

Shire of Lake Grace

Ordinary Council Meeting

Minutes

23 November 2016



Disclaimer

No responsibility whatsoever is implied or accepted by the Shire of Lake Grace for any act, omission or statement or intimation occurring during Council/Committee meetings or during formal/informal conversations with staff. The Shire of Lake Grace disclaims any liability for any loss whatsoever caused arising out of reliance by any person or legal entity on any such act, omission or statement or intimation occurring during Council/Committee meetings or discussions. Any person or legal entity who acts or fails to act in reliance upon any statement does so at that person's and or legal entity's own risk.

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

CONTENTS

1.0	OPENING & ANNOUNCEMENT OF VISITORS.....	5
2.0	ATTENDANCE RECORD.....	5
2.1	PRESENT	5
2.2	APOLOGIES	5
2.3	LEAVE OF ABSENCE PREVIOUSLY GRANTED	5
3.0	PUBLIC QUESTION TIME	5
4.0	APPLICATIONS FOR LEAVE OF ABSENCE.....	6
4.1	CR STANTON	6
5.0	MINUTES OF PREVIOUS COUNCIL MEETINGS.....	6
5.1	ORDINARY MEETING – 26 OCTOBER 2016	6
6.0	DECLARATIONS OF INTEREST.....	6
6.1	DECLARATIONS OF FINANCIAL INTEREST – LOCAL GOVERNMENT ACT SECTION 5.60A.....	6
6.2	DECLARATIONS OF PROXIMITY INTEREST – LOCAL GOVERNMENT ACT 1995 SECTION 5.60B	7
6.3	DECLARATIONS OF IMPARTIALITY INTEREST – ADMINISTRATION REGULATION SECTION 34C	7
7.0	NOTICES OF URGENT BUSINESS.....	7
7.1	CHIEF EXECUTIVE OFFICER – PROBATIONARY PERIOD AND PERFORMANCE CRITERIA (KPI'S).....	7
7.2	GP SERVICE AND MEDICAL PRACTICE	7
8.0	MOTIONS OF WHICH NOTICE HAS BEEN RECEIVED	7
9.0	PETITIONS/DEPUTATIONS/PRESENTATIONS/SUBMISSIONS.....	8
10.0	MEMBERS' REPORTS	8
10.1	CR ARMSTRONG	8
10.2	CR CHAPPELL.....	8
10.3	CR CLARKE	8
10.4	CR HUNT.....	8
10.5	CR LLOYD.....	8
10.6	CR STANTON	9
10.7	CR WALKER.....	9
10.8	CR MARSHALL	9
10.9	CR DE LANDGRAFFT.....	9
11.0	MATTERS FOR CONSIDERATION – INFRASTRUCTURE SERVICES.....	11
11.1	RURAL ROAD RECONSTRUCTION – CALL FOR TENDER 04/2016	11

12.0	MATTERS FOR CONSIDERATION – PLANNING	18
12.1	RETROSPECTIVE DEVELOPMENT APPLICATION – ADDITION TO EXISTING GRAIN HANDLING AND STORAGE FACILITY (TRANSPORTABLE BUILDING) – LOT 189 DUNCAN ROAD, NEWDEGATE	18
13.0	MATTERS FOR CONSIDERATION – HEALTH & BUILDING	23
14.0	MATTERS FOR CONSIDERATION – FINANCE	24
14.1	ACCOUNTS FOR PAYMENT – OCTOBER 2016	24
14.2	FINANCIAL STATEMENTS – OCTOBER 2016	26
14.3	LAKES VILLAGE FEES AND CHARGES	28
14.4	APPROVAL FOR WRITE OFF OF INTEREST – RATE PAYER 1168	31
15.0	MATTERS FOR CONSIDERATION – COMMUNITY SERVICES	34
15.1	11 MALEY STREET (LOT 8) NEWDEGATE – ACQUISITION OF LAND	34
16.0	MATTERS FOR CONSIDERATION - ADMINISTRATION	39
17.0	INFORMATION BULLETIN	40
17.1	INFORMATION BULLETIN REPORT – NOVEMBER 2016	40
18.0	URGENT BUSINESS BY DECISION OF THE MEETING	42
19.0	SCHEDULING OF MEETING	42
19.1	DECEMBER 2016 ORDINARY MEETING	42
20.0	CONFIDENTIAL BUSINESS – AS PER LOCAL GOVERNMENT ACT S5.23 (2)	42
20.1	2017 AUSTRALIA DAY CITIZENSHIP AWARDS	42
20.2	MANAGER INFRASTRUCTURE SERVICES – APPOINTMENT	45
20.3	CHIEF EXECUTIVE OFFICER – PROBATIONARY PERIOD AND PERFORMANCE CRITERIA (KPI'S)	45
20.4	GP SERVICE AND MEDICAL PRACTICE	46
21.0	CLOSURE	46
22.0	CERTIFICATION	47

SHIRE OF LAKE GRACE

Minutes of the Ordinary Meeting of Council held at the Newdegate Library Resource Centre, Collier Street, Newdegate on Wednesday 23 November 2016.

1.0 OPENING & ANNOUNCEMENT OF VISITORS

The Shire President opened the meeting at 3.05 pm.

Shire President welcomed our Manager Infrastructure Services Mr Paul Webb to the meeting.

2.0 ATTENDANCE RECORD

2.1 PRESENT

Cr JF De Landgrafft	Shire President
Cr SG Hunt	Deputy Shire President
Cr LW Armstrong	
Cr R Chappell	
Cr DS Clarke	
Cr RA Lloyd	
Cr MG Stanton	
Cr AJ Walker	

In Attendance

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

Observers/Visitors

Nil

2.2 APOLOGIES

Nil

2.3 LEAVE OF ABSENCE PREVIOUSLY GRANTED

Cr Marshall has approved leave of absence from 20 November 2016 to 25 November 2016 inclusive.

3.0 PUBLIC QUESTION TIME

Nil

4.0 APPLICATIONS FOR LEAVE OF ABSENCE

4.1 CR STANTON

Application for Leave of Absence was received in writing from Cr Stanton.

Resolution

RESOLUTION 12390

Moved Cr Chappell
Seconded Cr Hunt

That Cr Stanton be granted leave of absence for the period Thursday, 1 December 2016 to Sunday 4 December 2016 inclusive.

CARRIED 8/0

5.0 MINUTES OF PREVIOUS COUNCIL MEETINGS

5.1 ORDINARY MEETING – 26 OCTOBER 2016

Resolution

RESOLUTION 12391

Moved Cr Stanton
Seconded Cr Chappell

That the minutes of the Ordinary Meeting of Council held on the 26 October 2016 be confirmed as a true and accurate record.

CARRIED 8/0

6.0 DECLARATIONS OF INTEREST

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

Cr Chappell declared financial interest in Item 12.1 Retrospective Development Application – addition to existing grain handling and storage facility (Transportable Building) – Lot 189 Duncan Road, Newdegate (refer to page 18) with the nature of the association being a shareholder, sale of grain and storage of grain.

Cr Clarke declared financial interest in Item 12.1 Retrospective Development Application – addition to existing grain handling and storage facility (Transportable Building) – Lot 189 Duncan Road, Newdegate (refer to page 18) with the nature of the association being a shareholder, sale of grain, storage of grain and purchase of lime sand.

Cr De Landgraftt declared financial interest in Item 12.1 Retrospective Development Application – addition to existing grain handling and storage facility (Transportable Building) – Lot 189 Duncan Road, Newdegate (refer to page 18)

with the nature of the association being a shareholder, sale of grain and storage of grain.

