

Shire of Lake Grace



Minutes

Ordinary Council Meeting

24 June 2009

CONTENTS

CONTENTS	2
1.0 OPENING & ANNOUNCEMENT OF VISITORS	101
2.0 ATTENDANCE RECORD	101
2.1 PRESENT	101
2.2 APOLOGIES	101
2.3 LEAVE OF ABSENCE PREVIOUSLY GRANTED	101
3.0 PUBLIC QUESTION TIME	102
3.1 REGIONAL AGEING LIFESTYLE ACCOMODATION GROUP – MRS DEBRAH CLARKE & MRS HELEN BENNETT	102
4.0 APPLICATIONS FOR LEAVE OF ABSENCE	103
5.0 MINUTES OF PREVIOUS COUNCIL MEETINGS	103
5.1 ORDINARY MEETING – 27 MAY 2009	103
6.0 DECLARATIONS OF INTEREST	103
6.1 DECLARATIONS OF FINANCIAL INTEREST – LOCAL GOVERNMENT ACT SECTION 5.60A	103
6.2 DECLARATIONS OF PROXIMITY INTEREST – LOCAL GOVERNMENT ACT 1995 SECTION 5.60B	103
6.3 DECLARATIONS OF IMPARTIALITY INTEREST – ADMINISTRATION REGULATION SECTION 34C..	104
7.0 NOTICES OF URGENT BUSINESS	104
8.0 MOTIONS OF WHICH NOTICE HAS BEEN RECEIVED	104
9.0 PETITIONS/DEPUTATIONS/PRESENTATIONS/SUBMISSIONS	104
10.0 MEMBERS' REPORTS	108
10.1 CR FARRELLY	108
10.2 CR MILTON	108
10.3 CR TAYLOR	108
10.4 CR WALKER	109
11.0 MATTERS FOR CONSIDERATION – WORKS & SERVICES	201
11.1 GRAIN FREIGHT LOCAL GOVERNMENT ROAD EVALUATION STUDY	201

12.0	MATTERS FOR CONSIDERATION – TOWN PLANNING	301
12.1	PROPOSED ROAD CLOSURE – UNCONSTRUCTED PORTION OF BOULTON ST LAKE GRACE	301
12.2	PROPOSED SUBDIVISION – LOTS 200 & 1493 HAESE ROAD KUENDER & WALYURIN	304
12.3	PLANNING APPLICATION – PROPOSED ADDITIONS TO EXISTING STORAGE SHED, LOT 145 RASMUSSEN ROAD, NEWDEGATE	309
12.4	PLANNING APPLICATION – PROPOSED OFFICE EXTENSION, LOT 341 STUBBS ST LAKE GRACE	314
12.5	PLANNING APPLICATION – PROPOSED OUTBUILDING LOT 135 WRIGHT PLACE LAKE GRACE	317
12.6	PROPOSED REZONING & SUBDIVISION DEVELOPMENT OF PORTION OF LOT 75 STUBBS ST LAKE GRACE	321
12.7	PLANNING APPLICATION – PROPOSED ADVERTISING SIGNAGE LOT 176 STUBBS ST LAKE GRACE	325
13.0	MATTERS FOR CONSIDERATION – HEALTH & BUILDING	401
	<i>No items for consideration.....</i>	401
14.0	MATTERS FOR CONSIDERATION – FINANCE	501
14.1	ACCOUNTS FOR PAYMENT – MAY 2009.....	501
14.2	FINANCIAL STATEMENTS – MAY 2009.....	503
14.3	INVESTMENT REPORT – MAY 2009.....	505
14.4	DEBT WRITE OFFS – DOG INFRINGEMENTS.....	507
14.5	SELF SUPPORTING LOAN – LAKE GRACE SPORTSMANS CLUB.....	508
15.0	MATTERS FOR CONSIDERATION – ADMINISTRATION.....	601
15.1	STRATEGIC PLAN – SHIRE OF LAKE GRACE.....	601
15.2	PLAN FOR THE FUTURE – SHIRE OF LAKE GRACE.....	604
15.3	USE OF THE COMMON SEAL – SUGG ROCK COMMUNITY DAM AGREEMENT.....	606
15.4	USE OF THE COMMON SEAL – RE-DESCRIPTION OF RESERVE 33330.....	608
15.5	PROPOSED RE-VESTING OF RESERVES 19649 & 23140.....	610
15.6	POLICY REVIEW	612
15.7	LOCAL GOVERNMENT REFORM – APPOINTMENT OF CONSULTANT.....	615
15.8	USE OF THE COMMON SEAL – EMERGENCY SERVICES LEVY AGREEMENT	617
16.0	URGENT BUSINESS BY DECISION OF THE MEETING.....	701
17.0	SCHEDULING OF MEETING	701
17.1	JULY 2009 ORDINARY MEETING	701
18.0	CONFIDENTIAL BUSINESS – AS PER LOCAL GOVERNMENT ACT S.5.23 (2).....	701
19.0	CLOSURE	702
20.0	CERTIFICATION.....	702

SHIRE OF LAKE GRACE

Minutes of the Ordinary Meeting of Council held at Council Chambers, 1 Bishop St Lake Grace on Wednesday 24 June 2009.

1.0 OPENING & ANNOUNCEMENT OF VISITORS

The Chairperson (President) opened the meeting at 1.18 pm and welcomed along members of the community representing the Lake Grace Sportsmans Club and the Regional Ageing Lifestyle Accommodation Group.

2.0 ATTENDANCE RECORD

2.1 PRESENT

Cr AJ Walker	Shire President
Cr IG Chamberlain	Deputy Shire President
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 M Reynolds	Lake Grace Sportsmans Club
Mr S Hunt	Lake Grace Sportsmans Club
Mr R Pelham	Lake Grace Sportsmans Club
Mr C Carruthers	Lake Grace Sportsmans Club
Mrs H Bennett	Regional Ageing Lifestyle Group
Mrs D Clarke	Regional Ageing Lifestyle Group

2.2 APOLOGIES

None.

2.3 LEAVE OF ABSENCE PREVIOUSLY GRANTED

Motion 10728: 25 February 2009

Cr Andrew Walker – Leave of Absence from 3 August to 11 September 2009.

Cr Walker advised the meeting that his return date requires adjustment:

MOTION 10800

Moved Cr Chamberlain
Seconded Cr De Landgraft

That Cr Walker's Leave of Absence return date be extended to 18 September 2009.

MOTION CARRIED 9/0

3.0 PUBLIC QUESTION TIME

3.1 REGIONAL AGEING LIFESTYLE ACCOMODATION GROUP – MRS DEBRAH CLARKE & MRS HELEN BENNETT

Mrs Clarke advised the meeting she, along with Mrs Bennett were attending on behalf of the Regional Ageing Lifestyle Accommodation Group (RALAG) and asked the following:

Question

Why isn't aged care a high priority for the Shire and why hasn't the Shire pursued the over 55's housing on Bennett St after investing quite a sum of money already. Is it in the Principal Activity Plan and if not why not?

Reply

Cr Walker advised Mrs Clarke that the self funded retiree units project is still on Council's 'list' however is not seen as a priority project at this point in time and advised of Council's input into the self funded retiree units project to date:

- Secured the land at 5 Bennett St Lake Grace
- Demolition of the existing building and clearing of the block
- Preparation of schematic drawings and plans
- Groundwork in terms of tenancy agreements and alternatives
- \$3,000 provision in the budget to progress the project

Cr Walker went on to explain that aged care is very much a high priority for Council and that just because it is not on the 'list' to be funded in the next twelve months, it by no means diminishes the importance of the project.

The CEO then made comment that since the last RALAG meeting that he had attended, now some time ago, in his opinion there was not a lot of interest shown in the 3 bedroom, 2 bathroom units as per the schematic plans and as a consequence staff have not pursued the project. It would appear there is more interest in smaller type units that are suited to the public housing programme.

He also advised that today's meeting will consider further investigation into planning for some smaller residential blocks by subdividing land located on the old tennis courts site in Stubbs St Lake Grace.

Mrs Clarke & Mrs Bennett

Mrs Clarke commented that the size of the proposed units were fine, it was the cost of construction in traditional brick that was prohibitive. People do want 3 x 2's, it was thought that alternative building methods were to be researched.

Mrs Bennett then made comment that they had been looking at a 'shared equity' arrangement and that these units were to cater for retired farmers who have investments but no cash. Public housing does not cover the needs of these people. The RALAG Committee has fielded enquiries from people/farming families outside Lake Grace looking for retiree housing.

A RALAG meeting was held last week and was attended by the new Health Service Manager who again raised the need for a Nursing Home in Lake Grace. The Government has now reversed its stance from a few years ago and funds are again available for these facilities. The Group (RALAG) will now focus on and pursue the nursing home issue as a priority.

Mrs Clarke has met with Hon Terry Waldron MLA, and raised the possibility of securing seed funding through the Royalties for Regions Programme and the need for a dementia unit/hostel adjacent to the hospital.

Cr Walker thanked Mrs Clarke and Mrs Bennett for their attendance and reiterated that the project has not been removed from Council's list, it is simply not a priority because it is not seen as do-able in the near future.

1.30pm Mrs Clarke left the meeting.

4.0 APPLICATIONS FOR LEAVE OF ABSENCE

None.

5.0 MINUTES OF PREVIOUS COUNCIL MEETINGS

5.1 ORDINARY MEETING – 27 MAY 2009

Resolution

MOTION 10801

Moved Cr Taylor
Seconded Cr Newman

That the minutes of the Ordinary Meeting of Council held on the 27 May 2009 be confirmed as a true and accurate record.

MOTION CARRIED 9/0

6.0 DECLARATIONS OF INTEREST

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

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

Cr Dunkeld intends to declare an interest in Item 15.5.

6.3 DECLARATIONS OF IMPARTIALITY INTEREST – ADMINISTRATION REGULATION SECTION 34C

7.0 NOTICES OF URGENT BUSINESS

None

8.0 MOTIONS OF WHICH NOTICE HAS BEEN RECEIVED

None

9.0 PETITIONS/DEPUTATIONS/PRESENTATIONS/SUBMISSIONS

None

MOTION 10802

Moved Cr Newman
Seconded Cr De Landgraft

That Standing Orders be suspended to allow Item 14.5 to be brought forward.

MOTION CARRIED 9/0

ITEM 14.5: SELF SUPPORTING LOAN - LAKE GRACE SPORTSMANS CLUB

Mr Ron Pelham, President of the Lake Grace Sportsmans Club, tabled an excerpt from the Club's June 2009 Treasurer's Report for Council's information – copies distributed.

Applicant: Lake Grace Sportsmans Club Inc
File No. 0438/0403
Attachments: Letter, Minutes & Policy
Author: Mr Jim Fraser
Chief Executive Officer

Disclosure of Interest: Nil
Date of Report: 17 June 2009
Senior Officer: Mr Jim Fraser
Chief Executive Officer

Summary

This report recommends Council enter into an agreement with the Lake Grace Sportsmans Club Inc for a self supporting loan as per Council Policy 3.1 – Self Supporting Loans.

Background

At the Ordinary Meeting of Council held on 19 December 2007, Council resolved as follows:

Motion 10509 -That Council:

1. Support the Lake Grace Sportsman's Club funding applications to relevant funding bodies to purchase and install synthetic turf at the Lake Grace Sportsman's Club existing bowling green.

2. *The Lake Grace Sportsman's Club be advised of the requirement to consider the establishment of a fund to ensure they are able to meet the need to replace the proposed synthetic surface at the end of its life.*

Subsequently, at its Ordinary Meeting held on 24 September 2008, Council resolved as follows:

Motion 10672 - That Council:

1. *Proceed with and support an application to the Department of Sport and Recreation for CSRFF funding in the 2008/2009 Funding Round to replace the grass greens with synthetic greens at the Lake Grace Sportsman's Club.*
2. *In accordance with Council Policy 3.3 Specified Area Rates a community survey (postal vote of ratepayers in the Lake Grace prescribed area) be undertaken.*

The Lake Grace Sportsmans Club Inc were advised in March 2009 that their Community Sporting & Recreation Facilities Fund grant application was unsuccessful. The correspondence from the Department of Sport and Recreation indicated the reason for refusal was based on the concept of a consolidation of recreation facilities as per the Solly Feasibility Study of 2005.

