

Shire of Lake Grace

Ordinary Council Meeting



NOTICE PAPER

To the President and Councillors

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

Date: Wednesday 24 August 2016

At: Lake King Hall,
Newdegate-Ravensthorpe Road,
Lake King

Commencing: 3.00 pm

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

A handwritten signature in black ink, appearing to read "Denise Gobbart".

Denise Gobbart
Acting Chief Executive Officer

19 August 2016
Date

Shire of Lake Grace

Ordinary Council Meeting

Agenda

24 August 2016

Meeting Commencing at 3.00 pm



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SHIRE OF LAKE GRACE

Agenda for the Ordinary Meeting of Council to be held at the Lake King Hall, Newdegate-Ravensthorpe Road, Lake King on Wednesday 24 August 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 Landgraff	Shire President
Cr SG Hunt	Deputy Shire President
Cr LW Armstrong	
Cr DS Clarke	
Cr RA Lloyd	
Cr AD Marshall	
Cr MG Stanton	
Cr AJ Walker	

In Attendance

Ms D Gobbart	Acting Chief Executive Officer
Mr R Edwards	Acting Manager Infrastructure Services
Ms N Bowman	Governance Officer

Observers/Visitors

2.2 APOLOGIES

2.3 LEAVE OF ABSENCE PREVIOUSLY GRANTED

Resolution 12318, 27 July 2016

Cr Chappell has approved leave of absence from 15 August 2016 to 30 September 2016.

Resolution 12318, 27 July 2016

Cr Lloyd has approved leave of absence from 13 September 2016 to 19 September 2016.

Resolution 12282, 25 May 2016

Cr Lloyd has approved leave of absence from 16 October 2016 to 4 November 2016.

3.0 PUBLIC QUESTION TIME

4.0 APPLICATIONS FOR LEAVE OF ABSENCE

5.0 MINUTES OF PREVIOUS COUNCIL MEETINGS

5.1 ORDINARY MEETING – 27 JULY 2016

Resolution

RESOLUTION

Moved Cr
Seconded Cr

That the minutes of the Ordinary Meeting of Council held on the 27 July 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

9.0 PETITIONS/DEPUTATIONS/PRESENTATIONS/SUBMISSIONS

10.0 MEMBERS' REPORTS

10.1 CR ARMSTRONG

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

No matters for consideration.

13.0 MATTERS FOR CONSIDERATION – HEALTH & BUILDING

13.1 PERMISSION TO COLLECT NATIVE PLANT SEED FROM WITHIN RESERVES VESTED IN THE SHIRE OF LAKE GRACE

Applicant: Greening Australia WA
File No. 0309
Attachments: Letter
Author: Mrs Lauren Pitman



Environmental Health Officer

Disclosure of Interest: Nil
Date of Report: 10 August 2016
Senior Officer: Ms Denise Gobbart



Acting Chief Executive Officer

Summary

Council is requested to approve the collection of native seed from within reserves vested in the Shire of Lake Grace.

Background

The Shire has received a request from Ms Tracy Achemedei from Greening Australia WA (GAWA) requesting for relevant appointed staff to collect native seed from within reserves vested in the Shire of Lake Grace. The letter of request is attached. Permission is requested for a twelve month period.

All persons collecting native seed require the landowner's permission and must obtain an appropriate license in accordance with the *Wildlife Conservation Act (1950)*.

Comment

GAWA would like to collect native seed which will be utilised in strategic re-vegetation projects throughout the region and will directly benefit the community as a whole. Some seed may also be used for the purposes of research into best practice re-vegetation and development of tree cropping programs for the region.

Legal Implications

Wildlife Conservation Act (1950):

"23B. *Protected flora on Crown land not to be taken without licence*

- (1) *A person shall not on Crown land wilfully take any protected flora unless the taking of the protected flora is authorised by, and carried out in accordance with the terms and conditions of, a licence issued to him under section 23C.*
- (2) *In any proceedings for an offence against subsection (1) it is a defence for the person charged to prove that the taking occurred as an unavoidable incident or consequence in the performance of any right, power or authority conferred upon, or in the discharge of any duty or obligation imposed upon, the person by or under any Act or agreement to which the State is a party and which is ratified or approved by an Act or notwithstanding the fact that the performance of that right, power or authority, or the discharge of the duty or obligation, was exercised in a reasonable manner."*

Policy Implications

Nil

Consultation

N/A

Financial Implications

Nil

Strategic Implications

Shire of Lake Grace Community Strategic Plan

- *Economics Focus Area (4) Growing agricultural sustainability*
- *Environment Focus Area (4) Protected flora and fauna*
- *Environment Focus Area (6) Protected natural environment*

Voting Requirements

Simple majority required.

