

SHIRE OF LAKE GRACE



Minutes

Ordinary Council Meeting

25 June 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, 25 JUNE 2008.

1.0 OPENING & ANNOUNCEMENT OF VISITORS

The Chairperson (President) opened the meeting at 1.03 pm and welcomed along Moira Girando, Local Government Advisory Board Member and Coorow Shire President, and Gavin Horobin, Department of Local Government and Regional Development Policy & Research Officer.

Ms Girando and Mr Horobin are in attendance to discuss the upcoming Shire of Lake Grace Ward and Representation Review.

2.0 ATTENDANCE RECORD

2.1 PRESENT

Cr AJ Walker	Shire President
Cr IG Chamberlain	Deputy Shire President
Cr AJ Dunkeld	
Cr AI Milton	
Cr WA Newman	
Cr DP Sinclair	
Cr RP Taylor	
Mr HJ Fraser	Chief Executive Officer
Mr MW Burbridge	Manager Corporate Services
Mr LW White	Manager Community Services
Mrs J Bennett	Executive Assistant
Ms Moira Girando	Local Government Advisory Board
Mr Gavin Horobin	Local Government Advisory Board

2.2 APOLOGIES

None.

2.3 LEAVE OF ABSENCE PREVIOUSLY GRANTED

Motion 10588 23 April 2008 Meeting – Cr Farrelly was granted leave of absence for the period 26 May to 28 June 2008 and Cr De Landgraft for the period 26 June to 28 June 2008.

3.0 PUBLIC QUESTION TIME

No members of the public present.

4.0 APPLICATIONS FOR LEAVE OF ABSENCE

None.

5.0 MINUTES OF PREVIOUS COUNCIL MEETINGS

5.1 ORDINARY MEETING – 28 MAY 2008

Resolution

MOTION 10616

Moved Cr Newman
Seconded Cr Taylor

That the minutes of the Ordinary Meeting of Council held on the 28 May 2008 be confirmed as a true and accurate record.

MOTION CARRIED 7/0

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

7.0 NOTICES OF URGENT BUSINESS

None.

8.0 MOTIONS OF WHICH NOTICE HAS BEEN RECEIVED

None.

9.0 PETITIONS/DEPUTATIONS/PRESENTATIONS/SUBMISSIONS

9.1 LOCAL GOVERNMENT ADVISORY BOARD DEPUTATION

Moira Girando, Local Government Advisory Board Member and Coorow Shire President, and Gavin Horobin, Department of Local Government and Regional Development Policy & Research Officer introduced themselves and outlined the process for the upcoming Ward and Representation Review.

Council elections were held in October 2007. After each election the Local Government Advisory Board looks at Councillor to elector ratios in each of the local governments. If those ratios show an imbalance of more than a 10% plus or minus to the recommended ratio the Board resolve to request a review. The State Government has a policy of one vote one value which means keeping the ratio of Councillors even with that of the community to ensure a balanced representation.

Council received notice from the Local Government Advisory Board in December 2007 that the Shire of Lake Grace Councillor to elector ratio is imbalanced and a review is required to be completed by December 2008.

The Local Government (e.g. Shire of Lake Grace) will need to put together a discussion paper and undertake a public consultation process and write to the Advisory Board with its recommendations.

Discussion included the following points:

- The discussion paper will need to point out the existing imbalance
- A balanced representation is required
- Only the Minister can act on the Advisory Board's recommendation
- Spread of population across the land
- 65% of Councils across WA have no wards
- Ward structure needs to have a balance so each ward has same representative levels as his neighbours
- Specified Area Rates and the impact on ward boundaries
- Councillors with portions of their term remaining can keep their place rather than a full spill of Council as has previously been the case

With regard to the no ward system and to allay fears, Moira Girando outlined her personal experience with the Shire of Coorow, which includes a coastal strip and rural lands. 90% of the population resides on 10% of the land (coastal) and 10% of the population lives on 90% of the land (rural). They opted to go with the no ward system and what they thought would happen didn't with a status quo remaining 5 years down the track.

Cr Walker thanked Ms Girando and Mr Horobin for their visit and the information sharing.

1.45pm Ms Girando, Mr Horobin and Mrs Bennett left the meeting.

1.50pm Mrs Bennet re-entered the meeting.

1.56pm Cr Newman left the meeting and re-entered at 1.56pm.

10.0 MEMBERS' REPORTS

10.1 CRS SINCLAIR, WALKER & CHAMBERLAIN

Crs Sinclair, Walker and Chamberlain reported on their attendance at the Australian Local Government Association (ALGA) National Local Roads Congress which was held in Shepparton, Victoria from Sunday 15th to Tuesday 17th June 2008.

The whole weekend was well run with the only disappointment being the absence of Federal Government Ministers. This was due to the Parliament still sitting at this time. Cr Chamberlain recommended a letter be written to the ALGA expressing disappointment at not being able to interact with Federal Government representatives at such an important Australia wide event.

The Congress Communiqué will be included in the next Information Bulletin.

10.2 CR MILTON

Reported attendance at:

- June 2008 Lake Grace Development Association Meeting.
- On 5th June 2008 with Cr Taylor, met with David Winter, a consultant who is preparing an accommodation feasibility study for the Shire of Kulin. The project is partly funded through the Wheatbelt Development Commission and required consultation with neighbouring shires. The study will be made available when it is completed.
- Attended the Great Southern Colts Football Carnival held in Lake Grace on 14th & 15th June – commented on the need to upgrade facilities to be able to hold such events in the future.

10.3 CR SINCLAIR

Attended a recent Varley Progress Association Meeting – the Varley Hall is a big issue at this point in time, the community has grave concerns about the future of the Hall and what will happen. Representatives at the Progress meeting mainly reside outside the Shire which presents difficulties when ratepayer monies are involved.

11.0 MATTERS FOR CONSIDERATION – WORKS & SERVICES

No items for consideration.

12.0 MATTERS FOR CONSIDERATION – TOWN PLANNING

12.1 PLANNING APPLICATION – PROPOSED STORAGE YARD - LOT 3 MALEY ST NEWDEGATE

Applicant: Brad Boyce
File No. 0455
Attachments: Nil
Author: Mr Joe Douglas & Carlo Famiano
 Planning Consultant
Disclosure of Interest: Nil
Date of Report:
Senior Officer: Mr Jim Fraser
 Chief Executive Officer

Summary

The following report has been prepared in response to an Application for Planning Approval submitted by Mr Brad Boyce to change the current approved use of Lot 3 Maley Street, Newdegate from 'office' to 'storage yard'. An assessment of the application in the context of the Shire's current Local Planning Scheme No.4 and a recommendation regarding the proposal are provided below.

Background

Lot 3 Maley Street is located in the central part of the Newdegate townsite on the south side of Maley Street immediately adjacent to the Newdegate General Store which has been developed on Lots 4, 5 and 6 Maley Street. Lot 3 has direct frontage to the Maley Street road reserve area and a Right-of-Way (ROW) at the rear which appears to be constructed to a gravel standard (see Plan 1 – Location Plan).

According to the latest base mapping and aerial imagery available from Landgate, Lot 3 is rectangular in shape, relatively level and comprises an area of approximately 1,012m². The aerial photography sourced from Landgate shows a building at the front of the property, however, the building which was used by Bankwest for office/banking purposes, was removed several months ago, when the Newdegate branch was closed (see Plan 2 – Aerial Site Plan). It is understood that the trees in the centre of the site are still there.