Replacing the grass green with a synthetic surface at the current site was contrary to the adopted plan for the Sporting Precinct site.

Councillors and staff have met with representatives from the Sportsmans Club to discuss various issues arising from the unsuccessful application.

The Hon Terry Waldron MLA, the Minister responsible for the Department of Sport and Recreation attended a meeting in Lake Grace on Friday 8 May 2009. He was accompanied by a Policy Advisor, Mr Michael Cutler, and the Wheatbelt Manager for the Department of Sport & Recreation, Mr Jason Wright. Crs Walker, Taylor, Farrelly and Milton and four representatives of the Sportsman's Club were also in attendance.

Whilst the Minister was sympathetic to the plight of the Sportsman's Club, he advised that he was unable to reverse the decision of the Grant Assessment Committee reiterating several times that it was important to protect the integrity of the CSRFF programme now and into the future.

The Sportsman's Club also face a dilemma in that a \$50,000.00 Federal Water Grant has to be expended and acquitted prior to 31 July 2009 or the grant will have to be repaid.

The Lake Grace Sportsman's Club has a self supporting loan with annual repayments of principal and interest of \$5,591.00. The final payment is due in November 2009.

Comment

The CSRFF application was based on the following contributions for a total project cost of \$251,890.00:

CSRFF		\$83,963.00
Lake Grace Sportsman's Club	- cash	\$13,964.00
	- in-kind labour	\$20,000.00
	- Community Water Grant	\$50,000.00
Shire of Lake Grace		\$83,963.00

The Shire contribution is to be funded by Specified Area Rates and a poll conducted in October 2008 was in favour of the proposal.

The Shire President, Cr Andrew Walker and the Chief Executive Officer met with representatives of the Sportsman's Club on Tuesday 12 May 2009 to discuss possible

funding arrangements to ensure the project to replace the grass surface at the Bowling Club with a Drimax Pro synthetic surface proceeded.

Club representatives requested Council consideration to provide a self supporting loan of up to \$100,000.00 over a period of ten years. Staff obtained a quotation from the Treasury Corporation with an indicative estimate of 5.73% with 20 equal repayments of principal and interest which equates to annual payments of \$13,275.92.

With savings attributable to the reduced maintenance required the Sportsman's Club will be able to service the proposed loan. It is also their intention to establish a "reserve" fund to ensure they will be in a financial position to replace the synthetic surface over a life expectancy of seven to ten years. They have provided financial statements for the past two financial years as required by Policy 3.1 Self Supporting Loan which will be tabled at the meeting.

The latest estimate from KCL Sports to complete the project is approximately \$200,000.00 (GST exclusive); representatives from the Sportsman's Club will have discussions with the Contractor to determine the level of volunteer input into the project which will lower the cash costs.

The Lake Grace Sportsman's Club held a Special Meeting on Friday 5 June 2009 to seek the approval of members to fund a self supporting loan. Approximately 30 members attended the meeting with only two voting against the proposal. The Sportsman's Club have now confirmed that they require a loan of \$83,963.00 to fund the project.

The project will be managed by the Lake Grace Sportsman's Club.

Legal Implications

The facility is constructed on Reserve 27740 and is the subject of a Lease Agreement with Council expiring 14 October 2020.

Policy Implications

Policy 3.1 – Self Supporting Loans

Consultation

External: Hon Terry Waldron MLA
Michael Cutler – Policy Officer
Jason Wright – DSR Wheatbelt Manager
Members of the LG Sportsman's Club

Internal: Manager Corporate Services
Manager Community Services

Financial Implications

The loan repayments for the Specified Area Rates contribution will be approximately \$11,500.00 per annum based on current interest rates.

Strategic Implications

Social & Community Wellbeing

Retain, promote and develop health, education & recreational provision and access within the Shire.

Community Wellbeing

Working with community groups to organise and deliver quality activities for children, youth, families and seniors.

Officer Recommendation

That Council:

1. Approve the raising of a self supporting loan for \$83,963.00 over ten years with annual repayments of approximately \$11,500.00 for the Lake Grace Sportsman's Club Inc to part fund the installation of a synthetic surface bowling green within their complex on part Reserve 27740.
2. Negotiate a loan of \$83,963.00 with the Treasury Corporation with a draw down date of 27 July 2009.
3. Include the loan repayments in the 2009/10 budget and future budgets over the life of the loan.

Voting Requirements

Simple majority required.

Resolution

MOTION 10803

Moved Cr Newman
Seconded Cr Dunkeld

That Council:

1. Approve the raising of a self supporting loan for \$83,963.00 over ten years with annual repayments of approximately \$11,500.00 for the Lake Grace Sportsman's Club Inc to part fund the installation of a synthetic surface bowling green within their complex on part Reserve 27740.
2. Negotiate a loan of \$83,963.00 with the Treasury Corporation with a draw down date of 27 July 2009.
3. Include the loan repayments in the 2009/10 budget and future budgets over the life of the loan.

MOTION CARRIED 9/0

MOTION 10804

Moved Cr Milton
Seconded Cr Taylor

That Standing Orders be resumed.

MOTION CARRIED 9/0

1.40pm

Mr Reynolds, Mr Hunt, Mr Pelham and Mr Carruthers left the meeting.

10.0 MEMBERS' REPORTS

10.1 CR FARRELLY

Attended:

Lake Grace Library, Resource & Telecentre Management Committee Meeting – various day to day management issues were discussed and it was advised that the Education Department have not approved the Level 3 Librarian Position as there is no teaching component to the job.

Roe Tourism Association Meeting

Lake Grace hosted the meeting for the first time since joining the Association. Members were taken on a town tour, the main item for discussion at the meeting was the revised 'Pathways to Wave Rock' brochure which will now include the Shire of Lake Grace.

Audit Committee

Held this morning to consider the recent Interim Audit Report, spoke with Auditor via telephone link up, they are happy with the Shire's performance and had no major issues to raise.

10.2 CR MILTON

Attended:

Lake Grace St John Ambulance Meeting

New Regional Manager for this area – we now belong to the Southern Region (Albany based), all towns in the Shire are now located in the Southern Region except Varley.
Mass Casualty Kit – designed to deal with up to 20 casualties – now located at Lake Grace.

Lake Grace Sportsmans Club Special Meeting

Members voted to support the loan request to the Shire.

Fire Brigade Captains Dinner

Attended as representative of Council and the St John Ambulance Sub Centre

Met with Shire staff at the Lake Grace Airstrip to review items of concern, as a result a works order has been filled out.

10.3 CR TAYLOR

Attended:

A Night Out With Glen Jakovich Event

A very well attended event – 160 people – good night out. Glen speaks well and is good with the kids.

10.4 **CR WALKER**

Attended:

Newdegate Medical Centre Meeting

Onsite meeting at the Wickepin Health Centre along with Health Service representatives – a spatial type mission re practical use of space. Participants came away with a good idea of the ‘space’ of consulting rooms. Back in Lake Grace the meeting followed with further discussion and interaction over dinner and a report to those Councillors present. The project now requires more work with the architect to progress the project.

Executive Meeting – Wednesday 17 June

Topics of discussion:

- NRRHIP funding (for Newdegate Medical Centre) – grants announced Sept 2009
- 30 June budget carryover funds
- Council investments
- Parsons Brinkerhoff - Grain Freight Local Road Evaluation Study
- Newdegate Landfill Site – Dept Environment & Conservation requirements
- Genetically Modified Organisms
- Regular meetings between Councillors and Works Consultant
- Local Government Reform
- Strategic Planning

CSRFF Cheque Handover

The Minister for Sport & Recreation, Hon Terry Waldron MLA was at the Shire yesterday to present the cheque for Stage One of the Lake Grace Sporting Precinct Development.

11.0 MATTERS FOR CONSIDERATION – WORKS & SERVICES

11.1 GRAIN FREIGHT LOCAL GOVERNMENT ROAD EVALUATION STUDY

Applicant:	Western Australian Local Government Association
File No.	0448
Attachments:	Executive Summary
Author:	Mr Jim Fraser Chief Executive Officer
Disclosure of Interest:	Nil
Date of Report:	17 June 2009
Senior Officer:	Mr Jim Fraser Chief Executive Officer

Summary

This report recommends the receipt of the Grain Freight Local Government Road Evaluation Study.

Background

Parsons Brinkerhoff, a multi faceted Consultancy, was retained by the Western Australian Local Government Association to prepare the Grain Freight Local Government Road Evaluation Study to determine a ten year strategic investment plan for the local road network to ensure that local roads are adequate to meet Western Australia's grain freight task. The base year for the study was 2005 and estimates are provided out to the year 2030.

As part of the consultation process the Chief Executive Officer attended a workshop in Perth on 6 May 2008.

The Study indicates a number of issues including:

- Main transport issues in rural regions are road quality and safety rather than congestion (metropolitan & outer metropolitan)
- Deterioration in quality of the rural road network will affect vehicle operating costs (VOC) which will flow through to increased freight rates.
- Road lengths in Wheatbelt North & South total approximately 41,000 kms making up 33% of the total regional road network.
- Grain transport is especially important for the local economy as well as regional state and federal economies.
- During the assessment of the report some statistics relative to the Shire of Lake Grace were noted including:
 - Total local road upgrade costs at 2005 level is in excess of \$14M
 - 146 kms of road to be upgraded
 - Total annual maintenance costs \$584,000 for 334 kms of sealed and unsealed roads
 - Total road length of 334 kms is highest in the study area

Cost estimates are based on ensuring the width of roads is up to a standard for the safe operation of Class 10+ vehicles (eg. B Double Road Train). Whilst the use of larger trucks allows the freight task to be performed at a lower cost these advantages can be

reduced through a deteriorating road network which will increase vehicle operating costs and thus freight rates both from farm to bin and bin to port.

The restructure and probable reduction in receival points as well as annual decisions taken by grain handlers and growers will also impact on the grain freight task. More recent research, and certainly very recent announcements by Westnet Rail, indicate that the grain freight task will be transferred from rail to road. This is of concern to Staff.

Four narrow gauge grain lines are due for closure being:

- Trayning to Merredin
- York to Quairading
- Katanning to Nyabing
- Tambellup to Gnowangerup

Comment

The recently released State budget did not include an allocation of funds for either an upgrade of the narrow gauge railway line network or for additional funds to improve the road network. Estimates relating to the increase in large truck traffic on the road network should rail closures occur are concerning particularly from a road safety aspect.

The rail operator, Westnet Rail, has sought an assurance from the State Government that there is support for the retention and upgrade of the narrow gauge rail network. WALGA has met with Westnet Rail and CBH and there has been several press releases and articles in newspapers circulating in the area. At the time of compiling the report it appears that more grain will be transported by road. Staff will continue to monitor the situation and it may be necessary to amend/change the Officers Recommendation during debate at the Council Meeting on 24 June 2009.

The following are extracts from the Parsons Brinkerhoff report relating to roads within the Shire of Lake Grace.

Roads listed for improvements include:

Sealed

Aylmore Road
Biddy Buniche Road
Biddy Camm Road
Lake Biddy Road
North Lake Grace Karlgarin Road

Unsealed

Aylmore Road
Biddy Buniche Road
Biddy Camm Road
Holt Rock South Road
Jarring South Road
Old Ravensthorpe Road
Varley South Road

The ten year proposed programme is summarised:

Year 1

Lake Biddy Road	\$669,387.00
-----------------	--------------

Year 2

Aylmore Road	\$4,273,312.00
Biddy Buniche Road	\$1,134,617.00

Year 3

Aylmore Road	\$48,401.00
Biddy Buniche Road	\$328,678.00

Year 4	
Biddy Camm Road	\$150,515.00
Year 5	
Biddy Camm Road	\$963,681.00
Year 6	
Biddy Camm Road	\$429,085.00
Holt Rock South Road	\$32,120.00
Year 7	
Biddy Camm Road	\$2,444,691.00
Holt Rock South Road	\$159,157.00
Jarring South Road	\$296,250.00
Varley South Road	\$296,144.00
Year 8	
Jarring South Road	\$45,465.00
Year 9	
Biddy Camm Road	\$513,722.00
Jarring South Road	\$34,282.00
Old Ravensthorpe Road	\$64,887.00
Year 10	
Biddy Camm Road	\$134,154.00
Jarring South Road	\$26,611.00
North Lake Grace Karlgarin Road	\$70,973.00
Old Ravensthorpe Road	\$128,522.00
Varley South Road	\$121,314.00

The roads included in the Parsons Brinkerhoff Report reflect the views of Council in relation to its ongoing road development programme. An exception is Jarring South Road.

