the Scheme.

The use class 'short-term accommodation' is not specifically mentioned in the Zoning Table of LPS No.4 and cannot reasonably be determined as falling within the type, class or genus of activity of any other use category listed and defined in the Scheme. As such Council must determine whether such use:

- (a) **is** consistent with the objectives of the 'Commercial' zone and is therefore permitted;
- (b) **may** be consistent with the objectives of the 'Commercial' zone and thereafter advertise the application for public comment before making a final determination; or
- (c) **is not** consistent with the objectives of the 'Commercial' zone and is not therefore permitted.

Having regard for the objectives of the land's current 'Commercial' zoning classification and the permissibility of other tourist accommodation type uses currently listed and defined in LPS No.4 within that zone, the reporting officer has concluded the use class 'short-term accommodation' **is** consistent with the zone's objectives and should therefore be permitted.

Compliance with Development Standards

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

- i) On-site parking; and,
- ii) Sealed and drained vehicle accessways and parking areas.

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

On-Site Parking

Table 2 of TPS No.2 requires a minimum of one (1) on-site parking bay be provided for every four (4) persons to be accommodated within any proposed 'reception centre' use. Given a total of 50 people are proposed to be accommodated within the 'reception centre' on Lot 1, a total of thirteen (13) on-site parking bays are required to be provided.

Table 2 also states a minimum of one (1) on-site parking bay shall be provided for every 10 square metres of gross lettable area of any proposed 'office' use. Given the proposed office use on Lot 1 will comprise an area of approximately 16 square metres, a total of two (2) on-site parking bays are required to be provided.

Table 2 does not prescribe any on-site parking standards for the use class 'short-term accommodation'. As such Council has the discretion to impose any parking standard it considers appropriate in the circumstances.

Having regard for the nature and scale of the proposed 'short-term accommodation' use on Lot 1 and the parking standards applicable to such usage in other local government planning schemes, the reporting officer has concluded a parking ratio of one (1) bay for each two (2) guests proposed to be accommodated is reasonable and appropriate. Given six (6) guests are proposed to be accommodated on Lot 1, a total of three (3) on-site parking bays are required to be provided.

In light of the above it is concluded a total of eighteen (18) on-site parking bays should be provided on Lot 1 to satisfy the parking demand likely to be generated by all proposed uses and the specific requirements of LPS No.4.

As previously mentioned the applicants are proposing to provide a total of six (6) parking bays at the rear of the property. This represents an on-site parking shortfall of twelve (12) bays.

In considering this non-compliance issue it should be noted clause 5.5.1 of LPS No.4 affords Council the discretion to vary any standard or requirement of the Scheme when granting development approval and to impose any conditions it considers appropriate in the circumstances.

In this instance the reporting officer has concluded that despite the on-site parking shortfall, there is scope for Council to vary the parking standards prescribed in LPS No.4 and approve the application on the following grounds:

- i) There is insufficient room available on the land to accommodate all the on-site parking bays required by LPS No.4 without compromising the site's heritage character and significance;
- ii) The requirement to provide all the parking bays required by LPS No.4 on the land will be costly due to significant works required which could undermine the applicants' willingness and ability to proceed with the project;
- iii) The Stubbs and Carruthers Streets road reserves located immediately adjacent to Lot 1 both have sufficient width to provide opportunity for safe and convenient parking with Stubbs Street already containing a number of designated on-street parking bays and public parking areas, all of which are located within convenient walking distance of Lot 1;
- iv) The proposed use of Lot 1 is likely to generate peak demand for parking outside normal business hours and is therefore unlikely to give rise to parking issues for other businesses operating in the immediate locality; and,
- v) The owners of the IGA supermarket located on Lot 2 immediately east of Lot 1 have provided written agreement to allow patrons of the accommodation and function centre uses to utilise the large parking area at the rear of the supermarket if/when additional parking is required.

Having regard for all the above, the reporting officer has concluded the on-site parking shortfall associated with the proposed use of Lot 1 for the intended purposes is unlikely to have any detrimental impact upon the amenity, character, functionality and safety of the immediate locality.

As such it is recommended Council exercise its discretion and support the proposed on-site parking shortfall.

Sealed and Drained Vehicle Accessways and Parking Areas

Clause 5.8.5 of LPS No.4 requires all on-site vehicle accessways and parking areas on land classified 'Commercial' zone to be sealed and drained to the specifications and satisfaction of the local government.

Under the terms of the application five (5) of the six (6) on-site parking bays and the associated six (6) metre wide vehicle accessway to/from Carruthers Street at the rear of Lot 1 are proposed to be utilised. As these facilities have been constructed to a very basic standard using compacted gravel and are currently unsealed, they are contrary to the specific requirements of LPS No.4 as it applies to any future development and usage of the land.

Whilst Clause 5.5.1 of LPS No.4 affords Council the discretion to vary any standard or requirement of the Scheme when granting development approval, any variation to the requirements of Clause 5.8.5 is considered difficult to justify and support in this particular instance given Council has consistently required all new commercial type development in the Lake Grace town centre area to be provided with sealed and drained vehicle accessways and parking areas.

It should be noted when imposing any such condition on previous development approvals in the Lake Grace town centre area Council has agreed to not require bitumen sealing or the installation of drainage pits and pipes due to the significant costs associated with such works. Council has instead accepted the use of loose blue metal on a suitably graded gravel base to direct all stormwater flows to the local road network which has proven far more economical for applicants to comply with. This alternative approach is considered acceptable for the proposed change of use of Lot 1.

Conclusion

It is concluded from a detailed assessment of the application that the proposal to establish a new short-term accommodation facility, reception centre and incidental office on Lot 1 (No.18) Stubbs Street, Lake Grace is unlikely to have a negative impact on the general amenity, character, functionality and safety of the immediate locality and may therefore be supported and approved by Council subject to the imposition of a number of conditions to ensure the development proceeds in a proper and orderly manner. As such it is recommended Council exercise its discretion and grant conditional development approval.

Legal Implications

Planning and Development Act 2005

Shire of Lake Grace Local Planning Scheme No.4

Planning and Development (Local Planning Scheme) Regulations 2015 - Part 10A

- Bushfire Risk Management – As the subject land is not located within a designated 'bushfire prone area' a Bushfire Attack Level (BAL) assessment is not required in support of this application.

Policy Implications

Nil

Consultation

Community consultation not required.

Financial Implications

Nil

Strategic Implications

Shire of Lake Grace Local Planning Strategy - The proposal for Lot 1 is considered to be generally consistent with the aims and objectives of the Shire's Local Planning Strategy as it applies to the following:

- Promote population growth by encouraging the development of further tourism opportunities.
- Promote the diversification of the Shire's economy by encouraging the development of a wide range of new commerce and industry.
- Make investment in tourism an attractive and simple proposition by recognizing tourism as a legitimate land use compatible with a range of existing land uses.

Shire of Lake Grace Strategic Community Plan 2014 – The proposal for Lot 1 is considered to be generally consistent with the aims and objectives of the Shire's Strategic Community Plan as it applies to the following:

- Economic: Provide an environment that supports business and investment opportunities.

Voting Requirements

Simple majority required.

Recommendation/Resolution

RESOLUTION 12509

Moved Cr Walker
Seconded Cr Stanton

That Council:

1. resolve that the use class 'short-term accommodation' is consistent with the objectives prescribed in the Shire of Lake Grace Local Planning Scheme No.4 for all land classified 'Commercial' zone and is therefore permitted on Lot 1 (No.18) Stubbs Street, Lake Grace.
2. approve the application for development approval submitted by Graham and Elaine Witt (Landowners) to change the current approved use of Lot 1 (No.18) Stubbs Street, Lake Grace from 'office' to 'short-term accommodation', 'reception centre' and 'incidental office' subject to the following conditions and advice notes:

Conditions

1. The proposed development shall be undertaken in a manner consistent with the information and plans submitted in support of the application unless otherwise approved by Council.
2. The proposed 'short-term accommodation' use is permitted to accommodate a maximum of six (6) guests either continuously or from time-to-time with no guest to be accommodated for periods totalling more than three (3) months in any twelve (12) month period.
3. The small 16 square metre 'incidental office' in the front portion of the building shall only be made available for use by guests directly associated with the proposed 'short-term accommodation' unless otherwise approved by Council.
4. The proposed 'reception centre' use is permitted to accommodate a maximum of fifty (50) people at any one time unless otherwise approved by Council.
5. The building on Lot 1 shall be connected to the Lake Grace townsite's reticulated sewerage disposal scheme if a suitable connection has not already been provided.
6. A total of six (6) parking bays shall be provided at the rear of Lot 1 to accommodate the car parking demand likely to be generated by the proposed new uses on the land.
7. Five (5) of the six (6) on-site parking bays and the associated six (6) metre wide vehicle accessway to/from Carruthers Street at the rear of the property shall be constructed and sealed with loose blue metal to the specifications and satisfaction of the Shire's Chief Executive Officer.
8. All minor external upgrade works to the building's facade, including the proposed new window awnings, shall be consistent with the architectural features reminiscent of the era in which the building was originally constructed.

RESOLUTION 12509 continued**Advice Notes**

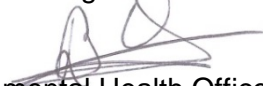
1. The development is to be completed within a period of two (2) years from the date of this approval. If the development is not completed within this period the approval will lapse and be of no further effect. Where an approval has lapsed, no development shall be carried out without the further approval of the Shire having first been sought and obtained.
2. This approval is not an authority to ignore any constraint to development on the land which may exist through contract or on title, such as an easement or restrictive covenant. It is the responsibility of the applicant and landowner and not the Shire to investigate any such constraints before commencing development. This approval will not necessarily have regard to any such constraint to development, regardless of whether or not it has been drawn to the Shire's attention.
3. This is a development approval of the Shire under its Local Planning Scheme No.4. It is not a building permit or an approval to commence or carry out development under any other law. It is the responsibility of the applicant and landowner to obtain any other necessary approvals, consents, permits and licenses required under any other law, and to commence and carry out development in accordance with all relevant laws.
4. In accordance with the *Building Act 2011* and *Building Regulations 2012*, a building permit application must be submitted to and approved by the Shire's Building Surveyor prior to the commencement of any construction or earthworks on the land.
5. All internal and external modifications to the building on Lot 1 are required to comply in all respects with the National Construction Code of Australia and the *Health (Public Buildings) Regulations 1992* where applicable. Plans and specifications which reflect these requirements are required to be submitted with the building permit application.
6. Failure to comply with any of the conditions of this development approval constitutes an offence under the provisions of the *Planning and Development Act 2005* and the Shire of Lake Grace Local Planning Scheme No.4 and may result in legal action being initiated by the local government.
7. If the applicant or owner is aggrieved by this determination there is a right of review by the State Administrative Tribunal in accordance with the *Planning and Development Act 2005* Part 14. An application must be submitted within 28 days of the determination.

