

Shire of Lake Grace

Ordinary Council Meeting



NOTICE PAPER

To the President and Councillors

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

Date: Wednesday 27 April 2016

At: Council Chambers,
1 Bishop St, Lake Grace WA

Commencing: 3.00 pm

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

A handwritten signature in blue ink, appearing to read "Neville Hale", is written over a light blue horizontal line.

Neville Hale
Chief Executive Officer

21 April 2016
Date

Shire of Lake Grace

Ordinary Council Meeting

Agenda

27 April 2016

Meeting Commencing at 3.00 pm



Disclaimer

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

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SHIRE OF LAKE GRACE

Agenda for the Ordinary Meeting of Council to be held at the Council Chambers, 1 Bishop Street, Lake Grace on Wednesday 27 April 2016.

1.0 OPENING & ANNOUNCEMENT OF VISITORS

The Shire President opened the meeting at __ pm.

2.0 ATTENDANCE RECORD

2.1 PRESENT

Cr JF De Landgraft	Shire President
Cr SG Hunt	Deputy Shire President
Cr R Chappell	
Cr DS Clarke	
Cr RA Lloyd	
Cr AD Marshall	
Cr MG Stanton	
Cr AJ Walker	

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
Ms N Bowman	Governance & Council Support Officer

Observers/Visitors

2.2 APOLOGIES

Cr LW Armstrong

2.3 LEAVE OF ABSENCE PREVIOUSLY GRANTED

Resolution 12219, 24 February 2016

Cr Marshall has approved leave of absence from 29 July to 22 August 2016.

3.0 PUBLIC QUESTION TIME

4.0 APPLICATIONS FOR LEAVE OF ABSENCE

4.1 (CR DE LANDGRAFFT)

5.0 MINUTES OF PREVIOUS COUNCIL MEETINGS

5.1 ORDINARY MEETING – 23 MARCH 2016

Resolution

RESOLUTION

Moved Cr
Seconded Cr

That the minutes of the Ordinary Meeting of Council held on the 23 March 2016 be confirmed as a true and accurate record.

MOTION CARRIED

6.0 DECLARATIONS OF INTEREST

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

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

6.3 DECLARATIONS OF IMPARTIALITY INTEREST – ADMINISTRATION REGULATION SECTION 34C

7.0 NOTICES OF URGENT BUSINESS

8.0 MOTIONS OF WHICH NOTICE HAS BEEN RECEIVED

8.1 NOTICE OF MOTION TO REVOKE A DECISION - CR CLARKE

A notice of motion to revoke in relation to Resolution 12140 of Item 20.3 - Workforce Planning & Organisational Structure of the 23 September 2015 Ordinary Meeting, has been received from Cr Clarke, this will be considered under Confidential Business at Item 20.1.

9.0 PETITIONS/DEPUTATIONS/PRESENTATIONS/SUBMISSIONS

Nil.

10.0 MEMBERS' REPORTS

10.1 CR CHAPPELL

10.2 CR CLARKE

10.3 CR DE LANDGRAFFT

10.4 CR HUNT

10.5 CR LLOYD

10.6 CR MARSHALL

10.7 CR STANTON

10.8 CR WALKER

11.0 MATTERS FOR CONSIDERATION – INFRASTRUCTURE SERVICES

No matters for consideration.

12.0 MATTERS FOR CONSIDERATION – PLANNING
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12.1 PLANNING APPLICATION – PROPOSED NEW SINGLE DWELLING ON LOT 220 (NO.19) WATTLE DRIVE, LAKE GRACE

Applicant:	Arthur & Glenda Slarke (Landowners)
File No.	0454
Attachments:	1. Location Plan 2. Existing Lot Configuration 3. Aerial Site Plan 4. Site Development Plan 5. Floor Plan (<i>under separate cover</i>) 6. Elevations
Author:	Mr Joe Douglas & Carlo Famiano (Urban & Rural Perspectives) Town Planning Consultant
Disclosure of Interest:	Nil
Date of Report:	12 April 2016
Senior Officer:	Mr Neville Hale



Chief Executive Officer

Summary

This report recommends that a planning application submitted by Arthur & Glenda Slarke ('Landowners') to construct a new single storey modular dwelling on Lot 220 (No.19) Wattle Drive, Lake Grace be approved subject to conditions.

Background & Comment

The applicant is seeking Council's planning approval to construct a new single storey modular dwelling on Lot 220 (No.19) Wattle Drive, Lake Grace.

Lot 220 is located in the eastern part of the Lake Grace townsite on the northern side of the intersection of Wattle Drive and Blackbutt Way and has direct frontage and access to Wattle Drive along its southern boundary. The land is irregular in shape, comprises a total area of approximately 818 square metres, and is relatively flat throughout (see Plans 1 & 2).

Lot 220 has been extensively cleared and is currently unused/vacant land with no physical improvements (i.e. it is a newly developed residential lot) (see Plan 3).