With the current ongoing debate and the uncertainty facing the grain freight task it is recommended that Council “receive” the Parsons Brinkerhoff Report and continue to monitor the situation.

Legal Implications

N/A

Policy Implications

Road Classification Policy 4.3

Consultation

N/A

Financial Implications

Nil at this stage.

Strategic Implications

4.3 Roads - Establish a forward Works Program in accordance with projected funding opportunities and changing community needs

Voting Requirements

Simple majority required.

Recommendation/Resolution

MOTION 10805

Moved Cr Chamberlain
Seconded Cr Dunkeld

That the Parsons Brinkerhoff Report titled Grain Freight Local Government Road Evaluation Study be received.

MOTION CARRIED 9/0

12.0 MATTERS FOR CONSIDERATION – TOWN PLANNING

12.1 PROPOSED ROAD CLOSURE – UNCONSTRUCTED PORTION OF BOULTON ST LAKE GRACE

Applicant:	Shire of Lake Grace
File No.	0355, 0361 & 0369
Attachments:	Plans 1 to 4 & Attachment 1
Authors:	Mr Joe Douglas & Mr Carlo Famiano – Urban & Rural Perspectives Town Planning Consultants
Disclosure of Interest:	Nil
Date of Report:	16 June 2009
Senior Officer:	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 unconstructed portion of the Boulton Street road reserve, Lake Grace required to facilitate the future subdivision development of various Crown landholdings along Dewar Street, Lake Grace for service commercial/light industrial purposes.

Background & Comment

At its Ordinary Meeting held on 25 February 2009 Council resolved to advertise Council's intention to request the Minister for Lands to permanently close the unconstructed portion of Boulton Street, Lake Grace (see Plans 1 to 4).

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 eight (8) 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.

In its response the Water Corporation identified the need to remove a water main currently located within the Boulton Street road reserve. Removal of the water main will affect two (2) existing services connected to the main, being a truck wash down area and an overhead standpipe, both of which are currently the responsibility of the Shire.

The cost associated with removing the water mains are itemised as follows and will need to be factored into the overall subdivision development costs:

	REQUIRED WORKS	COST ESTIMATE
OPTION 1	Install a meter at the boundary of the proposed property to serve the lot created.	\$4,750.00
OPTION 2	Disconnect the mains and install 20mm & 50mm services to the boundary.	\$3,950.00

The most suitable option will be determined at the subdivision development stage of the project following further discussion with the Water Corporation and advice from the civil engineer appointed to undertake all of the required engineering design and documentation.

It is advised that if Council resolve to proceed with the proposed road closure, it will also be required to indemnify the State of Western Australia against costs and claims associated with the permanent closure of the road.

Conclusion

Given that no objections to the proposed closure of the unconstructed portion of Boulton Street 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

- The administrative costs associated with progressing the project are estimated to be in the order of \$1,500 excluding GST. The cost of this work will be absorbed in Council's budget for the 2008/2009 financial year.
- The costs associated with removal of the water main from the Boulton Street road reserve as required by the Water Corporation will need to be factored into the overall subdivision development costs. It is understood that a suitable allowance for the subdivision project is likely to be made in Council's budget for the 2009/2010 financial year.

Strategic Implications

The permanent closure of the unconstructed portion of Boulton Street will enable the Shire of Lake Grace to progress the proposed subdivision development of various Crown landholdings located along Dewar Street, Lake Grace for service commercial/light industrial purposes to satisfy the current and future anticipated demand for land of this type in the Lake Grace townsite.

Voting Requirements

Simple majority required.

Recommendation/Resolution

MOTION 10806

Moved Cr Milton
Seconded Cr Farrelly

That Council:

1. Note the submissions received during public advertising of the proposal to close the unconstructed portion of the Boulton Street road reserve, Lake Grace.
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 unconstructed portion of the Boulton Street road reserve, Lake Grace 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 9/0

12.2 PROPOSED SUBDIVISION – LOTS 200 & 1493 HAESE ROAD KUENDER & WALYURIN

Applicant: PH & EK Gow (Licensed Surveyors) on behalf of Anthony & Sandra Bilman, Shaun & Yvette Downey (Landowners)

File No. 0453

Attachments: Plans 5 to 8

Authors: Mr Joe Douglas & Mr Carlo Famiano – Urban & Rural Perspectives
Town Planning Consultants

Disclosure of Interest: Nil

Date of Report: 17 June 2009

Senior Officer: Mr Jim Fraser
Chief Executive Officer

Summary

This report recommends that a subdivision application submitted to the Western Australian Planning Commission (WAPC) by PH & KE Gow (Licensed Surveyors) on behalf of Anthony Bilman, Sandra Bilman, Shaun Downey & Yvette Downey (i.e. the current landowners) and referred to the Shire for review and comment be supported by Council subject to the imposition of relevant conditions.

Background & Comment

The current landowners are seeking approval to the realignment of the common boundaries between the two (2) existing agricultural lots having regard for the existing rural land uses and the location of paddock fencing.

The proposed boundary realignment will result in the following changes to the current lot areas which are detailed in the table below:

Lot Particulars	Existing Land Area(Approx.)	Proposed Land Area(Approx)
Existing Lot 14973	2,022.33 ha	-
Existing Lot 200	419.13 ha	-
Proposed Lot A	-	1,189.12 ha
Proposed Lot B	-	1,252.04 ha

In considering the subdivision application Council is required to have due regard for provisions contained in the following planning documents prior to formulating its response to the WAPC:

- Shire of Lake Grace Local Planning Scheme No.4; and
- WAPC Development Control Policy No.DC 3.4 – ‘Subdivision of Rural Land’.

The following is an assessment of the subdivision proposal in the context of the specific requirements of these planning documents to determine its general suitability.

Shire of Lake Grace Local Planning Scheme No.4

The subject land is currently classified 'General Agriculture' zone in the Shire of Lake Grace Local Planning Scheme No.4 (LPS No.4).

Clause 5.11.12 of LPS No.4 states that Council will only recommend support for the proposed subdivision of land within the 'General Agriculture' zone where it accords with the provisions of the Scheme, Local Planning Strategy, Local Planning Policies and any relevant Commission policies applicable at the time. In this case Section 4.6 of the WAPC's Development Control (DC) Policy No.3.4 – 'Subdivision of Rural Land' enables the consideration of subdivision applications for farm adjustment purposes (i.e. 'farm rationalisation'). As such there is scope for Council to consider this proposal.

The application proposes the realignment of the common boundaries between two (2) existing rural lots (see Plan 8). The boundary realignment will preserve the broadacre farming activities currently being undertaken on the land and will not result in the fragmentation of the existing lots. To that extent it is the view of this report that the proposed subdivision is generally consistent with the 'General Agricultural' zone objectives of LPS No.4 as this applies specifically to the continuation of broadacre agriculture in the District.

It is recommended that Council have due regard for the provisions contained in Clause 5.41 of LPS No.4 as this relates to the fencing of existing remnant vegetation. Given the significant stand of remnant vegetation within the south-western corner of Lot 200 and a number of small stands of vegetation contained in various locations throughout the subject land, it is recommended that Council consider requesting the WAPC to impose a condition on any subdivision approval issued which requires the fencing of these areas to facilitate their long term protection in accordance with the general objectives of LPS No.4.

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

The Western Australian Planning Commission's (WAPC's) Development Control Policy No DC 3.4 provides guidance on the matters to be considered by the Commission when determining applications for the subdivision of rural land throughout Western Australia. A key objective of Policy No DC 3.4 is to minimise the ad-hoc fragmentation of rural land throughout the State.

Despite the fact that the further subdivision of agricultural land is generally not supported by the WAPC, section 4.6 of Policy No DC 3.4 enables the rationalisation of farming land through boundary realignments to improve farm management. The subdivision application proposes to realign the existing boundaries of the subject land to coincide with existing fencing and paddocks.

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

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

The proposed subdivision is considered to be consistent with the objectives of Policy No DC 3.4 and State Planning Policy 2.5 as these relate specifically to the protection of agricultural land, planning for rural settlement and minimizing the potential for land use conflict. The

subdivision is unlikely to compromise any of these key objectives and will result in the creation of two (2) new lots which are consistent with the prevailing lot sizes in the immediate locality.

- b) No additional lots are created.

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

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

The proposed lot boundary has been formulated with due regard for the current alignment of existing fencing and paddocks. By realigning the boundaries as proposed it is reasonable to expect that Lot 200 (proposed 'Lot B') will comprise a greater land area and therefore become more commercially viable for agricultural production. The proposed subdivision will also result in a more even allocation of land between the two lots, facilitate improved land management and provide for the creation of lots that are more consistent with the prevailing lot sizes in the immediate locality.

Given the above findings, the proposed subdivision is considered to be consistent with the criterion outlined in section 4.6 of Policy No DC 3.4.

Local Government & Locality Boundaries

Lot 200 is located entirely within the Shire of Lake Grace and the locality of Kuender, whilst Lot 14973 is located entirely in the Shire of Kulin and in the locality of Walyurin. The proposed subdivision will result in proposed 'Lot B' being severed by the common municipal boundary between the two Shires (i.e. the lot will be located in both Shires), which also forms the suburb boundary. Whilst this scenario is not a desirable outcome for the current or future owner of 'Lot B' from a management perspective (i.e. property administration and rating), the severance of land by common municipal boundaries is in fact common throughout Western Australia.

In considering this issue Council should be mindful of the following:

- i) The current and/or future owner of 'Lot B' may request, following the creation of Lot B, that the two Shires come to some agreement regarding the relocation of the common municipal and/or suburban boundary traversing 'Lot B' to simplify future administration of the land and minimise the rates payable;
- ii) The process of changing municipal and/or suburban boundaries must be undertaken in accordance with the provisions of the Local Government Act 1995 and requires the preparation and lodgement of a formal submission to the Local Government Advisory Board. Following an assessment of the proposal the Board is required to prepare a report and recommendation for submission to the Minister for Local Government who makes the final decision; and
- iii) The administrative costs associated with the process referred to in point ii) above are likely to be substantial and may need to be borne by the Shires of Lake Grace and Kulin in the event that they agree to modify the

current location of the common municipal boundary between the two Shires following completion of the proposed subdivision.

In light of the above issue and its potential cost implications for the Shire, Council may wish to consider requesting the WAPC to impose an advice note on any subdivision approval issued. The advice note should specify that any proposal to relocate the common municipal and/or suburban boundary traversing 'Lot B' for the purpose of simplifying future administration of the land and/or minimising the rates payable by the landowner will not be supported by Council unless the landowner agrees to pay all costs associated with any such the proposal.

Conclusion

It is concluded from a detailed assessment of the proposed subdivision of Lots 200 & 14973 Haese Road, Kuender and Walyurin that it is:

- unlikely to compromise the objectives for land classified 'General Agriculture' zone in the Shire of Lake Grace's current operative Local Planning Scheme No.4;
- generally consistent with the criteria contained in the Western Australian Planning Commission's Policy No DC 3.4; and
- generally aligned with the outcomes intended by the current town planning framework applicable to the immediate locality.

Legal Implications

Planning and Development Act 2005

Shire of Lake Grace Local Planning Scheme No.4

Policy Implications

Nil

Consultation

Not required

Financial Implications

The proposed subdivision, once completed, may lead to a request from the owner of proposed 'Lot B' for the Shires of Lake Grace and Kulin to relocate the common municipal boundary traversing 'Lot B' to simplify the future administration of the land and minimise the rates payable. The administrative costs associated with the required process are likely to be substantial and would need to be borne by the Shires of Lake Grace and Kulin unless the Shires make it clear up-front that all costs associated with this process will need to be borne by the landowner.

Strategic Implications

Nil

Recommendation

That Council advise the Western Australian Planning Commission that it supports the application submitted by PH & KE Gow (Licensed Surveyors) on behalf of Anthony Bilman, Sandra Bilman, Shaun Downey and Yvette Downey (Landowners) to subdivide Lots 200 & 14973 Haese Road, Kuender & Walyurin into two (2) new separately titled lots in accordance with the details of the plan

submitted in support of the application subject to the following condition and advice note:

Condition

The subdivider shall erect suitable fencing around the edges of the large stands of remnant vegetation on each of the proposed new lots to facilitate the long term retention and protection of this vegetation.

