

# Shire of Lake Grace



# *Minutes*

## Ordinary Council Meeting

26 August 2009

Ordinary Meeting commencing at 1.00 pm

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## SHIRE OF LAKE GRACE

Minutes of the Ordinary Meeting of Council held at Council Chambers, 1 Bishop St Lake Grace on Wednesday 26 August 2009.

### **1.0 OPENING & ANNOUNCEMENT OF VISITORS**

The Chairperson (Deputy President) opened the meeting at 1.06pm and welcomed Mrs Wendy O'Neill & Mrs Genni Curtin from the Lake Grace Gymnastics Club to the meeting.

Cr Chamberlain also welcomed incoming Chief Executive Officer, Mr Sean Fletcher to the meeting.

### **2.0 ATTENDANCE RECORD**

#### **2.1 PRESENT**

Cr IG Chamberlain	Deputy Shire President (Chair)
Cr JF De Landgraftt	
Cr AJ Dunkeld	
Cr AI Milton	
Cr WA Newman	
Cr OP Farrelly	
Cr DP Sinclair	
Cr RP Taylor	
Mr HJ Fraser	Chief Executive Officer
Mr MW Burbridge	Manager Corporate Services
Mrs NY Owen	Manager Community Services
Mrs J Bennett	Executive Assistant
Mr SK Fletcher	Incoming Chief Executive Officer
Mrs Wendy O'Neill	Lake Grace Gymnastics Club
Mrs Genni Curtin	Lake Grace Gymnastics Club

#### **2.2 APOLOGIES**

#### **2.3 LEAVE OF ABSENCE PREVIOUSLY GRANTED**

**Motion 10728 25 February 2009 & 10800 24 June 2009**

Cr Andrew Walker – Leave of Absence from 3 August to 18 September 2009.

### **3.0 PUBLIC QUESTION TIME**

#### **3.1 MRS WENDY O'NEILL & MRS GENNI CURTIN**

Mrs Wendy O'Neill & Mrs Genni Curtin were present on behalf of the Lake Grace Gym Club in relation to Item 15.3 (p 607) of the Agenda.

***Query - Mrs Wendy O'Neill representing the Gym Club requested that Council review the Memorandum of Understanding (MOU) to clarify the 'standing' of the Town Hall bookings?***

Mrs O'Neill provided an outline on the Gym Club's use of the Town Hall with main points as follows:

- Gym Club's understanding that the Hall bookings stand
- Understand the need to sometimes cancel gym and readily work in with meetings and re-arrange gym schedule
- In this case the clash of events was totally avoidable
- It was final meeting for the season and the day had been planned for some time
- Importance of gymnastic programs to the community

Mrs Curtin followed up with an explanation of the time taken in the setting and packing up of the Hall, menfolk are required to help with the process taking one and a half to two hours.

Chief Executive Officer, Mr Jim Fraser responded that the MOU had been assessed and it is his opinion that a review is not needed. He also hoped the information had been passed on that in this case, it had been offered for Shire staff to assist in the removal and replacement of the Gym equipment.

1.12pm            *Mrs Curtin left the meeting.*

#### **4.0 APPLICATIONS FOR LEAVE OF ABSENCE**

None.

#### **5.0 MINUTES OF PREVIOUS COUNCIL MEETINGS**

##### **5.1 ORDINARY MEETING – 22 JULY 2009**

Resolution

##### **MOTION 10845**

Moved Cr Newman  
Seconded Cr Milton

That the minutes of the Ordinary Meeting of Council held on the 22 July 2009 be confirmed as a true and accurate record.

**MOTION CARRIED 8/0**

#### **6.0 DECLARATIONS OF INTEREST**

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

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

##### **6.3 DECLARATIONS OF IMPARTIALITY INTEREST – ADMINISTRATION REGULATION SECTION 34C**

Cr Taylor declared an interest in Item 15.4 & Cr Newman in Item 12.3

**7.0 NOTICES OF URGENT BUSINESS**

None

**8.0 MOTIONS OF WHICH NOTICE HAS BEEN RECEIVED**

None

**9.0 PETITIONS/DEPUTATIONS/PRESENTATIONS/SUBMISSIONS**

None

**10.0 MEMBERS' REPORTS****10.1 CR MILTON**

Reported attendance at the following during July:

- Local Government Reform Meeting with the Minister for Local Government in Wagin
- Lake Grace Development Association Meeting
- Roads and Grain Freight Network Meeting in Katanning
- Joint Shire Reform Meeting in Dumbleyung for Shires of Lake Grace, Kent & Dumbleyung

**10.2 CR DE LANDGRAFFT**

Reported attendance at the ICPA Conference in Longreach, Queensland – the main topic of concern was over the Federal Government changes to the Independent Youth Allowance.

**10.3 CR CHAMBERLAIN**

Reported on the joint Shire Local Government Reform Meeting held in Dumbleyung:

- Main idea of the meeting was for each of the Councils to brief one another on each Council's direction towards structural reform.
- Dumbleyung floated the idea of formation of a formal ROC (Regional Organisation of Councils) as an overarching body and for the three shires to remain as they are.
- Lake Grace put to the meeting that we do not want another layer of bureaucracy over and above what we already have.
- Lake Grace also put to the meeting our position, i.e. first option is to stay as we are, second option is for some boundary changes to take in social fall, third option is for the three Shires (Lake Grace, Kent & Dumbleyung) to amalgamate as a whole.
- Lake Grace stated we will share our consultant's report as we are keen to be totally open about the whole thing.
- Dumbleyung and Kent will now consider their positions and no doubt there will be further meetings.
- Dumbleyung have not given up on the status quo remaining.

Cr Chamberlain further advised that Tony Cooke is preparing our report. Because of the one month extension to the deadline it will not be ready as soon as was previously expected. Tony has concerns that if the three shires were to amalgamate where the regional monies would go to and is taking more time to investigate that issue.

Cr Chamberlain also reported on Local Government Convention Week – the whole week was taken up with local government reform with lots of meetings between Councils.

**11.0 MATTERS FOR CONSIDERATION – WORKS & SERVICES****11.1 NEWDEGATE MAINTENANCE GRADING CONTRACT - ALTERATION**

**Applicant:** Pincon Pty Ltd  
**File No.** 0468  
**Attachments:** Tender documents  
**Author:** Mr Jim Fraser  
Chief Executive Officer  
**Disclosure of Interest:** Nil  
**Date of Report:** 14 August 2009  
**Senior Officer:** Mr Jim Fraser  
Chief Executive Officer

Summary

This report recommends an amendment to the agreement between Council and Pincon Pty Ltd to reflect the type of machine and hire rate available.

Background

Council, at its Ordinary Meeting held on 26 September 2007, resolved to accept a tender from Pincon Pty Ltd for maintenance grading in the Newdegate area for a period of three (3) years. The machine tendered was a Caterpillar 12G grader with a twelve foot (3.66m) mouldboard at a price of \$135.00 per hour (GST inclusive).

Comment

Following discussions with the Principal of Pincon Pty Ltd, Mr Rob Maisey, it became evident that his operator was having difficulty maintaining a suitable output from the Caterpillar 12G grader. To ensure value for money to Council, staff were of the view that some form of change was required and this position was readily accepted by Mr Maisey.

As a result of the discussions, Mr Maisey agreed to replace the 12G grader with a Caterpillar 140 grader with a fourteen foot (4.27m) mouldboard. Mr Maisey has several operators available within his organisation.

The increase in the size of the grader obviously had an effect on the operating costs and staff recommend that the hourly hire rate be increased from \$135.00 (GST inclusive) to \$145.00 (GST inclusive). The 2009/10 budget allows for \$150,000.00 for road maintenance in the Newdegate area which equates to more than 1,000 hours of grader time.

Mr Maisey is aware of this and will seek other work when not required by Council.

Legal Implications

Local Government (Functions and General) Regulations 1996.

