

Shire of Lake Grace



Minutes

Ordinary Council Meeting

25 March 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 MR LEN ARMSTRONG | 102 |
| 4.0 APPLICATIONS FOR LEAVE OF ABSENCE | 102 |
| 5.0 MINUTES OF PREVIOUS COUNCIL MEETINGS | 102 |
| 5.1 ORDINARY MEETING – 25 FEBRUARY 2009 | 102 |
| 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..... | 103 |
| 7.0 NOTICES OF URGENT BUSINESS | 103 |
| 8.0 MOTIONS OF WHICH NOTICE HAS BEEN RECEIVED | 103 |
| 9.0 PETITIONS/DEPUTATIONS/PRESENTATIONS/SUBMISSIONS | 103 |
| 10.0 MEMBERS' REPORTS | 103 |
| 10.1 CR NEWMAN..... | 103 |
| 10.2 CR SINCLAIR | 103 |
| 10.3 CE FARRELLY | 103 |
| 10.4 CR DE LANDGRAFFT | 104 |
| 10.5 CR DUNKELD..... | 104 |
| 10.6 CR MILTON | 104 |

| | | |
|-------------|---|------------|
| 10.7 | CR CHAMBERLAIN | 104 |
| 10.8 | CR WALKER..... | 104 |
| 11.0 | MATTERS FOR CONSIDERATION – WORKS & SERVICES..... | 201 |
| 11.1 | TENDER 1/2009 – SALE OF PLANT..... | 201 |
| 12.0 | MATTERS FOR CONSIDERATION – TOWN PLANNING | 301 |
| 12.1 | PROPOSED SUBDIVISION – LOTS 12858, 14243 & 12993 NTH LAKE GRACE KARLGARIN ROAD, KUENDER | 301 |
| 12.2 | PLANNING APPLICATION – PROPOSED LPG BOTTLE EXCHANGE FACILITY – LOT 201 NEWDEGATE NORTH ROAD, NEWDEGATE..... | 309 |
| 12.3 | PROPOSED STRUCTURE PLAN – LOT 1 GRIFFIN STREET, LAKE GRACE..... | 313 |
| 12.4 | PLANNING APPLICATION - PROPOSED LPG BOTTLE EXCHANGE FACILITY – LOT 14 (NO.25) MALEY STREET, NEWDEGATE | 317 |
| 13.0 | MATTERS FOR CONSIDERATION – HEALTH & BUILDING..... | 401 |
| 13.1 | REGIONAL STRATEGIC WASTE MANAGEMENT PLAN – ADOPTION | 401 |
| 14.0 | MATTERS FOR CONSIDERATION – FINANCE | 501 |
| 14.1 | ACCOUNTS FOR PAYMENT – FEBRUARY 2009..... | 501 |
| 14.2 | FINANCIAL STATEMENTS – FEBRUARY 2009..... | 503 |
| 14.3 | INVESTMENT OF SURPLUS FUNDS..... | 505 |
| 14.4 | 2008/09 BUDGET REVIEW | 507 |
| 14.5 | SALE OF PROPERTY – 74 STUBBS ST LAKE GRACE | 512 |
| 15.0 | MATTERS FOR CONSIDERATION – ADMINISTRATION | 601 |
| 15.1 | LAKES DISTRICTS SKELETON WEED LOCAL ACTION GROUP REQUEST FOR SUPPORT..... | 601 |
| 15.2 | WATER CORPORATION RESERVE 41866 - NEWDEGATE WATER RE - USE FACILITY..... | 603 |
| 15.3 | VALUATION OF LAND UNDER ROADS..... | 606 |
| 15.4 | ROYALTIES FOR REGIONS – 2008/09 COUNTRY LOCAL GOVERNMENT FUND – PROPOSED PROGRAM | 609 |
| 15.5 | USE OF COMMON SEAL ON A DEED OF RESTRICTIVE COVENANT - LOT 1 NEWDEGATE NORTH ROAD | 613 |
| 16.0 | URGENT BUSINESS BY DECISION OF THE MEETING..... | 701 |
| 16.1 | 2009 CEO SELECTION COMMITTEE – RECRUITMENT PROCESS..... | 701 |
| 17.0 | SCHEDULING OF MEETING | 702 |
| 17.1 | APRIL 2009 ORDINARY MEETING | 702 |

| | | |
|-------------|---|------------|
| 18.0 | CONFIDENTIAL BUSINESS – AS PER LOCAL GOVERNMENT ACT S.5.23 (2) | 702 |
| 18.1 | NEW SENIOR EMPLOYEE POSITION – PROPOSAL | 703 |
| 18.2 | LOCAL GOVERNMENT REFORM PROCESS | 703 |
| 19.0 | CLOSURE | 703 |
| 20.0 | CERTIFICATION | 704 |

SHIRE OF LAKE GRACE

Minutes of the Ordinary Meeting of Council held at the Varley Sports Pavilion, Varley on Wednesday 25 March 2009.

1.0 OPENING & ANNOUNCEMENT OF VISITORS

The Chairperson (President) opened the meeting at 1.10 pm.

2.0 ATTENDANCE RECORD

2.1 PRESENT

| | |
|-----------------------|-----------------------------------|
| Cr AJ Walker | Shire President |
| Cr IG Chamberlain | Deputy Shire President |
| Cr JF De Landgraft | |
| 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 N Owen | Acting Manager Community Services |
| Mrs J Bennett | Executive Assistant |
| Mrs Marianne Rohrlach | Observer |
| Ms Helen Rohrlach | Observer |
| Mrs Rosie Sinclair | Observer |
| Mr Len Armstrong | Observer |
| Mrs Anne Hyde | Observer |
| Mrs Bev Hyde | Observer |

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.

3.0 PUBLIC QUESTION TIME**3.1 MR LEN ARMSTRONG**

Mr Armstrong advised he was present in relation in support of Item 12.4 which proposes to establish a gas storage facility in the Newdegate townsite. Mr Armstrong referred to his letter which was faxed to Councillors prior to the meeting.

Mr Armstrong provided a brief background to his newly formed company Newdegate Hire, which combines three business enterprises being the hiring of equipment, provision of building materials and the Kleenheat Gas Agency. At the time of setting up the Company there were no industrial sites available to set up the business.

At the beginning of this year Mr Armstrong purchased the old Bakery site in Newdegate, having previously rented the building at a high cost. The site itself presents a challenge as it is proposed to preserve the site and restore the building. Mr Armstrong requested Council's leniency in relation to the land use and allow 6 – 12 months for Newdegate Hire to establish itself as a going concern. As soon as industrial land becomes available Mr Armstrong stated he would be happy to relocate his business to that area.

Shire President thanked Mr Armstrong and asked if there were any further questions from the public gallery.

4.0 APPLICATIONS FOR LEAVE OF ABSENCE

None

5.0 MINUTES OF PREVIOUS COUNCIL MEETINGS**5.1 ORDINARY MEETING – 25 FEBRUARY 2009**

Resolution

MOTION 10752

Moved Cr De Landgraftt
Seconded Cr Milton

That the minutes of the Ordinary Meeting of Council held on the 25 February 2009 be confirmed as a true and accurate record.

MOTION CARRIED

6.0 DECLARATIONS OF INTEREST

- 6.1 **DECLARATIONS OF FINANCIAL INTEREST – LOCAL GOVERNMENT ACT SECTION 5.60A**
- 6.2 **DECLARATIONS OF PROXIMITY INTEREST – LOCAL GOVERNMENT ACT 1995 SECTION 5.60B**
- 6.3 **DECLARATIONS OF IMPARTIALITY INTEREST – ADMINISTRATION REGULATION SECTION 34C**

7.0 NOTICES OF URGENT BUSINESS

The Shire President advised there would be an item of urgent business arising out of the 2009 CEO Selection Committee Meeting which was held immediately prior to the Council Meeting.

8.0 MOTIONS OF WHICH NOTICE HAS BEEN RECEIVED

None.

9.0 PETITIONS/DEPUTATIONS/PRESENTATIONS/SUBMISSIONS

None.

10.0 MEMBERS' REPORTS

10.1 **CR NEWMAN**

Attended the Rabobank presentation on Tuesday 24 March and welcomes the announcement of the Rabobank setting up in Lake Grace. Applications have been called for the positions of Manager and Assistant, the Rabobank business is purely Agribusiness and it is hoped to grow the branch to 4 people in time.

10.2 **CR SINCLAIR**

Attended the Varley Progress Association AGM – 20 people in attendance, there was unanimous support from the meeting for repairing of the Varley Hall.

10.3 **CE FARRELLY**

Attended the Audit Committee Meeting last week which was convened for the purpose of the Budget Review - refer Item 14.4 today's meeting. Pleased to report the budget is on target, today's review includes a contribution for a consultant to prepare a report on the Lake King Cascades Road in conjunction with the Shire of Esperance. The contribution is for \$25,000, Cr Farrelly questioned that maybe our proportion should be less as our interest is not as much.

The Chief Executive Officer advised that the original arrangement (based on the visit to Esperance by Cr Sinclair, then Shire President Cr Darcy Roberts and CEO Chris Jackson back in 2006) was for the Shire of Lake Grace to pay one third of the study, the Shire of Ravensthorpe did not wish to participate.

Cr Farrelly also reported on the ongoing concerns over the timing of the Audit Report – CEO to write and question timeliness of the reporting process.

10.4 CR DE LANDGRAFFT

Attended a Lake King Progress Meeting – they have issues with lack of services by Shire to Lake King, Cr De Landgraft recommended that they write to Council outlining concerns - which has been done – the new President is Colin Penny.

10.5 CR DUNKELD

Chaired Bushfire Advisory Committee Meeting last Thursday, main points as follows:

- Recommended to extend the Restricted Burning Season from 15 March to 30 April 2009.
- Bushfire radios not quite working as well during fire events – the heat distorts the radios and they do not function properly – FESA to be advised.
- The repeater located at Tarco Rd does not extend a signal to ‘The Fence’ – a request is to be submitted for another repeater to allow communication along ‘The Fence’.

10.6 CR MILTON

- Attended last week’s Audit Committee Meeting.
- Attended community housing inspections in Lake Grace with Senior Finance Officer, commented on the lack of quality of several of Council’s staff houses, 74 Stubbs St which is the subject of an agenda item today would be one in most need of upgrade.
- Attended community cropping update with Cr Taylor, plans are well in hand for the 2009 cropping program.
- Made comment on the recent Queensland State Election. Queensland local governments had amalgamations forced upon them a few years ago (which have proved not to be satisfactory) and it was interesting to note that during the election campaign the Liberals stated that they could not afford to de-amalgamate.

10.7 CR CHAMBERLAIN

Attended tourism workshop meeting in Newdegate – well attended with different people than those who normally attend Development Association meetings.

10.8 CR WALKER

- By invitation attended a meeting at Dumbleyung with the Deputy Shire President and the CEO for general discussion on the local government reform process. Meeting was chaired by Cr Gordon Davidson, Dumbleyung Shire President. Kulin was not in attendance. Katanning attended and is keen to upsize. All were surprised that the Shire of Lake Grace is so big already. Discussion included sharing of resources, is size of Shire’s the question – what is a good size, it was felt the Minister has given *‘the tree a good shake to see what falls out’*.
- Attended a Central Country Zone Meeting at Quairading, Dumbleyung again indicated they are happy to sit with us and discuss resource sharing. The ‘amalgamation’ subject took up a lot of time, all member Councils were encouraged to talk with their neighbours.
- Wheatbelt Health MOU Project – CCZ have appointed consultants who will be talking to the Health Regions within the Zone – aim of the project is to formulate a plan for the Wheatbelt – i.e. what’s good, what’s bad and what might happen. Cr

Walker commented that the biggest threat to the Lake Grace Hospital is the advancing age of the staff.

- Royalties for Regions – Wheatbelt Development Commission CEO, David Singe addressed the meeting on Royalties for Regions funding.
- ROMAN 2 WALGA's updated roads database computer software program is almost ready to the stage of being introduced.
- Review of Public Library System - stock takes will be undertaken at all libraries with Council's having to pay for any books which have been lost.
- The amalgamation process will be a topic during the WALGA/LGMA Conference.

11.0 MATTERS FOR CONSIDERATION – WORKS & SERVICES

11.1 TENDER 1/2009 – SALE OF PLANT

Applicant: Chief Executive Officer
File No. 0427
Attachments: Advertisement & Specifications
Author: Mr Jim Fraser
 Chief Executive Officer
Disclosure of Interest: Nil
Date of Report: 18 March 2009
Senior Officer: Mr Jim Fraser
 Chief Executive Officer

Summary

This report recommends the acceptance and non acceptance of tenders for items of surplus plant.

Background

Tender 1/2009 - Sale of Plant closing at 4.00pm on Thursday 5 March 2009 was advertised in the West Australian on Wednesday 11 February 2009.

Tenders were received from:

- J & P Group Pty Ltd
- Randal Miller Equipment Services Pty Ltd
- WA Machinery Brokers Pty Ltd
- RK & SP Turpin

Comment

Tenders were opened at 11.30am on Friday 6 March 2009 in the presence of the following:

- Chief Executive Officer
- Manager Corporate Services
- Shire Mechanic
- Works Consultant – Mr Keith Dickerson

The tenders are summarised as follows:

| TENDERER | ITEM OF PLANT | PRICE ex GST |
|--|---------------|--------------|
| J & P Group Pty Ltd | Dolly | \$3,000.00 |
| | Water Truck | \$10,600.00 |
| Randal Miller Equipment Services Pty Ltd | Water Truck | \$20,100.00 |
| WA Machinery Brokers Pty Ltd | Backhoe | \$28,000.00 |
| | Dolly | \$2,500.00 |
| | Water Truck | \$6,500.00 |
| RK & SP Turpin | Water Truck | \$10,000.00 |

The assessment of the tenders was carried out on the basis of price.

