

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 24 June 2015

At: Council Chambers, 1 Bishop St
Lake Grace 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

18 June 2015
Date

Shire of Lake Grace

Ordinary Council Meeting

Agenda

24 June 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.



CONTENTS

1.0	OPENING & ANNOUNCEMENT OF VISITORS	5
2.0	ATTENDANCE RECORD	5
2.1	PRESENT	5
2.2	APOLOGIES	5
2.3	LEAVE OF ABSENCE PREVIOUSLY GRANTED	5
3.0	PUBLIC QUESTION TIME.....	5
4.0	APPLICATIONS FOR LEAVE OF ABSENCE	5
5.0	MINUTES OF PREVIOUS COUNCIL MEETINGS	6
5.1	ORDINARY MEETING – 27 MAY 2015	6
6.0	DECLARATIONS OF INTEREST	6
6.1	DECLARATIONS OF FINANCIAL INTEREST – LOCAL GOVERNMENT ACT SECTION 5.60A	6
6.2	DECLARATIONS OF PROXIMITY INTEREST – LOCAL GOVERNMENT ACT 1995 SECTION 5.60B .	6
6.3	DECLARATIONS OF IMPARTIALITY INTEREST – ADMINISTRATION REGULATION SECTION 34C	6
7.0	NOTICES OF URGENT BUSINESS.....	6
8.0	MOTIONS OF WHICH NOTICE HAS BEEN RECEIVED.....	6
9.0	PETITIONS/DEPUTATIONS/PRESENTATIONS/SUBMISSIONS	6
9.1	SHIRE OF DUMBLEYUNG, KENT & LAKE GRACE COMMUNITY EMERGENCY SERVICES MANAGER – MR PAUL ROADLEY	6
10.0	MEMBERS' REPORTS.....	6
11.0	MATTERS FOR CONSIDERATION – WORKS & SERVICES	7
11.1	KENT RD – REQUEST FOR ROAD NAME CHANGE	7
12.0	MATTERS FOR CONSIDERATION – PLANNING	9
12.1	PLANNING APPLICATION – PROPOSED STORAGE SHED/YARD – 68 ABSOLON ST LAKE GRACE	9
13.0	MATTERS FOR CONSIDERATION – HEALTH & BUILDING	14

14.0	MATTERS FOR CONSIDERATION – FINANCE	15
14.1	ACCOUNTS FOR PAYMENT – MAY 2015.....	15
14.2	FINANCIAL STATEMENTS – MAY 2015.....	17
14.3	OUTSTANDING DEBTORS – DEBT WRITE-OFFS.....	19
15.0	MATTERS FOR CONSIDERATION – COMMUNITY SERVICES	23
15.1	BUSHFIRE ADVISORY COMMITTEE – APPOINTMENT OF FIRE CONTROL OFFICERS.....	23
16.0	MATTERS FOR CONSIDERATION - ADMINISTRATION.....	27
16.1	SHIRE OF LAKE GRACE LOCAL LAWS – APPROVAL TO ADVERTISE	27
16.2	DELEGATION OF POWERS TO THE CHIEF EXECUTIVE OFFICER AND THE DELEGATIONS REGISTER.....	33
16.3	APPOINTMENT OF AUTHORISED PERSONS	36
16.4	2015 POLICY MANUAL REVIEW	41
16.5	EQUAL EMPLOYMENT OPPORTUNITY MANAGEMENT PLAN 2015-2017	46
17.0	INFORMATION BULLETIN	49
17.1	INFORMATION BULLETIN REPORT – MAY 2015	49
18.0	URGENT BUSINESS BY DECISION OF THE MEETING.....	51
19.0	SCHEDULING OF MEETING	51
19.1	JULY 2015 ORDINARY MEETING	51
20.0	CONFIDENTIAL BUSINESS – AS PER LOCAL GOVERNMENT ACT S5.23 (2).....	51
21.0	CLOSURE	51
22.0	CERTIFICATION.....	52

SHIRE OF LAKE GRACE

Agenda for the Ordinary Meeting of Council to be held at Council Chambers, 1 Bishop St Lake Grace WA, on Wednesday 24 June 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

Motion 12032 May 2015 - Cr Marshall has approved leave of absence from 20 July to 25 August 2015.

3.0 PUBLIC QUESTION TIME

4.0 APPLICATIONS FOR LEAVE OF ABSENCE

5.0 MINUTES OF PREVIOUS COUNCIL MEETINGS

5.1 ORDINARY MEETING – 27 MAY 2015

Resolution

MOTION 12048

Moved Cr Clarke
Seconded Cr Stanton

That the minutes of the Ordinary Meeting of Council held on the 27 May 2015 be confirmed as a true and accurate record.

MOTION CARRIED

6.0 DECLARATIONS OF INTEREST

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

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

6.3 DECLARATIONS OF IMPARTIALITY INTEREST – ADMINISTRATION REGULATION SECTION 34C

7.0 NOTICES OF URGENT BUSINESS

8.0 MOTIONS OF WHICH NOTICE HAS BEEN RECEIVED

9.0 PETITIONS/DEPUTATIONS/PRESENTATIONS/SUBMISSIONS

9.1 SHIRE OF DUMBLEYUNG, KENT & LAKE GRACE COMMUNITY EMERGENCY SERVICES MANAGER – MR PAUL ROADLEY

The Shire's recently appointed Community Emergency Services Manager, Mr Paul Roadley will inform Council of his role/future direction within the region.

10.0 MEMBERS' REPORTS

11.0 MATTERS FOR CONSIDERATION – WORKS & SERVICES
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11.1 KENT RD – REQUEST FOR ROAD NAME CHANGE

Applicant: Mr Don Crook
File No. 0357
Attachments: Letter of Request and Map
 Location Map
Author: Mr Rohan Bishop



Technical Officer

Disclosure of Interest: Nil
Date of Report: 12 June 2015
Senior Officer: Mr Louka Shopov



Manager Infrastructure Services

Summary

This report recommends Council advertise within the Pingaring community seeking comment on the proposal for the renaming of part of the road, Kent Road to Crook Road.

Background

A proposal has been made by Don Crook to change a road name for part of Kent Road in the Pingaring area to Crook Road (the section of road to be renamed runs from the northern most intersection on North Burngup Road to Holme Road) – see attached diagrams. The renaming proposal is in recognition of Don's late father's contribution to the Pingaring district.

Leonard (Len) Thomas Crook (1894-1969) was a pioneering farmer in the Pingaring area, then known as North Burngup. He undertook a virgin block in 1921 and farmed successfully for more than 40 years, before selling his farm in 1965 and retiring to Perth.

Comment

Kent Road has an unusual layout as it both starts and ends on North Burngup Road. It travels southeast from its northern intersection with North Burngup Road, crosses Haddens Rd, then comes to a T-junction with Holme Rd starting and heading east, but Kent Road continues at right angle to itself and heads west towards North Burngup Road where it intersects and ends.

The proposal to rename the section of Kent Road to Crook Road from the northernmost intersection with North Burngup Road to Holme Road would still leave a section known as Kent Road, in recognition of the Kent pioneering family.

Legal Implications

Responsibility for the naming of roads, features, townsites and places in Western Australia resides with the Minister of Land Information, under *Land Administration Act 1997*.

The Geographic Name Committee was established to provide the Minister of Land Information with advice on geographical nomenclature matters, and guidelines to facilitate the approval and processing of nomenclature applications.

Generally, Local Governments propose road names to the Geographic Names Committee and all interested parties are advised.

Policy Implications

Council has no specific policy with regards to the naming of roads within the Shire; however road names are generally selected in accordance with guidelines provided by the Geographic Names Committee, specifically:

- New names and changes of names shall have strong local community support.
- Names in public use shall have primary consideration.
- Name duplication and dual naming should be avoided, especially those in close proximity.
- Names of living individuals should only be used in exceptional circumstances.
- Name characterised as follows to be avoided, where possible; incongruous; given and surname combinations; qualified names; double names; corrupted, unduly cumbersome, obscene, derogatory or discriminating names; and commercialised names.
- Preferred sources of names are: - descriptive names appropriate to features, pioneers, war casualties and historical events connected with the area, and name from Aboriginal languages currently or formerly identified within the general area.
- Generic terms must be appropriate to features described.
- New names proposed must be accompanied by exact information as to location, feature identification, origin, or if alteration is proposed, by a rationale.
- The use of genitive apostrophe is to be avoided (e.g. Butcher's)
- Hyphenated words in place names shall only be used where they have been adopted in local usage. (e.g. City of Kalgoorlie-Boulder)

Consultation

Nil

Financial Implications

There will be minimal administrative cost involved in updating mapping records and road side sign posting. The cost would be absorbed within the Roads budget item a/c E122500.