Advice Note

The subdivision will result in proposed 'Lot B' being severed by the common municipal boundary between the Shires of Lake Grace and Kulin. Any proposal to relocate the municipal boundary traversing 'Lot B' for the purpose of simplifying future administration of the land and/or minimising the rates payable by the landowner will not be supported by the Shire of Lake Grace unless the landowner agrees to meet all associated administrative and public advertising costs.

Voting Requirements

Simple majority required.

Resolution

MOTION 10807

Moved Cr Taylor
Seconded Cr Milton

That Council advise the Western Australian Planning Commission that it supports the application submitted by PH & KE Gow (Licensed Surveyors) on behalf of Anthony Bilman, Sandra Bilman, Shaun Downey and Yvette Downey (Landowners) to subdivide Lots 200 & 14973 Haese Road, Kuender & Walyurin into two (2) new separately titled lots in accordance with the details of the plan submitted in support of the application subject to the following condition and advice note:

Condition

The subdivider shall endeavour to erect suitable fencing around the edges of the large stands of remnant vegetation on each of the proposed new lots to facilitate the long term retention and protection of this vegetation.

Advice Note

The subdivision will result in proposed 'Lot B' being severed by the common municipal boundary between the Shires of Lake Grace and Kulin. Any proposal to relocate the municipal boundary traversing 'Lot B' for the purpose of simplifying future administration of the land and/or minimising the rates payable by the landowner will not be supported by the Shire of Lake Grace unless the landowner agrees to meet all associated administrative and public advertising costs.

MOTION CARRIED 9/0

Reason for Change to 'Condition' - Council has made the same change on a previous occasion.

2.23pm Mrs Helen Bennett left the meeting.

12.3 PLANNING APPLICATION – PROPOSED ADDITIONS TO EXISTING STORAGE SHED, LOT 145 RASMUSSEN ROAD, NEWDEGATE

Applicant:	AD & PJ Boyce
File No.	0455
Attachments:	Plans 9 to 12
Authors:	Mr Joe Douglas & Mr Carlo Famiano – Urban & Rural Perspectives Town Planning Consultants
Disclosure of Interest:	Nil
Date of Report:	17 June 2009
Senior Officer:	Mr Jim Fraser Chief Executive Officer

Summary

This report recommends that the planning application submitted by AD & PJ Boyce to construct additions to an existing storage shed on Lot 145 Rasmussen Road, Newdegate be approved subject to conditions.

Background

The following details have been submitted in support of the planning application (see Plans 9 to 12):

- i) The existing storage shed is approximately 240m² and is currently used to store farm machinery and equipment;
- ii) The proposed additions comprise an area of 90m² (i.e. 15m long x 6m wide x 4m high); and
- iii) The proposed additions are of steel frame construction with corrugated iron walls, roof & gutters and sliding front doors.

Comment

The plans submitted by the applicant are very broad and do not provide all of the information typically required in support of planning applications (i.e. elevations, vehicle access, parking and stormwater drainage). Despite the absence of adequate information Council can still consider the application and grant planning approval on the condition that more detailed plans are submitted to the Shire for review and endorsement prior to the commencement of any development.

Lot 145 Rasmussen Road is currently classified 'Service Commercial' zone in the Shire of Lake Grace Local Planning Scheme No.4 (LPS No.4). Having regard for the various use classes contained in the Zoning Table of LPS No.4 and the land use definitions in Appendix 1, it is concluded that the existing and proposed use of the storage shed (including the proposed additions) on Lot 145 is most appropriately classified as a 'storage yard'.

According to LPS No.4 a 'storage yard' on land classified 'Service Commercial' zone is identified as an 'A' use. This means such use is not permitted unless the local government has exercised its discretion by granting planning approval following advertising of the proposal for public comment in accordance with clause 9.4 of LPS No.4. Given that the application only relates to additions to an

existing, previously approved storage shed, public advertising is not considered necessary.

An assessment of the proposal against the development standards contained in clause 5.9 of LPS No.4 has revealed that it satisfies the majority of the standards, except for the following:

- i) The front façade of the proposed storage shed is not of brick, concrete or masonry construction; and
- ii) The provision of a minimum of 1 car parking bay per 2 employees. No details regarding the nature and extent of vehicle access and parking areas have been submitted by the applicant.

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

Building Façade & Orientation / Car Parking

Clause 5.9.5 of LPS No.4 states:

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

Given the absence of adequate information it is unknown whether the existing storage shed and proposed additions will provide major openings to the land's road frontages. Furthermore the additions are proposed to be constructed using corrugated iron and not of brick, concrete or masonry construction as normally required by LPS No.4.

The existing storage shed and proposed additions have a front boundary setback of approximately 26 metres from the Rasmussen Road boundary and approximately 49 metres from the Newdegate Road North boundary. Due to the large street setbacks and the existing materials of the storage shed, the construction of a new colorbond façade is considered to be acceptable.

Clause 5.26 of LPS No.4 states:

“A person shall not develop or use any land or erect, use or adapt any building unless a suitable number of car parking spaces are provided in accordance with the requirements specified in Table 2.”

Table 2 of LPS No.4 specifies that a minimum of 1 car parking bay per 2 employees shall be provided for all industrial development in the Shire. As previously mentioned the plans submitted in support of the application do not provide any details regarding the location and extent of any proposed vehicle access ways or parking areas.

Given the above information it is recommended that the applicant be required to submit revised plans to the Shire indicating the following:

- Front building elevations with details of all openings on the front façade and the type of external wall cladding to be used;
- The proposed colour scheme of the external wall and roof cladding;
- The location and extent of all vehicle access ways and car parking bays; and
- All proposed advertising signage.

Conclusion

It is concluded from a detailed assessment of the planning application that the proposed additions to the existing storage shed at Lot 145 Rasmussen Road, Newdegate are:

- unlikely to compromise the stated objectives for land classified 'Service Commercial' zone in the Shire of Lake Grace's current operative Local Planning Scheme No.4;
- unlikely to have a negative impact on the surrounding land uses or the local streetscape; and
- generally aligned with the outcomes intended by the current town planning framework applicable to the immediate locality.

Legal Implications

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

Policy Implications

Nil

Consultation

N/A

Financial Implications

Nil

Strategic Implications

Nil

Recommendation

That Council resolve to approve the planning application submitted by AD & PJ Boyce to construct additions to the existing storage shed on Lot 145 Rasmussen Road, Newdegate generally in accordance with the details of the plans submitted in support of the application subject to compliance with the following 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 of Lake Grace having first been sought and obtained.
2. Additional plan/s are required to be prepared and submitted to the Shire of Lake Grace, to the specifications and satisfaction of the Shire, for consideration and approval by the Shire's Chief Executive Officer prior to the commencement of any development. The additional plans are to be suitably scaled and are required to clearly illustrate the following:
 - i) Front building elevations with details of all openings on the front façade and the type of external cladding to be used;
 - ii) The proposed colour scheme of the external wall and roof cladding;

- iii) The location and extent of all vehicle access ways and car parking bays; and
 - iv) All proposed advertising signage.
3. The development is to be undertaken in a manner consistent with the details of the additional plan/s required in Condition No.2 above if and when these plans are approved by the Shire of Lake Grace.
 4. A completed building 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.
 5. All external wall cladding shall be of colorbond construction.
 6. All stormwater generated by the proposed development shall be managed and disposed of to the specifications and satisfaction of the Shire of Lake Grace.
 7. All on-site vehicle access-ways and car parking areas shall be constructed (including sealing) and maintained to the specifications and satisfaction of the Shire of Lake Grace.
 8. All advertising signage shall be provided in accordance with the specifications contained in Local Planning Scheme No.4 and to the satisfaction of the Shire of Lake Grace.

Voting Requirements

Simple majority required

Resolution

MOTION 10809

Moved Cr Newman
Seconded Cr De Landgraft

That Council approve the planning application submitted by AD & PJ Boyce to construct additions to the existing storage shed on Lot 145 Rasmussen Road, Newdegate generally in accordance with the details of the plans submitted in support of the application subject to compliance with the following 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 of Lake Grace having first been sought and obtained.

MOTION 10809 *continued*

2. Additional plan/s are required to be prepared and submitted to the Shire of Lake Grace, to the specifications and satisfaction of the Shire, for consideration and approval by the Shire's Chief Executive Officer prior to the commencement of any development. The additional plans are to be suitably scaled and are required to clearly illustrate the following:
 - i) Front building elevations with details of all openings on the front façade and the type of external cladding to be used;
 - ii) The proposed colour scheme of the external wall and roof cladding;
 - iii) The location and extent of all vehicle access ways and car parking bays; and
 - iv) All proposed advertising signage.
3. The development is to be undertaken in a manner consistent with the details of the additional plan/s required in Condition No.2 above if and when these plans are approved by the Shire of Lake Grace.
4. A completed building 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.
5. All stormwater generated by the proposed development shall be managed and disposed of to the specifications and satisfaction of the Shire of Lake Grace.
6. All on-site vehicle access-ways and car parking areas shall be constructed (including sealing) and maintained to the specifications and satisfaction of the Shire of Lake Grace.
7. All advertising signage shall be provided in accordance with the specifications contained in Local Planning Scheme No.4 and to the satisfaction of the Shire of Lake Grace.

MOTION CARRIED 9/0

Reason for Change:

For the new extension to be in-keeping with the existing buildings Council removed the requirement for the use of 'colorbond' material. The existing buildings are zincalume.

**12.4 PLANNING APPLICATION – PROPOSED OFFICE EXTENSION, LOT 341
STUBBS ST LAKE GRACE**

Applicant:	Barry Wells on behalf of Farmers Centre (1978) Pty Ltd (Landowner)
File No.	0506
Attachments:	Plans 13 to 15
Authors:	Mr Joe Douglas & Mr Steve Pandevski – Urban & Rural Perspectives Town Planning Consultants
Disclosure of Interest:	Nil
Date of Report:	16 June 2009
Senior Officer:	Mr Jim Fraser Chief Executive Officer

Summary

This report recommends that the planning application submitted by Mr Barry Wells to construct extensions to the existing offices in the 'Farmers Centre' building on Lot 341 Stubbs Street, Lake Grace be approved subject to conditions.

Background

The applicant is seeking Council's planning approval for the development of an additional 33m² of office floor space in the existing 'Farmers Centre' building on Lot 341 Stubbs Street, Lake Grace to help improve the operational efficiency of the existing commercial use of the land. The proposed office additions are located toward the front of the building abutting the western side of the existing showroom and office areas (see Plans 13 to 15).

Comment

Current Zoning & Land Use Permissibility

Lot 341 is classified 'Service Commercial' zone under Local Planning Scheme No.4 (LPS No.4) wherein the development and use of the land for the purposes of a 'farm supply centre' has previously been approved by Council. The proposed office additions represent an extension to the previously approved use of the land and may therefore be approved by Council.

Car Parking

Table 2 of LPS No.4 does not specify a minimum number of car parking bays for 'farm supply centres'. It is however noted that the proposed office additions will result in the loss of two (2) existing on-site car parking spaces.

The large verge area in front of the building is currently used for car parking and appears to function well. It is however recommended that Council require additional plan/s to be submitted to the Shire prior to development providing specific details of all car parking arrangements at the front of the property to ensure that the loss of two parking bays as proposed does not have a detrimental impact on future vehicle access and parking.

Streetscape Amenity

Clause 5.8.2 of LPS No.4 requires that the front façade of all buildings on land classified 'Service Commercial' zone be constructed using masonry material(s). Council may approve alternative materials if it considers that the alternative material(s) will not detract from the amenity of the immediate locality.

The front façade of the proposed office additions on Lot 341 will be constructed using painted 'hardiplank' sheets over steel framework which appears to be consistent with the existing approved improvements on the land. As such the front façade of the proposed additions is unlikely to detract from the amenity of the locality provided it is painted using a colour that complements the existing building.

Given that no information regarding the colour to be used on the façade of the proposed building extensions was provided in the original application, it is recommended that the applicant be required to submit further details for the Shire's approval prior to the commencement of any development.

