

Shire of Lake Grace

Ordinary Council Meeting

Minutes

18 April 2018



Disclaimer

No responsibility whatsoever is implied or accepted by the Shire of Lake Grace for any act, omission or statement or intimation occurring during Council/Committee meetings or during formal/informal conversations with staff. The Shire of Lake Grace disclaims any liability for any loss whatsoever caused arising out of reliance by any person or legal entity on any such act, omission or statement or intimation occurring during Council/Committee meetings or discussions. Any person or legal entity who acts or fails to act in reliance upon any statement does so at that person's and or legal entity's own risk.

In particular and without derogating in any way from the broad disclaimer above, in any discussion regarding any planning application or application for license, any statement or limitation or approval made by a member or officer of the Shire of Lake Grace during the course of any meeting is not intended to be and is not taken as notice of approval from the Shire of Lake Grace. The Shire of Lake Grace warns that anyone who has an application lodged with the Shire of Lake Grace must obtain and only should rely on WRITTEN CONFIRMATION of the outcome of the application and any conditions attaching to the decision made by the Shire of Lake Grace in respect of the application.

CONTENTS

1.0	DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS	5
2.0	DISCLAIMER READING	5
3.0	RECORD OF ATTENDANCE/APOLOGIES/LEAVE OF ABSENCE (PREVIOUSLY APPROVED).....	6
3.1	PRESENT	6
3.2	APOLOGIES.....	6
3.3	LEAVE OF ABSENCE PREVIOUSLY GRANTED	6
4.0	RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE	6
5.0	PUBLIC QUESTION TIME	6
6.0	PETITIONS/DEPUTATIONS/PRESENTATIONS	6
7.0	NOTATIONS OF INTEREST	7
7.1	DECLARATION OF FINANCIAL INTEREST – LOCAL GOVERNMENT ACT 1995 SECTION 5.60A.....	7
7.2	DECLARATION OF PROXIMITY INTEREST – LOCAL GOVERNMENT ACT 1995 SECTION 5.60B.....	7
7.3	DECLARATION OF IMPARTIALITY INTEREST – ADMINISTRATION REGULATIONS 1996 SECTION 34C.....	7
8.0	APPLICATIONS FOR LEAVE OF ABSENCE.....	7
9.0	ANNOUNCEMENTS BY THE PRESIDING MEMBER WITHOUT DISCUSSION	7
10.0	CONFIRMATION OF MINUTES	8
10.1	ORDINARY MEETING – 28 MARCH 2018.....	8
11.0	MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN	8
12.0	URGENT BUSINESS APPROVED BY THE PRESIDING MEMBER OR BY DECISION OF COUNCIL	8
12.1	DEED OF CONSENT TO ASSIGNMENT OF LEASE – TOTALLY SMILES PTY LTD.....	9
13.0	REPORTS OF COMMITTEES.....	12
13.1	AUDIT COMMITTEE MINUTES	12
14.0	REPORTS OF OFFICERS	12
14.1	INFRASTRUCTURE SERVICES.....	12
14.2	PLANNING	12
14.2.1	DEVELOPMENT APPLICATION – PROPOSED NEW ADDITIONAL DWELLING (FARM WORKER ACCOMMODATION) – LOT 2541 DAWSON ROAD, SOUTH NEWDEGATE.....	12
14.3	HEALTH AND BUILDING	19
14.4	ADMINISTRATION	19

14.4.1	WATER CORPORATION – TRANSFER OF SURPLUS DAM AA NO. 379 LAKE GRACE EAST	19
14.5	FINANCE	34
14.5.1	ACCOUNTS FOR PAYMENT – MARCH 2018	34
14.5.2	FINANCIAL STATEMENTS – 28 MARCH 2018.....	36
14.6	COMMUNITY SERVICES.....	39
14.6.1	YOUTH ENGAGEMENT GRANT PROGRAM APPLICATION.....	39
14.6.2	PLAYGROUP REQUEST FOR SUPPORTING SPEAKER.....	41
15.0	QUESTIONS OF WHICH DUE NOTICE HAS BEEN GIVEN.....	43
16.0	INFORMATION BULLETIN	43
16.1	INFORMATION BULLETIN – APRIL 2018.....	43
17.0	CONFIDENTIAL ITEMS – AS PER LOCAL GOVERNMENT ACT S5.23 (2)	45
18.0	DATE OF NEXT MEETING	45
18.1	MAY 2018 ORDINARY MEETING	45
19.0	CLOSURE	45
20.0	CERTIFICATION	45

SHIRE OF LAKE GRACE

Minutes for the Ordinary Meeting of Council held at Council Chambers, 1 Bishop Street, Lake Grace, WA on Wednesday 18 April 2018.

1.0 DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS

The Shire President opened the meeting at 3.13pm.

2.0 DISCLAIMER READING

The Chief Executive Officer is to read aloud the disclaimer.

No responsibility whatsoever is implied or accepted by the Shire of Lake Grace for any act, omission or statement or intimation occurring during Council/Committee meetings or during formal/informal conversations with staff. The Shire of Lake Grace disclaims any liability for any loss whatsoever caused arising out of reliance by any person or legal entity on any such act, omission or statement or intimation occurring during Council/Committee meetings or discussions. Any person or legal entity who acts or fails to act in reliance upon any statement does so at that person's and or legal entity's own risk.

In particular and without derogating in any way from the broad disclaimer above, in any discussion regarding any planning application or application for license, any statement or limitation or approval made by a member or officer of the Shire of Lake Grace during the course of any meeting is not intended to be and is not taken as notice of approval from the Shire of Lake Grace. The Shire of Lake Grace warns that anyone who has an application lodged with the Shire of Lake Grace must obtain and only should rely on WRITTEN CONFIRMATION of the outcome of the application and any conditions attaching to the decision made by the Shire of Lake Grace in respect of the application.

3.0 RECORD OF ATTENDANCE/APOLOGIES/LEAVE OF ABSENCE (PREVIOUSLY APPROVED)**3.1 PRESENT**

Cr JF De Landgraft	Shire President
Cr SG Hunt	Deputy Shire President
Cr R Chappell	
Cr RA Lloyd	
Cr AD Marshall	
Cr MR Spurr	
Cr P Stoffberg	

In Attendance

Ms D Gobbart	Chief Executive Officer
Miss C Cavanagh	Executive Assistant
Mrs L Trevenen	Administration Coordinator

Observers/Visitors**3.2 APOLOGIES**

Cr DS Clarke
Cr MG Stanton

3.3 LEAVE OF ABSENCE PREVIOUSLY GRANTED

Cr JF De Landgraft has been granted leave of absence from Thursday 28 June 2018 to Monday 6 August 2018 inclusive.

Cr RA Lloyd has been granted leave of absence from Monday 14 May 2018 to Monday 28 May 2018 inclusive.

4.0 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil

5.0 PUBLIC QUESTION TIME

Nil

6.0 PETITIONS/DEPUTATIONS/PRESENTATIONS

Nil

7.0 NOTATIONS OF INTEREST**7.1 DECLARATION OF FINANCIAL INTEREST – LOCAL GOVERNMENT ACT 1995 SECTION 5.60A**

Nil

7.2 DECLARATION OF PROXIMITY INTEREST – LOCAL GOVERNMENT ACT 1995 SECTION 5.60B

Nil

7.3 DECLARATION OF IMPARTIALITY INTEREST – ADMINISTRATION REGULATIONS 1996 SECTION 34C

Cr Chappell declared impartiality interest in Item 14.6.1 Youth Engagement Grant Program Application (refer to page 34) with the nature of the interest being, his wife Cheryl Chappell is the author of this request.

Cr Chappell declared impartiality interest in Item 14.6.2 Playgroup Request for Supporting Speaker (refer to page 36) with the nature of the interest being, his wife Cheryl Chappell is the author of this request.

8.0 APPLICATIONS FOR LEAVE OF ABSENCE

An Application for Leave of Absence was received in writing from Councillor Hunt.

Resolution**RESOLUTION 12736**

Moved Cr Chappell
Seconded Cr Stoffberg

That Leave of Absence be granted to Councillor Hunt for the period Monday 30 April 2018 to Saturday 5 May 2018 inclusive.

CARRIED 7/0

9.0 ANNOUNCEMENTS BY THE PRESIDING MEMBER WITHOUT DISCUSSION

President De Landgraft thanked Councillors for attending the official opening ceremony of the Lake Grace Sports Pavilion held on Friday 13 April 2018.

10.0 CONFIRMATION OF MINUTES

10.1 ORDINARY MEETING – 28 MARCH 2018

Recommendation/Resolution

RESOLUTION 12737

Moved Cr Stoffberg
Seconded Cr Lloyd

That the minutes of the Ordinary Meeting of Council held on 28 March 2018 be confirmed as a true and accurate record.

CARRIED 7/0

11.0 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

12.0 URGENT BUSINESS APPROVED BY THE PRESIDING MEMBER OR BY DECISION OF COUNCIL

Recommendation/Resolution

RESOLUTION 12738

Moved Cr Marshall
Seconded Cr Lloyd

That Council accept Item 12.1 Deed of Consent to Assignment of Lease – Totally Smiles PTY LTD as late items of urgent business.

CARRIED 7/0

12.1 DEED OF CONSENT TO ASSIGNMENT OF LEASE – TOTALLY SMILES PTY LTD

Applicant: Talbot Sayers, Lawyers on behalf of Totally Smiles Pty Ltd and Bryan Fleming

File No. 0755

Attachments: 1. Deed of Consent to Assignment of Lease
2. Lease
3. Section 18 Ministerial Consent

Author: Mrs Lee-Anne Trevenen



Administration Coordinator

Disclosure of Interest: Nil

Date of Report: 17 April 2018

Senior Officer: Denise Gobbart



Chief Executive Officer

Summary

For Council to consider the reassignment of Lease held between the Shire of Lake Grace and Bryan George Fleming to Totally Smiles Pty Ltd, and to approve the application of the Shire's Common Seal on the Deed of Consent.