CARRIED 8/0

13.0 MATTERS FOR CONSIDERATION – HEALTH & BUILDING

13.1 MOSQUITO MANAGEMENT PLAN 2017

Applicant:	Internal
File No.	0327
Attachments:	Draft Shire of Lake Grace Mosquito Management Plan 2017
Author:	Mr Barry Smith


Environmental Health Officer

Disclosure of Interest:	Nil
Date of Report:	13 April 2017
Senior Officer:	Ms Denise Gobbart


Chief Executive Officer

Summary

For Council to endorse the Mosquito Management Program 2017 for the Shire of Lake Grace.

Background

A Mosquito Management Plan (MMP) has been prepared for Council’s consideration (refer attachment). This document has been prepared taking in consideration the Shire’s previous EHO, Mrs Lauren Pitman’s report of April 2016 together with recommendation of Department of Health’s report following the 2006 floods.

Comment

A holistic approach is required if the reduction in adult mosquitos is to be successful. This would include treatment of flying adults, the larval environment and reducing breeding sites or making them more manageable.

As the result of the recent inundation of mosquito numbers increasing dramatically, larviciding has and is being undertaken within the Lake Grace and Newdegate townsites and environs. As new infestations are discovered they are being dealt with.

Fogging of adult mosquitos is being undertaken on a regular basis however, budgetary constraints prohibit a more vigorous campaign.

Legal Implications

N/A

Policy Implications

Nil

Consultation

Internal	Denise Gobbart, Chief Executive Officer Paul Webb, Manager Infrastructure Services
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Financial Implications

To be considered in the 2017/18 budget deliberations.

Strategic Implications

Nil

Voting Requirements

Simple majority required.

Recommendation/Resolution

RESOLUTION 12510

Moved Cr Chappell
Seconded Cr Clarke

That Council endorse the Shire of Lake Grace Mosquito Management Plan 2017.

CARRIED 8/0

14.0 MATTERS FOR CONSIDERATION – FINANCE

14.1 ACCOUNTS FOR PAYMENT – MARCH 2017

Applicant: Internal Report
File No. 0277
Attachments: List of Creditors
Author: Ms Victoria Gracheva



Finance Officer

Disclosure of Interest: Nil
Date of Report: 18 April 2017
Senior Officer: Ms Linda Gray



Deputy Chief Executive Officer

Summary

For Council to ratify expenditures incurred for the month of March 2017.

Background

List of payments for the month of March 2017 through the Municipal and Trust accounts are attached.

Comment

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

- (a) The payee’s name;
- (b) The amount of the payment;
- (c) Sufficient information to identify the transaction; and,
- (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

Policy 3.6 - Authorised Use of Credit Card/Fuel Cards
Policy 3.7 - Purchasing Policy

Consultation

N/A

Financial Implications

The list of creditors paid for the month of March 2017 from the Municipal and Trust Account Total \$818,322.01.

Strategic Implications

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

- Excellence in Shire administration and communication

Voting Requirements

Simple majority required.

Recommendation/Resolution**RESOLUTION 12511**

Moved Cr Stanton
 Seconded Cr Lloyd

That Council ratify the list of payments totalling \$818,322.01 as presented for the month of March 2017 incorporating:

- Trust Account Cheques:	1326 - 1332	\$	1,565.00
- Electronic Funds Transfer:	EFT16535 - EFT16653	\$	487,546.12
- Municipal Account Cheques:	36548 - 36567	\$	45,098.31
- Direct Debits:	DD6754.1 – DD6754.8	\$	148,361.26
	DD6791.1 - DD6791.8		
	DD6792.1 - DD6792. 8		
	DD6810.1 - DD6810.22		
- Electronic Funds Transfer:	Payroll Net Pay	\$	135,751.32

CARRIED 8/0

14.2 FINANCIAL STATEMENTS – MARCH 2017

Applicant: Shire of Lake Grace
File No. 0275
Attachments: 1. Financial Reports March 2017
2. Bank Reconciliations March 2017
Author: Ms Linda Gray
Disclosure of Interest: Nil
Date of Report: 18 April 2017
Senior Officer: Ms Denise Gobbart


Deputy Chief Executive Officer


Chief Executive Officer

Summary

Consideration of the financial statements for the month ending 31 March 2017.

Background

The following financial reports to 31 March 2017 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 and Expenditure Graphs
- Bank Reconciliations

Comment

N/A

Legal Implications

Local Government Act 1995 – section 6.4

Local Government (Financial Management) Regulations 1996

Policy Implications

Nil

Consultation

N/A

Financial Implications

Nil

Strategic Implications

Shire of Lake Grace Strategic Community Plan

Civic Leadership Focus Area (5)

- Excellence in Shire administration and communication.

Voting Requirements

Simple majority required.

Recommendation/Resolution

RESOLUTION 12512

Moved Cr Chappell
Seconded Cr Stanton

That Council in accordance with Regulation 34 of the *Local Government (Financial Management) Regulations 1996* receives the Statements of Financial activity for the period ended 31 March 2017.

CARRIED 8/0

14.3 RATES WRITE-OFF – REQUEST FOR APPROVAL

Applicant: Internal
File No. 0789
Attachments: ASIC reports (*under separate cover*)
Author: Kairi Nigol


 Finance Coordinator

Disclosure of Interest: Nil
Date of Report: 11 April 2017
Senior Officer: Linda Gray


 Deputy Chief Executive Officer

Summary

For Council to consider and endorse the write off of charges on Assessments A6584 and A6598.

Background

An exploration licence, also known as a tenement, provides the tenement holder permission to perform certain activities on the land in which they are interested. Mining tenements are often very temporary, being granted and surrendered within a short timeframe. Often tenement holders (companies/individuals) cannot be located or are defunct. Mining tenements are part of the process of mining exploration that would, hopefully, lead to the development of an actual mine. However, the transient nature of mining tenements and the exploration companies that file them means that they often cease to exist.

Mining tenement notices for A6584 and A6598 have been returned to sender.

An investigation revealed that the two companies, 4318 and 4459, have been deregistered.

The details are listed below:

Assess No	Charge	Balance \$	Owner(s)	Company Deregistration Date
A6584	Rates	\$149.89	4318	03/07/2016
	Interest	\$ 6.60		
	TOTAL	\$156.49		
A6598	Rates	\$ 73.42	4459	19/10/2016
	Interest	\$ 2.73		
	TOTAL	\$ 76.15		

The rates system review made by the rates contractor revealed that the mining tenement deaths were not recorded in the system when advised by Landgate. Mining tenements A6584 and A6598 were surrendered on 22/11/2013 and 5/09/2014 respectively, and these deaths were only recorded by the rates contractor in 2016.

It is recommended that due to the balances outstanding versus the costs associated with further investigation into this account, the best approach would be to write the debt off. There is also a low chance of successful collection even if this account is sent to debt collectors as the companies are now deregistered.

Legal Implications

Local Government Act 1995 – section 6.12

Power to Defer, Grant Discounts, Waive or Write Off Debts.

- (1) Subject to subsection (2) and any other written law, a local government may –*
- (a) When adopting the annual budget, grant* a discount or other incentive for the early payment of any amount of money; or*
 - (b) Waive or grant concessions in relation to any amount of money; or*
 - (c) Write off any amount of money,*
 - (d) Which is owed to the local government;*

**Absolute majority required.*

(2) Subsection (1)(a) and (b) do not apply to an amount of money owing in respect of rates and service charges;

(3) The grant of a concession under subsection (1)(b) may be subject to any conditions determined by the local government; and,

(4) Regulations may prescribe circumstances in which a local government is not to exercise a power under subsection (1) or regulate the exercise of that power.

Policy Implications

Policy 3.9 Outstanding Rate Debtors

Delegation F08 – Write-off of Small Balances

The delegation has no effect as the balance on each account is over \$50.00.

Consultation

Internal: Denise Gobbart Chief Executive Officer
Linda Gray Deputy Chief Executive Officer
Kairi Nigol Finance Coordinator

Financial Implications

A loss in revenue of \$232.64 will occur with the write off of rates, penalty interest and legal fees raised on the said properties. This will be reflected in E030250 – Rates Written Off.

Strategic Implications

Shire of Lake Grace Strategic Community Plan

Focus Area – Civic Leadership

- CL1 Elected members provide visionary leadership
- CL1.3 Improve organisational capability and capacity

Voting Requirements

Absolute majority (5) required.

Recommendation/Resolution

RESOLUTION 12513

Moved Cr Walker
Seconded Cr Lloyd

That Council write off of charges on unpaid rates on the following properties:

A6598	\$ 76.15
A6584	\$156.49

CARRIED BY ABSOLUTE MAJORITY 8/0

14.4 REALLOCATION OF BUDGETED EXPENDITURE – LAKE GRACE VISITOR CENTRE

Applicant: Lake Grace Visitor Centre Management Committee
File No. 0642
Attachments: Letter from Ms Mikaela Knill, Chair, Lake Grace Visitor Centre Committee dated 7 April 2017
Author: Ms Linda Gray 
 Deputy Chief Executive Officer
Disclosure of Interest: Nil
Date of Report: 12 April 2017
Senior Officer: Ms Denise Gobbart 
 Chief Executive Officer

Summary

For Council to consider changing the purpose of \$2,500 allocated to the Lake Grace Visitor Centre Committee for a contribution to assist with funding opening hours, to the employment of a consultant to assist in meeting the standards required for accreditation through the Australian Tourism Accreditation Program (ATAP).

Background

Unfortunately, due to low volunteer numbers it was not possible to implement the increase in Visitor Centre's opening hours over the weekends as intended when the Community Request was initiated in 2016. Similarly, the workload incurred by volunteers both within the Lake Grace Visitor Centre and on the Lake Grace Visitor Centre Committee at present does not allow the time required to map the documentation required as part of the Australian Tourism Accreditation Program.

Therefore, a request has been received from the Chair of the Lake Grace Visitor Centre Committee (LGVCC) to engage a local consultant to firstly establish what strategic documents are available and still current, and working with the LGVCC and the Shire to create the business plan, marketing plan, policies and procedures that are required by the program.