Conclusion

It is concluded from a detailed assessment of the planning application that the proposed extensions to the existing offices in the 'Farmers Centre' building on Lot 341 Stubbs Street, Lake Grace are:

- unlikely to compromise the stated objectives for land classified 'Service Commercial' zone in the Shire of Lake Grace's current operative Local Planning Scheme No.4;
- unlikely to have a negative impact on the surrounding land uses or the local streetscape; and
- generally aligned with the outcomes intended by the current town planning framework applicable to the immediate locality.

Legal Implications

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

Policy Implications

Nil

Consultation

N/A

Financial Implications

Nil

Strategic Implications

Nil

Cultural Implications

Nil

Voting Requirements

Simple majority required.

Recommendation/Resolution**MOTION 10809**

Moved Cr Farrelly
Seconded Cr Sinclair

That Council approve the planning application submitted by Mr Barry Wells on behalf of Farmers Centre (1978) Pty Ltd to construct extensions to the existing offices on Lot 341 Stubbs Street, Lake Grace generally in accordance with the details of the plans submitted in support of the application subject to the following 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 of Lake Grace having first been sought and obtained.
2. Additional plan/s are required to be prepared and submitted to the Shire of Lake Grace, to the specifications and satisfaction of the Shire, for consideration and approval by the Shire's Chief Executive Officer prior to the commencement of any development. The additional plans are to be suitably scaled and are required to clearly illustrate the following:
 - i) The proposed colour scheme of the external wall and roof cladding;
 - ii) The location and extent of all vehicle access ways and car parking bays; and
 - iii) All proposed advertising signage.
3. The development is to be undertaken in a manner consistent with the details of the additional plan/s required in Condition No.2 above if and when these plans are approved by the Shire of Lake Grace.
4. A completed building 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.
5. All new walls and footings shall be constructed entirely within the allotment.
6. All stormwater generated by the proposed development shall be managed and disposed of to the specifications and satisfaction of the Shire of Lake Grace.
7. All on-site vehicle access-ways and car parking areas shall be constructed (including sealing) and maintained to the specifications and satisfaction of the Shire of Lake Grace.
8. All advertising signage shall be provided in accordance with the specifications contained in Local Planning Scheme No.4 and to the satisfaction of the Shire of Lake Grace.

MOTION CARRIED 9/0

12.5 PLANNING APPLICATION – PROPOSED OUTBUILDING LOT 135 WRIGHT PLACE LAKE GRACE

Applicant:	Mr Allan Moore
File No.	0454
Attachments:	Plans 16 to 20
Authors:	Mr Joe Douglas & Mr Carlo Famiano – Urban & Rural Perspectives Town Planning Consultants
Disclosure of Interest:	Nil
Date of Report:	17 June 2009
Senior Officer:	Mr Jim Fraser Chief Executive Officer

Summary

This report recommends that the planning application submitted by Mr Allan Moore to construct a new domestic outbuilding on Lot 135 (No.1) Wright Place, Lake Grace be approved subject to conditions.

Background

The applicant is seeking Council's planning approval to construct a new domestic storage shed at the rear of Lot 135 (No.1) Wright Place, Lake Grace.

Lot 135 comprises a total area of approximately 984m² and is located on the corner of Wright Place and Betham Street (see Plans 16 to 20).

Lot 135 has previously been developed for residential purposes and comprises a single storey detached dwelling on the front (northern) portion of the property and a number of small storage sheds at the rear.

The proposed shed will:

- i) be 8 metres long and 6 metres wide;
- ii) comprise a total floor area of 48m²;
- iii) have a wall height of 2.4 metres and a ridge height of approximately 3.3 metres;
- iv) be of steel frame construction with zincalume roof and wall cladding; and
- v) have a setback of 1.5 metres from the land's Betham Street boundary and a 1.0 metre setback to an existing right-of-way at the rear.

Comment

Current Zoning & Land Use Permissibility

Lot 135 is classified 'Residential' zone under 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 an outbuilding is permitted to be developed on land classified 'Residential' zone where such land comprises an existing dwelling.

Residential Design Codes (R-Codes)

An assessment of the proposal against the requirements of the R-Codes confirms that the proposed outbuilding on Lot 135 complies with the relevant 'acceptable development provisions' including Element 6.2.1 ('Setbacks of Buildings Generally') and Element 6.10.1 ('Outbuildings').

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

An assessment of the proposal against the development standards prescribed by clause 5.19 of LPS No.4 has revealed that it satisfies the majority of the applicable development standards except for the maximum permitted floor area to allow for the use of reflective building materials (i.e. zinalume).

Clause 5.19.3 of LPS No.4 states:

"The maximum floor area of an outbuilding constructed of reflective cladding (e.g. zinalume) shall be 45 square metres."

The application proposes the development of a new 48m² outbuilding with zinalume roof and wall cladding which is 3m² greater than that normally permitted by LPS No.4.

In considering whether or not to approve a variation to the requirements of LPS No.4 Council must determine whether or not the proposal is likely to have a detrimental impact on the residential amenity and character of the immediate locality.

It is concluded from a detailed assessment of the application that the proposed variation is minor in scale and therefore unlikely to have an adverse impact on the existing amenity and character of the immediate locality for the following reasons:

- i) the proposed outbuilding abuts a rear laneway and will be screened by an existing boundary fence;
- ii) the outbuilding has sufficient setback from the existing dwelling on both the subject land and the adjoining property to the east;
- iii) the outbuilding is located with its primary frontage orientated to a secondary street (i.e. Betham Street) and will be screened by an existing boundary fence; and
- iv) the outbuilding is located adjacent to the Lake Grace school site and is screened from the school buildings by existing vegetation along the school's Betham Street frontage.

Given the above it is recommended that the proposed variation to the requirements of LPS No.4 be supported.

Conclusion

It is concluded that the proposal to construct a new outbuilding at the rear of Lot 135 (No.1) Wright Place, 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 conditions to ensure that all development and use is undertaken in a proper and orderly manner.

Legal Implications

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

Policy Implications

Council Policy 5.6 Property Access and Crossovers

Consultation

N/A

Financial Implications

Nil

Strategic Implications

Nil

Recommendation

That Council resolve to approve the planning application submitted by Mr Allan Moore to construct a new domestic outbuilding at the rear of Lot 135 (No.1) Wright Place, Lake Grace in accordance with the details of the plans submitted in support of the application subject to the following 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 of Lake Grace 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. The new outbuilding shall have adequate clearance from any existing underground essential service infrastructure (e.g. reticulated sewerage, water, etc.) as required by the relevant service providers.
4. All stormwater drainage discharge generated by the new outbuilding shall be managed to the specifications and satisfaction of the Shire.
5. The new outbuilding shall be used for domestic storage purposes only unless otherwise approved by Council.
6. The new outbuilding shall have a floor area not exceeding 48m².
7. The new outbuilding shall have a maximum wall height of 2.4 metres and a maximum ridge height of 3.3 metres.
8. Any proposed crossover to the new outbuilding along the land's Betham Street frontage and/or the right-of-way at the rear shall be constructed in accordance with Council Policy 5.6 – Property Access & Crossovers to the specifications and satisfaction of the Shire of Lake Grace.

Voting Requirements

Simple majority required.

Resolution

MOTION 10810

Moved Cr Newman
Seconded Cr Taylor

That Council resolve to approve the planning application submitted by Mr Allan Moore to construct a new domestic outbuilding at the rear of Lot 135 (No.1) Wright Place, Lake Grace in accordance with the details of the plans submitted in support of the application subject to the following 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 of Lake Grace 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. The new outbuilding shall have adequate clearance from any existing underground essential service infrastructure (e.g. reticulated sewerage, water, etc.) as required by the relevant service providers.
4. All stormwater drainage discharge generated by the new outbuilding shall be managed to the specifications and satisfaction of the Shire.
5. The new outbuilding shall be used for domestic storage purposes only unless otherwise approved by Council.
6. The new outbuilding shall have a floor area not exceeding 48m².
7. The new outbuilding shall have a maximum wall height of 2.4 metres and a maximum ridge height of 3.3 metres.
8. Any proposed crossover to the new outbuilding along the land's Betham Street frontage and/or the right-of-way at the rear shall be constructed in accordance with Council Policy 5.6 – Property Access & Crossovers to the specifications and satisfaction of the Shire of Lake Grace.

MOTION CARRIED 9/0

12.6 PROPOSED REZONING & SUBDIVISION DEVELOPMENT OF PORTION OF LOT 75 STUBBS ST LAKE GRACE

2.26pm Cr Farrelly left the meeting and returned at 2.29pm.

Applicant: Chief Executive Officer
File No. 0525
Attachments: Plans 21 to 24
Authors: Mr Joe Douglas & Mr Steve Pandevski – Urban & Rural Perspectives
 Town Planning Consultants
Disclosure of Interest: Nil
Date of Report: 16 June 2009
Senior Officer: Mr Jim Fraser
 Chief Executive Officer

Summary

This report provides details and recommendations in respect of an opportunity identified by the Shire of Lake Grace administration to change the current zoning classification of a portion of Lot 75 Stubbs Street, Lake Grace under Local Planning Scheme No.4 (LPS No.4) from 'Local Reserve - Recreation' to 'Residential' zone with an applicable residential density code of R30 to provide opportunity for the development of high quality, low maintenance housing in close proximity to the town's existing commercial, community and recreational facilities.

Background & Comment

The Shire's administration has identified a need for increased diversity of housing choice on smaller, affordable and low maintenance housing lots in the Lake Grace townsite compared to that of the traditional family home on a quarter acre lot. The need for greater housing choice is discussed in detail in the Shire's current Local Planning Strategy (LPS) under section 4.2 'Population and Housing Strategy' where recognition is given to the changing population demographics of the Shire and the need to provide more suitable housing for the aging population. This proposed amendment to LPS No.4 represents a proactive approach to implementing the strategies and actions contained in the Shire's current LPS as this relates to population and housing, particularly in the Lake Grace townsite.

The relevant portion of Lot 75 Stubbs Street, Lake Grace is located on the southern side of Stubbs Street between the Shire Administration Centre to the east and the Sportsman's Club and bowling green (Reserve 27740) to the west (see Plan 21 – Location Plan). The subject land is rectangular in shape, relatively flat and covers a total area of approximately 7,800m² (i.e. 156m long x 50m deep). The land currently contains tennis court facilities which have been relocated to a position more central and closer to the nearby sports ovals.

Lot 75 is currently owned in fee simple by the Shire of Lake Grace. It is however encumbered by the terms of the original Crown Grant which constrains the local government from using or developing the land for purposes other than recreation or broader community uses. Notwithstanding the current encumbrance, there are processes available under the Land Administration Act whereby the Shire can negotiate the release of the relevant portion of Lot 75

from the terms and conditions of the original Crown Grant with the State Land Services division of the Department for Planning and Infrastructure (DPI-SLS) prior to rezoning and subdivision development.

Prior to Council supporting the proposed rezoning and subdivision of the subject land it is recommended that the Shire initiate discussions with DPI-SLS to confirm the procedures, processes and costs associated with securing rights to develop the land for the intended purpose. Following completion of these discussions and negotiations, and assuming a favourable outcome, Council may then consider proceeding with rezoning and subdivision development of the land as proposed.

As previously mentioned the relevant portion of Lot 75 currently contains recreation facilities (i.e. tennis courts) which have been redeveloped in a more central location on Lot 75 in closer proximity to the main sports ovals, thereby providing a synergy between the facilities and an opportunity for the shared use of existing infrastructure. As such the subject land is not identified for any specific future recreational usage and is surplus to the Shire's future recreational requirements.

The existing and future planned recreational facilities in the Lake Grace townsite are comprehensive and include cricket, football and hockey ovals, cricket nets, bowling green, netball and basketball courts, swimming pool, skateboard and BMX facilities. The proposal to rezone a 7,800m² portion of Lot 75 for residential development purposes will not jeopardise or prejudice the quality or quantity of existing recreational facilities available to the Lake Grace community.

It is the quality and quantity of nearby recreational facilities, together with the proximity of various commercial, retail and community uses that validates the suitability of the subject portion of Lot 75 for medium density (R30) residential development.