Policy Implications

Policy 1.11 Use of the Common Seal

Consultation

External: Mr Rob Maisey, Principal Pincon Pty Ltd  
Internal: Manager Corporate Services  
Works Overseer

Financial Implications

As outlined in the 2009/10 budget.

Strategic Implications

**Roads Strategy 4.4** - Assess the utilisation of contractors to ensure the efficient expenditure of Council's resources.

Voting Requirements

Simple majority required.

Recommendation/Resolution

**MOTION 10846**

Moved Cr Newman  
Seconded Cr Sinclair

That:

1. The Newdegate Maintenance Grading agreement between Council and Pincon Pty Ltd be amended to reflect the change in the grader now being utilised by Pincon Pty Ltd, being a Caterpillar 140 grader with a fourteen foot (4.27m) mouldboard at a hire rate of \$145.00 (GST inclusive);
2. A formal contract be drawn up; and,
3. The use of the Common Seal as per Policy 1.11 be approved on the contract document.

**MOTION CARRIED 8/0**



<b>12.0 MATTERS FOR CONSIDERATION – TOWN PLANNING</b>
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**12.1 PROPOSED ROAD CLOSURE – UNNAMED & UNCONSTRUCTED ROAD RESERVE ABUTTING LOTS 12858, 14243 & 12993 NORTH LAKE GRACE KARLGARIN ROAD, KUENDER**

<b>Applicant:</b>	WR & TN Willcocks (Landowners)
<b>File No.</b>	0355
<b>Attachments:</b>	Plans 1 to 4 & Attachment 1
<b>Authors:</b>	Mr Joe Douglas & Mr Carlo Famiano – Urban & Rural Perspectives Town Planning Consultants
<b>Disclosure of Interest:</b>	Nil
<b>Date of Report:</b>	18 August 2009
<b>Senior Officer:</b>	Mr Jim Fraser Chief Executive Officer

Summary

This report recommends that Council proceed to request the Minister for Lands to grant final approval to the proposed closure of the unnamed, unconstructed road reserve abutting Lots 12858, 14243 & 12993 North Lake Grace – Karlgarin Road, Kuender.

Background

At its Ordinary Meeting held on 27 May 2009, Council resolved to advertise its intention to request the Minister for Lands to permanently close the unnamed, unconstructed road reserve abutting Lots 12858, 14243 & 12993 North Lake Grace – Karlgarin Road, Kuender, following the receipt of a written request from WR & TN Willcocks (Item 12.2).

The proposed road closure will facilitate the realignment of the common boundaries between the three (3) existing agricultural lots (i.e. Lots 12858, 14243 & 12993).

The unnamed, unconstructed road reserve subject to the proposal is approximately 8 kilometres long, 20 metres wide and is located between Mordetta Road to the south and Magee Road to the north. The road reserve traverses a number of private landholdings currently used for broadacre agricultural purposes (i.e. cropping & grazing) and also contains a number of salt lakes and native vegetation.

This report only considers that portion of the road reserve abutting Lots 12858, 14243 & 12993 which is approximately 2.6km in length (see Plans 1 to 4).

The closure of the remaining balance portions of the road reserve area north and south of Lots 12858, 14243 & 12993 will proceed at a later date if and when the relevant adjoining landowners wish to subdivide.

#### Comment

The proposed road closure was advertised for public comment for the minimum required period of thirty five (35) days and included notices in a local newspaper, correspondence to all relevant government agencies and adjoining landowners and display of the relevant report and plans at the shire's administration centre. At the conclusion of public advertising a total of ten (10) submissions had been received by the shire, all of which were from government agencies. A summary of the submissions received is provided in the attached 'Schedule of Submissions' (see Attachment 1).

A detailed review of the submissions has revealed that the government agencies that provided a response are generally supportive of the road closure and have no objections to the proposal proceeding.

The State Land Services Division of the Department of Regional Development and Lands has also advised that should Council resolve to proceed with the proposed road closure it is required, as part of that resolution, to indemnify the State of Western Australia against any costs and claims associated with the project.

#### Conclusion

The proposed closure of the unnamed, unconstructed road reserve abutting Lots 12858, 14243 & 12993 North Lake Grace – Karlgarin Road, Kuender will:

- i) help to resolve any legal liability issues associated with the current private use of the road reserve area for agricultural purposes;
- ii) remove the Shire's responsibility for maintaining and/or constructing the road reserve in the future: and
- iii) help to facilitate the practical, efficient and long term use of Lots 12858, 14243 & 12993 North Lake Grace – Karlgarin Road, Kuender for productive agricultural purposes.

Given that no objections to the proposal were received during public advertising, it is recommended that Council resolve to request the Minister for Lands to grant final approval to the proposal and agree to indemnify the State of Western Australia against any possible costs and/or claims.

#### Legal Implications

Land Administration Act 1997

Land Administration Regulations 1998

#### Policy Implications

Nil

#### Consultation

Community consultation completed in accordance with the specific requirements of the Land Administration Act 1997 and Land Administration Regulations 1998.

#### Financial Implications

Nil - the applicants (WR & TN Willcocks) have provided written confirmation of their agreement to pay all costs associated with the road closure proposal.

Strategic Implications

Nil

Voting Requirements

Simple majority required

Recommendation/Resolution

**MOTION 10847**

Moved Cr Farrelly  
Seconded Cr De Landgraftt

That Council resolve to:

1. Note the submissions received during public advertising of the proposal to close the unnamed, unconstructed road reserve abutting Lots 12858, 14243 & 12993 North Lake Grace – Karlgarin Road, Kuender.
2. Endorse the 'Schedule of Submissions' including Council's recommendations in respect of each submission as provided in Attachment 1 to the above report.
3. Request the Hon. Minister for Lands to grant final approval to the proposed closure of the unnamed, unconstructed road reserve abutting Lots 12858, 14243 & 12993 North Lake Grace – Karlgarin Road, Kuender in accordance with the details shown in the attached Plan 2.
4. Authorise the Shire Administration to prepare the required documentation for submission to the Hon. Minister for Lands for formal consideration.
5. Advise those that prepared and lodged submissions during public advertising of Council's decision to proceed with the proposed road closure.
6. Indemnify the State of Western Australia against any possible costs and/or claims arising from the proposed road closure.

**MOTION CARRIED 8/0**

## 12.2 **PLANNING APPLICATION – PROPOSED GROUPED DWELLING DEVELOPMENT, LOT 59 GUMTREE DRIVE, LAKE GRACE**

<b>Applicant:</b>	Quality Builders Pty Ltd (on behalf of Department of Housing)
<b>File No.</b>	0454
<b>Attachments:</b>	Plans 5 to 13
<b>Authors:</b>	Mr Joe Douglas & Mr Steve Pandevski – Urban & Rural Perspectives Town Planning Consultants
<b>Disclosure of Interest:</b>	Nil
<b>Date of Report:</b>	18 August 2009
<b>Senior Officer:</b>	Mr Jim Fraser Chief Executive Officer

### Summary

This report recommends that the planning application submitted by Quality Builders Pty Ltd on behalf of the Department of Housing to construct two (2) new single storey transportable dwellings on Lot 59 Gumtree Drive, Lake Grace be approved subject to conditions.

### Background

The Shire received the abovementioned planning application on 28 July 2009.

By correspondence dated 31 July 2009 the shire's town planning consultants (Urban & Rural Perspectives) wrote to the applicant requesting that modifications be undertaken to the submitted plans so as to better reflect the development standards and requirements of Council's Local Planning Scheme No.4 (LPS No.4), particularly in relation to the Residential Design Codes (R-Codes). On 4 August 2009 the applicant provided suitably revised plans.

Lot 59 is located in the eastern segment of the Lake Grace townsite within a well established residential area. The primary form of development in the immediate vicinity is single residential dwellings however a duplex development exists on the adjoining Lot 60 to the west (see Plans 5 to 13).