Recommendation

That Council agrees to allow Greening Australia WA to access reserves vested in the Shire of Lake Grace for the purpose of native seed collection with the following conditions:

1. Permission is for a twelve month period, commencing July 2016;
2. Allows for collection only by Greening Australia WA staff members;
3. All persons collecting native seed are licensed according to the Wildlife Conservation Act (1950) and will abide by the conditions of this license;
4. Appropriate hygiene measures will be followed at all times to prevent the spread of plant disease and weeds;
5. All care will be taken to avoid the disturbance of fauna habitat;
6. All care will be taken to avoid any disturbance that may lead to soil degradation;
7. Any gates are to be closed on departure;
8. Chainsaws are not to be used; and,
9. No firearms are to be carried.

Resolution

Moved Cr

Seconded Cr

14.0 MATTERS FOR CONSIDERATION – FINANCE

14.1 ACCOUNTS FOR PAYMENT – JULY 2016

Applicant: Internal Report
File No. 0277
Attachments: List of Creditors
Author: Ms Victoria Gracheva
Administration Officer
Disclosure of Interest: Nil
Date of Report: 18 August 2016
Senior Officer: Ms Denise Gobbart



Acting Chief Executive Officer

Summary

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

Background

List of payments for the month July 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 July 2016 from the Municipal and Trust Account Total \$1,226,275.34.

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 \$1,226,275.34 as presented for the month of July 2016 incorporating:

- Trust Account Cheques:	919 - 920	\$	500.00
- Electronic Funds Transfer:	EFT15718 – EFT15832	\$	1,001,127.22
- Municipal Account Cheques:	Cheque 36254 - 36263	\$	22,415.85
- Direct Debits:	DD6283.1 – DD6283.2	\$	73,096.18
	DD6301.1 – DD6301.9		
	DD6305.1 – DD6305.3		
	DD6311.1 – DD6311.9		
	DD6325.1		
	DD6328.1 – DD6328.6		
	DD6337.1 – DD6337.9		
- Electronic Funds Transfer:	Payroll Net Pay	\$	129,136.09

Voting Requirements

Simple majority required.


Resolution

Moved Cr

Seconded Cr

14.2 DELEGATION F02 – PAYMENT OF CREDITORS

Applicant: Shire of Lake Grace
File No. 0052
Attachments: Delegation - Number F02
Author: Ms Denise Gobbart
 Acting Chief Executive Officer
Disclosure of Interest: Nil
Date of Report: 17 August 2016
Senior Officer: Ms Denise Gobbart



Acting Chief Executive Officer

Summary

The purpose of this report is to review the delegation and power and duties performed by the Chief Executive Officer (CEO) and other staff for delegation number F02 – Payment of Creditors.

Background

In accordance with the requirements of the *Local Government Act 1995, s5.46 (2)*; the local government is to review its delegations made under this division at least once each financial year. The previous review was undertaken in June 2016.

The Delegation Register is a requirement under the *Local Government Act 1995, s5.46 (2)* and is subject to the annual external audit process.

Comment

Having reviewed our current practice, with the need for two (2) signatories for authorising payment of creditors, it is apparent that Delegation number F02 – Payment of Creditors, requires the Chief Executive Officer to include additional delegations. The CEO, Deputy CEO and Manager Infrastructure Services are currently delegates for payment of creditors. There are times when we do not have the required staff in the office to release funds for creditor or payroll.

To ensure that we are able to make payments at the due times I am requiring that the Administration Coordinator and Finance Coordinator be included as a Delegation by the CEO. These officers will operate as a secondary signature in conjunction with the CEO, Deputy CEO and Manager Infrastructure Services as the primary signature.