To assist Council's consideration of the proposal Urban & Rural Perspectives has prepared plans that provide an indicative residential subdivision layout, indicative housing site plan and indicative streetscape plan. It is important to note that these plans are provided for diagrammatic purposes only to assist Council visualisation of the proposed development (see Plans 22, 23 & 24) (an A1 size copy of Plan 24 will be tabled at the Council meeting).

Conclusion

The proposed rezoning and development of portion of Lot 75 Stubbs Street, Lake Grace for medium density residential purposes is consistent with the long standing town planning principle of providing a variety of housing choice to ensure that the needs of growing communities are satisfied. The proposal is also consistent with the strategic land use planning direction afforded by the Shire's current Local Planning Strategy as this applies specifically to future residential development in the Shire's townsites.

Given the constraints associated with the land's current tenure (i.e. Crown Grant) it is recommended that the Shire initiate discussions with DPI-SLS to confirm the procedures, processes and costs associated with securing rights to develop the land for the intended purpose. Following completion of these

discussions and negotiations, and assuming a favourable outcome, Council may then proceed with rezoning and subdivision development of the land as proposed.

Legal Implications

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

Policy Implications

Shire of Lake Grace Local Planning Strategy

Consultation

Community consultation to be undertaken in accordance with the specific requirements of the Land Administration Act 1997 and Planning and Development Act 2005.

Financial Implications

- Excision of required land from Parent Title: Costs to be determined through discussions with DPI-SLS.
- Rezoning: \$5,000.00
- Subdivision Development: Costs to be determined by a qualified civil engineer for a total estimated fee of \$750.00 excluding GST

Strategic Implications

The need for appropriately located and serviced residential land to provide smaller, low maintenance lots within the Lake Grace townsite, thereby creating greater diversity and choice in the local housing stock, is well documented in the Shire of Lake Grace Local Planning Strategy (see Section 4.2).

Recommendation

That Council resolve to authorise the Shire Administration to:

1. Initiate discussions with the State Land Services Division of the Department for Planning and Infrastructure to confirm the procedures, processes and costs associated with securing the rights to rezone and develop a 7,800m² portion of Lot 75 Stubbs Street, Lake Grace for medium density residential purposes; and
2. Engage a consulting civil engineer to prepare a preliminary construction cost estimate for the proposed subdivision development of the land in accordance with the details of the indicative subdivision plan attached to this report.

Voting Requirements

Simple majority required

Resolution

MOTION 10811

Moved Cr Farrelly
Seconded Cr Newman

That Council authorise the Shire Administration to initiate discussions with the State Land Services Division of the Department for Planning and Infrastructure to confirm the procedures, processes and costs associated with securing the rights to rezone and develop a 7,800m² portion of Lot 75 Stubbs Street, Lake Grace for medium density residential purposes.

MOTION CARRIED 9/0

Reason for Change

Council did not wish to commit funds to the project at this stage.

2.33pm Mrs Owen left the meeting and returned at 2.35pm.

12.7 **PLANNING APPLICATION – PROPOSED ADVERTISING SIGNAGE LOT 176 STUBBS ST LAKE GRACE**

Applicant:	Melissa Cugley on behalf of Rabobank (Tenant)
File No.	0506
Attachments:	Plans 25 to 29
Authors:	Mr Joe Douglas & Mr Carlo Famiano – Urban & Rural Perspectives Town Planning Consultants
Disclosure of Interest:	Nil
Date of Report:	22 June 2009
Senior Officer:	Mr Jim Fraser Chief Executive Officer

Summary

This report recommends the planning application submitted by Mrs Melissa Cugley to erect an advertising sign Lot 176 (No.80) Stubbs Street, Lake Grace be approved subject to conditions.

Background

The applicant is seeking Council's planning approval to erect one (1) advertising sign at the front of Lot 176 (No.80) Stubbs Street, Lake Grace.

Lot 176 comprises a total area of approximately 1,042m² and is located on the corner of Stubbs and Vernon Streets (see Plans 25 to 26).

Lot 176, along with the adjoining Lot 175, has previously been developed for office and storage yard purposes. The site comprises a single storey office building along the Stubbs Street frontage and a number of storage sheds at the rear.

The proposed advertising sign will:

1. be a 'pylon' type sign of steel frame construction with vinyl graphics applied to the signage face;
2. comprise an overall height of 2.4 metres and a width of 1.45 metres;
3. incorporate an advertising signage panel of 1.74m² (1.2m x 1.45m wide);
4. be located on the corner of Stubbs and Vernon Streets within the property boundary; and
5. not be illuminated.

Comment

Current Zoning & Land Use Permissibility

Lot 176 is classified 'Service Commercial' zone under Local Planning Scheme No.4 (LPS No.4) wherein the development and use of the land for the purposes of an 'office' has previously been approved by Council.

The proposed sign is being erected to advertise the business ('Rabobank') that will be established in the existing office building on the land.

Advertising signs on land classified 'Service Commercial' zone may be approved by Council where they are not in accordance with those signs

specified in Schedule 5 of LPS No.4 as being exempt from the requirement to obtain Council's planning approval.

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

Schedule 5 of LPS No.4 prescribes circumstance where advertising signs are exempt from requiring Council's planning approval. In this instance the proposed sign is freestanding (i.e. a 'pylon sign') and associated with a previous approved use of the land for office purposes. In this case the proposed sign is not listed in Schedule 5 as being exempt from the requirement to obtain Council's planning approval.

In considering whether or not to approve the proposed advertising sign Council must determine whether or not the proposal is likely to have any adverse impact on the streetscape or amenity of the immediate locality.

It is concluded from a detailed assessment of the application that the proposed advertising sign is relatively small in scale and therefore unlikely to have an adverse impact on the existing amenity and character of the immediate locality for the following reasons:

1. the advertising sign is incidental to the approved use of the land for 'office' purposes;
2. the advertising sign is not illuminated and will not therefore have a detrimental impact on any nearby residential properties; and
3. the advertising sign is consistent with similar signage for other commercial uses located east of the subject land along Stubbs Street.

Given the above it is recommended that the application to erect the proposed advertising sign be supported.

Conclusion

It is concluded that the proposal to erect a new 'pylon' type advertising sign along the frontage of Lot 176 (No.80) Stubbs Street, Lake Grace is unlikely to have a negative impact on the general amenity, character, functionality and safety of the immediate locality and may therefore be approved by Council subject to conditions to ensure it is developed and used in a proper and orderly manner.

Legal Implications

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

Policy Implications

Nil

Consultation

Community consultation not required.

Financial Implications

Nil

Strategic Implications

Nil

Voting Requirements

Simple majority required.

Recommendation/Resolution

MOTION 10812

Moved Cr Farrelly

Seconded Cr De Landgraft

That Council approve the planning application submitted by Mrs Melissa Cugley on behalf of Rabobank to erect a new 'pylon' type advertising sign on Lot 176 (No.80) Stubbs Street, Lake Grace in accordance with the details of the plans submitted in support of the application subject to the following conditions and advice note:

1. The development is to be substantially commenced within a period of two (2) years from the date of this approval. If the development is not substantially commenced within this period the approval will lapse and be of no further effect. Where an approval has lapsed, no development shall be carried out without the further approval of the Shire of Lake Grace having first been sought and obtained.
2. A completed building licence application must be submitted to and approved by the Shire's Building Surveyor prior to the commencement of any construction on the land.
3. The new advertising sign shall be erected within the legal boundaries of Lot 176.
4. The new advertising sign shall have adequate clearance from any existing underground essential service infrastructure (e.g. power, water, drainage, reticulated sewerage etc.) as required by the relevant service providers.
5. The new advertising sign shall not be illuminated unless otherwise approved by Council.

Advice Note

Given that the existing buildings on Lots 175 & 176 Stubbs Street traverse the common boundary between these two lots it is recommended that Lots 175 & 176 be amalgamated into one (1) single lot prior to the commencement of any further development on the land.

MOTION CARRIED 9/0

13.0 MATTERS FOR CONSIDERATION – HEALTH & BUILDING

No items for consideration

14.0 MATTERS FOR CONSIDERATION – FINANCE

1.38pm Cr Farrelly left the meeting.

14.1 ACCOUNTS FOR PAYMENT – MAY 2009

Applicant:	Shire of Lake Grace
File No.	0277
Attachments:	List of Creditors
Author:	Miss Jessica de Burgh Finance Officer
Disclosure of Interest:	Nil
Date of Report:	15 June 2009
Senior Officer:	Mr Jim Fraser Chief Executive Officer

Summary

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

Background

List of payments for the month of May 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 May 2009 from the Municipal Account totals \$620,767.46.

There were no Trust Account payments during May 2009.

Strategic Implications

N/A

Voting Requirements

Simple majority required.

Recommendation/Resolution

MOTION 10813

Moved Cr Taylor
Seconded Cr Sinclair

That:

Municipal Account cheques 33574 to 33601, Electronic Funds Transfers EFT5153 to EFT5215, and direct debits to the Municipal Accounts totalling \$620,767.46; 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 – MAY 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: 16 June 2009
Senior Officer: Mr Jim Fraser
Chief Executive Officer

Summary

Consideration of the financial statements for the month ending 31 May 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

Cultural Implications

N/A

Recommendation

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

Voting Requirements

Simple majority required.

Resolution

MOTION 10814

Moved Cr Taylor
Seconded Cr Newman

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

MOTION CARRIED 8/0

2.48pm Cr Farrelly re-entered the meeting.

14.3 INVESTMENT REPORT – MAY 2009

Applicant: Shire of Lake Grace
File No. 0267
Attachments: Nil
Author: Mr Mark Burbridge
 Manager Corporate Services
Disclosure of Interest: Nil
Date of Report: 15 June 2009
Senior Officer: Mr Jim Fraser
 Chief Executive Officer

Summary

Report on the investment of surplus funds for the Municipal and Reserve Funds.

Background

A report on investment activity is presented to Council each month (where applicable) in accordance with Council Policy 3.5.

Comment

The following surplus funds have been invested during May 2009:

Financial Institution	Fund	Lodgement	Maturity	Term	Amount	Interest Rate
BankWest	Municipal	23/03/09	N/A	N/A	\$383,227.61	3.65%
Elders Rural Bank	Reserve	12/03/09	12/06/09	3 months	\$1,247,822.75	4.50%

Council held approximately \$370,000 in its Municipal Cheque account at the end of May.

Funds are being transferred from Council's cash management account with BankWest Lake Grace as and when required to meet upcoming cash expenditure requirements.

This approach aims to maximise Council's interest returns whilst maintaining availability of funds in the short term. This approach also helps limit Council's financial exposure as deposits up to \$1million with each financial institution are automatically covered by the Federal Government's Deposit Guarantee.

Given that Council's term deposit with Elders Rural Bank is about to expire, and the requirement to make transfers to and from various Reserves before the end of the financial year, it is unlikely that further funds will be invested until early July 2009.

Legal Implications

Nil

Policy Implications

As per Council Policy 3.5

Consultation

N/A

Financial Implications

N/A

Strategic Implications

N/A

Voting Requirements

Simple majority required.

Recommendation/Resolution

MOTION 10815

Moved Cr Chamberlain
Seconded Cr De Landgraft

That Council receive the May 2009 investment report.

MOTION CARRIED 9/0

14.4 DEBT WRITE OFFS – DOG INFRINGEMENTS

Applicant: Senior Finance Officer
File No: 0276
Attachments: Nil
Author: Mrs Danielle Robertson
 Senior Finance Officer
Disclosure of Interest: Nil
Date of Report: 16 June 2009
Senior Officer: Mr Jim Fraser
 Chief Executive Officer

Summary

The purpose of this report is for Council to consider writing off a number of debts for dog infringements dating back from December 2004.

Background

Mr Jabin Moore, of Lake Grace, was invoiced the amount of \$99.00 for pound fees in December 2004.

Ms Justine Jaensch, formerly of Newdegate, was fined by Council's Ranger, the amount of \$100 for her dog causing a nuisance and another \$200 for having an unregistered dog in August 2005.

Ms Brooke Stewart, formerly of Newdegate, was fined by Council's Ranger, the amount of \$200 for having an unregistered dog in March 2007.

Comment

Mr Moore no longer has ownership of the dog and despite repeated attempts to pursue payment of this debt no payment has been forthcoming.

Staff experienced great difficulty in making contact after extensive time spent trying to locate Ms Jaensch and Ms Stewart and many of the repeated invoices and statements sent were either returned to our office unopened or not responded to.