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

- i) Construction of a new 231 square metres single detached modular dwelling comprising four (4) bedrooms, two (2) bathrooms, two (2) car parking bays, alfresco area and a verandah along its front facade (see Plans 4 to 6);
- ii) The dwelling will have a wall height of 2.5 metres and a ridge height of approximately 4 metres;
- iii) The dwelling will be constructed of weatherboard/fibre cement wall cladding and colorbond roofing (i.e. 'Dune' colour). A part of the external wall cladding will also include feature colorbond sheeting (i.e. 'Jasper' colour);

- iv) Construction of a new temporary driveway crossover along the land's Wattle Drive frontage with provision to construct a new crossover from the future subdivisional road to be constructed along the land's eastern boundary; and
- v) The provision of all necessary connections to power, water, telecommunications and reticulated sewerage disposal infrastructure with stormwater drainage to be directed to the local road and associated drainage network.

Lot 220 is classified 'Residential' zone under the Shire of Lake Grace's current operative Local Planning Scheme No.4 (LPS No.4) with an applicable residential density coding of R20.

Under the terms of LPS No.4 the development and use of land in the 'Residential' zone for the purpose of a single dwelling is classified as permitted ('P').

Lot 220 is located within a Structure Plan area adopted by Council on 27 May 2009. It is significant to note that under the terms of the Structure Plan a new sub divisional road will be constructed along the land's eastern boundary at some point in the future to provide dedicated frontage and access to Lot 220.

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

- i) *64% of the proposed outdoor living area will be covered with a permanent structure in lieu of a maximum one-third (i.e. 33.3%) coverage allowed by Element 5.3.1 C1.1 of the R-Codes entitled 'Outdoor living areas'.*

The following is a brief discussion of this non-compliance issue:

R-Code Element 5.3.1 C1.1 – 'Outdoor living areas'

As mentioned above 64% of the outdoor living area for the new dwelling will be covered with a permanent structure in lieu of a maximum coverage of 33.33% allowable by the 'deemed to comply requirements' of Element 5.3.1 C1.1 of the R-Codes.

Council may consider this non-compliance issue under the 'design principles criteria' contained in Element 5.3.1 which expressly states:

"P1.1 Outdoor living area which:

- *are capable of use in conjunction with a habitable room of the dwelling;*
- *are open to winter sun and ventilation; and*
- *optimise use of the northern aspect of the site.*

P1.2 Balconies or equivalent outdoor living areas capable of use in conjunction with a habitable room of each dwelling, and if possible, open to winter sun."

Following a detailed assessment of the application in the context of the above 'design principles criteria' the reporting officers' have concluded the proposed coverage of the outdoor living area for the new dwelling is capable of being supported and approved by Council for the following reasons:

- i) The outdoor living area (i.e. 84 square metres) is greater than the minimum area required by the R-Codes (i.e. 30 square metres);

- ii) The outdoor living area has been designed to be used in conjunction with a habitable room (i.e. dining/living room), providing a functional/usable entertaining area for the future occupants of the dwelling;
- iii) The outdoor living area will have good access to northern winter sun;
- iv) Lot 220 is located in close proximity to a public open space reserve which is capable of supplementing the day-to-day recreational needs of the future occupants of the dwelling; and,
- v) The outdoor living area will be shaded from the summer sun and will provide a more usable outdoor living area both day and night.

In light of the above it is contended the proposed coverage of the outdoor living area for the new dwelling on Lot 220 satisfies the 'design principles criteria' of Element 5.3.1 of the R-Codes and may therefore be supported and approved by Council.

Additional Information

The plans prepared in support of the application do not provide an accurate contour and site feature survey which is typically required for planning assessment purposes. As such it is recommended that Council impose a condition on any planning approval issued requiring the finished floor for the proposed new dwelling not to exceed 500 millimetres above land's natural ground level (NGL) as per the 'deemed to comply requirements' of Element 5.3.7 C7.1 of the R-Codes entitled 'Site Works'.

Legal Implications

Planning and Development Act 2005

Shire of Lake Grace Local Planning Scheme No.4

Planning and Development (Local Planning Schemes) Amendment Regulations 2015 (LPS Amendment Regulations) – As the land in question comprises an area less than 1,100 square metres a Bushfire Attack Level (BAL) assessment is not required in this particular instance.

Policy Implications

State Planning Policy No.3.1 - *Residential Design Codes of Western Australia*

State Planning Policy 3.7 - *Planning in Bushfire Prone Areas*

Consultation

Nil

Financial Implications

Nil

Strategic Implications

Nil

Recommendation

That the application for planning approval submitted by Arthur & Glenda Slarke (Landowners) to construct a new single storey modular dwelling on Lot 220 (No.19) Wattle Drive, Lake Grace be approved subject to compliance with the following conditions and advice notes:

Conditions:

1. The proposed development shall be undertaken in a manner consistent with the information and plans submitted in support of the application unless otherwise approved by Council;
2. The proposed vehicle crossover to Wattle Drive, temporary driveway and parking areas shall be constructed and maintained to the specifications and satisfaction of the Shire of Lake Grace;
3. The vehicle crossover to Wattle Drive and temporary driveway shall be decommissioned and a new permanent vehicle crossover and driveway constructed along the land's eastern side boundary within ninety (90) days of opening of the proposed new subdivisional road to the specifications and satisfaction of the Shire of Lake Grace;
4. The finished floor level of the proposed dwelling shall not exceed 500 millimetres above the natural ground level (NGL);
5. The dwelling shall be connected to reticulated sewerage disposal infrastructure to the specifications and satisfaction of the Shire of Lake Grace;
6. All stormwater drainage discharge generated by the approved structures shall be managed and disposed to the specifications and satisfaction of the Shire of Lake Grace; and,
7. The street verges adjacent to the subject land shall be landscaped to the satisfaction of the Shire of Lake Grace.