The ATAP program focuses on quality assurance, customer service and best business practice. Accreditation of this program will not incur any costs to the Shire of Lake Grace.

Comment

The ATAP program is a national business development program that is suitable for all businesses types and sizes. It provides businesses with the necessary tools and resources to assist and update business policies and procedures to ensure ongoing sustainability and best practice. The Tourism Accreditation 'tick' logo signifies quality assurance and the delivery of quality tourism experiences.

Tourism Accreditation assists the business to meet and exceed your customers' expectations through:

- Adherence to industry standards and codes of practice.
- Compliance with business and industry regulations.
- Development and implementation of business and marketing plans.
- Implementation of policy and procedures relating to human resources, customer service, risk management and the environment.

Some of the benefits are the use of the 'tick' provides a competitive marketing advantage and increased consumer confidence, business tools and templates to assist in best practice management, complimentary Bronze Membership of Tourism Council WA, access to discounted training workshops and tourism advice, support through state and national marketing activities and campaigns that encourage travellers to 'trust the tick'.

Legal Implications

Local Government Act 1995

6.8. Expenditure from municipal fund not included in annual budget

- (1) A local government is not to incur expenditure from its municipal fund for an additional purpose except where the expenditure —
- (a) is incurred in a financial year before the adoption of the annual budget by the local government; or
 - (b) is authorised in advance by resolution*; or
 - (c) is authorised in advance by the mayor or president in an emergency.
- * *Absolute majority required.*

(1a) In subsection (1) —

additional purpose means a purpose for which no expenditure estimate is included in the local government's annual budget.

(2) Where expenditure has been incurred by a local government —

- (a) pursuant to subsection (1)(a), it is to be included in the annual budget for that financial year; and
- (b) pursuant to subsection (1)(c), it is to be reported to the next ordinary meeting of the council.

Policy Implications

Policy 3.7 Purchasing Policy

Consultation

Internal Denise Gobbart Chief Executive Officer

External Mikaela Knill, Lake Grace Visitor Centre Committee Chair

Financial Implications

Job Number 132002 - \$2,500 to be returned to the Shire of Lake Grace's financial budget surplus if this request was not approved.

Strategic Implications

Shire of Lake Grace Community Strategic Plan

Focus Area – Capacity Building

- E3. Building capacity (competency) within the Shire to support and improve its business processes (e.g. planning and policy development) and service delivery.
- E3. Build the capacity (competency) of the community to be engaged, participate (responsive) in Shire activities and contribute to a positive community culture.

Voting Requirements

Absolute majority (5) required.

Recommendation/Resolution

RESOLUTION 12514

Moved Cr Clarke

Seconded Cr Stanton


That Council approve the change of purpose for the \$2,500 Community Request in the Shire of Lake Grace 2016/17 Budget from “Contribution to assist with funding opening hours” to “Contribution to assist with the employment of a consultant to meet accreditation requirements” provided that the Shire of Lake Grace’s purchasing policy is adhered to.


CARRIED BY ABSOLUTE MAJORITY 8/0

14.5 UNBUDGETED EXPENDITURE – VARLEY RADIO RETRANSMISSION SITE

Applicant: Varley Progress Association
File No. 0198
Attachments: Letter and Invoice
Author: Mrs Jeanette Bennett

Disclosure of Interest: Nil
Date of Report: 18 April 2017
Senior Officer: Ms Denise Gobbart


 Executive Officer


 Chief Executive Officer

Summary

For Council to consider a request from the Varley Progress Association for re-imburement of \$1,563.36 (GST inclusive) for repairs undertaken during 2016 to the Varley FM Radio Retransmission Site.

Background

On 13 March 2017, the Shire received a letter and a copy of an invoice from Gavin Hill on behalf of the Varley Progress Association requesting re-imburement of repair costs for the Varley FM Radio Retransmission Site – refer attached letter.

The Varley Retransmission tower is located on private land with the equipment owned by the Varley Progress Association. The site has been operating since 2005 and is a joint project between the Varley Progress Association and the Shire’s of Lake Grace, Kulin and Kondinin.

The Progress Association manages the site and pays running costs throughout the year and then divides those costs equally between the three Shires. Shires are invoiced annually for the running costs.

During 2016 numerous issues were experienced with the equipment resulting in \$4,690.08 worth of repairs – refer attached invoice from Peter Hill and Son to Varley Progress Association.

The Varley Progress Association is requesting the Shire’s of Lake Grace, Kulin and Kondinin each contribute an equal portion of \$1,563.36 (GST inclusive) towards re-imburement of the repair costs.

Mr Gavin Hill, the Site Maintenance Officer has been contacted and has advised verbally that no insurance claim was submitted, it was not a consideration at the time.

Comment

The Shires of Kulin and Kondinin have also received the request. The Shire of Kondinin has agreed to pay their portion of the invoice and Kulin are also requesting their Council’s consideration of the unbudgeted expenditure at their April 2017 Meeting.

The Shire of Lake Grace Budget 2016/17 shows Account E114280 TVVLY has an allocation of \$2,400 with no expenditure to date. The break ups for TVVLY are as follows:

Contracts and Consultants	\$400 (Pest control & licence \$220 each)
Public Utilities	\$2,000

The Varley Progress Association has not yet invoiced the Shire for the 2016 utility costs. Both the 2014 and 2015 utility (insurance and electricity) costs were paid to the Varley Progress Association in July 2016 from the 2015/16 Budget.

2014 and 2015 Budget expenditure for utility costs (ex GST) is as follows:

	2014	2015
Insurance	\$78.78	\$61.86
Electricity	\$1139.96	\$673.55
Total	\$1,218.74	\$735.41

Using an average of the 2014 and 2015 utility costs as a guide, the cost of the repairs together with the estimated cost of insurance and electricity for 2016 are expected to be around \$1,000 leaving \$1,400 in the account.

Given the above it is recommended that an unbudgeted expenditure of \$1,563.36 for repairs to the Varley FM Radio Retransmission site is approved.

Legal Implications

Local Government Act 1995

6.8. Expenditure from municipal fund not included in annual budget

- (1) A local government is not to incur expenditure from its municipal fund for an additional purpose except where the expenditure —
- (a) is incurred in a financial year before the adoption of the annual budget by the local government; or
 - (b) is authorised in advance by resolution*; or
 - (c) is authorised in advance by the mayor or president in an emergency.

* *Absolute majority required.*

(1a) In subsection (1) —

additional purpose means a purpose for which no expenditure estimate is included in the local government’s annual budget.

(2) Where expenditure has been incurred by a local government —

- (a) pursuant to subsection (1)(a), it is to be included in the annual budget for that financial year; and
- (b) pursuant to subsection (1)(c), it is to be reported to the next ordinary meeting of the council.

Policy Implications

N/A

Consultation

External Gavin Hill, Varley Progress Association

Financial Implications

An unbudgeted expense of \$1,563.36 (GST inclusive) would be incurred.

Strategic Implications

Shire of Lake Grace Community Strategic Plan

- Economics Focus Area 7 Improved communications technology.

Voting Requirements

Absolute majority (5) required.

Recommendation/Resolution

RESOLUTION 12515

Moved Cr Chappell
Seconded Cr Stanton

That Council authorise an unbudgeted expense of \$1,563.36 (GST inclusive) from Account E114280 TVVLY – Broadcasting Varley FM Radio for reimbursement of repair costs for the Varley Radio Retransmission Site.

CARRIED BY ABSOLUTE MAJORITY 8/0

15.0 MATTERS FOR CONSIDERATION – COMMUNITY SERVICES
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15.1 LAKE GRACE LIBRARY RESOURCE AND COMMUNITY RESOURCE CENTRE MANAGEMENT COMMITTEE – STAFFING

Applicant: Lake Grace Library Resource and Community Resource Centre Management Committee

File No. 0795

Attachments:

1. Agreement
2. Terms of Reference
3. Letter from Ms Cathy Willis, Principal, Lake Grace District High School regarding Staffing changes 22 March 2017
4. Letter from Lake Grace District High School regarding Staffing changes dated 6 April 2017
5. Minutes of the Meeting of the Lake Grace Resource and Community Resource Centre Management Committee held on 4 April 2017.
6. Letter to the Director, Facilities Program Delivery, Department of Education, Perth, dated 7 April 2017.

Author: Ms Linda Gray

Disclosure of Interest: Nil

Date of Report: 12 April 2017

Senior Officer: Ms Denise Gobbart


Deputy Chief Executive Officer


Chief Executive Officer

Summary

The purpose of this report is to update the Council (the Shire) regarding the Lake Grace Library Resource and Community Resource Centre Management Committee's meeting held on 4 April, 2017 and the Agenda Item tabled at that meeting; staffing changes at the Lake Grace District High School.

Background

In November 2016, following the October local government elections, the Shire established the Lake Grace Library and Community Resource Centre Committee (under the Agreement that existed between the Shire and the Department of Education) at the time and appointed Councillor Clarke and the Chief Executive Officer (or his/her nominee) as Shire representatives to the Committee.

Additional Committee Members were appointed by Council at its 18 November 2015 Ordinary Meeting as follows:

- 2 x Lake Grace District High School (LGDHS) Ministerial appointees – Mrs Ashley Mottershead and Mrs Michelle Lay.
- 1 x Lake Grace Community Resource Centre (LGCRC) Management Committee representative – Mrs Mary Naisbitt.
- 1 x Community Representative – Mr Ollie Farrelly.

All appointments will expire in October 2017 in line with the next local government election cycle.

In 2016, a new Licence Agreement was entered into which reflects the current use of the facility and includes the Community Resource Centre as a party to the Agreement. The Agreement was signed on 28 November 2016.

Section 4 Management of the Licence Agreement states:

4.1 The care, management and control of the Facilities shall be jointly vested in the Minister, the LGCRC and the Shire who shall appoint an advisory Committee. Membership of the Management Committee shall consist of 6 members (or other such even number as the Shire, the LGCRC and the Minister shall from time to time agree) who, subject to this Agreement and any mutual direction on the part of the Shire, the LGCRC and the Minister, shall exercise the functions set out in the Rules. Members shall comprise:

- (a) 2 members to be appointed by the Shire being the Shire chief executive officer and a Shire councillor;*
- (b) 2 members to be appointed by the Minister one of whom is the Principal;*
- (c) 1 members to be appointed by the LGCRC;*
- (d) 1 elected community member – at the commencement of the term of this Agreement elections for this position are to be organised by the Shire and thereafter on an annual basis elections for this position are to be organised by the Committee;*
- (e) The Chairperson of the Committee shall be elected by the Committee on an annual basis;*
- (f) The Library Co-ordinator shall be the executive officer of the Committee but will not be able to vote.*

In Schedule B of the Agreement, Committee – Rules are listed the functions of the Management Committee, its powers and its method of operation. These rules (refer pages 29-31 of the Agreement) have been implemented into the Committee's Terms of Reference (refer attachment 2) and were endorsed at the Council Ordinary Meeting held on 22 February 2017.

