



# **SHIRE OF LAVERTON**

## **MINUTES**

**FOR THE ORDINARY MEETING OF COUNCIL  
HELD**

**22 NOVEMBER 2012**

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**MINUTES OF THE ORDINARY MEETING OF COUNCIL HELD AT THE SHIRE OF LAVERTON COUNCIL CHAMBERS ON 22 NOVEMBER 2012, COMMENCING AT 5.00 PM.**

**1. DECLARATION OF OPENING**

The Deputy President, Cr R Ryles declared the meeting open at 5.10pm and read the disclaimer as printed in the Agenda.

**2. ANNOUNCEMENT OF VISITORS**

Ms Robyn Bell, Lynas Corporation until 6.27pm.

Mr James Rigg and Mr Luke Vernon, Minara Resources until 6.07pm.

**3. RECORD OF ATTENDANCE**

**3.1 PRESENT**

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

**3.2 APOLOGIES**

Nil.

**3.3 LEAVE OF ABSENCE PREVIOUSLY APPROVED**

Cr Rob Wedge	President
Cr Beatrice Fuamatu	Councillor

**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**

14.1 Proposed sale of Mount Morgans Camp (File Ref: 178)

14.2 Laverton Supermarket Update (File Ref: 321)

**8. CONFIRMATION OF MINUTES**

<b>OC1101 8.1 ORDINARY COUNCIL MEETING – 18 OCTOBER 2012</b>	<b>File Ref: 81</b>
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**VOTING REQUIREMENTS:**

Simple majority decision required.

**OC1101 COUNCIL'S DECISION/OFFICER'S RECOMMENDATION:**

**Moved Cr L Hawkins, Seconded Cr S Weldon.**

**That the Minutes of the Ordinary Meeting of Council held on 18 October 2012 be confirmed as a true and accurate record.**

**CARRIED 4/0**

**9. PETITIONS / DEPUTATIONS / PRESENTATIONS**

Ms Robyn Bell, Lynas Corporation provided an overview of the role and function of the Lynas Mt Weld Community Consultative Committee.

Mr James Rigg and Mr Luke Vernon, Minara Resources provided a Murrin Murrin project update including the new in-pit tailing storage facility and water management.

***Mrs L Barnes entered the meeting at 6.08pm.***

***Mrs L Barnes left the meeting at 6.11pm and re-entered at 6.14pm.***

**10. ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION**

Nil.

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## 11. REPORTS OF COMMITTEES AND OFFICERS

### 11.1 HEALTH, BUILDING AND TOWN PLANNING BUSINESS

#### Declaration of Interest

Cr P Hill declared an Impartial Interest, pursuant to Council's Code of Conduct, in the following Item 11.1.1 as Cr P Hill is the Deputy President of the Laverton Sports Club which adjoins Lot 202 Weld Drive.

OC1102	11.1.1	PLANNING APPLICATION – PROPOSED MOTEL AND MINING WORKERS ACCOMMODATION (WITH ASSOCIATED FACILITIES INCLUDING A SHOP, DINING FACILITIES, OFFICE, AMENITIES, BUS PARKING AND CARPARKING.	File Ref: 270
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**SUBMISSION TO:** Ordinary Meeting of Council, 22 November 2012.

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

**OWNER/APPLICANT:** Smith Prell Superannuation, owner of the Laverton Caravan Park.

**AUTHOR:** Liz Bushby, Gray & Lewis Landuse Planners.

**SENIOR OFFICER:** Steve Deckert, Chief Executive Officer.

**PREVIOUS MEETING REF:** Minute OC0227, OMC 16 February 2012.  
Minute OC1004, OMC 18 October 2012.

#### **MATTER FOR CONSIDERATION:**

To consider a planning application for a motel and mining workers accommodation development on Lot 202 Weld Drive, Laverton. The development includes associated facilities such as dining facilities, office, amenities, bus parking and carparking.

The development also includes a shop/ convenience store however the applicant has indicated that they can *'take it out of the application'*.

This report outlines the options available to Council.

#### **ATTACHMENTS:**

- 11.1.1 "A" – Special Use provisions / scheme extract
- 11.1.1 "B" – Additional written submission by applicant
- 11.1.1 "C" – Updated Site Plans including truck movements
- 11.1.1 "D" – Suggested draft conditions for "conditional approval"

**APPLICANT'S SUBMISSION:** Refer to the Planning Submission by Applicant.

#### **BACKGROUND:**

- ***Scheme Amendment 1 / Zoning***

At the Ordinary Meeting on 16 February 2012, Council granted final approval to Amendment No. 1 to the Shire of Laverton Town Planning Scheme No 2 ('the Scheme').

Lot 202 is zoned 'Special Use' under the Scheme. Amendment No. 1 introduced new permissible landuses and conditions for future development of Lot 202 Weld Drive, Laverton.

Amendment 1 was gazetted on the 15 June 2012.

**STATUTORY ENVIRONMENT:**

Shire of Laverton Town Planning Scheme No. 2 ('the Scheme') - Lot 202 is zoned "Special Use Zone No. 4" and is subject to specific objectives and conditions under Schedule 4 of the Scheme (Attachment 11.1.1 "A")

2010 Amendment Act – The applicant can opt to lodge an application to a Development Assessment Panel (DAP) as the value of the development is between \$3 and \$7 million. The applicant has not lodged an 'opt in' DAP application.

**POLICY IMPLICATIONS:**

Council has no policies in respect to this matter.

**FINANCIAL IMPLICATIONS:**

The Shire has entered into a contract for sale regarding this land.

**STRATEGIC IMPLICATIONS:**

The outcome of this development, if undertaken, will assist in providing much needed accommodation in the Laverton area.

**CONSULTATION:**

The application still needs to be advertised for public comment as it is a mandatory Scheme requirement. Clause 9.4 of the Scheme requires advertising for 14 days through one or more of the following:

- Letters to surrounding and nearby landowners
- A newspaper notice and / or
- A sign on site.

It is recommended that advertising occur through letters to surrounding landowners and a notice in a local newspaper.

Council can resolve to advertise the current plan, or request an amended plan from the applicant prior to advertising.

Gray & Lewis recommends that an amended plan be requested as the current plan shows a 'shop / convenience store'. This issue is discussed in detail further below.

**COMMENT:**

- ***Description of Application***

Mr Garry Wilson on behalf of Gwalia Properties Pty Ltd has submitted the planning application for Council's consideration.

The application proposes as follows:

- Eight (8) two person accommodation units fronting Weld Drive proposed as motel units (16 person capacity). The motel units will include two disabled units, Foxtel TV and two family rooms.
- Twenty (20) four person accommodation units in the centre and rear portion of the site as Mining Worker's Accommodation (80 person capacity).
- The kitchen from the caravan park will be relocated to this site to form part of an upgraded restaurant/ dining facility.
- A kiosk/ convenience store is proposed with an alfresco area which will be available to the public. The alfresco will offer coffee, sandwiches, hamburgers and a limited menu.
- The applicant proposes a small water feature and display in front of the alfresco area, depicting an item of early mining (such as an old steam engine or mining equipment).
- An associated office, gymnasium, laundry, toilet block, and recreation room is proposed.

The applicant has advised that a key stone client requires 80 rooms over the next 12-14 months.

- ***Additional Information requested by Council***

A report on the development application was considered by Council at the October 2012 meeting. Council requested additional information be provided by the applicant to fully evaluate matters such as elevations, landscaping, carparking and truck movements.

The applicant has lodged additional correspondence which is included as Attachment 11.1.1 "B" along with revised site plans including truck movements as Attachment 11.1.1 "C".

- ***Proposed Shop/ Convenience store Use***

Mining Workforce Accommodation is defined in the Scheme as '*means a building or buildings used for the accommodation of staff engaged in the mining industry and any spouse, partner or dependent child of a person engaged in the mining industry. Mining Workforce Accommodation may include a range of associated facilities which need not be for the exclusive use of staff including, but not limited to, catering or the provision of meals, sporting, open space, recreational or laundry facilities, car parking and bus parking, but does not include a Dwelling or Residential Building as defined in the Residential Design Codes.*

A 'shop' or 'convenience store' is not specifically listed as a Special Use that Council has discretion to approve on Lot 214 under Schedule 4 of the Scheme.

Under the existing Scheme requirements Council has broad discretion to consider a range of facilities associated with the 'Mining Workers Accommodation' landuse.

Due to the Scheme provisions, the applicant was requested to clarify the relationship between the 'kiosk/store/convenience store' and 'mining workforce accommodation'.

The applicant has advised that there is no relationship between the proposed shop / convenience store and the mining workers accommodation.



As the proposed shop is not related to the 'mining workers accommodation', Gray & Lewis is of the view that Council does not have discretion to approve the 'shop/convenience store' use under the existing Scheme provisions.

Accordingly, it is recommended that Council advise the applicant that:

1. The Shire's Consultant Planning Officer is of the view that the Council has no discretion under the provisions of the Shire of Laverton Town Planning Scheme No. 2 ('the Scheme') to approve a shop / convenience store that is not associated with the Mining Workers Accommodation.
2. The Shire appreciates that the applicant has indicated that the 'shop/convenience store' can be removed from the application.
3. Amended plans are requested with deletion of the 'shop/ convenience store' building so as not to cause confusion to the public during formal advertising.

- **Advertising requirement**

The application has to be advertised for public comment as it is a legal requirement of the Shires Scheme.

The proposed 'motel', 'mining workers accommodation' and 'office' is an 'A' use in this Special Use zone which means that *'the use is not permitted unless the local government has exercised its discretion by granting planning approval after giving special notice in accordance with Clause 9.4'*.

In October 2012 Council resolved to *'Advise the applicant that the application is required to be advertised for 14 days under the Shire of Laverton Town Planning Scheme No 2, however Council does not seek to undertake consultation until such time as matters such as elevations and carparking / traffic circulation have been reviewed. It is important that additional information be provided so that public consultation can occur in an informed manner.'*

Council can advertise the existing site plan however Gray & Lewis would recommend that informed consultation and advertising proceed once:

- (A) An amended plan is received that deletes the 'shop/ convenience store' and
- (B) The site plan has addressed any of the issues Council identifies that affects the site plan layout.

- **OPTIONS AVAILABLE TO COUNCIL**

Once the application has been advertised for public comment, any planning assessment should be reviewed having regard for any public submissions.

Notwithstanding the above, Gray & Lewis has been requested to provide the options available to Council for future determination of the application which are discussed below:

### **OPTION 1: DEFER DETERMINATION AND REQUEST ADDITIONAL INFORMATION BY THE APPLICANT**

In October 2012, Gray & Lewis recommended additional information be requested from the applicant in order to ensure that a full understanding of the proposed development is provided to the Council for informed decision making, and to ensure that the development addresses

normal planning considerations such as compliance with the Scheme, parking, adequate loading areas and the like.

Once a development is approved and constructed it is difficult to retrospectively deal with the above matters, as they influence the site plan and design.

A summary of the additional information requested and provided is included below:

<b>October 2012 Council resolution</b>	<b>Applicant Response</b>
<p><b>1. Elevations</b>                      Review the elevation presentation of the Mining Workers Accommodation or provide additional landscaping areas on the site plan that can effectively screen any of the flat roofed Mining Workers Accommodation units that will be visible from the street through the central driveway view corridor.</p>	<p>An artist impression of the front elevation along Weld Drive has been provided.</p> <p>It is difficult to understand that this is identified as a prime site in view of the small amount of traffic that travels on this road.</p> <p>The existing houses are an absolute eyesore and we have indicated that our development will be of high quality meeting the demands of both the public and the mining industry. If we don't meet their high standards we won't have any clients.</p>
<p><b>2. Carparking</b>                      Review the carparking layout and number of bays with separation between bus parking, staff parking and public carparking.</p>	<p>The applicant has advised that:</p> <ul style="list-style-type: none"> <li>- Approximately 3 buses will attend the site at 6.00am and 5.30pm;</li> <li>- The fly in and fly out nature of the workers means there is a low reliance on cars;</li> <li>- Staff parking has been provided in the front setback area for the office.</li> <li>- The shop / convenience store can be removed.</li> <li>- If any member of the public attend the site it will be likely be small numbers using the alfresco cafe.</li> <li>- Kitchen staff live in the caravan park so will walk to work</li> </ul>
<p><b>3. Truck Movement</b>                      Ensure buses and trucks can enter and depart the site in forward gear. There is scope for bus parking to occur to the rear of the site where they have sufficient area to turn around and egress the site in forward gear, separate from any public car parking area.</p>	<p>We have reviewed our drawing to show that the delivery truck for the kitchen would drive into the bus parking lane and reverse back into the delivery dock. Your comment above the vehicle operating in forward gear does not make sense as all delivery docks that I have been associated with over the last 30 years of operating trucks require the vehicle to back in. This vehicle would be a 10-12 tonne refrigerated body truck as is currently used for delivery of supplies to both Leonora and Laverton.</p>
<p><b>4. Mining staff parking</b>                      Some carparking bays should be allocated for mining staff who may have cars to utilise outside of work, and visitors they may receive (eg one bay per every two accommodation buildings / block).</p>	<p>The residents that will be using this facility are all fly in fly out therefore it is not sensible to show additional car parking when they won't be using cars. We have shown a bus parking area that will enable buses to pick up safely and travel in one direction in and out of Weld Drive. Most staff do not have access to a car and we pick up and drop off from accommodation within the town or they live within the village.</p>
<p><b>5. Carparking location</b>                      Review the location of parking to the rear of the lot as it is relatively remote from the main facilities that will be publicly accessible such as the alfresco area, shop and office. Ensure carparking is provided in a convenient location to service the alfresco and office uses.</p>	<p>As per Point 2 above. The applicant also advises the site is constrained due to the shape and aboriginal culture area.</p>

<p><b>6. Carparking</b>                  Provide more comprehensive written information for a detailed carparking assessment including clarification of the shop use, anticipated number of staff for the office / kitchen operation and cleaning, and whether staff will be accommodated on site. It is not clear whether the 'diner' is also proposed to be open to the public as that impacts on carparking adequacy.</p>	<p>As per Point 2 above.</p>
<p><b>7. Seating capacity dining room</b>                  Clarify the seating capacity for the dining area and separate alfresco area due to the statement '<i>bringing in a substantial amount of produce to facilitate the feeding of 120-130 men</i>' compared with the 96 accommodation units proposed.</p>	<p>The applicant has clarified that the dining area will not only serve development on Lot 202, but that they will also offer meals for the separate accommodation developed in the caravan park. The accommodation in the caravan park handles approximately 70 men and they propose to feed a further 80-90 men in the kitchen. The workers in the caravan park will walk to the dining room on Lot 202.</p>
<p><b>8. Carparking standard</b>                  Advise of the standard of carpark and whether it will be sealed, kerbed or compacted gravel. Ensure that the standard proposed is notated on the site plan.</p>	<p>The applicant has advised that the car park will be concreted at the front of the facility including the drive way through. The rear area will be gravel hard stand.</p>
<p><b>9. Loading Bay</b>                  Relocate and review the dining / kitchen loading area and crossover locations as the current design means that:                  Trucks will either have to back into the loading bay or if enter in forward gear, they will have to reverse out onto Weld Drive on a bend.                  The design should allow for trucks to enter and depart the site in forward gear with an adequate manoeuvring area.                  There is potential for traffic conflict between the loading crossover and an adjacent angled crossover to the bus parking / carpark near the kiosk/alfresco area.</p>	<p>As per Point 2 above.</p>
<p><b>10. Vehicle Movement Plan</b>                  Provide a truck movement and bus movement plan on the site plan. Written advice on the size of trucks and anticipated number of deliveries per week is also requested.</p>	<p>As per Point 2 above.                  The applicant advises that the trucks deliver twice a week and that the trucks will be 12 tonne body trucks. Movements are indicated on the new site plan.</p>
<p><b>11. Business Management</b>                  Provide additional written information on how the businesses proposed will be operated, whether there will be on site caretaker and clarify which uses will be available to the public.</p>	<p>There will be a site manager both at this facility and at the caravan park. The Motel accommodation will obviously be available to the public and is being purposely built for this. The dining room and shop (if allowed) will also be available to the public.</p>
<p><b>12. Bin Collection</b>                  Provide bin collection areas and advice on types of bins to be used.</p>	<p>The development of this site along with the caravan park will necessitate us buying our own compactor and we would expect to be charged a rubbish fee by the Shire.</p>

<p><b>13. Landscaping</b>                  Provide a landscaping strip for the length of carparking areas within the lot boundary adjacent to Weld Drive road reserve that can achieve visual relief of extensive hardstand/parking areas, accommodate shade trees and for streetscape and amenity. The applicant to demonstrate that landscaping meets the Scheme condition that <i>'a minimum of 10% of the site shall be landscaped with particular regard to street frontages and outdoor recreation areas. Note: The use of indigenous species and water wise design principles is encouraged'</i>.</p>	<p>We would seek dispensation to the landscaping provision (with regard to street frontage) as it does not work across the full frontage of Lot 202. We will have landscaping in front of the Motel units and a landscaping water feature that will help hide part of the kitchen. Landscaping in the gym area recreation and around the laundries will enable outside furniture to be placed in an acceptable setting. In our facility in Coober Pedy we have used native plants, bark and mulch to assist minimise water usage.</p> <p>The comments regarding landscaping do not seem to take into account the arid climate along with the limited water and the quality of the soil into which we are being asked to plant trees. There is a rocky outcrop (on the block) and there is virtually no native vegetation other than small shrubs that have managed to survive in a natural state. It is our intent to landscape sections of the block but the recommended 10% is achievable due to the size and nature of the block.</p>
<p>Provide contour information on the site plan and how the natural topography is to be addressed.</p>	<p>Not provided.</p>

Gray & Lewis recommends acceptance of the applicants advice as adequately addressing carparking provision, mining staff parking, car parking location, seating capacity, carparking standard, vehicle movement plan, business management and bin collection.