Advice Notes:

1. The proposed development shall be substantially commenced within a period of two (2) years from the date of this approval. If the development is not substantially commenced within this period this approval will lapse and be of no further effect. Where this approval has lapsed, no development shall be carried out without the further approval of the Shire of Lake Grace having first been sought and obtained;
2. A completed building permit application must be submitted to and approved by the Shire's Building Surveyor prior to the commencement of any construction on the land including any future proposed internal fit out works;
3. The proposed development is 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. No construction works shall commence on the land prior to 7.00 am without the Shire's written approval. No construction works are permitted on Sundays or Public Holidays; and,
6. Failure to comply with any of the conditions of this planning approval constitutes an offence under the provisions of the *Planning and Development Act 2005* and the Shire of Lake Grace Local Planning Scheme No.4 and may result in legal action being initiated by the local government.

Voting Requirements

Simple majority required.

Resolution

Moved Cr

Seconded Cr

13.0 MATTERS FOR CONSIDERATION – HEALTH & BUILDING

13.1 MOSQUITO MANAGEMENT PLAN FOR SHIRE OF LAKE GRACE

Applicant: Environmental Health Officer
File No. 0327
Attachments: Nil
Author: Mrs Lauren Pitman

Environmental Health Officer

Disclosure of Interest: Nil
Date of Report: 19 April 2016
Senior Officer: Mr Neville Hale

Chief Executive Officer

Summary

The Shire's Environmental Health Officer (EHO) is looking into ways of reducing the mosquito pest nuisance within the townsites of Shire of Lake Grace.

A holistic approach is required if the reduction in adult mosquitos is to be successful. This would include treatment of flying adults, the larval environment and reducing breeding sites or making them more manageable. It is known that Ross River Virus cases have emerged in the vicinity in the past and it is in the Shire's best interests to try and prevent the occurrence of further Ross River Virus cases and other mosquito borne diseases in the future.

Background

The towns of Lake Grace, Lake King, Varley and Newdegate are located in close proximity to salt lake wetland. This can present a problem; the breeding of salt marsh mosquitos. The towns have been treated with mosquito adulticides used in foggers. The fogging programs have been ad-hoc but highly valued by the community as it seems to bring some relief and temporarily reduce the adult flying mosquito numbers. Fogging should be done in conjunction with treating areas of stagnant water for mosquito larvae, as these present breeding sites. This has also occurred on an ad-hoc basis. The Shire's current fogger is now in a state of disrepair and not reliable enough to use. Parts can no longer be sourced for it and as a result it cannot be repaired.

Since 2006 there have been 11 cases of Ross River Virus confirmed in the Shire of Lake Grace. The data does not show whether the residents acquired the infection within the Shire of Lake Grace or elsewhere in the State, Australia or overseas.

The proposed Mosquito Management Plan will build on the previous Plan prepared by the Health Department following the 2006 floods.

Comment

Over the last few weeks as a result of the summer and autumn rain events, the amount of mosquitos has increased noticeably. In the town of Lake Grace, the Shire's EHO has noticed that there is stagnant water accumulated in open roadside drains which provides a perfect breeding environment for mosquitos. The drains are overgrown with vegetation which makes it worse and they may not be graded with enough fall for the water to run away. It is recommended that all drains identified in this state should be cleared and graded to ensure stormwater runs away. This will reduce breeding environment and give a more confined environment to treat.

The areas to where water does flow after rain events, need to be identified and treated, if possible, with the appropriate larvicide. It is noted that due to the large expanse of some of the wetland areas there may only be capacity to fog these areas on a regular basis rather than treat the water with larvicide.

A new fogger should be purchased to replace the old fogger, as well as a larvicide applicator/spreader if budget permits, and the areas in need of treatment should be identified and treated by both larviciding (if possible) and fogging. The Shire's EHO can collect quotes for suitable equipment.

To address the concerns a management plan will be put in place which includes community consultation and communication so that breeding areas can be identified and mapped out. A larviciding program is planned to commence immediately after rains in summer, autumn and spring, and fogging should follow. Also community communication via the local newspapers and the Shire's website and Facebook is to be established as a permanent method of communicating fogging times, and warning residents when fogging is likely to occur or will occur.

The above mentioned strategies, as well as the Shire managing and maintaining the open drainage channels in the towns, will form part of the management plan to manage the risk of mosquito borne diseases and the comfort of people in the community.

Accordingly, a budget provision will be put forward in the 2016/17 budget deliberations for the purchase of the vehicle mounted treatment units and chemicals for the 2016-2017 year, allow for employees to work overtime to perform certain tasks such as fogging which is best done in the evening and early morning and incorporate drain maintenance.

The Shire's EHO is available to facilitate this service and is in the process of establishing a Mosquito Management Plan for the Shire.

