SHIRE OF LAVERTON

UNCONFIRMED
MINUTES

FOR THE ORDINARY MEETING OF COUNCIL
HELD

23 AUGUST 2012

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MINUTES OF THE ORDINARY MEETING OF COUNCIL HELD AT THE SHIRE OF LAVERTON COUNCIL CHAMBERS ON 23 AUGUST 2012, COMMENCING AT 5.00 PM.

1. DECLARATION OF OPENING

The President, Cr R Wedge declared the meeting open at 5.07pm and read the disclaimer as printed in the Agenda.

2. ANNOUNCEMENT OF VISITORS

Mr Bill Taiki, Manager Works and Services - Shire of Laverton (Until 6.30pm)

3. RECORD OF ATTENDANCE

3.1 PRESENT

Cr Rob Wedge	President
Cr Rex Ryles	Deputy President
Cr Patrick Hill	Councillor
Cr Leslee Hawkins	Councillor
Cr Shaneane Weldon	Councillor
Cr Beatrice Fuamatu	Councillor
Mr Steven Deckert	Chief Executive Officer
Mr David McKinley	Executive Manager Technical Services
Mrs Deanne Prior	Exec Manager Corporate & Community Services
Mrs Lynda Barnes	Executive Assistant

3.2 APOLOGIES

Nil

3.3 LEAVE OF ABSENCE PREVIOUSLY APPROVED

Nil

4. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil

5. PUBLIC QUESTION TIME

Nil

6. APPLICATIONS FOR LEAVE OF ABSENCE

Nil

7. NOTICE OF ITEMS TO BE DISCUSSED BEHIND CLOSED DOORS

President R Wedge declared he had a matter to discuss behind closed doors. (See Page 83)

8. CONFIRMATION OF MINUTES

OC0801 8.1 ORDINARY COUNCIL MEETING – 26 JULY 2012 FILE REF: 81

VOTING REQUIREMENTS:
Simple majority decision required

OC0801 COUNCIL DECISION/OFFICER'S RECOMMENDATION

Moved Cr L Hawkins, Seconded Cr B Fuamatu

That the Minutes of the Ordinary Meeting of Council held on 26 July 2012 be confirmed as a true and accurate record.

CARRIED 6/0

9. PETITIONS / DEPUTATIONS / PRESENTATIONS

Nil

10. ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION

OC0802 10.1 PRESIDENT'S REPORT FILE REF: 198

The President Cr R Wedge tabled and spoke to his report (Attachment 10.1 "A") reporting on his activities for the month of July as outlined in the tabled report. Attached, for Council's information, is the President's written report from June 2012 (Attachment 10.1 "B").

VOTING REQUIREMENTS
Simple majority decision required

OC0802 COUNCIL DECISION

Moved Cr R Ryles, Seconded Cr S Weldon

That the President's Monthly Activity Reports (Attachment 10.1 "A" & 10.1 "B"), be received.

CARRIED 6/0

Cr P Hill left the meeting at 5.10pm.

Cr P Hill re-entered the meeting at 5.11pm.

OC0803 10.2 COUNCILLOR'S REPORT FILE REF: 055

Cr B Fuamatu tabled and spoke to her report (Attachment 10.2 "A") reporting on her activities for the month of July as outlined in the tabled report.

VOTING REQUIREMENTS
Simple majority decision required

OC0803 COUNCIL DECISION

Moved Cr R Ryles, Seconded Cr S Weldon

That Cr B Fuamatu's Monthly Activity Report (Attachment 10.2 "A") be received.

CARRIED 6/0

OC0804 10.3 COUNCILLOR'S REPORT FILE REF: 055

Cr P Hill tabled and spoke to his report (Attachment 10.3 "A") reporting on his activities for the month of July as outlined in the tabled report.

VOTING REQUIREMENTS
Simple majority decision required

OC0804 COUNCIL DECISION

Moved Cr R Ryles, Seconded Cr S Weldon

That Cr P Hill's Monthly Activity Report (Attachment 10.3 "A") be received.

CARRIED 6/0

Mrs L Barnes left the meeting at 5.12pm

Mrs L Barnes re-entered the meeting at 5.14pm

11. REPORTS OF COMMITTEES AND OFFICERS

11.1 HEALTH, BUILDING AND TOWN PLANNING BUSINESS

Declaration of Interest

Cr R Wedge declared a Financial Interest pursuant to the *Local Government Act 1995*, in the following Item 11.1.1 as the operator of the business applying to use the property in this Agenda Item.

Mrs D Prior declared a Financial Interest pursuant to the *Local Government Act 1995*, in the following Items 11.1.1 and 11.1.2 as a Director of Trustee Company and possible beneficiary in these Agenda Items.

Cr L Hawkins declared an Impartial Interest pursuant to *Local Government Act 1995*, in the following Item 11.1.1 as she occasionally works at the premises in this Agenda Item.

Cr R Wedge and Mrs D Prior left the meeting at 5.17pm.

On the departure of the President, the Deputy President, Cr R Ryles assumed the chair.

OC0805 11.1.1 PLANNING APPLICATION – LOT 188 (No 9) COX STREET, LAVERTON FILE REF: 417

SUBMISSION TO: Ordinary Meeting of Council, 23 August 2012

DISCLOSURE OF INTEREST: The author has no financial interest in this matter

OWNER/APPLICANT: Deglestal Holdings Pty Ltd ATF Priority Trust No 2, owner
Mr Robert Wedge, applicant

AUTHOR: Liz Bushby, Gray & Lewis Landuse Planners

SENIOR OFFICER: Steven Deckert, Chief Executive Officer

PREVIOUS MEETING REF: Not applicable

MATTER FOR CONSIDERATION:
To consider a planning application lodged for 'Freight depot, loading / unloading and storage' on Lot 188 (No 9) Cox Street, Laverton.

ATTACHMENTS: Attachment 11.1.1 "A" – Planning Application

APPLICANT'S SUBMISSION: Refer to Attachment

BACKGROUND:
There are existing industrial buildings located on the subject land, including storage sheds, workshops associated with a building construction business and amenities.

STATUTORY ENVIRONMENT:
Shire of Laverton Town Planning Scheme No. 2 ("the Scheme")

POLICY IMPLICATIONS:
Council has no policies in respect to this matter.

FINANCIAL IMPLICATIONS:
The recommendation of this report has no financial implications for Council, however there will be community benefits associated with any business operation and potential employment opportunities.

STRATEGIC IMPLICATIONS: Not applicable

CONSULTATION:
No consultation has occurred in regards to this application. Council has discretion to advertise any application for public comment.

COMMENT:

- ***Description of Application***

The applicant has advised as follows:

- The proposal is to store freight and gas cylinders at the premises. The gas cylinders will be stored undercover and all are restrained either in a concrete covered area or in cages.
- The application also involves loading and unloading on site. The majority of loading / unloading will occur on the premises, however the applicant has indicated that road trains will not attend the Cox Street premises, but will continue to load by the stand pipe on Beria Road.
- There will be no loading or unloading on Cox Street so there will be no disruption to Cox street traffic.
- There will be approximately 20 vehicle movements per day.
- The sightlines for vehicles entering or departing are unimpeded.
- Unlike other businesses in the area, it is not proposed to use road trains along Cox Street at any time.
- Freight from the Beria Road unloading site will be transported to Cox Street by forklift.

- ***Zoning***

The subject property is zoned 'Industrial' under the Scheme. The objectives of the Industrial zone are to:

- Provide for the needs of light and general industry to support the community.
- To provide appropriate buffers between industry and adjacent landuses, so as to avoid landuse conflicts.
- To provide appropriate buffers to the industrial area along Beria Road and the main entry into Laverton.
- To avoid non industry related landuses establishing in industrial zones.

- ***Landuse Classification***

The Shire's Scheme includes a number of landuse definitions and Council has to determine which landuse definition 'best fits' or describes the uses proposed as part of the development.

The proposed landuse involves storage and unloading / loading freight and gas bottles on site. The main landuse is construed as 'storage' defined in the Scheme as '*means premises used for the storage of goods, equipment, plant or materials'*.

Truck movements and loading on site is a landuse ancillary to normal Industrial activities and the use does not fall under a specific landuse definition.

- ***Landuse Permissibility***

The Scheme includes a Zoning Table which lists landuses which can be considered by Council in different zones.

The proposed 'storage' landuse is defined in the Scheme however is 'not listed' in the Scheme zoning table. Essentially this means that Council has to consider the use as a 'Use Not Listed' and assess whether the use meets the objectives of the Industrial zone.
Council has three options as to how to process any 'use not listed' under the Scheme as follows;

Option 1 - Determine that the use (storage) is consistent with the objectives of the Industrial zone and is permitted.

Option 2 - Determine that the use (storage) may be consistent with the objectives of the Industrial zone and advertise it for public comment.

Option 3 - Determine the use (storage) is not consistent with the objectives of the Industrial zone and is not permitted.

Council can pursue Option 1 and determine that the 'storage' use is consistent with the objectives of the Industrial zone and therefore treat it as a 'permitted' use.

This would seem a reasonable option considering that storage is a typical industrial landuse which may occur in the zone as a standalone activity or ancillary to other industrial landuses. The proposed use is fully compatible with the Industrial zone.

- ***Use of Setback Area***

The minimum building setback for the Industrial zone is 7.5 metres under Clause 5.15(b) of the Scheme. The 7.5 metre area is therefore known as the 'front setback area'.

Clause 5.9 of the Scheme has specific requirements for the use of setbacks areas and restricts it to access, daily parking of vehicles, loading and unloading and landscaping.

Clause 5.9.2 of the Scheme states '*the setback is not to be used for the parking of vehicles which are being wrecked or repaired, nor for the stacking or storage of fuel, raw materials, products or by products, or waste of manufacture'*.
The Scheme appears to place an emphasis on by products or waste associated with industries, so the clause may be aimed at trying to ensure front setbacks are not used as dumping areas.

The proposed use of the 7.5 metre front area for storage is contrary to Clause 5.9.

However, Council has discretion to vary any standard or requirement of the Scheme under Clause 5.5. In considering any variation Council has to have regard for whether the variation is likely to affect any owners or occupiers (and if so consult with affected persons).

Council also has to be satisfied that any variation or non compliance '*will not have an adverse effect upon the occupiers or users of the development or the inhabitants of the locality or upon the likely future development of the locality'.*
Gray & Lewis recommend conditional support for the use of the front setback for storage based on the following:

- The majority of the front setback area will still be open and most of the storage is only proposed on one side of the property in a portion of the front setback area.
- The industrial area has a low level of amenity and the storage will not have any adverse impact on streetscape.
- Although Clause 5.9.2 restricts the use of the setback area to parking, loading and landscaping, the separate Clause 5.9.2 specifically relates to waste materials, wrecked cars etc
- The storage area will not have any adverse impact, and screening is an option (discussed below).

- ***Landscaping – for Councillor discussion***

Under Clause 5.15.2(a) of the Scheme '*the first 5 metres of the front setback on any lot is to be landscaped to the satisfaction of the local government'*. Council can require landscaping to be installed as a condition of the development. It would provide screening to the proposed storage area and be consistent with the Scheme.

It is recommended that Council consider imposing a condition that '*A landscaping plan be lodged for separate written approval of the Chief Executive Officer for the area in front of the proposed storage (parallel to Cox Street). Draught tolerant species capable of providing screening are recommended and landscaping can be in retained areas and / or pots*'.

Landscaping is highlighted in this report for Councillor discussion. Gray & Lewis advocates requiring landscaping as part of new developments throughout the Industrial area, consistent with the Scheme, and to gradually implement upgrading of the area. The extent of trafficable area on the lot may limit landscaping to being either in a built up / retained area or pots.

It is acknowledged that it is does not appear that landscaping has been consistently required or implemented in the Industrial area, and Council has discretion to vary the Scheme requirement for landscaping in accordance with Clause 5.5 if it considers the variation will not impact on surrounding occupiers and owners.

Any decision on landscaping will set a precedent for future developments in the Industrial area.

- **Other relevant planning considerations**

Council needs to be satisfied that the proposed use is compatible with surrounding development and will not negatively impact on the amenity of the area by way of noise, dust, traffic congestion, and the like.

The applicant has indicated that there will be approximately 20 truck movements per day. Based on aerial photography, there appears to be sufficient areas for trucks to enter and

depart the site. If Council has any reservations over this matter a truck movement plan can be requested with further details on the type and sizes of trucks.

The applicant has provided clear assurances that larger trucks / road trains will not attend the Cox Street premises.

It should be noted that this planning application is only dealing with the use proposed on Lot 188.

- **Conclusion**

This application provides for typical industrial activities consistent with the zone objectives, and therefore is generally supported.

VOTING REQUIREMENTS:
Simple majority decision required

STAFF (CONSULTANT PLANNER) RECOMMENDATION:

That Council:

1. Determine that the proposed 'storage' landuse is consistent with the objectives of the Industrial zone and is permitted.

2. Determine that whilst the proposed storage use in the front setback area is a variation to the Scheme, the variation is supported in accordance with Clause 5.5.1 and 5.5.3 as it will not have an adverse effect upon the occupiers or users of the development or the inhabitants of the locality or upon the likely future development of the locality.

3. Approve the planning application lodged by Rob Wedge for 'Storage' including freight and gas cylinders and associated loading and unloading on Lot 188 (No 9) Cox Street, Laverton subject to the following conditions:

   (i) All carparking, storage and loading / unloading activities to be fully contained within the property boundaries at all times.

   (ii) All gas cylinders to be stored on a concrete pad or in caged areas as stated in the application.

   (iii) The storage area to be in accordance with the plan submitted as part of the application unless otherwise approved in writing separately by the Chief Executive Officer.

   (iv) Provision to be made so that all commercial vehicles and trucks can ingress and egress the site in forward gear. Trucks include any motor vehicle with a gross vehicle mass over 4.5 tonnes, except a bus or tractor as defined in the Road Traffic Code 2000.

   (v) No storage areas are to be placed in a location that impedes the opening and closing of the existing gates on the property and traffic movements on the site to the satisfaction of the Chief Executive Officer.

4. Advise the applicant that the planning approval is only for use of Lot 188, however has been issued based on the understanding that road trains will continue to operate in another loading area. The Shire does not endorse the use of any non registered vehicle (such as a forklift) for transport of freight or goods between different locations, however this is a separate matter which comes under the Traffic Code and not the Shire.

OC0805 COUNCIL'S DECISION:

Moved Cr P Hill, Seconded Cr B Fuamatu

That Council:

1. **Determine that the proposed 'storage' landuse is consistent with the objectives of the Industrial zone and is permitted.**

2. **Determine that whilst the proposed storage use in the front setback area is a variation to the Scheme, the variation is supported in accordance with Clause 5.5.1 and 5.5.3 as it will not have an adverse effect upon the occupiers or users of the development or the inhabitants of the locality or upon the likely future development of the locality.**

3. **Approve the planning application lodged by Rob Wedge for 'Storage' including freight and gas cylinders and associated loading and unloading on Lot 188 (No 9) Cox Street, Laverton subject to the following conditions:**

   (i) All carparking, storage and loading / unloading activities to be fully contained within the property boundaries at all times.

   (ii) All gas cylinders to be stored on a concrete pad or in caged areas as stated in the application.

   (iii) The storage area to be in accordance with the plan submitted as part of the application unless otherwise approved in writing separately by the Chief Executive Officer.

   (iv) Provision to be made so that all commercial vehicles and trucks can ingress and egress the site in forward gear. Trucks include any motor vehicle with a gross vehicle mass over 4.5 tonnes, except a bus or tractor as defined in the Road Traffic Code 2000.

   (v) No storage areas are to be placed in a location that impedes the opening and closing of the existing gates on the property and traffic movements on the site to the satisfaction of the Chief Executive Officer.

4. **Advise the applicant that the planning approval is only for use of Lot 188, however has been issued based on the understanding that road trains will continue to operate in another loading area. The**

Shire does not endorse the use of any non registered vehicle (such as a forklift) for transport of freight or goods between different locations, however this is a separate matter which comes under the Traffic Code and not the Shire.

5. **Encourage the property owner and/or applicant to landscape an appropriate area to the street frontage of the property to provide screening.**

CARRIED 5/0

Reason for amending the recommendation
Council was supportive of the principle of requiring landscaping screening to the front of the property, however acknowledged that this requirement has not been enforced throughout the industrial area and would encourage landscaping rather than making it a condition.

Cr R Wedge returned to the meeting at 5.26pm.

Cr R Ryles advised Cr R Wedge of the decision made by Council while he was not present, and then vacated the Chair.

Cr R Wedge assumed the Chair.