The revised plans submitted by the applicant are detailed and provide sufficient information to enable Council to make a decision. To that extent there is scope for Council to grant its planning approval to the proposal subject to the imposition of a number of conditions to ensure that the proposed development and use proceeds in a proper and orderly manner.

### Comment

#### **Current Zoning & Land Use Permissibility**

Lot 59 is classified 'Residential' zone under the Shire of Lake Grace's current operative Local Planning Scheme No.4 (LPS No.4) with an applicable residential density coding of R20.

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

Under the terms of LPS No.4 a grouped dwelling is a discretionary use on land classified 'Residential' zone. LPS No.4 states that a discretionary (D) use "is not permitted unless the local government has exercised its discretion by granting planning approval".

It is considered that the proposed development is generally consistent with the objectives of the land's current 'Residential' zoning classification in LPS No.4 and that it is appropriate for Council to exercise its discretion and grant planning approval.

#### **Residential Design Codes (R-Codes)**

An assessment of the proposal against the requirements of the R-Codes confirms that the proposed development satisfies the majority of the relevant 'acceptable development provisions' and all of the 'performance criteria' of the Codes. It is however recommended that suitable conditions be imposed requiring:

- the height of the proposed rear fence be increased so as to protect the privacy of the residents living on the adjoining Lots 43 and 44 Griffin Street;
- detailed stormwater drainage plans be provided with the building licence application to the satisfaction and specifications of the shire; and
- the location of the roof mounted solar hot water system on proposed unit 1 be relocated to a position closer to the rear of the dwelling so as to minimise its visual impact on the Gumtree Drive streetscape.

#### **Local Planning Scheme No.4 (LPS No.4)**

Clause 5.21 of LPS No.4 specifies a number of standards that are applicable to the placement of transportable dwellings on any land within the Shire. Clause 5.21 specifically states that such dwellings are not permitted unless:

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

Having regard for the above local planning scheme requirements it is recommended that suitable conditions be imposed on any planning approval issued to ensure compliance with the specific requirements of LPS No.4.

#### **Conclusion**

It is concluded that the proposal to construct two (2) new single storey transportable dwellings on Lot 59 Gumtree Drive, 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 approved by Council subject to the

imposition of a number of conditions to ensure that the development proceeds in a proper and orderly manner.

Legal Implications

Planning and Development Act 2005

Shire of Lake Grace Local Planning Scheme No.4

Policy Implications

Residential Design Codes of Western Australia 2008

Council Policy 5.6 – Property Access & Crossovers

Consultation

N/A

Financial Implications

Nil

Strategic Implications

Nil

Voting Requirements

Simple majority required.

Recommendation/Resolution

**MOTION 10848**

Moved Cr Milton

Seconded Cr Farrelly

That Council **APPROVE** the planning application submitted by Quality Builders Pty Ltd on behalf of the Department of Housing to construct two (2) new single storey transportable grouped dwellings on Lot 59 Gumtree Drive, Lake Grace in accordance with the details of the revised development plans dated 4 August 2009 subject to the following conditions and advice notes:

**Conditions**

1. The development is to be substantially commenced within a period of two (2) years from the date of this approval. If the development is not substantially commenced within this period the approval will lapse and be of no further effect. Where an approval has lapsed, no development shall be carried out without the further approval of the Shire having first been sought and obtained.
2. A completed building licence application must be submitted to and approved by the Shire's Building Surveyor prior to the commencement of any earthworks or construction on the land.
3. Only new materials are to be used in the construction and external cladding of the grouped dwellings.
4. The sub-floor area of each dwelling shall be enclosed with brick, stone, vermin battens or by other means acceptable to the Shire.

**MOTION 10848 *continued.***

5. A landscape plan is to be prepared and submitted to the Shire for consideration and approval prior to occupation of the dwellings.
6. All landscaping is to be completed in accordance with the approved landscape plan prior to the occupation of the buildings with such landscaping to be maintained to the satisfaction of the Shire.
7. All stormwater drainage discharge generated by the new dwellings shall be managed to the specifications and satisfaction of the Shire.
8. The height of the top of the proposed fence along the common boundary between Lot 59 and the adjoining Lots 43 and 44 shall be no less than 1.6 metres above the top of the new retaining wall.
9. The solar hot water system located on the roof of proposed Unit 1 shall be relocated to a position at least a further five (5) metres towards the rear of the dwelling to the satisfaction of the Shire.
10. The construction of the crossovers to Gumtree Drive shall be constructed in accordance with Council Policy 5.6 – Property Access & Crossovers to the specifications and satisfaction of the Shire.
11. The street verge adjacent to the development is to be landscaped and maintained to the satisfaction of the Shire.
12. The new dwellings shall be connected to the Shire's reticulated sewerage disposal scheme prior to occupation of the dwellings.

**Advice Note**

1. The proposed development is required to comply in all respects with the Building Code of Australia. Plans and specifications which reflect these requirements are required to be submitted with the Building Licence application.
2. The noise generated by any activities on-site, including machinery motors or vehicles, shall not exceed the levels as set out under the Environmental (Noise) Regulations 1997.
3. No works shall commence prior to 7.00 am without the Shire's approval.

**MOTION CARRIED 8/0**

**12.3 REVIEW OF LOCAL PLANNING POLICIES**

1.55pm Cr Newman declared an impartiality interest in point 3 iii of the Recommendation as per below as he is on the Board of Directors for CBH and requested that he be able to remain in the meeting and participate fully in the matter.

**MOTION 10849**

Moved Cr Taylor  
Seconded Cr Sinclair

That Cr Newman's impartiality disclosure be declared trivial and that he be able to remain and fully participate in the matter.

**MOTION CARRIED 7/0**

**Note:** Cr Newman did not vote.

<b>Applicant:</b>	Shire of Lake Grace
<b>File No.</b>	0050 & 0525
<b>Attachments:</b>	Attachments 2 & 3
<b>Authors:</b>	Mr Joe Douglas & Mr Steve Pandevski – Urban & Rural Perspectives Town Planning Consultants
<b>Disclosure of Interest:</b>	Nil
<b>Date of Report:</b>	18 August 2009
<b>Senior Officer:</b>	Mr Jim Fraser Chief Executive Officer

Summary

The local planning policies contained in Section 6 of Council's current Policy Manual are in need of review. This report recommends that certain planning policies be reviewed, updated and retained and that other policies be revoked.

Background

Council's policy manual was last updated in December 2008. The update did not include a review of Council's current local planning policies.

The planning policies contained in the policy manual were prepared when Town Planning Scheme No.3 (TPS No.3) was the operative district zoning scheme in the Shire of Lake Grace and have not been reviewed since the gazettal (coming into force) of Local Planning Scheme No.4 (LPS No.4) in November 2007 which superseded TPS No.3.

Comment

Given that Council's local planning policies were prepared when TPS No.3 was the operative district zoning scheme in the Shire they make reference to TPS No.3 rather than the current operative district zoning scheme (LPS No.4). Some of these policies also conflict with or repeat provisions contained in LPS No.4.



Clause 2.3.1 of LPS No.4 states, “If a provision of a Local Planning Policy is inconsistent with the Scheme, the Scheme prevails”. Having regard for this it is considered superfluous to have policies that conflict with, or repeat, scheme provisions.

Urban & Rural Perspectives, on behalf of the shire, has undertaken a comprehensive review of Council’s existing planning policies and recommends that:

- i) Three (3) of the six (6) current planning policies be revoked; and
- ii) The three (3) remaining policies be modified so as to provide greater clarity, simplicity and consistency with the provisions contained in LPS No.4.

The following is a summary of the recommended modifications to the Shire’s current local planning policies.

Copies of the existing planning policies are provided at Attachment 2. Copies of the recommended modified planning policies are provided at Attachment 3.

