

Shire of Lake Grace

Ordinary Council Meeting

Minutes

24 February 2016



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SHIRE OF LAKE GRACE

Minutes of the Ordinary Meeting of Council held at Council Chambers, 1 Bishop Street, Lake Grace WA on Wednesday 24 February 2016.

1.0 OPENING & ANNOUNCEMENT OF VISITORS

The Shire President opened the meeting at 3.00 pm and welcomed Cr Roz Lloyd to her first Council Meeting. The President also acknowledged former councillor, Mrs Mary Naisbitt who had come to sit in and listen to the proceedings.

The President thanked Lake Grace Police Officer in Charge, David Ellis for coming along to introduce himself to Council before the meeting.

Prior to the meeting, Council had invited Bill and Val Bolas to afternoon tea, Bill has recently retired from the Shire's Works Team after 32 years. President Walker presented Bill with a token of thanks from the Shire and thanked him for his long and loyal service.

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 RA Lloyd	
Cr AD Marshall	
Cr MG Stanton	

In Attendance

Mr N Hale	Chief Executive Officer
Ms D Gobbart	A/Manager Corporate Services
Mr L Shopov	Manager Infrastructure Services
Ms L Holben	Manager Community Services
Mrs J Bennett	Executive Officer

Observers/Visitors

Mrs Mary Naisbitt

2.2 APOLOGIES

None.

2.3 LEAVE OF ABSENCE PREVIOUSLY GRANTED

None

3.0 PUBLIC QUESTION TIME

None.

4.0 APPLICATIONS FOR LEAVE OF ABSENCE

4.1 CR WALKER - RESIGNATION

Cr Walker advised Council that due to family reasons he is regrettably withdrawing from his position as Shire President with effect from 2.59pm on 23 March 2016, being the commencement of the next scheduled Ordinary Meeting.

Cr Walker will continue as an elected member (i.e. Councillor) for the Lake Grace Town Ward.

4.2 CR MARSHALL & CR WALKER

Resolution

RESOLUTION 12219

Moved Cr Stanton
Seconded Cr Armstrong

That Leave of Absence be granted to:

- Cr Marshall from 29 July 2016 to 22 August 2016; and,
- Cr Walker from 25 February to 10 March 2016.

MOTION CARRIED 9/0

5.0 MINUTES OF PREVIOUS COUNCIL MEETINGS

5.1 ORDINARY MEETING – 15 DECEMBER 2015

Resolution

RESOLUTION 12220

Moved Cr Hunt
Seconded Cr Marshall

That the minutes of the Ordinary Meeting of Council held on the 15 December 2015 be confirmed as a true and accurate record.

MOTION CARRIED 8/1

Cr Clarke recorded as voting against the motion.

5.2 **SPECIAL MEETING – 21 DECEMBER 2015**

Resolution

RESOLUTION 12221

Moved Cr Armstrong
Seconded Cr Stanton

That the minutes of the Special Meeting of Council held on the 21 December 2015 be confirmed as a true and accurate record.

MOTION CARRIED 7/2

Cr Clarke and Cr Chappell recorded as voting against the motion.

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

None

8.0 MOTIONS OF WHICH NOTICE HAS BEEN RECEIVED

None

9.0 PETITIONS/DEPUTATIONS/PRESENTATIONS/SUBMISSIONS

None

10.0 MEMBERS' REPORTS

10.1 CR ARMSTRONG

Reported attendance at:

- **Tuesday 26 January 2016** - Australia Day Event in Newdegate where he presented Australia Day Citizenship Awards for Newdegate to Mr Peter Ness, Ms Britnee Knill and the Newdegate Railway Station Restoration Committee.
- **Monday 1 February 2016** - Annual Electors Meeting in Lake King.
- **Tuesday 2 Tuesday 2016** – attended Newdegate Rejuvenation Committee meeting at Newdegate.

- **Thursday 4 February 2016** – Council “A” Class Road Inspection.
- **Monday 15 February 2016** - Newdegate Community Development Association AGM.
- **Monday 22 Feb 2016** - Newdegate Recreation Council Meeting.

10.2 CR CHAPPELL

Wednesday 13 January 2016 - met and welcomed the new Community Paramedic Donelle Carver.

Sunday 17 January 2016 - participated in the community town clean up

Tuesday 26 January 2016 - attended the Australia Day Breakfast at the Lake Grace Swimming Pool and officiated as master of ceremonies on behalf of the Lions Club.

Friday 29 January 2016 - attended the Lake Grace Regional Health Advisory Council meeting.

Monday 1 February 2016 - travelled to Lake King to attend the annual Electors meeting. Apology for Lake Grace Development Association meeting.

Thursday 4 February 2016 - drove the bus for Council’s “A” class road tour.

Monday 8 February 2016 - attended the Newdegate Community Development Association Annual General Meeting with Cr Clarke and Lee Holben.

Tuesday 9 February 2016 – as a last minute decision attended the Bio Security meeting held in Katanning along with the Chief Executive Officer.

Wednesday 10 February 2016 - attended the Lake King Progress Association Annual General Meeting with Cr Clarke, Cr Lloyd and Lee Holben.

Wednesday 17 February 2016 - attended the Lake Grace Visitor Centre Annual General Meeting with Cr Clarke and Lee Holben.

Tuesday 23 February 2016 - attended a Volunteering Workshop held at the Lake Grace CRC.

10.3 CR CLARKE

Cr Clarke reported attendance at the following:

Tuesday 26 January 2016 - the Australia Day breakfast at the Lake Grace Swimming Pool along with a number of other Councillors and presented Lake Grace Australia Day citizenship awards to Emily Younger, Fr Gayan Thamel and the Lake Grace Artists Group.

Friday 29 January 2016 – Lake Grace Regional Health Advisory Meeting at the medical centre where the progress of the refurbishments at the Hospital as well as the problems that Locum Doctors are having with WACHS were discussed.

Monday 1 February 2016 – Annual Electors meeting at Lake King after a quick visit to the Varley Cemetery. Apologies to the Lake Grace Development Association meeting.

Monday 8 February 2016 – Newdegate Development Association meeting with three other Councillors and the Manager of Community Services.

Wednesday 17 February 2016 – Attended the Visitors Centre Meeting and AGM. Mikaela Knill is the new President and has many skills to offer this group and the Shire as a whole.

Thursday 18 February 2016 – Local Emergency Management Committee as an observer.

Tuesday 23 February – welcome afternoon tea for new families and staff at the Lake Grace District High School, there was discussion on how the employment freeze was affecting the School.

Also attended the volunteer workshop held later that evening, which gave an interesting and informative insight into working with the different generations which transposes into the workforce. Cr Clarke commented she is sure the Shire staff that attended would have received information that is very beneficial to employing and working with others.

10.4 CR DE LANDGRAFFT

Reported attendance at the following:

Tuesday 22 December 2015 - Newdegate Rejuvenation Committee Meeting at Newdegate.

Monday 11 January 2016 – Meeting with First Health in Lake Grace.

Tuesday 26 January 2016 - Australia Day Breakfast in Lake Grace and conducted the citizenship ceremony for Nicola Kuchling and met with Lake Grace residents. On to Newdegate and conducted the citizenship ceremony for Cornelia Van Graan and met with Newdegate residents. Next, to Lake King for the Australia Day BBQ at the Lake King Tavern and a catch up with Lake King locals. Finally, to Varley for a late lunch with the Varley community and presentation of the Varley citizenship award to former councillor Dean Sinclair.

Monday 1 February 2016 - Annual Electors Meeting at Lake King.

Tuesday 2 February 2016 – Newdegate Rejuvenation Committee Meeting at Newdegate.

Thursday 4 February 2016 – Council “A” Class road tour.

Saturday 7 February 2016 – Lake King Tractor Museum for putting final tractor into place.

Tuesday 10 February 2016 - 4WDL meeting in Dumblebung and Lake King Progress Association meeting.

Monday 22 February 2016 – Integrated Planning asset Management Committee meeting and meeting with Chris Swarts, First Health.

10.5 CR HUNT

Tuesday 26 January 2016 - Australia Day breakfast in Lake Grace, very well run and well attended.

Thursday 4 February 2016 – Council “A” Class road inspection, it was an eye opener, there is a lot of work to be done.

Thursday 18 February 2016 – Lake Grace District High School Board Meeting. School numbers for 2016, 108 pupils, 6 up on last year. Is hard to get permanent Principal, discussion on trees outside school – safety, decision soon to be made

10.6 **CR LLOYD**

Thursday 4 February 2016 – Council “A” Class road inspection.

Tuesday 10 February 2016 – Lake King Progress Association meeting.

10.7 **CR MARSHALL**

Tuesday 26 January 2016 – attended the Australia Day breakfast at the Lake Grace Swimming Pool, it was a very well attended and well run event.

Monday 1 February 2016 – attended the Annual Electors Meeting at Lake King.

Friday 12 February 2016 – attended the National Party of WA new Roe Electorate pre-selection meeting at Lake Grace as an observer and a delegate from the Lake Grace Branch.

Wednesday 17 February 2016 – attended an inspection at the Jam Patch by flora and fauna officials followed by a meeting at the Lake Grace CRC to discuss signage etc.

Monday 22 February 2016 – Integrated Planning asset Management Committee meeting and meeting with Chris Swarts, First Health.

Tuesday 23 February 2016 – attended an assembly at the Lake Grace District High School.

10.8 **CR STANTON**

Tuesday 1 February 2016 – attended the Annual Electors Meeting at Lake King.

10.9 **CR WALKER**

Monday 11 January 2016 – meeting with Chris Swarts, First Health.

Monday 1 February 2016 – attended the Annual Electors Meeting at Lake King.

Tuesday 2 February 2016 – attended Newdegate Rejuvenation Committee meeting at Newdegate.

Thursday 4 February 2016 – Council “A” Class road inspection. This was really worthwhile as Councillors were able to see the roads, see what needs to be done and can now plan accordingly.

Thursday 18 February 2016 – attended the Local Emergency Management Committee meeting, all members were present with the exception of the Police Department, Lake Grace Hospital and CBH.

Monday 22 February 2016 – Integrated Planning asset Management Committee meeting and meeting with Chris Swarts, First Health.

11.0 MATTERS FOR CONSIDERATION – INFRASTRUCTURE SERVICES

No items for consideration.

