

Shire of Lake Grace

Ordinary Council Meeting



NOTICE PAPER

To the President and Councillors

In accordance with the provisions of Section 5.5 of the Local Government Act 1995, you are hereby notified that an Ordinary Meeting of Council has been convened:

Date: Wednesday 25 October 2017

At: Council Chambers
1 Bishop Street, Lake Grace, WA

Commencing: 3.00 pm

To discuss the items of business in the agenda as set out on the following pages.

A handwritten signature in black ink, appearing to read "Denise Gobbart".

Denise Gobbart
Chief Executive Officer

20 October 2017
Date

Shire of Lake Grace

Ordinary Council Meeting

Agenda

25 October 2017

Meeting Commencing at 3.00 pm



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SHIRE OF LAKE GRACE

Agenda for the Ordinary Meeting of Council to be held at Council Chambers, 1 Bishop Street, Lake Grace, WA on Wednesday 25 October 2017.

1.0 OPENING & ANNOUNCEMENT OF VISITORS

The Chief Executive Officer to declare the meeting open, and welcome visitors.

1.1 CONSTITUTIONAL MATTERS

The Chief Executive Officer will swear in the Councillors elect who were declared elected by the Returning Officer at the election held on Saturday, 21 October 2017.

In accordance with the *Local Government Act 1995, s2.29(1)* a person elected as a Councillor has to make a declaration before acting in the office.

Regulation 13 of the *Local Government (Constitution) Regulations 1998* prescribes the form of declaration. This is contained in Form 7 of those regulations and is to be made before a person authorised to take statutory declarations under the *Oaths, Affidavits and Statutory Declarations Act 2005*.

The declaration is as follows:

Iof
 having been elected to the Council of the Shire of Lake Grace declare that I take the office upon myself and will duly, faithfully, honestly, and with integrity, fulfil the duties of the office for the people in the district according to the best of my judgment and ability, and will observe the *Local Government (Rules of Conduct) Regulations 2007*.

In Schedule 2.3 of the *Local Government Act 1995* provides:

2. *When council elects mayor or president*

- (1) *The office is to be filled as the first matter dealt with —*
 - (a) *at the first meeting of the council after an inaugural election or a section 4.13 or 4.14 election or after an ordinary elections day; and*
 - (b) *at the first meeting of the council after an extraordinary vacancy occurs in the office.*
- (2) *If the first ordinary meeting of the council is more than 3 weeks after an extraordinary vacancy occurs in the office, a special meeting of the council is to be held within that period for the purpose of filling the office.*

3. *CEO to preside*

The CEO is to preside at the meeting until the office is filled.

4. *How mayor or president is elected*

- (1) *The council is to elect a councillor to fill the office.*
- (2) *The election is to be conducted by the CEO in accordance with the procedure prescribed.*

- (3) *Nominations for the office are to be given to the CEO in writing before the meeting or during the meeting before the close of nominations.*
- (3a) *Nominations close at the meeting at a time announced by the CEO, which is to be a sufficient time after the announcement by the CEO that nominations are about to close to allow for any nominations made to be dealt with.*
- (4) *If a councillor is nominated by another councillor the CEO is not to accept the nomination unless the nominee has advised the CEO, orally or in writing, that he or she is willing to be nominated for the office.*
- (5) *The councillors are to vote on the matter by secret ballot as if they were electors voting at an election.*

1.1.1 ELECTION OF PRESIDENT

The Chief Executive Officer to call for nominations for the office of Shire President.

The Shire President is to be elected by the Council from amongst the Councillors.

Nominations for the position of Shire President are to be made in writing before the meeting, or during the meeting prior to the close of nominations. If a Councillor is nominated by another Councillor, the person conducting the election is not to accept the nomination unless the nominee has advised the person conducting the election, verbally or in writing, that he or she is willing to be nominated.

The Council members are to vote on the matter by secret ballot as if they were voting at an election.

The Chief Executive Officer is to declare the result and the elected Shire President is to make a declaration pursuant to Regulation 13(3) of the *Local Government (Constitution) Regulations 1998*:

13. Oaths, affirmations and declarations (s. 2.29, 2.42)

- (3) *A declaration required by section 2.29 to be made by a person elected as a councillor, deputy mayor or deputy president is to be made before an authorised person.*

The Declaration of elected Shire President:

Iof
 having been elected to the office of **Shire President** of the Shire of Lake Grace declare that I take the office upon myself and will duly, faithfully, honestly, and with integrity, fulfil the duties of the office for the people in the district according to the best of my judgment and ability, and will observe the *Local Government (Rules of Conduct) Regulations 2007*.

The Declaration will be witnessed by the Chief Executive Officer.

The Chief Executive Officer will then hand the meeting over to the newly elected Shire President.

1.1.2 ELECTION OF DEPUTY SHIRE PRESIDENT

The Shire President to call for nominations for the office of Deputy Shire President.

The Deputy Shire President is to be elected by the Council (including the Shire President) from amongst the Councillors.

Nominations for the position of Deputy Shire President are to be made in writing before the meeting, or during the meeting prior to the close of nominations. If a Councillor is nominated by another Councillor, the person conducting the election is not to accept the nomination unless the nominee has advised the person conducting the election, verbally or in writing, that he or she is willing to be nominated.

The Council members (including the Shire President) are to vote on the matter by secret ballot as if they were voting at an election. The Shire President is to declare the result and the elected Deputy Shire President is to make a declaration pursuant to Regulation 13(3) of the *Local Government (Constitution) Regulations 1998*:

13. Oaths, affirmations and declarations (s. 2.29, 2.42)

- (3) *A declaration required by section 2.29 to be made by a person elected as a councillor, deputy mayor or deputy president is to be made before an authorised person.*

The Declaration of elected Deputy Shire President:

Iof
 having been elected to the office of **Deputy Shire President** of the Shire of Lake Grace declare that I take the office upon myself and will duly, faithfully, honestly, and with integrity, fulfil the duties of the office for the people in the district according to the best of my judgment and ability, and will observe the *Local Government (Rules of Conduct) Regulations 2007*.