Strategic Implications

Nil

Recommendation

That the proposal to change the name of a section of Kent Road, Pingaring to Crook Road, be advertised within the Pingaring community and surrounds seeking comment on the proposed renaming of the road.

Voting Requirements

Simple majority required.

Resolution

Moved Cr

Seconded Cr

12.0 MATTERS FOR CONSIDERATION – PLANNING

12.1 PLANNING APPLICATION – PROPOSED STORAGE SHED/YARD – 68 ABSOLON ST LAKE GRACE

Applicant:	Perrella Building & Fabrication on behalf of Clinton & Tracey Earnshaw (Landowners)
File No.	0506
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:	16 June 2015
Senior Officer:	Mr Neville Hale

Chief Executive Officer

Summary

This report recommends that a planning application submitted by Perrella Building and Fabrication on behalf of Clinton and Tracey Earnshaw (Landowners) to construct a new steel frame colorbond storage shed on Lot 287 (No.68) Absolon Street, Lake Grace be approved subject to conditions.

Background

The applicant is seeking Council's planning approval to construct a new steel framed colorbond storage shed on Lot 287 (No.68) Absolon Street, Lake Grace to support the engineering business currently operating on adjoining Lot 286 (No.70) Absolon Street, Lake Grace (i.e. 'Lake Grace Engineering').

Lot 287 is located in the southern extremities of the Lake Grace townsite and within close proximity to the intersection of Absolon Street and Dunham Street. The land is rectangular in shape, comprises a total area of approximately 1,507m² and has direct frontage and access to Absolon Street along its northern boundary (see Plans 1 & 2).

Lot 287 is currently being used for general storage purposes by Lake Grace Engineering and contains a number of improvements associated with its current use (i.e. small shed, gravel access and parking areas, boundary fencing etc.) (see Plan 3).

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

- i) Construction of a new 13 metre long and 8 metre wide steel framed colorbond (i.e. 'Pale Eucalypt' colour) storage shed (see Plans 4 to 6);
- ii) The shed will have a wall height of 5 metres and a ridge height of 5.9 metres;
- iii) The shed will comprise a total floor area of approximately 104m²;
- iv) The shed will have a 34.29 metre setback from the land's frontage to Absolon Street, a 3 metre setback from the land's southern rear boundary and a 3 metre setback from the land's western side boundary;
- v) The shed will be enclosed on three (3) sides and open along its northern (i.e. front) facade;

- vi) The shed will provide additional storage capacity in support of Lake Grace Engineering's existing business activities on the adjoining Lot 286 and will be used during normal business hours; and
- vii) It is understood the development and use of the new shed will not require the employment of any additional staff by Lake Grace Engineering.

Comment

Lot 287 is classified 'General Industry' zone under the Shire of Lake Grace's current operative Local Planning Scheme No.4 (LPS No.4).

Having regard for the land use definitions contained in Schedule 1 of LPS No.4, the proposed development and use of a storage shed on Lot 287 is most appropriately classified as a 'storage yard'.

The development and use of any land classified 'General Industry' zone for the purposes of a 'storage yard' is listed in the Zoning Table of LPS No.4 as being a discretionary (i.e. 'D') use meaning it is not permitted unless the local government has exercised its discretion by granting planning approval.

LPS No.4 does not contain any specific standards governing the development and use of any land classified 'General Industry' zone for the purposes of a 'storage yard'. As such the application has been assessed with due regard for the development standards applicable to all 'General Industry' type uses.

An assessment of the proposal against the development standards contained in LPS No.4 has confirmed it satisfies the majority of standards except for the following:

- i) Front building facade; and
- ii) Landscaping.

The following is a brief discussion of these non-compliance issues:

Front Building Facade

Clause 5.9.5 of LPS No.4 requires the front facade of all buildings in the 'General Industry' zone to be orientated towards the primary street frontage and constructed in brick, concrete or masonry. Notwithstanding this general requirement, LPS No.4 affords Council the discretion to vary this requirement where it is satisfied such variation will not detract from the amenity of the immediate locality.

The new shed is proposed to be located at the rear of the property with the front facade (i.e. that portion of the building facing Absolon Street) being open and not brick, concrete or masonry as required by LPS No.4.

Despite the proposal being non-compliant with the specific requirements of LPS No.4, the reporting officers have formed the view it is unlikely to have any adverse impacts on the existing character and amenity of the immediate locality for the following reasons:

- i) The subject land is located in a designated industrial area characterised by other existing developments which have utilised zincalume/colorbond wall cladding on buildings of similar and larger sizes;
- ii) The new storage shed will be located at the rear of the property and has scope to be screened from the land's primary street frontage (i.e. Absolon Street) through the retention of a number of existing street trees within the road verge, the installation of a new

landscaping strip along the land's front boundary to satisfy the landscaping requirements of LPS No.4 or the development, in time, of a new building in the front portion of the property; and

- iii) The new storage shed is relatively small in size and therefore unlikely to have any negative impacts on the local streetscape in terms of its bulk and scale.

Given the above conclusions it is recommended that Council support the open front facade of the new storage shed as proposed.

Landscaping

Table 2 of LPS No.4 requires that 10% of the total land area for all general industry type uses be dedicated to landscaping, preferably within the primary street setback area (i.e. the front of properties).

The information and plans submitted in support of the application do not illustrate or propose the provision of any on-site landscaping. Notwithstanding this fact it is significant to note the verge area abutting Lot 287 currently comprises a number of mature street trees which provide some screening of the land from the street.

Given the above, it is recommended that Council impose a condition on any planning approval issued requiring a two (2) metre wide landscaping strip (i.e. approximately 48m² or 3.2% of the total site area) be provided along the land's front boundary in lieu of 10% of the total site area (i.e. 150.7m²) normally required by LPS No.4.

Conclusion

It is concluded from a detailed assessment of the application that the proposal to construct a new storage shed on Lot 287 (No.68) Absolon Street, Lake Grace to support the existing engineering business operating on the adjoining property 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

Policy Implications

Nil

Consultation

Community consultation not required.

Financial Implications

Nil

Strategic Implications

Nil

Recommendation

That the planning application submitted by Perrella Building and Fabrication on behalf of Clinton and Tracey Earnshaw (Landowners) to construct a new steel framed colorbond storage shed on Lot 287 (No.68) Absolon Street, 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. The existing storage shed in the south-western corner of the property shall be removed to allow for installation of the proposed new storage shed.
3. The new storage shed shall have a total floor area not exceeding 104m².
4. The new storage shed shall have a maximum wall height of 5 metres and a maximum roof height of 5.9 metres.
5. All external wall and roof cladding of the new storage shed shall be of colorbond construction (i.e. 'Pale Eucalypt' colour).
6. All stormwater generated by the new storage shed shall be managed and disposed of to the specifications and satisfaction of the Shire of Lake Grace.
7. A two (2) metre wide strip along the front boundary of Lot 287 (excluding the existing driveway access area) shall be dedicated and used for landscaping purposes. A landscaping plan shall be prepared and submitted to the Shire of Lake Grace for consideration and approval by the Shire's Chief Executive Officer prior to the commencement of development on the land.
8. All landscaping shall be installed prior to the occupation of the storage shed and shall be maintained to the specifications and satisfaction of the Shire of Lake Grace.
9. All rubbish generated on-site shall be managed and disposed of to the specifications and satisfaction of the Shire of Lake Grace.
10. 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.
11. Any future proposed advertising signage shall be provided in accordance with the specific requirements of the Shire of Lake Grace Local Planning Scheme No.4 and the Shire of Lake Grace Local Planning Policy No.6.5 (i.e. 'Advertising Signage') unless otherwise approved by Council.

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. Completed demolition and building permit applications 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 storage shed is required to comply in all respects with the National Construction Code of Australia. Plans and specifications which reflect these requirements shall 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 prior to 7.00 am without the Shire's written approval.
6. 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

No items for consideration.

14.0	MATTERS FOR CONSIDERATION – FINANCE
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14.1 **ACCOUNTS FOR PAYMENT – MAY 2015**

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: 8 June 2015
Senior Officer: Mr Peter Dittrich


 A/Manager Corporate Services

Summary

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

Background

List of payments for the month May 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 May 2015 from the Municipal and Trust Account
 Total \$670,734.05.