John Deere Backhoe

The tendered price for the John Deere Backhoe is considered by staff to be significantly below market value and it is recommended that the tender not be accepted.

Howard Porter Dolly

The tendered price for the Howard Porter Dolly is lower than budgeted however it is recommended that the highest tender be accepted.

Water Truck

The tendered price for the Hino Water Truck reflects the market and it is recommended that the highest tender be accepted.

Legal Implications

Local Government (Functions and General) Regulations 1997

Policy Implications

N/A

Consultation

Internal: As per attendance at opening of tenders

Financial Implications

2008/09 Budget Review (Refer Item 14.4) has been prepared based upon tenders received.

Strategic Implications

Disposal of plant is in line with Council's ongoing Plant Replacement Programme.

Cultural Implications

N/A

Voting Requirements

Simple majority required

Recommendation/Resolution

MOTION 10753

Moved Cr Taylor
Seconded Cr Chamberlain

That:

1. The tender from WA Machinery Brokers Pty Ltd for the John Deere Backhoe not be accepted.
2. The tender from J & P Group Pty Ltd for the outright purchase of the Howard Porter Dolly on an as is where is basis at a price of \$3,000.00 (ex GST) be accepted.
3. The tender from Randal Miller Equipment Services Pty Ltd for the outright purchase of the Hino Water Truck on an as is where is basis at a price of \$20,100.00 (ex GST) be accepted.

MOTION CARRIED 9/0

| |
|---|
| 12.0 MATTERS FOR CONSIDERATION – TOWN PLANNING |
|---|

12.1 PROPOSED SUBDIVISION – LOTS 12858, 14243 & 12993 NTH LAKE GRACE KARLGARIN ROAD, KUENDER

| | |
|--------------------------------|--|
| Applicant: | PH & KE Gow on behalf of WR & TN Willcocks |
| File No.: | 0453 |
| Attachments: | Plans 1 to 4a |
| Author: | Mr Joe Douglas & Mr Carlo Famiano Town Planning Consultants |
| Disclosure of Interest: | Nil |
| Date of Report: | 17 March 2009 |
| Senior Officer: | Mr Jim Fraser Chief Executive Officer |

Summary

The following report has been prepared in response to correspondence received from the Western Australian Planning Commission (WAPC) seeking Council's comment on the proposed subdivision of Lots 12858, 14243 & 12993 North Lake Grace – Karlgarin Road, Kuender.

Background & Comment

In accordance with the specific requirements of section 142(2) of the Planning and Development Act 2005 the Shire of Lake Grace has forty two (42) days to provide the WAPC with any comments and/or recommendations considered relevant to the proposal. The 42 day period expires on 31 March 2009. Once Council has considered the proposal, a response will be prepared and submitted to the WAPC prior to the expiry date.

An assessment of the application in the context of the WAPC's current policy No. DC 3.4 ('Subdivision of Rural Land') and the Shire's current Local Planning Scheme No.4 and a final recommendation regarding the general suitability of the proposal are provided to assist preparation of the necessary response to the WAPC.

The subject land is located approximately 32 kilometres north of the Lake Grace townsite and comprises a total combined area of approximately 932 hectares. Lots 14243 and 12993 have frontage to North Lake Grace - Karlgarin Road, whilst Lot 12858 has frontage to an unnamed, unconstructed road reserve along its eastern boundary (see Plan 1 – Location Plan & Plan 2 – Existing Lot Configuration).

The subject land is currently used for broadacre agricultural purposes (i.e. cropping and grazing) and comprises a number of paddocks, dams, fences and vehicle access tracks associated with its current rural usage. Large portions of the subject land have been extensively cleared to accommodate the current rural usage, with some scattered stands of remnant bushland located throughout the site.

The latest aerial imagery available from Landgate also indicates the following:

- The north-south alignment of North Lake Grace - Karlgarin Road which has been constructed to a sealed standard;
- The north-south parallel alignment of the existing narrow gauge railway line along the western side of the North Lake Grace - Karlgarin Road road reserve area and carriageway;
- Numerous salt lakes in the south-western portion of Lot 12858 which are non-arable and not therefore being used for any specific purpose;
- The existing rural usage (i.e. cropping and grazing) of that portion of the unnamed, unconstructed road reserve located along the eastern boundary of Lot 12858 which presumably is being undertaken by the current owners of the land subject to this application; and
- Limited opportunities for lawful access to Lot 12858 due to it not having direct frontage to a constructed public roadway and its isolation from the North Lake Grace - Karlgarin Road which appears to be the only constructed roadway in the immediate area (see Plan 3 – Aerial Photograph).

The application lodged with the WAPC by PH & KE Gow (Licensed Surveyors) on behalf of William Ross Willcocks and Terrence Noel Willcocks (Landowners) seeks approval to the realignment of the common boundaries between the three (3) existing lots having regard for the existing rural land uses and the location of North Lake Grace - Karlgarin Road and the abutting railway line (see Plan 4 – Proposed Subdivision Plan).

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 12858 | 579.35 ha | - |
| Existing Lot 14243 | 258.7 ha | - |
| Existing Lot 12993 | 94.3 ha | - |
| | | |
| Proposed Lot A | - | 513.46 ha |
| Proposed Lot B | - | 265.86 ha |
| Proposed Lot C | - | 152.74 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;
- WAPC Development Control Policy No.DC 3.4 – ‘Subdivision of Rural Land’; and
- WAPC Development Control Policy No.DC 1.1 – ‘Subdivision of Land - General Principles’.

The following is an assessment of the subdivision proposal in the context of the specific requirements of these 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) where the following objectives are required to be considered:

- To ensure the continuation of broad-acre farming as the principle land use in the District and encouraging where appropriate the retention and expansion of agricultural activities;
- To protect the potential of agricultural land for primary production and to preserve the landscape and character of the rural areas;
- To provide for a range of rural pursuits such as broad-acre and diversified farming which are compatible with the capability of the land and retain the rural character and amenity of the locality;
- To control the fragmentation of broad-acre farming properties through the process of subdivision;
- To consider non-rural uses where they can be shown to be of benefit to the District and not detrimental to the natural resources or the environment;
- To protect broad-acre agriculture land from land degradation and any further loss of biodiversity by;
 - minimising the clearing of remnant vegetation on public and private lands;
 - encouraging the retention and protection of existing remnant vegetation;
 - encouraging the development and protection of corridors of native vegetation;
 - encouraging the development of environmentally acceptable surface and sub-surface drainage works;
 - encouraging the rehabilitation of salt affected land;
 - controlling the introduction and spread of alien species of flora and fauna;
 - encouraging soil conservation through the application of cultural vegetational land management measures.

Clause 5.11.12 of LPS No.4 states that the Shire of Lake Grace 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 the three (3) existing rural lots (see Plan 4 – Proposed Subdivision Plan). The boundary realignment will preserve the broadacre farming activities currently being undertaken 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 also 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 stands of remnant 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 North Lake Grace - Karlgarin Road and abutting railway line which currently severs Lot 14243.

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 new lots which are consistent with the prevailing lot sizes in the immediate locality.

Notwithstanding this general conclusion Council should note that another key objective of Policy No. DC 3.4 and State Planning Policy 2.5 is to ensure the proper and orderly management of natural resources. In this case it is contended that the southern half of the eastern boundary of Proposed Lot A fails to have due regard for the location and extent of an existing salt lake as evidenced by the fact that the proposed new boundary severs the lake environs making its long term management and protection more difficult. It is therefore recommended that Council consider requesting the WAPC to require the applicant to modify the proposed subdivision plan by realigning the eastern boundary of Proposed Lot A to ensure that all land comprising the salt lake and its associated environs is contained in one lot only thereby ensuring a consistent and unified approach to the lake's long term management and protection (see Plan 4a – Recommended Alternative Subdivision Plan).

b) No additional lots are created.

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

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

The proposed lot boundaries have been formulated with due regard for the current alignment of North Lake Grace-Karlgarin Road and the existing railway line, which traverses Lot 14243 and effectively severs this lot into two separate parts making environmental and land management difficult. By realigning the boundaries as proposed it is reasonable to expect that the land comprising Lot 14243 will be much easier to manage and maintain as it will no longer be affected by the severance

currently caused by the alignment of North Lake Grace - Karlgarin Road and the abutting railway line.

Notwithstanding this general conclusion as it applies specifically to Lot 14243, Council should again note the previous concerns raised in this report regarding the southern half of the eastern boundary of Proposed Lot A which fails to have due regard for the location and extent of an existing salt lake. It is contended that this aspect of the subdivision proposal does not reflect good environmental and land management practice and should therefore be addressed by the WAPC when making a final decision on the subdivision application.

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

The application does not propose to realign the boundaries of former road reserves or small remnant portions of lots. Notwithstanding this fact it is significant to note that the unnamed, unconstructed road reserve along the eastern boundary of Lot 12858 is currently being used for broadacre agricultural purposes (i.e. cropping and grazing) and that this is presumably being undertaken by the current owners of the land subject to this application.

Given that this road reserve area is:

- i) owned by the State of Western Australia;
- ii) in the care, control and management of the Shire of Lake Grace;
- iii) not identified in any endorsed planning documents as being a road of strategic significance either regionally or locally; and
- iv) being used by private interests for commercial gain,

it seems reasonable to require that suitable arrangements be made by the subdivider to formally close this road reserve area to enable the land to be amalgamated into the proposed new lots to legitimize its current rural usage.

Given the above findings, the proposed subdivision is considered to generally be consistent with the criterion outlined in section 4.6 of Policy No.DC 3.4 provided that suitable arrangements can be made by the subdivider to resolve:

- a) the environmental and land management issues associated with the proposed alignment of the southern half of the eastern boundary of Proposed Lot A which fails to have due regard for the location and extent of an existing salt lake; and
- b) the legal issues associated with the unlawful use of the unnamed, unconstructed road reserve along the eastern boundary of Lot 12858 for broadacre agricultural purposes (i.e. cropping and grazing).

WAPC Development Control Policy No.DC 1.1 – ‘Subdivision of Land - General Principles’

It was noted during an assessment of the subdivision proposal that there are limited opportunities for lawful access to Lot 12858 due it not having direct frontage to a constructed public roadway and its isolation from the North Lake Grace - Karlgarin Road which appears to be the only constructed roadway in the immediate area (see Plan 3 – Aerial Photograph).

Under the terms of the subdivision application this issue remains unresolved as Proposed Lot A, despite maintaining frontage to the unnamed, unconstructed road reserve along the southern-most portion of its eastern boundary, will still not have direct frontage access to a constructed public road. This is contrary to the specific requirements of clauses 3.7.1 and 3.7.2 of the WAPC DC Policy No.1.1 – Subdivision of Land – General Principles which state:

“3.7.1 New green title lots will be created only where each lot has, or can be, provided with direct frontage access to a constructed public road, which is connected to the road system of the locality. This is to ensure the provision of public utility and other services as well as to provide vehicular and pedestrian access to the lot.

3.7.2 Where new roads are needed, the subdivider will be required to dedicate, construct and drain these roads to the specifications and satisfaction of the WAPC on the advice of the local government. The WAPC may also require existing roads or rights-of way to be widened, constructed, upgraded or dedicated to ensure compliance with this policy.”

The construction of a suitable means of road access to Proposed Lot A is considered essential to ensure a minimum standard of access to the property and to safeguard against the current or future landowners insisting that the Shire provide an adequately constructed road which in this case would prove very difficult and costly. It is therefore recommended that Council consider requesting the WAPC to require the applicant to modify the proposed subdivision plan by requiring that a 20 metre wide battleaxe leg be created from North Lake Grace - Karlgarin Road through to Proposed Lot A along the southern boundary of Proposed Lot B (see Plan 4a – Recommended Alternative Subdivision Plan).

Conclusion

It is concluded from this assessment that the proposed subdivision of Lots 12858, 14243 & 12993 North Lake Grace – Karlgarin Road, Kuender for boundary realignment purposes is:

- i) 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;
- ii) generally consistent with the criteria contained in the Western Australian Planning Commission’s Policy Nos. DC 3.4 and DC 1.1 ; and
- iii) generally aligned with the outcomes intended by the current town planning framework applicable to the immediate locality,

provided that suitable arrangements can be made with the applicant to address the following issues and requirements:

- The need to realign the eastern boundary of Proposed Lot A in its southern-most portion to ensure that all land comprising the existing salt lake in this general location is contained in one lot only thereby ensuring a consistent and unified approach to the lake’s long term management and protection;
- The need to resolve the legal issues associated with the unlawful use of the unnamed, unconstructed road reserve along the eastern boundary of Lot 12858 for broadacre agricultural purposes;
- The need to ensure a minimum standard of access to Proposed Lot A and to safeguard against the current or future owners of Lot A insisting that the Shire provide an adequately constructed road which in this case would prove very difficult and costly;

- The need to ensure the long term protection of existing areas of significant remnant vegetation on the land through the provision of suitable fencing around these areas; and
- The need to ensure the safe passage of vehicles and commodities along the railway line that runs parallel to the North Lake Grace - Karlgarin Road through the provision of suitable fencing along the common boundary of Proposed Lot B and the adjoining railway reserve area.