There are some matters outlined in the October 2012 Council resolution which warrant further feedback and discussion by Councillors. Whilst Gray & Lewis offers a planning view and comments on these matters, they need to be determined by Council as follows:

1. *Elevations*

The Scheme has an objective for this Special Use zone to *'Ensure that all development is designed to a high standard and does not detract from the streetscape'*.

This is consistent with the Laverton Masterplan which embodied a design concept of a residential village and common gardens and facilities in the Weld Drive Precinct.

Gray & Lewis is of the view that the elevations for the proposed Mining Workers Accommodation are ordinary as they consist of flat roofed, rectangular buildings with no significant architectural features. It is recognised that there is wide availability of 'transportable' buildings with architectural features such as porticos, curved roofs etc

The applicant advises the development will be to a high standard and that the two person accommodation will have front verandas.

Assessment of elevations is subjective, and ultimately Council has to determine whether it is satisfied with the elevations as submitted, and determine if the elevations are *'designed to a high standard'*.

If Council is satisfied the elevations are of a high quality then it is open to the Shire to support the design as lodged.

Gray & Lewis highlighted the issue of elevations as a matter for Councillor discussion in the October 2012 report, and Council resolved to request review of the elevations by the applicant.

The applicant has advised the motel units will be provided with a verandah, therefore Council needs to determine whether to:

1. Accept the elevations as proposed by the applicant as 'high quality' or;
2. Request the applicant modify the elevations plans to achieve a higher architectural quality particularly for units fronting the street.

Gray & Lewis takes this opportunity to again highlight the issue for Council feedback.
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## 2. *Carparking*

As previously explained (in October) provision of carparking is to the discretion of Council therefore needs to be examined having regard for likely traffic to be generated by the development, and issues such as staff numbers.

Based on the applicants additional advice on kitchen staff, bus parking, and removal of the 'shop/ convenience store', it is likely that the main use of the front carpark area will be to service the office, and limited numbers of people who may attend the site to use the alfresco area.

The front carpark accommodates 13 bays, and the applicant advises there will likely be one office staff member, leaving 12 bays for any visitors to the site or members of the public attending the alfresco. Additional informal carparking can be provided to the rear of the site and any ongoing need for rear carparking can be re-evaluated in the future.

Carparking assessment is subjective however Gray & Lewis supports the applicants advice that the parking on Lot 202 is adequate based on the additional information provided, combined with the removal of the 'shop/ convenience store'.

The concern over separation between bus parking and carparking is lessened without the shop/convenience store included. The buses attending the site will be likely outside of the office hours.

## 3. *Truck Movements*

Gray & Lewis still recommend that the truck movement and loading areas could be improved as outlined in the October 2012 report.

It is reasonable for all vehicle movements associated directly with and generated by the proposed development be accommodated within the lot boundaries. It is also reasonable to ensure truck movements do not impact on Weld Drive or impede local use or safety of public roads (especially with limited sightlines on the bend).

The current plan relies on trucks reversing into the loading bay from Weld Drive or the crossover. Gray & Lewis still recommends that Council request the applicant review the plan to allow for improved loading areas, especially as the 'shop/ convenience store' will need to be removed from the site plan.

If Council does not support requiring an amended plan, Gray & Lewis would recommend as a minimum that some additional hardstand area be provided in the front setback area to cater for truck manoeuvring, and includes a plan below for Council discussion:



#### 4. Landscaping

Lot 202 was rezoned through Scheme Amendment 1. The amendment document was compiled by Aurecon in consultation with Gray & Lewis.

The amendment introduced a requirement that *'a minimum of 10% of the site shall be landscaped with particular regard to street frontages and outdoor recreation areas. Note: The use of indigenous species and water wise design principles is encouraged'*.

Gray & Lewis was of the understanding that the applicant had been involved in the scheme amendment process, and proposed scheme provisions.

The applicant has requested dispensation of the 10% landscaping area, however Gray & Lewis is of the view that Council has no discretion to vary the landscaping 'condition' of development as outlined in the Scheme.

As per the October 2012 Council resolution it is recommended that the applicant review the site plan to 'provide a landscaping strip for the length of carparking areas within the lot boundary adjacent to Weld Drive road reserve that can achieve visual relief of extensive hardstand/ parking areas, accommodate shade trees and for streetscape and amenity. The applicant to demonstrate that landscaping meets the Scheme condition that *'a minimum of 10% of the site shall be landscaped with particular regard to street frontages and outdoor recreation areas. Note: The use of indigenous species and water wise design principles is encouraged'*.

A landscaping strip in front of the carpark will provide visual relief of any parking / hardstand area, for streetscape and amenity, and can accommodate shade trees for the carpark.

Councillors are encouraged to discuss landscaping and provide feedback to the applicant.

### 5. Levels / Contours

As per the October 2012 resolution, it is recommended that the applicant be requested to provide contour information on the site plan and how the natural topography is to be addressed.

Gray & Lewis is of the understanding from the Shire that the site falls approximately 2 metres from rear to the front, therefore the applicant needs to demonstrate how the level differences will be addressed by the development, and any proposed fill/ retaining walls which may increase the finished floor levels of development. These should also be provided for any building licence plans.

### **OPTION 2: APPROVE THE APPLICATION SUBJECT TO CONDITIONS**

Once the application has been advertised, Council has the option of approving the application subject to conditions.

A draft list of the types of conditions Council may impose is included as Attachment 11.1.1 "D".

If Council forms an opinion on option 1 or 2, then the application may be able to be determined after advertising, without any further need for referral to Gray & Lewis.

### **CONSULTANT'S RECOMMENDATION:**

No recommendation is included as the application cannot be determined until after it has been advertised for public comment.

Council needs to determine a number of matters such as:

1. Whether to require an amended plan to delete the shop / convenience store and address the matters raised in October 2012 and Option 1 of this report (prior to advertising).
2. Whether to approve the development 'as is' without the shop / convenience store subject to conditions (after advertising).

### **CHIEF EXECUTIVE OFFICER'S COMMENTS**

The foregoing report, prepared by our planning consultant, Liz Bushby of Gray and Lewis Landuse Planners is endorsed by the CEO.

In the CEO's opinion, the Shire needs to be in possession of a development application and plan that is as close as possible to being "final" before commencing advertising. The applicant has already made changes to the plans with an increase in the number of motel units (8 to 10) and has more recently indicated using the old Wongatha Office as the proposed shop/convenience store which is not reflected in the application to date. To provide a conditional planning approval may then be difficult to ensure compliance later on.

Additional comment by the CEO is made in respect to the important matters raised by the consultant as follows:

### 1. Elevations

The Shire has set the requirement that developments on this site are to be of a high standard. The applicant's comments are irrelevant and despite his opinion, the Scheme requirements must be met. Having said this, Council is at liberty to accept the proposed elevations as acceptable, thereby setting a precedent for future development applications.

It is recommended that Council request the applicant modify the elevations plans to achieve a higher architectural quality particularly for units fronting the street.

### 2. Carparking

The Consultants advice that the parking requirements are adequate based on the applicant's advice is accepted. This is on the proviso that there is no store on the site accessible by the public.

### 3. Truck Movements

There is still concern that the proposal for truck deliveries is unsafe. The response from the applicant has seen a review however the truck is still required to do a reversing manoeuvre on the Council verge, rather than inside the property boundary. This is not acceptable.

It is recommended that the applicant amend the application to ensure that all truck movements are in forward gear when entering or leaving the property and any reversing or manoeuvring is within the property boundaries.

Also in respect to deliveries, it appears from the latest plans submitted that the delivery area is open to view from the street. This needs to be clarified as an open and exposed delivery area is not appropriate and should be screened.

### 4. Landscaping

As pointed out by the Consultant, dispensation from the 10% requirement is not possible. The applicant was well aware of this provision as it was his consultants who drafted this scheme amendment.

Nevertheless, there may be an opportunity to negotiate an outcome beneficial to both parties. In order to help meet the 10% requirement it is suggested that the applicant be required to landscape and maintain the road verge fronting this property to Council's satisfaction and to include a pedestrian path. This may assist in managing the aesthetics of the development and could be incorporated as part of the 10% thereby assisting both parties.

### 5. Levels / Contours

How the contours on the site and water runoff are to be managed are not clearly defined. These aspects are important as potentially neighbouring properties could be impacted. It is recommended that the applicant be requested to provide contour information on the site plan and how the natural topography is to be addressed.



## 6. Shop / Convenience Store

Our consultant advises that a shop / convenience store is not a permissible use under the Scheme and accepts the applicant's offer to remove it from the application.

Council should support this view as a store in this location would be counter-productive to the intentions of the Master Plan. However, on advising the applicant that a store is not supported, he could be further advised that Council has no objections to the sale of convenience items to people staying at the motel or mining workers accommodation from the office or an adjoining area if this was his desire. The provision of convenience items in this way is no different to what occurs at the Caravan Park.

Based on the foregoing report of the consultant, Liz Bushby and the CEO's comments, the following recommendation is made.

### **VOTING REQUIREMENTS:**

Simple majority decision required.

### **OC1102 COUNCIL'S DECISION/OFFICER'S RECOMMENDATION:**

**Moved Cr P Hill, Seconded Cr S Weldon.**

**That Council:**

- 1. Thank the applicant for providing additional information in respect to the planning application along with some general comments about Laverton for Council's information;**
- 2. Advise the applicant that Council accepts the additional information as adequately addressing carparking provision, mining staff parking, car parking location, seating capacity, carparking standard and business management.**
- 3. Requires the applicant to submit an amended Plan to the CEO addressing the following items before commencing advertising of the proposal:**
  - a. Modify the elevations plans to achieve a higher architectural quality particularly for units fronting Weld Drive.**
  - b. Review delivery truck movement plan so as the truck enters and leaves the property in forward gear and all manoeuvring or reversing is undertaken within the applicant's property.**
  - c. Landscaping must cover a minimum of 10% of the development area, so the applicant is to address this aspect wholly within the property to include appropriate landscaping in front of the car parking area and across the front of the property generally, or, advise the applicant that Council would be amenable to the front verge being appropriately landscaped (including a pedestrian path) and maintained by the applicant, and this area be assessed as part of the 10% requirement.**

- d. **Provide contour information on the site plan and how the natural topography is to be addressed as well as a surface water runoff.**
  - e. **Council accepts the removal of the shop / convenience store as this is not a permitted use by the Scheme; however informs the applicant that Council does not have a problem with convenience items being made available from the office or adjoining area to people staying at the on-site accommodation.**
  - f. **Clearly indicating which parts of the development are not “new” and if any, to advise how these are to be made to “look new” as required by the Scheme.**
  - g. **Seek clarification on the proposed refuse management plan to ascertain how this will work.**
  - h. **Seek clarification if the delivery area is screened from the street as this is not clear from the front elevation plans and if not, to amend the plan so that this area is not visible from the street.**
4. **The CEO be authorised to commence advertising on receipt of the amended plans providing he is satisfied that the submitted revised plans address the issues raised by Council in point 3 above and reflect as close as possible to the final concept.**

**CARRIED 4/0**

***Ms R Bell left the meeting at 6.27pm.***

***Mrs L Barnes left the meeting at 6.29pm.***

*The rest of this page has been left blank intentionally.*

## 11.2 FINANCE AND ADMINISTRATION BUSINESS

<b>OC1103</b>	<b>11.2.1</b>	<b>ACCOUNTS PAID AS AT 31 OCTOBER 2012</b>	<b>File Ref: 39</b>
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- SUBMISSION TO:** Ordinary Meeting of Council, 22 November 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:

	<u>Trans #</u>	<u>Type</u>	<u>Date</u>	<u>Num</u>	<u>Amount</u>
<b>Apollo Contracting Services - EFT</b>					
	67,074	Bill Pmt - Cheque	08/10/2012		-149.00
	67,660	Bill Pmt - Cheque	23/10/2012		-13,125.00
<b>Asgard Investors Services</b>					
	67,301	Liability Cheque	10/10/2012	11955	-1,831.14
<b>Atom Supply - EFT</b>					
	67,661	Bill Pmt - Cheque	23/10/2012		-133.31
<b>Austral Mercantile Collection - EFT</b>					
	67,662	Bill Pmt - Cheque	23/10/2012		-88.00
<b>Australia Post - EFT</b>					
	67,663	Bill Pmt - Cheque	23/10/2012		-751.41
<b>Australian Super</b>					
	67,297	Liability Cheque	10/10/2012	11954	-2,000.29
<b>Australian Taxation Office - EFT</b>					
	67,664	Bill Pmt - Cheque	23/10/2012		-81,314.00
<b>Australian Wildflower Seeds Pty Ltd - EFT</b>					
	67,075	Bill Pmt - Cheque	08/10/2012		-626.45
<b>Beatrice Fuamatu - EFT</b>					
	67,076	Bill Pmt -	08/10/2012		-1,682.76

		Cheque		
<b>Bill Taiki - EFT</b>		Bill Pmt -		
	67,077	Cheque	08/10/2012	-168.69
<b>Boc Limited - EFT</b>		Bill Pmt -		
	67,665	Cheque	23/10/2012	-303.40
<b>Brand Success - EFT</b>		Bill Pmt -		
	67,666	Cheque	23/10/2012	-1,006.50
<b>Breakaway Earth Moving (Key Factors) -EFT</b>		Bill Pmt -		
	67,078	Cheque	08/10/2012	-129,510.15
	67,667	Bill Pmt -		
		Cheque	23/10/2012	-79,532.20
<b>Business Key Pty Ltd - EFT</b>		Bill Pmt -		
	67,668	Cheque	23/10/2012	-654.50
<b>Cardno (WA) Pty Ltd - EFT</b>		Bill Pmt -		
	67,669	Cheque	23/10/2012	-21,800.57
<b>Chadson Engineering Pty Ltd</b>		Bill Pmt -		
	67,727	Cheque	23/10/2012	11958
<b>CHEFMASTER AUSTRALIA - EFT</b>		Bill Pmt -		
	67,670	Cheque	23/10/2012	-1,160.90
<b>Christine Stubberfield - EFT</b>		Bill Pmt -		
	67,671	Cheque	23/10/2012	-2,000.00
<b>Clark Equipment - EFT</b>		Bill Pmt -		
	67,672	Cheque	23/10/2012	-1,068.47
<b>Coffee &amp; Tea Supplies - EFT</b>		Bill Pmt -		
	67,673	Cheque	23/10/2012	-624.75
<b>Core Business - EFT</b>		Bill Pmt -		
	67,674	Cheque	23/10/2012	-12,196.25
<b>Courier Australia - EFT</b>		Bill Pmt -		
	67,079	Cheque	08/10/2012	-655.78
	67,675	Bill Pmt -		
		Cheque	23/10/2012	-45.04
<b>Custom Service Leasing Pty Ltd - EFT</b>		Bill Pmt -		
	67,676	Cheque	23/10/2012	-34.05
<b>DB Zilm Pty Ltd - EFT</b>		Bill Pmt -		
	67,677	Cheque	23/10/2012	-8,497.50
<b>Desert Inn Hotel - EFT</b>		Bill Pmt -		
	67,080	Cheque	08/10/2012	-440.00
<b>Desert Sands Cartage - EFT</b>		Bill Pmt -		
	67,081	Cheque	08/10/2012	-4,755.52
<b>Desert Sands Cartage, Key Factors - EFT</b>		Bill Pmt -		
	67,678	Cheque	23/10/2012	-38,590.31
<b>Dr Marin Marinovic - EFT</b>		Bill Pmt -		
	67,885	Cheque	26/10/2012	-10,450.00
<b>Eagle Petroleum (WA) - EFT</b>		Bill Pmt -		
	67,679	Cheque	23/10/2012	-55,089.80
<b>Eastgold Dairy Distributors - EFT</b>		Bill Pmt -		
	67,082	Cheque	08/10/2012	-336.50
	67,680	Bill Pmt -	23/10/2012	-354.90

		Cheque			
<b>Elders Midland</b>		Bill Pmt - Cheque	23/10/2012	11959	-437.00
67,728					
<b>Elite Gym Hire - EFT</b>		Bill Pmt - Cheque	08/10/2012		-660.00
67,083					
<b>Europcar - EFT</b>		Bill Pmt - Cheque	23/10/2012		-2,257.21
67,681					
<b>Express Yourself Printing - Eft</b>		Bill Pmt - Cheque	08/10/2012		-64.40
67,084					
<b>FESA - EFT</b>		Bill Pmt - Cheque	23/10/2012		-17,920.06
67,682					
<b>Fiesta Canvas</b>		Bill Pmt - Cheque	23/10/2012	11960	-3,892.00
67,729					
<b>First National Real Estate - EFT</b>		Bill Pmt - Cheque	08/10/2012		-2,046.08
67,085		Bill Pmt - Cheque	23/10/2012		-2,046.08
67,683					
<b>Fitzgerald Strategies - EFT</b>		Bill Pmt - Cheque	23/10/2012		-913.19
67,684					
<b>FORMAN BROTHERS - EFT</b>		Bill Pmt - Cheque	23/10/2012		-1,852.40
67,685					
<b>Goldfields Commercial Security - EFT</b>		Bill Pmt - Cheque	23/10/2012		-39.80
67,686					
<b>Goldline Distributors - EFT</b>		Bill Pmt - Cheque	08/10/2012		-571.00
67,086		Bill Pmt - Cheque	23/10/2012		-1,096.81
67,687					
<b>Goldrush Tours - EFT</b>		Bill Pmt - Cheque	23/10/2012		-606.90
67,688					
<b>Gregory Froomes Wyllie - EFT</b>		Bill Pmt - Cheque	23/10/2012		-12,914.00
67,689					
<b>Haines Norton - EFT</b>		Bill Pmt - Cheque	23/10/2012		-7,040.00
67,690					
<b>Harvey Norman - Eft</b>		Bill Pmt - Cheque	08/10/2012		-869.00
67,087		Bill Pmt - Cheque	23/10/2012		-2,614.00
67,691					
<b>Hi Res Photo Printing</b>		Bill Pmt - Cheque	08/10/2012	11944	-253.00
67,114					
<b>Hill Patrick - EFT</b>		Bill Pmt - Cheque	08/10/2012		-1,636.36
67,088					
<b>Horizon Contracting - EFT</b>		Bill Pmt - Cheque	23/10/2012		-2,772.00
67,692		Bill Pmt - Cheque	26/10/2012		-2,772.00
67,886					
<b>Horizon Power</b>		Bill Pmt - Cheque	08/10/2012	11945	-9,195.70
67,115		Bill Pmt - Cheque	23/10/2012	11961	-2,737.20
67,730					
<b>Horizon Power, - Carnarvon</b>					