Vehicle access to the property is currently facilitated via an existing crossover to the Maley Street road reserve. The latest available aerial imagery from Landgate indicates that the ROW at the rear of the land is currently fenced and is not therefore used to provide vehicle access to

the property. Clientele parking for the general store appears to occur primarily along the Maley Street road reserve within designated car parking bays.

Comment

Mr Brad Boyce, the owner of Lot 3 and the land comprising the adjoining Newdegate General Store (i.e. Lots 4, 5 & 6), has recently lodged an application with the Shire seeking Council's planning approval to change the current approved use of Lot 3 from 'office' to 'storage yard' which will include the erection of a new colorbond fence and access gate along the land's frontage to Maley Street. It is understood that Lot 3 will be used for vehicle parking and the general storage of various items including pallets and vegetable crates associated with the operation of the Newdegate General Store (see Plan 3 – Proposal).

In considering the application Council is required to have due regard for provisions contained in the Shire of Lake Grace Local Planning Scheme No.4 prior to making a final determination. The following is an assessment of the proposal in the context of the specific requirements of the Scheme to determine its general suitability.

Lot 3 is currently classified 'Commercial' zone under Local Planning Scheme No.4 (LPS No.4). Council's stated objectives for land classified 'Commercial' zone are as follows:

- 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.
- 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.

The planning application needs to be considered in two parts, the first being the proposed use (i.e. 'storage yard') and the second being the proposed fence and gate along the land's Maley Street frontage.

Proposed Use

According to LPS No.4 a 'storage yard' is defined as follows:

Storage Yard - "means premises used for the storage of goods, equipment, plant or materials."

Under the terms of LPS No.4 a 'storage yard' is classified as an 'A' use on land classified 'Commercial' zone which means that the use is not permitted unless the local government has exercised its discretion by granting planning approval after giving special notice of the proposal in accordance with Clause 9.4 of the Scheme.

Clause 9.4 states that the local government may give notice or require the applicant to give notice of the application to nearby landowners/occupiers who in the opinion of the local government are likely to be affected by the granting of planning approval. Public notification of the proposal is required for a minimum period of fourteen (14) days. It should be noted that if the Shire receives any objections to the proposal during the advertising period, the proposal along with those submissions, will need to be referred back to Council for further consideration.

According to the objectives of LPS No.4 the use of any land classified 'Commercial' zone for the storage of bulky and/or unsightly goods should be avoided where it may be in public view. In this case the land is located in the town centre area of Newdegate where there is potential for significant negative visual impacts. In recognition of this potential issue the applicant is proposing to erect a 1.8 metre high fence along the land's Maley Street frontage to provide suitable screening and prevent the proposed use from having a negative impact on the local streetscape.

Aside from the potential visual impact of the proposal, it is considered that the use of Lot 3 for storage purposes:

- i. is generally consistent with the stated objectives of the land's current zoning classification;
- ii. will contribute positively to the operational efficiency of the Newdegate General Store which is an important community facility; and
- iii. will not detrimentally affect the local streetscape if it is screened from public view by a uniform fence as proposed.

Proposed Fence & Gate

LPS No.4 clearly states that the minimum standard fencing for land classified 'Commercial' zone shall be 1.8 metres high colourbond/neetascreen style fencing unless otherwise approved by the local government. Schedule 12 of LPS No.4 also prescribes the 'visual truncation specification' requirements for vehicle access-ways. In this instance the proposed fence requires a 1.5 metre x 3 metre truncation where it abuts the access/egress point along Maley Street. The truncation is required to provide improved visibility for vehicles entering and leaving the site and to safeguard pedestrian movements along the adjoining footpath.

The application proposes the erection of a 1.8 metre high 'Meadow' coloured (i.e. light green) colourbond/neetascreen fence and gate along the land's Maley Street frontage to screen the 'storage yard' use from the street and ensure that it does not have a detrimental impact on the local streetscape. No details regarding the required truncation of the fence where it abuts the access/egress point along Maley Street have been provided however this requirement can be secured by Council as a condition of planning approval if and when this is issued.

Conclusion

It is concluded from an assessment of the application in the context of the Shire's Local Planning Scheme No.4 that the proposed change of use of Lot 3 Maley Street, Newdegate from 'office' to 'storage yard' including the erection of a new colourbond fence and access gate along the land's frontage to Maley Street is capable of being implemented in a proper and orderly manner and is unlikely to have a negative impact on the visual amenity and streetscape character of the surrounding area.

As such it is recommended that Council authorise commencement of public advertising of the proposal in accordance with the specific requirements of Local Planning Scheme No.4 for the minimum required period of fourteen (14) days and delegate authority to the Shire's Chief Executive Officer to grant conditional approval to the application subject to no objections being received by the Shire during public advertising.

Legal Implications

Shire of Lake Grace Local Planning Scheme No.4

Policy Implications

Nil

Consultation

External: The proposed use requires public advertising for a period of fourteen (14) days in accordance with Clause 9.4 of the Shire of Lake Grace Local Planning Scheme No.4.

Financial Implications

Nil. All costs associated with the application, including public advertising, are required to be borne by the applicant.

Strategic Implications

N/A

Cultural Implications

N/A

Voting Requirements

Simple majority required.

Recommendation/Resolution

MOTION 10617

Moved Cr Newman
Seconded Cr Dunkeld

That Council:

- 1) Authorise commencement of public advertising of the Application for Planning Approval submitted by Mr Brad Boyce to change the current approved use of Lot 3 Maley Street, Newdegate from 'office' to 'storage yard' in accordance with the specific requirements of the Shire of Lake Grace Local Planning Scheme No.4 for the minimum required period of fourteen (14) days;
- 2) Delegate authority to the Shire's Chief Executive Officer to grant approval to the application if no objections are received by the Shire during public advertising subject to the following conditions:
 - i) Lot 3 shall only be used for storage purposes directly associated with the continued operations of the Newdegate General Store.
 - ii) All materials and/or goods stored on Lot 3 must not be visible from Maley Street at any time.
 - iii) The site shall be so ordered and maintained so as to not have a detrimental impact upon the character and visual amenity of the immediate locality.

MOTION 10617 continued.

- iv) The proposed fence and gates shall be 1.8 metre high 'Meadow' coloured (i.e. light green) colourbond/neetascreen as proposed with a 1.5 x 3 metre truncation where the fence abuts the proposed crossover/gates.
 - v) The existing crossover/s to Maley Street shall be used as the primary means of vehicle access to the site.
 - vi) Shire approval is required prior to any modifications to the existing crossover/s to Maley Street.
 - vii) All stormwater drainage shall be managed to the specifications and satisfaction of the Shire.
 - viii) Sufficient areas shall be provided on-site for vehicle access, manoeuvring and parking to the specifications and satisfaction of the Shire.
 - ix) Should Council consider that vehicle access and parking arrangements are inadequate at anytime during the life span of the use of the land for the purposes of a 'Storage Yard' it may instruct the landowner and/or the occupier to provide additional vehicle access and parking spaces of a suitable standard and in an appropriate location.
 - x) Any signage to be erected on the site shall be in accordance with the specific requirements of the Shire of Lake Grace Local Planning Scheme No.4.
- 3) In the event that the Shire receives any objections to the proposal during public advertising, the proposal and submissions shall be referred back to Council for further consideration and final determination of the application at the next available Council meeting.