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 \$670,734.05 as presented for the month of May 2015 incorporating:

- Trust Account Cheques:	831 to 834	\$	600.00
- Electronic Funds Transfer:	EFT 14011 to EFT 14173	\$	633,538.38
- Municipal Account Cheques:	35889 to 35922	\$	35,456.87
- Direct Debits:	DD5563.1 to DD5563.7	\$	1,138.80

Voting Requirements

Simple majority required.

Resolution

Moved Cr

Seconded Cr

14.2 FINANCIAL STATEMENTS – MAY 2015

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: 16 June 2015
Senior Officer: Mr Peter Dittrich



A/Manager Corporate Services

Summary

Consideration of the financial statements for the month ending 31 May 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 31 May 2015 as attached is received.

Voting Requirements

Simple majority required.

Resolution

Moved Cr

Seconded Cr

14.3 OUTSTANDING DEBTORS – DEBT WRITE-OFFS

Applicant: Corporate Services
File No. 0276
Attachments: Nil
Author: Mrs Lee-Anne Trevenen



Coordinator Finance & Administration

Disclosure of Interest: Nil
Date of Report: 10 June 2015
Senior Officer: Mr Peter Dittrich



Acting Manager Corporate Services

Summary

For Council to consider and endorse the write-off of bad debts for the amount of \$14,888.00.

Background

Following reviews of the Shire's debtor ledger, attempts to recover three (3) bad debts, under the Shire of Lake Grace Policy 3.8 Outstanding Debtors has been unsuccessful. The three (3) bad debts are;

1. Zen-Aishann Rahire Simon-Tume the amount of \$13,260 for rental of property at 39A Maley Street, Newdegate during 2009-2010.

Since 2011 various attempts have been made by management and staff to recover the debt when the tenant Zen-Aishann Rahire Simon-Tume was residing in the residence at 39A Maley Street Newdegate. Despite Management and Staff following the Shire of Lake Grace Policy 3-8 Outstanding Debtors no response has been forthcoming. Through the Shire's Debt Collection Agency, Dun & Bradstreet it is now believed that Zen-Aishann Rahire Simon-Tume resides in New Zealand. No address is available to make contact with the tenant.

2. Dado Logistics the amount of \$1,188.00 for damage to pavers, outstanding since 30 September 2011. At the time Dado Logistics were contacted by phone with photographic evidence of trailer behind truck, which had caused damage to pavers in Stubbs Street, Lake Grace. Despite attempts at reimbursement of damage caused Dado Logistics denied having a driver in the area at the time pulling the identified trailer and refused to pay or accept responsibility for the damage caused. Recommendation from debt collector is to write this debt off.
3. Dianne Gray has a bad debt of \$440.00 for room rental for the period of 16 August 2007 to 18 February 2008. Contact has been made by phone, letter and through debt collection services but has not come forward with funds despite many promises. Recommendation from the Shire's Debt Collection Agency, Dun & Bradstreet is to write off the debt as the cost of recovery is not financially viable.

Consultation with Council's collection agent, Dun & Bradstreet determined that the collection costs associated with trying to enforce payment of these debts are prohibitive to the execution of such enforcement.

Council's consideration is requested to write off the bad debts as shown in the below table due to the age of the debts and the unsuccessful attempts to recover these bad debts as shown in below table.

CODE	NAME OF DEBTOR	AGE OF DEBT IN DAYS	AMOUNT OUTSTANDING	REASON FOR DEBT
DZST01	ZEN SIMON-TUME	1385	\$13,260.00	Rental arrears Newdegate Community Housing
DCG01	DADO LOGISTICS	1278	\$ 1,188.00	Broken pavers Stubbs Street Lake Grace
DDG01	DIANE GRAY	2744	\$ 440.00	Rental arrears LG Old Doctors Surgery
	Total Write off above \$50		\$14,888.00	

The request to write off the total bad debt of \$14,888.00 comes after the process of recovery has been exhausted as per the Shire of Lake Grace Policy 3-8 Outstanding Debtors;

POLICY 3.8 Outstanding Debtors

POLICY Debtors who receive goods and services from the Shire and do not pay in a prompt manner will be referred to debt collectors to recover debt.

OBJECTIVES To ensure that outstanding accounts are collected in a timely manner.

GUIDELINES Local Government Act 1995 and Local Government (Financial Management) Regulations 1996.

The following guidelines are to be followed for outstanding debtors:

- End of month statements for outstanding debts to be sent out.
- If payment outstanding at end of second month, final demand letter to be sent requesting payment within 15 days or the matter will be referred to Collection Agent.
- If payment not received and/or suitable explanation given as to explain non-payment, final letter sent advising matter referred to the Shire's Collection Agent.
- Contact Shire's Collection Agent with details and proceed with action to recover debt.
- Manager of Corporate Services to assess cost effectiveness of collection process before deciding to proceed with action.

HISTORY Adopted Motion 11482 25 July 2012.

REVIEW Manager Corporate Services

Comment

Details of the debtors and amount to be written off are provided below:

CODE	NAME OF DEBTOR	AGE OF DEBT IN DAYS	AMOUNT OUTSTANDING	REASON FOR DEBT
DZST01	ZEN SIMON-TUME	1385	\$13,260.00	Rental arrears Newdegate Community Housing
DCG01	DADO LOGISTICS	1278	\$ 1,188.00	Broken pavers Stubbs Street Lake Grace
DDG01	DIANE GRAY	2744	\$ 440.00	Rental arrears LG Old Doctors Surgery
	Total Write off above \$50		\$14,888.00	

For the debts of \$50.00 or less, as per the Shire's Delegation Register, Delegation No F08, the Chief Executive Officer has delegated authority to write-off small balances under \$50.00 from rates assessments and sundry debtors accounts. The Chief Executive Officer has on-delegated this power to the Manager Corporate Services.

The amount to be written off totals \$14,888.00 and requires authorisation by Council as this bad debt exceeds the limitations of Shire's Delegation Register, Delegation No F08.

The amount to be written off has been provided for in the 2014/15 budget.

Legal Implications

Section 6.12 (c) of the Local Government Act 1995 gives authority to Council to write-off any amount of money which is owed to the local government (absolute majority required).

Shire of Lake Grace Delegation Register – Delegation F08 - The Chief Executive Officer has delegated authority to write-off small balances of under \$50.00 from rates assessments and sundry debtors accounts. The Chief Executive Officer has on-delegated this power to the Manager Corporate Services.

Policy Implications

Shire of Lake Grace Policy 3.8 Outstanding Debtors - Debtors who receive goods and services from the Shire and do not pay in a prompt manner will be referred to debt collectors to recover debt.

Consultation

Internal: Manager Corporate Services

External: Dunn & Bradstreet Pty Ltd - Debt Collectors

Financial Implications

The write-off will be funded from Municipal Account E0425000 Sundry Debtors Written Off currently having a balance of \$15,500.

Strategic Implications

Shire of Lake Grace Strategic Community Plan

Civic Leadership Focus Area (5)

- Excellence in Shire administration and communication

Recommendation

That Council endorse the write-off of bad debts being the sum of \$14,888.00;

NAME OF DEBTOR	AMOUNT OUTSTANDING
ZEN SIMON-TUME	\$13,260.00
DADO LOGISTICS	\$ 1,188.00
DIANE GRAY	\$ 440.00

Voting Requirements

Absolute majority (5) required

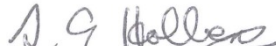
Resolution

Moved Cr

Seconded Cr

15.0 MATTERS FOR CONSIDERATION – COMMUNITY SERVICES
--

15.1 BUSHFIRE ADVISORY COMMITTEE – APPOINTMENT OF FIRE CONTROL OFFICERS

Applicant: Shire of Lake Grace Bushfire Advisory Committee
File No. 0177
Attachments: Nil
Author: Ms Lee Holben 

Manager Community Services

Disclosure of Interest: Nil
Date of Report: 16 June 2015
Senior Officer: Mr Neville Hale



Chief Executive Officer

Summary

The purpose of this report is for Council to appoint the nominated Bushfire Control Officers for the 2015/2016 season.

Background

At the Annual General Meeting of the Shire of Lake Grace Bushfire Advisory Committee, held on the 16 April 2015, the Fire Control Officers as listed in the recommendation were nominated as Fire Control Officers for the 2015/2016 fire season.