Legal Implications

Local Government Act 1995 – s6.2: local governments to prepare annual budget

Policy Implications

Nil

Consultation

Internal: Chief Executive Officer
Shire Mechanic (*Shire's mosquito control*)

Financial Implications

A budget for this program will need to be considered for the 2016-17 financial year. It is anticipated the fogging units would cost in the order of \$7,500 to \$10,000 with pricing to be confirmed for budget consideration.

Strategic Implications

Nil

Recommendation

It is recommended that Council endorse the revision of its Mosquito Management Plan for the Shire and formation of a budget associated with the implementation of the Mosquito Management Plan and purchase of new equipment for consideration in its 2016 – 2017 budget deliberations.

Voting Requirements

Simple majority required.

Resolution

Moved Cr

Seconded Cr

14.0 MATTERS FOR CONSIDERATION – FINANCE

14.1 ACCOUNTS FOR PAYMENT – MARCH 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: 15 April 2016
Senior Officer: Ms Denise Gobbart



Acting Manager Corporate Services

Summary

For Council to ratify expenditures incurred for the month of March 2016

Background

List of payments for the month March 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/Fuel Cards

Policy 3.7 - Purchasing Policy

Consultation

N/A

Financial Implications

The list of creditors paid for the month of March 2016 from the Municipal and Trust Account Total \$ 899,388.02.

Strategic Implications

Shire of Lake Grace Strategic Community Plan

Civic Leadership Focus Area (5)

- Excellence in Shire administration and communication

Recommendation

That Council ratify the list of payments totalling \$ 899,388.02 as presented for the month of March 2016 incorporating:

- Trust Account Cheques:	876 to 882	\$	4,984.55
- Electronic Funds Transfer:	EFT 15207 to EFT15332	\$	592,735.73
- Municipal Account Cheques:	Cheque 36214 to 36223	\$	28,277.46
- Direct Debits:	DD6041.1-DD6041.8	\$	126,398.78
	DD6065.1-DD6065.8		
	DD6094.1-DD6094.17		
	DD6098.1-DD6095.8		
- Electronic Funds Transfer:	Payroll Net Pay	\$	146,991.50

Voting Requirements

Simple majority required.

Resolution

Moved Cr

Seconded Cr

14.2 FINANCIAL STATEMENTS - MARCH 2016

Applicant: Shire of Lake Grace
File No. 0275
Attachments: 1. Financial Reports March 2016
2. Bank Reconciliations
Author: Ms Denise Gobbart


Acting Manager Corporate Services

Disclosure of Interest: Nil
Date of Report: 15 April 2016
Senior Officer: Mr Neville Hale


Chief Executive Officer

Summary

Consideration of the financial statements for the month ending 31 March 2016.

Background

The following financial reports for March 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 period ended 31 March 2016.

Voting Requirements

Simple majority required.

Resolution

Moved Cr

Seconded Cr

14.3 LOT 1 SOUTH ROAD LAKE GRACE – DRAINAGE - ESTATE OF JAMES CARRUTHERS

Applicant: Ashley Carruthers
File No. 0097
Attachments: 1. Minutes 29 November 1974
2. Letter to Mr James Carruthers Jnr
3. Letter to Hammond King Touyz
4. Letter & Offer and Acceptance
Author: Mr Neville Hale
Chief Executive Officer
Disclosure of Interest: Nil
Date of Report: 19 April 2016
Senior Officer: Mr Neville Hale



Chief Executive Officer

Summary

For Council to consider its response to a request from Ashley Carruthers for the payment of \$36,000, inclusive of compound interest, in satisfaction for payment of land being Lot 1 on Diagram 53275, Williams Location 14146.

Background

In 1974 the Shire engaged an engineering consultant to resolve surface water issues in the Stubbs Street and Dunham Street areas that required purchase of one (1) acre of land along South Road to be acquired from the late James and Margaret Carruthers.

The land once acquired, some 40 years ago, accommodated the construction of the South Road Drainage Project.

A chronology of events is as follows:

Council, on 29 November 1974, held a Special Meeting wherein the Minutes show that President O.R. Kirwan explained the situation regarding Mr James Carruthers' objection to the using of his land, totalling approximately one (1) acre. It was resolved that Council negotiate with Mr J Carruthers on a settlement for the land required for use by Council for drainage purposes.

Furthermore, Council resolved to negotiate on Mr James Carruthers' Jnr offered price of \$700 per acre (see attached copy of Minutes).

The Minutes of Council's 29 January 1975 Ordinary Meeting show that Council resolved to proceed with the construction of the South Street Drainage Project with subsequent Minutes of April 1975 indicating that the drainage system was working well;

On 19 December 1975, Council wrote to Mr Carruthers (see attached) advising that the fence should be erected by 31 March 1976 and the Titles changed by 30 June 1976. A \$500 payment was made as a deposit as the \$700 price requested by Mr Carruthers was still subject to negotiation and there is no evidence it had been accepted by Council.

On 23 September 2010 Mr James Carruthers Jnr is reported to have come to the office with a copy of the 19 December 1975 letter. Subsequent investigation highlighted that: *“The problem is that whoever initiated the subdivision process has never actually finalised it which means that the new lot excised from Mr Carruthers’ land comprising an area of 5,221 square metres has never been formally created”*.

