

Shire of Lake Grace

Ordinary Council Meeting

# Minutes

23 March 2016



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## CONTENTS

|             |  |           |
|-------------|--|-----------|
| <b>1.0</b>  | <b>OPENING &amp; ANNOUNCEMENT OF VISITORS.....</b>                                 | <b>5</b>  |
| 1.1         | CONSTITUTIONAL MATTERS.....  | 5         |
| 1.1.1       | ELECTION AND DECLARATION OF SHIRE PRESIDENT.....                                   | 5         |
| 1.1.2       | ELECTION AND DECLARATION OF DEPUTY SHIRE PRESIDENT.....                            | 5         |
| <b>2.0</b>  | <b>ATTENDANCE RECORD.....</b>  | <b>6</b>  |
| 2.1         | PRESENT.....   | 6         |
| 2.2         | APOLOGIES.....   | 6         |
| 2.3         | LEAVE OF ABSENCE PREVIOUSLY GRANTED.....   | 6         |
| <b>3.0</b>  | <b>PUBLIC QUESTION TIME.....</b>   | <b>6</b>  |
| <b>4.0</b>  | <b>APPLICATIONS FOR LEAVE OF ABSENCE.....</b>                                      | <b>6</b>  |
| <b>5.0</b>  | <b>MINUTES OF PREVIOUS COUNCIL MEETINGS.....</b>                                   | <b>7</b>  |
| 5.1         | ORDINARY MEETING – 24 FEBRUARY 2016.....   | 7         |
| 5.2         | SPECIAL MEETING – 15 MARCH 2016.....   | 7         |
| <b>6.0</b>  | <b>DECLARATIONS OF INTEREST.....</b>   | <b>7</b>  |
| 6.1         | DECLARATIONS OF FINANCIAL INTEREST – LOCAL GOVERNMENT ACT SECTION 5.60A.....       | 7         |
| 6.2         | DECLARATIONS OF PROXIMITY INTEREST – LOCAL GOVERNMENT ACT 1995 SECTION 5.60B.....  | 7         |
| 6.3         | DECLARATIONS OF IMPARTIALITY INTEREST – ADMINISTRATION REGULATION SECTION 34C..... | 7         |
| <b>7.0</b>  | <b>NOTICES OF URGENT BUSINESS.....</b>   | <b>8</b>  |
| <b>8.0</b>  | <b>MOTIONS OF WHICH NOTICE HAS BEEN RECEIVED.....</b>                              | <b>8</b>  |
| <b>9.0</b>  | <b>PETITIONS/DEPUTATIONS/PRESENTATIONS/SUBMISSIONS.....</b>                        | <b>8</b>  |
| <b>10.0</b> | <b>MEMBERS' REPORTS.....</b>   | <b>8</b>  |
| 10.1        | CR ARMSTRONG.....  | 8         |
| 10.2        | CR CHAPPELL.....   | 8         |
| 10.3        | CR CLARKE.....   | 8         |
| 10.4        | CR HUNT.....   | 9         |
| 10.5        | CR LLOYD.....  | 9         |
| 10.6        | CR MARSHALL.....   | 9         |
| 10.7        | CR STANTON.....  | 10        |
| 10.8        | CR WALKER.....   | 10        |
| 10.9        | CR DE LANDGRAFFT.....  | 10        |
| <b>11.0</b> | <b>MATTERS FOR CONSIDERATION – INFRASTRUCTURE SERVICES.....</b>                    | <b>11</b> |
| 11.1        | 2015/16 ROADS TO RECOVERY PROGRAM – PRIORITY ROADS FOR ADDITIONAL FUNDING.....     | 11        |
| 11.2        | 2015/16 WORKS PROGRAM – TOWN STREETS FOR RESEAL.....                               | 15        |
| 11.3        | DRAINAGE PROPOSAL – MR ARTHUR SLARKE.....  | 16        |

|             |   |           |
|-------------|---|-----------|
| <b>12.0</b> | <b>MATTERS FOR CONSIDERATION – PLANNING</b>   | <b>20</b> |
| <b>13.0</b> | <b>MATTERS FOR CONSIDERATION – HEALTH &amp; BUILDING</b>  | <b>21</b> |
| 13.1        | BULK RECYCLING BINS – LAKE GRACE TOWNSITE   | 21        |
| <b>14.0</b> | <b>MATTERS FOR CONSIDERATION – FINANCE</b>  | <b>24</b> |
| 14.1        | ACCOUNTS FOR PAYMENT – FEBRUARY 2016  | 24        |
| 14.2        | FINANCIAL STATEMENTS – FEBRUARY 2016  | 26        |
| 14.3        | 2015/16 BUDGET REVIEW   | 28        |
| <b>15.0</b> | <b>MATTERS FOR CONSIDERATION – COMMUNITY SERVICES</b>   | <b>33</b> |
| 15.1        | LAKE GRACE SPORTING PRECINCT REDEVELOPMENT PROJECT – NATIONAL STRONGER REGIONS FUND APPLICATION | 33        |
| 15.2        | 14 BLACKBUTT WAY LAKE GRACE – LEASE AGREEMENT WITH THE DEPARTMENT OF HOUSING                    | 37        |
| <b>16.0</b> | <b>MATTERS FOR CONSIDERATION - ADMINISTRATION</b>   | <b>40</b> |
| 16.1        | LOCAL GOVERNMENT COMPLIANCE AUDIT RETURN – 1 JANUARY TO 31 DECEMBER 2015                        | 40        |
| 16.2        | LAKE GRACE SALEYARDS - RETENTION  | 43        |
| 16.3        | WHEATBELT DEVELOPMENT COMMISSION – BOARD NOMINATIONS  | 46        |
| 16.4        | COMMITTEES OF COUNCIL – ELECTION OF ELECTED MEMBER REPRESENTATIVES                              | 48        |
| 16.5        | SHIRE OF LAKE GRACE CEMETERIES AMENDMENT LOCAL LAW 2015   | 50        |
| 16.6        | SHIRE OF LAKE GRACE HEALTH LOCAL LAW 2016 - ADOPTION  | 53        |
| 16.7        | SHIRE OF LAKE GRACE ANIMALS, ENVIRONMENT AND NUISANCE LOCAL LAW 2016 - ADOPTION                 | 56        |
| <b>17.0</b> | <b>INFORMATION BULLETIN</b>   | <b>59</b> |
| 17.1        | INFORMATION BULLETIN REPORT – MARCH 2016  | 59        |
| <b>18.0</b> | <b>URGENT BUSINESS BY DECISION OF THE MEETING</b>   | <b>61</b> |
| <b>19.0</b> | <b>SCHEDULING OF MEETING</b>  | <b>61</b> |
| 19.1        | APRIL 2016 ORDINARY MEETING   | 61        |
| <b>20.0</b> | <b>CONFIDENTIAL BUSINESS – AS PER LOCAL GOVERNMENT ACT S5.23 (2)</b>                            | <b>61</b> |
| <b>21.0</b> | <b>CLOSURE</b>  | <b>62</b> |
| <b>22.0</b> | <b>CERTIFICATION</b>  | <b>62</b> |

## **SHIRE OF LAKE GRACE**

Minutes of the Ordinary Meeting of Council held at the Varley Sports Pavilion, Carstairs Road, Varley WA on Wednesday 23 March 2016.

### **Election and Declaration of a Shire President and, Deputy Shire President**

Due to the resignation of Cr Walker as Shire President, the Chief Executive Officer conducted proceedings for the election and declaration of a new Shire President and, Deputy Shire President as per the *Local Government (Constitution) Regulations 1998 11A-11G*.

## **1.0 OPENING & ANNOUNCEMENT OF VISITORS**

The Chief Executive Officer opened the meeting at 3.00 pm.

### **1.1 CONSTITUTIONAL MATTERS**

The Chief Executive Officer conducted proceedings for:

#### **1.1.1 ELECTION AND DECLARATION OF SHIRE PRESIDENT**

The election and declaration of President by secret ballot in accordance with the *Local Government (Constitution) Regulations 1998 11A-11G*.

The Chief Executive Officer advised at the close of nominations, two written nominations for the position of President were received in favour of Cr Jeanette De Landgraft and Cr Len Armstrong. Ballot papers were handed out, received and counted with Cr De Landgraft being successful with a 5/4 vote count.

The Chief Executive Officer declared Cr De Landgraft elected with a term of office expiring in October 2017. Cr De Landgraft made her Declaration of Office as President.

#### **1.1.2 ELECTION AND DECLARATION OF DEPUTY SHIRE PRESIDENT**

The election and declaration of Deputy President by secret ballot in accordance with the *Local Government (Constitution) Amendment Regulations 1998 11A-11G*.

The Chief Executive Officer advised that at the close of nominations, one written nomination for the position of Deputy President were received in favour of Cr Stephen Hunt. Cr Hunt elected.

The Chief Executive Officer declared Cr Hunt elected with a term of office expiring in October 2017. Cr Hunt made his Declaration of Office as Deputy President.

Cr De Landgraft took the chair and thanked Cr Walker for his time as President.

Cr De Landgraft also welcomed Natasha (Tash) Bowman the new Governance and Council Support Officer to the Shire of Lake Grace.

## **2.0 ATTENDANCE RECORD**

### **2.1 PRESENT**

|                    |                        |
|--------------------|------------------------|
| Cr JF De Landgraff | Shire President        |
| Cr SG Hunt         | Deputy Shire President |
| Cr LW Armstrong    |                        |
| Cr R Chappell      |                        |
| Cr DS Clarke       |                        |
| Cr RA Lloyd        |                        |
| Cr AD Marshall     |                        |
| Cr MG Stanton      |                        |
| Cr AJ Walker       |                        |

#### **In Attendance**

|               |                                      |
|---------------|--------------------------------------|
| Mr N Hale     | Chief Executive Officer              |
| Ms D Gobbart  | A/Manager Corporate Services         |
| Mr L Shopov   | Manager Infrastructure Services      |
| Ms L Holben   | Manager Community Services           |
| Mrs J Bennett | Executive Officer                    |
| Ms N Bowman   | Governance & Council Support Officer |

#### **Observers/Visitors**

None.

### **2.2 APOLOGIES**

Nil.

### **2.3 LEAVE OF ABSENCE PREVIOUSLY GRANTED**

#### **Resolution 12219, 24 February 2016**

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

## **3.0 PUBLIC QUESTION TIME**

No members of the public present.

## **4.0 APPLICATIONS FOR LEAVE OF ABSENCE**

None.

## **5.0 MINUTES OF PREVIOUS COUNCIL MEETINGS**

### **5.1 ORDINARY MEETING – 24 FEBRUARY 2016**

#### Resolution

#### **RESOLUTION 12247**

Moved Cr Hunt  
Seconded Cr Stanton

That the minutes of the Ordinary Meeting of Council held on the 24 February 2016 be confirmed as a true and accurate record.

**MOTION CARRIED 9/0**

### **5.2 SPECIAL MEETING – 15 MARCH 2016**

#### Resolution

#### **RESOLUTION 12248**

Moved Cr Stanton  
Seconded Cr Lloyd

That the minutes of the Special Meeting of Council held on the 15 March 2016 be confirmed as a true and accurate record.