12.0 MATTERS FOR CONSIDERATION – PLANNING
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12.1 LOCAL PLANNING SCHEME NO.4 – PROPOSED AMENDMENT NO.4 – CROWN RESERVE 27942 BEING LOTS 92 & 93 STUBBS ST LAKE GRACE

Applicant:	Gray & Lewis Land Use Planners on behalf of LandCorp, the Department of Agriculture and Food Western Australia & the State of Western Australia
File No.:	0525
Attachments:	Attachments 1 & 2
Authors:	Mr Joe Douglas and Mr Steve Pandevski Urban & Rural Perspectives Town Planning Consultants
Disclosure of Interest:	Nil
Date of Report:	16 February 2016
Senior Officer:	Mr Neville Hale Chief Executive Officer

Summary

This report recommends that Council resolve to support Amendment No.4 to the Shire of Lake Grace Local Planning Scheme No.4 without modification, execute the scheme amendment documents as required under the *Planning and Development (Local Planning Schemes) Regulations 2015* and submit the documentation to the Western Australian Planning Commission (WAPC) seeking the Hon. Minister for Planning's final approval.

Background & Comment

Gray & Lewis Land Use Planners, acting on behalf of LandCorp, the Department of Agriculture and Food Western Australia (DAFWA) and the State of Western Australia, are seeking to reclassify Reserve 27942 comprising Lots 92 (No.50) and 93 (No.52) Stubbs Street, Lake Grace from Local Scheme Reserve 'Public Purpose - Agriculture WA' to 'Commercial' zone under the Shire of Lake Grace Local Planning Scheme No.4 (LPS No.4).

Lots 92 and 93 are located on the corner of Stubbs and Lawson Streets immediately east of the Lake Grace townsite's designated commercial area. The land comprises a total combined area of approximately 2,098m² and contains two adjoining single storey, brick and framed construction office buildings and a number of ancillary improvements associated with its historical development and use by DAFWA for agricultural advisory purposes.

The land is a 'C' class Crown Reserve (i.e. Reserve No.27942) owned by the State of Western Australia with a management order issued in favour of the Western Australian Agriculture Authority for the designated purpose 'Government Buildings – Department of Agriculture'.

It is understood DAFWA vacated the premises on 30 June 2014 with the property subsequently listed with the State government's Land Asset Management Unit for disposal on the basis that the land and improvements thereon are surplus to DAFWA's future operational needs and requirements.

The purpose of Amendment No.4 to LPS No.4 is to establish a suitable zoning over the land to ensure appropriate development and land use controls are in place prior to it being offered for sale on the open market.

Specific details of Amendment No.4 including all relevant background information, justifications and plans are provided in Attachment 1.

In accordance with the specific requirements of Section 81 of the *Planning and Development Act 2005* the Shire's administration referred the proposed amendment to the Environmental Protection Authority (EPA) for processing and environmental clearance under Section 48A of the *Environmental Protection Act 1986*. By correspondence dated 2 November 2015 the EPA advised the proposal should not be assessed and confirmed the issuance of environmental clearance.

Following environmental clearance by the EPA the proposed amendment was advertised for public comment for a period exceeding the minimum required period of forty two (42) days (commencing on 19 November 2015 and concluding on 29 January 2016). This process included an appropriate notice in the West Australian Newspaper and Lakes Link newsletter, correspondence to all relevant service authorities and public display of the amendment documentation at the Shire's administration centre and the Perth office of the Western Australian Planning Commission (WAPC).

Under the terms of the *Planning and Development (Local Planning Schemes) Regulations 2015* Council is now required to consider all submissions received in respect of the proposed amendment and determine whether or not the amendment should be supported with or without modification.

At the conclusion of public advertising a total of five (5) submissions had been received by the Shire, all of which were from government agencies. A summary of the submissions received is provided in the attached Schedule of Submissions (see Attachment 2).

A detailed review of the submissions received has revealed there are no objections to the scheme amendment proposal.

Given the outcomes from public advertising it is recommended that Council now resolve to support the proposed amendment without modification and submit the relevant documentation to the WAPC seeking the Honourable Minister for Planning's final approval.

Legal Implications

- *Shire of Lake Grace Local Planning Scheme No.4*
- *Planning and Development Act 2005 (as amended)*
- *Planning and Development (Local Planning Schemes) Regulations 2015*
- *Environmental Protection Act 1986*

As a result of the recent introduction of the new *Planning and Development (Local Planning Scheme) Regulations 2015* a new process applies to the processing of amendments to local planning schemes throughout Western Australia. Amongst other things, the 2015 Regulations, pursuant to regulation 35(2), require Councils' to identify a proposed scheme amendment as 'Basic', 'Standard' or 'Complex', The amendment is then processed in accordance with the requirements of that 'stream'.

Given that Amendment No.4 was initiated by Council prior to the 2015 Regulations coming into legal effect, it was not necessary at the time to classify the amendment as ‘Basic’, ‘Standard’ or ‘Complex’. Notwithstanding this fact, if it were to be classified it would be classed as a ‘Standard’ amendment.

Furthermore, regulation 50(3) now requires Councils to either support an amendment, support an amendment with modifications or refuse an amendment, which differs from the previous terminology used (i.e. adopted with or without modification or does not wish to proceed).

Policy Implications

Nil

Consultation

Community consultation completed in accordance with the ‘standard’ stream requirements of the *Planning and Development (Local Planning Schemes) Regulations 2015*. As mentioned previously above a summary of the submissions received is provided in the attached Schedule of Submissions (see Attachment 2).

Financial Implications

Nil. All costs associated with processing the scheme amendment proposal have been met by the applicant through payment of the regulated fee plus all associated public advertising costs.

Strategic Implications

Rezoning the land for commercial purposes is consistent with the objectives of the Shire of Lake Grace Local Planning Strategy as this applies to encouraging and facilitating the productive use of underutilised land and buildings throughout the Shire.

Voting Requirements

Simple majority required.

Recommendation/Resolution

RESOLUTION 12222

Moved Cr Marshall
Seconded Cr Armstrong

That Council:

1. Note all of the submissions received in respect of Amendment No.4 to the Shire of Lake Grace Local Planning Scheme No.4 as this relates to the proposed reclassification of Reserve 27942 comprising Lots 92 (No.50) and 93 (No.52) Stubbs Street, Lake Grace from Local Scheme Reserve ‘Public Purpose - Agriculture WA’ to ‘Commercial’ zone.’
2. Support, pursuant to regulation 50(3)(a) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, Amendment No.4 to the Shire of Lake Grace Local Planning Scheme No.4 without modification and advise the Western Australian Planning Commission accordingly.

RESOLUTION 12222 continued.

3. Endorse three (3) copies of the documentation prepared in respect of Amendment No.4 by affixing the Shire's common seal and authorising the Shire President and Chief Executive Officer to sign the amendment documentation accordingly; and
4. Authorise the Shire Administration to submit the endorsed documentation prepared in respect of Amendment No.4 to the Western Australian Planning Commission seeking the Hon. Minister for Planning's final approval.

MOTION CARRIED 9/0

12.2 PLANNING APPLICATION – PROPOSED CHANGE OF USE FROM ‘PLACE OF WORSHIP’ (CHURCH) TO ‘COMMUNITY PURPOSES’ ON LOT 47 (NO.46) BENNETT STREET, LAKE GRACE

Applicant:	Shire of Lake Grace on behalf of the Uniting Church in Australia Property Trust WA (Landowner)
File No.	0369
Attachments:	Plans 1 to 5
Author:	Messrs Joe Douglas & Carlo Famiano Urban & Rural Perspectives Town Planning Consultant
Disclosure of Interest:	Nil
Date of Report:	17 February 2016
Senior Officer:	Mr Neville Hale Chief Executive Officer

Summary

This report recommends that a planning application submitted by the Shire of Lake Grace on behalf of the Uniting Church in Australia Property Trust WA (Landowner) to change the current approved use of Lot 47 (No.46) Bennett Street, Lake Grace from ‘place of worship’ to ‘community purposes’ be approved subject to conditions.

Background

The Shire of Lake Grace is seeking Council’s planning approval to change the current approved use of Lot 47 (No.46) Bennett Street, Lake Grace from ‘place of worship’ to ‘community purposes’ to facilitate the use of the building by the Country Women’s Association of WA (CWA).

Lot 47 is located centrally in the Lake Grace townsite and is surrounded by a wide range of land uses including low density residential development, community and commercial based activities. The land is rectangular in shape, comprises a total area of approximately 1,060m² and has historically been developed and used as a ‘place of worship’ (i.e. a church).

Lot 47 has direct frontage and access to Bennett Street along its northern boundary and a right-of-way along its southern rear boundary. The property contains a number of physical improvements associated with its current approved use including a church building, a domestic type storage shed, a small amount of landscaping and boundary fencing. It is significant to note the existing buildings on the land are currently vacant/unused (see Plans 1 to 3).

It is understood Lot 47 is surplus to the needs of the Uniting Church in Australia, with the Church recently surrendering the land and buildings thereon to the State of Western Australia. The Department of Lands are now making arrangements under the provisions of the *Land Administration Act 1997* to set the land aside as a Crown reserve with a management order in favour of the Shire of Lake Grace for ‘community purposes’.

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

- i) A change to the current approved use of Lot 47 from ‘place of worship’ to ‘community purposes’ to enable the land and buildings thereon to be used by the Lake Grace

Country Women's Association and Active Industries for the purposes of a community op-shop (see Plans 4 & 5);

- ii) No external changes are proposed to the existing building on the land or any other part of the property aside from some future possible advertising signage, the specific details of which have not been determined or provided at this preliminary stage;
- iii) Minor internal fit out works within the existing church building to accommodate the proposed new use; and
- iv) No formal on-site car parking is proposed to be provided. All staff and customer parking will be accommodated using the existing on-street parking available along the land's Bennett Street frontage and an unconstructed/informal parking area at the rear of Lot 47 which is accessed from the immediately adjoining right-of-way.

Comment

Lot 47 is classified 'Local Scheme Reserve – Public Purpose (Church)' under the Shire of Lake Grace's current operative Local Planning Scheme No.4 (LPS No.4).

Given the land's current reserve classification and the specific requirements of Clause 3.4.1 in LPS No.4, Council's planning approval is required prior to its development and use for the intended purpose.

Clause 3.4.2 of LPS No.4 states that when determining a planning application for the development and/or use of any land reserved under LPS No.4 Council must have due regard for the various general matters set out in clause 10.2 of LPS No.4 and the ultimate purpose intended by the land's reserve classification.

In exercising discretion, and pursuant to clause 10.2 of LPS No.4, Council must be satisfied the proposal is consistent with general principles of proper and orderly planning, the provisions and standards contained in LPS No.4 and any other planning consideration the local government deems relevant in the circumstances.