	67,731	Bill Pmt - Cheque	23/10/2012	11962	-3,756.00
<b>Ian O'Leary - EFT</b>					
	67,089	Bill Pmt - Cheque	08/10/2012		-1,598.80
<b>Jacqui Sherriff - EFT</b>					
	67,090	Bill Pmt - Cheque	08/10/2012		-5,746.95
<b>JB Books</b>					
	67,116	Bill Pmt - Cheque	08/10/2012	11946	-2,332.06
<b>Joanna Seczkowski - EFT</b>					
	67,091	Bill Pmt - Cheque	08/10/2012		-106.00
<b>Kalgoorlie Boulder Visitor Centre - EFT</b>					
	67,693	Bill Pmt - Cheque	23/10/2012		-940.00
<b>Kleen West Distributors - EFT</b>					
	67,694	Bill Pmt - Cheque	23/10/2012		-218.30
<b>Landgate - EFT</b>					
	67,695	Bill Pmt - Cheque	23/10/2012		-1,307.58
<b>Laverton Motors - Eft</b>					
	67,696	Bill Pmt - Cheque	23/10/2012		-261.60
<b>Laverton Sports Club Inc</b>					
	67,732	Bill Pmt - Cheque	23/10/2012	11963	-11,055.00
<b>Leslee Hawkins - EFT</b>					
	67,092	Bill Pmt - Cheque	08/10/2012		-1,636.36
<b>LGIS Risk Management - EFT</b>					
	67,697	Bill Pmt - Cheque	23/10/2012		-4,781.70
<b>M&amp;A Tree Lopping - EFT</b>					
	67,698	Bill Pmt - Cheque	23/10/2012		-16,126.00
<b>Marketforce - EFT</b>					
	67,699	Bill Pmt - Cheque	23/10/2012		-257.40
<b>Martin Seelander - EFT</b>					
	67,093	Bill Pmt - Cheque	08/10/2012		-302.52
	67,700	Bill Pmt - Cheque	23/10/2012		-140.50
	67,887	Bill Pmt - Cheque	26/10/2012		-296.16
<b>MCPMAHON BURNETT TRANSPORT - EFT</b>					
	67,094	Bill Pmt - Cheque	08/10/2012		-120.46
	67,701	Bill Pmt - Cheque	23/10/2012		-1,082.17
<b>MLC Masterkey Superannuation</b>					
	67,296	Liability Cheque	10/10/2012	11953	-161.22
<b>Museums Australia Inc</b>					
	67,733	Bill Pmt - Cheque	23/10/2012	11964	-187.00
<b>National Australia Bank</b>					
		Bill Pmt - Cheque	3/10/2012		-76,684.71
		Bill Pmt - Cheque	17/10/2012		-75,060.67
		Bill Pmt - Cheque	31/10/2012		-76,328.76
<b>National Tyres - EFT</b>					
	67,702	Bill Pmt - Cheque	23/10/2012		-682.00
<b>NATS - EFT</b>					

	67,095	Bill Pmt - Cheque	08/10/2012		-40,260.00
<b>Novimex Wholesale Giftware - EFT</b>					
	67,703	Bill Pmt - Cheque	23/10/2012		-1,648.03
<b>OCLC</b>					
	67,734	Bill Pmt - Cheque	23/10/2012	11965	-1,362.56
<b>On-Line Business Equipment - Eft</b>					
	67,096	Bill Pmt - Cheque	08/10/2012		-2,899.94
	67,704	Bill Pmt - Cheque	23/10/2012		-2,406.57
<b>Optus Billing Services</b>					
	67,735	Bill Pmt - Cheque	23/10/2012	11966	-808.50
<b>Orica Australia Pty Ltd - Eft</b>					
	67,705	Bill Pmt - Cheque	23/10/2012		-75.24
<b>Outback Highway - EFT</b>					
	67,706	Bill Pmt - Cheque	23/10/2012		-27,500.00
<b>Outback Parks &amp; Lodges - EFT</b>					
	67,707	Bill Pmt - Cheque	23/10/2012		-675.00
<b>PETTY CASH TIN - SHIRE OF LAVERTON</b>					
	67,118	Bill Pmt - Cheque	08/10/2012	11948	-249.85
<b>Pivotel Satellite Pty Limited</b>					
	67,736	Bill Pmt - Cheque	23/10/2012	11967	-504.00
<b>Powerchill - EFT</b>					
	67,097	Bill Pmt - Cheque	08/10/2012		-6,219.40
	67,708	Bill Pmt - Cheque	23/10/2012		-33.00
<b>Pumpcare International</b>					
	67,737	Bill Pmt - Cheque	23/10/2012	11968	-3,863.52
<b>Quick Corporate - EFT</b>					
	67,098	Bill Pmt - Cheque	08/10/2012		-505.49
	67,709	Bill Pmt - Cheque	23/10/2012		-721.80
<b>Ray Martin - EFT</b>					
	67,099	Bill Pmt - Cheque	08/10/2012		-8,267.30
	67,710	Bill Pmt - Cheque	23/10/2012		-2,500.00
<b>REST Superannuation</b>					
	67,295	Liability Cheque	10/10/2012	11952	-317.84
<b>Rifle Point Contractors - EFT</b>					
	67,711	Bill Pmt - Cheque	23/10/2012		-13,998.60
<b>Roberts BT &amp; PG - Eft</b>					
	67,712	Bill Pmt - Cheque	23/10/2012		-3,300.00
<b>Rod Hill Painting &amp; Decorating - EFT</b>					
	67,713	Bill Pmt - Cheque	23/10/2012		-5,020.00
<b>Seeley Auto Electrical Pty Ltd - Eft</b>					
	67,100	Bill Pmt - Cheque	08/10/2012		-465.50
<b>Shaneane Weldon</b>					
	67,738	Bill Pmt - Cheque	23/10/2012	11969	-593.36
<b>Shire of Laverton - Trust Ac - Eft</b>					
	67,293	Liability Cheque	10/10/2012		-250.00

<b>Shire of Laverton Social Club - EFT</b>		Liability Cheque	10/10/2012		-560.00
	67,294				
<b>Shire of Leonora - Eft</b>		Bill Pmt - Cheque	08/10/2012		-3,113.29
	67,101				
<b>Sigma Chemicals - EFT</b>		Bill Pmt - Cheque	08/10/2012		-1,200.28
	67,102				
<b>Site Ware Direct - EFT</b>		Bill Pmt - Cheque	08/10/2012		-449.46
	67,103				
	67,714	Bill Pmt - Cheque	23/10/2012		-105.60
<b>Smitten Organic - EFT</b>		Bill Pmt - Cheque	23/10/2012		-1,113.40
	67,715				
<b>Squire Sanders - EFT</b>		Bill Pmt - Cheque	23/10/2012		-1,364.00
	67,716				
<b>Star Track Express - EFT</b>		Bill Pmt - Cheque	08/10/2012		-419.04
	67,104				
	67,717	Bill Pmt - Cheque	23/10/2012		-414.06
<b>Stardata Pty Ltd - EFT</b>		Bill Pmt - Cheque	08/10/2012		-77.00
	67,105				
<b>State Library of WA - EFT</b>		Bill Pmt - Cheque	23/10/2012		-25.30
	67,718				
<b>Stratco</b>		Bill Pmt - Cheque	08/10/2012	11949	-729.00
	67,119				
<b>Sunny Sign Company Pty - EFT</b>		Bill Pmt - Cheque	23/10/2012		-1,174.42
	67,719				
<b>Telstra</b>		Bill Pmt - Cheque	08/10/2012	11951	-4,221.99
	67,122				
	67,739	Bill Pmt - Cheque	23/10/2012	11970	-2,975.92
<b>The Lister Specialists Pty Ltd - EFT</b>		Bill Pmt - Cheque	23/10/2012		-234.77
	67,720				
<b>The Workwear Group - EFT</b>		Bill Pmt - Cheque	08/10/2012		-675.16
	67,106				
<b>Toll Ipec Pty Ltd - Eft</b>		Bill Pmt - Cheque	08/10/2012		-118.25
	67,107				
	67,721	Bill Pmt - Cheque	23/10/2012		-62.19
<b>Total Eden - EFT</b>		Bill Pmt - Cheque	23/10/2012		-199.50
	67,722				
<b>Tower Hotel</b>		Bill Pmt - Cheque	23/10/2012	11971	-2,030.50
	67,740				
<b>Truckline - EFT</b>		Bill Pmt - Cheque	08/10/2012		-1,433.92
	67,108				
<b>Virgin Money</b>		Liability Cheque	10/10/2012	11956	-1,243.08
	67,302				
<b>Visit Merchandise Pty Ltd - Eft</b>		Bill Pmt - Cheque	08/10/2012		-1,806.42
	67,109				
	67,723	Bill Pmt - Cheque	23/10/2012		-2,606.79



<b>WA Local Government Association - EFT</b>					
	67,110	Bill Pmt - Cheque	08/10/2012		-2,037.88
<b>WA Local Government Super Plan - EFT</b>					
	67,303	Liability Cheque	10/10/2012		-22,645.97
<b>Water Corporation</b>					
	67,120	Bill Pmt - Cheque	08/10/2012	11950	-2,996.75
<b>Wedge Rob - EFT</b>					
	67,111	Bill Pmt - Cheque	08/10/2012		-6,022.73
<b>Westland Autos Pty Ltd - Eft</b>					
	67,724	Bill Pmt - Cheque	23/10/2012		-260.39
<b>Westrac Pty Ltd - EFT</b>					
	67,112	Bill Pmt - Cheque	08/10/2012		-989.01
	67,725	Bill Pmt - Cheque	23/10/2012		-464.54
<b>Wright Express (Motorpass) - EFT</b>					
	67,726	Bill Pmt - Cheque	23/10/2012		-1,137.63
				<b>Total</b>	<b>-1,021,270.54</b>

#### **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:**

Not applicable.

#### **CONSULTATION:**

Not applicable.

#### **COMMENT:**

Not applicable.

#### **VOTING REQUIREMENTS:**

Simple majority decision required.

#### **OC1103 COUNCIL'S DECISION/OFFICER'S RECOMMENDATION:**

**Moved Cr P Hill, Seconded Cr L Hawkins.**

**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 11944 to 11972, electronic funds transfers and lease payments totalling \$1,021,270.54.**

**CARRIED 4/0**

<b>OC1104 11.2.2 OUTSTANDING DEBTORS REPORT AS AT 31 OCTOBER 2012</b> <b>File Ref: 33</b>
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**SUBMISSION TO:** Ordinary Meeting of Council, 22 November 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 October 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 October 2012 is \$970,235.30.

The total debtor balance includes:

	<u>Current</u>	<u>1 - 30</u>	<u>31 - 60</u>	<u>61 - 90</u>	<u>&gt; 90</u>	<u>TOTAL</u>
<b>General Debtors</b>	9,500.00	1,775.50	120.00	17,000.00	143,032.28	187,427.78
<b>Doubtful Debt</b>	0.00	0.00	0.00	0.00	-120,000.00	-120,000.00
<b>Rates</b>	0.00	307.00	-81,659.74	984,925.74	-765.48	902,807.52
<b>TOTAL</b>	<b>9,500.00</b>	<b>2,082.50</b>	<b>-81,539.74</b>	<b>1,001,925.74</b>	<b>22,266.80</b>	<b>970,235.30</b>

**VOTING REQUIREMENTS:**

Simple majority decision required.

**OC1104 COUNCIL'S DECISION/OFFICER'S RECOMMENDATION:**

**Moved Cr L Hawkins, Seconded Cr P Hill.**

**That the report of Outstanding Debtors as at 31 October 2012 be received.**

**CARRIED 4/0**

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**OC1105 11.2.3 BANK RECONCILIATION REPORT AS AT 31 OCTOBER 2012**

**File Ref: 613**

**SUBMISSION TO:** Ordinary Meeting of Council, 22 November 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 October 2012.

**ATTACHMENTS:**

Attachment 11.2.3 "A" - Bank Reconciliation Report as at 31 October 2012.

**APPLICANT'S SUBMISSION:** Not applicable.

**BACKGROUND:**

Each month Council's financial accounting system and the various bank accounts operated by Council are reconciled as a means of determining the completeness and integrity of transaction processing.

**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 – Investments.

**FINANCIAL IMPLICATIONS:**

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

**STRATEGIC IMPLICATIONS:**

Not applicable.

**CONSULTATION:**

Not applicable.

**COMMENT:**

The balance of the bank statement does not identify any outstanding receipts or payments that have not been received by the bank. This will generally mean that the balance on the bank statement will differ from the balance in the financial statements. The Bank Reconciliation

Report provides information of any outstanding receipts or payments so that a true picture is provided in relation to the balance of the various bank accounts.

**VOTING REQUIREMENTS:**

Simple majority decision required.

**OC1105 COUNCIL'S DECISION/OFFICER'S RECOMMENDATION:**

**Moved Cr S Weldon, Seconded Cr L Hawkins.**

**That:**

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

**CARRIED 4/0**

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**OC1106 11.2.4 REIMBURSEMENT OF EXPENSES**

**File Ref: 39**

**SUBMISSION TO:** Ordinary Meeting of Council, 22 November 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:**

Presentation of an information report to Council on expenses that have been reimbursed to Staff who have incurred expenditure during the course of business on behalf of Council.

**ATTACHMENTS:** Nil.

**APPLICANT'S SUBMISSION:** Not applicable.

**BACKGROUND:**

Pursuant to Policy No. 3.11, expenses have been incurred on behalf of Council:

<b>Bill Taiki</b> Works Manager	Reimbursement For Essentials For Road Crew	\$ 168.69
<b>Ian O'Leary</b> Swimming Pool Manager Applicant	Reimbursement For Travel To Swimming Pool Manager Interview	\$1,598.80
<b>Joanna Seczkowski</b> Community Development Manager	Reimbursement For Working With Childrens Clearances For Joanna & Martin	\$ 106.00
<b>Martin Seelander</b> Sport & Recreation Officer	Reimbursement For Fuel As Per Agreement	\$ 296.16
<b>Martin Seelander</b> Sport & Recreation Officer	Reimbursement For Fuel As Per Agreement	\$ 140.93
	<b>TOTAL</b>	<b>\$2,310.58</b>

**STATUTORY ENVIRONMENT:**

As per adopted Council Policy 3.11 – Reimbursement of Expenses.

**POLICY IMPLICATIONS:**

Policy 3.11 - Reimbursement of Expenses.

**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.

**OC1106 COUNCIL'S DECISION/OFFICER'S RECOMMENDATION:**

**Moved Cr S Weldon, Seconded Cr L Hawkins.**

**That Council acknowledge the reimbursement of expenses already paid in accordance with Policy No 3.11 amounting to \$2,310.58.**

**CARRIED 4/0**

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<b>OC1107 11.2.5 FINANCIAL STATEMENTS FOR THE PERIOD TO 30 SEPTEMBER 2012</b>	<b>File Ref: 612</b>
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**SUBMISSION TO:** Ordinary Meeting of Council, 22 November 2012.

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

**OWNER/APPLICANT:** Not Applicable.

**AUTHOR:** Deanne Prior, Executive Manager Corporate & Community Services.

**SENIOR OFFICER:** Steven Deckert, Chief Executive Officer.

**PREVIOUS MEETING REF:** Not applicable.

**MATTER FOR CONSIDERATION:**

To receive the Financial Activity Statements for the period to 30 September 2012.

**ATTACHMENTS:**

Appendix 11.2.5 "A" – Financial Report for Period to 30 September 2012.

**BACKGROUND:**

Regulation 34 of the Local Government (Financial Management) Regulations 1996 requires the preparation of a statement of financial activity each month, reporting on revenue and expenditure. Material variances (as determined by the Council annually) between actual and budgeted figures must be commented on.

Variances between budgeted and actual expenditure, including the required Material Variances of plus or minus 10% and \$10,000, which is the limit set as per Council Resolution, should be reported on.

**STATUTORY ENVIRONMENT:**

*Local Government (Financial Management) Regulation 1996*  
Regulation 34

**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 Financial Reports are presented monthly, generated by our off-site Accountants, UHY Haines Norton and printed in our office.



Once the reports are received from Haines Norton, comments are then added to various sections of the report to provide additional information or explanations. Note 13 Major Variances provides explanations for any material variance identified in the reports.

**VOTING REQUIREMENTS:**

Simple majority decision required.

