

Shire of Lake Grace

Ordinary Council Meeting

Minutes

20 December 2016



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SHIRE OF LAKE GRACE

Minutes of the Ordinary Meeting of Council held at the Council Chambers, 1 Bishop Street, Lake Grace, WA on Tuesday 20 December 2016.

1.0 OPENING & ANNOUNCEMENT OF VISITORS

The Shire President opened the meeting at 1.05 pm.

2.0 ATTENDANCE RECORD

2.1 PRESENT

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

In Attendance

Ms D Gobbart	Chief Executive Officer
Ms L Gray	Deputy Chief Executive Officer
Mr P Webb	Manager Infrastructure Services
Ms N Bowman	Governance Officer

Observers/Visitors

Mrs Irene McGlinn
Mrs Elsie Bishop
Mrs Annie Slarke

2.2 APOLOGIES

Cr DS Clarke

2.3 LEAVE OF ABSENCE PREVIOUSLY GRANTED

Nil

3.0 PUBLIC QUESTION TIME

Nil

4.0 APPLICATIONS FOR LEAVE OF ABSENCE

Nil

5.0 MINUTES OF PREVIOUS COUNCIL MEETINGS

5.1 ORDINARY MEETING – 23 NOVEMBER 2016

Resolution

RESOLUTION 12414

Moved Cr Chappell
Seconded Cr Lloyd

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

CARRIED 8/0

5.2 SPECIAL COUNCIL MEETING – 11 DECEMBER 2016

Resolution

RESOLUTION 12415

Moved Cr Hunt
Seconded Cr Stanton

That the minutes of the Special Meeting of Council held on the 11 December 2016 be confirmed as a true and accurate record.

CARRIED 8/0

6.0 DECLARATIONS OF INTEREST

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

Cr Chappell declared financial interest in Item 12.1 Retrospective Development Application – Addition to Existing Grain Handling and Storage Facility (Transportable Building) – Lot 189 Duncan Road, Newdegate (refer to page 17) with the nature of the association being a shareholder, storage, handling and freight of grain, the sale of grain and purchase of fertiliser.

Cr De Landgraft declared financial interest in Item 12.1 Retrospective Development Application – Addition to Existing Grain Handling and Storage Facility (Transportable Building) – Lot 189 Duncan Road, Newdegate (refer to page 17) with the nature of the association being a shareholder, storage, handling, freight and potential sale of 10,000 tonne of grain.

Cr Lloyd declared financial interest in Item 12.1 Retrospective Development Application – Addition to Existing Grain Handling and Storage Facility (Transportable Building) – Lot 189 Duncan Road, Newdegate (refer to page 17)

with the nature of the association being a shareholder, storage and handling of grain, no contracts at this moment in time.

Cr Marshall declared financial interest in Item 12.1 Retrospective Development Application – Addition to Existing Grain Handling and Storage Facility (Transportable Building) – Lot 189 Duncan Road, Newdegate (refer to page 17) with the nature of the association being a shareholder, storage and marketing of approximately 5,000 tonne of grain.

Cr Stanton declared financial interest in Item 12.1 Retrospective Development Application – Addition to Existing Grain Handling and Storage Facility (Transportable Building) – Lot 189 Duncan Road, Newdegate (refer to page 17) with the nature of the association being a grain grower, sale and storage of canola and barley.

Cr Walker declared financial interest in Item 12.1 Retrospective Development Application – Addition to Existing Grain Handling and Storage Facility (Transportable Building) – Lot 189 Duncan Road, Newdegate (refer to page 17) with the nature of the association being a shareholder, sale of grain and is an employee of Co-operative Bulk Handling.

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

Nil

6.3 DECLARATIONS OF IMPARTIALITY INTEREST – ADMINISTRATION REGULATION SECTION 34C

Cr Chappell declared impartiality interest in Item 15.2 Grant Application – AIM Building (refer to page 32) with the nature of the association being his wife Mrs Cheryl Chappell is the author of this item.

Cr Marshall declared impartiality interest in Item 20.1 Tender 04/2016 Rural Road Reconstruction (refer to page 58) with the nature of the association being one of the tenderers is a relative being his niece's husband.

Cr Stanton declared impartiality interest in Item 20.1 Tender 04/2016 Rural Road Reconstruction (refer to page 58) with the nature of the association being one of the tenderers is a relative being his wife's sister's son-in-law.

7.0 NOTICES OF URGENT BUSINESS

Nil

8.0 MOTIONS OF WHICH NOTICE HAS BEEN RECEIVED

Nil

9.0 PETITIONS/DEPUTATIONS/PRESENTATIONS/SUBMISSIONS

Nil

10.0 MEMBERS' REPORTS

10.1 CR ARMSTRONG

Monday 28 November

Met with the Manager Infrastructure Services Paul Webb and took up 4 hours of his time to show him around Newdegate.

Sunday 11 December

Attended the Special Meeting of Council.

Monday 12 December

Attended the Newdegate Community Development Association meeting.

Tuesday 13 December

Met with Dr Graham Jacobs MLA in the Council Chambers along with Cr Chappell, Cr Clarke and CEO Denise Gobbart.

Wednesday 14 December

Attended the Newdegate Presentation Night for Newdegate Primary School.

10.2 CR CHAPPELL

Thursday 8 December

Attended the funeral of late Bobby Baker.

Friday 9 December

Met with representatives from York St John Ambulance to have a look at new sub centre.

Sunday 11 December

Attended the Special Meeting of Council.

Tuesday 13 December

Met with representatives from Boddington St John Ambulance to look at the new sub centre.

Met with Dr Graham Jacobs MLA in the Council Chambers along with Cr Armstrong, Cr Clarke and CEO Denise Gobbart.

Wednesday 14 December

Attended the Lake Grace District High School End of Year Concert.

Friday 16 December

Attended the Lake Grace Christmas Festival.

10.3 CR CLARKE

Tuesday 6 December

Attended the Visitors Centre meeting.

Thursday 8 December

Attended the funeral of Bobby Baker.

Sunday 11 December

Attended the Special Meeting of Council.

Tuesday 13 December

Met with Dr Graham Jacobs MLA in the Council Chambers along with Cr Armstrong, Cr Chappell and CEO Denise Gobbart.

10.4 CR HUNT**Monday 5 December**

Attended the School Board Meeting. There is a new principal starting next year and numbers will be up for the school in 2017.

Sunday 11 December

Attended the Special Meeting of Council.

Ms Denise Gobbart left the meeting at 1:15 pm.

10.5 CR LLOYD**Sunday 11 December**

Attended the Special Meeting of Council.

Monday 12 December

Attended the Newdegate Community Development Association meeting.

10.6 CR STANTON**Friday 25 November**

Attended a meeting with Shire President Cr De Landgraft and Principal Ian Bailey of Lake Grace District High School regarding the Ernst and Catherine Bennett Scholarship.

Tuesday 6 December

Attended the School Assembly at the Lake Grace District High School.

Sunday 11 December

Attended the Special Meeting of Council.

Wednesday 14 December

Attended the Lake Grace District High School End of Year Concert.

Friday 16 December

Attended the Lake Grace Christmas Festival which was held on the main street (Stubbs Street).

10.7 CR MARSHALL**Tuesday 29 November**

Attended the Lake Grace Community Resource Centre meeting.

Wednesday 7 December

Attended the Lake Grace Community Resource Centre Christmas Party.

Thursday 8 December

Attended the funeral of Bobbie Baker.

Sunday 11 December

Attended the Special Meeting of Council.

Monday 12 December

Attended the Roe Tourism Association meeting in Narembeen.

Wednesday 14 December

Attended the Lake Grace District High School End of Year Concert.

Friday 16 December

Attended the Great Southern Gypsum AGM in Fremantle.

10.8 CR WALKER**Sunday 11 December**

Attended the Special Meeting of Council.

Ms Denise Gobbart returned to the meeting at 1.20 pm.

10.9 CR DE LANDGRAFFT**Friday 25 November**

Attended interviews at the Lake Grace District High School regarding the Ernst and Catherine Bennett Scholarship.

Friday 2 December

Attended the Country Central Zone Meeting which was held in Lake Grace at the Sports Pavilion.

Sunday 11 December

Attended the Special Meeting of Council.

Wednesday 14 December

Attended the Lake King Presentation Night for the school.

11.0 MATTERS FOR CONSIDERATION – INFRASTRUCTURE SERVICES

No items for consideration.

Item 15.3 Lot 47 Bennett Street, Lake Grace (Old Uniting Church) – Proposed Lease has been brought forward, at the request of Council.

15.3 LOT 47 BENNETT ST LAKE GRACE (OLD UNITING CHURCH) – PROPOSED LEASE

Applicant: CWA – Lake Grace Branch
File No. 0779
Attachments: 1. Draft Agreement
 2. Building Report
Author: Mrs Jeanette Bennett

Disclosure of Interest: Nil
Date of Report: 13 December 2016
Senior Officer: Ms Linda Gray


Executive Officer


Deputy Chief Executive Officer

Summary

The purpose of this report is to formalise the proposed Lease Agreement with the Country Women's Association (CWA) of WA which relates to the use of the former Lake Grace Uniting Church building as a Thrift Shop to be run by volunteers, and to approve the use of the common seal on the document.

Background

The Uniting Church building is located on Lot 47 Bennett Street, Lake Grace and has been the subject of previous resolutions by Council briefly summarised as follows:

Date	Resolution No	Summary Resolution
February 2015	11996	Acceptance of the proposed Management Order over Lot 47, advise the Department of Lands accordingly and document the Uniting Church for historic purposes.
July 2015	12065	Approval of public notice for interest from community groups for potential use of the building.
September 2015	12132	Endorsed the use of the building for community purposes (Thrift Shop) by Activ Foundation Inc T/AS Activ Industries and Lake Grace CWA subject to approval by the Department of Lands for a 12 month period.
February 2016	12223	Planning approval issued to change the approved use from 'place of worship' to 'community purposes'.
September 2016	12361	Endorsement of progression of the leasing of Lot 47 Bennett St, and requesting clear acknowledgement by the group in regard to internal and external maintenance, utilities, insurance and sundries.

On 1 September 2016, the Department of Lands officially confirmed the granting of a Management Order over Reserve 52729 under which the Minister placed the care, control and management of the land with the Lessor (Shire) to be used only for the designated purpose of Community Use (Thrift Shop) with a power to lease, sublease or licence for the designated purpose for any term not exceeding 21 years from the date of the lease subject to the approval in writing of the Minister for Lands.