Legal Implications

Planning and Development Act 2005

Shire of Lake Grace Local Planning Scheme No.4

Policy Implications

Nil

Cultural Implications

Nil

Consultation

Not required.

Financial Implications

Nil

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 William Ross Willcocks and Terrence Noel Willcocks (Landowners) to subdivide Lots 12858, 14243 & 12993 North Lake Grace - Karlgarin Road, Kuender into three (3) new separately titled lots generally in accordance with the details of the plan submitted in support of the application subject to the following conditions:

1. The proposed subdivision plan being modified by realigning the eastern boundary of Proposed Lot A in its southern-most portion to ensure that all land comprising the existing salt lake in this general location is contained in one lot only (i.e. Proposed Lot A).
2. The subdivider making suitable arrangements with the Shire of Lake Grace and the State of Western Australia to formally close the unnamed, unconstructed road reserve along the eastern boundary of Lot 12858 and amalgamate the land comprising the closed road reserve area into Proposed Lots A and B.
3. The proposed subdivision plan being modified by requiring that a 20 metre wide battleaxe leg be created from North Lake Grace - Karlgarin Road through to Proposed Lot A along the southern boundary of Proposed Lot B.
4. The 20 metre wide battleaxe leg required in Condition No.2 above shall be constructed and drained by the subdivider to the specifications and satisfaction of the Shire of Lake Grace.
5. The subdivider shall erect suitable fencing around the edges of the large stands of existing remnant vegetation on each of the proposed new lots to facilitate the long term retention and protection of this vegetation.

6. The subdivider shall erect suitable fencing along the common boundary of Proposed Lot B and the existing railway reserve that runs parallel to the North Lake Grace - Karlgarin Road to the satisfaction of the Public Transport Authority.

Voting Requirements

Simple majority required.

Resolution

MOTION 10754

Moved Cr Farrelly
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 William Ross Willcocks and Terrence Noel Willcocks (Landowners) to subdivide Lots 12858, 14243 & 12993 North Lake Grace - Karlgarin Road, Kuender into three (3) new separately titled lots generally in accordance with the details of the plan submitted in support of the application subject to the following conditions:

1. The proposed subdivision plan being modified by realigning the eastern boundary of Proposed Lot A in its southern-most portion to ensure that all land comprising the existing salt lake in this general location is contained in one lot only (i.e. Proposed Lot A).
2. The subdivider making suitable arrangements with the Shire of Lake Grace and the State of Western Australia to formally close the unnamed, unconstructed road reserve along the eastern boundary of Lot 12858 and amalgamate the land comprising the closed road reserve area into Proposed Lots A and B.
3. The proposed subdivision plan being modified by requiring that a 20 metre wide battleaxe leg be created from North Lake Grace - Karlgarin Road through to Proposed Lot A along the southern boundary of Proposed Lot B.
4. The 20 metre wide battleaxe leg required in Condition No.2 above shall be constructed and drained by the subdivider to the specifications and satisfaction of the Shire of Lake Grace.
5. The subdivider endeavour to erect suitable fencing around the edges of the large stands of existing remnant vegetation on each of the proposed new lots to facilitate the long term retention and protection of this vegetation.
6. The subdivider shall erect suitable fencing along the common boundary of Proposed Lot B and the existing railway reserve that runs parallel to the North Lake Grace - Karlgarin Road to the satisfaction of the Public Transport Authority.

MOTION CARRIED 9/0

CHANGE: Point 5 of the Recommendation – Council added the word ‘endeavour’.

12.2 PLANNING APPLICATION – PROPOSED LPG BOTTLE EXCHANGE FACILITY – LOT 201 NEWDEGATE NORTH ROAD, NEWDEGATE

| | |
|--------------------------------|--|
| Applicant: | Myriadena Motel & Caravan Park – John & Anne Robinson |
| File No.: | 0455 |
| Attachments: | Plans 6 to 9, Attachment 1 |
| Author: | Mr Joe Douglas & Mr Steve Pandevski Town Planning Consultants |
| Disclosure of Interest: | Nil |
| Date of Report: | 17 March 2009 |
| Senior Officer: | Mr Jim Fraser Chief Executive Officer |

Summary

This report provides details and recommendations in respect of an application for Council's planning consent submitted by John and Anne Robinson to construct a new LPG Bottle Exchange Facility, including an access ramp and bottle storage "cage", on a relatively small portion of land in the south-western corner of the Myriadena Motel and Caravan Park site, being Lot 201 Newdegate Road North, Newdegate.

Background

Lot 201 Newdegate Road North, Newdegate is located centrally in the eastern portion of the Newdegate townsite, north of the Newdegate-Ravensthorpe Road and on the eastern side of Newdegate Road North (see Plan 6 – Location Plan).

The lot comprises a total area of approximately 2.1 hectares and has 132 metres of direct and primary frontage to North Newdegate Road. It also has secondary road access to Phascogale Street which connects to Newdegate-Ravensthorpe Road.

According to the latest aerial photography available from Landgate the subject land currently contains buildings and other infrastructure associated with its current motel and caravan park usage. The majority of adjoining lots accommodate various land uses including service commercial/industrial to the south and west, vacant residential land to the north and low density residential development with ancillary equine uses to the north-west (see Plan 7 – Aerial Site Plan).

As previously mentioned the application seeks Council's planning approval to construct a new LPG Bottle Exchange Facility, which includes an access ramp and bottle storage "cage" on a relatively small portion of land in the south western corner of Lot 201 (see Plans 8 & 9 – Submitted Development Plan & Attachment 1 – Ancillary Information Submitted by Applicant).

According to the details submitted in support of the application the area required for the proposed LPG Bottle Exchange Facility is 11.52m² (i.e. 4.8m x 2.4m) and will contain a steel framed access ramp and storage cage. The application proposes that the facility be sited in an existing cleared area on the lot with a setback of approximately 7 metres from the North Newdegate Road road reserve and approximately 5.1 metres from the southern boundary of Lot 201.

Comment

Lot 201 Newdegate Road North is currently classified ‘Special Use’ zone (SU5) in the Shire of Lake Grace Local Planning Scheme No.4 (LPS No.4).

Clause 4.7.2 of LPS No.4 states:

“A person must not use any land, or any structure or buildings on land, in a special use zone except for the purpose set out against that land in Schedule 4 and subject to compliance with any conditions set out in Schedule 4 with respect to that land.”

According to Schedule 4 of LPS No.4 Lot 201 is identified for the “special use” of ‘Caravan Park and Caretaker’s Dwelling’ with the applicable condition that “no extension or change of land use is permitted without local government approval”.

LPS No.4 does not provide any specific development standards for the development of land classified ‘Special Use’ zone, however clause 5.13.2 states:

“In controlling development within a Special Use zone the local government may at its discretion specify conditions relating to lot area, minimum effective frontage, development type and style, plot ratio, car parking, landscaping, setbacks and any other provision affecting the development of a Special Use zoned lot, for the purpose permitted and set against that land in Schedule 4.”

In determining the proposal, it is recommended the Council consider the following matters:

Specific and General Benefit of the Proposal

The Newdegate townsite is not served by reticulated gas infrastructure. As a result the proposed facility will likely benefit the existing caravan park operations (i.e. provide a convenient LPG source required for the provision of temporary accommodation) as well as providing a general benefit and convenience to the Newdegate community.

Scale of the Proposed Facility and Visual Impact on North Newdegate Road

Notwithstanding the proposed 7 metre front boundary setback, the overall scale of the LPG facility is considered unlikely to have a negative visual impact on the local streetscape. However to ensure that the facility is adequately screened from Newdegate Road North it is recommended that Council consider imposing a condition on any approval issued requiring the planting and maintenance of vegetation between the proposed LPG facility and the Newdegate Road North road reserve to the satisfaction of the Shire.

Separation Distance to Existing Caravan Park Accommodation

The LPG facility proposes a horizontal separation distance to the existing caravan park accommodation of approximately 40 metres. According to the information provided in Attachment No.1 which was supplied by the applicant and sourced from Origin Energy, the facility only requires a horizontal separation distance of 5 metres to possible “ignition” sources, otherwise known as the “hazard zone”.

Should Council approve the application, it is recommended that a suitable condition be imposed requiring the facility to be installed and operated in accordance with Origin Energy’s specific safety requirements which are in fact regulated by the State government.

Separation Distance from Existing Overhead Power Lines

According to the details submitted by the applicant the proposed LPG facility is located approximately 9 horizontal metres from existing high voltage overhead power lines. It is not known whether the proposed 9m separation to the existing overhead power line infrastructure satisfies Western Power's requirements. To that extent, should Council grant its approval, it is recommended that a suitable condition be imposed requiring the applicant to provide the Shire with written advice from Western Power confirming that the proposed facility satisfies Western Power's setback requirements.

Conclusion

It is concluded from this assessment that the proposed development and use of a portion of Lot 201 Newdegate Road North, Newdegate for the purposes of a new LPG Bottle Exchange Facility is capable of being implemented in a proper and orderly manner.

Given the above it is recommended that the application be approved subject to the imposition of a number of conditions that require:

- Screening vegetation to be planted and maintained in the setback area between the proposed facility and Newdegate Road North;
- The facility to be installed and operated in accordance with Origin Energy's specific safety requirements; and
- Written advice being obtained from Western Power and submitted to the Shire confirming that the proposed facility satisfies Western Power's setback requirements to its nearby high voltage overhead power lines.

Legal Implications

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

Policy Implications

Nil

Cultural Implications

Nil

Consultation

Not required.

Financial Implications

Nil

Strategic Implications

Nil

Voting Requirements

Simple majority required.

Recommendation/Resolution

MOTION 10755

Moved Cr Newman
Seconded Cr Chamberlain

That Council approve the application for planning consent submitted by John and Anne Robinson of the Myriadena Motel and Caravan Park to construct and operate a new LPG Bottle Exchange Facility in the south-western corner of Lot 201 North Newdegate Road, Newdegate 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 completed within a period of twelve (12) months from the date of this approval. If the development is not completed within this period the approval will lapse and be of no further effect. Where an approval has lapsed, no development shall be carried out without the further approval of the Shire 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 development is to be constructed and operated in accordance the specific requirements of Origin Energy and all relevant State and Federal legislation and regulations.
4. Vegetation is to be planted on the land in the area between the approved development and the Newdegate Road North road reserve boundary for the purpose of screening the development from Newdegate Road North to the satisfaction of the Shire of Lake Grace.
5. Prior to the commencement of development on the land the applicant shall provide the Shire of Lake Grace with a copy of written correspondence obtained from Western Power confirming that the proposed facility satisfies Western Power's setback requirements to its nearby high voltage overhead power lines. If such approval cannot be obtained then this planning approval shall lapse in its entirety and have no further effect.

MOTION CARRIED 9/0

12.3 PROPOSED STRUCTURE PLAN – LOT 1 GRIFFIN STREET, LAKE GRACE

Applicant: Shire of Lake Grace
File No.: 0358 & 0369
Attachments: Plans 10 to 14
Author: Mr Joe Douglas & Mr Carlo Famiano
Town Planning Consultants
Disclosure of Interest: Nil
Date of Report: 17 March 2009
Senior Officer: Mr Jim Fraser
Chief Executive Officer

Summary

This report has been prepared to facilitate commencement of the planning process required to be followed to provide for the adoption and public advertising of a proposed Structure Plan for Lot 1 Griffin Street, Lake Grace in accordance with the specific requirements of the Shire of Lake Grace's Local Planning Scheme No.4. The Structure Plan, once finally endorsed by the Western Australian Planning Commission, will enable the Shire to proceed with an application to the Commission for approval to commence subdivision development of the land for residential purposes.

Background

The Shire of Lake Grace has historically undertaken the staged subdivision development of portion of Lot 1 Griffin Street, Lake Grace for residential purposes to satisfy market demand for vacant residential land within the townsite. The current supply of vacant residential land in the Lake Grace townsite has now dropped to a level where the Shire needs to consider developing additional residential land to ensure an adequate supply for the future to satisfy consumer demand.

At its Ordinary Meeting held on 22 October 2008 Council considered a preliminary draft Structure Plan for Lot 1 Griffin Street, Lake Grace and resolved to endorse the Structure Plan and forward the plan to McDowall Affleck consulting civil engineers for assessment. A copy of Council's endorsed Structure Plan for the subject land is attached to this report (see Plan 13 & 14).

Lot 1 Griffin Street is located in the eastern-most part of the Lake Grace townsite and is currently owned in fee simple (i.e. freehold) by the Shire of Lake Grace (see Plan 10 – Location Plan & Plan 12 – Aerial Photograph). Lot 1 comprises a total area of approximately 7.85 hectares and is classified 'Residential' zone with a density coding of R20 under the Shire's current operative Local Planning Scheme No.4 (LPS No.4).

Comment

The report prepared by McDowell Affleck concludes that no significant engineering factors have been identified that could preclude the construction of the proposed subdivision in accordance with the Structure Plan layout. Having regard to the advice provided by McDowell Affleck, the Shire of Lake Grace can now commence the process required to finally adopt/endorse the Structure Plan as a Local Planning Policy in accordance with Clause 2.4 of LPS No.4.