Cr Lloyd declared financial interest in Item 12.1 Retrospective Development Application – addition to existing grain handling and storage facility (Transportable Building) – Lot 189 Duncan Road, Newdegate (refer to page 18) with the nature of the association being a shareholder, delivery of grain to the facility, sale of grain and storage of grain.

Cr Stanton declared financial interest in Item 12.1 Retrospective Development Application – addition to existing grain handling and storage facility (Transportable Building) – Lot 189 Duncan Road, Newdegate (refer to page 18) with the nature of the association being a grain grower.

Cr Walker declared financial interest in Item 12.1 Retrospective Development Application – addition to existing grain handling and storage facility (Transportable Building) – Lot 189 Duncan Road, Newdegate (refer to page 18) with the nature of the association being an employee of CBH and a shareholder.

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

Nil

6.3 DECLARATIONS OF IMPARTIALITY INTEREST – ADMINISTRATION REGULATION SECTION 34C

Cr Chappell declared impartiality interest in Item 20.1 2017 Australia Day Citizenship Awards (refer to page 42) with the nature of the association being he has had a close working association with Amanda Milton on the New Ambulance Building.

Cr Clarke declared impartiality interest in Item 20.1 2017 Australia Day Citizenship Awards (refer to page 42) with the nature of the association being she is a Lake Grace Development Association Member and a St John Ambulance volunteer.

7.0 NOTICES OF URGENT BUSINESS

7.1 CHIEF EXECUTIVE OFFICER – PROBATIONARY PERIOD AND PERFORMANCE CRITERIA (KPI'S)

The purpose of this report is for Council to consider the Probationary Period, and Performance Criteria for the Chief Executive Officer in accordance with the Chief Executive Officer's Employment Contract. This item will be considered under Confidential Business at Item 20.3.

7.2 GP SERVICE AND MEDICAL PRACTICE

This item will be considered under Confidential Business at Item 20.4.

8.0 MOTIONS OF WHICH NOTICE HAS BEEN RECEIVED

Nil

9.0 PETITIONS/DEPUTATIONS/PRESENTATIONS/SUBMISSIONS

Nil

10.0 MEMBERS' REPORTS

10.1 CR ARMSTRONG

Wednesday 2 November

Attended the Newdegate Pool Management Meeting.

10.2 CR CHAPPELL

Wednesday 2 November

Attended the 4th Annual District Health Advisory Council (DHAC) and Consumer Forum in Northam with Colleen Hopkins the Health Service Manager, Lake Grace Hospital.

Tuesday 8 November

The Lake Grace St John Ambulance Sub Centre received a grant from Cooperative Bulk Handling (CBH) and that was put towards the two water tanks on the new building. CBH also carried out filming for the Lake Grace Sub Centre as part of their grant funding acquittal and promotion.

Wednesday 9 November

Attended the opening of the up-grade of the Lake Grace Hospital.

Friday 11 November

Attended the Remembrance Day Service held at the Lake Grace District High School.

Friday 18 November

Attended the meeting with First Health and Dr Timothy Taulke-Johnson in regards to GP services for the Shire.

10.3 CR CLARKE

Sunday 30 October

Met with the Minister for Agriculture, Mark Lewis, Graham Jacobs and Steve Martin when briefly in Lake Grace. Graham Jacobs stayed a bit longer and took the opportunity to look at the New Ambulance building and the Hospital refurbishment.

Tuesday 1 November

Attended the Library Meeting.

Wednesday 9 November

Attended the hospital walk through to view the refurbishments while it was open to the public.

Friday 11 November

Attended the Remembrance Day Service held at the Lake Grace District High School.

10.4 CR HUNT

The School Board has been advised there is a new principal starting next year Kathy Willis who will be taking over from Ian Bailey. A send off for Ian and his family is on the 13 December 2016.

10.5 CR LLOYD

Wednesday 2 November

Attended the Newdegate Pool Management Meeting.

Tuesday 8 November

Attended the Field Day Committee Meeting.

Friday 18 November

Attended the meeting with First Health and Dr Timothy Taulke-Johnson in regards to GP services for the Shire.

10.6 CR STANTON**Friday 11 November**

Attended the Remembrance Day Service held at the Lake Grace District High School, it was well attended by the community and lovely morning tea served by students.

Friday 18 November

Attended the meeting with First Health and Dr Timothy in regards to GP services for the Shire.

10.7 CR WALKER**Friday 18 November**

Attended the meeting with First Health and Dr Timothy Taulke-Johnson in regards to GP services for the Shire.

10.8 CR MARSHALL**Wednesday 2 November**

Attended the Bush Fire Zone Meeting for zones 1 and 2.

Thursday 10 November

Attended the Lake Grace Pingrup Football Club AGM.

Friday 11 November

Attended the Remembrance Day Service held at the Lake Grace District High School.

Friday 18 November

Attended the meeting with First Health and Dr Timothy Taulke-Johnson in regards to GP services for the Shire.

10.9 CR DE LANDGRAFFT**Thursday 3 November**

Attended the LEMC meeting in Council Chambers, Lake Grace.

Wednesday 9 – Friday 11 November

Attended the National Local Roads and Transport Congress in Toowoomba, Queensland with the Chief Executive Officer Denise Gobbart.

Saturday 12 November

Attended a meeting with Dr Timothy Taulke-Johnson and Pauline Ong, and the Chief Executive Officer Denise Gobbart at Doctor's house.

Thursday 17 November

Attended a meeting in Kondinin, with the President and Chief Executive Officer of the Shire of Corrigin along with our Chief Executive Officer Denise Gobbart.

Attended the Eastern Wheatbelt Primary Care Project, Wheatbelt General Practice Business Support Service Shire Governance Committee held in Kondinin with our Chief Executive Officer Denise Gobbart.

Attended a meeting in Kondinin, with Rural Health West officers Laura Harnett, Manager Workforce Services and Beth McEwan, Workforce Support Program Coordinator along with our Chief Executive Officer Denise Gobbart.

Friday 18 November

Attended the meeting with First Health and Dr Timothy Taulke-Johnson in regards to GP services for the Shire.

Attended the Medical Centre and met with Pauline Ong in relation to the doctor, with the Chief Executive Officer Denise Gobbart.

11.0 MATTERS FOR CONSIDERATION – INFRASTRUCTURE SERVICES

11.1 RURAL ROAD RECONSTRUCTION – CALL FOR TENDER 04/2016

Applicant: Internal
File No. 0468
Attachments: Request for Tender 04/2016
Author: Ms Denise Gobbart
 Chief Executive Officer
Disclosure of Interest: Nil
Date of Report: 17 November 2016
Senior Officer: Ms Denise Gobbart



Chief Executive Officer

Summary

This report recommends that Council authorise the Chief Executive Officer to recall tenders for Rural Road Reconstruction and associated works for the Shire of Lake Grace 2016/2017 road works program.

Background

At the Ordinary meeting of Council held on 26 October 2016, it was resolved to recommence the tender process as due to an oversight and contrary to regulation 18(4) of the *Local Government (Functions and General) Regulations 1996*, one of the tenders for the work had not been assessed or taken into account in selecting the preferred tenderer.

As works had commenced on Mount Sheridan Road, it was negotiated with the contractor to complete these works at the original price tendered in RFT 02/2016, and exclude this road project from the re-commenced tender process RFT 04/2016.