MOTION CARRIED 7/0

13.0 MATTERS FOR CONSIDERATION – HEALTH & BUILDING

No items for consideration.

14.0 MATTERS FOR CONSIDERATION – FINANCE

14.1 ACCOUNTS FOR PAYMENT – MAY 2008

Applicant: Shire of Lake Grace
File No. 0277
Attachments: List of Creditors
Author: Miss Rysha Bird
Finance Officer
Disclosure of Interest: Nil
Date of Report: 17 June 2008
Senior Officer: Mr Jim Fraser
Chief Executive Officer

Summary

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

Background

List of invoices paid for the month of May 2008 through the Municipal Account is 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

Community Consultation

N/A

Financial Implications

The list of creditors paid for the month of May 2008 from the Municipal Account amounts to \$462,055.78 and Trust cheques amounts to \$5,355.80 totalling \$467,411.58

Strategic Implications

N/A

Cultural Implications

N/A

Voting Requirements

Simple majority required.

Recommendation/Resolution

MOTION 10618

Moved Cr Newman
Seconded Cr Taylor

That Municipal Account cheques 33184 to 33218, Electronic Funds Transfers EFT4014 to EFT4111 and direct debits to the Municipal Accounts totalling \$462,055.78, Trust cheques 545 to 557 totalling \$5,355.80 for a total amount of \$467,411.58 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.

MOTION CARRIED 7/0

14.2 FINANCIAL STATEMENTS – MAY 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: 16 June 2008
Senior Officer: Mr Jim Fraser
Chief Executive Officer

Summary

Consideration of the financial statements for the month ending 31 May 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

Community Consultation

N/A

Financial Implications

Nil.

Strategic Implications

N/A

Voting Requirements

Simple majority required.

Recommendation/Resolution

MOTION 10619

Moved Cr Taylor
Seconded Cr Newman

That the financial reports for the month ending 31 May 2008 as attached be received.

MOTION CARRIED 7/0

14.3 INVESTMENT OF SURPLUS FUNDS - REPORT

Applicant: Manager Corporate Services
File No. 0267
Attachments: Nil
Author: Mr Mark Burbridge
 Manager Corporate Services
Disclosure of Interest: Nil
Date of Report: 18 June 2008
Senior Officer: Mr Jim Fraser
 Chief Executive Officer

Summary

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

Background

In accordance with Council Policy 3.5

Comment

The following surplus funds have been invested during May 2008:

Financial Institution	Fund	Lodgement	Maturity	Term	Amount	Interest Rate
BankWest	Reserve	16/04/08	16/05/08	30 days	\$1,041,551.69	7.72%

Council currently holds no Municipal funds in term deposits. Approximately \$300,000.00 is held in Council's Municipal Cheque account to meet upcoming cash expenditure requirements.

Reserve funds were transferred back into Account 83-1171 on 16 May 2008 to facilitate transfers to and from reserves before the end of the financial year.

Legal Implications

Nil.

Policy Implications

As per Council Policy 3.5

Community Consultation

N/A

Financial Implications

N/A

Strategic Implications

N/A

Voting Requirements

Simple majority required.

Recommendation/Resolution

MOTION 10620

Moved Cr Dunkeld
Seconded Cr Milton

That the investment report for May 2008 be approved.

MOTION CARRIED 7/0

15.0 MATTERS FOR CONSIDERATION – ADMINISTRATION

15.1 RESERVE 19136 NEWDEGATE – PROPOSED CHANGE OF PURPOSE

Applicant:	Department for Planning & Infrastructure
File No:	0359
Attachments:	Copy of Lease
Author:	Mr Jim Fraser Chief Executive Officer
Disclosure of Interest:	N/A
Date of Report:	17 June 2008
Senior Officer:	Mr Jim Fraser Chief Executive Officer

Summary

This report recommends Council accept a lease over Lot 195 Newdegate for a period of 21 years for the purpose of Medical Centre, Hall and Seniors Housing.

Background

Council has an existing Management Order over Reserve 19136 Newdegate for 'Hall Site and Gardens'. To ensure the site could be utilised for the proposed Medical Centre and Seniors Housing, staff negotiated for a change of purpose to reflect the planned usage.

Comment

The Department for Planning and Infrastructure has offered Council a 21 year lease over Lot 195 at an initial yearly rental of \$500.00. This will allow the site to be utilised in line with Council's requirements.

The documents require the use of the common seal.

The lease reflects the new method of operation by the State Government where fees are charged whereas Management (Vesting) Orders were issued without a fee and in perpetuity.

Consultation

N/A

Legal Implications

There is a requirement to complete a Statutory Declaration for the cancellation of the current Management Order.

Policy implications

Policy 1.11 – Use of the Common Seal

Financial implications

The ongoing lease fees will be included in annual budgets.

Strategic implications

N/A

Cultural Implications

N/A

Voting Requirements

Simple majority required.

Recommendation/Resolution

MOTION 10621

Moved Cr Chamberlain
Seconded Cr Newman

That:

1. A twenty one year lease for Lot 195 Newdegate (previously Reserve 19136) for the purposes of Medical Centre, Hall and Seniors Housing be entered into with the Department for Planning and Infrastructure; and,
2. The Use of the Common Seal is authorised.

MOTION CARRIED 7/0

**15.2 WESTERN AUSTRALIAN LOCAL GOVERNMENT ASSOCIATION –
COUNTRY HOUSING AUTHORITY BOARD VACANCY**

Applicant: Western Australian Local Government Association
File No: 0029
Attachments: Summary of current vacancies
Author: Mr Jim Fraser
 Chief Executive Officer
Disclosure of Interest: N/A
Date of Report: 17 June 2008
Senior Officer: Mr Jim Fraser
 Chief Executive Officer

Summary

This report recommends that Council considers a nomination for appointment to the Board of the Country Housing Authority.

Background

The Western Australian Local Government Association (WALGA) provides advice to Councils of vacancies on various boards, councils and committees requiring representation from the local government sector. WALGA manage the nomination and appointments process.

It is noted in the recent WALGA Summary of Current Vacancies notice that there is a vacancy on the board of the Country Housing Authority.

The Authority has \$500,000.00 to distribute each year and their current financial contribution to a housing project is \$50,000.00.

The Board meets quarterly and sitting fees and travel allowances are paid. Meetings are normally held in the city.

Comment

The Country Housing Authority is an important link in the provision of housing in rural and remote locations. The Shire of Lake Grace has received two grants for housing; one in Lake Grace and one in Newdegate.

It is the view of the author that with rising affordability and housing costs the Authority needs to ensure additional funding is available for distribution so that more projects can be supported. It is therefore recommended that a Councillor nominate for the vacancy.

Consultation

N/A

Legal Implications

N/A

Policy implications

N/A

Financial Implications

N/A

Strategic implications

N/A

Cultural Implications

N/A

Voting Requirements

Simple majority required.

Recommendation

That Cr * _____ be nominated to fill a vacancy on the Board of the Country Housing Authority.

** nomination required when considered by Council.*

Resolution

Moved Cr

Seconded Cr

This matter to remain in abeyance until the next meeting.