Should Council resolve to endorse the attached Structure Plan it will then be advertised for public comment for a minimum period of twenty one (21) days. Following completion of the public advertising process all submissions received in respect of the proposal will be assessed and a report presented to Council at the next available Ordinary Meeting with a recommendation regarding final adoption.

Assuming Council resolves to finally adopt the Structure Plan following completion of the public advertising process, the Plan will then be referred to the Western Australian Planning Commission for final endorsement to enable the Commission to formally consider any future subdivision applications for land.

The Structure Plan for Lot 1 Griffin Street, Lake Grace has been prepared by the Shire's town planning consultants in accordance with a design brief provided by the Shire's Chief Executive Officer following discussions with the local community (See Plan 13 & 14 – Proposed Structure Plan). The key aspects of the design brief for the Structure Plan included the following:

- i) No vehicular access to the proposed subdivision via the existing road reserve along the eastern boundary of the subject land. All lots within the proposed subdivision are to have direct frontage to an internal road network within Lot 1;
- ii) The provision of a variety of lots ranging in size from approximately 750m² to 2,000m² with the larger lots to be located along the eastern boundary of Lot 1 in order to provide a transition from the rural edge of the townsite to existing low density residential development;
- iii) The provision of a grouped housing site in the north eastern portion of Lot 1;
- iv) The provision of an area of public open space in the north eastern portion of Lot 1 adjacent to the grouped housing site with the open space area to include an existing stand of native vegetation in this location; and
- v) The provision of a 20 metre wide landscape buffer along the land's frontage to Stubbs Street for noise attenuation purposes inclusive of that portion of the land currently designated for future road widening purposes.

The following is a brief summary of the subdivision statistics for the Structure Plan area:

| LOT TYPE | LAND AREA |
|--|---|
| 46 x Single House Lots | Ranging from 720m ² to 2,371m ² |
| 1 x Grouped Dwelling Lot | 4,908m ² |
| 1 x Public Open Space Reserve | 5,000m ² |
| 1 x Landscape Buffer for noise attenuation purposes. | 7,934m ² |

It should be noted that the revised Structure Plan, if endorsed by Council, will replace the current Guided Development Plan (Structure Plan) for Lot 1 previously adopted by Council at its Ordinary meeting on the 23 September 1998. Adoption of a new Structure Plan under the relevant provisions of LPS No.4 is required to illustrate Council's preferred pattern for all future subdivision development over the land and will be used as the basis for the preparation and lodgement of a subdivision application to the Western Australian Planning Commission for the next stage of development.

Conclusion

The Structure Plan prepared for Lot 1 Griffin Street, Lake Grace has been prepared to guide the future subdivision development of Lot 1 in the short term future to address the current shortage of vacant residential land in the townsite. The Structure Plan:

- i) Is consistent with and unlikely to compromise the general aims and objectives of the land's current 'Residential' zoning classification in Local Planning Scheme No.4;
- ii) Is consistent with the objectives contained in the Shire's 'Local Planning Strategy' for future residential development in the Lake Grace townsite;
- iii) Is consistent with the provisions and standards prescribed by the Residential Design Codes of Western Australia for all land assigned a residential density coding of R20;
- iv) Has due regard for existing land uses in the immediate locality and is generally consistent with the prevailing lots sizes in the immediate locality;
- v) Will provide for a variety in housing choice given the wide range of lot sizes; and
- vi) Will facilitate the development and release of additional residential lots in the short term future to address the current shortage of vacant residential land in the Lake Grace townsite.

In addition to the above, the engineering investigation and report prepared by consulting civil engineers McDowell Affleck has confirmed that the future subdivision development of Lot 1 for residential purposes is capable of being implemented in accordance with the proposed Structure Plan layout without any significant engineering constraints.

To that extent it is recommended that Council endorse the Structure Plan presented herewith and proceed with advertising the plan in accordance with the specific requirements of the Shire's Local Planning Scheme No.4.

Legal Implications

Planning and Development Act 2005

Shire of Lake Grace Local Planning Scheme No.4

Policy Implications

In order to provide for the coordinated subdivision and development of Lot 1 Griffin Street, Lake Grace Council must first prepare and adopt a Structure Plan as a Local Planning Policy in accordance with the specific requirements of the Shire's current operative Local Planning Scheme No.4.

Cultural Implications

Nil

Consultation

Public advertising of the proposed Structure Plan will need to be undertaken for a minimum period of twenty one (21) days in accordance with the specific procedures and requirements of clauses 2.4 of Local Planning Scheme No.4.

Financial Implications

The cost of preparing, advertising and finally adopting the proposed Structure Plan is required to be met by the Shire of Lake Grace and is estimated to be in the order

of \$1,500.00 excluding GST. The cost of this work has been accounted for in Council's budget for the 2008/2009 financial year.

Strategic Implications

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

Voting Requirements

Simple majority required.

Recommendation/Resolution

MOTION 10756

Moved Cr Newman
Seconded Cr Milton

That Council resolve to endorse the Structure Plan prepared in respect of Lot 1 Griffin Street, Lake Grace as depicted in the attached Plan 13 and authorise the Shire administration to make arrangements to advertise the plan for public comment in accordance with the procedures prescribed in clause 2.4 of the Shire of Lake Grace Local Planning Scheme No.4.

MOTION CARRIED 9/0

12.4 PLANNING APPLICATION - PROPOSED LPG BOTTLE EXCHANGE FACILITY – LOT 14 (NO.25) MALEY STREET, NEWDEGATE

Applicant: Newdegate Hire Pty Ltd
File No.: 0455
Attachments: Plans 15 & 16
Author: Mr Joe Douglas & Mr Steve Pandevski
 Town Planning Consultants
Disclosure of Interest: Nil
Date of Report: 17 March 2009
Senior Officer: Mr Jim Fraser
 Chief Executive Officer

Summary

This report provides details and recommendations in respect of a written request for Council's approval submitted by Len Armstrong and Sandy Knill of Newdegate Hire Pty Ltd for a Kleenheat Gas LPG Bottle Exchange Facility on Lot 14 (No.25) Maley Street, Newdegate.

It should be noted that the request was not made in the form of a planning application but rather correspondence only. To that extent the request currently represents an application for Council's "in principle" support only.

In considering the "informal" proposal before it, Council may resolve to form the view:

- i) That the establishment of an LPG Bottle Exchange Facility on the subject land, which is classified 'Residential' zone in Local Planning Scheme No.4 (LPS No.4), is consistent with the objectives of the zone and may accordingly require the applicant to submit a completed planning application form with suitable plans for approval; or
- ii) That the establishment of an LPG Bottle Exchange Facility on the subject land maybe consistent with the objectives of the land's current 'Residential' zoning classification and may accordingly require the applicant to submit a completed planning application form with suitable plans to enable public advertising of the application so that the suitability of the proposal can be assessed in light of any community comments; or
- iii) That the establishment of an LPG Bottle Exchange Facility on the subject land is not consistent with the objectives of the land's current 'Residential' zoning classification and therefore advise the applicant that Council will not grant approval should a formal planning application be made and thereafter instruct the administration to prepare correspondence instructing Newdegate Hire Pty Ltd to immediately cease operating the LPG Bottle Exchange Facility from the subject land.

Background

Lot 14 (No.25) Maley Street, Newdegate is located centrally within the Newdegate townsite on the south-western side of Maley Street (to the north west of Mitchell Street and to the south-east of Francis Street) (see Plan 15– Location Plan).

The lot comprises a total area of approximately 1,012m² and has approximately 20 metres of direct frontage to Maley Street and an unsealed (i.e. gravel) laneway at the rear.

According to the latest aerial photography available from Landgate the subject land currently contains a building located centrally on the lot. The subject land does not contain any vegetation. The surrounding land uses are described as follows:

- North-West: Vacant reserved land zoned 'Residential' with residential uses beyond;
- South-West: Laneway with residential uses beyond;
- South-East: Residential uses; and
- North-East: Maley Street and service commercial uses beyond (see Plan 16 – Aerial Site Plan).

The subject land has historically been used for non-residential, non-conforming uses (i.e. a bakery and then a transport depot), all of which are understood to have ceased. As such the land has not been used for any specific purposes and has remained vacant for at least the last 12 months.

Comment

In considering the written request submitted by Newdegate Hire Pty Ltd and noting that it is not a formal planning application seeking retrospective approval under LPS No.4, Council will need to consider and determine "in-principle" whether an LPG Bottle Exchange Facility on the subject land is desirable and appropriate having regard for the 'Residential' zoning classification of the land and the amenity of the immediate locality.

The authors of this report have investigated the possibility of Council considering approval of the use under the provisions contained in LPS No.4 relating to Non-Conforming Uses, however it has been concluded that consideration of the proposal under these provisions is not possible if the subject land has remained vacant and not been used for any specific purposes for a period of time exceeding six (6) months.

In relation to the discontinuance of Non-Conforming Uses, clause 4.10 of LPS No.4 states:

"Where a non-conforming use of any land has been discontinued for a period of 6 months the land must not be used after that period otherwise than in conformity with the provisions of the Scheme."

The subject land is currently classified 'Residential' zone with an applicable residential density coding of 'R20' under LPS No.4.

Council's stated objectives for all land classified 'Residential' zone under LPS No.4 are:

- To achieve a high standard of residential development in accordance with contemporary planning and development practice for the benefit of the community of the Shire of Lake Grace.
- To enhance the character and amenity of residential areas.
- To provide for residential development at a range of densities with a variety of housing types to meet the needs of the community.

- To provide an opportunity for residents to undertake occupations ancillary to the use of their dwelling that are compatible in character, scale and operation with the residential use and which will not have an adverse affect upon the existing character and amenity of these areas.

The use of the subject land for an LPG Bottle Exchange facility does not comfortably fall within any single defined land use under LPS No.4. It is understood that the nature of use involves the storage of LPG bottles and the retail sale of the bottles, whilst also accepting the return of empty LPG bottles. As such the use is not a shop, fuel depot or storage yard, but it does include elements of all of the above uses listed in LPS No.4. To that extent the use is most appropriately classified as a “use not listed” in LPS No.4.

In relation to a “use not listed” LPS No.4, at clause 4.4.2 states:

“If a person proposes to carry out on land any use that is not specifically mentioned in the Zoning Table and cannot reasonably be determined as falling within the type, class or genus of activity of any other use category the local government may —

- (a) determine that the use is consistent with the objectives of the particular zone and is therefore permitted;*
- (b) determine that the use may be consistent with the objectives of the particular zone and thereafter follow the advertising procedures of clause 9.4 in considering an application for planning approval; or*
- (c) determine that the use is not consistent with the objectives of the particular zone and is therefore not permitted.”*

In reviewing the nature of the LPG Bottle Exchange Facility against the ‘Residential’ zone objectives applicable to the subject land it is reasonable to conclude that the use:

- i) is unlikely to contribute to a high standard of residential development for the benefit of the community given that the predominant surrounding land uses are residential. It is however noted and accepted that service commercial land uses are located on the opposite side of Maley Street;
- ii) is unlikely to enhance the character of the residential area; and
- iii) will not provide for the residential use of the land.

Notwithstanding the above conclusions Council’s approval to the proposed use will provide opportunity for the productive use of land that has been vacant for a substantial period of time and which may prove beneficial to the Newdegate community. However the pertinent consideration for Council is whether the use is likely to have a detrimental impact upon the residential character and amenity of the immediate locality.

As previously noted land uses on the opposite side of Maley Street are service commercial, whereas all immediately surrounding land is residential. To that extent this report is satisfied that the use will not have a detrimental impact on the existing Maley Street streetscape, however this report is concerned with the storage of substantial volumes of highly flammable materials on a ‘Residential’ zoned lot that is surrounded by existing residential development.

Although safety and security measures will no doubt be implemented to address these safety concerns, the authors of this report are not convinced that the use of the land for an LPG Bottle Exchange Facility is consistent with the objectives of the

land's current 'Residential' zoning classification under LPS No.4 and that there is insufficient community benefit for the use to be established in an established residential area where the risk to property and human safety may be significantly increased as a result.

Conclusion

It is concluded from this assessment that the establishment of an LPG Bottle Exchange Facility on Lot 14 (No.25) Maley Street, Newdegate is inconsistent with the 'Residential' zone objectives contained in LPS No.4 and that Council should therefore advise the applicant that:

- it does not support the development and use of the land for the proposed purpose; and
- such use of the land is required to immediately cease.

Legal Implications

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

Policy Implications

Nil

Cultural Implications

Nil

Consultation

Not required.

Financial Implications

Nil

Strategic Implications

Nil

Recommendations

That Council resolve to:

1. Not grant "in-principle" approval for the use of Lot 14 (No.25) Maley Street, Newdegate for an LPG Bottle Exchange Facility as proposed in the correspondence received from Len Armstrong and Sandy Knill of Newdegate Hire Pty Ltd dated 16 March 2009 as Council considers the use to be inconsistent with the objectives of the land's current 'Residential' zoning classification in the Shire of Lake Grace Local Planning Scheme No.4.
2. Instruct Len Armstrong and Sandy Knill of Newdegate Hire Pty Ltd to immediately cease using Lot 14 (No.25) Maley Street, Newdegate for the purpose of an LPG Bottle Exchange Facility.
3. Authorise the Shire administration to prepare the necessary correspondence to Len Armstrong and Sandy Knill of Newdegate Hire Pty Ltd advising of Council's decision.

Voting Requirements

Simple majority required.