Background

Bryan George Fleming is the current Lessee on Reserve 45958 Lake Grace Lot 338 Deposited Plan 194216 Crown Land Title Volume 3113 Folio 515 held between the Shire of Lake Grace and Bryan George Fleming from 1 April 2014 – 31 March 2019.

Bryan George Fleming has operated his dental practice as Lessee to the Shire of Lake Grace since the 22 December 1999 and

On Thursday 22 March, staff received an email from Mike Ward Group Property Manager – Totally Smiles Dental Group advising that their company wished to take a new licence or lease over the premises, and that they were under time pressure to do so. At this time we had received no confirmation from Bryan Fleming that he was party to this transaction.

Shire staff contacted Bryan Fleming to seek written confirmation that he was party to these dealings. Bryan Fleming, Lessee notified the Shire on Thursday 5 April 2018 of his intent to sell his dental practice to Totally Smiles Pty Ltd (Smiles Inc.) and requested the Shire of Lake Grace to arrange documentation to transfer the lease.

The Shire of Lake Grace has been advised that Bryan Fleming will continue to administer dental services as currently operating, however this will now be under the new Lessee, Totally Smiles Pty Ltd. This dental practice is one of 52 dental practices around Australia that Totally Smiles Pty Ltd in the process of purchasing.

Comment

The current lease being for the period 1 April 2014 to 31 March 2019, states;

"The Lessee covenants with the Lessor as follows:

- i) Not to sublet, mortgage, charge or part possession of the Leased Premises or any part thereof without the consent in writing of the Lessor and the Minister for Land first hand and obtained and it is hereby expressly agreed and declared that this convenat shall not be deemed to be subject to the provisions of Sections 80 and 82 of the Property Law Act 1969 and such provisions are hereby expressly excluded;"*

With this clause there is no provision in the current lease to be able to reassign the lease without the endorsement of Council and the Department of Planning Lands and Heritage (DOPLH).

The Shire contacted DOPLH to request their recommendation on actioning the reassignment of the lease between Bryan George Fleming and the Shire of Lake Grace.

DOPLH's perspective is that there is nothing stated in the lease that prohibits the Shire of Lake Grace from either reassigning or surrendering the current lease in order to lease the premises to Totally Smiles Pty Ltd. The premises are currently used as dentist rooms as part of a bigger health centre and will continue to be used in the same way; therefore the impact on the underlying Crown land is minimal.

The advice from DOPLH is that when considering our options moving forward, the Shire of Lake Grace is to bear in mind the following:

- Reassignment of Lease – the quickest process is to reassign the lease with Deed of Consent to Reassignment of Lease. By reassigning the lease to Totally Smiles Pty Ltd, they agree to the terms of the original lease to Bryan George Fleming and will have to adhere by them. If the Shire wishes to proceed, the DOPLH will prepare the necessary s18 approval letter.
- Surrender of Lease – this option is more time consuming for Council and Totally Smiles Pty Ltd, but it ensures that the Lease will be able to proceed on terms that are suitable, appropriate, and specific to both parties. To proceed with this it is necessary to submit lease surrender for the current lease and a new proposed lease to Totally Smiles Pty Ltd for s18 approval to the DOPLH.

Given the quickest process and the timeframe that is required for the purchase of the dental practice, we advised the DOLPH that we intended presenting an item to Council to agree to a 'Deed of Consent to Assignment of Lease'. With this information at hand they have given Section 18 Ministerial Consent to the proposed Deed of Consent to Assignment of the Lease.

Talbot Sayers are in agreeance to sign the Deed of Consent to Assignment of Lease to effect the assignment.

Talbot Sayers Lawyers forwarded a simple document, 'Deed of Consent to Assignment of Lease' for the Shire of Lake Grace, Bryan George Fleming and their client Totally Smiles Pty Ltd to sign to effect the reassignment.

Talbot Sayers Lawyers have also proposed to prepare a new draft lease in the background if Council is willing to consider this. If so, Talbot Sayers can prepare a populated version and issue for formal consideration. Given the urgency of dealing with this matter and the fact the current lease is not due to expire until 31 March 2019, this is not being dealt with in this item.

Legal Implications

The provisions of the Lease Agreement between the Minister for Planning, Lands and Heritage, Bryan George Fleming and the Shire of Lake Grace are to be considered in the Assignment of this lease.

Policy Implications

Policy 1.11 – Use of the Common Seal

The Common Seal of the Shire of Lake Grace is to be affixed to the following documents:

- Deeds of agreement
- Senior officer contracts of employment
- Land transactions (including leases)
- Other documents requesting use of the common seal

A document is validly executed by the Shire of Lake Grace when the seal of the Shire is affixed to it by the President and the Chief Executive Officer, and the President and Chief Executive Officer attest the fixing of the seal.

All documents signed under seal must, in accordance with s9.49 of the Act, first be presented to Council for its authorisation of the seal to be affixed to it by the President and the Chief Executive Officer, and the President and Chief Executive Officer attesting the fixing of the seal.

Consultation

Internal Chief Executive Officer

External: Department of Planning, Lands and Heritage
 Will Houston Lawyer Talbot Sayer
 Doctor Bryan Fleming

Financial Implications

Nil

Strategic Implications

Shire of Lake Grace Strategic Community Plan 2017 – 2027

Economic Objective

A prosperous agricultural based economy, supporting diversification of industry

Outcome 1.2 A diverse and prosperous economy

- 1.2.2 Support local business and promote further investment in the district

Social Objective

A valued, healthy and inclusive community and life-style

Outcome 2.2 A healthy and safe community

- 2.2.2 Provide and advocate for medical and health services

Voting Requirements

Simple majority required

Recommendation/Resolution

RESOLUTION 12739

Moved Cr Hunt

Second Cr Stoffberg

That Council:

1. By Deed of Consent reassign the Lease on Reserve 45958 Lake Grace Lot 338 Deposited Plan 194216 Crown Land Title Volume 3113 Folio 515 held between the Shire of Lake Grace and Bryan George Fleming to Totally Smiles Pty Ltd;
2. Authorises President and the Chief Executive Officer to affix the Common Seal to the Deed of Consent to Assignment of Lease.

CARRIED 7/0

13.0 REPORTS OF COMMITTEES

13.1 AUDIT COMMITTEE MINUTES

Recommendation/Resolution

RESOLUTION 12740

Moved Cr Marshall
Seconded Cr Lloyd

That Council accepts the Audit Committee Minutes of 26 March 2018 meeting.

CARRIED 7/0


14.0 REPORTS OF OFFICERS

14.1 INFRASTRUCTURE SERVICES

No matters for consideration.

14.2 PLANNING

14.2.1 DEVELOPMENT APPLICATION – PROPOSED NEW ADDITIONAL DWELLING (FARM WORKER ACCOMMODATION) – LOT 2541 DAWSON ROAD, SOUTH NEWDEGATE

Applicant:	TR Homes on behalf of Mr Beau Waddell (Landowner)	
File No.:	0453	
Attachments:	1. Development Application – Lot 2541 Dawson Road, Newdegate, WA 6355	
Author:	Mr Joe Douglas (Exurban Rural & Regional Planning)	
		Town Planning Consultant
Disclosure of Interest:	Nil	
Date of Report:	10 April 2018	
Senior Officer:	Ms Denise Gobbart	
		 Chief Executive Officer

Summary

This report recommends that a development application submitted by TR Homes on behalf of Mr Beau Waddell (Landowner) to place a new pre-manufactured steel framed modular dwelling on Lot 2541 Dawson Road, South Newdegate be approved subject to conditions.

Background

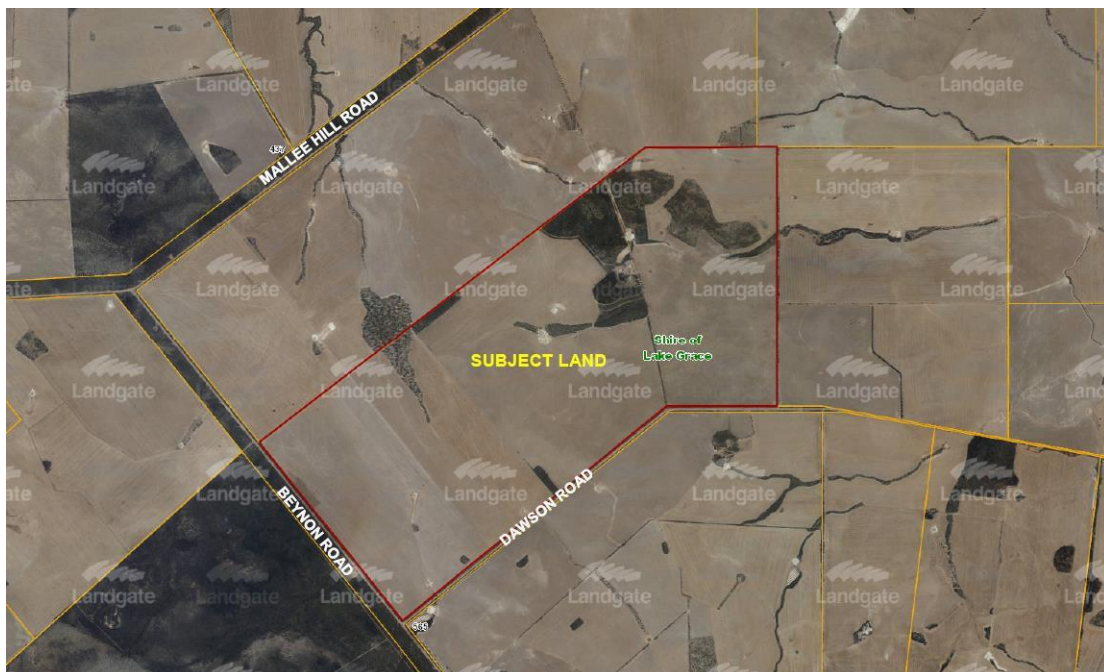
The applicant is seeking Council's development approval to place a new pre-manufactured steel framed modular dwelling in close proximity to an existing single house on Lot 2541 Dawson Road, South Newdegate.

