

Shire of Lake Grace

Ordinary Council Meeting



## NOTICE PAPER

### To the President and Councillors

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

**Date:** Wednesday 28 February 2018

**At:** Council Chambers  
1 Bishop Street, Lake Grace, WA

**Commencing:** 3.00 pm

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

A handwritten signature in black ink, appearing to read "D. Gobbart", is written over a faint circular stamp.

Denise Gobbart  
Chief Executive Officer

23 February 2018  
Date

Shire of Lake Grace

Ordinary Council Meeting

# Agenda

28 February 2018

Meeting Commencing at 3.00 pm



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## **SHIRE OF LAKE GRACE**

Agenda for the Ordinary Meeting of Council to be held at Council Chambers, 1 Bishop Street, Lake Grace, WA on Wednesday 28 February 2018.

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

The Shire President opened the meeting at \_\_\_ pm.

### **2.0 ATTENDANCE RECORD**

#### **2.1 PRESENT**

Cr JF De Landgraftt	Shire President
Cr SG Hunt	Deputy Shire President
Cr R Chappell	
Cr DS Clarke	
Cr RA Lloyd	
Cr AD Marshall	
Cr MR Spurr	
Cr MG Stanton	
Cr P Stoffberg	

#### **In Attendance**

Ms D Gobbart	Chief Executive Officer
Ms L Gray	Deputy Chief Executive Officer
Mrs L Trevenen	Administration Coordinator

#### **Observers/Visitors**

#### **2.2 APOLOGIES**

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

Cr De Landgraftt has been granted leave of absence from Thursday 5 April 2018 to Wednesday 11 April 2018 inclusive.

### **3.0 PUBLIC QUESTION TIME**

#### **3.1 RESPONSES TO QUESTIONS TAKEN ON NOTICE**

At the Council Meeting held on 19 December 2017, Mr Brett McKenney attended during Public Question Time and asked the following question:

##### **3.1.1 Mr Brett McKenney**

In relation to Lot 5 (No 26) Stubbs Street, Lake Grace, on page 30 of the Agenda the Shire of Lake Grace Local Planning Strategy states:  
*'Promote the diversification of the Shires economy by encouraging the development of a wide range of new commerce and industry.'* and the

Shire of Lake Grace Strategic Community Plan 2017 – 2027 states:  
'Outcome 1.2 A diverse and prosperous economy.'

The proposal of a function centre on Lot 5 will duplicate the following existing businesses, Walkers Hill Vineyard, Lake Grace Football Pavilion, Lake Grace Sportsman's Club, Caffe Arjo and the Lake Grace Hotel. The question is how can this proposal be considered new and or diverse when these businesses already exist?

**Response:**

The proposal for Lot 5 (No 26) Stubbs Street, Lake Grace is in fact a new business and adds to the range and diversity of options available to consumers. A prosperous economy is one that supports and encourages competition to ensure consumers have options.

One of the most basic principles of town planning is to ensure the free market economy is able to operate in an unrestricted manner. This means Council is unable to refuse any development application proposing the establishment of a new business that will give rise to increased competition to existing businesses.

**3.2 PUBLIC QUESTIONS**

**4.0 APPLICATIONS FOR LEAVE OF ABSENCE**

**5.0 MINUTES OF PREVIOUS COUNCIL MEETINGS**

**5.1 ORDINARY MEETING – 19 DECEMBER 2017**

Recommendation

That the minutes of the Ordinary Meeting of Council held on 19 December 2017 be confirmed as a true and accurate record.

**5.2 SPECIAL COUNCIL MEETING – 7 FEBRUARY 2018**

Recommendation

That the minutes of the Special Meeting of Council held on 7 February 2018 be confirmed as a true and accurate record.

**6.0 DECLARATIONS OF INTEREST**

**6.1 DECLARATIONS OF FINANCIAL INTEREST – LOCAL GOVERNMENT ACT 1995 SECTION 5.60A**

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

**6.3 DECLARATIONS OF IMPARTIALITY INTEREST – ADMINISTRATION REGULATIONS 1996 SECTION 34C**

**7.0 NOTICES OF URGENT BUSINESS**

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

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

**10.0 MEMBERS' REPORTS**

**10.1 CR CHAPPELL**

**10.2 CR CLARKE**

**10.3 CR HUNT**

**10.4 CR LLOYD**

**10.5 CR MARSHALL**

**10.6 CR SPURR**

**10.7 CR STANTON**

**10.8 CR STOFFBERG**

**10.9 CR DE LANDGRAFFT**

**11.0 MATTERS FOR CONSIDERATION – INFRASTRUCTURE SERVICES**

**NO MATTERS FOR CONSIDERATION.**



## 12.0 MATTERS FOR CONSIDERATION – PLANNING

### 12.1 DEVELOPMENT APPLICATION – PROPOSED STORAGE FACILITY (SEA CONTAINER) – RESERVE 22641 BEING LOT 28 (NO.25) BENNETT STREET, LAKE GRACE

**Applicant:** Lake Grace Community Men's Shed Incorporated on behalf of the State of Western Australia (Landowner)  
**File No.** A6363 / 0369  
**Attachments:** 1. Application for Development Approval  
**Author:** Mr Joe Douglas (Urban & Rural Perspectives)  
 Town Planning Consultant  
**Disclosure of Interest:** Nil  
**Date of Report:** 21 February 2018  
**Senior Officer:** Ms Denise Gobbart

  
 Chief Executive Officer

#### Summary

This report recommends that a development application submitted by the Lake Grace Community Men's Shed Incorporated to place a secondhand sea container at the rear of Reserve 22641 being Lot 28 (No.25) Bennett Street, Lake Grace for general storage purposes be approved subject to conditions.

#### Background

The applicant is seeking Council's development approval to place a secondhand sea container at the rear of Reserve 22641 being Lot 28 (No.25) Bennett Street, Lake Grace for general storage purposes associated with existing approved use of the land for community purposes (i.e. a men's shed).

Lot 28 is located centrally in the Lake Grace townsite with direct frontage and access to Bennett Street along its southern boundary and a right-of-way along its northern rear boundary. The land is rectangular in shape, comprises a total area of approximately 1,064m<sup>2</sup> and was previously developed and used for emergency service purposes (i.e. a St John's Ambulance depot).



Location Plan (Source: Landgate)

In August 2014 Council granted approval to the proposed development and use of Lot 28 for the

purposes of a Community Men's Shed including a new shed to accommodate the proposed use.

The land contains a number of physical improvements associated with its current use including a single storey brick and tile building along its Bennett Street frontage, a centrally located 139m<sup>2</sup> colorbond shed, vehicle access, parking, landscaping and boundary fencing.

The subject land forms part of Crown Reserve 22641 which is owned by the State of Western Australia and currently vested in the Shire of Lake Grace for 'Community Purposes'.

Under the terms of the information and plans submitted in support of the application (see Attachment 1) the following is proposed:

- i) Placement of a reconditioned, secondhand sea container at the rear of the existing shed on the land underneath a large, mature tree which is proposed to be retained for shade and general amenity purposes;
- ii) The proposed sea container is 6.06 metres long, 2.44 metres wide, 2.90 metres high and comprises a total floor area of approximately 15m<sup>2</sup>;
- iii) The sea container will be painted to match the colour of the existing approved shed on the land (i.e. 'Paperbark'); and
- iv) The sea container will be used for general storage purposes to avoid the need for any open area storage and ensure the site is maintained in a neat and tidy condition at all times.

#### Comment

Lot 28 is classified 'Public Purpose' reserve under the Shire of Lake Grace's current operative Local Planning Scheme No.4 (LPS No.4) with the designated purpose 'Community Purposes'.

Clause 2.4.1 of LPS No.4 states that when determining a development application for the development of any land reserved under LPS No.4, Council must have due regard for the various general matters set out in clause 67 of the Deemed Provisions of the Planning and Development (Local Planning Scheme) Regulations 2015 and the ultimate purpose intended by the land's reserve classification.

In exercising discretion, and pursuant to clause 67 of the Deemed Provisions, Council must be satisfied the proposal is consistent with general principles of proper and orderly planning, the provisions and standards contained in LPS No.4 and any other planning consideration the local government deems relevant.

Following a detailed assessment of the application the reporting officer has concluded the proposal satisfies the specific standards and requirements of the Shire's local planning framework and is capable of being supported and approved by Council for the following reasons:

- It is consistent with the purpose of the land's current reserve classification in LPS No.4 and Management Order for Reserve 22641 (i.e. 'Community Purposes');
- It is unlikely to have a detrimental impact on the character or amenity of the immediate locality or give rise to the need to provide any additional on-site parking over and above what is already provided;
- It will allow for the productive use of a portion of Reserve 22641 which is currently underutilised; and
- It will assist with the ongoing maintenance and management of the land for its current

approved purpose.

#### Legal Implications

- Planning and Development Act 2005
- Shire of Lake Grace Local Planning Scheme No.4
- Part 10A Planning and Development (Local Planning Scheme) Regulations 2015 - Bushfire Risk Management – As the subject land is not located within a designated 'bushfire prone area' a Bushfire Attack Level (BAL) assessment is not required in support of this application.

#### Policy Implications

Nil

#### Consultation

Not required. The applicant's representative Mr Phil Clarke was however consulted during assessment of the application to clarify a number of queries, all of which were suitably addressed.

#### Financial Implications

Nil

#### Strategic Implications

- *Shire of Lake Grace Local Planning Strategy* - The proposal for Lot 28 is considered to be generally consistent with the aims and objectives of the Shire's Local Planning Strategy as it applies to the following:
  - Facilitate the provision of a wide range of well planned and appropriately located community services and facilities that satisfy the needs and demands of the local community.

#### *Shire of Lake Grace Strategic Community Plan 2017-2027*

Social – A valued, healthy and inclusive community and life-style

The proposal for Lot 28 is considered to be generally consistent with the aims and objectives of the Shire's Strategic Community Plan as it applies to the following:

- Social Outcome 2.1 – An engaged, supportive and inclusive community: Community services and infrastructure meeting the needs of the district & actively promote and support community events and activities within the district.
- Social Outcome 2.2 – A healthy and safe community: Maintain and enhance sport and recreation facilities

#### Recommendation

That the application for development approval submitted by the Lake Grace Community Men's Shed Incorporated to place a secondhand sea container at the rear of Reserve 22641 being Lot 28 (No.25) Bennett Street, Lake Grace for general storage purposes be **APPROVED** subject to compliance with the following conditions and advice notes:

#### Conditions

1. The proposed development shall be undertaken in a manner consistent with the information and plans submitted in support of the application unless otherwise approved by Council.
2. The proposed sea container shall be used for general storage purposes only unless otherwise approved by Council.

3. The proposed sea container shall be painted to match the colour of the existing approved shed on the land (i.e. 'Paperbark') within ninety (90) days of the structure being placed on the land.

#### Advice Notes

1. The development is to be completed within a period of two (2) years from the date of this approval. If the development is not completed within this period the approval will lapse and be of no further effect. Where an approval has lapsed, no development shall be carried out without the further approval of the Shire of Lake Grace having first been sought and obtained.
2. This approval is not an authority to ignore any constraint to development on the land which may exist through contract or on title, such as an easement or restrictive covenant. It is the responsibility of the applicant and landowner and not the Shire to investigate any such constraints before commencing development. This approval will not necessarily have regard to any such constraint to development, regardless of whether or not it has been drawn to the Shire's attention.
3. This is a development approval of the Shire of Lake Grace under its Local Planning Scheme No.4. It is not a building permit or an approval to commence or carry out development under any other law. It is the responsibility of the applicant and landowner to obtain any other necessary approvals, consents, permits and licenses required under any other law, and to commence and carry out development in accordance with all relevant laws.
4. The proposed structure is required to comply in all respects with the National Construction Code of Australia and the Health (Public Buildings) Regulations 1992 where applicable. Plans and specifications which reflect these requirements are required to be submitted with the building permit application.
5. The noise generated by any activities on-site including machinery motors or vehicles shall not exceed the levels as set out under the Environmental (Noise) Regulations 1997.
6. No works shall commence on the land prior to 7am without the Shire's written approval. No works are permitted on Sundays or Public Holidays.
7. Failure to comply with any of the conditions of this development approval constitutes an offence under the provisions of the *Planning and Development Act 2005* and the Shire of Lake Grace Local Planning Scheme No.4 and may result in legal action being initiated by the local government.
8. If the applicant or owner is aggrieved by this determination there is a right of review by the State Administrative Tribunal in accordance with the *Planning and Development Act 2005* Part 14. An application must be submitted within 28 days of the determination.