The revised Shire's Road Works Program includes road reconstruction listed in the table below:

ITEM NUMBER	RFT CLAUSE 1.2.1 - TENDERING INFORMATION Description of Work	QUANTITY UNIT
1	Reconstruction of Taylor Road, various sections, total length of 3,000m, associated road pavement sheeting, carting of gravel and upgrade of three floodways (bitumen seal by others) as per 'Technical Specifications'. SLK 2.1 to SLK 9.37	3.0 km 10.0 m wide
2	Reconstruction/realignment of T-junction of Giles Road, and Magenta Rd associated road formation, carting of gravel and drainage works (and installation of road signage) as per 'Technical Specifications'. SLK 0.0 to SLK 0.1	0.3 km 8.0 m wide
3	Reconstruction of various sections of Magdahba Track, total length of 2,000m, associated road formation, carting of gravel and drainage works (offshoots, table drains, signage etc.) as per 'Technical Specifications'. SLK 0.0 to SLK 5.6	2.0 km 8.0 m wide
4	Reconstruction of Mallee Tree Road, associated road formation, carting of gravel and drainage works (offshoots, table drains etc.) as per 'Technical Specifications'. SLK 6.5 to SLK 8.0	1.5 km 8.0 m wide

5	Reconstruction of Mallee Hill Road, various sections, total length of 2,000m, associated road pavement sheeting, carting of gravel and drainage works as per 'Technical Specifications'. SLK 23.0 to SLK 25.0	2.0 km 10.0 m wide
6	Reconstruction of Whurr Road, associated road formation, carting of gravel and drainage works (offshoots, table drains signage etc.) as per 'Technical Specifications'. SLK 0.0 to SLK 2.58	2.58 km 8.0 m wide
7	Reconstruction of various sections of Ardler Road, total length of 2,000m, associated road formation, carting of gravel and drainage works (and installation of road signage as per 'Technical Specifications'. SLK 0.0 to SLK 4.5	2.0 km 10.0 m wide
8	Reconstruction of Beynon Road, associated road formation, carting of gravel and drainage works (offshoots, table drains, signage etc.) as per 'Technical Specifications'. SLK 4.5 to SLK 7.5	3.0 km 8.0 m wide
9	Reconstruction of Biddy Camm Road, associated road formation, carting of gravel and drainage works (offshoots, table drains, headwalls, signage etc.) as per 'Technical Specifications'. SLK 105.21 to SLK 109.66	4.45 km 8.0 m wide
10	Reconstruction of Pickernell Road, total length of 2,700m, associated road formation, carting of gravel and drainage works (offshoots, table drains, signage etc.) as per 'Technical Specifications'. SLK 13.14 to SLK 15.84	2.7 km 10.0 m wide
11	Reconstruction of various sections of Breed Road, total length of 1,250m, associated road formation, carting of gravel and drainage works (and installation of road signage) as per 'Technical Specifications'. SLK 0.0 to SLK 7.78	1.25 km 8.0 m wide
12	Reconstruction of Old Ravensthorpe Road, associated road formation, carting of gravel and drainage works (offshoots, table drains, headwalls, signage etc.) as per 'Technical Specifications'. SLK 16.2 to SLK 17.2	1.0 km 10.0 m wide

In order to satisfy the specific requirements of the Local Government (Functions and General) Regulations 1996 it is recommended that Council resolve to proceed with the tasks required of publicly inviting tenders for rural roads re-construction works required to be undertaken as part of the Shire of Lake Grace 2016/2017 road program.

Comment

The Tender may be awarded to who best demonstrates the ability to provide quality products and/or services at a competitive price. The tendered prices will be assessed together with qualitative, compliance and specification criteria to determine the most advantageous outcome to the Shire.

The Shire will adopt a best value for quality approach to this request. This means that, although price is considered, the tender containing the lowest price will not necessarily be accepted, nor will the Tender ranked the highest on the qualitative criteria.

A scoring system will be used as a part of the assessment of the qualitative criteria.

The tenders will be assessed against the following qualitative criteria and weighting. The Tender may be awarded to who best demonstrates the ability to provide quality products and/or services at a competitive price.

The assessment criteria will be as per Council policy 3.11 *Tender Selection Criteria*, adopted in June 2015, using the Roadworks – Maintenance Grading and Gravel Pushing/Stockpiling selection criteria:

- Cost 25%
- Relevant Experience 25%
- Organisational Capacity and Resources 25%
- Demonstrated Understanding 25%

The extent to which a Tender demonstrates greater satisfaction of each of these criteria will result in a greater score. The aggregated score of each Tender will be used as one of the factors in the final assessment of the qualitative criteria and in the overall assessment of value for money.

Legal Implications

Local Government Act 1995

3.57. Tenders for providing goods or services

- (1) A local government is required to invite tenders before it enters into a contract of a prescribed kind under which another person is to supply goods or services.
- (2) Regulations may make provision about tenders.

Local Government (Function and General) Regulations 1996 – Part 4 Provision of goods and services

11. When tenders have to be publicly invited

- (1) Tenders are to be publicly invited according to the requirements of this Division before a local government enters into a contract for another person to supply goods or services if the consideration under the contract is, or is expected to be, more, or worth more, than \$150,000 unless subregulation (2) states otherwise.
- (2) Tenders do not have to be publicly invited according to the requirements of this Division if
 -
 - (a) the supply of the goods or services is to be obtained from expenditure authorised in an emergency under section 6.8(1)(c) of the Act; or
 - (b) the supply of the goods or services is to be obtained through the WALGA Preferred Supplier Program; or
 - (c) within the last 6 months —
 - (i) the local government has, according to the requirements of this Division, publicly invited tenders for the supply of the goods or services but no tender was submitted that met the tender specifications or satisfied the value for money assessment; or
 - (ii) the local government has, under regulation 21(1), sought expressions of interest with respect to the supply of the goods or services but no person was, as a result, listed as an acceptable tenderer; or
 - (d) the contract is to be entered into by auction after being expressly authorised by a resolution of the council of the local government; or

- (e) the goods or services are to be supplied by or obtained through the government of the State or the Commonwealth or any of its agencies, or by a local government or a regional local government; or
- (ea) the goods or services are to be supplied —
 - (i) in respect of an area of land that has been incorporated in a district as a result of an order made under section 2.1 of the Act changing the boundaries of the district; and,
 - (ii) by a person who, on the commencement of the order referred to in subparagraph (i), has a contract to supply the same kind of goods or services to the local government of the district referred to in that subparagraph; or
- (f) the local government has good reason to believe that, because of the unique nature of the goods or services required or for any other reason, it is unlikely that there is more than one potential supplier; or
- (g) the goods to be supplied under the contract are —
 - (i) petrol or oil; or
 - (ii) any other liquid, or any gas, used for internal combustion engines; or
- (h) the following apply —
 - (i) the goods or services are to be supplied by a person registered on the Aboriginal Business Directory WA published by the Small Business Development Corporation established under the Small Business Development Corporation Act 1983; and
 - (ii) the consideration under the contract is \$250,000 or less, or worth \$250,000 or less; and
 - (iii) the local government is satisfied that the contract represents value for money; or
- (i) the goods or services are to be supplied by an Australian Disability Enterprise; or
- (j) the contract is a renewal or extension of the term of a contract (the original contract) where —
 - (i) the original contract was entered into after the local government, according to the requirements of this Division, publicly invited tenders for the supply of goods or services; and
 - (ii) the invitation for tenders contained provision for the renewal or extension of a contract entered into with a successful tenderer; and
 - (iii) the original contract contains an option to renew or extend its term; and
 - (iv) the supplier's tender included a requirement for such an option and specified the consideration payable, or the method by which the consideration is to be calculated, if the option were exercised; or
- (k) the goods or services are to be supplied by a pre-qualified supplier under Division 3.