The proposed new dwelling comprises a total floor area of approximately 90m² and will be used to accommodate family members and/or workers employed for agricultural activities on the land (i.e. farm worker accommodation). The existing dwelling on the land will be retained for continued use by the current landowner as their primary place of residence.

Lot 2541 is located approximately 9 kilometres south-west of the Newdegate townsite in the locality of South Newdegate and immediately east of the Breakaway Ridge Nature Reserve, an A-Class nature reserve under the care, control and management of the National Parks and Nature Conservation Authority.

Lot 2541 is irregular in shape and comprises a total area of approximately 1,378 hectares. The property has direct frontage and access to Dawson Road along its southern boundary and Beynon Road along its western boundary, both of which are unsealed, constructed local roads under the care, control and management of the Shire of Lake Grace.

Lot 2541 has been extensively cleared and is currently used for broadacre agricultural purposes (i.e. cropping & grazing). The land comprises some large scattered stands of native vegetation in its north-eastern segment, along several intermittent creek lines and near its frontage to Dawson Road, some of which is the subject of a memorial registered on title under the *Soil and Land Conservation Act 1945* for conservation purposes. It is not known if that portion of the land subject to this application is affected by the aforementioned memorial and is a matter for the applicant/landowner to determine in consultation with the Commissioner of Soil and Land Conservation prior to the commencement of development.



Location Plan (Source: Landgate)

In addition to the existing house the land also contains a number of physical improvements associated with its current rural use including various sheds, dams and associated catchments, internal access roads / tracks, firebreaks and fencing.

Specific details of the proposal including a covering letter and plans are provided in Attachment 1.



Site Plan (Source: Landgate)

Comment

Lot 2541 is classified 'General Agriculture' zone in the Shire of Lake Grace Local Planning Scheme No.4 (LPS No.4).

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

Clause 4.11.3 of LPS No.4 states Council will not generally support the erection of more than one (1) single house per lot on any land classified 'General Agriculture' zone and may only consider granting approval to additional dwelling(s) under the following circumstances:

- (i) where the landowner demonstrates that the development is required for farm management or tourist development purposes;
- (ii) the additional dwelling(s) will only accommodate a family member, workers employed for agricultural activities on that lot or tourists;
- (iii) the additional dwelling(s) are clustered in one location so as to avoid future subdivision pressure and minimise constraints on adjoining uses; and
- (iv) all essential services to the additional dwelling(s) from the lot boundary (including access roads) are to be shared with any existing dwelling(s) where practicable.

The application has been assessed with due regard for the zone objectives and all relevant development standards and requirements prescribed in LPS No.4 as well as the standards, requirements and general guidance provided by the relevant elements of the State planning framework. This assessment has confirmed the proposal is generally compliant with respect to the following matters:

- Boundary setbacks;
- Effluent disposal;
- Water supply for domestic and fire fighting purposes;

- Stormwater drainage;
- Visual amenity;
- Potential for land use conflict including minimum required buffer separation distances;
- Clearing of native vegetation; and
- The potential for land degradation including soil erosion, salinity and flooding.

It is significant to note that portion of Lot 2541 proposed to be developed to accommodate the proposed additional dwelling has been designated by the Fire and Emergency Services (FES) Commissioner as being located within a designated 'Bushfire Prone Area'. As such the applicant has submitted a Bushfire Attack Level (BAL) assessment in support of the application to satisfy the specific requirements of clause 78D(1) of Part 10A of the *Planning and Development (Local Planning Scheme) Regulations 2015*.

A review of the BAL assessment prepared by bushfire planning practitioners BJ Marsh Pty has confirmed the following:

- i) The existing vegetation located within 100 metres of the proposed development comprises a mix of scrub, woodland, grassland and non-vegetated areas;
- ii) The principal bushfire hazard vegetation is the existing woodland area located on the southern side of both the existing and proposed dwelling;
- iii) The subject land has been assessed as having a rating of **BAL-19**. The bushfire risk is therefore considered to be **moderate** due to the risk of ember attack and burning debris ignited by wind-borne embers and a likelihood of exposure to radiant heat; and
- iv) In order to help mitigate the potential bushfire risk it is recommended that an Asset Protection Zone (APZ) comprising a minimum width of 20 metres be created around the proposed new dwelling measured from its external walls and maintained in perpetuity for the life of the structures in accordance with the WAPC's Guidelines for Planning in Bushfire Prone Areas.

Assessment of the application having regard for the Guidelines for Planning in Bushfire Prone Areas also confirmed the following:

- a) It is compliant in terms of the proposed location of the new dwelling (i.e. it is located in an area that is or will, on completion, be subject to either a moderate or low bushfire hazard level, or BAL-29 or below);
- b) An Asset Protection Zone (APZ) of suitable width and location can be created around the proposed new dwelling and managed in accordance with the standards prescribed in the Guidelines; and
- c) A static water supply with an effective capacity of 10,000 litres will be provided to enable people, property and infrastructure to be defended from bushfire.

Notwithstanding the above conclusion it should be noted the proposal does not appear to comply with the vehicular access requirements of the Guidelines as they apply to private driveways longer than 50 metres for the following reasons:

- i) The existing driveway access to the proposed new dwelling from Dawson Road does not provide passing bays every 200 metres with a minimum length of 20 metres and a minimum width of two metres (i.e. the combined width of the passing bay and constructed private driveway to be a minimum six metres); and
- ii) The driveway access does not provide turn-around areas designed to accommodate type 3.4 fire appliances and that enable them to turn around safely every 500 metres (i.e. kerb to kerb 17.5 metres).

Despite these non-compliance issues there is sufficient scope for the landowner to address them as part of the proposed development of the land by satisfying a number of conditions of any development approval that may ultimately be issued by Council.

In light of the above findings it is recommended Council exercise its discretion and grant conditional approval to the application to ensure the development proceeds in accordance with the information and plans submitted in support of the application, the relevant standards and requirements of LPS No.4 and the bushfire protection criteria of the Guidelines for Planning in Bushfire Prone Areas as they apply to vehicular access.

Legal Implications

- Planning and Development Act 2005
- Planning and Development (Local Planning Scheme) Regulations
- Shire of Lake Grace Local Planning Scheme No.4

Policy Implications

- State Planning Policy 2.5 - Rural Planning
- State Planning Policy 3.7 – Planning in Bushfire Prone Areas
- Guidelines for Planning in Bushfire Prone Areas

Consultation

Not required or deemed necessary.

Financial Implications

Nil

Strategic Implications

- *Shire of Lake Grace Local Planning Strategy* - The proposal for Lot 2541 is considered to be generally consistent with the aims and objectives of the Shire's Local Planning Strategy as it applies to the following:
 - Economic Development Strategy (Agriculture): To achieve ecologically sustainable use of agricultural land in the Shire whilst providing diverse and compatible development opportunities in agricultural areas to promote the local economy.
 - Settlement Strategy (Rural Living): To provide a variety and choice of high quality rural living opportunities in the Shire where it is economically, socially and environmentally viable.
- *Shire of Lake Grace Strategic Community Plan 2017-2027* – The proposal for Lot 2541 is considered to be generally consistent with the aims and objectives of the Shire's Strategic Community Plan as it applies to the following:
 - Economic Outcome 1.1.3 – Support and promote the agricultural productivity of the district;
 - Environment Outcome 3.2.1 – Manage and preserve the natural environment.

Voting Requirements

Simple Majority

Recommendation/Resolution**RESOLUTION 12741**

Moved Cr Hunt
Seconded Cr Lloyd

That the application for development approval submitted by TR Homes on behalf of Mr Beau Waddell (Landowner) to place a new pre-manufactured steel framed modular dwelling on Lot 2541 Dawson Road, South Newdegate for farm worker accommodation purposes be **APPROVED** subject to the following conditions and advice notes:

Conditions

1. The proposed development shall be undertaken in a manner consistent with the information and plans submitted in support of the application unless otherwise approved by Council.
2. The proposed dwelling shall only be used to accommodate family members and/or workers employed for agricultural activities on the land (i.e. farm worker accommodation).
3. The proposed dwelling shall be provided with an adequate on-site effluent disposal system constructed and maintained to the specifications and satisfaction of the Shire's Chief Executive Officer and the Department of Health.
4. The proposed dwelling shall be provided with a water supply tank with a minimum capacity of 90,000 litres and suitable couplings for both domestic consumption and firefighting purposes to the specifications and satisfaction of the Shire's Chief Executive Officer, the Department of Health and Department of Fire and Emergency Services. A minimum of 10,000 litres of water must be stored in the tank at all times for firefighting purpose.
5. In order to help mitigate the potential bushfire risk an Asset Protection Zone (APZ) comprising a minimum width of twenty (20) metres shall be created around the proposed dwelling measured from its external walls and maintained in perpetuity for the life of the structure in accordance with the Western Australian Planning Commission's *Guidelines for Planning in Bushfire Prone Areas*.
6. The existing private driveway access to the proposed dwelling from Dawson Road shall be upgraded as follows to the specifications and satisfaction of the Shire's Chief Executive Officer to ensure the development complies with the bushfire protection criteria of the *Guidelines for Planning in Bushfire Prone Areas*:
 - i) Construction of passing bays every 200 metres with a minimum length of twenty (20) metres and a minimum width of two (2) metres (i.e. the combined width of the passing bay and constructed private driveway must be a minimum six (6) metres); and
 - ii) Construction of turn-around areas designed to accommodate type 3.4 fire appliances that enable them to turn around safely every 500 metres (i.e. kerb to kerb 17.5 metres).