**MOTION CARRIED 9/0**

## **6.0 DECLARATIONS OF INTEREST**

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

None.

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

None.

### **6.3 DECLARATIONS OF IMPARTIALITY INTEREST – ADMINISTRATION REGULATION SECTION 34C**

None.

## **7.0 NOTICES OF URGENT BUSINESS**

None received.

## **8.0 MOTIONS OF WHICH NOTICE HAS BEEN RECEIVED**

None received.

## **9.0 PETITIONS/DEPUTATIONS/PRESENTATIONS/SUBMISSIONS**

None received.

## **10.0 MEMBERS' REPORTS**

### **10.1 CR ARMSTRONG**

Reported attendance at:

- **Friday 26 February 2016** – Newdegate Cropping Group meeting and the Newdegate Field Day AGM.
- **Friday 11 March 2016** - AGM of Rural Water Council in Northam with Cr Chappell.
- **Saturday 19 March 2016** – Pingrup races.

### **10.2 CR CHAPPELL**

**Thursday 3 March 2016** - Organised and helped run an open training night at the Lake Grace St John Ambulance Sub Centre.

**Friday 4 March 2016** - Attended the opening night of Commemoration & Memory Exhibition held at the Lake Grace Regional Art Space.

**Tuesday 8 March 2016** – Attended the Annual Grape pick at Walkers Hill Winery, proceeds were donated to the new Lake Grace St John Ambulance Sub Centre.

**Friday 11 March 2016** – Attended the AGM of Rural Water Council held in Northam with Cr Armstrong.

**Tuesday 15 March 2016** - Attended the Special Council Meeting held in Lake Grace.

### **10.3 CR CLARKE**

Cr Clarke reported attendance at the following:

- **Thursday 25 February 2016** – Varley Progress meeting.
- **Wednesday 3 March 2016** – St John Recruitment night, organized by Cr Chappell, with good results.



- **Thursday 4 March 2016** – Opening of the current Art Exhibition, most of it is focused around the 100 year centenary of ANZAC, unfortunately they are lacking volunteers for opening hours.
- **Monday 8 March 2016** – Community Grape Pick at Walkers Hill Vineyard.
- **Tuesday 15 March 2016** – Special Council Meeting regards to employment of a new Chief Executive Officer.
- **Wednesday 16 March 2016** – Lake Grace Visitors Centre Meeting, very well run, lots of energy and enthusiasm from new members. Also lacking volunteers.
- **Tuesday 22 March 2016** – Library and Community Resource Centre meeting.

#### 10.4 CR HUNT

**Tuesday 8 March 2016** – Attended an Independent School Review Board (ISRB) Meeting at Lake Grace District High School. The ISRB review schools and checks their progress. Lake Grace District High School is doing well.

**Tuesday 15 March 2016** – Attended the Special Council Meeting.

**Monday 21 March 2016** – Attended the Audit Committee Meeting. It is recommended the Committee has another council member on board to assist with the functioning of the Audit Committee.

#### 10.5 CR LLOYD

Cr Lloyd reported attendance at the following:

- **Thursday 25 February 2016** – Varley Progress meeting.
- **Friday 26 February 2016** - Newdegate Cropping Group meeting and the Newdegate Field Day AGM.
- **Monday 14 March 2016** – Newdegate Town Centre Rejuvenation Committee meeting.
- **Tuesday 15 March 2016** – Special Council Meeting.
- **Friday 18 March 2016** – Newdegate Primary School Assembly.

#### 10.6 CR MARSHALL

**Thursday 10 March 2016** – Attended the Farmers Meeting in Kulin.

**Tuesday 15 March 2016** – Attended the Integrated Planning Asset Management Committee meeting and Special Council Meeting.

**Monday 21 March 2016** – Attended the Farmers Meeting in Kulin and Audit Committee meeting in Lake Grace.

**Tuesday 22 March 2016** – Attended Lake Grace District High School Assembly and reported how impressed he has been with the quality of the last two school assemblies and how well the school is running.

**10.7**      **CR STANTON**

**Tuesday 15 March 2016** – Attended the Special Council Meeting.

**Thursday 17 March 2016** – Attended the Lake Grace Golf Club meeting.

**Saturday 19 March 2016** – Attended the Pingrup Annual Races Day.

**Tuesday 22 March 2016** – Attended the Lake Grace District High School Assembly.

**Wednesday 23 March 2016** – Called into the Newdegate Bowls Classic prior to attending the Ordinary Council Meeting at Varley.

**10.8**      **CR WALKER**

**Monday 15 March 2016** – Attended the Integrated Planning Asset Management Committee meeting and the Special Council Meeting.

**Wednesday 23 March 2016** – Attended the Newdegate Bowls Classic prior to attending the Ordinary Council Meeting at Varley.

**10.9**      **CR DE LANDGRAFFT**

**Friday 26 February 2016** – Attended the Central Country Zone Meeting in Kulin.

**Wednesday 2 March 2016** – Attended the Lake King Progress Special meeting to discuss the Lake King Pavilion proposal for an outdoor structure.

**Friday 11 March 2016** – Attended the Lake King Community Busy Bee along with a ‘Thank a Volunteer’ afternoon tea with more than 25 attendees.

**Monday 14 March 2016** – Attended the Newdegate Rejuvenation Committee meeting at which we reviewed the Lesser Hall rendering and conducted an onsite inspection.

**Tuesday 15 March 2016** - Attended the Integrated Planning Asset Management Committee meeting in Lake Grace and also attended the Special Council Meeting for the recruitment for the Chief Executive Officer with LOGO Appointments Manager WA, Melissa Hanson.

**Friday 18 March 2016** - Attended the ICPA WA State Conference as a co convenor.

**Monday 21 March 2016** - Attended a meeting at Newdegate with approximately 45 farmers regarding CBH and the Grain Grower Champions.

|   |
|---|
| <b>11.0 MATTERS FOR CONSIDERATION – INFRASTRUCTURE SERVICES</b> |
|---|

**11.1 2015/16 ROADS TO RECOVERY PROGRAM – PRIORITY ROADS FOR ADDITIONAL FUNDING**

|                                |  |
|--------------------------------|--|
| <b>Applicant:</b>              | Infrastructure Services  |
| <b>File No.</b>                | 0467   |
| <b>Attachments:</b>            | 1. Project Cost Estimate spreadsheets<br>2. Roads map<br>3. Extract from Minutes 15 March 2016 |
| <b>Author:</b>                 | Mr Louka Shopov<br>Manager Infrastructure Services   |
| <b>Disclosure of Interest:</b> | Nil  |
| <b>Date of Report:</b>         | 16 March 2016  |
| <b>Senior Officer:</b>         | Mr Neville Hale<br>Chief Executive Officer   |

Summary

For Council to consider eight road reconstruction/re-sheeting projects to be added to the Shire of Lake Grace Works Program 2015-16 in connection with an additional funding from Commonwealth's Roads to Recovery Program (R2R).

Background

The Shire of Lake Grace has been allocated an approximate additional \$692,000 bringing the Commonwealth's Roads to Recovery Program allocation for 2015/16 to \$1,683.678.

New road reconstruction projects have been nominated, assessed and costed by Shire staff with the help of Mr Keith Dickerson, a civil engineering consultant. Mr Dickerson has inspected the Shire's roads and prepared a list of 14 priority roads for attention, together with a cost estimate totalling \$1.2M, of works that could be included in the 2015/16 R2R Program.

The roads were assessed using criteria of road surface, school bus routes, available road data, and current classifications.

As a result, a short list of eight new projects were selected and agreed to at the Integrated Planning Asset Management (IPAM) Committee on Monday 14 March 2016 as follows:

**RESOLUTION 029 - Moved Cr Walker, Seconded Mr N Hale**

*That the Committee recommends that Council apply the additional \$692,000 Roads to Recovery funding to the following roads:*

1. Mallee Hill Rd - SLKS 23.00 to 25.00
2. Mallee Hill Rd – SLKS 32.40 to 39.00
3. Bidy Buniche Rd – SLKS 0.00 to 3.00
4. Old Ravensthorpe Rd – SLKS 21.00 to 21.50, 26.00 to 28.00, 43.20 to 44.20, 47.00 to 50.80
5. Taylor Rd – various sections 3,000m
6. Burngup South Rd – SLKS 0.00 to 4.00
7. Parsons Rd – Floodway construction
8. Fourteen Mile Road – SLKS 9.00 to 12.00

**MOTION CARRIED 6/0**

Comment

Refer to the Attachments for locations of area of works, scope of works and cost estimates for the eight new projects.

It is proposed that those roads out of the eight new projects not completed under the revised 2015/16 \$1,683.678 R2R funding will form part on the 2016/17 road program.

The following table provides information and costings for the additional R2R projects:

| No            | Road No | Road Name        | Start finish points  | Project length | Project cost     |
|---------------|---------|------------------|--|----------------|------------------|
| 1             | 004     | Mallee Hill      | 23.00 to 25.00   | 2000m          | \$43,459         |
| 2             | 004     | Mallee Hill      | 32.40 to 39.00   | 6600m          | \$119,721        |
| 3             | 178     | Biddy Buniche    | 0.00 to 3.00   | 3000m          | \$96,340         |
| 4             | 007     | Old Ravensthorpe | 21.00 to 21.50<br>26.00 to 28.00<br>43.20 to 44.20<br>47.00 to 50.80 | 7300m          | \$173,899        |
| 5             | 003     | Taylor           | Various sections   | 3000m          | \$129,184        |
| 6             | 014     | Burngup South    | 0.00 to 4.00   | 4000m          | \$113,437        |
| 7             | 097     | Parsons          | Floodway construction  |                | \$140,333        |
| 8             | 005     | Fourteen Mile    | 9.00 to 12.00  | 3000m          | \$60,465         |
| <b>TOTAL:</b> |         |                  |  |                | <b>\$876,838</b> |

The Integrated Planning Asset Management Committee now submits its recommendation for consideration by Council.

Legal Implications

N/A

Policy Implications

N/A

Consultation

Internal: Shire of Lake Grace Works Supervisor  
RSA Works Consultant  
Road Maintenance Grader Operator – Lake Grace

External: Road Maintenance Grading Contractor-Newdegate  
Road Maintenance Grading Contractor-Lake King

Financial Implications

There are no financial implications to the Council as Roads to Recovery program is 100% funded.

Strategic Implications

*Shire of Lake Grace Community Strategic Plan*

Ec1 – Maintain community built infrastructure and provide an effective transportation network.