#### Voting Requirements

Simple Majority

**12.2      DEVELOPMENT APPLICATION – PROPOSED NEW SINGLE HOUSE & TEMPORARY ANCILLARY WORKER ACCOMMODATION – LOT 2542 (NO.565) DAWSON ROAD, SOUTH NEWDEGATE**

**Applicant:** TR Homes on behalf of Greyham Cedric Lee (Landowner)  
**File No.:** A4071  
**Attachments:** 1. Development Application  
 2. Map  
 3. Correspondence from Current Land Owner  
**Author:** Mr Joe Douglas (Exurban Rural & Regional Planning)  
 Town Planning Consultant  
**Disclosure of Interest:** Nil  
**Date of Report:** 21 February 2018  
**Senior Officer:** Ms Denise Gobbart



Chief Executive Officer

Summary

This report recommends that a development application submitted by TR Homes on behalf of Greyham Cedric Lee (Landowner) to place a new pre-manufactured steel framed modular dwelling and provide temporary ancillary worker accommodation within an existing dwelling on Lot 2542 (No.565) Dawson Road, South Newdegate be conditionally approved under delegated authority by the Shire's Chief Executive Officer following receipt of a Bushfire Attack Level (BAL) report and management statement that confirms the potential bushfire risk as it applies specifically to the proposed development and use of the land can be suitably managed.

Background

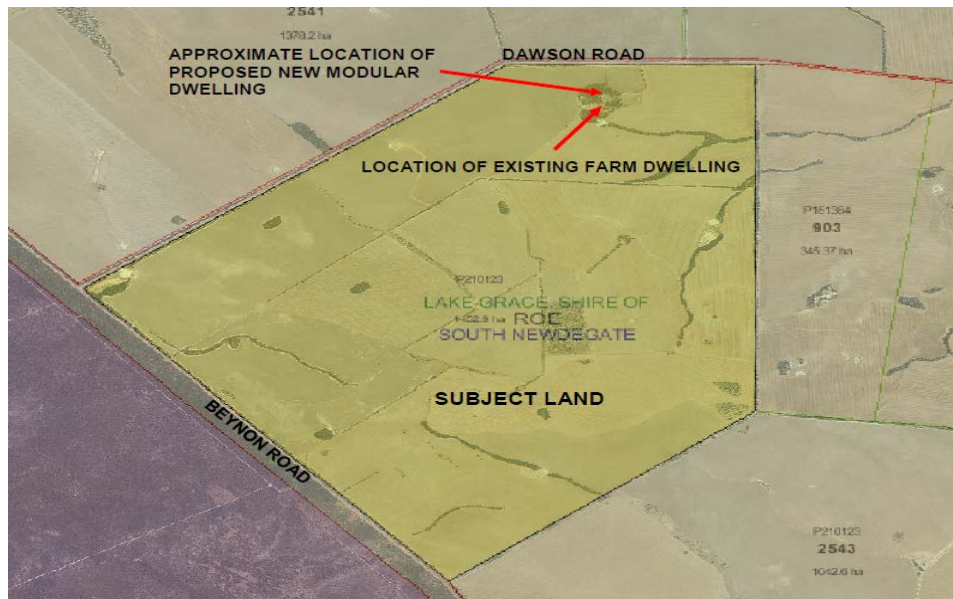
The applicant is seeking Council's development approval to place a new pre-manufactured steel framed modular dwelling in close proximity to an existing single house on Lot 2542 (No.565) Dawson Road, South Newdegate.

The proposed new dwelling comprises a total floor area of approximately 244m<sup>2</sup> and will become the primary residence on the land with the existing dwelling to be retained for use as temporary ancillary worker accommodation.

Lot 2542 is located approximately 10 kilometres south-west of the Newdegate townsite in the locality of South Newdegate and immediately east of the Breakaway Ridge Nature Reserve, an A-Class nature reserve under the care, control and management of the National Parks and Nature Conservation Authority.

Lot 2542 is irregular in shape and comprises a total area of approximately 1,453 hectares. The property has direct frontage and access to Dawson Road along its northern boundary and Beynon Road along its western boundary, both of which are unsealed, constructed local roads under the care, control and management of the Shire of Lake Grace.

Lot 2542 has been extensively cleared and is currently used for broadacre agricultural purposes (i.e. cropping & grazing). The land comprises some scattered stands of native vegetation including centrally at its highest point, along several intermittent creek lines and near its frontage to Dawson Road, some of which is the subject of a memorial registered on title under the *Soil and Land Conservation Act 1945* for conservation purposes. It should be noted that portion of the land subject to this application is not affected by the aforementioned memorial.



Location Plan (Source: Landgate)

The land also contains a number of physical improvements associated with its current rural use including a single detached dwelling near its Dawson Road frontage, various sheds, dams, internal access roads / tracks, firebreaks and fencing.

Specific details of the proposal including a covering letter and plans are provided in Attachment 2.



Site Plan (Source: Landgate)

Comment

Lot 2542 is classified 'General Agriculture' zone in the Shire of Lake Grace Local Planning Scheme No.4 (LPS No.4).

Clause 4.11.3 of LPS No.4 states Council will not generally support the erection of more than one (1) single house per lot on any land classified 'General Agriculture' zone and may only consider granting approval to additional dwelling(s) under the following circumstances:

- (i) where the landowner demonstrates that the development is required for farm management or tourist development purposes;
- (ii) the additional dwelling(s) will only accommodate a family member, workers employed for agricultural activities on that lot or tourists;
- (iii) the additional dwelling(s) are clustered in one location so as to avoid future subdivision pressure and minimise constraints on adjoining uses; and
- (iv) all essential services to the additional dwelling(s) from the lot boundary (including access roads) are to be shared with any existing dwelling(s) where practicable.

Under the terms of the site development plan submitted in support of the application the new dwelling is proposed to be sited within the boundaries of a recently approved homestead lot comprising a total area of 20.4957 hectares (see Attachment 3). The Western Australian Planning Commission approved the creation of this new lot on the basis there is an existing single house on the land of a suitable habitable standard.

On 8 February 2018 the Deposited Plan contained in Attachment 3 was signed off by Landgate as being 'in order for dealings' meaning the subdivision has been finalised in accordance with the Western Australian Planning Commission's conditional approval and application may now be made for the issuance of new certificates of title for the homestead lot and balance-of-title rural lot. It is understood an application for new titles is imminent.

When considering the development application in the context of the intent and requirements of clause 4.11.3 and the impending subdivision of the land whereby the new homestead lot, which already contains a single house, will not itself be used specifically for the management of any agricultural activities due to its limited size, it is concluded the proposal does not strictly comply with all the requirements of this clause.

Notwithstanding this immediate conclusion, and having regard for:

- a) the applicant's follow up submission dated 19 February 2018 which confirmed:
  - i) the existing single house on the new homestead lot will be retained for use as temporary ancillary workers accommodation to support the new landowners' existing established broadacre farming activities within the Shire; and
  - ii) the new dwelling on the homestead lot will be the main and sole residence for the new landowners' and their immediate family;
- b) the discretionary power afforded to Council by clause 4.5.1 of LPS No.4 which allows it to approve the application despite the proposal's non-compliance with the requirements of clause 4.11.3 if:
  - i) it is considered appropriate having regard for the various town planning considerations set out in clause 67 of the deemed provisions of the Planning Scheme Regulations 2015; and

- ii) Council is satisfied the non-compliance will not have an adverse effect upon the occupiers or users of the development, the inhabitants of the locality or the likely future development of the locality; and
- c) The reporting officer's view, based on a detailed assessment of the application, that the proposed development and use of the land is generally consistent with the relevant town planning considerations set out in clause 67 of the deemed provisions of the Planning Scheme Regulations 2015 and therefore unlikely to have any adverse impacts,

it is concluded the proposal has significant merit and should therefore be supported and conditionally approved under delegated authority by the Shire's Chief Executive Officer following receipt of a Bushfire Attack Level (BAL) assessment report and management statement confirming the potential bushfire risk as it applies to both the existing and proposed dwelling on the homestead lot can be suitably managed.

Immediate approval of the development application by Council is not recommended in this instance until a suitable Bushfire Attack Level (BAL) assessment report and management statement is prepared by an accredited bushfire planning practitioner and submitted to the Shire for assessment. The applicant has confirmed these documents and associated plans are currently being prepared by a suitably qualified consultant and will be submitted to the Shire either just before or soon after Council's February meeting. Assuming they demonstrate compliance with the objectives of State Planning Policy 3.7 and the associated Guidelines, conditional development approval may then be granted by the Shire's Chief Executive Officer under delegated authority.

This approach to final determination of the application is recommended having regard for both the applicant and landowners' desire to secure approval to this application as soon as possible and the findings of a previous BAL assessment report prepared to justify the recent approved subdivision of the land which confirmed the potential bushfire risk could be managed to satisfy the bushfire protection criteria and objectives of State Planning Policy 3.7. As this previous BAL assessment focused on the development of a new dwelling on the proposed balance-of-title rural lot only and not two (2) dwellings on that portion of Lot 2542 comprising the new homestead lot proposed by this application, a new site specific BAL assessment report and management statement demonstrating compliance with the requirements of State Planning Policy 3.7 is required prior to final determination.

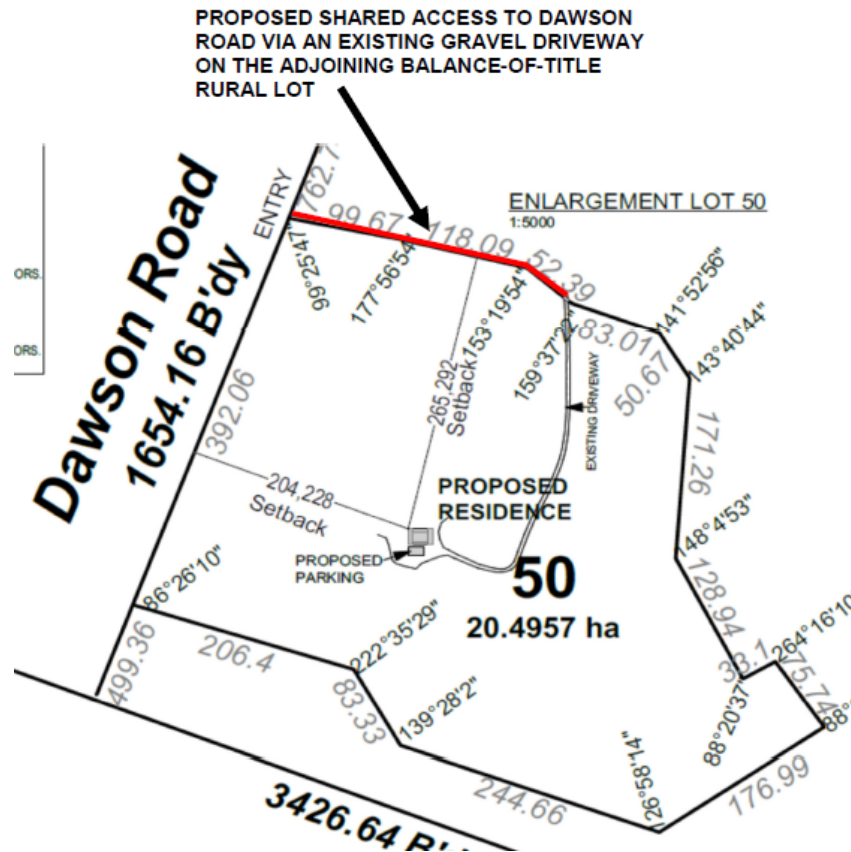
When considering the application and recommended conditions of development approval below Council should note vehicle access to/from the existing and proposed dwellings on the homestead lot is proposed via an existing gravel driveway through the adjoining balance-of-title rural lot, despite there being an existing driveway of a lesser standard on the homestead lot which provides direct access to Dawson Road.