Current Policy No. & Title:	Policy 6.1 - Residential Development
Policy Summary:	To ensure residential subdivision and development of land within the Lake King townsite occurs at a maximum density of R20 and only where it is served by reticulated sewer or an appropriate on-site effluent disposal system.
Proposed Modifications & Rationale:	<ul style="list-style-type: none"> <li>• Modify title to more accurately reflect the content of the policy.</li> <li>• Insert numbered points for clarity.</li> <li>• Change the Objectives and Guidelines reference from TPS No.3 to LPS No.4 because LPS No.4 is now the operative zoning scheme in the district.</li> <li>• Change some terms and zone references to reflect the terms and zone references used in LPS No.4 and the Residential Design Codes of Western Australia.</li> </ul>
Modification Process:	This policy was adopted in accordance with the requirements of Council’s previous TPS No.3 therefore modification of the policy is required to follow the procedures contained in the Shire’s now operative LPS No.4.

Current Policy No. & Title:	Policy 6.2 - Building Permits
Policy Summary:	To require all applications for building permits within the ‘Town Centre’ zone to be determined by Council.
Proposed Modifications & Rationale:	<p>Revoke policy. The policy relates to a zone (Town Centre) that does not exist under LPS No.4 and relates to building permits and not planning applications. Building permits are not managed under the town planning scheme and therefore cannot be the subject of a planning policy.</p> <p>Council may initiate an appropriate amendment to LPS No.4 to retain a similar level of development control within the ‘Commercial’ and ‘Service Commercial’ zones’</p>

	whereby any development requires approval, however it is considered that LPS No.4 currently has adequate development control and such an approach is not necessary.
Modification Process:	This policy was adopted without the process requirements contained in Council's previous TPS No.3 being followed, therefore revocation of the policy only requires Council's resolution to do so (i.e. is not required to follow the procedures contained in the Shire's now operative LPS No.4).

<b>Current Policy No. &amp; Title:</b>	<b>Policy 6.3 - Parking of Chemical Spray Units in Townsites</b>
Policy Summary:	To control where and under what circumstances chemical spray units are permitted to be parked within townsite areas.
Proposed Modifications & Rationale:	Renumber policy from 6.3 to 6.2 as a result of policy deletions. Change the Objectives and Guidelines reference from TPS No.3 to LPS No.4 because LPS No.4 is now the operative zoning scheme in the district. Minor word changes without changing the content of the policy for the purpose of clarity and simplicity.
Modification Process:	This policy was adopted in accordance with the requirements of Council's previous TPS No.3 therefore modification of the policy is required to follow the procedures contained in the Shire's now operative LPS No.4.

<b>Current Policy No. &amp; Title:</b>	<b>Policy 6.4 - Development of Moveable Buildings including Relocated Buildings</b>
Policy Summary:	To control and ensure that the appearance of relocated dwellings and second hand transportable dwellings do not have a detrimental impact on the amenity of the district.
Proposed Modifications & Rationale:	Renumber policy from 6.4 to 6.3 as a result of policy deletions. Modify title to more accurately reflect the content of the policy. Change the Guidelines reference from TPS No.3 to LPS No.4 because LPS No.4 is the operative zoning scheme in the district. Remove the attached guidelines and incorporate them into the body of the policy. Modify the content of the policy so as to not conflict or repeat the provisions currently contained at clause 5.21 or the general provisions of LPS No.4. Increase the applicable bond amount for relocated dwellings or second hand transportable dwellings from \$2,000.00 to \$5,000.00 to ensure that it more accurately reflects the likely costs to the Shire should it be required to use the bond to undertake any repairs to the dwelling.
Modification Process:	This policy was adopted in accordance with the requirements of Council's previous TPS No.3 therefore modification of the policy is required to follow the procedures contained in the Shire's now operative LPS No.4.

<b>Current Policy No. &amp; Title:</b>	<b>Policy 6.5 - Use of Sea Containers and Other Similar Transportable Structures within the Scheme Area</b>
Policy Summary:	To control the use and ensure the appearance of sea containers or other similar transportable structures do not have a detrimental impact on the amenity of the district.
Proposed Modifications & Rationale:	Revoke policy. Clause 5.22 of LPS No.4 contains provisions relating to this matter. The current policy provisions repeat what is now contained in LPS No.4.
Modification Process:	This policy was adopted in accordance with the requirements of Council's previous TPS No.3 therefore revocation of the policy is required to follow the procedures contained in the Shire's now operative LPS No.4.

<b>Current Policy No. &amp; Title:</b>	<b>Policy 6.6 - Consideration of An Application for a Demolition Licence</b>
Policy Summary:	To ensure that all applications for the demolition of CBH grain receipt and storage facilities are referred to Council for a decision. Before granting its approval Council will consider if there are appropriate alternative uses for the facilities to be demolished.
Proposed Modifications & Rationale:	Revoke policy as it conflicts with clause 8.2 of LPS No.4 which stipulates, amongst other things, when an application for demolition is required and when it is not. Unless the CBH facilities are of heritage significance LPS No.4 does not require an application for demolition. Note: Council may initiate an appropriate amendment to LPS No.4 to retain this level of control, however there appears to be no reasonable justification for singling out CBH in this matter and therefore such an amendment is not recommended.
Modification Process:	This policy was adopted without the process requirements contained in Council's previous TPS No.3 being followed, therefore revocation of the policy only requires Council's resolution to do so (i.e. Council is not required to follow the procedures contained in the Shire's now operative LPS No.4).

### **Conclusion**

Three (3) of Council's six (6) existing local planning policies are considered to be superfluous as they conflict with or repeat provisions currently contained in LPS No.4. To that extent it is recommended that these policies be revoked.

The remaining three (3) policies are considered suitable, subject to minor modifications that provide greater, clarity, simplicity and consistency with existing provisions contained in LPS No.4. To that extent it is considered that these policies be retained, slightly modified and formally adopted under LPS No.4.

#### Legal Implications

Shire of Lake Grace Local Planning Scheme No.4 – Clause 2.4 ‘Procedure for making or amending a Local Planning Policy’ and Clause 2.5 ‘Revocation of a Local Planning Policy’.

#### Policy Implications

The local planning policies proposed to be retained, subject to modifications, are:

- Residential Development in the Lake King Townsite Development Zone;
- Parking of Chemical Spray Units in Townsites; and
- Relocated Dwellings and Second Hand Transportable Dwellings.

The local planning policies proposed to be revoked are:

- Building Permits;
- Use of Sea Containers and Other Similar Transportable Structures within the Scheme Area; and
- Consideration of an Application for a Demolition Licence.

#### Consultation

External: For those policies that were previously adopted by Council in accordance with the procedures contained in the Shire’s previous TPS No.3 only, a public advertising process is required to be undertaken by the Shire in order to formalise adoption of the proposed policy modifications and revocations. Public advertising will be undertaken in accordance with the specific requirements of clause 2.4.1(a) of LPS No.4 (i.e. a public notice in two (2) consecutive editions of a newspaper circulating in the district inviting all interested persons to provide comments within a twenty one (21) day period).

#### Financial Implications

The total cost of reviewing the Council’s existing planning policies, advertising Council’s intentions in relation to the policies, adopting the modified policies and revoking those policies considered superfluous to current needs is required to be met by the Shire of Lake Grace and is estimated to be in the order of \$2,000.00 excluding GST.

The cost of this work can be absorbed within Council’s budget for general town planning work in the 2009/2010 financial year.

#### Strategic Implications

Nil

#### Recommendation

That Council resolve to:

1. Amend the following local planning policies:
  - i) 6.1 - Residential Development (to be renamed: ‘6.1 Residential Development in the Lake King Townsite Development Zone’ with textual modifications to be incorporated as per the details contained in Attachment 3 to this report);

- ii) 6.3 - Parking of Chemical Spray Units in Townsites (to be renumbered to 6.2 with textual modifications to be incorporated as per the details contained in Attachment 3 to this report); and
  - iii) 6.4 - Development of Moveable Buildings including Relocated Buildings (to be renumbered and renamed to '6.3 - Relocated Dwellings and Second Hand Transportable Dwellings' with textual modifications to be incorporated as per the details contained in Attachment 3 to this report).
2. Authorise the Chief Executive Officer (or his nominee) to commence public advertising, as required, in accordance with the procedures prescribed under clauses 2.4 and 2.5 of Local Planning Scheme No.4.
3. Revoke the following local planning policies:
- i) 6.2 - Building Permits;
  - ii) 6.5 - Use of Sea Containers and Other Similar Transportable Structures within the Scheme Area; and
  - iii) 6.6 - Consideration of an Application for a Demolition Licence
4. Update the Policy Manual accordingly.