Comment

The Shire re-established the Management Committee in conjunction with the LGDHS and the LGCRC and appointed members to the Committee as per 4.1 (a), (b), (c) (d). The Shire also advised the LGDHS and the LGCRC in regard to their obligations under the Agreement. Since the appointment of the Committee Members in November 2015, Mrs Ashley Mottershead has left the LGDHS and Ms Cathy Willis is the present Principal.

A Meeting of the Management Committee was scheduled for 4 April 2017, as part of compliance with the Terms of Reference, and an Agenda Item was tabled as a response to notification from the Principal, Ms Cathy Willis, of the LGDHS that they were making some changes to the staffing of the Library, and that these changes would impact on the opening hours of the Library.

The Meeting was held on 4 April 2017, and a response was sought by the representatives of the LGDHS to the change proposed by them in regard to the cessation of the Library Officer position, and the resulting impact on reduction in Library hours from four full days per week to two full days to be split across the four days.

As an Advisory Committee the Management Committee deferred consideration of the change in terms of the Agreement in regard to staffing and opening hours to the Council Ordinary Meeting to be held on 26 April 2017, with the following resolution:

Moved Ollie Farrelly, seconded Debrah Clarke

That the Committee recommends to Council that the opening hours remain the same as the current agreement, with a view to renegotiating funding.

Motion Carried 6/0

Legal Implications

In accordance with the *Local Government Act 1995* Council may establish a number of varying types of committee, and these can be classified as:

- *Council committees, that is, a committee of three or more persons established by council to assist the council and to exercise the powers and discharge the duties of the local government that can be delegated to committees*;* or,
- *Non-Council Committees established by some other authority or community group that operates with no delegated authority in respect to Council's powers or duties but which have an interest in some of the activities of Council and to which Council wishes to have formal representation.*

Note The Lake Grace Shire Council has no committees with any delegated authority in respect to the exercising of power and the discharge of duties.*

The Agreement states that:

- 4.1 The care, management and control of the Facilities shall be jointly vested in the Minister, the LGCRC and the Shire who shall appoint an advisory Committee.*

And that:

- 5.7 (a) The Library shall be open during the following hours during school terms:*

*9am to 5pm on every Monday, Tuesday, Wednesday and Thursday
(except for public holidays)*

- (c) The Minister and the Shire shall review and amend the Library opening hours from time to time as the number of students attending the School changes.*

The Agreement has been signed in accordance with the *Local Government Act 1995*, the following is applicable:

9.49A - Execution of documents

- (1) A document is duly executed by a local government if —*
- (a) the common seal of the local government is affixed to it in accordance with subsections (2) and (3); or*
 - (b) it is signed on behalf of the local government by a person or persons authorised under subsection (4) to do so.*
- (2) The common seal of a local government is not to be affixed to any document except as authorised by the local government.*
- (3) The common seal of the local government is to be affixed to a document in the presence of —*
- (a) the mayor or president; and*

- (b) the chief executive officer or a senior employee authorised by the chief executive officer, each of whom is to sign the document to attest that the common seal was so affixed.
- (4) A local government may, by resolution, authorise the chief executive officer, another employee or an agent of the local government to sign documents on behalf of the local government, either generally or subject to conditions or restrictions specified in the authorisation.
- (5) A document executed by a person under an authority under subsection (4) is not to be regarded as a deed unless the person executes it as a deed and is permitted to do so by the authorisation.
- (6) A document purporting to be executed in accordance with this section is to be presumed to be duly executed unless the contrary is shown.
- (7) When a document is produced bearing a seal purporting to be the common seal of the local government, it is to be presumed that the seal is the common seal of the local government unless the contrary is shown.

Policy Implications

Nil

Consultation

Internal Denise Gobbart, Chief Executive Officer

External Lake Grace Library Resource and Community Resource Centre
Management Committee
Department of Education's Director Facilities Program Delivery

Financial Implications

Nil

Strategic Implications

Shire of Lake Grace Strategic Community Plan

- S3: Maintain and improve social/community infrastructure to support community wellbeing.

Voting Requirements

Simple majority required.

Recommendation/Resolution

RESOLUTION 12516

Moved Cr Clarke
Seconded Cr Chappell

That Council awaits a response to the Shire's letter to the Director, Facilities Program Delivery as to the status of the Agreement signed in November 2016.

CARRIED 8/0

15.2 LEASE AGREEMENT – LAKE GRACE COMMUNITY MEN’S SHED INC.

Applicant: Lake Grace Community Men’s Shed Inc.
File No. 0369
Attachments: Lease Agreement
Author: Ms Linda Gray

Disclosure of Interest: Nil
Date of Report: 12 April 2017
Senior Officer: Ms Denise Gobbart


 Deputy Chief Executive Officer


 Chief Executive Officer

Summary

For Council to consider formalising the Lease Agreement with the Lake Grace Community Men’s Shed Incorporated (Inc) for Lot 28 (No 25) Bennett Street Lake Grace.

Background

Lot 28 (No 25) Bennett Street, Lake Grace was previously vested to St John Ambulance Association WA Inc, this was revoked on 5 June 2014, and vested under a Management Order to the Shire of Lake Grace for the purpose of Community Purposes on 5 June 2014. Under the Management Order the Shire of Lake Grace has the power to lease Lot 28 (No 25) Bennett Street, Lake Grace for a term not exceeding 21 years.

The volume of land on Reserve No 22641, Lot 28 on Deposited Plan 228793, Certificate of Title Volume LR3140, Folio 890 has a brick building on it (former Lake Grace St John Ambulance Sub Centre); the intention is for it to be used by the Lake Grace Community Men’s Shed Inc. as a meeting place which will complement the new Workshop built on the site.

Comment

Meetings were held with the President, Mr Philip Clarke, of the Lake Grace Community Men’s Shed Inc. and other involved stakeholders on 28 February 2017 and 29 March 2017 at the Shire with Linda Gray, Deputy Chief Executive Officer, and Cheryl Chappell, Community Development Officer, to progress the Lease Agreement.

Discussion was held on the responsibilities of the lease in regard to building and garden maintenance, signage and utilities. The group are keen to assume these responsibilities with the exception of the water charges. Whilst happy to maintain the garden to the present standard, they wish to request that responsibility for water charges remains with the Shire as they feel that is best practice in regard to continuing necessary water usage for the garden in its present state.

Legal Implications

Lease Agreement between the Shire of Lake Grace and the Lake Grace Community Men’s Shed Inc. The Lease is to be reviewed in five years’ time.

Policy Implications

Shire of Lake Grace Policy 1.11 Use of the Common Seal

Consultation

Internal Denise Gobbart, Chief Executive Officer
 External Philip Clarke, President, Lake Grace Community Men’s Shed
 Allan Duckworth, Lake Grace Community Men’s Shed

Financial Implications

The Lease Agreement sets out the Shire's financial obligations for the provision of building insurance and any capital expenditure. The costs are consistent with previous similar agreements and in line with the current budget.

Based on the previous use of the facility the waiving of water charges would incur additional expenditure of approximately \$180 - \$240 per annum.

Strategic Implications

Shire of Lake Grace Strategic Community Plan

- S1 Maintain current populations and attract new people to live in the shire.
- S3 Maintain and improve social/community infrastructure to support community wellbeing.

Voting Requirements

Simple majority required.

Recommendation/Resolution

RESOLUTION 12517

Moved Cr Chappell
Seconded Cr Clarke

That Council:

1. Enters into the Lease Agreement with the Lake Grace Community Men's Shed Inc. subject from approval by the Minister for Lands; and,
2. Authorises the use of the common seal by the Shire President and the Chief Executive Officer on the Lease Agreement documents.

CARRIED 8/0

15.3 EXEMPTION OF FEES AND CHARGES – LAKE GRACE GYMNASTIC CLUB AND LAKE KING PLAYGROUP REQUESTS

Applicant: Lake Grace Gymnastics Club and Lake King Playgroup
File No. 0781

Attachments: 1. Letter from the Lake Grace Gymnastics Club
2. Letter from the Lake King Playgroup

Author: Linda Gray


Deputy Chief Executive Officer

Disclosure of Interest: Nil
Date of Report: 12 April 2017
Senior Officer: Ms Denise Gobbart


Chief Executive Officer

Summary

For Council to consider the Lake Grace Gymnastics Club’s and Lake King Playgroup’s requests for exemption from 2016/17 fees and charges for the hire of their respective Community Halls; the Lake Grace Town Hall and the Lake King Community Hall.

Background

As per the 2015/16 Schedule of Fees and Charges regarding hall and pavilion hire, there was an exemption for local ‘not for profit’ organisations, and/or individuals residents within the Shire, or non-resident ratepayers. However, as of the 2016/17 Schedule of Fees and Charges, these exemptions no longer apply, with the only exception present being “Senior’s wellness 100% concession”, the Lakes Village Hall, previously known as the Lake Grace Masonic Lodge which was gifted to the shire in 1993, and the Lake King Primary School’s use of the Lake King Community Hall for educational purposes only.

A letter has been received from the President of the Lake Grace Gymnastics Club requesting an exemption of fees and charges for usage of the Lake Grace Town Hall, and a letter dated 13 March 2017 from the President of the Lake King Playgroup has been received in regard to an exemption from fees and charges for usage of the Lake King Community Hall.

Comment

As mentioned above, the correspondence from both parties states that the paying of the fees will impact heavily on each not for profit organisation.

The Lake Grace Gymnastics Club will have to pass on to its members the cost which will result in an increase in membership fees of between \$25 and \$30 per gymnast, which will cause parents to no longer be able to afford to pay for their child’s attendance, especially for those with one or more children doing gymnastics.

The Lake King Playgroup has no source of funding with the exception of the mothers and children which make up the group to pay the fees and charges applicable to the hire of the Hall. In their letter they dispute the cost to the Shire of maintenance of the building, and that standards are not maintained in regards to maintenance, cleanliness and safety.