12. Anti-avoidance provision for r. 11(1)

- (1) This regulation applies if a local government intends to enter into 2 or more contracts (the contracts) in circumstances such that the desire to avoid the requirements of regulation 11(1) is a significant reason for not dealing with the matter in a single contract.

Policy Implications**Shire of Lake Grace - Policy 3.7 – Purchasing Policy****Local Price Preference**

When officers seek quotations or purchase goods or services, quotes must be obtained from businesses (if in existence) that could provide the good or service required that are located within the Shire of Lake Grace. When the provision of goods or services is not being sought by tender the following preference will be provided to local suppliers whose business is based within the Shire of Lake Grace and the product quality is comparable:

- 5% for any purchase up to \$20,000.00; and
- 2% for any purchase between \$20,001.00 and \$100,000.

Policy 3.7 – Purchasing Policy has no effect as the services are over the value of \$100,000.

Local Government (Functions and General) Regulations 1996 Part 4A – Regional Price Preference, Council has not adopted a regional price preference policy under this legislation.

Shire of Lake Grace Policy 3.11 - Tender Selection Criteria

Prior to publicly inviting tenders, the Shire's assessment criteria for which the tender should be accepted is as follows with any variation to be determined by Council:

Plant and Equipment

Tender Price	65%
Warranty & Servicing	15%
Performance	10%
Delivery/Availability	10%

Buildings

Cost	65%
Relevant Experience	15%
Organisational Capacity & Resources	15%
Demonstrated Understanding	5%

Roadworks – Bitumen & Sealing

Cost	80%
Relevant Experience	10%
Organisational Capacity & Resources	5%
Demonstrated Understanding	5%

Roadworks – Maintenance Grading & Gravel Pushing/Stockpiling

Demonstrated Capacity	25%
Key Personnel	25%
Plant & Equipment	25%
Performance	25%

Kerbside Waste Collection Services

Cost	70%
Relevant Experience	15%
Organisational Capacity & Resources	15%

Consultation

External Stuart Fraser, Department Local Government & Communities
Neil Douglas, McLeods – Barristers & Solicitors
Craig Grant, WALGA

Financial Implications

Allowances have been made within the 2016/2017 Budget for the road reconstruction program. With an increased level of Roads to Recovery funding for 2016/2017 of \$1,945,150, the Shire Construction Team do not have the capacity to complete the road program. Contractors will be required to undertake additional works in our program.

Strategic Implications

Strategic Community Plan –

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

- Ec 1.1 Maintain efficient, safe and appropriate infrastructure including roads, built and civic infrastructure.
- Ec 1.2 Support the provision of appropriate transportation links, including road and rail infrastructure and services.
- Ec 1.3 Ensure the Shire's capital investment program is cost effective and financially sustainable.

Voting Requirements

Simple majority required.

Recommendation/Resolution

RESOLUTION 12392

Moved Cr Hunt
Seconded Cr Chappell

That Council authorise the Chief Executive Officer to:

1. Call tenders for the reconstruction of 25.78 kilometres of rural roads as listed in the specification within the Request for Tender 04/2016; and,
2. That the following assessment criteria apply:

Cost	25%
Relevant Experience	25%
Organisational Capacity and Resources	25%
Demonstrated Understanding	25%

CARRIED 7/1

12.0 MATTERS FOR CONSIDERATION – PLANNING

Cr Chappell declared financial interest in Item 12.1 Retrospective Development Application – addition to existing grain handling and storage facility (Transportable Building) – Lot 189 Duncan Road, Newdegate with the nature of the association being a shareholder, sale of grain and storage of grain.

Cr Clarke declared financial interest in Item 12.1 Retrospective Development Application – addition to existing grain handling and storage facility (Transportable Building) – Lot 189 Duncan Road, Newdegate with the nature of the association being a shareholder, sale of grain, storage of grain and purchase of lime sand.

Cr De Landgraft declared financial interest in Item 12.1 Retrospective Development Application – addition to existing grain handling and storage facility (Transportable Building) – Lot 189 Duncan Road, Newdegate with the nature of the association being a shareholder, sale of grain and storage of grain.

Cr Lloyd declared financial interest in Item 12.1 Retrospective Development Application – addition to existing grain handling and storage facility (Transportable Building) – Lot 189 Duncan Road, Newdegate with the nature of the association being a shareholder, delivery of grain to the facility, sale of grain and storage of grain.

Cr Stanton declared financial interest in Item 12.1 Retrospective Development Application – addition to existing grain handling and storage facility (Transportable Building) – Lot 189 Duncan Road, Newdegate with the nature of the association being a grain grower.

Cr Walker declared financial interest in Item 12.1 Retrospective Development Application – addition to existing grain handling and storage facility (Transportable Building) – Lot 189 Duncan Road, Newdegate with the nature of the association being an employee of CBH and a shareholder.

The President declared that the following item will need to be deferred as a quorum cannot be achieved in order to debate and vote on the matter. The Chief Executive Officer will make an application to the Minister for Local Government to allow members to debate and vote on the matter at the next Ordinary Council Meeting, scheduled for 20 December 2016, as it is clear that a quorum cannot be achieved.

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

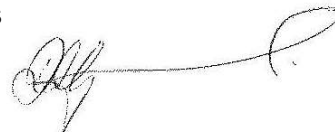
Applicant:	Co-operative Bulk Handling Ltd on behalf of the State of Western Australia (Landowner)
File No.	0453
Attachments:	<ol style="list-style-type: none"> 1. Plan 1 – Location Plan 2. Plan 2 – Existing Lot Configuration 3. Plan 3 – Aerial Site Plan 4. Plan 4 – Site Development Plan and Elevations 5. Plan 5 – Floor Plan (<i>under separate cover</i>)

Author: Messrs Joe Douglas & Carlo Famiano (Urban & Rural Perspectives)
Town Planning Consultants

Disclosure of Interest: Nil

Date of Report: 14 November 2016

Senior Officer: Ms Denise Gobbart



Chief Executive Officer

Summary

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

Background

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

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

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

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

- Placement of a new 18 square metre transportable building on the land to provide staff toilet facilities (see Plans 4 to 6);
- A new uncovered steel walkway for pedestrian access purposes;
- The building comprises a zincalume roof (skillion roof structure) and colorbond wall cladding (i.e. 'Shale Grey' and 'Ocean Blue' colour);
- The building has been raised approximately 350 millimetres above the natural ground level and has an overall height of 2.796 metres;
- Installation of an on-site effluent disposal system (i.e. septic tanks and leach drains) to service the ablution block; and,
- The building and associated effluent disposal system comprises a setback of approximately 12.5 metres from the land's eastern side boundary.

Comment

Lot 189 is classified 'General Industry' zone under the Shire's current operative Local Planning Scheme No.4 (LPS No.4). The key objectives of the land's current 'General Industry' zoning classification are to provide for general, light and service industries which by the nature of their operations should be separated from residential areas and to provide employment opportunities for residents of the district.