The proposed lease is therefore subject to the consent of the Minister for Lands and is proposed for a one (1) year term in the first instance. The CWA of WA (State Branch) have indicated a one year term as a trial period is their preference.

During October 2016, the Deputy Chief Executive Officer (DCEO) met on two occasions with the local group members to ensure they have a clear understanding of their financial obligations under the Agreement.

Contact was also made with the State CWA Branch to further clarify any outstanding issues in relation to the Agreement. An email to the DCEO from the CWA State Secretary, Gaynor Mitchell on Friday 2 December 2016 states:

“Please proceed with the documents to the Shire Meeting”, and further states “This has been getting underway for over 12 months now so the branch will be very pleased to have it progressed.”

Comment

For information the following is brought to Council’s attention:

- Under the terms of the Agreement, clause 10 (a) the Shire is responsible for any ‘structural maintenance’ on the building.

Mr Josiah Farrell, the Shire’s current Building Surveyor was contacted to classify structural maintenance and has advised as follows:

- Structural maintenance is defined as anything that holds the building up and includes footings, structural walls and the roof;
- As an example in regard to roof tiles, the tiles themselves would be considered structural but the cleaning of them would be general maintenance; and,
- Any cladding materials needing replacement would be classed as general maintenance.

Mr Barry Smith, the Shire’s Environmental Health Officer (EHO) previously prepared a condition report on the Uniting Church building which was presented to Council’s September 2016 Meeting. The report outlined works required to be undertaken, which using the above as a guide would be classified as general maintenance, not structural maintenance (refer attached).

As reported in the Item 15.2 of the September 2016 agenda, Council will need to consider the extent of works they wish to undertake as they are not included in the Shire’s 2016/17 Budget.

The Condition Report recommended the following works be undertaken:

1. Replace gutters and direct stormwater away from the building. The fascias may also require replacement;
2. Remove broken and damaged concrete from the front of the building as it is a potential trip hazard;
3. Replace broken and damaged asbestos sheeting where required (approximately 10 square metres);
4. Strip and paint window frames; and,
5. Engage a licenced plumber to rectify faults in the toilet block to render them serviceable.

Legal Implications

Local Government Act 1995

Land Administration Act 1997

Planning and Development Act 2005

Lease Agreement between the Shire and CWA of WA

Policy Implications

Shire of Lake Grace Policy 1.11 – Use of the Common Seal

Consultation

Internal: Council
 Chief Executive Officer
 Deputy Chief Executive Officer
 Shire Environmental Health Officer
 Shire Building Surveyor

External: Lake Grace CWA Branch Members
 Uniting Church Australia
 Country Women's Association of WA
 Activ Foundation Inc T/As Activ Industries

Financial Implications

The Agreement sets out the Shire's financial obligations towards the upkeep of the building.

The property is exempt from rates due to it being deemed to be used for 'charitable' purposes. The Agreement includes a peppercorn rental clause.

The 2016/17 Budget shows an allocation to Account E136033 of \$3,000 for general maintenance on the Uniting Church building.

A detailed costing has not been prepared, however the Shire's EHO has suggested an indicative cost of \$10,000 to cover works as set out above. However this funding has not been provided in the 2016/17 Budget.

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.

Voting Requirements

Simple majority required.

Recommendation/Resolution

RESOLUTION 12416

Moved Cr Walker
Seconded Cr Hunt

That Council:

1. Enters into a Lease Agreement for Lot 47 Bennett Street, Lake Grace with the Country Women's Association of Western Australian, as subject to approval in writing by the Minister for Lands; and,
2. Authorises the use of the common seal by the President and the Chief Executive Officer on the Lease Agreement documents.

CARRIED 8/0

Mrs Irene McGlinn, Mrs Elsie Bishop and Mrs Annie Slarke left the meeting at 1.23 pm.

12.0 MATTERS FOR CONSIDERATION – PLANNING

The Chief Executive Officer advised that as a result of the declarations received prior to the meeting, an application had been made to the Minister for Local Government for approval under section 5.69(3)(a) of the Local Government Act 1995 for sufficient elected members to be present to form a quorum to allow the matter to be discussed. As a result of that request correspondence had been received from the Department of Local Government and Communities as follows:

“I refer to your correspondence dated 12 December 2016 and advise that, in accordance with authority delegated by the Minister for Local Government, the Director General has approved the Shire of Lake Grace’s application, in part, under section 5.69(3)(a) of the Local Government Act 1995 (the Act).

This approval allow disclosing members, Councillors Rosalind Lloyd, Murray Stanton and Ross Chappell to fully participate in the discussion and decision making relating to the below-mentioned item at the Shire’s Ordinary Council Meeting of 20 December 2016;

Item 12.1 – RETROSPECTIVE DEVELOPMENT APPLICATION – ADDITION TO EXISTING GRAIN HANDLING AND STORAGE FACILITY (TRANSPORTABLE BUILDING) – LOT 189 DUNCAN ROAD, NEWDEGATE

Subject to the following conditions:

- 1. The approval is only valid for the abovementioned item, when it is considered at the Shire’s Ordinary Council Meeting of 20 December 2016;*
- 2. The abovementioned Councillors must declare the nature and extent of their interests at the abovementioned meeting when the matter is considered, together with the approval provided;*
- 3. You, as the CEO, are to provide a copy of the Department’s letter of approval to the abovementioned Councillors;*
- 4. You, as the CEO, are to ensure that the declarations, including the approval given and any conditions imposed, are recorded in the minutes of the abovementioned meeting, when the item is considered;*
- 5. You, as the CEO, are to provide a copy of the confirmed minutes of the abovementioned meeting to the Department, to allow the Department to verify compliance with the conditions of this approval; and*
- 6. The approval granted is based solely on the interests disclosed by the abovementioned Councillors, made in accordance with the application. Should other interests be identified, these interests will not be included in this approval and the financial interest provisions of the Act will apply.*

It has been noted that, Deputy President, Stephen Hunt has not disclosed an interest in the matter and is therefore able to preside at the meeting when the matter is considered and Councillor (President) De Landgraft is required to disclose her interest and leave the room. While it has not been included in the application, it is not necessary to approve Councillor De Landgraft to preside at the meeting when this item is considered.”

The CEO confirmed with the Department that the current declarations received were appropriate, and new declarations were not needed for this meeting.

Cr Chappell declared financial interest in Item 12.1 Retrospective Development Application – Addition to Existing Grain Handling and Storage Facility (Transportable Building) – Lot 189 Duncan Road, Newdegate with the nature and extent of the association being a \$2 shareholder, storage and handling of grain \$20,000, freight of grain \$20,000, the sale of grain \$200,000 and purchase of fertiliser \$70,000. Ministerial approval has been granted to allow full participation in the discussion and decision making relating to this matter at the Ordinary Council Meeting of 20 December 2016.

Cr Lloyd declared financial interest in Item 12.1 Retrospective Development Application – Addition to Existing Grain Handling and Storage Facility (Transportable Building) – Lot 189 Duncan Road, Newdegate with the nature and extent of the association being a \$2 shareholder, storage and handling of approximately 3,000 tonne of grain \$25,000. No contracts at this moment in time. Ministerial approval has been granted to allow full participation in the discussion and decision making relating to this matter at the Ordinary Council Meeting of 20 December 2016.

Cr Stanton declared financial interest in Item 12.1 Retrospective Development Application – Addition to Existing Grain Handling and Storage Facility (Transportable Building) – Lot 189 Duncan Road, Newdegate with the nature and extent of the association being a grain grower, sale and storage of canola and barley with an estimated value of \$130,000. Ministerial approval has been granted to allow full participation in the discussion and decision making relating to this matter at the Ordinary Council Meeting of 20 December 2016.

As Ministerial approval has been granted to allow Cr Chappell, Cr Lloyd and Cr Stanton to fully participate in the discussion and decision making related to this matter, they remained in the Council Chambers.

Cr De Landgraft declared financial interest in Item 12.1 Retrospective Development Application – Addition to Existing Grain Handling and Storage Facility (Transportable Building) – Lot 189 Duncan Road, Newdegate with the nature of the association being a shareholder, storage, handling, freight and potential sale of approximately 10,000 tonne grain.

Cr De Landgraft left the meeting at 1.24 pm. In the absence of the Presiding Member, the Deputy President Cr Hunt presided the meeting for this item.

Cr Marshall declared financial interest in Item 12.1 Retrospective Development Application – Addition to Existing Grain Handling and Storage Facility (Transportable Building) – Lot 189 Duncan Road, Newdegate with the nature of the association being a shareholder, storage and marketing of approximately 5,000 tonne of grain.

Cr Walker declared financial interest in Item 12.1 Retrospective Development Application – Addition to Existing Grain Handling and Storage Facility (Transportable Building) – Lot 189 Duncan Road, Newdegate with the nature of the association being a shareholder, sale of grain and is an employee of Co-operative Bulk Handling.

Cr Marshall and Cr Walker left the meeting at 1.26 pm.

The Chief Executive Officer further advised Cr Clarke had submitted a declaration of interest in advance of this meeting and her detail was provided in the application to the Minister. Cr Clarke has been recorded as an apology for this meeting.

12.1 RETROSPECTIVE DEVELOPMENT APPLICATION – ADDITION TO EXISTING GRAIN HANDLING AND STORAGE FACILITY (TRANSPORTABLE BUILDING) – LOT 189 DUNCAN ROAD, NEWDEGATE

Applicant: Co-operative Bulk Handling Ltd on behalf of the State of Western Australia (Landowner)
File No. 0453
Attachments: 1. Plan 1 – Location Plan
2. Plan 2 – Existing Lot Configuration
3. Plan 3 – Aerial Site Plan
4. Plan 4 – Site Development Plan and Elevations
5. Plan 5 – Floor Plan (*under separate cover*)
6. Plan 6 – Photographs
Author: Messrs Joe Douglas & Carlo Famiano (Urban & Rural Perspectives)
Town Planning Consultants
Disclosure of Interest: Nil
Date of Report: 14 November 2016
Senior Officer: Ms Denise Gobbart



Chief Executive Officer

Summary

This report recommends that a development application submitted by Co-operative Bulk Handling Limited (CBH) on behalf of the State of Western Australia (Landowner) seeking Council's retrospective approval for the placement of a new transportable building (i.e. ablution block) at its grain handling and storage facility on Lot 189 Duncan Road, Newdegate be approved subject to conditions.