Integrated Planning Asset Management Committee Recommendation

1. That Council endorse the recommendation of the Integrated Planning Asset Management Committee for the roads outlined in the table below to be included into the Shire's 2015/16 Works Program to the extent that they can be funded by the revised 2015/16 Roads to Recovery allocation.

| No            | Road No | Road Name        | Start finish points  | Project length | Project cost     |
|---------------|---------|------------------|--|----------------|------------------|
| 1             | 004     | Mallee Hill      | 23.00 to 25.00   | 2000m          | \$43,459         |
| 2             | 004     | Mallee Hill      | 32.40 to 39.00   | 6600m          | \$119,721        |
| 3             | 178     | Biddy Buniche    | 0.00 to 3.00   | 3000m          | \$96,340         |
| 4             | 007     | Old Ravensthorpe | 21.00 to 21.50<br>26.00 to 28.00<br>43.20 to 44.20<br>47.00 to 50.80 | 7300m          | \$173,899        |
| 5             | 003     | Taylor           | Various sections   | 3000m          | \$129,184        |
| 6             | 014     | Burngup South    | 0.00 to 4.00   | 4000m          | \$113,437        |
| 7             | 097     | Parsons          | Floodway construction  |                | \$140,333        |
| 8             | 005     | Fourteen Mile    | 9.00 to 12.00  | 3000m          | \$60,465         |
| <b>TOTAL:</b> |         |                  |  |                | <b>\$876,838</b> |

2. Those roads not funded within the \$1,683.678 2015/16 Roads to Recovery funding will form part of the 2016/17 road program.

Voting Requirements

Simple majority required.

Integrated Planning Asset Management Committee Recommendation/Resolution**RESOLUTION 12249**

Moved Cr Marshall

Seconded Cr Clarke

1. That Council endorse the recommendation of the Integrated Planning Asset Management Committee for the roads outlined in the table below to be included into the Shire's 2015/16 Works Program to the extent that they can be funded by the revised 2015/16 Roads to Recovery allocation.

| No            | Road No | Road Name        | Start finish points  | Project length | Project cost     |
|---------------|---------|------------------|--|----------------|------------------|
| 1             | 004     | Mallee Hill      | 23.00 to 25.00   | 2000m          | \$43,459         |
| 2             | 004     | Mallee Hill      | 32.40 to 39.00   | 6600m          | \$119,721        |
| 3             | 178     | Biddy Buniche    | 0.00 to 3.00   | 3000m          | \$96,340         |
| 4             | 007     | Old Ravensthorpe | 21.00 to 21.50<br>26.00 to 28.00<br>43.20 to 44.20<br>47.00 to 50.80 | 7300m          | \$173,899        |
| 5             | 003     | Taylor           | Various sections   | 3000m          | \$129,184        |
| 6             | 014     | Burngup South    | 0.00 to 4.00   | 4000m          | \$113,437        |
| 7             | 097     | Parsons          | Floodway construction  |                | \$140,333        |
| 8             | 005     | Fourteen Mile    | 9.00 to 12.00  | 3000m          | \$60,465         |
| <b>TOTAL:</b> |         |                  |  |                | <b>\$876,838</b> |

2. Those roads not funded within the \$1,683.678 2015/16 Roads to Recovery funding will form part of the 2016/17 road program.
3. That the project cost be recalculated in accordance with Council Policy for gravel sheeting requirements.

**MOTION CARRIED 9/0**

***Reason for Change: It was identified by Cr Armstrong that the calculation for gravel compaction was in error and that cost of each project had been understated, requiring slight adjustments of approximately \$500 per kilometre.***

**11.2      2015/16 WORKS PROGRAM – TOWN STREETS FOR RESEAL**

*Item 11.2 withdrawn.*

**11.3      DRAINAGE PROPOSAL – MR ARTHUR SLARKE**

**RESOLUTION 12250**

Moved Cr Chappell  
 Seconded Cr Walker

That, as per Item 8.1 of the Shire of Lake Grace Standing Orders Local Law, standing orders be suspended at this time; being 3.58 pm to discuss the Lake Grace Town Drainage issues.

**MOTION CARRIED 9/0**

**RESOLUTION 12251**

Moved Cr Hunt  
 Seconded Cr Chappell

That Standing Orders resume, time being 4.13 pm.

**MOTION CARRIED 9/0**

|                                |   |
|--------------------------------|---|
| <b>Applicant:</b>              | Mr Arthur Slarke  |
| <b>File No.</b>                | 0551/0069/0478  |
| <b>Attachments:</b>            | A. Correspondence June 2015<br>B. Correspondence November 2015 & March 2016<br>C. Aerial Map<br>D. Proposed Drainage Schematic Sketch<br>E. GHD Flood Study Map |
| <b>Author:</b>                 | Mr Louka Shopov<br>Manager Infrastructure Services  |
| <b>Disclosure of Interest:</b> | Nil   |
| <b>Date of Report:</b>         | 16 March 2016   |
| <b>Senior Officer:</b>         | Mr Neville Hale<br>Chief Executive Officer  |

Summary

For Council to consider a request from Mr Arthur Slarke in regard to proposed drainage works for which he is seeking Shire resources to fully implement the proposal.

Background

In June 2015, Mr Slarke wrote to the Shire outlining a salinity issue on his and adjacent properties resulting from the effects of land clearing, increased flood waters and a rising water table. Of concern to Mr Slarke is the soil degradation within and around the current creek line (Attachment “A”).

In response to the initial request, a site inspection was carried out on 20 July 2015 and in correspondence, dated 12 November 2015 from the Shire’s Manager of Infrastructure, it was acknowledged that the existing culvert under Slarke Street was *“installed at high level and*



*has low capacity*". Moreover, further analysis would be required and any Shire involvement would require an approved budget allocation.

In his latest letter of 9 March 2016, Mr Slarke has identified a proposal to install a properly designed drain to move water in a westerly direction to discharge into Cemetery Lake (see attachment letter "B", Aerial map "C" and sketch "D").

#### Comment

As a result of the flooding of Lake Grace town-site in January 2006, numerous studies have been undertaken regarding flood mitigation. The following Council motions in relation to the flood and various studies are:

- Ordinary Meeting 25 February 2009 – Avon Catchment Council – Lake Grace Urban Stormwater Investigation – December 2008
- Motion 10743 - *"That the report: Lake Grace Urban Stormwater Investigation – December 2008 prepared by GHD Pty Ltd be adopted"*
- Ordinary Meeting 25 February 2009 – Lake Grace Town-site Flood Study
- Motion 10744 – *"That the report titled Lake Grace Town-site Flood Study prepared by GHD Pty Ltd dated December 2008 be adopted"*.

In September 2010 Council endorsed a proposal by GHD Pty Ltd, titled Lake Grace Flood Mitigation Preliminary Design, subject to the successful securing of external funding.

The Flood Mitigation Preliminary Design – Concept Development report was completed in December 2011. The Concept subsequently presented to Council included a major diversion drain, construction of minor diversion dams and levee within the current rest area with major culvert upgrades at the Stubbs Street/Gorge Rock Road intersection plus other significant works.

The concept was not supported for the following reasons:

1. Cost benefit value was low;
2. Stage 1 works were located on land earmarked for future development and would encumber Lot 500 Wattle Drive, Lake Grace; and,
3. Stage 2 works were to be located on the rest stop area and Lions Club project area. Would also result in clearing bushland and unsightly engineered solution at town entrance and the basin volume was not significant.

A revised design of drainage considered construction of a retardation basin to be located on Lot 101 on Plan 27172 and associated drainage works around Griffin Street and culvert improvements.

It is noted that the above proposals had no or, at best, limited impact on the Cemetery Lake water levels.

More recently, the Shire has undertaken an alternative approach to the storm water harvesting with current works focused on reducing water levels in the two existing basins on CBH land by controlled pumping of this water to the South Street sump then to the Recreation Dam. By lowering the water levels in these basins, it is hoped that improved capacity would mitigated normal flooding events.

In regard to the proposal by Mr Slarke, the excavation of a shallow drain across his property to Slarke Street and beyond may cause the transfer of some saline water. This would initiate consideration of the provisions of the Soil and Land Conservation Act 1945 and Mr Slarke as the landowner is responsible to meet its requirements. Proposed works beyond Slarke Street would directly impact other property owners.

The suggested improvement to the Slarke Street culverts is acknowledged. This would enable the water to flow into the existing natural water course. Any deviation to the natural water course would be problematic and would trigger involvement of the Department of Water.

To date, Mr Slarke has engaged hydrologist Lance Mudgeway to assess the landscape and Simon Trevenen to provide a proposed drain solution. No costs estimates have been provided.

Mr Slarke's land is affected by water flowing from the south-east in addition to the water discharged via the Shire's urban drainage of water flowing from the north-east (the focus of the GHD reports). This is generally fresh water. Moreover, it is noted that water flowing into Cemetery Lake will build up and back flow towards the Town and Mr Slarke's property before it achieves the required invert level to discharge into the lake system to the west.

It is essential that any works undertaken are consistent with the natural waterway, particularly to the west of Slarke Street as this impacts on additional landowners and the current channels are adequate to discharge into Cemetery Lake.

Furthermore, the water currently flowing from the north along South Road to which Mr Slarke refers in his letter of 9 June 2015, if not diverted by the sump and into the open drain, would follow its natural course and enter location 9747 at a point further south. In regard to Mr Slarke's comments regarding the existing drain from the sump along the southern boundary of the Townsite, the required remedial action to ensure that water does not pool in the southern open drain would need to be considered.

Given that the water flowing onto Mr Slarke's property, either from the North, South East or backflow from Cemetery Lake, it is a natural process and it is difficult to justify Shire involvement in the remediation of Williams location 9747.

#### Legal Implications

*Soil and Land Conservation Act 1945*

Other legal obligations to be determined subject to final design discussions with landowners.

#### Policy Implications

N/A

#### Consultation

External: Department of Water  
GHD Report 2008  
Avon Catchment Council  
Lake Grace LCDC

Financial Implications

At this stage no cost estimates have been provided by Mr Slarke.

The estimated cost of upgrading the Slarke Street culvert is \$18,400.

Strategic Implications

*Shire of Lake Grace Community Strategic Plan*

Environment

- EN3 - Manage and Protect the Natural Environment - long-term environmental planning and management in place

Voting Requirements

Simple majority required.

Recommendation/Resolution

**RESOLUTION 12252**

Moved Cr Marshall

Seconded Cr Stanton

That Council:

1. Acknowledge Mr Slarke's proposed solution to water management to mitigate the impact of increasing salinity on his property, noting that the land in question is a natural water way;
2. Note that any attempt to alter the alignment of the natural water way would require unjustifiable expense;
3. Undertake the upgrade of the Slarke Street culvert to the required 1:25 Average Recurrence Interval (ARI) i.e. 25 year storm event; and,
4. Authorise the CEO to arrange a meeting with Mr Slarke and relevant government agencies to discuss what, if any, additional Shire involvement is appropriate.

**MOTION CARRIED 9/0**

**12.0 MATTERS FOR CONSIDERATION – PLANNING**

*No matters for consideration.*

|   |
|---|
| <b>13.0 MATTERS FOR CONSIDERATION – HEALTH &amp; BUILDING</b> |
|---|

**13.1 BULK RECYCLING BINS – LAKE GRACE TOWNSITE**

|                                |   |
|--------------------------------|---|
| <b>Applicant:</b>              | Environmental Health Officer                      |
| <b>File No.</b>                | 0342  |
| <b>Attachments:</b>            | Nil   |
| <b>Author:</b>                 | Mrs Lauren Pitman<br>Environmental Health Officer |
| <b>Disclosure of Interest:</b> | Nil   |
| <b>Date of Report:</b>         | 14 March 2016                                     |
| <b>Senior Officer:</b>         | Mr Neville Hale<br>Chief Executive Officer        |

Summary

The Shire's Environmental Health Officer is looking into ways for recyclable waste in the Shire, particularly the town of Lake Grace, to be recycled so that landfill space is conserved and so that the materials are not wastefully disposed of.