In our current situation we only have the Administration Coordinator and myself as Acting CEO able to release payments from the bank, and require the delegations register to be amended to formalise this process.

Legal ImplicationsLocal Government Act 1995*5.42. Delegation of some powers and duties to CEO*

- (1) A local government may delegate* to the CEO the exercise of any of its powers or the discharge of any of its duties under —
 - (a) this Act other than those referred to in section 5.43; or
 - (b) the Planning and Development Act 2005 section 214(2), (3) or (5).
- (2) A delegation under this section is to be in writing and may be general or as otherwise provided in the instrument of delegation.

[Section 5.42 amended by No. 1 of 1998 s. 13; No. 28 of 2010 s. 70.]

** Absolute majority required.*

5.43. Limits on delegations to CEO

A local government cannot delegate to a CEO any of the following powers or duties:

- (a) any power or duty that requires a decision of an absolute majority or a 75% majority of the local government;*
- (b) accepting a tender which exceeds an amount determined by the local government for the purpose of this paragraph;*
- (c) appointing an auditor;*
- (d) acquiring or disposing of any property valued at an amount exceeding an amount determined by the local government for the purpose of this paragraph;*
- (e) any of the local government's powers under section 5.98, 5.98A, 5.99, 5.99A or 5.100;*
- (f) borrowing money on behalf of the local government;*
- (g) hearing or determining an objection of a kind referred to in section 9.5;*
- (ha) the power under section 9.49A(4) to authorise a person to sign documents on behalf of the local government;*
- (h) any power or duty that requires the approval of the Minister or the Governor;*
- (i) such other powers or duties as may be prescribed.*

[Section 5.43 amended by No. 49 of 2004 s. 16(3) and 47; No. 17 of 2009 s. 23.]

5.44. CEO may delegate powers and duties to other employees

- (1) A CEO may delegate to any employee of the local government the exercise of any of the CEO's powers or the discharge of any of the CEO's duties under this Act other than this power of delegation.*
- (2) A delegation under this section is to be in writing and may be general or as otherwise provided in the instrument of delegation.*
- (3) This section extends to a power or duty the exercise or discharge of which has been delegated by a local government to the CEO under section 5.42, but in the case of such a power or duty —*
 - (a) the CEO's power under this section to delegate the exercise of that power or the discharge of that duty; and*
 - (b) the exercise of that power or the discharge of that duty by the CEO's delegate, are subject to any conditions imposed by the local government on its delegation to the CEO.*
- (4) Subsection (3)(b) does not limit the CEO's power to impose conditions or further conditions on a delegation under this section.*
- (5) In subsections (3) and (4) —*
conditions *includes qualifications, limitations or exceptions.*

[Section 5.44 amended by No. 1 of 1998 s. 14(1).]

Policy Implications

Shire of Lake Grace Policy Manual.

Consultation

N/A

Financial Implications

N/A

Strategic Implications

Shire of Lake Grace Strategic Community Plan

Civic Leadership Focus Area (5)

Excellence in Shire administration and communication

Voting Requirements

Absolute majority (5) required.

Recommendation

That Council, in accordance with s5.42 of the Local Government Act 1995, delegate to the Chief Executive Officer, the discharge of duties and powers as detailed in the amended delegation F02 – Payment of Creditors, noting that the Chief Executive Officer has on delegated powers and duties to the Administration Coordinator and Finance Coordinator in accordance with limitations imposed by s5.43 of the Local Government Act 1995.

Resolution

Moved Cr

Seconded Cr

14.3 **BACK RATING – MINING TENEMENTS**

Applicant: Internal Report
File No. 0260
Attachments: Nil
Author: Denise Gobbart
Acting Chief Executive Officer
Disclosure of Interest: Nil
Date of Report: 18 August 2016
Senior Officer: Ms Denise Gobbart



Acting Chief Executive Officer

Summary

To endorse the corrections made to our rating system in relation to back rating of mining tenements.

Background

As advised we have had IT Vision undertaking work on our rating system to bring the database up to standard to enable the correct levying of the 2016-17 year's rates. Significant work has been already been undertaken by IT Vision with various components of the required work, still to be completed.