**OC1107 COUNCIL'S DECISION/OFFICER'S RECOMMENDATION:**

**Moved Cr P Hill, Seconded Cr S Weldon.**

**That the Financial Activity Statements for the month ending 30 September 2012, as presented and appended (Appendix 11.2.5 "A"), be received.**

**CARRIED 4/0**

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### **Declaration of Interest**

The CEO, Steven Deckert declared a Financial Interest, pursuant to the *Local Government Act 1995*, in the following Item 11.2.6 as a shareholder of the company in this Agenda Item.

OC1108	11.2.6 PROPOSAL TO WRITE OFF \$1,998.79 – RANGE RIVER GOLD LTD	File Ref: 223
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**SUBMISSION TO:** Ordinary Meeting of Council, 22 November 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.

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

**OWNER/APPLICANT:** Shire of Laverton.

### **MATTER FOR CONSIDERATION:**

Write off the amount of \$1,998.79 being the balance outstanding on Invoices 2721, 2743 and 2825.

### **ATTACHMENTS:**

Attachment 11.2.6 "A" – Copy of letter from PPB Advisory dated 25 October 2012.  
Attachment 11.2.6 "B" – Copy of invoices 2721, 2743 and 2825.

### **BACKGROUND:**

Invoices 2721, 2743 and 2825 were raised for the Mining Company Subsidy for the retention of a doctor in Laverton. All mining companies operating within the Shire of Laverton are approached to seek agreement from them to make a contribution towards this service. Management of Range River Gold agreed to make this contribution however we never received any payment for the invoices raised before they went into Voluntary Administration.

### **STATUTORY ENVIRONMENT:**

*Local Government Act 1995*

Section 6.12 - Power to defer, grant discounts, waive or write off debts.

### **POLICY IMPLICATIONS:**

Council has no policies in respect to this matter.

### **FINANCIAL IMPLICATIONS:**

Reduce the Accounts Receivable balance by an amount of \$1,998.79. The invoices were raised during the 2009/10 and 2010/11 financial years and was included as income for these 2 years. If Council gives approval to write the debt off, an adjustment will be made to the Mining Company Subsidy Income Account in the current financial year to acknowledge the reduction in revenue.

**STRATEGIC IMPLICATIONS:**

Not applicable.

**CONSULTATION:**

Not applicable.

**COMMENT:**

Council previously received advice that Range River Gold Ltd went into Voluntary Administration in April 2011. PPB Advisory were appointed as Administrators, under Section 436A of the Corporations Act 2001. The Administrators worked with the Secured and Unsecured Creditors since April 2011 to work towards the best possible outcome to pay out the amounts owed to creditors. This process has now been finalised and a payment of 5 cents in the dollar has been paid to unsecured creditors. The Shire received a cheque for \$105.13, which has been applied against the total amount owing of \$2,103.92. There is no further opportunity to recover any more of the outstanding debt.

**VOTING REQUIREMENTS:**

Simple majority decision required.

**OMC1108 COUNCIL'S DECISION/OFFICER'S RECOMMENDATION:**

**Moved Cr S Weldon, Seconded Cr L Hawkins.**

**That Council approve to write off the debt of \$1,998.79 being the outstanding balance on debtor invoices 2721, 2743 and 2825, for Range River Gold Ltd, as the outstanding amounts cannot be recovered, due to the company being wound up.**

**CARRIED 4/0**

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### 11.3 WORKS AND SERVICES BUSINESS

Oc1109	11.3.1	<b>WORKS &amp; SERVICES UNBUDGETED EXPENDITURE - 2012/13</b>	<b>File Ref: 633</b>
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**SUBMISSION TO:** Ordinary Meeting of Council, 22 November 2012.

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

**OWNER/APPLICANT:** Not applicable.

**AUTHOR:** David McKinley, Executive Manager Technical Services.

**SENIOR OFFICER:** Steven Deckert, Chief Executive Officer.

**PREVIOUS MEETING REFERENCE:** Not applicable.

**MATTER FOR CONSIDERATION:**  
For Council to consider approval of unbudgeted expenditure items.

**ATTACHMENTS:** Nil.

**APPLICANT'S SUBMISSION:**  
Not applicable.

#### **BACKGROUND:**

1. During the preparation of the 2012/13 Financial Budget, provision was initially made in the draft and later endorsed by Council for (C120532) 1 x aluminium steps with removable adjustable legs and hand rails for access to Maintenance/Construction accommodation, this would have bought the item within budget however, 2 sets of steps are needed for safety and compliance with Occupational Health & Safety and now this has pushed this budgeted item over and beyond the original allocation \$15,000.00 to \$21,630.66 (excl. GST), this equates to **\$6,630.66** over expenditure.
2. During the preparation of the 2011/2012 Financial Budget, provision was initially made in the draft and later endorsed by Council for the supply and install cattle grid on Great Central Road, the works had been undertaken prior to the commencement of the 2012/2013 financial year. The account for these works was only received in October 2012. As the work had been completed in 2011/12 it was not included in the capital expenditure for 2012/13. This is a timing issue but is unbudgeted expenditure of **\$12,726.00**.

3. During a tool box meeting back in September 2012, it was revealed that Works Crew were climbing inside of buckets on (front end loaders and other articulated plant) machinery to secure awning and attachments to sleeping quarters and kitchen area. This practice from a risk management point of view is very undesirable, however, it is necessary to shade the Works Crew crib area from the elements thus providing clement environment for the Workers to retreat to. The trade-off was to purchase an awning that would provide shelter for the Works Crew, yet could be assembled on the ground and attached to the portable living transportable without the need for use of Road plant, thus reducing the risk to Council Employees and Council body corporate. Cost to Council: **\$3,538.18** (excl. GST); and
4. During September, the 3 inch submersible water pump (5 years old), used by Road Crew, ceased working. The unit was then sent to a specialist for repair and maintenance, the invoice or quote for repair/maintenance (transport costs) was not to dis-similar to the price for a new pump with aftermarket warranty. After advice from Ray McKay, Depot Manager and Bill Taiki, Works Manager, and the ongoing urgency for water in the delivery of Road construction/maintenance program the decision was made to purchase 1 x 3 inch submersible pump at a cost of **\$3,512.29** (excl. GST).

Total: **\$26,407.13** (excl. GST).

#### **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.

Section 6.8 – Deals with the requirements when the local government incurs expenditure not provided for in the annual budget

#### **POLICY IMPLICATIONS:**

Council has Policy 3.8 which deals with the budget requirements to include items to be acquired during the financial year

#### **FINANCIAL IMPLICATIONS:**

These unbudgeted expenditures are of a capital nature and therefore will be capitalised as part of our asset inventory. It is recommended that this unbudgeted expenditure be offset by savings made in the purchase of the new grader.

#### **STRATEGIC IMPLICATIONS:**

Not applicable.

#### **CONSULTATION:**

Mr Steven Deckert – CEO.

Mrs Deanne Prior – EMCCS.

#### **COMMENT:**

Item 1 – both maintenance and construction have the need for access to living arrangements that are placed on trailer/dolly configurations above the height of 1.5m. The steps used previously were aged and were unusable. They needed replacing and, as mentioned earlier, provisions were only made for one set not two sets.

Item 2 – clearly there has been a misunderstanding of sorts with regard to timing of works and clarification with regard to payment at an Officer level.

Item 3 – I have already made a site visit to the Construction Crew 'camp' on Great Central Highway and further recognise the need for the canvas awning and its attachment to the existing mobile living units.

Item 4 – submersible pumps are integral to the daily Road construction/maintenance for water binding sheeting and so on, the situation with the previous submersible is that the casing collapsed thus sending debris into the impala mechanism inside the pump casing.

**VOTING REQUIREMENTS:**

Absolute majority decision required.

**OC1109 COUNCIL'S DECISION/OFFICER'S RECOMMENDATION:**

**Moved Cr S Weldon, Seconded Cr L Hawkins**

**That Council:**

- (i) **approve the unbudgeted expenditure totalling \$26,407.13, comprising:**
- **\$6,630.66 for additional set of aluminium steps for Maintenance/Construction Crew Accommodation.**
  - **\$12,726.00 for installation of a grid on Great Central Road installed in 2011/12, but not invoiced until 2012/13.**
  - **\$3,538.18 for a retractable awning for the Works Crew Camp.**
  - **\$3,512.29 for a 3 inch submersible pump to replace the existing pump which ceased working and was unserviceable.**
- (ii) **Approves that this unbudgeted expenditure be offset by savings made on the purchase of the new grader.**

**CARRIED BY ABSOLUTE MAJORITY 4/0**

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**OC1110 11.3.2 PURCHASE OF FRONT END LOADER**

**File Ref: 633**

**SUBMISSION TO:** Ordinary Meeting of Council, 22 November 2012.

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

**OWNER/APPLICANT:** Shire of Laverton.

**AUTHOR:** David McKinley, Executive Manager Technical Services.

**SENIOR OFFICER:** Steven Deckert, Chief Executive Officer.

**PREVIOUS MEETING REFERENCE:** Not applicable.

**MATTER FOR CONSIDERATION:**

Consider options discussed in the business case and associated cost benefit analysis for the outright purchase of a new Front End Loader before endorsing a budget variation for the proposed outright purchase of 1 x new Front End Loader 3.5-4 cubic approximately. It should also be pointed out that for now there is no intention of acquiring more Staff to operate this plant, hence existing Staff will operate the Front End Loader.

**ATTACHMENTS:**

Attachment 11.3.2 “A” – Business Case for Front End Loader.  
Attachment 11.3.2 “B” – Cost Benefit Analysis for Front End Loader.

**APPLICANT’S SUBMISSION:**

Not applicable.

**BACKGROUND:**

Mr Brian Roberts, the Front End Loader Contractor for the Shire, has recently announced his retirement or partial retirement. The implication here is that the Shire is in a position where the decision has to be made as to how it is to address the deliverables associated with the capital works program. The options are highlighted in both the business case and secondary cost benefit analysis. The situation is that; the Shire in the interim has no Front End Loader, thus leading to a service delivery short fall.

**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:**

Policy 2.18 – Purchasing

**FINANCIAL IMPLICATIONS:**

The proposed expenditure is not a ‘budgeted’ item and therefore needs Council approval, additionally; the unbudgeted proposed expenditure must come from the Council plant reserve.

**STRATEGIC IMPLICATIONS:**

The Shire of Laverton is subject to the Integrated Planning and Reporting (IPR) Framework that has been established in order to allow Local Governments to plan sustainably for the future and to equip their organisations to respond to short, medium and long term community requirements. The acquisition of plant and equipment aids Council in the deliverables.

**CONSULTATION:**

Mr Ray McKay, Shire Mechanic;  
Mr Les Smith, Grader Operator;  
Mr Peter Crawford, Chief Executive Officer, Shire Menzies;  
Mr Bill Taiki, Works Manager; and  
Suppliers and industry colleagues.

**COMMENT:**

Since the retirement of council's front end loader Contractor, the Shire has been utilizing various methods to cover the works loader requirements including dry hire of equipment and engaging contractors as and when required. This however is proving inefficient, difficult to manage and not cost effective.

Accordingly, Council has requested the EMTS to investigate all options for the Shire's front end loader requirements and to report back to Council.

Options canvassed includes:

- (i) Purchase front end loader and utilise existing staff to operate
- (ii) Purchase front end loader and employ an additional staff member to operate
- (iii) Lease a front end loader and utilise existing staff to operate
- (iv) Hire front end loader contractor

After reviewing all options as outlined in the attached Business Case (Attachment 11.3.2 "A") and Cost Benefit Analysis (Attachment 11.3.2 "B") both Peter Crawford, the former Executive Manager Technical Services, and I agree from a professional point of view, that the inclusion of a new Front End Loader would prominently enhance productivity both in the areas of maintenance and preservation, notwithstanding the contribution a new Front End Loader would have both around the Townsite, refuse site and potential emergency/recovery management.

It is proposed initially to utilise existing staff to operate the loader, and then over a period of time investigate whether it is worth considering engaging an additional staff member to operate the loader.

**VOTING REQUIREMENTS:**

Simple majority decision required.

**OFFICER'S RECOMMENDATION:**

That Council:

1. Endorse in principle the purchase 1 x new Front End Loader 3.5 - 4 cubic metres at a cost of approximately \$300,000;
2. Acknowledges the intention for now to use existing Staff to operate; and



3. Requests Staff to obtain quotations for the new Front End Loader through the WALGA Preferred Supplier facility to be bought back to Council for further consideration.

**OC1110 COUNCIL'S DECISION:**

**Moved Cr P Hill, Seconded S Weldon.**

**That Council:**

1. **Endorse in principle the purchase 1 x new Front End Loader 3.5 - 4 cubic metres at a cost not exceeding \$300,000;**
2. **Acknowledges the intention for now to use existing Staff to operate; and**
3. **Requests Staff to obtain quotations for the new Front End Loader through the WALGA Preferred Supplier facility to be bought back to Council for further consideration.**

**CARRIED 4/0**

**Reason for amendment**

**Council amended recommendation to ensure that there is a limit on the cost of the Front End Loader.**

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<b>OC1111 11.3.3 PURCHASE OF TECHNICAL SERVICES DEMOUNTABLE OFFICE</b> <b>File Ref: 475</b>
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**SUBMISSION TO:** Ordinary Meeting of Council, 22 November 2012.

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

**OWNER/APPLICANT:** Not applicable.

**AUTHOR:** David McKinley, Executive Manager Technical Services.

**SENIOR OFFICER:** Steven Deckert, Chief Executive Officer.

**PREVIOUS MEETING REFERENCE:** Not applicable.

**MATTER FOR CONSIDERATION:**  
For Council to consider approval of an items of unbudgeted expenditure.

**ATTACHMENTS:**  
Attachment 11.3.3 "A" – NT Link Quotation/Rental Contract.  
Attachment 11.3.3 "B" – Instant Transportable Offices Quotation.  
Attachment 11.3.3 "C" – Comparison table.  
Attachment 11.3.3 "D" – Photographs of demountable office.

**APPLICANT'S SUBMISSION:**  
Not applicable.

**BACKGROUND:**  
To assist Council in addressing growing demand on its resources, Elected Members endorsed the 2012/13 Budget. One of the considerations in the 2012/13 Budget is the acquisition of a 12m x 6m demountable that will be attached to the existing administration building. The demountable will become the new office for Technical Services. By relocating Technical Services this will free up vital administration office space to accommodate a more diverse work force structure and streamline operations throughout the organisation.

**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.  
Section 6.8 – Deals with the requirements when the local government incurs expenditure not provided for in the annual budget

**POLICY IMPLICATIONS:**  
Policy 3.8 – Budget Preparation.

**FINANCIAL IMPLICATIONS:**  
There are four options for Council to consider for the acquisition of a new demountable for Technical Services:

1. NT Links 24 month lease hire agreement (Attachment 11.3.3 “A”) where at the end of the contract, the Shire buys the demountable office for 75% of the original purchase price;
2. Instant Transportable Offices proposal for 24 month hire purchase agreement (Attachment 11.3.3 “B”) where after the term of the contract has reached its finality, the Shire will own the asset outright; and
3. Outright purchase.
4. Do nothing.

Under the 2012/13 approved budget schedule 14 other property and services E145050 there is provision for the lease of ‘transportable building’ \$30,000.

**STRATEGIC IMPLICATIONS:**

Not applicable.

**CONSULTATION:**

Mr Steven Deckert, CEO;  
Ms Deanne Prior, EMCCS;  
Mr Garry Wilson, NT Link;  
Mr Stephen Heath, Westminster National (finance company for Instant Products);  
Mr Brendan Marks, Instant Products;  
Other industry professionals and suppliers.

**COMMENT:**

The understanding is that Council were not of the inclination to be tied to any purchase agreements relating to the acquisition and use of an Engineers office. However; while sourcing quotes for lease hire, by chance it was identified through a cost comparison that if the Shire was to lease hire the 12 x 6 demountable, that in order to retain the office once the lease hire contract had reached its finality, then the Shire would be in the position to either extend the contract by negotiation, or purchase the demountable from NT Link for 75% of the value or purchase price or do nothing and have NT Link recover the Engineers office. On the flipside; if the Shire were to enter into an agreement with Instant Transportable Offices for say a two year hire purchase agreement, the Shire would own the demountable office at the end of the contract or that would be the most likely scenario. While this is not legally possible (to enter into a hire purchase agreement) it does raise the question that in the longer term we would be better off to purchase the building outright up front rather than pay interest to someone else.

The Shire of Laverton Townsite Revitalisation Plan although complete on paper, it is recognised that for this plan to come to fruition, this could take some years to roll out, in the interim the Shire must address office space and its relationship to operations and for now the Instant Transportable Offices scenario would offer the Shire the most control and least long term ambiguity.

Site works and power, telephone, computer and building carpentry would be the responsibility of the Shire no matter whether the Shire would opt for purchase or lease. See also attached cost comparison.

It is clear that the Instant Products proposal provides a better long-term outcome compared to NT Link, if this was legal however it may be more advantageous to purchase outright up front.

The Budget has been framed around lease only, but suppliers are not prepared to incorporate delivery costs into the lease arrangement. As a consequence a Budget variation would be required.

It is recommended that Council delegate authority to the CEO to acquire a 12m x 6m transportable office by the most advantageous means and endorse utilising Reserve Fund monies if required to cover any shortfall between budget and final cost.

**VOTING REQUIREMENTS:**

Absolute majority decision required.