These recommended nominations are now required to be endorsed and appointed by Council.

Comment

Once Council has made the appointments for the 2015/2016 season, it is a requirement that the Shire's Bushfire Control Officers, as appointed, be advertised at least once in a local newspaper circulating throughout the district.

Legal Implications

Bush Fire Act 1954

Shire of Lake Grace Bush Fire Local Laws

Policy Implications

Nil

Consultation

External: Shire of Lake Grace Bushfire Advisory Committee

Financial Implications

Gazettal of Fire Control Officers

Strategic Implications

Shire of Lake Grace Community Strategic Plan

- Environment. En7.2 Maintain firebreaks and reduce fuel loads
- En7.3 Source effective infrastructure (communications and fire fighting equipment)
- En7.5 Build and maintain volunteer capacity.

Voting Requirements

Simple majority required.

Recommendation

That Council:

1. Appoints the following Bushfire Control Officers for the 2015/2016 season.

<u>Chief Fire Control Officer</u>	Brad Watson
Deputy Chief Fire Control Officer– Lake Grace	Doug Dunham
Deputy Chief Fire Control Officer – Newdegate	Wes Hall
Deputy Chief Fire Control Officer – Lake King	Richard Metcalf

Fire Weather Officers

Lake Grace	Doug Dunham
Newdegate	Wes Hall
Varley	Steven Davies
Mt Madden	Lindsay Brownley
Lake King	Richard Metcalf

Deputy Fire Weather Officers

Lake Grace	Brad Watson
Newdegate	Ian Lloyd Bill Lloyd
Varley	Craig Newman
Lake King	Hugh Roberts
Mt Madden	Bernie Giles

Harvest Ban – CBH Advisory Officers

Mt Madden	Lindsay Brownley
Lake King	Jason Sugg
Varley	Steven Davies
Newdegate	Bill Lloyd
Buniche	Tim Lloyd
Lake Grace	Scott Strevett
Kuender	Terry Smith
Dunn Rock	Bernie Giles

Fire Control Officers -**Permit Issuing FCO's with Two Way Radios**

North Lake Grace	Doug Dunham (Base) Brad Watson Leon Morgan Glen Willcocks Evan Wyatt Greg Carruthers
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Non Permit Issuing FCO without Two Way Radio

North Lake Grace	Ross Chappell
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Permit Issuing FCO's with Two Way Radios

South Lake Grace	Scott Strevett (Base) Kevin Naisbitt Cameron Slarke
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North Newdegate	Barry Ness (Base)
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	Ron Shalders
	Craig Shalders
	Ian Lloyd
	Bill Lloyd
	John Dunkeld
	Tim Lloyd
	Greg Dunkeld
	Pete Walker
South Newdegate	Geoff Cugley
	Matt Cugley
	Simon Cugley
	Wes Hall
	Peter Kennedy
	Syd Walker
	Geoff Richardson
Lake King/Varley	Stephen (Ben) Hyde
	Jason Sugg
	Arthur Sugg (Base)
	Jorg Brinkmann
	Craig Newman
	Steven Davies
	Richard Metcalf (Base)
	Hugh Roberts
Mt Madden/Dunn Rock	Bernie Giles
	David Roberts
	Lindsay Brownley
	Peter Newman
	Rhys De Landgraft
Newdegate Town	David Tonkin
Lake Grace Town	<i>to be confirmed</i>
Lake King Town	Ross Dunkeld
Varley Town	Stephen (Ben) Hyde
	John Zurnamer

DUAL FIRE CONTROL OFFICERS FOR THE SHIRE OF LAKE GRACE

Representatives from the Shire of Lake Grace to be appointed as Dual Fire Control Officers for the following Shires for the 2015/2016 Bush Fire Season:

Ravensthorpe	Matt Cugley
	Simon Cugley
Jerramungup	Bernie Giles
Kondinin	Hugh Roberts
Kulin	Doug Dunham
	Evan Wyatt
	Steven Davies
Dumbleyung	Kevin Naisbitt
	Leon Morgan
Kent	Leon Morgan
Esperance	Richard Metcalf

DUAL FIRE CONTROL OFFICERS

Dual Fire Control Officers appointed from respective Shires for the 2015/2016 Bush Fire Season are as follows:

Jerramungup/Ravensthorpe	Peter Wisewould
Jerramungup/Kent	Quentin Brown
Jerramungup/Lake Grace	Paul Hislop
Jerramungup/Gnowangerup	Ray Trevaskis
Jerramungup/Albany	Rohan Murdoch

2. Authorise the following persons to issue clover and proclaimed plant burning permits during the 2015/2016 season in conjunction with the closest available Fire Control Officer to the person making the application.
 - Chief Fire Control Officer
 - Deputy Chief Fire Control Officers
 - Chief Executive Officer
 - Manager Corporate Services

3. Authorise the following persons to supply information relating to harvest bans for general radio broadcasting during the 2015/2016 season.
 - Chief Executive Officer
 - Chief Bush Fire Control Officer
 - Manager Corporate Services
 - Deputy Chief Bush Fire Control Officers
 - Base Radio Operators and their Spouses
 - Community Emergency Services Manager

4. In accordance with the s38(2A) of the *Bush Fires Act 1954*, the above appointments are published at least once in a local newspaper circulating throughout the district.

Voting Requirements

Simple majority required.

Resolution

Moved Cr

Seconded Cr

16.0 MATTERS FOR CONSIDERATION - ADMINISTRATION
--

16.1 <u>SHIRE OF LAKE GRACE LOCAL LAWS – APPROVAL TO ADVERTISE</u>

Applicant:	Executive Services
File No.	0632
Attachments:	Amendment and New Local Laws
Author:	Mr Bruce Wittber Contracted Consultant
Disclosure of Interest:	Nil
Date of Report:	16 June 2015
Senior Officer:	Mr Neville Hale



Chief Executive Officer

Summary

The purpose of this report is for the Council to consider the attached suite of proposed local laws, both amendment and new local laws and for the Presiding Member to give notice of the purpose and effect of each local law and for approval to advertise seeking community comments on the proposed local laws.

Background

The Shire of Lake Grace (the Shire) in 2014 completed an eight year review of its local laws as required by s3.16 of the *Local Government Act 1995* (the Act). This report relates to a proposal to commence under s3.12 of the Act the adoption of new and amendment local laws as a result of the outcome of the review.

BHW Consulting (BHW) was engaged by the Shire to develop the new and amendment local laws and on Tuesday, 9 June 2015 conducted a workshop with Council to finalise the proposed documents before advertising for public comment.

Comment

Section 3.12 of the Act outlines the procedure for making local laws which is broadly as follows:

- the person presiding is to give notice to the meeting of the purpose and effect of the proposed local law in the prescribed manner, i.e include the detail of the purpose and effect within both the agenda and minutes of the meeting (see below);
- the Shire is to give Statewide public notice stating:
 - the local government 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;
- give a copy of the proposed local law and a copy of the notice to the Minister and, if another Minister administers the legislation under which the local law is proposed to be made, to that other Minister;

- provide a copy of the proposed local law to any person requesting it;
- at the close of submissions consider any submissions made and take into consideration any comments provided;
- adopt the local law as originally published or as amended, subject to the amendments not substantially altering the intent of the local law;
- publish the local law in the *Government Gazette*;
- give a copy of the local law to the Minister and, if another Minister administers the legislation under which the local law is proposed to be made, to that other Minister;
- after the local law has been published in the *Government Gazette* the local government is to give local public notice:
 - stating the title of the local law;
 - summarising the purpose and effect of the local law (specifying the day on which it comes into operation); and
 - advising that copies of the local law may be inspected or obtained from the local government's office; and
- within 10 days of the publication in the *Government Gazette* submit the local law to the Joint Standing Committee on Delegated Legislation.

S3.12(5) of the Act requires the Shire to give statewide notice for a period of 42 days from the date of publication of the advertisement inviting submissions on the proposed local laws.

As a result of the eight year review the following local laws have been drafted for consideration by the Shire:

- Activities on Thoroughfares and Public Places and Trading Amendment Local Law 2015;
- Animals, Environment and Nuisance Local Law 2015;
- Bush Fire Brigades Amendment Local Law 2015;
- Cemeteries Amendment Local Law 2015;
- Dogs Amendment Local Law 2015;
- Extractive Industries Amendment Local Law 2015;
- Fencing Amendment Local Law 2015;
- Health Local Law 2015;
- Local Government Property Local Law 2015;
- Pest Plants Repeal Local Law 2015;
- Standing Orders Local Law 2015.