We have currently completed the mining tenement back rating, and will mail copies of these notices out to the relevant parties; these adjustments have a due date payable 31 October 2016. We will advise them that the current rate notices will follow, in due course.

We still have a number of outstanding items that IT Vision has been working on that need to be finalised:

- Land Parcel import from Landgate data to ensure correct property detail;
- Back Rates for Unimproved Value and Gross Rental Value properties;
- Pensioner Rebate reconciliation, there is still a balance of \$35,000 in unclaimed rebates; and,
- Rates Health Check-up.

We have tried to address the issues in order to ensure that the system is relatively clean prior to the issuing of the new notices. I am not sure what other issues will arise when the Health Check is finally undertaken.

IT Vision has currently completed 180 hours of work on our rates system. Of which there were 22.25 - non-chargeable hours, 22.75 - 50% chargeable hours, 4.88 – 75% chargeable hours. Giving a balance of 133.38 - chargeable hours, these hours are charged at \$250 per hour. Unfortunately we have no option, other than to continue with IT Vision resolving these matters.

Comment

In the calculation of back rates for mining tenements within the shire, we have been identified and addressed matters as far back as 2012/13. In this review approximately 56 properties have been identified for back rate calculations. These matters have now been resolved by IT Vision and each assessment has the correct balances now levied. For these properties the following summary of adjustments were made:

Adjustments Required	Value
General Rates	-\$24,565.39
ESL	-\$7.00
Interest	-\$5,401.75
Total	-\$29,974.14

In addition to these properties another nine (9) mining tenements were identified, that had never formed part of the rating system. These tenements have varying grant date as early as 6 December 2012 and all have a death date prior to 25 November 2015. The loss of earnings on these 9 properties is \$4,459.05.

As the death of these 9 tenements has occurred, we have made an administrative decision not to levy the rates applicable. This decision has been made base on economics. The cost we would incur in establishing the properties, then attempting to recover the funds from organisations that may no longer exist, would outweigh the funds we would levy.

Given the current Delegation F08 only allows the Chief Executive Officer to write-off balances less than \$50.00 the item has been referred to Council.

As the charges have been levied in prior years Council endorsement is required to write the balances off. If the error had been identified in the year they were raised administration would have been able to reverse the charges as they were in error.

Legal Implications

Local Government Act 1995 Section 6.12 Power to Defer, Grant Discounts, Waive or Write Off Debts.

- (1) Subject to subsection (2) and any other written law, a local government may —
 - (a) when adopting the annual budget, grant* a discount or other incentive for the early payment of any amount of money; or
 - (b) waive or grant concessions in relation to any amount of money; or
 - (c) write off any amount of money, which is owed to the local government.

** Absolute majority required.*
- (2) Subsection (1)(a) and (b) do not apply to an amount of money owing in respect of rates and service charges.
- (3) The grant of a concession under subsection (1)(b) may be subject to any conditions determined by the local government.
- (4) Regulations may prescribe circumstances in which a local government is not to exercise a power under subsection (1) or regulate the exercise of that power.

Policy Implications

Policy 3.9 Outstanding Rate Debtors

The policy has no effect as the rates were raised in error as the database has not been maintained to the required standard.

Delegation F08 – Write-off of Small Balances

The delegation has no effect as the balance on each account is over \$50.00.

Consultation

External IT Vision

Financial Implications

The impact of the required corrections is a reduction of current assets of \$29,974.14. These funds are rates levied, and interest raised incorrectly. It has also been identified that a loss of rate earnings of \$4,459.05 due to tenements not being created that are now dead.

Strategic Implications

Focus Area – Civic Leadership

- CL1 Elected members provide visionary leadership
- CL1.3 Improve organisational capability and capacity

Recommendation

That Council, endorse the:

1. corrections made by IT Vision, reducing outstanding rates by \$29,974.14 being the correct recording of rates levied on mining tenements to 30 June 2016; and,
2. administrative decision not to levy rates on the nine dead mining tenements, which creates a loss of earnings of \$4,459.05.

Voting Requirements

Absolute majority (5) required.