The Declaration will be witnessed by the Chief Executive Officer.

1.1.3 SEATING OF COUNCILLORS

A ballot will be conducted by the Chief Executive Officer for seating of Councillors in the Chambers. As per the *Shire of Lake Grace Standing Orders Local Law 2015*.

8.2 Members to occupy own seats

- (1) *At the first meeting held after each election day, the CEO is to allot be random draw, a position at the Council table to each Member.*
- (2) *Each member is to occupy his or her allotted position at each Council meeting.*

The Shire President will invite Councillors to take their seats after the ballot.

2.0 ATTENDANCE RECORD

2.1 PRESENT

Cr DS Clarke
Cr SG Hunt
Cr RA Lloyd
Cr AD Marshall
Cr _____
Cr _____
Cr _____
Cr _____
Cr _____

In Attendance

Ms D Gobbart	Chief Executive Officer
Ms L Gray	Deputy Chief Executive Officer
Ms N Bowman	Governance Officer

Observers/Visitors

2.2 APOLOGIES

2.3 LEAVE OF ABSENCE PREVIOUSLY GRANTED

3.0 PUBLIC QUESTION TIME

4.0 APPLICATIONS FOR LEAVE OF ABSENCE

5.0 MINUTES OF PREVIOUS COUNCIL MEETINGS

5.1 ORDINARY MEETING – 27 SEPTEMBER 2017

Recommendation

That the minutes of the Ordinary Meeting of Council held on 27 September 2017 be confirmed as a true and accurate record.

5.2 SPECIAL BUDGET MEETING – 29 SEPTEMBER 2017

Recommendation

That the minutes of the Special Budget Meeting of Council held on 29 September 2017 be confirmed as a true and accurate record.

5.3 SPECIAL MEETING – 17 OCTOBER 2017

Recommendation

That the minutes of the Special Meeting of Council held on 17 October 2017 be confirmed as a true and accurate record.

6.0 DECLARATIONS OF INTEREST

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

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

6.3 **DECLARATIONS OF IMPARTIALITY INTEREST – ADMINISTRATION REGULATIONS 1996 SECTION 34C**

7.0 NOTICES OF URGENT BUSINESS

8.0 MOTIONS OF WHICH NOTICE HAS BEEN RECEIVED

9.0 PETITIONS/DEPUTATIONS/PRESENTATIONS/SUBMISSIONS

10.0 MEMBERS' REPORTS

10.1 **CR CLARKE**

10.2 **CR HUNT**

10.3 **CR LLOYD**

10.4 **CR MARSHALL**

10.5 **CR**

10.6 **CR**

10.7 **CR**

10.8 **CR**

10.9 **CR**

11.0 MATTERS FOR CONSIDERATION – INFRASTRUCTURE SERVICES

No matters for consideration.

12.0 MATTERS FOR CONSIDERATION – PLANNING
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12.1 DEVELOPMENT APPLICATION – PROPOSED TRANSPORTABLE ADDITION TO EXISTING SINGLE HOUSE ON LOT 301 (NO.6153) KULIN-LAKE GRACE ROAD, NORTH LAKE GRACE

Applicant: Quality Builders Pty Ltd on behalf of Bradley and Janine Watson (Landowners)

File No. 0453

Attachments:

1. Plan 1 – Location Plan
2. Plan 2 – Existing Lot Configuration
3. Plan 3 – Aerial Site Plan – Entire Lot
4. Plan 4 – Aerial Site Plan – Development Area
5. Attachment 1 – Development Application (various plans under separate cover)

Author: Mr Joe Douglas (Urban & Rural Perspectives)
Town Planning Consultant

Disclosure of Interest: Nil

Date of Report: 16 October 2017

Senior Officer: Ms Denise Gobbart



Chief Executive Officer

Summary

This report recommends that a development application submitted by Quality Builders Pty Ltd on behalf of Bradley and Janine Watson (Landowners) to construct a new transportable addition to an existing single detached dwelling on Lot 301 (No.6153) Kulin-Lake Grace Road, North Lake Grace be approved subject to conditions.

Background

The applicant is seeking Council's development approval to construct a new transportable addition to an existing single detached dwelling on Lot 301 (No.6153) Kulin-Lake Grace Road, North Lake Grace for use by the current landowners.

Lot 301 is located approximately 8.5 kilometres north of the Lake Grace townsite near the intersection of Kulin-Lake Grace Road and Burns Road (see Plan 1).

Lot 301 is rectangular in shape and comprises a total area of approximately 404.36 hectares. The land has direct frontage and access to Kulin-Lake Grace Road along its eastern boundary which has been constructed to a highway standard due to its classification as a State Road under the care; control and management of Main Roads Western Australia (see Plan 2).

Lot 301 has been extensively cleared and is currently used for broadacre agricultural purposes (i.e. cropping and grazing) by the current landowners. The land contains a number of large salt lakes in its western half as well as numerous small stands of native remnant vegetation in its central and eastern parts. The land also contains a number of physical improvements associated with its current rural use including two (2) centrally located dwellings for farm management purposes, one of which is no longer habitable and now being used for storage purposes, as well as numerous sheds, dams, grain storage silos, internal access tracks, firebreaks and boundary fencing (see Plan 3).