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

Compliance with LPS No.4 Development Standards

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

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

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

Transportable Buildings

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

- a) *in the opinion of the local government such a dwelling or building is in a satisfactory condition and will not detrimentally affect the amenity of the area; and,*
- b) *the sub-floor area of the building is enclosed with brick, stone, vermin battens or by other means acceptable to the local government and, where the building is considered by the local government to be exposed, or in a position such as to be visually prominent, the local government may require satisfactory landscaping measures to be carried out.*

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

Unauthorised Works

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

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

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

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

Conclusion

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

Legal Implications

Planning and Development Act 2005

Shire of Lake Grace Local Planning Scheme No.4

- *Planning and Development (Local Planning Schemes) Amendment Regulations 2015 (LPS Amendment Regulations)* – The subject land is located within a designated 'bushfire prone area'. Following a review of the proposal, having due regard for Western Australian Planning Commission Planning Bulletin 111/2016 ('Planning in Bushfire Prone Areas') and the outcomes from discussion with Mr Geoffrey Lush (Lush Fire and Planning), it was determined the ablation building on Lot 189 is not a habitable structure and does not intensify the potential bushfire risk on the land. As such a Bushfire Attack Level (BAL) assessment was not required in support of the application.

Policy Implications

State Planning Policy 3.7 - Planning in Bushfire Prone Areas

Consultation

Community consultation not required.

Financial Implications

Nil

Strategic Implications

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

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

Recommendation

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

Conditions

1. The development and use shall be consistent with the information and plans submitted in support of the application as well as the various conditions documented below unless otherwise approved by Council.
2. Any additional development which is not in accordance with the application the subject of this approval or any condition of this approval will require the further approval of Council.
3. The building shall be used as an ablution facility only and must not be converted to a habitable building in the future unless otherwise approved by Council.
4. All stormwater generated by the building the subject of this approval shall be managed and disposed of to the specifications and satisfaction of the Shire of Lake Grace.
5. The building shall be provided with an adequate on-site effluent disposal system constructed and maintained to the specifications and satisfaction of the Shire of Lake Grace and Department of Health.
6. The sub-floor area of the building shall be enclosed with brick, stone, vermin proof battens or other means acceptable to the Shire of Lake Grace within sixty (60) days of the date of this approval.

Advice Notes

1. A completed Building Approval Certificate application must be submitted to and approved by the Shire's Building Surveyor within ninety (90) days of the date of this approval.
2. The structure is required to comply in all respects with the National Construction Code of Australia. Plans and specifications which reflect these requirements are required to be submitted with the Building Approval Certificate application.
3. The existing effluent disposal system servicing the ablution building is required to comply with the *Health (Treatment of Sewage and Disposal of Effluent and Liquid Waste) Regulations 1974*. Plans and specifications which reflect these requirements are required to be submitted to the Shire for approval.
4. Failure to comply with any of the conditions of this development approval constitutes an offence under the provisions of the *Planning and Development Act 2005* and the Shire of Lake Grace Local Planning Scheme No.4 and may result in legal action being initiated by the local government.
5. If the applicant or owner is aggrieved by this determination there is a right of review by the State Administrative Tribunal in accordance with the *Planning and Development Act 2005* Part 14. An application must be submitted within 28 days of the determination.

Voting Requirements

Simple majority required.

13.0 MATTERS FOR CONSIDERATION – HEALTH & BUILDING

No matters for consideration.

14.0 MATTERS FOR CONSIDERATION – FINANCE

14.1 ACCOUNTS FOR PAYMENT – OCTOBER 2016

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

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


Finance Coordinator


Deputy Chief Executive Officer

Summary

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

Background

List of payments for the month October 2016 through the Municipal and Trust accounts are attached.

Comment

In accordance with the requirements of the Local Government Act 1995, a list of creditors is to be completed for each month showing:

- (a) The payee's name
- (b) The amount of the payment
- (c) Sufficient information to identify the transaction
- (d) The date of payment

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

Legal Implications

Local Government (Financial Management) Regulations 1996 – Reg 12
Local Government (Financial Management) Regulations 1996 – Reg 13

Policy Implications

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

Consultation

N/A

Financial Implications

The list of creditors paid for the month of October 2016 from the Municipal and Trust Account Total \$493,180.68.

Strategic Implications

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

- Excellence in Shire administration and communication

Voting Requirements

Simple majority required.

Recommendation/Resolution**RESOLUTION 12393**

Moved Cr Stanton
 Seconded Cr Walker

That Council ratify the list of payments totalling \$493,180.68 as presented for the month of October 2016 incorporating:

- Trust Account Cheques:	924 -1300 (OLD WESTPAC CHEQUES DISPOSED) 1301 - 1306	\$	1,226.00
- Electronic Funds Transfer:	EFT16037 – EFT16106	\$	284,166.22
- Municipal Account Cheques:	36279 - 36285	\$	12,323.92
- Direct Debits:	DD6455.1 – DD6455.8 DD6475.1 – DD6475.8 DD6483.1 – DD6483.2 DD6484.1 – DD6484.3 DD6485.1 DD6500.1 – DD6500.21 DD6502.1	\$	72,402.23
- Electronic Funds Transfer:	Payroll Net Pay	\$	123,062.31

CARRIED 8/0

14.2 FINANCIAL STATEMENTS – OCTOBER 2016

Applicant: Shire of Lake Grace
File No. 0275
Attachments: 1. Financial Reports October 2016
 2. Bank Reconciliations
Author: Ms Linda Gray
Disclosure of Interest: Nil
Date of Report: 17 November 2016
Senior Officer: Ms Denise Gobbart


 Deputy Chief Executive Officer


 Chief Executive Officer

Summary

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

Background

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

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

Comment

N/A

Legal Implications

Local Government Act 1995 – section 6.4

Local Government (Financial Management) Regulations 1996

Policy Implications

Nil

Consultation

N/A

Financial Implications

Nil

Strategic Implications

Shire of Lake Grace Strategic Community Plan

Civic Leadership Focus Area (5)

- *Excellence in Shire administration and communication*

Voting Requirements

Simple majority required.

Recommendation/Resolution**RESOLUTION 12394**

Moved Cr Lloyd

Seconded Cr Chappell

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 October 2016.

CARRIED 8/0

14.3 LAKES VILLAGE FEES AND CHARGES

Applicant: Internal
File No. 0080
Attachments: 1. Letters
 2. Copies of correspondence
 3. Minutes
Author: Mr Reece Lay

Disclosure of Interest: Nil
Date of Report: 17 November 2016
Senior Officer: Ms Linda Gray


 Customer Service Officer


 Deputy Chief Executive Officer

Summary

For Council to consider waiving hire fees, for the use of the Lakes Village Hall, by seniors and their associated wellness services.

Background

The Lake Grace Masonic Lodge was gifted to the Shire in 1993. As per the minutes of the Council Meeting in August 2002, the extract from Minutes of the Council Meeting of June 1993, was unable to be located in order to verify the gift of the Lake Grace Masonic Lodge.

As noted in Minutes August 2002, “when setting the Schedule of Fees and Charges for 2002/03, Council specifically excluded the Lakes Village Hall thus signalling its intent that the Hall, as part of the village, is a facility for the residents of the Village”.

In the immediate past years, charges for the use of the Lakes Village Hall were subject to the following condition: “No fee for local ‘not for profit’ organisations, and/or individual’s residents within the Shire, or non-resident ratepayers”. With the adoption of the 2016/17 Budget and Fees and Charges, the above condition is no longer applicable, with the only exception present being “Senior’s wellness 100% concession”.

A number of residents have approached the Shire regarding the use of the Village Hall by the seniors – including those who reside at the Lakes Village – and their associated services expressing concern that they are now required to pay fees for the use of the facility.

Comment

As mentioned above, the correspondence from the Lodge regarding the gifting of the Hall to the Shire cannot be located. As noted in Minutes August 2002; “the best indicator of the intent of the gift is found in an excerpt from the Western-Mason – Summer 1997/98 that surmises “*The land and lodge room was bequeathed to the Shire by members of the Lake Grace Lodge when it amalgamated with the Kulin Lodge in 1993 on the understanding that it be used for the aged in the community*”.

