

Shire of Lake Grace

Ordinary Council Meeting



NOTICE PAPER

To the President and Councillors

In accordance with the provisions of Section 5.5 of the Local Government Act 1995, you are hereby notified that an Ordinary Meeting of Council has been convened:

Date: Wednesday 27 May 2015

At: Newdegate Library & Community
Resource Centre,
Collier St Newdegate WA

Commencing: 3.00 pm

To discuss the items of business in the agenda as set out on the following pages.

Neville Hale
Chief Executive Officer

21 May 2015
Date

Shire of Lake Grace

Ordinary Council Meeting

Agenda

27 May 2015

Meeting Commencing at 3.00 pm

Disclaimer

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



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SHIRE OF LAKE GRACE

Agenda for the Ordinary Meeting of Council to be held at the Newdegate Library & Community Resource Centre, Collier St Newdegate WA, on Wednesday 27 May 2015.

1.0 OPENING & ANNOUNCEMENT OF VISITORS

The Shire President opened the meeting at __ pm.

2.0 ATTENDANCE RECORD

2.1 PRESENT

Cr AJ Walker	Shire President
Cr JF De Landgraft	Deputy Shire President
Cr LW Armstrong	
Cr R Chappell	
Cr DS Clarke	
Cr SG Hunt	
Cr AD Marshall	
Cr DP Sinclair	
Cr MG Stanton	
Mr N Hale	Chief Executive Officer
Mr P Dittrich	A/Manager Corporate Services
Mr L Shopov	Manager Infrastructure Services
Ms L Holben	Manager Community Services
Mrs J Bennett	Executive Assistant
_____	Observer

2.2 APOLOGIES

2.3 LEAVE OF ABSENCE PREVIOUSLY GRANTED

None.

3.0 PUBLIC QUESTION TIME

4.0 APPLICATIONS FOR LEAVE OF ABSENCE

5.0 MINUTES OF PREVIOUS COUNCIL MEETINGS

5.1 ORDINARY MEETING – 22 APRIL 2015

Resolution

MOTION 12032

Moved Cr
Seconded Cr

That the minutes of the Ordinary Meeting of Council held on the 22 April 2015 be confirmed as a true and accurate record subject to the following notation under **2.2 Apologies:**

Cr Clarke had previously submitted a formal request to attend the meeting via instantaneous communication (i.e. via telephone) and was ready to do so.

However, In making arrangements for Cr Clarke's attendance by telephone in accordance with *Local Government Act 1995* Section 5.25 (1) (ba) and Regulation 14A of the *Local Government (Administration) Regulations* it was noted that the definition of a "suitable place" that the Council could approve in relation to Cr Clarke's attendance was limited to locations within Western Australia.

Subsequent advice obtained from the Department of Local Government and Communities confirmed that a "suitable place" was defined in accordance with the State's *Land Administration Act 1997* thus precluding Cr Clarke's attendance from an interstate location.

MOTION CARRIED

6.0 DECLARATIONS OF INTEREST

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

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

6.3 DECLARATIONS OF IMPARTIALITY INTEREST – ADMINISTRATION REGULATION SECTION 34C

7.0 NOTICES OF URGENT BUSINESS

8.0 MOTIONS OF WHICH NOTICE HAS BEEN RECEIVED

9.0 PETITIONS/DEPUTATIONS/PRESENTATIONS/SUBMISSIONS

9.1 DEPARTMENT PARKS AND WILDLIFE

Mr Greg Durell, Department of Parks and Wildlife (DPAW) District Manager for the Great Southern Region will be in attendance at the meeting in response the Shire's invitation to address Council regarding its concerns for the future fire management and weed control in respect to Reserve 34213.

DPAW have submitted a request to the Shire to support the transfer of the reserve to a "A" class nature reserve which was not supported by Council - refer Motion 12023, 22 April 2015.

10.0 MEMBERS' REPORTS

11.0 MATTERS FOR CONSIDERATION – WORKS & SERVICES

No items for consideration.

12.0 MATTERS FOR CONSIDERATION – PLANNING

12.1 PLANNING APPLICATION - CBH LAKE GRACE PROPOSED NEW DANGEROUS GOODS STORAGE COMPOUND

Applicant: Co-operative Bulk Handling Ltd (Landowner)
File No. 0365
Attachments: Plans 1 to 6
Author: Mr Joe Douglas & Mr Carlo Famiano
 Urban & Rural Perspectives -Town Planning Consultants
Disclosure of Interest: Nil
Date of Report: 18 May 2015
Senior Officer: Mr Neville Hale



Chief Executive Officer

Summary

This report recommends that a planning application submitted by Co-Operative Bulk Handling Limited (CBH) (Landowner) to construct and operate a new dangerous goods storage compound at its grain handling and storage facility on Lot 11 (No.7059) Kulin-Lake Grace Road, Lake Grace be approved subject to conditions.

Background & Comment

Co-operative Bulk Handling Limited (CBH) are seeking Council's planning approval to construct and operate a new dangerous goods storage compound at its existing grain handling and storage facility on Lot 11 (No.7059) Kulin-Lake Grace Road, Lake Grace.

Lot 11 is located immediately adjacent to the northern boundary of the Lake Grace townsite and has direct frontage and access to Kulin-Lake Grace Road along its western boundary and direct frontage to an operational railway reserve along its eastern and southern boundaries (see Plan 1).

Lot 11 is irregular in shape, comprises a total area of approximately 34.045 hectares and has been cleared of any significant native vegetation. The land has been extensively developed for 'rural industry' purposes and contains a number of structures associated with CBH's existing grain handling and storage facility on the land (i.e. grain storage bins, sheds, office, sampling hut, weighbridge, vehicle accessways etc) (see Plans 2 & 3).