Resolution

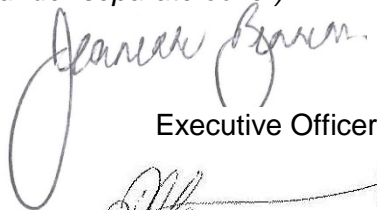
Moved Cr


Seconded Cr

15.0 MATTERS FOR CONSIDERATION – COMMUNITY SERVICES
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15.1 CSRFF FUNDING APPLICATION ENDORSEMENT AND PRIORITISATION – LAKE KING MULTI - PURPOSE COURT RE-SURFACING PROJECT

Applicant:	Lakes Winter Sports Group, Lake King
File No.	0286
Attachments:	<ol style="list-style-type: none"> 1. Letter from Lakes Winter Sports 2. Letter to Lakes Winter Sports 3. Email Lakes Winter Sports 4. Quote West Coast Synthetic Surfaces (<i>under separate cover</i>) 5. Quote Sports Surfaces (<i>under separate cover</i>) 6. Quote from WA Treasury (<i>under separate cover</i>)
Author:	Mrs Jeanette Bennett
Disclosure of Interest:	Nil
Date of Report:	16 August 2016
Senior Officer:	Ms Denise Gobbart


 Executive Officer


 Acting Chief Executive Officer

Summary

For Council to endorse and prioritise an application under the Department of Sport and Recreation (DSR), Community Sport and Recreation Facilities Fund (CSRFF) small grants round to re-surface the Lake King Netball Courts for use as multi-purpose courts.

In order to meet the DSR grant requirements, the local government authority is required to assess all relevant applications and is to rank applications in priority order for their municipality.

Background

In July 2016 the Shire received a written request from the Lakes Winter Sports Committee (refer Attachment No.1) regarding the Lake King netball courts being unplayable and the possibility of re-surfacing prior to the 2017 winter sports season. The letter was a follow on from the Lake King community deputation to Council at its May 2016 Ordinary Meeting held in Newdegate. Councillors have previously received a budget briefing note on the project at the 20 July 2016 budget workshop.

Following repairs made to the cracks in the Lake King courts earlier in the year they were deemed unsafe by the Ravensthorpe Netball Association and as a consequence the Lake King Winter Sports Committee have been unable to provide a suitable facility for netball.

The courts are badly in need of re-surfacing and the Committee is keen to ensure that the courts are playable in readiness for the 2017 season.

In order to facilitate the project, staff made contact with the Department of Sport and Recreation and the Shire is able to submit a funding submission to the DSR Small Grants Program, the current round closes on 31 August 2016.

The DSR Small Grants Program allows for one third funding for projects to the total cost of up to \$200,000 i.e. \$66,666 each.

The Lakes Winter Sports have met with the representative from Sports Surfaces to determine the exact condition of the courts – refer Attachment No. 3.

Comment

The resurfacing of courts fit in to the DSR Small Grants guidelines and the funding application is dependent on a one third financial contribution from Lake King Community and the inclusion in the 2016/17 budget of a SAR loan, not exceeding \$50,000, for the Shire's one third of the project.

The Lake King community are aware of the Shire's one third portion being limited to \$50,000 and have been requested to fund one third of the project plus any excess of the total project cost above \$150,000 (refer Attachment No. 2).

At its 20 July 2016 Meeting, the Lake King Progress Association moved a motion to support the Winters Sports Group in the undertaking of re-surfacing multi-purpose courts. The motion was passed unanimously.

As per the requirement for DSR staff to visit the site and discuss the project with relevant stakeholders, a meeting has been arranged with Jenifer Collins, DSR Wheatbelt Manager for 19 August 2016.

There are no other local groups seeking funding through the Department of Sport and Recreation's CSRFF small grants program in this funding round. This application would therefore rank as number one priority if endorsed by Council.

Legal Implications

Local Government Act 1995

Policy Implications

Shire of Lake Grace Policies:

- Policy 3.3 – Specified Area Rate, requires a ratepayer survey to be carried out if the total cost of a capital project exceeds \$150,000 (excludes GST).
- Policy 3.7 – Purchasing Policy, purchases over \$50,000 and up to \$150,000 require three written quotes.
- Policy 1.12 – Community Engagement ensures residents have the maximum opportunity to contribute to their own social, economic and community well-being as well as good governance through information consultation and active participation in the development of major programs, projects and events throughout the Shire.
- Policy 7.9 – Asset Management requires all capital projects take into account “whole of life” cost assessment.