Resolution

MOTION 10757

Moved Cr Newman
Seconded Cr De Landgraft

That the establishment of an LPG Bottle Exchange Facility on the subject land, which is classified 'Residential' zone in Local Planning Scheme No.4 (LPS No.4), is consistent with the objectives of the zone and that Council accordingly requires the applicant to submit a completed planning application form with suitable plans for approval.

MOTION CARRIED 8/1

REASON FOR CHANGE: Council wished to allow the establishment of the LPG Bottle Exchange facility on the subject land.

13.0 MATTERS FOR CONSIDERATION – HEALTH & BUILDING

13.1 REGIONAL STRATEGIC WASTE MANAGEMENT PLAN – ADOPTION

| | |
|--------------------------------|---|
| Applicant: | Bowman & Associates on behalf of the Wagin Group of Councils |
| File No. | 0521 |
| Attachments: | Excerpts from Strategic Waste Management Plan & Council Minute Sept 2008 – <i>the complete version is available on request and will be tabled at the meeting.</i> |
| Author: | Mr Jim Fraser Chief Executive Officer |
| Disclosure of Interest: | Nil |
| Date of Report: | 17 March 2009 |
| Senior Officer: | Mr Jim Fraser Chief Executive Officer |

Summary

This report recommends the adoption of the Strategic Waste Management Plan for the Wagin Group of Councils.

Background

The Shire of Lake Grace is a member of the Wagin Group of Councils and has been participating in a process to develop a Strategic Waste Management Plan to support the Waste Authority of Western Australia's Zero Waste Development Scheme.

Following a successful grant application process funding was made available for the employment of a Consultant to prepare a Regional Strategic Waste Management Plan and the Shire of Wagin agreed to co-ordinate the process on behalf of member Councils.

At its Ordinary Meeting held on 24 September 2008, Council resolved not to accept the Draft Plan as presented at that time and requested the Plan be amended to reflect Council's position particularly in relation to transfer stations.

The Strategic Waste Management Plan is to be submitted to the Department of Environment and Conservation by 31 March 2009.

The Shires of Wagin, Cuballing, Wandering, Wickepin and Williams have endorsed the Plan.

The Town of Narrogin and the Shires of Narrogin, Pingelly and Lake Grace sought amendments to the Plan which have now been incorporated into the present draft.

Comment

The author attended a meeting in Wagin on Thursday 26 February 2009 to consider the adoption of the amended draft Strategic Waste Management Plan. The draft includes the changes recommended by Council following the Ordinary Meeting held on 24 September 2009.

It is the view of the author that the Plan can now be adopted by Council.

Legal Implications

- Health Act 1911
- Local Government Act 1995
- Waste Avoidance & Resource Recovery Act 2007
- Waste Avoidance & Resource Recovery Levy Act 2007

Policy Implications

N/A

Consultation

External: Wagin Group of Councils
Internal: Manager Corporate Services
Environmental Health Officer

Financial Implications

The total cost to implement the Plan has been estimated at \$7M over a five year period. Individual Councils will be responsible for the costs associated with the Plan within each Shire area.

The funding model does include the provision of a contribution from farming properties.

Strategic Implications

Council's Strategic Plan includes the development of sustainable waste management.

Cultural Implications

N/A

Voting Requirements

Simple majority required

Officers Recommendation/Resolution

MOTION 10758

Moved Cr Newman
Seconded Cr Milton

That the Shire of Lake Grace adopt the Strategic Waste Management Plan March 2009 for the Wagin Group of Councils for submission to the Department of Environment and Conservation.

MOTION CARRIED 9/0

14.0 MATTERS FOR CONSIDERATION – FINANCE

14.1 ACCOUNTS FOR PAYMENT – FEBRUARY 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: | 16 March 2009 |
| Senior Officer: | Mr Jim Fraser Chief Executive Officer |

Summary

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

Background

List of payments for the month of February 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 February 2009 from the Municipal Account totals \$93,978.57.

There were no Trust Account payments during February 2009.

Strategic Implications

N/A

Cultural Implications

N/A

Voting Requirements

Simple majority required.

Recommendation/Resolution

MOTION 10759

Moved Cr Farrelly
Seconded Cr Dunkeld

That Municipal Account cheques 33500 to 33515, Electronic Funds Transfers EFT4897 to EFT4923, and direct debits to the Municipal Accounts totalling \$93,978.57; 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 9/0

2.35pm Cr Dunkeld left the meeting and returned at 2.37pm.

14.2 FINANCIAL STATEMENTS – FEBRUARY 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 March 2009
Senior Officer: Mr Jim Fraser
Chief Executive Officer

Summary

Consideration of the financial statements for the month ending 28 February 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 Expenditure and Operating Income Graphs
- Bank Reconciliation

Legal Implications

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

Policy Implications

N/A

Consultation

N/A

Financial Implications

Nil.

Strategic Implications

N/A

Cultural Implications

N/A

Voting Requirements

Simple majority required.

Recommendation/Resolution

MOTION 10760

Moved Cr Taylor
Seconded Cr Sinclair

That the financial reports for the month ending 28 February 2009 as attached be received.

MOTION CARRIED 9/0

14.3 INVESTMENT OF SURPLUS FUNDS

Applicant: Shire of Lake Grace
File No. 0267
Attachments: Nil
Author: Mr Mark Burbridge
 Manager Corporate Services
Disclosure of Interest: Nil
Date of Report: 16 March 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 February 2009:

| Financial Institution | Fund | Lodgement | Maturity | Term | Amount | Interest Rate |
|-----------------------|-----------|-----------|----------|----------|----------------|---------------|
| Elders Rural Bank | Municipal | 12/12/08 | 12/03/09 | 3 months | \$769,144.81 | 5.70% |
| Elders Rural Bank | Reserve | 12/9/08 | 12/03/09 | 6 months | \$1,200,000.00 | 8.05% |

Council held approximately \$480,000 in its Municipal Cheque account at the end of February to meet upcoming cash expenditure requirements. Options for Municipal fund reinvestment are currently being explored with a view to limiting Council's exposure through the Federal Government's Deposit Guarantee. This may result in Council holding funds in several financial institutions at the one time.

As the end of financial year approaches, the level of surplus Municipal funds decreases. Staff will seek to ensure the availability of funds to meet expenditure requirements through the use of cash-management investment accounts, rather than term deposits.

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 10761

Moved Cr De Landgafft
Seconded Cr Chamberlain

That Council receive the February 2009 investment report.

MOTION CARRIED 9/0

14.4 2008/09 BUDGET REVIEW

Attachment to the Budget Review report were distributed to all those present.

Applicant: Shire of Lake Grace
File No. 0627
Attachments: Budget Review Report
Author: Mr Mark Burbridge
 Manager Corporate Services
Disclosure of Interest: Nil
Date of Report: 17 March 2009
Senior Officer: Mr Jim Fraser
 Chief Executive Officer

Summary

For Council to endorse Audit Committee recommendations in relation to the 2008/09 Budget Review.

Background

All local governments are required to conduct a budget review between 1 January and 31 March each financial year. This review is to be forwarded to the Department of Local Government and Regional Development within 30 days of adoption by Council.

Council's Audit Committee will meet on 19 March 2009 to consider a detailed review of Council's 2008/09 Budget, as prepared by the Chief Executive Officer, Mr Jim Fraser, and Manager Corporate Services, Mr Mark Burbridge.

Comment

The Annual Budget Review of the Rate Setting Statement shows the 2008/09 Projected Budget, and the estimated surplus at the end of the year of \$10,185.

Significant items addressed during the review include:

- A detailed review of the plant replacement program for 2008/09, using actual figures from tender submissions and sale proceeds, has highlighted a shortfall of \$48,651.
- Estimated savings of \$75,731 have been highlighted in the 2008/09 Road Construction and Maintenance Program
- Federal Assistance Grants will be \$13,337 higher than originally estimated in the 2008/09 Budget.
- Reduced interest earnings of approximately \$48,625 due to sharply declining interest rates.
- Increased Transfers from Housing Reserve of \$58,938 to offset increased housing construction costs.
- The estimated surplus brought forward has been reduced from \$534,215 to \$469,964 to coincide with the 2007-08 Annual Financial Statements.

Generally it is considered that Council is well underway to meeting the outcomes that are forecast in the 2008/09 Budget.

Significant projects yet to be completed include:

- A variety of projects funded under the Lotterywest Flood Recovery Project (Some of which may need to be carried forward to 2009/10)

- Bitumen Sealing / Resealing Programme (now underway)

A review of Council's financial position also shows that Council is well placed to meet the expenditure which will be required before the end of the 2008/09 Financial Year.

Council's estimated surplus as at review date was \$2,136,577, which is composed of cash, short term investments, inventories, outstanding rates and sundry debtors.

Of outstanding debtors, the following items remain of some concern:

- Persistent outstanding rates debtors of approximately \$60,000
- Outstanding WANDRA Flood Funding claim of \$343,436

In addition, approximately \$160,000 CSRFF Funding for the Lake Grace Sporting Precinct is still to be finalised and acquitted, which will be vital in achieving a positive carried forward figure at 30 June 2009.

Legal Implications

Local Government (Financial Management) Regulations 1996 – Section 33A

Policy Implications

Nil

Consultation

N/A

Financial Implications

Following a review of the financial statements, a surplus of \$10,185 has been identified. This surplus will be factored into 2009/10 budget deliberations.

Strategic Implications

N/A

Cultural Implications

N/A

Voting Requirements

Absolute majority (5) required.

Officer Recommendation/Committee Recommendation/Resolution

MOTION 10762

Moved Cr Taylor
Seconded Cr Farrelly

That the 2008/09 Budget Review, as recommended by Council's Audit Committee, be approved and the following amendments be made to the 2008/09 Budget:

- Decrease E030100 (Administration Allocated) by \$534 to \$90600
- Decrease E030230 (Rates Collection Fees) by \$3500 to \$500
- Decrease E030240 (Title Searches) by \$150 to \$150
- Increase E030250 (Rates Written Off) by \$800 to \$800

MOTION 10762 continued

Increase I030135 (Interim Rates) by \$2000 to \$2000
 Decrease I030140 (Rates Collection Fee Recoup) by \$3500 to \$500
 Increase I030141 (Ex-Gratia Contribution - CBH) by \$1027 to \$30478
 Increase I030201 (Rates Non Payment Penalty) by \$1500 to \$7500
 Decrease I030205 (Rates Account Enquiry Fees) by \$1000 to \$2000
 Increase I030206 (Rates Instalment Interest) by \$2000 to \$11000
 Increase I030250 (Admin Fee - Rate Instalments) by \$350 to \$6000
 Increase I030301 (Grants Commission - General) by \$4619 to \$565696
 Increase I030302 (Grants Commission - Road Funds) by \$8718 to \$1013460
 Decrease E160100 (Administration Allocated) by \$929 to \$157850
 Decrease E160107 (Interest on Overdraft) by \$900 to \$100
 Decrease I160210 (Interest on Investment - General Fund) by \$10000 to \$45000
 Decrease I160215 (Interest on Investment - Reserve Account Deposits) by \$38625 to \$66000
 Decrease E150011 (Emergency Services - Transfer to Reserve) by \$833 to \$1422
 Decrease E150012 (Housing - Transfer to Reserve) by \$3094 to \$5286
 Decrease E150013 (Swimming Pool - Transfer to Reserve) by \$222 to \$378
 Decrease E150014 (Land Development - Transfer to Reserve) by \$7102 to \$12138
 Decrease E150015 (Leave - Transfer to Reserve) by \$1997 to \$3413
 Decrease E150016 (Plant Replacement - Transfer to Reserve) by \$2691 to \$4599
 Decrease E150017 (Recreation - Transfer to Reserve) by \$15 to \$30
 Decrease E150018 (Works & Services - Transfer to Reserve) by \$4410 to \$7535
 Decrease E150019 (Newdegate Hall - Transfer to Reserve) by \$6354 to \$10856
 Decrease E150020 (Lake Grace TV - Transfer to Reserve) by \$65 to \$110
 Decrease E150023 (Varley Sullage - Transfer to Reserve) by \$37 to \$63
 Decrease E150024 (Computer Upgrade - Transfer to Reserve) by \$185 to \$315
 Decrease E150025 (LG Sewerage Scheme - Transfer to Reserve) by \$10484 to \$17916
 Decrease E150032 (LG Sport & Rec SAR - Transfer to Reserve) by \$4 to \$6
 Decrease E150034 (Photocopier Upgrade - Transfer to Reserve) by \$314 to \$536
 Decrease E150035 (Ngt Sports Dam - Transfer to Reserve) by \$670 to \$1145
 Decrease E150036 (Ngt Stadium Floor - Transfer to Reserve) by \$148 to \$252
 Decrease E041020 (Members Travelling) by \$5500 to \$14000
 Decrease E041025 (Councillor Training) by \$1230 to \$1200
 Decrease E041030 (Conference Expenses) by \$2000 to \$20000
 Decrease E041115 (Community Services Functions) by \$1500 to \$1000
 Decrease E041120 (Council Annual Dinner Expenses) by \$5548 to \$1952
 Decrease E041125 (Christmas Party / Staff Functions) by \$2400 to \$3000
 Decrease E041150 (Councillor's Insurances) by \$1458 to \$18862
 Increase E041160 (Subscriptions) by \$1080 to \$15000
 Increase E041170 (Councillor's Other Expenses) by \$1700 to \$7000
 Increase E041190 (Donations & Ex-gratia payments) by \$400 to \$5000
 Decrease E041195 (Newdegate Field Day Sponsorship) by \$2369 to \$7515
 Decrease E041300 (Administration Allocated) by \$1620 to \$275060
 Decrease E042021 (Workers Compensation Insurance) by \$4114 to \$16094
 Increase E042035 (Vehicle Expenses MCMS LG1767) by \$1295 to \$6500
 Increase E042200 (Audit Fees) by \$1485 to \$12235
 Increase E042230 (Legal Expenses) by \$2000 to \$4000
 Decrease E042250 (5 Banksia Place (MCRS)) by \$6000 to \$6691
 Decrease E042300 (Administration Costs Allocated) by \$5334 to \$905096
 Increase E042920 (Loss on Sale of Assets) by \$3579 to \$3579
 Decrease I042910 (Proceeds from sale of vehicles) by \$35909 to \$39091
 Decrease I042920 (Realisation of Assets) by \$35909 to \$39091
 Decrease I042990 (Profit on Sale of Assets) by \$8774 to \$0
 Decrease E042550 (Purchase Admin Vehicles) by \$46908 to \$70092
 Increase E051070 (Purchase Bushfire Tools / Equipment) by \$2160 to \$5287
 Decrease E051570 (Administration Allocated) by \$74 to \$12490
 Increase I051040 (Grant - FESA ESL Operating Grant) by \$2160 to \$38500
 Increase E052270 (Ranger Services - Contract) by \$2000 to \$17000
 Decrease E052295 (Administration Allocated) by \$55 to \$9413
 Decrease E053170 (Administration Allocated) by \$9 to \$1539
 Increase I053103 (Grant - Community Safety & Crime Prevention) by \$1200 to \$1200
 Decrease E071110 (Administration Allocated) by \$28 to \$4706
 Decrease E074285 (Mosquito Control) by \$2000 to \$2000
 Decrease E074295 (Administration Allocated) by \$19 to \$3168