RESOLUTION 12741 (CONTINUED)Advice Notes

1. The development is to be completed within a period of two (2) years from the date of this approval. If the development is not completed within this period the approval will lapse and be of no further effect. Where an approval has lapsed, no development shall be carried out without the further approval of the Shire of Lake Grace having first been sought and obtained.
2. This approval is not an authority to ignore any constraint to development on the land which may exist through contract or on title, such as an easement, memorial or restrictive covenant. It is the responsibility of the applicant and landowner and not the Shire to investigate any such constraints before commencing development. This approval will not necessarily have regard to any such constraint to development, regardless of whether or not it has been drawn to the Shire's attention.
3. This is a development approval of the Shire of Lake Grace under its Local Planning Scheme No.4. It is not a building permit or an approval to commence or carry out development under any other law. It is the responsibility of the applicant and landowner to obtain any other necessary approvals, consents, permits and licenses required under any other law, and to commence and carry out development in accordance with all relevant laws.
4. In accordance with the Building Act 2011 and Building Regulations 2012, a building permit application must be submitted to and approved by the Shire's Building Surveyor prior to the commencement of any building construction or earthworks on the land.
5. The proposed dwelling is required to comply in all respects with the National Construction Code of Australia. Plans and specifications which reflect these requirements are required to be submitted with the building permit application.
6. A full copy of the Western Australian Planning Commission's Guidelines for Planning in Bushfire Prone Areas can be viewed and downloaded from the following website link:
www.planning.wa.gov.au/8194.aspx
7. The clearing of any native vegetation within the Shire (including Lot 2541) is not permitted unless a clearing permit is first obtained from the Department of Water and Environmental Regulation under the provisions of the Environmental Protection (Clearing of Native Vegetation) Regulations 2004 or the clearing is of a type that does not require a permit (i.e. the clearing is for an exempt purpose as prescribed in the Environmental Protection (Clearing of Native Vegetation) Regulations 2004). It is noted that clearing works to accommodate the proposed new dwelling have already been undertaken as evidenced in the photographs contained in the Bushfire Attack Level (BAL) assessment prepared by BJ Marsh Pty. This work may be contrary to the provisions of the Environmental Protection (Clearing of Native Vegetation) Regulations 2004, is contrary to the requirements of the Shire's Local Planning Scheme No.4 and constitutes an offence under the provisions of the Planning and Development Act 2005.
8. Failure to comply with any of the conditions of this development approval constitutes an offence under the provisions of the Planning and Development Act 2005 and the Shire of Lake Grace Local Planning Scheme No.4 and may result in legal action being initiated by the local government.
9. If the applicant or owner is aggrieved by this determination there is a right of review by the State Administrative Tribunal in accordance with the Planning and Development Act 2005 Part 14. An application must be submitted within 28 days of the determination.

CARRIED 7/0

14.3 HEALTH AND BUILDING

No matters for consideration

14.4 ADMINISTRATION**14.4.1 WATER CORPORATION – TRANSFER OF SURPLUS DAM AA NO. 379 LAKE GRACE EAST**

Applicant: Water Corporation
File No. 0463 and 0505
Attachments: Nil
Author: Ms Denise Gobbart

Disclosure of Interest: Nil
Date of Report: 12 April 2018
Senior Officer: Ms Denise Gobbart



Chief Executive Officer



Chief Executive Officer

Summary

For Council to consider the acquisition of AA Dam No. 379 Lake Grace East Dam and Catchment being Lots 12722 and 15546 Oldham Road Lake Grace from the Water Corporation.

Background

On 16 May 2017 Mr David Morgan, Senior Project Planner of Water Corporation emailed seeking our interest in acquiring a number of water sources located within the Shire of Lake Grace that are surplus to their operational needs.

Previously, the administration had been in discussion with the Water Corporation regarding the Newdegate and Lake Grace dam facilities for our acquisition. The additional listing of AA Dams received was unsolicited. Given this a low level of importance was given to bring the item to Council.

There were approximately fifteen sites that they have identified as surplus to their operational needs; the sites are identified as follows;

Name	Address	Comments
Newdegate Railway Dam and Catchment	Reserve 20629 Lake Grace-Newdegate Rd	The Turkey Nest dam will be excised and retained by Water Corp. The balance of the reserve (including the Railway dam and catchment) is available for transfer.
AA Dam No 186 White Dam Old	Reserve 13231 (Lot 15658) Dumbleyung- Lake Grace Road, Neendaling	Lot 15678 is north of Dumbleyung-Lake Grace Rd. The Tarin Rock Tanks and pipe corridors will be excised from the reserve and retained by Water Corporation.
AA Dam No 187 Neendaling	Reserve 13231 (Lot 500) Dumbleyung- Lake Grace Road, Neendaling	Lot 500 is south of Dumbleyung-Lake Grace Rd.
AA Dam No 377 Nth Lake Grace	Reserve 18067 (Lot 12561) Kulin-Lake Grace Road, Kuender	
AA Dam No 379 Lake Grace East (Dam & Catchment) AA Dam No 379 Lake Grace East (Catchment)	Reserve 18384 (Lot 12722) Oldham Road, South Lake Grace Reserve 18384 (Lot 15546) Oldham Road, South Lake Grace	
AA Dam No 380 Greys Lake Grace East	Reserve 18981 (Lot 13057) Beenong Rd, Beenong	
AA Dam No 390 Lake Biddy No.1	Reserve 23140 (Lot 2079) Witham Road, Lake Biddy	
AA Dam No 394 Gerards (Dam & Catchment) AA Dam No 394 Gerards (Catchment)	Reserve 18962 (Lot 799) Kent Road, North Burngup Reserve 18962 (Lot 897) Kent Road, North Burngup	

AA Dam No 395 Buniche (Catchment) AA Dam No 395 Buniche (Catchment) AA Dam No 395 Buniche (Dam & Catchment) AA Dam No 395 Buniche (Catchment) AA Dam No 395 Buniche (Catchment)	Reserve 18960 (Lot 301) Biddy Buniche Road, Buniche Reserve 18960 (Lot 302) Biddy Buniche Road, Buniche Reserve 18960 (Lot 303) Biddy Buniche Road, Buniche Reserve 18960 (Lot 304) Biddy Buniche Road, Buniche Reserve 18960 (Lot 555) Biddy Buniche Road, Buniche	Lot 301 is South of Biddy-Buniche Rd.
AA Dam No 427 Wardercarrin	Reserve 19789 (Lot 14365) Commonwealth Road, Kuender	
AA Dam No 429 Kents	Reserve 20710 (Lot 1294) Burngup North Road, Kuender	
AA Dam No 438 Lake Magenta (Dam & Catchment) AA Dam No 438 Lake Magenta (Catchment)	Reserve 20274 (Lot 2682) Magenta-Giles Road, Magenta Reserve 20274 (Lot 3032) Magenta-Giles Road, Magenta	Lot 2682 is North of Magenta-Giles Rd.
AA Dam No 547 Dempster Rock 1 & 2	Reserve 21143 (Lot 987) Dempster Rock Road	
AA Dam No 561 Lake Biddy	Reserve 23140 (Lot 2079) Witham Road, Lake Biddy	
AA Dam No 626 Lake Romani	Reserve 20282 Off Old Ravensthorpe Rd, Dunn Rock	

They advise that there is an opportunity for the Shire to take control of these water sources and their associated catchments. If we are interested once the Water Corporation receives a formal request of interest, their Asset Managers will be consulted to confirm any special requirements and prepare the necessary paperwork for the Department of Lands.

As the dams are all located on Crown Reserves, the reserve, in its entirety, would be transferred free of cost via the Department of Lands. The Water Corporation will prepare the paperwork to facilitate the transfer, although it should be noted that only the Department of Lands can finalise the transfer of Crown Reserves. This process can take several months, although the Water Corporation will assist wherever possible to ensure the transaction happens smoothly and in a timely fashion.

Water Corporation advises that whilst this project has minimal Water Corporation funding, the Department of Water's 'Community Water Grants Scheme' could be accessed to fund significant repairs or improvements.

It appears that all water sources listed are classified as Class 'C' Reserves. Reserves are areas of Crown Land reserved for various public purposes, reserves may be vested, leased or Crown Grant in Trust. Class 'C' reserves form the vast majority of reserves. Amendments to or the declaration of Class 'C' reserves are determined by the Governor in Executive Council.

At the Ordinary Meeting of Council held 22 August 2017 it was resolved that we had no interest in acquiring AA Dam No 186 White Dam Old located on Lot 15658 and AA Dam No 187 Neendaling located on Lot 500, both on Reserve 13231 Dumbleyung - Lake Grace Road.

At the Ordinary Meeting of Council held 19 December 2017 it was resolved that we had no interest in acquiring the following dams;

- AA Dam No 377 North Lake Grace – Reserve 18067 (Lot 12561) Kuender
- AA Dam No 380 Greys Lake Grace East – Reserve 18981 (Lot 13057) Beenong
- AA Dam No 394 Gerards – Reserve 18962 (Lots 799 & 897) North Burngup
- AA Dam No 427 Wardercarrin – Reserve 19789 (Lot 14365) Kuender
- AA Dam No 429 Kents – Reserve 20710 (Lot 1294) Kuender

It was intended that after an assessment of each of the other outstanding sites a report will be presented to the March meeting of Council as to the need for acquisition or not. This was deferred as Greg Durell District Manager Great Southern District – Parks and Wildlife Department of Biodiversity, Conservation and Attractions (DBCA) wanted to consider a review of reserves held within the Shire of Lake Grace.

I met with Mr Durell on Wednesday 11 April 2018 to discuss the reserves proposed by Water Corporation for transfer to the Shire. Unfortunately we were not able to resolve all issues on the day. It is now proposed to address individual reserves until further information is available.

This report will deal only with AA Dam No. 379 Lake Grace East being; Dam and Catchment Reserve 18384 (Lot 12722) Oldham Road, South Lake Grace; and Catchment Reserve 18384 (Lot 15546) Oldham Road, South Lake Grace.

Comment

AA Dam No. 379 Lake Grace East – Reserve 18384 is located on Oldham Road, South Lake Grace, south of the Lake Grace Newdegate Road as seen below.