Voting Requirements

Simple majority required.

Resolution

**MOTION 10850**

Moved Cr Milton  
Seconded Cr Taylor

That Council:

- 1. Rename existing Policy 6.1 Residential Development, Policy 6.1 - Residential Development in the Lake King Townsite Development Zone;
- 2. Amend Policy 6.1 as follows:

**POLICY 6.1**

**Residential Development in the Lake King Townsite Development Zone**

**POLICY**

Council will permit residential development in the Lake King Townsite Development zone to a maximum density of R20, as provided in the Residential Design Codes of Western Australia (as amended), provided that:

**MOTION 10850 *continued.***

- i) The land, the subject of an application for approval to commence development, is designated for residential purposes in an approved Structure Plan applicable to the land; and
- ii) The development is served with reticulated sewerage or an alternative effluent disposal system approved by the Health Department of Western Australia and the Council.

**OBJECTIVES**

See Local Planning Scheme No.4

**GUIDELINES**

Refer to Local Planning Scheme No 4

**REVIEW**

Chief Executive Officer

- 3. Update the Policy Manual accordingly.

**MOTION CARRIED 8/0**

Resolution

**MOTION 10851**

Moved Cr Farrelly  
Seconded Cr Taylor

That Council:

- 1. Renumber existing Policy 6.3 Parking of Chemical Spray Units in Townsites to Policy 6.2 Parking of Chemical Spray Units
- 2. Amend Policy 6.2 as follows:

**POLICY 6.2  
Parking of Chemical Spray Units in Townsites**

**POLICY**

Council will not grant its approval for the storage or parking of chemical spray units on land within a townsite boundary (as defined in Local Planning Scheme No.4), unless:

- i) The land, the subject of the use, is classified 'Industrial' or 'Rural' zone;
- ii) It is satisfied that the use will not have a detrimental impact upon the general amenity of the locality; and
- iii) It is satisfied that the use will not contaminate the soil.

In granting an approval to the use of land for this purpose, Council may require the establishment and maintenance of landscaping to screen the activities from public view.

**MOTION 10851 *continued.***

**OBJECTIVES**

To protect the safety, health and visual amenity of the townsites.

**GUIDELINES**

Local Planning Scheme No. 4

**REVIEW**

Chief Executive Officer

3. Update the Policy Manual accordingly.

**MOTION CARRIED 8/0**

Resolution

**MOTION 10852**

Moved Cr De Landgrafft  
Seconded Cr Dunkeld

That Council:

1. Renumber and rename existing Policy 6.4 Development of Moveable Buildings including Relocated Buildings to Policy 6.3 Relocated Dwellings and Second Hand Transportable Dwellings;
2. Amend Policy 6.3 as follows:

**POLICY 6.3**

Relocated Dwellings & Second Hand Transportable Dwellings

**POLICY**

For the purpose of this policy:

- i) Relocated Dwelling' means a residential building that has been previously constructed on a lot, other than on the lot which it is now proposed to be erected upon, and is not specifically designed as a transportable building.
- ii) 'Second Hand Transportable Dwelling' means a building which has been specifically designed as a transportable residence and which has been previously used at any other place other than on the lot that it is now proposed to be erected upon.
- iii) When submitting an application for planning approval the applicant, in addition to the normal information and plan requirements stipulated by clause 9.2 of Local Planning Scheme No.4, is also required to provide colour photographs showing all external elevations of the relocated dwelling or second hand transportable dwelling proposed to be erected.

Council, when determining applications may:

- i) have regard to such things as, but not limited to, the age of the dwelling, its general overall condition, and its impact on the character and amenity of the surrounding area; and

**MOTION 10852 *continued.***

ii) impose conditions requiring, but not limited to, repairs to the dwelling, internal and/or external painting, and where necessary the construction of verandah's, awnings or other external features to enhance its overall finished appearance.

A bond of \$5,000.00 is payable by the applicant for each approved relocated dwelling or second hand transportable dwelling located within a townsite boundary, or on land classified 'Residential' or 'Rural Residential' zone.

The bond will be refunded when the applicant has satisfied Council's requirements.

**OBJECTIVES**

To ensure that the appearance of relocated dwellings and second hand transportable dwellings do not detrimentally impact on the amenity of the district.

**GUIDELINES**

Local Planning Scheme No. 4

**REVIEW**

Chief Executive Officer

4. Update the Policy Manual accordingly.

**MOTION CARRIED 8/0**

Resolution

**MOTION 10853**

Moved Cr Milton  
Seconded Cr Dunkeld

That Council authorise the Chief Executive Officer (or his nominee) to commence public advertising, as required, in accordance with the procedures prescribed under clauses 2.4 and 2.5 of Local Planning Scheme No.4.

**MOTION CARRIED 8/0**

Resolution

**MOTION 10854**

Moved Cr De Landgraft  
Seconded Cr Dunkeld

That Council revoke Policy 6.2 Building Permits and update the Policy Manual accordingly.

**MOTION CARRIED 8/0**



Resolution

**MOTION 10855**

Moved Cr Milton  
Seconded Cr De Landgraftt

That Council revoke Policy 6.5 Use of Sea Containers and Other Similar Transportable Structures within the Scheme Area and update the Policy Manual accordingly.

**MOTION CARRIED 8/0**

Resolution

**MOTION 10856**

Moved Cr Milton  
Seconded Cr Farrelly

That Policy 6.6 Consideration of an Application for a Demolition Licence be retained, renumbered Policy 7.10 Administration and the Policy Manual be updated accordingly.

**MOTION CARRIED 8/0**

***REASON FOR CHANGE***

***For reasons of clarity Council considered each issue separately and wished to retain existing Policy 6.6 to allow for better forward roads planning with regard to CBH Bin sites.***

**13.0 MATTERS FOR CONSIDERATION – HEALTH & BUILDING**

*No items for consideration*

## 14.0 MATTERS FOR CONSIDERATION – FINANCE

### 14.1 ACCOUNTS FOR PAYMENT – JULY 2009

<b>Applicant:</b>	Shire of Lake Grace
<b>File No.</b>	0277
<b>Attachments:</b>	List of Creditors
<b>Author:</b>	Miss Jessica de Burgh Finance Officer
<b>Disclosure of Interest:</b>	Nil
<b>Date of Report:</b>	18 August 2009
<b>Senior Officer:</b>	Mr Jim Fraser Chief Executive Officer

#### Summary

For Council to ratify expenditures incurred for the month of July 2009.

#### Background

List of payments for the month of July 2009 through the Municipal account is attached.

#### Comment

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

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

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

#### Legal Implications

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

#### Policy Implications

N/A

#### Consultation

N/A

#### Financial Implications

The list of creditors paid for the month of July 2009 from the Municipal Account totals \$743,500.33. There were no Trust Account payments during July 2009.

#### Strategic Implications

N/A

Voting Requirements

Simple majority required.

Recommendation/Resolution

**MOTION 10857**

Moved Cr Farrelly  
Seconded Cr Milton

That Municipal Account cheques 33650 to 33672, Electronic Funds Transfers EFT5408 to EFT5513, and direct debits to the Municipal Accounts totalling \$743,500.33; having been checked and certified in accordance with the Financial Management Regulation 12, be confirmed, and passed for payment against the respective accounts as shown on the summary of Accounts for Payment schedule.

