


15.0 NEW BUSINESS OF AN URGENT NATURE ADMITTED BY COUNCIL

15.1 Carnamah Child Care Centre Inc.

File Code	ADM0396
Author	Vin Fordham Lamont - Chief Executive Officer
Disclosure of Interest	Nil
Attachments	1. Letter from Carnamah Child Care Centre Inc.  2. Plan showing proposed are of land to be gifted 

SUMMARY

Council is requested to support a request from Carnamah Child Care Centre Inc. to:

- allow new leach drains to be installed across the existing boundary between its premises and the Shire Landcare building next door; and
- gift an area of land, as described in the attached plan, to Carnamah Child Care Centre Inc.

BACKGROUND

Carnamah Child Care Centre Inc. (CCCCI) has a major sewerage issue, with the existing terracotta earthenware clay leach drains and tank having collapsed, and the local plumber advising that the system needs to be fully replaced.

When the plumber was discussing the work with the Shire, it was noticed that the proposed new leach drains appeared to extend over the existing lot boundary with the neighbouring Shire property. CCCCCI advised that it had always considered that the existing fence between the two properties followed the boundary line but aerial photography from Landgate shows that this is not the case.

COMMENT

Apart from the proposed leach drains, part of an existing shade sail structure in the rear yard at the child care centre also extends over the neighbouring boundary. Furthermore, a small section of the Shire property also extends behind the CCCCCI property but within existing fencing. A shed was constructed some time ago by CCCCCI on that section of land in the reasonable belief that it was part of the child care centre's rear yard. Neither the shade structure nor the shed are of dimensions that required building approvals.

In view of the fact that the Shire has never queried the siting of the fencing, and that the proposed sewerage works are essential to enable the child care centre to continue its operations, officers are proposing that the Shire gift a small portion of land from the Landcare property to the child care centre property (see attachment). The narrow strip between the properties will accommodate the new leach drains, as well as the protruding section of the shade sail structure. The strip at the rear of the child care centre's back yard will accommodate the existing shed, and also "square off" the boundary between the Shire and CCCCCI land.

It is further proposed that CCCCCI is responsible for all costs involved with the legal transfer of land, surveying, and re-drawing of lot boundaries.

CONSULTATION

Deputy CEO

Leeman Plumbing
Shire's Planning Consultant
Shire's Environmental Health Contractor
City of Greater Geraldton Building Services

STATUTORY ENVIRONMENT

Local Government Act 1995
Section 3.58 Disposing of Property

STRATEGIC IMPLICATIONS

Shire of Carnamah Strategic Community Plan 2017-2027

Theme: Social

Objective: Continuity and improvement of existing services and facilities in the Shire.

Strategy: To support an appropriate level of education in the Shire from child care to Vocational Educational Training Programs.

POLICY IMPLICATIONS

Policy 8.13 Asset Management

FINANCIAL IMPLICATIONS

Minimal – advertising costs of the proposed disposal of property and the cost of valuing 28 MacPherson Street, Carnamah.

VOTING REQUIREMENT

Simple majority

RECOMMENDATION

That Council:

1. Supports the request from Carnamah Child Care Centre Inc. to allow new leach drains to be installed across the existing boundary between its premises at 26 MacPherson Street Carnamah and the Shire Landcare building next door at 28 MacPherson Street Carnamah subject to the following conditions:
 - a. that Carnamah Child Care Centre Inc. undertakes to accept the section of 28 MacPherson Street identified in the attached plan;
 - b. that Carnamah Child Care Centre Inc. undertakes to pay for all costs associated with the legal transfer of land, surveying, and re-drawing of lot boundaries; and
 - c. that Carnamah Child Care Centre Inc. undertakes to carry out all actions to ensure the transfer of land is completed within two years of this Council resolution.
2. Pursuant to Section 3.58 of the *Local Government Act 1995*:
 - a. authorises the gift of that portion of 28 MacPherson Street Carnamah identified in the attached plan to Carnamah Child Care Centre Inc.
 - b. authorises the appropriate advertising of the proposed disposal.