Gwen Oliver attended the Shire following the adoption of the 2016/17 budget, to discuss the hire fees of the Lakes Village hall. She explained that the Masonic Lodge had been gifted to the Shire on the condition that it remains free-to-use for the seniors in Lake Grace. She elaborated the point that the seniors would use the Hall for social activities such as cards or carpet bowls, and that the village tended to become isolated without these social interactions, thus did not understand why the seniors would be required to pay fees for the use of the facilities.

Legal Implications**Local Government Act 1995****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

Nil

Consultation

Internal Denise Gobbart, Chief Executive Officer
Linda Gray, Deputy Chief Executive Officer
Lee-Anne Trevenen, Administration Coordinator

External Gwen Oliver

Financial Implications

At present the Seniors in Lake Grace had a recurring booking of the Village hall from 1.30pm to 5pm on Wednesdays, and 1.30pm to 4.30pm on Thursdays, equivalent to approximately \$39.00 per week in hire fees based on the below hourly rate of \$6.00.

ITEM	Account	2016/17 Fee	GST
<u>Lakes Village Hall</u>			
Hour	1111410	\$ 6.00	Incl GST
Day	1111410	\$35.00	Incl GST

These charges are based on a Single Hirer with Multiple bookings each week.

The financial implications would be a loss of \$2,028 per annum in fees if used for the full year.

Strategic Implications

Shire of Lake Grace Strategic Community Plan Connecting with Our Future 2023
Social S1 Maintain and improve the Shire of Lake Grace as an attractive place to live
S 1.3 Encourage a healthy lifestyle through a range of participation opportunities for youth, seniors and others.

Voting Requirements

Absolute majority (5) required.

Recommendation/Resolution

RESOLUTION 12395

Moved Cr Walker
Seconded Cr Hunt

That Council, waive any fees associated for the hire of the Lakes Village Hall when used by seniors and their associated wellness services.

CARRIED BY ABSOLUTE MAJORITY 8/0

14.4 APPROVAL FOR WRITE OFF OF INTEREST – RATE PAYER 1168

Applicant: Internal
File No. 0789
Attachments: Letter (*under separate cover*)
Author: Ms Kairi Nigol


 Finance Coordinator

Disclosure of Interest: Nil
Date of Report: 17 November 2016
Senior Officer: Ms Linda Gray


 Deputy Chief Executive Officer

Summary

For Council to consider and endorse the write off of penalty interest on Assessments A3014, A3732, A4028, A4030, A4576, A5080 and A6145.

Background

In 2010 the Shire of Lake Grace was advised by Rate Payer 1168 that all Rate Notices relating to the following Assessments A3014, A3732, A4028, A4030, A4576, A5080 and A6145 should be sent to a designated address for payment. This was not done, and consequently the Rate Notices were not paid. These have now accrued interest on rate payments from 2011 due to rate notices never being received by the rate payer. The rate payer has consequently asked for interest accruing to cease, and to be written off.

The request to change the different addresses listed on the Shire's database was never implemented. Therefore, the rates notices continued to go to different addresses and were never received by the Rate Payer 1168, and consequently paid on time.

Rate Payer 1168 is keen to make payment of all rates due, but as the letter advising of the address was forwarded to the Shire of Lake Grace in 2010, they feel that paying interest on "lost" rate notices would be inequitable. The Assessment Numbers affected by this are listed below.

The calculation of the amount proposed to be waived per Assessment Number is also listed below:

Assessment No	Penalty interest to be written off
A3014	448.55
A3732	1712.46
A4028	448.94
A4030	446.34
A4576	446.34
A5080	777.00
A6145	64.62
TOTAL	\$4,344.25

Therefore, the total interest to be approved would be \$4,344.25.

Comment

N/A

Legal Implications

Local Government Act 1995 – section 6.12

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

- (1) Subject to subsection (2) and any other written law, a local government may –*
- (a) When adopting the annual budget, grant* a discount or other incentive for the early payment of any amount of money; or*
 - (b) Waive or grant concessions in relation to any amount of money; or*
 - (c) Write off any amount of money,*
 - (d) 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; and,*
- (4) Regulations may prescribe circumstances in which a local government is not to exercise a power under subsection (1) or regulate the exercise of that power.*

Policy Implications

Policy 3.9 Outstanding Rate Debtors

Ratepayers with outstanding rates may be referred to debt collectors to recover debt where there is no agreed repayment arrangement (it is noted that outstanding rates remain a charge against the land).

Delegation F08 – Write-off of Small Balances

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

Consultation

Internal: Denise Gobbart, Chief Executive Officer
Linda Gray, Deputy Chief Executive Officer
Kairi Nigol, Finance Coordinator

Financial Implications

A loss in revenue of \$4,344.25 will occur with the write off of penalty interest raised on the said properties. This will be reflected in E030250 – Rates Written Off.

Strategic Implications

Focus Area – Civic Leadership

CL1 Elected members provide visionary leadership

CL1.3 Improve organisational capability and capacity

Voting Requirements

Absolute majority (5) required.

Recommendation/Resolution

RESOLUTION 12396

Moved Cr Armstrong
Seconded Cr Stanton

That Council endorse the write off of Penalty Interest charged on unpaid rates on the following properties:


A3014	\$ 448.55
A3732	\$1712.46
A4028	\$ 448.94
A4030	\$ 446.34
A4576	\$ 446.34
A5080	\$ 777.00
A6145	\$ 64.62

CARRIED BY ABSOLUTE MAJORITY 8/0

15.0 MATTERS FOR CONSIDERATION – COMMUNITY SERVICES
--

15.1 11 MALEY STREET (LOT 8) NEWDEGATE – ACQUISITION OF LAND

Applicant: Newdegate Active Precinct Committee
File No. 0783
Attachments: Letter from Main Roads WA
Author: Ms Linda Gray


 Deputy Chief Executive Officer

Disclosure of Interest: Nil
Date of Report: 15 November 2016
Senior Officer: Ms Denise Gobbart


 Chief Executive Officer

Summary

This report recommends Council authorise the Chief Executive Officer to proceed with the acquisition of 11 Maley Street (Lot 8) Newdegate from Lynda and Scott Hackford for the purpose of development of a skate park and playground facility.

Background

This item was presented to Council at the Ordinary Meeting held 28 September 2016, at which time the matter lay on the table, pending further investigation. A request for clarification of planning matters relevant to the proposed location of a Skate Park at 11 Maley Street (Lot 8) Newdegate, and to any possible negative response from Main Roads Western Australia (MRWA), prior to consideration of the acquisition of land for this purpose by the Shire of Lake Grace.

Council, at its 24 August 2016 Ordinary Meeting considered a request from the Newdegate Active Precinct Committee on behalf of the Newdegate community, seeking Council's acceptance of the gift of land at 11 Maley Street, Newdegate for the development of a skate park, playground and park area. Advice was sought from the Department of Local Government and Communities in regard to best practice, and in the interest of good governance, it was advised that the Council would need to actually purchase the land, with the funds promised by the Newdegate Field Day Committee being received for that purpose through the Shire's accounts.

Prior to agreement being reached by the Council, at its 28 September 2016 Ordinary Meeting, it was agreed that information needed to be provided by the Shire of Lake Grace's planners and by MRWA as to the proposed location, and any concerns that may arise (refer to attached).

The Newdegate Active Precinct Committee hosted a community consultation day as well to further gauge the committee's support for the project on Wednesday 28 September 2016, and information has since been received on the result.