15.3 **NATIONAL ACCREDITATION FRAMEWORK FOR BUILDING SURVEYORS – APPOINTMENT OF BUILDING SURVEYOR**

Applicant: Building Surveyor
File No. 0052
Attachments: Nil
Author: Mr Jim Fraser
 Chief Executive Officer
Disclosure of Interest: Nil
Date of Report: 18 June 2008
Senior Officer: Mr Jim Fraser
 Chief Executive Officer

Summary

The purpose of this report is for Council to formally appoint a Principal Building Surveyor.

Background

Western Australia is adopting the National Accreditation Framework for building surveyors over a transitional period of five years.

The accreditation framework creates two levels of building surveyors, Level 1 and Level 2. The proposed amendments to the Act will enable existing “unqualified” building surveyors to have their competency assessed.

Currently there is no requirement for local government building surveyors to have formal qualifications; however, post 1 July 2008 amendments to part XV of the Local Government (Miscellaneous Provisions) Act 1960 will regulate the qualifications held by existing building surveyors at local government level.

The formal appointment of a building surveyor will enable Council to fulfil the proposed statutory obligations; as building surveyors employed by a local government as at 1 July 2008 will be able to continue to act in that capacity, for that local government in perpetuity.

Comment

The matter of building surveyor qualifications is dealt with by Part XV of the Local Government (Miscellaneous Provisions) Act 1960.

The matter of appointment of delegations of powers to persons is covered by both the Local Government Act 1995 and Local Government (Miscellaneous Provisions) Act 1960.

Section 5.42 of the Local Government Act 1995 conveys the ability of the local government to delegate authority to the Chief Executive Officer

certain powers and duties, notwithstanding those duties specified in Section 5.43 of the Act. Absolute majority voting is required.

Such matters include those administered by Council's building section, for example; extension of time for building licence approvals, approval/refusal of demolition licences and the issuing of notices under sections 401, 403, 407, 408 and 409 of the Local Government (Miscellaneous Provisions) Act 1960. The CEO may on-delegate these powers to persons appointed to the office of building surveyor with the local government.

Section 374(1)(b) of the Local Government (Miscellaneous Provisions) Act 1960, conveys the ability to the local government to delegate authority to an officer appointed to the office of building surveyor its delegated authority, to approve or refuse to approve plans and specifications, but where a plan and specification so submitted conforms to:

- a) All local laws and regulations in force within the district or part of the district in respect of building matters, and the Council's pre-determined policy in respect of building matters; and
- b) All local laws and schemes in force within the district or part of the district in respect of town and regional planning matters, and the Council's predetermined policy in respect of town and regional planning matters,

The building surveyor shall not refuse to approve that plan or those specifications without first obtaining the consent of the Council.

Formalizing the delegations of authority under the provisions of the Act clarifies the authority of the Building Surveyor and enables the proper functioning of the building section – refer Item 15.5 Delegations of Power to the Chief Executive Officer

Legal Implications

Local Government Act 1995

Local Government (Miscellaneous Provisions) Act 1960

Policy Implications

N/A

Consultation

Internal/external: Darryle Baxter Building Surveyor

Financial Implications

It is likely that an on-going continued professional development (CPD) program will be imposed on all those building surveyors who achieve the Level 1 qualification.

This may have a financial impact, in that training and attendance at seminars and conferences would become essential for Council's building section.

Strategic implications

N/A

Cultural Implications

N/A

Voting Requirements

Absolute (5) majority required.

Recommendation/Resolution

MOTION 10622

Moved Cr Sinclair
Seconded Cr Dunkeld

That Council appoint Mr Darryle Baxter as the Principal Building Surveyor for the Shire of Lake Grace.

MOTION CARRIED BY ABSOLUTE MAJORITY 7/0

15.4 POLICY REVIEW – POLICY MANUAL SECTION 5 - WORKS

2.35pm Cr Chamberlain left the meeting and re-entered at 2.37pm.

2.50pm Cr Taylor left the meeting and re-entered at 2.52pm.

Applicant: Shire President
 File No: 0055
 Attachments: Policy Manual Section 5
 Author: Mr Jim Fraser
 Chief Executive Officer
 Disclosure of Interest: N/A
 Date of Report: 17 June 2008
 Senior Officer: Mr Jim Fraser
 Chief Executive Officer

Summary

This report recommends changes to Policy Area – Section 5 Works.

Background

The current Chief Executive Officer in his previous capacity as Project Officer reviewed several of the policies within Section 5 in July 2006. Some of the policies date back to 2002.

The Policy Manual includes reference to the manner in which policy is to be amended and is as follows:

Additions, deletions or alterations to Council Policy shall only be effected by specific Council resolution stating:

- *The proposed policy; and,*
- *That the Manual be updated.*

Comment

The Shire President has requested a review of the Policy Manual. In relation to a review of Section 5 Works staff submit the following for consideration:

Section 5 – Works

Policy 5.1 Private Works

5.1 Existing Policy – reviewed July 2006

POLICY All private works are to be subject to a written agreement between the applicant (entity) and the Shire of Lake Grace.

Where works are to be carried out on behalf of a ratepayer the estimated cost of the works shall be prepaid.

Any additional cost is to be met by the ratepayer and any balance remaining on completion of the works shall be refunded.

Where works are to be carried out on behalf of an entity other than ratepayer the estimated total cost of the works shall be prepaid or covered by a pre arranged payment schedule which may include a form of a bank guarantee.

Requests for private works in excess of \$10,000 shall be referred to Council.

OBJECTIVES To ensure proper use of Shire equipment in the carrying out of private works for ratepayers and to ensure a suitable payment system for private works on larger projects for private developers, Government Departments and Agencies.

GUIDELINES A request in the prescribed form (as attached) is to be submitted by the applicant and lodged with the Manager of Works.

HISTORY Former policy 5.5 & 5.16
Amended as per review Motion 10239 July 2006.

REVIEW Manager Corporate Services

ATTACHMENT 5.1(a) PRIVATE WORKS – REQUEST FORM

**SHIRE OF LAKE GRACE
PRIVATE WORKS REQUEST FORM**

Cost Centre:

The Manager of Works
Shire of Lake Grace
PO Box 50
LAKE GRACE WA 6353

I hereby apply for the following private works to be carried out:

Name of Applicant _____

Address of Applicant _____
or mailing address _____
for invoice _____

I, _____, The Manager of Works quote an amount of \$ _____
for the work to be completed as listed above, and accept no responsibility should the cost of the
job exceed this amount.

MDW Signature _____

I accept that the final cost of the job may vary from that given by the Manager of Works above and by signing
below I accept responsibility for the payment of any invoices relating to the above works.

Print Name _____

Signature _____

Date / / 20

office use only

Debtor Number _____

Total Expenditure _____

Invoice Number _____

Invoice Date / / 20

Invoice Amount _____

5.1 Proposed Amendment

Guidelines

A request in the prescribed form - Attachment 5.1(a) - is to be submitted by the applicant and lodged with the Manager Corporate Services.

NOTE: The change from the Manager of Works is recommended to ensure that the Private Works Request Form reflects accurate costing and includes the 25% profit to Council.