Under the terms of the information and plans submitted in support of the application (see Attachment 1) the following is proposed:

- Placement of a four (4) section transportable addition to the primary dwelling on the land to be positioned on concrete blocks approximately 500 millimetres above the natural ground level (NGL);
- The proposed addition will be sited immediately north-east of the existing dwelling and connected to the dwelling by a covered breezeway (i.e. verandah) comprising a total area of approximately 103 square metres;
- The proposed addition is a steel framed, concrete base, weatherboard structure with a colorbond roof comprising a total floor area of approximately 250 square metres;
- The proposed addition has a wall height of 2.55 metres and a ridge height of approximately 4.4 metres;
- The proposed addition will have a setback of approximately 1,720 metres from the land's frontage to Kulin-Lake Grace Road and a 570 metre setback from the land's northern side boundary;
- The clearing of a small amount of existing native vegetation around the perimeter of the existing dwelling and proposed addition to ensure compliance with the relevant bushfire safety requirements;
- Vehicle access to/from the existing dwelling and proposed addition will continue to be provided via an existing unsealed access road within the property which provides a direct connection to Kulin-Lake Grace Road immediately east;
- Water supply for the existing dwelling and proposed addition will be provided via an existing reticulated supply and/or two (2) new on-site rainwater storage tanks; and
- All effluent disposal associated with the existing dwelling and proposed addition will continue to be undertaken on-site using an upgraded septic tank and leach drain system constructed in accordance with the relevant health standards and regulations.

Comment

Current Zoning and Land Use Permissibility

Lot 301 is classified 'General Agriculture' zone under the Shire of Lake Grace Local Planning Scheme No.4 (LPS No.4).

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

Under the terms of LPS No.4 the development of a single house, including any associated additions or outbuildings, is listed in the Zoning Table as being permitted (i.e. a 'P' use) on land classified 'General Agriculture' zone. Notwithstanding the permissibility of the proposed addition to the existing dwelling on Lot 301, Council's formal development approval is still a specific requirement of the local planning framework.

LPS No.4 Development Standards and Requirements

LPS No.4 does not contain any specific standards governing the development and use of land classified 'General Agricultural' zone for the purpose of a single house or any associated building additions. As such the application has been assessed with due regard for the general development standards contained in LPS No.4 including those that apply specifically to all land classified 'General Agricultural' zone.

Having regard for the information submitted in support of the application the reporting officer has concluded the proposal satisfies the various general development standards prescribed in LPS No.4 (i.e. minimum dwelling standards, boundary setbacks, compatibility of land usage, site characteristics, water supply, effluent disposal and remnant vegetation clearing) and may therefore be supported by Council.

Notwithstanding the above conclusion it is significant to note Clause 5.21 of LPS No.4 contains a number of provisions applicable to the development and use of transportable dwellings or structures on any land within the Shire. The clause specifically states such buildings or structures are not permitted unless:

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

Following an assessment of the plans prepared in support of the application the reporting officer has formed the view the proposed addition to the existing dwelling on Lot 301 is in a satisfactory condition by virtue of it being a brand new transportable structure and is unlikely to have a detrimental impact upon the amenity and/or character of the immediate locality due to its location immediately adjacent to the existing dwelling and the significant visual screening afforded by the large stands of native vegetation surrounding it. Notwithstanding this conclusion it is recommended Council impose a suitable condition on any development approval issued requiring the sub-floor area around the periphery of the proposed addition to be enclosed in accordance with the specific requirements of LPS No.4.

Bushfire Risk

Lot 301 has been designated by the Fire and Emergency Services (FES) Commissioner as being located within a designated 'Bushfire Prone Area'. As such the applicant has submitted a Bushfire Attack Level (BAL) Assessment in support of the application to satisfy the specific requirements of clause 78D(1) of Part 10A of the *Planning and Development (Local Planning Scheme) Regulations 2015*.

A review of the BAL Assessment prepared by accredited bushfire planning practitioners Bushfire Smart has confirmed the following:

- i) The existing vegetation located within 100 metres of the proposed development comprises a mix of grassland, woodland and shrubland;
- ii) The principal bushfire hazard vegetation is the woodland located on the western side of the existing dwelling and proposed addition and shrubland on the eastern side of the proposed addition;
- iii) The subject land has been assessed as having a rating of **BAL-19**. The bushfire risk is therefore considered to be **moderate** due to the risk of ember attack and burning debris ignited by wind-borne embers and a likelihood of exposure to radiant heat; and
- iv) In order to help mitigate the potential bushfire risk it is recommended that an Asset Protection Zone (APZ) comprising a minimum width of 14 metres be created around the existing dwelling and proposed addition measured from their external walls and maintained in perpetuity for the life of the structures in accordance with the Western Australian Planning Commission's Guidelines for Planning in Bushfire Prone Areas.

Having regard for the findings of the BAL Assessment, the reporting officer has concluded the bushfire risk, whilst currently moderate, can be suitably reduced and managed without any significant impact upon the existing native vegetation on the land subject to compliance with a number of conditions on any development approval that may ultimately be issued by Council.

Conclusion

It is concluded from a detailed assessment of the application that the proposal to construct a new transportable addition to an existing single detached dwelling on Lot 301 (No.6153) Kulin-Lake Grace Road, North Lake Grace is unlikely to have a negative impact on the general amenity, character, functionality and safety of the immediate locality or the natural environment 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.

Legal Implications

Planning and Development Act 2005

Shire of Lake Grace Local Planning Scheme No.4

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

Policy Implications

State Planning Policy 3.7 – Planning in Bushfire Prone Areas

Guidelines for Planning in Bushfire Prone Areas

Community Consultation

Community consultation not required.