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OC0806 11.1.2 PLANNING APPLICATION – LOT 188 (No 9) COX STREET, LAVERTON FILE REF: 417

SUBMISSION TO: Ordinary Meeting of Council, 23 August 2012

DISCLOSURE OF INTEREST: The author has no financial interest in this matter

OWNER/APPLICANT: Deglestal Holdings Pty Ltd ATF Priority Trust No 2, owner
Steven Prior, applicant

AUTHOR: Liz Bushby, Gray & Lewis Landuse Planners

SENIOR OFFICER: Steven Deckert, Chief Executive Officer

PREVIOUS MEETING REF: Not applicable

MATTER FOR CONSIDERATION:
To consider a planning application lodged for a 'caretakers dwelling' on Lot 188 (No 9) Cox Street, Laverton.

ATTACHMENTS: Attachment 11.1.2 "A" – Planning Application

APPLICANT'S SUBMISSION: Refer to Attachment

BACKGROUND:
There are existing industrial buildings located on the subject land, including storage sheds, workshops associated with a building construction business and amenities.

STATUTORY ENVIRONMENT:
Shire of Laverton Town Planning Scheme No. 2 ("the Scheme")

POLICY IMPLICATIONS:
If the proposed caretaking dwelling is a second hand building, Council has adopted policy "9.1 Relocation of Second Hand Buildings Within Laverton Town Site" which needs to be complied with when determining the subsequent building application.

FINANCIAL IMPLICATIONS:
The recommendation of this report has no financial implications for Council.

STRATEGIC IMPLICATIONS:
Not applicable

CONSULTATION:
No consultation has occurred in regards to this application. Council has discretion to advertise any application for public comment.

COMMENT:

- ***Description of Application***

The applicant proposes to install a transported building on the lot to be utilised as a 'caretakers dwelling' and describes the building as a 'donga'.

The caretakers dwelling is proposed to be located to the rear of an existing industrial shed on the property. The building will measure 5 metres by 12 metres so has a total floor area of 60m^2.

The floor layout includes an open bedroom/ living / kitchen area and combined ensuite laundry.

- ***Zoning***

The subject property is zoned 'Industrial' under the Scheme. The objectives of the Industrial zone are to:

- Provide for the needs of light and general industry to support the community.
- To provide appropriate buffers between industry and adjacent landuses, so as to avoid landuse conflicts.
- To provide appropriate buffers to the industrial area along Beria Road and the main entry into Laverton.
- To avoid non industry related landuses establishing in industrial zones.

- ***Landuse Classification***

The Shire's Scheme includes a number of landuse definitions and Council has to determine which landuse definition 'best fits' or describes the uses proposed as part of the development.

The proposed landuse is a 'caretakers dwelling' defined in the Scheme as '*means a dwelling on the same site as a building, operation, or plant, and occupied by a supervisor of that building, operation or plant.*'

- ***Landuse Permissibility***

The Scheme includes a Zoning Table which lists landuses which can be considered by Council in different zones.

A 'caretakers dwelling' is listed as a 'D' use in the Industrial zone which means that *'the use is not permitted unless the local government has exercised its discretion by granting planning approval'.*

- **Scheme requirements**

There are specific scheme requirements applicable to caretaker's dwellings in Clause 5.11 of the Scheme. A summary of compliance with the Scheme is included below:

Clause 5.11 requirements	Officer Comment	Compliance
A caretaker's dwelling is not to be developed and / or	The lot has been developed for industrial purposes.	Complies

occupied on a lot unless that lot has been developed and is being used in accordance with the Scheme.		
Only one caretaker's dwelling is to be permitted on a lot.	Only one caretakers dwelling is proposed.	Complies
A caravan or park home is not to be permitted as a caretaker dwelling for either permanent or temporary accommodation	A transported building is proposed.	Complies
A caretaker's dwelling is to be screened and / or fenced from the street frontage of the lot to the satisfaction of the local government and wherever possible is to be sited at the rear of other buildings on the lot.	The dwelling is proposed to the rear of an existing industrial shed so will be screened from view of the street.	Complies
A caretaker's dwelling is to contain 1 bedroom only with a total floor area that does not exceed 100 square metres measured from the external face of walls	The dwelling has a total floor area less than 100m^2 and only includes one bedroom.	Complies
Open verandahs may be permitted but must not be enclosed by any means unless the total floor area remains within the 100 square metres referred to above.	A verandah is included but the total floor area is still only 60m^2.	Complies

The Scheme also has specific requirements applicable to transported buildings. Specific planning approval is required for any transported building proposed to be used for a dwelling.

Under Clause 5.8.2 of the Scheme Council must only approve a transported building that complies with the Scheme and any local laws. Council also has to be satisfied that that the building is in a satisfactory condition and will not detrimentally affect the amenity of the locality.

The applicant has not provided any information on the appearance or condition of the building. Gray& Lewis would ordinarily request photographs of the building however had time constraints to complete a report for this Council meeting.

The building will not have any visual impact as it will be screened by its location behind an industrial shed. It will not have any detrimental impact on amenity as there is already a low level of amenity by virtue of the land being in an industrial area.
It is recommended that a condition be placed on the development requiring an engineering report to certify that the building is structurally sound for use as a dwelling.

It is also recommended that the applicant be required to provide photographs of the building to demonstrate it is in satisfactory condition.

VOTING REQUIREMENTS:
Simple majority decision required

OC0806 COUNCIL'S DECISION/STAFF (CONSULTANT PLANNER) RECOMMENDATION:

Moved Cr P Hill, Seconded Cr R Ryles

That Council:

1. **Approve the planning application lodged by Steven Prior for a transported building to be used as a 'Caretakers Dwelling' on Lot 188 (No 9) Cox Street, Laverton subject to the following conditions:**

   (i) The applicant to submit photographs of the building that demonstrate that the building is in a satisfactory condition to the satisfaction of the Chief Executive Officer.

   (ii) Prior to the issue of a building licence, the applicant to lodge engineering certification that the transported building is structurally sound for use as a caretakers dwelling.

   (iii) The caretakers dwelling to be located to the rear of an existing Industrial shed on the same lot in accordance with the plans lodged as part of the application.

   (iv) The caretakers dwelling shall only be occupied by a supervisor of any building, operation or plant on the same lot.

2. **Advise the applicant that:**

   (a) A planning approval is not an approval to place the building on the lot. A separate building licence application needs to be lodged for the proposed caretakers dwelling structure.

   (b) Council has adopted Council Policy "9.1 Relocation of Second Hand Buildings Within Laverton Town Site" which needs to be complied with when determining the subsequent building application.

   (c) The amenity of the dwelling will likely be affected by industrial activities which are permissible in the area. Any occupant may be affected by adverse emissions such as dust and noise.

CARRIED 6/0

Mrs D Prior returned the meeting at 5.28pm.

11.2 FINANCE AND ADMINISTRATION BUSINESS

OC0807 11.2.1 ACCOUNTS PAID AS AT 31 JULY 2012 FILE REF: 39

SUBMISSION TO: Ordinary Meeting of Council, 23 August 2012

DISCLOSURE OF INTEREST: The Senior Officer has an interest to the extent that she is a beneficiary of a locally operated business that is a creditor.

OWNER/APPLICANT: Shire of Laverton

AUTHOR: Tamara Hill, Administration Assistant

SENIOR OFFICER: Deanne Prior, Executive Manager Corporate & Community Services

PREVIOUS MEETING REF: Not applicable

MATTER FOR CONSIDERATION:
The presentation of a list of accounts paid in the preceding month in accordance with Council Delegation 21.

ATTACHMENTS: Nil

APPLICANT'S SUBMISSION: Not applicable

BACKGROUND:
In accordance with Delegation 21, the Chief Executive Officer has approved the following accounts for payment:

STATUTORY ENVIRONMENT:
Local Government (Financial Management) Regulations 1996.
Reg. 34(2) – Provides a local government may require such other supporting information as is considered relevant by the local government.

POLICY IMPLICATIONS:
Council has no policies in respect to this matter.

FINANCIAL IMPLICATIONS:
The recommendation of this report has no financial implications for Council.

STRATEGIC IMPLICATIONS: Nil

CONSULTATION: Nil

COMMENT: Nil

VOTING REQUIREMENTS:
Simple majority decision required

OC0807 COUNCIL'S DECISION/OFFICER RECOMMENDATION:

Moved Cr L Hawkins, Seconded Cr P Hill

That Council acknowledges receipt of the list of payments made under Delegation 21 as per the submitted list and summarised as following:

Municipal Fund payments including cheque numbers 11895 to 11914, electronic funds transfers and lease payments totalling $759,951.00.

CARRIED 6/0

The rest of this page has been left blank intentionally.

OC0808 11.2.2 OUTSTANDING DEBTORS REPORT AS AT 31 JULY 2012
FILE REF: 33

SUBMISSION TO: Ordinary Meeting of Council, 23 August 2012

DISCLOSURE OF INTEREST: The author has no financial interest in this matter

OWNER/APPLICANT: Shire of Laverton

AUTHOR: Tamara Hill, Administration Assistant

SENIOR OFFICER: Deanne Prior, Executive Manager Corporate & Community Services

PREVIOUS MEETING REF: Not applicable

MATTER FOR CONSIDERATION:
The presentation of a report indicating the outstanding Debtor Balances as at the end of July 2012.

ATTACHMENTS: Nil

APPLICANT'S SUBMISSION: Not applicable

BACKGROUND:
Council has requested a report of the Outstanding Debtors of the Shire of Laverton as at the preceding month end.

STATUTORY ENVIRONMENT:
Local Government (Financial Management) Regulations 1996
Reg. 5(1) (a) – The Chief Executive Officer is to establish efficient systems and procedures for the proper collection of all money owing to the local government.

POLICY IMPLICATIONS:
Council has no policies in respect to this matter.

FINANCIAL IMPLICATIONS:
The recommendation of this report has no financial implications for Council.

STRATEGIC IMPLICATIONS:
Not applicable

CONSULTATION:
Not applicable

COMMENT:

The balance of Outstanding Debtors at 31 July 2012 is $189,499.70.

The total debtor balance includes:

	Current	1 - 30	31 - 60	61 - 90	> 90	TOTAL
General Debtors	0.00	5,761.70	208,387.44	6,781.79	49,291.42	270,222.35
Doubtful Debt	0.00	0.00	0.00	0.00	-120,000.00	-120,000.00
Rates	0.00	1,335.32	11,868.94	4,539.96	21,533.13	39,277.35
TOTAL	**0.00**	**7,097.02**	**220,256.38**	**11,321.75**	**-49,175.45**	**189,499.70**

A detailed list of Debtor balances is provided in the Information Bulletin.

VOTING REQUIREMENTS:
Simple majority decision required

OC0808 COUNCIL'S DECISION/STAFF RECOMMENDATION:

Moved Cr R Ryles, Seconded Cr S Weldon

That the report of Outstanding Debtors as at 31 July 2012, be received.

CARRIED 6/0

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OC0809 11.2.3 BANK RECONCILIATION AND INVESTMENTS REPORT AS AT 31 JULY 2012 FILE REF: 43

SUBMISSION TO: Ordinary Meeting of Council, 23 August 2012

DISCLOSURE OF INTEREST: The author has no financial interest in this matter

OWNER/APPLICANT: Shire of Laverton

AUTHOR: Deanne Prior, Executive Manager Corporate & Community Services

SENIOR OFFICER: Steven Deckert, Chief Executive Officer

PREVIOUS MEETING REF: Not applicable

MATTER FOR CONSIDERATION:
The report presented reflects the reconciliation of the Council's bank accounts, including invested funds, as at 31 July 2012.

ATTACHMENTS:
Attachment 11.2.3 "A" - Bank Reconciliation and Investment Report as at 31 July 2012

APPLICANT'S SUBMISSION: Not applicable

BACKGROUND:
Reconciliation is undertaken between Council's financial accounting system and the various bank accounts operated by Council as a means of determining the completeness and integrity of transaction processing. As per Finance Policy 3.2, a report on Investments of Council funds is also provided.

STATUTORY ENVIRONMENT:
Local Government (Financial Management) Regulations 1996
Reg. 34(2) – Provides a local government may require such other supporting information as is considered relevant by the local government.

POLICY IMPLICATIONS: Policy 3.2

FINANCIAL IMPLICATIONS:
The recommendation of this report has no financial implications for Council.

STRATEGIC IMPLICATIONS:
Not applicable

CONSULTATION:
Not applicable

COMMENT:
Not applicable

VOTING REQUIREMENTS:
Simple majority decision required

OC0809 COUNCIL'S DECISION/OFFICER'S RECOMMENDATION:

Moved Cr R Ryles, Seconded Cr P Hill

That:

1. **The Bank Reconciliation as at 31 July 2012, as appended (Attachment 11.2.3 "A") be received.**

2. **The report on investments as at 31 July 2012, as appended (Attachment 11.2.3 "A") be received.**

CARRIED 6/0

The rest of this page has been left blank intentionally.

OC0810 11.2.4 ADOPTION OF 2012/13 BUDGET FILE REF: 594

SUBMISSION TO: Ordinary Meeting of Council, 23 August 2012

DISCLOSURE OF INTEREST: The author has no financial interest in this matter

OWNER/APPLICANT: Not applicable

AUTHOR: Glenn Bone, Project Officer

SENIOR OFFICER: Steven Deckert, Chief Executive Officer

PREVIOUS MEETING REFERENCE:
Informal Meeting, 21 July 2012
Minute OC0712, 26 July 2012
Informal Meeting, 30 July 2012

MATTERS FOR CONSIDERATION:
Council to consider adopting the 2012/13 budget and also approve:

- Differential and minimum rates;
- Rate payment discount, instalment interest rate, fee and penalty interest rate;
- Rubbish collection charges;
- Imposition of the FESA levy;
- The Schedule of Fees and Charges; and
- The materiality percentage for monthly reporting of variances.

ATTACHMENTS:
Attachment 11.2.4 “A” - 2012/13 Schedule of Fees and Charges
Attachment 11.2.4 “B” - Shire of Laverton Budget for the year ended 30 June 2013
Attachment 11.2.4 “C” - Executive Summary
Attachment 11.2.4 “D” – 2012/13 Budget Information Brochure

APPLICANT’S SUBMISSION: Not applicable

BACKGROUND:
Council approved the advertising of differential rates for 2012/13 at its May 2012 meeting (Minute OC0510).

As in previous times, Council has approved at a prior meeting (Minute OC0415 - 19 April 2012), a list of fees and charges and these have been taken into account when framing the budget. It is a formal requirement of the budget process that fees and charges are to be imposed when adopting the annual budget.

The draft budget was the subject of a briefing session by the CEO at an informal meeting held on 30 July 2012.

STATUTORY ENVIRONMENT:
Local Government Act 1995:

- Section 6.2 requires a local government to prepare an annual budget by 31 August (*absolute majority required*).

- Section 6.11 enables a local government to change the purpose of a reserve account and where this change is disclosed in the annual budget, the need to give local public notice is dispensed with (*absolute majority required*).
- Section 6.16 allows a local government to impose and recover a fee or charge for any goods or services it provides or proposes to provide (*absolute majority required*).
- Section 6.32 states that a local government in order to make up the budget deficiency is to impose a general rate on rateable land that may be imposed uniformly or differentially. A local government may also impose a minimum payment (*absolute majority required*).
- Section 6.33(1) provides that a local government may impose differential general rates according to a number of characteristics.
- Section 6.33(3) states that a local government cannot, without the approval of the Minister, impose a differential general rate that is more than twice the lowest differential general rate imposed.
- Section 6.35 states a local government may impose a minimum rate that is greater than the general rate that would be applied for the land and outlines the requirements for this minimum rate).
- Section 6.36 requires that a local government, before imposing any differential general rates, provides at least 21 days local public notice of its intention to do so and to consider any submissions received before imposing the proposed rate or minimum payment with or without modification.
- Sections 6.45 and 6.47 allow a local government to levy fees and interest, grant a discount for early payment and to waive or grant other concessions in relation to a rate or service charge (*absolute majority required* for s.6.45 – discounts).
- Section 6.51 allows a local government to charge interest on a rate or service charge that remains unpaid after it is due and payable (*absolute majority required*).

Local Government (Financial Management) Regulations 1996

- Regulation 17 states that a reserve account is to have a title that clearly identifies the purpose for which the money in the account is set aside.
- Regulation 27 sets out the detail accompanying notes to the budget are to contain.
- Regulation 34(5) states that each financial year a local government is to adopt a percentage or value, calculated in accordance with AAS5, to be used in statements of financial activity for reporting material variances.
- Regulation 64(1) sets out the local government is to determine the due date of instalments after the first instalment.
- Regulation 67 enables an additional charge to be imposed where payment of rates is made by instalments.
- Regulation 68 states that the maximum interest rate, under section 6.45(3) for instalments, is 5.5%.
- Regulation 70 states that the maximum interest rate for overdue rates under section 6.51(1), is 11%.