Policy 5.2 Annual Plant Report

5.2 Existing Policy – reviewed July 2006 – no changes proposed.

Policy 5.3 Council Equipment – Private Use

5.3 Existing Policy

POLICY	<p>Council equipment is not available for use by non Shire employees.</p> <p>Council plant items such as loaders, graders and trucks are not available for private use by employees.</p> <p>Council employees may, with the written approval of the Shire Engineer/Manager of Works, use Council’s small items of equipment such as lawnmowers, chainsaws and light vehicles subject to:</p> <ul style="list-style-type: none"> • the employee being trained in the use of the equipment (where necessary) • the use being limited to work associated with the employee’s/Council property • the employee meeting cost of consumables eg. fuel, discs etc.
OBJECTIVES	<p>A local government has the right to allow private use of its resources but the use must be open and accountable to the public.</p>
GUIDELINES	<p>The equipment is not available for employees to undertake work for profit or for non-employees other than recognized charitable groups.</p> <p>The employee is to be responsible for the care, maintenance, damage and repair of the equipment.</p> <p>The employee accepts liability for any injury incurred by themselves or other person or body whilst using the equipment.</p>
HISTORY	<p>Former policy 5.14</p> <p>- Former policy 5.3 – Amended Motion 9300 September 2002.</p>
REVIEW	<p>CEO</p>

5.3 Proposed Deletion

Note: It is recommended that the policy be deleted and guidelines for the use of Council equipment be developed for inclusion in the Staff Induction Manual.

This will ensure that the range of equipment will cover computers and printers as well as mowers and chainsaws.

Policy 5.4 Hire of Council Plant

5.4 Existing Policy – reviewed July 2006 – no changes proposed.

Policy 5.5 Garden & General Refuse - Annual Pick-up

5.5 Existing Policy – reviewed July 2006 – no changes proposed.

Policy 5.6 Road Making Materials

5.6 Existing Policy

POLICY	Should it be necessary to obtain road making materials from private property, then any compensation is to be at a flat rate per cubic meter, as prescribed in Council's annual budget and is to be evidenced by a written agreement [see Attachment 5.6(a)] endorsed by the Engineer / Manager of Works and countersigned by the Chief Executive Officer.
OBJECTIVES	To ensure proper written evidence of Council's obligations
GUIDELINES	<ul style="list-style-type: none">• To document agreements with landholders for the supply of road making materials• To outline any conditions relating to the taking of road making materials• Property owner not required to obtain Extractive Industries licence as it is the Shire that is operating the pit• To specify compensation payable• To prescribe rehabilitation requirements• To prevent disputes arising from removal of road making materials
HISTORY	Former policy 5.8 & 5.32 Amended Motion 9605 December 2003 Ordinary Meeting
REVIEW	CEO



Shire of Lake Grace

AGREEMENT FOR THE EXTRACTION OF ROAD MAKING MATERIALS

Owner: _____
Address: _____
Contact details: Phone: _____ Fax: _____ Email: _____
Materials required: _____
Estimated volume: _____
From locations: _____ Anticipated life of pit: _____

COMPENSATION

Required:

Agreed Price: _____

Form of Payment _____

CONDITIONS AND REHABILITATION

- 1. _____
- 2. _____
- 3. _____
- 4. _____

CONSENT OF LANDOWNER/S

I hereby give consent for the Shire of Lake Grace to remove road making materials, as detailed above, in accordance with the conditions outlined.

Signature: _____ Date: _____

ACCEPTANCE BY SHIRE

On behalf of the Shire of Lake Grace, I hereby undertake to ensure that the requirements as noted on this form are adhered to:

Jim Fraser Date _____
Chief Executive Officer

5.6 Proposed Amendments

Policy

Where it is necessary to obtain road making materials from private property and the property owner has requested compensation, such compensation is to be at a flat rate per cubic metre.

Where it is necessary to obtain road making materials from private property and the property owner has not requested compensation any special rehabilitation requirements are to form part of an agreement and acknowledged by the property owner. A written agreement in the form of Attachment 5.6 (a) signed by the Chief Executive Officer shall

be prepared in all instances where it is necessary to obtain road making materials from private property.

Objectives

To ensure that each party to the agreement as per Attachment 5.6 (a) is aware of their obligations under the agreement to prevent disputes arising from the removal of road making materials from private property.

Guidelines

It is noted that the property owner is not required to obtain an Extractive Industry licence as it is the Shire of Lake Grace that is operating the pit.

Note: The Private Works Quote Calculation worksheet has been removed from the Policy Manual, as it relates to procedural requirements for staff to follow and is not considered policy.

Policy 5.8 Property Access & Crossovers

5.8 Existing Policy

POLICY That the Access and Crossover specifications detailed on the following pages be adopted by Council.

OBJECTIVES To provide uniform specifications.

GUIDELINES

HISTORY Former policy 5.17

REVIEW CEO

ATTACHMENT 5.8 (a)

PROPERTY ACCESS AND CROSSOVER

SPECIFICATIONS

Subject to variation at the discretion of Council, the policy of Council in regarding access and crossovers shall be:

1) ACCESS

Construction of 150mm compacted gravel carriageway from the property boundary to the roadside, including the installation of culvert of 375mm diameter where necessary.

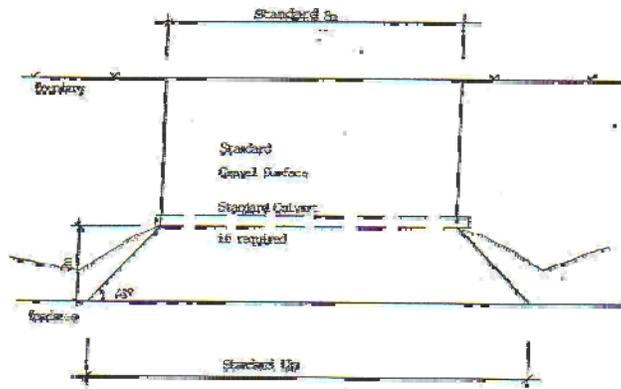
Council will pay for the cost of the following standard dimensions:

a) Residential

Standard width over full length = 3.0m

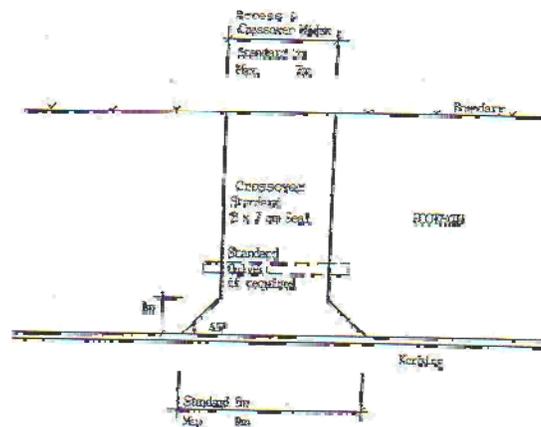
ATTACHMENT 5.8 (c) DIAGRAM RURAL CROSSOVER

Access & Crossover – Rural



ATTACHMENT 5.8 (d) DIAGRAM RESIDENTIAL CROSSOVER

Access & Crossover - Residential



5.8 Proposed Amendments

Proposed change to Attachment 5.8(a)

SPECIFICATIONS

Subject to variation at the discretion of Council, the policy of Council in regarding access and crossovers shall be:

1) ACCESS

Construction of 150mm compacted gravel carriageway from the property boundary to the roadside, including the installation of a culvert of a minimum size of 375mm diameter.