**MOTION CARRIED 8/0**

## 14.2 FINANCIAL STATEMENTS – JULY 2009

**Applicant:** Shire of Lake Grace  
**File No.** 0275  
**Attachments:** Financial Reports  
**Author:** Mrs Danielle Robertson  
Senior Finance Officer  
**Disclosure of Interest:** Nil  
**Date of Report:** 19 August 2009  
**Senior Officer:** Mr Jim Fraser  
Chief Executive Officer

### Summary

Consideration of the interim financial statements for the month ending 31 July 2009.

### Background

The following financial reports are included for your information:

- Monthly Statement of Financial Activity
- Summary of Net Current Assets
- Operating Statement by Programme
- Balance Sheet
- Assets Purchased and Sold
- Capital Road Works, Operating Revenue & Expenditure Graphs
- Bank Reconciliations
- Rates Summary Chart

### Legal Implications

Local Government Act 1995 – section 6.4  
Local Government (Financial Management) Regulations 1996

### Policy Implications

N/A

### Consultation

Nil

### Financial Implications

Nil

### Strategic Implications

N/A

### Voting Requirements

Simple majority required.

Recommendation/Resolution

**MOTION 10858**

Moved Cr Dunkeld  
Seconded Cr Sinclair

That the interim financial reports for the month ending 31 July 2009 as attached be received.

**MOTION CARRIED 8/0**

### 14.3 VARLEY PROGRESS ASSOCIATION – DONATION OF RATES

2.15pm Mrs Curtin re-entered the meeting

**Applicant:** Varley Progress Association  
**File No.** 0260  
**Attachments:** Letter  
**Author:** Mrs Danielle Robertson  
Senior Finance Officer  
**Disclosure of Interest:** Nil  
**Date of Report:** 11 August 2009  
**Senior Officer:** Mr Jim Fraser  
Chief Executive Officer

#### Summary

The purpose of this report is for Council to consider donating the rates and charges applicable to the property known as the 'Chicken Ranch' located at 17 (Lot 22) Seward Avenue Varley, which is owned by the Varley Progress Association.

#### Background

A letter has been received from the Treasurer of the Varley Progress Association, Gavin Hill, requesting that the rates and service charges for the current financial year be waived. The account has not been paid.

The total rates payable for the 2009/10 year are \$358.00.

Mr Hill also requested that the rates and service charges be waived for this location on a yearly basis, without the need for written request from the Varley Progress Association.

#### Comment

Council agreed to a similar request in November 2008 and is again requested to make a donation equal to the rates and service charges on the property.

***MOTION 10704 Moved Cr Newman Seconded Cr De Landgraff***

*That Council donate \$335.00 of rates and service charges payable on the property at 17 (Lot 22) Seward Avenue, Varley from Account E041190 and advise Ms Smith accordingly*

**MOTION CARRIED 9/0**

#### Legal Implications

Note: This is a request for a donation and not a write-off of rates under the Local Government Act

#### Policy Implications

N/A

#### Consultation

N/A

Financial Implications

Council has donations provision of \$5,500 in the 2009/10 budget, Account E041190, of which none has been expended thus far.

Strategic Implications

N/A

Voting Requirements

Simple majority required.

Recommendation/Resolution

**MOTION 10859**

Moved Cr Newman  
Seconded Cr Sinclair

1. That Council agree to donate the \$358.00 of rates and service charges payable on the property at 17 (Lot 22) Seward Avenue, Varley from Account E041190 and advise Mr Hill accordingly.
2. That Council agree to the preparation of a policy to be included in Section 2 – Community Support of the Policy Document for the waiver of rates and service charges on the property at 17 (Lot 22) Seward Avenue, Varley.

**MOTION CARRIED 8/0**



**15.0 MATTERS FOR CONSIDERATION – ADMINISTRATION**

**15.1 COUNTRY HOUSING AUTHORITY – FINANCIAL ASSISTANCE AGREEMENT**

**Applicant:** Country Housing Authority  
**File No.** 0619  
**Attachments:** Copy of correspondence & Agreement  
**Author:** Mrs Lee-Anne Trevenen  
Senior Administration Officer  
**Disclosure of Interest:** Nil  
**Date of Report:** 14 August 2009  
**Senior Officer:** Mr Jim Fraser  
Chief Executive Officer

Summary

This report recommends the use of the Common Seal as per Policy 1.11.

Background

During the 2004/05 financial year, Council made a successful application to the Country Housing Authority for a grant to assist with the construction of a residence in Lake Grace.

The matter was the subject of an agenda item to the March 2005 Ordinary Meeting and was also considered at an Ordinary Meeting held in August 2005.

Following the August 2005 meeting there is evidence that the Common Seal was affixed to a documented agreement between Council and the Country Housing Authority. It is not evident that the Agreement was forwarded to the Authority. The Agreement signed also referred to Lot 102 Blackbutt Way Lake Grace.

Comment

Council has since constructed a dwelling on Lot 42 (36) Bennett St Lake Grace with financial assistance from the Country Housing Authority. During negotiations to finalise the arrangements the Authority determined that it would be in the best interests of both parties if a new agreement was signed recognising the correct address for the constructed dwelling.

On this basis staff recommend that the Common Seal be affixed to the new agreement as attached.

Staff have assessed the Agreement and the following comments refer:

- The CHA has the right to lodge a Caveat over the title to Lot 42 Bennett Street, Lake Grace, Certificate of Title Volume 1412 folio 946.
- The land and residence can be sold by Council in the future subject to the approval of the CHA and at market value.
- Council is to ensure public recognition of the CHA funding
- Council must provide CHA with reasonable access to all details relating to the Grant and other relevant records and information.
- Prior to any official opening Council must consult with CHA and invite the Minister for Housing to conduct opening.

Legal Implications

N/A

Policy Implications

Policy 1.11 Use of the Common Seal

Consultation

Internal: Manager Corporate Services

Financial Implications

Allowance has been made in the 2009/10 budget for rent to be received.

Strategic Implications

**Economic Diversity** – **Strategy 1.2** Provide resources and assist with development projects

Voting Requirements

Simple majority required.

Recommendation/Resolution

**MOTION 10860**

Moved Cr Farrelly  
Seconded Cr Milton

That the use of the Common Seal as per Policy 1.11 be approved on the Financial Assistance Agreement between the Country Housing Authority and the Shire of Lake Grace in relation to the residence on Lot 42 (No 36) Bennett St Lake Grace.

**MOTION CARRIED 8/0**

**15.2      BUSHFIRE ADVISORY COMMITTEE – APPOINTMENT OF BUSH  
FIRE OFFICERS AND ANNUAL GENERAL MEETING**

**Applicant:** Bushfire Advisory Committee  
**File No.** 0177/0181  
**Attachments:** Minutes – Bushfire Advisory Committee  
AGM  
**Author:** Mrs Lee-Anne Trevenen  
Senior Administration Officer  
**Disclosure of Interest:** Nil  
**Date of Report:** 31 July 09  
**Senior Officer:** Mr Jim Fraser  
Chief Executive Officer

Summary

For Council to receive the minutes of the Bush Fire Advisory Committee Annual General Meeting held on 19 March 2009, to appoint Bush Fire Officers for the 2009/2010 season and amend the Restricted Burning Season.

Background

The Annual General Meeting of the Bush Fire Advisory Committee was held on 19 March 2009 at the Newdegate Recreation Centre commencing at 3:30pm.

Comment

All Fire Control Officers will have to be gazetted once Council has ratified the appointments for the 2009/2010 season.

Legal Implications

Bush Fire Act 1954  
Shire of Lake Grace Bush Fire Local Laws

Policy Implications

Nil

Consultation

Nil

Financial Implications

Nil

Strategic Implications

Nil

Voting Requirements

Simple majority required.