Fire and Emergency Services Authority of Western Australia Act 1998

- Section 36L requires the Shire to assess the amount of levy payable on land owned by the State, a State agency or instrumentality or a local government.

Waste Avoidance and Resource Recovery Act 2007

- Section 66 enables a local government to impose an annual charge in respect of premises provided with a waste service by the local government.

POLICY IMPLICATIONS:
Policy 3.8 - Budget – Preparation - Outlines the steps and timetable leading to the adoption of the budget.

FINANCIAL IMPLICATIONS:
The Budget outlines planned expenditure and revenue and determines the financial parameters for the Shire to operate within for the 2012/13 financial year. The proposed budget for the year is balanced with all revenue to be received during the year and the estimated brought forward surplus being expended on meeting operating expenditure demands, the capital works programme and transfers to reserves for future year's expenditure.

STRATEGIC IMPLICATIONS:
Not applicable

CONSULTATION:
The proposed differential rates for 2012/13 were advertised for public comment in advertisements placed in the "*West Australian"* and "*Kalgoorlie Miner"* on 9 June 2012. Ratepayers and electors were invited to provide submissions to be received by 4pm on 2 July 2012.

No submissions were received by the closing date.

COMMENT:

Draft Budget
The budgeted result for 2012/13 assumes that a surplus of $3,887,707 will be recorded for 2012/13 and is the same surplus included in the draft cash budget. As the annual financial statements have not been completed this forecasted result is subject to change.

Changes to the Draft Budget
Following the Informal Meeting on 30 July 2012, there have been a number of minor changes to the draft cash budget. UHY Haines Norton have since converted the document into the statutory format which means that it now includes allocation of depreciation, profit and loss on sale assets and other non-cash items.

Rate Setting
As there was a revaluation of town site land in 2010, the next revaluation for Laverton will not be due until 2014. Consequently, there will not be a lot of change to GRV valuations apart from new property additions during the past year.

In considering the differential rating proposal at the May meeting (Minute OC0510), Council opted to pursue a modest intent of a 3.0% rating increase. However, this percentage is affected by the impact of the $10 per assessment increase in the minimum rate ($240 to $250) which is slightly higher at 4.17%. However, the overall yield for 2012/13 is anticipated to be only 0.7% greater than the previous year. The reason for this less than anticipated increase in rating yield has been brought about by a reduction of mining tenement valuations – itself a problem associated with GST.

As a benchmark comparison, the CPI (Perth) movement for the year ended 30 June 2012, was 2.2%.

	Budgeted 2011/12					Proposed 2012/13 + 0.7% yield				
	2011/12 Valuation	No. of Properties	2011/12 Rate in $	Min Rate	Cash Budget $	2012/13 Valuation	No. of Properties	2012/13 Rate in $	Min Rate	Yield $
GRV – Town site	2,588,462	191	0.085905	240	222,362	2,655,906		0.088482		235,000
GRV - Mining	11,495,056	6	0.059616	240	685,289	11,495,056		0.061404		705,842
UV - Pastoral	792,586	14	0.036018	240	28,547	820,626		0.037099		30,444
UV Mining	16,069,763	760	12.4924	240	2,007,499	15,283,461		0.128672		1,966,554
Mins - GRV	38,306	51	0.085905	240	12,240	32,623	61		250	15,250
Mins – Pastoral						6,000	1		250	250
Mins - UV	496,526	514	12.4924	240	123,360	563,055	578		250	144,500
Mins - UV Shared	35,047	41	12.4924	120	4,920	29,680	40		125	5,000
					3,084,458					3,102,840

As indicated in the above tables, overall rate revenue is anticipated to be only $21,382 more than budgeted last year. Actual accruals amounted to $3,083,048 for 2011/12 meaning this year's budget provides an increase of just $19,792.

While the attached budget documents have been prepared and based on this additional revenue, Council is still at liberty to review the desired yield prior to adopting the Budget. Obviously, any reduction or increase in revenue will result in a need to review anticipated expenditures and either reduce or increase these accordingly to maintain a balanced budget.

Rates, Discounts, Penalties and Instalments

A letter was sent on 13 July 2012 to the Minister for Local Government requesting approval to implement a differential rate that is more than twice the lowest differential rate. This approval is required in accordance with section 6.33(3). A response has been received advising that the Director-General, under delegated authority from the Minister of Local Government, has approved the differential rates in accordance with section 6.33 of the *Local Government Act 1995*.

The discount for payment of rates within 21 days of the date of service, is the same approach as last year. In previous years the discount period was the "due date", or within 35 days of service of the rates notice. The revised period of 21 days has again been chosen to separate it from the regular due date as a clear incentive for people to pay early and not just by the due date. Also, ratepayers are being specifically advised they can pay direct to the Shire's bank account as a means of effecting early payment. Penalty interest for rates not paid by the due date and rate payment instalment options are the same as last year. These details are:

- 5% discount on rates paid in full within 21 days of the date of service.
- 11% penalty interest to be charged on rates outstanding after the due date for which the instalment option has not been taken up.

- Rates can be paid in four instalments 9 weeks apart provided there are no outstanding rates from the previous year. An instalment charge of $5 is applicable to the second, third and fourth instalments as is instalment interest of 5.5%.

Fees and Charges
This year the Schedule of Fees and Charges was reviewed at the meeting on 19 April 2012 (Minute OC0415). Whilst there was a comprehensive revamp of the Schedule in 2011/12, the approach for 2012/13 will see most fees and charges unchanged.

The following identifies any areas of note (i.e. not all), where variation was recommended at Minute OC0415.

Law, Order and Public Safety (Schedule 5)
The Emergency Services Levy is a fee that all local governments are required to collect on behalf of FESA. This obligation originates from section 36L of the *Fire and Emergency Services Authority of Western Australia Act 1998* and is a fee prescribed by the *Emergency Services Levy Act 2002*. Almost all of the Shire's assessments will attract the minimum fee of $57.00 (for 2012/13) in ESL Category 5, however there are several properties affected by ESL Category 4.

Consequently, the levy table for the Shire of Laverton applies in the following way:

ESL Category	**ESL Rate (per $ GRV)**	**Minimum and Maximum ESL Charges by Property Use**			
		Residential, Farming and Vacant Land		**Commercial, Industrial and Miscellaneous**	
		Minimum	**Maximum**	**Minimum**	**Maximum**
4	$0.0041	$57	$103	$57	$58,000
5	Fixed Charge	$57	$57	$57	$57
Mining Tenements	Fixed Charge	$57	$57	$57	$57

Community Amenities (Schedule 10)
- Rubbish collection charges are to increase to $196 per bin per service.
- Liquid Waste Disposal – In the past there have been two items under this particular heading. These were:

	Fee	GST	Total
o Liquid waste disposal – Annual fee	$400.00	$40.00	$440.00
o Liquid waste disposal – Casual fee	$ 50.00	$ 5.00	$ 55.00

Information recently to hand indicates there are sizeable volumes of this waste type now being disposed of at our site and secondly, that our charging regime is well out of phase with what is being levied by other local governments.

To address the matter it is now proposed that the Shire differentiate charges against the source of origin. In our case, from either within the town site, or outside. Consequently the following basis is now proposed for Liquid Waste Disposal.

	Fee	GST	Total
o Liquid waste – disposal from Laverton town site – Annual fee	$500.00	$50.00	$550.00
o Liquid waste – disposal from other than Laverton town site (2c per litre incl. GST)	0.018	0.002	0.02

- Laverton Cemetery

Grave preparation and burial fee	2012/13		
	Fee	**GST**	**Total**
Standard burial	$900.00	$90.00	$990.00
Infant/Still born	$830.00	$83.00	$913.00

Second Internment in existing grave	2012/13		
	Fee	**GST**	**Total**
Standard burial	$600.00	$60.00	$660.00
Infant/Still born	$415.00	$41.50	$456.50
Re-opening grave for exhumation	$450.00	$45.00	$495.00
Re-internment in new grave after exhumation	$900.00	$90.00	$990.00

Transport (Schedule 12)
Laverton Airport

- Aerodrome - Commercial – per passenger in and out $12.00 (incl. GST)

- Fuel Delivery Charge
  This is a new item that was not included in the proposed Fees and Charges Schedule last April and are relevant to the Airport Fuel Facility.

	Fee	GST	Total
o Shire Registered Operators – additional to cost price of fuel into aircraft – per litre	0.20	0.02	0.22
o Non Registered Shire Operators – additional to cost price of fuel into aircraft – per litre	0.25	0.025	0.275
o Callouts – Public holidays and outside normal working hours	$100.00	$10.00	$110.00

Apart from the foregoing, most other fees and charges are basically unaltered from those considered at the 2011/12 Budget.

Other Property & Services (Schedule 14)

- Private Works – When Council gave consideration to the proposed Schedule of Fees and Charges at its April meeting, it also decreed that the EMTS is to review the Private Works Hire Rates as it was considered they were too low. Council also noted that four items of plant should be removed from the list.

At the time of completing this agenda item, the review of the remaining private works rates was still in progress. Appropriate figures will now be presented at the meeting for consideration.

Reserve Accounts

As part of the approach for effective financial management, the budget has been compiled with the intent to establish two new (changed) Reserve Accounts. These are:

- Community Loan and Grant Reserve
- Economic Development Reserve

Authority to effect changes to Reserve Accounts is provided in section 6.11 of the *Local Government Act 1995*.

The existing Reserve Accounts that have been identified for change are:

The Community Loan Reserve was established pursuant to Minute SC0801/4, 31 August 2010. At 1 July 2012 it held a balance of $26,150.

Name	Existing Purpose
Community Loan Reserve	To reserve monies that may be made available to community groups as a low interest loan to assist community groups achieve their aims.

It is now proposed it be changed to the following:

Name	Proposed Purpose
Community Loan and Grant Reserve	To reserve monies that may be made available to community groups as either a low interest loan or a grant to assist community groups achieve their aims.

The Land Acquisition Reserve was established pursuant to Minute OC0816, 18 August 2011. At 1 July 2012 it held a balance of $400,000.

Name	Existing Purpose
Land Acquisition Reserve	To reserve and hold funds to enable the purchase of land in the Laverton town site for the town revitalisation project.

It is now proposed that it be changed to the following:

Name	Proposed Purpose
Economic Development Reserve	To provide for land and building acquisition, development of assets or investment in other initiatives that support economic development.

Council will now need to formalise the change of purpose for the two Reserve Accounts.

Summary
The budget document as presented to Council is complete in its format. However, as the information relating to the 2012/13 financial year is still being compiled and is subject to end of financial year audit scrutiny, the brought forward position for 2011/12 is likely to change. An explanatory text associated with the budget has been prepared and is included with the budget documentation. Once adopted by Council, the budget will be the final budget and will be provided to the Department of Local Government as is required by the *Local Government Act 1995*.

To complete the budget process for 2012/13, there are a number of formal decisions required and these are outlined in the officer recommendations.

Materiality Limit

Regulation 34(5) of the *Local Government (Financial Management) Regulations 1996*, requires that each financial year a local government is to adopt a percentage or value, calculated in accordance with AAS5, to be used in statements of financial activity for reporting material variances. AAS5 is the abbreviation for Australian Accounting Standard number 5, Materiality.

AAS5 states that "information is material if its omission, misstatement or non-disclosure has the potential to adversely affect decisions about the allocation of scarce resources made by users of the financial report of the discharge of accountability by the management or governing body of the entity". AAS5 also states that "quantitative thresholds used as guidance for determining the materiality of an amount of an item must, of necessity, be drawn at arbitrary levels. Materiality is a matter of professional judgement influenced by characteristics of the entity and the perceptions as to who are, or are likely to be, the users of the financial reports, and their information needs".

AAS5 provides some guidance as to what may be regarded as a material amount when dealing with the balance sheet, operating statement and statement of cash flows when it states an amount which is equal to or greater than 10 percent of the base amount may be considered to be material while an amount less than or equal to 5 per cent may not be material, unless in both cases there is a convincing argument to the contrary.

On the basis of this guidance and having regard to the fact that the users of this financial information are management and Council requiring assistance with making management decisions, 10% or $10,000 has been considered to be a reasonable lower limit for highlighting material variances. However, this limit could be adjusted in the future if necessary and the use of this limit also does not preclude reporting lesser variances if it is considered their disclosure would be of benefit to the user of the financial report.
Council last approved the materiality limit of plus or minus 10% or $10,000 at its 2011/12 Budget meeting on 18 August 2011 (Minute OC0818). As legislation requires this process to be done each financial year, it is recommended it occur again as part of the annual budget approval process.

VOTING REQUIREMENTS:
Absolute majority for recommendations 1, 2, 3, 4, 5, 6 & 7.
Simple majority for recommendation 8.

Please Note: During discussions on this item, the Executive Manager Technical Services tabled information regarding revised Plant Hire Rates for Private Works, that was to be considered when adopting the 2012/13 Fees & Charges as per Recommendation 5.

OC0810 COUNCIL'S DECISION/ OFFICER RECOMMENDATION 1

Moved Cr P Hill, Seconded Cr L Hawkins

That Council in accordance with section 6.32 of the *Local Government Act 1995,* impose the following differential rates for the year ended 30 June 2013:

	Rate in $	Minimum
Gross Rental Values		
• **Townsite**	**8.8482¢**	**$250**
• **Minesite**	**6.1404¢**	**$250**
Unimproved Value		
• **Pastoral**	**3.7099¢**	**$250**
• **Mining**	**12.8672¢**	**$250**
• **Mining (shared tenements)**	**12.8672¢**	**$125**

CARRIED BY ABSOLUTE MAJORITY 6/0

OC0811 COUNCIL'S DECISION/ OFFICER RECOMMENDATION 2

Moved Cr L Hawkins, Seconded Cr R Ryles

That Council:

1. **In accordance with Section 6.46 of the *Local Government Act 1995*, offer a five (5) percent discount on current rates paid in full within 21 days of the date of service being 3 September 2012 (i.e. discount cut-off date is 24 September 2012).**

2. **In accordance with Section 6.45(1)(b) of the *Local Government Act 1995*, offer the following options for the payment of rates:**

   Option 1 – Payment in full by a single instalment by the due date of 8 October 2012.
   Option 2 – Payment in four equal instalments at intervals of nine weeks.

3. **Determine the four instalment dates for instalment payment options as follows:**
   - **First instalment due by 8 October 2012**
   - **Second instalment due by 10 December 2012**
   - **Third instalment due by 11 February 2013**
   - **Fourth instalment due by 15 April 2013**

4. **In accordance with Section 6.45(3), (FM Reg. 68) of the *Local Government Act 1995*, impose a 5.5% interest rate, to apply to the second, third and fourth instalments.**

5. **In accordance with Section 6.45(3), (FM Reg. 67) of the *Local Government Act 1995*, impose an administration fee of $5.00 to the second, third and fourth instalments.**

6. **In accordance with Section 6.51(1), (FM Reg. 70) of the *Local Government Act 1995*, impose a late payment penalty interest rate of 11% on rates that have not been paid by the due date and where instalment option 2 has not been taken up.**

CARRIED BY ABSOLUTE MAJORITY 6/0

OC0812 COUNCIL'S DECISION/ OFFICER RECOMMENDATION 3

Moved Cr P Hill, Seconded Cr R Ryles

That Council in accordance with the *Waste Avoidance and Recovery Act 2007*, impose the following charge for 2012/13:

- **Domestic and commercial rubbish removal - per bin per service $196.00**

CARRIED BY ABSOLUTE MAJORITY 6/0

OC0813 COUNCIL'S DECISION/ OFFICER RECOMMENDATION 4

Moved Cr R Ryles, Seconded Cr L Hawkins

That Council in accordance with the *Emergency Services Levy Act 2002*, impose ESL levies on assessable properties in accordance with the following table:

ESL Category	ESL Rate (per $ GRV)	Minimum and Maximum ESL Charges by Property Use			
		Residential, Farming and Vacant Land		Commercial, Industrial and Miscellaneous	
		Minimum	Maximum	Minimum	Maximum
4	$0.0041	$57	$103	$57	$58,000
5	Fixed Charge	$57	$57	$57	$57
Mining Tenements	Fixed Charge	$57	$57	$57	$57

CARRIED BY ABSOLUTE MAJORITY 6/0

OC0814 COUNCIL'S DECISION/ OFFICER RECOMMENDATION 5

Moved Cr S Weldon, Seconded Cr L Hawkins

That Council, in accordance with Section 6.16 of the *Local Government Act 1995*, adopt the Schedule of Fees and Charges as presented and amended at this meeting in the Budget for the year ending 30 June 2013, as contained in Attachment 11.2.4 "A".