Reserve 18384**Legend**

Populated Places

Local Government Authority

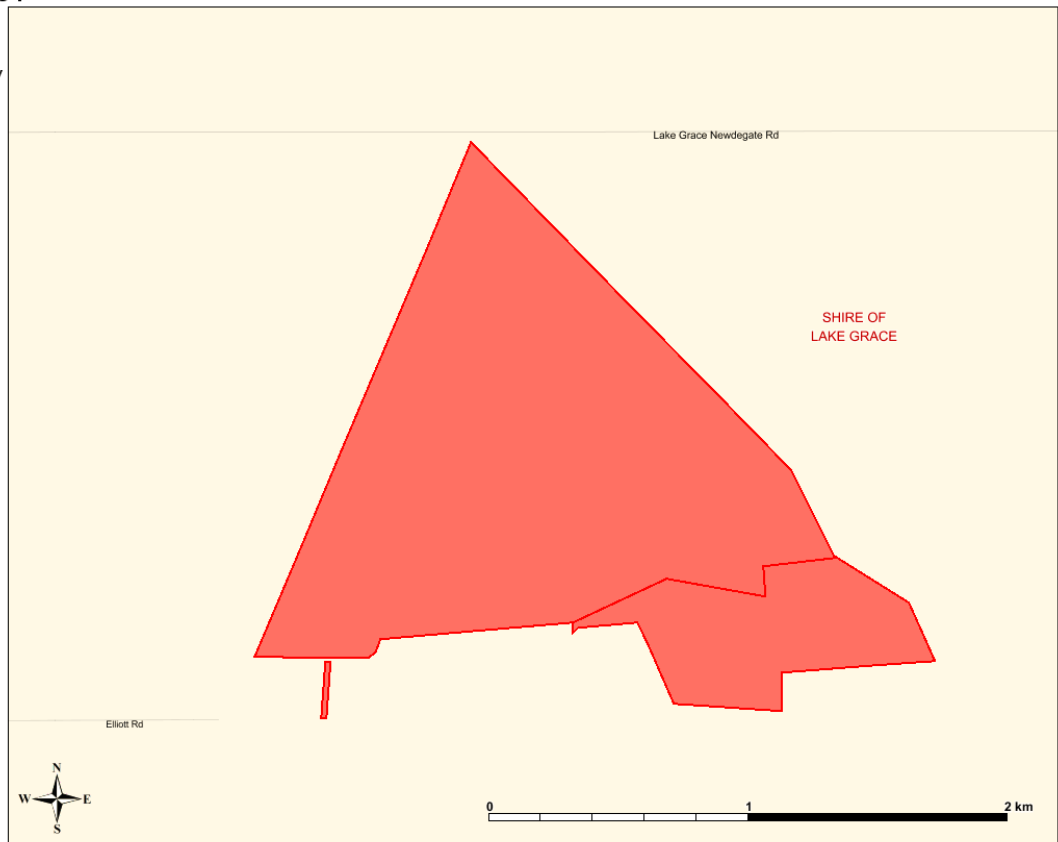
State Roads

Other Roads

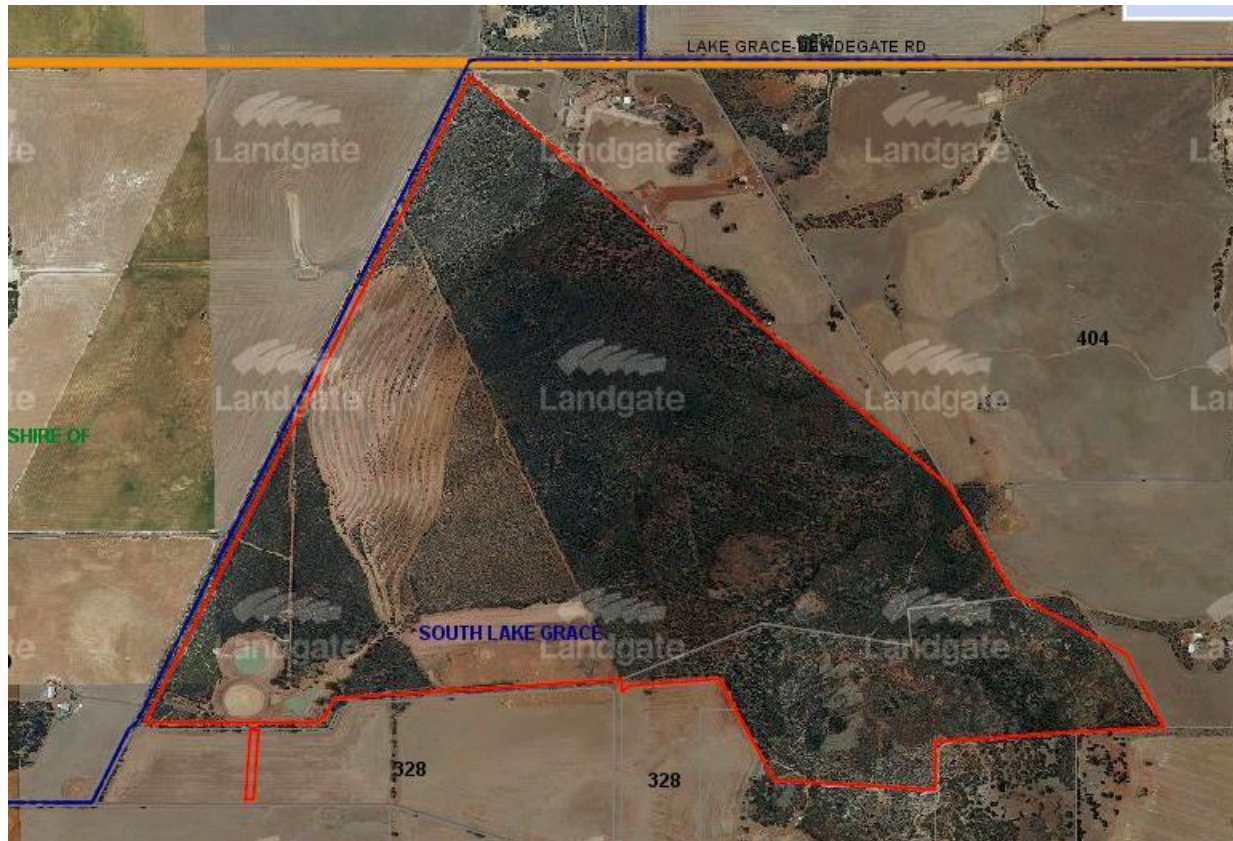
Coast and Sea

water

land



From discussion with DBCA Reserve 18384 has been considered in the project 'Preliminary Assessment of 53 Priority AA Dams (Ecoscape Report) 2006'. The reserve is vegetated with mallee and gimlet woodland.



DBCA recommends that the area bounded to the west of the cleared catchment zone and up to Lake Grace–Newdegate Road is vested in the Shire of Lake Grace for *Water*. The remaining portion of the Reserve 18384 becomes a nature reserve with a Management Order in the Conservation and Parks Commission with a Purpose of *Conservation of Flora and Fauna*.

Note: This recommendation is based on the discussion of the Shire's interest in the water catchment and dam/s; and DBCA's interest in the remainder of the natural vegetation. The decision based on the best practical solution, and in terms of survey can be practically resolved by taking two GPS points (north and south) and a straight line to delineate the boundary on a plan as an agreed boundary. DBCA have previously provided advice and is consistent with this recommendation.

It is also proposed that the portion of reserve south of the dams be excised from the reserve and included as part of Lot 9530, identified as 328 on the picture above. As can be seen from the Aerial image above this portion is farmed by the owner of that property.

As with any Crown Reserve that is vested with the Shire becomes responsible for the management and care of the land. Having investigated a listing of reserves within the Shire of Lake Grace it would appear that we may have in the vicinity of 19,000ha vested for varying purposes under our control. To acquire further reserves including dams is going to place a further burden on the existing ratepayers to maintain the facilities.

In discussion with DBCA advice has been received that land vested with the crown is not burden by the provisions of the *Bush Fire Act 1954*, therefore we do not have to maintain fire breaks around reserve land.

There is a significant benefit to the Shire for acquiring the dams and catchment area of this reserve, as it is currently being used as the water source for the ovals in Lake Grace. A significant investment in Infrastructure has been made on the Reserve to make the water available for our use.

Legal Implications

Local Government Act 1995

s3.54. Reserves under control of local government

- (1) If land reserved under the Land Administration Act 1997 is vested in or placed under the control and management of a local government, the local government may do anything for the purpose of controlling and managing that land that it could do under section 5 of the Parks and Reserves Act 1895 if it were a Board appointed under that Act to manage and control the land and for that purpose a reference in that section to a by-law is to be read as a reference to a local law.
- (2) Subsection (1) is subject to any express provision to the contrary made by an order under the Land Administration Act 1997 in respect of the land.

[Section 3.54 amended by No. 49 of 2004 s. 74(4).]

Policy Implications

Not Applicable

Consultation

External Greg Durell – Parks and Wildlife, Department of Biodiversity, Conservation and Attractions

Financial Implications

If the reserve was accepted from the Water Corporation, the shire would become responsible for the Management of the reserve; this will include maintaining the water catchment areas.

Strategic Implications

Shire of Lake Grace Strategic Community Plan 2017 - 2027

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

- | | |
|-------------|--|
| Outcome 1.1 | An innovative, productive agriculture industry |
| • 1.1.4 | Maintain and provide water infrastructure and lobby to support drought-proofing and water harvesting initiatives |
| Outcome 1.2 | A diverse and prosperous economy |
| • 1.2.2 | Support local business and promote further investment in the district. |

Voting Requirements

Simple majority required.

Recommendation/Resolution

RESOLUTION 12742

Moved Cr Marshall

Seconded Cr Stoffberg

That Council, advise Water Corporation that we have an interest in acquiring AA Dam 379 Lake Grace East located on Reserve 18384 Oldham Road, South Lake Grace subject to;

1. The area bounded to the West of the cleared catchment including the dams be vested in the Shire of Lake Grace for *Water*;
2. The portion of land immediately South of the dam be excised from the reserve and transferred to the existing landowner; and
3. The remaining portion of Reserve 18384 becomes a Nature Reserve with a Management Order in the Conservation and Parks Commission with a Purpose of *Conservation of Flora and Fauna*.