The proposed local laws are outlined below together with their respective purpose and effect.

Activities on Thoroughfares and Public Places and Trading Amendment Local Law 2015

The purpose and effect of this local law is as follows:

Purpose: - To amend the local law relating to activities in thoroughfares and public places and trading.

Effect: - Some activities are prohibited; some activities are permitted only under permit in thoroughfares and public places. The local law also enables a local

government to require house numbering and the erection of fences in certain circumstances.

Animals, Environment and Nuisance Local Law 2015

The purpose and effect of this local law is as follows:

Purpose: - To provide for the regulation, control and management of animals and the prevention of environmental damage and nuisances within the District.

Effect: - To establish the requirements with which any person keeping animals, or undertaking activities that have the potential to impact the environment or create nuisance must comply.

Bush Fire Brigades Amendment Local Law 2015

The purpose and effect of this local law is as follows:

Purpose: - To amend the provisions about the organisation, establishment, maintenance and equipment of bush fire brigades.

Effect: - To align the existing local law with changes in law and operational practice.

Cemeteries Amendment Local Law 2015

The purpose and effect of this local law is as follows:

Purpose: - To amend the local law to provide for the orderly management of the public cemeteries in the Shire of Lake Grace.

Effect: - To ensure compliance by all persons engaged in the administration of the cemetery, burying deceased in the cemetery, or otherwise providing services to or making use of the cemetery.

Dogs Amendment Local Law 2015

The purpose and effect of this local law is as follows:

Purpose: - To amend the local law to make provisions about the impounding of dogs, to control the number of dogs that can be kept on premises and the manner of keeping those dogs and to prescribe areas in which dogs are prohibited and dog exercise areas.

Effect: - To extend the controls over dogs which exist under the *Dog Act 1976*.

Extractive Industries Amendment Local Law 2015

The purpose and effect of this local law is as follows:

Purpose: - To amend the local law to establish requirements and conditions with which extractive industries within the district must comply;

Effect: - To provide for the regulation, control and management of extractive industries.

Fencing Amendment Local Law 2015

The purpose and effect of this local law is as follows:

Purpose: - To amend the local law to provide a sufficient fence for 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: - Augments the compliance requirements of the *Local Government (Miscellaneous Provisions) Act 1960* with respect to the erection and maintenance of fencing.

Health Local Law 2015

The purpose and effect of this local law is as follows:

Purpose: - To provide a statutory means to effectively control issues that have the ability to adversely impact on the health and well being of the community.

Effect: - To allow health related issues to be sufficiently controlled so as to provide an acceptable standard for the maintenance of public health in the community.

Local Government Property Local Law 2015

The purpose and effect of this local law is as follows:

Purpose: - To regulate the care, control and management of all property of the local government except thoroughfares.

Effect: - To control the use of local government property. Some activities are permitted only under a permit or under a determination and some activities are restricted or prohibited. Offences are created for inappropriate behaviour in or on local government property.

Pest Plants Repeal Local Law 2015

The purpose and effect of this local law is as follows:

Purpose: - To repeal the local law requiring landowners to control and eradicate declared pest plants on their properties.

Effect: - To remove control on the spread of declared pest plants.

Standing Orders Local Law 2015

The purpose and effect of this local law is as follows:

Purpose: - Is to provide the rules for the conduct of meetings of the Council, Committees and electors.

Effect: - To result in:

- (a) the orderly and effective conduct of meetings;
- (b) greater community understanding of the meeting process;
- (c) better decision making by the Shire; and
- (d) better outcomes from decisions made.

Legal Implications*Local Government Act 1995*Policy Implications

N/A

Consultation

Internal: Chief Executive Officer
Council

External: Mr Bruce Wittber – contracted consultant
Public comment period to be advertised

Financial Implications

Consultancy costs, costs associated with statewide public notice and gazettal of the Amendment Local Laws and Local Laws.

Provision was made in the 2014/15 budget for the Local Law Review process, funds will be carried forward into the 2015/16 budget to complete the Review.

Strategic Implications*Shire of Lake Grace Strategic Plan – Civic Leadership*

- Focus 5 – Excellence in Shire administration and communication.

Recommendation

That Council, by Simple Majority in accordance with section 3.12 of the *Local Government Act, 1995*:

1. Approves the giving of statewide public notice of the following local laws in order to seek public comment:
 - Activities on Thoroughfares and Public Places and Trading Amendment Local Law 2015;
 - Animals, Environment and Nuisance Local Law 2015;
 - Bush Fire Brigades Amendment Local Law 2015;
 - Cemeteries Amendment Local Law 2015;
 - Dogs Amendment Local Law 2015;
 - Extractive Industries Amendment Local Law 2015;
 - Fencing Amendment Local Law 2015;
 - Health Local Law 2015;
 - Local Government Property Local Law 2015;
 - Pest Plants Repeal Local Law 2015;
 - Standing Orders Local Law 2015.
2. Submit to the Minister for Local Government a copy of all proposed local laws;
3. Submits to the relevant Ministers a copy of the relevant local law.

Voting Requirements

Simple majority required.

Resolution

Moved Cr

Seconded Cr

16.2 DELEGATION OF POWERS TO THE CHIEF EXECUTIVE OFFICER AND THE DELEGATIONS REGISTER

Applicant: Executive Services
File No. 0052
Attachments: Register of Delegations
Author: Mr Neville Hale

Chief Executive Officer

Disclosure of Interest: Nil
Date of Report: 11 June 2015
Senior Officer: Mr Neville Hale

Chief Executive Officer

Summary

The purpose of this report is for Council to review its delegation of powers and duties performed by the Chief Executive Officer and other staff.

Background

In accordance with the requirements of the *Local Government Act 1995, s 5.46 (2)*; the local government is to review its delegations made under this division at least once each financial year. The previous review was undertaken in June 2014.

The Delegation Register is a requirement under the *Local Government Act 1995, s 5.46 (2)* and is subject to the annual external audit process.

Comment

The attached Delegation Register details where the Council has delegated powers and duties to the Chief Executive Officer, and where the Chief Executive Officer has delegated to other employees.

No amendments have been approved by Council since the previous review in June 2014.

The Delegations register has been reviewed and a number of the delegations have minor amendments to the wording contained therein to reflect changes to legislation or to more clearly identify the legislation enabling the delegation. Moreover, each delegation now includes cross reference to Council policy and or separately appointed Authorised Officers where appropriate.

Proposed new Delegation:

It is recommended that following a proposed amendment to Council Policy 1.9 (Legal Representation Cost Indemnification) by the consultant, it requires the addition of a new delegation. This would be in association with the Shire President approving un-budgeted expenditure where necessary as per the Local Government Act, 1995.

Delegation A07 – Legal representation cost indemnification – incurring of costs.

Enables the CEO to incur up to \$10,000 in expenses in relation to Council's Policy 1.9 (Legal Representation Cost Indemnification) subject to details and reasons for any cost so incurred being reported to Council at its next Ordinary Meeting.

Amendments*O03 – Offences – Bush Fires Act 1954*

Amended to reflect the requirements of the Act, now includes specific reference to the Chief Bush Fire Control Officer and Deputy Bush Fire Control Officer.

Deletions

The following Delegations have been deleted:

F05 – Conference/Seminars/Training Courses – Expenses Councillors and Staff

Not required as this is specifically covered by the Local Government Act and associated Regulations together with Shire Policy.

E06 – Road closures

Not required as this is specifically covered by the Local Government Act and associated Regulations and the “acting through” provisions.

E09 – Public Thoroughfares – Public use and plans

Not required as this is specifically covered by the Local Government Act and associated Regulations and the “acting through” provisions.

P01 – Development applications – Advertising development applications

Is a requirement of the Planning and Development Act.

Legal Implications

Local Government Act, 1995 - s5.16 Delegations to committees

- s5.42 Delegations to the CEO

- s5.43 Limits on delegations

- s5.44 CEO may delegate

Planning and Development Act 2005

Bush Fires Act 1954

Dog Act 1976

Health Act 1911

Food Act 2008

Local Government (Miscellaneous Provisions) Act 1960

Shire of Lake Grace Local Laws

Policy Implications

Shire of Lake Grace Policy Manual.