Financial Implications

Nil

Strategic Implications

Shire of Lake Grace Local Planning Strategy - The proposal for Lot 301 is considered to be generally consistent with the aims and objectives of the Shire's Local Planning Strategy as it applies to the following:

- Housing development and choice including rural living opportunities;
- Ecologically sustainable use of agricultural land and minimisation of potential land use conflicts;
- Vehicle access, water supply and effluent disposal;
- Protection and conservation of environmental values and natural resources; and
- Bushfire management and safety.

Shire of Lake Grace Strategic Community Plan 2017 - 2027 – The proposal for Lot 301 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 – A prosperous agricultural based economy, supporting diversification of industry.

Outcome 1.1 An innovative, productive agriculture industry

- 1.1.3 Support and promote the agricultural productivity of the district

Environment – Protect and enhance our natural and built environment.

Outcome 3.2 A natural environment for the benefit and enjoyment of current and future generations

- 3.2.1 Manage and preserve the natural environment

Cultural Implications

Nil

Recommendation

That the application for development approval submitted by Quality Builders Pty Ltd on behalf of Bradley and Janine Watson (Landowners) to construct a new transportable addition to an existing single detached dwelling on Lot 301 (No.6153) Kulin-Lake Grace Road, North Lake Grace be approved subject to compliance with the following conditions and advice notes:

Conditions

1. The 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 existing dwelling and proposed addition shall be provided with an adequate on-site effluent disposal system constructed and maintained to the specifications and satisfaction of the Shire of Lake Grace and Department of Health.
3. The existing dwelling and proposed addition shall be provided with an adequate water supply for domestic consumption and fire fighting purposes to the specifications and satisfaction of the Shire, Department of Health and Department of Fire and Emergency Services.
4. The sub-floor area around the periphery of the proposed addition to the existing dwelling shall be enclosed with brick, stone, vermin battens or other means acceptable to the Shire of Lake Grace.
5. In order to help mitigate the potential bushfire risk an Asset Protection Zone (APZ) comprising a minimum width of 14 metres shall be created around the existing dwelling and proposed addition measured from their external walls and maintained in perpetuity for the life of the structures in accordance with the Western Australian Planning Commission's *Guidelines for Planning in Bushfire Prone Areas*.

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 of Lake Grace 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 additions to the existing dwelling are 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.
6. With regard to Condition 3, if water is to be supplied using rainwater tanks, a tank with a minimum capacity of 90,000 litres is required for domestic use and a separate tank with a minimum capacity of 10,000 litres with suitable couplings is required for fire fighting purposes.
7. 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.
8. 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.

Voting Requirements

Simple majority required.

12.2 PROPOSED SHIRE OF LAKE GRACE HERITAGE LIST

Applicant: Internal
File No. 0633
Attachments: 1. Attachment 2 – Local Government Heritage Inventory Review 2014
Author: Mr Joe Douglas (Urban & Rural Perspectives)
 Town Planning Consultant
Disclosure of Interest: Nil
Date of Report: 16 October 2017
Senior Officer: Ms Denise Gobbart



Chief Executive Officer

Summary

This report recommends that Council authorise the Shire Administration to proceed with preparation of a new Heritage List comprising buildings, places and objects previously identified by the local community as being of cultural heritage significance to provide for their long term protection under the Shire's recently updated town planning framework.

Background and Comment

Under the terms of the *Heritage of Western Australia Act 1990* and *Planning and Development Act 2005* all local government authorities throughout the State are required to identify and provide for the protection of buildings, places and objects of cultural heritage significance for the benefit of future generations.

The *Heritage of Western Australia Act 1990* requires all local government authorities to prepare an inventory of buildings, places and objects within its district, which in its opinion are, or may become, of cultural heritage significance. In June 1998 the Lake Grace Shire Council adopted a Municipal Heritage Inventory containing 192 buildings, places and objects identified by Council as being of cultural heritage significance to the local community.

In 2014 the Shire reviewed the Municipal Heritage Inventory with reference to the Heritage Council's '*Guidelines for the Assessment of Local Heritage Places*'. As a consequence of that review, 25 places were deleted from the Municipal Heritage Inventory due to a lack of information regarding their location or inability to properly substantiate their cultural significance. As such the Shire's Municipal Heritage Inventory now contains a total of **167 places** identified as being of cultural heritage significance.

It should be noted there are no legal implications or consequences associated with any listing contained in the Shire's Municipal Heritage Inventory, particularly with regard to the future development and/or use of land containing buildings, places and objects of cultural heritage significance. As such it has little effect beyond requiring Council to acknowledge the heritage value of those places listed.

In order to give legal effect to the Shire's Municipal Heritage Inventory and facilitate the long term protection of heritage values, Part 5 of the original version of the Shire of Lake Grace Local Planning Scheme No.4 contained provisions which provided for the automatic adoption of the Shire's Municipal Heritage Inventory as the Shire's Heritage List. Consequently any person or organisation seeking to develop and/or use any one of the 167 places included in the Shire's revised Heritage Inventory and List was required to prepare and submit a development application seeking Council's formal approval prior to proceeding.

Following the recent introduction by the State Government of the *Planning and Development (Local Planning Schemes) Regulations 2015* and the Minister for Planning's final approval to the new amended version of the Shire of Lake Grace Local Planning Scheme No.4, the Shire's Municipal Heritage Inventory is no longer able to be automatically adopted and used as the Shire's Heritage List. As such the Shire must now prepare a new independent, standalone Heritage List identifying buildings, places and objects within its municipal district that are of cultural heritage significance and worthy of protection. Such protection is afforded through specific heritage provisions contained in the new Deemed Provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015* which all local government authorities throughout the State are now required to consider and apply when dealing with development applications involving any property included in their respective Heritage Lists.