MOTION 10762 continued

Increase E077035 (Vehicle Expenses Doctor LG1825) by \$731 to \$1261
 Decrease E077040 (Administration Allocated) by \$55 to \$9413
 Increase E077920 (Loss on Sale of Assets) by \$1558 to \$1790
 Decrease I077600 (Proceeds from sale of vehicle) by \$2545 to \$15455
 Decrease I077920 (Realisation of Assets) by \$2545 to \$15455
 Increase E077500 (Purchase Doctors Vehicle) by \$7752 to \$40675
 Increase E091915 (Construct Kit House - 36 Bennett Street, Lake Grace) by \$49960 to \$70000
 Increase E091916 (Construct Kit House - 19 Maley Street, Newdegate) by \$8978 to \$50000
 Increase I091940 (Transfer from Reserve-Housing) by \$58938 to \$58938
 Decrease I092410 (Other Housing Rent) by \$6500 to \$24800
 Increase E092100 (Construct Patio - 14 Blackbutt Way) by \$5000 to \$5000
 Increase E093010 (69A Bennett Street, Lake Grace) by \$1868 to \$4000
 Decrease E093380 (Administration Allocated) by \$46 to \$7784
 Increase E094023 (67A Bennett Street, Lake Grace) by \$1255 to \$2500
 Decrease E094080 (Administration Allocated) by \$46 to \$7784
 Increase E094182 (Air Conditioning - Joint Venture Units) by \$1575 to \$15575
 Increase E095002 (Lakes Village Unit 2) by \$3418 to \$5400
 Increase E095006 (Lakes Village Unit 6) by \$1218 to \$3200
 Increase E095061 (Self Funded Retirement Villages, Lake Grace) by \$3000 to \$0
 Decrease E095080 (Administration Allocated) by \$55 to \$9413
 Increase E095160 (Upgrade Gas Stoves - Lakes Village) by \$4000 to \$18000
 Decrease E101100 (Administration Allocated) by \$55 to \$9413
 Increase E101202 (Newdegate Refuse Site) by \$16950 to \$35000
 Increase I101410 (Refuse Removal Charges) by \$1661 to \$43891
 Decrease E102100 (Administration Allocated) by \$19 to \$3168
 Decrease E103100 (Administration Allocated) by \$37 to \$6245
 Decrease E106100 (Administration Allocated) by \$157 to \$26610
 Increase E107011 (Lake Grace Cemetery Flood Repairs) by \$7145 to \$7145
 Decrease E107100 (Administration Allocated) by \$37 to \$6245
 Increase I107411 (Grant - LG Cemetery Repairs - LotteryWest) by \$18209 to \$130229
 Decrease I107710 (Proceeds from sale of Community Bus) by \$13455 to \$34545
 Increase I107725 (Contribution to new Community Bus) by \$16600 to \$22300
 Increase I107726 (Donation of Community Bus) by \$34545 to \$34545
 Decrease I107920 (Realisation of Assets) by \$13455 to \$34545
 Increase E107710 (Purchase Community Bus) by \$3145 to \$106845
 Decrease E111100 (Admin.Alloc.-Lake Grace Hall) by \$9 to \$1539
 Decrease E111101 (Admin.Alloc.-Newdegate Hall) by \$9 to \$1539
 Decrease E111102 (Admin.Alloc.-Lake King Hall) by \$9 to \$1539
 Decrease E111103 (Admin.Alloc.-Varley Hall) by \$9 to \$1539
 Decrease E112016 (Workers Compensation Insurance) by \$558 to \$2187
 Decrease E112100 (Administration Allocated) by \$28 to \$4706
 Decrease E113100 (Admin.Alloc.-Lake Grace) by \$32 to \$5431
 Decrease E113101 (Admin.Alloc.-Newdegate) by \$23 to \$3892
 Decrease E113102 (Admin.Alloc.-Lake King) by \$23 to \$3892
 Decrease E113103 (Admin.Alloc.-Varley) by \$23 to \$3892
 Increase E113350 (Lake King Sports Pav Expenses) by \$1809 to \$6000
 Increase I113189 (CSRFF & WANDRA Flood Funding) by \$12337 to \$312215
 Increase I113452 (Varley Bowling Green - Grants/Contributions) by \$9950 to \$104950
 Decrease E113183 (Sports Oval Dam Upgrade) by \$3791 to \$29209
 Increase E113184 (Purchase Playground Equip - Ngt Rec Precinct) by \$1870 to \$8231
 Increase E113195 (Varley Bowling Green Upgrade) by \$9950 to \$129950
 Increase E113206 (Construct Catcher for Lake Grace Oval Mower) by \$4280 to \$0
 Decrease E114100 (Admin Alloc - Lake Grace) by \$5 to \$905
 Decrease E114101 (Admin Alloc - Newdegate) by \$5 to \$905
 Decrease E114102 (Admin Alloc - Lake King) by \$5 to \$905
 Increase E114281 (Expenditure Lake Grace - T V) by \$995 to \$5000
 Increase E114282 (Expenditure Newdegate - T V) by \$1556 to \$3500
 Increase I114401 (Charges - Lake Grace - T V) by \$1330 to \$8505
 Increase I114402 (Charges - Newdegate - T V) by \$581 to \$4185
 Increase I114500 (Grants - TV & Radio Broadcasting) by \$12423 to \$12423
 Increase E114751 (Lake Grace TV - Transfer to Reserve) by \$12423 to \$14843
 Decrease E115100 (Administration Alloc. L/Grace) by \$19 to \$3168
 Decrease E115101 (Administration Alloc. N'gate) by \$19 to \$3168

MOTION 10762 continued

Decrease E115102 (Administration Alloc. L/King) by \$18 to \$3077
 Decrease E116056 (Admin.Alloc.-Lake Grace) by \$19 to \$3168
 Decrease E116057 (Admin.Alloc.-Newdegate) by \$19 to \$3168
 Decrease E121100 (Administration Allocated) by \$203 to \$34393
 Increase E121550 (Crossovers - Council Contrib) by \$500 to \$500
 Decrease E121200 (Roadworks - Capital Renewal) by \$65561 to \$1278139
 Increase E121300 (Roadworks - Capital Upgrade) by \$4134 to \$565698
 Increase E122500 (Rural Road Maintenance) by \$696 to \$1169773
 Decrease E122600 (Town Street Maintenance) by \$15000 to \$171882
 Increase E122072 (Natural Disaster Mitigation Program) by \$1326 to \$23564
 Decrease E122100 (Administration Allocated) by \$249 to \$42177
 Increase I122363 (Contributions - Street Lighting) by \$834 to \$4560
 Decrease E123100 (Administration Allocated) by \$65 to \$10951
 Increase E123920 (Loss on Sale of Assets) by \$14256 to \$14256
 Decrease I123115 (Proceeds from sale of vehicles) by \$86661 to \$177339
 Decrease I123910 (Profit on sale of assets) by \$43360 to \$82128
 Decrease I123920 (Realisation of assets) by \$86661 to \$177339
 Increase E123010 (Replace - Utes/Light Vehicles) by \$24697 to \$84697
 Decrease E123011 (Replace - Roadworks Machinery) by \$7708 to \$317292
 Decrease E123021 (Replace Minor Roadmaking Plant) by \$5000 to \$10000
 Decrease E123600 (Plant - Tsfr To Reserve) by \$65000 to \$193186
 Decrease E125100 (Administration Allocated) by \$308 to \$52315
 Decrease E125210 (Telephone Charges-Transport) by \$1800 to \$600
 Decrease E126100 (Administration Allocated) by \$37 to \$6245
 Increase E131040 (Noxious Weed / Pest Plant Expenses) by \$7500 to \$16000
 Decrease E131100 (Administration Allocated) by \$46 to \$7784
 Decrease E132025 (Administration Allocated) by \$194 to \$32855
 Decrease E133100 (Administration Allocated) by \$46 to \$7784
 Decrease E136002 (Lake Grace Town (Dewar St) Standpipe Exp.) by \$3500 to \$3500
 Increase E136005 (Kulin-LG Road (Nth) Standpipe Exp) by \$1000 to \$5000
 Increase E136008 (Biddy Camm/Nth Newdegate Standpipe Exp.) by \$2000 to \$3000
 Increase E136011 (Newman Rd Standpipe Exp.) by \$1000 to \$2000
 Decrease E136012 (Lake Biddy/Roger Rd Standpipe Exp.) by \$2000 to \$1000
 Increase E136015 (Biddy Camm/Mission Rd Standpipe Exp.) by \$1500 to \$2000
 Decrease E136100 (Administration Allocated) by \$19 to \$3168
 Decrease E137100 (Administration Allocated) by \$37 to \$6245
 Increase E137250 (Lake King Residential Land) by \$5000 to \$15000
 Decrease E137260 (Lake Grace Residential Land) by \$5000 to \$15000
 Decrease E141100 (Administration Allocated) by \$37 to \$6245
 Increase E143015 (Supported Employment) by \$18301 to \$54000
 Decrease E143018 (Professional Indemnity / Liability Insurance) by \$957 to \$16071
 Decrease E143025 (Ford Ranger XLT (Works Supervisor) LG002) by \$2260 to \$8500
 Increase E143026 (Ford Ranger XLT (Works Consultant) LG2926) by \$2260 to \$2260
 Increase E143030 (Engineering office expenses) by \$4560 to \$16403
 Decrease E143060 (Workers compensation insurance) by \$6110 to \$25488
 Decrease E143062 (Staff Training - Outside Staff) by \$4000 to \$8000
 Decrease E143125 (Staff Recruitment) by \$4000 to \$1000
 Decrease E143200 (Administration Allocated) by \$44 to \$7600
 Increase E143920 (Loss on sale of assets) by \$636 to \$636
 Increase I143005 (Reimbursements) by \$700 to \$700
 Increase E143317 (Purchase Vehicle Hoist for Depot) by \$2527 to \$8027
 Increase E144050 (Plant - Insurances & Licenses) by \$6623 to \$29354
 Increase E144350 (Insurance Claims) by \$1353 to \$1353
 Increase I144350 (Insurance Recoups) by \$1353 to \$1353
 Increase E148300 (Roe Be Active - One Off Grants) by \$8909 to \$17359
 Increase I148102 (Be Active Fees - Swim to Rotto) by \$1000 to \$1000
 Decrease I148106 (Be Active Fees - Educational Seminars & Courses) by \$1000 to \$0
 Increase I148306 (Grant - ACE2 - Active Communities Everyday 2) by \$8000 to \$8000
 Increase I148307 (Grant - Stay on your Feet) by \$909 to \$909
 Increase E122075 (Contribution to Lake King-Cascades Rd Study) by \$25,000 to \$25,000
 Increase I122800 (Works and Services – Transfer from Reserve) by \$25,000 to \$25,000

MOTION CARRIED BY ABSOLUTE MAJORITY 9/0

14.5 SALE OF PROPERTY – 74 STUBBS ST LAKE GRACE

| | |
|--------------------------------|--|
| Applicant: | Mrs Danielle Robertson |
| File No. | 0358 |
| Attachments: | Valuation |
| Author: | Mrs Danielle Robertson Senior Finance Officer |
| Disclosure of Interest: | Nil |
| Date of Report: | 10 March 2009 |
| Senior Officer: | Mr Jim Fraser Chief Executive Officer |

Summary

For Council to consider the sale by private treaty of 74 Stubbs Street, Lake Grace.

Background

The property at 74 Stubbs Street, Lake Grace is of asbestos/tile construction and comprises three bedrooms, a single toilet, laundry and bathroom. There is a shed on the property.

Council agreed to proceed with the sale of this property in October 2003.