CARRIED BY ABSOLUTE MAJORITY 6/0

OC0815 COUNCIL'S DECISION/ OFFICER RECOMMENDATION 6

Moved Cr P Hill, Seconded Cr S Weldon

That Council change the purpose of the following Reserve Accounts:

Name	Purpose
Economic Development Reserve *(previously Land Acquisitions Reserve)*	**To provide for land and building acquisition, development of assets or investment in other initiatives that support economic development.**

Name	Purpose
Community Loan and Grant Reserve *(previously Community Loan Reserve)*	**To reserve monies that may be made available to community groups as either a low interest loan or a grant to assist community groups achieve their aims.**

CARRIED BY ABSOLUTE MAJORITY 6/0

OC0816 COUNCIL'S DECISION/ OFFICER RECOMMENDATION 7

Moved Cr L Hawkins, Seconded Cr B Fuamatu

That Council in accordance with section 6.2 of the *Local Government Act 1995*, adopt the annual budget for the year ended 30 June 2013, as contained in Attachment 11.2.4 "B".

CARRIED BY ABSOLUTE MAJORITY 6/0

OC0817 COUNCIL'S DECISION/ OFFICER RECOMMENDATION 8

Moved Cr S Weldon, Seconded Cr P Hill

That Council, in accordance with s.34(5) of the *Local Government (Financial Management) Regulations 1996*, adopt a percentage of plus or minus 10%, and $10,000 to be used for the reporting of variances of actual expenditure and revenue to budgeted expenditure and revenue in the monthly report of financial activity for 2012/13.

CARRIED 6/0

The CEO requested that Council endorse the Draft Budget Executive Summary and the 2012/13 Budget Information Brochure as tabled at this meeting prior to releasing to the public.

OC0818 COUNCIL DECISION

Moved Cr P Hill, Seconded Cr R Ryles

That Council endorse the 2012/13 Draft Budget Executive Summary (Attachment 11.2.4"C") and the 2012/13 Budget Information Brochure (Attachment 11.2.4"D") as presented.

CARRIED 6/0

<u>Reason for additional decision</u>

To enable Council to endorse the the Executive Summary and Rates Information Brochure prior to being publicly released.

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11.3 WORKS AND SERVICES BUSINESS

Nil

11.4 COMMUNITY DEVELOPMENT BUSINESS

Nil

11.5 MANAGEMENT AND POLICY BUSINESS

OC0819 11.5.1 COUNCILLORS' INFORMATION BULLETIN 7/12 FILE REF: 85

SUBMISSION TO: Ordinary Meeting of Council, 23 August 2012

DISCLOSURE OF INTEREST: The author has no financial interest in this matter

OWNER/APPLICANT: Not applicable

AUTHOR: Steven Deckert, Chief Executive Officer

SENIOR OFFICER: Not applicable

PREVIOUS MEETING REF: Not applicable

MATTER FOR CONSIDERATION:
Receiving of the Information Bulletin for the period ended 31 July 2012 by Council.

CONFIDENTIAL ATTACHMENTS:
Shire of Laverton Councillors' Information Bulletin 7/12 circulated on 9 August 2012 under separate cover and is deemed to be a "Confidential" document for Councillors information only.

APPLICANT'S SUBMISSION: Not applicable

BACKGROUND:
Councillors' Information Bulletin 7/12 for period ending 31 July 2012 was completed and circulated to Councillors on 9 August 2012.

STATUTORY ENVIRONMENT:
Local Government Act 1995
Section 2.7(2) – Provides that Council is to oversee the allocation of local government finances and resources and to determine the local government policies; and
Section 3.1 – Provides that the general function of the local government is to provide for the good government of persons in its district.

POLICY IMPLICATIONS:
Council has no policies in respect to this matter.

FINANCIAL IMPLICATIONS:
There are no financial implications in respect to this matter.

STRATEGIC IMPLICATIONS:
Keeping Councillors updated and informed in respect to matters impacting on their role as Councillor.

CONSULTATION:
Not applicable

COMMENT:
The Councillors' Information Bulletin is produced to provide Councillors with information that is relevant to their role as a Councillor for the Shire of Laverton, but not requiring a decision of Council.

The Councillors' Information Bulletin was never intended to be a public document. Now with the inclusion of confidential information it is important that the Information Bulletin be circulated to Councillors and Senior Staff only and not released to the general public.

VOTING REQUIREMENTS:
Simple majority decision required

OC0819 COUNCIL'S DECISION/OFFICER RECOMMENDATION:

Moved Cr R Ryles, Seconded Cr B Fuamatu

That the Councillors' Information Bulletin 7/12 for the period ended 31 July 2012, as previously circulated to Councillors, be received.

CARRIED 6/0

The rest of this page has been left blank intentionally.

OC0820 11.5.2 LOT 660 – RESERVATION OF LAND FOR THE PURPOSE OF RECREATION FILE REF: 671

SUBMISSION TO: Ordinary Meeting of Council, 23 August 2012

DISCLOSURE OF INTEREST: The author has no financial interest in this matter

OWNER/APPLICANT: Shire of Laverton

AUTHOR: Glenn Bone, Project Officer

SENIOR OFFICER: Steven Deckert, Chief Executive Officer

PREVIOUS MEETING REFERENCE: Minute OC0118, 22 January 2009

MATTER FOR CONSIDERATION:
The granting of an indemnity to the Department of Regional Development and Lands (RDL), for any claims or costs that might arise from the taking of lot 660 Weld Drive, Laverton.

ATTACHMENTS: Nil

APPLICANT'S SUBMISSION: Not applicable

BACKGROUND:
An item of long standing on the Status Report has been revived by the Department of Regional Development and Lands.

Specifically, this item appears in the Status Report (Minute OC0118, 22/01/09), and is relative to Council's desire to obtain lot 660 Weld Drive for the proposed purpose of a "Recreation" Reserve with a Management Order to be granted to Council with a power to lease for periods of up to ten (10) years.

Historically this saga goes back to January 2002 when Council resolved to request DOLA to vest Laverton Lot 417 (now lot 660) in Council for the purpose of recreation. However, through various changes in government departments (and their responsibilities), the subject got bogged down and "lost in the woodwork" – so to speak!

STATUTORY ENVIRONMENT:
Local Government Act 1995
Section 2.7(2) – Provides that Council is to oversee the allocation of local government finances and resources and to determine the local government policies; and,
Section 3.1 – Provides that the general function of the local government is to provide for the good government of persons in its district.

Land Administration Act 1997
Section 46(2) – The Minister may by order place with any one person or jointly with any 2 or more persons the care, control and management of a reserve for the same purpose as that for which the relevant Crown land is reserved under section 41 and for purposes ancillary or beneficial to that purpose and may in that order subject that care, control and management to such conditions as the Minister specifies.

Native Title Act 1993 (Commonwealth)

Laverton Town Planning Scheme No 2

POLICY IMPLICATIONS:
Council has no policies in respect to this matter.

FINANCIAL IMPLICATIONS:
Despite the indemnification request from RDL, it is not anticipated there will be any cost to Council in creating a reservation over lot 660.

STRATEGIC IMPLICATIONS:
Ownership of strategic pieces of land within the Laverton town site enables Council to have greater control over development.

CONSULTATION:
Initially with the Department of Planning and Infrastructure.

COMMENT:
To progress this matter, it would now be appropriate to provide the requested indemnification.

VOTING REQUIREMENTS:
Simple majority decision required

OC0820 COUNCIL'S DECISION/OFFICER RECOMMENDATION:

Moved Cr P Hill, Seconded Cr B Fuamatu

That Council provide an indemnification to the Department of Regional Development and Lands against any claims on costs that may arise from the Notice of Intention To Take (NOITT) Laverton Lot 660.

CARRIED 6/0

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OC0821 11.5.3 LAVERTON CEMETERY – RESERVE 4373 FILE REF: 309

SUBMISSION TO: Ordinary Meeting of Council, 23 August 2012

DISCLOSURE OF INTEREST: The author has no financial interest in this matter

OWNER/APPLICANT: Shire of Laverton

AUTHOR: Glenn Bone, Project Officer

SENIOR OFFICER: Steven Deckert, Chief Executive Officer

PREVIOUS MEETING REFERENCE: Not applicable

MATTER FOR CONSIDERATION:
Council to make an application to the Department of Regional Development and Lands (RDL) for the issue of a Management Order for Reserve 4373 (Laverton Cemetery).

ATTACHMENTS: Nil

APPLICANT'S SUBMISSION: Not applicable

BACKGROUND:
Resulting from some quite separate work I have been doing on Laverton Cemetery records, two other interesting matters have also come to notice. These are:

- Reserve 4373 (Laverton Cemetery) was created in 1898 and placed under the control of a Board of Trustees on 6 January 1911. It has now been established from the original gazettal that the Board of Trustees was the Mount Margaret Road Board, a predecessor of the Laverton Road Board and ultimately the Shire of Laverton.

- It has been the understanding of current staff that the Shire did not have a Cemetery Local Law. However, documents just unearthed indicate the existence of "Shire of Laverton – Cemetery By-Laws" which were gazetted on 26 July 1974 (GG P.2845-2850). These By-laws replaced earlier By-laws gazetted by the Board of Trustees on 31 March 1911, pursuant to the *Cemeteries Act 1897.*

  What is particularly interesting is that the Shire of Laverton – Cemetery By-laws, do not appear in the Local Laws Register maintained by the Department of Local Government. This is probably an oversight and may have occurred as the By-laws were made pursuant to the *Cemeteries Act 1897*, rather that the *Local Government Act 1960.*

  A consequence of the non-appearance of the By-laws in the Local Laws Register is that for all intentional purposes the By-laws were unknown and have therefore not been reviewed as required by s.3.16 of the *Local Government Act 1995*.

STATUTORY ENVIRONMENT:
Cemeteries Act 1986.
Section 5(1) – The Governor may by order published in the Gazette vest the care, control and management of a cemetery in a Board or a local government and may by further order, so published, transfer the care, control and management of a cemetery from a Board to a local government or from a local government to a Board.

Land Administration Act 1997.
Section 46(1) – The Minister may by order place with any one person or jointly with any 2 or more persons the care, control and management of a reserve for the same purpose as that for which the relevant Crown land is reserved under section 41 and for purposes ancillary or beneficial to the purpose and may in that order subject that care, control and management to such conditions as the Minister specifies.

POLICY IMPLICATIONS:
Council has no policies in regards to this matter.

FINANCIAL IMPLICATIONS:
The recommendations of this report have no financial implications for Council.

STRATEGIC IMPLICATIONS:
Not applicable

CONSULTATION:
Enquiries were made with the Department of Local Government and also the Department of Regional Development and Lands.

COMMENT:
Whilst the Shire does hold several vestings pursuant to s.5 of the *Cemeteries Act 1986* for closed cemeteries, it is believed the most appropriate approach is to seek the issue of a Management Order. This can be achieved by requesting RDL to revoke the Board appointed in 1911 and issue a Management Order pursuant to s.46 of the *Land Administration Act 1997*.

VOTING REQUIREMENTS:
Simple majority decision required

OC0821 COUNCIL'S DECISION/OFFICER RECOMMENDATION:

Moved Cr P Hill, Seconded Cr S Weldon

That Council request the Department of Regional Development and Lands to revoke the Board of Trustees appointed in 1911 for Reserve 4373 (Laverton Cemetery), and issue a Management Order to the Shire of Laverton pursuant to section 46 of the *Land Administration Act 1997*.

CARRIED 6/0

OC0822 11.5.4 DRAFT FENCING LOCAL LAW 2012 FILE REF: 578

SUBMISSION TO: Ordinary Meeting of Council, 23 August 2012

DISCLOSURE OF INTEREST: The author has no financial interest in this matter

OWNER/APPLICANT: Shire of Laverton

AUTHOR: Glenn Bone, Project Officer

SENIOR OFFICER: Steven Deckert, Chief Executive Officer

PREVIOUS MEETING REFERENCE: Minute OC0416, 19 April 2012

MATTER FOR CONSIDERATION:
Council to consider the making of a Fencing Local Law.

ATTACHMENTS:
Attachment 11.5.4 "A" – Draft Fencing Local Law 2012.

APPLICANT'S SUBMISSION: Not applicable

BACKGROUND:
At the April 2012 Meeting, Council resolved to make the Fencing Local Law 2012 (as per the draft submitted). The required advertising and forwarding of a copy of the proposed local law to the Minister for Local Government was also duly effected.

The closure date for submissions was 29 June 2012. Whilst no submissions were received from members of the community, the Department of Local Government did make some minor comments on format and a few suggestions on drafting improvements.

It was disappointing to note that while the original draft had been formatted in the style recommended by WALGA (2010 Local Laws Manual), this was not always in accord with how the Department see matters in 2012!

STATUTORY ENVIRONMENT:
Local Government Act 1995
Section 3.5(1) – A local government may make local laws under this Act prescribing all matters that are required or permitted to be prescribed by a local law, or are necessary or convenient to be so prescribed, for it to perform any of its functions under this Act.

Section 3.12 (1) – The following sequence should be followed in making a local law:
- (2) The person presiding is to ensure that a summary of the purpose and effect of the proposed local law is to be given in the agenda and recorded in the minutes of the Council meeting.
- (3) (a) Give Statewide public notice stating that –
  - (i) The local government proposes to make a local law the purpose and effect of which is summarised in the notice;
  - (ii) a copy of the proposed local law may be inspected or obtained at any place specified in the notice; and
  - (iii) submissions about the proposed local law may be made to the local government before a day to be specified in the

notice, being a day that is not less than 6 weeks after the notice is given;

(b) as soon as the notice is given, give a copy of the proposed local law and a copy of the notice to the Minister and, if another Minister administers the Act under which the local law is proposed to be made, to that other Minister; and

(c) provide a copy of the proposed local law, in accordance with the notice, to any person requesting it.

(3a) The notice mentioned above is also to be published and exhibited as a local public notice.

(4) After the last day for submissions, the local government is to consider any submissions made and may make the local law* as proposed or make a local law that is not significantly different from what was proposed.

(5) After making the local law, the local government is to publish it in the *Gazette* and give a copy of it to the Minister and, if another Minister administers the Act under which the local law is proposed to be made, to that other Minister.

(6) After the local law has been published in the *Gazette* the local government is to give local public notice –

(a) stating the title of the local law;

(b) summarizing the purpose and effect of the local law (specifying the day on which it comes into operation);
and

(c) advising that copies of the local law may be inspected or obtained from the local government's office.

** Absolute majority required*

POLICY IMPLICATIONS:
The following is repeated from Minute OC0416:

Council adopted Policy 9.6 – Property Boundary Fencing in June 2004. The context of the adopted policy is set out below:

> Council Authorise the Environmental Health Officer to approve the building works which have taken place as they are in compliance with the Building Code of Australia, and they do improve the amenity of the surrounding area.
>
> Also Council authorise that the Environmental Health Officer is to approve any subsequent applications subject to the following conditions:-
>
> 1. The proposal complies with the Building Code of Australia;
> 2. The proposal does not have a negative effect on the amenity of the surrounding area to the satisfaction of the Environmental Health Officer;
> 3. Side and rear boundary fences are to be a maximum height of 1800mm and the front boundary fence is not to exceed 1500mm.

In reality, the first paragraph of the policy is irrelevant and doesn't belong as it refers to a matter under consideration at the time. Consequently, the intent of the remainder of the policy is to allow fencing constructed of appropriate materials, is subject to certain height restrictions and is aesthetic to the surrounding areas.

FINANCIAL IMPLICATIONS:
Advertising costs applicable to the "*West Australian*", "*Kalgoorlie Miner*" and the "*Government Gazette*".

STRATEGIC IMPLICATIONS:
Not applicable

CONSULTATION:
- Liaison with the Department of Local Government.
- Formal public advertising is again proposed.

COMMENT:
The suggestions made by the Department of Local Government have now been taken into account with the result that there is little material difference to the actual content of the proposed local law, with the exception of:

- clause 3.1 Fences within Front Setback Areas
  - subclauses (1) and (2) are both amended in the following way:

    by deleting "750mm" and inserting "1200mm".

- clause 5.1 Requirements for a Licence
  - subclause (4) has been deleted and replaced with:

    "(4) An application for a licence under this clause must –
    (a) be in the form determined by the local government;
    (b) be accompanied by any fee imposed by the local government under sections 6.16 to 6.19 of the *Local Government Act 1995*; and
    (c) include –
    (i) a written consent signed by the owner of the land on which the fence is located or proposed to be located – unless the applicant is the owner of that land; and
    (ii) any further information which may be required by the local government."

  - The following new subclause has been inserted:

    "(6) Where the local government approves an application for a licence under this clause, it shall issue a licence to the applicant in the form determined by the local government."

- clause 5.2 Cancellation of a Licence
  - clause 5.2 has been reworded as follows:

    "A licence issued under clause 5.1 will transfer with the land to any new occupier or owner of the lot, except where the licence has been cancelled under clause 5.3."