Comment

This information required from the Shire's consultant town planners, Urban & Rural Perspectives also needed to provide guidance on the process of the change of use of the land from Commercial (Shop) to Commercial (Recreation – Public), as well as the parking requirements for the proposed facility, and assessment of parking bays in existence. The

request to MRWA was basically limited to the location of the skate park to the existing T Junction of Maley Street to the Lake Grace/Newdegate Road, which is a busy thoroughfare.

An email was received from Joe Douglas of Urban & Rural Perspectives on 5 October 2016, in regard to planning the following advice was given:

- The land is classified 'Commercial' zone under LPS No.4;
- The proposed development and use of the land is most appropriately defined in LPS No.4 as 'Public Recreation' which is listed in the Zoning Table of LPS No.4 as being a permitted (i.e. 'P') use on any land classified 'Commercial' zone;
- Notwithstanding the use is listed in LPS No.4 as being permitted, Council's development approval is still required for any such development and usage which means a development application needs to be prepared and submitted to the Shire for assessment and referral to Council for final determination. That application will deal with both the proposed development (i.e. works) and use of the land;
- Despite being listed as a permitted use in LPS No.4 Council does have the legal power to refuse a development application for the land if they form the opinion the proposal is unsuitable in terms of its potential amenity impacts or on safety grounds; and,
- Given the nature of the proposal and early indications from you that Main Roads WA have no concerns, it is highly likely that we would recommend in our final report that Council grant conditional approval to the application.

Further to this matter, advice was also received from Joe Douglas, Urban & Rural Perspectives, in an email dated 12 October 2016, that:

Parking:

- With regard to on-site parking requirements I can confirm the use class 'Public Recreation' is not specifically listed in the Site and Development Requirements Table contained in LPS No.4 which means there are no prescribed car parking standards for such development and usage; and,
- Clause 5.26 of LPS No.4 expressly states that for those uses not specifically mentioned in Table 2 the number of car parking spaces to be provided on-site shall be determined by Council in each and every case having regard for the likely parking demand.

Joe Douglas further states that:

"From my experience with skate parks most people using them generally walk there so I don't see car parking as a major issue, particularly given all the on-street parking currently available in close proximity to the property in question. Notwithstanding this fact Council may form the view the proposed development and use of the land for a skate park is unacceptable on the grounds it could undermine the objectives of the land's current 'Commercial' zoning classification and is better suited for commercial type development and usage given its location in the Newdegate town centre area and the limited amount of land available to accommodate future commercial type development".

Inconsistency with the following objectives for all 'Commercial' zoned land in the Shire could therefore be used by Council as a basis for refusing a development application for a skate park on the property in question:

Commercial Zone Objectives:

- To ensure that the zone develops and continues to function effectively as the principal place for retail shopping, commercial, civic and administrative activity within each townsite and the District generally;
- To encourage a high standard of development which serves to enhance the character of the zone;
- To encourage the retention and development of features which enhance the appearance of the zone, give it character or provide a sense of identity;
- To maintain the compatibility with the general streetscape for all new buildings in terms of scale, height, style, materials, street alignment and design of facades;
- To maintain safety and efficiency of traffic flows and ensure that adequate provision is made for the circulation and parking of vehicles;
- To preclude the storage of bulky and unsightly goods where they may be in public view;
- To provide for residential uses only where such uses are combined with a commercial use; and,
- To encourage and assist the restructuring of the built environment of the zone to enhance; pedestrian movement systems, the appearance of buildings, car parking areas and open spaces, user convenience and safety and traffic management.

Consultation Meeting:

Advice was received from Sarah Lloyd, Newdegate Active Precinct Committee, by email on 20 October 2016, that approximately 50 people attended the consultation session with Convic, a company who specialises in the design and construction of skate parks in regional Western Australia. A concept design was presented, with question time, and a survey completed. Good constructive ideas were discussed, and the session was asked their opinion of the site. The general consensus was that it was the best site for the town, as long as safety issues were addressed.

MRWA:

Advice received from MRWA in their letter dated 28 October 2016, that “from the information provided that the proposed development will not have an adverse impact on the MRWA network and therefore advises no objection to the proposal”.

Legal Implications

Local Government Act 1995

Shire of Lake Grace – Local Planning Scheme No. 4

Policy Implications

Shire of Lake Grace Policy: 1.11 - Use of Common Seal
 1.13 - Community Engagement
 3.7 - Purchasing Policy
 7.9 - Asset Management

Consultation

Internal - Denise Gobbart, Chief Executive Officer
 External - Joe Douglas, Urban & Rural Perspectives
 Janet Hartley-West, Main Roads WA
 Sarah Lloyd, Newdegate Active Precinct Committee

Financial Implications

To facilitate the purchase of 11 Maley (Lot 8) Street Newdegate by the Shire, the Newdegate Machinery Field Days Inc. will be required to transfer the sum of \$15,000 plus the associated settlement fess to the Shire.

A quote received from Freeway Settlement Services state the following costs:

Settlement fees including disbursements and GST	\$660.00
Stamp duty for vacant residential land (GST free)	\$285.00
Landgate Registration Fee (GST free)	\$165.80
Total:	\$1,110.80

As at 18 November there are outstanding rates payable on the property. The costs are \$410.00 on rates, \$71.00 on Emergency Service Levy and \$33.83 on Newdegate SARs of which \$264.15 has been received.

As per above the total cost to the Newdegate Machinery Field Days Committee Inc. for the purchase of the land will be \$16,110.80.

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

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

In addition, as the proponent on behalf of the Newdegate Active Precinct Committee, two grant applications have been submitted; one to Royalties for Regions for \$48,000 and LotteryWest for \$100,000, no response has yet been received as to their success.

Strategic Implications*Shire of Lake Grace Community Strategic Plan*

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

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

Voting Requirements

Absolute majority (5) required.

Resolution**RESOLUTION 12397**

Moved Cr Walker
 Seconded Cr Chappell

That Council suspend clause 9.5 and 9.6 of the Shire's Standing Orders Local Law, at this time being 3.53 pm to discuss Item 15.1 – 11 Maley Street (lot 8) Newdegate – Acquisition of land.

CARRIED 8/0

Resolution**RESOLUTION 12398**

Moved Cr Walker
 Seconded Cr Chappell

That clause 9.5 and 9.6 of the Shire's Standing Orders Local Law resume, at this time being 4.11 pm.

CARRIED 8/0

Recommendation/Resolution**RESOLUTION 12399**

Moved Cr Clarke
 Seconded Cr Chappell

That Council:

1. Approves the acquisition of 11 Maley Street (Lot 8) Newdegate for the development of a community skate park and playground facility;
2. Authorises the Chief Executive Officer to proceed with the acquisition of 11 Maley Street (Lot 8) Newdegate for the sum of \$15,000 from Lynda and Scott Hackford; and,
3. Authorises the Shire President and Chief Executive Officer to affix the Common Seal on the transfer of land and associated documents.

CARRIED BY ABSOLUTE MAJORITY 6/2

Cr Armstrong and Cr Stanton requested their names be recorded as voting against the motion.

16.0 MATTERS FOR CONSIDERATION - ADMINISTRATION

No matters for consideration.

17.0 INFORMATION BULLETIN

17.1 INFORMATION BULLETIN REPORT – NOVEMBER 2016

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



Governance Officer

Disclosure of Interest:	Nil
Date of Report:	17 November 2016
Senior Officer:	Ms Denise Gobbart



Chief Executive Officer

Summary

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

Background

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

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

Copies of other relevant Councillor information are distributed via email.

Comment

This month's (November 2016) Information Bulletin Report has been emailed to Councillors.