Legal Implications

Local Government Act 1995

6.12 Power to defer, grant discounts, waive or write off debts

(1) *Subject to subsection (2) and any other written law, a local government may –*

- (a) when adopting the annual budget, grant* a discount or other incentive for the early payment of any amount of money; or
- (b) waive or grant concessions in relation to any amount of money; or
- (c) write off any amount of money, which is owed to the local government.

*Absolute majority required.

- (2) Subsection (1)(a) and (b) do not apply to an amount of money owing in respect of rates and service charges.
- (3) The grant of a concession under subsection (1)(b) may be subject to any conditions determined by the local government.
- (4) Regulations may prescribe circumstances in which a local government is not to exercise a power under subsection (1) or regulate the exercise of that power.

Policy Implications

Nil

Consultation

Internal Denise Gobbart, Chief Executive Officer

Financial Implications

Based on the information in the attached letters, it could be estimated that the financial costs involved are listed below:

Event	Account	Fee inc GST	Meeting	Total
Gymnastics Club	I111410	\$43.00 per day	28 days	\$1,204
Lake King Playgroup	I111410	\$8.00 per hour	2 hrs x 40 weeks	\$640

The Lake Grace Gymnastics Club’s charges are based on “Short Term Hire prior to 6.00 pm at night” being an all-day rate. The financial implications would be a loss of approximately \$1,200 per annum in fees for usage during the school terms. The Lake King Playgroup meets once a week during school terms, and their fees and charges would be based on an hourly rate with approximately two hours per weekly meetings, being \$640.00.

Once again, the cost of approved exemptions may be higher in that it will trigger similar requests for exemption from other “not for profit” groups within the Shire of Lake Grace, thus negating the Council’s decision made that there would no longer be an exemption for local “not for profit” organisations, and/or individuals residents within the Shire, or non-resident ratepayers in the 2016/17 Financial Year.

Shire of Lake Grace Draft Strategic Resource Plan 2016-2031

- 13.0 Assumptions, risks, uncertainties and sensitivity.
- 13.1 Revenue –Assumptions, risks, uncertainties and sensitivity.

Fees and Charges: Increases in line with inflation forecast.

The assumption made in order to forecast revenue for the Shire of Lake Grace as per their Draft Strategic Resource Plan 2016-2031 does not include changes to fees and charges during the financial year.

Strategic Implications

Shire of Lake Grace Strategic Community Plan

Social S1 Maintain and improve the Shire of Lake Grace as an attractive place to live

- S 1.3 Encourage a healthy lifestyle through a range of participation opportunities for youth, seniors and others.

Voting Requirements

Simple majority required.

Recommendation/Resolution

RESOLUTION 12518

Moved Cr Chappell
Seconded Cr Hunt

That Council not approve the waiving of any fees and charges associated with the hire of:

1. the Lake Grace Town Hall by the Lake Grace Gymnastics Club; and,
2. the Lake King Community Hall by the Lake King Playgroup.

CARRIED 6/2

15.4 LAKE GRACE COMMUNITY MEN'S SHED INC - REQUEST

Applicant: Lake Grace Community Men's Shed Inc.
File No. 0623
Attachments: Nil
Author: Ms Linda Gray


Deputy Chief Executive Officer

Disclosure of Interest: Nil
Date of Report: 13 April 2017
Senior Officer: Denise Gobbart


Ms Chief Executive Officer

Summary

The Lake Grace Community Men's Shed Inc. (Men's Shed) has requested that they be allowed to transfer the old Council tables and chairs from the Lake Grace Railway Station to their building at Lot 28 Bennett Street, Lake Grace, for use in their meeting room.

Background

The old Council tables and chairs are currently located at the old railway station and used by the Lake Grace Development Association (LGDA) for their meetings. These tables and chairs were used in the Council Chambers prior to the purchase of new tables and chairs in 2010.

When the new Council tables and chairs were installed, the old ones were relocated to the old Railway Station, on a verbal understanding with a previous Chief Executive Officer Jim Fraser, that they were for future use at the Men's Shed, for which at the time planning was underway.

Comment

Now that the Men's Shed is in place, it was requested at a meeting with the Shire on 28 March 2017, that the old Council tables and chairs be relocated for use by them, and any other community group that needs a meeting place.

The LGDA have also commenced using the Men's Shed as their meeting venue.

Legal Implications

Nil

Policy Implications

Nil

Consultation

Internal Denise Gobbart, Chief Executive Officer

External Philip Clarke, President, Lake Grace Community Men's Shed

Financial Implications

Transport would be done by members of the Men's Shed at nil cost.

Strategic Implications

Shire of Lake Grace Strategic Community Plan

- S3 Maintain and improve social/community infrastructure to support community wellbeing.

Voting Requirements

Simple majority required.

Recommendation/Resolution

RESOLUTION 12519

Moved Cr Stanton
Seconded Cr Clarke

That Council approve the relocation of the old Council tables and chairs from the old Lake Grace Railway Station building to the Lake Grace Community Men's Shed.

CARRIED 8/0

16.0 MATTERS FOR CONSIDERATION - ADMINISTRATION
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16.1 ANNUAL GENERAL MEETING OF ELECTORS

Applicant:	Internal Report
File No.	0042
Attachments:	Annual General Meeting of Electors Minutes 29 March 2017
Author:	Ms Denise Gobbart Chief Executive Officer
Disclosure of Interest:	Nil
Date of Report:	03 April 2017
Senior Officer:	Ms Denise Gobbart



Chief Executive Officer

Summary

The purpose of this report is for Council to receive the minutes of the Annual Electors Meeting for the year ended 30 June 2016.

Background

In accordance with the provisions of the *Local Government Act 1995* the minutes of the Annual Electors Meeting and decisions made are to be considered by Council.

Comment

The Minutes of the Electors Meeting for the year ended 30 June 2016, identify decisions made in respect to the adoption of the minutes for the previous Electors Meeting, receipt and adoption of the 2015/2016 Annual Financial Report and the Auditors Report for the year ended 30 June 2016 together with the Presidents and Chief Executive Officers Reports.

Legal Implications

Local Government Act 1995

5.32. Minutes of electors' meetings

The CEO is to —

- (a) cause minutes of the proceedings at an electors' meeting to be kept and preserved;*
- and*
- (b) ensure that copies of the minutes are made available for inspection by members of the public before the council meeting at which decisions made at the electors' meeting are first considered.*

5.33. Decisions made at electors' meetings

- (1) All decisions made at an electors' meeting are to be considered at the next ordinary council meeting or, if that is not practicable —*
 - (a) at the first ordinary council meeting after that meeting; or*
 - (b) at a special meeting called for that purpose,**whichever happens first.*

- (2) If at a meeting of the council a local government makes a decision in response to a decision made at an electors' meeting, the reasons for the decision are to be recorded in the minutes of the council meeting.*

Policy Implications

N/A

Consultation

N/A

Financial Implications

N/A

Strategic Implications

Shire of Lake Grace Strategic Community Plan

Civic Leadership Focus Area CL1: Elected members provide visionary leadership

- CL1.2 Objective: Encourage greater community input into the decision making process.
- CL1.2 Outcome: Proactive community input into decision making.

Shire of Lake Grace Corporate Business Plan 2016-2020

Civic Leadership:

Elected members are fully aware of community interests in their decision making

- CL1.2 – Encourage greater community input into the decision making process.
- CL1.2.1 – Use the Communication Plan to promote Shire initiatives.

Voting Requirements

Simple majority required.

Recommendation/Resolution

RESOLUTION 12520

Moved Cr Chappell
Seconded Cr Clarke

That the minutes of the Annual General Meeting of Electors held on 29 March 2017 be received and that the decisions made therein pertaining to the receipt of the following reports are noted:

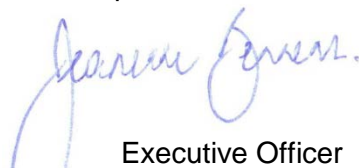
- Shire Presidents Report – 30 June 2016;
- Chief Executive Officers Report – 30 June 2016;
- Annual Financial Report – 30 June 2016; and,
- Auditors Report – 30 June 2016.

CARRIED 8/0

Cr Chappell declared impartiality interest in Item 16.2 Bush Fire Advisory Committee – Appointment of Bush Fire Control Officers as he is nominated as a fire control officer and chairs the meeting.

16.2 BUSH FIRE ADVISORY COMMITTEE – APPOINTMENT OF BUSH FIRE CONTROL OFFICERS

Applicant:	Shire of Lake Grace Bushfire Advisory Committee
File No.	0241
Attachments:	Bush Fire Advisory Committee 5 April 2017 Annual General Meeting Minutes
Author:	Mrs Jeanette Bennett
Disclosure of Interest:	Nil
Date of Report:	13 April 2017
Senior Officer:	Ms Denise Gobbart



Executive Officer



Chief Executive Officer

Summary

The purpose of this report is for Council to appoint Bush Fire Control Officers for the 2017/2018 season.

Background

The Annual General Meeting of the Shire of Lake Grace Bush Fire Advisory Committee (BFAC) was held on the 5 April 2017 at the Newdegate Recreation Centre. The minutes of the AGM are attached.

At the meeting the BFAC nominated its Bush Fire Control Officers for the 2017/18 Season with the recommendation that Council make the appointments.

Comment

It is a requirement that the Shire’s Bush Fire Control Officers are published at least once in a newspaper circulating in its district once Council has made the appointments for the 2017/2018 season.