Council will pay for the cost of the following standard dimensions:

d) Residential

Standard width over full length = 3.0m

Standard widening at roadside junction = 45 degrees for 1 metre on both sides with Maximum allowable width at roadside = 9.0m

e) Industrial & Commercial

Standard width over full length = 4.0m

Standard widening at roadside junction = 45 degrees for 1 metre on both sides with Maximum allowable width at roadside = 13.0m

f) Rural

Standard width over full length = 8.0m

Standard widening at roadside junction = 45 degrees for 2 metres on both sides or from culvert to roadside.

General Conditions

5) Multiple access to be separated by a minimum of 3.0 metre at the roadside

6) No access to be located within 6.0 metres of a sideroad boundary or 3.0 metres of a R.O.W.

7) Council subsidy of rural access is limited to one (1) per farm

8) All variations to be paid in full by owner/applicant

** See attached diagrams

2) CROSSOVERS

Construction of surface to access

Council shall pay 50% of standard dimensions to following specifications:

a) Residential

Installation of concrete headwalls where a culvert is installed

Water binding and two coat bitumen seal where footpath is not paved or otherwise sealed.

100mm reinforced concrete on 100mm compacted sand where footpath is paved.

b) Industrial & Commercial

Minimum 100mm re-enforced concrete on 100mm compacted sand where footpath is paved.

c) Rural

Installation of concrete headwalls where culvert is installed

To bitumen road: Water binding and two coat bitumen seal to standard measurements of 8 metre width and 10 metre length.

To gravel road: Installation of concrete headwalls to culvert only

General Conditions

3) All variations to be paid in full by owner/applicant

4) Maximum dimensions of access apply

Note: The size of the metal to be utilised has been deleted to allow for discretionary standards to be determined depending on the planned use/size/configuration of vehicles.

Proposed Amendments - Attachments 5.8 (b) & 5.8 (d)

Amend diagram – delete 7mm seal and replace with two coat seal.

Policy 5.9 – Road Classification

Existing Policy 5.9

POLICY Council roads, as depicted on the Road Classification Listings (refer Attachment 5.9(a) and Road Classification Plan (refer to Attachment 5.9(b) – map) are categorised into “A”, “B” & “C” class roads and will be afforded the following work criteria:

“A” Class

- Formation to be 10m width
 - Carriageway to be 7m width with 200mm gravel sheet
 - Shoulders to be 2 x 1.5m
 - Crossfall to be 4%
 - Floodways to be equipped with a minimum of 2 x 237mm culverts and headwalls
 - Backslopes to be cleared annually of all regrowth
- Long Term Development: *bitumen surface*

“B” Class

- Formation to be 10m width
 - Carriageway to be 7m width with 200mm gravel sheet
 - Shoulders to be 2 x 1.5m
 - Crossfall to be 4%
 - Floodways to be equipped with a minimum of 2 x 237mm culverts and headwalls
 - Backslopes to be cleared annually of all regrowth
 - One additional grading before harvest, if necessary
- Long Term Development: *to remain as gravel surface*

“C” Class

- Formation to be 8m width
 - Carriageway to be 6m width with 150mm gravel sheet
 - Shoulders to be 2 x 1m
- Low volume farm access roads*

OBJECTIVES To identify priority roads

GUIDELINES

HISTORY Former policy 5.28
Specifications amended Motion 9545 September 2003 Ordinary Meeting
Road classifications amended Motion 9840 October 2004 Ordinary Meeting

REVIEW CEO

ATTACHMENT 5.9 (a) ROAD CLASSIFICATION LISTINGS**Class “A” Roads**

Council recognizes the following ‘A’ Class Roads as major regional routes and are sealed or planned to be sealed.

Road Name	Road Name
Biddy-Camm Road	Newdegate North Road
Mallee Hill Road	Newdegate Road
North LG – Karlgarin Road	Magenta Road
Lake Biddy Road	Varley South Road
Biddy-Buniche Road	Holt Rock South Road
Aylemore Road	Norseman Road

Class “B” Roads

Class ‘B’ Roads are major feeder, arterial roads and are built to a pre-seal standard.

Road Name	Road Name
Jarring South Road	Ardler Road
White Dam (Jarring Nth) Road	Magenta Road
West Kuender Road	Taylor Road
Mordetta Road	Winchcombe Road
Willcocks Road	Carstairs Road
Mallee Hill Road	Purnta Road
Biddy Camm Road	Pickernell Road
Biddy Camm Road (2)	Kathleen Road
Buniche North Road	Norseman Road
Biddy Buniche Road	Hatters Hill Road
Aylemore Road	Mount Sheridan Road
Newdegate North Road	Burngup Road South
Tonkin Road	Burns Road
Old Ravensthorpe Road	

Class “C” Roads

Class ‘C’ are low volume farm access roads and include all other Shire roads not classified above.

ATTACHMENT 5.9 (b) ROAD CLASSIFICATION PLAN

See attached map.

Proposed Amendments Policy 5.9**Policy**

Council roads, as depicted on the Road Classification Listings (refer Attachment 5.9(a) and Road Classification Plan (refer to Attachment 5.9(b) – map) are categorised into “A”, “B” & “C” class roads and will be afforded the following work criteria:

“A” Class

- Formation to be 10m width
- Carriageway to be 7m width with 200mm gravel sheet
- Shoulders to be 2 x 1.5m
- Crossfall to be 4%
- Floodways to be equipped with culverts and headwalls where required
- Backslopes to be cleared annually of all regrowth

Long Term Development: *bitumen surface*

“B” Class

- Formation to be 10m width
- Carriageway to be 7m width with 200mm gravel sheet
- Shoulders to be 2 x 1.5m
- Crossfall to be 4%
- Floodways to be equipped with culverts and headwalls where required
- Backslopes to be cleared annually of all regrowth
- One additional grading before harvest, if necessary

Long Term Development: *to remain as gravel surface*

“C” Class

- Formation to be 8m width
- Carriageway to be 6m width with 150mm gravel sheet
- Shoulders to be 2 x 1m

Low volume farm access roads

Objectives

To identify priority roads.

Note: It is recommended the policy be amended to allow some discretion as to the requirement for equaliser pipes.

The inclusion of SLKS into the policy will be implemented as the information becomes available.

Policy 5.10 – Gravel Pavement / Curve Design**5.10 Existing Policy****POLICY**

When reconstructing road curvatures, the gravel pavement curve design radius will be up to 500 metres with a minimum of 300 metres, wherever possible

OBJECTIVES

To ensure minimum standards of safety

GUIDELINES**HISTORY**

Former policy 5.35

REVIEW

CEO

5.10 Proposed Policy Deletion

It is recommended that the Policy be deleted as the road design required an assessment of the type of traffic utilising the road.