Consultation with Council's collection agent (Austral Mercantile) determined that the collection costs associated with trying to enforce payment of these debts are prohibitive to the execution of such enforcement.

Community Consultation

N/A

Legal Implications

Local Government Act 1995, Part 6, Division 4, subsection 6.12 *Power to defer, grant discounts, waive or write off debts.*

(1) *Subject to subsection (2) and any other written law, a local government may – (c) write off any amount of money, which is owed to the local government.*

Policy Implications

Nil.

Financial Implications

Such write-offs will have an effect on Council's end of year surplus/deficit as no provision has been made in the 2008/09 budget for the write-off of these debtor accounts.

Strategic Implications

N/A

Voting Requirements

Absolute majority (5) required.

Recommendation/Resolution

MOTION 10816

Moved Cr Farrelly
Seconded Cr Dunkeld

That Council agree to write off:

1. \$300.00 of dog infringement fines payable by Ms Justine Jaensch,
2. \$200.00 of dog infringement fines payable by Ms Brooke Stewart.
3. \$99.00 of dog pound fees payable by Mr Jabin Moore.

MOTION CARRIED BY ABSOLUTE MAJORITY 9/0

14.5 SELF SUPPORTING LOAN – LAKE GRACE SPORTSMANS CLUB

Item brought forward – refer back to page 104

15.0 MATTERS FOR CONSIDERATION – ADMINISTRATION**15.1 STRATEGIC PLAN – SHIRE OF LAKE GRACE**

Applicant:	Chief Executive Officer
File No.	0271
Attachments:	Draft Strategic Plan and Action Plans
Author:	Mrs Jeanette Bennett Executive Assistant
Disclosure of Interest:	Nil
Date of Report:	19 May 2009
Senior Officer:	Mr Jim Fraser Chief Executive Officer

Summary

For Council to adopt the Strategic Plan and the accompanying Action Plans.

Background

In 2005 the Local Government Act 1995 was amended to include the requirement for local governments to make a plan for the future of its district for a period of at least two financial years.

Further, the Local Government (Administration) Regulations 1996 were also amended and set out the procedures to follow. The Regulations specify a plan for the future of a district is to set out the broad objectives of the local government for the period specified in the plan – or in other words, a strategic direction.

In 2006, as a forerunner to the strategic planning process, Council set about the process of mapping its communities to determine core values and develop a set of guiding principles on which to base the Strategic Plan. This was done through a cultural planning process which involved mapping and ‘visioning’ workshops with community groups and schools – approximately 140 people participated in the process over a three month period.

Out of the cultural mapping and visioning process a Community Plan was developed which is now used regularly by staff as an ongoing and important guide in the delivery of services to the communities.

Following on from the cultural planning process Council embarked on the development of its Strategic Plan. Bandt, Gatter & Associates were appointed in July 2007 to assist Council with the preparation of the Strategic Plan. Over the next eighteen months Allan Bandt visited on several occasions facilitating workshops to develop the goals and strategies outlined in the attached Draft Strategic Plan.

At the final workshop held in February 2009, Council determined its strategic priorities and actions for the next 12 months to two years. The Strategic Plan (one pager) along with the accompanying Action Plan is now presented for Council endorsement.

With regard to the requirement for a plan for the future, as a follow on from the strategic planning process, financial consultant Mr Bill Bond has prepared a Plan for the Future for adoption by Council (refer following Item 15.2).

Goals and strategies out of the Draft Strategic Plan, and the accompanying Action Plan, have been used as the basis to ensure the strategic priorities determined by Council flow through into a financial plan in order to achieve desired outcomes.

Comment

It is important to note the contribution of the Community Plan as a key contributor to the shaping of the Strategic Plan. To ensure that it is ongoing, staff will continue to monitor, evaluate and be guided by the Community Plan as part of their daily business – *refer separate bound copy*.

Aside from a formal annual review, and to ensure the Strategic Plan is regularly monitored and reviewed, Council may wish to include it as a standing item at its Executive Information Sessions on perhaps a quarterly basis.

Legal Implications

Local Government Act 1995 s5.56
Local Government (Administration) Regulations 1996

Policy Implications

N/A

Consultation

Extensive consultation has occurred throughout a three year period including Councillors, staff, community individuals and groups, schools, local business Country Arts WA and the contracted consultants Sandra Krempf and Allan Bandt.

Financial Implications

The 'Community Plan' indicates \$15,000 be allocated in Council's annual budget to implement the Plan. Rather than an allocation to one account, staff have ensured individual components are funded through existing areas in the budget.

Strategic Implications

The adoption of the Strategic Plan will set a firm direction for the future of the Shire.

Voting Requirements

Absolute majority (5) required.

Recommendation/Resolution

MOTION 10817

Moved Cr Newman
Seconded Cr Milton

That Council adopt:

1. the Strategic Plan in terms of the Vision, Mission and Values, Goals and Strategies as set out; and
2. the accompanying Strategic Action Plans 2009-2011.

MOTION CARRIED BY ABSOLUTE MAJORITY 9/0

15.2 PLAN FOR THE FUTURE – SHIRE OF LAKE GRACE

Applicant:	Manager Corporate Services
File No.	0271
Attachments:	Proposed Plan for the Future 2008-2017 Local Government (Administration) Regulations 1996 19C, 19D
Author:	Mr Mark Burbridge Manager Corporate Services
Disclosure of Interest:	Nil
Date of Report:	17 June 2009
Senior Officer:	Mr Jim Fraser Chief Executive Officer

Summary

For Council to adopt the Plan for the Future 2008-2017 in accordance with the requirements of the Local Government Act 1995.

Background

Section 5.56 of the Local Government Act 1995 requires Council to plan for the future of the district. Furthermore, Regulations require that each local government is to prepare a “Plan for the Future” which sets out the broad objectives of the local government, for a period of not less than two financial years. Such plans should be reviewed, and where required, extended, every two years.

As referred to in the previous item (Item 15.1), Council has embarked upon a comprehensive community consultation process, culminating in the development of Council’s Strategic Plan and accompanying Action Plans.

Staff have now prepared a draft “Plan for the Future”, using the key focuses from the Strategic Plan as guiding principles.

Comment

The Plan for the Future sets out the broad objectives of the Strategic Plan and provides an overview of the significant activities and capital works that will be considered by Council at the Preliminary Budget Meetings each year for the life of the Plan.

Items or projects included in the Plan are not guaranteed of acceptance by Council in future Budgets, but are an indication of the direction Council would like to undertake. As with any plan, it must be capable of responding to internal and external factors which may affect the resources available to Council in any given financial year.

To meet the requirements of the Local Government (Administration) Regulations 1996 19C and 19D, Council is required to adopt the proposed Plan for the Future by absolute majority. Council is then required to give local

public notice that the Plan has been adopted, and make the Plan available for inspection by members of the public.

Legal Implications

Local Government Act 1995 – section 5.56

Local Government (Administration) Regulations 19C, 19D

Policy Implications

N/A

Consultation

External

- Ongoing consultation has occurred within the community by Councillors and Staff to develop the strategies required in preparation of this Plan.
- Financial Consultant Mr Bill Bond

Internal

- Chief Executive Officer
- Manager Corporate Services
- Manager Community Services
- Manager of Works
- Council's Plant Mechanic

Financial Implications

The Plan for the Future gives Council general direction for when financial resources become available.

Strategic Implications

Action plans developed by Council are now presented in financial terms.

Voting Requirements

Absolute majority (5) required

Recommendation/Resolution

MOTION 10818

Moved Cr De Landgraft

Seconded Cr Farrelly

That Council:

1. Adopt the Plan for the Future 2008-2017; and,
2. Give local public notice that the Plan for the Future 2008-2017 has been adopted by Council and is available for inspection at the Shire Administration Centre.

MOTION CARRIED BY ABSOLUTE MAJORITY 9/0

3.09pm Meeting adjourned for afternoon tea.

3.29pm Meeting reconvened with all those previously in attendance present

3.30pm Cr Taylor left the meeting.

15.3 USE OF THE COMMON SEAL – SUGG ROCK COMMUNITY DAM AGREEMENT

Applicant: Department of Water
File No. 0634 / 0663
Attachments: Letter of Agreement - Sugg Rock
Community Dam
Author: Mrs Lee-Anne Trevenen
Senior Administration Officer
Disclosure of Interest: Nil
Date of Report: 15 June 2009
Senior Officer: Jim Fraser
Chief Executive Officer

Summary

This report recommends the use of the Common Seal on the Sugg Rock Community Dam Funding Agreement.

Background

The old Sugg Rock Dam has reached the end of its service life and work has been carried out by contractor OTEK Australia on behalf of the Water Corporation to decommission the dam.

The decommissioning of the old dam involved removal of the asbestos roofing and backfilling of the dam. This work is to be completed by 30 June 2009.

The new dam is being funded through the Department of Water, Rural Water Planning Program administered by the State of Western Australia. This funding enables the Shire and the local community to establish a reliable water source at Sugg Rock in order to secure the surrounding district against the impact of serious on-farm water shortages.

Comment

The Use of the Common Seal on the relevant documentation is necessary to give effect to the Agreement.

Legal Implications

N/A

Policy Implications

Policy 1.11 – Use of Common Seal

Consultation

N/A

Financial Implications

The project is fully funded by a grant of \$100,000.00 being made to the Shire of Lake Grace from the Rural Water Planning Program, administered by the State of Western Australia, acting through the Department of Water.

Strategic Implications

Nil

Voting Requirements

Simple majority required.

Recommendation/Resolution

MOTION 10819

Moved Cr De Landgraft
Seconded Cr Sinclair

That in accordance with Council Policy 1.11, the Use of the Common Seal is approved on the Sugg Rock Community Dam funding agreement between the Department of Water and the Shire of Lake Grace.

MOTION CARRIED 8/0

3.32pm *Cr Taylor re-entered the meeting.*

15.4 USE OF THE COMMON SEAL – RE-DESCRIPTION OF RESERVE 33330

Applicant: Department for Planning & Infrastructure – State Land Services
File No. 0358
Attachments: Letter & Transfer of Land documents
Author: Mr Jim Fraser
Chief Executive Officer

Disclosure of Interest: Nil
Date of Report: 16 June 2009
Senior Officer: Mr Jim Fraser
Chief Executive Officer

Summary

This report recommends the use of the Common Seal on a Transfer of Land document.

Background

Council has been negotiating with State Land Services for a number of years to acquire portion of Reserve 33330 within the Lake Grace townsite. The acquisition of the land is integral to the development and subsequent disposition of portion of Lot 1 as an accommodation site.

Comment

State Land Services has created Lot 502 as per attached plan and has offered freehold title of the land to Council. The land has been valued at \$15,000.00 (GST exclusive).

Under the provisions of the relevant legislation State Land Services will accept \$750.00 (5% of the purchase price) on the basis that Council places \$14,250.00 into trust for expenditure on the development of Public Open Space generally within Lot 1.

Staff have received a budget submission from a group of parents in the area to provide additional children's play equipment and facilities as there are in excess of fifty children living in the locality. The 2009/10 budget will reflect this expenditure.

With the GST component and registration fees the cost to Council for Lot 502 will be \$2,455.00.

The documentation requires the affixing of the Common Seal.

Legal Implications

Land Administration Act 1997

Policy Implications

Policy 1.11 – Use of the Common Seal

Consultation

N/A

Financial Implications

The cost to purchase the land and transfer to Council is \$2,455.00 and a further \$14,250.00 is required for expenditure on Public Open Space.

Strategic Implications

1. Economic Diversity – availability of land.
2. Social & Community Wellbeing – provide recreational facilities.

Voting Requirements

Simple majority required.

Recommendation/Resolution

MOTION 10820

Moved Cr Newman
Seconded Cr Milton

That the Use of the Common Seal on a Transfer of Land document for freehold title to Lot 502 Lake Grace townsite be authorised.

MOTION CARRIED 9/0

15.5 **PROPOSED RE-VESTING OF RESERVES 19649 & 23140**

3.31pm *Cr Dunkeld declared a disclosure of interest affecting proximity in that he leases land in the same area, and left the meeting.*

Applicant: Department of Environment & Conservation
File No. 0213
Attachments: Locality map
Author: Mr Jim Fraser
Chief Executive Officer

Disclosure of Interest: Nil
Date of Report: 17 June 2009
Senior Officer: Mr Jim Fraser
Chief Executive Officer

Summary

This report recommends Council opposes the attempt by the Department of Environment & Conservation to acquire the above reserves.