Given the landowner's intentions regarding primary vehicle access to/from the homestead lot through the adjoining property to Dawson Road, a condition requiring the creation of a suitable right-of-carriageway easement over the relevant portion of the driveway access on the adjoining lot has been recommended to ensure the current and any future owners of the homestead lot are afforded legal access rights on an ongoing, uninterrupted basis. In the absence of a suitable access easement registered on title, use of the driveway by the owners and occupants of the homestead lot could become the subject of a future dispute with the adjoining landowner and may constitute a nuisance or trespass.

The condition referred to above also affords the landowner the opportunity to avoid the need to create a new access easement if they are willing to consider upgrading the existing driveway or



constructing a new driveway of a suitable standard through Lot 50 directly to Dawson Road.



Legal Implications

- Planning and Development Act 2005
- Shire of Lake Grace Local Planning Scheme No.4
- Part 10A Planning and Development (Local Planning Scheme) Regulations 2015 - Bushfire Risk Management – As that portion of Lot 2542 the subject of this application is located within a designated 'bushfire prone area', a Bushfire Attack Level (BAL) assessment and management statement is required.

Policy Implications

Nil

Consultation

Not required. The applicant's representatives Ms Stacey Knowles and Mr Nathan Hollis and bushfire planning consultant Mr Geoffrey Lush were however consulted during assessment of the application to clarify a number of queries and initial concerns, all of which were suitably addressed.

Financial Implications

Nil

Strategic Implications

- *Shire of Lake Grace Local Planning Strategy* - The proposal for Lot 2542 is considered to be generally consistent with the aims and objectives of the Shire's Local Planning Strategy as it applies to the following:

- Economic Development Strategy (Agriculture): To achieve ecologically sustainable use of agricultural land in the Shire whilst providing diverse and compatible development opportunities in agricultural areas to promote the local economy.
- Settlement Strategy (Rural Living): To provide a variety and choice of high quality rural living opportunities in the Shire where it is economically, socially and environmentally viable.

*Shire of Lake Grace Strategic Community Plan 2017-2027*

Economic – A prosperous agricultural based economy, supporting diversification of industry

The proposal for Lot 2542 is considered to be generally consistent with the aims and objectives of the Shire's Strategic Community Plan as it applies to the following:

- Economic Outcome 1.1.3 – Support and promote the agricultural productivity of the district;
- Environment Outcome 3.2.1 – Manage and preserve the natural environment.

Recommendation

That Council grant delegated authority to the Shire's Chief Executive Officer to **APPROVE** the application for development approval submitted by TR Homes on behalf of Greyham Cedric Lee (Landowner) to place a new pre-manufactured steel framed modular dwelling and provide temporary ancillary worker accommodation within an existing dwelling on Lot 2542 (No.565) Dawson Road, South Newdegate subject to receipt of a Bushfire Attack Level (BAL) report and management statement prepared by an accredited bushfire planning practitioner confirming the potential bushfire risk as it applies to both the existing and proposed dwelling on the land can be suitably managed. Any approval granted by the Shire's Chief Executive Officer pursuant to this resolution shall be subject to the following conditions and advice notes:

Conditions

1. The proposed development shall be undertaken in a manner consistent with the information and plans submitted in support of the application as well as the findings and recommendations of the Bushfire Attack Level (BAL) assessment report and management statement required by this approval unless otherwise approved by Council.
2. The proposed new modular dwelling to be placed on the land shall be provided with an adequate on-site effluent disposal system constructed and maintained to the specifications and satisfaction of the Shire's Chief Executive Officer and the Department of Health.
3. The proposed new modular dwelling shall be provided with an adequate water supply for domestic consumption and fire fighting purposes to the specifications and satisfaction of the Shire's Chief Executive Officer and the Department of Health.
4. The existing dwelling on the land shall only be used for temporary ancillary worker accommodation to support the landowner's existing established broadacre farming activities within the Shire.
5. An access easement prepared pursuant to the requirements of Part IVA of the Transfer of Land Act 1893 shall be registered with Landgate within 120 days of the date of this approval. The access easement shall afford the current and future owners and occupiers of the homestead lot (i.e. Lot 50 on Deposited Plan 411886) legal rights of access over that portion of the existing driveway on the adjoining, separately owned Lot 51 on Deposited Plan 411886 proposed to be used to obtain access to/from Dawson Road. Alternatively, the owner of Lot 50 shall prepare and submit an alternative vehicle access plan for consideration and approval by

the Shire's Chief Executive Officer that provides a suitably constructed and finished driveway access through Lot 50 with a direct connection to Dawson Road including crossover. If approved by the Shire's Chief Executive Officer, the alternative driveway access and crossover to Dawson Road shall be upgraded / constructed to a standard deemed acceptable by the Chief Executive Officer within 120 days of the date of this approval.

#### Advice Notes

1. The development is to be completed within a period of two (2) years from the date of this approval. If the development is not completed within this period the approval will lapse and be of no further effect. Where an approval has lapsed, no development shall be carried out without the further approval of the Shire of Lake Grace having first been sought and obtained.
2. This approval is not an authority to ignore any constraint to development on the land which may exist through contract or on title, such as an easement or restrictive covenant. It is the responsibility of the applicant and landowner and not the Shire to investigate any such constraints before commencing development. This approval will not necessarily have regard to any such constraint to development, regardless of whether or not it has been drawn to the Shire's attention.
3. This is a development approval of the Shire of Lake Grace under its Local Planning Scheme No.4. It is not a building permit or an approval to commence or carry out development under any other law. It is the responsibility of the applicant and landowner to obtain any other necessary approvals, consents, permits and licenses required under any other law, and to commence and carry out development in accordance with all relevant laws.
4. In accordance with the Building Act 2011 and Building Regulations 2012, a building permit application must be submitted to and approved by the Shire's Building Surveyor prior to the commencement of any construction or earthworks on the land.
5. The proposed dwelling is required to comply in all respects with the National Construction Code of Australia. Plans and specifications which reflect these requirements are required to be submitted with the building permit application.
6. Failure to comply with any of the conditions of this development approval constitutes an offence under the provisions of the *Planning and Development Act 2005* and the Shire of Lake Grace Local Planning Scheme No.4 and may result in legal action being initiated by the local government.
7. If the applicant or owner is aggrieved by this determination there is a right of review by the State Administrative Tribunal in accordance with the *Planning and Development Act 2005* Part 14. An application must be submitted within 28 days of the determination.

#### Voting Requirements

Simple Majority

**13.0 MATTERS FOR CONSIDERATION – HEALTH & BUILDING**

**No matters for consideration.**

<b>14.0 MATTERS FOR CONSIDERATION – ADMINISTRATION</b>
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**14.1 ANNUAL GENERAL MEETING OF ELECTORS**

<b>Applicant:</b>	Internal Report
<b>File No.</b>	0042
<b>Attachments:</b>	Annual General Meeting of Electors Minutes 7 February 2018
<b>Author:</b>	Ms Denise Gobbart Chief Executive Officer
<b>Disclosure of Interest:</b>	Nil
<b>Date of Report:</b>	9 February 2018
<b>Senior Officer:</b>	Ms Denise Gobbart



Chief Executive Officer

Summary

The purpose of this report is for Council to receive the minutes of the Annual Electors Meeting for the year ended 30 June 2017.

Background

In accordance with the provisions of the *Local Government Act 1995* the minutes of the Annual Electors Meeting and decisions made are to be considered by Council.

Comment

The Minutes of the Electors Meeting for the year ended 30 June 2017, identify decisions made in respect to the adoption of the minutes for the previous Electors Meeting, receipt and adoption of the 2016/2017 Annual Financial Report and the Auditors Report for the year ended 30 June 2017 together with the Presidents and Chief Executive Officers Reports.

Legal Implications

*Local Government Act 1995*

5.32. Minutes of electors' meetings

*The CEO is to —*

(a) *cause minutes of the proceedings at an electors' meeting to be kept and preserved;*  
*and*

(b) *ensure that copies of the minutes are made available for inspection by members of the public before the council meeting at which decisions made at the electors' meeting are first considered.*

5.33. Decisions made at electors' meetings

(1) *All decisions made at an electors' meeting are to be considered at the next ordinary council meeting or, if that is not practicable —*

(a) *at the first ordinary council meeting after that meeting; or*

(b) *at a special meeting called for that purpose,*  
*whichever happens first.*

(2) *If at a meeting of the council a local government makes a decision in response to a decision made at an electors' meeting, the reasons for the decision are to be recorded in the minutes of the council meeting.*

Policy Implications

N/A

Consultation

N/A

Financial Implications

N/A

Strategic Implications

*Shire of Lake Grace Strategic Community Plan 2017 - 2027*

Leadership – Strong governance and leadership, demonstrating fair and equitable community values.

Outcome 4.1 A strategically focused, unified Council functioning efficiently

- 4.1.1 Provide informed leadership on behalf of the community
- 4.1.2 Promote and advocate for the community and district
- 4.1.3 Provide strategic leadership and governance

Outcome 4.2 An efficient and effective organisation

- 4.2.1 Maintain accountability and financial responsibility through effective planning
- 4.2.2 Comply with statutory and legislative requirements

*Shire of Lake Grace Corporate Business Plan 2016-2020*

Civic Leadership:

Elected members are fully aware of community interests in their decision making

- CL1.2 – Encourage greater community input into the decision making process.
- CL1.2.1 – Use the Communication Plan to promote Shire initiatives.

Recommendation

That the minutes of the Annual General Meeting of Electors held on 7 February 2018 be received and that the decisions made therein pertaining to the receipt of the following reports are noted:

- Shire Presidents Report – 30 June 2017;
- Chief Executive Officers Report – 30 June 2017;
- Annual Financial Report – 30 June 2017; and,
- Auditors Report – 30 June 2017.

Voting Requirements

Simple majority required.

## 14.2 SHIRE OF LAKE GRACE - ANIMALS, ENVIRONMENT AND NUISANCE AMENDMENT LOCAL LAW 2018

**Applicant:** Internal Report  
**File No.** 0378  
**Attachments:** 1. Proposed Animals, Environment and Nuisance Amendment Local Law 2018  
 2. Animals, Environment and Nuisance Local Law 2016  
 3. Letter from the Joint Standing Committee on Delegated Legislation  
 4. Letter from the Minister of Environment, Disability Services, Deputy Leader of the Legislative Council  
**Author:** Mr Bruce Wittber, BHW Consulting  
**Disclosure of Interest:** Nil  
**Date of Report:** 21 February 2018  
**Senior Officer:** Ms Denise Gobbart



Chief Executive Officer

### Summary

For Council to consider and adopt as per section 3.12 of the *Local Government Act 1995* (the Act) the Animals, Environment and Nuisance Amendment Local Law 2018.

For the Presiding Member to give notice of the purpose and effect of the proposed amendment Local Law

### Background

The Shire of Lake Grace *Animals, Environment and Nuisance Local Law 2016* was adopted by the Council on 28 September 2016 and then advertised in the Government Gazette on 20 December 2016.

All local laws are subject to a review by the Joint Standing Committee on Delegated Legislation (JSCDL) and in a letter to Shire President Cr De Landgraft, dated the 29 June 2017, the Chair of the JSCDL Ms Emily Hamilton MLA, advised that the JSCDL wished to raise three issues with the Council two of which required an amendment to the Animals, Environment and Nuisance Local Law 2016.

The Council considered the letter from the Chair of the JSCDL at its meeting on 26 July 2017 when it resolved as follows:

*Moved Cr Walker*

*Seconded Cr Clarke*

*That Council:*

1. *advise the Chair of the Joint Standing Committee on Delegated Legislation, in relation to the Shire of Lake Grace Animals, Environment and Nuisance Local Law 2016 that the Shire will within 6 months undertake to:*
  - a) *delete clauses 3.7(b) and 4.14(1);*
  - b) *make all necessary consequential amendments arising from the undertakings;*

- c) until clause 3.7(b) is deleted, a notice will be posted on the Shire's website next to the local law alerting residents to the error and the fact that the Commonwealth now regulates this field through a licensing system;
  - d) not enforce the local law in a manner contrary to the above undertaking;
  - e) provide the JSCDL with a copy of the minutes of the meeting at which the Council resolves to provide these undertakings; and
  - f) 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. authorise the Chief Executive Officer to formally advise the Chair of the Joint Standing Committee on Delegated Legislation of these undertakings.
  3. authorise the Chief Executive Officer to prepare a draft amendment to the *Animals, Environment and Nuisance Local Law 2016* to rectify the errors identified by the Joint Standing Committee on Delegated Legislation.