- clause 6.1 Notices of Breach
  - the following new subclause has been inserted:

"(4) The provisions of this clause are subject to section 3.25 and item 12 of Division 1 of Schedule 3.1 of the *Local Government Act 1995* and any power of entry exercised by the local government under this local law is subject to Part 3, Division 3 of the *Local Government Act 1995*."

Whilst the foregoing are certainly improvements, there is little material change to the intent from the original draft fencing local law apart from the increase in front setback height from 750mm to 1200mm, as identified in clause 3.1 and 3.2.

From a practical point of view, s.3.12(4) of the *Local Government Act 1995* would enable Council to make (adopt) a local law that "is not significantly different from what was proposed" in April 2012. However, in this instance it is considered it would be more prudent to commence the process again and readvertise the proposed Local Law. Consequently, the minimum period of 6 weeks advertising as identified in s.3. 12(3)(a)(iii), should be quite adequate for a second advertising.

Once again the following process needs to be pursued:

Purpose and Effect

- The person presiding is to ensure that a summary of the purpose and effect of the proposed Local Law is to be given in the agenda and recorded in the minutes of the Council meeting.

The 'purpose and effect' is about the objects of the proposed Local Law. This statement then forms part of the Statewide public notice advertisement that is required pursuant to s.3.12(3).

The purpose and effect statement is set out below:

Purpose:	To provide a sufficient fence within the Laverton Townsite for the purposes of the Dividing Fences Act 1961 and to state the materials to be used and safety measures to be taken for some types of fencing.
Effect:	These local laws enlarge the compliance requirements of the Local Government (Miscellaneous Provisions) Act 1960 in the erection and maintenance of fencing.

Additional Comment:
Arising from Council discussions when the original draft Fencing Local Law 2012 was submitted last April, the following points are now recorded for Council information:

Front Setback Height
As mentioned above, it has been acknowledged that the original front setback height may have been too low and accordingly, this was increased from 750mm to 1200mm (clause 3.1 & 3.2.)

Fencing of Properties
The following comments are directed at the question of whether owners, whose properties adjoin, can be compelled to install fencing.

In addressing this question it needs to be recognised that the proposed Fencing Local Law is more about 'standards for fencing', rather than compelling owners to install a fence.

The *Dividing Fences Act 1961* tackles this aspect at s.6-8, viz:

6. Act not to interfere with agreements

Nothing in this Act affects any covenant, contract or agreement made between landlord and tenant or between the owners of adjoining lands, or between any other persons relative to the cost of erecting or repairing dividing fences.

7. Liability of owners of adjoining lands to fence

Subject to this Act the owners of adjoining lands not divided by a sufficient fence are liable to join in or contribute in equal proportions to the construction of a dividing fence between those lands.

8. Notice to fence to be given

An owner of land desiring to compel the owner of adjoining land to join in or contribute to the construction of a dividing fence under this Act may give him a notice which shall –

(a) Specify the boundary to be fenced, or if an account of the physical features of the adjoining lands it is impracticable to construct a fence on the common boundary of those lands, the line upon which it is proposed to construct the fence;
(b) Contain a proposal for fencing the common boundary or other line; and
(c) Specify the kind of fence proposed to be constructed.

In short, the obligation falls to the owners rather than the local government. However, once a fence is in position, then 'maintenance' and 'breach' are local government issues.

<u>Non-conforming Use</u>
Discussion on this subject centres around the general question of existing fences that are of a height in excess of the standards specified in the proposed Fencing Local Law. Broadly, such fences may exist due to the following circumstances:

- fences were erected without any permission being sought (notwithstanding the non-existence of Fencing Local Laws).
- permission was sought and granted by Council.
- permission was given by the Building Surveyor – but not in context with Policy 9.6.

The general principle of non-conforming use is that the existence of such (e.g. – a fence higher than the new standards), will not prevent the continued use thereof. However, non-conforming use is not unrestricted:

- a fence that becomes dilapidated may be subject to a maintenance/repair order issued pursuant to either the Fencing Local Law or item 12 of Schedule 3.1 of the *Local Government Act 1995*, dependant on the circumstances.
- extensions or changes to the fence with non-conforming use, cannot occur without permission.

A likely scenario to emerge will be to survey all fences in the town site for compliance or otherwise, to consider retrospective approval of non-conforming fences and also the maintenance of existing fences. The latter is a twofold issue being to address both safety and aesthetics.

Finally, if Council is now satisfied with the context of the draft Fencing Local Law 2012, it needs to resolve that it proposes to make the Fencing Local Law 2012 and to give Statewide and local public notice stating that:

- It proposes to make a Local Law the purpose and effect of which is summarized in the notice;
- A copy of the proposed Local Law may be inspected or obtained at any place specified in the notice; and
- Submissions about the proposed Local Law may be made to the local government before a day to be specified in the notice, being a day that in not less than 6 weeks after the notice is given;

As soon as the notice is given, a copy of the proposed Local Law and a copy of the notice is to be forwarded to the Minister for Local government. Copies of the proposed Local Law must also be made available to any person requesting it.

VOTING REQUIREMENTS:
Simple majority decision required

OC0822 COUNCIL'S DECISION/OFFICER RECOMMENDATION:

Moved Cr S Weldon, Seconded Cr L Hawkins

That Council:

1. **Acknowledge the statements of "Purpose" and "Effect" as recorded in the body of the foregoing report;**

2. **Resolve that it proposes to make the Fencing Local Law 2012 (as per Attachment 11.5.4 "A");**

3. **Commence the required Statewide and local public advertising of the proposed Local Law; and**

4. **Set the period during which submissions can be made, as being 6 weeks after the notice is given.**

CARRIED 5/1

Cr R Ryles requested his name be recorded as voting against the motion.

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OC0823 11.5.5 MONTHLY STATUS REPORT FILE REF: 635

SUBMISSION TO: Ordinary Meeting of Council, 23 August 2012

DISCLOSURE OF INTEREST: The author has no financial interest in this matter

OWNER/APPLICANT: Shire of Laverton

AUTHOR: Glenn Bone, Project Officer

SENIOR OFFICER: Steven Deckert, Chief Executive Officer

PREVIOUS MEETING REFERENCE: Not applicable

MATTER FOR CONSIDERATION:
Review of Status Report content.

ATTACHMENTS: Nil

APPLICANT'S SUBMISSION: Not applicable

BACKGROUND:
For some time now the length of the Status Report (about 30 pages) has been of concern. Admittedly, part of the problem is that some of the quoted motions are quite long while a number of others are either superseded by later resolutions or perhaps redundant through effluxtion of time.

The thrust of this item is therefore to seek Council's agreement to reduce the number of entries in the Status Report for the reasons listed below. To save space, the actual Council motion has not been repeated n this summary. The context of the motions, if needed, can be sourced from this month's Status Report.

No	Item	Meeting	Comment
1	Re-zoning of Lots in Duketon Street, Laverton.	Minute 9.1.1 13/12/01	This item has been pending for more than 10 years and will eventually come about through the Master Plan. *Action: Seek Council resolution to remove.*
2	Naming a Park after the Late Murray Thomas	Minute 9.4.2 16/02/06	This item has also been pending for a long time and is too expected to be resolved through the Master Plan. *Action: Seek Council resolution to remove.*

3	Road Dedication of Road within the New Loop Road Mt Morgans	Minute 9.5.7 23/11/06	Not sure if this is pertinent any more. *Action: Seek Council resolution to remove.*
4	Laverton Sports Club (Inc)	Minute 11.5.1 22/03/07	This item is also of considerable vintage and due to the developments since 2007, the intent of the proposed agreement is now probably redundant. *Action: Seek Council resolution to remove.*
5	Reservation of Mt Morgans Lots 17-32 for Corrective Services Purpose	Minute 9.5.8 22/11/07	Obtaining land tenure in this instance is deemed virtually impossible. Additionally, the original intent has now been superseded by negotiations to sell MMG. *Action: Seek Council resolution to remove.*
6	Aged Accommodation in Laverton	Minute OC0230 21/02/08	Effectively this item can be removed as aged accommodation had been considered for the Laverton Hospital via the Laverton Health Service Plan. *Action: Seek Council resolution to remove.*
7	Signage	Minute OC0235 21/02/08	It is considered that this item can also be removed on the basis that many signs in and around Laverton have been installed/updated. Also, the Main Street Project has overtaken the original objective. *Action: Seek Council resolution to remove.*
8	Incorporation of Sporting Bodies at Laverton Race Course	Minute OC0809 21/08/08	This item has probably run its race as far as the Shire is concerned. It is now up to the Clubs. *Action: Seek Council resolution to remove.*
9	Tender 01/11 - Supply and Lay Concrete	Minute OC1211 16/12/10	Tender 01/11 (Skull Creek Crossing) has not proceeded as this action is now deemed to be part of the Main Street project. *Action: Seek Council resolution to remove.*
10	Closure of Portion of Mt Weld Road	Minute OC0913 17/09/09	Propose this item be removed as it has been superseded by Minute OC0310, 24/03/2011. *Action: Seek Council resolution to remove.*
11	Approval to Seize Land	Minute OC0808 18/08/11	Propose this item be removed as it has been superseded by Minute OC0711, 26/07/2012. *Action: Seek Council resolution to remove.*

STATUTORY ENVIRONMENT:
Local Government Act 1995
Section 2.7(2) – Provides that Council is to oversee the allocation of local government finances and resources and to determine the local government policies; and
Section 3.1 – Provides that the general function of the local government is to provide for the good government of persons in its district.

POLICY IMPLICATIONS:
Council has no policies in regards to this matter.

FINANCIAL IMPLICATIONS:
Some paper and production savings.

STRATEGIC IMPLICATIONS:
Not applicable

CONSULTATION:
Chief Executive Officer

COMMENT:
See "Background".

VOTING REQUIREMENTS:
Simple majority decision required

OC0823 COUNCIL'S DECISION/OFFICER RECOMMENDATION:

Moved Cr S Weldon, Seconded Cr P Hill

That Council agree to the removal from the Status Report of each of the eleven (11) items identified in the "Background" section of this agenda item.

CARRIED 6/0

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OC0824 11.5.6 ACCOMMODATION/MINING VILLAGE FEASIBILITY

FILE REF: 324

SUBMISSION TO: Ordinary Meeting of Council, 23 August 2012

DISCLOSURE OF INTEREST: The author has no financial interest in this matter

OWNER/APPLICANT: Shire of Laverton

AUTHOR: Glenn Bone, Project Officer

SENIOR OFFICER: Steven Deckert, Chief Executive Officer

PREVIOUS MEETING REFERENCE: Minute OC0719, 28 July 2011
Minute OC1117, 17 November 2011

MATTERS FOR CONSIDERATION:

1. The granting of an indemnification to the Department of Regional Development and Lands against any claims or costs that might arise in regard to the 'Super Lot' application for the Accommodation/Mining Village site west of the Laverton Hospital; and
2. Making a request to Main Roads WA for survey assistance in regards to possible realignment of the Bypass Road.

ATTACHMENTS: Nil

APPLICANT'S SUBMISSION: Not applicable

BACKGROUND:

Council will no doubt recall that at the November 2011 Council Meeting (Minute OC1117), the report prepared by Cardno (WA) Pty Ltd and titled "Accommodation/Mining Village Feasibility Study", was received and endorsed.

The need for the report was built on the premise that there is no land available for this type of development in Laverton and opportunities could be lost to provide a boost to the Laverton community if a land release is not progressed as soon as practicable.

It should be noted that the abovementioned report was in fact a preliminary report, as was recorded in Minute OC1117, viz:

> **That Council:**
>
> **1. Receives and endorses the report prepared by Cardno (WA) P/L titled Accommodation/Mining Village Feasibility Study (the Report) subject to the Report being updated once the Water Corporation information has been received;**
>
> **2. Notes and agrees with the recommendations of the Report, namely that there is a demonstrated demand for the availability of land suitable for accommodation villages and that the preferred site is the Unallocated Crown Land to the west of the Laverton Hospital;**

3. **Submits the Report to the Department of Regional Development and Lands as soon as the Report is finalised, requesting that DRDL undertake the necessary procedures to enable the release of the preferred site as soon as possible for future accommodation village development.**

Developments since November 2011 have been recorded in the Status Report to keep Council abreast of the subject.

Significantly, the Water Corporation information identified in item 1 of the resolution was received in January 2012. A final report was then submitted to the Department of Regional Development and Lands (RDL), on 30 March 2012.

Since then, a meeting on 15 May 2012 between the CEO and senior officers of RDL has led to positive feedback on the preferred site. Release of Crown land for a temporary workers accommodation site requires the pre-approval of the Minister for Lands before RDL can commence the land assembly process. Also, it is possible for the Shire to have management and control of the proposal under RDL's Super Lot policy (copy supplied). Essentially, the process would work in the following way:

- Under the policy it would be possible, after Ministerial approval and completion of the land assembly (including native title action), to reserve the land and grant the Shire management of the site.
- A reserve purpose of "Use and Requirements of the Shire of Laverton – Temporary Workers Site" or something similar could be considered.
- If the Shire decides to go down this path it would then allow the local government to control issues such as zoning, subdivision under the *Planning and Development Act 2005*, servicing and release of the land to an interested developer. This could be done on a staged basis with freehold available to the Shire at the completion of each stage of development. The valuation for the site would take into consideration the monies spent by the Shire when the freehold purchase price is determined.
- Should the Shire decide that it wishes to proceed under the Super Lot option, RDL will require a Council resolution and indemnification against any claims or costs.

An alternative to the forgoing would be for RDL to develop the site. However, such an approach was not their favoured approach as viability would be lacking.

A corollary issue is that the Shire may seek to re-align a section of the Bypass Road. If this is to impact the site (see attached plan), the re-alignment details will be required before the site could be subjected to the Native Title Act process. Ideally, it would be preferable to have this information now.

STATUTORY ENVIRONMENT:

Local Government Act 1995

Section 2.7(2) – Provides that Council is to oversee the allocation of local government finances and resources and to determine the local government policies; and,
Section 3.1 – Provides that the general function of the local government is to provide for the good government of persons in its district.

Land Administration Act 1997
Section 86 – The Minister may sell by private treaty the fee simple in, or lease, Crown land –
(a) to the Commonwealth or to another State or to a Territory;
(b) to any instrumentality of the Commonwealth or of a State or Territory empowered to purchase land; and
(c) subject to the *Local Government Act 1995*, to any local government.

POLICY IMPLICATIONS:
Council has no policies in regards to this matter.

FINANCIAL IMPLICATIONS:
The 2012/13 budget has a $10,000 provision for an "Investigative and Planning Study" (Account E131025 – Economic Development)

STRATEGIC IMPLICATIONS:
The Townsite Revitalisation Master Plan adopted in November 2010 provides at a high level a strategic vision for the future development of the Laverton Town Site. Within the Master Plan an area was identified for an accommodation village and was seen as strategically important for the future of the Town.

CONSULTATION:
Ken McCracken, Manager, State Lands South East,
Department of Regional Development and Lands.

COMMENT:
The Project
Whilst this item has essentially been prepared on the thrust of progressing the project to the next stage, it is appropriate at this stage to review the actual need.

At the outset there was certainly an understanding that Lynas Corporation (Mt Weld) were seeking residential accommodation within the Laverton town site. However, this position has now changed in that the company has now opted for on-site accommodation at the mine.

Currently staff are unaware of any other players who may seek an accommodation site in Laverton town, or for that matter, any others on the horizon. Consequently, while it is still open for Council to continue with the project and be ready for future demands as part of progressive thinking, it does beg the question as to need at this stage. Council may wish to reconsider this aspect. However, in balance and supported by the Feasibility Study, it is believed appropriate to continue the project.

Bypass Road
As flagged in "Background", the alignment of the Bypass Road also enters the equation. Critical aspects of this include the intersection of the Bypass Road with Beria Road and also the existing alignment of the Bypass Road itself.

It has been acknowledged in the past that a more southerly extension of the Bypass Road would be a better outcome however this too is not free from complications. These include

for example; the terrain, an appropriate intersection with Merolia Road and also the proximity of the Laverton Cemetery.

Another critical factor is that the Bypass Road is not surveyed because of the current alignment of the Bypass Road and the general implications its position has on the development proposal, it is also believed that some survey work on a Bypass Road option should be now investigated. It is felt that because of the heavy haulage nature of the Bypass Road that in the first instance, involvement of Main Roads WA, should be sought in conjunction with the Main Street Consultants, Cardno.