Resolution

**MOTION 10861**

Moved Cr Farrelly  
Seconded Cr Taylor

That Council:

1. Receive the minutes of the Bush Fire Advisory Committee Meeting held on 19 March 2009.
2. Amend the Shire of Lake Grace Restricted Burning Season (Permit Required) by extending it from 15 March to 30 April each year, as recommended by the Bush Fire Advisory Committee.
3. Appoint the following Fire Control Officers for the 2009/2010 season:

**Chief Fire Control Officer**

Mr Darcy Roberts

**Deputy Chief Fire Control Officer**

Mr Doug Dunham  
Mr William (Bill) Lloyd  
Mr Richard Metcalf

**Fire Weather Officers**

Mr Doug Dunham  
Mr Bill Lloyd  
Mr Ben Hyde  
Mr Peter Roberts  
Mr Richard Metcalf

**Deputy Fire Weather Officers**

Mr Brad Watson  
Mr Wes Hall  
Mr Ian Lloyd  
Mr Steven Davies  
Mr Hugh Roberts  
Mr Lindsay Brownley

**Harvest Ban – CBH Advisory Officers**

Mr Lindsay Brownley  
Mr Jason Sugg  
Mr Steve Davies  
Mr Allen Sutherland  
Mr Bill Lloyd  
Mr Tim Lloyd  
Mr Scott Strevett  
Mr Terry Smith  
Mr Peter Roberts

**MOTION 10861 *continued.***

**Fire Control Officers – Permit Issuing (with Two Way Radio)**

<b>North Lake Grace</b>	Mr Doug Dunham (Base) Mr Terry Willcocks Mr Evan Wyatt (Base) Mr Leon Morgan Mr Brad Watson
<b>South Lake Grace</b>	Mr Scott Strevett (Base) Mr Kevin Naisbitt
<b>North Newdegate</b>	Mr Barry Ness (Base) Mr Ron Shalders Mr Craig Shalders Mr Ian Lloyd Mr Bill (W) Lloyd (Base) Mr John Dunkeld Mr Tim Lloyd Mr Greg Dunkeld
<b>South Newdegate</b>	Mr Geoff Cugley Mr Matt Cugley Mr Wes Hall Mr Peter Kennedy Mr Syd Walker Mr Geoff Richardson
<b>Lake King/Varley</b>	Mr Ben Hyde Mr Jason Sugg (Base) Mr Arthur Sugg Mr Garry Miles Mr Allen Sutherland Mr Steve Davies Mr Richard Metcalf (Base) Mr Hugh Roberts
<b>Mt Madden/Dunn Rock</b>	Mr Peter Roberts (Base) Mr Darcy (G) Roberts (Base) Mr David Roberts Mr Lindsay Brownley Mr Bob Allen Mr Dwayne Allen
<b>Lake Grace Town</b>	Mr Ray Bird
<b>Newdegate Town</b>	Mr David Tonkin
<b>Lake King Town</b>	Mr Richard McLean Mr Derek Burgess
<b>Varley Town</b>	Mr Stephen Hyde Mr Brent Hyde

**MOTION 10861 *continued.***

**Fire Control Officers – Non Permit Issuing (without Two Way Radio)**

<b>North Lake Grace</b>	Mr Colin Jenks Mr Greg Carruthers Mr Ross Chappell
<b>South Lake Grace</b>	Mr Bill (WA) Willcocks Mr Noel Bairstow

**DUAL FIRE CONTROL OFFICERS – LAKE GRACE SHIRE**

<b>Ravensthorpe</b>	<b>Jerramungup</b>	<b>Dumbleyung</b>
Peter Roberts	Peter Roberts	Kevin Naisbitt Leon Morgan

<b>Kulin</b>	<b>Kent</b>	<b>Esperance</b>
Evan Wyatt Doug Dunham	Leon Morgan	Richard Metcalf

**CLOVER AND PROCLAIMED PLANT PERMIT ISSUING OFFICER**

Chief Bushfire Control Officer  
Deputy Chief Bushfire Control Officers x 3  
Chief Executive Officer  
Manager Corporate Services  
Authorised to issue clover and proclaimed plant burning permits during the 2009/10 season in conjunction with the closest available Fire Control Officer to the person making the application.

**BROADCAST OF HARVEST BANS**

Chief Executive Officer  
Chief Bush Fire Control Officer  
Manager Corporate Services  
Deputy Bush Fire Control Officers  
Base Radio Operators and their Spouses  
Senior Administration Officer (in the absence of the Chief Executive Officer and the Manager Corporate Services)

**NEIGHBOURING SHIRE DUAL FIRE CONTROL OFFICERS  
2009/2010**

**RAVENSTHORPE:** John Mudie

**MOTION CARRIED 8/0**

### 15.3 LAKE GRACE GYMNASTICS CLUB – LETTER OF COMPLAINT

**Applicant:** Lake Grace Gymnastics Club Committee  
**File No.** 0025/0080  
**Attachments:** Letter & current agreement  
**Author:** Mr Jim Fraser  
Chief Executive Officer  
**Disclosure of Interest:** Nil  
**Date of Report:** 19 August 2009  
**Senior Officer:** Mr Jim Fraser  
Chief Executive Officer

#### Summary

This report recommends the letter from the Lake Grace Gymnastics Club be received.

#### Background

Rabobank made application to hire the Lake Grace Town Hall for an official function to celebrate the opening of Rabobank in the district to be held on Monday 21 September 2009. With approximately 200 guests to be invited for a formal dinner, the Town Hall is the only facility in Lake Grace with the area and ancillary facilities capable of holding a function of this size.

An agreement for the use of the Town Hall is in place between the Lake Grace Gymnastics Club and Council.

#### Comment

On receipt of the application from Rabobank to utilise the hall on 21 September 2009, staff made contact with a representative of the Lake Grace Gymnastics Club. It was obvious from these discussions that the Gym Club did not wish to make the Town Hall available as it conflicted with their wind-up. In his capacity as Chief Executive Officer, the author referred to the Agreement and advised the Gym Club that Rabobank would be given access to the Town Hall on their required date – Monday 21 September 2009.

In subsequent discussions with Mrs Wendy O'Neill, representing the Gym Club, the author gave an assurance that if the Gym Club were aggrieved by the decision an agenda item would be prepared for Council. Rabobank has since changed the date for their function.

In making the decision, the author was cognisant of the comments made in the recently completed checklist in relation to the Local Government Reform Process. Under the heading "*Effective Political and Community Advocacy for Service Delivery*" it was stated that the Shire did not identify a formal approach to attract employment and investment to the district. It was the view of the author that the availability of the Hall for an official Rabobank function would re-enforce the position of Council in its endeavours to attract investment to the district.

The Agreement between the Gym Club and Council allows for other uses. The author does not share the view that the Agreement requires assessment and/or change.

Legal Implications

N/A

Policy Implications

Council Policy 2.6 – Concession, Hall Hire Fees – Not for Profit Groups/Residents

Consultation

Internal: Customer Service Officers  
Manager Corporate Services  
Manager Community Services

External: Rabobank Representatives  
Lake Grace Gymnastics Club

Financial Implications

The Gym Club is a local 'not for profit' community organisation and is exempt from the payment of hall hire fees. Council holds a bond of \$100.00 on behalf of the Lake Grace Gymnastics Club.

Rabobank, being a commercial organisation, will be required to pay a bond and hall hire fees as per Council's fees and charges schedule.

Strategic Implications

**1. Economic Diversity**

Strategy 1.2 - Provide resources and assist with development projects.

Strategy 1.3 – Actively promote the Shire of Lake Grace as a district opportunity.

**2. Social and Community Wellbeing**

Strategy 2.1 – Retain, promote and develop health, education, recreational provision and access within the Shire.

Recommendation

That Council acknowledges the letter received from the Lake Grace Gymnastics Club.

Voting Requirements

Simple majority required.



Resolution

**MOTION 10862**

Moved Cr Taylor  
Seconded Cr Milton

That Council acknowledges the letter received from the Lake Grace Gymnastics Club and requests staff to review the MOU.