Consultation

N/A

Financial Implications

N/A

Strategic Implications

Shire of Lake Grace Strategic Plan – Civic Leadership

- Focus 5 – Excellence in Shire administration and communication.

Voting Requirements

Absolute majority (5) required.

Recommendation

That Council, in accordance with s5.42 of the *Local Government Act 1995*, delegate to the Chief Executive Officer and others, the discharge of duties and powers as detailed in the attached Register of Delegations (Review June 2015) inclusive of the following

Add:

A07 – Legal representation and cost indemnification – incurring costs

Amendment to:

O03 – Offences – Bush Fires Act

Delete:

F05 – Conference/Seminars/Training courses – Expenses Councillors and Staff

E06 – Road closures

E09 – Public thoroughfares – Public use & Plans

P01 – Development applications – Advertising development applications

noting that the Chief Executive Officer has on-delegated some of his powers and duties to other staff in accordance with limitations imposed by s5.43 of the Act and other relevant legislation

Voting Requirements

Absolute majority (5) required.

Resolution

Moved Cr

Seconded Cr

16.3 APPOINTMENT OF AUTHORISED PERSONS

Applicant: Executive Services
File No. 0052
Attachments: Nil
Author: Mrs Jeanette Bennett

Disclosure of Interest: Nil
Date of Report: 16 June 2015
Senior Officer: Mr Neville Hale


 Executive Assistant

 Chief Executive Officer

Summary

The purpose of this report is for Council to appoint Authorised Persons to exercise power under the Local Government Act 1995, associated legislation and other Acts, on behalf of the Shire of Lake Grace.

Background

Council previously, at its 23 October 2013 Ordinary Council Meeting, appointed authorised officers.

In accordance with a number of provisions of various Acts, Regulations and local laws, Council is required to appoint authorised persons to perform various authorised functions.

Authorisations are reviewed and updated to reflect staff changes. Following approval by Council the authorisations will be given to staff in writing and updated identification cards issued.

Comment

(1) Section 3.24 of the *Local Government Act 1995* enables a local government to expressly authorise a person(s) to exercise its executive powers under the Act.

These authorisations relate to certain provisions about land, including issuance of notices requiring certain things to be done by an owner or occupier of land in accordance with Schedule 3.1 of the Act. These can include matters relating to drainage requirements, safety issues and unsightly land. It is proposed to appoint Mr Neville Hale, Mr Peter Dittrich and Mr Louka Shopov.

(2) Part 3 Division 3 Section 3.28 & 3.29 of the *Local Government Act 1995* provides for Power of Entry, subject to notice and other than by a Local Law e.g. abandoned vehicles or home industry. For this purpose it is proposed to authorise Mr Neville Hale, Mr Louka Shopov, Mr Peter Dittrich and Ms Lee Holben.

(3) Section 3.39 of the *Local Government Act 1995* enables Council to appoint an authorised person for the purpose of removing or impounding of goods that are involved in a contravention, as prescribed by regulation or local law, that can lead to impounding.

Mr Neville Hale, Mr Louka Shopov, Mr Peter Dittrich and Ms Lee Holben are the authorised persons.

(4) & (5) Part 9 of the *Local Government Act 1995* provides for the appointment of authorised persons relating to enforcements and legal proceedings, i.e. the fining of a person committing an offence and the issuing of infringement notices.

Section 37 of the *Control of Vehicles (Off-road Areas) Act 1978* also deals with infringement notices.

For the purposes of the above staff members are designated as Authorised Persons – Mr Neville Hale, Mr Louka Shopov, Mr Peter Dittrich and Ms Lee Holben.

(6) The extension of the payment period (s9.19) and/or the withdrawal of the notice (s9.20) is to be authorised by Chief Executive Officer, Mr Neville Hale or Manager Corporate Services, Mr Peter Dittrich.

(7) Furthermore, in accordance with s449 of the *Local Government (Miscellaneous Provisions) Act 1960*, a local government may establish and maintain one or more public pounds and may appoint persons to be keepers of those pounds so as to have care, control and management of those pounds. Mr Doug Whiting and Mr Robert Palmer are appointed as the Authorised Persons.

(8) Pursuant to the *Dog Act 1976* the local government is required to appoint "Registration Officers" to effect the registration of dogs pursuant to the requirement of the Act.

The following staff members are appointed as the authorised "Registration Officers":

- Mr Peter Dittrich
- Ms Lee Holben
- Mrs Lee-Anne Trevenen
- Mr Warrick Millar
- Mrs Lynda Trawinski
- Ms Tracie Buntrock
- Ms Kairi Nigol

(9) Pursuant to the *Cat Act 2011* the local government may, in writing, appoint persons or classes of persons to be authorised for the purposes of performing particular functions.

Accordingly, the following staff members are appointed as "Authorised Persons":

- Mr Peter Dittrich
- Ms Lee Holben
- Mrs Lee-Anne Trevenen
- Mr Warrick Millar
- Mrs Lynda Trawinski
- Ms Tracie Buntrock
- Ms Kairi Nigol

(10) Pursuant to s27 of the *Health Act 1911* Council may appoint an Environmental Health Officer to perform such duties as the local government from time to time directs and also such as are specifically prescribed by any order of the Executive Director, Public Health. Mrs Lauren Pitman, Mr Julian Goldacre and Mr Barry Smith are the appointed Environmental Health Officers.

(11) Pursuant to s17 of the *Caravan Parks and Camping Grounds Act 1995* the Chief Executive Officer may appoint such persons to be authorised persons for the purposes of the Act. An authorised person may enter and inspect premises to ensure compliance with the requirements of the Act.

The Chief Executive Officer has appointed Mrs Lauren Pitman, Mr Julian Goldacre and Mr Barry Smith as authorised persons (Power of Entry and Inspection) for the purposes of s 17 of the *Caravan Parks and Camping Grounds Act 1995*.

(12) For the purposes of s26 of the *Litter Act 1979* all Council Members and Shire Employees are deemed to be authorised persons.

(13) Section 122 of the *Food Act 2008* requires the local government as the “Enforcement Agency” (Refer Delegation HO4) to appoint Authorised Officers in writing and issue certificates of authorisation. For the purposes of s122, Mrs Lauren Pitman, Mr Julian Goldacre and Mr Barry Smith are the Shire’s Authorised Officers.

(14) Under Section 96(3) of the *Building Act 2011*, a local government may appoint authorised persons in relation to buildings and incidental structures located or proposed to be located in the Shire (Refer Delegation B01). Mr Josiah Farrell is appointed as an authorised person.

Consultation

N/A

Legal Implications

Local Government Act, 1995

Local Government (Miscellaneous Provisions) Act 1960

Bush Fires Act 1954

Dog Act 1976

Health Act 1911

Litter Act 1979

Control of Vehicles (Off-Road Areas) Act 1978

Caravan Parks and Camping Grounds Act 1995

Cemeteries Act 1986

Cat Act 2011

Policy Implications

N/A

Financial Implications

N/A

Strategic Implications

Provides for the good governance of the Shire.

Recommendation

That Council appoint the following persons as “Authorised Persons” in respect to the requirements of the specified Acts:

(1) Local Government Act 1995, Part 3, Division 3, Subdivision 2, Certain provisions about land - s3.24 (relates to the issuing of notices):

- Neville Hale
- Peter Dittrich
- Louka Shopov

(2) Local Government Act 1995, Part 3 Division 3 Section 3.28 & 3.29 of the Local Government Act 1995 provides for Power of Entry (relates to abandoned vehicles or home industry):

- Neville Hale
- Peter Dittrich
- Louka Shopov
- Lee Holben

(3) Local Government Act 1995, Part 3, Division 3, Subdivision 4, impounding goods involved in certain contraventions – s3.39 (relates to the power to remove and impound):

- Neville Hale
- Peter Dittrich
- Louka Shopov
- Lee Holben

(4) Local Government Act 1995, Part 9, Division 2, Subdivision 1, Miscellaneous provisions about enforcement – s9.10, s9.11 and s9.15; and **Control of Vehicles (Off-Road Areas) Act 1978** – s37 (relates to the fining of a person committing an offence):

- Neville Hale
- Peter Dittrich
- Louka Shopov
- Lee Holben

(5) Local Government Act 1995, Part 9, Division 2, Subdivisions 1 & 2, Miscellaneous provisions about enforcement and infringement notices – s9.13, s9.16 and s9.17: (relates to the issuing of notices):

- Neville Hale
- Peter Dittrich
- Louka Shopov
- Lee Holben

(6) Local Government Act 1995, Part 9, Division 2, Subdivision 2, Miscellaneous provisions about enforcement – s9.19 and s9.20 (relates to amendment of notices):

- Neville Hale
- Peter Dittrich

(7) Local Government (Miscellaneous Provisions) Act 1960 – s449 Local governments may establish pounds, appoint pound keepers and Rangers:

- Doug Whiting
- Robert Palmer)

(8) Dog Act 1976 – Registration Officers

- Peter Dittrich
- Lee Holben
- Lee-Anne Trevenen
- Warrick Millar
- Lynda Trawinski
- Tracy Buntrock
- Kairi Nigol

(9) Cat Act 2011 – Authorised Persons

- Peter Dittrich
- Lee Holben
- Lee-Anne Trevenen
- Warrick Millar
- Lynda Trawinski
- Tracie Buntrock
- Kairi Nigol

(10) Health Act 1911 – s27 Appointment of Environmental Health Officer

- Lauren Pitman, Julian Goldacre and Barry Smith

(11) Caravan Parks and Camping Grounds Act 1995 – s17 Authorised Persons (Power of Entry and Inspection).