Under the terms of the information and plans submitted in support of the application the following is proposed:

- i) Installation of a 315m² reinforced concrete slab to accommodate a new dangerous goods compound for the purpose of storing various chemicals associated with CBH's approved use of the land (see Plans 4 to 6);
- ii) The proposed compound replaces an existing storage compound on the land and will help to ensure compliance with all current legislation and regulation governing the storage and handling of dangerous goods. The applicant has advised the new compound is required to address a number of non-compliance issues with the existing storage compound;
- iii) The new compound will have a setback of approximately 16.5 metres from the land's western front boundary (i.e. Kulin-Lake Grace Road) and a setback of approximately 16.5 metres from the land's northern side boundary;

- iv) The new compound will include construction of a new 17m² storage shed, a 7.4m² storage container, a 3.3m² smart locker and a 45.6m² parking shelter. All structures are steel framed with custom orb cladding comprising a maximum height of 4 metres;
- v) Installation of a new fire hose, emergency shower/eye wash area, security lighting and all necessary safety / warning signage within the proposed compound;
- vi) The compound will be enclosed with a new 2.18 metre high chain link and barbed wire fence and will have a 15 metre building exclusion zone around its perimeter;
- vii) The compound will be used to store different variants of phosphine that are used to fumigate and protect grain stored on-site. These include Vaporphos, two (2) different forms of Aluminium Phosphide, Ultra High Purity Nitrogen and Pestigas (similar to small cylinders of household fly spray);
- viii) CBH is licensed to store up to 1.6 kilolitres of Vaporphos and 2 tonnes of Aluminium Phosphide. The Aluminium Phosphide is packaged in containers and will remain in the original cardboard cartons. All other chemicals stored on-site are contained within cylinders; and
- ix) All waste generated will be stored within the proposed smart locker and transported to a designated landfill site in accordance with current approved practices.

That portion of Lot 11 subject to this application is classified 'General Agriculture' zone under the Shire's current operative Local Planning Scheme No.4 (LPS No.4), whilst the southern portion of the land is classified 'General Industry' zone.

The proposed development and use of the relevant portion of Lot 11 by CBH for grain handling and storage purposes is most appropriately defined in Schedule 1 of LPS No.4 as a 'Rural Industry'.

Under the terms of the Zoning Table contained in LPS No.4 the development and use of any land classified 'General Agriculture' zone for the purposes of a 'Rural Industry' is listed as a discretionary (i.e. 'D') use which means it is not permitted unless Council has exercised its discretion by granting planning approval.

Compliance with Development Standards

LPS No.4 does not contain any specific standards governing the development and use of any land classified 'General Agricultural' zone for the purposes of a 'rural industry'. As such the application has been assessed with due regard for the general development standards contained in LPS No.4 including those that apply specifically to all land classified 'General Agricultural' zone.

An assessment of the proposal has confirmed it satisfies the majority of standards except for the minimum required setbacks from all lot boundaries.

Clause 5.11.2 of LPS No.4 requires that a minimum setback of 20 metres be provided from all lot boundaries for any form of development on land classified 'General Agricultural' zone. The plans prepared in support of the application propose a setback of approximately 16.5 metres from the land's western (i.e. front boundary) and northern boundaries.

Following a detailed assessment of the aforementioned variation, the reporting officers' have concluded it is capable of being supported and approved by Council for the following reasons:

- i) The proposed setback variation (i.e. approximately 3.5 metres) is considered minor and will not have any adverse impacts on the adjoining properties or the local streetscape in terms of its bulk and scale;

- ii) The proposed setback is consistent with the boundary setback requirements applicable to all land classified 'General Industry' in LPS No.4 which is the zoning classification currently applicable to the southern portion of CBH's facility and intended to be applied to the northern portion of the land as part of the proposed consolidation of LPS No.4;
- iii) It will not result in the clearing of any significant native vegetation and is unlikely to have a detrimental impact on the natural environment;
- iv) The nature and scale of the proposed works are consistent with all existing approved development on the land; and
- v) The proposed dangerous goods compound will help improve the operational efficiency and safety of the existing approved use of the land by CBH for grain handling and storage purposes and help to ensure compliance with all current legislation and regulation governing the storage and handling of dangerous goods.

Dangerous Goods - Public Safety & Health Impacts

When determining the application Council should also consider and be satisfied the storage of various dangerous goods on Lot 11 as proposed does not present an unreasonable risk to public safety and health or the natural environment.

Aluminium Phosphide is recognised as a 'Dangerous Good' under Western Australian legislation due to its potential to cause harm, even at low concentrations. Exposure to air or moisture will generate 'phosphine gas' which acts as a fumigant or pesticide when used in grain silos. The Department of Mines and Petroleum's website confirms that phosphine gas is toxic and extreme care must therefore be taken when it is handled and stored.

The plans prepared in support of the application illustrate various safety measures to be incorporated as part of the new compound. Such measures include security fencing and lighting, emergency showers, lockable storage sheds and an exclusion zone.

Notwithstanding the various safety measures proposed to be implemented, it is recommended that Council include an advice note on any planning approval issued advising the applicant of the need to ensure compliance with all relevant legislation, regulations, policies, codes of practice and guidelines as these apply specifically to the handling and storage of dangerous goods on the land.