This report outlines the options presented by Warren Blackwood Waste in terms of service provision, and the Shire's options in terms of encouraging bulk recycling in the community.

Background

In the past, the community has participated in bulk co-mingled recycling through provision and collection (usually on a monthly basis) of 33m<sup>3</sup> bins by Warren Blackwood Waste at each of the following sites: Lake Grace Town, Lake Grace Tip Site, Newdegate Town, Newdegate Tip Site, Lake King and Varley. This bulk recycling collection ceased in November 2012.

The Lake Grace and Newdegate townsites are serviced by a fortnightly 240L kerbside bin pickup. This only captures a portion of the recyclables that could be produced by the community.

Warren Blackwood Waste are now able to offer a bulk recycling collection service in Lake Grace, using 3m<sup>3</sup> or 4.5m<sup>3</sup> front lift bins at a cost much less than the 33m<sup>3</sup> recycling station incurred.

Re-instating bulk recycling in the Shire's largest townsite, Lake Grace, will divert waste from landfill, extending the life of the Lake Grace landfill, and recycled cardboard, paper and containers can be converted into useful materials, rather than going to waste.

Comment

It is proposed that businesses in Lake Grace town that produce large quantities of recyclables such as cardboard, hire the bulk bins through Warren Blackwood Waste and have them collected on a fortnightly pickup basis.

Below are the quoted costs per bin from Warren Blackwood Waste:

- 3m<sup>3</sup> Recycling Front-Lift Bin - \$59.22 (Inclusive of GST) per bin / per pick-up
- 4.5m<sup>3</sup> Recycling Front-Lift Bin - \$85.87 (Inclusive of GST) per bin / per pick-up

For Newdegate town, Warren Blackwood Waste will charge for extra travel (per bin / per pick-up), at a rate of \$2.20 (inc GST) per kilometre travelled between Lake Grace and Newdegate. Based on 5 bin pick up this equates to approximately:

- 3m<sup>3</sup> Recycling Front-Lift Bin - \$110.22 (Inclusive of GST) per bin / per pick-up
- 4.5m<sup>3</sup> Recycling Front-Lift Bin - \$136.87 (Inclusive of GST) per bin / per pick-up

At these rates the bulk pick-up in Newdegate is not likely to be a feasible option.

The Lake Grace landfill receives commercial loads of recyclable waste such as cardboard, in bulk for burial. The opportunity to charge for commercial waste is to be re-visited for the next Shire budget and recyclables such as cardboard to be included in the fees and charges, so as to encourage businesses who produce this recyclable material to take it upon themselves to hire the bulk bins and recycle through private fortnightly pick-ups by Warren Blackwood Waste.

For general community use it would be useful for the Shire to hire some bulk bins and have them placed at the landfill for general domestic community use, so that farmers and those that cannot fit all their recyclables in their kerbside recycling bin are still able to recycle these items.

Newdegate landfill could also be provided with large wheelie bins that are available for domestic quantity recycling from farming households.

The other option is that the Shire hire the bulk bins and place them at the Lake Grace landfill, and charge for acceptance of bulk commercial recyclable waste such as cardboard, at a cost that covers the expense of having the bins emptied by Warren Blackwood Waste.

The information in this report is provided so that should Council agree to the rollout of commercial bulk recycling, adequate time is available to ensure community information is provided prior to implementation as from 1 July 2016.

#### Legal Implications

*Waste Avoidance and Resource Recovery Act 2007*

#### Policy Implications

Nil

#### Consultation

Internal: Chief Executive Officer  
Manager Infrastructure

External: Warren Blackwood Waste

#### Financial Implications

As per Warren Blackwood Waste costing.

Strategic Implications

*Shire of Lake Grace Strategic Community Plan*

Environment - EN1 Mitigate the Shire's waste and carbon footprint

- Improve waste management practices
- Increase recycling
- More efficient energy use

Voting Requirements

Simple majority required.

Recommendation/Resolution

**RESOLUTION 12253**

Moved Cr Hunt

Seconded Cr Clarke

That Council endorse:

1. The introduction of the bulk bin recycling in the town of Lake Grace; and
2. The application of a fee to bulk commercial loads of recyclable materials, such as cardboard, which are delivered to the Lake Grace landfill, in the upcoming budget in order to cover collection costs incurred.

**MOTION CARRIED 9/0**

## 14.0 MATTERS FOR CONSIDERATION – FINANCE

### 14.1 ACCOUNTS FOR PAYMENT – FEBRUARY 2016

|                                |  |
|--------------------------------|--|
| <b>Applicant:</b>              | Shire of Lake Grace                                    |
| <b>File No.</b>                | 0277   |
| <b>Attachments:</b>            | List of Creditors                                      |
| <b>Author:</b>                 | Miss Kairi Nigol<br>Finance Officer                    |
| <b>Disclosure of Interest:</b> | Nil  |
| <b>Date of Report:</b>         | 17 March 2016  |
| <b>Senior Officer:</b>         | Ms Denise Gobbart<br>Acting Manager Corporate Services |

#### Summary

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

#### Background

List of payments for the month February 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

Shire of Lake Grace Policy 3.6 - Authorised Use of Credit Card/Fuel Cards  
Shire of Lake Grace Policy 3.7 - Purchasing Policy

#### Consultation

N/A

#### Financial Implications

The list of creditors paid for the month of February 2016 from the Municipal and Trust Account Total \$ 600,402.36

#### 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 12254**

Moved Cr Stanton  
 Seconded Cr Hunt

That Council ratify the list of payments totalling \$ 600,402.36 as presented for the month of February 2016 incorporating:

|                              |                       |    |            |
|------------------------------|-----------------------|----|------------|
| - Trust Account Cheques:     | ----                  | \$ | 0.00       |
| - Electronic Funds Transfer: | EFT15123 to EFT15206  | \$ | 297,124.55 |
| - Municipal Account Cheques: | Cheque 36195 to 36213 | \$ | 60,539.32  |
| - Direct Debits:             | DD6009.1-DD6009.9     | \$ | 98,446.65  |
|                              | DD6021.1-DD6021.9     |    |            |
|                              | DD6026.1-DD6026.21    |    |            |
|                              | DD6029.1-DD6029.7     |    |            |
| - Electronic Funds Transfer: | Payroll Net Pay       | \$ | 144,291.84 |

**MOTION CARRIED 9/0**

## **14.2      FINANCIAL STATEMENTS – FEBRUARY 2016**

|                                |   |
|--------------------------------|---|
| <b>Applicant:</b>              | Shire of Lake Grace   |
| <b>File No.</b>                | 0275  |
| <b>Attachments:</b>            | 1. Financial Reports February 2016<br>2. Bank Reconciliations |
| <b>Author:</b>                 | Ms Denise Gobbart<br>Acting Manager Corporate Services        |
| <b>Disclosure of Interest:</b> | Nil   |
| <b>Date of Report:</b>         | 17 March 2016   |
| <b>Senior Officer:</b>         | Mr Neville Hale<br>Chief Executive Officer                    |

### Summary

Consideration of the financial statements for the month ending 29 February 2016.

### Background

The following financial reports for February 2016 are included for your information:

- Monthly Statement of Financial Activity
- Financial Activity Variances
- Significant Accounting Policies
- Statement of Objective
- Acquisition of Assets
- Disposal of Assets
- Information on Borrowings
- Reserves
- Net Current Assets
- Rating Information
- Trust Funds
- Operating Statement by Programme
- Balance Sheet
- Financial Ratios
- Capital Road Works
- Operating Revenue & Expenditure Graphs
- Bank Reconciliations

### Comment

The February 2016 financial statements are the same as used for the 2015/16 Budget Review report, Item 14.4.

### Legal Implications

*Local Government Act 1995 – section 6.4*

*Local Government (Financial Management) Regulations 1996*

### Policy Implications

N/A

### Consultation

Nil

Financial Implications

Nil

Strategic Implications

Shire of Lake Grace Strategic Community Plan

*Civic Leadership Focus Area (5)*

- *Excellence in Shire administration and communication*

Voting Requirements

Simple majority required.

Recommendation/Resolution

**RESOLUTION 12255**

Moved Cr Hunt

Seconded Cr Lloyd

That Council in accordance with Regulation 34 of the *Local Government (Financial Management) Regulations 1996* receives the Statements of Financial activity for the periods ended 29 February 2016.

**MOTION CARRIED 9/0**

**14.3      2015/16 BUDGET REVIEW**

|                                |  |
|--------------------------------|--|
| <b>Applicant:</b>              | Internal Report  |
| <b>File No.</b>                | 0625   |
| <b>Attachments:</b>            | Budget Review Report                                   |
| <b>Author:</b>                 | Ms Denise Gobbart<br>Acting Manager Corporate Services |
| <b>Disclosure of Interest:</b> | Nil  |
| <b>Date of Report:</b>         | 17 March 2016  |
| <b>Senior Officer:</b>         | Mr Neville Hale<br>Chief Executive Officer             |

Summary

To consider and adopt the Budget Review as presented in the 2016 Budget Review for the period 01 July 2015 to 29 February 2016.

Background

The 2016 Budget Review incorporating year to date budget variations and the projected forecasts to 30 June 2016 for the period ending 29 February 2016 is presented for Council to consider. The *Local Government (Financial Management) Regulations 1996*, Regulation 33A as amended, requires that local governments conduct a budget review between 1 January and 31 March in each financial year. A copy of the review and determination is to be provided to the Department of Local Government within 30 days of the adoption of the review.

The Audit Committee will meet on Monday 21 March 2016 to consider the 2015/16 Budget Review and make a recommendation to Council.

Comment

The budget review has been prepared to include information required by the Local Government Act 1995, Local Government (Financial Management) Regulations 1996 and Australian Accounting Standards. Council adopted a 10% and a \$5,000 minimum for the reporting of material variances to be used in the statements of financial activity and budget review.

Presented to the Audit Committee are the following documents:

**Attachment 1 – Budget Review Feb 2016**

The new format budget review document, including a Statement of Budget Review, Graphical Representations of Revenue & Expenditure and Net Current Position, Predicted Variances and Budget Amendments since Budget Adoption.

**Attachment 2 – Budget Review Monthly Report Feb 2016**

The standard monthly financial report with variances projected by program, significant variance report greater than 10% and \$5,000, including notes 1 to 12.

**Attachment 3 – Budget Review Schedules Feb 2016**

The Schedules have been provided as further background information.

Having recently attended a Budget Workshop it was reiterated that the intent of the Budget Review was to predict where we are going to finish at the 30 June. It is not intended to be a

process for wholesale changes to individual accounts, although many local governments do take this opportunity to do so.

Having identified a number of issues with the adoption of the Annual Budget, there would be a significant number of accounts that would require adjustments. After discussions with our Auditors, the decision has been made to review our budget without making the numerous changes that would be required. This decision is based on the time require to be invested in identify the changes and the end benefit, given that we are nearing the last quarter of the year.