MOTION 9580 - Moved Cr Taylor, Seconded Cr Stewart

That Council agree to the sale of 74 Stubbs Street, Lake Grace and obtain a valuation of the property.

That the sale of 74 Stubbs Street, Lake Grace proceed in accordance with the requirements of the Local Government Act 1995, section 3.58(3) and (4).

MOTION CARRIED 9/0

Subsequent events precluded the sale from being settled.

As valuation by a licensed Valuer is required before Council can proceed with a sale, PL Bolto & Co have been contacted to provide Council with a valuation of the property. Their report is attached.

Comment

74 Stubbs Street is one of Council's older staff housing properties having been purchased in February 1969.

Council has previously recognised the need to improve the quality and value of its staff housing assets. The sale of 74 Stubbs Street would be in line with Council's long term plan of improving its housing stock.

There are a number of options to build more staff housing including a vacant block at 65 Bennett Street, Lake Grace or the retention by Council of land in the proposed subdivision on Quandong Place, Lake Grace.

Legal Implications

Local Government Act 1995, section 3.58(3) and (4) which state:

A local government can dispose of property other than under subsection (2) if, before agreeing to dispose of the property –

(a) it gives Statewide public notice of the proposed disposition-

- (i) describing the property concerned;
- (ii) giving details of the proposed disposition; and
- (iii) inviting submissions to be made to the local government before a date to be specified in the notice, being a date not less than 2 weeks after the notice is first given;

and

(b) it considers any submissions made to it before the date specified in the notice and, if its decision is made by the council or a committee, the decision and the reasons for it are recorded in the minutes of the meeting at which the decision was made.

The details of a proposed disposition that are required by subsection (3)(a)(ii) include -

(a) the names of all other parties concerned;

(b) the consideration to be received by the local government for the disposition; and

(c) the market value of the disposition as ascertained by a valuation carried out not more than 6 months before the proposed disposition.

Policy Implications

N/A

Consultation

The Local Government Act 1995 requires that the proposed sale be advertised and submissions be received and considered by Council.

Financial Implications

No budget consideration has been made in the 2008/09 budget for the sale of 74 Stubbs Street, Lake Grace.

The immediate sale of this property however, would be in Council's long term interest of upgrading and rationalising its housing stock with any proceeds from the sale being transferred to Council's Housing Reserve.

Strategic Implications

Disposal of this property meets with Council's ongoing strategy to develop, maintain and rationalise key infrastructure in the best interests of the community.

Cultural Implications

N/A

Voting Requirements

Simple majority required

Recommendation/Resolution

MOTION 10763

Moved Cr Milton
Seconded Cr Newman

That:

1. Council agree to the sale of 74 Stubbs Street, Lake Grace by private treaty.
2. The sale of 74 Stubbs Street, Lake Grace proceed in accordance with the requirements of the Local Government Act 1995, section 3.58(3) and (4).

MOTION CARRIED 9/0

| |
|--|
| 15.0 MATTERS FOR CONSIDERATION – ADMINISTRATION |
|--|

**15.1 LAKES DISTRICTS SKELETON WEED LOCAL ACTION GROUP
REQUEST FOR SUPPORT**

| | |
|--------------------------------|--|
| Applicant: | Lakes District Skeleton Weed Local Action Group |
| File No. | 0062 |
| Attachments: | 2008 Skeleton Weed Programme Review Synopsis & Lakes District Meeting Notes |
| Author: | Mr Jim Fraser Chief Executive Officer |
| Disclosure of Interest: | Nil |
| Date of Report: | 17 March 2009 |
| Senior Officer: | Mr Jim Fraser Chief Executive Officer |

Summary

This report recommends Council support for the continuation of the Skeleton Weed Eradication Programme.

Background

The Lakes District Skeleton Weed Local Action Group is made up of grower representatives within the Shires of Dumbleyung, Kondinin, Kulin and Lake Grace.

The Agriculture Protection Board of Western Australia has overall accountability for the Skeleton Weed Programme which is funded by a levy placed on grain grower deliveries to CBH facilities throughout the State.

A Review Panel whose membership is included in the attachments has recently provided a discussion paper for consideration by Local Action Groups and growers into the operation of the current Skeleton Weed Programme. A similar review was carried out in 2002.

The Local Action Group has sought the support of Council to ensure the current programme is maintained in its present form for at least the next five years.

Comment

The author has assessed a synopsis of the 2008 Skeleton Weed Programme Review and the notes from a discussion between members of the Lakes District Skeleton Weed Local Action Group.

It is evident from an assessment of the synopsis that the APB is ready to give up on eradicating Skeleton Weed in Western Australia and is intent on transferring control issues direct to farmers.

The current levy system appears to be supported by growers and whilst their individual properties may not be affected the levy provides a form of insurance. Skeleton Weed has posed a threat to farmers for 35 years and there are still more than 750 infestations in the State. What has not been quantified is an estimate of the properties that would be affected had control measures not been in place. The Local Action Group acknowledges that eradication is not being achieved but control is.

The Board considerations appear to be another attempt to reduce government services to rural areas which on that basis alone should be opposed.

Legal Implications

Agricultural and Related Resources Protection Act 1976

Policy Implications

N/A

Consultation

External: Mr Tim Cattle

Financial Implications

N/A

Strategic Implications

Eradication and control of Skeleton Weed throughout the Shire is of vital importance to the local agricultural industry.

Cultural Implications

N/A

Voting Requirements

Simple majority required.

Recommendation/Resolution

MOTION 10764

Moved Cr Newman
Seconded Cr De Landgraft

That the Shire of Lake Grace support the position of the Lakes District Skeleton Weed Local Action Group in their endeavours to continue the Skeleton Weed Eradication Programme administered by the Agriculture Protection Board of WA and funded in part by a grower levy.

MOTION CARRIED 9/0

**15.2 WATER CORPORATION RESERVE 41866 - NEWDEGATE WATER
RE - USE FACILITY**

Applicant: Water Corporation
File No. 0532
Attachments: Correspondence
Author: Mr Jim Fraser
Chief Executive Officer
Disclosure of Interest: Nil
Date of Report: 17 March 2009
Senior Officer: Mr Jim Fraser
Chief Executive Officer

Summary

This report recommends the acceptance of a licence fee and a contribution from Council to the Water Corporation towards the costs of the Newdegate Water Re-Use Facility.

Background

The Water Corporation is responsible for the care, control and management of Reserve No 41866 being Newdegate Town Lot 194.

The Water Corporation has allowed Council to construct a dam within the reserve for the purpose of water harvesting from the adjacent CBH site and storage for treated effluent to be made available from the ponds within the reserve.

Council has been in negotiations with the Water Corporation for some time. Recently the Corporation agreed to install a chlorinator at the effluent ponds which will ensure that the treated effluent from the Newdegate Sewerage Scheme will be suitable for use on the school oval and the town ovals at the recreation centre.

It is anticipated that the chlorinator will be installed during the coming months.

The Water Corporation requires an Agreement with Council for the re-use of the water as well as a licence for the portion of Reserve 41866 for the dam site.

There is also the requirement for an Agreement between the Health Department and Council to use treated effluent on the school oval and recreation centre oval.

Water Corporation staff from the Albany office are assisting Council's Environmental Health Officer with the application process.

Comment

The licence agreement for the dam site, in the opinion of the author, does not include any clauses onerous to Council.

The initial rent is set at \$500.00 (plus GST) per annum with annual CPI increases. The base rate will be increased at the conclusion of each three year period.

In addition to the above during a meeting with Water Corporation staff from the Albany Regional Office, a request was made to the author for Council to consider an annual contribution to the maintenance and monitoring costs of the chlorinator to be installed at the Newdegate Sewerage works. The annual costs are estimated at \$8,000.00 and the Water Corporation is seeking a 50% contribution.

The contribution would be included in the proposed Agreement and would be in addition to the licence fee.

It is noted that Council is also likely to be charged for the electricity which is a sub meter from the CBH facility. The power supply is also utilised to pump water from the site to the holding dam within Reserve 29080.

In considering the request from the Water Corporation for a contribution towards their monitoring and maintenance costs of the chlorinator staff propose that Council seek a contribution from the Department of Education towards the contribution. It is considered reasonable that the Department pay half of Council's costs i.e. \$2,000.00. The contribution from Council would be funded through Specified Area Rates.

Legal Implications

Section 6.32 (1) (b) of the Local Government Act 1995

Policy Implications

N/A

Consultation

External: Sue Mills & Ken Pearce - Water Corporation
David Drabble – Principal Newdegate Primary School

Internal: Manager Corporate Services
Environmental Health Officer

Financial Implications

Subsequent budgets will need to reflect the proposed contribution. Council will be responsible for the legal fees for the preparation of the Licence Agreement.

Strategic Implications

N/A

Cultural Implications

N/A

Voting Requirements

Simple majority required

Recommendation/Resolution

MOTION 10765

Moved Cr Chamberlain
Seconded Cr Dunkeld

That:

1. A Licence Agreement be entered into with the Water Corporation for that portion of Reserve No 41866 Newdegate as outlined at an initial fee of \$500.00 plus GST.
2. A contribution of \$4,000.00 be made to the Water Corporation in the 2009/10 financial year to assist with the maintenance and monitoring of the chlorination system to be installed at the Newdegate sewerage site within Reserve No 41866.
3. Consideration be given to including \$4,000.00 in the 2010/11 and 2011/12 budgets to offset the Water Corporation costs.

MOTION CARRIED 9/0

15.3 VALUATION OF LAND UNDER ROADS

| | |
|--------------------------------|---|
| Applicant: | Manager Corporate Services |
| File No. | 0050 |
| Attachments: | Nil |
| Author: | Mr Mark Burbridge Manager Corporate Services |
| Disclosure of Interest: | Nil |
| Date of Report: | 17 March 2009 |
| Senior Officer: | Mr Jim Fraser Chief Executive Officer |

Summary

For Council to consider, whether or not, it wishes to recognise land under roads.

Background

The Australian Accounting Standard AAS27 – Financial Reporting by Local Governments has been under review for some time and ultimately has been withdrawn effective 30 June 2008.

Most of the principals embodied in AAS27 have been included in other topic based standards (ie not specific to Local Government), however a number of new standards have been created to deal with Local Government specific requirements that did not fit into any other existing standards.

One such new standard is the Australian Accounting Standards Board (AASB) standard AASB1051 – *Land Under Roads*.

AASB1051 states that an entity may elect:

- to recognise (including continue to recognise or to recognise for the first time), subject to satisfaction of the asset recognition criteria; or
- not to recognise (including continue not to recognise or to derecognise)

as an asset, land under roads acquired before the end of the first reporting period ending on or after 31 December 2007 (i.e. 30 June 2008).

Land under roads includes land under roadways, and road reserves, including land under footpaths, nature strips and median strips.

The road constructed on the land is recognised and measured per AASB116 - *Property, Plant and Equipment*.

The Australian Accounting Standards Board decided that a final election relating to the recognition of land under roads acquired before the end of the first reporting period ending on or after 31 December 2007 (30 June 2008) should be made effective as at the first day of the next reporting

period. The final election can be made at any time prior to the completion of the financial statements for that next reporting period, but will be effective as at the first day of that period (1 July 2008).

Land under roads acquired after 1 July 2008, that satisfies the asset recognition criteria in the AASB framework, is required to be accounted for in accordance with AASB116.2

Currently regulation 4 and 16 of the Local Government (Financial Management) Regulations 1996 negate the provisions of AASB1051, however it has been proposed that these provisions be removed from the regulations which will see AASB1051 have full effect.

Comment

Reliable measurement is an essential part of asset recognition. Land under Roads form an integral part of both the road and adjoining road reserve network. The primary difficulty is establishing a reliable value for this land as it generally cannot produce a return on investment or be realised (sold). As such the fair value of the land under roads could not be reliably measured.

The other inherent problem is that the vast majority of land under roads within the Shire is actually crown land which, in the instance where a road is closed, reverts to the crown which then has the right to sell such land.

If Council were to proceed to value land under roads, it would require the appointment of a Valuer to undertake the task. Due to the extent of the Shire's road network and unreliable methods with which to measure the value, this could be a lengthy and expensive process, and it is difficult to demonstrate what tangible benefits Council would gain from the exercise.

Discussions have been held with Councils Auditors, UHY Haines Norton Chartered Accountants, who advise Councils not to recognise land under roads acquired before 1st July 2008.

Whilst regulation 4 and 16 of the Local Government (Financial Management) Regulations 1996 currently negate the provisions of AASB1051, it is seen an appropriate measure for Council to make an election not to recognise land under roads acquired before 1st July 2008. This will have effect when and if Regulation 4 and 16 of the Local Government (Financial Management) Regulations 1996 are withdrawn.

Council should make this election prior to 30 June 2009 – being the end of the first reporting period in which the new Accounting Standard applies.

Legal Implications

Australian Accounting Standards Board – Standard AASB1051
Local Government (Financial Management) Regulations 1996

Policy Implications

Council's Significant Accounting Policies will be amended to reflect Council's final election on this matter.

Consultation

Internal: Chief Executive Officer

External: Council's Auditors UHY Haines Norton

Financial Implications

There are no financial implications at this time, particularly if Council elects not to recognise land under roads.

Should Regulations 4 and 16 of the Local Government (Financial Management) Regulations 1996 be removed, and if Council was then to proceed to value land under roads, it would require the appointment of a Valuer to undertake this task. Due to the extent of the Shire's road network and unreliable methods with which to measure the value, this could be an expensive exercise and quotes would need to be sought.

