

# SHIRE OF LAKE GRACE



## ***Minutes***

Ordinary Council Meeting

17 December 2008

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## SHIRE OF LAKE GRACE

### MINUTES OF THE ORDINARY MEETING OF COUNCIL HELD AT COUNCIL CHAMBERS, 1 BISHOP ST, LAKE GRACE ON WEDNESDAY, 17 DECEMBER 2008.

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

The Chairperson (Deputy President) opened the meeting at 1.10pm.

#### **2.0 ATTENDANCE RECORD**

##### **2.1 PRESENT**

Cr IG Chamberlain	Deputy Shire President
Cr JF De Landgraft	
Cr AJ Dunkeld	
Cr AI Milton	
Cr WA Newman	
Cr OP Farrelly	
Cr DP Sinclair	
Cr RP Taylor	
Mr HJ Fraser	Chief Executive Officer
Mr MW Burbridge	Manager Corporate Services
Mrs N Owen	Acting Manager Community Services
Mrs J Bennett	Executive Assistant
Mrs E Bishop	Observer
Mrs A Slarke	Observer
Mrs S Hall	Observer

##### **2.2 APOLOGIES**

Cr AJ Walker	Shire President
Mr Lance White	Manager Community Services

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

None

### 3.0 PUBLIC QUESTION TIME

#### 3.1 NEWDEGATE WATER RECYCLING PROJECT - CHLORINATOR

Following on from the question from Mr Ashley McDonald at the November 2008 Ordinary Meeting regarding the supply of a second hand chlorinator from the Water Corporation rather than a new unit, and as directed by Council, the CEO has forwarded a letter to the Minister for Water, Hon Dr Graham Jacobs, requesting clarification of the issue.

#### 3.2 CLEARING OF ROADSIDE VEGETATION

Mrs Annie Slarke advised Councillors that she was present, along with Mrs Elsie Bishop and Mrs Sandra Hall regarding the slashing of roadside vegetation throughout the Shire. Mrs Slarke addressed Council as follows:

*"We are here today to protest strongly against the current method of clearing and pruning of native bush on and near the road verges throughout the Shire.*

*We are not the only community members concerned about this issue. I apologise for the small size of this deputation but the men understandingly are all busy with harvest, as most of you would no doubt like to be.*

*We emailed you all a copy of a letter and photos relating to the slashing of the Beenong Road to support our request.*

*We would like to present these points:*

- *The process used by operators indiscriminately slashes, grinds and shatters trees and bush.*
- *This is particularly evident in the case of the Beenong Road, where apart from the unsightliness, trees are left split down the middle and therefore in danger of falling on to roads and road edges.*
- *Whilst smaller branches and leaves are mulched, large limbs are dropped onto roadsides and left where they become a traffic hazard.*
- *Trees and shrubs beyond the road verges, of little danger to traffic, have been lopped and/or destroyed.*
- *The bulldozing of verge shrubs and trees, such as that happening on South Burngup and Pelham Roads is destroying remnant bushland, which is the habitat of birds and small animals. In this case, the bulldozed vegetation is being dumped on top of uncleared bushland, destroying both in the process. Other instances include the contractor clearing areas in the bush in which to dump the lopped trees.*
- *Roadside verges are part of the Shire's remnant bushland and so should be protected. With the present method, there will be no vegetation left on these roads. We already have many critically endangered and extinct flora species in this area.*
- *Their destruction causes weed encroachment and the introduction of diseases, and thus further competition for native species.*
- *Western Australia is promoted as the Wildflower State. This clearing is often carried out around the wildflower and tourist season, which is particularly bad timing for both tourists and visitors to our area and the regeneration of these species. Our roadsides are being denuded of wildflowers and bushland, and are left ugly and untidy.*

We would appreciate answers to the following questions

1. Why are these methods (indiscriminate slashing, grinding and shattering of trees and bush; bulldozed vegetation being dumped on top of uncleared bushland, contractor clearing areas in the bush in which to dump the lopped trees] being used?
2. Do these methods comply with the State laws or policies for clearing roadside verges?
3. Are the Shire Manager of Works and road crew educated about the conservation of road verges and is their training updated on a regular basis?
4. Are contractors given instructions relating to conservation of the verges and are they monitored?
5. Are contractors employed on an hourly rate, per kilometre or for specific quoted jobs? These obviously have different benefits for the contractor and can encourage more clearing.
6. What can be done now to improve the image of our roads at present and save our native bushland for the future?

*It would be easy to dismiss this as an emotional issue. It is an environmental issue and we as a community, and you as Councillors, are responsible for the care of our environment.*

*Before I close, we would like to take this opportunity to commend the Shire on the restoration of the gravel pits in this area – thank you for your time.”*

The Deputy President thanked Mrs Slarke for her presentation, commented that a lot of issues had been raised and that the questions would be taken on notice with a response to be forwarded in the coming weeks.

**Questions:** Mrs Bishop queried as follows:

1. Whether the various Shires have differing roadside vegetation clearing policies? She commented that Shires in south west WA do not seem to have a problem with having trees close to road edges.
2. Where do permits for clearing come from in regard to rare flora sites?
3. Are letters from ratepayers read out at Council Meetings?

**Replies:**

1. The CEO replied that Shires do have differing policies on roads. The Shire of Lake Grace policy classifies roads into three categories - Class A, B, & C with the nominated road width running from top of back slope to top of back slope and varying from 14 to 16 metres over the three classes. The Policy is written with the safety of roads being the priority. The CEO recounted a recently reported incident whereby the Shire of Leonora was ‘blamed’ for not having the correct signage in place. These legal issues impinge on local government to make sure roads are safe. Council has recently introduced a method of roadside clearing whereby a contractor is hired and uses the slash and grind method where appropriate.
2. Council’s current clearing permits will expire at the end of the 2010 financial year.
3. With regard to correspondence – it is not read out at Council Meetings, the mail is a day to day management matter and the CEO deals with all correspondence and brings the relevant issues to Council’s attention.

The Deputy President advised Mrs Bishop that Councillors do have access to all Council correspondence if required, staff are empowered to provide responses and bring it to the attention of Council when necessary.

**Question:** Mrs Bishop queried the point of writing if it does not come to the attention of Council?

**Reply:** The Deputy President replied that copies can be directly forwarded to Councillors via their home addresses – Councillors can also be directly canvassed at any time - contact details are regularly advertised throughout the District via community newsletters.

**Question:** Mrs Slarke also commented that she had previously written to Councillors and queried whether the letter had been forwarded to Councillors?

**Reply:** With regard to the correspondence, the CEO apologised for any error and advised the correspondence had been received – as it was addressed to Councillors it was presumed the writer had also provided Councillors with a copy.

1.26pm Mrs Slarke, Mrs Bishop and Mrs Hall left the meeting.

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

None.

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

##### **5.1 ORDINARY MEETING – 26 NOVEMBER 2008**

###### Resolution

##### **MOTION 10712**

Moved Cr De Landgraft  
Seconded Cr Taylor

That the minutes of the Ordinary Meeting of Council held on the 26 November 2008 be confirmed as a true and accurate record.

**MOTION CARRIED 8/0**

#### **6.0 DECLARATIONS OF INTEREST**

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

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

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

*Cr Taylor & Milton declared interests of impartiality in Item 18.1*

## 7.0 NOTICES OF URGENT BUSINESS

Refer Item 10.1 Members Reports & Item 16.1

## 8.0 MOTIONS OF WHICH NOTICE HAS BEEN RECEIVED

None

## 9.0 PETITIONS/DEPUTATIONS/PRESENTATIONS/SUBMISSIONS

None

## 10.0 MEMBERS' REPORTS

### 10.1 **CR FARRELLY**

Cr Farrelly reported on attendance at meetings as follows:

**Avon Catchment Council** – together with CEO, met with Avon Catchment Council Executive Officer who came on a public relations visit. We were advised that dollar wise over the next three years Federal funding has been reduced to one third of what was previously available. Salinity is not a priority and there is no money available for Landcare Officers.