On 10 February 2010, McLeods Barristers and Solicitors provided an Application for New Titles to finalise the subdivision which on 8 March 2011 were on sent to Mr James Carruthers Jnr to be completed by him with a request for him to submit the current Duplicate Certificate of Title.

The subdivision process was completed in April 2011 but had been complicated by the fact that Margaret Carruthers (the late Mr Carruthers’ wife) who held a half share of the parcel of land from which Lot 1 was excised had died on 14 January 2004, but her name was still on the certificate of title to the parent lot as a tenant in common.

As there was insufficient time for the Shire to negotiate an agreement with Mr Carruthers on the amount of the balance of the purchase price prior to the deadline for finalisation of the subdivision, the subdivision was finalised without any transfer of Lot 1 being carried out.

On 14 October 2014 McLeods forwarded to the Shire the Certificate of Title for Lot 1 Diagram 53275 which is now in the names of the late James Carruthers Jnr (1/2 share) and Ashley James Carruthers and Christopher David Carruthers as executors of the Will of Margaret Carruthers (1/2 share) as tenants in common.

In May 2015 the Shire received a letter from Hammond King Touyz, Barristers and Solicitors acting on behalf of Ashley James Carruthers and Christopher David Carruthers, the executors of the Estate of James Carruthers (Dec’d) seeking confirmation as to whether the Shire held the Duplicate Certificate of Title.

On 14 May 2015, in response to the letter from Hammond King Touyz, McLeods confirmed that the Shire is the holder of the Certificate of Title pending agreement being reached on the purchase price so that the land could be transferred to the Shire (see attached letter).

On 4 June 2015 the Shire Chief Executive Officer met with Mr Chris Carruthers to discuss a suitable price for the land and a figure of \$1,200 was mentioned as a means of moving this matter towards some conclusion.

On 30 June 2015 a letter together with an Offer and Acceptance was forwarded to Christopher and Ashley Carruthers for consideration (see attached letter).

On 7 March 2016, Mr Ashley Carruthers responded, rejecting the offer of \$1,200 and on the basis of the \$500 deposit paid in 1975, seeking \$36,000.

Comment

One of the difficulties of this matter has been the time that has elapsed since the South Street Drainage Project was undertaken and the lack of clarity in regard to the purchase price for the 5,221 square metres of land required for the project.

Over the ensuing years, the focus has been on the finalisation of the subdivision and creation of Lot 1 Diagram 53275 and the associated delays and uncertainty that evolved firstly from the passing of Mr James Carruthers Snr, then the passing of Margaret Carruthers and finally the passing of Mr James Carruthers Jnr.

In his letter of 7 March 2016, Mr Ashley Carruthers has suggested that the original purchase price of the land was estimated to be \$5,000 based on the \$500 deposit paid in January 1976 and the deposit being 10% of the full price as is often the custom.

The attached Minutes of the Special Meeting of Council held on 29 November 1974 clearly show that the price requested by Mr James Carruthers Jnr for the land is \$700 per acre where 5,221 square metres equals 1.29 acres. Accordingly the price for the land would be no more than $1.29 \times \$700 = \903 of which a deposit of \$500 was paid. One needs to bear in mind that the asking price of \$700 per acre was in the order of tenfold the going rate for land at the time and is why the negotiation for a final agreement was requested by Council. There is no evidence to hand that an alternative price, i.e. less than \$700 per acre, was ever reached. Accordingly it would seem reasonable to use that as the agreed price leaving an outstanding balance of \$403.

Based on the same compound interest calculation as outlined by Ashley Carruthers, the outstanding \$403 would now equate to \$3,881.

Legal Implications

Local Government Act 1995 – s6.8 – Expenditure from municipal fund not included in annual budget

Local Government (Functions and General) Regulations Reg 8(1)(a) – Exempt land transactions

Policy Implications

N/A

Consultation

External McLeods Barristers and Solicitors

Financial Implications

The settlement of this land transaction would incur a cost of up to \$4,000 (\$3,881 rounded) for the land plus legal and conveyancing costs to finalise the Certificate of Title transfer at a further cost of \$600 to \$1,000.

Strategic Implications

N/A as the finalisation of project was undertaken in 1975.

Recommendation

1. That Council, on the basis of the original offer by James Carruthers Jnr of \$700 per acre, as recorded in the Minutes of Council's 29 November 1974 Special Meeting, advise Mr Ashley Carruthers that the Shire:
 - a) Is prepared to offer the sum of \$4,000 to finalise the original land transaction for the purchase of Lot 1 Diagram 53275;
 - b) Upon acceptance of this offer, will arrange the release of the duplicate Certificate of Title to facilitate the transfer of the land, first to the Estate of Mr James Carruthers Jnr and subsequent transfer of the land to the Shire; and,
 - c) Should the offer be accepted, Council authorise an unbudgeted expenditure of up to \$5,000 for the land and associated legal costs to be expensed from account E104500 Land - Urban Stormwater Drainage.
2. That Council authorise the Shire President and Chief Executive Officer to affix its Common Seal to the required Transfer of Land and associated documents as required.