Background

CBH are seeking Council's retrospective development approval for the unauthorised placement of a new transportable ablution building at its existing grain handling and storage facility on Lot 189 Duncan Road, Newdegate.

Lot 189 is located in the north-eastern part of the Newdegate townsite and has direct frontage and access to Duncan Road along its southern boundary and direct frontage to an operational railway reserve along its western boundary (see Plan 1).

Lot 189 is irregular in shape, comprises a total area of approximately 11.445 hectares and has been cleared of any significant native vegetation. The land has been extensively developed for 'rural industry' purposes and contains a number of structures associated with CBH's existing grain handling and storage facility on the land (i.e. grain storage bins, sheds, office, sampling hut, weighbridge, vehicle access ways etc.) (see Plans 2 & 3).

Under the terms of the information and plans submitted in support of the application, CBH are seeking Council's retrospective development approval for the following:

- Placement of a new 18 square metre transportable building on the land to provide staff

- toilet facilities (see Plans 4 to 6);
- A new uncovered steel walkway for pedestrian access purposes;
 - The building comprises a zincalume roof (skillion roof structure) and colorbond wall cladding (i.e. 'Shale Grey' and 'Ocean Blue' colour);
 - The building has been raised approximately 350 millimetres above the natural ground level and has an overall height of 2.796 metres;
 - Installation of an on-site effluent disposal system (i.e. septic tanks and leach drains) to service the ablution block; and,
 - The building and associated effluent disposal system comprises a setback of approximately 12.5 metres from the land's eastern side boundary.

Comment

Lot 189 is classified 'General Industry' zone under the Shire's current operative Local Planning Scheme No.4 (LPS No.4).

The key objectives of the land's current 'General Industry' zoning classification are to provide for general, light and service industries which by the nature of their operations should be separated from residential areas and to provide employment opportunities for residents of the district.

The current use of Lot 189 by CBH for grain handling and storage purposes is most appropriately defined in Schedule 1 of LPS No.4 as a 'rural industry'. Under the terms of LPS No.4 the development and use of any land classified 'General Industry' zone for the purposes of a 'rural industry' is listed as discretionary (i.e. 'D') which means it is not permitted unless the local government has exercised its discretion by granting development approval.

Compliance with LPS No.4 Development Standards

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

Following a detailed assessment of the application in the context of the relevant planning criteria and standards, the reporting officers' have concluded the unauthorised works are capable of being supported and approved by Council for the following reasons:

1. All boundary setbacks are compliant with the specific requirements of LPS No.4;
2. The structure provides much needed facilities for employees on the land;
3. The structure is served by a suitable on-site effluent disposal system; and,
4. The structure is relatively small in size, consistent with the external appearance of other existing structures on the land and is not having a detrimental impact on the character or amenity of the immediate locality.

Transportable Buildings

Clause 5.21 of LPS No.4 contains a number of provisions and standards applicable to the development and use of transportable structures on any land within the Shire. This clause specifically states such buildings are not permitted unless:

- a) *in the opinion of the local government such a dwelling or building is in a satisfactory condition and will not detrimentally affect the amenity of the area; and,*
- b) *the sub-floor area of the building is enclosed with brick, stone, vermin battens*

or by other means acceptable to the local government and, where the building is considered by the local government to be exposed, or in a position such as to be visually prominent, the local government may require satisfactory landscaping measures to be carried out.

A review of recent photographs of the building submitted by the applicant indicates it is in good overall condition, has been finished off to an acceptable standard of presentation and is not visually prominent when viewed from the public domain (see Plan 6). Notwithstanding this general conclusion it is noted the sub-floor area of the building has not been enclosed in accordance with sub-clause b) above which is a matter that can be addressed through the imposition of a suitable condition on any approval ultimately granted by Council.

Unauthorised Works

The transportable building the subject of this application has been placed on the land and used for its intended purpose without Council's prior development approval. As such the works and use of the building are unauthorised which constitutes a breach of Section 218 of the *Planning and Development Act 2005*. Under the *Planning and Development Act 2006* penalties for corporate bodies for such breaches are substantial and may attract a fine of up to \$1 million per offence, plus up to \$125,000 for every day that the offence continues.

Council is advised that on 31 January 2014 the Shire's Administration wrote to CBH raising concerns with unauthorised works undertaken at its facility in Lake King. At the time the Shire acknowledged CBH's contribution to the local economy and elected not to pursue this particular non-compliance matter. The Shire also advised CBH that any future breaches will be considered on their merits with possible action being taken, including prosecution, under the relevant legislation.

In light of the above and given the history of unauthorised works undertaken by CBH throughout the municipality, Council is well within its rights to consider whether it should pursue legal proceedings against CBH for a breach of Section 218 of the *Planning and Development Act 2005*.

Should Council resolve to initiate legal action against CBH in this matter it is recommended that further advice be obtained from the Shire's solicitors regarding the most appropriate course of action from here.

Conclusion

It is concluded from a detailed assessment of the application that the existing unauthorised ablution building on CBH's grain handling and storage facility on Lot 189 Duncan Road, Newdegate previously constructed to support the current 'rural industry' use of the land is not having a negative impact on the general amenity, character, functionality and safety of the immediate locality and is capable of being supported and approved by Council. As such it is recommended that Council exercise its discretion and grant retrospective approval to the application subject to the imposition of a number of conditions.

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)* – The subject land is located within a designated 'bushfire prone area'. Following a review of the proposal, having due regard for Western Australian

Planning Commission Planning Bulletin 111/2016 ('Planning in Bushfire Prone Areas') and the outcomes from discussion with Mr Geoffrey Lush (Lush Fire and Planning), it was determined the ablution building on Lot 189 is not a habitable structure and does not intensify the potential bushfire risk on the land. As such a Bushfire Attack Level (BAL) assessment was not required in support of the application.

Policy Implications

State Planning Policy 3.7 - Planning in Bushfire Prone Areas

Consultation

Community consultation not required.

Financial Implications

Nil

Strategic Implications

Shire of Lake Grace Strategic Community Plan 2014 – The proposal for Lot 189 is considered to be generally consistent with the aims and objectives of the Shire's Strategic Community Plan as it applies to the following:

- Economic - Provide an environment that supports business and investment opportunities; and,
- Environment - Manage and Protect the Natural Environment.

Voting Requirements

Simple majority required.

Recommendation/Resolution

RESOLUTION 12417

Moved Cr Armstrong
Seconded Cr Chappell

That the development application submitted by Co-operative Bulk Handling Limited (CBH) on behalf of the State of Western Australia (Landowner) seeking Council's retrospective approval for the placement and use of a new transportable building (i.e. staff ablution block) on Lot 189 Duncan Road, Newdegate be approved subject to compliance with the following conditions and advice notes:

Conditions

1. The development and use shall be consistent with the information and plans submitted in support of the application as well as the various conditions documented below unless otherwise approved by Council.
2. Any additional development which is not in accordance with the application the subject of this approval or any condition of this approval will require the further approval of Council.
3. The building shall be used as an ablution facility only and must not be converted to a habitable building in the future unless otherwise approved by Council.

RESOLUTION 12417 continued

4. All stormwater generated by the building the subject of this approval shall be managed and disposed of to the specifications and satisfaction of the Shire of Lake Grace.
5. The building shall be provided with an adequate on-site effluent disposal system constructed and maintained to the specifications and satisfaction of the Shire of Lake Grace and Department of Health.
6. The sub-floor area of the building shall be enclosed with brick, stone, vermin proof battens or other means acceptable to the Shire of Lake Grace within sixty (60) days of the date of this approval.

Advice Notes

1. A completed Building Approval Certificate application must be submitted to and approved by the Shire's Building Surveyor within ninety (90) days of the date of this approval.
2. The structure is required to comply in all respects with the National Construction Code of Australia. Plans and specifications which reflect these requirements are required to be submitted with the Building Approval Certificate application.
3. The existing effluent disposal system servicing the ablution building is required to comply with the *Health (Treatment of Sewage and Disposal of Effluent and Liquid Waste) Regulations 1974*. Plans and specifications which reflect these requirements are required to be submitted to the Shire for approval.
4. Failure to comply with any of the conditions of this development 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.
5. If the applicant or owner is aggrieved by this determination there is a right of review by the State Administrative Tribunal in accordance with the *Planning and Development Act 2005* Part 14. An application must be submitted within 28 days of the determination.

CARRIED 4/1

Cr Chappell requested his name be recorded as voting against the motion.

*Cr De Landgraft, Cr Marshall and Cr Walker returned to the meeting at 1:34 pm.
Cr Hunt vacated the chair and Cr De Landgraft returned to preside the meeting at 1:35 pm.
The resolution was read aloud by the Chief Executive Officer to the returning members.*

13.0 MATTERS FOR CONSIDERATION – HEALTH & BUILDING

No matters for consideration.

14.0 MATTERS FOR CONSIDERATION – FINANCE

14.1 ACCOUNTS FOR PAYMENT – NOVEMBER 2016

Applicant: Internal Report
File No. 0277
Attachments: List of Creditors
Author: Ms Kairi Nigol

Disclosure of Interest: Nil
Date of Report: 14 December 2016
Senior Officer: Ms Linda Gray


Finance Coordinator


Deputy Chief Executive Officer

Summary

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

Background

List of payments for the month November 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 November 2016 from the Municipal and Trust Account Total \$800,868.31.

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 12418

Moved Cr Marshall
Seconded Cr Stanton

That Council ratify the list of payments totalling \$800,868.31 as presented for the month of November 2016 incorporating:

- Trust Account Cheques:	1307-1312	\$	870.00
- Electronic Funds Transfer:	EFT16107 – EFT16217	\$	462,839.00
- Municipal Account Cheques:	36505 – 36523	\$	65,514.36
- Direct Debits:	DD6508.1 – DD6508.8	\$	135,362.75
	DD6531.1 – DD6531.8		
	DD6539.1		
	DD6562.1 – DD6562.22		
	DD6565.1 – DD6565.7		
	DD6567.1		
- Electronic Funds Transfer:	Payroll Net Pay	\$	136,282.20

CARRIED 8/0

14.2 FINANCIAL STATEMENTS – NOVEMBER 2016

Applicant: Shire of Lake Grace
File No. 0275
Attachments: 1. Financial Reports November 2016
 2. Bank Reconciliations
Author: Ms Linda Gray
Disclosure of Interest: Nil
Date of Report: 14 December 2016
Senior Officer: Ms Denise Gobbart


 Deputy Chief Executive Officer


 Chief Executive Officer

Summary

Consideration of the financial statements for the month ending 30 November 2016.