Conclusion

It is concluded from a detailed assessment of the application that the proposal to construct and operate a new dangerous goods storage compound to support CBH's existing grain handling and storage facility on Lot 11 (No.7059) Kulin-Lake Grace Road, Lake Grace is unlikely to have a negative impact on the general amenity, character, functionality and safety of the immediate locality and may therefore be approved by Council subject to the imposition of a number of conditions to ensure the proposed development and use proceeds in a proper and orderly manner.

Legal Implications

- Planning and Development Act 2005
- Shire of Lake Grace Local Planning Scheme No.4
- Dangerous Goods Safety Act 2004
- Dangerous Goods Safety (Storage and Handling of Non-Explosives) Regulations 2007

Policy Implications

Nil

Consultation

Community consultation not required.

Financial Implications

Nil

Strategic Implications

Nil

Recommendation

That the application for planning approval submitted by Co-Operative Bulk Handling Limited (CBH) to construct and operate a new dangerous goods storage compound at its existing grain handling and storage facility on Lot 11 (No.7059) Kulin-Lake Grace Road, Lake Grace be **APPROVED** subject to compliance with the following conditions and advice notes:

Conditions

1. The proposed development shall be undertaken in a manner consistent with the information and plans submitted in support of the application unless otherwise approved by Council.
2. All stormwater generated by the proposed development shall be managed and disposed of to the specifications and satisfaction of the Shire of Lake Grace.
3. All waste generated by the proposed dangerous goods compound shall be managed and disposed of to the specifications and satisfaction of the Shire of Lake Grace.
4. The former dangerous goods storage compound on the land shall be decommissioned and the site rehabilitated in accordance with all relevant legislation, regulations, policies and guidelines within two (2) years of the date of this approval and shall include the removal and disposal of all waste materials and contaminated soil.
5. Any floodlights / security lights that need to be installed shall not be positioned or operated in such manner as to cause the light source to be directly visible to the travelling public or adjoining properties or cause annoyance to the surrounding area.
6. The property shall be maintained in a neat and tidy condition at all times to the specifications and satisfaction of the Shire of Lake Grace.

Advice Notes

1. The development shall be completed within a period of two (2) years from the date of this approval. If the development is not completed within this period the approval will lapse and be of no further effect. Where an approval has lapsed, no development shall be carried out without the further approval of the Shire of Lake Grace having first been sought and obtained.
2. A completed building permit application must be submitted to and approved by the Shire's Building Surveyor prior to the commencement of any construction on the land.
3. The new buildings are required to comply in all respects with the National Construction Code of Australia. Plans and specifications which reflect these requirements are required to be submitted with the building permit application.
4. The noise generated by any activities on-site including machinery motors or vehicles shall not exceed the levels as set out under the Environmental (Noise) Regulations 1997.
5. No construction works shall commence on the land prior to 7am without the Shire's written approval.

6. The new dangerous goods storage compound is required to comply in all respects with the National Construction Code of Australia. Plans and specifications which reflect these requirements are required to be submitted with the building permit application.
7. The proposed dangerous goods storage compound shall be constructed and operated in accordance with the specific requirements of all relevant State and Federal legislation, regulations, codes of practice, policies and guidelines including but not limited to the following:
 - i) *Dangerous Goods Safety Act (2004)*;
 - ii) *Dangerous Goods Safety (Storage and Handling of Non-Explosives) Regulations (2007)*; and
 - iii) Department of Mines and Petroleum '*Storage and handling of dangerous goods codes of practice*'.
8. Failure to comply with any of the conditions of this planning approval constitutes an offence under the provisions of the *Planning and Development Act 2005* and the Shire of Lake Grace Local Planning Scheme No.4 and may result in legal action being initiated by the local government.

Voting Requirements

Simple majority required.

Resolution


Moved Cr

Seconded Cr

13.0 MATTERS FOR CONSIDERATION – HEALTH & BUILDING

13.1 PROPOSED NEW POLICY – FOOD SAFETY COMPLIANCE AND ENFORCEMENT

Applicant: Environmental Health Officer
File No. 0052
Attachments: Draft Policy Attachment 7.11 (A)
Author: Mrs Jeanette Bennett
on behalf of Ms Lauren Bosch


Executive Assistant

Disclosure of Interest: Nil
Date of Report: 18 May 2015
Senior Officer: Mr Neville Hale


Chief Executive Officer

Summary

For Council to consider adoption of a new Policy - Policy 7.11 Food Safety Compliance and Enforcement and to update the Policy Manual accordingly.

Background & Comment

The Shire's Environmental Health Officer, Ms Lauren Bosch has submitted the attached Food Safety Compliance and Enforcement Policy for adoption by Council.

The *Food Act 2008*, gazetted in 2008 requires an enforcement policy to be put in place by the Shire – refer Item 17.1 of the April Information Bulletin's Environmental Health Report.

West Australian food law is outcome based to allow food businesses a high level of flexibility. Enforcement agencies (i.e. local government) therefore require a high level of support to ensure the law is enforced and the objectives of the legislation are achieved.

A compliance and enforcement policy provides a framework to implement a collaborative approach to enforcement action to achieve compliance. The approach is fair and transparent, and will promote consistency across the board.

The proposed Food Safety Compliance and Enforcement Policy is presented in draft form as follows and includes Draft Policy Attachment 7.11(A):

POLICY 7.11 FOOD SAFETY COMPLIANCE AND ENFORCEMENT
POLICY

The Shire of Lake Grace will ensure a high level of compliance with the Food Act and Regulations in accordance with the endorsed "Food Safety and Compliance Enforcement Policy" – Attachment 7.11(A) in a manner that is:

- Authorised by law;
- Procedurally fair;
- Accountable and transparent;
- Consistent; and,
- Proportionate

OBJECTIVES

- To provide transparency to consumers and industry on how the Shire of Lake Grace will make decisions on enforcement action
- To guide decision making and action by Shire officers in the use of enforcement options
- To use regulatory implements in such a way as to best achieve the Shire's strategic and operational objectives

GUIDELINES

Food Act 2008

Food Regulations 2009

Australia New Zealand Standards Code as defined in the Food Standards Australia New Zealand Act, 1991 of the Commonwealth of Australia.