Consultation

Internal:	Neville Hale, former CEO Denise Gobbart, Acting CEO Councillors
External:	Members of the Lakes Winter Sports Group Lake King Progress Association Jenifer Collins, Wheatbelt Manager, Department of Sport & Recreation

Financial Implications

The cost of the project based on the quote received from Sports Surfaces is \$113,123 (excluding GST) or \$124,435 (including GST) with funding sources inclusive of GST as follows:

	<u>Ex. GST</u>	<u>Inc. GST</u>
Shire of Lake Grace cash contribution		
by way of a Specified Area Rate Loan	\$ 37,708	\$ 41,478
CSRFF	\$ 37,707	\$ 41,478
Lake King community cash contribution	<u>\$ 37,708</u>	<u>\$ 41,479</u>
Total:	<u>\$113,123</u>	<u>\$124,435</u>

A second quote has been provided from West Coast Synthetic Surfaces of \$114,741 (including GST) and excludes travel (refer Attachment No.4).

The Winter Sports Group have nominated Sports Surfaces (refer Attachment No. 5) as their preferred supplier.

Quotes from the WA Treasury Corporation for a loan of \$40,000 with repayment schedules covering both a five and seven year period are attached – refer Attachment No. 6.

The five and seven year repayments are based on the fact that Sports Surfaces provide a workmanship warranty of five (5) years and an approximate life expectancy for the acrylic of seven (7) to ten (10) years.

WA Treasury loans attract an additional government guarantee fee of 0.7% per annum on the outstanding principal. For this loan the annual fees would be approximately \$280, reducing annually accordingly.

Strategic Implications*Shire of Lake Grace Strategic Community Plan*

Economic Focus Area 3: Infrastructure maintenance and improvement

- Ec1 Objective: Maintain community built infrastructure.
- Ec1 Outcome: Well maintained, better utilisation, lower costs and logically built facilities.

Shire of Lake Grace Corporate Business Plan 2016-2020

Economic Vision:

- EC1 – Maintain community built infrastructure.
- EC1.3 – Well maintained, better utilisation, lower costs and logically built facilities.

Recommendation

That Council:

1. Endorse the submission of a funding application through the Department of Sport and Recreation's Community Sport and Recreation Facilities Fund small grants program of \$41,478 (GST inclusive) for the Lake King Multi-Purpose Courts Re-surfacing Project;
2. Prioritise the Lake King Multi-Purpose Courts Re-surfacing Project as its number one ranking for the purposes of the Department of Sport and Recreation Community Sport and Recreation Facilities Fund 2016 small grants application, authorise the Acting Chief Executive Officer to advise the Department of Sport and Recreation accordingly; and,
3. Include in the 2016/17 budget, the project costs and provision for a loan of \$40,000 being one third of the total cost of the project, redeemable through the Lake King Specified Area Rate.

Voting Requirements

Absolute majority (5) required.

Resolution

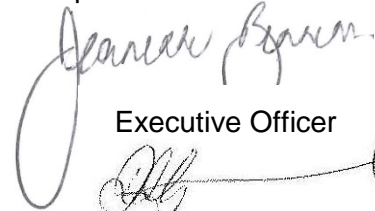

Moved Cr

Seconded Cr

15.2 LOT 11 MALEY ST NEWDEGATE – TRANSFER OF LAND AND FUNDING APPLICATION ENDORSEMENT

Applicant: Newdegate Active Precinct Committee
File No. 0783
Attachments: 1. Extract from June 2016 Minutes
2. Letter to the landowners (*under separate cover*)
3. Email from landowners (*under separate cover*)
4. Letter from the Newdegate Active Precinct Committee
5. Letter from the Newdegate Field Days on behalf of the Community Cropping Group.
Author: Mrs Jeanette Bennett

Disclosure of Interest: Nil
Date of Report: 16 August 2016
Senior Officer: Ms Denise Gobbart


Executive Officer

Acting Chief Executive Officer

Summary

This report recommends Council:

1. Accepts ownership of 11 Maley Street Newdegate by approving the use of its common seal on the transfer of land documentation; and,
2. Endorses applications to Lotterywest and Royalties for Regions Community Chest Fund for project funding.