- Lauren Pitman, Julian Goldacre and Barry Smith

(12) Litter Act 1979 – s26 – Authorised Persons

- Members of Council and Shire Employees

(13) Food Act 2008 – s122 – Authorised Persons

- Lauren Pitman
- Julian Goldacre
- Barry Smith

(14) Building Act 2011 – s96(3) Authorised Persons

- Josiah Farrell

Voting Requirements

Simple majority required.

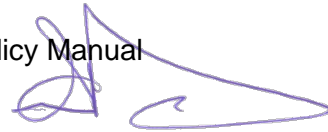
Resolution

Moved Cr

Seconded Cr

16.4 2015 POLICY MANUAL REVIEW

Applicant: Executive Services
File No. 0052
Attachments: 2015 Reviewed Policy Manual
Authors: Mr Neville Hale



Chief Executive Officer

Disclosure of Interest: Nil
Date of Report: 17 June 2015
Senior Officer: Mr Neville Hale



Chief Executive Officer

Summary

The purpose of this report is for Council to consider adoption of the 2015 Policy Manual Review.

Background

Over the past two months, the Shire's Policy Manual has undergone review. The last full review was undertaken in 2009.

Council will recall that at its 27 May 2015 Ordinary Meeting (Item 20.1), the proposed reviewed policies and some new proposed policies were the subject of discussion by Council. The meeting was closed to the public during those discussions.

The Policy Manual includes reference to the manner in which Policy is to be amended and is as follows:

Additions, deletions or alterations to Council Policy shall only be effected by specific Council resolution stating:

- *The proposed policy; and*
- *That the Policy Manual be updated.*

The Reviewed 2015 Policy Manual as attached is now presented for adoption.

One additional policy has been included since the May meeting discussion - Equal Opportunity Employment Policy 4.8. The introduction of this policy as per the requirements of section 145 of the *Equal Opportunity Act 1984*.

Comment

Within the context of leadership and decision making, written policies are a way for Council to give expression to preferred solutions to problems or matters of concern. They are a guide to the staff and elected members when making decisions.

The following table outlines changes and makes comment on amendments made to the Policy Manual as discussed at the May 2015 Meeting.

POLICY NO	POLICY TITLE	COMMENTS
1.1	Policy Manual Amendments	Now includes factors for consideration when formulating a policy
1.2	Meeting Dates	No change
1.3	Annual Dinner	Deleted
1.4	Flying of Flags Including Shire Flag	No change
1.5	Floral Emblem - Shire	No change
1.6	Members Travel Expenses	Definition of "conference added Rates of payment updated
1.7	Members Partners Expenses	No change
1.8	Code of Conduct	Amended to include reference to committees and updated to reflect legislative changes
1.9	Legal Representation Cost Indemnification	Deleted text of the Local Government Operational Guideline No.14
1.10	Honorary Freeman of the Municipality	Included reference to what is the General function requirement as it relates to a potential recipient of the title of Freeman
1.11	Use of Common Seal	Included reference to section 9.49 of the Act and defines documents to be signed under seal.
1.12	Community Engagement	No change
1.13	Risk Management	No change
2.1	Charitable Works	Deleted – budget consideration
2.2	Donations – Water, Rates & Charges	No change
2.5	Joint Venture Housing	Deleted – no longer required
2.6	Concessions – Hall Hire Fees – Not for Profit Groups/Residents	Deleted – refer to Schedule of Fees and Charges as adopted by Council
2.7	Australia Day Breakfast	Removed reference to donation of entry fees as access on the day is free of charge. Donation is considered to be separate
2.8	Vehicle Licence Plates – Special Local Authority Series	No change
3.1	Self Supporting Loans	No change
3.2	Significant Accounting Policies	Capitalization threshold increased from \$1,000 to \$2,000 Revaluation of assets amended to reflect fair value requirements Leases now excludes reference to financial leases
3.3	Specified Area Rating	No change – 2014 Ordinary Meeting Motion Council resolved to consider changes to SAR boundaries. Following further research and discussion at the May 2015 Meeting it was agreed that the boundaries remain fixed.
3.5	Investments	Restrictions on specific investments as required by Local Government (Financial Management) Regulations 1996, Reg 19C have now been included
3.6	Authorised Use of Credit Card	Policy amended as it currently worded as a guideline. Fuel cards have been included

3.7	Purchasing Policy	1. Dollar values amended to reflect requirements of the Act and Regulations. 2. Specific conditions now included for each of tender and or quotation requirements 3. WALGA preferred supplier facility explained. 4. New \$100 - \$500 threshold included. 5. Increased accountability required i.e. additional written rather than verbal quotations etc
3.8	Outstanding Debtors	Amended to reflect unrecoverable debts
3.9	Outstanding Rate Debtors	"Will" amended to read "may" with clarification regarding agreed repayment arrangements
3.10	Financial Hardship - Water Services	Clarification that it relates to the Lake Grace Sewerage Scheme
3.11	Tenders – Selection Criteria	New policy
4.1	Army (Defence) Reserve and Local Emergency Service Members	"Army" changed to read "Defence" "Council" changed to read "Shire"
4.2	Home purchase incentive	New policy
4.2A	Staff Subsidy - Owner Occupied Housing	New policy
4.2B	Staff housing – rent subsidy	New policy
4.3	Senior Employees	"Works" to read "Infrastructure Services" "Works Overseer" deleted
4.4	Water Consumption for Council Houses	"Council" changed to read "Shire".
4.5	Severance Pay (Gratuity – s5.50)	Policy clarified and limited to settlement of legal proceedings
4.6	Occupational Health & Safety	New policy
4.7	Sick Leave "Cash-out" Scheme	New policy as discussed
4.8	Equal Employment Opportunity	New policy as per requirements of the WA <i>Equal Opportunity Act 1984</i>
5.1	Private Works	No change
5.2	Annual Plant Report	No change
5.3	Hire of Council Plant	No change
5.4	Garden and General Refuse – Pickup	No change
5.5	Road Making Materials	Includes clause for staff to first establish whether materials can be obtained at no cost.
5.6	Property Access and Crossovers	Redefined policy requires consideration of a cap on contribution of \$2,000.
5.7	Road Classification	To be reviewed
5.8	Unsealed Roads – Standards	No change
5.9	Storm Water Drainage	No change
5.10	Drainage and Water Pipeline	No change
5.11	Rabbit Control	No change
6.1	Residential Development	No change
6.2	Parking of Chemical Spray Units in Townsites	No change
6.3	Development of Moveable Buildings – Including Relocated Buildings	No change
6.4	Timber Plantations	New Policy Adopted March 2015
6.5	Advertising Signage	No change

7.1	Harvest Bans	No change
7.3	Liquor on Council Property	No change
7.4	Freedom of Information Officers	No change
7.5	Pensioner Rates Review Officers	No change
7.6	Record Keeping Plan	Now reflects legislation requirement
7.7	Community Housing Tenant Selection	Deleted – no longer required
7.9	Asset Management	Policy is as presented to Asset Management Committee at its 20 April 2015 Meeting
7.10	Consideration of an Application for a Demolition Licence	Title amended to identify that it relates to grain storage facilities only

Table One – Proposed additions, deletions, and amendments

Legal Implications

The local government's functions are described in the *Local Government Act 1995* and relate to:

- good government of the district;
- a legislative function (the making of local laws);
- an executive function (decisions relating to the range and scope of services and facilities provided to the community).