**OC1111 COUNCIL'S DECISION/OFFICER'S RECOMMENDATION:**

**Moved Cr P Hill, Seconded Cr S Weldon.**

**That Council:**

- (i) Endorse in principle the acquisition of a 12m x 6m transportable office, providing the cost of leasing (over the life of the lease) or outright purchase does not exceed \$130,000.**
- (ii) Delegates Authority to the CEO to determine the most advantageous method of acquisition of the transportable office, whether it be lease or outright purchase.**
- (iii) Endorses the utilisation of Reserve Fund monies of up to \$100,000 if the most advantageous outcome determined by the CEO exceeds the current budget of \$30,000.**

**CARRIED BY ABSOLUTE MAJORITY 4/0**

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<b>OC1112 11.3.4 PURCHASE OF SOFTWARE – UNBUDGETED EXPENDITURE</b> <b>File Ref: 633</b>
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**SUBMISSION TO:** Ordinary Meeting of Council, 22 November 2012.

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

**OWNER/APPLICANT:** Not applicable.

**AUTHOR:** David McKinley, Executive Manager Technical Services.

**SENIOR OFFICER:** Steven Deckert, Chief Executive Officer.

**PREVIOUS MEETING REFERENCE:** Not applicable.

**MATTER FOR CONSIDERATION:**

For Council to consider approval of the purchase of computer software that will aid in staff carrying out their function and duties. This software has not been budgeted.

**ATTACHMENTS:**

Attachment 11.3.4 “A” – Perth CAD Centre Quotation – AutoCAD.  
Attachment 11.3.4 “B” – Email regarding Microsoft Project software.

**APPLICANT’S SUBMISSION:**

Not applicable.

**BACKGROUND:**

During the preparation of the 2012/13 Financial Budget, provision was initially made in Schedule 14 Other Property and Services, E143090 for ROMAN (RAMS2) and incorporated MS Office licences \$10,200.

It has been identified that whilst the above are tools that are used in daily operations or should be performing adequately, it is further suggested that MS Project and Auto-Cad would assist the Shire in the efficient delivery of its services, mainly asset and time management.

**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.

Section 6.8 – Deals with the requirements when the local government incurs expenditure not provided for in the annual budget

**POLICY IMPLICATIONS:**

Policy 3.8 – Budget Preparation.

**FINANCIAL IMPLICATIONS:**

MS Project Standard 2010/Project Professional 2010 open licence with software assurance costs \$2,285.45 (GST included) each (Attachment 11.3.4 “B”)

Auto-Cad costs initially one off \$5,550.00 + GST and a yearly subscription fee of \$780.00 + GST (this does not include training of the Technical Officer to use Auto-Cad) (Attachment 11.3.4 "A").

**STRATEGIC IMPLICATIONS:**

Not applicable.

**CONSULTATION:**

Mr Steven Deckert, CEO;  
Ms Deanne Prior, EMCCS.

**COMMENT:**

Project management is defined as a broad set of skills to properly initiate, plan, execute, control and close a project. The primary skills are scoping (i.e., describing and agreeing on project objectives and requirements), scheduling, and estimating. Added to these core skills are managing risk and uncertainty, managing quality, communicating, managing ourselves, and collaborating with others, including suppliers of goods and services and everyone else who works on or is affected by the project.

MS Project has been designed to assist project managers in the development of plans, to assign resources to tasks, to track progress, to manage budgets and to analyse workloads. For the Technical Services portfolio MS project would enhance and improve daily operations in that resource allocation and budgetary requirements can be monitored thus allowing more informed forecasts to be made at an Officer level.

Recently the cemetery was surveyed for the first time in the 150 years of its existence, I left specific instructions to the Surveyor to carry out a feature survey, the data from the pickup would be converted at my direction to Auto-Cad compatibility. The object of my direction is that from an asset management point of view I can or the Technical Officer can then plan for future burials, place numbers of existing entombments on Auto-Cad files. More importantly at a moment notice files can be opened and burial information filtered.

In short from now on Technical services can design and shape and place lots according to the previous numbering system using survey Auto-Cad design now and in future.

Auto-Cad can be used to manipulate Building design of existing designs and for generating new ones from scratch. Auto-Cad is a tool that I hope to support the tender process for the Tjukayirla Road house seal and future job, as the works can be costed from the 'sheet design'. Again with Road design and asset management and subdivision Road design, Auto-Cad design provides excellent support mechanisms in that design information can be read of plans and keyed directly into ROMAN/RAMS and used in conjunction with Shawmac ROMAN user manual.

**VOTING REQUIREMENTS:**

Absolute majority decision required.

**OC1112 COUNCIL'S DECISION/OFFICER'S RECOMMENDATION:**

**Moved Cr S Weldon, Seconded Cr P Hill.**

**That Council approve the unbudgeted expenditure for the purchase of:**

- 1. Auto-Cad package \$6,105.00 (one of payment includes GST);**
- 2. Yearly Auto-Cad subscription fee of (\$858.00 includes GST); and**
- 3. The outright purchase of MS Project Professional 2010 (\$2,285.45) with the view to purchasing a second package 2013/14 for the Chief Executive Officer.**

**CARRIED BY ABSOLUTE MAJORITY 4/0**

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#### 11.4 COMMUNITY DEVELOPMENT BUSINESS

Nil.

#### 11.5 MANAGEMENT AND POLICY BUSINESS

<b>OC1113 11.5.1 COUNCILLORS' INFORMATION ITEMS 10/12</b>	<b>File Ref: 635</b>
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**SUBMISSION TO:** Ordinary Meeting of Council, 22 November 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 Items for the period ended 30 September 2012 by Council.

**CONFIDENTIAL ATTACHMENTS:**

Shire of Laverton Councillors' Information Items 10/12 circulated on 6 November 2012 under separate cover and is deemed to be a "Confidential" document for Councillors information only.

**APPLICANT'S SUBMISSION:** Not applicable.

**BACKGROUND:**

Councillors' Information Items 10/12 for period ending 31 October 2012 was completed and circulated to Councillors.

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

**VOTING REQUIREMENTS:**

Simple majority decision required.

**OC1113 COUNCIL'S DECISION/OFFICER'S RECOMMENDATION:**

**Moved Cr P Hill, Seconded Cr L Hawkins**

**That the Councillors' Information Items 10/12 for the period ended 31 October 2012, as previously circulated to Councillors, be received.**

**CARRIED 4/0**

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**OC1114 11.5.2 PROSECUTION OF OFFENCES - BUSH FIRES ACT 1954**

**File Ref: 312**

**SUBMISSION TO:** Ordinary Meeting of Council, 22 November 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 OC0828, OMC 23 August 2012.

**MATTER FOR CONSIDERATION:**

Appointment of “*prosecutor*” pursuant to section 59 of the *Bush Fires Act 1954*.

**ATTACHMENTS:** Nil.

**APPLICANT’S SUBMISSION:** Not applicable.

**BACKGROUND:**

At the 23 August 2012 meeting, Council formally adopted the 2012/13 Bush Fire Notice. This document sets out Council’s requirements for fire preventative measures within the Laverton town site. Specifically, the 2012/13 Bush Fire Notice seeks the removal of flammable material from any lot situated in the town site by 15 October 2012.

A corollary matter arising from adoption of the Bush Fire Notice is the need for Council to appoint appropriate persons as “*prosecutors*” pursuant to sections 59 and 59A of the *Bush Fires Act 1954*.

A person so appointed is authorised to institute and carry on proceedings against a person for an offence alleged to be committed against this Act.

**STATUTORY ENVIRONMENT:**

*Bush Fires Act 1954*

Section 59(1) A person authorised by the Minister, a member of the Authority, an officer of the Authority, an authorised CALM Act officer, a member of the Police Force, or a local government, may institute and carry on proceedings against a person for an offence alleged to be committed against this Act.

(2) The person instituting and carrying on the proceedings shall be reimbursed out of the funds of the local government within whose district the alleged offence is committed, all costs and expenses which he may incur or be put to in or about the proceedings.

(3) A local government may, by written instrument of delegation, delegate authority generally, or in any class of case, or in any particular case, to its bush fire control officer, or other officer, to consider allegations of offences alleged to have been committed against this Act in the district of the local government and, if the delegate thinks fit, to institute and carry on proceedings in the name of the

local government against any person alleged to have committed any of those offences in the district, and may pay out of its funds any costs and expenses incurred in or about the proceedings.

- 59A(1) In this section **prosecutor** means a person or local government authorised by or under section 59 to institute and carry on proceedings against a person for an offence alleged to be committed against this Act.
- (2) Where a prosecutor has reason to believe that a person has committed any such offence against this Act as is prescribed for the purposes of this section, the prosecutor may serve on that person a notice, in the prescribed form (in this section called an **infringement notice**), informing the person that, if he does not wish to be prosecuted for the alleged offence in a court, he may pay to an officer specified in the notice, within the time therein specified, the amount of the penalty prescribed for the offence, if dealt with under this section.
- (3) An infringement notice may be served on an alleged offender personally or by posting it to his address as ascertained from him, at the time of, or immediately following, the occurrence giving rise to the allegation of an offence, or as shown (in the case of an owner of land) in a rate record, kept pursuant to the *Local Government Act 1995*, as his address for the service of rate notices.
- (4) A person who receives an infringement notice may decline to be dealt with under the provisions of this section and, where he fails to pay the prescribed penalty within the time specified in the notice or within such further time as may, in any particular case, be allowed, he is deemed to have declined to be dealt with under those provisions.
- (5) An infringement notice may, whether or not the prescribed penalty has been paid, be withdrawn, at any time within 60 days after the service of the notice, by the sending of a notice, in the prescribed form, signed by a prescribed officer, to the alleged offender at his last known place of residence or business, advising the alleged offender that the infringement notice has been withdrawn, and, in that event, the amount of any prescribed penalty that has been paid shall be refunded.

**POLICY IMPLICATIONS:**

Council has no policies in regards to this matter.

**FINANCIAL IMPLICATIONS:**

No direct outlays at this juncture, however a natural consequence will be the anticipated imposition of bush fire infringements.

**STRATEGIC IMPLICATIONS:**

Not Applicable.

**CONSULTATION:**

Liaison with Chief Bush Fire Control Officer, David McKinley.

**COMMENT:**

Once again there has been strong grass growth this year and there is now the presence of obvious fire hazards around town. The prescribed date of 15 October 2012 for the installation

of fire preventative measures is now behind us and unfortunately there are still many fire hazards around town.

Enforcement steps to remove the fire hazards are already under way and the issue of infringements for non-compliance is viewed as being inevitable.

For the Shire of Laverton's purposes it is considered the appointment of two **prosecutors** is appropriate. This should be the Chief Executive Officer (Steven Deckert) and the Chief Bush Fire Control Officer (David McKinley).

It would also be appropriate to appoint Mr Deckert with the authority to withdraw Bush Fire Infringements.

**VOTING REQUIREMENTS:**

Simple majority decision required.

**OC1114 COUNCIL'S DECISION/OFFICER'S RECOMMENDATION:**

**Moved Cr L Hawkins, Seconded Cr S Weldon**

**That pursuant to sections 59 and 59A of the *Bush Fires Act 1954*;**

**1. The following persons be appointed as *prosecutors*:**

- **Steven Deckert**
- **David McKinley; and**

**2. That Steven Deckert be authorised to withdraw bush fire infringements.**

**CARRIED 4/0**

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<b>OC1115 11.5.3 RENEWABLE ENERGY BUYBACK – PROPOSAL TO INSTALL SOLAR POWER SYSTEMS TO SHIRE BUILDINGS</b>	<b>File Ref: 699</b>
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**SUBMISSION TO:** Ordinary Meeting of Council, 22 November 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:**  
Evaluation of a proposal to provide solar power installations on two Shire buildings.

**ATTACHMENTS:** Nil.

**APPLICANT'S SUBMISSION:** Not applicable.

**BACKGROUND:**

An excellent opportunity currently exists for the Shire to participate in Horizon Power's renewable energy buyback scheme.

Renewable energy can be generated via a number of means including photovoltaic, solar thermal, wind or mini hydro. In the Shire's case we would be looking at photovoltaic (solar).

As a consequence, several Shire properties have been identified for consideration. The relevant properties are:

<u>Property</u>	<u>2011/12 Power Cost</u> (excludes GST)	<u>Tariff</u> (excludes GST)
Great Beyond Visitor Centre	\$ 17,079	L4 – 31.94 cents/unit
Shire Office & Hall	\$ 9,180	L2 – 25.61 cents/unit
Swimming Pool	\$ 21,506	L4 – 31.94 cents/unit

Clearly the swimming pool on power usage would offer the greatest potential benefit however with minimal roof area available for the installation of solar panels, it needs to be removed from consideration for the time being at least.

Both the Great Beyond Visitor Centre and the Shire Office/Hall have adequate roof space available with directional aspect being best for the latter facility.

The Shire's eligibility to connect a renewable energy system primarily depends on the tariff(s) we are on (see above), the size of the renewable energy system we would seek to install, the available network hosting capacity in Laverton and commercial and technical considerations. The information following represents material extracted from Horizon Power's website and being pertinent to the Shire's consideration of this item.

### System size

There are three classes of system sizes:

- Class 1 system size: Up to and including 5kW
- Class 2 system size: Over 5kW but less than or equal to 50kW
- Class 3 system size: Over 50kW but less than or equal to 1MW

### The town's hosting capacity

Horizon Power report they are committed to using and promoting renewable energy. To safeguard the quality of electricity to each community, they have set a renewable energy hosting capacity in all the towns they supply. Hosting capacity means how much renewable energy the electricity system can accommodate without disrupting supply to other customers.

As from 1 July 2012 renewable energy technical requirements include specifications for generation managed (GM) systems – where the electricity output can be controlled to help maintain the reliability of the power supply to all customers. This means Horizon Power can potentially approve application in towns where hosting capacity has previously been reached and it will also provide customers with more choice about the size of renewable energy installation they can install.

For Laverton the renewable energy buyback commercial product availability for GM systems as at 1 October 2012 was 213kW.

### Eligibility rule table

The Shire facilities being evaluated would be suited to a Class 2 system (over 5kW but less than 50kW).

- The rule table indicates this is subject to a Renewable Energy Commercial Buyback Terms and Conditions Contract.
- Horizon Power's buyback offer for Laverton is 43.38 (incl. of GST) cents per kWh of electricity (1 unit). This applies to excess power produced and as can be seen, exceeds both the L2 and L4 tariff rates.

### Evaluation

Initial research on this item has consequently focused on developing solar power systems for both the Great Beyond Visitor Centre and also the Shire Office/Hall. This has been achieved by seeking costing details from Smart Power, an accredited installer located in Kalgoorlie. Calculations have been made using the following parameters:

- Class 2 system producing 10kW (40 x 250W panels)
- Minimum of 6 hours sunlight availability per day
- L2 tariff of 25.61c per unit of electricity
- L4 tariff of 31.94c per unit of electricity
- Renewable energy buyback rate of 43.38c per unit of electricity
- Cost of 10kW solar system and inverter \$ 28,360
  - Less government rebate - 8,370
  - Balance including installation \$ 19,990
- 1 kW hour = 1 unit of electricity

## STATUTORY ENVIRONMENT:

### *Local Government Act 1995*

Section 6.2(1) During the period from 1 June in a financial year to 31 August in the next financial year, or such extended time as the Minister allows, each local government is to prepare and adopt\*, in the form and manner prescribed, a budget for its municipal fund for the financial year ending on the 30 June next following that 31 August.

*\* Absolute majority required.*

- (4) The annual budget is to incorporate —
- (e) details of the amounts to be set aside in, or used from, reserve accounts and of the purpose for which they are to be set aside or used.

6.8 (1) A local government is not to incur expenditure from its municipal fund for an additional purpose except where the expenditure —

- (a) is incurred in a financial year before the adoption of the annual budget by the local government; or
- (b) is authorised in advance by resolution\*; or
- (c) is authorised in advance by the mayor or president in an emergency.

*\* Absolute majority required.*

(1a) In subsection (1) —

**additional purpose** means a purpose for which no expenditure estimate is included in the local government's annual budget.

### *Electricity Industry (License Conditions) Regulations 2005*

Regulation 8(1) It is a condition of every retail licence and integrated regional licence held by a relevant corporation that the corporation must, before 1 March 2005 or such later day as the coordinator may allow, submit to the Coordinator a draft of the contract under which the corporation proposes to purchase renewable source electricity from eligible customers.

## POLICY IMPLICATIONS:

### Policy 2.18 – Purchasing

Item 7 of the policy "Purchasing Thresholds" requires –

- three written quotations be obtained for goods or services in the range of \$20,000 to \$49,999.
- three written quotations based upon a written specification or brief having been provided for goods or services in the range of \$50,000 to \$99,999.

## FINANCIAL IMPLICATIONS:

Currently, there is no provision in the 2012/13 budget for this project.

As such, the following are options available to Council:

- reject the proposal
- defer consideration of the project to 2013/14
- opt to proceed with the project as an 'additional purpose' from the municipal fund pursuant to section 6.8(1)(b) – *absolute majority required*
- opt to proceed with the project utilising reserve account monies - *absolute majority required*

However, after careful evaluation it is considered prudent to pursue the project via the use of reserve account monies.

The Shire has quite a number of reserve accounts and in this instance the Council Buildings Reserve is considered appropriate (Purpose - to be used to maintain and construct buildings used by the local government). The 2012/13 budget sets out the following activity:

Balance 1 July 2012	\$717,763
Interest earned	28,711
Transfer from Municipal	50,000
Less transfer to Municipal (Group Dwelling Project)	<u>-500,000</u>
Balance 30 June 2013	<u>\$296,474</u>

Consequently, the use of \$40,000 or \$60,000 towards this proposal is consistent with the purpose of the Council Buildings Reserve and is also not detrimental to the sustainability of the Reserve.

#### **STRATEGIC IMPLICATIONS:**

Strategically, the pursuit of taking up a proportion of the available kW of eligible renewable energy installations (Laverton) for the Renewable Energy Commercial Buyback terms and conditions, will be best sooner – rather than later.