CARRIED BY ABSOLUTE MAJORITY 7/0

### Comment

The preparation of the draft amendment was to be within six months of our July 2017 meeting, unfortunately delays have occurred in having the amendment drafted. We are now required to follow the provisions of Section 3.12 of the Act which outlines the procedure for making local laws.

Once endorsed by Council, Section 3.12(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 law.

The purpose and effect of the *Animals, Environment and Nuisance Amendment Local Law 2018* is as follows:

- Purpose:** To amend the *Animals, Environment and Nuisance Local Law 2016* adopted by the Council on 28 September 2016 and advertised in the *Government Gazette* on 20 December 2016 to correct errors identified by the Joint Standing Committee on Delegated Legislation.
- Effect:** To delete clause 3.7(b) and clause 4.14(1) of the *Shire of Lake Grace Animals, Environment and Nuisance Local Law 2016* to ensure an appropriate interpretation of the local law.

This is to be read aloud by the presiding member and recorded in the minutes of the meeting.

### Legal Implications

*Local Government Act 1995*

*Division 2 – Legislative functions of local government*

3.8. Local laws may adopt codes etc.

- (1) A local law made under this Act may adopt the text of —
  - (a) any model local law, or amendment to it, published under section 3.9; or
  - (b) a local law of any other local government; or
  - (c) any code, rules, specifications, or standard issued by Standards Australia or by such other body as is specified in the local law.
- (2) The text may be adopted —
  - (a) wholly or in part; or
  - (b) as modified by the local law; or



- (c) as it exists at a particular date or, except if the text of a model local law is being adopted, as amended from time to time.
  - (3) The adoption may be direct, by reference made in the local law, or indirect, by reference made in any text that is itself directly or indirectly adopted.
- 3.12. Procedure for making local laws
- (1) In making a local law a local government is to follow the procedure described in this section, in the sequence in which it is described.
  - (2A) Despite subsection (1), a failure to follow the procedure described in this section does not invalidate a local law if there has been substantial compliance with the procedure.
  - (2) At a council meeting the person presiding is to give notice to the meeting of the purpose and effect of the proposed local law in the prescribed manner.
  - (3) The local government is to —
    - (a) give Statewide public notice stating that —
      - (i) the local government proposes to make a local law the purpose and effect of which is summarized in the notice; and
      - (ii) a copy of the proposed local law may be inspected or obtained at any place specified in the notice; and
      - (iii) 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;
    - and
    - (b) as soon as 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 Act under which the local law is proposed to be made, to that other Minister; and
    - (c) provide a copy of the proposed local law, in accordance with the notice, to any person requesting it.
  - (3a) A notice under subsection (3) is also to be published and exhibited as if it were a local public notice.
  - (4) After the last day for submissions, the local government is to consider any submissions made and may make the local law\* as proposed or make a local law\* that is not significantly different from what was proposed.
 

\* Absolute majority required.
  - (5) After making the local law, the local government is to publish it in the Gazette and give a copy of it to the Minister and, if another Minister administers the Act under which the local law is proposed to be made, to that other Minister.
  - (6) After the local law has been published in the Gazette the local government is to give local public notice —
    - (a) stating the title of the local law; and
    - (b) summarizing the purpose and effect of the local law (specifying the day on which it comes into operation); and
    - (c) advising that copies of the local law may be inspected or obtained from the local government's office.
  - (7) The Minister may give directions to local governments requiring them to provide to the Parliament copies of local laws they have made and any explanatory or other material relating to them.

- (8) In this section —  
**making** in relation to a local law, includes making a local law to amend the text of, or repeal, a local law.

### 3.14. Commencement of local laws

- (1) Unless it is made under section 3.17, a local law comes into operation on the 14th day after the day on which it is published in the Gazette or on such later day as may be specified in the local law.
- (2) A local law made under section 3.17 comes into operation on the day on which it is published in the Gazette or on such later day as may be specified in the local law.

## *Local Government (Functions and General) Regulations 1996*

### *Part 1A Local laws*

3. Prescribed manner of giving notice of purpose and effect of proposed local law (Act s. 3.12(2))  
 For the purpose of section 3.12 of the Act, the person presiding at a council meeting is to give notice of the purpose and effect of a local law by ensuring that —
- (a) the purpose and effect of the proposed local law is included in the agenda for that meeting; and
  - (b) the minutes of the meeting of the council include the purpose and effect of the proposed local law.

### Policy Implications

Nil

### Consultation

Nil

### Financial Implications

BHW Consulting completes the preparation of the amendment local law, as part of their contract to review the Shire's Local Laws.

The associated cost of advertising and the like are the responsibility of the Shire and it is estimated the expenses will be between \$1,500 and \$2,000.

### Strategic Implications

Shire of Lake Grace Strategic Community Plan 2017 - 2027

Leadership – Strong Governance and leadership, demonstrating fair and equitable community values.

- |  |   |
|--|---|
| Outcome 4.1  | A strategically focused, unified Council functioning efficiently  |
| <ul style="list-style-type: none"> <li>• 4.1.1</li> <li>• 4.1.3</li> </ul> | <ul style="list-style-type: none"> <li>Provide informed leadership on behalf of the community</li> <li>Provide strategic leadership and governance</li> </ul> |
| Outcome 4.2  | An efficient and effective organisation   |
| <ul style="list-style-type: none"> <li>• 4.2.2</li> </ul>                  | Comply with statutory and legislative requirements  |

Recommendation

*The Presiding Member is to read aloud the purpose and effect of the proposed Animals, Environment and Nuisance Amendment Local Law 2018.*

**Purpose:** *To amend the Animals, Environment and Nuisance Local Law 2016 adopted by the Council on 28 September 2016 and advertised in the Government Gazette on 20 December 2016 to correct errors identified by the Joint Standing Committee on Delegated Legislation.*

**Effect:** *To delete clause 3.7(b) and clause 4.14(1) of the Shire of Lake Grace Animals, Environment and Nuisance Local Law 2016 to ensure an appropriate interpretation of the local law.*

That Council, in accordance with section 3.12 of the *Local Government Act 1995*;


1. approve the giving of statewide public notice of the Animals, Environment and Nuisance Amendment Local Law 2018 in order to seek public comment;
2. submit to the Minister for Local Government a copy of the Animals, Environment and Nuisance Amendment Local Law 2018; and
3. submit to the Minister for Health a copy of the Animals, Environment and Nuisance Amendment Local Law 2018.

Voting Requirements

Simple Majority of Council required

### 14.3 DEED OF AGREEMENT WITH DEPARTMENT OF TRANSPORT – USE OF COMMON SEAL

**Applicant:** Department of Transport  
**File No.** 0450  
**Attachments:** 1. Agreement for the Provision of Licensing Services  
 2. Agreement for the Provision of Non Road Law Functions  
**Author:** Ms Linda Gray  
  
**Disclosure of Interest:** NIL  
**Date of Report:** 20 February 2018  
**Senior Officer:** Ms Denise Gobbart

  
 Deputy Chief Executive Officer

  
 Chief Executive Officer

#### Summary

For Council to authorise use of the Common Seal in regard to the two Agreements with the Department of Transport for the provision of licensing services under *Section 11 of the Road Traffic (Administration) Act 2008*; Shire of Lake Grace Licensing Main Agreement (DOT961517) and Shire of Lake Grace Non Road Law Functions (DOT961517).

#### Background

The Shire of Lake Grace has entered into agreements to provide Licensing Services to the community for many years. The current agreements expired on 31 December 2017, and an extension for a further term of three (3) months was provided in order to consider the new agreements from 1 January 2018 to close of business 31 March 2018.

#### Comment

The Shire of Lake Grace is committed to provide licensing services for the convenience of the community. The new agreements will expire on 31 December 2022, with the commencement date being the date the agreements are made. The Department has offered an increase of 3% on our commission rate, as well as the CPI index increase mid-year. As a State Government Agency, it is limited by the current fiscal climate.

Also attached is the list of current issues that are occurring at the moment in regard to the provision of licensing services by the Shire.

#### Legal Implications

Shire of Lake Grace – Standing Orders Local Law 2015

##### 19.1 The Council's Common Seal

- (1) The CEO is to have charge of the common seal of the Local Government, and is responsible for the safe custody and proper use of it.
- (2) The common seal of the Local Government may only be used on the authority of the Council given either generally or specifically and every document to which the seal is affixed must be signed by –
  - (a) the President and the CEO or an appropriate officer authorised;
  - (b) the Deputy President and the CEO or an appropriate officer authorised; or
  - (c) the CEO and an appropriate officer authorised.
- (3) The common seal of the local government is to be affixed to any local law which is made by the local government.

- (4) The CEO is to record in a register each date on which the common seal of the Local Government was affixed to a document, the nature of the document, and the parties to any agreement to which the common seal was affixed.
- (5) Any person who uses the common seal of the Local Government or a replica thereof without authority commits an offence. **Penalty:** \$1000

### Policy Implications

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

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

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

### Consultation

Internal: Chief Executive Officer

External: Department of Transport

### Financial Implications

There will be an increase of 3% in commission to the Shire dependent upon work undertaken, as well as the CPI index increase mid-year. If there is negative growth in regard to CPI then the amount is held at current levels. The commission payable to the Shire for the services provided in 2015/16 and 2016/17 was \$28,000, and has been budgeted for 2017/18 as \$25,000.

### Strategic Implications

#### *Shire of Lake Grace Strategic Community Plan 2017 – 2027*

Social – A valued, healthy and inclusive community and life-style

Outcome 2.1 An engaged, supportive and inclusive community

- 2.1.1 Community services and infrastructure meeting the needs of the district

Leadership - Strong governance and leadership, demonstrating fair and equitable community values.

Outcome 4.1 A strategically focused, unified Council functioning efficiently

- 4.1.1 Provide informed leadership on behalf of the community
- 4.1.2 Promote and advocate for the community and district
- 4.1.3 Provide strategic leadership and governance

### Recommendation

That Council authorise the Shire President and Chief Executive Officer to apply the Common Seal to the following agreements between the Department of Transport and the Shire of Lake Grace;

1. DOT961517 Agreement for the Provision of Licensing Services in the Shire of Lake Grace in terms of Section 11 of the Road Traffic (Administration) Act 2008; and
2. DOT961517 Agreement for the Provision of Non Road Law Functions in the Shire of Lake Grace.

### Voting Requirements

Simple majority required.

<b>15.0 MATTERS FOR CONSIDERATION – FINANCE</b>
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**15.1 ACCOUNTS FOR PAYMENT – DECEMBER 2017**

**Applicant:** Internal Report  
**File No.** 0277  
**Attachments:** 1. List of Creditors  
**Author:** Mrs Victoria Gracheva

  
 Finance Officer

**Disclosure of Interest:** Nil  
**Date of Report:** 6 February 2018  
**Senior Officer:** Ms Linda Gray

  
 Deputy Chief Executive Officer
Summary

For Council to ratify expenditures incurred for the month of December 2017.

Background

List of payments for the month of December 2017 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; and,
- (d) The date of payment.

The attached list meets the requirements of the Financial Management Regulations.

Legal Implications*Local Government (Financial Management) Regulations 1996*

Regulation 12 Payments from municipal fund or trust fund, restrictions on making

- (1) A payment may only be made from the municipal fund or the trust fund —
  - (a) if the local government has delegated to the CEO the exercise of its power to make payments from those funds — by the CEO; or
  - (b) otherwise, if the payment is authorised in advance by a resolution of the council.
- (2) The council must not authorise a payment from those funds until a list prepared under regulation 13(2) containing details of the accounts to be paid has been presented to the council.