Source: *Local Government Act 1995 Part 3*

The Local Government Act 1995 also prescribes the policy role of the Council as the body that “**determines the local government's policies**”.

Source: *Local Government Act 1995 s2.7 (2) (b)*

In addition to the Local Government Act 1995, local government is assigned many and varied powers and duties under legislation enacted by the state government. These are many and include:

- *Western Australian Planning & Development Act 2005*
- *Water Services Code of Conduct (Customer Service Standards) 2013*
- *Bushfires Act 1954*
- *Freedom of Information Act*
- *Rates and Charges (Rebates and Deferments) Act 1992*
- *State Records Act 2000*
- *Food Act 2008*
- *Equal Opportunity Act 1984*

Policies are developed by local government in regard to these (and other) pieces of legislation.

Policy Implications

Shire of Lake Grace Policy Manual

Consultation

Internal:
 Senior Management Team
 Mr Niel Mitchell
 Mr James Trail
 Councillors

Financial Implications

N/A

Strategic Implications*Shire of Lake Grace Strategic Community Plan*

Civic Leadership

- CL 1 Elected Members provide visionary leadership

Recommendation

That Council:

1. Following the June 2015 review of its Policy Manual, approves the additions, deletions and amendments as outlined in *Table One – Proposed additions, deletions and amendments*, and updates its Policy Manual accordingly for 2015/16 Financial Year; and,
2. Adopts the Shire of Lake Grace Policy Manual June 2015 as presented.

Voting Requirements

Simple majority required.

Resolution

Moved Cr

Seconded Cr

16.5 EQUAL EMPLOYMENT OPPORTUNITY MANAGEMENT PLAN 2015-2017

Applicant: Corporate Services
File No. 0671
Attachments: Draft EEO Management Plan 2015/17
Author: Mrs Lee-Anne Trevenen


 Coordinator Finance & Administration

Disclosure of Interest: Nil
Date of Report: 12 June 2015
Senior Officer: Mr Peter Dittrich


 Acting Manager Corporate Services

Summary

For Council to adopt the Shire of Lake Grace Equal Employment Opportunity Management Plan 2015 - 2017.

Background

Under the Government of Western Australia, Public Sector Commission, the Equal Opportunity Act 1984 (EO Act) is the main legislative instrument underpinning the principles of equal opportunity in Western Australia.

Equal Employment Opportunity Management Plans, Section 145 of the Employment Opportunity Act requires public authorities to prepare and implement an EEO management plan.

EEO management plans are the principal accountability instrument for public authorities to ensure an absence of discrimination and positive employment outcomes for diversity groups.

Equal employment opportunity is about ensuring all employees in public authorities have equal opportunity in their work place and are not subject to discrimination.

The Local Government Equal Employment Opportunity Management Plan requires that four (4) Outcomes are to be achieved. They are;

Outcome 1. The organisation values EEO and diversity and the work environment is free from sexual and racial harassment.

Outcome 2. Workplaces are free from employment practices that are biased or discriminate unlawfully against employees or potential employees.

Outcome 3. Employment programs and practices recognise and include strategies for EEO group[s] to achieve workforce diversity.

Outcome 4. Maintain a relevant and achievable EEO Management Plan through communication, review/amendment and evaluation.

Comment

The Shire of Lake Grace EEO Management Plan has been developed in accordance with Part IX of the *Equal Opportunity Act 1984* and is aligned with the Director of Equal Opportunity in Public Employment's EEO and Diversity Outcome Standards Framework.

Workforce diversity is a business imperative and is part of good human resource management practice. An inclusive and accepting workplace has benefits for all employees. A diverse workforce will attract and retain quality employees, which translates into effective business decisions and effective service delivery.

The Shire of Lake Grace's EEO Management Plan is the foundation for a working environment free from harassment and discrimination. Through the implementation of this Plan the Shire will strive to build a workforce and supporting organisational culture that reflects the diversity of the greater community.

All Shire staff are to be encouraged to embrace equity and diversity within the organisation. The Shire is to value EEO/diversity and aim to ensure that the work environment is free from racial and sexual harassment and that employment practices are not biased or discriminate unlawfully against employees or potential employees. The Shire's employment programs and practices recognise and include strategies for EEO groups to achieve workforce diversity.

The Shire of Lake Grace EEO Management Plan is to be a live document that will continue to develop and build on for our future success.

Legal Implications

Equal Opportunity Act 1984

Section 145.

Division 3 — Equal employment opportunity management plans

145. Preparation and implementation of management plans

- (1) *Each authority shall prepare and implement an equal opportunity management plan in order to achieve the objects of this Part.*
- (2) *The management plan of an authority shall include provisions relating to —*
 - (a) *the devising of policies and programmes by which the objects of this Part are to be achieved; and*
 - (b) *the communication of those policies and programmes to persons within the authority; and*
 - (c) *the collection and recording of appropriate information; and*
 - (d) *the review of personnel practices within the authority (including recruitment techniques, selection criteria, training and staff development programmes, promotion and transfer policies and patterns, and conditions of service) with a view to the identification of any discriminatory practices; and*
 - (e) *the setting of goals or targets, where these may reasonably be determined, against which the success of the management plan in achieving the objects of this Part may be assessed; and*
 - (f) *the means, other than those referred to in paragraph (e), of evaluating the policies and programmes referred to in paragraph (a); and*
 - (g) *the revision and amendment of the management plan; and*
 - (h) *the appointment of persons within the authority to implement the provisions referred to in paragraphs (a) to (g).*
- (3) *The management plan of an authority may include provisions, other than those referred to in subsection (2), which are not inconsistent with the objects of this Part.*

(4) The preparation of a management plan shall take place and the implementation of the management plan shall commence without delay and

—
(a) in the case of an authority referred to in section 139(1)(a), (b), (c) or (d), other than an authority which is an institution of tertiary education, on or before such day as is specified in the regulations in respect of that authority and if no day is so specified in respect of an authority on or before the day that is 3 years after the day when this Part comes into operation; and

(b) in the case of an institution of tertiary education or an authority the subject of regulations under section 139(1)(e), on or before such day as is specified in the regulations.

(5) An authority may, from time to time, amend its management plan.

(6) Each authority shall send a copy of its management plan, and any amendment of the plan, to the Director as soon as practicable after the management plan or the amendment, as the case may be, has been prepared.

Consultation

Internal: Chief Executive Officer
Manager Corporate Services

External: Marg Hemsley trading as LG People
Public Sector Commission

Financial Implications

Nil

Strategic Implications

Shire of Lake Grace Strategic Community Plan

- Civic Leadership CL6.2

Incorporate benchmark/best practice into planning and delivery (A)

Recommendation

That Council adopt the attached Shire of Lake Grace Equal Employment Opportunity Management Plan 2015 - 2017.

Voting Requirements

Simple majority required.

Resolution

Moved Cr

Seconded Cr

17.0	INFORMATION BULLETIN
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17.1 **INFORMATION BULLETIN REPORT – MAY 2015**

Applicant:	Executive Services
File No.	N/A
Attachments:	1- 12 (<i>under separate cover</i>)
Author:	Mrs Jeanette Bennett

Disclosure of Interest:	Nil
Date of Report:	16 June 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 (May 2015) Information Bulletin Report has been emailed to Councillors.

The May 2015 Information Bulletin at attachment includes:

Reports

1. May 2015 Council Status Report
2. Infrastructure Services Report – May 2015
3. Monthly Financial Statement – Schedules May 2015
4. Outstanding Rates Report – May 2015
5. Lake Grace Library Report 4/06/15
6. Newdegate Library Report Jan – Jun 2015
7. Lake King Library Report Dec 14 – May 15

Letters

8. Senator Dean Smith
9. Lake Grace CWA
10. Hon Mia Davies

Minutes

11. 4WDL Special Meeting 12 May 2015
12. 4WDL Special Meeting 26 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 JULY 2015 ORDINARY MEETING

As per Resolution 11960, 19 November 2014 the July 2015 Ordinary Meeting of Council has been scheduled to take place on Wednesday 22 July 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

MOTION CARRIED

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 24 June 2015 as shown were confirmed as a true record at the meeting held on the 22 July 2015.

Shire President

Date