**Roe Tourism Association** – attended Roe Tourism Meeting earlier this week, a very informative first meeting, notes from the meeting will be published in the Information Bulletin.

**Audit Committee** – meeting held earlier today. The Committee considered the issues arising out of the interim audit report, all minor things which have been addressed. The Audit Report has not yet been made available, the Committee it is recommends a letter be sent to the Auditors outlining Council's concerns over the lateness of the Audit Report. Cr Farrelly recommends the matter be raised as an item of urgent business at this meeting. Investments and the Purchasing Policy were also discussed.

**Community Bus** – attended a presentation at Council Chambers by Member for Wagin, Hon Terry Waldron MLA of the \$50,000 Lotterywest cheque for the new Lake Grace community bus.

**11.0 MATTERS FOR CONSIDERATION – WORKS & SERVICES****11.1 TENDER 3/2008 – SUPPLY OF 6 X 4 PRIME MOVER TIP TRUCK**

**Applicant:** Chief Executive Officer  
**File No.** 0415  
**Attachments:** Advert & Specifications  
Tender submissions will be available at the meeting  
**Author:** Mr Jim Fraser  
Chief Executive Officer  
**Disclosure of Interest:** Nil  
**Date of Report:** 5 December 2008  
**Senior Officer:** Mr Jim Fraser  
Chief Executive Officer

**Summary**

This report recommends the acceptance of a tender from Kenworth DAF WA for the supply of a DAF Model FAT CF85.460, 6 x 4 tipper/prime mover.

**Background**

Tenders closing at 3:00pm on Wednesday 3 December 2008, were advertised in the West Australian newspaper on Saturday 15 November 2008.

Tenders were received from:

- WA Hino
- Kenworth DAF WA
- Skipper Trucks
- Truck Centre

Since the opening of tenders, on 8 December 2008, a late tender was received from Jem Truck Sales which was not considered in the assessment process.

**Comment**

Tenders were opened at 8:30am on Thursday 4<sup>th</sup> December 2008 in the presence of the following staff:

Chief Executive Officer  
Executive Assistant  
Senior Administration Officer  
Works Overseer  
Shire Mechanic

The tenders are summarised as follows:-

TENDERER	VEHICLE	PRICE LESS GST	TRADE IN NET TO COUNCIL	PURCHASE PRICE
WA Hino Sales & Service	Hino 700 Series SSI EKRK 450	\$227,476.00	\$50,000.00	\$177,476.00
Skipper Trucks (1)	Inter Eagle 9200i 6 x 4	\$281,000.00	\$59,100.00	\$221,900.00
Skipper Trucks (2)	Iveco Power Star ADN 6 x 4	\$264,500.00	\$59,100.00	\$205,400.00
Kenworth DAF WA (1)	Kenworth T408 SAR 6 x 4	\$362,963.00	\$40,909.00	\$322,054.00
Kenworth DAF WA (2)	DAF FAT CF85 460 6 x 4	\$260,262.00	\$40,909.00	\$219,353.00
Truck Centre Kewdale(1)	Volvo Cab Chassis	\$228,000.00	\$40,000.00	\$188,000.00* \$259,660.00
Truck Centre Kewdale(2)	Mack Granite Cab Chassis	\$190,000.00	\$40,000.00	\$150,000.00* \$221,660.00
*Add \$71,660.00 for Howard Porter				

The tenders from Truck Centre were considered to be non-complying in that, whilst there was an indicative price for the body works, the tender only referred to the price of the supply of a prime mover. Staff have noted the concept and will give due consideration to inviting tenders on a component basis in the future.

The assessment of the conforming tenders was carried out on the basis of the following criteria:

Tender Price	40%
Resale Value / Date of Manufacture	25%
Warranty Servicing and Performance	20%
Local Price Preference (deleted from assessment)	5%
Delivery / Availability	10%

VEHICLE	PRICE	RESALE	WARRANTY	DELIVERY	SCORE
Hino 700 Series SSI EKRK 450	40%	10%	15%	10%	75/95
Inter Eagle 9200 1 6 x 4	30%	15%	15%	10%	70/95
Iveco Power Star ADN 6 x 4	35%	15%	15%	10%	75/95
Kenworth T408 SAR 6 x 4	20%	25%	20%	10%	75/95
DAF FAT CF85 460 6 x 4	35%	20%	20%	10%	85/95
Volvo Cab Chassis	Not Assessed				
Mack Granite Chassis	Not Assessed				

The 2008/09 budget includes an amount of \$250,000.00 for the purchase price of a new truck and an allowance for the trade-in of the Sterling prime mover of \$60,000.00 leaving a nett of \$190,000.00.

In assessing the tendered vehicles the features of the DAF Model FAT CF85.460 impressed staff; in particular the ZF 12 speed semi automated gearbox. It is becoming increasingly difficult to recruit experienced staff particularly with experience with 18 Speed Road ranger gearboxes. Another feature is the Selective Catalytic Reducer which enables new DAF vehicles to achieve Euro 4 emission requirements.

The current Sterling truck is fitted with airbag suspension and it is fair to say that there has been concern expressed by the mechanic and operators with this feature. Due to the specification level sought for the replacement vehicle to achieve a suitable Gross Combination Mass (minimum 62T) all tendered vehicles have airbags fitted. The recommended vehicle is fitted with four Airglide 200 airbags per axle.

Whilst the trade-in price is below expectation the world financial situation may have had some impact and with the current exchange rate, staff recommend acceptance of the price and the placement of an order for the new truck as a matter of urgency.

Legal Implications

Local Government (Functions & General) Regulations

Policy Implications

Not Applicable

Consultation

External - Several Councils were consulted in relation to their experiences with the tendered vehicles

Internal - Works Overseer  
Shire Mechanic  
Manager Corporate Services

Financial Implications

The net figure exceeds the budget by approx. \$30,000.00. Savings have been achieved with the purchase of the water tanker and there are funds available through Reserve Fund transfers. It is recommended that the six monthly budget review due after 31 December 2008 include a recommendation in relation to the purchase.

Strategic Implications

The development of a ten year plant replacement programme will be a component of the strategic plan.

Cultural Implications

Nil

Voting Requirements

Simple majority required.

Recommendation/Resolution

**MOTION 10713**

Moved Cr Newman  
Seconded Cr Sinclair

That the tender from Kenworth DAF WA for the supply of a DAF Model FAT CF85.460 6 x 4 Prime Mover/tip truck be accepted at a purchase price of \$260,262.00 (GST exclusive), on basis of trading a Sterling Prime Mover (LG255) for \$40,909.00 (GST exclusive), leaving a changeover balance of \$219,353.00 (GST exclusive).

**MOTION CARRIED 8/0**

## 12.0 MATTERS FOR CONSIDERATION – TOWN PLANNING

### 12.1 PROPOSED STRUCTURE PLAN (STAGE 1) – UNALLOCATED CROWN LAND EAST OF SPENCER AVENUE LAKE KING TOWNSITE

**Applicant:** Shire of Lake Grace  
**File No.:** 0510  
**Attachments:** Plans 1 to 3 & Attachment 1  
**Author:** Mr Joe Douglas & Carlo Famiano  
 Town Planning Consultant  
**Disclosure of Interest:** Nil  
**Date of Report:** 9 December 2008  
**Senior Officer:** Mr Jim Fraser  
 Chief Executive Officer

#### Summary

This report documents the outcomes from the recent public advertising of the proposed Structure Plan (Stage 1) for the eastern segment of the Lake King Townsite and provides a recommendation for Council regarding the plan's final adoption.