The proposed Shire of Lake Grace Heritage List will only include those places identified in the Shire's Municipal Heritage Inventory as requiring the highest levels of protection under the new planning framework (i.e. Category A and B). A review of the Shire's Heritage Inventory has confirmed a total of **28 places** have been assigned a Category A or B classification (see Attachment 2). As such the heritage controls afforded to Council under the planning framework will only apply to these places in the event of any future development and/or change of use and not all of the 167 places currently listed in the Shire's Heritage Inventory.

When preparing a new Heritage List the Shire will need to have due regard for the following statutory requirements:

1. The Heritage List:
 - (a) must set out a description of each place and the reason for its entry in the Heritage List; and
 - (b) must be available, with the Scheme documents, for public inspection during business hours at the offices of the local government; and
 - (c) may be published on the website of the local government.
2. The local government must not enter a place in, or remove a place from, the Heritage List or modify the entry of a place in the Heritage List unless the local government:
 - (a) notifies in writing each owner and occupier of the place and provides each of them with a description of the place and the reasons for the proposed entry; and
 - (b) invites each owner and occupier to make submissions on the proposal within 21 days of the day on which the notice is served or within a longer period specified in the notice; and
 - (c) carries out any other consultation the local government considers appropriate; and
 - (d) following any consultation and consideration of the submissions made on the proposal, resolves that the place be entered in the Heritage List with or without modification, or that the place be removed from the Heritage List.
3. If the local government enters a place in the Heritage List or modifies an entry of a place in the Heritage List the local government must give notice of the entry or modification to:
 - (a) the Heritage Council of Western Australia; and
 - (b) each owner and occupier of the place.

Having regard for Council's statutory obligation to identify and provide for the protection of buildings, places and objects of cultural heritage significance in the Shire's municipal district for the benefit of future generations, it is recommended the Shire Administration be authorised to proceed with preparation of a new Heritage List comprising all Category A and B places listed in the Shire's Municipal Heritage Inventory for formal consideration and final adoption by Council.

Legal Implications

Planning and Development Act 2005 (as amended)

Planning and Development (Local Planning Schemes) Regulations 2015

Heritage of Western Australia Act 1990 (as amended)

Shire of Lake Grace Local Planning Scheme No.4

Policy Implications

Nil

Community Consultation

Each owner and occupier of any place proposed to be entered in the Shire's new Heritage List will be notified of the proposed listing and invited to provide comment to the Shire within a twenty one (21) days of the day on which the notice is served on them. It is likely the period for submissions will be extended to forty two (42) days to provide all affected owners, occupiers and other government agencies with sufficient time to evaluate individual listings and the draft Heritage List as a whole and provide a written response.

Financial Implications

The total cost to prepare the Shire's proposed new Heritage List, undertake the required public advertising, assess all submissions received and prepare a report to Council regarding final adoption is estimated to be in the order of \$7,500.00 excluding GST.

Strategic Implications

Shire of Lake Grace Local Planning Strategy – The preparation and adoption of a Heritage List is consistent with the aims and objectives of the Shire's Local Planning Strategy as it applies to the long term protection and preservation of all buildings and places within the Shire identified by the local community as being of cultural heritage significance. The Strategy expressly states the Shire will establish and maintain a Heritage List in support of Local Planning Scheme No.4 having regard to places listed in the Shire of Lake Grace Municipal Inventory of Heritage Places.

Shire of Lake Grace Strategic Community Plan 2017 - 2027 – The preparation and adoption of a Heritage List is considered to be consistent with the aims and objectives of the Shire's Strategic Community Plan as it applies to the following;

Economic – A prosperous agricultural based economy, supporting diversification of industry.

Outcome 1.3 An attractive destination for visitors

- 1.3.1 Promote and develop tourism as part of a regional approach
- 1.3.2 Maintain and enhance local iconic attractions and infrastructure

Environment – Protect and enhance our natural and built environment.

Outcome 3.1 A well maintained attractive built environment servicing the needs of the community

- 3.1.2 Maintain the integrity of heritage buildings and places

Leadership – Strong governance and leadership, demonstrating fair and equitable community values.

Outcome 4.2 An efficient and effective organisation

- 4.2.2 Comply with statutory and legislative requirements.

Cultural Implications

The retention, protection and management of buildings, places and objects previously identified by Council as being of cultural heritage significance will make an important contribution to the quality of life and cultural identity of the local community.

Recommendation

That Council authorise the Shire Administration to proceed with preparation of a new Heritage List comprising all Category A and B places listed in the Shire of Lake Grace Municipal Heritage Inventory in accordance with the procedural requirements of Part 3 of the Deemed Provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015* for formal consideration and final adoption by Council.

Voting Requirements

Simple majority required.

13.0 MATTERS FOR CONSIDERATION – HEALTH & BUILDING

No matters for consideration.

14.0 MATTERS FOR CONSIDERATION – FINANCE

14.1 ACCOUNTS FOR PAYMENT – SEPTEMBER 2017

Applicant:	Internal Report
File No.	0277
Attachments:	List of Creditors
Author:	Mrs Victoria Gracheva
Disclosure of Interest:	Nil
Date of Report:	16 October 2017
Senior Officer:	Ms Linda Gray



Finance Officer



Deputy Chief Executive Officer

Summary

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

Background

List of payments for the month of September 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*

Regulation 12 Payments from municipal fund or trust fund, restrictions on making

- (1) A payment may only be made from the municipal fund or the trust fund —
 - (a) if the local government has delegated to the CEO the exercise of its power to make payments from those funds — by the CEO; or
 - (b) otherwise, if the payment is authorised in advance by a resolution of the council.
- (2) The council must not authorise a payment from those funds until a list prepared under regulation 13(2) containing details of the accounts to be paid has been presented to the council.