**MOTION CARRIED 8/0**

***REASON FOR CHANGE***

***Council wished to review the Memorandum of Understanding to further clarify the situation in regard to set dates.***

**15.4 LAKE GRACE SPORTING PRECINCT REDEVELOPMENT – SELECTION OF FOCUS GROUP**

*Cr Taylor declared an interest of impartiality in Item 15.4 in that he is not standing for re-election to Council in the upcoming local government elections and has submitted a nomination for the Focus Group. He requested that he be able to remain and participate fully in the matter.*

**MOTION 10863**

Moved Cr De Landgraft  
Seconded Cr Newman

That Cr Taylor's interest be declared trivial and that he be able to participate fully in the matter

**MOTION CARRIED 7/0**

**Note:** *Cr Taylor did not vote.*

<b>Applicant:</b>	Lake Grace Sporting Precinct Redevelopment Working Group
<b>File No.</b>	0590 / 0546
<b>Attachments:</b>	Nominee Applications & Selection Matrix - to be tabled at meeting
<b>Author:</b>	Mrs Nadene Owen Manager Community Services
<b>Disclosure of Interest:</b>	Nil
<b>Date of Report:</b>	14 August 2009
<b>Senior Officer:</b>	Mr Jim Fraser Chief Executive Officer

Summary

For Council to select six (6) community members and nominate two (2) Councillors to form a Focus Group to oversee the plans and budgetary process for the revised Stage Two of the redevelopment of the Lake Grace Sporting Precinct.

Background

The Lake Grace Sporting Redevelopment Working Group was formed in 2005 to oversee the redevelopment of the Lake Grace Sporting Precinct.

The Group has become impracticable because of the diversity of the community groups involved and they are of the opinion that it will be

more effective to form a smaller group (i.e, Focus Group) to oversee the future of the project.

Council received CSRFF grant funds for Stage One of the Lake Grace Sporting Precinct Redevelopment of which works have been finalised with the specific works completed including:

- Relocation and construction of the netball/basketball courts;
- Relocation and construction of the tennis courts;
- Grassing of the western oval for expansion;
- Construction of the joint-use Shade Structure; and
- Lighting installation/works to tennis, netball/basketball and hockey facilities.

Stage Two of the redevelopment proposes the construction of a new facilities building, Bowling Green and associated infrastructure.

#### Comment

The Lake Grace Sporting Precinct Redevelopment Group moved a motion at its April 2009 meeting requesting that Council select 6 committee members through a process of nomination in order to establish a Focus Group.

The purpose of the Focus Group is to revise, oversee and plan for Stage Two of the Precinct Redevelopment. An application for CSRFF funding will be sought for the completion of Stage Two works. CSRFF applications are considered to be 'forward planning grants'. The Focus Group will be required to outline further stages of the project with these to be included in the application.

As there have been changes to the initial Master Plan for Stage One and the proposed Stage Two, one of the key tasks of the Focus Group is to review what has already been achieved, outline changes that have occurred which will impact on Stage Two plans and address the changing needs of the community as a whole.

A public request for nominations has been advertised with the closing date of 24 August 2009, the names of the nominees will be tabled at the August meeting. Each nominee is required to provide a brief outline of their knowledge, ability and skills for consideration in the selection process.

In appointing individuals to make up the Focus Group, it is considered that Council determine each nominee's individual ability to:

- *Demonstrate a working knowledge and understanding of sport and recreation within the community;*
- *Possess good communication, problem solving and decision-making skills; and*
- *An ability to consider and represent a wide range of views from individuals and community groups.*

It is important that Council ensure that the composition of the Focus Group is a *fair and equitable representation of all user/ community groups* to ensure the best outcomes for the Shire with the Sporting Precinct. It is recommended that each community/user group only has no more than 2 representatives.

The objectives of Focus Group are to:

- Review and report amendments to the original Lake Grace Sporting Precinct Redevelopment Master Plan.
- Conduct consultations with nominated representatives from the community, sporting groups and the Council as per Council resolution of the May 2005 Ordinary Council Meeting.
- Provide minutes of meetings which will be included in the Council Information Bulletin and to the Hon. Terrence Waldron MLA, Minister for Sport and Recreation; Racing and Gaming and Department of Sport and Recreation Regional Manager.
- Submit report/s to Council for consideration on items which require formal adoption/recommendations.

Officers from the Council will attend every meeting providing advice and administrative support.

Up to two (2) Councillors are to be nominated as members of the Focus Group.

The names of all nominees will be tabled at the Ordinary Meeting of Council 26 August 2009 and a selection matrix will be used to select the Focus Group members.

#### Legal Implications

Nil

#### Policy Implications

Nil

#### Consultation

Internal

- Manager Community Services
- Community Services Assistant
- Elected Members- Cr Royce Taylor, Cr Amanda Milton.

External

- Lake Grace Sporting Precinct Redevelopment Working Group
- Department of Sport and Recreation, Regional Manager – Mr Jason Wright

#### Financial Implications

Council has allocated \$2500 for Lake Grace Sporting Precinct Development (Stage 2 Planning), E113189, in the 2009/2010 budget.

Strategic Implications

This report focuses on matters relating to social and community well-being which relate to Councils' strategic goal of *Enhancing the quality of life for residents within the Shire of Lake Grace; 2.1, Retain, promote and develop health, education, recreational provision and access within the Shire.*

Recommendation

1. That the Focus Group for the Lake Grace Sporting Precinct Redevelopment Working Group consist of the following six (6) committee members:

1. \_\_\_\_\_
2. \_\_\_\_\_
3. \_\_\_\_\_
4. \_\_\_\_\_
5. \_\_\_\_\_
6. \_\_\_\_\_

2. That the following two (2) Councillors be nominated as Council representatives to the Focus Group:

1. \_\_\_\_\_
2. \_\_\_\_\_

Voting Requirements

Simple majority required.

Resolution

**MOTION 10864**

Moved Cr Farrelly  
Seconded Cr De Landgraft

1. That the Focus Group for the Lake Grace Sporting Precinct Redevelopment Working Group consist of the following six (6) committee members:

- Stephen Chappell
- Royce Taylor
- Amanda Trevenen
- Ross Bowron
- Stephen McWhirter
- Danielle Robertson

2. That Crs Milton and Farrelly be nominated as Council representatives to the Focus Group.

**MOTION CARRIED 8/0**

**16.0 URGENT BUSINESS BY DECISION OF THE MEETING**

None.

**17.0 SCHEDULING OF MEETING**

**17.1 SEPTEMBER 2009 ORDINARY MEETING**

**Motion 10720 December 2008 states:**

An Ordinary Meeting of Council will be held on Wednesday 23 September 2009, commencing at 1:00pm at the Lake King Town Hall, Lake King.

2.40pm *Mrs O'Neill & Mrs Curtin left the meeting.*

**18.0 CONFIDENTIAL BUSINESS – As per Local Government Act s.5.23 (2)**

**MOTION 10865**

Moved Cr Milton  
Seconded Cr Dunkeld

That Council close the meeting to the public at this time, being 2.40pm, to discuss Item 18.1, Sale of Property – 74 Stubbs St Lake Grace.

**MOTION CARRIED 8/0**

**18.1 SALE OF PROPERTY – 74 STUBBS ST LAKE GRACE**

*Item forwarded under separate cover*

**MOTION 10866**

Moved Cr Farrelly  
Seconded Cr Newman

That Council advertise its intent to sell 74 Stubbs St, Lake Grace for a consideration of \$92,000.00 to Marcus Robert Argent.

**MOTION CARRIED 8/0**

**MOTION 10867**

Moved Cr Taylor  
Seconded Cr De Landgraft

That Council re-open the meeting to the public at this time, being 2.44 pm.

**MOTION CARRIED 8/0**

**19.0 CLOSURE**

There being no further business, the Chairperson closed the meeting at 2.45pm.

**20.0 CERTIFICATION**

I Andrew James Walker certify that the minutes of the meeting held on the 26 August 2009 as shown were confirmed as a true record at the meeting held on the 23 September 2009.

\_\_\_\_\_  
Chairman

\_\_\_\_\_  
Date