Legal Implications

Bush Fires Act 1954 – s38 appointment of bush fire control officers

Local government may appoint bush fire control officer

- (1) A local government may from time to time appoint such persons as it thinks necessary to be its bush fire control officers under and for the purposes of this Act, and of those officers shall subject to section 38A(2) appoint 2 as the Chief Bush Fire Control Officer and the Deputy Chief Bush Fire Control Officer who shall be first and second in seniority of those officers, and subject thereto may determine the respective seniority of the other bush fire control officers appointed by it.*
- (2) (2A) The local government shall cause notice of an appointment made under the provisions of subsection (1) to be published at least once in a newspaper circulating in its district.*

- (2C) *The local government shall fill any vacancy occurring in the office of Chief Bush Fire Control Officer or Deputy Chief Bush Fire Control Officer within one month after the vacancy occurs and if the local government fails or neglects to do so within that time, the FES Commissioner may by notice in writing require the local government to appoint a person to the vacant office within one month after service on it of such notice.*
- (2D) *Where a local government that has been served with a notice pursuant to subsection (2C) fails or neglects to comply with the requirements of that notice, the FES Commissioner may appoint a person who is not employed in the Department to the vacant office.*
- (2E) *A bush fire control officer appointed by a local government under the provisions of this section shall be issued with a certificate of appointment by the local government or, if he is appointed by the FES Commissioner, by the FES Commissioner.*
- (3) *The local government may, in respect to bush fire control officers appointed under the provisions of this section, exercise so far as they can be made applicable the same powers as it may exercise in respect to its other officers, under the provisions of the Acts under which those other officers are appointed.*
- (4) *A bush fire control officer appointed under the provisions of this section shall, subject to such directions as may be given by the local government, and subject to this Act take such measures as appear to him to be necessary or expedient and practicable for —*
- (a) *carrying out normal brigade activities;*
 - [(b), (c) deleted]
 - (d) *exercising an authority or carrying out a duty conferred or imposed upon him by any of the provisions of Part III;*
 - (e) *procuring the due observance by all persons of the provisions of Part III.*
- (5A) *A local government may issue directions to a bush fire control officer appointed by the local government, or to an officer of a bush fire brigade registered by the local government to burn, subject to the provisions of this Act, bush on, or at the margins of, streets, roads, and ways, under the care, control and management of the local government.*
- (5B) *The bush fire control officer, or officer of the bush fire brigade, may by authority of any directions issued under subsection (5A) carry out the directions but subject to the provisions of this Act.*
- (5C) *The provisions of subsections (5A) and (5B) are not in derogation of those of subsection (4).*
- (6) *In this section —*
approved local government *means a local government approved under subsection (7) by the FES Commissioner.*
- (7) *If it appears to the FES Commissioner that the standard of efficiency of a local government in fire prevention and control justifies the FES Commissioner doing so, the FES Commissioner, by notice published in the Government Gazette —*
- (a) *may approve the local government as one to which subsections (6) to (18) apply; and*
 - (b) *may from time to time cancel or vary any previous approval given under this subsection.*
- (8) *An approved local government may appoint to the office of fire weather officer such number of senior bush fire control officers as it thinks necessary.*

- (9) *Where more than one fire weather officer is appointed by a local government the local government shall define a part of its district in which each fire weather officer shall have the exclusive right to exercise the power conferred by subsection (17).*
- (10) *An approved local government may appoint one or more persons, as it thinks necessary, to be the deputy or deputies, as the case may be, of a fire weather officer appointed by the local government and where 2 or more deputies are so appointed they shall have seniority in the order determined by the local government.*
- (11) *Where the office of a fire weather officer is vacant or whilst the occupant is absent or unable to act in the discharge of the duties of the office, any deputy appointed in respect of that office under subsection (10) is, subject to subsection (12), entitled to act in the discharge of the duties of that office.*
- (12) *A deputy who is one of 2 or more deputies of a fire weather officer is not entitled to act in the discharge of the duties of the office of that fire weather officer if a deputy who has precedence over him in the order of seniority determined under subsection (10) is available and able to discharge those duties.*
- (13) *The local government shall give notice of an appointment made under subsection (8) or (10) to the FES Commissioner and cause notice of the appointment to be published at least once in a newspaper circulating in its district and the FES Commissioner shall cause notice of the appointment to be published once in the Government Gazette.*
- (14) *An approved local government may appoint a committee for the purpose of advising and assisting a fire weather officer or any deputy of a fire weather officer acting in the place of that officer under subsections (6) to (18).*
- (15) *Where a committee is appointed, a fire weather officer, or, as the case may be, a deputy of a fire weather officer while acting in the place of that officer, may exercise the authority conferred on him by subsection (17), notwithstanding the advice and assistance tendered to him by the committee.*
- (16) *The provisions of subsections (6) to (18) are not in derogation of those of any other subsection of this section.*
- (17) *A fire weather officer of an approved local government, or a deputy of that fire weather officer while acting in the place of that officer, may authorise a person who has received a permit under section 18(6)(a), to burn the bush in the district of the local government notwithstanding that for any day, or any period of a day, specified in the notice the fire danger forecast issued by the Bureau of Meteorology in Perth, in respect to the locality where the bush proposed to be burnt is situated, is “catastrophic”, “extreme”, “severe” or “very high”, and upon the authority being given the person, if he has otherwise complied with the conditions prescribed for the purposes of section 18, may burn the bush.*
- (18) *Subsections (6) to (18) do not authorise the burning of bush —*
 - (a) *during the prohibited burning times; or*
 - (b) *during the period in which, and in the area of the State in respect of which, a total fire ban is declared under section 22A to have effect.*

Shire of Lake Grace Bush Fire Brigades Local Law

Policy Implications

Nil

Consultation

External Shire of Lake Grace Bush Fire Advisory Committee

Financial Implications

Local advertising costs may apply.

Strategic Implications

Shire of Lake Grace Community Strategic Plan

- Environment Focus Area 7 Reduced bush fire risk.
- Strategy En 3 3 Maintain effective bushfire control and management through support and resourcing of bush fire brigades and volunteers.

Voting Requirements

Simple majority required.

Bushfire Advisory Committee Recommendation/Resolution

RESOLUTION 12521

Moved Cr Clarke
Seconded Cr Lloyd

That Council:

1. Appoints the following Bushfire Control Officers for the 2017/2018 season.

Chief Bush Fire Control Officer	Brad Watson
Deputy Chief Bush Fire Control Officer– Lake Grace	Doug Dunham
Deputy Chief Bush Fire Control Officer – Newdegate	Wes Hall
Deputy Chief Bush Fire Control Officer – Lake King	Richard Metcalf

Fire Weather Officers

Lake Grace	Brad Watson
Newdegate	Wes Hall
Varley	Steven Davies
Mt Madden	Lindsay Brownley
Lake King	Richard Metcalf
Shire of Lake Grace	CESM

Deputy Fire Weather Officers

Lake Grace	Doug Dunham
Newdegate	Ian Lloyd
	Bill 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

RESOLUTION 12521 continued

**Varley
Newdegate
Buniche
Lake Grace
Kuender
Dunn Rock
Shire of Lake Grace**

Steven Davies
Bill Lloyd
Tim Lloyd
Scott Strevett
Terry Smith
Bernie Giles
CESM

**Fire Control Officers
Permit Issuing FCO's with Two Way Radios
North Lake Grace**

Doug Dunham
Brad Watson
Leon Morgan
Glen Willcocks
Evan Wyatt
Greg Carruthers
Scott Strevett
Kevin Naisbitt
Ron Lay

South Lake Grace

Barry Ness
Ron Shalders
Craig Shalders
Ian Lloyd
Bill Lloyd

North Newdegate

John Dunkeld
Tim Lloyd
Greg Dunkeld
Pete Walker
Geoff Cugley
Matt Cugley
Simon Cugley
Wes Hall

South Newdegate

Peter Kennedy
Syd Walker
Geoff Richardson
Ben Hyde

Lake King/Varley

Jason Sugg
Arthur Sugg
Jorg Brinkmann
Craig Newman
Steven Davies
Richard Metcalf

Mt Madden/Dunn Rock

Hugh Roberts
Bernie Giles
David Roberts
Lindsay Brownley
Peter Newman
Rhys De Landgraftt

RESOLUTION 12521 continued

**Newdegate Town
Lake Grace Town
Lake King Town
Varley Town**

David Tonkin
Reid Stubberfield
Lawrie Dickins
Ben Hyde
John Zurnamer
CESM

Shire of Lake Grace

Non Permit Issuing FCO without Two Way Radio

Ross Chappell

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 2017/2018 Bush Fire Season:

Ravensthorpe

Matt Cugley
Simon Cugley
Bernie Giles
Hugh Roberts
Doug Dunham
Steven Davies
Evan Wyatt

**Kondinin
Kulin**

Kevin Naisbitt
Leon Morgan
Leon Morgan
Brad Watson
Richard Metcalf
Peter Newman

Dumbleyung

Kent

Esperance

2. Authorise the following persons to issue clover and proclaimed plant burning permits during the 2017/2018 season in conjunction with the closest available Fire Control Officer to the person making the application:
 - Chief Bush Fire Control Officer;
 - Deputy Chief Bush Fire Control Officers;
 - Chief Executive Officer; and,
 - Community Emergency Services Manager.

3. Authorise the following persons to supply information relating to harvest bans for general radio broadcasting during the 2017/2018 season:
 - Chief Executive Officer;
 - Chief Bush Fire Control Officer;
 - Deputy Chief Bush Fire Control Officers; and,
 - Community Emergency Services Manager.

CARRIED 8/0

16.3 **BUSH FIRE ADVISORY COMMITTEE RECOMMENDATION – NEW LAKE KING FIRE TRUCK**

Applicant: Shire of Lake Grace Bushfire Advisory Committee
File No. 0241
Attachments: Bush Fire Advisory Committee Minutes 5 April 2017
Author: Mrs Jeanette Bennett

Disclosure of Interest: Nil
Date of Report: 13 April 2017
Senior Officer: Ms Denise Gobbart


 Executive Officer


 Chief Executive Officer

Summary

The purpose of this report is for Council to endorse a recommendation from the Bushfire Advisory Committee (BFAC) regarding the new Lake King Fire Truck.

Background

A General Meeting of the Shire of Lake Grace BFAC was held on the 5 April 2017 at the Newdegate Recreation Centre. The minutes of the meeting are attached.

At the BFAC meeting, Mr Grant Hansen Department of Fire and Emergency Services (DFES) Area Officer Narrogin District, Great Southern Region reported as follows:

“The new fire truck for Lake King is almost finished and will be delivered in the near future. DFES will inform the Shire when this occurs and handover will be done in Lake King. The truck is a replacement for the current appliance and is a 2.4 Broad Acre.”

Discussion followed regarding the water capacity of the new truck being the same as the existing truck with BFAC members expressing disappointment about the capacity and asked Mr Hansen what the chances would be of being able to change the specifications to the next size up.

Mr Hansen advised that the new truck is three quarters of the way through its build and it will be difficult to change. In order for any chance of an upgrade a letter of request from the Shire would need to be sent to Mr Hansen at DFES.