Local Government (Financial Management) Regulations 1996

Regulation 13 Payments from municipal fund or trust fund by CEO, CEO's duties as to etc.

- (1) If the local government has delegated to the CEO the exercise of its power to make payments from the municipal fund or the trust fund, a list of accounts paid by the CEO is to be prepared each month showing for each account paid since the last such list was prepared —
 - (a) the payee's name; and
 - (b) the amount of the payment; and

- (c) the date of the payment; and
 - (d) sufficient information to identify the transaction.
- (2) A list of accounts for approval to be paid is to be prepared each month showing —
- (a) for each account which requires council authorisation in that month —
 - (i) the payee's name; and
 - (ii) the amount of the payment; and
 - (iii) sufficient information to identify the transaction; and
 - (b) the date of the meeting of the council to which the list is to be presented.
- (3) A list prepared under subregulation (1) or (2) is to be —
- (a) presented to the council at the next ordinary meeting of the council after the list is prepared; and
 - (b) recorded in the minutes of that meeting.

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 September 2017 from the Municipal and Trust Account
Total \$580,548.86.

Strategic Implications

Shire of Lake Grace Strategic Community Plan 2017 – 2027

Leadership – Strong governance and leadership, demonstrating fair and equitable community values.

Outcome 4.2 An efficient and effective organisation

- 4.2.1 Maintain accountability and financial responsibility through effective planning
- 4.2.2 Comply with statutory and legislative requirements

Recommendation



That Council ratify the list of payments totalling \$580,548.86 as presented for the month of September 2017 incorporating:

- Trust Account Cheques:	1363 - 1371	\$	7,027.40
- Electronic Funds Transfer:	EFT17322 – EFT17414	\$	365,849.74
- Municipal Account Cheques:	36621 - 36628	\$	11,980.66
- Direct Debits:	DD7192.1 – DD7192.6 DD7223.1 – DD7223.6 DD7224.1 – DD7224.2 DD7227.1 DD7239.1 DD7240.1 – DD7240.6 DD7241.1 DD7242.1 – DD7242.20	\$	88,719.57
- Electronic Funds Transfer:	Payroll Net Pay	\$	106,971.49

Voting Requirements

Simple majority required.

14.2 FINANCIAL STATEMENTS – SEPTEMBER 2017

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

Summary

Consideration of the financial statements for the month ending 30 September 2017.

Background

The following financial reports to 30 September 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 Financial report

- (1) A local government is to prepare an annual financial report for the preceding financial year and such other financial reports as are prescribed.
- (2) The financial report is to —
 - (a) be prepared and presented in the manner and form prescribed; and
 - (b) contain the prescribed information.

- (3) By 30 September following each financial year or such extended time as the Minister allows, a local government is to submit to its auditor —
- (a) the accounts of the local government, balanced up to the last day of the preceding financial year; and
 - (b) the annual financial report of the local government for the preceding financial year.

Local Government (Financial Management) Regulations 1996

Regulation 34 Financial activity statement required each month (Act s. 6.4)

(1A) In this regulation —

committed assets means revenue unspent but set aside under the annual budget for a specific purpose.

- (1) A local government is to prepare each month a statement of financial activity reporting on the revenue and expenditure, as set out in the annual budget under regulation 22(1)(d), for that month in the following detail —
 - (a) annual budget estimates, taking into account any expenditure incurred for an additional purpose under section 6.8(1)(b) or (c); and
 - (b) budget estimates to the end of the month to which the statement relates; and
 - (c) actual amounts of expenditure, revenue and income to the end of the month to which the statement relates; and
 - (d) material variances between the comparable amounts referred to in paragraphs (b) and (c); and
 - (e) the net current assets at the end of the month to which the statement relates.
- (2) Each statement of financial activity is to be accompanied by documents containing —
 - (a) an explanation of the composition of the net current assets of the month to which the statement relates, less committed assets and restricted assets; and
 - (b) an explanation of each of the material variances referred to in subregulation (1)(d); and
 - (c) such other supporting information as is considered relevant by the local government.
- (3) The information in a statement of financial activity may be shown —
 - (a) according to nature and type classification; or
 - (b) by program; or
 - (c) by business unit.
- (4) A statement of financial activity, and the accompanying documents referred to in subregulation (2), are to be —
 - (a) presented at an ordinary meeting of the council within 2 months after the end of the month to which the statement relates; and
 - (b) recorded in the minutes of the meeting at which it is presented.
- (5) Each financial year, a local government is to adopt a percentage or value, calculated in accordance with the AAS, to be used in statements of financial activity for reporting material variances.

Policy Implications

Nil

Consultation

N/A

Financial Implications

Nil

Strategic Implications

Shire of Lake Grace Strategic Community Plan 2017 – 2027

Leadership – Strong governance and leadership, demonstrating fair and equitable community values.

Outcome 4.2 An efficient and effective organisation

- 4.2.1 Maintain accountability and financial responsibility through effective planning
- 4.2.2 Comply with statutory and legislative requirements

Recommendation



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 30 September 2017.

Voting Requirements

Simple majority required.

15.0 MATTERS FOR CONSIDERATION – COMMUNITY SERVICES
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15.1 ADVANCE HOUSING – LAKE GRACE INDEPENDENT LIVING UNITS

Applicant:	Advance Housing	
File No.	0207/0731	
Attachments:	1. Letter to Advance Housing requesting confirmation of management of the new Lake Grace Independent Living Units at 59 Bennett Street and change in rental criteria.	
	2. Response from Advance Housing.	
	3. Table listing Market rent per fortnight	
Author:	Ms Linda Gray	
		Deputy Chief Executive Officer
Disclosure of Interest:	Nil	
Date of Report:	13 October 2017	
Senior Officer:	Ms Denise Gobbart	
		Chief Executive Officer

Summary

This report recommends that Council update the Schedule to the Management Agreement with Advance Housing (previously Great Southern Community Housing Association) that will include the addition of the Lake Grace Independent Living Units (ILUs) located at 59 Bennett Street, Lake Grace.