Background

The following financial reports for November 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 and Expenditure Graphs
- Bank Reconciliations

Comment

N/A

Legal Implications

Local Government Act 1995 – section 6.4

Local Government (Financial Management) Regulations 1996

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 12419**

Moved Cr Lloyd
Seconded Cr Hunt

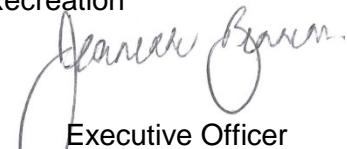
That Council in accordance with Regulation 34 of the *Local Government (Financial Management) Regulations 1996* receives the Statements of Financial activity for the period ended 30 November 2016.

CARRIED 8/0

15.0 MATTERS FOR CONSIDERATION – COMMUNITY SERVICES
--

15.1 LAKE KING MULTIPURPOSE COURT RESURFACING PROJECT FUNDING

Applicant:	Executive Services
File No.	0286
Attachments:	Letter – Minister for Sport and Recreation
Author:	Mrs Jeanette Bennett



Executive Officer

Disclosure of Interest:	Nil
Date of Report:	14 December 2016
Senior Officer:	Ms Denise Gobbart



Chief Executive Officer

Summary

The purpose of this report is for Council to consider funding options in regard to the Lake King Multipurpose Court Resurfacing Project.

Background

A letter has been received from the Minister for Sport and Recreation, Hon Mia Davies MLA advising us that we have been successful in our application for funding support through CSRFF to assist with the Lake King Multipurpose Court Resurfacing Project. A grant of up to \$22,500 (GST exclusive) has been approved.

The Shire's application was for \$45,501 (GST exclusive) which now leaves the project with a \$23,001 shortfall.

Council, at its 24 August 2016 Ordinary Meeting, through Resolution 12341 and carried by Absolute Majority 7/0 resolved to:

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 \$50,052 (GST inclusive) for the Lake King Multipurpose Courts Resurfacing Project;*
2. *Prioritise the Lake King Multipurpose Courts Resurfacing 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 \$45,502 being one third of the total cost of the project, redeemable through the Lake King Specified Area Rate.*

Project Background

In July 2016 the Shire received a written request from the Lakes Winter Sports Committee regarding the Lake King netball courts being unplayable and the possibility of resurfacing 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 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 2016 they were deemed unsafe by the Ravensthorpe Netball Association and as a consequence the Lake King Winter Sports Committee are now unable to provide a suitable facility for netball.

The courts are badly in need of resurfacing 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 (DSR) and the Shire submitted a funding submission to the DSR Small Grants Program.

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

The Lake King community was made aware of the Shire's one third SAR loan portion being limited to \$50,000 under the Shire's Specified Area Rate Policy 3.3; and had been requested to fund one third of the project plus any excess of the total project cost above \$150,000. At its 20 July 2016 Meeting, the Lake King Progress Association moved a motion to support the Winter Sports Group in the undertaking of resurfacing multipurpose courts. The motion was passed unanimously.

The budget submitted for the CSRFF grant application was calculated as follows:

	Ex. GST	Inc. GST
Shire of Lake Grace cash contribution by way of a Specified Area Rate Loan	\$ 45,502	\$ 50,052
CSRFF	\$ 45,501	\$ 50,052
Lake King community cash contribution	<u>\$ 45,502</u>	<u>\$ 50,052</u>
	<u>\$136,505</u>	<u>\$150,156</u>

As mentioned above, with the inability to attract the full complement of one third funding from the Department of Sport and Recreation, the project now has a shortfall of \$23,001.

Council is committed to the raising of loan for \$45,502 for the project to be paid through the Lake King Specified Area Rate and repaid over a five year period.

In order to achieve their aim for the courts to be playable in readiness for the 2017 winter sports season, the Lake King Winter Sports Group has booked the resurfacing in with Sports Surfaces who are their preferred supplier. The works are scheduled to commence in February/March 2017.

Comment

As Council is aware, with projects funded through the Specified Area Rate (Policy 3.3), once the Council contribution exceeds \$50,000 the project is to be first approved by way of a community survey being a postal vote of ratepayers within the prescribed area.

Due to the importance of this project to the Lake King community, and Council's commitment to seeing the project happen, Council may wish to consider funding the shortfall through other avenues, such as reducing the current level of funding set to be transferred to reserve or additional loan borrowing.

We proposed to transfer \$200,000 to both the Housing and Plant Replacement Reserves. These transfers could be reduced by \$7,500 each or \$15,000 from either reserve. Additional loan borrowings that are not included in the adopted budget have legislative requirements with the need to give one month's local public notice of the proposal; this would restrict our ability to commence the project prior to a funding commitment.

The Lake King community had committed funding up to \$45,502 in the initial application, since this time they have reviewed their commitment to \$60,000 if required being funds from the following:

Lake King Progress Association	\$40,000
Lake King Winter Sports	\$20,000

Due to restrictions in sourcing loan borrowings that are not already included in the budget, it would be recommended that Council approve the allocation of \$15,000 to complete the Lake King court resurfacing project, by reducing the level of funds to be transferred to the Housing Reserve.

These funds are not related to Specified Area Rate (SARS) funding, hence it will not impact on the policy to undertake a community survey if the contribution exceeds \$50,000. It is proposed that the \$45,502 loan remains funded by SARS and the \$15,000 is a municipal fund contribution. This consideration is given due to the circumstances that occurred with the repairs that the Shire undertook on the courts, during the last winter sport netball season.

Legal Implications

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.*

- (1a) In subsection (1) —
- additional purpose** means a purpose for which no expenditure estimate is included in the local government's annual budget.
- (2) Where expenditure has been incurred by a local government —
- (a) pursuant to subsection (1)(a), it is to be included in the annual budget for that financial year; and
 - (b) pursuant to subsection (1)(c), it is to be reported to the next ordinary meeting of the council.

6.20. Power to borrow

- (1) Subject to this Act, a local government may —
- (a) borrow or re-borrow money; or

- (b) obtain credit; or
 - (c) arrange for financial accommodation to be extended to the local government in ways additional to or other than borrowing money or obtaining credit, to enable the local government to perform the functions and exercise the powers conferred on it under this Act or any other written law.
- (2) Where, in any financial year, a local government proposes to exercise a power under subsection (1) (power to borrow) and details of that proposal have not been included in the annual budget for that financial year —
- (a) unless the proposal is of a prescribed kind, the local government must give one month's local public notice of the proposal; and
 - (b) the resolution to exercise that power is to be by absolute majority.
- (3) Where a local government has exercised a power to borrow and —
- (a) it does not wish to proceed with the performance of the function or the exercise of the power for which the power to borrow was exercised; or
 - (b) after having completed the performance of the function or the exercise of the power for which the power to borrow was exercised, any part of the money borrowed, credit obtained or financial accommodation arranged has not been expended or utilized, the local government may resolve* to expend the money or utilize the credit or financial accommodation for another purpose if one month's local public notice is given of the proposed change of purpose.
- * *Absolute majority required.*
- (4) A local government is not required to give local public notice under subsection (3) —
- (a) where the change of purpose has been disclosed in the annual budget of the local government for the relevant financial year; or
 - (b) in such other circumstances as are prescribed.
- (5) A change of purpose referred to in subsection (3) is to be disclosed in the annual financial report for the year in which the change occurs.

Policy Implications

Shire of Lake Grace Policies:

- Policy 3.3 – Specified Area Rate,
 - d) All Council capital contributions to recreational and cultural activities. Where Council's contribution to a project under the specified area rate exceeds \$50,000.00, the project is to be first approved by way of a community survey being a postal vote of ratepayers within the prescribed area.
- 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: Chief Executive Officer

Financial Implications

The cost of the project based on the quote received from Sports Surfaces is \$136,505 (excluding GST) or \$150,156 (including GST) with funding sources as follows:

	Ex. GST	Inc. GST
Shire of Lake Grace cash contribution by way of a Specified Area Rate Loan	\$ 45,502	\$ 50,052
CSRFF	\$ 45,501	\$ 50,052
Lake King community cash contribution	<u>\$ 45,502</u>	<u>\$ 50,052</u>
	<u>\$136,505</u>	<u>\$150,156</u>

The budget proposes the following reserve transfers:

E091930 Transfer to Reserve – Housing \$200,000

E150016 Transfer to Reserve – Plant Replacement \$200,000

Reducing the transfer of funds to reserve will have no immediate impact on the current use of these reserve funds.

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.

Voting Requirements

Absolute majority (5) required.

Recommendation/Resolution**RESOLUTION 12420**

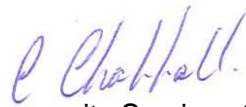
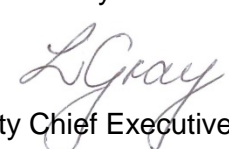
Moved Cr Stanton
Seconded Cr Marshall

That Council approve funds of \$15,000 to assist in the funding shortfall for the Lake King Multipurpose Court Resurfacing Project. These funds are to be made available by reducing the proposed transfer of funds to the Housing Reserve to \$185,000.

CARRIED BY ABSOLUTE MAJORITY 8/0

15.2 GRANT APPLICATION – AIM BUILDING

Cr Chappell declared impartiality interest in Item 15.2 Grant Application – AIM Building with the nature of the association being his wife Mrs Cheryl Chappell is the author of this item.

Applicant:	Internal Report	
File No.	0451	
Attachments:	Letter of support from Wheatbelt Development Commission	
Author:	Mrs Cheryl Chappell	 Community Services Officer
Disclosure of Interest:	Nil	
Date of Report:	14 December 2016	
Senior Officer:	Ms Linda Gray	 Deputy Chief Executive Officer

Summary

For Council to endorse an application submitted Tuesday 13 December 2016 under the Tourism WA's 2017-18 Regional Events Scheme. The scheme offers funding for eligible regional events held between 1 July 2017 and 30 June 2018 that have the ability or potential to attract visitors to the region, achieve media attention and involve and inspire the local community.

Background

The AIM Hospital is the only building of this kind left in Western Australia and one of three left in Australia. It's the 25th anniversary for the Lake Grace AIM Hospital since it was restored and reopened as a museum.