#### Background

A Structure Plan has been prepared at the request of the Shire to provide for the staged development and release of approximately 42.6 hectares of unallocated Crown land located east of Spencer Avenue in the Lake King townsite (see Plans 1 & 2 – Location & Aerial Site Plans).

At its Ordinary Meeting held on 22 October 2008 Council resolved to endorse the Structure Plan (Stage 1) prepared in respect of the Lake King townsite in accordance with the procedures prescribed in Clause 5.10 of the Shire of Lake Grace Local Planning Scheme No.4 (LPS No.4). The Structure Plan, entitled 'Proposed Structure Plan – Stage 1 Development', will guide the future subdivision and development of land in the eastern segment of the Lake King townsite (see Plan 3 – Proposed Structure Plan).

Final adoption and endorsement of the Structure Plan as a Local Planning Policy under LPS No.4 is required prior to the preparation and submission of any subdivision applications to the Western Australian Planning Commission for approval to commence subdivision development.

The proposed Structure Plan (Stage 1) has been prepared in accordance with the strategic objective of the Shire's 'Local Planning Strategy' as this applies specifically to the Lake King townsite, including the requirement

to prepare and adopt a Structure Plan for the land to ensure that all future development proceeds in a proper and orderly manner with due regard for existing land uses, environmental characteristics and physical constraints. The proposed Structure Plan (Stage 1) is consistent with the objectives outlined in the Shire's 'Local Planning Strategy'.

### Comment

The proposed Structure Plan was advertised for public comment for the minimum required period of fourteen (14) days concluding on 21 November 2008. The advertising process included advertisements in the local newsletters, correspondence to the relevant government agencies and display of the plan at the Shire's administration centre. At the conclusion of the public advertising process a total of six (6) submissions had been received by the Shire, all of which were from government agencies. A summary of all submissions received is provided in the attached 'Schedule of Submissions' (see Attachment 1).

A detailed review of the submissions has revealed that the government agencies that provided a response are generally supportive of the plan and have no objections to the proposal, with the Water Corporation and the Department of Water providing the following technical information:

i) Water Corporation

The Water Corporation has advised that the existing water supply system in the Lake King townsite is currently operating at full capacity. Any additional lots created in accordance with the Structure Plan could not therefore be served if development was to proceed in the short term future. The Water Corporation recognises the importance of supporting the further development of Lake King however significant funds would be required to expand the water supply infrastructure to meet the additional demand for this development. Availability of this funding would depend on capital priorities of the Corporation at the time.

ii) Department of Water

The Department of Water has advised that a Local Water Management Strategy (LWMS) should be prepared for the Lake King townsite in conjunction with the structure plan. The LWMS should contain a level of information that reflects the site constraints and risk to water resources and a commitment to prepare an Urban Water Management Plan at subdivision stage.

The submissions received during public advertising do not recommend any modifications to the Structure Plan. As such Council is now in a position to finally adopt the plan. Once Council has adopted the plan it must then be referred to the Western Australian Planning Commission for final endorsement to enable the Commission to formally consider any future subdivision applications for land within this area.

Council is reminded that the current Structure Plan being considered for final adoption represents Stage 1 of development in the eastern segment of the Lake King townsite and that planning for Stage 2 will be undertaken at a later date in accordance with market demand. It should also be noted that preparation of Stage 2 of the Structure Plan will be required to follow the same process as the Stage 1 plan, including public advertising.

### **Conclusion**

Preparation of the proposed Structure Plan (Stage 1) for the unallocated Crown land east of Spencer Avenue in the Lake King townsite is required to enable the development and release of additional residential lots. In considering the submissions made on the attached Structure Plan (Stage 1) Council should note that the plan:

- i) is consistent with the objectives for future development in the Lake King townsite as prescribed by the Shire's current 'Local Planning Strategy';
- ii) will provide for the development and release of additional residential lots in the short term future to satisfy current and anticipated demand for additional land in the townsite;
- iii) is generally aligned with the outcomes intended by the current town planning framework applicable to the immediate locality; and
- iv) is generally supported by the local community and government agencies with an interest in the land as evidenced by the submissions received by the Shire during the recent public advertising process.

To that extent it is recommended that Council finally adopt the Structure Plan (Stage 1) presented herewith and authorise the Shire administration to refer the plan to the Western Australian Planning Commission for final endorsement.

### Legal Implications

Planning and Development Act 2005  
Shire of Lake Grace Local Planning Scheme No.4  
Shire of Lake Grace Local Planning Strategy

### Policy Implications

In order to provide for the coordinated subdivision and development of vacant land within the eastern segment of the Lake King townsite Council must first prepare and adopt a Structure Plan as a Local Planning Policy in accordance with the specific requirements of the Shire's current operative Local Planning Scheme No.4.

### Consultation

The proposed Structure Plan was advertised for public comment in accordance with the specific requirements of clauses 2.4 and 5.10 of

Local Planning Scheme No.4. Advertising was undertaken by the Shire for a minimum period of fourteen (14) days and concluded on 21 November 2008.

Financial Implications

The cost of preparing, advertising and finally adopting the proposed Structure Plan (Stage 1) is required to be met by the Shire of Lake Grace and is estimated to be in the order of \$1,500.00 excluding GST. The cost of this work has been accounted for in Council's budget for the 2008/2009 financial year.

Strategic Implications

The development of the unallocated Crown land east of Spencer Avenue in the Lake King townsite is consistent with the strategic land use planning direction afforded by the Shire of Lake Grace's Local Planning Strategy as this relates to future residential development in the Lake King townsite.

Cultural Implications

Nil

Voting Requirements

Simple majority required.

Recommendation/Resolution

**MOTION 10714**

Moved Cr Dunkeld  
Seconded Cr Sinclair

That Council:

1. Adopt the Structure Plan (Stage 1) prepared in respect of the unallocated Crown land located in the eastern segment of the Lake King townsite as depicted in the attached Plan 3 dated 23 September 2008; and,
2. Authorise the Shire administration to make arrangements to refer the Structure Plan to the Western Australian Planning Commission for final endorsement.

**MOTION CARRIED 8/0**

## 12.2 PROPOSED MODIFICATIONS - LAKE GRACE TOWNSITE BOUNDARY

**Applicant:** Shire of Lake Grace  
**File No.:** 0376  
**Attachments:** Plans 4 & 5 and Attachment 2  
**Author:** Mr Joe Douglas & Carlo Famiano  
Town Planning Consultant  
**Disclosure of Interest:** Nil  
**Date of Report:** 9 December 2008  
**Senior Officer:** Mr Jim Fraser  
Chief Executive Officer

### Summary

This report documents the outcomes from the recent public advertising of the proposal to modify the current designated boundaries of the Lake Grace townsite for the purpose of excluding a number of rural residential lots.

The proposed boundary modifications have arisen as a direct result of a request from the current owner (ratepayer) of an affected lot and will result in the overall size of the Lake Grace townsite being slightly reduced.

### Background & Comment

The Lake Grace townsite was gazetted in 1916 and is delineated by the area depicted on the attached Plan 4 (Existing Townsite Boundary). Lake Grace currently has a clearly identified boundary which delineates the extent of the gazetted townsite area.

A current owner (ratepayer) of land located within and on the fringe of the Lake Grace townsite has requested that the Shire consider modifying the existing townsite boundary to exclude all those lots currently classified 'Rural Residential' zone in the Shire's Local Planning Scheme No.4 (LPS No.4) to bring the rating of these properties into line with other similarly zoned properties located outside but in close proximity to the townsite.

Details of the alternative townsite boundaries for Lake Grace are shown in Plan 5. Under the terms of this plan a total of sixteen (16) lots will be excluded from the townsite area.