REVIEW

Chief Executive Officer

Once Council has considered the policy, and should it be endorsed, the draft will be made final and the policy will be put into use.

Legal Implications

- *Food Act 2008*
- Food Regulations 2009
- Australia New Zealand Food Standards Code

Related information:

Delegations

Shire of Lake Grace Delegation Register H03 & H04 – under the Food Act 2008, Council has delegated authority to the CEO & EHO in relation to the registration of food businesses and proceedings for offences.

Authorised Officers

Under the *Food Act 2008*, s122 Roe Health Environmental Health Services Officers Ms Lauren Bosch, Ms Melissa Rourke, Mr Julian Goldacre & Mr Barry Smith are appointed Authorised Officers for the Shire of Lake Grace.

Policy Implications

New Policy 7.11 – notwithstanding the new policy, there are no direct policy implications in relation to this item.

Consultation

N/A

Financial Implications

Nil

Strategic Implications

Shire of Lake Grace Strategic Community Plan

Civic Leadership - Focus Area 5)

- Excellence in Shire Administration and Communication

Voting Requirements

Simple majority required.

Officer's Recommendation

That Council:

1. Adopts Policy 7.11: Food Safety Compliance and Enforcement Policy as presented; and,
2. Updates the Policy Manual accordingly.

Voting Requirements

Simple majority required.


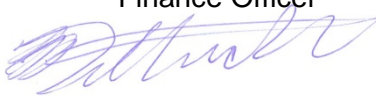
Resolution

Moved Cr

Seconded Cr

14.0 MATTERS FOR CONSIDERATION – FINANCE

14.1 ACCOUNTS FOR PAYMENT – APRIL 2014

Applicant:	Shire of Lake Grace	
File No.	0277	
Attachments:	List of Creditors	
Author:	Mrs Lynda Trawinski	 Finance Officer
Disclosure of Interest:	Nil	
Date of Report:	13 May 2015	
Senior Officer:	Mr Peter Dittrich	A/Manager Corporate Services

Summary

For Council to ratify expenditures incurred for the month of April 2015.

Background

List of payments for the month April 2015 through the Municipal and Trust accounts are attached.

Comment

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

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

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

Legal Implications

Local Government (Financial Management) Regulations 1996 – Reg 12
 Local Government (Financial Management) Regulations 1996 – Reg 13

Policy Implications

Policy 3.6 - Authorised Use of Credit Card

Consultation

N/A

Financial Implications

The list of creditors paid for the month of April 2015 from the Municipal and Trust Account Total \$735,640.99.

Strategic Implications

Shire of Lake Grace Strategic Community Plan

Civic Leadership Focus Area (5)

- Excellence in Shire administration and communication

Recommendation

That Council ratify the list of payments totalling \$735,640.99 as presented for the month of April 2015 incorporating:

- Trust Account Cheques:	829 to 830	\$	450.00
- Electronic Funds Transfer:	EFT 13890 to EFT 14010	\$	612,975.25
- Municipal Account Cheques:	35847 to 35888	\$	108,402.39
- Direct Debits:	DD5510.1 to DD5510.8	\$	13,813.35

Voting Requirements

Simple majority required.

Resolution

Moved Cr

Seconded Cr

14.2 FINANCIAL STATEMENTS – APRIL 2014

Applicant: Shire of Lake Grace
File No. 0275
Attachments: Financial Reports
Author: Mr Warrick Millar


 Senior Finance Officer

Disclosure of Interest: Nil
Date of Report: 15 May 2015
Senior Officer: Mr Peter Dittrich



A/Manager Corporate Services

Summary

Consideration of the financial statements for the month ending 30 April 2015.

Background

The following financial reports are included for your information:

- Monthly Statement of Financial Activity
- Financial Activity Variances
- Significant Accounting Policies
- Statement of Objective
- Acquisition of Assets
- Disposal of Assets
- Information on Borrowings
- Reserves
- Net Current Assets
- Rating Information
- Trust Funds
- Operating Statement by Programme
- Balance Sheet
- Financial Ratios
- Capital Road Works
- Operating Revenue & Expenditure Graphs
- Bank Reconciliations

Comment

Nil

Legal Implications

Local Government Act 1995 – section 6.4

Local Government (Financial Management) Regulations 1996

Policy Implications

N/A

Consultation

N/A

Financial Implications

Nil

Strategic Implications*Shire of Lake Grace Strategic Community Plan*

Civic Leadership Focus Area (5)

- Excellence in Shire administration and communication

Recommendation

That Council in accordance with Regulation 34 of the Local Government (Financial Management) Regulations 1996 receives the Statement of Financial activity for the period ended 30 April 2015 as attached is received.

Voting Requirements

Simple majority required.

Resolution

Moved Cr

Seconded Cr

15.0 MATTERS FOR CONSIDERATION – COMMUNITY SERVICES
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15.1 MOU – LAKE GRACE VISITOR CENTRE

Applicant:	Lake Grace Visitor Centre Committee
File No.	0642
Attachments:	Draft MOU
Author:	Ms Lee Holben


 Manager Community Services

Disclosure of Interest:	Nil
Date of Report:	18 May 2015
Senior Officer:	Mr Neville Hale


 Chief Executive Officer

Summary

The purpose of this report is to formalise the MOU for the Lake Grace Visitor Centre which relates to the provision of Tourism services to the Shire of Lake Grace.