VOTING REQUIREMENTS:
Simple majority decision required

OC0824 COUNCIL'S DECISION/OFFICER RECOMMENDATION:

Moved Cr P Hill, Seconded Cr R Ryles

That Council:

1. **Agrees to the proposal to proceed with a 'Super Lot' application for the proposed site.**

2. **Provide an indemnification to the Department of Regional Development and Lands against any claims or costs that might arise in respect to its 'Super Lot' application for the Accommodation/Mining Village Site west of the Laverton Hospital.**

3. **Authorises the surveying of the final agreed alignment of the Bypass Road, to be determined following consultation with Main Roads WA and Cardno.**

CARRIED 5/1

Cr R Wedge requested his name be recorded as voting against the motion.

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OC0825 11.5.7 GOLDFIELDS VOLUNTARY REGIONAL ORGANISATION OF COUNCILS (GVROC) – MINUTES OF IN-PERSON MEETING HELD 25 MAY 2012 FILE REF: 83

SUBMISSION TO: Ordinary Meeting of Council, 23 August 2012

DISCLOSURE OF INTEREST: The author has no financial interest in this matter

OWNER/APPLICANT: Not applicable

AUTHOR: Steven Deckert, Chief Executive Officer

SENIOR OFFICER: Not applicable

PREVIOUS MEETING REFERENCE: Not applicable

MATTER FOR CONSIDERATION:
The Council is requested to receive the minutes of the meeting of the Goldfields Voluntary Regional Organisation of Councils (GVROC) held on 25 May 2012 as an in-person meeting at the Councillors New Conference Room, Kalgoorlie-Boulder.

ATTACHMENTS:
Attachment 11.5.7 "A" - Copy of the Minutes of the Meetings of the GVROC Meeting held on 25 May 2012.

APPLICANT'S SUBMISSION: Not applicable

BACKGROUND:
The GVROC is a voluntary regional organisation established to enhance service delivery and infrastructure for the collective and individual communities and to achieve a sustainable, cost effective model for sharing of resources. The GVROC comprises the following local governments:

Shire of Coolgardie
Shire of Dundas
City of Kalgoorlie-Boulder
Shire of Laverton
Shire of Leonora
Shire of Menzies
Shire of Ngaanyatjarraku
Shire of Wiluna
Shire of Esperance
Shire of Ravensthorpe

The objectives of the GVROC are to form a strategic alliance for the retention of infrastructure and community services, acquiring funding from government grants, economic development initiatives and private sector funding and establish and maintain effective communication and consultative mechanisms between the participating local governments on policy and processes using a management strategy.

STATUTORY ENVIRONMENT:
Local Government Act 1995
Section 2.7(2) – Provides that Council is to oversee the allocation of local government finances and resources and to determine the local government policies; and
Section 3.1 – Provides that the general function of the local government is to provide for the good government of persons in its district.

POLICY IMPLICATIONS:
Council has no policies in respect to this matter.

FINANCIAL IMPLICATIONS:
The recommendation of this report has no financial implications for Council.

STRATEGIC IMPLICATIONS:
Council's participation in and support of the GVROC is important in ensuring that Laverton has a regional voice and will be important as our preferred regional grouping of local governments in the structural reform process.

CONSULTATION:
Not applicable

COMMENT:
The minutes of the Meeting of the GVROC held in-person on 25 May 2012 are enclosed for Council's information.

The minutes are presented as an agenda item in case Council is required to consider any matter within the minutes and make a decision. While Council's delegates to the GVROC meeting can make decisions at the GVROC meeting, the GVROC cannot make decisions binding on the individual member Councils.

The following decisions of GVROC as contained within the attached minutes are brought to Council's attention for further consideration:

Item 6.2 – GVROC Budget 2012/2013
This is brought to Council's attention to ensure that Council understands that this GVROC resolution is placing financial demands on the Shire. This includes agreeing to the operational costs of the new Archives Facility being incorporated (which Council has previously agreed to support), agreeing to the annual contribution of $$11,000, agreeing to contribute $600 towards the Show Display and making a contribution of $2,500 towards general GVROC projects.

All these amounts have been incorporated into the 2012/13 Budget.

If Council is agreeable, there is no need to consider this separately as the recommendation of this report will suffice.

Item 7.2 – Goldfields Nullarbor Rangelands Biosecurity Association – Various Matters

In respect to this item, the issue of placing appropriate 1080 poison warning signs for travellers has been referred back to individual local governments.

The recommendation of this report requests that further investigation as to the need for this and anticipated costs be undertaken.

VOTING REQUIREMENTS:
Simple majority decision required

OC0825 COUNCIL'S DECISION/OFFICER RECOMMENDATION:

Moved Cr R Ryles, Seconded Cr B Fuamatu

That Council:

1. **Receives the Minutes of the Meeting of the GVROC held in-person on 25 May 2012, and notes the decisions of the GVROC Council contained within the minutes;**

2. **Endorses the decisions made at the meeting and as recorded in the Minutes of the Meeting held 25 May 2012.**

3. **In respect to Item 7.2 in the minutes – "Goldfields Nullarbor Rangelands Biosecurity Association – Various Matters" requests that further investigation be undertaken as to the need for 1080 poison warning signage and indicative costs for erecting the signage, to be referred back to Council in due course.**

CARRIED 6/0

The rest of this page has been left blank intentionally.

OC0826	11.5.8	GOLDFIELDS VOLUNTARY REGIONAL ORGANISATION OF COUNCILS (GVROC) – MINUTES OF MEETING HELD BY TELECONFERENCE ON 29 JUNE 2012	FILE REF: 83

SUBMISSION TO: Ordinary Meeting of Council, 23 August 2012

DISCLOSURE OF INTEREST: The author has no financial interest in this matter

OWNER/APPLICANT: Not applicable

AUTHOR: Steven Deckert, Chief Executive Officer

SENIOR OFFICER: Not applicable

PREVIOUS MEETING REFERENCE: Not applicable

MATTER FOR CONSIDERATION:
The Council is requested to receive the minutes of the meeting of the Goldfields Voluntary Regional Organisation of Councils (GVROC) held by teleconference on 29 June 2012.

ATTACHMENTS:
Attachment 11.5.8 "A" - Copy of the Minutes of the Meetings of the GVROC Meeting held on 29 June 2012.

APPLICANT'S SUBMISSION: Not applicable

BACKGROUND:
The GVROC is a voluntary regional organisation established to enhance service delivery and infrastructure for the collective and individual communities and to achieve a sustainable, cost effective model for sharing of resources. The GVROC comprises the following local governments:

Shire of Coolgardie
Shire of Dundas
City of Kalgoorlie-Boulder
Shire of Laverton
Shire of Leonora
Shire of Menzies
Shire of Ngaanyatjarraku
Shire of Wiluna
Shire of Esperance
Shire of Ravensthorpe

The objectives of the GVROC are to form a strategic alliance for the retention of infrastructure and community services, acquiring funding from government grants, economic development initiatives and private sector funding and establish and maintain effective communication and consultative mechanisms between the participating local governments on policy and processes using a management strategy.

STATUTORY ENVIRONMENT:
Local Government Act 1995
Section 2.7(2) – Provides that Council is to oversee the allocation of local government finances and resources and to determine the local government policies; and
Section 3.1 – Provides that the general function of the local government is to provide for the good government of persons in its district.

POLICY IMPLICATIONS:
Council has no policies in respect to this matter.

FINANCIAL IMPLICATIONS:
The recommendation of this report has no financial implications for Council.

STRATEGIC IMPLICATIONS:
Council's participation in and support of the GVROC is important in ensuring that Laverton has a regional voice and will be important as our preferred regional grouping of local governments in the structural reform process.

CONSULTATION:
Not applicable

COMMENT:
The minutes of the Meeting of the GVROC held in-person on 29 June 2012 are enclosed for Council's information.

The minutes are presented as an agenda item in case Council is required to consider any matter within the minutes and make a decision. While Council's delegates to the GVROC meeting can make decisions at the GVROC meeting, the GVROC cannot make decisions binding on the individual member Councils.

VOTING REQUIREMENTS:
Simple majority decision required

OC0826 COUNCIL'S DECISION/OFFICER RECOMMENDATION:

Moved Cr P Hill, Seconded Cr S Weldon

That Council:

1. **Receives the Minutes of the Meeting of the GVROC held by teleconference on 29 June 2012, and notes the decisions of the GVROC Council contained within the minutes;**

2. **Endorses the decisions made at the meeting and as recorded in the Minutes of the Meeting held 29 June 2012.**

CARRIED 6/0

OC0827	11.5.9	GOLDFIELDS VOLUNTARY REGIONAL ORGANISATION OF COUNCILS (GVROC) – MINUTES OF IN-PERSON MEETING HELD 1 AUGUST 2012	FILE REF: 83

SUBMISSION TO: Ordinary Meeting of Council, 23 August 2012

DISCLOSURE OF INTEREST: The author has no financial interest in this matter

OWNER/APPLICANT: Not applicable

AUTHOR: Steven Deckert, Chief Executive Officer

SENIOR OFFICER: Not applicable

PREVIOUS MEETING REFERENCE: Not applicable

MATTER FOR CONSIDERATION:
The Council is requested to receive the minutes of the meeting of the Goldfields Voluntary Regional Organisation of Councils (GVROC) held on 1 August 2012 as an in-person meeting at the Perth Exhibition and Convention Centre.

ATTACHMENTS:
Attachment 11.5.9 "A" - Copy of the Minutes of the Meetings of the GVROC Meeting held on 1 August 2012.

APPLICANT'S SUBMISSION: Not applicable

BACKGROUND:
The GVROC is a voluntary regional organisation established to enhance service delivery and infrastructure for the collective and individual communities and to achieve a sustainable, cost effective model for sharing of resources. The GVROC comprises the following local governments:

Shire of Coolgardie
Shire of Dundas
City of Kalgoorlie-Boulder
Shire of Laverton
Shire of Leonora
Shire of Menzies
Shire of Ngaanyatjarraku
Shire of Wiluna
Shire of Esperance
Shire of Ravensthorpe

The objectives of the GVROC are to form a strategic alliance for the retention of infrastructure and community services, acquiring funding from government grants, economic development initiatives and private sector funding and establish and maintain effective communication and consultative mechanisms between the participating local governments on policy and processes using a management strategy.

STATUTORY ENVIRONMENT:
Local Government Act 1995
Section 2.7(2) – Provides that Council is to oversee the allocation of local government finances and resources and to determine the local government policies; and
Section 3.1 – Provides that the general function of the local government is to provide for the good government of persons in its district.

POLICY IMPLICATIONS:
Council has no policies in respect to this matter.

FINANCIAL IMPLICATIONS:
The recommendation of this report has no financial implications for Council.

STRATEGIC IMPLICATIONS:
Council's participation in and support of the GVROC is important in ensuring that Laverton has a regional voice and will be important as our preferred regional grouping of local governments in the structural reform process.

CONSULTATION:
Not applicable

COMMENT:
The minutes of the Meeting of the GVROC held in-person on 1 August 2012 are enclosed for Council's information.

The minutes are presented as an agenda item in case Council is required to consider any matter within the minutes and make a decision. While Council's delegates to the GVROC meeting can make decisions at the GVROC meeting, the GVROC cannot make decisions binding on the individual member Councils.

The following decisions of GVROC as contained within the attached minutes are brought to Council's attention for further consideration:

Item 7.1 – 2012/13 Country Local Government Fund – Regional Allocations
Council would be aware that the Shires of Laverton and Ngaanyatjarraku had formed their own regional grouping for the purposes of expending our 2010/11 and 2011/12 CLGF Regional allocations. Originally the two Shires wished to put these funds towards a short-stay Aboriginal accommodation facility in Laverton, however following a lack of support from the AACC this project could not proceed. Consequently, the funding has been put towards two sealing projects on the Outback Way.

The third year of CLGF Regional Funding is now available however before funding can be accessed, regional groups must first submit a business case for approval. GVROC has commenced consideration of this matter at their meeting on 1 August 2012 and resolved as per item 7.1 in the attached minutes. Essentially this is proposing that a new regional alternative energy project be submitted along with previously considered projects of regional waste management and the Norseman Gateway (Visitors Centre).

One of the considerations for this Shire is whether to stay in the grouping with Shire of Ngaanyatjarraku or consider moving back into the broader GVROC group. It is also worth investigating if we can stay in our grouping with the Shire of Ngaanyatjarraku but direct

some of our regional funding into the broader group is the Shire is supportive of any of their proposed projects.
At this stage there has not been any formal discussions with Shire of Ngaanyatjarraku on this however informally, they have indicated that their "shovel ready" project is extensions to the Art Gallery in Warburton. From our perspective the Main Street Project will be shovel ready and as a fall-back for both Shires is further sealing works on the Outback Way. It is anticipated that the 2012/13 regional funding for the two shires will be in the vicinity of $1.02M

Another contributing factor that would assist in decision making is whether there will be any further CLGF regional funding rounds after the current year. If there was then Council could look at supporting other proposals this year on the proviso the following year could be directed towards a Laverton project.

In reviewing the GVROC resolution, Council needs to weigh up the proposed GVROC projects and determine whether they are worth supporting, or, to stay in our own region with Shire of Ngaanyatjarraku and if so determine which project/s should be supported. The regional alternative energy project and the Norseman Gateway project both have merit and worthy of support.

The recommendation of this report is framed around staying in a regional grouping with Shire of Ngaanyatjarraku but investigating whether some of our regional funds can be directed towards the GVROC grouping.

VOTING REQUIREMENTS:
Absolute majority decision required

OC0827 COUNCIL'S DECISION/OFFICER RECOMMENDATION:

Moved Cr S Weldon, Seconded Cr R Ryles

That Council:

1. **Receives the Minutes of the Meeting of the GVROC held in-person on 1 August 2012, and notes the decisions of the GVROC Council contained within the minutes;**

2. **Endorses the decisions made at the meeting and as recorded in the Minutes of the Meeting held 1 August 2012.**

3. **In respect to Item 7.1 – 2012/13 Country Local Government Fund – Regional Allocations:**

   a. **Concurs with and supports the general direction of the GVROC decision;**

   b. **Supports in-principle the proposed GVROC Alternative Energy and Norseman Gateway projects along with a project in this sub-region;**

c. **In assisting to make a final decision, seek clarification from the Department of Regional Development and Lands as to firstly whether the CLGF Regional Funding Programme will be continuing past 2012/13 and whether a regional grouping can allocate funds between their region and an adjoining region; and**

d. **Delegate authority to the CEO to meet with the Shire of Ngaanyatjarraku to determine the project/s for the 2012/13 CLGF Regional funding with Council's preference that an appropriate amount be directed, if possible, towards the GVROC projects of Alternative Energy and the Norseman Gateway as well as the Warburton Art Gallery extensions providing that 2013/14 funding is available and can be spent on a project in Laverton.**

CARRIED BY ABSOLUTE MAJORITY 5/1

Cr P Hill requested his name be recorded as voting against the motion.

Mr D McKinley left the meeting at 6.23pm.

Mr D McKinley re-entered the meeting at 6.23pm.

The rest of this page has been left blank intentionally.

OC0828 11.5.10 BUSH FIRE NOTICE – 2012/13 FILE REF: 312

SUBMISSION TO: Ordinary Meeting of Council, 23 August 2012

DISCLOSURE OF INTEREST: The author has no financial interest in this matter

OWNER/APPLICANT: Shire of Laverton

AUTHOR: Glenn Bone, Project Officer

SENIOR OFFICER: Steven Deckert, Chief Executive Officer

PREVIOUS MEETING REFERENCE: Not applicable

MATTER FOR CONSIDERATION:
Adoption of the 2012/13 Bush Fire Notice.

ATTACHMENTS:
Attachment 11.5.10 "A" – Draft 2012/13 Bush Fire Notice

APPLICANT'S SUBMISSION: Not applicable

BACKGROUND:
It is apparent that the Shire's approach to fire preventative measures (*Bush Fires Act 1954*) in past years has not been fully compliant.

Last year the Shire had put into effect a Firebreak Notice to combat town site fire hazards; however these requirements were not formally adopted by Council.

Good local rainfall this year has resulted in strong grass growth and the presence of obvious fire hazards around the town. It is therefore prudent for Council to approach this risk in a responsible manner and for the Shire to issue an appropriate Bush Fire Notice to owners and occupiers of land in the Laverton town site.

STATUTORY ENVIRONMENT:
Local Government Act 1995
Section 2.7(2) – Provides that Council is to oversee the allocation of local government finances and resources and to determine the local government policies; and
Section 3.1 – Provides that the general function of the local government is to provide for the good government of persons in its district.