CARRIED 7/0

14.4.2 WATER CORPORATION – TRANSFER OF SURPLUS DAM AA NO. 626 LAKE ROMANI

Applicant: Water Corporation
File No. 0463 and 0505
Attachments: Nil
Author: Ms Denise Gobbart

Disclosure of Interest: Nil
Date of Report: 12 April 2018
Senior Officer: Ms Denise Gobbart


Chief Executive Officer

Chief Executive Officer

Summary

For Council to consider the acquisition of AA Dam No 626 Lake Romani from the Water Corporation.

Background

On 16 May 2017 Mr David Morgan, Senior Project Planner of Water Corporation emailed seeking our interest in acquiring a number of water sources located within the Shire of Lake Grace that are surplus to their operational needs.

Previously, the administration had been in discussion with the Water Corporation regarding the Newdegate and Lake Grace dam facilities for our acquisition. The additional listing of AA Dams received was unsolicited. Given this a low level of importance was given to bring the item to Council.

There were approximately fifteen sites that they have identified as surplus to their operational needs; the sites are identified as follows;

Name	Address	Comments
Newdegate Railway Dam and Catchment	Reserve 20629 Lake Grace-Newdegate Rd	The Turkey Nest dam will be excised and retained by Water Corp. The balance of the reserve (including the Railway dam and catchment) is available for transfer.
AA Dam No 186 White Dam Old	Reserve 13231 (Lot 15658) Dumbleyung- Lake Grace Road, Neendaling	Lot 15678 is north of Dumbleyung-Lake Grace Rd. The Tarin Rock Tanks and pipe corridors will be excised from the reserve and retained by Water Corporation.
AA Dam No 187 Neendaling	Reserve 13231 (Lot 500) Dumbleyung- Lake Grace Road, Neendaling	Lot 500 is south of Dumbleyung-Lake Grace Rd.
AA Dam No 377 Nth Lake Grace	Reserve 18067 (Lot 12561) Kulin-Lake Grace Road, Kuender	
AA Dam No 379 Lake Grace East (Dam & Catchment) AA Dam No 379 Lake Grace East (Catchment)	Reserve 18384 (Lot 12722) Oldham Road, South Lake Grace Reserve 18384 (Lot 15546) Oldham Road, South Lake Grace	
AA Dam No 380 Greys Lake Grace East	Reserve 18981 (Lot 13057) Beenong Rd, Beenong	
AA Dam No 390 Lake Biddy No.1	Reserve 23140 (Lot 2079) Witham Road, Lake Biddy	
AA Dam No 394 Gerards (Dam & Catchment) AA Dam No 394 Gerards (Catchment)	Reserve 18962 (Lot 799) Kent Road, North Burngup Reserve 18962 (Lot 897) Kent Road, North Burngup	

AA Dam No 395 Buniche (Catchment) AA Dam No 395 Buniche (Catchment) AA Dam No 395 Buniche (Dam & Catchment) AA Dam No 395 Buniche (Catchment) AA Dam No 395 Buniche (Catchment)	Reserve 18960 (Lot 301) Biddy Buniche Road, Buniche Reserve 18960 (Lot 302) Biddy Buniche Road, Buniche Reserve 18960 (Lot 303) Biddy Buniche Road, Buniche Reserve 18960 (Lot 304) Biddy Buniche Road, Buniche Reserve 18960 (Lot 555) Biddy Buniche Road, Buniche	Lot 301 is South of Biddy- Buniche Rd.
AA Dam No 427 Wardercarrin	Reserve 19789 (Lot 14365) Commonwealth Road, Kuender	
AA Dam No 429 Kents	Reserve 20710 (Lot 1294) Burngup North Road, Kuender	
AA Dam No 438 Lake Magenta (Dam & Catchment) AA Dam No 438 Lake Magenta (Catchment)	Reserve 20274 (Lot 2682) Magenta-Giles Road, Magenta Reserve 20274 (Lot 3032) Magenta-Giles Road, Magenta	Lot 2682 is North of Magenta- Giles Rd.
AA Dam No 547 Dempster Rock 1 & 2	Reserve 21143 (Lot 987) Dempster Rock Road	
AA Dam No 561 Lake Biddy	Reserve 23140 (Lot 2079) Witham Road, Lake Biddy	
AA Dam No 626 Lake Romani	Reserve 20282 Off Old Ravensthorpe Rd, Dunn Rock	

They advise that there is an opportunity for the Shire to take control of these water sources and their associated catchments. If we are interested once the Water Corporation receives a formal request of interest, their Asset Managers will be consulted to confirm any special requirements and prepare the necessary paperwork for the Department of Lands.

As the dams are all located on Crown Reserves, the reserve, in its entirety, would be transferred free of cost via the Department of Lands. The Water Corporation will prepare the paperwork to facilitate the transfer, although it should be noted that only the Department of Lands can finalise the transfer of Crown Reserves. This process can take several months, although the Water Corporation will assist wherever possible to ensure the transaction happens smoothly and in a timely fashion.

Water Corporation advises that whilst this project has minimal Water Corporation funding, the Department of Water's 'Community Water Grants Scheme' could be accessed to fund significant repairs or improvements.

It appears that all water sources listed are classified as Class 'C' Reserves. Reserves are areas of Crown Land reserved for various public purposes, reserves may be vested, leased or Crown Grant in Trust. Class 'C' reserves form the vast majority of reserves. Amendments to or the declaration of Class 'C' reserves are determined by the Governor in Executive Council.

At the Ordinary Meeting of Council held 22 August 2017 it was resolved that we had no interest in acquiring AA Dam No 186 White Dam Old located on Lot 15658 and AA Dam No 187 Neendaling located on Lot 500, both on Reserve 13231 Dumbleyung - Lake Grace Road.

At the Ordinary Meeting of Council held 19 December 2017 it was resolved that we had no interest in acquiring the following dams;

- AA Dam No 377 North Lake Grace – Reserve 18067 (Lot 12561) Kuender
- AA Dam No 380 Greys Lake Grace East – Reserve 18981 (Lot 13057) Beenong
- AA Dam No 394 Gerards – Reserve 18962 (Lots 799 & 897) North Burngup
- AA Dam No 427 Wardercarrin – Reserve 19789 (Lot 14365) Kuender
- AA Dam No 429 Kents – Reserve 20710 (Lot 1294) Kuender

It was intended that after an assessment of each of the other outstanding sites a report will be presented to the March meeting of Council as to the need for acquisition or not. This was deferred as Greg Durell District Manager Great Southern District – Parks and Wildlife Department of Biodiversity, Conservation and Attractions (DBCA) wanted to consider a review of reserves held within the Shire of Lake Grace.

I met with Mr Durell on Wednesday 11 April 2018 to discuss the reserves proposed by Water Corporation for transfer to the Shire. Unfortunately we were not able to resolve all issues on the day. It is now proposed to address individual reserves until further information is available.

This report will deal only with AA Dam No 626 Lake Romani – Reserve 20282 Dunn Rock, it is noted that this dam was not able to be inspected at the time of this report.

Comment

AA Dam No 626 Lake Romani – Reserve 20282 Dunn Rock is located west of the unformed portion of Old Ravensthorpe Road, as seen below.