Background

In 2012 Council endorsed the transfer of the management of all Shire of Lake Grace community housing properties to Advance Housing. In 2013 two properties were added, in 2014 three more ILUs, and in 2015, the Newdegate ILUs were built and added to the Schedule attached to the original Management Agreement, making a total of 33 properties to date. It is expected that the Lake Grace ILUs will be completed shortly. A letter was forwarded to Advance Housing asking for them to consider taking on the management of these new ILUs with the provision that in future, all leasing of the Shire of Lake Grace community housing properties would not be subject to eligibility criteria based on low to moderate income.

Advance Housing's response was that they would implement income flexibility if the buildings were owned by the Shire, although low to moderate income applicants for vacant properties, would be prioritised over those of higher income. Furthermore, Advance Housing advised that there would not be a variation in regard to rent charged based on income.

Comment

Under the Lakes and 4WD Well-Aged Persons Housing Strategy, the units were built to provide accommodation that would allow seniors to stay in their local communities close to family and friends, and to lessen the migration away from their 'home' communities. Eligibility and security of tenure based on income has been raised by Council as being in contravention of this objective.

The response received from Advance Housing guarantees that there will no longer be any limitation due to income for new or current tenants. In addition, it has been guaranteed that no existing tenant will be asked to vacate should a more "eligible" application be received, thus providing long-term security.

Legal Implications

The *Housing Act 1980*. The Regulatory Framework includes:

- National Community Housing Standards
- National Regulatory Code (Growth Providers)
- Compliance with legal agreements and Community Housing Guidelines

Policy Implications

Nil

Consultation

Internal: Denise Gobbart, Chief Executive Officer

External: Kaz Sternberg, Chief Executive Officer Advance Housing

Financial Implications

At present Advance Housing charged a total Management Fee for 33 properties of \$75,596, so the three new units will incur a Management Fee of \$2290.78 each. This is deducted from rent revenue, and the surplus used to rectify any bad debt, damage to property not covered by insurance and/or loss of rental income for long term vacancies.

Strategic Implications

Shire of Lake Grace Strategic Community Plan 2017 - 2027

Social – A valued, healthy and inclusive community and life-style.

Outcome 2.1 An engaged, supportive and inclusive community

- 2.1.1 Community services and infrastructure meeting the needs of the district

Recommendation

That Council:

1. Authorise the Chief Executive Officer to sign the updated Schedule to the Management Agreement between Advance Housing and the Shire of Lake Grace for the future management of the Lake Grace Independent Living Units located at 59 Bennett Street Lake Grace; and,
2. Endorse the income flexibility for all the Shire of Lake Grace properties managed by Advance Housing.

Voting Requirements

Simple majority required.

15.2 CHRISTMAS TRADING HOURS

Applicant: Department of Commerce
File No. 0498
Attachments: 1. Letter from the Department of Commerce
Author: Ms Linda Gray


 Deputy Chief Executive Officer

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


 Chief Executive Officer

Summary

For Council to consider applying for an extension of trading hours over the 2017/18 Christmas/New Year period.

Background

In previous years, a trading hour package based on the current Perth hours has been offered to regional Local Governments. However, the majority of Local Governments have declined the offer in the past and applied for their own locally preferred Christmas trading arrangements. In 2014, 2015 and 2016 the Shire adopted trading hours based on those in the metropolitan area, these are as listed below:

8.00 am to 9.00 pm	Monday to Friday
8.00 am to 5.00 pm	Saturday
11.00 am to 5.00 pm	Sundays and public holidays
Christmas Day	Closed

In the notification to the Shire of Lake's retailers, it is always stressed that with all extended trading variations, the decision to open or not during the additional hours provided is at the retailers' discretion.

Comment

The Department of Commerce recognises that metropolitan hours may not meet the needs of the local community. Therefore, Local Governments that require amended trading hours need to consider their specific requirements, and a proposal needs to be submitted with their application.

If Council do not support the extension of trading hours based on those in the metropolitan area, then an alternative recommendation would be 'That Council, not support extended trading arrangements over the 2017/18 Christmas/New Year period'.

Legal Implications

Retail Trading Hours Act 1987

Policy Implications

Nil

Consultation

Nil

Financial Implications

Nil

Strategic Implications

Nil

Recommendation

1. That Council seek approval from the Department of Commerce for extended trading hours for the Shire of Lake Grace over the 2017 Christmas/New Year period, commencing from Monday 4 December 2017 and concluding on Monday 1 January 2018, both dates are inclusive. The hours will be as follows:

8.00 am to 9.00 pm	Monday to Friday
8.00 am to 5.00 pm	Saturday
11.00 am to 5.00 pm	Sundays and public holidays
Christmas Day	Closed

Voting Requirements


Simple majority required.