#### **CONSULTATION:**

With Josh Lucas of Smart Power for indicative information about the proposal.

#### **COMMENT:**

Investigation and research into the opportunities for the provision of renewable energy to two Shire buildings, has shown a strong case for doing so at the earliest opportunity. This is based on the following premise:

- Cost recovery can be made on a 10kW solar power installation for –
  - Great Beyond Visitor Centre - a maximum of 2.86 years
  - Shire Office/Hall - a maximum of 3.56 years
- Whilst funding of this project has not been provided in the 2012/13 budget, there is adequate funding available in the Building Reserve Account (*absolute majority required*)
- Excess power produced fed back to Horizon Power will earn 43.38 cents per unit.

Additionally there is also the option to consider increasing the system size output to one or both installations and therefore increasing the return. Each 250W panel costs \$709, however with the Government rebate this effectively reduces the cost to \$500 per panel. Therefore each additional 1kW of power capability will cost \$2,000. A move in this direction is favoured as it will be more prudent to go through the process only once, rather than seek to expand the number of panels and the inverter capacity at a later date.

If Council were to instead opt for a 15kW installation to both of the buildings, then costings would be as follows:



### **Great Beyond Visitor Centre (L4 Tariff)**

#### Installation Cost

10kW solar system and inverter	\$19,990
Plus, 5kw @ \$2,000 per kW	<u>+10,000</u>
	<u>\$29,990</u>

#### Income Offset

Basic solar power calculation:

$$6 \text{ hours per day} \times 365 \text{ (days)} \times 15 \text{ units/hour} \times 31.94\text{c} = \$10,492$$

Cost recovery is exactly the same at about 2.86 years.

### **Shire Office/Hall (L2 Tariff)**

#### Installation Cost

10kw solar system and inverter	\$19,990
Plus, 5kW @ \$2,000 per kW	<u>+10,000</u>
	<u>\$29,990</u>

#### Income Offset

Basic solar power calculation:

$$6 \text{ hours per day} \times 365 \text{ (days)} \times 15 \text{ units/hour} \times 25.61\text{c} = \$ 8,413$$

Cost recovery is exactly the same at about 3.56 years.

However, with the Shire Office/Hall there is a further issue of relevance. This is the intention within the Master Plan to relocate the office to another site. While this is likely to be some time off, one should in any case be aware that a 15kW installation at the Shire Office/Hall would take the same 3.56 years to recover the outlay. In any event time is not really an issue as the solar installation can easily be relocated to another site.

In conclusion, there is a very viable business case to support solar power installations of 15kW to both of the buildings aforementioned.

A corollary and quite separate outlook to the two Shire commercial buildings in this agenda item, is to seriously consider solar power installations to those Shire residences where Council meets the total power bill (e.g. CEO and EMTS residences). An agenda item to address this can be developed if Council is supportive.

### **VOTING REQUIREMENTS:**

Absolute majority decision required.

### **OFFICER'S RECOMMENDATION 1:**

That Council agree to the proposal to provide solar power installations to the Great Beyond Visitor Centre and the Shire Office/Hall and in so doing determine:

1. The solar panel installation for both facilities be 10kW;
2. The installations be effected as soon as possible; and
3. Expenditure for the installations be authorised from the Building Reserve account (Account No A1116) (estimate \$40,000).

4. Business Cases be developed for the installation of solar power systems at the CEO's, EMTS's and Doctor's residences for further consideration.

OR

**OFFICER'S RECOMMENDATION 2:**

That Council agree to the proposal to provide solar power installations to the Great Beyond Visitor Centre and the Shire Office/Hall and in so doing determine:

1. The solar panel installation for both facilities be 15kW;
2. The installations be effected as soon as possible; and
3. Expenditure for the installations be authorised from the Building Reserve account (Account No A1116) (estimate \$60,000).
4. Business Cases be developed for the installation of solar power systems at the CEO's, EMTS's and Doctor's residences for further consideration.

**OC1115 COUNCIL'S DECISION:**

**Moved Cr P Hill, Seconded Cr L Hawkins.**

**That Council agree to the proposal to provide solar power installations to the Great Beyond Visitor Centre and the Shire Office/Hall and in so doing determine:**

- 1. The solar panel installation for both facilities be 15kW;**
- 2. The installations be effected as soon as possible; and**
- 3. Expenditure for the installations be authorised from the Building Reserve account (Account No A1116) (estimate \$60,000).**
- 4. Business Cases be developed for the installation of solar power systems at the CEO's, EMTS's and Doctor's residences for further consideration, to be brought back to the next Ordinary Meeting of Council.**

**CARRIED BY ABSOLUTE MAJORITY 4/0**

**Reason for amendment**

**Council selected recommendation two (2) as the preferred option and further amended the recommendation so as to specify when the business case is to be brought back to Council.**

*The rest of this page has been left blank intentionally.*

<b>OC1116 11.5.4 ANNUAL REPORT FOR YEAR ENDED 30 JUNE 2012</b>	<b>File Ref: 94</b>
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**SUBMISSION TO:** Ordinary Meeting of Council, 22 November 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:**

To accept the Annual Report for the year ended 30 June 2012 and to set a date for the holding of the 2011/12 Annual Meeting of Electors’.

**ATTACHMENTS:**

Appendix 11.5.4 “A” – Annual Report for Year Ended 30 June 2012.

**APPLICANT’S SUBMISSION:** Not applicable.

**BACKGROUND:**

A local government must prepare an Annual Report each financial year.

The Annual Report includes:

- President’s Report
- Chief Executive Officer’s Report
- An overview of the Plan for the Future
- The Annual Financial Report
- The Auditor’s Report
- A report in accordance with the Disability Services Act
- Record Keeping Plan
- National Competition Policy

**STATUTORY ENVIRONMENT:**

*Local Government Act 1995*

Section 5.27 – requires that a general meeting of the electors’ of the district must be held once every Financial Year and must be within 56 days of Council accepting the Annual Report for the previous year

Section 5.29 – The CEO is to convene an electors’ meeting by giving at least 14 days local public notice and each council member at least 14 days’ notice.

Section 5.53 – States a local government must prepare an annual report and details the items that should be included.

Section 5.54 – Specifies that the annual report must be accepted by the local government no later than 31 December after the financial year or if the Auditor's report is not available by this date no later than 2 months after the Auditor's report becomes available.

Section 5.55 – Requires the CEO to give local public notice of the availability of the annual report as soon as practicable after the report has been accepted.

Section 6.4(1) – A local government is to prepare an annual financial report for the preceding financial year and such other financial reports as are prescribed.

Section 7.9(1) – An auditor is required to examine the accounts and annual financial report submitted for audit and, by the 31 December next following the financial year to which the accounts and report relate or such later date as may be prescribed, to prepare a report thereon and forward a copy of that report to –

- (a) The mayor or president;
- (b) The CEO of the local government; and
- (c) The Minister.

#### *Local Government (Financial Management) Regulations 1996*

Reg. 51(1) – After the annual financial report has been audited in accordance with the Act the CEO is to sign and append to the report a declaration in the form of Form 1.

(2) – A copy of the annual financial report of a local government is to be submitted to the Executive Director within 30 days of the receipt by the CEO of the auditor's report on that financial report.

#### **POLICY IMPLICATIONS:**

Council has no policies in respect to this matter.

#### **FINANCIAL IMPLICATIONS:**

The annual financial report presents the financial performance for the past financial year and is scrutinized by an independent auditor to ensure compliance with legislation and accounting standards. The financial impact upon the current financial year is that the audited net current assets position becomes the actual brought forward surplus (deficit) for the Rate Setting Statement.

#### **STRATEGIC IMPLICATIONS:**

Not applicable.

#### **CONSULTATION:**

Not applicable.

#### **COMMENT:**

The Audit Report for the year ended 30 June 2012 was received at the Shire office on 9 October 2012 and will be presented to the Audit Committee Meeting being held prior to the Ordinary Meeting of Council on Thursday, 22 November 2012.

The report did not raise any matters that breached the Act or the Regulations. The Auditor reported that in his opinion:

- (a) There were no matters that indicated a significant adverse trend in the financial position or the financial management practices of the shire,
- (b) There were no material matters noted by me indicating non-compliance with Part 6 of the Act, The Regulations or applicable financial controls in any other written law,
- (c) All necessary information and explanations were obtained by me and
- (d) All audit procedures were satisfactorily completed in conducting my audit.

As required, a copy of the annual financial report was submitted to the Executive Director on 26 October 2012.

Council is now required to set a date for the General Meeting of Electors' which must be held within 56 days of Council accepting the Annual Report. The recommendation of this report is to hold the Electors' General Meeting prior to the Ordinary Meeting on Thursday 13 December 2012.

**VOTING REQUIREMENTS:**

Absolute majority decision required.

**OC1116 COUNCIL'S DECISION/OFFICER'S RECOMMENDATION:**

**Moved Cr L Hawkins, Seconded Cr P Hill.**

- 1. That the Annual Report for the 2011/2012 financial year (Attachment 11.5.4 "A") be accepted; and**
- 2. The General Meeting of Electors' of the Shire of Laverton be held at 4.00pm on Thursday 13 December 2012 (immediately prior to the Ordinary Meeting of Council).**

**CARRIED BY ABSOLUTE MAJORITY 4/0**

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**OC1117 11.5.5 LEASE OF CHURCH SITE – RESERVE 39450**

**File Ref: 586**

**SUBMISSION TO:** Ordinary Meeting of Council, 22 November 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 OC0516, OMC 20 May 2010.

**MATTER FOR CONSIDERATION:**

Approval to affix the Common Seal of the Shire of Laverton to the Church Site (Reserve 39450) lease document and to also seek the approval of the Minister for Lands pursuant the section 18 of the *Land Administration Act 1997*.

**ATTACHMENTS:**

Attachment 11.5.5 “A” – Lease Agreement for Church Site.

**APPLICANT’S SUBMISSION:** Not applicable.

**BACKGROUND:**

Negotiations to formalise a leasing arrangement for the Church Site on Reserve 39450, have been in progress with the Diocese of Geraldton since August 2009.

Unfortunately, there have been some complications and delays to what should have been a simple process.

A historical perspective of what was known about the Church building was presented to the 20 May 2010 meeting of Council (item 11.5.4). The purpose of this item was firstly to acquaint Council with the Church’s desire to obtain a formal lease for the Church Site, and more particularly for Council to seek a variation to the Management Order for Reserve 39450 to allow leasing for a period not exceeding 21 years.

Resulting from Minute OC0516, 20 May 2010, Council made an application for a variation to the Management Order and this was subsequently granted on 25 August 2010.

**STATUTORY ENVIRONMENT:**

*Local Government (Functions & General) Regulations 1996*

Reg.30(1) – Provides for local governments to dispose of property where these are regarded as exempt dispositions.

*Land Administration Act 1997*

Section 18(4) A lessee of Crown land must not without authorisation under subsection (7) sell, transfer or otherwise dispose of the lease in whole or in part.

(5) The Minister may, before giving approval under this section, in writing require  
–

- (a) an applicant for that approval to furnish the Minister with such information concerning the transaction for which that approval is sought as the Minister specifies in that requirement; and
  - (b) information furnished in compliance with a requirement under paragraph (a) to be verified by statutory declaration.
- (6) An act done in contravention of subsection (1), (2), (3) or (4) is void.
- (7) A person or lessee may make a transaction under subsection (1), (2), (3) or (4)
- - (a) with the prior approval in writing of the Minister.

**POLICY IMPLICATIONS:**

Policy 2.7 – Execution of Documents.

**FINANCIAL IMPLICATIONS:**

Minor – the lease provides for a rental of \$10 per annum.

**STRATEGIC IMPLICATIONS:**

Not applicable.

**CONSULTATION:**

Liaison with the Diocese of Geraldton Financial Administrator.

**COMMENT:**

The Diocese of Geraldton wish to establish a lease for the Church Site and accordingly formalities have been proceeding along these lines. A lease document has been prepared by the Church which contains the same terms as that applicable to the Priest's Residence.

Specifically this includes:

- Term of 10 years with an option to renew for a further 10 year period;
- Rental \$10 per annum; and
- Church responsible for:
  - Power, gas;
  - Repairs and maintenance;
  - Cleaning of the premises;
  - Cleanliness of the surrounds;
  - Insurance of the premises; and
  - Preparation of the lease document and meeting costs thereto.
- The term of the lease has been set to coincide with the same dates as are applicable to the lease for the Priest's Residence.

As the proposed lease is an exempt disposition, Council is not required to advertise or call tenders for the disposition of land. Consequently the way is clear for Council to proceed with the proposed lease if it so wishes.

**VOTING REQUIREMENTS:**

Simple majority decision required.

**OC1117 COUNCIL'S DECISION/OFFICER'S RECOMMENDATION:**

**Moved Cr S Weldon, Seconded Cr P Hill.**

**That Council:**

- 1. Affix the Common Seal of the Shire of Laverton to the following document:**

**Lease of Church Site (Reserve 39450)**

**between**

**Shire of Laverton (Lessor)**

**and**

**Roman Catholic Bishop of Geraldton (Lessee)**

**Term – 10 years commencing 7 August 2009 with an option to renew for a further 10 years; and**

- 2. Seek the approval of the Minister for Lands to the lease agreement pursuant to section 18 of the *Lands Administration Act 1997*.**

**CARRIED 4/0**

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**OC1118 11.5.6 MULGA QUEEN – RESERVE 9881 AND 25060**

**File Ref: 697**

**SUBMISSION TO:** Ordinary Meeting of Council, 22 November 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 provide comment to the Department of Regional Development and Lands (RDL) regarding the proposed excision of approximately 183ha from Reserve 9881 and inclusion into Reserve 25060.

**ATTACHMENTS:**

Attachment 11.5.6 “A” – Reserve 9881 (Map 1).

Attachment 11.5.6 “B” – Reserve 9881 (Map 2).

**APPLICANT’S SUBMISSION:** Not applicable.

**BACKGROUND:**

The Department of Regional Development and Lands advise they have received an application for the proposed excision of portion of Reserve 9881 to produce a Layout Plan for Mulga Queen in accordance with SPP 3.2 – Aboriginal Settlements.

It is proposed to include the excised portion of Reserve 9881 “Common” into Reserve 25060 “Use and Benefit of Aboriginal Inhabitants”. Attachment 11.5.6 “A” shows the portion to be excised outlined in orange.

RDL now seeks any comments the Shire may have regarding the above proposal.

**STATUTORY ENVIRONMENT:**

*Land Administration Act 1997*

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 that 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 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 proposal is to excise an area of approximately 183ha from Reserve 9881 (Common) and to include this area with Reserve 25060. The Aboriginal Lands Trust holds a vesting for Reserve 25060 which includes a power to lease for any term.

Reserve 9881 (Common) is unvested and unmanaged and there are no leases or licenses granted by RDL.

RDL have further advised that they have been approached by the Department of Planning (Planning for Aboriginal Communities) who want the tenure amended to reflect the use by the Aboriginal inhabitants.

Unlike a number of other commons in the district which are vested in the Shire of Laverton, Reserve 9881 is not so disposed. Under these circumstances the Shire has no direct interest in Reserve 9881 and accordingly, there is no reason to raise objection to the proposal.

**VOTING REQUIREMENTS:**

Simple majority decision required.

**OC1118 COUNCIL'S DECISION/OFFICER'S RECOMMENDATION:**

**Moved Cr S Weldon, Seconded Cr L Hawkins.**

**That Council advise the Department of Regional Development and Lands that it has no objection to the proposed excision of approximately 183ha from Reserve 9881 and inclusion thereto in Reserve 25060.**

**CARRIED 4/0**

*The rest of this page has been left blank intentionally.*

<b>OC1119 11.5.7 DRAFT FENCING LOCAL LAW 2013</b>	<b>FILE REF: 578</b>
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**SUBMISSION TO:** Ordinary Meeting of Council, 22 November 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, OMC 19 April 2012  
Minute OC0822, OMC 23 August 2012  
Minute OC1013, OMC 18 October 2012

**MATTERS FOR CONSIDERATION:**

Council to consider the making of a Fencing Local Law (repeat of process).

**ATTACHMENTS:**

Appendix Attachment 11.5.7 “A” – Draft Fencing Local Law 2013.

**APPLICANT’S SUBMISSION:** Not applicable

**BACKGROUND:**

At the August 2012 Meeting, Council resolved to make the Fencing Local Law 2012 (as per the draft submitted). 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 10 October 2012 and none were received from members of the community. Council went on to adopt the Fencing Local Law 2012 at the last meeting (Minute OC1013), however we will not be able to complete all the formalities including gazettal, on this occasion. The reason for this unfortunate situation is that our advertising fell one day short of the minimum period of “not less than 6 weeks” when section 61(f) of the *Interpretations Act 1984*, is taken into account.

The following occurred:

- advertised in the “West Australian” on 29 August 2012
- closure date for submissions was fixed as 10 October 2012 (42 days later)
- however, section 61(f) requires that where there is a reference to “not less than” between two events, in calculating that number of days both days on which the events happen shall be excluded.
- Regrettably the time period between the two events was only 41 days and not the minimum of 42 as required.

The effect of the above is that the error would be certainly noted by the Joint Standing Committee on Delegated Legislation (JSCDL) if they were to examine the Explanatory Memorandum. The JSCDL would then move to disallow the local law because of non-compliance with procedural requirements.

So, it is perhaps a better position to recognise the error or lack of procedure before it is too late than be given the bad news later by the JSCDL!