Voting Requirements

Absolute majority (5) required.

Resolution

Moved Cr

Seconded Cr

14.4 **UNBUDGETED EXPENDITURE – DOCTORS VEHICLE ROOBAR**

Applicant: Dr Manus Lochner
File No. 0319
Attachments: Nil
Author: Mr Neville Hale
Chief Executive Officer
Disclosure of Interest: Nil
Date of Report: 20 April 2016
Senior Officer: Mr Neville Hale



Chief Executive Officer

Summary

For Council to consider a request from Dr Lochner for the attachment of a “roobar” to the vehicle provided by the Shire.

Background

At a recent meeting with Dr Lochner, attended by the Shire President Jeanette De Landgraft, Deputy Shire President Steve Hunt and Chief Executive Officer (CEO), Dr Lockner expressed concerns about the lack of a “roobar” on the Shire vehicle.

Dr Lochner is required to attend after hours call-outs and uses the vehicle between Lake Grace and Newdegate and occasionally on weekends. Following a number of near misses in recent weeks Dr Lochner believes a “roobar” would provide increased protection in case of a collision and provide a greater sense of security.

Comment

The request for the “roobar” was generally supported by those in attendance at the meeting and the merits of the request were discussed in depth.

Following the meeting the CEO requested the Shire’s mechanic to obtain quotes for the supply and fitting of a “roobar” with the best price being Ingreys of Narrogin - \$2,547, if one also makes provision for the time required to deliver the vehicle.

Legal Implications

Local Government Act 1995 – s6.8 - Expenditure from municipal fund not included in annual budget.

Policy Implications

Policy 3.7 Purchasing Policy – purchases of \$500 to \$5,000 require a minimum of two (2) verbal quotes.

Mr Bob Palmer has advised that along with the “roobar” itself the additional costs include provision for fog or driving lamp lights to be in bar as the GXR Pajero has these lamps fitted plus provision for airbag mounts to be added on top the quote plus fitting.

Quotes have been obtained from:

- Irvin Bullbars (PH 9274 2511)
- Auto Extra Bullbars Perth (PH 9201 1888)
- WA Bullbars Perth
- Smiths Aluminium Albany (PH 9842 2617)
- Ingreys Mitsubishi Narrogin
- Endee Metals Bayswater

On the bases of the written quotes obtained for the supply and fitting of the “roobar” Ingreys Narrogin has been selected.

Consultation

N/A

Financial Implications

An unbudgeted expense of \$2,547 would be incurred for the “roobar”, plus staff time of \$200 - \$300.

Strategic Implications

N/A

Recommendation

That Council authorise an unbudgeted expense of \$2,847 from account E077054 – Medical Practice Vehicles Capital Expense for the supply and fitting of a “roobar” to the doctor’s vehicle LG 1825.

Voting Requirements

Absolute majority (5) required.

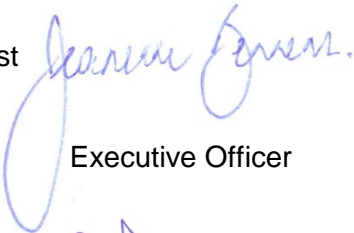
Resolution

Moved Cr

Seconded Cr

14.5 DISPOSAL OF SURPLUS ASSETS – HP ELITE PADS

Applicant: Executive Officer
File No. 0427
Attachments: Email – Expression of Interest
Author: Mrs Jeanette Bennett



Executive Officer

Disclosure of Interest: Nil
Date of Report: 19 April 2016
Senior Officer: Mr Neville Hale



Chief Executive Officer

Summary

For Council to consider the disposal of, by way of donation, nine HP Elite Pad 900's for use by students at the Lake King Primary School.

Background

During 2014, the Shire purchased nine HP Elite Pad 900's, for use by Councillors to receive and send emails and to have access to Council meeting papers and the like in electronic format.

Over the course of time the tablets were found to be not suited to the task and during 2015 Councillors upgraded to Microsoft Surface Pro tablets.

As the HP Elite Pads were no longer required, and they are not highly sought after as a second hand sale item, it was suggested that they may be useful to our local schools.

The author made contact with the Principals of the three local schools, i.e. Lake Grace District High School, Newdegate Primary School and Lake King Primary School to determine their interest in receiving some of the tablets.

Lake King Primary School replied that they are very interested in the tablets (see email attached) with both Lake Grace and Newdegate indicating no interest.

Comment

The nine tablets are in good working order, are surplus to requirements and are of no further use to the Shire. Should Council agree to the donation of the nine tablets to the Lake King Primary School, it will provide students with a valuable resource as at this stage Lake King do not have any tablets available for student use.

In terms of compliance under the *Local Government Act 1995* s3.58, the donation of the Elite Pad 900's to the Lake King Primary School is covered under the *Local Government (Functions and General) Regulations 1996*, Regulation 30 (3) whereby disposition of property other than land is an exempt disposition where the market value is less than \$20,000 – refer Legal Implications.