15.3 APPOINTMENT OF PROJECT MANAGER – NEWDEGATE SKATE PARK AND ALL AGES PLAYGROUND


Applicant: Internal
File No. 0783
Attachments:

1. Newdegate Skate Park and All Ages Playground Budget
2. Letter to Newdegate Machinery Field Days Inc - Project Management
3. Response from Newdegate Machinery Field Days Inc – Project Management
4. Jeff Riley, JILA Riley Quotation

Author: Ms Linda Gray


 Deputy Chief Executive Officer

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


 Chief Executive Officer

Summary

For Council to authorise the Chief Executive Officer to appoint a project manager, for the Newdegate Skate Park and All Ages Playground, the cost of which must be within the limitations of funding provided in the budget

Background

The Newdegate Active Precinct Committee (NAPC) is a community based group set up to drive the community initiative for a contemporary skate park and nature-based playground facility in the centre of Newdegate. The community of Newdegate wish for a facility that will engage children of all ages, and also would be an attraction to passing vehicles. Through support from community groups as well as Lotterywest and Royalties for Regions, the project has a budget of \$445,501.73, with \$429,000 approved in the 2017/18 Shire of Lake Grace Budget.

There was a request from the Shire of Lake Grace to the Newdegate Machinery Field Days Incorporated (NMFD) that some funds of \$10,000 be put aside in order to assist in project managing the Skate Park. The Shire's letter and the reply from the committee are attached (refer attachment 2 and 3).

Comment

It is recognised that the \$10,000 allocated from the budget will not be sufficient for a full time Project Manager, and that the role will be one of a liaison between the various community groups, the Shire and the successful construction company as well as providing some technical support. Quotations for the role were sought from three individuals and one business entity, their selection was based on their knowledge of project management and their knowledge of the community. Their response was as follows:

- Stephanie Clarke Lloyd Declined
- Amanda Milton Declined
- Damien Trevenen No response
- Jeff Riley of JILA Riley Quotation supplied (refer to attachment 4)

Legal Implications

Nil

Policy Implications

Shire of Lake Grace – *Policy 3.7 – Purchasing Policy*

Based on the purchase value of \$10,000 ex GST the following applies:

- \$5,000 to \$20,000 Two written quotations to be obtained and documented by responsible officer

Consultation

Internal: Denise Gobbart, Chief Executive Officer

External: Sarah Lloyd, Newdegate Active Precinct Committee

Financial Implications

Strict adherence to the approved budget amount must be maintained, and the costs of project management by the successful project manager must not be more than the \$10,000 agreed by the community groups providing funding.

Strategic Implications

Shire of Lake Grace Strategic Community Plan 2017 - 2027

Social – A valued, healthy and inclusive community and life-style.

Outcome 2.1 An engaged, supportive and inclusive community

- 2.1.1 Community services and infrastructure meeting the needs of the district

Recommendation

That Council approve the appointment of Jeff Riley of JILA Riley to project manage the Newdegate Skate Park and All Ages Playground as per the quotation supplied, for the sum of \$10,000 (Ex GST).

Voting Requirements

Simple majority required.

16.0 MATTERS FOR CONSIDERATION - ADMINISTRATION

16.1 NOMINATIONS TO COMMITTEES

This item will be a late item and will be emailed out separately.

17.0 INFORMATION BULLETIN

17.1 INFORMATION BULLETIN REPORT – OCTOBER 2017

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



Governance Officer

Disclosure of Interest:	Nil
Date of Report:	18 October 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 (October 2017) Information Bulletin Report has been emailed to Councillors.

The October 2017 Information Bulletin attachment includes:

Reports

1. Council Status Report – September 2017
2. Infrastructure Services Report – September 2017
3. Monthly Schedules – September 2017
4. Outstanding Rates Report – September 2017
5. Lake Grace Visitor Centre Statistics – July to September 2017

Circulars & Newsletters

6. Department of Local Government, Sport and Cultural Industries – Circular 15/2017
7. Department of Local Government, Sport and Cultural Industries – Circular 16/2017
8. Department of Local Government, Sport and Cultural Industries – Circular 17/2017
9. Department of Local Government, Sport and Cultural Industries – Circular 18/2017
10. Department of Local Government, Sport and Cultural Industries – A Guide to Local Government Auditing Reforms
11. WALGA Info Page – Local Government involvement in the Building Commission's State-wide cladding audit
12. Local Government Professionals Australia WA Information Circular – Pay freeze now to exempt local government

13. Hon David Templeman MLA – Minister for Local Government, Heritage, Culture and Arts – Circular 07/2017
14. Department of Planning, Lands and Heritage – Planning in Bushfire Prone Areas Bushfire Policy Framework
15. Peter Rundle MLA Media Release – Federal Road Funding Boost for Roe
16. Peter Rundle MLA Media Release – Local Organisations Encouraged to Apply for Event Funding
17. WA Country Health Service – Quality Way Newsletter – September 2017
18. Sustainable Health Review – Stakeholder Kit

Minutes

19. Bushfire Advisory Committee Minutes – 5 October 2017

Legal Implications

Nil

Policy Implications

Nil

Consultation

N/A

Financial Implications

Nil

Strategic Implications

Shire of Lake Grace Strategic Community Plan 2017 – 2027

Leadership – Strong governance and leadership, demonstrating fair and equitable community values.

Outcome 4.1 A strategically focused, unified Council functioning efficiently

- 4.1.1 Provide informed leadership on behalf of the community
- 4.1.2 Promote and advocate for the community and district
- 4.1.3 Provide strategic leadership and governance

Outcome 4.2 An efficient and effective organisation

- 4.2.1 Maintain accountability and financial responsibility through effective planning
- 4.2.2 Comply with statutory and legislative requirements

Recommendation

That Council accepts the Information Bulletin report.

Voting Requirements

Simple majority required.

18.0 URGENT BUSINESS BY DECISION OF THE MEETING

19.0 SCHEDULING OF MEETING

19.1 NOVEMBER 2017 ORDINARY MEETING

The next Ordinary Meeting of Council is scheduled to take place on Wednesday 22 November 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)

21.0 CLOSURE

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