It was also in 1917 that John Flynn received a letter from a Lieutenant Clifford Peel in the Australian Flying Corps, he was later killed during World War One at the age of twenty four. Clifford's letter highlighted the role aviation could play in providing remote medical services, and contributed to the vision for an aerial medical service which is now known as the Royal Flying Doctor Service of Australia. This remarkable medical service is still the life line to many regional towns throughout Australia.

With this history behind the AIM it was decided to celebrate the AIM in 2017 with a Regional event which may be called '2017 A Commemoration of the Shire of Lake Grace and its Heritage'. The opportunity for a grant from Tourism WA was taken and the application was submitted.

Comment

During October 2017, Lake Grace plans to recognise and celebrate a unique part of Wheatbelt history. It will host an inaugural regional event to attract tourism to our region by inviting past residents who worked, were born in or helped restore our majestic Australian Inland Mission Hospital, these guests would be VIPs to a luncheon. The guests will be the centrepiece of the event, and whilst the event will be widely publicised as being open to all, it is intended that these guests will provide integrity to the event in the celebration of their lives.

It is also planned that this event will be part of a heritage pathway, with visitors enjoying the event and then travelling onwards to visit the Hainsworth Museum in Newdegate, the Tractor Museum in Lake King and the Varley Museum.

By hosting this event in October, it would capture the Shire of Lake Grace at its best during the wildflower season. This would piggyback our annual event to build up a profile and brand which is unique within Western Australia.

Legal Implications

Nil

Policy Implications

Shire of Lake Grace Policy Manual

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.

Consultation

Internal: Chief Executive Officer
Deputy Chief Executive Officer
Lake Grace Visitor Centre Manager

External: Lauren Clarke Senior Project Officer, Wheatbelt Development Commission
Tourism WA

Financial Implications

The cost of the project based on the quotes received from the budget for the event is \$36,500 (excluding GST) or (including GST) with funding sources inclusive of GST as follows:

	Ex GST	Inc GST
Shire of Lake Grace staff time	\$5,000	\$0
Tourism WA's 2017/18 Regional Events Scheme	\$32,850	\$36,500

Staff time identified in the application is already provided for within the 2016/17 Budget, no additional funding will be required.

Strategic Implications

Strategic Community Plan

- EC3 Engage with the community to develop sustainable budget commitments.
- Ec 2.2 Harness tourism opportunities by partnering with neighbouring Shires/tourism organisations.
- S 2.3 Provide a social environment that allows young families to feel supported and connected to their family and community.
- S 3.2 Actively promote and support events and activities across the whole of the Shire.

Voting Requirements

Simple majority required.

Recommendation/Resolution

RESOLUTION 12421

Moved Cr Hunt

Seconded Cr Marshall

That Council endorse the submission of a funding application through the Tourism WA's 2017-2018, Regional Events Scheme.

CARRIED 8/0

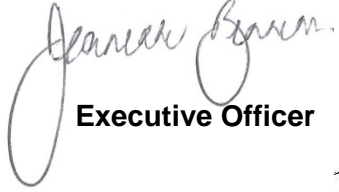
**15.3 LOT 47 BENNETT ST LAKE GRACE (OLD UNITING CHURCH) – PROPOSED
LEASE**


Item brought forward in the Agenda, at the request of Council – refer to item 15.3 (page 12) of this document.

16.0 MATTERS FOR CONSIDERATION - ADMINISTRATION
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16.1 NEWDEGATE LAND CONSERVATION DISTRICT COMMITTEE (LCDC) – PROPOSAL TO WIND UP

Applicant:	Office of the Commissioner of Soil and Land Conservation
File No.	0068
Attachments:	Letter
Author:	Mrs Jeanette Bennett
Disclosure of Interest:	Nil
Date of Report:	12 December 2016
Senior Officer:	Ms Denise Gobbart


Executive Officer


Chief Executive Officer

Summary

For Council to consider its position in relation to the proposed winding up of the Newdegate Land Conservation District Committee (LCDC).

Background

In May 2015, the Shire received a letter from the Commissioner of Soil and Land Conservation requesting support for the proposed wind up of the Newdegate LCDC.

As per the letter (refer attached) the Newdegate LCDC was a statutory committee established under *Sections 22 & 23 of the Soil and Land Conservation Act 1945* to manage activities in the Newdegate Land Conservation District that was proclaimed by the Governor in 1993.

Once the members' term of appointment expired on 30 September 2003, and due to a lack of interest, the Newdegate LCDC ceased to exist and since that time has had no authority to operate. The Commissioner is now seeking support for the proposal to wind up from local governments within the district prior to presenting their recommendation to the Minister.

Members of the Newdegate community with a known past interest in land care being Steve Thompson, Tim Walter and Andrew Stewart have recently been contacted directly by telephone and have all verbally confirmed they are happy to support the proposal to wind up the Newdegate LCDC. Rochelle Hams, a previous Landcare Officer in Newdegate who assisted with names of those to contact is also happy to support the proposal. Mr Geoff McDonald was unavailable at the time of contact. Cr Lloyd has also assisted staff with names of those to make contact with.

Comment

All of those contacted, commented that things have changed since the days when the Landcare Office operated out of the Hainsworth Building in the nineties, how funding streams for land care have changed over the years and that volunteers are no longer as available these days due to everyone being busy with their own businesses.

It is therefore recommended that Council advise the Commissioner of Soil and Land Conservation that it supports the proposal to wind up the Newdegate LCDC.

Legal Implications

Local Government Act 1995 – s5.9, s5.11, s5.17, s5.98

Local Government (Administration) Regulations 1996

Soil and Land Conservation Act 1945 - s22 & s23

Policy Implications

N/A

Consultation

Internal: Cr Lloyd
Chief Executive Officer

External: Monica Coates, Department of Agriculture and Food, for the Office of the Commissioner of Soil and Land Conservation
Mr Steve Thompson (former LCDC representative)
Mr Tim Walter (former LCDC representative)
Mr Andrew Stewart (former LCDC representative)
Mrs Rochelle Hams (former Newdegate Landcare Officer)

Financial Implications

N/A

Strategic Implications

Shire of Lake Grace Strategic Community Plan - *Connecting with our Future 2023*,

- En3 Manage and protect the natural environment.
- En 3.1 Provide effective planning and development controls for environmentally sensitive areas.

Voting Requirements

Simple majority required.

Recommendation/Resolution**RESOLUTION 12422**

Moved Cr Chappell
Seconded Cr Lloyd

That Council advise the Commissioner of Soil and Land Conservation that it supports the proposal to wind up the Newdegate Land Conservation District Committee.

CARRIED 8/0

16.2 ESTABLISHMENT OF THE NEWDEGATE COMMUNITY LIBRARY MANAGEMENT COMMITTEE

Applicant: Executive Services
File No. 0792
Attachments: Agreement
Author: Mrs Jeanette Bennett

Disclosure of Interest: Nil
Date of Report: 13 December 2016
Senior Officer: Ms Denise Gobbart


Executive Officer


Chief Executive Officer

Summary

The purpose of this report is for Council (the Shire) to establish the Newdegate Community Library Management Committee.

Background

In 2014, the Minister for Education, the Newdegate Community Resource Centre (CRC) and the Shire signed off on a formal agreement for the facility known as the Newdegate Community Resource Centre. The Agreement sets out usage and management of the facilities for the mutual benefit of the community of the Shire and the School.

Section 31 of the Agreement states:

31.1 The care, management and control of the Facilities shall be jointly administered by the Minister, the Centre and the Shire who shall appoint a management committee. Membership of the Management Committee shall consist of 7 members (or other such number as the Shire, the Centre and the Minister shall from time to time agree) who, subject to this Agreement and any mutual direction on the part of the Shire, the Centre and the Minister, shall exercise the functions set out in the Rules. Members shall comprise:

- (a) 2 members appointed by the Shire*
- (b) 2 members appointed by the Minister*
- (c) 2 members of the Centre Management Committee; and,*
- (d) 1 member of the local community to be appointed by the Shire.*

Annexure A of the Agreement Management Committee – Rules sets out the functions of the Management Committee and its method of operation which includes election of a Chairperson and Deputy Chairperson and the appointment of a Secretary.

Comment

As per Section 31 above, the Shire is required to appoint (i.e. establish) the Management Committee in conjunction with the Newdegate Primary School and the Newdegate CRC and appoint members to the Committee as per 31.1 (a) and 31.1 (d). The Shire would also advise the Newdegate Primary School and the Newdegate CRC in regard to their obligations under the Agreement.

In summary under the *Local Government Act 1995*, Committees can be classified as:

1. *Council committees, that is, a committee of three or more persons established by council to assist the council and to exercise the powers and discharge the duties of the local government that can be delegated to committees*; or,*
2. *Non-Council Committees established by some other authority or community group that operates with no delegated authority in respect to Council's powers or duties but which have an interest in some of the activities of Council and to which Council wishes to have formal representation.*

Note The Lake Grace Shire Council has no committees with any delegated authority in respect to the exercising of power and the discharge of duties.*

Establishment of the Newdegate Community Library Committee would be as per s5.8 and the Shire appointments as per s5.9 (2) (c) detailed below.

The Shire will write to the Newdegate Primary School and the Newdegate CRC seeking nominations and will also advertise the community position early in the New Year. Once nominations have been received, it will enable formal endorsement of the committee members by Council.

Legal Implications

In accordance with the *Local Government Act 1995* Council may establish a number of varying types of committee detailed as follows:

s5.8. Establishment of committees

A local government may establish* committees of 3 or more persons to assist the council and to exercise the powers and discharge the duties of the local government that can be delegated to committees.

** Absolute majority required.*

s5.9. Committees, types of

- (1) In this section —
other person means a person who is not a council member or an employee.
- (2) A committee is to comprise —
 - (a) council members only; or
 - (b) council members and employees; or
 - (c) council members, employees and other persons; or
 - (d) council members and other persons; or
 - (e) employees and other persons; or
 - (f) other persons only.

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

Shire of Lake Grace Policy 1.6 – Members Travel Expenses

Consultation

Internal: Chief Executive Officer
Deputy Chief Executive Officer

External: Cr Roz Lloyd on behalf of the Newdegate Primary School, the Newdegate CRC and the community.

Financial Implications

As a Committee of Council, elected members appointed to the Committee will be eligible to claim a Committee meeting fee and travel expenses.

Community members appointed to Committees of Council are not eligible to claim meeting fees, however are eligible to claim travel expenses.