At its Ordinary Meeting held on 23 July 2008 Council passed the following resolution in relation to the proposal:

*"That Council resolve to support the proposed modifications to the designated boundaries of the Lake Grace townsite as depicted on Plan 8 of this report and authorise the Shire Administration to submit a formal written request to the Minister for Lands seeking approval to*

*the revised boundaries pursuant to Clause 26 of the Land Administration Act 1997.”*

On 10 September 2008, the Shire received correspondence from the State Land Services Division of the Department for Planning and Infrastructure (DPI-SLS) advising that the proposed modifications to the Lake Grace townsite boundary will require advertising for public comment prior to be considered by DPS-SLS and presented to the Minister for consideration and final approval.

In accordance with the advice provided by DPI-SLS the proposal was advertised for public comment for a period of thirty five (35) days which concluded on 11 December 2008. The advertising process included notices in a local newsletter circulated in the district, correspondence to the relevant government agencies and affected land owners and display of the relevant report and plans at the Shire’s administration centre.

At the conclusion of the public advertising process a total of six (6) submissions had been received, all of which were from government agencies. A summary of the submissions received by the Shire is provided in the attached ‘Schedule of Submissions’ (see Attachment 2).

A detailed review of the submissions has revealed that the government agencies are generally supportive of the proposed changes to the Lake Grace townsite boundary and that no modifications to the proposal were recommended. As such Council is now in a position to finally resolve to request the Minister for Lands to grant final approval to the townsite boundary modifications as proposed.

### **Conclusion**

Given that no objections were received during public advertising of the proposed modifications to the current designated boundaries of the Lake Grace townsite, it is recommended that Council finally endorse the proposed boundary modifications and submit a formal written request to the Minister for Lands seeking approval to the revised boundaries pursuant to Clause 26 of the Land Administration Act 1997.

### Legal Implications

Land Administration Act 1997

### Policy Implications

Nil

### Consultation

The proposal was advertised for public comment in accordance with written advice received from the State Land Services Division of the Department for Planning and Infrastructure.

Advertising concluded on 11 December 2008 with a total of five (5) submissions having been received by the Shire, all of which were from government agencies (see Attachment 2).

#### Financial Implications

All costs associated with modifying the boundaries of the Lake Grace townsite are required to be borne by the Shire and is estimated to be in the order of \$2,500.00 excluding GST. The cost of this work could be absorbed in Council's budget for general town planning work in the 2008/2009 financial year.

The proposed modifications to the townsite boundary will result in a decrease in the total amount of rates payable to the Shire on an annual basis for thirteen (13) of the sixteen (16) lots affected by the changes as the rating of these properties would be based on their unimproved value rather than their gross annual rental value as determined by the Valuation Division of the Department for Planning and Infrastructure.

An estimate of the extent of the reduced rate income has not been prepared however the loss of revenue could be expected to be substantial given the number of lots affected. Notwithstanding this possible loss, it may be prudent for Council to consider accepting this loss to ensure a consistent and more equitable approach to the rating of all 'Rural Residential' zoned lots in close proximity to the Lake Grace townsite.

#### Strategic Implications

In order to accommodate the future expansion of the Lake Grace townsite the Shire of Lake Grace's Local Planning Strategy supports development of the vacant 'Residential' zoned land in the eastern part of the townsite for future residential purposes, whilst that land fronting Dewar Street is identified as having potential to be developed for industrial and service commercial type uses. It is significant to note that the Strategy does not identify those lots proposed to be removed from the townsite as being of key strategic importance to the future expansion and development of the town for urban purposes. Most of the affected lots are in fact classified 'Rural Residential' zone under LPS No.4 with limited potential for future urban development.

#### Cultural Implications

Nil

#### Voting Requirements

Simple majority required.

Recommendation/Resolution

**MOTION 10715**

Moved Cr Newman  
Seconded Cr De Landgraft

That Council:

1. Note the submissions received during public advertising of the proposed modifications to the designated boundaries of the Lake Grace townsite as depicted on Plan 5 of this report;
2. Endorse the 'Schedule of Submissions' including Council's recommendations in respect of each submission as provided in Attachment 2 to this report;
3. Request the Hon. Minister for Lands to grant final approval to the proposed modifications to the designated boundaries of the Lake Grace townsite as depicted on Plan 5 of this report pursuant to Clause 26 of the Land Administration Act 1997;
4. Authorise the Shire Administration to prepare the required documentation for submission to the Hon. Minister for Lands for formal consideration; and
5. Advise those agencies that prepared and lodged a submission on the proposal during public advertising of Council's resolution to proceed with the project.

**MOTION CARRIED 8/0**

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

*No matters for consideration.*

## 14.0 MATTERS FOR CONSIDERATION – FINANCE

### 14.1 ACCOUNTS FOR PAYMENT – NOVEMBER 2008

**Applicant:** Shire of Lake Grace  
**File No.** 0277  
**Attachments:** List of Creditors  
**Author:** Mr Mark Burbridge  
Manager Corporate Services  
**Disclosure of Interest:** Nil  
**Date of Report:** 9 December 2008  
**Senior Officer:** Mr Jim Fraser  
Chief Executive Officer

#### Summary

For Council to ratify expenditures incurred for the month of November 2008.

#### Background

List of payments for the month of November 2008 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

N/A

#### Consultation

N/A

Financial Implications

The list of creditors paid for the month of November 2008 from the Municipal Account totals \$534,879.84, and from the Trust Account totals \$200.00.

Strategic Implications

N/A

Cultural Implications

N/A

Voting Requirements

Simple majority required.

Recommendation/Resolution

**MOTION 10716**

Moved Cr Farrelly  
Seconded Cr Newman

That Municipal Account cheques 33414 to 33438, Electronic Funds Transfers EFT4631 to EFT4721, direct debits to the Municipal Accounts totalling \$534,879.84, and Trust Account cheque 565 totalling \$200.00, having been checked and certified in accordance with the Financial Management Regulation 12, be confirmed, and passed for payment against the respective accounts as shown on the summary of Accounts for Payment schedule.

Cheque number 33418 was cancelled.

**MOTION CARRIED 8/0**

## 14.2 FINANCIAL STATEMENTS – NOVEMBER 2008

**Applicant:** Shire of Lake Grace  
**File No.** 0275  
**Attachments:** Financial Reports  
**Author:** Mrs Danielle Robertson  
Senior Finance Officer  
**Disclosure of Interest:** Nil  
**Date of Report:** 9 December 2008  
**Senior Officer:** Mr Jim Fraser  
Chief Executive Officer

### Summary

Consideration of the financial statements for the month ending 30 November 2008.

### Background

The following financial reports are included for your information:

- Monthly Statement of Financial Activity
- Summary of Net Current Assets
- Operating Statement by Programme
- Balance Sheet
- Assets Purchased and Sold
- Capital Road Works, Operating Expenditure and Operating Income Graphs
- Bank Reconciliation

### Legal Implications

Local Government Act 1995 – section 6.4  
Local Government (Financial Management) Regulations 1996

### Policy Implications

N/A

### Consultation

N/A

### Financial Implications

Nil.

### Strategic Implications

N/A

### Cultural Implications

N/A

Voting Requirements

Simple majority required.

Recommendation/Resolution

**MOTION 10717**

Moved Cr Taylor  
Seconded Cr De Landgraft

That the financial reports for the month ending 30 November 2008 as attached be received.

**MOTION CARRIED 8/0**

**14.3 INVESTMENT OF SURPLUS FUNDS**

**Applicant:** Shire of Lake Grace  
**File No.** 0267  
**Attachments:** Nil  
**Author:** Mr Mark Burbridge  
 Manager Corporate Services  
**Disclosure of Interest:** Nil  
**Date of Report:** 9 December 2008  
**Senior Officer:** Mr Jim Fraser  
 Chief Executive Officer

**Summary**

Report on the investment of surplus funds for the Municipal and Reserve Funds.