A number of anomalies have been identified from the Adopted Budget are as follows:

- Public Works Overheads (PWO) under allocated by \$253,347.
- Plant Operating Costs (POC) over allocated by \$209,056.
- Plant Depreciation Over allocated by \$34,953.

The net impact of these variations is an under allocation of \$9,338. It is a critical process in the budget adoption to ensure that these cost centres are balanced as any significant under allocation will lead to the inability to fund the works program.

- Salaries and Wages IE code over allocated by \$101,187 in comparison to GL: E146010.
- GL: E146010 under allocated by \$13,202 in comparison to the estimated Salaries & Wages costing's.
- Salaries & Wages – 2015-2016 is an extraordinary year with 27 pay periods in the year this will incur an additional expense of \$100,000 in salaries, wages and superannuation.

The net impact of these variations is an under allocation of \$12,015. It is a critical process in the budget adoption to ensure that salaries and wages are balanced as any significant under allocation will lead to the inability to pay staff.

- Ex-Gratia Rate revenue of \$53,486 was excluded from the rate setting statement.

The net impact of this variation is an understatement of revenue of \$53,486. If this amount was included in the rate setting statement the rates required to be levied would have reduced by the same amount.

- Cash for an unspent grant of \$260,644 was recorded as restricted cash in the Net Current Asset position.

The net impact of this variation is an understatement of available revenue of \$260,644. As these funds were being proposed to be spent in the current year budget, no restriction should have been imposed. The restricting of unspent grants from the Net Current Asset position is only to be done if the funds are to be held for a future year.

- Insurance IE code 360 states insurance expenses were to be \$347,013 on checking our insurance policies the total insurance payable excluding GST was \$226,026 of which \$68,804 is workers compensation, which should be reported as an employee cost not insurance.

The net impact of this variation is an over allocation of \$157,222 for insurances. The right allocation of Insurances would have led to the availability of funds for other projects.

Although the above listing is not exhaustive of matters identified, they are the major items that have a significant impact on the adopted budget. With these items taken into consideration and other amendments endorsed by Council to date it is projected that we will have a surplus at 30 June of \$667,717. This figure includes projected unspent grant funds of \$300,000, leaving an untied surplus of \$367,717.

Given this projected surplus, consideration may be given to the shortfall funding for the Newdegate Independent Living Units and Lesser Hall Project. The current proposal has funds being transferred from the Newdegate Hall Reserve, Housing Reserve and Works and Services Reserves. It is proposed that this matter be reconsidered in June for the possibility of funds being returned to the relevant reserve funds used.

Other issues that have arisen are individual allocations to different programs, with these matters there is no net impact on the budget, just a reallocation of expenses to the direct area of expenditure or revenue. Throughout the schedules some new accounts have been created which have an expense and no direct budget allocation. Some examples of these changes are as follows;

- Employee on Costs for Engineering, Lake Grace Pool and Visitors Centre – superannuation for staff in these service areas were being expensed in Governance General and not the direct service area.
- Telecommunications Allowance for elected members was being directly expensed to Governance General, when it is a direct cost to Members of Council.
- Reimbursements – separate accounts have been set up for GST exclusive and GST inclusive. This helps to ensure that GST is correctly reported and paid.
- Reclassification of Assets purchased from Land & Buildings to Furniture & Equipment. During the preparation of the budget these should be correctly identified to ensure the correct allocation of assets into our asset register. This will stop unnecessary journals from occurring.

As these issues have been identified, staff have been made aware of any implications and given guidance on how transactions are to be treated. Continual guidance and process improvement will ensure our accountability and reporting meets the required standards.

This budget has been reviewed to continue to deliver on strategies and projects adopted by Council and to maintain the levels of service across all programs.

#### Legal Implications

Regulation 33A of the Local Government (Financial Management) Regulations 1996 requires:

*(1) Between 1 January and 31 March in each financial year a local government is to carry out a review of its annual budget for that year.*

*(2A) The review of an annual budget for a financial year must —*

- (a) consider the local government's financial performance in the period beginning on 1 July and ending no earlier than 31 December in that financial year; and*
- (b) consider the local government's financial position as at the date of the review; and*
- (c) review the outcomes for the end of that financial year that are forecast in the budget.*

(2) Within 30 days after a review of the annual budget of a local government is carried out it is to be submitted to the council.

(3) A council is to consider a review submitted to it and is to determine\* whether or not to adopt the review, any parts of the review or any recommendations made in the review.

\*Absolute majority required.

(4) Within 30 days after a council has made a determination, a copy of the review and determination is to be provided to the Department.

### Policy Implications

Nil

### Consultation

Internal: Neville Hale – Chief Executive Officer  
Senior Management Team

### Financial Implications

The review has incorporated budget amendments authorised by Council to 29 February 2016. With these amendments and projected variances it is anticipated that a surplus of \$667,718. This surplus includes \$300,000 of restricted cash for unspent Roads to Recovery funding, leaving an untied surplus of \$367,717.

Additional carried forward works of \$500,000 to complete the Lake Grace Independent Living Units is projected. The carried forward works for the Lake Grace Independent Living Units will be offset by funds of \$336,539 which will be claimed from the Shire of Williams as the works are completed. Leaving a balance of \$163,461 which Council had acknowledged as the project shortfall to be funded in the 2016/2017 Budget.

This leaves a projected uncommitted surplus of \$204,256 at 30 June 2016.

### Strategic Implications

*Shire of Lake Grace Strategic Community Plan*

Focus Area – Economics

Ec1 Maintain community built infrastructure and provide an effective transportation network.

Ec1.3 Ensure the Shire's capital investment program is cost effective and financially sustainable.

Ec3 Engage with the community to develop sustainable budget commitments

### Voting Requirements

Absolute majority (5) required.

Audit Committee Recommendation/Resolution

**RESOLUTION 12256**

Moved Cr Marshall  
Seconded Cr Hunt

That Council adopts the 2016 Budget Review conducted for the eight (8) months ended 29 February 2016.

**MOTION CARRIED BY ABSOLUTE MAJORITY 9/0**



|  |
|--|
| <b>15.0 MATTERS FOR CONSIDERATION – COMMUNITY SERVICES</b> |
|--|

**15.1 LAKE GRACE SPORTING PRECINCT REDEVELOPMENT PROJECT – NATIONAL STRONGER REGIONS FUND APPLICATION**

|                                |   |
|--------------------------------|---|
| <b>Applicant:</b>              | Community Services                          |
| <b>File No.</b>                | 0590  |
| <b>Attachments:</b>            | Nil   |
| <b>Author:</b>                 | Ms Lee Holben<br>Manager Community Services |
| <b>Disclosure of Interest:</b> | Nil   |
| <b>Date of Report:</b>         | 11 March 2016                               |
| <b>Senior Officer:</b>         | Mr Neville Hale<br>Chief Executive Officer  |

Summary

This report provides Council with information on the application to the National Stronger Regions Funding (NSRF) Round Three, Department of Infrastructure and Regional Development (The Department), to complete further stages of redevelopment of the Lake Grace Sporting precinct, to endorse the application and to consider the inclusion of \$25,000 in the 2016/2017 Draft Budget.

Background

The National Stronger Regions Fund (NSRF) is a programme to promote economic development in Australia's regions.

The Fund will invest \$1 billion over five years and support investment in the priority economic and infrastructure areas. These investments will also have a major focus on strengthening economies in Australia's regions by improving the productivity, employment, and workforce skills of Australians.

The Government's investment will enhance the economic growth, activity and output of regions and sustain these gains into the future. The Fund will have a particular focus on assisting disadvantaged regions to achieve growth.

The Fund will invest in crucial infrastructure projects that will be conceived by local communities – and this approach will help Australia's regions invest in their own future.

As well as providing direct investment in major projects that deliver economic and social benefits, the Fund will have flow on benefits of improving the capacity of organisations to deliver projects. To best deliver critical infrastructure, the Fund will encourage the formation of strong partnerships that engage project proponents with the private sector, and local, state and territory governments.

The Shire of Lake Grace in conjunction with the Lake Grace Sporting Committee have applied twice for this funding (unsuccessfully) and have just submitted the third application.

*Round 1- November 2014*

|                                       |              |
|---------------------------------------|--------------|
| NSRF                                  | \$106,796.50 |
| Lake Grace Community Recreation Trust | \$95,724.50  |
| Total: (exclusive GST)                | \$202,521.00 |

This included the upgrade of the kitchen (equipment only no structural change), new flooring for the older section of the building and the kitchen, sun screen roller blinds, new roof on the older building, painting, upgrade of power and asphalt around the oval.

Unsuccessful – feedback was sought from the Department.

*Round 2 – July 2015*

|                                       |           |
|---------------------------------------|-----------|
| NSRF                                  | \$129,826 |
| Shire of Lake Grace                   | \$29,826  |
| Lake Grace Community Recreation Trust | \$100,000 |
| Total: (exclusive GST)                | \$259,652 |

This included the upgrade of the kitchen (equipment and structural change), upgrade old toilet and showers, sun screen roller blinds, new roof on the older building, painting, storage shed, oval lights and timers and asphalt around the oval.

Unsuccessful – feedback was sought from the Department.

Quote from the NSRF letter:

*“Round Two of the NSRF was heavily subscribed with 514 applications received by the Department, requesting approximately \$1.47 billion in grant funding. We encourage the Shire of Lake Grace to apply in Round Three.”*

Comment

Staff attended a number of workshops relating to Round three as there have been a number of major changes to the criteria.

The Wheatbelt Development Commission provided a professional grant writer from Grants Empire (paid by Regional Development Australia) to work with staff to ensure the application was of the highest quality. The application was submitted on Friday 11 March 2016 in time for the deadline of Tuesday 15 March 2016.

*Round 3 – March 2016*

|                                       |           |
|---------------------------------------|-----------|
| NSRF                                  | \$119,549 |
| Shire of Lake Grace                   | \$25,000  |
| Lake Grace Community Recreation Trust | \$40,000  |
| Lake Grace Pingrup Football Club      | \$30,000  |
| Total: (exclusive GST)                | \$214,549 |

This included the upgrade of the kitchen (equipment and structural change), upgrade old toilet and showers, sun screen roller blinds, painting, oval lights and timers and asphalt around the oval.

Legal Implications

Nil

### Policy Implications

Nil

### Consultation

Internal

Chief Executive Officer  
Senior Management Team

External

Lake Grace Sporting Committee  
Mrs G Catering  
Lions Club of Lake Grace  
Lake Grace Pingrup Football Club  
Lake Grace Tennis Club  
Lake Grace Sportsman's Club  
Lake Grace Pingrup Netball Club  
Lake Grace Pingrup Hockey Club  
Lake Grace Kukerin Hockey Club  
Lake Grace June Netball  
Lake Grace Junior Hockey  
Lake Grace Pingrup Junior Football  
St John Ambulance Lake Grace  
Lake Grace Development Association  
RDA Wheatbelt, Executive Officer, Juliet Grist  
Grants Empire, Principal Grants Consultant Tammy King

### Financial Implications

An allocation to be considered in the 2016/2017 of \$25,000 as the Shire of Lake Grace contribution towards the NSRF Round 3 funding application.