Strategic Implications

Nil

Cultural Implications

Nil

Voting Requirements

Simple majority required

Recommendation/Resolution

MOTION 10766

Moved Cr Newman

Seconded Cr De Landgraft

That Council, in accordance with *AASB1051 – Land Under Roads*, elects to continue not to recognise land under roads acquired on or before 30 June 2008.

MOTION CARRIED 9/0

3.07pm Meeting adjourned for afternoon tea.

3.27pm Meeting reconvened with all those previously in attendance present with the exception of Mr Len Armstrong.

15.4 **ROYALTIES FOR REGIONS – 2008/09 COUNTRY LOCAL GOVERNMENT FUND – PROPOSED PROGRAM**

Applicant: Department of Local Government & Regional Development
File No. 0293
Attachments: Program Guidelines
Author: Mr Jim Fraser
Chief Executive Officer
Disclosure of Interest: Nil
Date of Report: 17 March 2009
Senior Officer: Mr Jim Fraser
Chief Executive Officer

Summary

This report recommends a number of projects for inclusion in the 2008/09 Country Local Government Fund Programme.

Background

Council has been allocated \$750,341.00 under the Royalties for Regions Country Local Government Fund. The guidelines for access to the funds include a requirement for Council to allocate funds to projects. The programme is to be submitted to the Department of Local Government and Regional Development as the responsible agency for the programme. On acceptance of the submitted programme, a portion of the funds will be paid to Council.

The current Royalties for Regions funding initiative will continue into the 2009/10 and 2010/11 financial years. The initial allocation has to be spent prior to any future allocations being made.

Staff have been assessing various projects for inclusion in the Royalties for Regions programme. Councillors participated in the strategic planning workshop on 12 February 2009 and staff presented a series of notes to Councillors at the Council Meeting held on 25 February 2009.

A consultant to Council, Mr Bill Bond is seeking advice from the Grants Commission in relation to the allocation of Royalties funding direct to road works. The advice indicates there will be no reduction in Financial Assistance grants if the Royalties for Regions funds are spent on capital upgrades and expansion.

Comment

The strategic planning session with Allan Bandt on 12 February 2009 and discussions during and after the Ordinary Meeting of Council held on 25 February 2009 have provided some direction to staff.

On the basis that the 2008/09 funds have to be spent prior to receiving additional funding staff submit the following projects for consideration.

VARLEY HALL

The electrical work has been completed and a local plumbing contractor has been requested to provide a quotation to refurbish the toilets. Contact has also been made with a building contractor based in Hopetoun to provide a quotation for the removal and replacement of the roof and ceiling. The project can be fast tracked.

LANDFILL & RECYCLING**Newdegate Landfill Site – Land purchase and Development**

Negotiations will continue with the landowners to acquire portion of Roe Location 116. The Department for Environment and Conservation (DEC) is placing undue pressure on Council to licence a new site and Council's consultant, Mr Lindsay Stephens is working towards a submission to DEC for a new site.

Other Landfill & Recycling Issues

A request has been made for a recycling facility at Lake King. Additional land is available for purchase to extend the Lake Grace landfill site. There are issues with the Varley site.

All these issues are acceptable projects for Royalties for Regions projects.

STAFF HOUSING

It is recommended that Lot 184 (No 65) Bennett St Lake Grace be subdivided and a new 2 bedroom, 1 bathroom transportable be placed on the back half of the lot facing Franks Street. The purchase price for a 2 x 1 transportable is under the tender threshold and staff can proceed with the acquisition following a favourable Council decision.

LAKE GRACE CHILD CARE

There is a requirement for a new facility for child care in Lake Grace. Currently the centre is situated in the Lake Grace Sports Pavilion which is very unsatisfactory. The facility is shared with the sporting teams and their supporters. No cost estimates have been sought at this stage.

ROADS – CAPITAL UPGRADE & EXPANSION

Council allocates approximately two thirds of the general rate to roads. By allocating Royalties for Regions funding of \$250,000.00 the funds can be expended relatively quickly in the 2009/10 financial year.

The Royalties for Regions programme would then include:

| | |
|-------------------------------------|---------------------|
| Varley Hall Upgrade | \$100,000.00 |
| Landfill – Recycling | \$100,341.00 |
| Staff Housing | \$100,000.00 |
| Lake Grace Child Care facility | \$200,000.00 |
| Roads – Capital Upgrade & Expansion | <u>\$250,000.00</u> |
| Total | <u>\$750,341.00</u> |

The Newdegate Rejuvenation Project has not been included in the Royalties for Regions programme at this stage. The decision is based

on the timing for applications to be submitted for the National Rural and Remote Health Infrastructure Programme which close on 17 April 2009.

As previously reported the cost of the Medical Centre is estimated at \$750,000.00. Federal funding of \$250,000.00 is being sought however it is not known when the result of the application will be known.

The allocation to roads in the Royalties for Regions programme will allow an allocation of \$250,000.00 in 2009/10 from general revenue to the Newdegate Rejuvenation Project by reducing the road allocation by the Royalties for Regions amount i.e. the road allocation of the general rate will reduce by \$250,000.00.

The proposed Medical Centre would then be funded in the 2009/10 financial year as follows:

| | |
|----------------------------------|---------------------|
| Federal funding | \$250,000.00 |
| Newdegate Field Day | \$125,000.00 |
| Shire of Lake Grace General Rate | \$250,000.00 |
| Proposed Loan | <u>\$125,000.00</u> |
| Total | <u>\$750,000.00</u> |

In anticipation of the above programme being accepted, staff have contacted Council's Architect, Mr Gary Batt and have arranged a meeting with him in Perth on Wednesday 1 April 2009. The Nationals Breakfast Forum relating to land development issues is scheduled for this date.

The purpose of the meeting will be to discuss the Medical Centre and for the calling of tenders.

Legal Implications

Local Government Act 1995

Policy Implications

Council Policy 7.9 - Asset Management

Consultation

External: Architect Mr Gary Batt
Consultant Mr Bill Bond

Internal: Manager Corporate Services

Financial Implications

Council's Consultant Mr Bill Bond has advised that under an Asset Management Plan and to cover loan repayments an annual allocation of between \$60,000.00 and \$75,000.00 will be required from general revenue for the proposed Medical Centre.

Royalties for Regions funding will be available in the 2009/10 and 2010/11 financial years.

Strategic & Cultural ImplicationsSocial and Community Wellbeing:

- Retain, promote and develop health, education, recreational provision and access within the Shire.
- Plan and provide programs which encourage fitness, health and social interaction within Shire communities.
- Assist in the cultural well-being of residents by implementing strategies within the Cultural Plan.

Officer's Recommendation

That the following projects be submitted to the Department of Local Government and Regional Development for the 2008/09 Royalties for Regions programme being:

| | |
|---------------------------------------|--------------|
| Varley Hall | \$100,000.00 |
| Landfill and Recycling | \$100,341.00 |
| Staff Housing | \$100,000.00 |
| Lake Grace Child Care Facility | \$200,000.00 |
| Roads – Capital Upgrade and Expansion | \$250,000.00 |

Voting Requirements

Simple majority required

Resolution**MOTION 10767**

Moved Cr Farrelly
Seconded Cr Sinclair

That the following projects be submitted to the Department of Local Government and Regional Development for the 2008/09 Royalties for Regions programme being:

| | |
|--------------------------------|--------------|
| Varley Hall | \$100,000.00 |
| Landfill and Recycling | \$100,341.00 |
| Staff Housing | \$100,000.00 |
| Lake Grace Child Care Facility | \$200,000.00 |
| Newdegate Medical Centre | \$250,000.00 |

MOTION CARRIED 9/0

REASON FOR CHANGE: The Newdegate Medical Centre is recognised as a priority project.

**15.5 USE OF COMMON SEAL ON A DEED OF RESTRICTIVE COVENANT -
LOT 1 NEWDEGATE NORTH ROAD**

Applicant: Oakalona Pty Ltd
File No. 0455
Attachments: Copies of Deposited Plan 56478 & Deed
Author: Mrs Lee-Anne Trevenen
Senior Administration Officer
Disclosure of Interest: Nil
Date of Report: 17 March 2009
Senior Officer: Mr Jim Fraser
Chief Executive Officer

Summary

This report recommends Use of the Common Seal on a Deed of Restrictive Covenant.

Background

The Western Australian Planning Commission (WAPC) on 9 July 2008 wrote seeking Council's comment on the proposed subdivision of Lot 1 Newdegate North Road, Lake Bidy into two (2) new, separately titled rural lots.

At the Ordinary Meeting of Council held on 23 July 2008, an application for subdivision of property located on Newdegate North Road Lake Bidy, was proposed by Harley Survey Group on behalf of Oakalona Pty Ltd was considered by Council.

Mr Geoff MacDonald was an observer at the meeting and made a statement in support of his application for subdivision.

Following consideration of the matter Council resolved to advise that it supports the application to subdivide Lot 1 North Newdegate Rd to create two (2) new separately titled rural lots.

The Western Australian Planning Commission reconsidered the application and advised it is prepared to endorse a deposited plan in accordance with the plan dated 30 June 2008.

Condition 1 refers to the lodgement of a restrictive covenant on the Certificate of Title.

Comment

The Use of the Common Seal on the relevant documentation is necessary to give effect to the provisions of this Deed.

Legal Implications

Transfer of Land Act 1983

Policy Implications

Policy 1.11 – Use of Common Seal

Consultation

N/A

Financial Implications

Nil

Strategic Implications

Nil

Cultural Implications

Nil

Voting Requirements

Simple majority required.

Recommendation/Resolution

MOTION 10768

Moved Cr Newman
Seconded Cr De Landgraft

That in accordance with Council Policy 1.11 the Use of the Common Seal is approved on the Deed of Restrictive Covenant between Oakalona Pty Ltd and the Shire of Lake Grace.

MOTION CARRIED 9/0

4.45pm *Mrs Anne Hyde, Mrs Bev Hyde, Mrs Rosie Sinclair, Mrs Marianne Rohrlach and Ms Helen Rohrlach left the meeting.*

16.0 URGENT BUSINESS BY DECISION OF THE MEETING

16.1 2009 CEO SELECTION COMMITTEE – RECRUITMENT PROCESS

Background

Shire President, Cr Andrew Walker advised Council that the recently formed 2009 CEO Selection Committee consisting of Crs Walker, Chamberlain, De Landgraft and Dunkeld had formally met this morning prior to the Council Meeting.

The meeting commenced at 11.50am and there were a number of items on the agenda which included the following:

- **Election of Chairperson**
Cr Walker was nominated and elected.
- **Local Government Operational Guidelines - Appointing a CEO**
The Committee reviewed the Guidelines – it is very important that Council adhere to and follow the Guidelines as set out.
- **Outsourcing of the Recruitment Process**
- **Advertising the Vacancy**
- **Position Description and Contract of Employment**
- **Remuneration**

Following discussion on the process, it was agreed that it would be in the best interests of Council to employ a consultant to assist with the recruitment process – for which Council's endorsement is required.

It was further agreed that to get process underway immediately a late item was required to be put to today's meeting with the following recommendation be put to Council for consideration.

Committee Resolution:

Moved Cr Chamberlain

Seconded Cr Dunkeld

That it be recommended to Council that 'Expressions of Interest' be invited immediately from suitable consultants to assist Council and the 2009 CEO Selection Committee with the recruitment process for the Chief Executive Officer position.

Committee Recommendation/Resolution

MOTION 10769

Moved Cr Newman
Seconded Cr Sinclair

That 'Expressions of Interest' be invited immediately from suitable consultants to assist Council and the 2009 CEO Selection Committee in the recruitment process for the Chief Executive Officer position.

MOTION CARRIED 9/0

17.0 SCHEDULING OF MEETING

17.1 APRIL 2009 ORDINARY MEETING

Motion 10720 December 2008 states:

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

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

MOTION 10770

Moved Cr Taylor
Seconded Cr Milton

That Council close the meeting to the public at this time, being 4.50 pm, to discuss Item 18.1 and Council's position in the LG reform process.

MOTION CARRIED 9/0

18.1 NEW SENIOR EMPLOYEE POSITION – PROPOSAL

Item forwarded under separate cover.

MOTION 10771

Moved Cr Milton
Seconded Cr Newman

That:

1. On the recommendation of the Chief Executive Officer the Works Overseer position be made a Senior Employee position;
2. Council's 'Chart of Functional Responsibilities' be amended accordingly;
3. The duties of the position of the Manager of Works be carried out by Consultant, Mr Keith Dickerson for the balance of the 2008/09 financial year and all of the 2009/10 financial year; and,
4. An amendment to Policy 4.3 – Senior Employees, be prepared for endorsement by Council at its April 2009 Ordinary Meeting.

MOTION CARRIED 9/0

18.2 LOCAL GOVERNMENT REFORM PROCESS

General discussion was had – no resolutions made.

MOTION 10772

Moved Cr Sinclair
Seconded Cr De Landgraft

That Council re-open the meeting to the public at this time, being 5.50 pm.

MOTION CARRIED 9/0

19.0 CLOSURE

There being no further business, the Chairperson closed the meeting at 5.51pm.

20.0 CERTIFICATION

I Andrew James Walker certify that the minutes of the meeting held on the 25 March 2009 as shown were confirmed as a true record at the meeting held on the 22 April 2009.

Chairman

Date