Council is advised LPS No.4 does not contain any specific provisions or standards for the development and use of any land in the Scheme Area for 'community purposes'. As such any planning application received for such development and/or usage must be determined by Council on its merits with due regard for any impacts it may have on surrounding land uses and the general character, amenity, functionality and safety of the immediate locality.

Council must also have due regard for the fact Lot 47 contains the first purpose built church in the Lake Grace townsite which has been included in the Shire's Heritage Inventory as a 'Category C' place of cultural heritage significance. By virtue of this classification the Heritage Inventory recommends that the building on the land be retained if at all possible or its history, form and character be clearly documented in a suitable photographic archival record if retention is not possible.

Given the building's cultural heritage significance Council must, when determining the current planning application, consider any potential impacts the future proposed use may have on its heritage character and integrity.

Following a detailed assessment of the proposal in the context of the specific requirements of LPS No.4 the reporting offices have formed the view the proposed use of Lot 47 for 'community purposes' is generally acceptable for the following reasons:

- It is not expected to generate significant volumes of patronage over and above that generated by the previous 'church' use and is therefore considered unlikely to have any detrimental impacts upon the amenity, character, functionality and safety of the immediate locality;
- The property is located centrally within the Lake Grace townsite and offers convenient and safe access for local residents;
- There is sufficient parking available along the land's Bennett Street frontage and at the rear of the property to accommodate the parking demand likely to be generated by the proposed new use;
- The church building's recognised cultural heritage values and significance are unlikely to be compromised by the proposed new use given the intention to retain the church building in its current form and the limited amount of construction work required to accommodate the use, all of which will be undertaken internally;
- The proposed use will ensure the productive use and improved maintenance of a unique building in the Lake Grace townsite which is currently vacant and not being used for any specific purpose/s;
- The proposed use will provide a useful additional community service in the Lake Grace townsite which could be expected to be of benefit to the local community; and
- The new use is consistent with the land's proposed new reserve classification under the *Land Administration Act 1997* and is generally supported by the Department of Lands which is currently managing the land divestment and reservation process.

Conclusion

It is concluded from a detailed assessment of the application that the proposal to change the current approved use of Lot 47 (No.46) Bennett Street, Lake Grace from 'place of worship' to 'community purposes' is capable of being implemented in a proper and orderly manner and is unlikely to have a negative impact on the general amenity, heritage character, functionality and safety of the immediate locality subject to compliance with a number of conditions.

As such it is recommended that Council exercise its discretion and grant conditional approval to the application.

Legal Implications

- *Planning and Development Act 2005*
- *Shire of Lake Grace Local Planning Scheme No.4*
- *Land Administration Act 1997*
- *Heritage Act of Western Australia 1990*
- *Shire of Lake Grace Heritage Inventory*

Policy Implications

Nil

Consultation

Community consultation not required.

Financial Implications

Nil

Strategic Implications

Nil

Voting Requirements

Simple majority required

Recommendation/Resolution**RESOLUTION 12223**

Moved Cr Clarke

Seconded Cr De Landgraftt

That the application for planning approval submitted by the Shire of Lake Grace on behalf of the Uniting Church in Australia Property Trust WA (Landowners) to change the current approved use of Lot 47 (No.46) Bennett Street, Lake Grace from 'place of worship' to 'community purposes' be **APPROVED** subject to compliance with the following conditions and advice notes:

Conditions

1. The development and use of the land for 'community purposes' 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 rubbish generated on-site shall be managed and disposed of to the specifications and satisfaction of the Shire of Lake Grace.
3. The site shall be ordered and maintained in a neat and tidy condition at all times to the satisfaction of the Shire of Lake Grace.
4. Any future proposed advertising signage shall be provided in accordance with the specific requirements of the Shire of Lake Grace Local Planning Policy No.6.5 ('Advertising Signage').

Advice Notes

1. The proposed use of the land for 'community purposes' shall be established within a period of two (2) years from the date of this approval. If the use is not established within this period the approval will lapse and be of no further effect. Where an approval has lapsed, the use shall not 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 including any proposed internal fit out works.

RESOLUTION 12223 continued.

3. Any new internal fit out works within the existing building on the land are required to comply in all respects with the National Construction Code of Australia. Plans and specifications which reflect these requirements must be submitted to the Shire with the required 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. 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.

MOTION CARRIED 9/0

13.0 MATTERS FOR CONSIDERATION – HEALTH & BUILDING

No items for consideration.

14.0 MATTERS FOR CONSIDERATION – FINANCE

14.1 ACCOUNTS FOR PAYMENT – DECEMBER 2015

Applicant:	Shire of Lake Grace
File No.	0277
Attachments:	List of Creditors
Author:	Miss Kairi Nigol Finance Officer
Disclosure of Interest:	Nil
Date of Report:	17 February 2016
Senior Officer:	Ms Denise Gobbart Manager Corporate Services

Summary

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

Background

List of payments for the month December 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

Policy 3.7 – Purchasing Policy

Consultation

N/A

Financial Implications

The list of creditors paid for the month of December 2015 from the Municipal and Trust Account Total \$ 1,072,436.43

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.

Recommendation/Resolution**RESOLUTION 12224**

Moved Cr Armstrong
Seconded Cr Hunt

That Council ratify the list of payments totalling \$ 1,072,436.43 as presented for the month of December 2015 incorporating:

- Trust Account Cheques:	Trust 868 to 873	\$	1,079.00
- Electronic Funds Transfer:	EFT14911 to EFT15046	\$	646,332.96
- Municipal Account Cheques:	Cheque 36171 to 36191	\$	54,024.63
- Direct Debits:	DD5864.1-DD5864.8	\$	152,396.52
	DD5884.1		
	DD5885.1-DD5885.3		
	DD5896.1-DD5896.9		
	DD5917.1-DD5917.9		
	DD5929.1-DD5929.7		
	DD5930.1-DD5932.4		
	DD5896.10		
- Electronic Funds Transfer:	Payroll Net Pay	\$	218,603.32

MOTION CARRIED 9/0

14.2 ACCOUNTS FOR PAYMENT – JANUARY 2016

Applicant:	Shire of Lake Grace
File No.	0277
Attachments:	List of Creditors
Author:	Miss Kairi Nigol Finance Officer
Disclosure of Interest:	Nil
Date of Report:	17 February 2016
Senior Officer:	Ms Denise Gobbart Manager Corporate Services

Summary

For Council to ratify expenditures incurred for the month of January 2016.

Background

List of payments for the month January 2016 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
Policy 3.7 – Purchasing Policy

Consultation

N/A

Financial Implications

The list of creditors paid for the month of January 2016 from the Municipal and Trust Account Total \$ 608,266.40

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.

Recommendation/Resolution

RESOLUTION 12225

Moved Cr Marshall
Seconded Cr Hunt

That Council ratify the list of payments totalling \$ 608,266.40 as presented for the month of January 2016 incorporating:

- Trust Account Cheques:	Trust 874 to 875	\$	1,059.00
- Electronic Funds Transfer:	EFT15047 to EFT15122	\$	375,397.79
- Municipal Account Cheques:	Cheque 36192 to 36194	\$	4,143.12
- Direct Debits:	DD5933.1-DD5933.9	\$	93,644.19
	DD5954.1-DD5954.9		
	DD5974.1-DD5974.16		
	DD5988.1-DD5988.7		
- Electronic Funds Transfer:	Payroll Net Pay	\$	134,022.30

MOTION CARRIED 9/0

14.3 FINANCIAL STATEMENTS – DECEMBER 2015 AND JANUARY 2016

Applicant:	Shire of Lake Grace
File No.	0275
Attachments:	1. Financial Reports December 2015 2. Financial Reports January 2016
Author:	Ms Denise Gobbart Acting Manager Corporate Services
Disclosure of Interest:	Nil
Date of Report:	7 December 2015
Senior Officer:	Mr Neville Hale Chief Executive Officer

Summary

Consideration of the financial statements for the months ending 31 December 2015 and 31 January 2016.

Background

The following financial reports for December 2015 and January 2016 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

Nil

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 Statements of Financial activity for the periods ended 31 December 2015 and 31 January 2016.

Voting Requirements

Simple majority required.

Recommendation/Resolution**RESOLUTION 12226**

Moved Cr Stanton

Seconded Cr Hunt

That Council in accordance with Regulation 34 of the *Local Government (Financial Management) Regulations 1996* receives the Statements of Financial activity for the periods ended 31 December 2015 and 31 January 2016.

MOTION CARRIED 9/0

14.4 NEWDEGATE INDEPENDENT LIVING UNITS & LESSER HALL PROJECT – FINANCE OPTIONS

Applicant: Internal Report
File No. 0728/0659
Attachments: ILU Expenditure Report
Author: Ms Denise Gobbart
Acting Manager Corporate Services
Disclosure of Interest: Nil
Date of Report: 17 February 2016
Senior Officer: Mr Neville Hale
Chief Executive Officer

Summary

For Council to receive information regarding the funding options available for the projected cash shortfall to construct the four independent living units and upgrade to the Lesser Hall project in Newdegate.

Background

At the Ordinary meeting of Council held 15 December 2015, Council resolved as follows;

MOTION 12198

Moved Cr Hunt, Seconded Cr Stanton

That Council acknowledges the projected project funding shortfall and authorise the Chief Executive Officer to investigate alternatives to fund the shortfall and to seek legal advice on recovery options under the terms of the contract.

MOTION CARRIED 8/0

At the Special meeting of Council held 21 December 2015, Council resolved as follows;

MOTION 12218

Moved Cr Stanton, Seconded Cr Hunt

That Council acknowledges the funding options available to fund the projected project shortfall and authorise the Chief Executive Officer to advertise the change of use of money held in the Newdegate Hall Reserve and the Staff Housing Reserve.

MOTION CARRIED 7/0

An advert was placed in “The West Australian” on Friday 15 January 2016 advertising the change of purpose of Reserve Accounts.

Comment

The advert listed the use of \$160,000 from the Newdegate Hall Reserve and \$30,000 from the Housing Reserve. The change of use of these funds was identified to address the funding shortfall identified to complete the Newdegate Independent Living Units and Lesser Hall Project. The report presented to Council 21 December 2015 identified an estimated funding shortfall of \$160,688.

When the advert was placed the Land Development Reserve was excluded from the advert, as it was deemed with the possibility of utilising housing funds from surplus funds held by the Great Southern Community Housing Association and the funds from the Newdegate Hall and Housing Reserves would be sufficient to cover the shortfall. Any subsequent use of the Land Development Reserve funds will need to be endorsed by Council and advertised, if the need arises.