*Local Government (Financial Management) Regulations 1996*

Regulation 13 Payments from municipal fund or trust fund by CEO, CEO's duties as to etc.

- (1) If the local government has delegated to the CEO the exercise of its power to make payments from the municipal fund or the trust fund, a list of accounts paid by the CEO is to be prepared each month showing for each account paid since the last such list was prepared —
  - (a) the payee's name; and
  - (b) the amount of the payment; and
  - (c) the date of the payment; and

- (d) sufficient information to identify the transaction.
- (2) A list of accounts for approval to be paid is to be prepared each month showing —
- (a) for each account which requires council authorisation in that month —
    - (i) the payee's name; and
    - (ii) the amount of the payment; and
    - (iii) sufficient information to identify the transaction; and
  - (b) the date of the meeting of the council to which the list is to be presented.
- (3) A list prepared under subregulation (1) or (2) is to be —
- (a) presented to the council at the next ordinary meeting of the council after the list is prepared; and
  - (b) recorded in the minutes of that meeting.

#### 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 December 2017 from the Municipal and Trust Account  
Total \$592,177.26

#### Strategic Implications

*Shire of Lake Grace Strategic Community Plan 2017 – 2027*

Leadership – Strong governance and leadership, demonstrating fair and equitable community values.

Outcome 4.2 An efficient and effective organisation

- 4.2.1 Maintain accountability and financial responsibility through effective planning
- 4.2.2 Comply with statutory and legislative requirements

#### Recommendation

That Council ratify the list of payments totalling \$592,177.26 as presented for the month of December 2017 incorporating:

- Trust Account Cheques:	1394 - 1400	\$	908.05
- Electronic Funds Transfer:	EFT17629 – EFT17747	\$	358,642.29
- Municipal Account Cheques:	36653 - 36658	\$	33,199.88
- Direct Debits:	DD7408.1 – DD7408.6 DD7419.1 – DD7419.6 DD7451.1 – DD7451.7 DD7455.1 DD7459.1 – DD7459.18 DD7460.1 – DD7460.2	\$	83,694.56
- Electronic Funds Transfer:	Payroll Net Pay	\$	115,732.48

#### Voting Requirements

Simple majority required.

**15.2      ACCOUNTS FOR PAYMENT – JANUARY 2018**

**Applicant:** Internal Report  
**File No.** 0277  
**Attachments:** List of Creditors  
**Author:** Mrs Victoria Gracheva

  
 Finance Officer

**Disclosure of Interest:** Nil  
**Date of Report:**  
**Senior Officer:** Ms Linda Gray

  
 Deputy Chief Executive Officer

Summary

For Council to ratify expenditures incurred for the month of January 2018.

Background

List of payments for the month of January 2018 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; and,
- (d) The date of payment.

The attached list meets the requirements of the Financial Management Regulations.

Legal Implications*Local Government (Financial Management) Regulations 1996*

Regulation 12 Payments from municipal fund or trust fund, restrictions on making

- (1) A payment may only be made from the municipal fund or the trust fund —
  - (a) if the local government has delegated to the CEO the exercise of its power to make payments from those funds — by the CEO; or
  - (b) otherwise, if the payment is authorised in advance by a resolution of the council.
- (2) The council must not authorise a payment from those funds until a list prepared under regulation 13(2) containing details of the accounts to be paid has been presented to the council.

*Local Government (Financial Management) Regulations 1996*

Regulation 13 Payments from municipal fund or trust fund by CEO, CEO's duties as to etc.

- (1) If the local government has delegated to the CEO the exercise of its power to make payments from the municipal fund or the trust fund, a list of accounts paid by the CEO is to be prepared each month showing for each account paid since the last such list was prepared —
  - (a) the payee's name; and
  - (b) the amount of the payment; and
  - (c) the date of the payment; and
  - (d) sufficient information to identify the transaction.



- (2) A list of accounts for approval to be paid is to be prepared each month showing —
- (a) for each account which requires council authorisation in that month —
    - (i) the payee’s name; and
    - (ii) the amount of the payment; and
    - (iii) sufficient information to identify the transaction; and
  - (b) the date of the meeting of the council to which the list is to be presented.
- (3) A list prepared under subregulation (1) or (2) is to be —
- (a) presented to the council at the next ordinary meeting of the council after the list is prepared; and
  - (b) recorded in the minutes of that meeting.

#### 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 January 2018 from the Municipal and Trust Account Total \$1,186,232.84.

#### Strategic Implications

*Shire of Lake Grace Strategic Community Plan 2017 – 2027*

Leadership – Strong governance and leadership, demonstrating fair and equitable community values.

Outcome 4.2 An efficient and effective organisation

- 4.2.1 Maintain accountability and financial responsibility through effective planning
- 4.2.2 Comply with statutory and legislative requirements

#### Recommendation

That Council ratify the list of payments totalling \$1,186,232.84 as presented for the month of January 2018 incorporating:

- Trust Account Cheques:	1401 - 1404	\$	1,748.77
- Electronic Funds Transfer:	EFT17748 – EFT17842	\$	932,005.50
- Municipal Account Cheques:	36659 - 36664	\$	13,524.15
- Direct Debits:	DD7481.1 DD7482.1 – DD7482.8 DD7488.1 – DD7488.4 DD7518.1 - DD7518.9 DD7526.1 – DD7526.3 DD7529.1 – DD7529.2 DD7530.1 – DD7530.19	\$	114,078.90
- Electronic Funds Transfer:	Payroll Net Pay	\$	124,875.52

#### Voting Requirements

Simple majority required.

### 15.3 FINANCIAL STATEMENTS – 31 DECEMBER 2017

**Applicant:** Shire of Lake Grace  
**File No.** 0275  
**Attachments:** 1. Financial Reports December 2017  
2. Bank Reconciliations December 2017  
**Author:** Ms Linda Gray

  
Deputy Chief Executive Officer

**Disclosure of Interest:** Nil  
**Date of Report:**  
**Senior Officer:** Ms Denise Gobbart

  
Chief Executive Officer

#### Summary

Consideration of the financial statements for the month ending 31 December 2017.

#### Background

The following financial reports to 31 December 2017 are included for your information:

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

#### Comment

N/A

#### Legal Implications

*Local Government Act 1995*

Section 6.4 Financial report

- (1) A local government is to prepare an annual financial report for the preceding financial year and such other financial reports as are prescribed.
- (2) The financial report is to —
  - (a) be prepared and presented in the manner and form prescribed; and
  - (b) contain the prescribed information.

- (3) By 30 September following each financial year or such extended time as the Minister allows, a local government is to submit to its auditor —
- (a) the accounts of the local government, balanced up to the last day of the preceding financial year; and
  - (b) the annual financial report of the local government for the preceding financial year.

*Local Government (Financial Management) Regulations 1996*

Regulation 34 Financial activity statement required each month (Act s. 6.4)

(1A) In this regulation —

**committed assets** means revenue unspent but set aside under the annual budget for a specific purpose.

- (1) A local government is to prepare each month a statement of financial activity reporting on the revenue and expenditure, as set out in the annual budget under regulation 22(1)(d), for that month in the following detail —
  - (a) annual budget estimates, taking into account any expenditure incurred for an additional purpose under section 6.8(1)(b) or (c); and
  - (b) budget estimates to the end of the month to which the statement relates; and
  - (c) actual amounts of expenditure, revenue and income to the end of the month to which the statement relates; and
  - (d) material variances between the comparable amounts referred to in paragraphs (b) and (c); and
  - (e) the net current assets at the end of the month to which the statement relates.
- (2) Each statement of financial activity is to be accompanied by documents containing —
  - (a) an explanation of the composition of the net current assets of the month to which the statement relates, less committed assets and restricted assets; and
  - (b) an explanation of each of the material variances referred to in subregulation (1)(d); and
  - (c) such other supporting information as is considered relevant by the local government.
- (3) The information in a statement of financial activity may be shown —
  - (a) according to nature and type classification; or
  - (b) by program; or
  - (c) by business unit.
- (4) A statement of financial activity, and the accompanying documents referred to in subregulation (2), are to be —
  - (a) presented at an ordinary meeting of the council within 2 months after the end of the month to which the statement relates; and
  - (b) recorded in the minutes of the meeting at which it is presented.
- (5) Each financial year, a local government is to adopt a percentage or value, calculated in accordance with the AAS, to be used in statements of financial activity for reporting material variances.

Policy Implications

Nil

Consultation

N/A

Financial Implications

Nil

Strategic Implications

*Shire of Lake Grace Strategic Community Plan 2017 – 2027*

Leadership – Strong governance and leadership, demonstrating fair and equitable community values.

Outcome 4.2 An efficient and effective organisation

- 4.2.1 Maintain accountability and financial responsibility through effective planning
- 4.2.2 Comply with statutory and legislative requirements

Recommendation

That Council in accordance with Regulation 34 of the *Local Government (Financial Management) Regulations 1996* receives the Statements of Financial activity for the period ended 31 December 2017.

Voting Requirements

Simple majority required.

**15.4      FINANCIAL STATEMENTS – 31 JANUARY 2018**

**Applicant:** Shire of Lake Grace  
**File No.** 0275  
**Attachments:** 1. Financial Reports January 2018  
 2. Bank Reconciliations January 2018  
**Author:** Ms Linda Gray

  
 Deputy Chief Executive Officer

**Disclosure of Interest:** Nil  
**Date of Report:**  
**Senior Officer:** Ms Denise Gobbart

  
 Chief Executive Officer

**Summary**

Consideration of the financial statements for the month ending 31 January 2018.

**Background**

The following financial reports to 31 January 2018 are included for your information:

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

**Comment**

N/A

**Legal Implications**

*Local Government Act 1995*

Section 6.4      Financial report

- (2) A local government is to prepare an annual financial report for the preceding financial year and such other financial reports as are prescribed.
- (2) The financial report is to —
- (a) be prepared and presented in the manner and form prescribed; and
  - (b) contain the prescribed information.

- (3) By 30 September following each financial year or such extended time as the Minister allows, a local government is to submit to its auditor —
- (a) the accounts of the local government, balanced up to the last day of the preceding financial year; and
  - (b) the annual financial report of the local government for the preceding financial year.

*Local Government (Financial Management) Regulations 1996*

Regulation 34 Financial activity statement required each month (Act s. 6.4)

(1A) In this regulation —

**committed assets** means revenue unspent but set aside under the annual budget for a specific purpose.

- (1) A local government is to prepare each month a statement of financial activity reporting on the revenue and expenditure, as set out in the annual budget under regulation 22(1)(d), for that month in the following detail —
  - (a) annual budget estimates, taking into account any expenditure incurred for an additional purpose under section 6.8(1)(b) or (c); and
  - (b) budget estimates to the end of the month to which the statement relates; and
  - (c) actual amounts of expenditure, revenue and income to the end of the month to which the statement relates; and
  - (d) material variances between the comparable amounts referred to in paragraphs (b) and (c); and
  - (e) the net current assets at the end of the month to which the statement relates.
- (2) Each statement of financial activity is to be accompanied by documents containing —
  - (a) an explanation of the composition of the net current assets of the month to which the statement relates, less committed assets and restricted assets; and
  - (b) an explanation of each of the material variances referred to in subregulation (1)(d); and
  - (c) such other supporting information as is considered relevant by the local government.
- (3) The information in a statement of financial activity may be shown —
  - (a) according to nature and type classification; or
  - (b) by program; or
  - (c) by business unit.
- (4) A statement of financial activity, and the accompanying documents referred to in subregulation (2), are to be —
  - (a) presented at an ordinary meeting of the council within 2 months after the end of the month to which the statement relates; and
  - (b) recorded in the minutes of the meeting at which it is presented.
- (5) Each financial year, a local government is to adopt a percentage or value, calculated in accordance with the AAS, to be used in statements of financial activity for reporting material variances.

Policy Implications

Nil

Consultation

N/A

Financial Implications

Nil

Strategic Implications

*Shire of Lake Grace Strategic Community Plan 2017 – 2027*

Leadership – Strong governance and leadership, demonstrating fair and equitable community values.