5.11 Unsealed Roads – Standards

Existing Policy – no changes proposed

5.12 Storm Water Drainage

Existing Policy – reviewed July 2006 - no changes proposed

5.13 Drainage and Water Pipeline

5.13 Existing Policy

POLICY	<p>Under the provisions of Section 19 of the Local Government (Uniform Local Provisions) Regulations it is illegal for any person to interfere with the natural flow of surface water, on, across or through any thoroughfare under the care and control of Council which will cause damage to that thoroughfare unless authorised to do so.</p> <p>A landowner wishing to discharge or divert water on, across, or through a thoroughfare under the care and control of Council will first make application outlining their proposed works.</p> <p>If the proposed works are of no benefit to Council the landowner will be responsible for all costs associated with the works.</p> <p>If the proposed works are considered to be of benefit to Council and, subject to a decision of Council the cost may be negotiated.</p>
OBJECTIVES	<p>To establish the extent of Council’s responsibility for drainage and water pipeline works.</p>
GUIDELINES	<p>Applications to Council for drainage will be guided by the natural drainage contours and its impact on Council’s road network.</p> <p>Applications for water pipelines will be guided by the following:</p> <ol style="list-style-type: none">1. The pipe is to be buried inside a larger diameter steel pipe.2. White posts marked ‘WATER PIPE’ are to be placed at either end of the line where it crosses the road reserve.3. The landowner is responsible for any damage that may occur to the pipeline.
HISTORY	<p>Policy is in accordance with Council’s previous practice. Policy adopted Motion 9417 April 2003. Amended as per review Motion 10247 July 2006.</p>
REVIEW	<p>Manager of Works and Services.</p>

5.13 Proposed Amendments

Policy

Under the provisions of Section 19 of the Local Government (Uniform Local Provisions) Regulations it is illegal for any person to interfere with the natural flow of surface water, on, across or through any

thoroughfare under the care and control of Council which will cause damage to that thoroughfare unless authorised to do so.

A landowner wishing to discharge or divert water on, across, or through a thoroughfare under the care and control of Council will first make application outlining their proposed works.

If the proposed works (as assessed by staff) on or across any thoroughfare under the care and control of Council are of no benefit to Council the landowner will be responsible for all costs associated with the works.

If the proposed works are considered to be of benefit to Council and, subject to a decision of Council the cost may be negotiated.

Objectives

To establish the extent of Council's responsibility for drainage and water pipeline works.

Guidelines

Applications to Council for drainage will be guided by the natural drainage contours and its impact on Council's road network.

Applications for water pipelines will be guided by the following:

1. The pipe is to be buried inside a larger diameter steel pipe.
2. White posts marked 'water pipe' are to be placed at either end of the line where it crosses the road reserve.
3. The landowner is responsible for any damage that may occur to the pipeline.

Note: Stockpiling of Gravel Policy – Motion 10435 June 2007

Staff are yet to develop a policy for the stockpiling of gravel.

Consultation

Internal:

Legal Implications

There are no legal requirements pertaining to the review of the Policy Manual.

Policy implications

The Policy Manual will be amended to reflect the decisions of Council.

Financial implications

The proposed changes will have minimal impact on the financial operations of Council.

Strategic implications

Nil.

Cultural Implications

Nil.

Recommendation

1) That Policies:

- 5.1 Private Works
- 5.6 Road Making Materials
- 5.8 Property Access and Crossovers
- 5.9 Road Classification
- 5.13 Drainage and Water Pipeline

as reviewed be adopted and subsequently endorsed by the Shire President and Chief Executive Officer;

2) Policy 5.3 Council Equipment – Private Use and Policy 5.10 Gravel Pavement / Curve Design be deleted;

3) Policy numbering to be amended to reflect deleted policies;

4) The Policy Manual be updated accordingly.

Voting Requirements

Simple majority required.

Resolution

MOTION 10623

Moved Cr Sinclair
Seconded Cr Milton

1) That Policies:

- 5.1 Private Works
- 5.8 Property Access and Crossovers
- 5.13 Drainage and Water Pipeline

as reviewed be adopted and subsequently endorsed by the Shire President and Chief Executive Officer;

2) Policy 5.3 Council Equipment – Private Use and Policy 5.10 Gravel Pavement / Curve Design be deleted;

3) Policy numbering to be amended to reflect deleted policies;

4) The Policy Manual be updated accordingly.

MOTION 10623 continued

POLICY 5.1 Private Works

Policy

All private works are to be subject to a written agreement between the applicant (entity) and the Shire of Lake Grace.

Where works are to be carried out on behalf of a ratepayer the estimated cost of the works shall be prepaid.

Any additional cost is to be met by the ratepayer and any balance remaining on completion of the works shall be refunded.

Where works are to be carried out on behalf of an entity other than ratepayer the estimated total cost of the works shall be prepaid or covered by a pre arranged payment schedule which may include a form of a bank guarantee.

Requests for private works in excess of \$10,000 shall be referred to Council.

Objectives

To ensure proper use of Shire equipment in the carrying out of private works for ratepayers and to ensure a suitable payment system for private works on larger projects for private developers, Government Departments and Agencies

Guidelines

A request in the prescribed form – Attachment 5.1(a) - is to be submitted by the applicant and lodged with the Manager Corporate Services

POLICY 5.8 Property Access and Crossovers

Policy

That the Access and Crossover specifications detailed on the following pages be adopted by Council.

Objectives

To provide uniform specifications

Guidelines

As per Attachment 5.8 (a), 5.8 (b), 5.8(c) & 5.8(d).

MOTION 10623 continued

ATTACHMENT 5.8 (a)
Property Access and Crossover

SPECIFICATIONS

Subject to variation at the discretion of Council, the policy of Council in regarding access and crossovers shall be:

1) ACCESS

Construction of 150mm compacted gravel carriageway from the property boundary to the roadside, including the installation of a culvert of a minimum size of 375mm diameter.

Council will pay for the cost of the following standard dimensions:

a) Residential

Standard width over full length = 3.0m

Standard widening at roadside junction = 45 degrees for 1 metre on both sides with Maximum allowable width at roadside = 9.0m

b) Industrial & Commercial

Standard width over full length = 4.0m

Standard widening at roadside junction = 45 degrees for 1 metre on both sides with Maximum allowable width at roadside = 13.0m

c) Rural

Standard width over full length = 8.0m

Standard widening at roadside junction = 45 degrees for 2 metres on both sides or from culvert to roadside.

General Conditions

- 1) Multiple access to be separated by a minimum of 3.0 metre at the roadside
- 2) No access to be located within 6.0 metres of a side road boundary or 3.0 metres of a ROW
- 3) Council subsidy of rural access is limited to one (1) per lot/location number
- 4) All variations to be paid in full by owner/applicant
 ** See attached diagrams

2) CROSSOVERS

Construction of surface to access

Council to pay 50% of standard dimensions to following specifications:

a) Residential

Installation of concrete headwalls where a culvert is installed

MOTION 10623 continued

Water binding and two coat bitumen seal where footpath is not paved or otherwise sealed.
100mm reinforced concrete on 100mm compacted sand where footpath is paved.

b) Industrial & Commercial

Minimum 100mm re-enforced concrete on 100mm compacted sand where footpath is paved.

c) Rural

Installation of concrete headwalls where culvert is installed
To bitumen road: Water binding and two coat bitumen seal to standard measurements of 8 metre width and 10 metre length.
To gravel road: Installation of concrete headwalls to culvert only

General Conditions

- 1) All variations to be paid in full by owner/applicant
- 2) Maximum dimensions of access apply

Note: The size of the metal to be utilised has been deleted to allow for discretionary standards to be determined depending on the planned use/size/configuration of vehicles.

Amendments to Attachments 5.8 (b) & 5.8 (d)

Diagrams – delete 7mm seal and replace with two coat seal.

Policy 5.13 Drainage and Water Pipeline

Policy

Under the provisions of Section 19 of the Local Government (Uniform Local Provisions) Regulations it is illegal for any person to interfere with the natural flow of surface water, on, across or through any thoroughfare under the care and control of Council which will cause damage to that thoroughfare unless authorised to do so.