From this advert, one comment was received objecting to the use of the Housing Reserve. They stated that the \$30,000 identified should also come from the Newdegate Hall Reserve. With the advertising of the change of use, Council has met its statutory obligation to use the funds for another purpose, with consideration of objections not a statutory requirement.

Correspondence was sent to Great Southern Community Housing Association (GSCHA) seeking access to surplus funds held on behalf of the Shire to invest in the completing the construction of the units. As identified in the Management Agreement *surplus funds will be utilised for further "Social Housing" provision within the Shire*. GSCHA have passed this request onto the Housing Authority, as they are equity partners in the funding surpluses.

Further information was sought by the Housing Authority to identify the use of the units by low income applicants / residents as per Housing Authority income limits. If not for low income we had to advise of the housing demand and target group. They also requested information on rental charge provisions being considered.

We advised that the units were for low and middle income over 55's seeking housing within the Shire and the rental provision would be in accordance with low income social and affordable housing options.

At the time of writing I contacted GSCHA and they are yet to receive any confirmation from the Housing Authority as to the use of these funds.

On the 15 January 2016, correspondence was sent to the Housing Authority seeking access to the \$44,669.08 held as restricted cash for the LOGCHOP housing to invest in the completion of the Newdegate Units. These funds are Housing Authority equity in 69A & 69B Bennett Street Lake Grace and 9A & 9B and 11A & 11B Collier Street Newdegate. I advised that as GSCHA was now managing these houses, it was not foreseen that these funds would be required for maintenance or improvements on these properties.

The response received from the Housing Authority on the 10 February 2016 is as follows;

Thank you for your letter dated 15 January 2016 regarding the use of surplus funds to construct four independent living units (ILU's) on Lot 195 Maley Street, Newdegate (Lot 195).

As stated in your letter, the Shire has identified an estimated funding shortfall of \$160,688 to complete the above mentioned project. The Shire has requested to use \$44,669.08 surplus rental income generated from LOGCHOP housing at 69A & 69B Bennett Street, Lake Grace and 9A & 9B and 11A & 11B Collier Street, Newdegate as a contribution to the proposed ILU's.

Additionally, I am aware the Shire has approached the Housing Authority's Property and Contracts team to seek further funding for the remaining \$116,018.92 shortfall and proposes this be sourced through surplus funds from Housing's existing additional joint ventures.

There are currently three community housing properties in Newdegate that have been vacant from between five and 12 months, two of these are in the same street as the proposed ILU's, being Lot 40, 1 and 2 Maley Street, Newdegate. The Housing Authority's regional office in Katanning has advised there is a lack of demand for community housing in Newdegate and the current vacancies substantiate this advice.

As such, I am unable to approve the use of surplus rental income from joint ventures with Housing for the proposed ILU's. This does not preclude the Shire from submitting a proposal in the future, when evidence of a stronger demand in Newdegate can be demonstrated.

These funds will continue to remain as restricted cash until a future use can be ascertained.

Estimated Value of Works Outstanding (December 2015)

With the works estimates provided by staff and quotes obtained the summary of the projected cost, available funding and project shortfall is as follows;

Estimated Value of Works Outstanding on Contract	\$392,366
Shire of Lake Grace Project Works	\$155,000
Unique Plumbing Services - Accepted Quote	\$ 43,120
Electrical Works – Quotes Obtained	\$ 65,000
	<u>\$655,486</u>
Less Available Funding	<u>\$494,798</u>
Project Shortfall	<u><u>\$160,688</u></u>

In summary, the following funding is now available for completion of the project;

CLGF Regional	\$97,025
CLGF Local	\$260,000
Trust - Retention	\$50,000
Newdegate Hall Reserve	\$88,303
Newdegate Hall Reserve – Advertised Use	\$160,000

Housing Reserve – Advertised Use	\$30,000
Works & Services Reserve	\$30,000
	<u>\$715,328</u>

The \$260,000 Country Local Government Fund (Local) currently held in restricted cash that is available for the completion of the project.

The balance of \$97,025.20 Country Local Government Fund (Regional) has been claimed from the Shire of Williams.

Retention funds of \$50,000 are to be transferred from the Trust Fund as they are no longer required to be held as retention, as the contract was terminated.

A summary of the projected expenditure required to complete the project is attached. From this summary, the total projected cost is now estimated to be \$682,973, an additional \$24,987 higher than originally estimated. This may in part be attributed to the unknown extent of works to be remedied prior to the finishing of various components within each building. The estimated additional wages and overheads to complete the project is \$55,800, with the cabinetry works being \$10,200 higher than estimated. A savings of the \$10,000 for electrical fixtures was made as they had also been included in the electrical quote. Savings of \$6,387 have been made in the brick paving budget and a total saving of \$11,027 in the retaining wall and fencing estimates.

Legal Implications

Local Government Act 1995

6.11. Reserve accounts

- (1) *Subject to subsection (5), where a local government wishes to set aside money for use for a purpose in a future financial year, it is to establish and maintain a reserve account for each such purpose.*
- (2) *Subject to subsection (3), before a local government —*
 - (a) *changes* the purpose of a reserve account; or*
 - (b) *uses* the money in a reserve account for another purpose, it must give one month's local public notice of the proposed change of purpose or proposed use.*

** Absolute majority required.*

- (3) *A local government is not required to give local public notice under subsection (2) —*
 - (a) *where the change of purpose or of proposed use of money has been disclosed in the annual budget of the local government for that financial year; or*
 - (b) *in such other circumstances as are prescribed.*
- (4) *A change of purpose of, or use of money in, a reserve account is to be disclosed in the annual financial report for the year in which the change occurs.*
- (5) *Regulations may prescribe the circumstances and the manner in which a local government may set aside money for use for a purpose in a future financial year without the requirement to establish and maintain a reserve account.*

Local Government (Financial Management) Regulations 1996

17. Reserve accounts, title of etc.

- (1) *A reserve account is to have a title that clearly identifies the purpose for which the money in the account is set aside.*

- (2) *In the accounts, annual budget and financial reports of the local government a reserve account is to be referred to —*
- (a) *in the information required by regulations 27(g) and 38, by its full title; and*
 - (b) *otherwise, by its full title or by an abbreviation of that title.*

18. When local public notice not required for change of use of money in reserve account (Act s. 6.11(3)(b))

A local government is not required to give local public notice of a proposed change of use of money in a reserve account —

- (a) *where the money is to be used to meet expenditure authorised by the mayor or president under section 6.8(1)(c); or*
- (b) *where the total amount to be so used does not exceed \$5 000 in a financial year.*

Local Government Act 1995

6.8. *Expenditure from municipal fund not included in annual budget*

- (1) *A local government is not to incur expenditure from its municipal fund for an additional purpose except where the expenditure —*
- (a) *is incurred in a financial year before the adoption of the annual budget by the local government; or*
 - (b) *is authorised in advance by resolution*; or*
 - (c) *is authorised in advance by the mayor or president in an emergency.*

** Absolute majority required.*

Policy Implications

Policy 3.7 Purchasing Policy

Objectives

To provide compliance with the Local Government Act 1995 and the Local Government (Functions and General) Regulations, 1996 (as amended).

To provide clear guidelines to the Council and its officers for purchasing goods and services where the value of goods will be equal to or less than \$100,000 excluding GST.

To ensure consistency for all purchasing activities that integrates within all the Local Government operational areas.

To establish Council's support for local business.

Consultation

Internal: Neville Hale, Chief Executive Officer

Financial Implications

As detailed in the attachment the projected cost to complete the project is now estimated to be \$682,973, with an estimated project shortfall of \$188,175. The sources of funding to complete the project now available are;

CLGF Regional	\$97,025
CLGF Local	\$260,000
Trust - Retention	\$50,000
Newdegate Hall Reserve	\$88,303

Newdegate Hall Reserve – Advertised Use	\$160,000
Housing Reserve – Advertised Use	\$30,000
Works & Services Reserve	\$30,000
	<u>\$715,328</u>

If funds from GSCHA become available for use in this project the transfers from reserve funds will be adjusted.

Strategic Implications

Shire of Lake Grace Strategic Community Plan

Focus 2 – Social and Community Well Being

- Upgrade Newdegate Town Hall, confirm plan and seek funding for Rejuvenation Project Stage Two
- Facilitate development of self-funded retiree villages (Regional Country Local Government Fund Project):
 - Lake Grace
 - Newdegate Rejuvenation Project Stage Three

Voting Requirements

Absolute majority (5) required

Recommendation/Resolution

RESOLUTION 12227

Moved Cr De Landgraft
Seconded Cr Stanton

That Council acknowledges the funding available for the projected project shortfall and authorises the following transfer of reserve funds, as required;

Newdegate Hall Reserve	\$248,303
Works and Services Reserve	\$ 30,000
Housing Reserve	\$ 30,000

MOTION CARRIED BY ABSOLUTE MAJORITY 6/3

Cr Clarke, Chappell & Armstrong recorded as voting against the motion.

15.0 MATTERS FOR CONSIDERATION – COMMUNITY SERVICES
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15.1 LAKE GRACE FREIGHT LOADING PLATFORM – LEASE AGREEMENT

Applicant:	WestNet Rail
File No.	0448
Attachments:	WestNet Rail -Lease
Author:	Ms Lee Holben Manager Community Services
Disclosure of Interest:	Nil
Date of Report:	13 January 2016
Senior Officer:	Mr Neville Hale Chief Executive Officer

Summary

The purpose of this report is to formalise the Lease Agreement with the Public Transport Authority of Western Australia which relates to Licence to Occupy the Lake Grace Loading Ramp as shown on the attached plan number L7443 and to approve the use of the common seal on the document.

Background

Previously WestNet Rail sought to ascertain whether the Shire of Lake Grace requires the Freight Loading Platforms as located within the rail Corridor. This includes the Platforms at Lake Grace, Buniche and Newdegate.

The facilities are superfluous to WestNet Rails operational needs and an option is to demolish the loading platforms.

WestNet Rail is prepared to offer a Licence over the facilities if the Shire deems the facilities worthwhile retaining for community usage. If the Shire requests a Licence then the Shire of Lake Grace would be responsible for the ongoing maintenance and repair of such facilities.

A previous agenda item relating to this item was presented to Council at the Ordinary Meeting of Council held on the 25 February 2015 with the following motion being endorsed.