Outcome 4.2 An efficient and effective organisation

- 4.2.1 Maintain accountability and financial responsibility through effective planning
- 4.2.2 Comply with statutory and legislative requirements

Recommendation

That Council in accordance with Regulation 34 of the *Local Government (Financial Management) Regulations 1996* receives the Statements of Financial activity for the period ended 31 January 2018.

Voting Requirements

Simple majority required.

**15.5 UNBUDGETED EXPENDITURE – 14 BLACKBUTT WAY LAKE GRACE**

**Applicant:** Internal  
**File No.** 0576  
**Attachments:** Nil  
**Author:** Linda Gray

  
 Deputy Chief Executive Officer

**Disclosure of Interest:** Nil  
**Date of Report:** 20 February 2018  
**Senior Officer:** Ms Denise Gobbart

  
 Chief Executive Officer

Summary

For Council to endorse unbudgeted expenditure of \$5,149.50 in order satisfy the conditions of the new lease agreement with the Department of Communities for 14 Blackbutt Way, Lake Grace.

Background

The Shire of Lake Grace leases 14 Blackbutt Way, Lake Grace to the Department of Communities in order to provide quality housing for State Government employees.

Each year the lease is reviewed, and the rent is assessed using the principal of “market rent”. The Department of Communities commissions a Licensed Practising Rental Assessor to provide indicative valuations on their entire Leasing portfolio twice a year. The evaluator takes note of comparable properties in and around the town in question, as well as the contemporary fiscal climate in the region. Whilst it has been identified that rent has gone down by a significant amount in Lake Grace and that \$330 per week is in line with current market, it is also taken into consideration that there is a scarcity of quality properties in Lake Grace.

Last year this argument resulted in a compromise, and the rent for 14 Blackbutt Way was reduced from \$450 to \$400 per week.

Comment

This year a lease and rent review has been initiated but before negotiations commence, it is important that the building comply with the Department of Communities’ standards, and upgrades are completed on the premises. The offer is subject to and conditional upon the following;

- (a) the Housing Authority obtaining all necessary internal approvals to enter into the new residential tenancy agreement with you within 14 days of the Offer;
- (b) you ensuring that the following upgrades are completed in the Leased Premises:
  - (i) the installation of new, or replacement of existing, smoke alarm/s to ensure they comply with the smoke alarms listed at [http://www.housing.wa.gov.au/HousingDocuments/Nominated\\_Smoke\\_Alarms\\_List.pdf](http://www.housing.wa.gov.au/HousingDocuments/Nominated_Smoke_Alarms_List.pdf) within 28 days of signing the new residential tenancy agreement;
  - (ii) the replacement of the broken blinds with new ones within 2 (Two) months of the starting date of this agreement, subject to any extensions of that period which is agreed to by the tenant (in its sole and absolute discretion);



- (c) Security barrier screens to all external doors to be completed within 3 months of the starting date of this agreement, subject to any extension of that time period which is agreed to by the tenant (in its sole and absolute discretion);
- (d) Security barrier screens to sliding windows or window locks – to be completed within 3 months of the starting date of this agreement, subject to any extension of that time period which is agreed to by the tenant (in its sole and absolute discretion);
- (e) Sensor lights to front & rear – to be completed within 2 months of the starting date of this agreement, subject to any extension of that time period which is agreed to by the tenant (in its sole and absolute discretion);
- (f) All air-conditioning units at the premises are to be serviced annually upon the anniversary date of lease commencement;
- (g) The installation of a fixed line connection for the purpose of telephone and internet use (including at least one outlet) within 14 days of the date on which this agreement starts;
- (h) An Electrical Safety Certificate dated within the last 12 months (to confirm all hard wired smoke alarms and RCD's have been installed and are functioning correctly) is to be supplied within 1 month of lease commencement and annually thereafter. Certificate to state: the smoke alarm manufacturer, model/model number, serial number, installation date and the expiry date;
- (i) The removal and remediation of any asbestos containing material which is not in good condition and not in a bonded or non-friable form and any Legionnaires disease bacteria or any other hazardous substance or material which may reasonably present risk to the health or wellbeing of the tenant.

The above has been submitted to our Building Maintenance Supervisor and a costing supplied. As these conditions were not set prior to the endorsement of the 2017/18 Budget, not all expenditure is authorised in order to comply with a new leasing arrangement. This report is seeking Council endorsement to authorise the required works.

### Legal Implication

#### *Local Government Act 1995*

#### 6.8 Expenditure from Municipal fund not included in annual budget

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

\* Absolute majority required.

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

Policy Implications

Nil

Consultation

Internal Denise Gobbart Chief Executive Officer  
Wayne Trawinski, Building Maintenance Supervisor

External Uttam Kumar Deb Nath, Department of Communities

Financial Implications

Funds allowed for annual building maintenance and on costs in the 2017/18 budget are \$9,328. To date \$4,223.91 has been committed. Leaving the balance unspent to date of \$5,104. There will be other minor maintenance and water expenses to be allocated from this account.

For renewal works the 2017/18 budget provided \$10,865, which was allocated as \$8,415 floor coverings and \$2,450 for security screens for the windows and sliding doors. Off this \$4,070 has been expended on floor coverings. Leaving a balance unspent to date of \$6,795

The Building Maintenance Supervisor has estimated the following costs for the work required;

Description	Cost
Replacement of smoke alarms as per request/installation of sensor lighting to all external doors	\$ 2,000.00
Electrical Safety Certification	\$ 400.00
Replacement of broken blinds	\$ 885.50
Barrier screen doors and windows – woven stainless steel screens	\$ 8,159.00
Servicing of air-conditioning units	\$ 500.00
<b>TOTAL</b>	<b>\$11,944.50</b>

This expenditure totals \$11,944.50 can be offset by the unspent funds of \$11,899 in the combined accounts, mindful that the maintenance account will incur other expenses to year end.

Rental income received from the property to date is \$12,114 and is forecasted in the budget to total \$23,400 by the end of the year.

Strategic Implications

*Shire of Lake Grace Strategic Community Plan 2017 – 2027*

Leadership – Strong governance and leadership, demonstrating fair and equitable community values.

- Outcome 4.2 An efficient and effective organisation
- 4.2.2 Comply with statutory and legislative requirements

Recommendation

That Council, authorise the Chief Executive Officer to;

1. meet the conditions set by the Department of Communities;
2. expend the unbudgeted funds required to meet the conditions of the new lease agreement;  
and
3. negotiate with the Department of Communities and sign off of the new lease agreement at a continuing rent of \$400 per week.

Voting Requirements

Absolute Majority required

**15.6      NEWDEGATE GATEWAY UNITING CHURCH DONATION**

**Applicant:** Gateway UCA  
**File No.** 0043  
**Attachments:** Nil  
**Author:** Ms Linda Gray  
  
**Disclosure of Interest:** Nil  
**Date of Report:** 20 February 2018  
**Senior Officer:** Ms Denise Gobbart

  
Deputy Chief Executive Officer

  
Chief Executive Officer

**Summary**

The purpose of this report is for Council to consider the reimbursement of the equivalent to rates levied on Dunks Coffee Shop in Newdegate for the 2017/18 rating period.

**Background**

The site of Dunks Coffee Shop is located on land owned by the Public Transport Authority of Western Australia (PTA), and is leased to Mr Malcolm Kelly. Under the Public Transport Act 2003, all land used for railway purposes or vacant is exempt from rates. However, once leased it is a requirement that all relevant authorities are notified. After which time the property becomes rateable.

The Shire then submits the rate notice to the PTA as the owner of the land. As all leases with the PTA are commercial leases, the PTA is able seek reimbursement from the leasee for any rates it now has to pay. The leasee, Mr Kelly, is now seeking reimbursement from the Shire for these rates, on the auspice that the property is administered by the Gateway Uniting Church Australia (Gateway UCA).

We are advised; Newdegate Gateway Uniting Church is administered by Gateway UCA, and exists with no external funds and on a purely voluntary basis. Its work includes support to aboriginal families, migrants, the unwell, aged and disabled and alcoholics in town by financial assistance and practical help. In addition it conducts funerals for the community, supports newcomers and professionals in Newdegate, and contributes to aid organisations in Australia and overseas.

**Comment**

A check of financial records shows that reimbursement of rates as a donation was previously paid to the Newdegate Uniting Church. In each case it was signed off as a “donation”.

2007/08	A donation of rates & services charges was received and approved as “This is a request for a donation and not a write-off of rates under the Local Government Act”.	Council Motion 10506
2008/09	A donation of rates & service charges.	Council Motion 10702
2012	Reimbursement – Rates Paid in Full as per Policy - Donation	Signed off by Manager Corporate Services
2014	Reimbursement – Rates Paid in Full as per Policy - Donation	Signed off by Chief Executive Officer

The record states “as per Policy Manual”. However, a check of Policy 2.2 Donations – Water, Rates & Charges does not list Newdegate Gateway Uniting Church, as it is not intended to support church groups, as churches have a rateable property exemption. The policy objectives are to:

“provide support for essential community services, as well as recognising the contribution by local volunteer groups in providing and maintaining parklands, playgrounds and tourist facilities.”

For a church group to have a rate exemption under the Local Government Act 1995 s 6.26(1)(d) the land is to be used or held exclusively as a place of public worship or in relation to that worship, a place of residence of a minister of religion, a convent, nunnery or monastery, or occupied exclusively by a religious brotherhood or sisterhood.

However, the fact that the land is actually PTA land, leased to a private party clearly renders the request as a place of public worship ineligible. It could however, be deemed as providing support to the community and whilst not clearly classed as “essential” services.

The Chief Executive of has the delegation to make donations up to the value of \$500.00 when a group or individual can demonstrate;

1. Significant direct benefit to the local community;
2. That the group is an incorporated community group or non-profit making organisation;
3. That the group’s financial status is such as to justify a donation and the Shire has previously recognised the group as deserving of assistance; and,
4. That available funding exists in the Shire’s budget.

Given this delegation it is recommended that the Chief Executive Officer make an annual donation of \$500 to Newdegate Gateway Uniting Church.

### Legal Implications

Local Government Act 1995

#### 6.26. Rateable land

- (1) Except as provided in this section all land within a district is rateable land.
- (2) The following land is not rateable land —
  - (a) land which is the property of the Crown and —
    - (i) is being used or held for a public purpose; or
    - (ii) is unoccupied, except —
      - (I) where any person is, under paragraph (e) of the definition of owner in section 1.4, the owner of the land other than by reason of that person being the holder of a prospecting licence held under the Mining Act 1978 in respect of land the area of which does not exceed 10 ha or a miscellaneous licence held under that Act; or
      - (II) where and to the extent and manner in which a person mentioned in paragraph (f) of the definition of owner in section 1.4 occupies or makes use of the land; and
  - (b) land in the district of a local government while it is owned by the local government and is used for the purposes of that local government other than for purposes of a trading undertaking (as that term is defined in and for the purpose of section 3.59) of the local government; and
  - (c) land in a district while it is owned by a regional local government and is used for the purposes of that regional local government other than for the purposes of a trading

- undertaking (as that term is defined in and for the purpose of section 3.59) of the regional local government; and
- (d) land used or held exclusively by a religious body as a place of public worship or in relation to that worship, a place of residence of a minister of religion, a convent, nunnery or monastery, or occupied exclusively by a religious brotherhood or sisterhood; and
  - (e) land used exclusively by a religious body as a school for the religious instruction of children; and
  - (f) land used exclusively as a non-government school within the meaning of the School Education Act 1999; and
  - (g) land used exclusively for charitable purposes; and
  - (h) land vested in trustees for agricultural or horticultural show purposes; and
  - (i) land owned by Co-operative Bulk Handling Limited or leased from the Crown or a statutory authority (within the meaning of that term in the Financial Management Act 2006) by that co-operative and used solely for the storage of grain where that co-operative has agreed in writing to make a contribution to the local government; and
  - (j) land which is exempt from rates under any other written law; and
  - (k) land which is declared by the Minister to be exempt from rates.
- (3) If Co-operative Bulk Handling Limited and the relevant local government cannot reach an agreement under subsection (2)(i) either that co-operative or the local government may refer the matter to the Minister for determination of the terms of the agreement and the decision of the Minister is final.
  - (4) The Minister may from time to time, under subsection (2)(k), declare that any land or part of any land is exempt from rates and by subsequent declaration cancel or vary the declaration.
  - (5) Notice of any declaration made under subsection (4) is to be published in the Gazette.
  - (6) Land does not cease to be used exclusively for a purpose mentioned in subsection (2) merely because it is used occasionally for another purpose which is of a charitable, benevolent, religious or public nature.