Strategic Implications

Shire of Lake Grace Strategic Community Plan

Connecting with our Future 2023

Civic Leadership: Focus Area 5 - Excellence in Shire administration and communication
Focus Area 7 – Effective community management structures

Voting Requirements

Absolute (5) majority required.

Recommendation/Resolution**RESOLUTION 12423**

Moved Cr Chappell
Seconded Cr Hunt

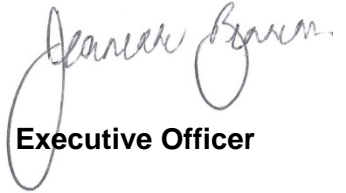
That Council, in accordance with Section 31 (Management Committee) of the Agreement between the Shire, Minister for Education and the Newdegate Community Resource Centre (Inc) and Section 5.8 of the *Local Government Act 1995*:

1. Establishes the Newdegate Community Library Management Committee with membership comprising:
 - 2 members appointed by the Shire;
 - 2 members appointed by the Minister;
 - 2 members of the Centre Management Committee; and
 - 1 member of the local community to be appointed by the Shire.
2. Writes to the Newdegate Primary School and the Newdegate Community Resource Centre Inc. seeking their nominations;
3. Advertises the community position; and,
4. Instruct the Chief Executive Officer to establish the Terms of Reference in accordance with the Agreement.

CARRIED BY ABSOLUTE MAJORITY 8/0

16.3 SHIRE OF LAKE GRACE STRATEGIC COMMUNITY PLAN – 2017 REVIEW

Applicant: Executive Services
File No. 0271
Attachments: 1. 2014 Reviewed Strategic Community Plan
 2. IPR – Framework and Guidelines
 3. Proposals (*under separate cover*)
Author: Mrs Jeanette Bennett
Disclosure of Interest: Nil
Date of Report: 13 December 2016
Senior Officer: Ms Denise Gobbart


Executive Officer


Chief Executive Officer

Summary

The purpose of this report is for Council to consider the upcoming 2017 major review of the Shire's Strategic Community Plan through the use of consultants.

Background

The Shire's Strategic Community Plan (SCP) *Connecting with our Future 2023* was developed and prepared in 2012. The community engagement process used to build the plan was comprehensive and a Reference Group was established to "provide additional information on the community and assist with the identification of appropriate language and formatting of engagement strategies as well as promoting and encouraging community members to be part of the engagement process". The Reference Group consisted of fifteen (15) people from around the Shire and included one councillor representative. The SCP was adopted in November 2012.

The SCP was reviewed in 2014 when senior staff undertook a desktop review of the SCP and sought advice in addressing the following areas of non-compliance in order to meet the minimum legislative requirements as requested by the Department of Local Government and Communities (DLGC) at the time:

- *Long Term Objectives, Desired Outcomes, Strategies and Measures* - That future plans have fewer objectives with an optimum of one objective for each core area. Too many objectives may result in the desired direction being more diluted;
- *Services Assessment* - That a list of services and associated strategies is developed;
- *Partners* - That a list of partners and associated strategies be developed and maintained in a supporting dataset;
- *Supporting Dataset* – An excel based dataset of desired outcomes and strategies and partners be developed; and,
- *Strategic Performance Measurement* - The plan should have regard to strategic performance measurement by setting indicators and ways of measuring these.

The February 2014 version was rationalised with the number of community objectives significantly reduced, better defined and more measurable, permitting greater linkage to the Shire's Corporate Business Plan, Long Term Financial Plan and Workforce Plan. The community were invited to make comment on the revised SCP.

The full review of our SCP must be conducted and adopted by Council by the 1 July 2017.

Comment

Integrated Planning and Reporting Advisory Standard

(Published by the Department Local Government and Communities)

In 2010, the Integrated Planning and Reporting (IPR) Framework and Guidelines were introduced in Western Australia (WA) as part of the State Government's Local Government Reform Program. All local governments were required to have their first suite of IPR documents in place by 1 July 2013.

The September 2016 Advisory Standard published by the Department for Local Government and Communities complements the legislative requirement for planning for the future under Section 5.56 (1) of the Local Government Act 1995 and the regulations under Section 5.56 (2) of the Act that outline the minimum requirements to achieve this.

The following table outlines the DLGC Advisory Standard to a Strategic Community Plan:

Advisory Standard – Strategic Community Plan	
Achieving Standard	<p>Achieving Standard is met when:</p> <p>A Council has adopted a Strategic Community Plan that meets all of the regulatory requirements:</p> <ul style="list-style-type: none"> (i) A minimum ten-year timeframe (ii) States community aspirations - vision, outcomes and priorities (iii) Developed or modified through engagement with the community, and this is documented (iv) Has regard to current and future resource capacity, demographic trends and strategic performance measurement (v) Is adopted, or modifications to it are adopted, by an absolute majority of council (vi) is subject to a full review scheduled for 4 years from when it is adopted <p>The local government has a community engagement policy or strategy</p> <p>Community engagement involves at least 500 or 10% of community members, whichever is fewer, and is conducted by at least 2 documented mechanisms</p> <p>A Strategic Review is undertaken every two years, alternating between a Minor Strategic Review and a Major Strategic Review</p>
Intermediate Standard	<p>Intermediate Standard is met when:</p> <p>The Strategic Community Plan connects most of the activities and services that are delivered by the local government with the community's aspirations - vision, outcomes and priorities</p> <p>The Strategic Community Plan takes into account a range of relevant external factors, including relevant plans of State and Commonwealth agencies</p> <p>Community engagement involves more than the minimum number of community members as provided for in the Achieving Standard, is inclusive and uses more than the minimum number of documented mechanisms that apply in the Achieving Standard</p>

Advanced Standard	<p>Advanced Standard is met when:</p> <ul style="list-style-type: none"> The Strategic Community Plan meets Achieving and Intermediate Standards The Strategic Community Plan connects all of the activities and services that are delivered by the local government with the community's aspirations - vision, outcomes and priorities The Strategic Community Plan demonstrates effectiveness in achieving community objectives
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The Strategic Community Plan is the Council's principal ten-year strategy and planning document. It is the guiding document for the remainder of the IPR suite. Community engagement to determine their vision and priorities is central to the Plan.

Ideally, the local government actively partners the community in realising the future of the local area. Communities provide vital input to understanding aspirations and service needs. In turn, they have a key role in monitoring progress. These roles are voluntary and rely on engaging local government processes, where the community feels they genuinely have a voice in decisions that affect them in the long, medium and short term.

The Council sets the local government's strategic and policy directions and makes the final judgement call on the best balance between aspirations and affordability. This is at the heart of the elected Council's governance role and a prime means of giving effect to local democracy. It is up to the Council to ultimately determine affordable and achievable priorities that respond to the needs and aspirations of the community. Therefore, it needs to engage with the community and other key stakeholders on the real choices it is facing in the long, medium and short term and really listen.

The Administration is responsible for advising Council, providing appropriate and effective engagement, planning and monitoring processes and, implementing Council's decisions. The Administration supports Council to set the strategic direction of the local government. This support takes the form of information and advice to Council and leading the preparation of the suite of IPR documents.

The community's aspirations (vision, outcomes and priorities) are expressed in the Strategic Community Plan. The community is likely to create a vision and outcomes that guide the local government's service delivery role but also stretch beyond it. This also serves to inspire the community and enable the local government to represent the community with other parties who influence community outcomes. The Strategic Community Plan is a vehicle to guide ongoing dialogue, advocacy and partnerships.

The Council may also wish to include its values and mission statement. Along with this, the Council's decision-making criteria provides valuable information on what was taken into account in formulating the Strategic Community Plan.

Unfortunately when our current SCP was adopted, it listed our Community's Vision and Values along with the Shire's Vision and Values. Critical to the communities vision was that *'people feel connected, valued and supported'*; this is not reflected in the Shire's vision; this is an example of the differing directions, of the Shire and the community. The SCP needs to have our

Community Vision along with the Shire's values and mission. This then ensures that we are working together for one common outcome.

When the first SCP was developed in 2012 it was a much 'bigger' version which was then found to be perhaps too broad and unworkable in relation to the informing and resourcing plans, so in 2014 it was considerably reduced and now probably needs more work in terms of substance and reflection/linkages with our other plans.

In considering the above, it is recommended to Council the appointment of an external consultant due to constraints with staff capability and resources to undertake the review in-house.

The author has contacted the following and requested expressions of interest giving a broad outline of what they can deliver and an indicative cost:

1. Jodie Mortadza - Innovate, Consult, Create, involved with previous SCP;
2. Moore Stephens who have prepared the Shire's Long Term Financial Plan, Corporate Business Plan and assisted with the 2014 review of the SCP;
3. Helen Westcott - BHW Consulting; prepared Shire of Jerramungup SCP;
4. Mark Dacombe of Localise, *Local Government at its Best*.

Jodie Mortadza has advised by telephone (13 December 2016) that she will not be submitting a proposal, she now operates her business as a sole operator and has been undertaking further studies which has resulted in a slight change of direction for her community engagement business.

Proposals received from Moore Stephens and Localise have been provided under separate cover. The proposal from BHW Consulting will be made available prior to the meeting via email.

The timeframe for the review to be completed is by 20 April 2016.

Legal Implications

Extract - Department of Local Government & Communities – Integrated Planning & Reporting Framework & Guidelines September 2016:

Appendix B: Legislation and Regulation – relevant extracts

From the Local Government Act 1995

5.53. Annual reports

(2) *The annual report is to contain –*

(e) *an overview of the plan for the future of the district made in accordance with section 5.56, including major initiatives that are proposed to commence or to continue in the next financial year; and*

(i) *such other information as may be prescribed.*

5.56. Planning for the future

(1) *A local government is to plan for the future of the district.*

(2) *A local government is to ensure that plans made under subsection (1) are in accordance with any regulations made about planning for the future of the district.*

6.2 Local government to prepare annual budget

(2) *In the preparation of the annual budget the local government is to have regard to the contents of the plan for the future of the district made in accordance with section 5.56 and to prepare a detailed estimate for the current year of –*

(a) *the expenditure by the local government; and*

(b) *the revenue and income, independent of general rates, of the local government; and*

- (c) the amount required to make up the deficiency, if any, shown by comparing the estimated expenditure with the estimated revenue and income.
- (3) For the purposes of subsections (2)(a) and (b) all expenditure, revenue and income of the local government is to be taken into account unless otherwise prescribed.