MOTION 11998 - Moved Cr Hunt, Seconded Cr Clarke

That Council:

- 1. Decline the WestNet Rail offer to accept leases for the Buniche and Newdegate Goods Sheds and Loading Platforms.*
- 2. Request Staff to document both Buniche and Newdegate Loading Platforms and Goods Sheds prior to their demolition.*
- 3. Accept the WestNet Rail offer to enter into a lease for the Lake Grace Loading Platform only, including crane, subject to a confirmed vehicle access to that location.*
- 4. Allocate funds in the 2015/2016 budget to ensure the Lake Grace Freight Platform meets safety standards and that the crane is maintained as a heritage item.*
- 5. Request WestNet rail to assist with the cost of the restoration of and the making safe of the loading platform.*

MOTION CARRIED 9/0

Comment

1. WestNet Rail was notified March 2015 that the Shire of Lake Grace declined the offer of leases for Buniche and Newdegate Goods Sheds and Loading Platforms.
2. Documentation of the Buniche and Newdegate Loading Platforms and Goods Shed has been completed and is part of the Shire of Lake Grace Municipal Inventory of Heritage Places.
3. WestNet Rail was notified that the Shire of Lake Grace wanted to enter into a lease for the Lake Grace Loading Platform subject to confirmation of vehicle access to the location. As per the attached lease this vehicle access is part of the proposed lease.

It was during these discussions that it was identified that the land being discussed was not part of the WestNet rail corridor but belonged to the Public Transport Authority. It has taken a number of months for this to be clarified and for the Public Transport Authority to offer a lease to the Shire of Lake Grace in their name.

4. Financial allocation of \$7,000 (E136600 – Loading Ramp Maintenance) was approved as part of the 2015/2016 budget.
5. WestNet Rail has declined to assist with the cost of the restoration of and the making safe of the loading platform.

Legal Implications

Public Liability Insurance

Policy Implications

Shire of Lake Grace Policy 1.11 Use of the Common Seal

Consultation

Internal: Acting Chief Executive Officer
 Chief Executive Officer

Financial Implications

There is currently financial provision of \$7,000 (E136600 – Loading Ramp Maintenance) in the 2015/2016.

Strategic Implications

Shire of Lake Grace Strategic Community Plan

Corporate Vision – An effective manager of community assets.

Voting Requirements

Simple majority required.

Officer Recommendation/Resolution

RESOLUTION 12228

Moved Cr Chappell
Seconded Cr Marshall

That Council:

1. Enters into the Lease Agreement with Public Transport Authority of Western Australia for the Lake Grace Loading Ramp; and
2. Authorise the use of the common seal by the Shire President and the Chief Executive on the Lease Agreement documents.

MOTION CARRIED 9/0

15.2 LAKE GRACE COMMUNITY LIBRARY AND COMMUNITY RESOURCE CENTRE - AGREEMENT

Applicant:	Minister for Education
File No.	0158
Attachments:	Agreement between Minister for Education, Lake Grace Community Resource Centre (Inc.) and the Shire of Lake Grace.
Author:	Ms Lee Holben Manager Community Services
Disclosure of Interest:	Nil
Date of Report:	008 February 2016
Senior Officer:	Mr Neville Hale Chief Executive Officer

Summary

The purpose of this report is to formalise the Agreement between the Shire of Lake Grace, Lake Grace Community Resource Centre Inc. and the Minister for Education, and to approve the use of the Shire's common seal on the Agreement.

Background

The Shire of Lake Grace provides public library services in partnership with the Lake Grace District High School. The facility is shared between the Lake Grace Community Resource Centre, the Lake Grace District High School and the Shire of Lake Grace.

The Lake Grace District High School (LGDHS) utilises the library facility for the school library, public library, meetings and other educational related activities.

The Community Resource Centre (CRC) utilises their area for community use and as offices.

The Common area is utilised by all partners of the agreement and includes the foyer, kitchen and restrooms.

An Agreement between the Shire of Lake Grace and the Education Department was entered into in 2005 when the building was first constructed.

This proposed lease agreement aims to share the costs of the overheads of the facility in a fair and equitable manner with the Lake Grace CRC contributing towards the running costs which it has not done so in the past.

The main changes being throughout the document to change the wording Lake Grace Telecentre to the Lake Grace Community Resource Centre and the distribution of overheads to go from 50% Lake Grace District High School and the Shire of Lake Grace, to 33% Shire of Lake Grace, 33% Lake Grace Community Resource Centre and 34% Lake Grace District High School.

The costs of the Community Library remain the same between the Shire of Lake Grace and the Lake Grace District High School.

Comment

This Agreement is in line with the agreement held with the Minister for Education and the Newdegate Community Resource Centre.

Legal Implications

An Agreement between the Minister for Education, Lake Grace Community Resource Centre and the Shire of Lake Grace.

Policy

Shire of Lake Grace Policy 1.11 - Use of the Common Seal.

Consultation

Internal Senior Management Team

External: Library and Community Resource Centre Management Committee
 Mary Naisbitt – CRC representative
 Ollie Farrelly – Community member
 Lois Dickins – Library technician
 Linda Carruthers – Library Technician
 Ashleigh Mottershead Lake Grace District High School Principal
 Michelle Lay Lake Grace District High School, School Register
 Suzanne Reeves – CRC Coordinator
 Wendy Hamilton, Department of Education Project Support Officer, Facilities
 Program Delivery

Financial Implications

The 2015/2016 budget has an allocation of \$21,730 for contribution towards library staff wages, operational expenses, including, synergy, water and maintenance costs.

This agreement aims to share the administration costs in a fair and equitable manner between the Shire of Lake Grace, the Lake Grace District High School and the Lake Grace Community Resource Centre. The Lake Grace Community Resource Centre has not contributed in the past.

This agreement will decrease the Shire of Lake Grace's contribution towards the administration costs.

Strategic Implications

Shire of Lake Grace Strategic Community Plan – Connecting with our Future 2023

- S3 Maintain and improve social/community infrastructure to support community wellbeing,
- S5 Encourage and support the community and individuals to maintain and aspire to a healthy wellbeing and balance lifestyle.

Voting Requirements

Simple majority required

Officer Recommendation/Resolution

RESOLUTION 12229

Moved Cr Marshall
Seconded Cr De Landgraft

That Council:

1. Enters into the Lease Agreement as presented, with the Minister for Education and the Lake Grace Community Resource Centre.
2. Authorises use of the common seal by the Shire President and the Chief Executive Officer for the Lease Agreement.

MOTION CARRIED 9/0

15.3 LAKE GRACE SWIMMING POOL MURAL – YOUTH PROJECT

Applicant:	Community Services
File No.	0439
Attachments:	Nil
Author:	Ms Lee Holben Manager Community Services
Disclosure of Interest:	Nil
Date of Report:	16 February 2016
Senior Officer:	Neville Hale Chief Executive Officer

Summary

This report informs Council of a youth project that developed from a Youth Friendly Communities Project held during 2015.

This report also seeks the endorsement of Stage 2 to be coordinated during 2016.

Background

In order to determine what activities young people would like in the Shire of Lake Grace, the Shire arranged two Youth Forums for youth aged between 12—17 years and 17 to 25 years during 2015. We were seeking a wide range of young people's perspectives of their community and how they could make a difference.

The Forum was funded by the Shire's successful application to the 'Department of Local Government and Communities (WA) 'Youth Friendly Communities' program.

Youth from Lake Grace, Newdegate and Lake King Schools and Varley and Pingaring towns were invited to attend.

The Forum held on the 27 April 2015 at the Lake Grace Community Resource Centre was facilitated by Christine Eales and Raelene Warburton from Narrogin YMCA.

Lake Grace Students attended, students from Newdegate and Lake King were unable to attend. Lake King Primary School were participating in the 2015 Banners in the Terrace project at the time and felt that was all that their resources could cope with.

No residents attended the 17 to 25 years forum.

Students from Lake Grace District High School's main request was the redevelopment and upgrade of the Skate Park in Lake Grace. As this is not in the parameters of the grant the second request was for the design and participation in a wall Mural to be installed at the Lake Grace Swimming Pool.

There will be additional consultation with Newdegate during 2016 for a wall mural at a suitable place as per the students and Newdegate Community Development committee endorsement.

Lake King currently has a baby boom and it is anticipated that resources for 0 - 5 years is the main priority for Lake King at this point in time.

Comment

This project gives young people the opportunity to share their perspectives about their community and have their voice heard by the Shire for consideration in future planning and development.

The opportunity to learn new creative skills - students worked with local artist Tania Spencer during 2015 on Recycled Sculptures for around the school grounds and the wall mural project would be an extension of this.

Artist Matthew Fuller will work with the students on the design and painting of the murals. Matthew currently works at Williams as their Pool Manager, and has done similar projects at pools in Pingelly, Williams and Brookton.

Suggested themes for the murals include:

1. Education, training & employment
2. Community support & health services
3. Leisure, recreation & social life
4. Transport & housing
5. Public spaces, building & natural environments
6. Communication & information
7. Civic participation & volunteering
8. Respect & inclusion

Project timeline:

Participating youth will be invited to contribute ideas to the design concept and participate in the painting/ construction of the murals in conjunction with artist. The design concept is planned for March 2016 at the Lake Grace Swimming Pool. The Pool Managers have been included in all discussions over the last eight (8) months.

- | | |
|---------|--|
| Step 1. | Research and contacting stakeholders/potential youth champions (Sept - Dec 15 2015) – completed. |
| Step 2. | Design murals with input from the youth champions (March 2016). |
| Step 3. | Plan, coordinate and complete wall mural (April to June 2016). |
| Step 4. | Record feedback and prepare grant acquittal. (July 2016). |

Legal Implications

Nil

Policy Implications

There are no relative policy implications.

Consultation

- Internal: Lake Grace Pool Managers
Community Services Officer
Manager Community Services
Senior Management Team
- External: Department of Local Government and Communities
Newdegate Primary School
Lake King Primary School
Lake Grace District High School
Lake Grace Artists Group
Christine Eales Narrogin YMCA
Raelene Warburton Narrogin YMCA
Dan Duggan Artist
Matthew Fuller Artist

Financial Implications

An allocation of \$15,000 (E077452) was approved as part of the 2015/2016 budget. This included \$10,000 from The Department of Local Government and Communities for Stage 2 Youth Friendly Communities Project.

Strategic Implications

Shire of Lake Grace Strategic Community Plan – Connecting with our Future 2023.

Community Values – Good facilities and community activities.

Shire Values - Recognition and support of talent and creativity.