Reserve 20282 - Off Old Ravie Road

Legend

Populated Places



Local Government Authority



Property Boundaries



State Roads



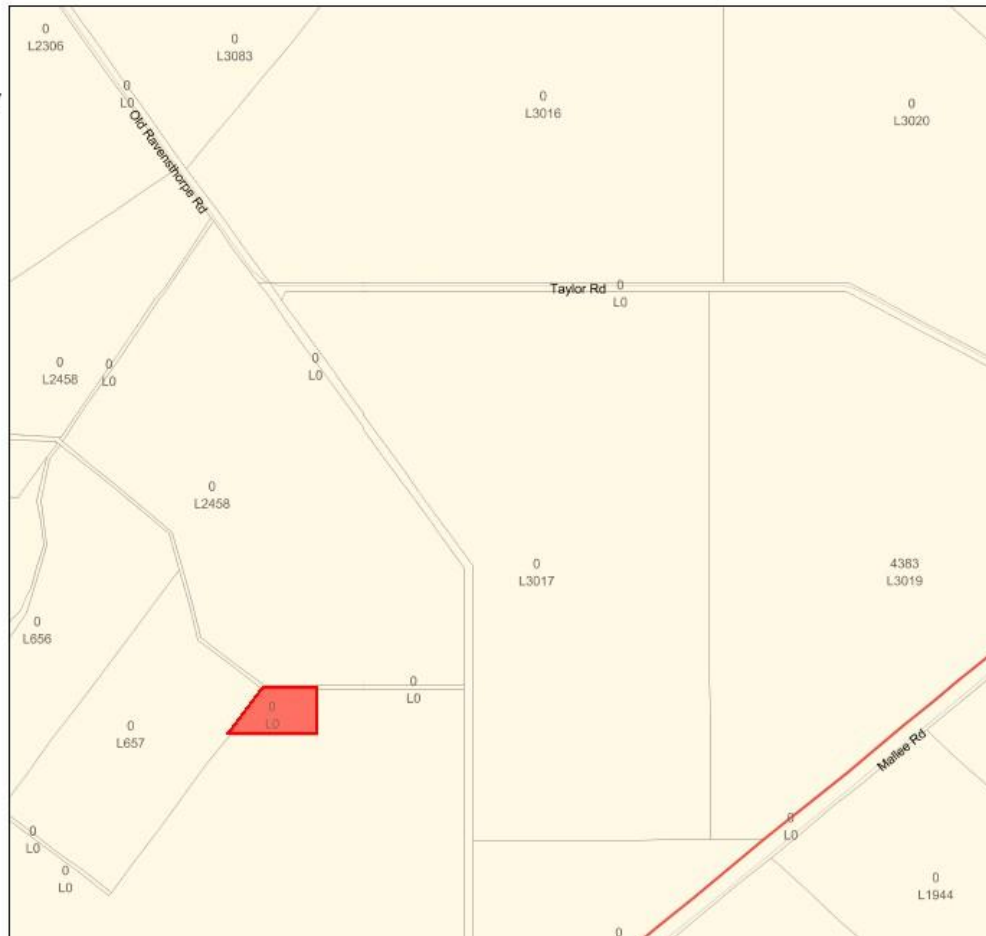
Other Roads



Coast and Sea

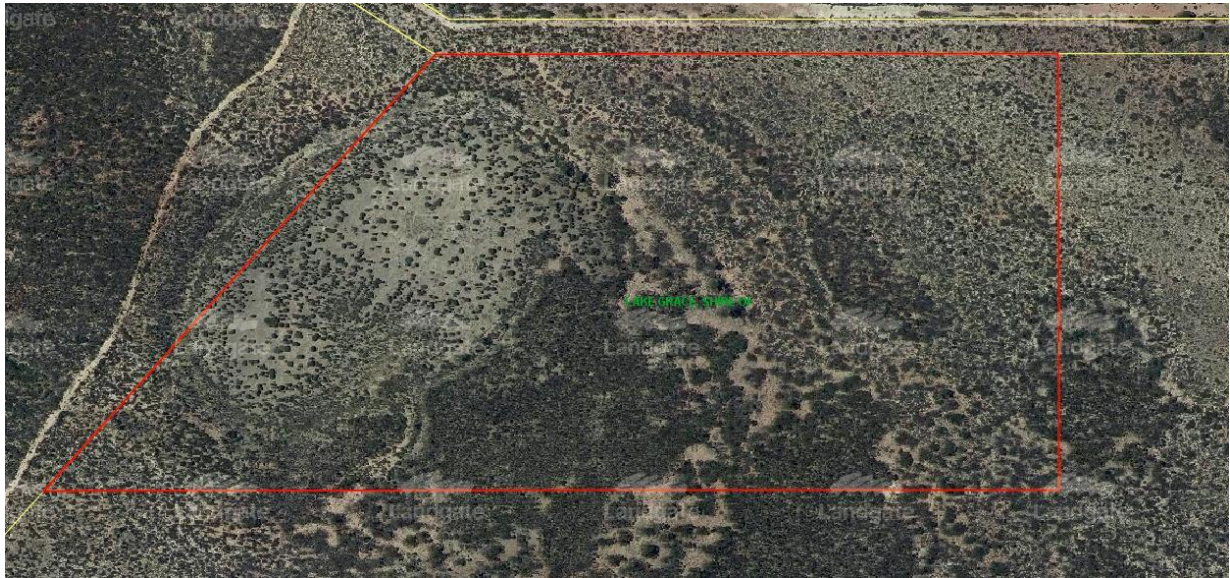
water

land



From discussion with DBCA Reserve 20282 has been considered in the project 'Preliminary Assessment of 53 Priority AA Dams (Ecoscape Report) 2006'. The reserve is vegetated with flat topped yate, salmon gum and mallee. Parks and Wildlife are to consider incorporating the reserve into the larger reserve to the west.

This reserve would be extremely hard for any public access; the dam is more of a wetland rather than a constructed dam. There is currently water on the Reserve as a consequence of the February 2017 Flood Event. The below picture is Aerial Photography from 2014 of the site.



As with any Crown Reserve that is vested with the Shire becomes responsible for the management and care of the land. Having investigated a listing of reserves within the Shire of Lake Grace it would appear that we may have in the vicinity of 19,000ha vested for varying purposes under our control. To acquire further reserves including dams is going to place a further burden on the existing ratepayers to maintain the facilities.

There is little benefit for acquiring this reserve as there would be limited access and it is not a traditional Dam water source, it is recommended to advise Water Corporation that we don't wish to acquire AA Dam No 626 Lake Romani – Reserve 20282 Dunn Rock.

Legal Implications

Local Government Act 1995

s3.54. Reserves under control of local government

- (1) If land reserved under the Land Administration Act 1997 is vested in or placed under the control and management of a local government, the local government may do anything for the purpose of controlling and managing that land that it could do under section 5 of the Parks and Reserves Act 1895 if it were a Board appointed under that Act to manage and control the land and for that purpose a reference in that section to a by-law is to be read as a reference to a local law.
- (2) Subsection (1) is subject to any express provision to the contrary made by an order under the Land Administration Act 1997 in respect of the land.

[Section 3.54 amended by No. 49 of 2004 s. 74(4).]

Policy Implications

Not Applicable

Consultation

External Greg Durell – Parks and Wildlife, Department of Biodiversity, Conservation and Attractions.

Financial Implications

If the reserve was accepted from the Water Corporation, the shire would become responsible for the Management of the reserve which would include bush fire mitigation activities.

Strategic Implications

Shire of Lake Grace Strategic Community Plan 2017 - 2027

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

Outcome 1.1 An innovative, productive agriculture industry

- 1.1.4 Maintain and provide water infrastructure and lobby to support drought-proofing and water harvesting initiatives

Outcome 1.2 A diverse and prosperous economy

- 1.2.2 Support local business and promote further investment in the district

Voting Requirements

Simple majority required.

Recommendation/Resolution

RESOLUTION 12743

Moved Cr Stoffberg

Seconded Cr Hunt

That Council, advise Water Corporation that we have no interest in acquiring AA Dam 626 Lake Romani located on Reserve 20282 off Old Ravensthorpe Road, Dunn Rock.

CARRIED 7/0

14.5 FINANCE

14.5.1 ACCOUNTS FOR PAYMENT – March 2018

Applicant: Internal Report
File No. 0277
Attachments: 1. Certificate of Expenditure
 2. List of Creditors
Author: Mrs Victoria Gracheva

Disclosure of Interest: Nil
Date of Report: 6 April 2018
Senior Officer: Ms Denise Gobbart



Finance Officer



Chief Executive Officer

Summary

For Council to ratify expenditures incurred for the month of March 2018.

Background

List of payments for the month March 2018 through the Municipal and Trust accounts are attached.

Comment

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

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

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

Legal Implications

Local Government (Financial Management) Regulations 1996 – Reg 12

Local Government (Financial Management) Regulations 1996 – Reg 13

Policy Implications

Policy 3.6 - Authorised Use of Credit Card/Fuel Cards

Policy 3.7 - Purchasing Policy

Consultation

N/A

Financial Implications

The list of creditors paid for the month of March 2018 from the Municipal and Trust Account
 Total \$1,546,681.69.

Strategic Implications

Shire of Lake Grace Strategic Community Plan 2017-2027

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

Outcomes 4.2 An efficient and effective organisation

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

Voting Requirements

Simple majority required.

Recommendation/Resolution

RESOLUTION 12744

Moved Cr Hunt
Seconded Cr Lloyd

That Council ratify the list of payments totalling \$1,546,681.69 as presented for the month of March 2018 incorporating:

- Trust Account Cheques:	1410 - 1414	\$	4,286.89
- Electronic Funds Transfer:	EFT17945 – EFT18054	\$	1,291,656.77
- Municipal Account Cheques:	36672 - 36678	\$	10,173.26
- Direct Debits:	DD7601.1 - DD7601.8 DD7635.1 – DD7635.8 DD7655.1 – DD7655.3 DD7656.1 - DD7656.5 DD7657.1 DD7668.1 DD7670.1 - DD7670.20	\$	123,266.55
- Electronic Funds Transfer:	Payroll Net Pay	\$	117,298.22

CARRIED 7/0

14.5.2 FINANCIAL STATEMENTS – 28 MARCH 2018

Applicant: Internal Report
File No. 0275
Attachments: 1. Monthly Financial Report March 2018
 2. Bank Reconciliations March 2018
Author: Ms Denise Gobbart

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


 Chief Executive Officer


 Chief Executive Officer

Summary

Consideration of the financial statements for the month ending 31 March 2018.

Background

The following financial reports to 31 March 2018 are included for your information:

- Monthly Information Summary Graphs
- Statement of Financial Activity – Statutory Reporting Programs
- Statement of Financial Activity – By Nature and Type
- Note 1 (a) Operating Activities - Adjusted Net Current Assets
- Note 2 Operating Activities – Cash and Investments
- Note 3 Operating Activities – Receivables
- Note 4 Operating Activities – Rate Revenue
- Note 5 Operating Activities – Disposal of Assets
- Note 6 Investing Activities – Capital Acquisitions
- Note 7 Investing Activities – Capital Acquisitions
- Note 8 Financing Activities – Borrowings
- Note 9 Operating Activities – Cash And Investments
- Note 10 – Grants and Contributions
- Note 11 – Trust Fund
- Note 12 – Explanation of Material Variances

Comment

Moore Stephens have compiled the accompanying Local Government special purpose financial statements for the Shire of Lake Grace, which comprise the Statement of Financial Activity (by Statutory Reporting Program), a summary of significant accounting policies and other explanatory notes for the period ending 31 March 2018. The financial statements have been compiled to meet compliance with the Local Government Act 1995 and associated Regulations.

The Shire of Lake Grace is responsible for the information contained in the financial statements and is responsible for maintenance of an appropriate accounting system in accordance with relevant legislation.

Moore Stephens procedures use accounting expertise to collect, classify and summarise the financial information, which we provide, to compile the financial statements. No audit or review has been performed and accordingly no assurance is expressed.

Legal Implications*Local Government Act 1995*

Section 6.4 Financial report

- (1) A local government is to prepare an annual financial report for the preceding financial year and such other financial reports as are prescribed.
- (2) The financial report is to —
 - (a) be prepared and presented in the manner and form prescribed; and
 - (b) contain the prescribed information.
- (3) By 30 September following each financial year or such extended time as the Minister allows, a local government is to submit to its auditor —
 - (a) the accounts of the local government, balanced up to the last day of the preceding financial year; and
 - (b) the annual financial report of the local government for the preceding financial year.