The November 2016 Information Bulletin attachment includes:

Reports

1. Council Status Report – October 2016
2. Infrastructure Services Report – October 2016
3. Outstanding Rates Report – October 2016
4. McLeods Local Government Update – Structure Plans – injurious affection and compensation

Letters

5. Neighbour Day – Invitation to be part of Neighbour Day 2017

Circulars & Newsletters

6. New Lake Grace Sub Centre – Newsletter No 8 October 2016
7. Hon Terry Waldron MLA Media Release – Fifteen Wheatbelt Shires to benefit from Lotterywest grant
8. Hon Terry Waldron MLA Media Release – Newdegate group recognised at achievement awards

9. Department of Local Government and Communities – Circular 23/2016
10. Department of Local Government and Communities – Circular 24/2016
11. Department of Local Government and Communities – Circular 25/2016
12. Department of Local Government and Communities – Circular 26/2016
13. Department of Local Government and Communities – Circular 27/2016
14. WALGA Media Release – Planning, Cooperation needed for Waste Strategy Goals
15. WALGA Media Release – Road Safety Initiative Clinches State Award
16. WALGA Info Page – ERA Review of the Water Service Code of Conduct
17. WALGA Info Page – Local Government Bridge Maintenance Program
18. WALGA Info Page – Design WA initiative and new State Planning Policy 7
19. WALGA Info Page – State Risk Local Rollout
20. Media Release – Strategy to put WA's last homebuyers first
21. Department of the Premier and Cabinet – The South West Native Title Settlement Newsletter

Legal Implications

Nil

Policy Implications

Nil

Consultation

N/A

Financial Implications

Nil

Strategic Implications

Shire of Lake Grace Strategic Community Plan

Civic Leadership - Focus Area 5

- *Excellence in Shire administration and communication*

Voting Requirements

Simple majority required.

Recommendation/Resolution

RESOLUTION 12400

Moved Cr Lloyd
Seconded Cr Hunt

That Council accepts the Information Bulletin report.

CARRIED 8/0

18.0 URGENT BUSINESS BY DECISION OF THE MEETING

Items will be discussed under 20.0 Confidential Business.

19.0 SCHEDULING OF MEETING

19.1 DECEMBER 2016 ORDINARY MEETING

The next Ordinary Meeting of Council is scheduled to take place on Tuesday 20 December 2016, commencing at 1.00 pm at the Council Chambers, 1 Bishop Street, Lake Grace.

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

Resolution

RESOLUTION 12401

Moved Cr Walker
Seconded Cr Hunt

That Council meet behind closed doors at 4.14 pm in accordance with the Shire of Lake Grace Standing Orders Local Law 2015, and Section 5.23 of the Local Government Act 1995.

CARRIED 8/0

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

Cr Chappell declared interest affecting impartiality in Item 20.1 2017 Australia Day Citizenship Awards with the nature of the association being a close working relationship with Amanda Milton on the new Ambulance Building.

Cr Clarke declared interest affecting impartiality in Item 20.1 2017 Australia Day Citizenship Awards with the nature of the association being a Lake Grace Development Association member and St John Ambulance volunteer.

20.1 2017 AUSTRALIA DAY CITIZENSHIP AWARDS

Item forwarded under separate cover.

Resolution**RESOLUTION 12402**

Moved Cr Chappell
Seconded Cr Clarke

That Council suspend clause 9.5 and 9.6 of the Shire's Standing Orders Local Law, at this time being 4.15 pm to discuss item 20.1 2017 Australia Day Citizenship Awards.

CARRIED 8/0

Resolution**RESOLUTION 12403**

Moved Cr Chappell
Seconded Cr Clarke

That clause 9.5 and 9.6 of the Shire's Standing Orders Local Law resume, at this time being 4.19 pm.

CARRIED 8/0

Cr Chappell left the meeting 4.24 pm.

Cr Chappell returned to the meeting at 4.25 pm.

Resolution

RESOLUTION 12404

Moved Cr Clarke
 Seconded Cr Lloyd

That Council,

1. endorse the following recipients for the 2017 Australia Day WA, Citizen of the Year Awards;

Lake Grace

Citizen of the Year	
Citizen of the Year - Senior	
Active Citizenship for Group or Event	

Lake King

Citizen of the Year	
Active Citizenship for Group or Event	

Newdegate

Citizen of the Year	
Citizen of the Year - Youth	
Active Citizenship for Group or Event	

2. keep this information confidential until 26 January 2017.

CARRIED 8/0

Mr Paul Webb, Ms Linda Gray and Ms Natasha Bowman left the meeting 4.27 pm.

This item and any attachments are confidential in accordance with Section 5.23(2)(a) of the Local Government Act 1995 as it contains “a matter affecting an employee or employees”.

20.2 MANAGER INFRASTRUCTURE SERVICES – APPOINTMENT

Item forwarded under separate cover.

Resolution

RESOLUTION 12405

Moved Cr Walker
Seconded Cr Clarke

That Council:

1. Accepts the recommendation of the Chief Executive Officer to employ Mr Paul Webb in the position of Manager Infrastructure Services on a three year contract; and,
2. Authorises the President and Chief Executive Officer to affix the Common Seal on the contract of employment.

CARRIED 8/0

This item and any attachments are confidential in accordance with Section 5.23(2)(a) of the Local Government Act 1995 as it contains “a matter affecting an employee or employees”.

20.3 CHIEF EXECUTIVE OFFICER – PROBATIONARY PERIOD AND PERFORMANCE CRITERIA (KPI'S)

Item forwarded under separate cover.

Resolution

RESOLUTION 12406

Moved Cr Walker
Seconded Cr Chappell

That Council:

1. In relation to the employment contract between the Shire of Lake Grace and Ms Denise Gobbart, acknowledges the outstanding work of the Chief Executive Officer during the probationary period; and,
2. That a working group consisting of the Shire President, Deputy Shire President, Cr Lloyd and Cr Chappell meet with the Chief Executive Officer to discuss and develop Key Performance Indicators relevant for the 12 months ending 2 September 2017 for presentation and endorsement at Council's 20 December 2016 Ordinary Meeting.

CARRIED 8/0

Mr Paul Webb, Ms Linda Gray and Ms Natasha Bowman returned to the meeting at 4.58 pm.

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”.

20.4 GP SERVICE AND MEDICAL PRACTICE

Item forwarded under separate cover.

*Cr Walker left the meeting at 5.31 pm.
Cr Walker returned to the meeting at 5.33 pm.
Cr Stanton left the meeting at 5.35 pm.
Cr Stanton returned to the meeting at 5.37 pm.
Mr Paul Webb left the meeting at 5.49 pm.
Mr Paul Webb returned to the meeting at 5.53 pm
Cr Chappell left the meeting at 5.55 pm.
Cr Chappell returned to the meeting at 5.59 pm*

Resolution

RESOLUTION 12407

Moved Cr Armstrong
Seconded Cr Walker

That Council agree for item to be confidential until negotiations are complete.

CARRIED 8/0

Resolution

RESOLUTION 12408

Moved Cr Hunt
Seconded Cr Clarke

That Council move out from behind closed doors at 6.09 pm.

CARRIED 8/0

Having opened the meeting to the public at 6.10 pm the President read aloud the decisions of Council.

21.0 CLOSURE

There being no further business, the Shire President closed the meeting at 6.15 pm.

22.0 CERTIFICATION

I, Jeanette Frances De Landgraft, certify that the minutes of the meeting held on the 23 November 2016 as shown were confirmed as a true record at the meeting held on the 20 December 2016.

Shire President

Date