- S5 Encourage and support the community and individuals to maintain and aspire to a health wellbeing (ie mental, social and physical) and balance lifestyle.
- S7.1 Coordinate events and activities aimed at specific demographics to support inclusion and engagement.
- S7.2 Actively promote and support events and activities across the whole of the Shire.
- S7.5 Develop strong alternatives to sport to engage different interest and encourage participation.

Voting Requirements

Simple majority required.

Resolution**RESOLUTION 12230**

Moved Cr Lloyd
Seconded Cr Clarke

That Council:

1. Accepts the information.

RESOLUTION 12230 continued:

2. Endorse the Youth Friendly Communities Project:
 - (a) Inclusive of the painting of a mural on the front wall of the Lake Grace Swimming Pool; and,
 - (b) The placement of a mural at the Newdegate Swimming Pool subject to approval from the Education Department.
3. Authorises the CEO to approve the design concept for the Lake Grace and Newdegate murals before commencing the painting.

MOTION CARRIED 9/0

15.4 AGED HOUSING PROJECT BUDGET - LAKE GRACE INDEPENDENT LIVING UNITS LOT 107 BENNETT ST

Applicant:	Shire of Lake Grace
File No.	0766
Attachments:	Ashton Associates – Opinion of Cost Estimate
Author:	Ms Lee Holben Manager Community Services
Disclosure of Interest:	Nil
Date of Report:	05 February 2016
Senior Officer:	Mr Neville Hale Chief Executive Officer

Summary

The purpose of this report is to inform Council of the initial costing for three Over 55's units at Lot 107 Bennett Street Lake Grace and to obtain its agreement to proceed with the development.

Background

A 4WDL Business Case was submitted Friday 27th February 2015, totalling \$5,023,648 for the construction of 14 units across the 7 shires. On 31st July 2015, the Minister for Regional Development announced that the project had been successful. The FAA has been signed and the funding is available based on meeting required milestones. The Shire of Lake Grace has received an allocation of \$1,076.496 for the construction of 3 units in the town of Lake Grace.

At the Ordinary Meeting of Council, held on the 26 August 2015, the following recommendation (Motion 12108) was endorsed 7/0.

That Council:

- 1. Endorse Lot 107 Bennett Street, Lake Grace for development of three Over 55 Aged Units to be funded through the 4WDL Aged Housing Project under the 2015 Royalties for Regions Southern Investment Initiative; and,*
- 2. Authorise the Chief Executive Officer to seek approval for the designated purpose of Reserve 24473, located on the corner of Lawson and Bennett Street, Lake Grace, to be changed from "Children's Playground" to "Community Aged Housing" with costs to be funded from account E106030 – Town Planning Consultant.*

Comment

Once motion 12108 was endorsed, in October 2015, approval was sought from the Minister for Lands to change the purpose of the Reserve from "Children's Playground" to "Aged Housing".

The following documents:

- Revocation of the Management Order
- Change of purpose (to Community Aged Housing); and,
- New Management Order

were processed by the Department of Lands on the twenty seventh (27) January 2016 under dealing numbers N235447, N235448 and N235449.

Gary Batt and Associates were subsequently engaged to prepare the necessary planning application including building design documentation.

Ashton Associates have provided “opinion of construction cost estimate No 1” for this project based on the drawings provided by Gary Batt & Associates and have estimated the construction cost to be in the order of \$1,353,000 (GST inclusive) including a contingency allowance of \$20,000. The estimate has been calculated based on Perth construction rates with a 30% Lake Grace regional loading of \$284,000.

The budget allocation (funding available and secured) is \$1,076,496, leaving a shortfall of \$276,504.00.

The Manager of Infrastructure Services and the Building team have reviewed the costing and have suggested some costs could be lower, namely:

- Allowances for site preparation, external hydraulics, sewer and water headwork’s can be reduced from \$86,000 to \$55,000 (saving of \$31,000).
- The 30% Lake Grace allowance is excessive (\$284,000) as the cost for building materials and labour is quite generous already. This amount can be reduced to 10% being \$94,667 (saving of \$189,333).

The above savings total \$220,333 leaving the adjusted cost estimate at \$1,132,667.

However, the following additional costs have been identified that are not included in the above construction cost estimate:

Additional costs	\$
Architect/engineering/planning fees <i>(includes hydraulics, mechanical, structural, electrical, energy efficiency and Quantity Surveys reports)</i>	\$47,000
Project management fees	\$27,000
Security screens	\$ 3,600
Internal fixtures – floor coverings & blinds	\$21,000
Additional landscaping and paving	\$8,690
Total:	\$107,290

Inclusive of the additional costs, the adjusted cost estimate is \$1,132,667 plus \$107,290 totalling \$1,239,957 leaving a shortfall of \$163,461.

However, this reflects the upper level of anticipated cost and one would expect that confirmed costs will be lower. As a guide the construction of the previous 3 units in Lake Grace totalled \$971,171 which adjusted for inflation is approximately \$1,030,314.

Legal Implication

Planning and Development Act 2005

Shire of Lake Grace Local Planning Scheme No 4.

Local Government Act 1995

Policy Implications

Shire of Lake Grace Policy 7.9 – Asset Management

The Shire of Lake Grace is committed to ensuring that Asset Management is recognised as a major corporate function within Council and staff are committed to supporting the function in line with this policy.

Consultation

Internal: Gary Batt & Associates
 Senior Management Team
 Wayne Trawinski

External: Department of Lands
 Joe Douglas, Urban and Rural Perspectives
 Ashton Associates

Financial Implications

The 2015/2016 budget provided GL Code E092120 for initial expenses. Currently \$14,000 has been spent, with these costs being offset against the funding when available. This will be reviewed at the 2015/2016 budget review.

Strategic Implications*Shire of Lake Grace Strategic Community Plan*

Economic: The Shire of Lake Grace is a prosperous and diversified economy and well serviced built infrastructure to foster the district community towards 2023.

- Ec3.1 Prioritise the immediate development of a 10 year infrastructure plan that determines the rational for ongoing works, maintenance, usage and development of built and civic infrastructure.
- Ec6 Increase affordable housing options for seniors, families and singles.

Voting Requirements

Simple majority required.

Recommendation/Resolution**RESOLUTION 12231**

Moved Cr Stanton
 Seconded Cr Hunt

That Council:

1. Agree to the construction of the three independent living units on Lot 107 Bennett St Lake Grace and endorse the associated budget.
2. Recognise the potential short fall of \$163,461 between the funding of \$1,076,496 and the revised estimated cost of \$1,239,957.
3. The potential short fall of \$163,461 would need to be included in the 2016/2017 budget deliberations in order to complete the project.
4. Authorises the CEO to proceed with the development of three Over 55 Units at 107 Bennett Street Lake Grace.

MOTION CARRIED 9/0

**15.5 GREAT SOUTHERN COMMUNITY HOUSING ASSOCIATION –
MANAGEMENT AGREEMENT UPDATE**

Applicant: Community Services
File No. 0094; 0095, 0511; 0620, 0698, 0766
Attachment: Existing Schedule “A” – Great Southern Housing Association Management Agreement
Author: Ms Lee Holben
Manager Community Services
Disclosure of Interest: Nil
Date of Report: 20 January 2015
Senior Officer: Neville Hale
Chief Executive Officer

Summary

This report recommends that Council includes its properties being Units 1, 2 and 3, Lot 107 Bennett Street Lake Grace (when constructed), and 19 Maley Street Newdegate, to Schedule A of the Management Agreement with Great Southern Community Housing Association (GSCHA) and authorises the CEO to sign an updated Property List, Schedule “A” of the Management Agreement.

Background

A number of agenda items have previously been to Council relating to this item.

At the 29 March 2012 Ordinary meeting of Council the following motion 11384 was moved and endorsed 7/0.

That Council through the Chief Executive Officer explores the possibility of using Model 2 that includes entering into agreement with the Great Southern Community Housing Association Incorporated regarding the management of the Shire’s Community Housing Stocks and consideration of different options including negotiations with GROH or any other interested party regarding the Shire’s community housing property equity in due course.

At the 22 August 2012 Ordinary meeting of Council the following motion 11497 was moved and endorsed 9/0.

That Council:

- 1. Transfers the management of all Shire of Lake Grace community housing properties to the Great Southern Community Housing Association.*

- 2. Authorise the use of the common seal on the attached management agreement between Great Southern Community Housing Association and the Shire. The Department of Housing has given approval to the final management agreement which includes the use of local contractors where available, and other relevant matters.*

At the 20 November 2013 Ordinary meeting of Council the following motion 11721 was moved and endorsed.

That Council:

1. *Endorse the three units at 5 Bennett Street Lake Grace to be made available for rent.*
2. *To add three units at 5 Bennett Street Lake Grace to the Great Southern Community Housing's current Management Agreement.*

At the 19 November 2014 Ordinary meeting of Council the following motion 11955 was moved and endorsed 7/0.

That Council:

1. *Authorise the Chief Executive Officer to sign the updated November 2014 Management Agreement between the Shire of Lake Grace and the Great Southern Community Housing Association for the management of the Shire's Community Housing stock, subject to 2.10 and 12.2 being amended as below:*

2.10 - GSCHA will charge a management fee which is incorporated into the annual calendar year budget. The fee takes into account Property Manager travel costs (for inspections, interviews and sign ups etc), direct labour costs to manager the properties, and a portion of indirect office and administration costs per dwelling. The rate will be reviewed annually.

12.2 - The accumulated surplus funds generated from the properties will be finally determined after all expenses have been reconciled and audited. This includes any bad debt, damage to property not covered by insurance and/or loss of rental income for long term vacancies.

If any major refurbishments are required for any of the properties, this may affect the annual surplus if all Major Maintenance funds have been expended in any year. All surplus funds will be utilised for further "Social and Affordable Housing" provision in the Shire of Lake Grace. New potential housing projects initiated by the Shire, may be developed in partnership with GSCHA.

If the Department of Housing (DoH) has a financial interest in existing properties, and/or is contributing to the project, subsequent proposals will need to be assessed by the DoH in line with the "Community Housing Project Guidelines."

If there is no identified need established for further "Social and Affordable Housing" in the Shire, surplus funds derived from properties that DoH has an interest in, may be used to develop projects in other regions once approved by the Department of Housing. The DoH proportion of surplus funds are attributed to the equity held in those properties by DoH, with the Shire of Lake Grace retaining the proportion of surplus that relates to the equity held in these properties by the Shire of Lake Grace.