These funds could be sourced from the re-allocation of funds held in the Lake Grace TV Reserve previously raised through the Lake Grace Specified Area Rate.

### Strategic Implications

*Strategic Community Plan – Connecting with our Future 2023*

- The Shire of Lake Grace is a prosperous and diversified economy and well serviced built infrastructure to foster the district community towards 2023.
- A Shire community and life style that is genuinely valued, healthy and connected together to sustain the living we have come to expect in our district.

### Voting Requirements

Simple majority required

Recommendation/Resolution

**RESOLUTION 12257**

Moved Cr Marshall

Seconded Cr Clarke

That Council:

1. Accept the information provided;
2. Endorse the NSRF Round three application; and,
3. Include in the 2016/2017 Budget an allocation of \$25,000 as the Shire of Lake Grace contribution towards the Lake Grace Sporting Precinct Redevelopment Project.

**MOTION CARRIED 9/0**

## 15.2 14 BLACKBUTT WAY LAKE GRACE – LEASE AGREEMENT WITH THE DEPARTMENT OF HOUSING

|                                |   |
|--------------------------------|---|
| <b>Applicant:</b>              | Housing Authority                           |
| <b>File No.</b>                | 0295  |
| <b>Attachments:</b>            | 1. Correspondence<br>2. Lease Agreement     |
| <b>Author:</b>                 | Ms Lee Holben<br>Manager Community Services |
| <b>Disclosure of Interest:</b> | Nil   |
| <b>Date of Report:</b>         | 9 March 2016                                |
| <b>Senior Officer:</b>         | Mr Neville Hale<br>Chief Executive Officer  |

### Summary

This report recommends entering into the Lease Agreement (renewal) as presented with the Western Australian (WA) Housing Authority for 14 (Lot 102) Blackbutt Way Lake Grace for a further (two) years, with a one (1) year option.

### Background

At the Shire of Lake Grace Ordinary Meeting 28 February 2007 motion 10349 was carried:

#### **Motion 10349**

*That the property at 14 (Lot 102) Blackbutt Way, Lake Grace be leased to the Department of Housing and Works (Government regional Officers Housing) for a period of nine (9) years with a one (1) year option at the initial rental of \$400.00 per week.*

**Motion Carried 6/1**

The WA Housing Authority has requested to renew the lease for a further 2 (two) years with a one (1) year option at the existing weekly rent of \$400, effective from fourteen (14) March 2016.

As part of the renewal they require the following items are attended to and the necessary works arranged:

- Carpets in bedrooms and passage to be replaced – within 6 months of lease commencement.
- Resolve ongoing problems with paving collapsing in pergola and back yard.
- The provision of an Electrical Safety Certificate (ESC) dated within the previous twelve months (to confirm all hard wired smoke alarms and RCD's have been installed and are functioning correctly) must be supplied no later than fourteenth March 2016.
- All air-conditioning units at the property are to be serviced (by a qualified trade's person if ducted/evaporative type air conditioners) annually at the anniversary of the lease and such receipts be submitted for departmental records.

### Comment

Staff has responded to the WA Housing Authority request and have indicated that the rent will be increased as part of the lease renewal as per Section 5.8 Review of Rent from the current lease.

**5.8 Review of Rent** of the current lease made on the fourteenth (14) March 2007 states:

- (a) On each Rent Review Date, the Lessor has the right to have the Rent reviewed in respect of the period from that Rent Review Date to the next Rent Review Date by serving a notice on the Lessee in accordance with clause 5.8(b), in which case the Rent payable in respect of the said period is to be agreed between the Parties or failing agreement is to be the annual rent payable for the period immediately prior to the said Rent Review Date increased by:
- a. The percentage increase (if any) which shall have occurred in the CPI in the preceding 12 months ending on the last quarter day (being the last day of March, June, September or December, as the case may be) immediately preceding the date of the said Rent Review; or
  - b. Two per cent (2%)

*Whichever is the greater.*

As the rent has remained unchanged since 2007, it is recommended to Council that the rent be increased from \$20,800 per annum (payable at \$1,733.33 per calendar month) to \$23,400 per annum (payable at \$1,950 per calendar month).

In regard to the request for the following repairs/maintenance, the following is in place:

- Carpets in bedrooms and passage to be replaced – within 6 months of lease commencement.

*Quotes are currently being sourced to replace the carpets in the four bedrooms and the passage way with vinyl – similar to the family/dining and kitchen area. As this is not a 2015/2016 budget item the work will be done after the 2016/2017 budget has been approved in July 2016.*

- Resolve ongoing problems with paving collapsing in pergola and back year.

*Manager Infrastructure is currently attending to this matter. A contractor has been employed and is currently dealing with the areas that have collapsed but due to the nature of the area when there is a large downfall the water erodes the sand from under the bricks. Being a transportable and up off the ground the sand is just washed away.*

*Manager Infrastructure will investigate further this issue as part of the Shire of Lake Grace Water Harvest plan.*

- The provision of an Electrical Safety Certificate (ESC) dated with the previous twelve month (to confirm all hard wired smoke alarms and RCD's have been installed and are functioning correctly) must be supplied no later than fourteen March 2016.

*Work completed - Electrical Safety Certificate AA2020376 dated nineteenth (19) February 2016.*

- All air-conditioning units at the property are to be serviced (by a qualified trade's person if ducted/evaporative type air conditioners) annually at the anniversary of the lease and such receipts be submitted for departmental records.

*Work completed - Outback TV invoice 0178.*

#### Legal Implications

Nil

Policy Implications

Shire of Lake Grace Policy 1.11 Use of the Common Seal

Consultation

Internal Chief Executive Officer  
Senior Management Team

External Housing Authority:  
Uttam Kimar Deb Nath Acting Leasing Officer Housing Programs,  
Sandra Teagle Assistant Leasing Officer Housing Programs,  
Rod Marshall Property Inspections.  
WA Police – Lake Grace Branch, Senior Sergeant Dave Ellis

Financial Implications

The 2015/2016 budget has an allocation (OH01) of \$3,476 for maintenance, pest control and insurance.

Strategic Implications

*Shire of Lake Grace Strategic Community Plan*

- S1 Maintain current populations and attract new people to live in the Shire.

Voting Requirements

Simple majority required.

Recommendation/Resolution

**RESOLUTION 12258**

Moved Cr Hunt

Seconded Cr Stanton

That Council:

1. Enters into the Lease Agreement (Renewal) as presented with the Western Australian Housing Authority for 14 (Lot 102) Blackbutt Way, Lake Grace for a further 2 (two) years, with a one (1) year option;
2. The lease renewal for 14 Blackbutt Way, Lake Grace include rent increase from \$20,800 per annum (payable at \$1,733.33 per calendar month) to \$23,400 per annum (payable at \$1,950 per calendar month); and
3. Authorises use of the common seal by the Shire President and the Chief Executive Officer for the Lease Agreement.

**MOTION CARRIED 9/0**

**16.0 MATTERS FOR CONSIDERATION - ADMINISTRATION****16.1 LOCAL GOVERNMENT COMPLIANCE AUDIT RETURN – 1 JANUARY TO 31 DECEMBER 2015**

|                                |  |
|--------------------------------|--|
| <b>Applicant:</b>              | Department of Local Government & Communities |
| <b>File No:</b>                | 0528   |
| <b>Attachments:</b>            | Compliance Audit Return                      |
| <b>Author:</b>                 | Mrs Jeanette Bennett<br>Executive Assistant  |
| <b>Disclosure of Interest:</b> | Nil  |
| <b>Date of Report:</b>         | 8 January 2016                               |
| <b>Senior Officer:</b>         | Mr Neville Hale<br>Chief Executive Officer   |

**Summary**

The purpose of this report is for Council to adopt the Statutory Compliance Audit Return (CAR) for the year ending 31 December 2015.

**Background**

Each year, the Department of Local Government and Communities produces a Statutory Compliance Audit Return for Local Government to carry out an audit in areas of compliance as set out in the CAR.

The completed CAR return is to be reviewed by the Audit Committee, the results then reported to Council, prior to adoption by Council and submission of the certified return to the Department of Local Government and Communities by 31 March 2016.

The Compliance Audit will be presented to the Audit Committee at its 21 March 2016 Meeting.

**Comment**

As in the three years previous, the 2015 Compliance Audit was completed in-house with checks carried out in all areas. The decision to again complete the audit in-house was made due to very few issues being identified in the Compliance Return for 2014.

The areas of compliance included are restricted to those considered high risk with the number of questions in this return slightly increased from the 78 questions in 2014 to 85 questions in 2015.

This year's return has been completed online and now requires certification by Shire of Lake Grace President and Chief Executive Officer.

There were no areas of non-compliance identified in this return.



Consultation

Internal: Chief Executive Officer  
Acting Manager Corporate Services

Legal Implications

The Statutory Compliance Return is required under Section 7.13 of the Local Government Act 1995 and items 13 – 15 of the Audit Regulations.

**Regulation 13** is titled *Prescribed statutory requirements for which compliance audit needed (Act s. 7.13(l)(i))* and sets out a table listing the relevant sections.

Regulations 4 & 5 are as follows:

**Reg.14. Compliance audits by local governments**

(1) A local government is to carry out a compliance audit for the period 1 January to 31 December in each year.

(2) After carrying out a compliance audit the local government is to prepare a compliance audit return in a form approved by the Minister.

(3A) The local government's audit committee is to review the compliance audit return and is to report to the council the results of that review.

(3) After the audit committee has reported to the council under subregulation (3A), the compliance audit return is to be —

- (a) presented to the council at a meeting of the council; and
- (b) adopted by the council; and
- (c) recorded in the minutes of the meeting at which it is adopted.

**Reg.15. Compliance audit return, certified copy of etc. to be given to Executive Director**

(1) After the compliance audit return has been presented to the council in accordance with regulation 14(3) a certified copy of the return together with —

- (a) a copy of the relevant section of the minutes referred to in regulation 14(3)(c); and
- (b) any additional information explaining or qualifying the compliance audit, is to be submitted to the Executive Director by 31 March next following the period to which the return relates.

(2) In this regulation — certified in relation to a compliance audit return means signed by —

- (a) the mayor or president; and
- (b) the CEO.

Policy implications

N/A

Financial implications

N/A

Strategic implications

*Shire of Lake Grace Strategic Community Plan*  
Civic Leadership Focus Area (5)

- Excellence in Shire administration and communication

Voting Requirements

Simple majority required.

Audit Committee Recommendation/Resolution

**RESOLUTION 12259**

Moved Cr Walker

Seconded Cr Clarke

1. That Council adopt the Local Government Statutory Compliance Return 1 January 2015 to 31 December 2015 for the Shire of Lake Grace; and
2. That the Shire President and the Chief Executive Officer endorse the certification contained within the Local Government Statutory Compliance Return.