Background & Comment

Council, at its 22 June 2016 Ordinary Meeting (refer Attachment No 1) considered a request from the Newdegate Active Precinct Committee on behalf of the Newdegate community, seeking Council's acceptance of the gift of land at 11 Maley Street Newdegate for the development of a skate park, playground and park area, endorsement of the concept plan and to facilitate the change of use of the land from Commercial (Shop) to Commercial (Recreation-Public) – refer Attachment No 1.

Accordingly Council passed Resolution 12307 as follows:

*Moved Cr Armstrong, Seconded Cr Lloyd
That Council:*

1. *Endorse the concept plan of the Newdegate Skate park facility;*
2. *Accept the gift of ownership of 11 Maley Street Newdegate (Lot 8, Title Volume 1841, Title Folio 885 Diagram DP147856) for a Skate Park facility;*
3. *Facilitate the planning process to change the land use of Lot 8 from Commercial (Shop) to Commercial (Civic-Public Recreation); and,*
4. *Include within Council's 2016/2017 budget funding allocation deliberations to cover change of use of the land and ongoing maintenance costs of the facility.*

MOTION CARRIED 9/0

Gifting of the Land

Following the June 2016 Council Meeting a letter was written to the landowners thanking them for the gift of the land and outlining the process to follow in regard to conditions of advertisement (i.e. promotional signage) in lieu of the donation of Lot 8 to the community - refer Attachment No 2.

In regard to point 2 of Resolution 12307 above, circumstances have changed and the offer of the gift of the land has now been withdrawn (refer Attachment No 3).

The Newdegate Active Precinct Committee have since written to the Shire (refer Attachment No 4) explaining the changes in circumstance and confirming that \$15,000 of the \$200,000 Newdegate Cropping Group contribution will be used for the purchase of the land.

A letter from the Newdegate Field Days Cropping Group Committee (refer Attachment No 5) has also been received by the Shire in support of the acquisition of the land by the community and approving the expenditure.

Transfer of the Land to the Shire

It is proposed that the Newdegate Active Precinct Committee, on behalf of the Newdegate Field Days Committee Inc. engage the services of a settlement agent and pay the settlement agent direct for the purchase of the land plus associated fees.

This would leave the Shire to settle the administrative aspects of the land transfer i.e. to accept the ownership of the land through execution of the transfer of the land documentation with the Shire's common seal.

Funding Applications

It has previously been requested by the Newdegate Active Precinct (refer Attachment No 1 – page 3 of 4, last paragraph under Comment), that the Shire support any grant preparations relating to the project. The precinct will be on Shire property and preliminary discussions with the funding bodies indicate that to facilitate the grant process it is advisable that the funding applications are submitted by the Shire.

The Newdegate Active Precinct Committee proposes to apply for grant funding through applications to Lotterywest for \$100,000 and the Royalties for Regions Community Chest funding program for \$50,000.

Legal Implications

Shire of Lake Grace Local Planning Scheme No.4

Policy Implications

Shire of Lake Grace Policy:

- 1.11 – Use of the Common Seal
- 1.13 – Community Engagement
- 3.7 – Purchasing Policy
- 7.9 – Asset Management Policy

Consultation

Internal: Neville Hale (former CEO)
Denise Gobbart (Acting CEO)

External: Sarah Lloyd (Newdegate Active Precinct Committee)
Newdegate Field Days Committee
Newdegate Community Cropping Group

Financial Implications

The Lot 11 Maley Street Newdegate actual transfer of land to the Shire has no financial impacts aside from the administration to effect the common seal on the official documentation.

The acceptance of this gift will however increase our Freehold land assets by \$15,000 and any future improvements on the land will also need to be recorded as an asset and included in the Shire's Asset Management Planning.

Any grant funding for the project will need to be included in the 2016/17 budget.

As per the June 2016 Resolution 12307, a Development Application (DA) will also then be prepared by the Shire's consultant town planners, Urban and Rural Perspectives for the change of use of the land from Commercial (Shop) to Commercial (Recreation-Public). The costs of preparation of a report for a DA of this nature would normally cost around \$400-\$500, and are allocated through Account E106030, Town Planner Consultant Fees.