2. *Include the four units at Newdegate into the Management Agreement.*

Comment

The number of houses that GSCHA manages for the Shire of Lake Grace has increased over the last three years. 2012 commenced with twenty four (24) properties, two properties (2) were added in 2013, another seven (7) (Lake Grace and Newdegate Over 55 units) were added in 2014 giving a current total of thirty three (33) properties.

With the inclusion of Units 1, 2, 3, Lot 107 Bennett Street, Lake Grace and 19 Maley Street, Newdegate, the total will be thirty seven (37).

The property at 19 Maley Street Newdegate had long term tenants in at the time of handing properties over to GSCHA and the decision was to maintain this status as the property was rented at a higher value than possible through GSCHA.

This changed in 2015 with the tenants moving out. A local business approached the Shire of Lake Grace and the property was tenanted very quickly at the same rental value. Over the last four months this arrangement has proven to be inefficient and it is recommend that the property be handed over to GSCHA to manage as they have the skills and knowledge to manage rental properties more efficiently than Shire staff.

Legal Implications

The *Housing Act 1980*. The Regulatory Framework includes:

- National Community Housing Standards;
- National Regulatory Code (Growth Providers);
- Compliance with legal agreements and Community Housing Guidelines.

Policy Implications

N/A

Consultation

Internal: Chief Executive Officer
Senior Management Team

External: Kaz Sternberg – Chief Executive Officer Great Southern Community Housing Association

Financial Implications

The equity that the Shire has in each of the thirty seven (37) community properties is based on the contributions that the Shire and the Department of Housing made at the time the project was agreed.

GSCHA Management Fee (including travel) is calculated as per the following:

2012/13 - \$1,507 per property, per annum. *note: the actual amount that was charged for 2012/13 doesn't reflect a full year of management, as GSCH did not have the properties for a full year.

2013/14 - \$1,728 per property, per annum.

2014/15 - \$2,136 per property, per annum.

2015/2016 - \$2,136 per property, per annum.

Explanation on management fee:

Management Fees, to date, have been calculated solely to recover direct labour costs (excluding management). Direct Labour Costs being the real employment cost to GSCHA for its staff to manage the housing portfolio.

In addition to the direct labour costs to manage properties, there are indirect costs including: management labour costs, office, administration, motor vehicles and I.T. to name a few.

Strategic Implications***Shire of Lake Grace Strategic Community Plan***

- Ec3 Maintain community build infrastructure to ensure it is appropriate for all towns in the Shire.
- Ec6 Increase affordable housing options for seniors, families and singles.

Voting Requirements

Simple majority required.

Officer Recommendation/Resolution**RESOLUTION 12232**

Moved Cr De Landgraft
Seconded Cr Lloyd

That Council:

1. Agrees to the inclusion of its properties being Units 1, 2, and 3; Lot 107 Bennett Street Lake Grace (when constructed), and 19 Maley Street Newdegate, to the Properties Schedule “A” of the Management Agreement with Great Southern Community Housing Association (GSCHA); and,
2. Authorises the CEO to sign the updated Schedule “A” of the Management Agreement.

MOTION CARRIED 9/0

15.6 LOCAL EMERGENCY MANAGEMENT ARRANGEMENTS AND LOCAL RECOVERY MANAGEMENT PLAN - ENDORSEMENT

Applicant:	Community Emergency Services Manager (CESM)
File No.	0240
Attachments:	1. Lake Grace Local Emergency Management Arrangements 2. Lake Grace Local Recovery Management Plan 3. Lake Grace Local Emergency Management Committee February 2016 Meeting Minutes
Author:	Mr Paul Roadley Community Emergency Services Manager
Disclosure of Interest:	Nil
Date of Report:	19 February 2016
Senior Officer:	Ms Lee Holben Manager Community Services

Summary

For Council to Endorse the updated Local Emergency Management Arrangements and newly developed Local Recovery Management Plan which were endorsed by the Lake Grace Local Emergency Management Committee (LEMC) on 18 February 2016.

Background

Under the *Emergency Management Act 2005*, local governments are required to have Local Emergency Management Arrangements (LEMA) and a Local Recovery Management Plan (LRMP).

Section 41 of the Emergency Management Act states as follows:

41. Emergency management arrangements in local government district

(1) A local government is to ensure that arrangements (local emergency management arrangements) for emergency management in the local government's district are prepared.

(2) The local emergency management arrangements are to set out —

(a) the local government's policies for emergency management;

(b) the roles and responsibilities of public authorities and other persons involved in emergency management in the local government district;

(c) provisions about the coordination of emergency operations and activities relating to emergency management performed by the persons mentioned in paragraph (b);

(d) a description of emergencies that are likely to occur in the local government district;

(e) strategies and priorities for emergency management in the local government district;

(f) other matters about emergency management in the local government district prescribed by the regulations; and

(g) other matters about emergency management in the local government district the local government considers appropriate.

(3) Local emergency management arrangements are to be consistent with the State emergency management policies and State emergency management plans.

(4) Local emergency management arrangements are to include a recovery plan and the nomination of a local recovery coordinator.

(5) A local government is to deliver a copy of its local emergency management arrangements, and any amendment to the arrangements, to the SEMC as soon as is practicable after they are prepared.

Section 42 of the Emergency Management Act states as follows:

42. Reviewing and renewing local emergency management arrangements

(1) A local government is to ensure that its local emergency management arrangements are reviewed in accordance with the procedures established by the SEMC.

(2) Local emergency management arrangements may be amended or replaced whenever the local government considers it appropriate.

In regard to Section 41 subsection (3) and Section 42 subsection (1) above, the Shire's CESM, Mr Paul Roadley contacted Adam Smith from State Emergency Management Committee Secretariat and requested that he review and provide feedback in relation to the LEMA & LRMP. The received feedback has been incorporated into these documents ensuring compliance with the relevant State emergency management policies and procedures.

Comment

Draft versions of the LEMA & LRMP were supplied to all of the members of the Lake Grace Local Emergency Management Committee requesting feedback. Copies of the draft documents were also provided to the State Emergency Management Committee Secretariat Adam Smith who then forwarded the drafts to the Great Southern District Emergency Management Committee for feedback.

The comments and feedback received back were incorporated within the final documents that were provided to the Lake Grace LEMC for Endorsement at the 18 February 2016 meeting. The Motion was carried and the documents now require Council endorsement.

Once endorsed by Council, signed copies of the LEMA & LRMP will be provided to Mr Adam Smith, State Emergency Management Committee Secretariat, for inclusion in the next Great Southern District Emergency Management Committee for their endorsement.

The final process after the DEMC has endorsed the LEMA & LRMP is for the State Emergency Management Committee to endorse them. Once this has been completed, the Shire of Lake Grace will receive written notification of the documents final acceptance.

These documents will be reviewed annually to ensure they remain compliant and contacts listed are correct.

Legal Implications

Emergency Management Act 2005

Policy Implications

Shire of Lake Grace Policy 4.1: Army Reserve and Local Emergency Service Members

Consultation

Internal: CESM, Mr Paul Roadley
Mr Neville Hale
Cr Debrah Clarke
Cr Andrew Walker
Mrs Lee Holben
Mr Louka Shopov
Mrs Denise Gobbart

External: Mr Adam Smith, SEMC Secretariat
Local Emergency Management Committee Members
Great Southern District Emergency Management Committee

Financial Implications

The Shire's annual budget allocates funds for its Local Emergency Management Committee expenses – Account E053101.

Strategic Implications

Shire of Lake Grace Strategic Community Plan

S2: Provide a supportive social environment

S2.1 Plan for the continuity of essential emergency services, including Bush Fire Brigades and St John Ambulance WA Ltd

Voting Requirements

Simple majority required.

Recommendation/Resolution

RESOLUTION 12233

Moved Cr Hunt

Seconded Cr Armstrong

That Council, as per section 41 of the *Emergency Management Act 2005*, endorses:

1. the Local Emergency Management Arrangements (v4); and,
2. the Local Recovery Management Plan (v2).

MOTION CARRIED 8/1

16.0 MATTERS FOR CONSIDERATION - ADMINISTRATION
--

16.1 ANNUAL ELECTORS MEETING – AMENDMENTS TO ANNUAL REPORT 2014/15

Applicant:	Executive Services
File No.	0274
Attachments:	1. February 2016 Annual Electors Meeting Minutes 2. Page VIII – extract from 2014/15 Annual Report
Author:	Mrs Jeanette Bennett Executive Officer
Disclosure of Interest:	Nil
Date of Report:	15 February 2016
Senior Officer:	Ms Denise Gobbart A/Manager Corporate Services

Summary

The purpose of this report is for Council to endorse minor changes to the Infrastructure Services report contained in the 2014/15 Annual Report and receive the minutes of the Electors Meeting.

Background

Council accepted its 2014/15 Annual Report at a Special Council Meeting held on 21 December 2015 and set the date for the Annual Electors Meeting.

Four community members, along with Councillors attended the Annual Electors Meeting which was held in Lake King on Monday 1 February 2016. The minutes of the meeting are an attachment to this item.

During the meeting it was brought to the attention of those present that the Infrastructure Services Report on key projects needs to reflect the percentages as at 30 June 2015 rather than at the time of writing the report which was December 2015.

During the meeting Cr Armstrong also queried whether the 'other reports' included in the Annual Report i.e. Infrastructure, Corporate and Community Services etc. are an extension of the CEO's Report.

The minutes of the 2014/15 Annual Electors Meeting are attached for Council's consideration.

Comment

Section 5.53 2 (a) & (b) of the *Local Government Act 1995* requires the annual report to contain a report from the mayor or president and a report from the CEO.

The Shire President's report and the CEO's report are read out and received at Annual Elector's Meetings thus highlighting those reports to any electors that may be in attendance. There is no legal requirement for any staff further reports though there are additional reports included for community information and to add substance to the Annual Report.

The minutes of the 1 February 2016 Annual Electors Meeting will be confirmed at the next Annual Electors Meeting.

It is recommended that Council endorse the following changes to page V111 of the 2014/15 Annual Report titled Infrastructure Services:

- 1st paragraph – after “2014/15” add “as at 30 June 2015”
- Lake King Tractor Museum – delete “completed” and insert “85% completed”
- Newdegate Independent Living Units – delete “85%” and insert “45%”
- Newdegate Lesser Hall – delete “95%” and insert “55%”

Once the changes are made, the document will be published on the Shire’s website and updated copies sent to the Shire’s Public Libraries.

Legal Implications

Local Government Act 1995 – s5.32, Minutes of Electors Meeting, requires minutes to be kept and made available for inspection by members of the public before the Council meeting at which decisions made at the electors meeting are first considered.