**Background**

A report on investment activity is presented to Council each month (where applicable) in accordance with Council Policy 3.5.

**Comment**

The following surplus funds have been invested during November 2008:

<b>Financial Institution</b>	<b>Fund</b>	<b>Lodgement</b>	<b>Maturity</b>	<b>Term</b>	<b>Amount</b>	<b>Interest Rate</b>
Elders Rural Bank	Municipal	12/9/08	12/12/08	3 months	\$1,000,000.00	7.70%
Elders Rural Bank	Reserve	12/9/08	12/03/09	6 months	\$1,200,000.00	8.05%

Council held approximately \$300,000 in its Municipal Cheque account at the end of November 2008 to meet upcoming cash expenditure requirements.

Further funds are now able to be claimed for Road Projects which will assist with cash flow requirements into December.

It is anticipated that \$750,000 will be reinvested when Council's existing \$1million term deposit matures in mid-December.

**Legal Implications**

Nil.

**Policy Implications**

As per Council Policy 3.5

**Consultation**

N/A

Financial Implications

N/A

Strategic Implications

N/A

Voting Requirements

Simple majority required.

Recommendation/Resolution

**MOTION 10718**

Moved Cr Newman  
Seconded Cr Sinclair

That the investment report for November 2008 be approved.

**MOTION CARRIED 8/0**

**14.4 COMMONWEALTH GOVERNMENT REGIONAL AND LOCAL  
COMMUNITY INFRASTRUCTURE PROGRAMME - GRANT**

**Applicant:** Department of Infrastructure, Transport, Regional  
Development & Local Government  
**File No.** 0363  
**Attachments:** Email & Program Guidelines  
**Author:** Mr Jim Fraser  
Chief Executive Officer  
**Disclosure of Interest:** Nil  
**Date of Report:** 5 December 2008  
**Senior Officer:** Mr Jim Fraser  
Chief Executive Officer

**Summary**

This report recommends two water projects to expend the \$100,000.00 Regional and Local Community Infrastructure grant.

**Background**

At the inaugural meeting of the Australian Council of Local Government held on 18 November 2008, the Prime Minister the Hon. Kevin Rudd MP launched the Regional and Local Government Community Infrastructure Programme allocating \$250 million to local government to stimulate growth and economic activity across Australia.

The allocation to Council was \$100,000.00 and the conditions attached include the requirement for Council to enter into an agreement with the Commonwealth by 30 January 2009 and to expend the funds prior to 30 September 2009.

An additional allocation of \$50 million has been made available for projects (RLCIP – Strategic Project) requiring a contribution from the Federal Government of at least \$2 million. The programme is application based with the closing date being 23 December 2008.

**Comment**

There have been a number of projects suggested by Councillors including the Newdegate Townsite Rejuvenation Project and a recycling station for Lake King.

In discussions within the Senior Management Group, a number of projects were canvassed including ongoing planning for the next stage of the Lake Grace Sporting precinct development; continued refurbishment of the Lake Grace swimming pool; improvements to the Varley hall and landscaping around the Lake King toilet block.

Staff agreed through consensus that the funds be allocated to the Newdegate and Varley water projects.

There has been a request from the Newdegate community to seek funding for a project to clean out and deepen the town dam which is utilised to water the grassed ovals within the sports complex.

Whilst there are various opinions on whether the dam can be deepened local contractors have advised that the project is achievable.

Both dams at Varley are full, however there is no system in place to pump the water from the collection dam to the storage dam. The original concept plan included a pump and pipeline, as well as the installation of a tank within the CBH facility to enable farmers to access the water without the need to construct a hardstand adjacent to the storage dam.

It is acknowledged that with minimum time between meetings and harvest in progress there has not been an opportunity to fully canvass interested community members in relation to the nominated projects.

Should Council wish to delay a decision on the allocation of the funding arrangements can be made to call a special meeting in January 2009 to finalise an application.

Legal Implications

There will be a requirement for Council to enter into an Agreement with the Federal Government.

Policy Implications

Not Applicable

Consultation

Internal – Manager Community Services  
Works Supervisor

Financial Implications

There will be a requirement to amend the 2008/2009 budget to reflect the project.

Strategic Implications

The development of water storage facilities will be included in Council's Strategic Plan.

Cultural Implications

Nil

Recommendation

That in relation to the Regional and Local Community Infrastructure Programme the following projects be submitted:

1. Increase the storage capacity of the Newdegate town dam at an estimated cost of \$75,000.00.
2. Construct hardstand areas; manufacture standpipes and purchase and install pumping equipment and poly pipe at Varley Community Dam project and seek funding of \$25,000.00 from the Programme.

Voting Requirements

Simple majority required.

Resolution

**MOTION 10719**

Moved Cr Newman  
Seconded Cr Dunkeld

That in relation to the Regional and Local Community Infrastructure Programme the following projects be submitted:

1. Repair and rectify the Newdegate town dam at a cost of up to \$75,000.00.
2. Construct hardstand areas; manufacture standpipes and purchase and install pumping equipment and poly pipe at Varley Community Dam project and seek funding of \$25,000.00 from the Programme.

**MOTION CARRIED 8/0**

***REASON FOR CHANGE***

***Council wished to retain the option of varying the Newdegate town dam project as it has yet to be determined whether the dam capacity:***

- 1. can be increased; or,***
- 2. if the current capacity is already sufficient for the town's needs.***

***Staff to follow up the matter.***

## 14.5 2007/08 ANNUAL REPORT & ANNUAL GENERAL MEETING OF ELECTORS

*The CEO requested permission to withdraw Item 14.5 - as the Audited financial statements are not yet available from Council's Auditors we are unable to meet the timelines for the Annual General Meeting of Electors.*

*Note: It is the CEO's intention to speak to the management team at UHY Haines Norton to find out reasons why the reports are not ready. The Auditors contract expires on 30 Jun 2009 – at that time an item will be prepared for Council to consider the tendering process for audit services.*

<b>Applicant:</b>	Shire of Lake Grace
<b>File No.</b>	0202
<b>Attachments:</b>	Annual Report to be tabled at the meeting.
<b>Author:</b>	Mr Mark Burbridge Manager Corporate Services
<b>Disclosure of Interest:</b>	Nil
<b>Date of Report:</b>	17 December 2008
<b>Senior Officer:</b>	Mr Jim Fraser Chief Executive Officer

### Summary

The purpose of this report is for Council to endorse the recommendations of the Audit Committee, accept the Annual Report for the 2007/08 financial year and to set a date for the Annual General Meeting of Electors.

### Background

In accordance with the Local Government Act 1995, Council is to accept the Annual Report for a financial year no later than 31 December after that financial year.

If the auditor's report is not available in time for the annual report for a financial year to be accepted by 31 December after that financial year, the annual report is to be accepted by the local government no later than 2 months after the auditor's report becomes available.

The CEO is to give local public notice of the availability of the annual report as soon as practicable after the report has been accepted by the local government.

An annual electors meeting is to be held once every financial year, on a day not more than 56 days after Council has accepted the Annual Report.

Comment

The Final Audit for the Shire of Lake Grace was held on the 16 & 17 October 2008.

The Auditors Report and Management Report are provided as part of the Annual Report and will be tabled at the meeting following the meeting of the Audit Committee.

It is proposed that the Annual General Meeting of Electors be scheduled for 7.30pm Monday 9 February 2009 at the Lake Grace Town Hall. The venue is in keeping with the rotation of the electors meetings between the four towns.

Legal Implications

Local Government Act 1995 s5.54, s5.27 & s5.29

Policy Implications

N/A.