A landowner wishing to discharge or divert water on, across, or through a thoroughfare under the care and control of Council will first make application outlining their proposed works.

If the proposed works (as assessed by staff) on or across any thoroughfare under the care and control of Council are of no benefit to Council the landowner will be responsible for all costs associated with the works.

MOTION 10623 continued.

If the proposed works are considered to be of benefit to Council and, subject to a decision of Council the cost may be negotiated.

Objectives

To establish the extent of Council's responsibility for drainage and water pipeline works.

Guidelines

Applications to Council for drainage will be guided by the natural drainage contours and its impact on Council's road network.

Applications for water pipelines will be guided by the following:

1. The pipe is to be buried inside a larger diameter steel pipe.
2. White posts marked 'water pipe' are to be placed at either end of the line where it crosses the road reserve.
3. The landowner is responsible for any damage that may occur to the pipeline.

MOTION CARRIED 7/0

REASON FOR CHANGE

Policy 5.6

Council seeks further investigation regarding the legal requirements of obtaining road making materials from private landholders.

Policy 5.9 & 5.11

Council to form a working group to review the geometric design of road standards and review of the road classifications.

15.5 DELEGATION OF POWERS TO THE CHIEF EXECUTIVE OFFICER AND THE DELEGATION REGISTER

3.23pm Cr Newman left the meeting.

Applicant: Chief Executive Officer
File No. 0052
Attachments: Register of Delegations
Author: Mrs Jeanette Bennett
 Executive Assistant
Disclosure of Interest: Nil
Date of Report: 19 June 2008
Senior Officer: Mr Jim Fraser
 Chief Executive Officer

Summary

The purpose of this report is for Council to review its delegation of powers and duties performed by the Chief Executive Officer and other staff.

Background

In accordance with the requirements of section 5.46 of the Local Government Act 1995 every Council is to register and annually review its delegations to the Chief Executive Officer.

Comment

The attached Delegation Register where the Chief Executive Officer has delegated powers and duties, is presented to Council with the following changes recommended since the previous review in June 2007:

- Delegation E01 relating to road train permits remains subject to further review pending new Main Roads WA regulations
- Inclusion of the delegated authority to the CEO to write off small balances – Motion 10611, 28 May 2008

Legal Implications

Local Government Act, 1995 - s5.16 Delegations to committees
 - s5.42 Delegations to the CEO
 - s5.43 Limits on delegations
 - s5.44 CEO may delegate

Town Planning and Development Act 2005

Bush Fires Act 1954

Dog Act 1976

Health Act 1911

Local Government (Miscellaneous Provisions) Act 1960

Policy Implications

Clarification of existing delegations.

Community Consultation

N/A

Financial Implications

N/A

Strategic Implications

Provides for the improved documentation of Council operations.

Voting Requirements

Absolute majority (5) required.

Recommendation/Resolution

MOTION 10624

Moved Cr Taylor
Seconded Cr Dunkeld

That Council, in accordance with s5.42 of the Local Government Act 1995, delegate to the Chief Executive Officer the discharge of duties and powers as detailed in the attached Register of Delegations noting that the Chief Executive Officer has on-delegated some of his powers and duties to other staff.

MOTION CARRIED BY ABSOLUTE MAJORITY 6/0

15.6 SALE OF LOT 101 CNR WATTLE DRIVE AND BLACKBUTT WAY LAKE GRACE

Applicant: Brad & Renae Duckworth
File No. 0358
Attachments: Nil
Author: Mr Jim Fraser
 Chief Executive Officer
Disclosure of Interest: Nil
Date of Report: 23 June 2008
Senior Officer: Mr Jim Fraser
 Chief Executive Officer

Summary

This report recommends the sale of Lot 101 cnr Wattle Drive and Blackbutt Way Lake Grace to Brad & Renae Duckworth, the appointment of a settlement agent to oversee the sale and use of the common seal on the relevant documentation.

Background

Council, at its 28 May 2008 Ordinary Meeting, agreed to advertise the sale of Lot 101 cnr Wattle Drive and Blackbutt Way Lake Grace in accordance with Section 3.58 (3) & (4) of the Local Government Act 1995.

Brad & Renae Duckworth have submitted an offer of \$55,000 to purchase Lot 101 cnr Wattle Drive and Blackbutt Way Lake Grace for a single residential development.

Accordingly the following advertisement was placed in the West Australian on Saturday 7 June 2008:

<p>DISPOSAL OF PROPERTY</p> <p>Submissions are invited on the proposed sale of Lot 101 cnr Wattle Drive and Blackbutt Way Lake Grace to B & R Duckworth for \$55,000.</p> <p>The property has been independently valued at \$60,000.00.</p> <p>Submissions must reach the undersigned by 12 noon on Monday 23 June 2008 and be addressed to:</p> <p style="text-align: center;">Chief Executive Officer Shire of Lake Grace PO Box 50 Lake Grace WA 6353</p> <p>Jim Fraser CHIEF EXECUTIVE OFFICER</p>

The advertisement was also placed in last weeks editions of local Shire newsletters.

Submissions closed at 12 noon on Monday 23 June 2008 – no submissions were received.

Comment

With no submissions being received Council can now proceed with the disposal of Lot 101 cnr Wattle Drive and Blackbutt Way Lake Grace to Brad & Renae Duckworth for a consideration of \$55,000.00 – price inclusive of GST.

The Valuation for Lot 101 was undertaken by PL Bolto & Co and is listed as \$66,000.00 with a suggested listing price of \$70,000.00 – prices inclusive of GST.

Legal Implications

Local Government Act 1995, sections 1.8 and 3.58(3) and (4)

Policy Implications

Policy 1.11 – Use of the Common Seal.

Consultation

External – State wide public notice was given to the proposal.

Financial Implications

It is unlikely that the transaction will be completed prior to 30 June 2008. It is recommended that the proceeds from the sale be placed in the Land Development Reserve.

Strategic Implications

Development of new residential properties in Lake Grace supports the long term stability of the Shire.

Cultural Implications

N/A

Voting Requirements

Simple majority required.

Recommendation/Resolution

MOTION 10625

Moved Cr Taylor
Seconded Cr Dunkeld

That:

1. The offer from Brad & Renae Duckworth to purchase Lot 101 cnr Wattle Drive and Blackbutt Way Lake Grace for the consideration of \$55,000 (GST inclusive) be accepted;
2. A settlement agent be appointed; and,
3. The Use of the Common Seal on relevant documentation be approved.

MOTION CARRIED 6/0

3.29pm Cr Newman re-entered the meeting.

16.0 URGENT BUSINESS BY DECISION OF THE MEETING

None.

17.0 SCHEDULING OF MEETING

3.31pm *Mr Burbridge left the meeting and re-entered at 3.33pm.*

17.1 JULY 2008 ORDINARY MEETING

Motion 10528 November 2007 states:

An Ordinary Meeting of Council will be held on Wednesday 23 July 2008, commencing at 1.00pm at Council Chambers, 1 Bishop St, Lake Grace.

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

None.

19.0 CLOSURE

There being no further business, the Chairperson closed the meeting at 3.35 pm.

20.0 CERTIFICATION

I Andrew James Walker certify that the minutes of the meeting held on the 25 June 2008 as shown were confirmed as a true record at the meeting held on the 23 July 2008.

Chairman

Date