**MOTION CARRIED 9/0**

## 16.2 LAKE GRACE SALEYARDS - RETENTION

|                                |  |
|--------------------------------|--|
| <b>Applicant:</b>              | Shire of Lake Grace Integrated Planning Asset Management Committee |
| <b>File No.</b>                | 0061   |
| <b>Attachments:</b>            | 1. IPAMC Minutes<br>2. Location Map<br>3. Meeting Notes            |
| <b>Author:</b>                 | Mr Neville Hale<br>Chief Executive Officer                         |
| <b>Disclosure of Interest:</b> | Nil  |
| <b>Date of Report:</b>         | 8 March 2016   |
| <b>Senior Officer:</b>         | Mr Neville Hale<br>Chief Executive Officer                         |

### Summary

For Council to consider a recommendation from the Integrated Planning Asset Management Committee (IPAMC) to retain the existing saleyards on the corner of Gorge Rock and Biddy Camm Roads, Lake Grace in their current location.

### Background

On Thursday, 25 June 2015, the Shire held a community meeting with interested members of the public to discuss possible uses of the saleyards land holding and whether it should be retained or sold.

Since that meeting, a number of sites have been suggested as alternative locations should the saleyards be relocated but each has presented challenges in regard to buffer zone requirements or potential environmental impacts.

At its 22 February 2016 meeting IPAMC considered the viability of relocating the Saleyards from their existing location.

The IPAMC resolved as follows:

*Resolution 025 - Moved Cr Marshall, Seonded Ms Gobbart*

*That the Committee recommend to Council, at its 23 March 2016 Ordinary Meeting, that:*

- The Shire retain the existing saleyards on the cnr of Gorge Rock Road and Biddy-Camm Road; and,*
- That Council consider the sale of the open grazing area/paddocks, being the western portion of the land.*

*Motion Carried 7/0*

### Comment

The attached notes from the 25 June 2015 meeting detail the history of the saleyards site and raises the question as to:

- Whether the provision of saleyards for stock holding purposes should be a shire responsibility;
- The yards, buildings and loading ramps be retained; and/or
- Whether one could consider disposing of the land currently used as open field paddocks whilst retaining the stock yards, outbuildings and loading ramps.

Over the past eight months it has proven difficult to locate a site within similar distance from town that would meet environmental considerations and have appropriate access for heavy vehicles.

Furthermore, in considering a possible relocation, it was identified that the cost of replacing “like for like” facilities would be extremely expensive and the time necessary to obtain all appropriate clearances would be problematic and a suitable outcome not guaranteed.

The IPAMC is of the view that notwithstanding alternative uses, it was in both the Shire and community’s best interest to retain the existing facilities as they provided a useful community asset, are strategically located with high visibility for security purposes and have easy and appropriate heavy vehicle access.

### Legal Implications

Local Government Act 1995 s 3.58 Disposal of property  
Local Government (Functions and General) Regulations 1996

### Policy Implications

Shire of Lake Grace Policy 7.9 – Asset management

### Consultation

Internal: Shire of Lake Grace Integrated Planning Asset Management Committee

External: Community consultation - Refer to attached notes

### Financial Implications

To be determined.

### Strategic Implications

Extract from Shire of Lake Grace Corporate Business Plan – Civic Leadership

Objectives: Elected Members provide visionary leadership.

Key Indicators:

- Integrated plans to reflect community service level expectations; and.
- Operate in a financially sustainable manner.

### Voting Requirements

Simple majority required.

Integrated Planning Asset Management Committee Recommendation/Resolution

**RESOLUTION 12260**

Moved Cr Marshall  
Seconded Cr Stanton

That Council retain the existing saleyards and holding paddocks being Lot 2 on the corner of Gorge Rock and Bidy Camm Roads.

**MOTION CARRIED 9/0**

### 16.3 WHEATBELT DEVELOPMENT COMMISSION – BOARD NOMINATIONS

|                                |   |
|--------------------------------|---|
| <b>Applicant:</b>              | Wheatbelt Development Commission  |
| <b>File No.</b>                | N/A   |
| <b>Attachments:</b>            | 1. WDC Letter to Shires<br>2. WDC Accompanying Letter<br>3. Nomination Form |
| <b>Author:</b>                 | Mrs Jeanette Bennett<br>Executive Officer                                   |
| <b>Disclosure of Interest:</b> | Nil   |
| <b>Date of Report:</b>         | 17 March 2016   |
| <b>Senior Officer:</b>         | Mr Neville Hale<br>Chief Executive Officer                                  |

#### Summary

The purpose of this report is for Council to consider a nomination to the Wheatbelt Development Commission (WDC) Board.

#### Background

A letter has been received from Wendy Newman, CEO of the Wheatbelt Development Commission seeking nominations for current vacancies which exist for the Board of the Wheatbelt Development Commission.

Nominations are open until the close of business 19 April 2016.

#### Comment

The role of the Commission is to coordinate and promote economic development in the Wheatbelt.

There are 10 Board Members, nine appointed by the Minister for Regional Development from expressions of interest via advertisement and response or through local government. The CEO is an ex-officio voting member.

There are three areas of responsibility that you can be appointed to; ministerial, local government or community. It is a Board of Governance, rather than a Board of Management. It is responsible for strategic direction and discussion of policy issues, whilst the CEO is responsible for the operation of the Commission.

It would be beneficial to our area to have a representative on the WDC Board.

#### Legal Implications

Nil

#### Policy Implications

Nil

#### Consultation

N/A

#### Financial Implications

Nil

Strategic Implications

N/A

Recommendation

For Council consideration.

Voting Requirements

Simple majority required.

Resolution

**RESOLUTION 12261**

Moved Cr Walker

Seconded Cr Hunt

That Council nominate Cr Marshall for a position on the WDC Board.

**MOTION CARRIED 9/0**

**16.4      COMMITTEES OF COUNCIL – ELECTION OF ELECTED MEMBER REPRESENTATIVES**

**Applicant:** Council  
**File No.** N/A  
**Attachments:** Nil  
**Author:** Mrs Jeanette Bennett  
Executive Officer  
**Disclosure of Interest:** Nil  
**Date of Report:** 17 March 2016  
**Senior Officer:** Mr Neville Hale  
Chief Executive Officer

Summary

The purpose of this report is for Council to appoint a replacement Committee Members for each of the Committees to which Cr Walker has previously been appointed.

Background

Cr Andrew Walker has advised of his resignation from the position of Shire President and his membership of the following Committees of Council:

- Audit Committee
- Newdegate Town Centre Rejuvenation Committee
- Integrated Planning Asset Management Committee

The appointments to the above Committees will expire in October 2017.

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

Comment

The respective Committees have previously been established in October 2015 in accordance with the requirements of the *Local Government Act 1995* and associated Regulations.

Accordingly, following the resignation of Cr Walker from his committee appointments it is now necessary for Council to appoint replacement committee member(s).

Legal Implications

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

*Local Government Act 1995 – s7*

*Local Government (Administration) Regulations 1996*

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

*s5.10. Committee members, appointment of*

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

\* Absolute majority required.



Policy Implications

Nil

Consultation

N/A

Financial Implications

Committee Members are entitled to sitting fees and reimbursement of travel expenses in accordance with Shire Policies and the Local Government Act.

Strategic Implications

Shire of Lake Grace Strategic Community Plan

*Civic Leadership - Focus Area 5*

- *Excellence in Shire administration and communication*

Recommendation

That Council appoint:

1. Cr \_\_\_\_\_ to the Audit Committee;
2. Cr \_\_\_\_\_ to the Newdegate Town Centre Rejuvenation Committee; and,
3. Cr \_\_\_\_\_ to the Integrated Planning Asset Management Committee.

Voting Requirements

Absolute majority (5) required.

Resolution

**RESOLUTION 12262**

Moved Cr Hunt

Seconded Cr Clarke

That Council appoint:

1. Cr Stanton and Cr Lloyd to the Audit Committee and that the Audit Committee Terms of Reference be amended accordingly;
2. Cr Lloyd to the Newdegate Town Centre Rejuvenation Committee; and,
3. Cr Lloyd to the Integrated Planning Asset Management Committee.

**MOTION CARRIED BY ABSOLUTE MAJORITY 9/0**

***Reason for Change: It was recommended by the Audit Committee that an additional elected member be appointed to the Audit Committee and that terms of reference be amended accordingly to facilitate this appointment.***

## 16.5 SHIRE OF LAKE GRACE CEMETERIES AMENDMENT LOCAL LAW 2015

|                                |   |
|--------------------------------|---|
| <b>Applicant:</b>              | Joint Standing Committee on Delegated Legislation         |
| <b>File No.</b>                | 0378  |
| <b>Attachments:</b>            | Letter  |
| <b>Author:</b>                 | Mr Bruce Wittber, BHW Consulting<br>Local Laws Consultant |
| <b>Disclosure of Interest:</b> | Nil   |
| <b>Date of Report:</b>         | 8 March 2016  |
| <b>Senior Officer:</b>         | Mr Neville Hale<br>Chief Executive Officer                |

### Summary

The purpose of this report is for the Council to consider correspondence from the Joint Standing Committee on Delegated Legislation (JSCDL) following its review of the recently adopted Cemeteries Amendment Local Law 2015.

### Background

The *Shire of Lake Grace Cemeteries Amendment Local Law 2015* was adopted by the Council on 18 November 2015 and was advertised in the Government Gazette on Tuesday 15 December 2015.

All local laws are subject to a review by the JSCDL and in a letter to Shire President Cr Walker, dated the 25 February 2016, the Chair of the JSCDL Mr Peter Abetz MLA, advised that the JSCDL wished to raise two issues with the Council that required further amendments to the Cemeteries Local Law.

### Comment

The JSCDL advised that the following amendments were required to the Cemeteries Local Law:

1. Clause 5 of the amending local law provides that clause 1.2(3) of the original law should read:

*(3) Where a term is not defined in this local law or the Act, the term is to be taken from the Oxford Dictionary.*

This clause should not apply, as ordinary statutory interpretation principles must be used to interpret such an instrument.

2. Two double negatives have been used which are likely to have created the opposite of the desired effect:

#### **6.1 Depth of graves**

(1) A person shall *not* bury a coffin within the cemetery so that the distance from the top of the coffin to the original surface of the ground is *not* less than 750 mm.

(2) A person, with the permission of the CEO or authorised officer may bury a coffin so that the distance from the top of the coffin to the original surface of the ground is not less than 600 mm.

The JSCDL has requested that these errors be corrected in the principal local law.

The JSCDL has also requested the Council to provide the following undertakings:

- within 6 months, amend the local law so that clause 1.2(3) is repealed and clause 6.1 clarified;
- make any consequential amendments necessarily arising from those amendments;
- provide the JSCDL with a copy of the minutes of the meeting at which the Council resolves to provide these undertakings; and
- where the Local Law is made publicly available, whether in hard copy or electronic form, that the law be accompanied by a copy of these undertakings.

The JSCDL requires a response signed by the President, by Friday 25 March 2016 (noting this is Good Friday).

A full copy of the correspondence from the JSCDL is attached to this agenda.

Legal Implications

*Local Government Act 1995*

Shire of Lake Grace Cemeteries Local Law

Policy Implications

N/A

Consultation

N/A

Financial Implications

This will incur additional publishing costs i.e. newspaper and Government Gazettal.