Bush Fires Act 1954

Section 33

(1) Subject to subsection (2) A local government at any time, and from time to time, may, and if so required by the Minister shall, as a measure for preventing the outbreak of a bush fire, or for preventing the spread or extension of a bush fire which may occur, give notice in writing to an owner or occupier of land situate within the district of the local government or shall give notice to all owners or occupiers of land in its district by publishing a notice in the Government Gazette and in a newspaper circulating in the area requiring him or them as the case may

be within a time specified in the notice to do or to commence to do at a time so specified all or any of the following things –

(a) To plough, cultivate, scarify, burn or otherwise clear upon the land fire-breaks in such manner, at such places of such dimensions, and to such number , and whether in parallel or otherwise, as the local government may and is hereby empowered to determine and as are specified in the notice, and thereafter to maintain the fire-breaks clear of inflammable matter;

(b) To act as and when specified in the notice with respect to anything which is upon the land, and which in the opinion of the local government or its duly authorised officer, is or is likely to be conducive to the outbreak of a bush fire or the spread or extension of a bush fire,

and the notice may require the owner or occupier to do so –

(c) As a separate operation, or in co-ordination with any other person, carrying out a similar operation on adjoining or neighbouring land; and

(d) In any event , to the satisfaction of either the local government or its duly authorised officer, according to which of them is specified in the notice.

(2) A notice in writing under subsection (1) may be given to an owner or occupier of land by posting it to him at his last postal address known to the local government and may be given to an owner of land by posting it to him at the address shown in the rate record kept by the local government pursuant to the *Local Government Act 1995*, as his address for the service of rate notices.

(2a) …..

(3) …..

(4) Where an owner or occupier of land who has received notice under subsection (1) fails or neglects to comply with the requisitions of the notice within the time specified in the notice –

(a) The local government may direct its bush fire control officer, or any other officer of the local government, to enter upon the land of the owner or occupier and to carry out the requisitions of the notice which have not been complied with; and

(b) The bush fire control officer or other officer may, in pursuance of the direction, enter upon the land of the owner or occupier with such servants, workmen, or contractors, and with such vehicles, machinery, and appliances as he deems fir, and may do such acts, matters and things as may be necessary to carry out the requisitions of the notice.

(5) The amount of any costs and expenses incurred by the bush fire control officer or other officer in doing the acts, matters, or things provided for in subsection (4) –

(a) Shall be ascertained and fixed by the local government and a certificate signed by the mayor or president of the local government shall be *prima facie* evidence of the amount; and

(b) May be recovered by the local government in any court of competent jurisdiction as a debt due from the owner or occupier of land to the local government.

POLICY IMPLICATIONS:

Council has no policies in regards to this matter.

FINANCIAL IMPLICATIONS:
The only tangible "Financial Implications" that can be identified are:

- A small advertising cost in the "*Kalgoorlie Miner*" and "*Sturt Pea*" in respect to the imposition of the Bush Fire Notice.
- A small distribution cost (with the annual rates notice), of the Bush Fire Notice.
- An inspection cost in regard to properties in Laverton town site and identification of fire hazards (as was done last year).
- The likely issue of some Infringement Notices through non-compliance to the requirements of the Bush Fire Notice.

STRATEGIC IMPLICATIONS:
Not applicable

CONSULTATION:
None at this stage however this will occur with the issue of rate notices and advertisements in the "*Kalgoorlie Miner*", "*Sturt Pea*" and Shire Noticeboards.

COMMENT:
Most local governments each year adopt a Bush Fire Notice tailored to the local conditions and needs of their district.

A Bush Fire Notice is similar in operation to a local law. Once adopted, there is a duty to enforce the requirements for the good governance of all in the community. To do otherwise would be negligent.

The attached draft 2012/13 Bush Fire Notice is submitted for approval. Much of the material has a prescribed element. For example, Council has no discretion to vary the restricted and prohibited burning times.

However, there is discretion to prescribe what type of fire preventative or hazard reduction measures should be taken and what dates these are to apply to. To this end the fire preventative measures recommended have moved away from the old approach of prescribing firebreaks. By just having a firebreak around the perimeter of a lot, there may still be a quantity of flammable material in the middle. This of course, would be an undesirable result.

Most local governments now see the merit in requiring the removal of flammable material from the whole lot.

VOTING REQUIREMENTS:
Simple majority decision required

OC0828 COUNCIL'S DECISION/OFFICER RECOMMENDATION:

Moved Cr L Hawkins, Seconded Cr S Weldon

That the draft 2012/13 Bush Fire Notice as appended (Attachment 11.5.10 "A"), be adopted.

CARRIED 6/0

Mrs L Barnes and Mr B Taiki left the meeting at 6.30pm.

OC0829 11.5.11 AUTHORISED OFFICER APPOINTMENTS FILE REF: 262

SUBMISSION TO: Ordinary Meeting of Council, 23 August 2012

DISCLOSURE OF INTEREST: The author has no financial interest in this matter

OWNER/APPLICANT: Not applicable

AUTHOR: Glenn Bone, Project Officer

SENIOR OFFICER: Steven Deckert, Chief Executive Officer

PREVIOUS MEETING REFERENCE:
Minute OC0707, 17 July 2008
Minute OC0711, 22 July 2010
Minute OC0712, 22 July 2010
Minute OC1110, 18 November 2010

MATTER FOR CONSIDERATION:
Appointment of various staff members as "authorised officers" and to other positions as identified.

ATTACHMENTS: Nil

APPLICANT'S SUBMISSION: Not applicable

BACKGROUND:
Local governments have a role to appoint officers and other persons to act in various positions prescribed by legislation.

Recent staff changes and also others of an earlier vintage have brought about a need to update various "authorised officer" appointments.

STATUTORY ENVIRONMENT:
Local Government Act 1995
Section 2.7(2) – Provides that Council is to oversee the allocation of local government finances and resources and to determine the local government policies; and,
Section 3.1 – Provides that the general function of the local government is to provide for the good government of persons in its district.

Bush Fires Act 1954
Section 38.(1) – A local government may from time to time appoint such persons as it thinks necessary to be its bush fire control officers under and for the purposes of this Act, and of those officers shall subject to section 38A(2) appoint 2 as the Chief Bush Fire Control Officer and the Deputy Chief Bush Fire Control Officer who shall be first and second in seniority of those officers, and subject thereto may determine the respective seniority of the other bush fire control officers appointed by it.

Section 38.(2A) – The local government shall cause notice of an appointment made under the provisions of subsection (1) to be published at least once in a newspaper circulating in its district.
Section 38.*[(b) deleted]*
Section 38.(2C) – The local government shall fill any vacancy occurring in the office of Chief Bush Fire Control Officer or Deputy Chief Bush Fire Control Officer within one month after the vacancy occurs and if the local government fails or neglects to do so within that time, the Authority may by notice in writing require the local government to appoint a person to the vacant office within one month after service on it of such notice.

Dog Act 1976
Section 11 - Provides that a local government may establish and maintain one or more public pounds and may appoint fit and proper persons to administer those pounds.
Section 29(1) – Provides that a local government may appoint persons to exercise the powers conferred on an authorised person by this Act.

POLICY IMPLICATIONS:
Council has no Policies in relation to this matter

FINANCIAL IMPLICATIONS:
The recommendation of this report has no financial implications for Council.

STRATEGIC IMPLICATIONS:
Not applicable

CONSULTATION:
Not applicable

COMMENT:
With the departure of Peter Crawford the Shire needs to once again address appointment requirements for the position of Chief Bush Fire Control Officer (CBFCO). As the Executive Manager Technical Services (EMTS) has filled this role since July 2008, it is appropriate to again designate the new EMTS to this position.

It is also appropriate to address appointment needs pursuant to the *Dog Act 1976*. The last round of appointments for this sector took place in November 2010.

The following changes pursuant to the *Dog Act 1976* now need to be put in place:

Appointment as “Dog Registration Officer”
- Lynda Barnes
- Sean Wells

Description of duties – “licensing of dogs”

Appointment as “Ranger”, and “Poundkeeper”
- David McKinley

Description of duties – “seize, detain and dispose of dogs”, “impound dogs” and “issue of Dog Act infringements”

Revoke appointment of:
- Mette Spencer
- Krystal Radei
- Peter Crawford

VOTING REQUIREMENTS:
Simple majority decision required

OC0829 COUNCIL'S DECISION/OFFICER RECOMMENDATION:

Moved Cr L Hawkins, Seconded Cr P Hill

That Council:

1. **Pursuant to section 38(1)(c) of the *Bush Fires Act 1954*, appoint David McKinley as Chief Bush Fire Control Officer and revoke appointment of Peter Crawford.**

2. **Pursuant to section 29(1) of the *Dog Act 1976*, make the following appointments:**

   - **As "Dog Registration Officer"**
     - **Lynda Barnes**
     - **Sean Wells**

     Description of duties – "licensing of dogs"

   - **As "Ranger" and "Poundkeeper"**
     - **David McKinley**

     Description of duties – "seize, detain and dispose of dogs", "impound dogs" and "issue of Dog Act infringements"

3. **Pursuant to section 29(1) of the *Dog Act 1976*, revoke the appointments of:**
   - **Mette Spencer**
   - **Krystal Radei**
   - **Peter Crawford**

CARRIED 6/0

The rest of this page has been left blank intentionally.

Declaration of Interest

Cr R Wedge declared an Impartial Interest pursuant to *Local Government Act 1995*, in the following Item 11.5.12 as Cr R Wedge is the President of the Laverton Race Club.

OC0830	11.5.12	LAVERTON RACE CLUB	FILE REF: 248

SUBMISSION TO: Ordinary Meeting of Council, 23 August 2012

DISCLOSURE OF INTEREST: The author has no financial interest in this matter.

OWNER/APPLICANT: Laverton Race Club

AUTHOR: Deanne Prior, Executive Manager Corporate & Community Services

SENIOR OFFICER: Steven Deckert, Chief Executive Officer

PREVIOUS MEETING REFERENCE: Not applicable

MATTER FOR CONSIDERATION:
To consider the application from the Laverton Race Club to hold their Annual Race Day at the Laverton Racecourse on Sunday, 21 October 2012.

ATTACHMENTS:
Attachment 11.5.12 "A" – Letter from Laverton Race Club.

APPLICANT'S SUBMISSION: Not applicable

BACKGROUND:
The Laverton Race Club holds an annual race meeting. They are formally requesting permission to again hold the meeting this year.

STATUTORY ENVIRONMENT:
Local Government Act 1995
Section 2.7(2) – Provides that Council is to oversee the allocation of local government finances and resources and to determine the local government policies; and,
Section 3.1 – Provides that the general function of the local government is to provide for the good government of persons in its district.

POLICY IMPLICATIONS:
Council has no policies in respect to this matter.

FINANCIAL IMPLICATIONS:
The recommendation of this report has no financial implications for Council.

STRATEGIC IMPLICATIONS:
Not applicable

CONSULTATION:
Not applicable

COMMENT:
As the land which the race club is situated is vested in the Shire, the club is formally requesting permission from Council to hold their annual race day meeting.

VOTING REQUIREMENTS:
Simple majority decision required.

OC0830 COUNCIL'S DECISION/OFFICER RECOMMENDATION

Moved Cr P Hill, Seconded Cr Hawkins

That Council agrees to the request from the Laverton Race Club to hold their annual race meeting on Sunday, 21 October 2012 at the Laverton Racecourse.

CARRIED 6/0

The rest of this page has been left blank intentionally.

OC0831	11.5.13	LAVERTON INTER AGENCY FORUM (LIAF) – MINUTES OF MEETING HELD 10 JULY 2012	FILE REF: 254

SUBMISSION TO: Ordinary Meeting of Council, 23 August 2012

DISCLOSURE OF INTEREST: The author has no financial interest in this matter

OWNER/APPLICANT: Not applicable

AUTHOR: Steven Deckert, Chief Executive Officer

SENIOR OFFICER: Not applicable

PREVIOUS MEETING REFERENCE: Minute OC1017, 20 October 2011

MATTER FOR CONSIDERATION:
To receive the minutes of the LIAF Meeting held on 10 July 2012 and consider any matters raised specifically dealing with the Shire of Laverton.

ATTACHMENTS:
Attachment 11.5.13 "A" - Minutes of the LIAF Meeting held on 10 July 2012.

APPLICANT'S SUBMISSION: Not applicable

BACKGROUND:
At the Ordinary Meeting of Council on 20 October 2011, Council received correspondence from a core group of members of LIAF that were undertaking a review of LIAF to make it more relevant. Council considered the outcomes of the review and endorsed its commitment when it resolved:

That Council:

1. **Support the outcomes of the LIAF Review Working Group and commit to the following:**

    a. **To be a "core" member of LIAF**
    b. **To Chair the LIAF meetings and the chairman be a Councillor of the Shire**
    c. **To undertake the secretariat role with the assistance of the GEDC**
    d. **To commit to the goals and objectives of LIAF as outlined in the "Terms of Reference" and this commitment entails:**

        (i) **Attending or being represented at all meetings of LIAF, as a Core member.**
        (ii) **Ensuring that the Shire will be represented at LIAF meetings by senior Councillors and staff.**
        (iii) **Acknowledge the objectives of LIAF as set out and in the Terms of Reference.**
        (iv) **Agreeing that the Shire will formally receive the minutes of LIAF and consider the action items contained within the minutes.**

(v) Agreeing that the Shire will formally consider any communication from LIAF including Minutes from LIAF Meetings, where something is requested of the Shire and respond to LIAF in a timely manner.

(vi) Agree to participate willingly and work proactively to ensure that LIAF meets its objectives and is seen positively by all stakeholders as a professional group endeavouring to improve the lifestyle and well-being of all residents of Laverton.

2. Review this commitment on an ongoing basis to determine whether continued support is warranted.

CARRIED 6/0

A meeting of LIAF based on the above review and commitment, was held on 10 July 2012. Council is requested to receive the minutes of that meeting and deal with any matters recorded in the minutes that require consideration by Council

STATUTORY ENVIRONMENT:
Local Government Act 1995
Section 2.7(2) – Provides that Council is to oversee the allocation of local government finances and resources and to determine the local government policies; and
Section 3.1 – Provides that the general function of the local government is to provide for the good government of persons in its district.

POLICY IMPLICATIONS:
Council has no policies in respect to this matter.

FINANCIAL IMPLICATIONS:
The recommendation of this report has no financial implications for Council.

STRATEGIC IMPLICATIONS:
Council has indicated its support and commitment to LIAF in order to provide a forum at which all service providers for Laverton can meet and progress the objectives of LIAF to the benefit of the Laverton community.

CONSULTATION:
Not applicable

COMMENT:
The main item from the LIAF Meeting minutes to bring to Council's attention is item "6.1 Proposed Aboriginal Short Stay Accommodation Facility – Lack of support from AACC and LIAF" where LIAF resolved:

1. **That LIAF notes that the development of the proposed Laverton Aboriginal Short-stay accommodation facility is not going to proceed due to a lack of commitment from the AACC and LIAF;**

2. **That the members of LIAF note the decisions of Council made at the Shire of Laverton Council Meeting held on 21 June 2012;**

3. **That the Shire convenes a meeting of the Core LIAF members to review the operations of LIAF as soon as practicable.**

CARRIED

The main aspect of the decision to consider is point 3 of the above decision. The Chairman of LIAF (Cr R Wedge) has agreed to cancel any further meetings of LIAF until such time as the review required by point 3 has been undertaken. At this stage it has been difficult to get all the Core group members together to conduct the review. It is anticipated that this should occur by mid to late September 2012. Whatever the outcome of the revue, it is hoped that it will provide for some action-based outcomes rather than the current round the table "discussion".

Unless Council wants to provide any further direction on this matter, the recommendation of this report is suffice to enable the LIAF review to progress.

VOTING REQUIREMENTS:
Simple majority decision required

OC0831 COUNCIL'S DECISION/OFFICER RECOMMENDATION:

Moved Cr R Ryles, Seconded Cr P Hill

That Council:

1. **Receives the Minutes of the Laverton Inter Agency Forum meeting held in the Council Chambers, Laverton on 10 July 2012 and notes the outcomes of that meeting as contained within the Minutes; and**

2. **Endorses the decisions made at that meeting and as recorded in the Minutes of the meeting held 10 July 2012.**

CARRIED 6/0

The rest of this page has been left blank intentionally.

12. ELECTED MEMBERS MOTION OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

There are no motions from Elected Members of which previous notice has been given.

13. NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF THE MEETING

PROCEDURAL MOTION – COUNCIL DECISION

Moved Cr R Ryles, Seconded Cr L Hawkins

That Council considers the following items of new business of an urgent nature introduced by decision of the meeting:

13.1 Main Street Project Concept Designs – Consideration of final plans for adoption following site inspection.

13.2 Outback Highway Development Council – Request for transfer of funds.

CARRIED 6/0

OC0832 13.1 MAIN STREET PROJECT CONCEPT DESIGNS – CONSIDERATION OF FINAL PLANS FOR ADOPTION FOLLOWING SITE INSPECTION

File Ref: 566

SUBMISSION TO:	Ordinary Meeting of Council, 23 August 2012
DISCLOSURE OF INTEREST:	The author has no financial interest in this matter
OWNER/APPLICANT:	Not applicable
AUTHOR:	Steven Deckert, Chief Executive Officer
SENIOR OFFICER:	Not applicable
PREVIOUS MEETING REFERENCE:	Minute SC0705, 9 July 2012 Minute OC0716, 26 July 2012

MATTER FOR CONSIDERATION:
To consider endorsing the final Concept Plans for the Main Street Project comprising civil engineering and landscape plans following the site inspection held on 20 August 2012, with or without amendment.