#### Section 6.12 Power to Defer, Grant Discounts, Waive or Write Off Debts.

- (1) Subject to subsection (2) and any other written law, a local government may —
  - (a) when adopting the annual budget, grant\* a discount or other incentive for the early payment of any amount of money; or
  - (b) waive or grant concessions in relation to any amount of money; or
  - (c) write off any amount of money, which is owed to the local government.
 \* *Absolute majority required.*
- (2) Subsection (1)(a) and (b) do not apply to an amount of money owing in respect of rates and service charges.
- (3) The grant of a concession under subsection (1)(b) may be subject to any conditions determined by the local government.
- (4) Regulations may prescribe circumstances in which a local government is not to exercise a power under subsection (1) or regulate the exercise of that power.

#### Policy Implications

Shire of Lake Grace Policy Manual

Policy 2.2 Donations – Water, Rates & Charges

### Objectives

To provide support for essential community services, and recognise the contribution by local volunteer groups in providing and maintaining parklands, playgrounds and tourist facilities.

### Guidelines

The determination of the amount of any donations will be considered as part of the normal municipal budget considerations.

In addition:

Shire of Lake Grace 2016/17 Register of Delegations

Delegation Number – F01 Donations

The Chief Executive Officer is delegated authority to determine requests for a donation, from Council's budgeted Donations account, of monies up to the value of \$500.00 when a group or individual can demonstrate:

1. Significant direct benefit to the local community;
2. That the group is an incorporated community group or non-profit making organisation;
3. That the group's financial status is such as to justify a donation and the Shire has previously recognised the group as deserving of assistance; and,
4. That available funding exists in the Shire's budget.

### Consultation

Internal: Denise Gobbart, Chief Executive Officer

External: Mrs Cathie Kelly, Newdegate Gateway Uniting Church  
Mr J Mullins, Burgess Rawson (PTA)

### Financial Implications

At present, the 2017/18 Shire of Lake Grace Budget has \$7,000 allocated against 1E0411900 Donations and Ex Gratia Payments with \$3062.11 expended.

### Strategic Implications

Shire of Lake Grace Strategic Community Plan 2017 - 2027

Social – A valued, healthy and inclusive community and life-style

Outcome 2.1 An engaged, supportive and inclusive community

- 2.1.1 Community services and infrastructure meeting the needs of the district

### Recommendation

That Council approves an annual donation of \$500 to Newdegate Gateway Uniting Church.

### Voting Requirements

Simple majority required.

<b>16.0 MATTERS FOR CONSIDERATION – COMMUNITY SERVICES</b>
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**16.1 LOT 47 BENNETT ST LAKE GRACE (OLD UNITING CHURCH) - PROPOSED LEASE**

**Applicant:** CWA – Lake Grace Branch  
**File No.** 0779  
**Attachments:**  
 1. Letter from CWA Lake Grace requesting a two year lease agreement  
 2. Letter from CWA of Western Australia requesting a two year lease agreement

**Author:** Ms Linda Gray

  
 Deputy Chief Executive Officer

**Disclosure of Interest:** Nil  
**Date of Report:** 20 February 2018  
**Senior Officer:** Ms Denise Gobbart

  
 Chief Executive Officer

Summary

For Council to consider entering into a new lease agreement with the Country Women's Association (CWA) of WA for Lot 47 Bennett Street, Lake Grace; for a further two years.

Background

The former Uniting Church building is located on Lot 47 Bennett Street, Lake Grace and has been leased from the Shire of Lake Grace by CWA of WA and run as a Thrift Shop by volunteers. The lease to CWA of WA was for a period of one year to December 2017. A request has been received from the CWA Lake Grace to lease the building for a two year period.

The recently expired lease was subject to the consent of the Minister for Lands and was proposed for a one (1) year term. CWA of WA had requested originally a one year term as a trial period, and this would then be reviewed. The one year lease period has now expired.

Correspondence has been received from CWA Lake Grace and an email from CWA of WA confirming their request for a further two year term. The lease agreement is between CWA of WA and the Shire of Lake Grace, with CWA Lake Grace running the Thrift Shop, and Activ Foundation Inc. T/As Activ Industries benefiting from the Thrift Shop's sales.

Comment

The Thrift Shop has been well received by the community and support for it by both volunteers and customers has been excellent. It is open twice a week for half a day, and was also opened in support of the Shire of Lake Grace's Garage Sale Trial Day.

Legal Implications

Local Government Act 1995

s3.58 Disposing of property

(1) In this section -

**dispose** includes to sell, lease, or otherwise dispose of, whether absolutely or not;



**property** includes the whole or any part of the interest of a local government in property, but does not include money.

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

#### Local Government (Functions and General) Regulations 1996

##### Reg.30. Dispositions of property excluded from Act s3.58

- (1) A disposition that is described in this regulation as an exempt disposition is excluded from the application of section 3.58 of the Act.
- (2) A disposition of land is an exempt disposition if –
  - (a) The land is disposed of to a body, whether incorporated or not –
  - (b) The objects of which are of a charitable, benevolent, religious, cultural, educational, recreational, sporting or other like nature; and

- (c) The members of which are not entitled or permitted to receive any pecuniary profit from the body's transactions;

#### Land Administration Act 1997

#### 18. Crown land transactions that need Minister's approval

- (1) A person must not without authorisation under subsection (7) assign, sell, transfer or otherwise deal with interests in Crown land or create or grant an interest in Crown land.
- (2) A person must not without authorisation under subsection (7) -
  - (a) grant a lease or licence under this Act, or a licence under the Local Government Act 1995, in respect of Crown land in a managed reserve; or
  - (b) being the holder of such a lease or licence, grant a sublease or sublicense in respect of the whole or any part of that Crown land.
- (3) A person must not without authorisation under subsection (7) mortgage a lease of Crown land.
- (4) A lessee of Crown land must not without authorisation under subsection (7) sell, transfer or otherwise dispose of the lease in whole or in part.
- (5) The Minister may, before giving approval under this section, in writing require -
  - (a) an applicant for that approval to furnish the Minister with such information concerning the transaction for which that approval is sought as the Minister specifies in that requirement; and
  - (b) information furnished in compliance with a requirement under paragraph (a) to be verified by statutory declaration.
- (6) An act done in contravention of subsection (1), (2), (3) or (4) is void.
- (7) A person or lessee may make a transaction under subsection (1), (2), (3) or (4) -
  - (a) with the prior approval in writing of the Minister; or
  - (b) if the transaction is made in circumstances, and in accordance with any condition, prescribed for the purposes of this paragraph.
- (8) This section does not apply to a transaction relating to an interest in Crown land if -
  - (a) that land is set aside under, dedicated or vested for the purposes of an Act other than this Act, and the transaction is authorised under that Act; or
  - (b) that interest may be created, granted, transferred or otherwise dealt with under an Act other than —
    - (i) this Act; or
    - (ii) a prescribed Act;
 or
  - (c) an agreement, ratified or approved by another Act, has the effect that consent to the transaction was not required under section 143 of the repealed Act; or
  - (d) the transaction is a lease, sublease or licence and the approval of the Minister is not required under section 46(3b).

#### Shire of Lake Grace – Standing Orders Local Law 2015

#### 19.1 The Council's Common Seal

- (1) The CEO is to have charge of the common seal of the Local Government, and is responsible for the safe custody and proper use of it.
- (2) The common seal of the Local Government may only be used on the authority of the Council given either generally or specifically and every document to which the seal is affixed must be signed by –
  - (a) the President and the CEO or an appropriate officer authorised;

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

### Policy Implications

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

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

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

### Consultation

External: Lake Grace CWA  
Country Women's Association of WA

### Financial Implications

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

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

The 2017/18 Budget shows an allocation to Account E136033 of \$6,651 for general maintenance on the Uniting Church building.

### Strategic Implications

#### Shire of Lake Grace Strategic Community Plan 2017 - 2027

Social – A valued, healthy and inclusive community and life-style

- Outcome 2.1 An engaged, supportive and inclusive community
  - 2.1.1 Community services and infrastructure meeting the needs of the district
- Outcome 2.2 A healthy and safe community
  - 2.2.3 Support provision of emergency services and encourage community volunteers

Recommendation

That Council:

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

Voting Requirements

Simple majority required.

**16.2 SALUTING THEIR SERVICE COMMEMORATIONS – GRANT APPLICATION**

**Applicant:** Internal Report  
**File No.** 0751  
**Attachments:** 1. Grant Application  
 2. Quotes – plaques  
 3. Supporting Documentation Question 32  
**Author:** Mrs Cheryl Chappell

  
 Community Service Officer

**Disclosure of Interest:** Nil  
**Date of Report:** 20 February 2018  
**Senior Officer:** Ms Linda Gray

  
 Deputy Chief Executive Officer

**Summary**

The purpose of this report is for Council to endorse the application for a Community Commemorative Grant (CCG) made available from Department of Veterans' Affairs (DVA) for up to a maximum of \$4,000.

**Background**

The DVA funds organisations through the Saluting Their Service Commemorative Programme to undertake projects that directly commemorate Australia's involvement in all wars, conflicts and peace operations.

The application is to fund the purchase of four 100 Year Commemorative Plaques to be placed at Lake Grace, Newdegate, Lake King and Varley War Memorials. The Australian War Memorial, Canberra is to hold a 100 Year Anniversary Commemoration Service 11 November 2018, and it would be appropriate for the Shire to be part of this tribute.

**Comment**

The grant application if successful will allow the Shire to purchase 100 year commemorative plaques for Lake Grace, Newdegate, Lake King and Varley War Memorials. Each town in the Shire will be given the opportunity to hold a commemorative service to unveil the 100 Year Anniversary plaques for the end of World War I. Each town has been consulted and all are supportive of the addition of the plaques to their own War Memorial.

**Legal Implications**

Nil

**Policy Implications**

Nil

**Consultation**

**Internal:** Deputy Chief Executive Officer  
**External:** Newdegate Community Development Association  
 Lake King Progress Association  
 Varley Progress Association  
 Lake Grace Friends of the RSL.

### Financial Implications

Although the funding submission does not require matching funds, there will be administrative costs associated with administering the grant, if successful. There would also be works staff time associated with installing the plaques, if the application is successful.

### Strategic Implications

Shire of Lake Grace Strategic Community Plan 2017 - 2027

Social – A valued, healthy and inclusive community and life-style

- Outcome 2.1 An engaged, supportive and inclusive community
- 2.1.2 Maintain and support the growth of education, childcare, youth and aged services
  - 2.1.3 Actively promote and support community events and activities within the district

Leadership – Strong Governance and leadership, demonstrating fair and equitable community values.

- Outcome 4.1 A strategically focused, unified Council functioning efficiently
- 4.1.2 Promote and advocate for the community and district
  - 4.1.3 Provide strategic leadership and governance

### Recommendation

That Council endorses;

1. the Community Commemorative Grant application being submitted to the Department of Veterans' Affairs for a maximum of \$4,000; and
2. the purchase of four commemorative plaques to commemorate the end of World War I, to be located in Lake Grace, Newdegate, Lake King and Varley, if the application is successful.

### Voting Requirements

Simple Majority required

**16.3      LAKE GRACE AIM HOSPITAL MUSEUM – STRUCTURAL ENGINEERS REPORT**

**Applicant:** Internal Report  
**File No.** 0165  
**Attachments:** 1. Peter Baxendale Structural Engineering Services Assessment  
 2. Lynne Farrow Architect, Report on Cracking  
**Author:** Ms Linda Gray

  
 Deputy Chief Executive Officer

**Disclosure of Interest:** Nil  
**Date of Report:** 20 February 2018  
**Senior Officer:** Ms Denise Gobbart

  
 Chief Executive Officer

**Summary**

The purpose of this report is for Council to acknowledge the Peter Baxendale Structural Engineering Services Assessment for the Lake Grace AIM Hospital Museum.