Local Government (Financial Management) Regulations 1996

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

- (1A) In this regulation —

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

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

Policy Implications

Nil

Consultation

N/A

Financial Implications

Nil

Strategic Implications

Shire of Lake Grace Strategic Community Plan 2017 – 2027

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

Outcome 4.2 An efficient and effective organisation

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

Voting Requirements

Simple majority required.

Recommendation/Resolution

RESOLUTION 12745

Moved Cr Spurr

Seconded Cr Marshall

That Council in accordance with Regulation 34 of the *Local Government (Financial Management) Regulations 1996* receives the Statements of Financial activity for the period ended 31 March 2018

CARRIED 7/0

14.6 COMMUNITY SERVICES

Cr Chappell declared impartiality interest in Item 14.6.1 Youth Engagement Grant Program Application with the nature of the interest being, his wife Cheryl Chappell is the author of this request.

14.6.1 YOUTH ENGAGEMENT GRANT PROGRAM APPLICATION

Applicant: Internal Report
File No. 0439
Attachments: 1. Youth Engagement Budget
 2. Youth Engagement Budget – in Kind
Author: Mrs Cheryl Chappell
Disclosure of Interest: Nil
Date of Report: 07 April 2018
Senior Officer: Ms Denise Gobbart



Community Service Officer



Chief Executive Officer

Summary

For Council to endorse the Youth Engagement Grant Program application from the State Government's Department of Communities for the amount of \$3,382.

Background

The Youth Engagement Grants Program provides grants for local governments and community service organisations to implement projects that engage young people (10–18 years old) in creative ways and help achieve positive outcomes for local young people. Their commitment is to create opportunities for young people and provide support to achieve their goals and reach their full potential. It is also a commitment to acknowledge and respect all young people.

A youth-friendly community is one where young people are treated with respect and where they feel safe, welcome and included. It is a community that encourages and recognises the participation and contributions of young people, supports youth development and provides youth-friendly services, facilities and programs.

Young people, community groups and government agencies need to work in partnership to support young people's participation in decision making, planning and services to meet their diverse needs.

Comment

It is proposed that the shire would hold a kite flying family day in Lake Grace and Newdegate with funding from the program.

The Youth Engagement Program would give youth from Lake Grace and Newdegate an opportunity to spend time with a professional kite maker from Perth *Kite Kinetics*. Different ages of youth will learn different life skills.

For young children, kite making reinforces counting, colours, and shapes. As the children get older, there will be basic math concepts like addition and subtraction to learn. For older children kite making will teach basic geometry. How does a kite work? How high can you get

the kite to go? Why do you need a windy day to fly a kite? These are all questions that kids will ask which can be a great introduction into simple physics.

When making and flying a kite they will need to learn how to work together as a team to accomplish the task. They get to practice taking turns and following directions. Encouraging children to try over and over again will teach them the satisfaction of hard work. Constructing a kite is a form of self-expression. All this and more will be achieved by our youth in Lake Grace and Newdegate simply by hold kite making events.

Legal Implications

Nil

Policy Implications

There are no relative policy implications.

Consultation

Internal: Deputy Chief Executive Officer
Lake Grace Visitor Centre

External: Kite Kinetics Michael Alvares
Newdegate Primary School Lake Grace
Artist Group
Lake Grace Community Resource Centre Lake Grace
District High School

Financial Implications

It is proposed that the project will be fully funded by this grant application if successful for \$3,382.

Strategic Implications

Shire of Lake Grace Strategic Community Plan 2017 - 2027 Social – A
valued, healthy and inclusive community and life-style

- Outcome 2.1 An engaged, supportive and inclusive community
- 2.1.2 Maintain and support the growth of education, childcare, youth and aged services
 - 2.1.3 Actively promote and support community events and activities within the district

Voting Requirements

Simple minority required.

Recommendation/Resolution

RESOLUTION 12746

Moved Cr Stoffberg
Seconded Cr Lloyd

That Council, endorse the Youth Engagement Grant Program application totalling \$3,382 in order to fund 'Come Make a Kite' events for Lake Grace and Newdegate.

CARRIED 7/0

Cr Chappell declared impartiality interest in Item 14.6.2 Playgroup Request for Supporting Speaker with the nature of the interest being, his wife Cheryl Chappell is the author of this request.

14.6.2 PLAYGROUP REQUEST FOR SUPPORTING SPEAKER

Applicant: Chief Executive Officer
File No. 0439
Attachments: Nil
Author: Mrs Cheryl Chappell

Disclosure of Interest: Nil
Date of Report: 09 April 2018
Senior Officer: Ms Denise Gobbart


 Community Service Officer


 Chief Executive Officer

Summary

For Council to consider sponsoring the Lake Grace Playgroup to present 'The Gentle Sleep Specialist' Tara Mitchell to speak at a seminar to be held in Lake Grace on the 8 June 2018.

Background

In June 2015 the Shire sponsored the Lake Grace Playgroup \$2,000 from the Youth budget to have 'The Gentle Sleep Specialist' Tara Mitchell speak at a seminar held in Lake Grace.

The Playgroup Committee organised a morning tea and lunch where Tara Mitchell spoke about:

- Sleep advice for newborns through to 4 year olds
- Top 5 sleep tips and best tips to help catnapping
- Toddlers waking and coming into parents bedrooms
- Older children's sleep and how to implement boundaries to deal with current sleep issues and prevent issues arising in older babies
- Teething and sleep
- Feeding, sleep and play routine expectancy based on age
- How to effectively communicate with you little ones
- When toddlers should move to beds

It was a very successful day with 40 parents attending.

Comment

There are many new mums in the district and the Playgroup Committee would like Tara Mitchell with her 15 years' experience working with babies and toddlers as a Paediatric Nurse, Mother and qualified Infant and Toddler Sleep Consultant (Baby Sleep Consultant) to revisit and speak to a new group of Mums on Friday 8 June.

The fee to have Tara speak at the seminar is \$50 per head; they are expecting 40 mums to attend with the total fee of \$2000. Playgroup will provide a morning tea and light lunch and there will be a small cover fee of \$10 each to help hire fees, morning tea and lunch.

Legal Implications

Nil

Policy Implications

There are no relative policy implications.

Consultation

Internal: Chief Executive Officer

External: Kiah King
Rhiannon StubberfieldFinancial Implications

This Seminar will be organised and presented by the Lake Grace Playgroup, they are requesting support from the Shire of \$2,000 to assist with the cost of Tara Mitchell from the Youth Programs Budget (GL E077452):

Youth Budget	Spent	Balance	Support	New Balance
\$5 000.00	\$300.00	4,700.00	\$2,000.00	\$2,700.00

Strategic Implications

Shire of Lake Grace Strategic Community Plan 2017 - 2027 Social – A
valued, healthy and inclusive community and life-style

- Outcome 2.1 An engaged, supportive and inclusive community
- 2.1.2 Maintain and support the growth of education, childcare, youth and aged services
 - 2.1.3 Actively promote and support community events and activities within the district

Voting Requirements

Simple minority required

Recommendation/Resolution**RESOLUTION 12747**

Moved Cr Spurr
Seconded Cr Hunt

That Council authorise expenditure of \$2,000 from the Youth Programs Budget (GL E077452) for the Lake Grace Playgroup to present 'The Gentle Sleep Specialist' Tara Mitchell.

CARRIED 7/0

15.0 QUESTIONS OF WHICH DUE NOTICE HAS BEEN GIVEN

Nil

16.0 INFORMATION BULLETIN**16.1 INFORMATION BULLETIN – APRIL 2018**

Applicant: Internal Report
File No. N/A
Attachments: Information Bulletin (under separate cover)
Author: Miss Cheryl Cavanagh



Executive Assistant

Disclosure of Interest: Nil
Date of Report: 12 April 2018
Senior Officer: Ms Denise Gobbart



Chief Executive Officer

Summary

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

Background

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

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

Copies of other relevant Councillor information are distributed via email.

Comment

This month's (April 2018) Information Bulletin Report has been emailed to Councillors.

The April 2018 Information Bulletin attachment includes:

Reports

1. Council Status Report – April 2018
2. Infrastructure Services Report – March 2018
3. Monthly Schedules – March 2018
4. Outstanding Rates Report – March 2018
5. Lake Grace Visitors Centre Report
6. Environmental Health Officer Report – March 2018

Letters

7. Minister for Emergency Services; Corrective Services – Local Emergency Management Arrangements 27 March 2018

Circulars & Newsletters

8. WALGA Info Page – Template Communications and Social Media Policy, Code of Conduct Clause and Elected Member Guideline 26 March 2018

Agenda & Minutes

9. WALGA State Council Meeting Agenda, Friday 4 May 2018

Legal Implications

Nil

Policy Implications

Nil

Consultation

N/A

Financial Implications

Nil

Strategic Implications

Shire of Lake Grace Strategic Community Plan 2017 – 2027

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

Outcome 4.1 A strategically focused, unified Council functioning efficiently

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

Outcome 4.2 An efficient and effective organisation

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

Voting Requirements

Simple majority required

Recommendation/Resolution

RESOLUTION 12748

Moved Cr Spurr

Seconded Cr Hunt

That Council accepts the Information Bulletin report.

CARRIED 7/0

17.0 CONFIDENTIAL ITEMS – AS PER LOCAL GOVERNMENT ACT S5.23 (2)

Nil

18.0 DATE OF NEXT MEETING

18.1 MAY 2018 ORDINARY MEETING

The next Ordinary Meeting of Council is scheduled to take place on Wednesday 23 May, 2018, commencing at 3.00 pm at the Council Chambers, 1 Bishop Street, Lake Grace.

19.0 CLOSURE

There being no further business, the Shire President closed the meeting at 3.44 pm.

20.0 CERTIFICATION

I, Jeanette Frances De Landgraft, certify that the minutes of the meeting held on the 18 April 2018 as shown were confirmed as a true record at the meeting held on the 23 May 2018.

Shire President

Date