Funds for general maintenance of the vacant block, i.e. slashing and spraying of weeds etc. will need to be included in the Newdegate town maintenance budget for 2016/2017.

Strategic Implications*Shire of Lake Grace Community Strategic Plan*

Community Values – Good facilities and community activities – *“Having facilities that are available for community use”*.

- S1 Maintain and improve the Shire as an attractive place to live
 - S1.3 Encourage a healthy lifestyle through a range of participation activities in community organisations
- S2 Provide a supportive social environment
 - S2.2 Provide recreation facilities and services that are well used and deliver multiple benefits

Recommendation

That Council:

1. Endorse the Newdegate community's initiative to fund the purchase of Lot 11 Maley Street Newdegate for \$15,000 from its community funds (i.e. Newdegate Field Days Inc.), and accept ownership of Lot 11 Maley Street Newdegate through transfer of the land to the Shire of Lake Grace;
2. As per Policy 1.11, authorises the Shire President and Chief Executive Officer to apply the Common Seal to the Transfer of Land documents for Lot 11 Maley Street Newdegate; and
3. Endorse funding applications for development and construction of the Newdegate Active Precinct Project to Lotterywest for \$100,000 and Royalties for Regions Community Chest Program for \$50,000 to be included in the 2016/17 budget.

Voting Requirements

Absolute majority (5) required.

Resolution

Moved Cr

Seconded Cr

16.0 MATTERS FOR CONSIDERATION - ADMINISTRATION

No matters for consideration.

17.0 INFORMATION BULLETIN

17.1 INFORMATION BULLETIN REPORT – AUGUST 2016

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



Governance Officer

Disclosure of Interest: Nil
Date of Report: 19 August 2016
Senior Officer: Ms Denise Gobbart



Acting 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 (August 2016) Information Bulletin Report has been emailed to Councillors.

The August 2016 Information Bulletin attachment includes:

Reports

1. Council Status Report – July 2016
2. Infrastructure Services Report – July 2016
3. Fatalities Report 2016 – up to 4 August 2016

Circulars & Newsletters

4. New Lake Grace Sub Centre – Newsletter No 4 June 2016
5. New Lake Grace Sub Centre – Newsletter No 5 July 2016
6. WALGA Media Release – Local Government Medal Awarded to Former Kalgoorlie Mayor
7. WALGA Media Release – Coolgardie Heritage a Banner Winner
8. Media Statement – Cash back for drink containers to help recycling
9. Department of Local Government and Communities – Circular 15/2016
10. Department of Local Government and Communities – Circular 16/2016
11. Department of Local Government and Communities – Circular 17/2016
12. Department of Local Government and Communities – Circular 18/2016
13. Department of Local Government and Communities – Circular 19/2016

14. Department of Local Government and Communities – Circular 20/2016
15. WALGA – Info Page – Public Health Act 2016
16. WALGA – Info Page – Local Government heritage guidelines survey
17. WALGA – Info Page – Compulsory Waste Management Data Collection and Reporting

Minutes

18. 4WDL Minutes – August 2016
19. Rural Health West Minutes – 14 July 2016
20. Lake King Progress Association Minutes – 20 July 2016
21. Lake Grace Regional Health Advisory Council Notes – 24 May 2016
22. Lake Grace Regional Health Advisory Council Notes – 27 July 2016
23. WALGA AGM Minutes – August 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 SEPTEMBER 2016 ORDINARY MEETING**

The next Ordinary Meeting of Council is scheduled to take place on Wednesday 28 September 2016, commencing at 3.00 pm at the Council Chambers, 1 Bishop Street, Lake Grace, WA.

20.0 CONFIDENTIAL BUSINESS – AS PER LOCAL GOVERNMENT ACT S5.23 (2)**21.0 CLOSURE**

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

22.0 CERTIFICATION

I, Jeanette Frances De Landgraft, certify that the minutes of the meeting held on the 24 August 2016 as shown were confirmed as a true record at the meeting held on the 28 September 2016.

Shire President

Date