BFAC resolved as follows through Resolution 201505, moved Brad Watson and seconded Hugh Roberts:

That Council write to the Department of Fire and Emergency Services requesting that the replacement Lake King Town 2.4 Broadacre Tanker be upgraded to a 4.4 Broadacre Tanker with a water capacity of 4,000 litres, with the following justification:

- *The scarcity of water in the eastern section of the Shire of Lake Grace*
- *Distance from the Lake King townsite out to the bushlands and the Rabbit Proof Fence*
- *Large areas of Unallocated Crown Land (UCL)*
- *Distances involved in getting the volunteer crews and equipment on to fire sites*

- *The need to retain 25% of the truck water carrying capacity for crew protection in the event of an emergency.*

Comment

It is therefore recommended that Council endorse the recommendation from the Bushfire Advisory Committee to write to the Department of Fire and Emergency Services.

Since the recent BFAC meeting, Grant Hansen DFES has advised that the 2.4 Broadacre tanker allocated for Lake King has been completed and is awaiting final inspection, prior to delivery which is anticipated prior to the month end. Our options are limited, as most brigades are now requesting 4.4 Broadacre tankers. If another Brigade is on a shortlist for a 2.4 we may be able to get their allocation moved forward. If that was the case, the Lake King unit would be pushed out another eighteen to twenty four months, pending budget allocations. If there is no wait list we would be required to take the vehicle.

Given this information further discussion has occurred with Brad Watson and Lake King Brigade members as to their position. The Chief Executive Officer is advised that the Lake King Brigade is prepared to wait the time to get the larger vehicle. The existing vehicle has low mileage, so they don't perceive that there will be any issues in holding the vehicle.

Given the critical timing for this matter, the Chief Executive Officer has instructed Grant Hansen DFES to investigate if any other Brigades are waiting on an allocation of a 2.4 Broadacre, if so to initiate the process to have the vehicle reallocated. For this to swap to be made, the only additional cost for DFES would be changing the decals from Lake King to the new Brigade name.

The Lake King Brigade is aware that if no other Brigade requires a 2.4 Broadacre Tanker they will be required to accept the replacement 2.4 Broadacre Tanker.

Legal Implications

Fire and Emergency Services Act 1998 – Part 6A Emergency Services Levy

Bush Fires Act 1954

Shire of Lake Grace Bush Fire Brigades Local Law

Policy Implications

Nil

Consultation

External Shire of Lake Grace Bush Fire Advisory Committee
 Grant Hansen - DFES

Financial Implications

N/A

Strategic Implications

Shire of Lake Grace Community Strategic Plan

- Environment Focus Area 7 Reduced bush fire risk.
- Strategy En 3 3 Maintain effective bushfire control and management through support and resourcing of bush fire brigades and volunteers.

Voting Requirements

Simple majority required.

Bushfire Advisory Committee Recommendation/Resolution

RESOLUTION 12522

Moved Cr Clarke
Seconded Cr Lloyd

That Council write to the Department of Fire and Emergency Services requesting that the replacement Lake King Town 2.4 Broadacre Tanker be upgraded to a 4.4 Broadacre Tanker with a water capacity of 4,000 litres, with the following justification:


- The scarcity of water in the eastern section of the Shire of Lake Grace;
- Distance from the Lake King townsite out to the bushlands and the Rabbit Proof Fence;
- Large areas of Unallocated Crown Land (UCL);
- Distances involved in getting the volunteer crews and equipment on to fire sites; and,
- The need to retain 25% of the truck water carrying capacity for crew protection in the event of an emergency.

CARRIED 8/0


16.4 23 AUGUST 2017 ORDINARY COUNCIL MEETING - RESCHEDULING

Applicant: Executive Services
File No. 0041
Attachments: Nil
Author: Mrs Jeanette Bennett

Disclosure of Interest: Nil
Date of Report: 13 April 2016
Senior Officer: Ms Denise Gobbart



Executive Officer



Chief Executive Officer

Summary

For Council to consider the rescheduling of its Wednesday 23 August 2017 Ordinary Meeting to Tuesday 22 August 2017.

Background

As per Resolution 12382 of the October 2016 Ordinary Meeting, the August Meeting of Council is scheduled to be held on Wednesday 23 August 2017.

The 2017 LGIS Golf Tournament is being held in Dongara on Thursday 24 and Friday 25 August 2017. Should Councillors and the Chief Executive Officer and/or staff wish to attend, they would need to travel to Dongara on Wednesday 23 August.

The Local Government Administration Regulations requires a local government to give local public notice of any change to its meeting dates.

Comment

The Change of Date for the August Meeting will be advertised locally as per the requirements of the *Local Government Act 1995* and its regulations.

Due to the clash of dates, a change of date to Tuesday 22 August 2017 is recommended.

Legal Implications

Local Government Act 1995 – s5.25(g), Regulations about Council and Committee Meetings and Committees, requires that local public notice of the dates of meetings be given.

Local Government (Administration) Regulations 1996 – Reg 12 (1), requires local public notice to be given and Reg 12 (2), requires that a local government is to give local public notice of any change to the date, time or place of a meeting referred to in subregulation (1).

Policy Implications

Shire of Lake Grace Policy 1.2, states Council Meetings are to be held on the fourth Wednesday of each month from February to November and on the third Tuesday for the month of December.

Consultation

Internal Chief Executive Officer

Financial Implications

Nil

Strategic Implications

N/A

Voting Requirements

Simple majority required.

Recommendation/Resolution

RESOLUTION 12523



Moved Cr Stanton
Seconded Cr Lloyd

That Council:

1. reschedules the August 2017 Ordinary Meeting to take place on Tuesday 22 August 2017, commencing at 1.00 pm at Council Chambers, 1 Bishop St, Lake Grace WA; and,
2. as required by the Local Government (Administration) Regulations 1996, gives local public notice of the change of date.

CARRIED 8/0

16.5 ROAD WIDENING PROJECT LOT 55 DUNHAM RD LAKE GRACE – REQUEST FOR COMPENSATION

Applicant:	GH and PM Carruthers	
File No.	0356	
Attachments:	1. Letter from Shire to GH and PM Carruthers 2. Letter from GH and PM Carruthers 3. Letter from Peter Gow	
Author:	Mrs Jeanette Bennett	
		Executive Officer
Disclosure of Interest:	Nil	
Date of Report:	18 April 2017	
Senior Officer:	Ms Denise Gobbart	
		Chief Executive Officer

Summary

For Council to consider compensation for the taking of 0.719 hectares (1.8 acres) of arable land and gravel to accommodate the 2014/15 Black Spot Project funded Dunham, Burns and Robertson Roads Intersection Upgrade.

Background

On 15 January 2015, the Shire wrote to Greg and Paula Carruthers requesting in-principle support to excise a portion of their land to accommodate a Black Spot funded project on the Dunham, Burns and Robertson Roads intersection – refer to attachment 1.

The Carruthers replied on 16 January 2015 offering their in-principle support subject to the purchase of the excised portion of land – refer to attachment 2. At the time a meeting was arranged between the Shire's Manager Infrastructure Services and Mr Carruthers.

A subdivision application (No 151470) was submitted to the Western Australian Planning Commission and approved on 15 May 2015. Subsequently, an order was issued for the area to be surveyed and a new Deposited Plan lodged as of 24 June 2015 – refer to attachment 3.

Freeway Settlements (conveyancers acting on behalf of the Shire) advise that settlement for the road widening was completed and registered on 17 November 2015. Based on the advice given to Freeway Settlements during a phone conversation at the time with the then Manager Infrastructure Services, Mr Louka Shopov, settlement took place on the basis that the land was being gifted to the Shire.

This is contrary to the 16 January 2015 letter from Greg and Paula Carruthers requesting purchase of the excised portion of land.

Mr Carruthers subsequently contacted the Shire by telephone on 5 January 2017 to enquire what progress was being made regarding an offer for the land. Information and advice provided by Mr Carruthers during the 5 January 2017 telephone call included:

- The excised portion of land (equating to approximately 1.8 acres, was part arable and contained a good quantity of gravel.
- The area was re-fenced by Shire staff following completion of the job. The original fence was in 'ordinary' condition and was replaced like for like.

- During the intersection upgrade the Shire accessed land and used the gravel for the job.
- A suspicion that additional gravel may also have been carted off site.
- Mr Carruthers is very supportive of the road widening project, as the intersection as it was previously aligned was dangerous.
- Mr Carruthers has no problem with the fact that the gravel was used for the job however at the time there was no formal agreement in place.

Comment

Given the background to this request consideration needs to be given to the following:

1. The Shire has written instruction on record from Greg and Paula Carruthers that the excision was subject to purchase.
2. The land transaction was completed by the Shire with no financial transaction taking place.
3. Any gravel taken by Shire staff prior to the settlement date of 17 November 2015 requires written agreement – refer Policy 5.5 below.

In light of the above it is recommended that Council authorise the Chief Executive Officer to seek a valuation for the land and negotiate compensation with Greg and Paula Carruthers; and establish the volume of gravel used and make payment under Policy 5.5.

Legal Implications

Local Government Act 1995

Planning and Development Act 2005

Transfer of Land Act 1893

Policy Implications

Shire of Lake Grace Policy 5.5 – Road Making Materials:

POLICY *Should it be necessary to obtain road making materials from private property, then:*

1. *officers to establish whether any local landowner is willing to provide the material at no cost to the Shire; or,*
2. *any compensation is to be at a flat rate per cubic metre, as prescribed in Council's annual budget and is to be evidenced by a written agreement [see Attachment 5.5(a)] endorsed by the Engineer / Manager of Works and countersigned by the Chief Executive Officer.*

OBJECTIVES *To ensure that materials are obtained at the lowest cost to the Shire together with proper written evidence of Council's obligations.*

GUIDELINES 1) *To document agreements with landholders for the supply of road making materials.*

- 2) *To outline any conditions relating to the taking of road making materials.*
- 3) *Property owner not required to obtain Extractive Industries licence as it is the Shire that is operating the pit.*
- 4) *To specify compensation payable.*
- 5) *To prescribe rehabilitation requirements.*
- 6) *To prevent disputes arising from removal of road making materials.*

Consultation

Internal Chief Executive Officer
 Manager Infrastructure Services

External Mr Greg Carruthers

Financial Implications

To determine an allocation in the 2017/18 Budget for the purchase price of the 0.719 hectares of land and gravel used for the 2014/15 Black Spot funded Dunham, Burns and Robertson Roads intersection upgrade.

Strategic Implications

Shire of Lake Grace Community Strategic Plan

- Economics Ec 1 Maintain community built infrastructure and provide an effective and efficient transportation network.

Voting Requirements

Simple majority required.