Background

Lake Grace Reserve No 46768 is vested in the Shire of Lake Grace for the purposes of 'cultural and community' and holds tenure over the land by way of a Management Order issued by the Department of Lands. The Shire is responsible for the land and buildings.

The former Stationmaster's House located at Lot 361 Stubbs Street Lake Grace operates as the Lake Grace Visitor Centre in partnership between the Shire of Lake Grace and the Lake Grace Visitor Centre Committee. The Centre provides information for visitors about the region and provides a shop front retail outlet for suppliers to display and sell their goods and produce.

In May 2001 Council resolution 8931 was as follows:

"That Westrail be advised that the Stationmaster's House be included in the land transfer of the Railway Reserve when it is vested in the Shire of Lake Grace. Any costs incurred now or in the future in respect to the Stationmaster's House to be funded from a specified area rate for Lake Grace ratepayers."

As part of the post flood funding 2008/2009, Lotterywest provided \$49,800 to the Visitor Centre for restoration, signage, equipment, design and printing of brochures.

Comment

The Visitor Centre committee is represented by members of the community from Lake Grace, Newdegate and Lake King and meet regularly across the Shire. The Coordinator actively promotes the Shire as a tourist destination promoting all towns and tourist attractions.

The Visitor Centre is manned by a Coordinator Monday to Friday and by volunteers on Saturday and Sunday during peak tourist season.

This Agreement is to be reviewed every three (3) years.

Legal Implications

MOU between the Shire of Lake Grace and the Lake Grace Visitor Centre Committee.

Policy Implications

Nil

Consultation

Internal: Senior Management Team

External: Lake Grace Visitor Centre Committee

Financial Implications

The Agreement sets out the Shire's financial obligations for the provision of building insurance and any capital expenditure.

The costs are in line with the current budget.

Strategic Implications

Shire of Lake Grace Strategic Community Plan

- 7.1 Support the implementation of quality service provision underpinned by continuous improvement strategies.

Recommendation

That Council:

1. Enters into the MOU as presented, with the Lake Grace Visitor Centre Committee.
2. The final allocations of funding for the Visitor Centre support to be determined in the Shire's 2015/2016 budget deliberations.

Voting Requirements

Simple Majority required.

Resolution

Moved Cr

Seconded Cr

16.0 MATTERS FOR CONSIDERATION - ADMINISTRATION
--


16.1 ROADWISE – CRASH CAR TRAILER PROJECT

Applicant:	Wheatbelt South Regional Road Group
File No.	0632
Attachments:	Quotations (3)
Author:	Mr Rod Thornton & Mr Neville Hale



Chief Executive Officer

Disclosure of Interest:	Nil
Date of Report:	12 May 2015
Senior Officer:	Mr Neville Hale



Chief Executive Officer

Summary

For Council to consider a contribution of up to \$1,100 towards the cost of building two (2) “Crash car” trailers to promote road safety in the Wheatbelt South (WBS) Region.

Background

Currently there are a number of “crash car” trailers which are registered to the Commissioner of Police and located in strategic locations throughout the State. Unfortunately the Wheatbelt South region does not have access to such trailers for promotion of road safety messages.

The WBS Regional Road Group has been approached by Road Safety Advisor Rod Thornton in regard to this project. At the recent Wheatbelt South Regional Road Group meeting held in Wickepin it was resolved that member shires should consider the purchase of two “crash car” trailers to promote the road safety message at community events and other locations as part of the RoadWise initiative.

In this regard, the shires of Kulin and Pingelly have accepted the role of host shire for the trailers for ease of availability and access by other local governments in the region.

The trailers have been priced at \$10,300 each or \$20,600 for both, divided by the 19 Shires of WBS = approximately \$1,100 each.

Comment

Given the area covered by the WBS Regional Road Group and the often quoted high number of road accidents and deaths within the Wheatbelt area it has been recognised by the Group that two such trailers would be required. Moreover, the promotion of the road safety message is an important one for our communities.

In the first instance grant funding will be applied for to assist with the capital cost of the trailers, however in the event this funding is not forthcoming it is envisaged that

each of the LG's will contribute to the capital cost of the trailers and the host LG's will license, insure and maintain the trailers.

A Memorandum of Understanding (MOU) between the LG's will be required to ensure a suitable trailer booking policy is adhered to and any other possible issues regarding the trailers are highlighted to ensure fairness to all LG's involved.

For the purpose of the grant funding applications all participating LG's will be required to present a Letter of Support for the project prior to the end of May 2015.

Legal Implications

N/A

Policy Implications

N/A – however, the Shire does support the Roadwise initiative

Consultation

External: Mr Rod Thornton
Wheatbelt South Regional Road Group members

Financial Implications

The Shire's 2014/15 budget provides an allocation of \$2,000 for support of Roadwise executive services provided by the Lake Grace Community Resource Centre.

In respect to the two trailers, grant funding is to be applied for by host local government Kulin Shire through the Office of Road Safety Funding Program (closing Date: 5th June 2015) and the RAC (closing Date: 29 June 2015) with assistance from WBS Road Safety Advisor, Rodney Thornton.

If this funding is not successful or there is a funding shortfall each of the local governments in the WBS region have been asked to contribute to the capital cost of the two (2) trailers. It is envisaged to be approximately \$1,100 per local government or a lesser amount if part funded by grants (subject to changes due to quotes running past their due date). The initial license and registration of the trailers are included in this cost.