Consultation

N/A

Financial Implications

N/A

Strategic Implications

N/A

Cultural Implications

N/A

Audit Committee Recommendation

That Council:

1. Accept the 2007/08 Annual Report and audited financial statements;
2. Receive the 2007/08 Independent Audit Report and Management Report provided by UHY Haines Norton; and,
3. Advise the Chief Executive Officer to convene the Annual General Meeting of Electors for 7.30pm Monday 9 February 2009 in the Lake Grace Town Hall.

Voting Requirements

Absolute majority (5) required.

Resolution

Moved Cr

Seconded Cr

## 15.0 MATTERS FOR CONSIDERATION – ADMINISTRATION

### 15.1 COUNCIL MEETING DATES 2009

<b>Applicant:</b>	Chief Executive Officer
<b>File No.</b>	0041
<b>Attachments:</b>	Policy 1.2
<b>Author:</b>	Mrs Jeanette Bennett Executive Assistant
<b>Disclosure of Interest:</b>	Nil
<b>Date of Report:</b>	8 December 2008
<b>Senior Officer:</b>	Mr Jim Fraser Chief Executive Officer

#### Summary

For Council to consider its meeting arrangements for 2009.

#### Background

In accordance with the Local Government Act 1995, Council is required, at least once each year, to give local public notice of the date, time and place of its Ordinary Meetings to be held in the coming 12 months.

#### Comment

Council's Policy Manual, policy 1.2, confirms that its meetings are to be held on the fourth Wednesday of each month, except December where it is the third Wednesday.

As in past years, it is proposed to hold meetings in Newdegate, Lake King and Varley for the benefit of local communities. Reflecting on feedback from the Lake King community, the August meeting, normally scheduled to be held in Lake King will now be held in Lake Grace with the September meeting scheduled for Lake King.

The October Meeting has reverted back to a 1.00pm start rather than the 6.00pm start as per the previous three years. The 6.00pm and 9.00am start times for the May and November meetings, held in Newdegate have remained as is for the convenience of Councillors during the seeding and harvest periods.

Following informal discussion with Councillors in November 2008, the following schedule is now prepared for Council's endorsement:

<b>Date</b>	<b>Time</b>	<b>Place</b>
January 2009	N/A	N/A (annual break)
25 February 2009	1.00pm	Council Chambers, Lake Grace
25 March 2009	1.00pm	Varley Recreation Centre
22 April 2009	1.00pm	Council Chambers Lake Grace
27 May 2009	6.00pm	Newdegate Lesser Hall
24 June 2009	1.00pm	Council Chambers Lake Grace
22 July 2009	1.00pm	Council Chambers Lake Grace
26 August 2009	1.00pm	Council Chambers Lake Grace
23 September 2009	1.00pm	Lake King Town Hall
28 October 2009	1.00pm	Council Chambers Lake Grace
25 November 2009	9.00am	Newdegate Lesser Hall
16 December 2009	1.00pm	Council Chambers Lake Grace

The Meeting schedule will be posted on community notice boards before the end of the year and advertised through community newsletters early in the New Year.

#### Legal Implications

Local Government Act 1995 – s5.25(g) requires that local public notice of the schedule of meetings be given.

#### Policy Implications

The schedule of dates is in accordance with Council Policy 1.2 which makes no provision for specific times or locations.

#### Consultation

Internal - Council

#### Financial Implications

The additional cost to hold meetings in the towns of Varley, Newdegate and Lake King is not significant and can be accommodated within Council's budgeted expenses.

#### Strategic Implications

The holding of meetings in all towns throughout the Shire provides improved access by the community to Council operations.

#### Cultural Implications

Continuation of holding meetings away from Council Chambers enables improved community participation.

#### Voting Requirements

Simple majority required.

Recommendation/Resolution**MOTION 10720**

Moved Cr Farrelly  
 Seconded Cr Taylor

That Council give Local public notice of the following schedule of meetings as required by the Local Government Act:

<b>Date</b>	<b>Time</b>	<b>Place</b>
January 2009	N/A	N/A (annual break)
25 February 2009	1.00pm	Council Chambers, Lake Grace
25 March 2009	1.00pm	Varley Recreation Centre
22 April 2009	1.00pm	Council Chambers Lake Grace
27 May 2009	6.00pm	Newdegate Lesser Hall
24 June 2009	1.00pm	Council Chambers Lake Grace
22 July 2009	1.00pm	Council Chambers Lake Grace
26 August 2009	1.00pm	Council Chambers Lake Grace
23 September 2009	1.00pm	Lake King Town Hall
28 October 2009	1.00pm	Council Chambers Lake Grace
25 November 2009	9.00am	Newdegate Lesser Hall
16 December 2009	1.00pm	Council Chambers Lake Grace

**MOTION CARRIED 8/0**

## 15.2 COMMUNITY HOUSING – NEW REGULATORY FRAMEWORK

<b>Applicant:</b>	Department of Housing and Works
<b>File No.</b>	0511
<b>Attachments:</b>	Discussion Paper – A Legislative Framework for Community Housing; Registration Policy - Community Housing Regulation; Discussion Paper – Rental Surpluses Policy
<b>Author:</b>	Mr Jim Fraser Chief Executive Officer
<b>Disclosure of Interest:</b>	Nil
<b>Date of Report:</b>	8 December 2008
<b>Senior Officer:</b>	Mr Jim Fraser Chief Executive Officer

### Summary

This report recommends a course of action to implement change to the management and regulation of the Community Housing sector to protect the capacity of rural local governments to continue to provide housing under various funding avenues.

### Background

The Manager Corporate Services, Mr Mark Burbridge and the author attended a Community Housing Forum in Albany on 13 November 2008. The purpose of the forum was to discuss the regulation of the provision of Community Housing and their effects on the entities providing and managing community housing.

Concurrent to the regulation of the community housing sector, the Department of Housing and Works has produced a discussion paper to amend the Housing Act 1980. Submissions close on 19 December 2008.

There are aspects within the new regulatory framework and the proposed legislative changes that are of extreme concern to staff.

Currently Council manages the following housing stocks:

Staff housing	11 properties in Lake Grace
Doctor's residence	8 Wattle Drive Lake Grace
Country Housing Authority supported housing:	2 properties – Ngt & LG
Govt Regional Officers Housing	14 Blackbutt Way Lake Grace
LOGCHOP Housing	Lake Grace - 2 units Newdegate - 4 units
Joint Venture Housing	Lakes Village (Lake Grace) 7 units Lake Grace – 2 units

Lake King - 4 units  
Varley - 2 units & 1 property

### Comment

The reform of the Community Housing sector has been in progress for some time however there has been minimal participation in the process by Council.

There are a number of issues that may impact on Council including:

1. The Community Housing Directorate within the Department of Housing and Works is proposing to target its capital works investment to larger scale organisations.
2. The Directorate is proposing a three (3) tier registration system:
  - Growth Provider – an established housing manager with a portfolio of 500 or more properties. At this level the Provider is required to participate in the Common Waitlist and Allocation Policy of the Department of Housing and Works and have a constitution dedicated to social housing.
  - Preferred Provider – an established housing manager with a portfolio of 100 or more properties or a Business Plan outlining growth to reach the property portfolio. The Department of Housing and Works is promoting this aspect on the expectation that providers with small numbers of properties will join a regional organisation to qualify for the Preferred Provider status. Staff are concerned that this action will reduce the local influence in the provision of community housing. The Great Southern Community Housing Association based in Albany has already approached Council and despite assurances that locally based suppliers and service trades would be utilised staff are concerned that management will be centrally based in Albany.
  - Registered Providers – this third tier will be open to smaller organisations with housing portfolios of below 100 units with limited capacity or demand for further growth and development of social housing. Registered Providers will not be eligible for the main funding allocation provided by the previous State Government but **may be** eligible for community housing programs.