Unfortunately this sad state of affairs leaves us with no alternative than to restart the process once again. In so doing, we can now be reasonably confident that the draft Fencing Local Law 2013 (note the change of date) is adequate for the town's needs.

### **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 OC0822:

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.

Note: It is anticipated that the above policy will be revoked after the local law comes into effect.

**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 draft Fencing Local Law 2013 is unaltered from the format as was previously “adopted” at the October meeting.

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 town site 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.

Arising from Council discussions when the original draft Fencing Local Law 2012 was submitted last April, the following points are again 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 900mm (clause 3.1)

#### 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.

### Non-conforming Use

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 2013, it needs to resolve that it proposes to make the Fencing Local Law 2013 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 is 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.

**OC1119 COUNCIL'S DECISION/OFFICER'S RECOMMENDATION:**

**Moved Cr L Hawkins, Seconded Cr S Weldon.**

**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 2013* (as per Appendix Attachment 11.5.7 "A");**
- 3. Commence the required Statewide and local public advertising of the proposed *Fencing Local Law 2013*; and**
- 4. Set the period during which submissions can be made, as being 8 weeks after the notice is given.**

**CARRIED 4/0**

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<b>OC1120 11.5.8 GOLDFIELDS VOLUNTARY REGIONAL ORGANISATION OF COUNCILS (GVROC) – MINUTES OF MEETING HELD IN PERSON ON 19 OCTOBER 2012</b>	<b>File Ref: 83</b>
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**SUBMISSION TO:** Ordinary Meeting of Council, 22 November 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 19 October 2012 as an in-person meeting at the Councillors New Conference Room, Kalgoorlie-Boulder.

**ATTACHMENTS:**

Attachment 11.5.8 "A" - Copy of the Minutes of the Meetings of the GVROC Meeting held on 19 October 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 19 October 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.

In respect to this meeting, there are no specific items requiring Council's consideration from the GVROC Minutes and are presented for information and noting.

**VOTING REQUIREMENTS:**

Simple majority decision required.

**OC1120 COUNCIL'S DECISION/OFFICER'S RECOMMENDATION:**

**Moved Cr P Hill, Seconded Cr L Hawkins.**

**That Council:**

- 1. Receives the Minutes of the Meeting of the GVROC held on Friday 19 October 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 19 October 2012.**

**CARRIED 4/0**

<b>OC1121 11.5.9 GOLDFIELDS ESPERANCE REGIONAL COLLABORATIVE GROUP (GERCG) – MINUTES OF IN-PERSON MEETING 19 OCTOBER 2012</b> <b>File Ref: 619</b>
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**SUBMISSION TO:** Ordinary Meeting of Council, 22 November 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:**

To receive the minutes of the in-person meeting of the Goldfields Esperance Regional Collaborative Group (GERCG) held on 19 October 2012 and to consider any resolutions of that meeting requiring a Council decision.

**ATTACHMENTS:**

Attachment 11.5.9 "A" - Copy of the Minutes of the Meeting of the GERCG held on 19 October 2012

**APPLICANT'S SUBMISSION:** Not applicable.

**BACKGROUND:**

The Goldfields Esperance Regional Collaborative Group (GERCG) has been formal under legal agreement on 1 April 2011 by the 10 Goldfields-Esperance local governments in response to the Minister for Local Government's local government reform agenda.

The primary purpose of the GERCG Agreement is to secure funding in order to prepare a regional business plan which will determine the potential for shared service arrangements within the region and funding to assist with the development of integrated planning systems.

The in-person meeting of the GERCG was held on 19 October 2012 and the minutes of this meeting are now presented to Council for consideration. As the decisions of the GERCG are not binding on the individual member local governments, each member local government must consider the decisions of the GERCG and determine whether to agree and accept the decisions of GERCG or to determine otherwise.

**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 GERCG 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:**

Nil.

**COMMENT:**

A copy of the minutes of the in-person Meeting of the GERCG held at the Councillors New Conference Room, City of Kalgoorlie-Boulder on 19 October 2012 is appended for Council's reference.

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 GERCG meeting can make decisions at the GERCG meeting, the GERCG cannot make decisions binding on the individual member Councils.

The resolutions of GERCG made in respect to Item 8.1 "Business Planning and Advisory Services for the Goldfields Esperance Regional Collaborative Group (GERCG) – Presentation and Report by KPMG" require Council to consider the Draft Regional Business Plan and the Shire's draft ISP plans, as prepared by KPMG. Due to the importance of these items, separate agenda reports have been prepared and are included elsewhere in this meeting agenda.

**VOTING REQUIREMENTS:**

Simple majority decision required.

**OFFICER'S RECOMMENDATION:**

That Council:

1. Receives the Minutes of the Goldfields Esperance Regional Collaborative Group (GERCG) Meeting held in-person at the Esperance Civic Centre, Council Place, Esperance on Friday 19 October 2012, and notes the decisions of the GERCG contained within the minutes;
2. Endorses the decisions made at the meeting and as recorded in the Minutes of the meeting held 19 October 2012.

**OC1121 COUNCIL'S DECISION:**

**Moved Cr S Weldon, Seconded Cr L Hawkins**

**That Council:**

- 1. Receives the Minutes of the Goldfields Esperance Regional Collaborative Group (GERCG) Meeting held in person at the Councillors New Conference Room, City of Kalgoorlie-Boulder on Friday 19 October 2012, and notes the decisions of the GERCG contained within the minutes;**
- 2. Endorses the decisions made at the meeting and as recorded in the Minutes of the meeting held 19 October 2012.**

**CARRIED 4/0**

**Reason for amendment**

**Council amended recommendation to correctly state that the meeting was held in Kalgoorlie and not in Esperance.**

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<b>OC1122 11.5.10</b>	<b>GOLDFIELDS ESPERANCE REGIONAL COLLABORATIVE GROUP – DRAFT REGIONAL BUSINESS PLAN</b>	<b>File Ref: 10</b>
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**SUBMISSION TO:** Ordinary Meeting of Council, 22 November 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:**

To receive the Goldfields Esperance Regional Collaborative Group's (GERCG) draft Regional Business Plan and to consider whether to endorse the plan with or without amendment.

**ATTACHMENTS:**

Attachment 11.5.10 "A" – GERCG Draft Regional Business Plan and 5 High Level Business Cases as circulated to Councillors by email from the CEO on 12 November 2012.

Please Note: It is not intended to provide a printed copy of this document with this agenda as one was sent to Councillor's by mail on 15 November 2012.

**APPLICANT'S SUBMISSION:** Not applicable.

**BACKGROUND:**

The GERCG was formed for the purposes of determining whether the 10 member local governments could work together collaboratively in order to provide a more efficient and cost effective local government service to the residents of the Goldfields-Esperance region.

This grouping arose from the Minister for Local Governments assessment of our viability as part of his local government reform process (commonly called amalgamations). He determined that there would be no value in the Shire of Laverton amalgamating as was the case for the other 9 local governments. The Minister did determine however that we were to form a collaborative group to investigate further the possibility of working collaboratively.

It should be pointed out that only those local governments in our region, plus the North-west were placed in collaborative groups. All other local governments were placed in a regional transitional grouping that was to work towards amalgamation.

By agreeing to form the GERCG, the Department of Local Government provided significant grant funding for the GERCG to undertake the preparation of a Business Case that would either support continued collaboration or potentially determine that collaboration would be of no value (and therefore disband the GERCG).

Following a tender process, consultancy firm KPMG were selected by the GERCG to undertake the preparation of the Business Plan. At the same time, KPMG were also appointed to undertake the Integrated Strategic Planning for the 10 individual local governments. It was



The Business Plan fails to provide any strong recommendations or direction to continue the collaboration. The draft Plan as presented provides a high-level theoretical insight into some possibilities with the 5 main possibilities being expanded with high level business cases being developed for each. However, to determine whether a collaborative approach regionally or sub-regionally will succeed, further investigations are required.

It does provide an indication that there are potential areas that we can look at; however this will require further costs and someone to drive it.

There seems little point at this time in spending any more time and resources on trying to make this Plan more useful and user-friendly. There would be no harm in adopting the draft Plan as presented as it is not going to impose anything on the Shire at this time other than maybe a commitment to keep the GERCG with the view of undertaking more in-depth investigation. Ultimately, the GERCG will be called upon to show some leadership in moving the collaboration forward.

**VOTING REQUIREMENTS:**

Simple majority decision required.

**OC1123 COUNCIL'S DECISION/OFFICER'S RECOMMENDATION:**

**Moved Cr P Hill, Seconded Cr S Weldon.**

**That Council:**

- 1. Receives the Regional Business Plan as presented to the GERCG meeting in Kalgoorlie on 19 October 2012 and tabled at this meeting;**
- 2. Endorses the Regional Business Plan for the purposes of making a commitment to the continuation of the GERCG in its current or revised form to further investigate the potential of collaboration across the region and sub-regions;**
- 3. Express its disappointment to the GERCG that the Regional Business Plan did not provide this Shire with any clear, strong direction on the potential for collaboration other than to outline some possibilities at a theoretical high business case level, which did not add any value to Council's previous understanding or opinions of collaboration;**
- 4. Looks forward to entering the next phase of the collaboration process and ultimately receiving the benefits that are potentially possible.**

**CARRIED 4/0**

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<b>OC1123 11.5.11 INTEGRATED STRATEGIC PLANNING – PRESENTATION OF VARIOUS DRAFT PLANS</b>	<b>File Ref: 10</b>
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**SUBMISSION TO:** Ordinary Meeting of Council, 22 November 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:** Minute OC0417, OMC 19 April 2012.

**MATTER FOR CONSIDERATION:**

To receive the various draft plans that make up the Shire of Laverton's integrated Strategic Planning framework and to determine what action to take from this point.

**ATTACHMENTS:**

Shire of Laverton's Integrated Strategic Plans as circulated to Councillors by email from the CEO on 12 November 2012, comprising:

Attachment 11.5.11 "A" – Community Strategic Plan

Attachment 11.5.11 "B" – Corporate Business Plan

Attachment 11.5.11 "C" – Workforce Plan

Attachment 11.5.11 "D" – Asset Management Plan

Attachment 11.5.11 "E" – Long-term Financial Plan

Please Note: It is not intended to provide printed copies of these plans with this agenda due to large file size. Copies will be tabled at the Council Meeting.

**APPLICANT'S SUBMISSION:** Not applicable.

**BACKGROUND:**

The Local Government Act was amended, to require all local governments to implement the Integrated Strategic Planning (ISP) framework from 1 July 2013.

Funding was made available to all local governments in the Goldfields Esperance region to assist in the implementation of the ISP through the GERCG, and the decision was made to "pool" this funding and appoint one consultancy to prepare all 10 individual ISP's.

Following a tender process, KPMG was appointed to undertake the task. At the GECG Meeting on 19 October 2012, the GERCG was presented with the 10 local governments individual draft ISP's by KPMG with the intimation that these were the "final" plans.

At the GERCG meeting, the following resolution was passed:

**RESOLUTION:** *Moved: Cr Carter*                      *Seconded: Cr Cullen*  
***That the GERCG Board request that GERCG Member Councils receive and consider each of their individual Asset Management Plans, Long Term Financial Plans, Strategic Community Plans; and Workforce Plans, with comments to the Executive Officer for inclusion in an agenda item for the GVROC Technical Officers Working Group Meeting scheduled for Friday 23 November 2012.***

**CARRIED**

The purpose of this report is to receive the various draft plans and consider how to deal with them at this time.

**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.

*Local Government (Administration) Regulations 1996*

Regulation 19C provides that a local government is to ensure that a strategic community plan is made for its district in accordance with this regulation in respect of each financial year after the financial year ending 30 June 2013 as well as other relevant procedural matters in preparing and reviewing strategic community plans.

**POLICY IMPLICATIONS:**

Council has no policies in respect to this matter.

**FINANCIAL IMPLICATIONS:**

The recommendation of this report has no immediate financial implications for Council. It should be noted that a majority of the cost of the consultants in achieving the Shire's ISP framework to date has been covered by a grant made by the Department of Local Government to GERCG. There have been some additional costs associated with the preparation of the Asset Management Plan, for which a provision of \$50,000 has been made in the Budget. Administration costs including staff time will be met by Council. Should further assistance be required in completing the ISP framework, some additional costs have been provided for in the Adopted Budget. Council is currently holding an invoice for \$14,850 which may not be paid in full.

**STRATEGIC IMPLICATIONS:**

The final ISP framework will provide guidance for Council's decision making over the next 10 years.

**CONSULTATION:**

KPMG;

CEO's of the 9 other local governments.

**COMMENT:**

Unfortunately, the various draft ISP plans for the Shire of Laverton as presented by KPMG to the recent GERCG meeting fall way short of what was expected out of this process.

At the outset of the CEO's involvement in the process at the GERCG meetings, the CEO has clearly stated that the Shire of Laverton expects fully compliant ISP plans as a result of engaging the consultants. What we have been presented with is a set of proforma documents in various stages of completeness. KPMG have taken the view that they would close this project at a certain date and printout whatever they had at that time. It is acknowledged that we have not had the resources to provide all the information in a timely manner, however KPMG don't seem to be interested in acknowledging our limitations nor to work with us to complete the plans.

Having said this, the plans don't seem to provide the outcomes expected by the Department of Local Government. For example the Department's ISP guide indicates that a local government's annual budget will come from the Corporate Business Plan, yet there doesn't appear to be any relevant financial data in the Corporate Business Plan or any direct correlation to the other plans that are supposed to feed into it.

This report is not going to attempt to describe all the deficiencies, problems or issues in detail as it would become too onerous. It is recommended to receive the draft reports, acknowledge they are not complete and can't be adopted and offer KPMG the option to correct the situation at no further cost to Council. If KPMG are reluctant to complete the task to Council's satisfaction, then the CEO be authorised to seek quotes from other competent consultants to finish the plans.

There is also the matter of the unpaid monies for the final instalment from the Shire of Laverton that the CEO is holding of \$14,850. I am of the view that as the ISP framework is not completed or compliant as a result of insufficient information, then KPMG would not have spent their intended time on our planning, then this should not be paid or only part payment made.

**VOTING REQUIREMENTS:**

Simple majority decision required.

**OC1124 COUNCIL'S DECISION/OFFICER'S RECOMMENDATION:**

**Moved Cr P Hill, Seconded Cr S Weldon.**

**That Council:**

- 1. Receives the draft Integrated Strategic Planning framework plans for the Shire of Laverton, as presented by KPMG to the GERCG Meeting on 19 October 2012 and tabled at this meeting, comprising:**
  - a. Draft Strategic Community Plan**
  - b. Draft Corporate Business Plan**
  - c. Draft Workforce Plan**
  - d. Draft Asset Management Plan**
  - e. Draft Long-term Financial Plan**
- 2. Acknowledges that these plans are not completed and not compliant with the intent of the Department of Local Governments ISP Guidelines and therefore cannot be adopted;**

- 3. Requests that the CEO, negotiate with KPMG (through GERCG) to complete the ISP plans to Council's satisfaction at no further cost to Council;**
- 4. That Council endorses, subject to satisfactory completion of point 3. Above, the payment of the final outstanding invoice of \$14,850; and**
- 5. Authorises the CEO, in the event that KPMG is not willing to complete the ISP in accordance with point 3 to seek quotes from competent consultants to complete the Shire's ISP framework, for consideration at the next Council meeting.**

**CARRIED 4/0**

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<b>OC1124 11.5.12</b>	<b>GOLDFIELDS ESPERANCE STRATEGIC DEVELOPMENT PLAN 2011 - 2021</b>	<b>File Ref: 37</b>
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**SUBMISSION TO:** Ordinary Meeting of Council, 22 November 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:**

To receive the revised Goldfields Esperance Strategic Development Plan 2011 – 2021 and to consider the contents of the Plan.

**ATTACHMENTS:**

Attachment 11.5.12 “A” – Goldfields Esperance 2011 – 2021 Strategic Development Plan, Revision 1 – July 2012 – as circulated to all Councillors via email and hard copy, from the CEO’s Executive Assistant on 14 November 2012.

Please Note: It is not intended to provide a printed copy of this document with this agenda as one was sent to Councillor’s by mail and email on 14 November 2012.

**APPLICANT’S SUBMISSION:** Not applicable.

**BACKGROUND:**

The first Regional Strategic Plan was developed in 2011, then underwent a review during the first half of 2012. The Shire of Laverton had input into the review process through the attendance of the President and CEO at a workshop in Kalgoorlie, then submitting a list of Shire priorities for Laverton for consideration.

Council has never had the opportunity to formally consider the draft revised Strategic Plan prior to its printing and recent public release.

The revised Strategic Plan is now presented to Council for consideration.

**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:**

For the Shire of Laverton to be considered for future State and Federal Government funding, the projects will need to be included in the Regional Strategic Plan.

**CONSULTATION:**

Not applicable.

**COMMENT:**

The Shire has received on 9 October 2012, the final version of the Revised 2011 – 2021 Goldfields Esperance Strategic Development Plan (the Plan). While this Plan has not had Council endorsement prior to release, we have had some input and a summary of the projects impacting on Laverton are provided in the table below. It should be noted that the Plan is divided into two basic sections. The first is regionally significant projects (in the categories of Economic, Social, Environmental and Governance). The second category is sub-regional projects by Shire.