The ongoing cost to each of the host local governments is approximately \$235 p.a. per trailer for the licensing (subject to the weight of the trailer and any increases in licensing costs). Insurance costs are subject the individual local government's insurance policy.

Maintenance of the trailers is to be carried out by the host local government.

Strategic Implications

Shire of Lake Grace Strategic Community Plan - Social

- S2 - Provide a supportive social environment – Plan for the continuity of essential emergency services

Recommendation

That Council agree to support the Roadwise safety initiative by way of an additional contribution of up to \$1,100 towards the cost of purchasing two (2) “crash car” trailers for use within the Wheatbelt South Regional Road Group area.

Voting Requirements

Simple majority required.

Resolution

Moved Cr

Seconded Cr

16.2 2015 WALGA AGM – NOMINATION OF DELEGATES

Applicant: WA Local Government Association
File No. 0029
Attachments: Nomination Form
Author: Mrs Jeanette Bennett


 Executive Assistant

Disclosure of Interest: Nil
Date of Report: 18 May 2015
Senior Officer: Mr Neville Hale


 Chief Executive Officer

Summary

For Council to nominate its delegates to the 2015 Annual General Meeting of the WA Local Government Association (WALGA).

Background

Each year WALGA holds its Annual General Meeting to which each member local government is entitled to be represented by two (2) voting delegates.

The delegates are to be registered by 9 July 2015.

The Annual General Meeting is to be held at the Perth Convention Centre on Wednesday, 5 August 2015 commencing at 1.30 pm.

Comment

Council has previously nominated its President (Cr Walker) and Deputy President (Cr De Landgraff) as its delegates to the WALGA Central Country Zone.

It is appropriate that the Zone delegates be nominated to represent the Shire at the AGM. In addition, for the Annual General Meeting, it is requested that Council nominate proxy delegates in the event that one or both of the voting delegates are unable to attend.

Legal Implications

WALGA Constitution

Policy Implications

N/A

Consultation

N/A

Financial Implications

The cost of attending the AGM is provided for within the Shire's Conference expenses allocation E041030 - \$13,690 which covers the cost of the convention, accommodation, and travel.

Strategic Implications

Shire of Lake Grace Strategic Community Plan - Civic Leadership

- CL1: Elected members provide visionary leadership that fairly and equitably represents their Shire community

Recommendation

That Council appoint delegates to the Western Australian Local Government Association, Annual General Meeting 2015 as follows:

- Voting Delegates Cr Walker & Cr De Landgraft
- Proxy delegates Cr _____ & Cr _____

Voting Requirements

Simple majority required.

Resolution

Moved Cr


Seconded Cr

16.3 DEED OF AGREEMENT WITH DEPARTMENT OF WATER - USE OF COMMON SEAL

Applicant: Department of Water
File No. 0634
Attachments: Nil
Author: Mrs Jeanette Bennett


 Executive Assistant

Disclosure of Interest: None
Date of Report: 18 May 2015
Senior Officer: Mr Neville Hale


 Chief Executive Officer

Summary

For Council to authorise use of the Common Seal in regard to a Deed of Agreement with the Department of Water for funding of the Lake Grace Stormwater Harvesting Project.

Background

The Manager Infrastructure Services recently submitted an application for funding through the Department of Water's Community Water Supply Program (CWSP) for the Lake Grace Stormwater Harvesting Project.

The Department of Water's Rural Water Planning Officer, Tracy Calvert has advised the Shire by email that the formal approval letters for the 2015/16 CWSP round are with the Minister (Hon Mia Davies MLA) for her approval.

The Department of Water is unsure when these will be signed and sent out and in the meantime have anticipated approval and have drafted the deed of agreements (with approved milestone and payment periods).

Once the official letter has been signed off and received by the Shire, the Department of Water will send out the deed of agreement for signing and will be expecting the first invoice for an up-front payment to the Shire of 25% prior to 30 June 2015 for the project to kick off – refer Financial Implications.

Comment

In order to finalise the funding the Shire will be required to affix the Common Seal to the Deed of Agreement.

The recommendation is subject to the Department of Water's official offer of funding for the Lake Grace Stormwater Harvesting Project.

Legal Implications

Under the Shire of Lake Grace Standing orders:

Part 17 - Common Seal

17.1 The Council's Common Seal

(1) The CEO is to have charge of the common seal of the Local Government, and is responsible for the safe custody and proper use of it.

(2) The common seal of the Local Government may only be used on the authority of the Council given either generally or specifically and every document to which the seal is affixed must be signed by the President and the CEO or a senior employee authorised by him or her.

Policy Implications

Policy 1.11 – Use of the Common Seal

Consultation

Internal: CEO

External: Department of Water

Financial Implications

The Lake Grace Stormwater Harvesting Project funding application to the Department of Water has a total project cost of \$96,315.00 of which two thirds i.e. \$64,210.00 is to be funded by the Department of Water.

The Shire's contribution of one third will be included in the 2015/16 budget deliberations.

Strategic Implications

Shire of Lake Grace Strategic Community Plan

- En 1 Mitigate the Shire's waste and carbon footprint
- En2 Improve water security and use of non potable water

Recommendation

That, subject to a formal offer of funding from the Department of Water, Council authorise the Shire President and Chief Executive Officer to apply the Common Seal to the Deed of Agreement for the Lake Grace Stormwater Harvesting Project.

Voting Requirements

Simple majority required.