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 12263**

Moved Cr Clarke

Seconded Cr Walker

That Council resolves:

1. To advise the Chair of the Joint Standing Committee on Delegated Legislation that it gives the following undertakings:
  - within 6 months, amend the local law so that clause 1.2(3) is repealed and clause 6.1 clarified;
  - make any consequential amendments necessarily arising from those amendments;
  - provide the JSCDL with a copy of the minutes of the meeting at which the Council resolves to provide these undertakings; and
  - where the Local Law is made publicly available, whether in hard copy or electronic form, that the law be accompanied by a copy of these undertakings;
2. To authorise the Shire President to formally advise the Chair of the Joint Standing Committee on Delegated Legislation of these undertakings; and
3. To prepare a draft amendment to the Cemeteries Local Law to rectify the errors identified by the Joint Standing Committee on Delegated Legislation.

**MOTION CARRIED 9/0**

## 16.6 SHIRE OF LAKE GRACE HEALTH LOCAL LAW 2016 - ADOPTION

|                                |   |
|--------------------------------|---|
| <b>Applicant:</b>              | Shire of Lake Grace                                       |
| <b>File No.</b>                | 0378  |
| <b>Attachments:</b>            | Proposed Health Local Law                                 |
| <b>Author:</b>                 | Mr Bruce Wittber, BHW Consulting<br>Local Laws Consultant |
| <b>Disclosure of Interest:</b> | Nil   |
| <b>Date of Report:</b>         | 8 March 2016  |
| <b>Senior Officer:</b>         | Mr Neville Hale<br>Chief Executive Officer                |

### Summary

The purpose of this report is for the Council to approve the advertising of the *Shire of Lake Grace Health Local Law 2016* and for the Shire President to give notice of the purpose and effect of the proposed local law.

### Background

The Shire of Lake Grace (the Shire) in 2014 completed an eight year review of its local laws as required by s3.16 of the *Local Government Act 1995* (the Act). An outcome of the review of the local laws was a proposal to adopt a new Health Local Law at the same time as the adoption of a complementary Animals, Environment and Nuisance Local Law. This report relates to a proposal to commence, under s3.12 of the Act the adoption, of the new local law.

The Health Local Law was originally advertised on the 1 July 2015, however following consideration of comments from both the Department of Health and Department of Local Government and Communities, it was decided that a number of provisions of the local law required to be altered. Where significant changes occur to the originally advertised local law it is necessary for the proposal to be readvertised.

### Comment

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

- the person presiding is to give notice to the meeting of the purpose and effect of the proposed local law in the prescribed manner;
- the Shire is to give Statewide public notice stating:
  - the local government proposes to make a local law the purpose and effect of which is summarized in the notice;
  - a copy of the proposed local law may be inspected or obtained at any place specified in the notice; and
  - submissions about the proposed local law may be made to the local government before a day to be specified in the notice, being a day that is not less than 6 weeks after the notice is given;
- give a copy of the proposed local law and a copy of the notice to the Minister and, if another Minister administers the legislation under which the local law is proposed to be made, to that other Minister;
- provide a copy of the proposed local law to any person requesting it;
- at the close of submissions consider any submissions made and take into consideration any comments provided;
- adopt the local law as originally published or as amended, subject to the amendments not substantially altering the intent of the local law;

- publish the local law in the *Government Gazette*;
- give a copy of the local law to the Minister and, if another Minister administers the legislation under which the local law is proposed to be made, to that other Minister;
- after the local law has been published in the *Government Gazette* the local government is to give local public notice:
  - stating the title of the local law;
  - summarising the purpose and effect of the local law (specifying the day on which it comes into operation); and
  - advising that copies of the local law may be inspected or obtained from the local government's office; and
- within 10 days of the publication in the *Government Gazette* submit the local law to the Joint Standing Committee on Delegated Legislation.

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

The purpose and effect of the *Shire of Lake Grace Health Local Law 2016* is as follows:

### **Health Local Law 2015**

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

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

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

### Legal Implications

*Local Government Act 1995*

### Policy Implications

N/A

### Consultation

The proposed Health Local Law will be subject to a public advertising period with the opportunity for community input.

### Financial Implications

This will incur publishing costs i.e. newspaper and Government Gazette.

### 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

*The President read aloud the purpose and effect of the proposed Health Local Law*

**RESOLUTION 12264**

Moved Cr Hunt

Seconded Cr Marshall

That the Council, in accordance with section 3.12 of the *Local Government 1995* resolves:

1. To approve the giving of statewide public notice of the *Shire of Lake Grace Health Local Law 2016* in order to seek public comment;
2. To submit to the Minister for Local Government a copy of the proposed local law;  
and,
3. To submit to the Minister for Health a copy of the proposed local law.

**MOTION CARRIED 9/0**

## 16.7 SHIRE OF LAKE GRACE ANIMALS, ENVIRONMENT AND NUISANCE LOCAL LAW 2016 - ADOPTION

|                                |   |
|--------------------------------|---|
| <b>Applicant:</b>              | Shire of Lake Grace                                       |
| <b>File No.</b>                | 0378  |
| <b>Attachments:</b>            | Proposed Animals, Environment and Nuisance Local Law      |
| <b>Author:</b>                 | Mr Bruce Wittber, BHW Consulting<br>Local Laws Consultant |
| <b>Disclosure of Interest:</b> | Nil   |
| <b>Date of Report:</b>         | 8 March 2016  |
| <b>Senior Officer:</b>         | Mr Neville Hale<br>Chief Executive Officer                |

### Summary

The purpose of this report is for the Council to approve the advertising of the *Shire of Lake Grace Animals, Environment and Nuisance Local Law 2016* and for the Shire President Member to give notice of the purpose and effect of the proposed local law.

### Background

The Shire of Lake Grace (the Shire) in 2014 completed an eight year review of its local laws as required by s3.16 of the *Local Government Act 1995* (the Act). An outcome of the review of the local laws was a proposal to adopt a new Animals, Environment and Nuisance Local Law at the same time as the adoption of a new Health Local Law. This report relates to a proposal to commence, under s3.12 of the Act the adoption, of the new local law.

The Animals, Environment and Nuisance Local Law was originally advertised on the 1 July 2015, however following consideration of comments from both the Department of Health and Department of Local Government and Communities, it was decided that a number of provisions of the local law required to be altered. Where significant changes occur to the originally advertised local law it is necessary for the proposal to be readvertised.

### Comment

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

- the person presiding is to give notice to the meeting of the purpose and effect of the proposed local law in the prescribed manner;
- the Shire is to give Statewide public notice stating:
  - the local government proposes to make a local law the purpose and effect of which is summarized in the notice;
  - a copy of the proposed local law may be inspected or obtained at any place specified in the notice; and
  - submissions about the proposed local law may be made to the local government before a day to be specified in the notice, being a day that is not less than 6 weeks after the notice is given;
- give a copy of the proposed local law and a copy of the notice to the Minister and, if another Minister administers the legislation under which the local law is proposed to be made, to that other Minister;
- provide a copy of the proposed local law to any person requesting it;
- at the close of submissions consider any submissions made and take into consideration any comments provided;



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

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

The purpose and effect of the *Shire of Lake Grace Animals, Environment and Nuisance Local Law 2016* is as follows:

**Animals, Environment and Nuisance Local Law 2016**

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

**Purpose:** To provide for the regulation, control and management of animals and the prevention of environmental damage and nuisances within the Shire of Lake Grace.

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

Legal Implications

*Local Government Act 1995*

Policy Implications

N/A

Consultation

The proposed Animals, Environment and Nuisance Local Law will be subject to a public advertising period with the opportunity for community input.

Financial Implications

This will incur publishing costs i.e. newspaper and Government Gazette.

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

*The President read aloud the purpose and effect of the proposed Animals, Environment and Nuisance Local Law.*

**RESOLUTION 12265**

Moved Cr Hunt  
Seconded Cr Lloyd

That the Council, in accordance with section 3.12 of the *Local Government 1995* resolves:

- 1 To approve the giving of statewide public notice of the *Shire of Lake Grace Animals, Environment and Nuisance Local Law 2016* in order to seek public comment;
- 2 To submit to the Minister for Local Government a copy of the proposed local law; and,
- 3 To submit to the Minister for Health a copy of the proposed local law.

**MOTION CARRIED 9/0**

|                                  |
|----------------------------------|
| <b>17.0 INFORMATION BULLETIN</b> |
|----------------------------------|

**17.1 INFORMATION BULLETIN REPORT – MARCH 2016**

|                                |  |
|--------------------------------|--|
| <b>Applicant:</b>              | Executive Services                                   |
| <b>File No.</b>                | N/A  |
| <b>Attachments:</b>            | Information Bulletin ( <i>under separate cover</i> ) |
| <b>Author:</b>                 | Mrs Jeanette Bennett<br>Executive Officer            |
| <b>Disclosure of Interest:</b> | Nil  |
| <b>Date of Report:</b>         | 17 March 2016  |
| <b>Senior Officer:</b>         | Mr Neville Hale<br>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 (March 2016) Information Bulletin Report has been emailed to Councillors.

The March 2016 Information Bulletin attachment includes:

**Reports**

1. Council Status Report – February 2016
2. Infrastructure Services Report – February 2016
3. Outstanding Rates Report – February 2016
4. Monthly Schedules – February 2016
5. CESM Report – March 2016
6. EHO Report – March 2016
7. Lake Grace Swimming Pool Report – February 2016
8. Bush Fire Prone Areas
9. Eastern Wheatbelt Biosecurity Group - Dogger Report
10. Roadwise - Fatality Data

**Letters**

11. Minister for Training and Workforce Development

**Circulars & Newsletters**

12. Department of Local Government & Communities – Circular 16/2015
13. Department of Local Government & Communities – Circular 04/2016

**Minutes**

14. Newdegate Rejuvenation Committee - 14 March 2016
15. Integrated Planning Asset Management Committee - 22 February 2016
16. Integrated Planning Asset Management Committee - 15 March 2016
17. 4WDL Minutes - 8 March 2016
18. Central Country Zone Minutes - 26 February 2016
19. WALGA State Council – Summary Minutes March 2016
20. Lake Grace Development Association 1 February 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*

Voting Requirements

Simple majority required.

Recommendation/Resolution

**RESOLUTION 11266**

Moved Cr Stanton  
Seconded Cr Hunt

That Council accepts the Information Bulletin report.

**MOTION CARRIED 9/0**

**18.0 URGENT BUSINESS BY DECISION OF THE MEETING**

None.

**19.0 SCHEDULING OF MEETING**

**19.1 APRIL 2016 ORDINARY MEETING**

The next Ordinary Meeting of Council is scheduled to take place on Wednesday 27 April 2016, commencing at 3.00 pm in Council Chambers, 1 Bishop St, Lake Grace WA.

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

None.

**21.0 CLOSURE**

There being no further business, the Shire President closed the meeting at 4.54 pm.

**22.0 CERTIFICATION**

I, Jeanette Frances De Landgraftt, certify that the minutes of the meeting held on the 23 March 2016 as shown were confirmed as a true record at the meeting held on the 27 April 2016.

\_\_\_\_\_

Shire President

\_\_\_\_\_

Date