LOCAL GOVERNMENT (ADMINISTRATION) REGULATIONS 1996

- 19CA. Information about modifications to certain plans to be included (Act section 5.53(2)(i))
- (1) This regulation has effect for the purposes of section 5.53(2)(i).
- (2) If a modification is made during a financial year to a local government's strategic community plan, the annual report of the local government for the financial year is to contain information about that modification.
- (3) If a significant modification is made during a financial year to a local government's corporate business plan, the annual report of the local government for the financial year is to contain information about that significant modification.
- 19C. Strategic community plans, requirements for (Act section 5.56)
- (1) A local government is to ensure that a strategic community plan is made for its district in accordance with this regulation in respect of each financial year after the financial year ending 30 June 2013.
- (2) A strategic community plan for a district is to cover the period specified in the plan, which is to be at least 10 financial years.
- (3) A strategic community plan for a district is to set out the vision, aspirations and objectives of the community in the district.
- (4) A local government is to review the current strategic community plan for its district at least once every 4-years.
- (5) In making or reviewing a strategic community plan, a local government is to have regard to —
- (a) the capacity of its current resources and the anticipated capacity of its future resources; and
- (b) strategic performance indicators and the ways of measuring its strategic performance by the application of those indicators; and
- (c) demographic trends.
- (6) Subject to sub regulation (9), a local government may modify its strategic community plan, including extending the period the plan is made in respect of.
- (7) A council is to consider a strategic community plan, or modifications of such a plan, submitted to it and is to determine* whether or not to adopt the plan or the modifications.
- *Absolute majority required.
- (8) If a strategic community plan is, or modifications of a strategic community plan are, adopted by the council, the plan or modified plan applies to the district for the period specified in the plan.
- (9) A local government is to ensure that the electors and ratepayers of its district are consulted during the development of a strategic community plan and when preparing modifications of a strategic community plan.
- (10) A strategic community plan for a district is to contain a description of the involvement of the electors and ratepayers of the district in the development of the plan or the preparation of modifications of the plan.
- 19DA. Corporate business plans, requirements for (Act section 5.56)
- (1) A local government is to ensure that a corporate business plan is made for its district in accordance with this regulation in respect of each financial year after the financial year ending 30 June 2013.
- (2) A corporate business plan for a district is to cover the period specified in the plan, which is to be at least 4 financial years.
- (3) A corporate business plan for a district is to —
- (a) set out, consistently with any relevant priorities set out in the strategic community plan for the district, a local government's priorities for dealing with the objectives and aspirations of the community in the district; and
- (b) govern a local government's internal business planning by expressing a local government's priorities by reference to operations that are within the capacity of the local government's resources; and

(c) develop and integrate matters relating to resources, including asset management, workforce planning and long term financial planning.

(4) A local government is to review the current corporate business plan for its district every year.

(5) A local government may modify a corporate business plan, including extending the period the plan is made in respect of and modifying the plan if required because of modification of the local government's strategic community plan.

(6) A council is to consider a corporate business plan, or modifications of such a plan, submitted to it and is to determine* whether or not to adopt the plan or the modifications.

*Absolute majority required.

(7) If a corporate business plan is, or modifications of a corporate business plan are, adopted by the council, the plan or modified plan applies to the district for the period specified in the plan.

19D. Adoption of plan, public notice of to be given

(1) After the adoption of a strategic community plan, or modifications of a strategic community plan, under regulation 19C, the local government is to give local public notice in accordance with sub-regulation (2).

(2) The local public notice is to contain —

(a) notification that —

(i) a strategic community plan for the district has been adopted by the council and is to apply to the district for the period specified in the plan; and

(ii) details of where and when the plan may be inspected;

or

(b) where a strategic community plan for the district has been modified —

(i) notification that the modifications to the plan have been adopted by the council and the plan as modified is to apply to the district for the period specified in the plan; and

(ii) details of where and when the modified plan may be inspected.

Local Government Act 1995

All local governments are required to plan for the future of their district under Section 5.56 (1) of the Local Government Act 1995. Regulations under Section 5.56(2) of the Act outline the minimum requirements to achieve this.

The minimum requirement of the plan for the future is the development of:

- A Strategic Community Plan; and
- A Corporate Business Plan.

Policy Implications

N/A

Consultation

Internal: Chief Executive Officer
Deputy Chief Executive Officer

External: Mark Dacombe, Localise
Paul Breman, Moore Stephens
Jodie Mortadza, Consult, Create, Innovate
Helen Westcott, BHW Consulting

Financial Implications

Shire of Lake Grace 2016/2017 Budget: Account E042280 Integrated Planning and Valuations has an allocation of \$20,000, of which \$0.00 has been expended to date.

Strategic Implications

Shire of Lake Grace Strategic Community Plan

Connecting with our Future 2023

Leadership Development and Participation:

- E2 Create a culture of leadership development, engagement and opportunities that are encouraged and supported across the Shire.
- E2.1 For future Shire planning, policy development, decision making and important initiatives include community participation strategies.
- E2.2 Educate and inform the community on Shire policies, processes and responsibilities.
- E2.3 Review the effectiveness of these initiatives.

Voting Requirements

Simple majority required.

Recommendation/Resolution**RESOLUTION 12424**

Moved Cr Hunt

Seconded Cr Marshall

That Council authorise the Chief Executive Officer to engage the services of Moore Stephens to undertake the 2017 major review of the Strategic Community Plan at a cost of \$16,900 from Account E042280.

CARRIED 8/0

16.4 NEWDEGATE MEDICAL CENTRE – LEASE OF CONSULTING ROOM

Applicant: Ms Karen Rodgers-Smart (MoveSmart Physiotherapy)
File No. 0734
Attachments: 1. Email
2. Draft Lease Agreement (under separate cover)
Author: Ms Denise Gobbart
Chief Executive Officer
Disclosure of Interest: Nil
Date of Report: 15 December 2016
Senior Officer: Ms Denise Gobbart



Chief Executive Officer

Summary

For Council to authorise a twelve month lease of a consulting room at the Newdegate Medical Centre for the purpose of a physiotherapy service and to approve the use of the common seal on the lease document.

Background

On 8 August 2016, Ms Karen Rodgers-Smart wrote to the Shire (refer attachment 1) requesting use of a room at the Newdegate Medical Centre to provide physiotherapy services to the town of Newdegate and surrounding communities for a twelve month period commencing 6 February 2017 with a possible extension.

Ms Rodgers-Smart has been in contact with the Lake Grace General Practice in relation to the service and also contacted the Chief Executive Officer by telephone regarding the matter.

Comment

The Newdegate Medical Centre is located on Lot 195 May Street, Newdegate and the Centre has three (3) consulting rooms.

The local General Practice and Child Health Nurse, Ms Elizabeth Trevenen uses a room each Wednesday. There is currently a room that is not being utilised, this is the room intended to be utilised for the physiotherapy service. A room had previously been authorised for use by a similar service for a charge of \$50 per day used, \$30 per half day (8am–12pm or 12pm–4pm) or \$100 per week.

Ms Rodgers-Smart has requested to use the room which is currently unoccupied to provide physiotherapy services and have isolated access to this unused room to store physio equipment. The service would also require access to the common areas of the premises including the waiting room and bathroom facilities.

It is intended that the room would be used two half days a week (proposed Monday and Thursday) and then as business grows aim to extend to full days and if required add a third day of appointment consultations.

Confirmation has been sought from the Department of Lands in relation to our ability to enter into a lease at the medical centre. The advice received after investigation of the terms and conditions within Lease K799794, is that under section 5.5 (a) it states "It is agreed by the parties that section 18 of the Land Administration Act applies to this Lease and, without limited

the generality of that section, the Lessee must not, without the prior written consent of the Minister: (i) part with possession of, share possession of or sublet the Leased Premises”.

The written permission will allow the Shire to sublease the area for the permitted purpose of the lease being “Hall Site, Medical Centre and Seniors Housing”.

Comment was also sort on casual hire and the advice is the same that technically a casual hire is a form of a lease/licence as it gives the right to use or occupy the property.

We will be required to prepare a lease document to be sent to the Department of Lands for Ministerial approval. This lease will be along the lines of the Uniting Church lease currently before Council.

It is proposed that the conditions will be as follows:

- a 12 month lease at the Newdegate Medical Centre for the purpose of a physiotherapy service;
- With a one year extension if required;
- The lease fee to be \$110 GST inclusive per week;
- The lease fee will be invoiced monthly in advance for the use of the centre;
- Charges to the centre are subject to review as part of the Shire’s annual budget process in July and may be changed at this point;
- The lease is to commence Monday 6 February 2017;
- A copy of a current public liability insurance certificate is to be provided to the Shire at the commencement of the lease and any agreed extensions;
- The shire accepts no responsibility for any items related to the service being used/stored on the premises;
- Keys and access code to be provided to access the centre; and,
- Centre is to be left in a clean and tidy condition with all entrances and windows secured. The alarm is to be set prior to leaving the building if last one to leave; and,
- Consideration given to utility costs.

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.*

[Section 3.58 amended by No. 49 of 2004 s. 27; No. 17 of 2009 s. 10.]

Local Government (Financial Management) Regulations 1996

Reg 30. Previous financial year figures to be shown for comparison

- (1) *In the annual budget —*
 - (a) *the income statement for the previous financial year; and*
 - ~~(b) *deleted*~~
 - (c) *the rate setting statement for the previous financial year; and*
 - (d) *the information referred to in regulation 27(g), 27(i)(i), 27(j), 27(k)(i), 27(k)(ii) and 29(f) for the previous financial year,*

*are to be prepared in a manner that clearly compares the estimates in the annual budget in respect of each statement or piece of information, as the case requires, with the equivalent financial results at 30 June of the previous financial year (**comparative figures**).*
- (2) *If at the time of preparation of the annual budget a financial result referred to in subregulation (1) is not known, an estimate of that result may, if it is disclosed as an estimate, be included in the annual budget.*

[Regulation 30 amended in Gazette 20 Jun 1997 p. 2840; 20 Jun 2008 p. 2723.]