**Background**

The AIM Hospital was constructed in 1926 with little subsequent structural alteration. It was saved from demolition in 1983 and subsequently restored between 1984 and 1992, re-opening as a hospital museum thereafter.

There has been a history of wall cracking for some time and it was noted in the 1998 Conservation Plan by Laura Gray. This may be due to its two storey construction on soil with a notable clay component.

Inspection of the building prior to March 2017 identified that large cracks have developed in the face brick exposing daylight from the west side of the building to the eastern side. These cracks appear to continue through the front of the building raising concerns the structural integrity of the building.

At the Ordinary meeting of Council held 22 March 2017 the following was resolved;

***RESOLUTION 12491***

*Moved Cr Clarke  
 Seconded Cr Chappell*

*That Council, consider a provision of \$5,000 in the 2017/18 draft budget deliberations to appoint a heritage architect to inspect suspected structural defects at the Australian Inland Mission (AIM) Heritage Museum.*

***CARRIED 8/1***

On the adoption of the 2017/2018 a provision of \$5,000 was made for the structural engineers report. Since then the services of Lynne Farrow, Architect was engaged in December 2017 and the recommendations from this report were as follows;

1. *That a Structural Engineer inspect the building and make recommendations how best to resolve the movement of the building.*
2. *Repairs to the cracks in the brickwork and wall plaster can be effected after the Structural Engineer has inspected, to improve the cosmetic appearance of the building, and with the Engineer's approval.*
3. *The extent of asbestos has been ascertained in an Asbestos Inspection Report completed in May 2016.*
4. *That any cracks in the asbestos be sealed with bondcrete, paint or other sealant to bond the asbestos particles.*
5. *Consideration be given to the replacement of the asbestos sheets with a non-asbestos product. The Shire could apply for a Lotterywest grant for this work.*

*There are most likely going to be short and long term proposals for dealing with the issues.*

After receipt of this report the services of Peter Baxendale Consulting Engineer were engaged to undertake the structural engineering services assessment. The report was received 14 February 2018. The conclusions from the report are;

#### *4.1 User Safety and Damage Seriousness*

*None of the damage described above has significant implications for the safety of the building or that of its users. The building can continue to be safely used for its present purpose. Possible minor falls of paint, mortar and wall plaster fragments form the extent of risk to building users.*

*Generally, there is not a high level of seriousness associated with the cracks. Many may be regarded as a cosmetic nuisance and kept in repair or even ignored. The movements of over 5mm, including historic movements which are still active, have a moderate level of seriousness however and will require some action to arrest followed by action to reinstate the integrity of the brickwork. Gauging the activeness of cracks is key to determining the scale of treatment needed, a monitoring programme is therefore recommended over the next twelve months or more – see 4.3.1 below.*

#### *4.2 Cause(s) of Cracking*

*The behaviour of the affected masonry reflects differential movement of the supporting soil across the site. More specifically it reflects desiccation and subsequent shrinkage of the soil around the building perimeter compared to that below the building footprint. The external desiccation has taken place most severely at the front (north) side of the building where shrinkage effects have not just caused the front wall to rotate out of plane but also caused corridor walls to rotate in plane and break over openings.*

*The cause of desiccation is not yet precisely clear, nor is it established if desiccation is progressing permanently. It is also not known if the storm water drainage issues are affecting local moisture levels, and similarly if water demand of the tree to the front of the property is a significant factor. Further intelligence on both these possible influences is needed.*

*To improve wall stability it is important to bring about soil stability over the site. For soil stability, soil moisture level stability is required, this level may be high or low provided it is reasonably constant across the site. The indicators in this investigation are mixed regarding the present stability of the supporting soil, there is little confidence therefore that cracks will not return if patching work were to take place at the present time.*

With the recommended actions being;

- 4.3.1 *There is little point effecting permanent crack repairs without some confidence that cracking will not return down the track. A period of crack monitoring is therefore recommended before any further action. Twelve monitoring points (labelled on site 70 to 81) have been set*



*up in the building for SLG measuring on a monthly basis for a period of at least 12 months and preferably 24 months. See attached plan for locations. Cracks are expected to open and close seasonally as ground moisture levels change through the year causing shrinking and swelling. Net permanent movement, if any, found after this time will be an important factor in deciding the next step of action. Monitoring work to begin immediately. All details, including data sheet for SLG use have been forwarded separately.*

- 4.3.2 *The below-ground storm water system serving the existing and any previous downpipes locations should be surveyed for condition, nature and final disposal points elucidated. Any defects, including inappropriate design issues to be rectified to drainage expert recommendations. Provision of down pipes also to be reviewed and rectified as necessary.*
- 4.3.3 *Seek expert advice from an arboriculturist on the nature, needs and likely impact on soil conditions below the building of the nearby tree north-east of the Laundry. Advice to consider present and future needs and make any appropriate recommendations.*

As it is one of the few remaining AIM Hospitals in Australia, it is important that its continued existence is maintained as it is a tourist focus point in the town of Lake Grace.

#### Comment

From the comments made in the reports provided we have committed the Shire's Building Team to supply structural monitoring data over a period of twelve months (measurement markers in place) in order to ascertain the cracking status. It is important before remedial action is put in place, to have an understanding of whether the cracks are temporary dependent upon seasonal conditions or permanent.

In addition, an arboricultural report is required in regard to the large tree located close to the building so that its impact on the building through soil desiccation can be assessed.

Then, there is a requirement for a survey of the storm water drainage system including the down pipes so that any defects can be rectified that may be contributing to the wall cracking.

Peter Baxendale also provided advice that the building was safe, and could be visited by tour parties.

The initial report made reference to asbestos and cracking, we will seek advice from the Consulting Engineer in regard to sealing these cracks during the monitoring period.

#### Legal Implications

Nil

#### Policy Implications

Nil

#### Consultation

Internal: Chief Executive Officer  
Wayne Trawinski, Building Maintenance Supervisor

External: Lynne Farrow, Heritage Architect  
Peter Baxendale, Consulting Engineer

### Financial Implications

The 2017/18 budget provided an allowance of \$14,831 for building maintenance; this included a provision of \$5,000 for the structural defects report. The measurement of the cracking will be absorbed within the current budget. To date we have spent \$3,600 on the reports supplied, leaving an unspent balance of \$1,400.

Quotations will be obtained for an arboricultural report and a survey of the storm water drainage system. If either of these quotations is around \$1,400; a report can be undertaken in this financial year with the other to be funded in the 2018/19.

### Strategic Implications

*Shire of Lake Grace Strategic Community Plan 2017 – 2027*

Economic – A prosperous agricultural based economy, supporting diversification of industry.

- Outcome 1.3      An attractive destination for visitors
- 1.3.1      Promote and develop tourism as part of a regional approach
  - 1.3.2      Maintain and enhance local iconic attractions and infrastructure
  - 1.3.3      Continue to provide and maintain visitor support services

### Recommendation

That Council;

1. acknowledge the Structural Engineering Services Assessment submitted by Mr Peter Baxendale, Consulting Engineer for the Lake Grace AIM Hospital Museum;
2. endorse the commitment to monitor the cracking, an arboricultural report and a survey of the storm water drainage system, prior to any decision being made on remedial works on the building..


### Voting Requirements

Simple majority

## 17.0 INFORMATION BULLETIN

### 17.1 INFORMATION BULLETIN REPORT – FEBRUARY 2018

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

  
 Governance Officer

**Disclosure of Interest:** Nil  
**Date of Report:**  
**Senior Officer:** Ms Denise Gobbart

  
 Chief Executive Officer

#### Summary

The purpose of the Information Bulletin is to keep Elected Members informed on matters of interest and importance to Council.

#### Background

The Information Bulletin Reports deal with monthly standing items and other information of a strategic nature relevant to Council.

***Note: The Information Bulletin is an internal management document; therefore attachments are not for public information.***

Copies of other relevant Councillor information are distributed via email.

#### Comment

This month's (February 2018) Information Bulletin Report has been emailed to Councillors.

The February 2018 Information Bulletin attachment includes:

#### **Reports**

1. Council Status Report – February 2018
2. Infrastructure Services Report – December 2017
3. Monthly Schedules – December 2017
4. Monthly Schedules – January 2018
5. Outstanding Rates Report – December 2017
6. Outstanding Rates Report – January 2018
7. Environmental Health Officer Report – January 2018
8. Lake Grace Visitor Centre Statistics – December 2017
9. Lake Grace Library Statistics – January 2018
10. Newdegate Library Statistics – January 2018
11. Lake King Library Statistics – January 2018
12. Regional Development Australia – Preliminary Evaluation of the Enterprising Communities Program

#### **Letters**

13. Byron Shire Council – Procurement from companies involved with Adani and Carmichael Mine
14. Melbourne School of Government – McKinnon Prize in Political Leadership

### **Circulars & Newsletters**

15. WALGA Info Page – Draft Audit Regulation Amendments – Request for Comment
16. WALGA Info Page – Review of the Local Government Act 1995 – Department of Local Government, Sport and Cultural Industries Consultation Paper
17. WALGA Info Page – Review of the Local Government Act 1995 – WALGA Positions December 2018
18. WALGA Info Page – Consultation on the WA Plastic Bag Ban
19. WALGA Info Page – Discussion Paper on Review of the WALGA Waste Levy Policy Statement
20. Peter Rundle MLA Media Release – Labour Demonstrates Utter Disrespect for Regional Families
21. Peter Rundle MLA Media Release – Vacswim, Pools in Roe Lose Out Under Labor
22. Peter Rundle MLA Media Release – New Figures Confirm Labor has Abandoned Roe
23. Peter Rundle MLA Media Release – Premier of Jobs’ Stops Employment Opportunity for Esperance Community
24. Peter Rundle MLA Media Release – Labour to Fund New Perth Schools with Money from Cuts in Roe
25. Hon Colin de Grussa MLC Media Release – McGowan Bows to Union Again
26. Peter Rundle MLA Media Release – Regional Labour MP Fails Roe on Education Cuts
27. LGIS Risk Matters Magazine – December 2017

### **Minutes**

28. Audit Committee Meeting – 18 December 2017
29. Lake Grace Development Association Meeting – 4 December 2017
30. WALGA State Council Meeting – Summary Minutes – 6 December 2017

### Legal Implications

Nil

### Policy Implications

Nil

### Consultation

N/A

### Financial Implications

Nil

### Strategic Implications

*Shire of Lake Grace Strategic Community Plan 2017 – 2027*

Leadership – Strong governance and leadership, demonstrating fair and equitable community values.

- Outcome 4.1 A strategically focused, unified Council functioning efficiently
- 4.1.1 Provide informed leadership on behalf of the community
  - 4.1.2 Promote and advocate for the community and district
  - 4.1.3 Provide strategic leadership and governance

Outcome 4.2 An efficient and effective organisation

- 4.2.1 Maintain accountability and financial responsibility through effective planning
- 4.2.2 Comply with statutory and legislative requirements

Recommendation

That Council accepts the Information Bulletin report.

Voting Requirements

Simple majority required.

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

## **19.0 SCHEDULING OF MEETING**

### **19.1 MARCH 2018 ORDINARY MEETING**

The next Ordinary Meeting of Council is scheduled to take place on Wednesday 28 March 2018, commencing at 3.00 pm at the Council Chambers, 1 Bishop Street, Lake Grace.

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

### Recommendation

That Council meet behind closed doors at \_\_\_ pm in accordance with section 3.7 of the Shire of Lake Grace Standing Orders Local Law 2015, and Section 5.23(2)(b) of the Local Government Act 1995.

*This item and any attachments are confidential in accordance with Section 5.23(2)(b) of the Local Government Act 1995 as it contains “the personal affairs of any person”.*

### **20.1 ACTING MANAGER INFRASTRUCTURE SERVICES – APPOINTMENT**

*Item forwarded under separate cover.*

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

### **20.2 APPOINTMENT OF AUTHORISED PERSONS**

*Item forwarded under separate cover.*

### Recommendation

That Council move out from behind closed doors at \_\_\_ pm.

*Having opened the meeting to the public at \_\_\_ pm the President read aloud the decisions of Council.*

## **21.0 CLOSURE**

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