Recommendation/Resolution

RESOLUTION 12524

Moved Cr Chappell
Seconded Cr Clarke

That Council authorise the Chief Executive Officer to:

1. seek a valuation and negotiate compensation with Greg and Paula Carruthers for the 0.719 hectares (1.8 acres) of land excised from existing Lot 15061 on DP 165589 Dunham and Burns Road;
2. establish the volume of gravel taken from the land for payment under Policy 5.5; and,
3. prepare a report on the costings for inclusion in the 2017/18 Budget deliberations.

CARRIED 8/0


17.0 INFORMATION BULLETIN

17.1 INFORMATION BULLETIN REPORT – APRIL 2017

Applicant: Executive Services
File No. N/A
Attachments: Information Bulletin (*under separate cover*)
Author: Ms Natasha Bowman


Governance Officer

Disclosure of Interest: Nil
Date of Report: 18 April 2017
Senior Officer: Ms Denise Gobbart



Chief Executive Officer

Summary

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

Background

The Information Bulletin Reports deal with monthly standing items and other information of a strategic nature relevant to Council.

Note: The Information Bulletin is an internal management document; therefore attachments are not for public information.

Copies of other relevant Councillor information are distributed via email.

Comment

This month's (April 2017) Information Bulletin Report has been emailed to Councillors.

The April 2017 Information Bulletin attachment includes:

Reports

1. Council Status Report – March 2017
2. Infrastructure Services Report – March 2017
3. Monthly Schedules – March 2017
4. Outstanding Rates Report – March 2017
5. Environmental Health Officer Report – April 2017
6. Lake Grace Swimming Pool Report – April 2017
7. Lake Grace Visitor Centre Statistics – March 2017

Circulars & Newsletters

8. WALGA – Media Release – Collaborative Approach Anticipated with New Local Government Minister
9. WALGA – Media Release – Rural Fire Service Dismissal Premature
10. WALGA Infopage – Legal Advice on Industrial Relations Jurisdiction

Minutes

11. Audit Committee – 22 March 2017
12. Annual General Meeting of Electors – 29 March 2017
13. Local Recovery Coordinating Committee – 17 March 2017
14. Bushfire Advisory Committee AGM – 5 April 2017
15. Bushfire Advisory Committee – 5 April 2017
16. Local Recovery Coordinating – Infrastructure Subcommittee – 12 April 2017
17. Lake Grace Community Library and Community Resource Centre Management Committee – 4 April 2017
18. Varley and Districts Progress Association AGM – 28 February 2017
19. Varley and Districts Progress Association Meeting – 28 February 2017
20. Southern District Health Advisory Council – 8 March 2017

Legal Implications

Nil

Policy Implications

Nil

Consultation

N/A

Financial Implications

Nil

Strategic Implications

Shire of Lake Grace Strategic Community Plan

Civic Leadership - Focus Area 5

- Excellence in Shire administration and communication.

Voting Requirements

Simple majority required.

Recommendation/Resolution

RESOLUTION 12525

Moved Cr Hunt
Seconded Cr Lloyd

That Council accepts the Information Bulletin report.

CARRIED 8/0

18.0 URGENT BUSINESS BY DECISION OF THE MEETING

Resolution

RESOLUTION 12526

Moved Cr Chappell
 Seconded Cr Hunt

That Council accept Item 18.1 2016/17 Budget Review as a late item of urgent business.


CARRIED 8/0

18.1 2016/17 BUDGET REVIEW

Applicant: Internal Report
File No. 0781
Attachments: 1. Budget Review 2017
 2. Budget Review Monthly Report Feb 2017
 3. Budget Review Schedules Feb 2017
Author: Ms Linda Gray

Disclosure of Interest: Nil
Date of Report: 26 April 2017
Senior Officer: Ms Denise Gobbart


 Deputy Chief Executive Officer


 Chief Executive Officer

Summary

To consider and adopt the Budget Review as presented in the document ‘Budget Review 2017’ for the period 1 July 2016 to 28 February 2017.

Background

The Audit Committee held a meeting immediately prior to the 26 April 2017 Ordinary Council Meeting to consider the 2016/17 Budget Review.

The 2017 Budget Review incorporating year to date budget variations and the projected forecasts to 30 June 2017 for the period ending 28 February 2017 is presented for Council to consider. The *Local Government (Financial Management) Regulations 1996*, Regulation 33A as amended, requires that local governments conduct a budget review between 1 January and 31 March in each financial year. A copy of the review and determination is to be provided to the Department of Local Government within 30 days of the adoption of the review.

Comment

The budget review has been prepared to include information required by the Local Government Act 1995, Local Government (Financial Management) Regulations 1996 and Australian Accounting Standards. Council adopted a 10% and a \$5,000 minimum for the reporting of material variances to be used in the statements of financial activity and budget review.

Presented to the Audit Committee are the following documents:

Attachment 1 – Budget Review Feb 2017

The budget review document, including a Statement of Budget Review, Graphical Representations of Revenue and Expenditure and Net Current Position, Predicted Variances and Budget Amendments since Budget Adoption.

Attachment 2 – Budget Review Monthly Report Feb 2017

The standard monthly financial report with variances projected by program, significant variance report greater than 10% and \$5,000, including notes 1 to 12.

Attachment 3 – Budget Review Schedules Feb 2017

The Schedules have been provided as further background information.

The intent of the Budget Review is to predict where we are going to finish at the 30 June. It is not intended to be a process for wholesale changes to individual accounts, although many local governments do take this opportunity to do so.

Having identified some issues since the adoption of the Annual Budget, there would be a number of accounts that would require adjustments. As in the previous year, and after discussions with the Chief Executive Officer, the decision has been made to review our budget without making the numerous changes that would be required. This decision is based on the time required to be invested in identify the changes and the end benefit, given that we are into the last quarter of the year. Attention was focussed on material variances of \$5,000 and/or 10% as set by the Shire of Lake Grace.

The net impact of budget amendments made throughout the year is a deficit of \$40,405; this is offset by the projected budget surplus of \$835,548 projected to 30 June 2017.

This budget has been reviewed to continue to deliver on strategies and projects adopted by Council and to maintain the levels of service across all programs.

Legal Implications

Regulation 33A of the Local Government (Financial Management) Regulations 1996 requires:

- (1) Between 1 January and 31 March in each financial year a local government is to carry out a review of its annual budget for that year.*
- (2A) The review of an annual budget for a financial year must —*
 - (a) consider the local government's financial performance in the period beginning on 1 July and ending no earlier than 31 December in that financial year; and*
 - (b) consider the local government's financial position as at the date of the review; and*
 - (c) review the outcomes for the end of that financial year that are forecast in the budget.*
- (2) Within 30 days after a review of the annual budget of a local government is carried out it is to be submitted to the council.*
- (3) A council is to consider a review submitted to it and is to determine* whether or not to adopt the review, any parts of the review or any recommendations made in the review.*
**Absolute majority required.*

- (4) *Within 30 days after a council has made a determination, a copy of the review and determination is to be provided to the Department.*

Policy Implications

Nil

Consultation

Internal Audit Committee
Denise Gobbart, Chief Executive Officer
Senior Management Team

Financial Implications

The review has incorporated budget amendments authorised by Council to 28 February 2017.

With these amendments and projected variances it is anticipated that a surplus of \$835,548 is projected for 30 June 2017.

Strategic Implications

Shire of Lake Grace Strategic Community Plan

Focus Area – Economics

- Ec1 Maintain community built infrastructure and provide an effective transportation network.
- Ec1.3 Ensure the Shire's capital investment program is cost effective and financially sustainable.
- Ec3 Engage with the community to develop sustainable budget commitments.

Voting Requirements

Absolute majority (5) required.

Audit Committee Recommendation/Resolution

RESOLUTION 12527

Moved Cr Hunt
Seconded Cr Marshall

That Council adopt the 2017 Budget Review conducted for the eight (8) months ended 28 February 2017.

CARRIED BY ABSOLUTE MAJORITY 7/1

19.0 SCHEDULING OF MEETING

19.1 MAY 2017 ORDINARY MEETING

The next Ordinary Meeting of Council is scheduled to take place on Wednesday 24 May 2017, commencing at 3.00 pm at the Council Chambers, 1 Bishop Street, Lake Grace.

20.0 CONFIDENTIAL BUSINESS – AS PER LOCAL GOVERNMENT ACT S5.23 (2)

Cr Marshall left the meeting at 3.52 pm.

Resolution

RESOLUTION 12528

Moved Cr Chappell
Seconded Cr Stanton

That Council meet behind closed doors at 3.52 pm to consider Item 20.1 in accordance with section 3.7 of the Shire of Lake Grace Standing Orders Local Law 2015, and Section 5.23 (2)(c) of the Local Government Act 1995.

CARRIED 7/0

This item and any attachments are confidential in accordance with Section 5.23(2)(c) of the Local Government Act 1995 as they contain “a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting”.

Cr Marshall returned to the meeting at 3.56 pm.

20.1 DOCTORS VEHICLE

(Item forwarded under separate cover.)

Resolution

RESOLUTION 12529

Moved Cr Stanton
Seconded Cr Lloyd

That Council:

1. authorise the purchase of one (1) only Mitsubishi QE Pajero GLX 4WD Diesel Auto from Southside Mitsubishi for \$37,494.99 GST Inclusive from GL E077500 Plant and Equipment with licensing to be at cost;
2. set the reserve price for the disposal of asset 1402 being a 2014 Mitsubishi Pajero GLX-R at \$XX,XXX with the proceeds to be allocated to GL I077600 Proceeds Sale of Asset;
3. authorise the payment, reduce the proposed transfer to GL E077651 - Emergency Medical Services Reserve by \$34,086 GST Exclusive;
4. authorise the proceeds to be transferred to the Emergency Medical Services Reserve GL E077651;
5. amend the 2016/17 budget accordingly; and,
6. keep the reserve price confidential until the disposal has been completed.

CARRIED BY ABSOLUTE MAJORITY 8/0

Resolution

RESOLUTION 12530

Moved Cr Chappell
Seconded Cr Hunt

That Council move out from behind closed doors at 3.57 pm.

CARRIED 8/0

Having opened the meeting to the public, the President read aloud the decisions of the Council.

21.0 CLOSURE

There being no further business, the Shire President closed the meeting at 3.58 pm.

22.0 CERTIFICATION

I, Jeanette Frances De Landgraft, certify that the minutes of the meeting held on the 26 April 2017 as shown were confirmed as a true record at the meeting held on the 24 May 2017.

Shire President

Date