Resolution

Moved Cr


Seconded Cr

16.4 DEED OF AGREEMENT WITH WATER CORPORATION - USE OF COMMON SEAL

Applicant: Water Corporation
File No. 0097
Attachments: Nil
Author: Mrs Jeanette Bennett

Disclosure of Interest: None
Date of Report: 18 May 2015
Senior Officer: Mr Neville Hale


 Executive Assistant


 Chief Executive Officer

Summary

For Council to authorise use of the Common Seal in regard to a Licence (Land Only) with the Water Corporation relating to access to part of the Water Corporation's Reserve 38214 in Lake King.

Background & Comment

The Lake King Community and the Shire have been working together on a project which involves piping of non-potable water from the Water Corporation's overflow dam in Lake King.

The Lake King Water Reserve is located on the north eastern edge of the townsite adjacent to the Lake King Golf Course.

The attached Licence provides the Shire with access to Part Reserve 38214 for installation of the pipe and the future use of that water.

In order to finalise the Shire is required to affix the Common Seal to the Deed of Agreement.

With regard to the Licence expiry date of June 2016 clause 3.1 – the Chief Executive Officer has made contact with the Water Corporation and queried that the expiry date would need to be extended for ongoing access. At this stage the CEO is awaiting feedback from the Water Corporation.

Legal Implications

Under the Shire of Lake Grace Standing orders:

Part 17 - Common Seal

17.1 The Council's Common Seal

(1) The CEO is to have charge of the common seal of the Local Government, and is responsible for the safe custody and proper use of it.

(2) The common seal of the Local Government may only be used on the authority of the Council given either generally or specifically and every document to which the seal is affixed must be signed by the President and the CEO or a senior employee authorised by him or her.

Policy Implications

Policy 1.11 – Use of the Common Seal

Consultation

Internal: Manager Infrastructure Services
 CEO

External: Water Corporation

Financial Implications

The Licence fee is \$500.00 per annum.

Strategic Implications

Shire of Lake Grace Strategic Community Plan

- En 1 Mitigate the Shire's waste and carbon footprint
- En2 Improve water security and use of non-potable water

Recommendation

That Council authorise the Shire President and Chief Executive Officer to apply the Common Seal to the Water Corporation's Licence (Land only) Part Reserve 38214 – Lake King.

Voting Requirements

Simple majority required.

Resolution

Moved Cr

Seconded Cr

16.5 EXECUTION OF DOCUMENTS - AUTHORISATIONS

Applicant: Executive Services
File No. 0052
Attachments: Nil
Authors: Mr Neville Hale



Chief Executive Officer

Disclosure of Interest: Nil
Date of Report: 18 May 2015
Senior Officer: Mr Neville Hale



Chief Executive Officer

Summary

For Council, under the current legislative framework, to provide authorisation to specified staff to sign documents on behalf of the Shire of Lake Grace that do not require the affixing of the Common Seal.

Background

In order to carry out its functions efficiently and effectively, a Local Government has the ability to delegate its powers and duties to the Chief Executive Officer (or to another staff member, in some cases).

With respect to the execution of documents on behalf of the Shire, the CEO currently does not have delegated authority to execute documents and apply the Common Seal of the Shire of Lake Grace on behalf of Council generally.

Amendments to the Local Government Act 1995, in 2010, have amended the statutory requirement with respect to affixing the Common Seal and execution of documents generally.

As a consequence of some confusion with respect to the legal requirements for a document to be validly executed on behalf of a Local Government, amendments were made to Part 9 of the Local Government Act 1995, by inserting new sections 9.49A and 9.49B.

Section 9.49A clarifies that local governments may use the common seal to execute documents or alternatively have them signed on behalf of the local government by authorized persons, thus overcoming a common law view that the seal must be used in all circumstances. Section 9.49B sets out the details of contract formalities.

A consequential amendment was also made to section 5.43 [limits on delegations to the CEO] which specifies that that the power of the Council to authorize a person to sign documents cannot be delegated to the CEO.

These amendments will therefore require an amendment to the current delegation of authority to the CEO with respect to the signing of documents under seal. Currently a delegation does not exist.

Additionally, there is a requirement to specify persons authorized to sign documents that do not require the affixing of the common seal.

This report deals only with the authorisations for signing of documents. The amendment required to any delegations is handled under a separate report - Review of Delegations to be presented to Council at the June 2015 Ordinary Meeting.

Comment

In view of the range of documents that would be impacted by this report, and the issue identified by the Department of Local Government, the item was discussed with staff from another Local Government and other professionals in the industry.

In discussions, there are only a hand full of Local Governments who comply with this issue. The Shire of Kalamunda is one of those Local Governments. The contents and format of this report have been based on the Shire of Kalamunda report.

Legal Implications

Section 9.49A - Execution of Documents, provides:

(1) A document is duly executed by a local government if:-

(a) the common seal of the local government is affixed to it in accordance with subsections (2) and (3); or

(b) it is signed on behalf of the local government by a person or persons authorised under subsection (4) to do so.

(2) The common seal of a local government is not to be affixed to any document except as authorised by the local government.

(3) The common seal of the local government is to be affixed to a document in the presence of:-

(a) the mayor or president; and

(b) the chief executive officer or a senior employee authorised by the chief executive officer, each of whom is to sign the document to attest that the common seal was so affixed.

(4) A local government may, by resolution, authorise the Chief Executive Officer, another employee or an agent of the local government to sign documents on behalf of the local government, either generally or subject to conditions or restrictions specified in the authorisation.

(5) A document executed by a person under an authority under subsection (4) is not to be regarded as a deed unless the person executes it as a deed and is permitted to do so by the authorization.