ATTACHMENTS:
Attachment 13.1 "A" – Cardno's email and schedule of outcomes from the site meeting held 20 August 2012 – including the CEO's comments back to Cardno.
Attachment 13.1 "B" – Overall Site Plan
Attachment 13.1 "C" – Stage 1A – Preliminary Cost Estimates

APPLICANT'S SUBMISSION: Not applicable

BACKGROUND:
Council considered a number of revised concept plans for the Main Street Project at the Special Meeting on 9 July 2012 and resolved:

That Council:

1. **Adopts, in-principle, the draft concept plans as tabled at this meeting and as amended to form the final concept plans;**
2. **Requests Cardno to provide a full set of final concept plans for formal adoption at the Ordinary Meeting of Council on 26 July 2012**

This matter was then considered further at the Ordinary Meeting on 26 July 2012, where Council resolved:

That Council:

1. **Adopts, in-principle, the draft concept plans as tabled at this meeting and as amended to form the final concept plans;**

2. **Requires a review of the proposed intersection of the Laverton-Leonora Road and the Heavy Haulage Bypass Road taking into account MRWA's short-term options;**

3. **Requests Cardno to come to Laverton as soon as possible to meet with Council on-site to explain the concept plans in more detail to ensure Council clearly understands the design concepts.**

A site meeting with Cardno was held on 20 August 2012 pursuant to point 3 above. As an outcome of the site inspections and discussions, Cardno has provided a schedule summarising the discussions and Council is now required to provide feedback to Cardno in order to commence preparation of the detailed design plans.

STATUTORY ENVIRONMENT:
Local Government Act 1995
Section 2.7(2) – Provides that Council is to oversee the allocation of local government finances and resources and to determine the local government policies; and
Section 3.1 – Provides that the general function of the local government is to provide for the good government of persons in its district.

POLICY IMPLICATIONS:
Council has no policies in respect to this matter.

FINANCIAL IMPLICATIONS:
The recommendation of this report has no financial implications for Council.

STRATEGIC IMPLICATIONS:
It is important to ensure that the final concept plans reflect the Council's desired outcomes for this project.

CONSULTATION:
Councillors
Senior Staff
Cardno

COMMENT:
The site meeting on Monday 20 August 2012 with Cardno representatives Aidan Rooney and Jeff Allot was attended by Councillors Wedge, Hawkins, Hill (office discussions only) and Fuamatu (site inspection only) as well as the CEO, EMTS and EMCCS.

This proved to be a worthwhile exercise for all concerned. As an outcome of the site inspection and discussions, Cardno has provided a schedule of the points discussed and requires some feedback and direction from Council in order to proceed. Please refer to Cardno's email of 22 August 2012 with the attached design review schedule (Attachment 13.1 "A"). This attachment also incorporates the CEO's initial comments back to Cardno for Council's information.

Cardno has advised that once they get the necessary feedback, they will then proceed to preliminary design (80% complete) for final endorsement to complete the final designs to be issued with the construction tender documentation.

In order to proceed, Council is required to provide Cardno with:

- Feedback on the 24 items listed in the Design Review Schedule
- Locations of the entry statements
- Location of the western visitor/road train parking area
- Council's preferred option for the treatment of the By-pass Road intersection
- Council's preferred order of priority of works
- Feedback on the concept plans subject to the foregoing

There are also a number of external factors that have some implications on developing the final concept and these include;

- Receiving advice on the success or otherwise of Council's application for financial assistance to underground the power lines in Augusta Street;
- Receiving advice on the success or otherwise of Council's application for a grant for the development of a Flood Management Plan;
- Reaching agreement with Main Roads WA on the treatment of the By-pass intersection.

Having this information available is very important to enable some informed decision making before locking in the final design. Enquiries have been made with the various agencies however at the time of preparing this agenda report; only verbal advice from MRWA had been received. It is hoped that further information will be received in time for the meeting.

Council is requested to consider and advise on:

Feedback on the 24 items listed in the Design Review Schedule
Council needs to consider some specific items from the list of 24 items which will be dealt with separately following. It is recommended that the feedback provided by the CEO on the remaining items be endorsed.

Locations of the entry statements
Refer to Attachment 13.1 "B" which provides an overview of the project area. This plan proposes the locations of the western and eastern entry statements in the vicinity of the Sturt Pea Drive intersections (highlighted in pink). Also indicated in pink is the location of the LIA entry statement which will follow the same theme as the main town entry statements except on a smaller scale. These locations seem appropriate and it is recommended to endorse these locations.

Council may also wish to consider town entry statements on the other approach roads in to town such as Old Laverton Road, Merolia Road, White Cliffs Road and Mt Weld Road. Once again, this can be on the same theme as the main entry statements but on a smaller scale.
Location of the western visitor/road train parking area
On-site inspections raised concerns that the preferred location of the western visitor/road train parking area may impact Skull Creek flood flows in this area. An alternative location on the western side of the Leonora – Laverton Road was considered if the Flood Management plan was not available – this is highlighted in green on Attachment 13.1 "B".

Council needs to provide direction to Cardno on which option is to be progressed. It would certainly make decision-making easier if we had a flood management plan due to the uncertainty of the impact of the parking area. The initial preferred site is preferential from a vehicle use/access perspective; however we don't want this washed away in big floods or cause flood waters to bank up.

The recommendation is to go with the alternative site on the western side of the road. It is likely that this aspect of the overall project is not going to be the highest priority, so could be reviewed at a later date if the flood management plan is completed.

Council's preferred option for the treatment of the By-pass Road intersection
There are two broad options for the treatment of this intersection. These are:

1. Revise the existing alignment with minor upgrading to improve safety and traffic movement; or
2. Major redesign to make the road south the main through road with the road in to town becoming a subsidiary road.

The general consensus, taking into account cost effectiveness, managing vehicle speeds and safety, has been option 1, requiring only minor redesign of the current intersection.

Verbal advice from MRWA indicates that their report, as presented to the previous Council meeting is simply providing various concepts and options for consideration. They have no funding set aside for major works (though some funding may be available for minor redesign) and MRWA would not progress anything without the Shire's agreement (and involvement with funding). On this basis, the recommendation has been framed to retain the current configuration and to undertake minor works to improve traffic movement and safety through consultation with Cardno and MRWA.

Council's preferred order of priority of works

While Council has required the consultants to provide recommendations on staged works, Cardno are requesting an indication of what Council sees as the priority projects to assist them in the planning.

There are three sub-project areas within the larger project area. These are:

1. Western approach (Leonora – Laverton Road)
2. Main Street (Augusta Street)
3. Eastern approach (Great Central Road)

Both approach sections would benefit from the flood management plan, so it may be appropriate to discuss this with Cardno to defer final design until the flood management plan is completed. This however may be difficult due to the unknown timing which could be several months.

Taking this into account, it is advisable to focus on the Main Street section in the first instance. The 2012/13 Budget provides $2.325M (including project management fees) to commence works on the priority projects. Cardno's preliminary cost estimates as included in their Stage 1A Report (Attachment 13.1 "C") indicates a cost in the vicinity of $3.2M for the Main Street section including the long-vehicle parking area to the rear of the Great Beyond. These figures will be further refined once the 80% detailed design plans are prepared.

The outcome of the underground power application will have some impact on available funds and priority projects within the Main Street area, however until the outcome of the application is known, we should progress the design on the basis that the funding will not be available.

When we get to the point of calling tenders, further decisions can be made at that time based on the updated information available to determine priority projects within Main Street if this becomes necessary.

Feedback on the concept plans subject to the foregoing

There seemed to be a general consensus following the discussions and site inspections on 20 August 2012 that everyone was happy with the overall concepts and designs as proposed in the plans provided by Cardno, subject to resolution of the foregoing matters. Subject to the recommendations of this report, Cardno will be able to progress initially the detailed design plans (to 80%) for the Main Street section and the western approach from Alderstone Street (Stage 1). The balance of the western approach (Stage 2) and the eastern approach will follow sometime after.

Project Management

It is also prudent to consider how we are to manage the project in order to achieve the best possible outcome from the available funds.

While we potentially have the internal ability to undertake this project, these staff have a number of other responsibilities and tasks to undertake so would not have the time available to project manage this scale of project. Therefore, it is being recommended that the CEO seek expressions of interest form properly qualified and experienced project managers to undertake this task on behalf of the Shire. The scope of works is to be decided, however could include tender preparation and selection, preparation of contract documentation, superintendence of works and signing off on invoices.

VOTING REQUIREMENTS:
Simple majority decision required

OC0832 COUNCIL'S DECISION/OFFICER RECOMMENDATION:

Moved Cr L Hawkins, Seconded Cr R Ryles

That Council:

1. **In order to progress the concept design planning for the Main street Project, advise Cardno that Council:**

   a) **Agrees to the locations of all entry statements as indicated on the Overall Site Plan LS202 (Attachment 13.1 "B") and proceed with design development as part of stage one design;**

   b) **Agrees to site the western visitor/road train parking area on the western side of the Leonora-Laverton Road opposite the light industrial area in lieu of the original preferred site providing that a traffic movement study does not indicate anything adverse and there is still an opportunity to relocate the parking area to the original preferred location should a flood management plan be completed which indicates that it will not impact on flood flows.**

   c) **Determines that its preference for the By-pass intersection is to retain the current configuration and then with the assistance of Cardno to propose a preferred redesign that improves safety and traffic movement to Main Roads WA for their approval (and potential financial commitment) by the end of September 2012.**

   d) **Confirms that its preference is to focus on the Main Street (Augusta Street) and the western approach from Alderstone Street (north) to the roundabout as the stage one detailed design utilising the available funding in the 2012/13 Budget, and that prioritisation of works will be undertaken closer to the time tenders are called based on the available information at that time including the outcome of the underground power application.**

   e) **Undertakes to work with Cardno to progress the detailed design for the remainder of the western approach (stage two) and for the eastern approach (stage three) in a timely manner.**

   f) **Endorses the comments from the CEO to Cardno in respect to the 24 items raised at the site meeting on 20 August 2012 in an email to Cardno on 23 August 2012 (Attachment 13.1 "A")**

g) Is agreeable to endorse the concept plans as prepared by Cardno and previously considered by Council on 26 July 2012 and as amended by the foregoing, to form the basis of the final designs to be issued with the construction tender documentation on the understanding that Cardno will be submitting preliminary plans (80% complete) for final consideration.

2. Request the CEO to seek expressions of interest from suitable contractors/consultancy firms to provide a comprehensive project management service to oversee this project on behalf of the Shire and refer the matter back to Council for consideration.

CARRIED 6/0

Mrs L Barnes re-entered the meeting at 6.40pm.

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OC0833 13.2 OUTBACK HIGHWAY DEVELOPMENT COUNCIL – REQUEST FOR TRANSFER OF FUNDS File Ref: 22

SUBMISSION TO: Ordinary Meeting of Council, 23 August 2012

DISCLOSURE OF INTEREST: The author has no financial interest in this matter

OWNER/APPLICANT: OHDC Inc.

AUTHOR: Deanne Prior, Executive Manager Corporate & Community Services

SENIOR OFFICER: Steven Deckert, Chief Executive Officer

PREVIOUS MEETING REFERENCE: Not applicable

MATTER FOR CONSIDERATION:
To consider the transfer funds held on behalf of the OHDC Inc. in the Shire of Laverton's Municipal Cheque Account and Trust Bank Account, to OHDC Inc.

ATTACHMENTS:
Attachment 13.2 "A" - Letter from Chairman of Outback Highway Development Council Inc. The letter is not dated but was received by email Thursday 23 August 2012.

APPLICANT'S SUBMISSION:
Not applicable

BACKGROUND:
The Shire of Laverton has been managing the finances for the OHDC Inc. for many years. The management of finances included the payment of accounts, issuing of invoices, preparing financial reports and arranging for the accounts to be audited. There have been various discussions in recent years about the management of the finances being handed over to the OHDC. There have been a few delays in achieving this but it has been agreed that now is an appropriate time for the Shire to hand over the financial management to them. This will allow the General Manager of the OHDC Inc. to have a better control and understanding of their finances.

There are several bank accounts held by the Shire of Laverton for the Outback Way which include the Outback Way Integrated Tourism Account and the Outback Highway Development Fund. The bank account for the Outback Highway Development Fund will remain with the Shire as this account relates to grant funding received from the Federal Government. If further funds are made available for works on the Outback Way it will be necessary for a local government authority to receive the funds and take responsibility for the acquittal of funds. The letter from the OHDC Inc. requests the Outback Way Integrated Tourism Funds and the operational funds to be transferred to them.

The OHDC Inc. is holding its Annual General Meeting on Wednesday 29 August and would like to have this matter resolved before their AGM.

STATUTORY ENVIRONMENT:
Local Government Act 1995
- Section 2.7(2) – Provides that Council is to oversee the allocation of local government finances and resources and to determine the local government policies; and
- Section 3.1 – Provides that the general function of the local government is to provide for the good government of persons in its district.

POLICY IMPLICATIONS:
Council has no policies in respect to this matter.

FINANCIAL IMPLICATIONS:
The 2012/13 budget has taken into consideration the funds held on behalf of OHDC Inc. in the Municipal Account.

STRATEGIC IMPLICATIONS:
Not applicable

CONSULTATION:
Helen Lewis, General Manager, OHDC Inc.
Paul Breman and Mandy Wynne, UHY Haines Norton

COMMENT:
Advice from Paul Breman and Mandy Wynne, from UHY Haines Norton, is that the OHDC funds should be held in separate bank accounts to those of the Shire. As the OHDC is an incorporated body there is no reason for the funds to be held by the Shire. Various discussions with the General Manager and the Chairman of the OHDC have resulted in this request for the financial management to be handed over.

Before the funds are transferred to the OHDC Inc. a reconciliation will be carried out to take into account the balance as at 30 June 2012 and any revenue and expenditure incurred on their behalf. It will also be necessary to lodge the September 2012 Business Activity Statement for the OHDC Inc. to ensure that all GST collected and paid for by the Shire of Laverton is

VOTING REQUIREMENTS:
Simple majority decision required

OC0833 COUNCIL'S DECISION/OFFICER RECOMMENDATION

Moved Cr S Weldon, Seconded Cr P Hill

That Council:

1. **Agrees to transfer the funds for the Outback Way Integrated Tourism NAB bank account 086-712 86-702-2341 and the OHDC Inc. operational funds, held on behalf of the OHDC Inc., to the OHDC Inc. as requested.**

2. **Agrees to the transfer of funds, for the Outback Way Development Fund NAB bank account 086-712 79-340-2076, from the Shire of Laverton's Municipal Account to the Trust Account.**

CARRIED 6/0

14. ITEMS FOR CONSIDERATION BEHIND CLOSED DOORS

PROCEDURAL MOTION – COUNCIL DECISION

Moved Cr R Ryles, Seconded Cr L Hawkins

That this meeting be closed to members of the public to deal with a matter affecting an employee (s.5.23(2)(a)).

CARRIED 6/0

The Meeting went behind closed doors at 6.51pm.

Mr S Deckert, Mr D McKinley, Mrs D Prior and Mrs L Barnes left the meeting at 6.51pm.

No motion arose from the discussions behind closed doors.

PROCEDURAL MOTION – COUNCIL DECISION

Moved Cr P Hill, Seconded Cr S Weldon

That Council agrees to reopen the meeting to the public and come from behind closed doors at 7.00pm.

CARRIED 6/0

Mr S Deckert, Mr D McKinley, Mrs D Prior and Mrs L Barnes returned to the meeting at 7.00pm.

On reopening the meeting to the public, the President advised that Council had not made any decisions behind closed doors.

15. NEXT MEETING

The next Ordinary Meeting of Council will be held on Thursday, 20 September 2012 at the Shire of Laverton Council Chambers, commencing at 5.00pm.

16. CLOSURE OF MEETING

There being no further business, the President R Wedge declared the meeting closed at 7.03pm.

17. CERTIFICATION BY CHAIRMAN

I, _____ hereby certify that the Minutes of the Ordinary Meeting of Council held 23 August 2012 are confirmed as a true and correct record, as per the Council resolution of the Ordinary Meeting of Council held on 20 September 2012.

Signed _____ Dated: _____2012