Regional projects covering Laverton are:

Strategy No	Strategy	Actions	Regional Priority Projects	Comment
Economic 1.2	Increase Supply Chain Capacity	Improve Road Infrastructure	Sealing of the Outback Way (\$350M)	WA section only
Social 1.3	Ensure all satellite towns in the region have attained an acceptable level of amenity, aesthetics, service delivery and support infrastructure	Carry out gap analysis of services and infrastructure of all satellite towns and develop strategies to address the gaps	All satellite towns including Laverton	
Social 2.2	Improve the standards of accommodation	Support design for appropriate housing for different sectors of the regional population	Short-stay accommodation facility Laverton (\$6M)	Need to advise that the Shire of Laverton is no longer the lead agency for this project
Social 3.1	Develop regional partnerships for health and welfare	Boost medical infrastructure and facilities	Laverton Hospital Redevelopment (\$10M)	Advised cost is in vicinity Of \$30 – 40 M
Social 3.1	Develop regional partnerships for health and welfare	Provision of Doctors throughout the region to meet need	Includes Laverton	

Social 5.1	Support sustainable Aboriginal communities	Support economic development to address infrastructure and social needs in Aboriginal communities	Outback Way Community sealed roads (\$25M)	
Governance 1.2	Improve and target the delivery of services	Work towards clearly defined boundaries and roles for all agencies; and Support the coordination of government services	Laverton identified as a sub-region priority	

The foregoing actions deal specifically with Laverton. There are also a number of other regional actions within the Plan that if delivered will provide some benefits to the residents of Laverton.

Included in the Plan are Sub-regional Priority Projects. The projects listed for the Shire of Laverton are:

<b>Strategy Addressed</b>	<b>Project</b>	<b>Description</b>	<b>Estimated Project Cost</b>
Econ 2.3	Multi-purpose Community Centre and swimming pool	Construct a new facility that will include indoor sports courts and areas, performance space, community function areas and undercover swimming pool and water playground. This centre will also become the town's emergency evacuation centre.	\$11M
Gov 1.2	Upgrade existing infrastructure	Redevelop historical Coach House into a community facility comprising community resource centre, videoconferencing facility, library, public meeting rooms etc	\$2.3M
Soc 1.3	Improve Townsite amenity	Revitalise the town to create a vibrant, attractive and welcoming town through street-scaping, landscaping of Laver Place, reduction of bitumen areas, better control of vehicular movements and enhancing pedestrian areas.	\$5M
Econ 4.2	Land Development	Develop land ready for future growth including rural-residential sub-division, general industrial area, accommodation village site, light industrial estate and commercial/retail land.	\$5.5M

All of the projects submitted by the Shire of Laverton have been incorporated into the Plan, except for the sub-regional project of “Develop new Civic Centre including Council Chambers, Shire Office and Youth Centre”. This was excluded on the basis of not accepting the Community Centre as a Regional Priority, and therefore one project had to be deleted.

It is recommended to receive and endorse the Plan, however to point out that it is this Council’s view that the proposed Community Centre is an important regional facility and therefore should be included in the regional section.

**VOTING REQUIREMENTS:**

Simple majority decision required.

**OC1124 COUNCIL’S DECISION/OFFICER’S RECOMMENDATION:**

**Moved Cr S Weldon, Seconded Cr P Hill.**

**That Council:**

- 1. Receives and endorses the final Goldfields Esperance 2011 -2021 Strategic Development Plan Revision 1 – July 2012, as received on 9 October 2012 and tabled at this meeting;**
- 2. In endorsing the Plan, advises the Goldfields Esperance Development Commission and Regional Development Australia Goldfields-Esperance:**
  - a. The Shire of Laverton is of the opinion, that the proposed Multi-purpose Community Centre and Swimming pool is of regional significance and should be included in that section of the Plan;**
  - b. If 2a. occurs, then the proposed Civic Centre development should be included in the sub-regional section; and**
  - c. For clarification, advise that the Shire of Laverton is no longer the lead agency in respect to the proposed short-stay accommodation facility in Laverton.**

**CARRIED 4/0**

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**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 P Hill, Seconded Cr S Weldon.**

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

- 13.1 Main Street Project 80% Construction Plans – for Council Endorsement (File Ref: 566)**
- 13.2 Sale of Lot 202 Weld Drive – Endorsement of signing and sealing sale documents (File Ref: 270)**
- 13.3 Minutes of Audit Committee Meeting – 22 November 2012 (File Ref: 568)**

**CARRIED 4/0**

<b>OC1125</b>	<b>13.1</b>	<b>MAIN STREET PROJECT 80% CONSTRUCTION PLANS – FOR COUNCIL ENDORSEMENT</b>	<b>File Ref: 566</b>
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**SUBMISSION TO:** Ordinary Meeting of Council, 22 November 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:** Minute OC0832, OMC 23 August 2012.  
Minute OC0914, OMC 20 September 2012.

**MATTER FOR CONSIDERATION:**

To receive the first instalment of the Main Street construction plans that are to the stage of 80% completion for Council's endorsement.

**ATTACHMENTS:**

Copies of the plans as emailed to the CEO by Cardno on 19 November 2012 will be tabled at the meeting. It is then proposed to provide Councillors with an electronic copy and if requested a printed copy. It should be noted that there are a considerable number of plans, provision of electronic copies would be more efficient and save paper.

**APPLICANT'S SUBMISSION:** Not applicable

**BACKGROUND:**

Council, at the Ordinary meeting in August 2013, approved in-principle the Main Street concept plans in order for Cardno to then commence preparing construction plans. Construction plans to the 80% complete stage have now been provided by Cardno for stage 1B (Augusta Street) for Council's endorsement prior to finalising.

It may be prudent for Council to thoroughly review the plans before endorsing them. It would also be a worthwhile exercise to advertise the plans for public comment and feedback.

**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 construction plans reflect the Council's and community's desired outcomes for the Main Street Project.

**CONSULTATION:**

Cardno.

**COMMENT:**

Following the August Council Meeting, Cardno have commenced the process to prepare the final construction plans that will be used in the tender and subsequent construction process for the Main Street project.

Cardno have submitted the draft construction plans to the 80% complete stage for the Augusta Street section of the Main Street Project. They are referring to this as Stage 1B. Cardno are seeking Council's endorsement prior to proceeding to finalisation of the plans.

It is difficult to endorse the plans at relatively short notice as they are quite detailed and there are a number of plans to consider. There are also a number of further plans coming for stages 1A, 2 and 3. It would be appropriate for Council to review these plans and consider their endorsement at the December meeting or potentially at a special meeting in January.

Further, while the community has had the opportunity to be involved in the development of the concept plans, they are yet to see the proposed end result. It would therefore be prudent to seek community feedback prior to Council consideration.

**VOTING REQUIREMENTS:**

Simple majority decision required.

**OC1125 COUNCIL'S DECISION/OFFICER'S RECOMMENDATION:**

**Moved Cr P Hill, Seconded Cr S Weldon.**

**That Council:**

- 1. Acknowledge receipt of the draft construction plans (at the 80% completed stage) as tabled at this meeting for Stage 1B - Augusta Street of the Main Street Project;**
- 2. Also acknowledges that there will be further draft construction plans supplied by Cardno for Stages 1A, 2 and 3 in due course;**
- 3. Requires that the draft construction plans as tabled at this meeting for Stage 1B be made available to Councillors for their review and as plans for further stage are supplied by Cardno to circulate those plans to Council:**
- 4. Requires that all draft construction plans be made available for public comment for a period of at least 28 days from advertising before the draft plans are formally considered by Council;**
- 5. Consider the draft construction plans for endorsement in a timely manner taking into account the public comment period, and if necessary will hold special meetings of Council so as to not unnecessarily hold up the finalising of the plans.**

**CARRIED 4/0**

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### **Declaration of Interest**

**Cr P Hill declared an Impartial Interest, pursuant to Council's Code of Conduct, in the following Item 13.2 as Cr P Hill is the Deputy President of the Laverton Sports Club which adjoins Lot 202 Weld Drive.**

<b>OC1126</b>	<b>13.2</b>	<b>SALE OF LOT 202 WELD DRIVE – ENDORSEMENT OF SIGNING AND SEALING SALE DOCUMENTS</b>	<b>File Ref: 270</b>
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**SUBMISSION TO:** Ordinary Meeting of Council, 22 November 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:** Minute OC1215, OMC 14 December 2011.

### **MATTER FOR CONSIDERATION:**

To endorse the final documentation for the sale of Lot 202 Weld Drive to NT Link and authorise the signing and sealing of the Contract of Sale and Transfer of Land documents.

### **ATTACHMENTS:**

Attachment 13.2 "A" – Contract of Sale.

Attachment 13.2 "B" – Transfer of Land.

**APPLICANT'S SUBMISSION:** Not applicable.

### **BACKGROUND:**

Since the December 2011 Ordinary Meeting of Council, the CEO has been progressing the sale of Lot 202 with NT Link. It has taken some time to finalise the Contract of Sale, however once this was finalised the process has been relatively quick to reach settlement. Settlement is due 22 November 2012 and in order to meet this deadline certain legal documents required to effect the transfer have needed to be signed in advance of this date.

Council endorsement of the signing and sealing of these documents is sought.

### **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. The 2012/13 Budget provides for the transfer of the net proceeds of this sale of around \$175,000 to be transferred to Reserve.

### **STRATEGIC IMPLICATIONS:**

This sale will enable development of the site sooner than if retained by the Shire.

**CONSULTATION:**

Civic Legal;  
All Property Conveyancing;  
NT Link.

**COMMENT:**

The process from Council's decision of December 2011 to sell Lot 202 to settlement in November 2012 has been frustratingly slow. However a good outcome has been achieved and settlement is now progressing smoothly.

In order to meet the settlement deadline a number of documents needed to be signed and in some cases sealed in advance of the settlement date of 22 November 2012.

The two primary documents requiring signing and sealing are:

- The Contract of Sale of Land by Offer and Acceptance (Attachment 13.2 "A"); and
- The Transfer of Land (Attachment 13.2 "B").

There are a number of other forms that only required signing.

Owing to the availability or otherwise of the President at the time these forms needed signing, some documents have been signed by the President and some by Cr Hill.

Endorsement of the signing and sealing of these documents is now required in order to finalise the sale process.

**VOTING REQUIREMENTS:**

Simple majority decision required

**OC1126 COUNCIL'S DECISION/OFFICER'S RECOMMENDATION:**

**Moved Cr P Hill, Cr L Hawkins**

**That Council:**

- 1. Acknowledges that the settlement of the Sale of Lot 202 Weld Drive from the Shire of Laverton to NT Link is to be effected on 22 November 2012;**
- 2. Endorses the signing and sealing of the "Contract of Sale of Land or Strata Title by Offer and Acceptance" as appended (Attachment 13.2 "A") for the sale of Lot 202 Weld Drive by the President and CEO on behalf of Council;**
- 3. Endorses the signing and sealing of the "Transfer of Land" as appended (Attachment 13.2 "B") for the sale of Lot 202 Weld Drive by Cr Hill and the CEO;**
- 4. Endorses the signing of ancillary documentation in relation to the sale of Lot 202 Weld Drive by Cr Hill and the CEO.**

**CARRIED 4/0**

<b>OC1127 13.3 MINUTES OF AUDIT COMMITTEE MEETING – 22 NOVEMBER 2012</b> <b>File Ref: 568</b>
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**SUBMISSION TO:** Ordinary Meeting of Council, 22 November 2012.

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

**OWNER/APPLICANT:** Shire of Laverton.

**AUTHOR:** Steven Deckert, Chief Executive Officer.

**SENIOR OFFICER:** Steven Deckert, Chief Executive Officer.

**PREVIOUS MEETING REFERENCE:** Not applicable.

**MATTER FOR CONSIDERATION:**

Minutes of the Audit committee meeting which is being held on 22 November 2012.

**ATTACHMENTS:**

Attachment 11.5.9 "A" - Minutes of the Audit Committee Meeting held 22 November 2012 – to be circulated at the Ordinary Meeting of Council.

**APPLICANT'S SUBMISSION:** Not applicable.

**BACKGROUND:**

At the Ordinary Meeting of Council on 20 October 2011, Council formed the Audit Committee with no delegated authority to take on the task of addressing issues in relation to the conduct of the audit and be proactive in determining the manner of addressing issues raised by the auditor.

Council therefore needs to receive the Minutes of the Audit Committee Meeting held 22 November 2012 and consider the Committee's recommendations to Council.

The Minutes of the Audit Committee Meeting held on 22 November 2012 are now presented (Attachment 13.2 "A") to Council for consideration.

**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;

Section 3.1 – Provides that the general function of the local government is to provide for the good government of persons in its district; and.

Section 5.54 (2) - If the auditor's report is not available in time for the annual report for a financial year to be accepted by 31 December after that financial year, the annual report is to be accepted by the local government no later than 2 months after the auditor's report becomes available.

**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 recommendation is for Council to receive the Minutes of the Audit Committee Meeting held 22 November 2012 and to adopt the Recommendation contained therein.

The Auditor's Report was received on 9 October 2012. The *Local Government Act 1995* Section 5.54 (2) requires that the Annual Report is accepted by Council no later than 2 months after the auditor's report becomes available. This means that the Annual Report needs to be accepted by Council no later than 9 December 2012.

**VOTING REQUIREMENTS:**

Simple majority decision required.

**OC1127 OFFICER'S RECOMMENDATION/COUNCIL'S DECISION:**

**Moved Cr S Weldon, Seconded Cr L Hawkins.**

**That Council:**

- 1. Receive the Minutes of the Audit Committee Meeting held on 22 November 2012; and**
- 2. Receive the Annual Management Letter and Independent Auditor's Report for the year ended 30 June 2012, as prepared by Auditor, Gregory Froomes Wyllie (Attachment 13.3 "A").**
- 3. That the Annual Report for the 2011/2012 financial year be accepted,**
- 4. The General Meeting of Electors of the Shire of Laverton be held at 4.00 pm on Thursday 13 December 2012, before the Ordinary Meeting of Council.**

**CARRIED 4/0**

***Cr L Hawkins left the meeting at 7.28pm and re-entered at 7.29pm.***

## 14. ITEMS FOR CONSIDERATION BEHIND CLOSED DOORS

### PROCEDURAL MOTION – COUNCIL DECISION

Moved Cr P Hill, Seconded Cr L Hawkins.

That this meeting be closed to members of the public and move behind closed doors to discuss:

14.1 Proposed sale of Mount Morgans Camp (File Ref: 178)

14.2 Laverton Supermarket Update (File Ref: 321)

As these items refer to matters that if disclosed, would reveal information about the business, professional, commercial or financial affairs of a person, pursuant to Section 5.23 (2)(e)(iii) of the *Local Government Act 1995*.

CARRIED 4/0

*The meeting went behind closed doors at 7.34pm.*

*Mrs L Barnes left the meeting at 7.34pm.*

OC1128	14.1	PROPOSED SALE OF MOUNT MORGANS CAMP	File Ref: 178
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### OC1128 COUNCIL'S DECISION:

Moved Cr P Hill, Seconded Cr S Weldon.

That Council:

1. Receives the report prepared by Mr Ron Lunt, Licenced Valuer, titled "Report and Valuation Mount Morgans Mining Camp Laverton WA 6440", dated 6 November 2012 and tabled at this meeting;
2. Notes that Dacian Gold will be submitting a purchase proposal for the Mount Morgan's Camp in due course, at which time Council will consider it on its merits;
3. Agrees in the interim, to lease the Mount Morgans Camp to Dacian Gold at a monthly lease of \$2,000 (excluding GST) for a period of up to 6 months, based on the draft lease agreement tabled at this meeting;
4. Endorses the Deputy President and CEO to sign and seal the final lease agreement on behalf of Council.

CARRIED 4/0



**OC1129 14.2 LAVERTON SUPERMARKET UPDATE**

**File Ref: 321**

**OC1129 COUNCIL'S DECISION:**

**Moved Cr P Hill, Seconded Cr S Weldon.**

**That Council:**

- 1. Is of the opinion that the negotiations between the owner and lessee to enable the reopening of the previous Laverton Supermarket have not progressed sufficiently to convince Council that the store will reopen at any time in the near future;**
- 2. Requests the CEO as a matter of urgency, to:**
  - a. Liaise with two proponents who have expressed an interest in developing and/or operating a new supermarket in Laverton, with a view of getting a clear understanding of their proposals and likely timeframes;**
  - b. Conduct detailed investigations into the Shire establishing a temporary supermarket on either Lot 223 or Lot 214 using a purpose built transportable building, to include funding sources (Council is amenable to utilising reserve funds and/or reallocating some CLGF funding from the Main Street Project), building design, the establishment costs and operational models. One important aspect of building design is to ensure the building can be put to alternative uses (such as offices, smaller shops etc) if at some time in the future it is no longer needed as a supermarket.**
- 3. Endorse the CEO securing the services of a Project Manager or similar to assist with the timely completion of the tasks outlined in point 2.**
- 4. Report the outcomes of point 2 above back to Council as soon as possible and if need be to call a special meeting of Council if a decision is required.**

**CARRIED 4/0**

**PROCEDURAL MOTION – COUNCIL DECISION**

**Moved Cr P Hill, Seconded Cr L Hawkins.**

**That Council agrees to reopen the meeting to the public and come from behind closed doors at 7.43pm.**

**CARRIED 4/0**

**15. NEXT MEETING**

The next Ordinary Meeting of Council will be held on Thursday, 13 December 2012 at the Shire of Laverton Council Chambers, commencing at 5.00pm.

**16. CLOSURE OF MEETING**

There being no further business, the Deputy President Cr R Ryles declared the meeting closed at 7.45pm.

**17. CERTIFICATION BY CHAIRMAN**

*I, \_\_\_\_\_ hereby certify that the Minutes of the Ordinary Meeting of Council held 22 November 2012 are confirmed as a true and correct record, as per the Council resolution of the Ordinary Meeting of Council held on 13 December 2012.*

Signed \_\_\_\_\_

Dated: \_\_\_\_\_ 2012

*The rest of page has been left blank intentionally.*