Legal Implications

Local Government Act 1995

s3.58. Disposing of property

- (1) In this section -
 - dispose** includes to sell, lease, or otherwise dispose of, whether absolutely or not;
 - property** includes the whole or any part of the interest of a local government in property, but does not include money.
- (2) Except as stated in this section, a local government can only dispose of property to -
 - (a) the highest bidder at public auction; or
 - (b) the person who at public tender called by the local government makes what is, in the opinion of the local government, the most acceptable tender, whether or not it is the highest tender.
- (3) A local government can dispose of property other than under subsection (2) if, before agreeing to dispose of the property -
 - (a) it gives local public notice of the proposed disposition -
 - (i) describing the property concerned; and
 - (ii) giving details of the proposed disposition; and
 - (iii) inviting submissions to be made to the local government before a date to be specified in the notice, being a date not less than 2 weeks after the notice is first given; and,
 - (b) it considers any submissions made to it before the date specified in the notice and, if its decision is made by the council or a committee, the decision and the reasons for it are recorded in the minutes of the meeting at which the decision was made.
- (4) The details of a proposed disposition that are required by subsection (3)(a)(ii) include
 - (a) the names of all other parties concerned; and
 - (b) the consideration to be received by the local government for the disposition; and
 - (c) the market value of the disposition -
 - (i) as ascertained by a valuation carried out not more than 6 months before the proposed disposition; or
 - (ii) as declared by a resolution of the local government on the basis of a valuation carried out more than 6 months before the proposed disposition that the local government believes to be a true indication of the value at the time of the proposed disposition.
- (5) This section does not apply to -
 - (a) a disposition of an interest in land under the *Land Administration Act 1997* section 189 or 190; or
 - (b) a disposition of property in the course of carrying on a trading undertaking as defined in section 3.59; or
 - (c) anything that the local government provides to a particular person, for a fee or otherwise, in the performance of a function that it has under any written law; or
 - (d) any other disposition that is excluded by regulations from the application of this section.

Local Government (Functions and General) Regulations 1996, Regulation 30 (3) states:

- (3) A disposition of property other than land is an exempt disposition if —
- (a) its market value is less than \$20 000; or
 - (b) the entire consideration received by the local government for the disposition is used to purchase other property, and where the total consideration for the other property is not more, or worth more, than \$75 000.

Policy Implications

N/A

Consultation

Internal: Chief Executive Officer
 Manager Corporate Services
 Technical Officer

External: Principal, Lake Grace District High School
 Principal, Newdegate Primary School
 Principal, Lake King Primary School

Financial Implications

The value of the nine Elite Pads including the initial loading of software and set up costs in the Shire's Asset Register is as follows:

Purchase Value:	\$7,483.00
Less Depreciation;	<u>- \$1,309.53</u>
Written Down Value:	\$6,173.47

This equates to a value of \$685.94 each. The current value of a second hand Elite Pad 900 on the internet is approximately \$250.00.

The impact of this transaction is a Loss on Disposal of Asset of \$6,173.47 as at 21 April 2016.

Strategic Implications

Shire of Lake Grace Community Strategic Plan

Social S1: Maintain and improve the Shire as an attractive place to live

- S1.1 Maintain and support the growth of services including health, education, housing for the aged and well presented communities.

Recommendation

That Council authorise the:

1. Donation of the surplus nine (9) HP Elite Pad 900's to the Lake King Primary School;
and,
2. Disposal of the nine (9) Elite Pad 900's from the Shire's Asset Register, and associated financial transactions.

Voting Requirements

Absolute (5) majority required.

Resolution

Moved Cr

Seconded Cr

15.0 MATTERS FOR CONSIDERATION – COMMUNITY SERVICES

No matters for consideration.

16.0 MATTERS FOR CONSIDERATION - ADMINISTRATION

16.1 NEWDEGATE REJUVENATION COMMITTEE – NEWDEGATE COMMUNITY DEVELOPMENT ASSOCIATION REPRESENTATIVE APPOINTMENT

Applicant: Newdegate Community Development Association
File No. 0762
Attachments: Nil
Author: Mrs Jeanette Bennett



Executive Officer

Disclosure of Interest: Nil
Date of Report: 19 April 2016
Senior Officer: Mr Neville Hale



Chief Executive Officer

Summary

The purpose of this report is for Council to appoint a representative from the Newdegate Community Development Association (NCDA) to the Newdegate Rejuvenation Committee.

Background

At the 14 March 2016 Newdegate Town Centre Rejuvenation Committee Meeting, Cr Andrew Walker resigned from his position as a Committee Member of the Newdegate Town Centre Rejuvenation Committee. Council, at its 23 March 2016 Ordinary Meeting appointed Cr Lloyd as his replacement.

Prior to becoming a councillor, Cr Lloyd as NCDA secretary, was an appointed NCDA representative on the Committee. This left a vacancy for an NCDA representative.

The NCDA was contacted via email on 31 March 2016 seeking a replacement community representative for the vacancy.

NCDA President, Mrs Lynne Ellard replied via email on Monday 18 April 2016, advising that Ms Anne Rintoul is the NCDA nomination for the Newdegate Rejuvenation Committee.