The eligibility criteria includes:

- Providing housing to applicants who are eligible for public housing from a specific target group or within a specified geographical location
- Have written tenancy, property and financial management policies and procedures specific to the Community Housing properties

- Have a written Business Plan (minimum of 3 years) outlining the future direction and financial sustainability of the property management and planned use of surplus funds
- Produce finance reports specific to the Community Housing funded properties
- Have a succession plan, or plan to amalgamate or go into partnership with one or more funded providers
- Be compliant with the National Community Housing Standards

The registration process will require a substantial commitment, however staff are of the view that it is in the best interests of Council.

It is apparent that a significant catalyst for change is the number of participants at the lower end of the provision of various community housing programmes. There are more than 140 providers with less than 100 properties. The Community Housing Directorate of the Department of Housing and Works do not see it as their role to have to deal with so many providers. It is the view of the author that the Department of Housing and Works should provide sufficient staff to allow this important provider category to continue to develop an efficient and cost effective community housing sector.

As previously outlined, a regional service has the potential to reduce input at a local level particularly in relation to volunteer contributions. The introduction of regulations in their present form is another example of smaller entities being disadvantaged by decisions made at a State and Federal level.

Alongside the introduction of the regulations is a proposal to amend the Housing Act 1980 to better reflect the new regulations.

Currently there is no legislative backing for the regulations which are based on national based guidelines. It is a policy based registration framework. The amendments to the Act are designed to remove legislative constraints within the legislation. It is the view of the Department that the current Act limits the type of partnerships that they can form.

The proposed amendments to the Act are expected to:

- **Create** a registration scheme for community housing providers
- **Enable** funding assistance to be given to community housing providers who are registered
- **Empower** the Housing Authority to form new partnerships with the community housing sector

- **Give** the community housing sector certainty to partner with other not for profit organisations, local government and the private sector on affordable housing projects
- **Encourage** investment from the private sector and improve the capacity of the sector to deliver more housing
- **Increase** the supply of housing through leveraging opportunities that could not be achieved through traditional public housing procurement
- **Grow** the role and size of the not for profit community housing sector
- **Establish** a statutory office called the community housing registrar to administer the registration scheme and perform related statutory functions
- **Regulate** operational and service delivery standards based on level of risk
- **Facilitate** financial viability, effective governance, risk management and administration of community housing providers
- **Ensure** key service outcomes are achieved and exceeded
- **Achieve** contractual and legal compliance
- **Promote** better use of public and private money
- **Protect** the Government's investment in community housing and the interests of community housing tenants

It is of concern that the discussion paper includes comment that joint venture partnerships for the development of new housing will be reserved for Class 1 Providers (i.e. 500 properties and above) and in some cases Class 2. Small scale providers such as the Shire of Lake Grace would be excluded unless a partnership was formed with an umbrella association.

It is also of concern that even if Council goes through the registration process it does not concur a right to assistance from the Housing Authority.

The amendments to the Act also allow for the introduction of a "relevant fee" prescribed by the regulations. This is another example of the State Government imposing fees on local government which then impact on the general community.

It is the view of the author that the introduction of regulations and the subsequent amendments to the Act will be detrimental to the continued participation of the Shire in the provision of community housing.

There are several matters for consideration, the most significant being a decision of Council in relation to community housing. Staff recommend that Council resolve that 'housing' is a core component of its operations.

There are consequences to be faced by the Shire of Lake Grace should Council not pursue provider status. Surplus funds which are currently held in restricted cash plus any surplus funds from future budgets would be required to be paid into a central fund for use by the community housing industry generally. Council would therefore lose control of these funds which would be generated locally.

Legal Implications

Housing Act 1980

Policy Implications

N/A

Consultation

External: Great Southern Community Housing Association  
Department of Housing and Works (Workshop)

Internal: Manager Corporate Services  
Manager Community Services

Financial Implications

There is potential for impact on Council's restricted cash holdings.

Strategic Implications

The provision of housing will be included in Council's Strategic Plan.

Cultural Implications

Provision of community housing is vitally important in the sustainability of rural communities and their economic development.

Recommendation

That Council confirm its commitment to the provision of a range of community housing as a core business function and:

1. Advise the Minister for Housing, the Hon Troy Buswell MLA of concerns with the restrictive nature of the registration process for community housing.
2. Through the Western Australian Local Government Association seek an extension of time to allow local government an opportunity to comment on proposed changes to the Housing Act 1980.
3. Seek the support of the Member for Wagin, the Hon Terry Waldron MLA for the actions proposed in 1 and 2 of this resolution.

Voting Requirements

Simple majority required.

Resolution

**MOTION 10721**

Moved Cr Farrelly  
Seconded Cr De Landgraftt

That Council confirm its commitment to the provision of a range of community housing as a core business function and:

1. Advise the Minister for Housing, the Hon Troy Buswell MLA of concerns with the restrictive nature of the registration process for community housing.
2. Through the Western Australian Local Government Association, seek an extension of time to allow local government an opportunity to comment on proposed changes to the Housing Act 1980.
3. Seek the support of the Member for Wagin, the Hon Terry Waldron MLA for the actions proposed in 1 and 2 of this resolution.

**AMENDMENT**

Moved Cr Newman  
Seconded Cr Dunkeld

That Point 4 be added as follows:

4. That where public housing is provided in rural and regional areas local applicants be given priority.

**MOTION TIED 4/4**

The Deputy President used his casting vote in favour of the motion.

**MOTION CARRIED**

The presiding person then put the amended motion:

**COUNCIL DECISION**

Moved Cr Newman  
Seconded Cr Dunkeld

That Council confirm its commitment to the provision of a range of community housing as a core business function and:

**MOTION 10721 continued.**

1. Advise the Minister for Housing, the Hon Troy Buswell MLA of concerns with the restrictive nature of the registration process for community housing.
2. Through the Western Australian Local Government Association, seek an extension of time to allow local government an opportunity to comment on proposed changes to the Housing Act 1980.
3. Seek the support of the Member for Wagin, the Hon Terry Waldron MLA for the actions proposed in 1 and 2 of this resolution.
4. That where public housing is provided in rural and regional areas local applicants be given priority

**MOTION CARRIED 7/1**

***REASON FOR CHANGE***

***Council prefer that local people occupy State Government built housing.***

**15.3 LICENCE AGREEMENT - RESERVE 20263 RIFLE RANGE HILL LAKE GRACE**

**Applicant:** Department for Planning & Infrastructure  
**File No.** 0359  
**Attachments:** Letter & Deed of Licence  
**Author:** Mrs Lee-Anne Trevenen  
Senior Administration Officer  
**Disclosure of Interest:** Nil  
**Date of Report:** 8 December 2008  
**Senior Officer:** Mr Jim Fraser  
Chief Executive Officer

Summary

The purpose of this report is for Council to approve use of its Common Seal to the Deed of Licence for the management of Reserve 20263 (Lake Grace Rifle Range Reserve) for the purpose of development of a wildflower walk trail.

Background

In November 2006 a letter was received from the Department for Planning & Infrastructure, State Land Services, advising that the WA Rifle Association had requested the transfer of control of Reserve 20263 to the Shire of Lake Grace.

A follow up letter dated 23 February 2007 requested Council's confirmation for acceptance of management of the Reserve.

Council notified the Department for Planning and Infrastructure, State Land Services, that at its 28 February 2007 Ordinary Meeting, considered the matter and agreed to accept management of Reserve 20263 for the purpose of 'Recreation'.

Comment

Located just 5kms east of Lake Grace on the Collie Lake King Road, Rifle Range Hill is one of the few remaining natural bush areas close to the Lake Grace townsite where wildflowers bloom prolifically during spring. Because of its close proximity to the town, its main road frontage and easy access the Rifle Range has become a very popular wildflower viewing spot for tourists.

Since the opening of the Visitors Centre in 2005 and the Tourism Promotions Groups marketing activities, Lake Grace is fast becoming well known for its wonderful display of wildflowers during

the Spring season and is attracting more and more visitors each year.