Local Government Act 1995 – s5.53 – Annual Reports

Policy Implications

N/A

Consultation

N/A

Financial Implications

N/A

Strategic Implications

Shire of Lake Grace Strategic Community Plan

Civic Leadership

- CL 1 Elected Members provide visionary leadership

Voting Requirements

Simple majority required.

Recommendation/Resolution

RESOLUTION 12234

Moved Cr Armstrong
Seconded Cr Stanton

That Council:

1. Endorse the following changes to page V111 of the 2014/15 Annual Report titled Infrastructure Services:
 - 1st paragraph – after “2014/15” add “as at 30 June 2015”;
 - Lake King Tractor Museum – delete “completed” and insert “85% completed”;
 - Newdegate Independent Living Units – delete “85%” and insert “45%”;
 - Newdegate Lesser Hall – delete “95%” and insert “55%”; and,

RESOLUTION 12234 continued:

that the 2014/15 Annual Report is amended accordingly.

2. Receive the minutes of the Annual Electors Meeting held on 1 February 2016, noting that no additional matters were raised requiring any action by Council.

MOTION CARRIED 9/0

16.2 PRESIDENT'S ALLOWANCE

Applicant:	Neville Hale
File No.	0038
Attachments:	Attachment - Submission
Author:	Mr Neville Hale Chief Executive Office
Disclosure of Interest:	Nil
Date of Report:	16 February 2016
Senior Officer:	Mr Neville Hale Chief Executive Officer

Summary

For Council to endorse the attached submission to the Salaries and Allowances Tribunal in respect to changes to the determination of the Presidents Allowance under Section 7B of the Salaries and Allowances Act 1975.

Background

Council will recall that at its 23 September 2015 Ordinary Meeting it resolved to make a submission to the Salaries and Allowances Tribunal when called to do so.

On 9 February 2016, the Tribunal called for submissions.

Section 7B(2) of the Salaries and Allowances Act 1975 requires the Tribunal, at intervals of not more than 12 months, to inquire into and determine -

- the amount of fees, or the minimum and maximum amounts of fees, to be paid under the Local Government Act 1995 ('the LG Act') to elected council members for attendance at meetings;
- the amount of expenses, or the minimum and maximum amounts of expenses, to be reimbursed under the LG Act to elected council members; and
- the amount of allowances, or the minimum and maximum amounts of allowances, to be paid under the LG Act to elected council members.

Clause 3.2 (4) of the 2015 Determination for Local Government Elected Council Members reads as follows:

*(4) The maximum annual local government allowance for a mayor or president of a local government shall not exceed the maximum allowance applicable to that local government in Table 7 or **0.2 per cent** of the local government's operating revenue for the 2014-15 financial year, **whichever is the lesser**. (Emphasis added)*

It is suggested that the Shire seek to have clause 3.2(4) amended to remove reference to the requirement to take into consideration the operating revenue of the Shire.

Comment

The Salary and Allowances Tribunal has called for public submissions and in accordance with Council's earlier resolution of 23 September 2015, a submission document has been prepared for Council's consideration.

Legal Implications

- Local Government Act 1995 – s5.98 (1A) & (5)
- Salaries and Allowances Act 1975 Section 7B
- 2015 Determination of the Salaries and Allowances Tribunal for Local Government Elected Council Members – 17 June 2015

5.98. Fees etc. for council members

(1A) In this section —

determined means determined by the Salaries and Allowances Tribunal under the Salaries and Allowances Act 1975 section 7B.

(1) A council member who attends a council or committee meeting is entitled to be paid —

(a) the fee determined for attending a council or committee meeting; or

(b) where the local government has set a fee within the range determined for council or committee meeting attendance fees, that fee.

(5) The mayor or president of a local government is entitled, in addition to any entitlement that he or she has under subsection (1) or (2), to be paid —

(a) the annual local government allowance determined for mayors or presidents; or

(b) where the local government has set an annual local government allowance within the range determined for annual local government allowances for mayors or presidents, that allowance.

Policy Implications

Nil

Consultation

Internal: Council

External: Salaries and Allowances Tribunal

Financial Implications

The allowance paid to the President is set at the time of budget adoption in accordance with the limitations placed on it under the Local Government Act, 1995.

Strategic Implications

Shire of Lake Grace Strategic Community Plan

Economics Focus (Area 5)

- Transparent Government financial planning

Voting Requirements

Simple majority required.

Recommendation/Resolution**RESOLUTION 12235**

Moved Cr Chappell

Seconded Cr Armstrong

That Council endorse the attached submission and authorise the Chief Executive Officer to lodge the submission with the Salaries and Allowances Tribunal.

MOTION CARRIED 9/0

17.0 INFORMATION BULLETIN

17.1 INFORMATION BULLETIN REPORT – FEBRUARY 2016

Applicant:	Executive Services
File No.	N/A
Attachments:	Information Bulletin (<i>under separate cover</i>)
Author:	Mrs Jeanette Bennett Executive Officer
Disclosure of Interest:	Nil
Date of Report:	16 February 2016
Senior Officer:	Mr Neville Hale 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 (February 2016) Information Bulletin Report has been emailed to Councillors.

The February 2016 Information Bulletin attachment includes:

Reports

1. Council Status Report – December 2015
2. Infrastructure Services Report – December 2015
3. Infrastructure Services Report - January 2016
4. Outstanding Rates Report –
5. Monthly Schedules – December 2015
6. Monthly Schedules – January 2016
7. CESM Report
8. Lake Grace Library Report & Statistics
9. Newdegate Library Report & Statistics
10. Lake King Library Report & Statistics

Letters

11. Lord Mayors Distress Relief Fund

Circulars & Newsletters

12. Main Roads WA – 2015 Fatality Statistics
13. WALGA Economic Briefing – December 2015

14. WALGA Info Page – Rules of Conduct Review
15. WALGA Info Page – Guidelines for Preparing a Bushfire Management Plan

Minutes

16. Audit Committee 21 December 2015
17. Newdegate Rejuvenation Committee 2 February 2016
18. 4WDL Minutes 10 February 2016
19. WALGA State Council – Summary Minutes December 2015
20. Rural Water Council Minutes – October 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.

Recommendation/Resolution**RESOLUTION 12236**

Moved Cr Hunt
Seconded Cr Lloyd

That Council accepts the Information Bulletin report.

MOTION CARRIED 9/0

18.0 URGENT BUSINESS BY DECISION OF THE MEETING

None.

19.0 SCHEDULING OF MEETING

19.1 MARCH 2016 ORDINARY MEETING

As per Resolution 12181, 18 November 2015, the March 2016 Ordinary Meeting of Council has been scheduled to take place on Wednesday 23 March 2016, commencing at 3.00 pm in the Varley Sports Pavilion, Varley WA 6355.

4.21 pm The Shire President adjourned the meeting for afternoon tea and the Council Information Session.

6.22 pm Meeting reconvened with all those previously present in attendance with the exception of Mrs Naisbitt, Mr Shopov and Ms Holben.

20.0 CONFIDENTIAL BUSINESS – AS PER LOCAL GOVERNMENT ACT S5.23 (2)

RESOLUTION 12237

Moved Cr Chappell
Seconded Cr Stanton

That Council close the meeting to the public at this time, being 6.23 pm to discuss:

- Item 20.1 – Eclat Building Pty Ltd – Legal Advice Received; and ,
- Item 20.2 - Chief Executive Officer – Recruitment.

MOTION CARRIED 9/0

20.1 ECLAT BUILDING PTY LTD – LEGAL ADVICE RECEIVED

Item forwarded under separate cover

6.50 pm Ms Gobbart and Mrs Bennett left the meeting.

20.2 CHIEF EXECUTIVE OFFICER - RECRUITMENT

Item forwarded under separate cover

RESOLUTION 12238

Moved Cr Hunt
Seconded Cr Stanton

That Council, as per Part 9 of the Shire of Lake Grace Standing Orders Local Law, suspends Standing Orders at this time, being 6.52 pm to discuss the recruitment of a new Chief Executive Officer.

MOTION CARRIED 9/0

RESOLUTION 12239

Moved Cr Hunt
Seconded Cr Stanton

That Standing Orders resume at this time, being 8.09 pm.

MOTION CARRIED 9/0

RESOLUTION 12240

Moved Cr Hunt
Seconded Cr Stanton

That Council re-open the meeting to the public at this time, being 8.14 pm.

MOTION CARRIED 9/0

The Shire President read aloud the following resolutions:

RESOLUTION 12241

Moved Cr Hunt
Seconded Cr Marshall

That on the advice of the Shires' solicitors, no further action be taken against Eclat Building Pty Ltd in relation to the Newdegate Independent Living Units and Lesser Hall Development.

MOTION CARRIED 9/0

Resolution

RESOLUTION 12242

Moved Cr Stanton
Seconded Cr Lloyd

That Council:

1. In accordance with Clause 16.1 of the Shire's Standing Orders Local Law suspend Part 9 – Procedures for Debate of Motions of its Standing Orders to allow discussion regarding the recruitment and selection of a new Chief Executive Officer and the appointment of a suitable recruitment specialist to assist in that regard;
2. In accordance with Regulation 18C of the Local Government (Administration) Regulations 1996, appoint and enters into an agreement with LO-GO Appointments to assist Council with the recruitment and selection process for a new Chief Executive Officer, including:
 - a. Development or review of the position description;
 - b. Development of the selection (performance) criteria including desired and essential skills, knowledge and qualifications;
 - c. Determine a recommended salary package that meets the Salaries and Allowances Tribunal Determination under section 7a of the Salaries and Allowances Act 1975 – Local Government CEO Band requirements;
 - d. Drafting and lodgement of advertisement
 - e. Preliminary assessment of applications;
 - f. Final short listing;
 - g. Drafting of interview questions;
 - h. Assisting with the conduct of interviews; and
 - i. Finalising the contract of employment
3. Participates as the Selection Panel regarding the recruitment and selection of the new Chief Executive Officer;
4. In accordance with section 5.36 of the Local Government Act 1995 and regulation 18A(1)(b) of the Local Government (Administration) Regulations 1996 appoint Ms Denise Gobbart as the Acting Chief Executive Officer following the departure of Mr Hale until the new Chief Executive Officer can take up his/her appointment.

MOTION CARRIED 9/0

21.0 CLOSURE

There being no further business, the Shire President closed the meeting at 8.15 pm.

22.0 CERTIFICATION

I, _____, certify that the minutes of the meeting held on the 24 February 2016 as shown were confirmed as a true record at the meeting held on the 23 March 2016.

Shire President

Date