(6) A document purporting to be executed in accordance with this section is to be presumed to be duly executed unless the contrary is shown.

(7) When a document is produced bearing a seal purporting to be the common seal of the local government, it is to be presumed that the seal is the common seal of the local government unless the contrary is shown.

Section 9.49B – Contract formalities, provides:-

(1) Insofar as the formalities of making, varying or discharging a contract are concerned, a person acting under the authority of a local government may make, vary or discharge a contract in the name of or on behalf of the local government in the same manner as if that contract was made, varied or discharged by a natural person.

(2) The making, variation or discharge of a contract in accordance with subsection (1) is effectual in law and binds the local government concerned and other parties to the contract.

Subsection (1) does not prevent a local government from making, varying or discharging a contract under its common seal.

The proposals contained in the Officers Recommendations will ensure that the Shire of Lake Grace complies with the requirements introduced to the Local Government Act 1995

The Officer Recommendations have been drafted in accordance with those presented to the Council at the Shire of Kalamunda. Legal advice was obtained by the Shire of Kalamunda prior to drafting the report and recommendations.

Shire of Lake Grace Standing Orders Local Law – Part 17.1 Common Seal

Under the Shire's Standing Orders Local Law the Shire President and Chief Executive Officer are empowered to sign documents requiring affixation of the Common Seal.

Policy Implications**Policy 1.11 – Use of the Common Seal**

Policy 1.11 sets out the wording for use in documents requiring the Common Seal.

Consultation

Public Consultation is not required with respect to this issue. The report addresses an issue raised in a recent audit of a Local Government conducted by the Department of Local Government.

Financial Implications

There are no financial implications flowing from this issue.

Strategic Implications

Shire of Lake Grace Strategic Community Plan

Civic Leadership - Focus Area 5)

- Excellence in Shire Administration and Communication

Voting Requirements

Simple majority required.

Officer's Recommendation

1. That Council authorises the following Officers of the Shire of Lake Grace to sign any document (excludes those signed under the Common Seal) on behalf of the Shire of Lake Grace, that is necessary or appropriate to be signed in order for these Officers to carry out their functions and duties under any written law:-

- (i) the Chief Executive Officer;
- (ii) the Manager Corporate Services.

Voting Requirements

Simple majority required.

Resolution

Moved Cr

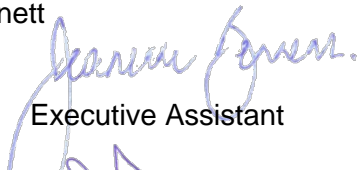
Seconded Cr

17.0	INFORMATION BULLETIN
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17.1 **INFORMATION BULLETIN REPORT – APRIL 2014**

Applicant:	Executive Services
File No.	N/A
Attachments:	1- 13 (<i>under separate cover</i>)
Author:	Mrs Jeanette Bennett

Disclosure of Interest:	Nil
Date of Report:	18 May 2015
Senior Officer:	Mr Neville Hale



Executive Assistant



Chief Executive Officer

Summary

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

Background

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

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

Copies of other relevant Councillor information are distributed via email.

Comment

This month's (April 2015) Information Bulletin Report has been emailed to Councillors.

The April 2015 Information Bulletin at attachment includes:

Reports

1. April 2015 Council Status Report
2. Infrastructure Services Report – April 2015
3. Monthly Financial Statement – Schedules April 2015
4. Environmental Health Officer Report – April/May 2015
5. Outstanding Rates Report – April 2015
6. Lake Grace Visitor Centre Statistics – February to April 2015
7. Lake Grace Youth Forum 30 April 2015
8. WALGA Economic Briefing – May 2015 Budget Edition

Letters

9. MMWC Group – Application for Exploration Licence 70/4718

Minutes

9. Newdegate Rejuvenation Committee – 11 May 2015
10. Central Country Zone Teleconference 30 April 2015
11. Central Country Zone Wheatbelt Health MOU Group 7 April 2015

12. WALGA State Council Summary Minutes May 2015

Legal Implications

Nil

Policy Implications

Nil

Consultation

N/A

Financial Implications

Nil

Strategic Implications

Shire of Lake Grace Strategic Community Plan

Civic Leadership - Focus Area 5)

- Excellence in Shire Administration and Communication

Voting Requirements

Simple majority required.

Officer's Recommendation

That Council accepts the Information Bulletin report.

Voting Requirements

Simple majority required.

Resolution

Moved Cr

Seconded Cr

18.0 URGENT BUSINESS BY DECISION OF THE MEETING**19.0 SCHEDULING OF MEETING****19.1 JUNE 2015 ORDINARY MEETING**

As per Resolution 11960, 19 November 2014 the June 2015 Ordinary Meeting of Council has been scheduled to take place on Wednesday 24 June 2015, commencing at 3.00 pm in Council Chambers, 1 Bishop St, Lake Grace WA.

20.0 CONFIDENTIAL BUSINESS – as per Local Government Act s5.23 (2)**MOTION**

Moved Cr
Seconded Cr

That Council close the meeting to the public at this time, being ___ pm, to discuss Item 20.1 2015 Draft Policy Review - Discussion.

MOTION CARRIED

20.1 2015 POLICY MANUAL REVIEW DRAFT - DISCUSSION**MOTION**

Moved Cr
Seconded Cr

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

MOTION CARRIED

21.0 CLOSURE

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

22.0 CERTIFICATION

I, Andrew James Walker, certify that the minutes of the meeting held on the 27 May 2015 as shown were confirmed as a true record at the meeting held on the 24 June 2015.

Shire President

Date