Comment

The table below provides information regarding the Newdegate Town Centre Rejuvenation Committee:

Authority	<i>Local Government Act 1995</i> section 5.9 (1) and 5.9 (2) (d), section 7.
Delegation	No delegated authority
Current	Cr Armstrong, Cr De Landgraft, Cr Lloyd
Membership	Community Representatives – Mrs L Ellard, Mrs J Walker, Mrs D Gosling, Vacancy NCDA Representative
Meetings	As required
Current Status	Active

The charter of the Committee is to consult on the status of the Newdegate Town Centre Rejuvenation Project and where appropriate make recommendations to Council on the following matters:

- Stage One – Proposals for the design, construction and fit out of the Newdegate Medical Centre;
- Stage Two – Proposals for the Newdegate Town Hall additions or modifications; and,
- Stage Three – Proposals for the design, construction and fit-out of the Newdegate aged accommodation units.

Stages One and Three are complete.

Accordingly it is recommended that Council appoints Ms Anne Rintoul as the NCDCA representative for the Newdegate Rejuvenation Committee vacancy with a term expiring in October 2017.

Legal Implications

Local Government Act, 1995 - s5.9, s5.10, s5.11, s 5.17, s5.98

Local Government Act 1995 – s7

Local Government (Administration) Regulations 1996

Local Government (Financial) Regulations sections 4-8, as amended 2005

s5.10. Committee members, appointment of

- (1) *A committee is to have as its members —*
- (a) persons appointed* by the local government to be members of the committee (other than those referred to in paragraph (b)); and*
 - (b) persons who are appointed to be members of the committee under subsection (4) or (5).*
- * Absolute majority required.*

Policy Implications

N/A

Consultation

Internal: Newdegate Rejuvenation Committee

External: Newdegate Community Development Association (NCDCA)

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 appoint Ms Anne Rintoul as the Newdegate Community Development Association representative to the Newdegate Rejuvenation Committee with the term of office expiring October 2017.

Voting Requirements

Absolute majority (5) required.

Resolution

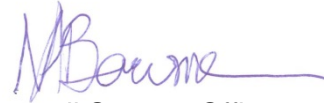
Moved Cr

Seconded Cr

17.0 INFORMATION BULLETIN

17.1 INFORMATION BULLETIN REPORT – APRIL 2016

Applicant:	Executive Services
File No.	N/A
Attachments:	Information Bulletin (<i>under separate cover</i>)
Author:	Ms Natasha Bowman



Governance & Council Support Officer

Disclosure of Interest:	Nil
Date of Report:	19 April 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 (April 2016) Information Bulletin Report has been emailed to Councillors.

The April 2016 Information Bulletin attachment includes:

Reports

1. Council Status Report – March 2016
2. Infrastructure Services Report – March 2016
3. Outstanding Rates Report – March 2016
4. Monthly Schedules – March 2016
5. 2016 Visitor Accommodation Study

Letters

6. WALGA - Main Roads Amendment Bill 2015
7. WALGA – Notice of Annual General Meeting 2016

Circulars & Newsletters

8. Department of Local Government and Communities – Circular 06/2016
9. Department of Local Government and Communities – Circular 07/2016
10. Minister for Local Government; Community Services; Seniors and Volunteering; Youth – Circular 02/2016

11. Minister for Local Government; Community Services; Seniors and Volunteering; Youth
– Circular 03/2016

Minutes

12. Newdegate Rejuvenation Committee Minutes – 11 April 2016
 13. 4WDL Minutes – 13 April 2016
 14. Wheatbelt General Practice Business Support Service Shire Governance Committee Minutes – 5 April 2016
 15. Eastern Wheatbelt Biosecurity Group Minutes – 8 April 2016
 16. Rural Water Council of WA Minutes – 11 March 2016
 17. Lake Grace Visitor Centre Minutes – 16 March 2016
 18. Lake Grace Regional Health Advisory Council Notes – 29 March 2016
 19. Lake Grace Community Library & Community Resource Centre Management Committee Minutes – 22 March 2016

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*

Recommendation

That Council accepts the Information Bulletin report.

Voting Requirements

Simple majority required.

Resolution

Moved Cr

Seconded Cr

18.0 URGENT BUSINESS BY DECISION OF THE MEETING

19.0 SCHEDULING OF MEETING

19.1 MAY 2016 ORDINARY MEETING

The next Ordinary Meeting of Council is scheduled to take place on Wednesday 25 May 2016, commencing at 3.00 pm at the Newdegate Library Resource Centre, Collier Street, Newdegate WA

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

RESOLUTION

Moved Cr
Seconded Cr

That Council close the meeting to the public at this time, being __ pm to discuss Item 20.1, Notice of Motion to Revoke – Cr Clarke.

MOTION CARRIED

20.1 NOTICE OF MOTION TO REVOKE A DECISION – CR CLARKE

Item forwarded under separate cover.

(Item relates to Resolution 12140 of Item 20.3 - Workforce Planning & Organisational Structure of the 23 September 2015 Ordinary Meeting).

RESOLUTION

Moved Cr
Seconded Cr

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

MOTION CARRIED

21.0 CLOSURE

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

22.0 CERTIFICATION

I, Jeanette Frances De Landgraftt, certify that the minutes of the meeting held on the 27 April 2016 as shown were confirmed as a true record at the meeting held on the 25 May 2016.

Shire President

Date