Background

The Department of Environment & Conservation has requested Council support for the amalgamation and re-vesting of Reserves 19649 & 23140. The Reserves are currently unvested and are located generally in the Lake Biddy area.

Combined the Reserves would have an area of about 526 hectares.

A significant proportion of the Shire is under reserve status.

Comment

It is the view of staff that the acquisition of the Reserves by the Department of Environment & Conservation should not be supported.

Anecdotal evidence indicates that the Department generally do not make good neighbours. There are significant issues particularly in relation to vermin and fire control. There is a reluctance to manage both issues from an ideological view point as well as a lack of financial resources to undertake the work.

This is reflected throughout the Shire. Council has over recent years contributed to the Eastern Wheatbelt Declared Species Group to assist in the control of wild dogs. Farmers adjacent to reserves regularly complain about the lack of fire breaks and in some instances farmers have actually participated in the construction of fire breaks and controlled burns.

It is noted that Reserve 23140 is for the purpose of 'water' which may be of assistance to Council in the future.

Legal Implications

N/A

Policy Implications

N/A

Consultation

Nil

Financial Implications

Nil

Strategic Implications

Nil

Voting Requirements

Simple majority required.

Recommendation/Resolution

MOTION 10821

Moved Cr Newman
Seconded Cr De Landgraft

That the Department of Environment & Conservation be advised that the Shire of Lake Grace does not support the amalgamation and re-vesting of Reserves 19649 & 23140 to the Department.

MOTION CARRIED 8/0

3.34pm

Cr Dunkeld re-entered the meeting and was advised of the outcome.

15.6 POLICY REVIEW

Applicant: Chief Executive Officer
File No. 0050
Attachments: Existing Policies Section 7 - Administration
Author: Mr Jim Fraser
 Chief Executive Officer

Disclosure of Interest: Nil
Date of Report: 17 June 2009
Senior Officer: Mr Jim Fraser
 Chief Executive Officer

Summary

This report recommends changes to Policy 7.3 and the deletion of Policy 7.2 – Building Facilities.

Background

Staff have reviewed the Policy Manual over a period of time and have now completed all but two sections, Section 3 Finance/Accounting and Section 6 Planning. It should be noted that the process will be ongoing as policies are kept under review.

The Policy Manual includes reference to the manner in which Policy is to be amended and is as follows:

Additions, deletions or alterations to Council Policy shall only be effected by specific Council resolution stating:

- *The proposed policy; and,*
- *That the Policy Manual be updated*

Comment

Review of Section 3 Finance/Accounting is to be undertaken by the Manager Corporate Services and the Audit Committee following the budget process.

Council's Town Planning Consultants, Urban & Rural Perspectives are currently reviewing policies in Section 6 Planning to be presented at Council's July 2009 Meeting.

Staff have reviewed policies in Section 7 – Administration. Changes are outlined below.

It is also recommended that Policy 7.2 Building Facilities be deleted.

SECTION 7 - ADMINISTRATION**Administration Policy 7.1 Harvest Bans**

No changes suggested.

Administration Policy 7.2 Building Facilities

Staff are of the view that the current policy is outdated and should be revoked.

Administration Policy 7.3 - Liquor on Council Property

Policy

No liquor of any type shall be permitted to be stored or consumed on Council controlled public property without the application for and granting of a permit by the Chief Executive Officer or other designated officer.

Clubs may apply for a seasonal permit for the consumption of liquor with all dates shown on the permit.

Objectives

Guidelines

The Police are to be advised each time a permit for the consumption of liquor is issued.

If liquor is to be sold, either by individual sale or as part of a ticket price, a separate permit from the Department of Racing, Gaming and Liquor is necessary.

History

Former Policy 7.4

Review

Chief Executive Officer

NOTE:

The Guidelines have been amended to reflect the correct nomenclature of the Government Department – Department of Racing, Gaming & Liquor

Administration Policy 7.4 Freedom of Information Officers

No changes proposed

Administration Policy 7.5 Pensioner Rates Review Officers

No changes proposed

Administration Policy 7.5 Record Keeping Plan

No changes proposed

Administration Policy 7.7 Community Housing Tenant Selection

No changes proposed

Administration Policy 7.8 Community Housing Rental Arrears

No changes proposed

Administration Policy 7.9 Asset Management

No changes proposed

Legal Implications

N/A

Policy Implications

As above

Consultation

Internal: Manager Corporate Services
 Executive Assistant
 Senior Administration Officer

Financial Implications

N/A

Strategic Implications

N/A

Recommendation

That:

1. Policy 7.2 – Building Facilities be revoked;
2. Policy 7.3 – Liquor on Council Property as reviewed be adopted and subsequently endorsed by the Shire President and Chief Executive Officer ; and,
3. The Policy Manual be updated.

Voting Requirements

Simple majority required.

Recommendation/Resolution

MOTION 10822

Moved Cr Chamberlain
Seconded Cr De Landgraft

That Item 15.6 lay on the table until staff report back to Council with regard to the community housing issue

MOTION CARRIED 9/0

Reason for Change

Council requested staff further review Policy 7.7

15.7 LOCAL GOVERNMENT REFORM – APPOINTMENT OF CONSULTANT

Applicant: Shire President - Cr Andrew Walker
File No. 0374
Attachments: Proposal
Author: Mr Jim Fraser
Chief Executive Officer

Disclosure of Interest: Nil
Date of Report: 22 June 2009
Senior Officer: Mr Jim Fraser
Chief Executive Officer

Summary

This report recommends confirmation of the appointment of Mr Tony Cooke of TC Consulting to assist Council with its local government reform process.

Background

In February 2009, the Minister for Local Government, Hon John Castrilli MLA, announced his intentions for the reform of local government in Western Australia. Whilst it appears that the Minister does not have Cabinet support for the reform process and his threat of forced amalgamations, he has burdened local government by requiring each local authority to complete a number of tasks in a very restrictive time frame.

Staff have completed the reform checklist and there is also a requirement to provide a report by 31 August 2009 on the direction Council proposes to take in the reform process. Outside assistance is required in this process.

Comment

Mr Tony Brown from the Western Australian Local Government Association attended the April 2009 meeting of Council to discuss the reform process. During the discussions Mr Brown advised that, should Council be considering the appointment of a consultant to assist with the process, Mr Tony Cooke of TC Consulting was involved with the Systemic Sustainability Study previously undertaken by WALGA.

The Shire President, Cr Walker, Cr Milton and I met with Mr Tony Cooke in Perth on Monday 4 May 2009 to discuss his retention to assist with the reform process. Mr Cooke submitted a proposal and he was advised that the proposal was accepted. An order has not been raised.

Mr Cooke has completed the first phase of community consultation with meetings being held in Newdegate and Lake Grace on 4 June 2009. Further consultation will occur after seeding.

Grant funds of up to \$10,000.00 per Council has been made available through the Department of Local Government and staff have submitted an application for these funds.

It is recommended that the appointment of Mr Cooke be formalised.

Legal Implications

N/A

Policy Implications

N/A

Consultation

External: Mr Tony Brown WALGA

Internal: Crs Walker, Chamberlain & Milton

Financial Implications

An application for a grant of \$10,000.00 has been made to the Department of Local Government.

Strategic Implications

Leadership 6.2 – Actively monitor the outcomes of the SSS report and its probable effects on the operations of Council.

Voting Requirements

Simple majority required.

Officer's Recommendation/Resolution

MOTION 10823

Moved Cr Farrelly
Seconded Cr Chamberlain

That the appointment of Mr Tony Cooke, of TC Consulting to assist Council in the reform process be confirmed.

MOTION CARRIED 9/0

15.8 USE OF THE COMMON SEAL – EMERGENCY SERVICES LEVY AGREEMENT

Applicant: Fire & Emergency Services Authority of WA
File No. 0176
Attachments: Letter, “Option B” Agreement
Author: Mr Mark Burbridge
Manager Corporate Services
Disclosure of Interest: Nil
Date of Report: 22 June 2009
Senior Officer: Mr Jim Fraser
Chief Executive Office

Summary

This report recommends the use of the Common Seal on the Fire & Emergency Services Authority Emergency Services Levy “Option B” Agreement.

Background

The Emergency Services Levy (ESL) was introduced by the State Government in 2003/04 to fund Western Australia's fire and emergency services, including all career fire stations, volunteer fire brigades, State Emergency Service (SES) units and the multi-purpose volunteer emergency service units.

Local governments collect the ESL on behalf of the Fire & Emergency Services Authority (FESA) by including it on council rates notices. It is printed on rates notices as a separate line item, clearly marked "Emergency Services Levy".

Comment

As part of the implementation and administration of the Emergency Services Levy, Council has a number of options with regard to how the Levy is collected and remitted to FESA.

Council has in the past elected to operate under “Option B”, which requires Council to pay to FESA the total value of ESL raised each year in quarterly instalments, regardless of the actual value of ESL collected from ratepayers. Under this arrangement, Council assumes responsibility for the collection of any outstanding ESL debts, and also collects any interest which may accrue.

The alternative option (“Option A”) requires Council to remit to FESA levy payments as and when they are received from ratepayers. Under this option, FESA remains responsible for collecting any outstanding debts, and requires local governments to raise interest on their behalf. This option requires significantly higher levels of reporting to FESA and generally creates a great deal more administrative work.

Generally, “Option B” is preferred by Councils due to its simpler and more efficient administrative arrangements. In 2008/09, approximately 75% of Councils operated under “Option B” arrangements.

Council’s current agreement with FESA to operate under “Option B” will expire on 30 June 2009. In order for Council to continue under these arrangements, Council is required to enter into a new agreement with FESA as per section 36ZJ of the Fire and Emergency Services Authority of Western Australia Act 1998. The Use of the Common Seal on the relevant documentation is necessary to give effect to such an Agreement.

Legal Implications

Section 36ZJ, Fire and Emergency Services Authority of Western Australia Act 1998

Policy Implications

Policy 1.11 – Use of Common Seal

Consultation

N/A

Financial Implications

The raising and remittance of Emergency Services Levy is generally revenue neutral to Council. Under “Option B” arrangements, Council may be required to initiate proceedings to collect unpaid ESL amounts, however generally this would be carried out in conjunction with collection of other unpaid rates and service charges.

Given the small value of ESL charges (generally less than \$50 per charge) the impact of any outstanding ESL payments on Council’s balance sheet is very minor.

Strategic Implications

N/A

Voting Requirements

Simple majority required.

Recommendation/Resolution

MOTION 10824

Moved Cr Dunkeld
Seconded Cr Milton

That in accordance with Council Policy 1.11, the Use of the Common Seal is approved on the Emergency Services Levy Administration – “Option B” Agreement between the Fire & Emergency Services Authority of Western Australia and the Shire of Lake Grace.

MOTION CARRIED 9/0

16.0 URGENT BUSINESS BY DECISION OF THE MEETING

None.

17.0 SCHEDULING OF MEETING

17.1 JULY 2009 ORDINARY MEETING

Motion 10720 December 2008 states:

An Ordinary Meeting of Council will be held on Wednesday 22 July 2009, commencing at 1:00pm at Council Chambers, Bishop St Lake Grace.

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

MOTION 10825

Moved Cr Milton
Seconded Cr Sinclair

That Council close the meeting to the public at this time, being 3.55pm, to discuss staffing issues.

MOTION CARRIED 9/0

3.55pm *Mr Burbridge, Mrs Owen and Mrs Bennett left the meeting.*

MOTION 10826

Moved Cr De Landgraft
Seconded Cr Dunkeld

That Council re-open the meeting to the public at this time, being 4.35 pm.

MOTION CARRIED 9/0

4.36pm *Mr Burbridge, Mrs Owen and Mrs Bennett re-entered the meeting.*

19.0 CLOSURE

There being no further business, the Chairperson closed the meeting at 4.37 pm.

20.0 CERTIFICATION

I Andrew James Walker certify that the minutes of the meeting held on the 24 June 2009 as shown were confirmed as a true record at the meeting held on the 22 July 2009.

Chairman

Date