Shire of Lake Grace – Standing Orders Local Law 2015

19.1 *The Council's Common Seal*

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

- (2) The common seal of the Local Government may only be used on the authority of the Council given either generally or specifically and every document to which the seal is affixed must be signed by –
- (a) the President and the CEO or an appropriate officer authorised;
 - (b) the Deputy President and the CEO or an appropriate officer authorised; or
 - (c) the CEO and an appropriate officer authorised.
- (3) The common seal of the local government is to be affixed to any local law which is made by the local government.
- (4) The CEO is to record in a register each date on which the common seal of the Local Government was affixed to a document, the nature of the document, and the parties to any agreement to which the common seal was affixed.
- (5) Any person who uses the common seal of the Local Government or a replica thereof without authority commits an offence. **Penalty:** \$1000

Policy Implications

Policy 1.11 – Use of Common Seal

The Common Seal of the Shire of Lake Grace is to be affixed to the following documents:

- Deeds of agreement
- Senior officer contracts of employment
- Land transactions (including leases)
- Other documents requesting use of the common seal

Consultation

External Lake Grace Medical Centre

Financial Implications

There has been no rental provision included in the 2016/2017 budget for this matter.

Strategic Implications

Shire of Lake Grace Strategic Community Plan

Social -

- S1 Maintain and improve the Shire of Lake Grace 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.

Voting Requirements

Absolute majority (5) required.

Recommendation/Resolution

RESOLUTION 12425

Moved Cr Lloyd
Seconded Cr Stanton

That Council:

1. Enters into a Lease Agreement for Lot 195 May Street, Newdegate with Karen Rodgers-Smart of MoveSmart Physiotherapy for the leasing of a consulting room at the Newdegate Medical Centre, subject to approval in writing by the Minister for Lands; and,
2. Authorises the use of the common seal by the President and the Chief Executive Officer on the Lease Agreement documents.

CARRIED BY ABSOLUTE MAJORITY 8/0

16.5 REVIEW OF SHIRE OF LAKE GRACE WARDS AND REPRESENTATION

Applicant: Internal Report
File No. 0375
Attachments: Communication Strategy – 2017 Ward Review
Author: Ms Denise Gobbart
 Chief Executive Officer
Disclosure of Interest: Nil
Date of Report: 6 December 2016
Senior Officer: Ms Denise Gobbart



Chief Executive Officer

Summary

For Council to resolve to undertake a review of the Shire of Lake Grace Wards and Representation.

Background

A local government is required to conduct a ward and representation review upon request from a Local Government Advisory Board (the Board) in accordance with clause 6(1) (30) of Schedule 2.2 of the Local Government Act 1995 (the Act). The Board has subsequently resolved to request the Shire of Lake Grace complete a review of its wards and representation to rectify current imbalances in representation.

The Shire's councillor to elector ratios at the time of October 2013 and the October 2015 elections were as follows:

2013

Ward	Number of Councillors	Number of Electors	Ward Ratio Average	% Ratio Deviation
Lake Grace	3	326	109	1.0%
Rural	5	558	112	-1.8%
Newdegate	1	102	102	7.3%
	9	986	110	

2015

Ward	Number of Councillors	Number of Electors	Ward Ratio Average	% Ratio Deviation
Lake Grace	3	326	109	3.6%
Rural	5	599	120	-6.3%
Newdegate	1	89	89	21.0%
	9	1014	113	

A review must comply with the requirements of clause 7 of schedule 2.2 of the Act. After the review is completed, the Shire is required to forward a report to the Board and propose that an order be made under section 2.2(1), 2.2(3) or 2.18(3) of the Act.

A guideline for undertaking the review is provided by the Local Government Advisory Board.

Comment

The review will be conducted in accordance with the guidelines provided by the Local Government Advisory Board. As the first step in the process the Council simply needs to resolve to commence the review.

Additionally a framework community engagement plan has been provided, to ensure Council is aware of the process of engagement which will be implemented as part of the review.

Legal Implications**Local Government Act 1995****Schedule 2.2 Provisions about names, wards and representation****cl. 6. Local government with wards to review periodically**

- (1) A local government the district of which is divided into wards is to carry out reviews of —
 - (a) its ward boundaries; and
 - (b) the number of offices of councillor for each ward, from time to time so that not more than 8 years elapse between successive reviews.
- (2) A local government the district of which is not divided into wards may carry out reviews as to —
 - (a) whether or not the district should be divided into wards; and
 - (b) if so —
 - (i) what the ward boundaries should be; and
 - (ii) the number of offices of councillor there should be for each ward,
 from time to time so that not more than 8 years elapse between successive reviews.
- (3) A local government is to carry out a review described in subclause (1) or (2) at any time if the Advisory Board requires the local government in writing to do so.

cl. 7. Reviews

- (1) Before carrying out a review a local government has to give local public notice advising —
 - (a) that the review is to be carried out; and
 - (b) that submissions may be made to the local government before a day fixed by the notice, being a day that is not less than 6 weeks after the notice is first given.
- (2) In carrying out the review the local government is to consider submissions made to it before the day fixed by the notice.

Policy Implications**Policy 1.12 Community Engagement**

To ensure the residents of the Shire of Lake Grace 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.

Consultation

Nil

Financial Implications

There are potential financial implications in regards to the outcomes of the review of the wards and representation, however in the context of this report there are limited external financial implications as the review will be conducted predominately internally (by Council Staff).

Strategic Implications***Strategic Community Plan –***

- CL1 Elected members provide visionary leadership
 - All members of the community feel well represented and have opportunities to contribute to Shire Decision making; and
 - Elected members are fully aware of community interests in their decision making.

- CL2 Foster a united approach between our communities
 - Relationships between towns improved
 - Progressive relations and activities across towns

Voting Requirements

Simple majority required.

Recommendation/Resolution**RESOLUTION 12426**

Moved Cr Chappell
Seconded Cr Walker

That Council;

1. Undertake a review of its current representation and wards with the final outcomes to be presented to the March meeting of Full Council for a final determination.
2. Endorse the consultation strategy presented to facilitate information to the community in respect to the review.

CARRIED 8/0


17.0 INFORMATION BULLETIN

17.1 INFORMATION BULLETIN REPORT – DECEMBER 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: 13 December 2016
Senior Officer: Ms Denise Gobbart


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

The December 2016 Information Bulletin attachment includes:

Reports

1. Council Status Report – November 2016
2. Infrastructure Services Report – November 2016
3. Outstanding Rates Report – November 2016
4. Monthly Schedules – November 2016
5. Lake King Mural Report
6. Lake Grace Swimming Pool Report – December 2016
7. Lush Fire – Bush Fire Information Update
8. Department of Fire and Emergency Services – Primary and Support Incidents report

Letters

9. Office of Emergency Management – The SEMC Secretariat is now called the Office of Emergency Management

Circulars & Newsletters

10. New Lake Grace Sub Centre – Newsletter No 9 November 2016
11. Hon Terry Waldron MLA Media Release – Patient survey confirms Telehealth a success - Waldron

12. Hon Terry Waldron MLA Media Release – New funds to inspire and entertain in Wagin electorate
13. Hon Terry Waldron MLA Media Release – \$20 million Mobile Black Spot funding to benefit Wagin electorate
14. Department of Local Government and Communities – Circular 28/2016
15. Department of Local Government and Communities – Circular 29/2016
16. Department of Local Government and Communities – Circular 30/2016
17. Department of Local Government and Communities – Circular 31/2016
18. Department of Local Government and Communities – Governance Bulletin Issue 13
19. The Western Australian Men’s Shed Association – Warbler Newsletter December 2016
20. District Health Advisory Council e-News
21. WALGA – Economic Briefing – 17 November 2016

Minutes

22. Local Emergency Management Committee Meeting minutes – 3 November 2016
23. ALGA National Local Roads and Transport Congress – Summary Notes
24. WALGA Central Country Zone minutes – 2 December 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

RESOLUTION 12427

Moved Cr Lloyd
Seconded Cr Hunt

That Council accepts the Information Bulletin Report.

CARRIED 8/0

18.0 URGENT BUSINESS BY DECISION OF THE MEETING

Nil

19.0 SCHEDULING OF MEETING

19.1 FEBRUARY 2017 ORDINARY MEETING

The next Ordinary Meeting of Council is scheduled to take place on Wednesday 22 February 2017, commencing at 3.00 pm at the Council Chambers, 1 Bishop Street, Lake Grace.

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

Resolution

RESOLUTION 12428

Moved Cr Chappell
Seconded Cr Walker

That Council meet behind closed doors to consider Item 20.1 RFT 04/2016 – Rural Road Reconstruction – Evaluation in accordance with section 3.7 of the Shire of Lake Grace Standing Orders Local Law 2015, and Section 5.23 (2)(c) of the Local Government Act 1995.

CARRIED 8/0

This item and any attachments are confidential in accordance with Section 5.23(2)(c) of the Local Government Act 1995 as it contains “a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting”.

Cr Marshall declared impartiality interest in Item 20.1 Tender 04/2016 Rural Road Reconstruction with the nature of the association being one of the tenderers is a relative being his niece’s husband.

Cr Stanton declared impartiality interest in Item 20.1 Tender 04/2016 Rural Road Reconstruction with the nature of the association being one of the tenderers is a relative being his wife’s sister’s son-in-law.

20.1 TENDER 04/2016 – RURAL ROAD RECONSTRUCTION – EVALUATION

(Item forwarded under separate cover).

Resolution

RESOLUTION 12429

Moved Cr Chappell
Seconded Cr Hunt

That Council suspend clause 9.5 and 9.6 of the Shire's Standing Orders Local Law, at this time being 2.08 pm to discuss item 20.1 04/2016 – Rural Road Reconstruction – Evaluation.

CARRIED 8/0

Resolution

RESOLUTION 12430

Moved Cr Chappell
Seconded Cr Stanton

That clause 9.5 and 9.6 of the Shire's Standing Orders Local Law resume, at this time being 3.00 pm.

CARRIED 8/0

Resolution

RESOLUTION 12431

Moved Cr Walker
Seconded Cr Lloyd

That Council resolve to reject all tenders.

CARRIED 8/0

Reason for change – Roads to Recovery circular 2016/4 received by the Chief Executive Officer on 1 December 2016 has identified a \$584,129 reduction in funding for the 2016/2017 financial period.

Resolution

RESOLUTION 12432

Moved Cr Chappell
Seconded Cr Walker

That Council move out from behind closed doors at 3.04 pm.

CARRIED 8/0

Having opened the meeting to the public at 3.04 pm the President read aloud the decisions of Council.

21.0 CLOSURE

There being no further business, the Shire President closed the meeting at 3.05 pm.

22.0 CERTIFICATION

I, Jeanette Frances De Landgraft, certify that the minutes of the meeting held on the 20 December 2016 as shown were confirmed as a true record at the meeting held on the 22 February 2017.

Shire President

Date