This is also due to the hard work and efforts of the local Rare Flora and Tourism Promotions Groups and the Lake Grace Lions Club in documenting, identifying and marking the wildflower species resulting in wildflower information being now readily available to visitors.

During development of the Shire's Master Trail Plan, the Rifle Range Wildflower Walk was identified as a priority for trail development. Grants for development of the Wildflower Walk Trail will be sought when suitable funding opportunities arise.

Over the past few years' significant damage has taken place to the buildings at this site through vandalism, and because of the risk to visitors, Council contacted the WA Rifle Range Association in 2004 requesting that they make the site safe. This was done and the Lake Grace Lions Club also undertook cleaning up of the site at that time.

The adjoining Reserve (Old Speedway) is also held by the Shire for the purpose of recreation.

An excellent opportunity exists to create a recreation precinct that provides nature experiences for locals and tourists and to provide for the conservation of local flora and fauna.

The Department for Planning and Infrastructure, State Land Services, are also in the process of having the Commonwealth deal with the former rifle range components and associated waste (bullets). Once this process is completed by the Department of Planning and Infrastructure, State Land Services, Council will be provided with a Management Order.

The area of the 'pit' and associated 'butt' has been excluded from the Deed of Licence and should be avoided until rehabilitated.

Optus Mobile has also expressed interest in establishing a telecommunication tower on the southern end (road end) of the Reserve.

#### Legal Implications

A Management Order for the Reserve will be issued in the Shire's name.

Policy Implications

Council Policy 1.11 – Use of Common Seal

Community Consultation

The Trails Master Plan was developed through extensive community consultation and workshops.

Financial Implications

No cost at this time but future development of the area as a whole will need to be costed. Funding opportunities are available.

Strategic Implications

Tourism development is recognised as important for the economic development of the Shire.

Cultural Implications

The Cultural Plan under the key areas of business development identifies tourism development as a multiplier of business opportunities.

Voting Requirements

Simple majority required.

Recommendation/Resolution

**MOTION 10722**

Moved Cr Dunkeld  
Seconded Cr De Landgraft

That the use of the Common Seal as per Policy 1.11 be approved on the Deed of Licence for the management of Reserve 20263 (Rifle Range Hill Lake Grace) between the Minister for Lands and the Shire of Lake Grace.

**MOTION CARRIED 8/0**

**15.4 DUAL FIRE CONTROL OFFICERS – SHIRES OF KULIN & DUMBLEYUNG**

**Applicant:** Shires of Kulin & Dumbleyung  
**File No.** 0177  
**Attachments:** Facsimiles  
**Author:** Mrs Lee-Anne Trevenen  
Senior Administration Officer  
**Disclosure of Interest:** Nil  
**Date of Report:** 4 December 2008  
**Senior Officer:** Mr Jim Fraser  
Chief Executive Officer

Summary

For Council to endorse the appointment of Dual Fire Control Officers for the Shires of Kulin and Lake Grace and Dumbleyung and Lake Grace.

Background

The Shire of Kulin has appointed Mr P Riseborough, Mr B Holmes, Mr C G Varone and Mr G Strother as Dual Fire Control Officers for the Shires of Kulin and Lake Grace, with the Shire of Dumbleyung appointing Mr Troy Leo and Mr Mark Pearce for the Shires of Dumbleyung and Lake Grace – refer attachments.

Comment

Appointments of Dual Fire Control Officers are required to cover area adjacent to common boundary.

Legal Implications

Section 40 of the Bush Fires Act 1954 states that two or more local governments may by agreement join in appointing, employing and remunerating bush fire control officers for the purposes of this Act.

Policy Implications

Nil.

Consultation

Not Applicable.

Financial Implications

Nil.

Strategic Implications

N/A

Cultural Implications

N/A

Voting Requirements

Simple majority required.

Recommendation/Resolution

**MOTION 10723**

Moved Cr Milton  
Seconded Cr Newman

That Council endorse the appointment of:

1. Mr P Riseborough, Mr B Holmes, Mr C G Varone and Mr G Strother as Dual Fire Control Officers for the Shires of Kulin and Lake Grace; and,
2. Mr Troy Leo and Mr Mark Pearce as Dual Fire Control Officers for the Shires of Dumbleyung and Lake Grace.

**MOTION CARRIED 8/0**

2.55pm *Meeting adjourned for afternoon tea.*

3.17pm *Meeting re-convened with all those previously in attendance present.*

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

### **16.1 AUDIT COMMITTEE MEETING – AUDIT SERVICES**

#### Background & Comment

Cr Farrelly reported that at the Audit Committee Meeting held at 11.30am on 17 December 2008, the Committee had discussed the audit services provided by UHY Haines Norton under the current contract which expires on 30 June 2009.

The Committee is not impressed with the fact that the Auditor's have not completed Council's audit in a timely manner and this has now put us in a position where we are behind – i.e. the Annual Report requires adoption by Council prior to the calling of the Annual General Meeting of Electors which is normally held in early February. The on-site audit check was conducted during October.

With the next Ordinary Meeting of Council not scheduled until the 25 February it would push the Elector's Meeting further into 2009 which is not desirable. This means a Special Meeting may be required to be held during January to adopt the Annual Report which is an added cost to ratepayers.

The Audit Committee recommend a letter be sent to UHY Haines Norton voicing concerns over the lateness of completion of the reports and the manner in which this year's audit was carried out.

#### Audit Committee Recommendation/Council Resolution

#### **MOTION 10724**

Moved Cr Farrelly  
Seconded Cr Taylor

That a letter be sent to UHY Haines Norton to express Council's concerns about the timeliness of service provision.

**MOTION CARRIED 8/0**

## **17.0 SCHEDULING OF MEETING**

### **17.1 FEBRUARY 2009 ORDINARY MEETING**

#### **Motion 10720 December 2008 states:**

An Ordinary Meeting of Council will be held on Wednesday 25 February 2009, commencing at 1:00pm at the Council Chambers, Lake Grace Shire Office, 1 Bishop St, Lake Grace.

## **18.0 CONFIDENTIAL BUSINESS – As per Local Government Act s.5.23 (2)**

### **MOTION 10725**

Moved Cr De Landgraft  
Seconded Cr Dunkeld

That Council close the meeting to the public at this time, being 3.21 pm, to discuss the 2009 Australia Day Citizenship Award Nominations.

**MOTION CARRIED 8/0**

3.22pm *Mr Burbridge and Mrs Owen left the meeting.*

**18.1 2009 AUSTRALIA DAY CITIZENSHIP AWARDS**

*Item forwarded to Councillors under separate cover.*

- 3.23pm *Cr Taylor declared an interest of impartiality in that one of the nominees is a close relation and left the meeting  
Cr Milton declared an interest of impartiality in that she has submitted a nomination and left the meeting.*
- 3.29pm *Crs Taylor & Milton re-entered the meeting*

**MOTION 10724**

Moved Cr De Landgraft  
Seconded Cr Farrelly

That Council not make public the names of the 2009 Citizenship Award recipients until following the formal announcements at the 26 January 2009 Annual Australia Day celebrations held throughout the Shire.

**MOTION CARRIED 8/0**

**MOTION 10725**

Moved Cr Newman  
Seconded Cr Taylor

That Council re-open the meeting to the public at this time, being 3.45 pm.

**MOTION CARRIED 8/0**

**19.0 CLOSURE**

There being no further business, the Chairperson closed the meeting at 3.46pm.

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**20.0 CERTIFICATION**

I \_\_\_\_\_ certify that the minutes of the meeting held on the 17 December 2008 as shown were confirmed as a true record at the meeting held on the 25 February 2009.

\_\_\_\_\_  
Chairman

\_\_\_\_\_  
Date